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THE

CONTINENTAL MONTHLY:

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Literature and National Policy.

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CONTENTS

THE DEFENCE AND EVACUATION OF WINCHESTER,

ON THE 15TH OF JUNE, 1863, BY THE UNION FORCES, UNDER COMMAND OF MAJOR-GENERAL R. H. MILROY.

The history of many important military operations in the present war, will be recorded most

correctly in the proceedings of the Courts of Inquiry and Courts Martial, which, from time to time, have been or may be organized to investigate the conduct of the parties responsible for them. The reports of commanding officers are no doubt often colored, if not by their own interests and inclinations, at least by their enthusiasm and partial view of their own purposes; and even the description of disinterested reporters and eye witnesses may be distorted and exaggerated, either by their own peculiarities of excited imagination, or from their imperfect opportunities for observation. But in cases where numerous witnesses are questioned, and cross examined under the solemnities of judicial proceeding, each one knowing that others equally well informed have been or subsequently will be interrogated on the same points, the probabilities in favor of a truthful result are very greatly enhanced.

About the middle of June last, the sudden and unexpected irruption of the rebel army under General Lee into the Shenandoah Valley, surprised and surrounded a division of our army, commanded by Major-General R. H. Milroy, and compelled the evacuation of that post, in a manner and under circumstances which have elicited the severest criticism and censure of the public press. The commanding officer of these forces was placed in arrest by the General-in-chief of the army. No charges were made against him; but he himself demanded a court of inquiry, which was ordered by the President. That court has recently concluded its labors, and the testimony taken has been submitted to the President as the Commander-in-chief of the army, for his examination and decision.

Although this particular affair was one of subordinate importance, it was, nevertheless, somewhat connected with the great invasion of Pennsylvania by the rebel army last summer; and on that account, as well as from its own intrinsic interest, it is well worth the brief notice which [Pg 482] we now propose to give it. In the general history of the war, the minute detail of such operations will necessarily be overlooked; but the interest of truth requires that the principal features and the actual result, even in these cases, should be fairly stated, and especially that the actors should receive impartial judgment at the hands of the public, with such just censure or applause as may be due to their conduct. In the tremendous operations of the war now raging around us, minor events may escape present attention; but no part of the great and bloody drama can fail to be of importance to the future student of this momentous period in our national history.

At the time of the occurrences that form the subject of the inquiry recently instituted, from which we chiefly derive the materials for this sketch, General Milroy was in the department and under the immediate command of Major-General R. C. Schenck, whose headquarters were at Baltimore. The force at Winchester consisted in all of about nine thousand men, and this body had occupied that position for six months previous to the evacuation. The particular work assigned to General Milroy and his command, was to assist in guarding that important link of communication, the Baltimore and Ohio Railroad, against the incursions of a considerable rebel force in the valley, under the notorious leaders Imboden, Jones, and Jenkins. The forces at Winchester constituted but a part of those employed in this service. There was, of course, a considerable body of men at Harper's Ferry, with smaller bodies at Martinsburg, Romney, and New Creek, all intended to coöperate in the protection of the railroad.

A question of much interest had been started between General Halleck, the general-in-chief of the army, and General Schenck, the commander of the department, as to the best means of disposing the forces on this road, for its complete security. General Halleck thought the proper mode was to post his forces immediately on the line of the road, with blockhouses and other defences for resisting the attacks of the enemy. General Schenck, on the other hand, insisted upon holding a line some distance to the south, with a view of watching the enemy, and meeting his attacks before he reached the immediate vicinity of the road. This difference of opinion had been the subject of frequent discussion between these two officers, and gave rise to several telegraphic communications from General Halleck to General Schenck, which the former probably intended as orders, but which the latter, in view of their peculiar phraseology, considered to be merely advisory, and not having the character of peremptory orders. General Halleck expressed the decided opinion, if he did not actually command, that the main body of General Milroy's forces should be withdrawn from Winchester, and a small force only left as an outpost to watch the enemy. General Schenck, on the other hand, as he testified before the Court of Inquiry, believed that any small force left at that point must inevitably be captured; and he therefore determined to leave the whole garrison until the occasion should occur for its withdrawal. He therefore gave no order to General Milroy to evacuate his position until after the telegraphic wire had been cut, when it was too late to communicate with him. On the contrary, the last order received from General Schenck, at Winchester, was to hold the position and await further orders.

The solicitude about the forces at Winchester arose from the anticipated movements of Lee's rebel army. After the disastrous battle of Chancellorsville, it soon became the subject of universal apprehension that the victors in that field would make an attempt upon Washington, and with that ultimate object would invade Maryland and Pennsylvania. In the early days of June, the movements of the enemy on the Rappahannock indicated some aggressive design, though the [Pg 483] precise nature of the enterprise about to be undertaken was unknown to our military authorities, who waited with much anxiety for its development. A great raid across the Potomac by Stuart's famous cavalry was anticipated; but its inception was thought to have been seriously embarrassed, if not wholly thwarted, by the several attacks of our own forces, especially by that

at Beverly Ford. Still the mysterious movements of the rebel army perplexed our generals, while a distinct impression prevailed everywhere that the Confederates were about to advance northward, menacing Washington, Baltimore, and Philadelphia.

While this state of uncertainty mystified the General-in-chief, as he sat at the centre of his converging lines of telegraphic wires, and paralyzed the movements of the Army of the Potomac, there began to be an unusual activity of the rebel forces on the several roads leading through the passes of the Blue Ridge, in the direction of Harper's Ferry and Winchester. It was on Friday, the 12th day of June, that the first indications were seen of the approach of the enemy in force. On that day a strong reconnoitring party from Winchester was sent out on the Strasburg road, under command of Colonel Shawl, of the 87th Pennsylvania Volunteer Infantry. This party consisted of Colonel Shawl's regiment of infantry, the 13th Pennsylvania Cavalry, and one section of Battery L, of the 5th regular artillery; and when its advance was within about two miles of Middletown, it encountered a superior force of cavalry drawn up in line of battle. By a well-concerted piece of strategy, the enemy was lured into pursuit until he fell into an ambush, and received the effective fire both of our artillery and infantry from a dense wood within one hundred yards of the road. Repulsed and pursued by our cavalry, the enemy retreated in confusion, and in this handsome little affair lost no less than fifty in killed and wounded, and thirty-seven prisoners. These prisoners all proved to be part of the rebel forces which had long been in the valley, and thus served to allay all apprehension of the approach of any part of Lee's army from that direction.

Another reconnoissance, under Lieutenant-Colonel Moss, of the 12th Pennsylvania Cavalry, was sent out on the Front Royal road on the same day. On his return, this officer reported a large force of the enemy, consisting of cavalry, infantry, and artillery, at Cedarville, twelve miles from Winchester; but as the accounts of officers present, and of reliable scouts, were contradictory, and as it did not appear that he had taken the precautions necessary to enable him to ascertain the strength and character of the enemy, the report of Lieutenant-Colonel Moss was discredited. Nevertheless, on Friday night, the pickets around Winchester were doubled, and strong cavalry patrols were kept out on all the principal roads. A messenger was also sent to Colonel McReynolds, who commanded the 3d brigade at Berryville, notifying him that the enemy was reported to be in force on the Front Royal road, and ordering him to reconnoitre in that direction, to be in readiness to move, and in case of serious attack, to fall back on Winchester. It was also arranged that upon the firing of the four large guns in the fort at Winchester he was to march immediately to that place. Accordingly, on Saturday morning, at about 8 o'clock, the enemy was reported to be approaching on the Front Royal road, and the concerted signal was given for the return of the 3d brigade, under Colonel McReynolds, to unite with the main forces at Winchester. Berryville is on the direct road from Winchester to Harper's Ferry, about twenty miles from the latter place, and ten from the former. The 3d brigade, under Colonel McReynolds, consisting of his own regiment, the 1st New York Cavalry, commanded by Major A. W. Adams, the 6th Indiana [Pg 484] Infantry, the 67th Pennsylvania Infantry, and the Baltimore battery, Captain Alexander, had been stationed at Berryville, to keep open the road to Harper's Ferry, and to watch the passes of the Blue Ridge and the fords of the Shenandoah river in that direction.

When this part of General Milroy's forces was thus ordered to join him at Winchester, it was not known or suspected that any portion of General Lee's army was in the valley. The movement was made with a view to concentrate the command, and to repel an attack from that portion of the enemy's forces which were known to have been in that vicinity for many months. It was deemed possible that Stuart's cavalry might have crossed the Blue Ridge, as had been apprehended, but there was no intention to abandon the position upon the approach of such an enemy. Indeed it was believed that, even if Stuart had entered the valley, his advance on Winchester would prove to be a mere feint to enable the main body of his forces to cross into Maryland.

Winchester is not a place of any strategic importance; nor is it easily to be held against a greatly superior force. It is approachable on all sides by numerous roads, without any difficulty of intercommunication. But there are some strong positions near the place susceptible of fortification; and several of these had been very skilfully improved by General Milroy, during his occupation of the post—not with any view, however, of attempting to hold it, in case of an attack by overwhelming numbers, but to resist any sudden concentration of the forces which were known to be in the valley or likely to invade it. These fortifications would have successfully resisted Stuart's cavalry, with all the field artillery he could have brought against them.

On Saturday, the 13th of June, the enemy was encountered early in the day within a short distance of Winchester; but no enemy appeared in the direction of the Strasburg road until the afternoon. Our forces held both roads, but they gradually withdrew, skirmishing, during the day, as the enemy steadily approached the town. At about 6 o'clock in the afternoon, a prisoner was captured, who professed to belong to Hay's Louisiana brigade, of Ewell's rebel corps. From this prisoner was derived the information that both Ewell and Longstreet, with their entire forces, fifty thousand strong, were in the immediate vicinity of Winchester. This report was soon fully confirmed by a deserter, who shortly afterward entered our lines; and now, for the first time, it was rendered certain that the command at Winchester was in the immediate presence of an overwhelming force, probably the advance of Lee's entire army.

At this time the 3d brigade, under Colonel McReynolds, was on the march from Berryville to Winchester, in pursuance of the signal, which had been given early in the morning. The direct road from Berryville to Winchester was only ten miles; but the appearance of the enemy at Berryville prevented Colonel McReynolds from taking that route. He accordingly pursued the Harper's Ferry road for a short distance, then turning to the left by a circuitous road through

Summit Point to Winchester. His rear guard was attacked by the enemy's cavalry before leaving Berryville, and also again with greater violence at the Opequan Creek, between Summit Point and the Martinsburg road. The enemy was handsomely repulsed in both instances, but particularly in the latter, when the cavalry, under Major A. W. Adams, and the artillery, commanded by Captain Alexander, were both brought into action. After a march of thirty miles, the 3d brigade reached the forts at Winchester about ten o'clock at night.

After it became known what force was in front of Winchester, early in the night of Saturday, under cover of the darkness, the men were withdrawn from the Front Royal and Strasburg roads, [Pg 485] and posted in the southern part of the town, with orders to retire to the forts at two o'clock in the morning.

It was now apparent that a very large force of the enemy had approached Winchester, and virtually surrounded it. The Berryville road, the direct route to Harper's Ferry, was held by them. An attack had been made on our forces at Bunker Hill, on the Martinsburg road, during the day (Saturday), and some time in the evening the telegraphic line, which communicated by that road, was severed. Thus Winchester seemed to be entirely isolated and cut off from all its communications. Without any warning whatever, the whole rebel army had eluded the Army of the Potomac, and had poured over the mountains like an avalanche into the Shenandoah Valley. General Milroy did not, for a moment, suppose that this movement could have taken place without the timely knowledge of the authorities at Washington, and he very naturally supposed he had been left unadvised and without orders, because of some movement of the Army of the Potomac, which would soon relieve him from his perilous position.

General Schenck was in expectation of early advice in case of any movement of Lee's army into the valley. In his testimony he produced several telegrams to General Halleck inquiring for information on this subject; but down to Sunday, the 14th, it seems there was no knowledge of Lee's movements in possession of the commander-in-chief of the army. On Friday the 12th, General Schenck had telegraphed General Milroy in these words: '*You will make all the required preparations for withdrawing, but hold your position in the mean time. Be ready for movement, but await further orders.*' The additional orders had not been received. The telegraph had been in operation during the greater part of Saturday, while the enemy was gathering around the post; and when, that night, the real situation became known, the most obvious conclusion arising from the circumstances was, that General Schenck had ordered the place to be held until further orders, for some important reason connected with the wider plans of the General-in-chief of the army. The cutting of the telegraphic wire was the only circumstance which cast any doubt upon this view. But in consultation with some of his officers on Saturday night, the commanding general, with their concurrence, adopted the conclusion that his orders prohibited him from leaving Winchester at that time, even if he could have done so with safety, which was more than doubtful. He resolved, therefore, to await the events of Sunday, when the enemy would probably have massed his forces; and if relief should not come during the day, it would then be more easy to determine in what manner and by what route it would be possible to escape. This conclusion was undoubtedly the wisest that could have been adopted. The most critical military judgment will hardly succeed in finding any ground of complaint against this decision in that serious emergency.

So passed the night of Saturday. On Sunday morning the contest was renewed, and kept up with great energy during the whole day, chiefly within the suburbs of the town of Winchester. In the afternoon a sudden and unexpected attack was made upon an unfinished earthwork on Flint Ridge, which, as it commanded the Pughtown and Romney roads, was occupied by Battery L of the 5th regular artillery, supported by the 110th and part of the 116th Ohio volunteer infantry, all under command of Colonel Keifer, of the former regiment. A reconnaissance had been previously ordered in that direction, and had been made or pretended to be made by part of the 12th Pennsylvania Cavalry, the officer in charge of the party reporting that there was no enemy on either of those roads or between the two for a considerable distance from Winchester. Within two [Pg 486] hours after this report was made, an overwhelming force appeared in that very quarter. The enemy opened on the position with not less than twenty guns, and precipitated upon it a column of at least ten thousand men. After a gallant but ineffectual resistance, Colonel Keifer was enabled to make good his retreat, under cover of the guns from the main fort, which commanded the position. The guns of Battery L were most effectively served in this affair, and executed great slaughter in the ranks of the enemy; but the horses having been nearly all killed, they were necessarily spiked and abandoned.

Our forces, pressed by the enemy on all sides, were now concentrated within the fortifications, and the rifle pits immediately in front of them; and the contest was continued with artillery on both sides until darkness compelled its cessation. In his report of this affair, General Milroy, with characteristic ardor at this juncture, says: 'To my regret, the enemy made no effort to take my position by assault.' It was probably about this time that the rebel General Ewell is reported with his glass to have descried General Milroy in the lookout, which had been constructed some distance up the flagstaff of the main fort, and to have exclaimed, 'There's that d—d old Milroy, who would stop and fight, if the d—l himself was after him.'

With the exception of the loss of Battery L, which was wholly attributable to the imperfect reconnaissance or the false report of Captain Morgan, who commanded the reconnoitring party, the advantage in the fighting, both on Saturday and Sunday, had all been with our forces; and there can be little doubt that the enemy would have suffered severely in any attempt to take the forts by assault.

But it was now apparent that the only alternatives were an evacuation or a surrender. A council of war was ordered by the commanding general, and the three brigade commanders, Brigadier-General Elliott, 1st brigade; Colonel Ely, of the 18th Connecticut, 2d brigade; and Colonel McReynolds, of the 1st New York Cavalry, 3d brigade, were called into consultation. The critical condition of the command was perfectly understood. In pursuance of orders previously received, which looked to the early evacuation of the place, most of the stores had been sent away. The communication with Martinsburg, from which supplies had been obtained always in a few hours, had been cut off; and it now appeared that the stock of ammunition had been very nearly expended, and the men were already on half rations. It was therefore resolved to retreat from the forts at one o'clock in the morning (of Monday 15th June), abandoning everything except the horses, and such supply of ammunition as each man could take upon the march. There was some question as to the feasibility of taking the field artillery; but as the enemy's pickets were within two or three hundred yards of the rifle pits, and as the forts were located on a rocky ridge, which could not well have been descended by the guns without arousing the enemy, it was finally determined to spike and leave them.

The fortifications had been constructed on the ridge, extending northwest from the town; and the guns in position commanded the Martinsburg road to the extent of their range. Probably on this account the enemy had not made his appearance in that direction; and this road, therefore, seemed to offer the only means of escape. The council of war resolved to march by this road to the point whence diverges a cross road to Summit Point, and thence by that place to Charlestown and Harper's Ferry. The three brigades were directed to go out in the order of their numbers, the 1st New York Cavalry, of the 3d brigade, being placed in the extreme rear. Notwithstanding the great precautions taken to elude the enemy immediately in front of the forts, the chief [Pg 487] apprehension was that these forces would follow and harass the column on its retreat.

At two o'clock, on the morning of Monday, June 15th, with the most perfect silence, and in extreme darkness, the fortifications were evacuated, and the command of General Milroy commenced its march in the order and by the route designated. The bold and energetic resistance of the day previous had led the enemy to expect a renewal of the contest on Monday morning. Hence he was completely deceived and eluded; and the head of the retreating column had proceeded four and a half miles from Winchester, when suddenly, while it was yet quite dark, it encountered Johnson's division of Ewell's corps, eight or ten thousand strong, posted at the junction of the roads to Martinsburg and Summit Point. The commanding general, expecting only an attack from behind, was near the rear when the firing began. He immediately hastened to the scene of action, and in riding up to the front, and passing Colonel McReynolds, some distance ahead of his troops, ordered him to go back and hurry up his brigade. The forces of the 1st and 2d brigades were at once thrown into line of battle, the former on the left and parallel with the Martinsburg road, and the latter at right angles with the road, facing the woods in which the enemy were posted. The first brigade, by a gallant charge, succeeded in driving the enemy from their guns; the second, led by General Milroy in person, was three times repulsed by greatly superior numbers. Pending these successive charges, during which General Milroy's horse was shot under him, he awaited the arrival of the 3d brigade, and sent repeated messengers to order it up. His purpose was only to engage the enemy long enough to enable the whole column to pass away under cover of the severe blow he had given the enemy in the first charges of the two brigades engaged. But, unfortunately, the only part of the 3d brigade which could be found upon the field was the 1st New York Cavalry, which had been drawn up in line of battle by Major Adams, without having received any orders from the brigade commander. The rest of the brigade had gone to the right in the early part of the conflict, and, with the exception of the 6th Maryland Volunteers, became disorganized and scattered. Colonel McReynolds himself became separated from his troops, and reached Harper's Ferry alone, among the first who arrived.

Thus thwarted in his plans by the failure of the 3d brigade to respond to the orders given; the commanding general was compelled to continue the retreat with only the regiments which were yet upon the field. General Elliotts's forces, being in advance, mostly escaped. Colonel Ely himself was captured with a considerable number of his men; and the delay of the 3d brigade, giving the enemy the full advantage of his superiority in numbers, enabled him to cross the Martinsburg road in pursuit, and cause the remaining part of the command to separate into two parts, one of which, under the commanding general, made its way to Harper's Ferry; and the other, pushed too far to the left, was compelled to retreat upon Hancock, and thence into Pennsylvania. The first of these divisions pursued the Martinsburg road beyond the field of battle, and diverged thence through fields and by-roads to Harper's Ferry. The 3d brigade, with the exception of the 1st New York Cavalry, left the Martinsburg road before reaching the position of the enemy, and, by making a detour back toward Winchester, effected its escape to Charlestown, not, however, without a considerable loss of men captured by the enemy.

It has been ascertained, from prisoners since taken by our army, that the rebel force thus encountered at the junction of the Martinsburg and Summit Point roads, on the morning of the [Pg 488] 15th June, had then just reached this position; and at the time when General Elliott drove the enemy from their guns, Johnson and his staff were nearly surrounded, between the 1st and 2d brigades of General Milroy's forces, and were in imminent danger of being captured. If the 3d brigade had taken part in the action, in obedience to the orders given, doubtless this important capture might have been made; and the retreat, which has been pronounced a disastrous failure, would have been crowned with brilliant success. Upon such events, often hang the fortunes of men and armies!

But notwithstanding the derangement of plans, and the want of coöperation in conducting this retreat, the result was by no means so disastrous as has been generally supposed. Out of 6,900 effective men who marched from Winchester, a little more than 6,000 escaped the enemy, and although scattered in different directions, were found to be on duty when recently the subject was investigated by order of Major-General Schenck.

Most extravagant representations have been made as to the loss of stores and ammunition by this evacuation. But the inquiry has established that a large part of the wagons had been previously sent away in safety, that very few stores were on hand, and that the ammunition was nearly exhausted. The horses were all taken on the retreat, and notwithstanding some confusion and disorder among the teamsters, were mostly saved to the Government. The guns left in the fortifications, and the empty wagons, constituted the principal loss; and these, in comparison with amounts of public property which during the war have been abandoned at many other places, without comment or complaint, were truly insignificant.

In estimating this affair, it cannot be fairly characterized as either disgraceful or particularly disastrous. The movements of Lee's army were wholly unknown in advance either to General Schenck, or to the General-in-chief of the army. The little force at Winchester, without any warning, was called upon to encounter the advance of Lee's army in overwhelming numbers. Without at first knowing or suspecting the character of the enemy, General Milroy held this gathering force at bay and in check for three days; and when finally surrounded and compelled to cut his way out, did so with a loss of less than one thousand of his effective men, of which number the killed and wounded were inconsiderable. It is known from our paroled officers, that during the investment and retreat, the enemy lost at least three hundred killed, and seven hundred wounded, while our casualties were not one fourth of that number.

Lee's army having escaped the army of the Potomac, was on its way to Pennsylvania. This check and delay of its onward march was important in its results. It was the first obstacle met by the invading host. It served to reveal the movements and the concealed purpose of the enemy, and enabled our army to pursue and counteract his designs. Had there been no such obstacle, the rebel army would have swept on unopposed into Maryland, and would have had three, or at least two more days of unobstructed license to revel in the spoils he sought. He might have reached Harrisburg, if such was his intention; and, at all events, he would have plundered and destroyed in a single day, far more than was lost at Winchester.

In the course of his testimony, General Schenck did not hesitate to say, that if he had been left to his own judgment in the control of the forces within his department, he would have concentrated them all at Winchester, with the view to meet and check the contemplated advance of Lee's rebel army, until the Army of the Potomac could have come forward to his relief. Undoubtedly this [Pg 489] disposition of his command would have had a controlling influence on the rebel campaign of last summer, in Maryland and Pennsylvania. The movements of both armies would have been materially changed, and the result must have been modified accordingly. The invasion of the loyal States might have been altogether prevented, or it might have been rendered even more disastrous. Speculations of this kind as to movements which could have been made, are not of much value, inasmuch as they cannot alter the irrevocable past. Military operations are subject to so many contingencies, that it is impossible to conjecture with any certainty what results might have followed a different plan of campaign. Yet there could be no improvement in military science, and no benefit from disastrous experience, unless the errors of any particular movement may be pointed out and freely criticized. If General Schenck's idea had been adopted, and preparation made at Winchester to meet the advance of Lee's army, the movements of the Army of the Potomac would have been conformed to that arrangement, with coöperation between the scattered forces of the Middle Department and those under command of General Hooker. The campaign would have been in some measure under our control; whereas, in the actual circumstances, the enemy passed without opposition, except at Winchester, into Maryland and Pennsylvania, and selected his own field of operations. It was most fortunate, though almost fortuitous, so far as our army was concerned, that it had the good fortune to be posted as it was in the neighborhood of Gettysburg, with Cemetery Hill as the centre of our line. General Meade has all the credit and honor of having made the best disposition of his army, and carried it into the engagement with all the advantages of that magnificent position. But the selection of the battle ground was not the result of any strategy on our part. Doubtless the enemy's ignorance of the topography enabled Meade to occupy the favorable ground which gave him the great victory in Pennsylvania.

Both Major-Generals Schenck and Milroy are volunteer officers, raised from civil life to their present high position. The former has heretofore been mostly known as a politician of the Whig school, long a member of the national House of Representatives, and therein connected with the navy rather than the army. He has again been returned to Congress by his district in Ohio, and it is understood that he will soon leave his position in the army, carrying his honorable wounds into another field of service, where his usefulness to his country in this great crisis will not be diminished.

General Milroy has had the advantage of a military education, and has had much of that experience and training which are necessary to make an accomplished soldier. He graduated at the University of Norwich, Vermont—the same that sent from its academic halls the gallant and lamented General Lander, who died at an early period of the war. Whatever may be the character of that institution as a military school, under the shadow of the great reputation of West Point, it has at least the merit of having imparted to these two of its graduates an enthusiastic love for the

profession of a soldier, and a perfect readiness, in a good cause, to meet its privations and dangers. At the commencement of the Mexican war, General Milroy raised a company in his native State of Indiana, and commanded it in the field until the expiration of its term of service. He was even more prompt in preparation for the present rebellion. Anticipating its occurrence, some time before its commencement, he undertook the organization of a company at Rensselaer, Indiana; and, in spite of the ridicule of such an undertaking, he persevered, and presented his company, one of the first to respond to the President's earliest call for volunteers. Thus entering [Pg 490] the service as a captain, he has rapidly risen through the intermediate grades to his present position. He is not yet forty-eight, though his perfectly white hair would seem to indicate a greater age. But his red beard and whiskers contrast strongly with the snow on his head, and, together with a flashing bluish-gray eye, indicate the energetic and ardent temperament of unconquerable youth. Though not large in person, he is tall and erect, with a fine, soldierly form. His address is quick, and nervous to such a degree as to deprive him of even the ordinary fluency of speech. His want of words to express the thoughts that evidently burn within him, together with a remarkable diffidence among strangers, renders him incapable of making an impression, at first, proportionate to his real merit. He has, however, always enjoyed great popularity among his men, commanding their entire confidence, and has never failed to endear himself to his intimate companions. His heart has been earnestly with the Union, in the work of its preservation, from the beginning of the war; and whatever may be the disposition of the authorities toward him, his strong convictions and his active temperament will hardly permit him to remain idle during the deadly peril of the nation.

THE TWO SOUTHERN MOTHERS.

Heard you not the din of battle,
Cannon's roar, and musket's rattle,
Clash of sword, and shriek of shell,
Victor's shot, and vanquished's yell?

Saw you not yon scene of slaughter,
Human blood poured out like water;
Northern valor, Southern pride,
Stern resolve on either side?

Cheering on his flagging men,
Rallying to the charge again,
Comes a bullet, charged with grief,
Strikes the brave Confederate chief.

Down he falls, amid the strife,
Horses trampling out his life:
Scarce can his retreating force
Find and save his mangled corpse.

Home they bore him to his mother—
He was all she had—none other:
Woful mother! who can borrow
Words to paint her frantic sorrow? [Pg 491]

As she mourned her slaughtered brave,
Came and spake her aged slave,
Came, and spake with solemn brow:
'Missis, we is even, now.

'I had ten, and you had one;
Now we're even—all are gone:
Not one left to bury either—
Slave and mistress mourn together.

'*Every one of mine you sold*—
Now your own lies stark and cold:
To the just Avenger bow—
Missis! I forgive you *now*.'

Thus she spoke, that sable mother;
Shuddering, quailed and crouched the other.
Yea! although it tarry long,
PAYMENT SHALL BE MADE FOR WRONG!

DIARY OF FRANCES KRASINSKA;

OR, LIFE IN POLAND DURING THE EIGHTEENTH CENTURY.

Friday, *January 3d*.

My patience, or rather my impatience, has not been exposed to any very severe trial: I have seen the prince royal twice. He recognized me; how childish I was to doubt it? Why should I think him less skilful than myself; and under what dress could I mistake him?

On New Year's day, just as I was writing in my journal, the palatine came into my room, and said: 'Fanny, you have surpassed my expectations; you have been perfect in everything; your dress, and still more your manners, at the ball, have charmed every one; you have pleased universally, and even persons of the highest rank. I have just returned from court, where, with the senators and ministers, we presented our homage to his royal majesty: his royal highness the Duke of Courland took me aside to tell me that he had never seen anything comparable to you. 'Were it not for the court etiquette,' added he, 'which forces me to pass the first day of the year with the king my father, I should go in person to present my congratulations to Mademoiselle Frances Krasinska.'

When I heard these words spoken by the prince palatine, I thought my heart would burst within my bosom. The prince was kind enough to seem as if he had not noticed my confusion, and left me alone with my joy, my delirium, my wild fancies.... I was not then mistaken: the prince royal will come to see me. Yes; the prince palatine told me so; he has never seen anything comparable to me. This phrase haunts my memory like a delicious strain of melody. [Pg 492]

Dinner was soon after announced. I was gay—out of myself; the princess scolded me. After dinner we went out to make visits, and found no one at home: everybody was out, offering the congratulations proper to the season. Friends and acquaintances met in the street, and all said to one another: 'I was just going,' or 'I have just been to see you.' The carriages crossed and jostled one another in the streets, and a halt was ordered whenever it was possible to recognize friends amid the crowd, when cards were reciprocally exchanged.

When the night came, the footmen lighted the carriage lamps, and boys ran before with torches; all these lights, vehicles, and liveries made up a charming spectacle—so gay and animated! There were a few accidents, but, God be praised, nothing happened to us. It was late when we returned, and I was very tired: I soon fell asleep, but my sleep was no rest. I dreamed, I pondered, and I saw the future.... How many things, how much weakness, and how much strength may exist in a woman's teeming brain!

The next day, precisely at twelve o'clock, after having made my toilet for the day, I went to the reception room, where the princess was already seated; I had just commenced to work at my embroidery, when a chamberlain entered hastily, and cried aloud: 'His royal highness the Duke of Courland.' The princess rose precipitately to receive him in the antechamber. At first I thought I would retire; but curiosity, or some feeling, I know not what, overcame my fear, and I remained. He entered, approached my workstand, and asked after my health. Notwithstanding my embarrassment, I replied with considerable self-possession. He took a seat near my frame, and seemed interested in my work. I had so strong a desire to appear calm that I succeeded in threading a fine needle with my heavy silk; but God knows how I trembled....

The prince royal praised my skill, and found opportunities of saying many kind and flattering things to me, although he spoke much more to the princess than to myself; he remained about half an hour. I now know that my dress did not change me in his eyes. As he left he told me he hoped to see me this evening at the ball given by the French ambassador, Marquis d'Argenson.

Ah! Barbara's wedding was nothing compared to the *fêtes* in Warsaw: there was as much luxury and magnificence, but the exquisite grace and chivalric courtesy here universal were wanting.

The country may try as it will, it is always a mere parody on the city: in the city, all are nearly alike; all are equally polished, and equally amiable; no one is permitted to speak tiresome truths; the compliments are all ready made, and people only differ in their mode of speaking them. From this general rule I must except the prince royal; his language has another coloring, and his graceful speeches have an air of inspiration.

But he could not say much to me at the Marquis d'Argenson's ball. I was no longer a Virgin of the Sun, and etiquette is much more rigid at a dress ball than at a fancy ball; besides, all the women near us tried to hear what he was saying to me, which displeased me exceedingly; such curiosity is disgusting in persons of high rank.

The princess is in an excellent humor; the prince royal danced only with her last evening; that is, she is the only lady advanced in years who had that honor. The prince palatine is kinder than ever; he asks no questions and offers me no advice. I am awaiting my sister's arrival with the greatest impatience; how many things I will have to tell her! [Pg 493]

It is not yet a week since I left school, and the time seems to me ages long: so many events and such divers impressions crowd a lifetime into a few days! New emotions have given birth to a new nature; my dreams as a young girl have been surpassed, or rather have become a serious reality.

Sunday, *January 5th*.

Would any one believe it? During the whole of yesterday I thought neither of balls, nor of fêtes, not even of the prince royal himself: my mind was exclusively filled with my sister. She came sooner than had been expected, and was taken ill immediately after her arrival. The princess was sent for, and hastened to Barbara to remain all day. I desired to accompany her, but was not permitted. Until midnight I was in a horrible state of uneasiness; I sent to three churches to have masses said. Finally, at one o'clock, the princess returned; she told me that Barbara was doing well, and had given birth to a daughter. This morning I begged the princess to permit me to visit my sister, but she replied that I could not do so, as it was not proper for a young girl to visit a lady in Barbara's situation. There was nothing to be said, and so I must wait.

The starost called here for a moment; he seemed very, very happy. They say the little one is charming, red and white, and so plump; she is to be called Angelica, to please our mother, who is so named. Oh! if I could only see the dear child! I have all the honor of being an aunt, without any of the pleasure.

The prince royal sent to congratulate the princess upon the birth of the little girl, and he was kind enough to inquire after me by the same messenger.

Wednesday, *January 8th*.

My sister improves daily, but she does not yet leave her bed. I have seen the prince royal but once this week; he had gone hunting with the king; but yesterday he amply indemnified us by making us a visit of at least an hour. How good he must be! how tenderly he loves his father! and when he spoke of his mother, his eyes were wet with tears. He seems excellently well disposed toward the Poles; I do not think, so far as I can judge, that a more noble and energetic soul could anywhere be found. All that I had heard of him, all that I had written in my journal, is the most exact truth. He is even far above all the praises bestowed upon him; no one could describe the tone of his voice, his smile, or the expression of his eye, so filled with deep and noble thought; I am not at all surprised at the empress's predilection for him. He has already succeeded in winning the attachment of his people in Courland; he is seen once, and he pleases; again, and he is loved.... I believe that were the king to die, he would be proclaimed king of Poland.

Ah, well! this prince, so much beloved, has distinguished me highly; I can no longer doubt that I am pleasing to him; certain words have confirmed the eloquence of his eyes.... Yes, indeed, I may be quite sure, since even the prince palatine himself has told me so.

I believe that the princess takes a malicious pleasure in spoiling all my happiness; she said to-day, at table, with quite an indifferent air, that the prince royal had already been much pleased with many women, and that, for him, the last was always the most beautiful.... How childish I am, to torment myself thus! Am I the only beauty in the world? The Starostine Wessel, Madame Potocka, and the Princess Sapieha are far more beautiful than I, and then they understand how to add grace to their beauty, while I am entirely devoid of the knowledge of any kind of art. Yet, the prince royal assures me, that is my greatest charm. Nevertheless, my color seems pale beside the brilliancy of those ladies; their cheeks are rose tinted, and always rose tinted, while my color [Pg 494] varies according to my emotions. Madame Potocka was charming at the French ambassador's ball; the prince royal danced with her twice, and no one could avoid remarking her. But, in truth, what more can I desire? My whole ambition was to see him, and to be noticed by him during a few moments; my wishes have been gratified, and yet I long for more, still more.... The heart has, then, infinite faculties for ceaseless longing.

Sunday, *January 12th*.

Now I ought to be completely happy. Last Thursday, at the Prince Czartoryski's ball, the prince royal danced with me alone. He came the day before to make us a visit, and yesterday, he sent his aid-de-camp to invite us to a representation of the Italian opera Semiramide, which is to take place at the court.

During the whole time of the play, the prince paid attention to no one but myself. I was presented to the king, who gave me a most gracious reception; he asked me for my parents, and especially for my mother. The starost came to announce that the prince had concluded to stand godfather to his daughter, and that he had chosen me for godmother.... I will then hold the child at the baptismal font with the prince, and then I shall be of the same rank with himself. The will of God be done! The ceremony will take place with great solemnity in the cathedral church of St. John. Several other baptisms were to have taken place upon the same day, but they will be postponed through respect for the prince. The first society of Warsaw will be present at the ceremony; every one will speak of it, and certainly the *Polish Courier* will chronicle this important news. What will Madame Strumle and all the young ladies at the school say? What will my parents, and all our court at Maleszow say? What will our little Matthias say?

Oh! that Matthias! How often I think of him! He is responsible for all my torments, and all my uneasiness; without him, my reason would never have abandoned me, nor would such wild hopes have sprung up within my heart.

Scarcely one moment have I been able to rejoice over the approaching ceremony; the princess has just told me that marriage is forbidden between persons who have stood together as godfather and godmother at a baptism; I shuddered as I listened! Great God! what can all this mean? I no longer know myself. All within my soul is confusion and disorder: my own thoughts

terrify me; I pass alternately from joy to sorrow; delicious hopes smile upon me, and then I am overwhelmed by a strange presentiment of coming sorrow. I am in a state of continual agitation: I tremble, and long to quit the world, and then again feel drawn toward it by bonds so sweet and so strong....

At least I shall soon once more see my sister. That meeting will afford me a really happy moment; true consolation is to be found in sweet and confiding affections. After the ceremony, we will go to my sister's; she is doing remarkably well; she sits up, but cannot yet leave her room.

Wednesday, *January 15th*.

The baptism took place yesterday, and I saw my sister. How charming she is! She has grown paler and somewhat thinner. She is, as she always was, good like an angel; and she is so happy! The prince royal quite insisted that my name should be given to the little one, but Barbara would not agree to that; she said that we owed the preference to our mother's name. He has, however, obtained a promise from her that her second daughter shall be named Frances.

The little one is lovely, but red as a crab; she cried during the whole time of the ceremony: they say that is a good sign, and that she will probably live to grow up. God grant it, for I love her already. I was so embarrassed, I had not the least idea how I ought to hold her in the church. My hands failed me; the prince royal aided me most kindly; how good he is! [Pg 495]

I was as much surprised as pleased at finding myself standing before the altar at his side, in the presence of so numerous an assemblage, and at seeing my name inscribed on a great book with his: the prophecies of our little Matthias will doubtless receive no further fulfilment.

Every one congratulates me upon the honor I have had. The prince royal has redoubled his kindness to me since the ceremony; his manner is more familiar; and he calls me now, 'My pretty gossip:' when he speaks of the child, he says, 'our Angelica.' He has made the most magnificent presents to her ladyship the starostine and myself; his generosity toward the poor and my sister's servants was truly regal.

He has promised the starost his interest with the king, to obtain for him the castellanship of Radom. Alas for me! I can do nothing for my family; but I have embroidered a dress for Angelica which has cost both time and labor; the prince royal told me he thought it in the best taste. I will shortly embroider a cap for the dear little one.

But I am forgetting a piece of news of the greatest importance. Prince Jerome Radziwill, the standard bearer of Lithuania, is preparing a grand hunt to amuse the king and the prince royal. He is expending the most enormous sums to surpass everything of the kind hitherto seen. He has filled his park with all kinds of game, brought expressly from the forests of Lithuania. The hunt will begin to-morrow; the weather is favorable; it is freezing hard, and the sledges will slide over the snow most charmingly. The prince royal insists upon my being present at this *fête*. The four beauties of Warsaw will occupy the same sledge, driven by the prince royal himself. (I must here say that I am one of the four beauties now in fashion.) We will all wear the same costume, differing only in color. I have chosen crimson; Madame Potocka, blue; Madame Sapieha, green; and Miss Wessel, orange. Our velvet dresses will be trimmed with sable, and our caps will be made of the same material. I am sorry Barbara cannot see it all; but she has her Angelica, and that is a happiness worth all the rest.

Friday, *January 17th*.

I was brought up in a castle with a brilliant court, and I have seen the royal fêtes at Warsaw; but I never beheld anything comparable to the Prince Radziwill's hunt. We set out at nine in the morning, amid an innumerable quantity of sledges and horses; our equipage was the most splendid, and followed next after the king's. The prince wore a hunting dress of green velvet. I do not know whether it was his costume which rendered his appearance so striking, or his bearing which threw such a charm about his dress; of one thing, however, I am sure, and that is, that I never saw him look so well.

We first went a considerable distance beyond the church of the Holy Cross; then we flew down the side of the hill on which Warsaw is built. In the centre of the plain, near Szulec and Uiazdow (now Lazienki), Prince Radziwill has had a park made and an iron pavilion built. The situation is admirable; the building is open upon all sides, and defended against the wild beasts by bristling points of sharpened iron. All the furniture is covered with green velvet. The king and the prince royal took their places within the pavilion, while the guests occupied a lofty amphitheatre raised without; the little hills to the right and left were crowded with curious spectators. At some distance from the pavilion began long avenues, bordered with fine trees.

As soon as all had arrived, and had taken their destined places, the hunting horns were sounded. The prince's huntsmen let loose eight elks, three bears, twenty-five wolves, and twenty-three wild boars; dogs trained for the purpose drove the animals toward the king's pavilion. The shouts of the huntsmen and the howlings of the animals were deafening. The king killed three boars with his own hands; the prince royal killed at least twenty of the creatures, and, not yet content, he fought a bear with a club, a proof of great strength and skill. I am to have the bear's skin, the main trophy of the prince's hunt, as a carpet. These amusements lasted until four in the afternoon; we then had a collation. We counted eighty-four huntsmen and foresters belonging to Prince Radziwill; they were all richly dressed. Latin and Polish verses were distributed among the guests. Everything was charming. Prince Radziwill desired thus to commemorate the anniversary [Pg 496]

of the king's coronation. There will also be a grand ball this evening at Marshal Bielinski's, to celebrate the same event.

Sunday, *January 19th*.

The ball was superb. The prince royal was charmingly gay; the king had given him a star set with diamonds. The supper was splendid, exquisite; and the enforced abstinence of Friday by no means diminished the luxury and abundance; there were an infinity of dishes, but not a particle of meat.

I danced a great deal, and have pains in my feet which cause me much suffering; but I am sorry that I complained, for I shall now be obliged to keep my room for ten days to rest. The princess is quite uneasy about my health. She fears lest so many balls and such late hours should be injurious to me. In truth, I do not think my cheeks are as rosy as they were a few weeks ago.

We have received letters from Maleszow; my mother was kind enough to write to me herself. She begs me to take good care of myself, and, above all, to act prudently, and beware of heeding vain flatteries. She says: 'Do not become vain or proud through the praises bestowed upon you. Caprice has more influence upon the world's judgment than either beauty or merit. If reason is lulled to sleep through the power of such deceitful murmurs, the happiness of a whole life is in danger, and one may suddenly fall from a great height, with all one's weight, upon the earth.'

I hope my good mother's fears will never be realized, and, if my desires have been too lofty and ambitious, I will in future endeavor to chain them in the depths of my soul. My mother's letter caused me many tears; I carry it with me wherever I go, and read it often. God has endowed the words of parents with the power of going directly to their children's hearts. Happy the young girl who has never left her father's house! Notwithstanding all my triumphs, I often regret our castle at Maleszow.

Warsaw, Wednesday, *January 29th*.

My quarantine is finally ended, but I am sorry to say there have been four balls during my seclusion. I particularly regret a masked ball, where I was to have made one in a Scotch quadrille with the three celebrated beauties. Miss Malachowska took my place, and I was forced to remain alone, notwithstanding the entreaties of the prince royal and of many others; but when the princess once says no, there is no use in attempting to induce her to change her mind, I confess I was really vexed, but it would have been very ungracious to have let it be perceived; at my age, one should be reasonable; besides, I ought not to regret anything, for the prince royal has often been to see me, and has told me that he approved my resignation and the strength of my character.

Since the baptism, the distance separating the prince royal, heir apparent to the throne, from the Starostine Frances Krasinska, has been gradually decreasing; the prince royal desires me to treat [Pg 497] him as my equal: what precious and inconceivable goodness! The hours he passes with us are the most delightful that can be imagined; he talks of his journeys to St. Petersburg, to Vienna, to Courland, and amid the society surrounding us, he even finds opportunities to say words to me which I alone can comprehend. The prince royal knows and appreciates all the intrigues which are mining our unfortunate republic, but, through respect for his father, he dare not say what he thinks. Great God! If he should one day be king!

The princess, who eagerly seeks a bad side to the best things, says that his politeness has no other aim than to make a party for himself, and when he is master of the crown, he will forget or despise us. I do not believe this, and repel such a suspicion as the deepest injustice. The princess would be very glad to see Lubomirski on the throne, but I doubt exceedingly the possibility of such an event.

The sisters canonesses have a soirée this evening, to which I am invited. The superior, Miss Komorowska, is a very respectable personage. Madame Zamoyska, born Zahorowska, was the foundress of this community: she copied it from that existing at Remiremont, in Lorraine. It serves as an asylum for young ladies who will not or who cannot marry; they live there in retirement, but still receive visits. Madame Zamoyska bought the Marieville, in one of the main streets, on purpose to establish this community of canonesses. Twelve ladies of the highest rank are received there, but eight young girls belonging to the lesser nobility are also admitted.

The last days of the carnival are finally at hand.

Ash Wednesday, *February 16th*.

After such constant and fatiguing excitement, one grows tired of pleasure and longs for rest. I am almost glad when I think the carnival is over. During the past three weeks I have led a purely external life, absorbed in balls, dress, and visits. One must have tried this mode of life to know how sad and tiresome it really is. My success, my happiness, are envied by others, while I long only for solitude, only for a few quiet moments, in which I may enjoy my own thoughts and reflections.

Barbara seems to comprehend my sufferings. I see her often, and certain words which occasionally fall from her lips explain her fears for me. She sees before me a destiny by no means in harmony with my tastes, requirements, and faculties; she would wish for me a future such as her heart and her reason have made for her; she understands life, and has set me to dreaming of another happiness.... I begin to reflect.... But how beautiful Madame Potocka looked at the

masked ball yesterday evening! Her dress as a sultana became her astonishingly. Her beauty shone as a sun above that of all other women; every one admired her, and all coveted the honor of dancing with her. As for me, I could only dance one Polonaise; I was attacked by so severe a pain in my foot that I could not leave my seat, and I was forced to decline the invitations of the prince royal and of several noblemen. Thank heaven, the carnival is over!

Saturday, *February 29th*.

I am going to Sulgostow when I least expected to make such a journey, and must first write a few hasty lines. The starost and my sister called yesterday to say farewell. The prince palatine came to my room this morning, and told me my brother and sister were very anxious I should accompany them home. 'It is very probable,' he added, 'that your father and mother will soon join you there.' I always yield implicit obedience to the will of the palatine, and made no resistance in this case: I will go. The princess approves highly of my resolution. I will go, since they desire it; and yet the prince royal is ignorant of my approaching departure, and there is no one whom I [Pg 498] could ask to inform him of it: he will hear it as one of the ordinary items of every-day news.

If I dared I would ask the princess to say farewell for me, and present my regrets to him; but I should never have the courage to confide in her—and, besides, will my departure cause him any pain? Will a single thought, a single remembrance follow me, when there are so many beautiful women in Warsaw?... Madame Potocka will still be here.... But I am called, and must hasten my preparations.

Sunday, *March 15th*.

I returned to Warsaw two days ago. I do not know how it was, but I forgot my journal, and was forced to abstain from the consolation of writing during my absence.

I remained three weeks at Sulgostow. I tell it to my shame, but the time weighed upon my soul as a lengthened torture. I did not see my parents, as they are not expected there for four days yet, and the prince palatine came for me in such haste that we made the journey in one day; fresh horses awaited us at each stopping place, so that we did not lose a single moment.

The prince royal came to see us the day after our arrival. He is much changed; he seems sad or suffering. He gave me to understand that my departure had given him great pain, and he said with some bitterness, that one should have some consideration for a friend.... A friend! this heartfelt word fell from his lips. Oh! how remorseful I felt for having made this journey! And yet I made it against my own will.

The prince palatine maintains that all is for the best. I must confess I can see no reason for making me suffer, and for afflicting the prince royal; but I have made a promise to myself to obey the palatine blindly; I believe him to be destined to play a large part in all the events of my life. The princess received me most kindly upon my return.

I have embroidered a cushion for the cathedral, with I.H.S. upon it. I found all that was needful for my work at Sulgostow, and I was so diligent that I finished it before my departure. I worked fervently, for I was accomplishing a secret vow; God alone knows my intention, God alone can grant my prayers.

The anniversary of Barbara's marriage was celebrated with great pomp at Sulgostow. How many changes in the space of a year! Before Barbara's marriage, I was always gay and always happy; that is to say, always calm. I enjoyed my insignificant liberty; my life was like a cloudless sky; I experienced none of those moments of bliss which are yet a real suffering, nor of those hours of torment possessing so strange a charm.

Thursday, *March 19th*.

The prince royal was as gay and amiable yesterday as during the first days of our acquaintance. He came in the morning and passed an hour with us; he could not remain longer, as he was obliged to accompany his father on a hunting party to the forest of Kapinos: but he returned in the evening when we least expected him; he came quietly, without any escort, and with an absence of ceremony, and an air of mystery which added to the charm of his presence.

The chase was successful, and quite a singular event took place. The forest of Kapinos borders upon that of Zaborow; the proprietor of the last-mentioned domain is said to be a gentleman of good family; he gave the king a splendid reception when his majesty passed through his lands, and the king promised the gentleman a starosty, as a recompense for his fidelity, on condition that he would first permit him to kill a bear upon his territory. Several bears were killed, but the starosty seemed forgotten; the poor gentleman, always hoping and always disappointed, killed a [Pg 499] bear himself at the last hunt. He dragged it to the king's feet, and said to him, 'Sire, ursus est, privilegium non est.'

The king laughed heartily at this sally, and promised him solemnly that he should have the promised starosty.

The prince royal remained two hours with us: he is now freer, and can leave his father more easily, because his brothers, Albert and Clement, are in Warsaw. Every one says that Prince Clement is very good and very pious; he has a decided vocation for the ecclesiastical state, and it is presumed he will take orders. It is a proof of great wisdom on the king's part to consecrate one of his sons to God; but it is fortunate the choice did not fall upon Prince Charles.

Tuesday, *March, 24th*.

Notwithstanding it is Lent, my days pass quite gayly. The prince royal comes often to see us; he repeats unceasingly that the court etiquette weighs upon him; he is glad to be free from it: but to-morrow I am again to be separated from him. The princess is in the habit of making a retreat of a week before Easter, in order to prepare for her confession; all religious ladies do the same, and I must of course accompany the princess to the convent of the Holy Sacrament.

During a whole week we will see none but priests, we will read only books of prayer, and work only for the church or for the poor.

Holy Thursday, *April 2d*.

I have made my confession, and am now prepared to receive the holy communion. I never remember to have been so calm, or to have felt so much quiet in my soul. It is an inestimable blessing to be at peace with God and with one's self. How solemn and how sweet are the ceremonies of our holy religion! What a happiness to have been brought up in the knowledge of its mysteries! I have an excellent confessor, the Abbé Baudoin; he is very popular among the ladies of the court, because he is a Frenchman. But, popularity aside, he would still be the confessor of my choice; he is a worthy and a holy man, possessing all the virtues taught by Christ; one follows his counsels with respect; his views of religion console and show one the way to heaven without forcing one entirely to quit the earth. I passed several hours with him, and he knew how to reach my heart, even while condemning my faults. He caused me to feel humiliated for my sins, without crushing me, or driving me to despair; he showed me the futility of all human things, the sadness and emptiness of all pleasures arising from vanity and self-love.... Indeed, during a few moments, I thought seriously of consecrating my life entirely to God, and of becoming a gray nun in the convent under the Abbé Baudoin's direction.

I was measuring my cell, and counting the number of steps I could take in my new asylum; I thought my resolution nearly taken, when my maid entered and began to tell me some trifle concerning the prince royal's huntsman!... The chain of my holy thoughts was immediately broken, and I strove in vain to relink it; I could remember but one point, and that was, that the Abbé Baudoin had told me it was possible to secure one's salvation even while living in the great world, and that this difficult struggle, when brought to a victorious conclusion, was as pleasing to God as that virtue which had never dared the combat.

Why, then, should I throw myself into a world of sacrifices, whose extent is unknown to me, and perhaps beyond my strength? I will follow my destiny, while maintaining the purity of my conscience. Yes, I swear never to commit any action unworthy of the name of Krasinski. If I sin, alas! it is through too much pride; my desires are placed very high; the Abbé Baudoin does not blame me; he says that ambition is criminal only when it leads us from the path of virtue.... What [Pg 500] God requires, is a heart prepared for every sacrifice—a will ready to yield all for His sake; and I feel that I possess this disposition; I experience an indefinable quietude, and my soul is comforted. This week has seemed to me a foretaste of heaven; I have seen no one but the nuns and my confessor, the sole confidant of my thoughts and feelings, and the time has passed rapidly and without tedium. To-day I am once more to find myself in the great world. I am to witness the ceremonies of Holy Thursday in the castle. I am very curious to see this religious solemnity.

NOVEMBER.

Low the leaves lie in the forest; on the damp earth, brown and chill,
Gather near the evening shadows. Hark! the wind is sorrowing still.
  Vanished are the pine-crowned mountains, hidden in a dusky cloud;
See the rain, it falleth ever from the wan and dreary sky:
Rusheth on the swollen streamlet, wildly whirling, foaming by;
  And the branches, leafless waving, in the Fall wind low are bowed.

See, the golden-rod no longer bends its yellow-plumèd head,
By the roadside lies it faded—'mid the grasses—pale and dead;
  While alone the stately mullein rears its brown and withered crest.
Quiet skies of early Autumn mirrors now the lake no more,
But its waters struggle fiercely, laden storm-clouds flying o'er,
  And the rain it falleth ever, and the wind will never rest.

Once the hills were clad in scarlet: vanished all their beauty now;
Perished now the crown of glory that encircled then their brow;
  Low the crimson leaves are lying, and the withered boughs are chill;
Faded are the purple daisies, and the little pool looks sad,
Missing now the gentle flowers that once made it bright and glad;
  For the rain it falleth ever, and the wind is never still.

Closer fall the gloomy shadows, and the forests drearier seem,
Still the leaden clouds are flying, rusheth wilder yet the stream;
  And the reckless wind is telling now a wild and fearful tale,

While the trees all listen trembling, and the mullein bows its head,
And the dusky lake grows angrier, and the dark pool mourns its dead;
For the rain it falleth ever, and the winds but louder wail.

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THE ASSIZES OF JERUSALEM.

There is in the Royal Library at Munich a room called the Cimelian Hall, in which the manuscripts and works with binding richly ornamented in gold and precious stones are kept. Many a visitor to this hall has felt deep interest as his eyes have rested upon an open manuscript, to be seen through the glass doors of its case, written with inverted strokes and adorned with various colored initial letters. The interest has risen on learning that this contains the 'Assizes of Jerusalem,' of which there are but few manuscripts in existence—one at Venice and several at Paris. This work is in the old French language, and the frequent recurrence on the open page of such words as *jurés*, *larcin*, *vol*, *meurtre*,[1] in connection with the word '*assises*,' leads the visitor to suppose that this may be a judicial report of remarkable criminal cases—a kind of 'Pitaval.'[2]

But these yellow leaves contain one of the most important documents connected with the history of civilization which the night of the middle ages has given us: it is indeed an invaluable inheritance from that period—nothing less than the laws of the kingdom of Jerusalem, as founded by the Crusaders at the end of the eleventh century.

The kingdom of Jerusalem! At the very mention of the name, there seems to pass over us a breeze from that charmed time when Christendom, inspired by its faith with heroic zeal, went forth to rescue from insult and ignominy the tomb of the Redeemer. Who does not feel a kind of longing after that romantic splendor of the Orient, which impelled the people of Europe to leave homes and families upon this great enterprise beyond the sea? Who does not gladly lose himself in contemplating the traditions of life and deeds, contests and poesy of those chivalrous times, and dream over again a short portion of that brief but beautiful dream of the Christian kingdom of Jerusalem?

Nor is it merely this feeling of romance which binds us to the law book of the Crusaders. It has important political and judicial significance. In the kingdom of Godfrey of Boulogne lived mixed up together, formed into a kind of variegated checkerwork, people of all lands and languages of the Occident—French, Italians, Spanish, English, and Germans. The system of law which united this mixed multitude was indeed the German, at least in its fundamental and leading forms and features, as this was before the time when the flourishing of the law school at Bologna had brought again everywhere into use the Roman law. There is, however, a perceptible influence of the Roman law in this work, and indeed an occasional reference to it as an authority. It has, therefore, its importance to jurists, but its general interest is deeper, disclosing, as it does, a view of a distant age, and of a land long since covered with the charm and glory of song.

This manuscript is in the old French tongue, was evidently written by an Italian hand in the latter part of the fourteenth century, and bears the title: '*Livres des assises et bons usages dou réaume de Jerusalem.*'

'Assize,' primarily means an assembly of several wise men in the court of a prince for the making of laws; but it comes thence to mean that which they have determined upon as law, and is so used in the judiciary of the Christian Orient.

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We shall see that the Munich manuscript does not fully make good its name. It is not in the proper sense a law book, but rather notes in regard to the judiciary of the kingdom, made by authors of unknown names. There are internal evidences that the original compilation must have taken place from 1170 to 1180 of the Christian era, that is, before the recapture of Jerusalem, and is therefore from the best of sources. It contains, however, but a single department of the judiciary system of Jerusalem, and the deficiency must be supplied from the Venetian manuscript. Still, however, there remains little to desire in regard to the completeness of the sources from which we learn the contents of these books of 'Assizes.'

Before passing to a notice of the law book of the Crusaders, it is necessary to premise a brief statement of the political condition upon which this system of law was based, since it is only by knowing this that we can understand the laws.

When the Christian kingdom of Asia was in its bloom, it consisted of four provinces, viz.: 1, the principality of Antioch; 2, the duchy of Edessa; 3, the principality of Syria or Jerusalem; and 4, the duchy of Tripolis. These four formed the kingdom of Jerusalem, of which they were feudal dependencies. The principality of Jerusalem was the home domain of the king of Jerusalem, as Hugh Capet, for instance, was duke of France and king in France.

The kings of Jerusalem, like those of France, surrounded themselves with four crown officers, viz.: the seneschal, constable, marshal, and chamberlain, whose authority and influence were the same as those of the name in Europe.

Each of the above-named divisions was again subdivided into baronies and greater fiefs, the holders of which were called 'men of the kingdom.' The lower vassals were designated by the name of 'liegemen.' Among them were, however, included the immediate servants of the king,

ranking with the class from which higher officials are taken in Europe.

The king executed justice in a court constituted of peers, and called the high court,[3] and the laws which governed its decisions were called 'assizes of the high court.'[4]

Those barons who held courts and administered justice to their vassals scattered over the land, of which there were twenty-two in the principality of Syria, based their decisions also upon these assizes; they did not, however, sit in their own right as patrimonial judges, but by royal concession, and the king could at any time he chose preside over these courts, associating with himself any number of his liegemen to sit with him.

Besides these noble vassals, called also the 'chivalry of the kingdom,'[5] there was a very considerable Latin population who held no fiefs, but still were perfectly free men, and were designated as citizens.[6] We find in our work no statement of their political relations; we only know that they had their own law, and that in the issue of the ordinances for the government of their towns or cities, they had a right to participate, and were obliged, in case of need in the land of Jerusalem, to furnish, as were also the clergy, a certain quota of foot soldiers.

To this Latin population justice was administered by a court of sworn burghers, presided over in Jerusalem itself by the viscount of the kingdom, and elsewhere by the viscounts or bailiffs of the several cities. Of these courts there were thirty-seven in the principality of Jerusalem. This was called the lower court, or court of the burghers, and the laws which formed its rule of judgment, 'the assizes of the burghers' court.' [Pg 503]

The jurisdiction of the two above-named courts did not, however, extend over all subjects, since that of the clerical courts embraced matters pertaining to the laity, which are now no longer regarded as ecclesiastical: for instance, the case of husband and wife treating each other with mutual blows; for it would seem that these connubial feuds were not quite prevented, either by the gallantry of this time of chivalry, or by the feeling which had animated the rushing crowds when they left Europe for the Orient, that they were going to a land elevated above the range of terrene sins and troubles—perhaps to that they had heard called heaven.

In the seaports, the Italians and people of Marseilles enjoyed the right of being tried by judges of their own, and in accordance with the usages of their own countries; and as if to make this checkerwork quite complete, the Syrian Christians were allowed trial before the rajis or presidents of their several towns. In this latter respect a change was introduced somewhat gradually, which was quite remarkable in view of the prevalent ideas of the times. Feudalism had tended to concentrate the power as much as possible in the same hands, without regard to the difference of matter in question—that is, to divide labor by quantity, and not by quality. But here we find for the first time a division of jurisdiction according to the *matter*, and in the later period of the kingdom, marine and commercial courts were established. The former, called 'courts of the chain'[7] (from the chain by which the entrance to the harbor was closed), gave judgment in questions of freight or payment of sailors' wages, or in any questions which might arise between the ship-owners and captains. The commercial court,[8] which, in addition to its own special functions, took the place of the properly Syrian courts, was constituted of four Syrian and two Frankish judges, under the presidency of a Frank. This was an important measure, and indicated great progress in international commercial intercourse, since in other matters the various nationalities of the kingdom were so strictly distinguished that the Syrian could not be witness against the Greek, or the Frank against the Armenian, or the Jacobite against the Nestorian, etc. In commerce and trade, the assizes held not so strictly in relation to religion and national descent; for whether Syrian or Greek, Jew or Samaritan, Nestorian or Saracen, they were still men, as well as the Franks, and must pay or serve according to judgment rendered, just as in the burghers' court, and hence it was determined that the court of commerce should apply the assizes of the burghers' court.

The above is given as the basis upon which the legislation of the kingdom rested, and now we may best hear the assizes themselves in regard to the beginnings of this legislation. In the first chapter of the assizes of the high court, as given us by John of Ibelin, we have the following:

> 'When the holy city of Jerusalem was won from the enemies of the cross, and restored to the true men of the Saviour, * * * when the princes and barons who conquered it had chosen, as king and lord of the kingdom of Jerusalem, Godfrey of Boulogne, * * * who was a man of understanding, and anxious to place the said kingdom in a good condition, and to have his people and all others who should come and go and dwell in the kingdom, guided, kept, ruled, sustained, held together, and judged according to justice and reason, he chose, upon the advice of the patriarch of the holy city and church of Jerusalem, and that of the princes, barons, and wisest men he could find, prudent men, whose business it should be to inquire and know from the people of various lands there present, what were the customs of their respective countries. All that these men could ascertain they wrote, or caused to be written, and laid before Duke Godfrey, who assembled the patriarch and the other people mentioned above, showed them the result, and caused the papers to be read to them. With their counsel and acquiescence he took from the report what seemed to him good, and made out from the same assizes and customs, which should be held, applied, and observed in the kingdom of Jerusalem.' [Pg 504]

Our author further tells us that both Godfrey himself and the later kings, in their diets of the

kingdom, extended and improved these laws. The diets were generally held at Acre, at the season of the arrival of the pilgrims from Europe, as this gave opportunity to ascertain what was the law of their several homes in relation to the matter in question; and it is even said that messengers were sent over the sea expressly for this purpose. William of Tyre, the celebrated chronicler of the time, has preserved to us an interesting case of this special legislation. He says that after the conquest of the holy city, and return home of most of the pilgrims, the danger from the Saracens having become imminent, many of the newly invested feudal tenants began to desert their fiefs, upon which Godfrey issued the following assize:

> 'Whoever shall hold such deserted fief in possession for one year, shall be considered as having gained it by prescriptive right, and shall be defended in its possession against the previous owner who has deserted it.'

The same William of Tyre tells us of a diet held at Neapolis in Samaria, in the year 1120, 'at which, in order to banish from the land the immoralities and crying abuses which had crept into it, there were issued comprehensive regulations, embraced in twenty-five chapters; and it seems from the form of the oath of the later kings that Amalrick I and his son Baldwin IV had undertaken a formal revision of the legislation.' It is therefore probable that we retain very little of the system established *immediately* upon the conquest. If we had no evidence of revisions and changes, the sad and unquiet times through which Godfrey had to pass would fully justify this conjecture.

But let us hear what tradition says in regard to the external condition of these laws:

> 'These assizes (vide chap. iv) were written each by itself in large Gothic letters. The first letter at the beginning was illuminated with gold, and all the rubrics and titles were written separately in red, as well all the other assizes as those of the higher and those of the burghers' court. Each sheet had the signature and seal of the king, the patriarch, and the viscount of Jerusalem, and these sheets were called 'Letters of the Sepulchre,'[9] because they were kept in a great chest in the Holy Sepulchre. Whenever a question arose in court in regard to an assize, making it necessary to consult these writings, the chest was opened in the presence of nine persons. The king must either be there personally or be represented by a crown official, and then two vassals of the king, the patriarch of Jerusalem, or in his place the prior of the Holy Sepulchre, two canons, the viscount of Jerusalem, and two sworn citizens. So the assizes were made—so they were kept.'

These statements have proceeded upon the supposition that this law book was for the whole kingdom; but history has preserved facts which look to the conclusion that this was law only for the principality of Syria. But when we consider that these assizes actually procured for themselves a recognition beyond the bounds of the kingdom, and that no special law for the other three grand divisions has ever been found, we shall be constrained to regard this system of law as that of all the provinces.

The bloom of the Oriental kingdom of Jerusalem was but brief. On the 9th of October, 1187, Saladin captured the holy city, and the treasures of the Holy Sepulchre fell into infidel hands. The fate of the *Lettres du Sepulcre* in this catastrophe is in dispute. Most think that they were destroyed by the enemy; some, however, and among them Stephen of Lusignan, whose work, entitled, 'Chorography and brief General History of the Island of Cyprus,' which was printed at [Pg 505] Bologna in 1573, maintain that they were saved and carried to Cyprus. It is certain that we no longer possess the originals; but the authority of these assizes was not extinguished by that catastrophe, but on the contrary, their sway became wider with the extension of the Frankish rule.

In this respect the isle of Cyprus is most important. As in the year 1193 this 'sweet land and sweet island' (as the poets of the time called it) was placed by Richard the Lion-hearted under the government of Guido of Lusignan, the assizes of Jerusalem went into force immediately as the law of the new kingdom. This effect was increased by the union of the two kingdoms which took place soon after, but was unfortunately of brief duration. Thus was preserved to this law book a flourishing period of life long after the Christian kingdom in Asia was lost.

Then, when in the year 1204 the Latin empire was established at Constantinople, the assizes of Jerusalem went into effect there. The following is an account of this event:

> 'As there were many peoples about Constantinople which had not been governed by the Roman law, and the situation of the conqueror himself required new ordinances, and because indeed the empire could not be governed otherwise than by the 'usages and assizes' as they are in the Orient, the emperor Baldwin determined to send a messenger to the king and patriarch of Jerusalem, praying them to send to him a copy of their 'usages and assizes.' When these arrived, they were read in the presence of all the barons, and it was thereupon resolved to administer minister justice in accordance with these, and especially those chapters adapted to times of peace.'

Hence there are translations of the assizes to be found in modern Greek, and the dukes of Athens, princes of Thebes, and other lords of that region, who appear in Shakspeare's comedies, applied this system of law, and perhaps many an obscure custom referred to in those plays might be explained by this fact.

It was especially the customs preserved in the principality of Achaia which the Venetian government of Negropont subjected to an examination by twelve citizens, and which, with a few exceptions, particularly in the parts relating to judicial combats, were sanctioned by the doge Francesco Foscari.

But the most romantic chapter in the history of the extension of this law, is the account of its introduction into the Frankish principality of the Morea. This principality was wrested from the Byzantine empire, in the year 1213, by William of Champlitte, at the head of a band of adventurers, and passed by intrigue into the hands of the family Ville Hardouin. An old chronicler of the times tells us that when the second prince of this family, Godfrey II, reigned in the Morea, an imperial squadron landed at Pontikos, carrying the beautiful Agnes, with her suite of ladies and knights, to James, king of Aragon, to whom her father had promised her in marriage on receiving from that king the promise of an auxiliary corps for his army. Godfrey was a man who well understood human life. He appeared at the port, testified his high veneration for the princess, and invited her to rest herself from the voyage in his land. The princess seems not to have regarded this journey to her unknown bridegroom as very pressing; she accepted the invitation, and on the second day Godfrey's friends suggested to him that he ought not to let slip so fine a chance to secure a beautiful wife. His decision was at once made. He presented himself as suitor to the princess, and succeeded in convincing her that it would be much better for her to marry him, whom she had seen and knew, than a man of whom she knew nothing, who might be crooked, or lame, or otherwise unworthy of her. She consented to be married at once. Her train [Pg 506] of attendants returned pleased to Constantinople, bearing the tidings to the emperor, her father, whose rage on receiving this intelligence may be imagined. There was, however, but one thing to be done—he must bear it with the best grace he could. The parties met afterward at Larissa. Godfrey resigned his crown to his father-in-law, received it back again as a fief from him, and was required to accept the assizes of Jerusalem as the law by which he should govern it.

This system of law differs from others in this important respect, that the highest nobility and bravest heroes of the Christian Orient were the most zealous and successful jurists. We cannot give them a special notice. The most distinguished was John of Ibelin, count of Jaffa, Ascalon, and Rama, born about the year 1200. His attempts to restore the lost *Lettres du Sepulcre* has succeeded so well that his work has, until recently, been regarded as identical with those lost books, and even *now*, when the laws of the kingdom of Jerusalem are spoken of, the work of John of Ibelin is generally understood to be meant. It was this very book which the barons of the kingdom of Cyprus, in 1368, when Peter I, by his arbitrary rule, had subverted justice, set up in a solemn assembly as the code of the kingdom. In order to make it as like as possible to the *Lettres du Sepulcre*, it was sealed in the same manner, placed in a closed chest, and kept in the cathedral of Nicosia, and this chest was not allowed to be opened except in the presence of the king and four vassals.

When in the year 1489 the republic of Venice obtained, through Catharine Cornaro, possession of the isle of Cyprus, the republic bound itself by a solemn act to observe these assizes. The copy which had been preserved at Nicosia was subsequently lost by some unknown event, and when in the mean time the French language had ceased to be the prevailing one, there was a commission appointed in the year 1531 to make out a new text from the best manuscripts which could be found. This revision of the assizes of Jerusalem was translated into Italian, and was still in use in 1571, making the period during which it was in force almost five centuries.

Having thus traced the external history of this system, we now turn to its material contents.

No one any longer regards the forming of a system of law as an independent, arbitrary, or accidental thing. Every such must be a product and copy of the entire intellectual life of the age, and this piece of legislation is indeed a true mirror of the Christian world in Europe at the time; and the outline only rises more sharply, boldly, and clearly to view, because there is presented to us at the same time so rare a phenomenon in the march of civilization as the building up of a state organization, for which there is no foundation in the land where it is to be established.

The manner in which the spiritual elements fermented and boiled at that time in the Occident—how the most shocking rudeness and barbarism throve side by side with the most exalted religious enthusiasm—the lowest forms of materialism by the side of spiritual fanaticism—superstition, ignorance, and vile falsehood, side by side with energy, valor, and generosity—all this is drawn with sharpest features in the assizes.

The history shows us these men in their frantic cruelty, butchering the inhabitants of conquered Jerusalem, men, women, and children without distinction, delighting in their torment, and then, smeared with their blood, moving in procession to the holy places, singing their Christian songs of praise, all dissolved in tears of deepest emotion. They had left Europe in swarms, many so ignorant as not to know whether the holy land which they sought lay on this earth or in those regions which they had heard called heaven—so frenzied in their fanaticism as to forget that they [Pg 507] might still have bodily wants, and hence throwing away their effects, and yet so low in their ideas as only to enjoy physical things. Such are very much the men for which these laws seem to have been made. Upon one leaf we read: 'That man is without sentiments of honor, though he be of highest rank, who, being called to stand as counsel by the lowest vassal, before a tribunal of justice, declines to do so; for they are all alike the true followers of Christ;' and by the side of this that most unchristian of all legal institutions, slavery, assumes a form so barbarous that the legislator does not blush to place slaves, though among them were Christians, on the same level with domestic animals.

This same irreconcilable opposition which appears in moral principles, shows itself again in the political foundation of the assizes. Originating in the clash of arms, grown up in the contests and necessities of war, on a soil where nothing but constant war could save it from annihilation, the system is purely martial—made for conflict and strife. And still it is but one side which shows this character; for, in the midst of this precarious existence of the new kingdom, is seen an elevation of commerce till then unknown—a pursuit of trade for which feudal ideas had provided no place. As Schiller declared that the Crusaders laid the foundation of civil liberty in Europe, so we may say that in the assizes of Jerusalem the narrow views in regard to civil life, which controlled the west of Europe in the middle ages, were exploded. Here the idea of the modern state dawned, though of course and singularly enough, side by side with its absolute antithesis, the feudal state in its purest form.

In the ancient view, it was natural that any man should rule who had the power, and incomprehensible that any one should allow himself to be ruled who could avoid it. Any other than a forced relation to a lord was nonsense to antiquity, and the moral duty of obedience was unknown.

The idea of voluntary obedience, however, having dawned and become penetrated with the light of Christianity, formed the first element of the feudal system. No prescribed series of duties within the cold enclosure of legal forms bound mutually to each other the lord and his vassal. They were bound by the all-embracing feeling of fidelity. Hence the Lombard law of feuds compares the relation to that of husband and wife.

While on the one hand, in the youth of this institution, the virtues which spring from reciprocal fidelity and love developed themselves from this relation—a relation inwardly and mutually binding lord and vassal, and resulting in holding together all the members of the state—so on the other hand, where there is no restraint to insolence and arbitrary despotism, except that found in the mere sense of moral obligation, they transcend all bounds, and find their natural reaction in the resistance of the subject, destroying the very idea of a state. In the feudal system, however, it is not the state which guarantees, secures, and defends the rights of the individual. Whoever claims protection and justice is referred to his immediate feudal superior, to whom alone, and not to the state, as a whole, he owes duty. The state, as a moral person—as a society—is entirely in the background.

It is one of the rarest phenomena which present themselves in the Christian laws of the Orient, that in connection with this state-life based upon pure private right, the modern notion of society should have had its rise. One of the first appearances of change was in the criminal law of the assizes. Not that this rose above the spirit of the times, for it was barbarous in the extreme, impregnated throughout with the idea of literal retaliation—for instance, whoever secretly buried [Pg 508] a dead body, must be buried alive—and again, it recognized scarcely any punishment but death and the most horrid mutilations, such as cutting off of nose, ears, tongue, hands, etc., and cannot, with all the palliations arising from the necessities of the Crusaders, be regarded as an improvement upon the preceding.

But among the genuine products of the middle ages, suddenly arose a principle which has become the basis of modern criminal law, though it won its first recognition, and that with difficulty, centuries later.

Punishment inflicted upon the guilty was at that time universally regarded as an atonement due to the injured person, but the assizes declare: 'Punishment is decreed, not in the interests of the injured, but in those of the entire state.'

In carrying out this principle, the sufferer from theft, when he might have taken the thief and voluntarily let him go, was punished by forfeiture of body and estate to the feudal lord, and the assizes declare that 'when no one in case of murder appears to make complaint, the king, or the ruler of the land, or the lady of the city where the dead was found, shall do so, for the blood of the slain cries to heaven.'

As before intimated, there are two grand divisions of the assizes. Those of the high court contain a complete system of feudal law, of which indeed a fuller view could scarcely be found than the one above named by John of Ibelin. The feudal law of the Orient was like that of France of that day, though peculiarities are everywhere to be met with as the result of the constant state of siege in which Jerusalem was involved; and hence the fact that the feudal system, which had its birth in war, and led ever thither again, appears nowhere more clearly and fully than in these assizes.

Reference has been made to the shortness of the period allowed by the statute limiting titles and claims. Of the same class is the rule that when a fief falls to one, he cannot claim it unless he be present in the land and seek the investiture in his own person. Hence is explained the oft-repeated maxim of the feudal lawyers of Jerusalem: *A mort ne peut aucune chose escheir*; which means that in matters of inheritance, substitution is not valid, and each must derive his claim from the last holder of the fief—thus restricting the succession of minors, who would need protection.

In this oriental law there was a peculiarity in regard to granting leave of absence to vassals. We have seen that the vassal was not allowed to leave home, lest his services should be lost to the state in a time of danger. But a journey back to Europe might be necessary, and in this case the two interests were united by an arrangement called *le commendement du fief*, by which the

vassal gave up his fief to his lord, who received its income and secured the absent owner against the provisions of the law limiting the claims of absentees to one year.

Feudal duties were the same in the Orient as in the Occident, since fidelity is always and everywhere the same thing; but the greater perils which encompassed the Crusaders led to a more rigid exaction of the performance of these duties.

In regard to the homage which the feudal tenant performs on entering into this relation, the assizes say:

> 'If a man or woman pay homage to the chief feudal lord of the kingdom, they shall, with their folded hands lying in his, say: 'Sire, I will be your vassal for this fief, and I promise to protect and defend you for life and for death.' And the lord shall answer: 'And I accept thee with God's faithfulness and my own;' and he shall in faithfulness kiss him upon the mouth.'

A special duty in the Orient was to redeem a feudal lord from captivity among the enemies of the cross, even by pawning or selling one's own fief or that obtained through a wife. The chief duty, however, even in this case, was that of military service, and in the Venetian manuscript is to be found the rule by which this service was to be rendered. [Pg 509]

A peculiar case deserves here to be mentioned. It might happen that a man held tenures from two different lords. This was not in itself inadmissible, and he had only, in accepting the latter fief, to make a reservation of his fidelity to an earlier lord. He could then discharge his duty to one by a substitute, and might even render service to one against the other. It was only forbidden personally to fight a feudal lord. John of Ibelin says:

> 'In such case the vassal shall appear before his lord, and shall say to him, in the presence of his men: 'Sire, I am your man, but with reservation of my duty to N. N. This N. N. now comes in arms against you, and I regret that I cannot help you, because my lord is on the other side, and I cannot bear arms against him, *where his body is*; I must, therefore, report myself as *personally* serving neither you nor him. I desire my people to serve you against him who would rob you, and who now leads the contest against you.''

Women to whom a fief or the guardianship of one should fall, could not of course render military service; but in place of this, they were obliged to marry—a punishment by most perhaps not deemed severe, except for the fact that they could not freely choose their own husbands.

John of Ibelin says that 'if a fief fall to a girl of twelve years or more (if younger, she is to be held under a guardian, according to law), the feudal lord can summon her to take a husband.' This may be done by the lord in person, or by his authorized attorney, who thus addresses the lady: 'My lady, I offer you, in the name of my lord (name given), three knights (names all given), and call upon you in his name, within the time of (time specified), to take one of the three whoso names have been given you.' This may not, after all, be a great hardship, for the ladies of our time and land are not sure of three candidates to choose from. These three must of course have been of the lady's own rank, and have given their own consent to the presentation of their names —otherwise it would be no offer.

> 'If the lady thus warned shall not, within the prescribed time, either choose one of the three candidates, or assign for not doing so a reason acceptable to the court,'—for instance, that she was more than sixty years old would be a valid reason, since if she had a husband living, he would not be required to serve after that age,—'she shall lose the fief for one year, after which time the lord may challenge her again.'

On the other hand, if the lord shall omit to make this demand, the lady can serve a warning upon him, that he must, within three times fourteen days, present her three eligible candidates for her choice in marriage, and if he shall fail to do so, she can then choose for herself. If the lord had failed, however, because he could not find the men who were willing to run the risks of this candidacy, it is difficult to perceive what additional inducements the lady's efforts could furnish.

So much for the law of the chivalry of the kingdom, I now pass to that of the burghers.

The assizes of the burghers' court offer neither in matter nor in form so complete a system as that already noticed. On the contrary, it is but a motley and confused jumble, more like a collection of decisions in concrete cases than a proper law book. They are, however, exceedingly rich in interesting matter.

The character of this burgher class, and indeed its very existence, is a most remarkable phenomenon; for this respectable class, occupying a position almost on a level with that of the nobility, was several centuries later in making its appearance in the Occident. The burgher who struck a nobleman lost his hand, while the nobleman who struck a burgher lost his horse, and must pay one hundred sols. Later, however, the burgher could commute his punishment with a fine of one thousand sols, and must pay one hundred sols as an indemnity, thus making the two cases nearly equal. [Pg 510]

The term burgher has generally been understood to designate the inhabitant of a city, whose quiet and orderly life was passed in occupations of trade and industry; but *such* burghers were

surely not to be found in the kingdom of Jerusalem; for the burghers sprang from the common people, of which the accounts of the Crusades made the chief portion of the army of the Crusaders to have consisted; and when we remember how little respect these showed for the princes in the army—that they once chose Godfrey Burel out of their own number as their leader—we shall not be astonished that there arose from this class of warriors a population who were not to be subjected to a humiliating position in relation to the chivalry.

A free and vigorous life shows itself in the whole system of law which governed these burghers. Here we meet, for the first time in the middle ages, the principles of marine and commercial law, rising above the then rather limited views of the Roman law on those subjects, which in the German law books are not mentioned at all. We find among other things strict personal arrest of delinquent debtors—a very ingenious provision against fraud—and a settlement of those cases of intervention which have so troubled our jurists, by an application of the rule, 'The hand must defend the hand,' as follows:

> 'Be it known that if any one lend his horse to another, and the latter say to him: 'To-morrow I shall bring your horse back,' and being allowed to take the horse away, he is apprehended by another person for debt, this creditor may take the borrowed horse for his debt.'

The two following laws give us something of an insight into the condition of the kingdom of the Crusaders, the one in relation to servants, the other in relation to physicians:

> 'When it shall happen that a man or woman hire a man servant or a chambermaid, reason requires that the man or woman who hires them shall have power to dismiss them at will, because they are bound for their wages only so long as they serve. But the servant or maid cannot separate themselves from their master or mistress without their consent until the termination of the engagement. But when the servant or maid thus hired shall wish to go back over the sea, reason requires that the man or woman grant them leave, because they wish to cross the sea, and they shall pay them according to the time of service. * * * When, however, servant or maid shall depart *without* such leave, they break faith and forfeit their wages for the whole time of service. And if such servant be found with any other person in the kingdom, his or her hand with which they made promise to serve and afterward denied God and broke faith, shall be pierced through with a red-hot iron.'

Again:

> 'When it shall happen that any one hire a servant or chambermaid, become angry with him or her, and box their ears, and the latter enter complaint to the court, reason requires that the man or woman be *not* subject to judicial proceeding for a simple boxing of the servant's ears. But if the man or woman shall excessively beat the servant or maid, or cause the same to be done, or shall inflict upon them an open wound, and they shall enter complaint of the same to the court, law and reason require that the servant or maid receive justice the same as against strangers.'

In regard to physicians, the assizes provide as follows:

> 'If by any mishap I wound one of my slaves, or the same be wounded by any other person, and I call a physician, who agrees with me to heal him for a stipulated price, and then says to me on the third day, after having well observed the wound, that he can heal it without fail, and it come to pass, because he uses the lancet unskilfully, or when he should not have used it at all, or because when he should have cut the wound or [Pg 511] swelling in the top or lengthwise he cut it obliquely, and the patient die in consequence; or when the slave's wound is in such place as to require warm applications, for instance upon the brain or nerves, and the physician always makes cold ones; or if my slave have a swelling upon a part where emollients should be applied to mollify the sore and cause suppuration and discharge, and the physician make always warm and dry applications by which the sore is internally inflamed, and he die of it; or if the physician do not attend him every day, and he die in consequence, reason requires that he pay what the slave was justly worth before he fell sick, or what the owner had paid for him; for this is right and reasonable, according to the assizes of Jerusalem. And the court shall expel that physician from the city where he performed such malpractice. But if the physician can show before the court that the patient drank wine or ate meat which he had forbidden, or did anything else which he should not have done at all, or at least not so soon as he did, reason requires that, even though the physician could or should have treated him differently, he should not be made to pay for him; for it is more reasonable to suppose that death followed from the patient's doing what was forbidden than in consequence of the medical treatment. But if the physician make no prohibition in regard to eating or drinking, he must still pay for him, for the physician is justly bound, as soon as he sees a patient, to direct what he shall eat and what he shall not eat, and if he do not do this, and mischance occur, it should come upon him.'
>
> 'And if a physician be guilty of such malpractice in case of a Frankish man or woman, reason requires that he should be hanged.'

We can see from this assize that a law sometimes effects the opposite of that which was intended, and unreasonable provisions oppress the patient instead of the physician. Amalrick I fell sick, and felt that he needed an aperient, but the Syrian physicians refused to prescribe such. He sent for the European physicians, and they also declined to take the hazard of prescribing. To obtain the prescription there was no alternative but to issue a royal rescript absolving the physicians beforehand from the provisions of this assize. In the mean time, however, the favorable period passed by and the king died.

In regard to marriage—the most important of social institutions—the provisions of the canon law are mainly reproduced, with the genuine German practice of joint possession of the property, as expressed in the passage: *Sachés que nul home n'est si dreit heir au mort come est sa feme.* ('No one so properly as the wife inherits the property of a deceased husband.')

Still, however, oriental views left their traces upon this institution. This appears in the facility with which a man could obtain a divorce from his wife, and in the jealous strictness in regard to conjugal infidelity. Vitry says:

> 'The pullans'—a name analogous to that of creole in the West Indies, given to the descendants of the Crusaders in the Orient—'have gone so far in their oriental zeal, that they no longer allow their wives to go to church, to processions, or to any religious exercises.'

When the council of Neapolis had provided cruel and barbarous mutilations for persons unfaithful to the marriage vow, King Amalrick issued the assize that 'the man who should detect his wife in the commission of such offence, might without guilt kill both parties;' but he added the very nice distinction, that 'if he killed *one* party and spared the *other*, he should, as a murderer, be hanged without grace.' Perhaps this law may have been a device to save both parties; for a man would naturally hesitate to undertake a work, failure to *complete* which would cost him his life.

The last means everywhere for establishing truth was the judicial combat. There are found, by way of exception, in the assizes of the burghers' court, cases of the judgment of God by the fire test, in which the defendant is acquitted of the charges against him, by holding in his hand, [Pg 512] without injury, for a given length of time, a red-hot iron. Torture was sometimes prescribed, and the so called abrevement (water test) used. The assize says:

> 'If the accused confess the crime charged, he shall be hanged; if he do not confess, he shall be drawn to the torture, and kept in the water until he shall confess, and shall then be immediately hanged. But if he continue three days without confessing or dying under torture'—a thing not easily imagined—'he shall be imprisoned one year, and then set free.'

The complainant must prove a charge of murder, high treason, or manslaughter, by single combat with the accused. Women, old men, and non-combatants might be represented by a so-called champion.

John of Ibelin describes the combat as follows:

> 'The knights who engage in the combat for murder or manslaughter must fight on foot and without helmet, with heads shorn around, being dressed in red military coats, or shirts of red silk falling down to the knees, the arms cut off above the elbow, red breeches of cloth or silk, and shields higher by half a foot than their heads, with two holes of the ordinary size, so that the antagonist can be seen through them. Each shall have a lance and two swords, one of the latter girded about him, the sheath drawn up to his hips, the other fastened to the shield, so that he can have it when needed.'

Only three days may intervene between the interchange of pledges and the combat.

> 'When the combatants who shall have mutually pledged themselves to the combat present themselves, they must appear on the appointed day on foot, between six and nine o'clock in the morning, before the palace of the lord, and call him, being clothed and equipped as above, having also several shields and swords borne before them, in order that, on entering the place of combat, they may select what they need.
>
> 'And then the lord shall cause all the weapons to be examined by his court, so as to know whether they are in order; and if one lance is longer than the other, he shall shorten it, and he shall have the two combatants well watched as they go to the place of combat, that neither may run away; also that they receive no bodily injury or annoyance, and be not insulted or derided; for the lord must protect them against all this, since they are in his keeping. When they shall have entered the place of combat, the feudal lord shall station some of his people to watch the place, and one of these shall say, in the presence of the others, to each of the combatants: 'Select your weapons which ye desire in order to finish the combat.' This they shall do, and the weapons selected shall be kept in the place, and the rest carried away. Then shall each combatant be made to swear that he carries about his person neither talisman, nor charm, nor witchcraft, that he has had no such provided for this combat, and that no other person has done this with his knowledge, that he has neither given nor promised anything to any one to procure the making of talisman, charm, or witchcraft, in order to aid himself or damage his antagonist in this contest, and that he bears about him no

other weapons than those seen by the court.

> 'Then shall they bring the combatants together upon the place of combat, where there shall be a copy of the gospels. The accused shall first swear upon his knees with his right hand upon the gospels, and shall say: 'As I have not murdered the deceased, so help me God and the holy gospel.' The complainant shall say that he lies, and that he takes him up as a perjured person, and shall then take him by the thumb, and shall swear: 'So let God and his holy gospel help me, as the accused murdered the deceased.' And then shall the guards station the combatants, one at each end of the place, and the proclamation shall be made at all the four corners of the field, that no one of whatever rank shall do or say anything by which either party can be helped or hindered, and in case any one shall do so, his person and goods shall fall to his feudal lord. And if the corpse of the murdered person is present, it shall be so placed as to be seen over the entire place of combat, and the complainant, whether man or woman, in case of being represented by a combatant, shall be there bound so as neither to benefit nor injure [Pg 513] either of the parties by word, or deed, or bearing, and shall only pray to God, but not so as to be heard by either combatant. * * * And the guard shall so arrange that the sun cannot shine more in the face of one than of the other; and one of the guards shall then say: 'Shall the command now be given? We have made all ready.' And the lord shall answer: 'Let them come together.' And they shall let them come together, and shall withdraw themselves; and if one fasten upon the other, and they wrestle and fall, the guards shall go to the place and as near to them as they can, in order to be able to hear in case one shall cry for grace; and if one cry and they hear, they shall say to the other, 'Cease; it is enough.' And then shall the lord cause the conquered party to be taken to the gallows and hanged by the neck' (a grace scarcely worth crying for), 'or his corpse, in case he had been killed without crying for grace. The weapons of the vanquished man and those which the victor threw away belong to the lord. Should it appear in the course of the contest that one of the parties had other weapons than those which had been seen by the court, the guards shall seize him, and the lord shall pronounce sentence upon him as a murderer.
>
> 'And if any one, who is no knight, is accused of murder, it shall be done as above, only that the combatants shall be armed otherwise than as knights.'

If the vanquished man did not fight for himself, but as a substitute, his lot was subject to some variation; if he fought for a woman, then not *he*, but the *woman*, was to be hanged; if he fought for a witness who had been accused of perjury in a civil suit, then the champion was to be hanged and the perjured man merely lost his right of testifying on oath; in case of representing any of the principal parties in a criminal process, a vanquished champion and the person whom he represented were both to be hanged; and in case of representing a witness in a criminal case, the *vanquished champion the witness, and the complainant were all hanged*.

It is easily perceived that in such single combat the judgment of God was not upon the main question, but upon the question which of the two had committed perjury. So in case of the application of the single combat in civil suits, which, however, could take place only when the amount claimed was at least one mark.

Whoever prosecuted a claim must establish it by at least two witnesses; and if he brought these, the defendant could not establish the contrary by better witnesses or documents, but must either submit, or convict the witnesses of perjury. This was done as follows: When the first witness, kneeling, had taken the oath, the defendant stepped forward, took hold of the witness' thumb, and raised him up, declaring him a false and perjured witness, and that he was ready to maintain this with his life. Then followed the judicial combat as above.

The procedure was similar when any one would contest a judgment already rendered. The court itself must be solemnly accused of falsehood; the complainant must fight with *all* the associate judges of the court, or have his tongue cut off as a calumniator. Whoever in such case did not vanquish *all* the judges of the court, and that, too, *on the same day*, must be hanged.

The obvious remark in relation to all the processes above described is, that unless hanging was much more honorable then than now, however numerous the capital crimes committed, probably few complaints were entered, very few witnesses accused of perjury, very few combatants cried for grace, even in the most desperate struggle, very few judicial decisions were contested, and very few injured husbands used their right of punishing the unfaithful wife and her accomplice, since *all parties, innocent and guilty, stood about equal chances of being hanged at the end*.

The Crusades furnish the subject of frequent popular disquisitions and, sketches, but the laws by which the Crusaders lived in their promised land have rarely, if ever, been popularly sketched in [Pg 514] this country. This brief notice may do something toward supplying this desideratum, and at the same time toward reconciling the most poetic reader—the greatest admirer of the institutions of chivalry—to having been born in this prosaic age, nearly a thousand years later. It may make such persons feel that even 'the glorious uncertainty of the law' has some advantages over the judicial processes of the kingdom of Jerusalem.

But I must not close my article, as some in similar cases have done, without informing the reader to whom he is indebted mainly for it. I have myself often entered that hall in the Royal Library at Munich, and looked with interest upon that manuscript of the Assizes of Jerusalem, but I have never studied it. In the winter of 1858, however, I heard a course of popular lectures on various

subjects, by a number of distinguished men, before an audience of invited ladies and gentlemen, at the lecture room of Baron von Liebig's chemical laboratory. One of these was delivered by Baron de Voelderndorff on the Assizes of Jerusalem. On opening my box of books, after my return from Europe a few weeks since, I came across a volume containing the course of lectures to which I have referred. As my eye rested upon this one, I remembered the interest with which I had listened to its original delivery, and resolved that the public should have a chance to feel something of the same. This article is the fruit of that resolution, and though not strictly a translation, may still be regarded as little more or less than such, and the credit given wherever the reader shall deem it due.

FOOTNOTES:

[1] Jurors, larceny, theft, murder.

[2] Francis de Pitaval, born at Lyons, in 1673, gave this word to the judicial literature of Europe, by a work entitled 'Causes célébres et intêressantes.'

[3] La haute cour.

[4] Assises de la haute cour.

[5] La chevalerie du royaume.

[6] Bourgeois.

[7] Cours de la chaine.

[8] Cour de la fonde,—fonde signifying the place, probably, where traders came together.

[9] 'Lettres du Sepulcre.'

LETTERS TO PROFESSOR S. F. B. MORSE.

LETTER I.

LOYALTY AND SOVEREIGNTY.

Dear Sir: I address you in your quality of President of the Society for the Diffusion of Political Knowledge, and with reference to your speech and your letter to Mr. Crosby, published in the tracts issued by your Society. I should have done so sooner but that I hoped Mr. Crosby would himself have taken the matter in hand; and though it is somewhat late in the day, I venture to recall the public attention to what you have put forth, both because in a general view it is never too late to expose error on matters of fundamental importance, and because, in this case, there are some special reasons why it should be done, arising from your personal position. If you were a mere hackneyed party politician, I should not think it worth while to take any public notice of what you have said.

I should be glad to confine myself strictly to the question of the truth or error of what you have advanced, apart from its bearings on yourself personally; but as most of what you have put forth is in the way of vindicating your loyalty and justifying your conduct at this time, I shall have to consider also its validity for your purpose. This is a necessity of the case which I have not made. Before proceeding to your letter to Mr. Crosby, I shall first consider some matters in your speech.

In a crisis such as this, when the clutch of the wickedest rebellion the world ever saw is grappling the throat of the national existence, you are openly in opposition to the action of the [Pg 515] Government, and apparently in sympathy with the rebels. Yet you claim to be loyal, and you vindicate your claim in a very remarkable way. Loyalty with you is fidelity to the sovereign. That sovereign is the people. To that sovereign you profess to bear true allegiance, and therefore your loyalty is not to be impeached, however much you may oppose yourself to the action of the authorities constituted by the sovereign. A singular sort of loyalty; very much of a piece, some may say, with the religion of the man who disobeys the bidding of those whom God bids him obey, because of his profound reverence for the supreme authority of God!

You, of course, deny this. You make the issue that the action of the constituted authorities is contrary to the will of the sovereign—is, in fact, the exercise of usurped powers. You propose to appeal directly to the sovereign for the determination of this issue; that is, you propose to bring the sovereign to be of the same mind with you, if you can. 'We mean,' you say, 'to use our rights of free discussion, and to look for the answer to our appeal to the ballot box.' And you ask, 'Is it disloyalty to appeal to the sovereign, or to exercise that portion of the sovereign power which of right belongs to us, as part of the people?'

Now, there is certainly nothing necessarily disloyal in making and discussing before the people the issue you make, any more than there is anything necessarily villanous in a man's availing himself of his extreme legal rights before the courts: whether it be so in fact or not, depends on the circumstances, on the spirit, purpose, and effect of the thing. But there is a great deal of nonsense (pardon me) in calling this an exercise of *that portion of the sovereign power which of*

right belongs to you as part of the people—nonsense which, if it were merely nonsense, and as palpable to everybody as it is to those who are accustomed to correct thinking and accurate expression on the subject, it would not be worth while to expose; but which, being taken for sound sense (as it is very likely to be by many of the people among whom you have undertaken to diffuse political knowledge), becomes very pernicious nonsense, that ought not to be suffered to pass.

A portion of the sovereign power belonging to you and your associates as individuals! The sovereignty of the nation split up into fractional shares—each of you possessing (say) one thirty-millionth part of the integral unit, and possessing it, of course, exclusively and therefore separately, if you are to exercise it individually, even in the way of clubbing your respective shares as you propose! Heard ever any one the like? Why, you might as well say that each individual in the nation possesses the entire sovereign power. As well say thirty million whole sovereigns, as thirty million fractional sovereigns. Equal falsehood, equal absurdity, either way.

Political sovereignty is as incapable of division as it is of forfeiture or of alienation. It is the right and power which society—considered as the state—has to do whatever is necessary to its existence and welfare. It resides in the whole people as one body politic. It is not an attribute of individuals. Individual rulers are sometimes called sovereigns; but they cannot be such in the strict and just sense of the term. It is simply impossible that any individual should possess in himself the inherent, indefeasible, inalienable, and inviolable right and power to govern a nation; and it is no less impossible that you and your associates, in your separate capacity as individuals, should possess any 'portion' of it, and therefore none 'of right belongs' to you.

I do not deny your 'rights of free discussion.' But I deny that they are sovereign rights, and that the exercise of them is an exercise of sovereign power. They are individual, personal rights, and [Pg 516] that of itself determines the absurdity of calling them sovereign.

Besides, in point of fact, they are rights which are practically valid for you only in the will of the sovereign. Whether they are in their nature primordial or prescriptive rights, makes no difference as to this point. The will of the sovereign is the only effectual guarantee of the natural rights of individuals, and the only source of their political rights. The sovereign recognizes the former, confers the latter, and secures both. There is not a particle of political right or power possessed or exercised by any individual in the nation which is not derived by grant from the sovereign power. A certain number of individuals in the nation have, for instance, the right of voting at the primary elections and for the determination of certain questions submitted to a popular vote. This is a delegated right, granted only to a certain number of individuals, not as sovereigns or parcel sovereigns, but as subjects of the state, acting, for certain definite purposes, and within certain prescribed limits, as agents of the sovereign power.

So with all other political powers exercised in the nation—whether legislative, judicial, or executive; whether exercised by individuals or by constituted bodies: all stand in the will of the sovereign power; all are derived and delegated powers—ministerial, and not imperial.

It is easy now to see the pernicious influence which your doctrine about the sovereign rights of individuals must have upon the unreflecting masses who accept it as sound sense, and particularly upon those of them who vote at the primary elections.

In the first place, it generates a false and practically mischievous notion of their relation to the other constituted authorities of the state. You are yourself an example in point.

You ask whether it is a mistake or an exaggeration in you to 'say that presidents, and governors, and all the departments of State or Federal machinery, are all subordinate to the people?'

It is certainly neither a mistake nor an exaggeration to say so, provided by the people you understand the whole people, in their sovereign capacity as one body politic. But it is an egregious mistake, an absurd and mischievous falsehood, to say so, if by the people be understood those who vote in the primary elections—whether the concurring majority of them or all of them. The people who vote are not *the* sovereign people. In their capacity of voters they are —in common with all the other functionaries of the Government—coördinate parts of the indivisible organism of the State. The legislative, judicial, and executive functionaries of the Government—constituted directly or indirectly through the ministerial agency of their votes—when thus constituted, hold their powers not *from* the voters, but *through* them *from* the sovereign; and to that sovereign alone are they responsible for the exercise of them. They are, therefore, not 'subordinate' to the voters, either in the sense of deriving their powers from them, or in the sense of being accountable to them, and there is no other sense of the term that is not futile here. They are subordinate in both these respects to the sovereign power of the nation; but so, too, are the voters themselves; and the former no more than the latter.

But those who accept your instructions are not likely so to understand this. They are not likely to be wiser than their teachers, and cannot perhaps be so safely trusted with the dangerous edge tools of false doctrine. You tell them that all Government officials, in all departments, are subordinate to the sovereign people; and they are sure to understand it that they, the voters, are the sovereign people, and that all the constituted authorities are subordinate to them in point of [Pg 517] power—hold their powers from them alone, and are responsible to them alone—while they

themselves hold their powers from themselves, and are responsible only to themselves. Hence (and you yourself have in this speech set them the example) we hear them talking of themselves as the 'masters,' and Government officials as their 'servants,' just as though both alike were not servants of one and the same sovereign master, whose right and power it is—within the sphere of the state, and for the just ends of the state—to control every individual in the nation. There is a world of mischief in the use of such words among the ignorant and unreflecting, and demagogues well know how to avail themselves of the power it gives them.

The pernicious tendency of your doctrine about the sovereign power and sovereign rights of individuals is seen in another and more general point of view.

Political sovereignty—residing, as we have seen it does, in the whole people as the state, or as one body politic—is not an absolute sovereignty. It is limited to the just ends of the state—the maintenance of social justice and the general security and welfare. There is no sovereignty to do wrong. The state is so far a moral person that its sovereignty cannot rightfully be exercised from mere will, arbitrary caprice, or passion; but only dutifully, in just ways, and for its proper ends.

But the people whom you teach to consider as themselves individually possessed of a portion of the sovereign power, and (as they will think) so far sovereigns, have mostly no other idea of sovereignty than the absolute right to have their own will and way in any way. Regarding their political rights as their own, inherent, personal possession and property, and not as public trusts, they are not likely to feel themselves limited in the manner of exercising them by any sense of duty to the state. The stronger this false notion of rights, the feebler the sense of moral obligation in the exercise of them. Woe to the people to whom rights are everything and duties nothing, or to whom the standing for their own rights is the highest and most sacred political duty! Among such a people, in times of high excitement, springs up a political fanaticism far less respectable in its origin, and far more dangerous to the public welfare, than the philanthropic fanaticism which you denounce in language so nearly bordering on fanatic violence.

I am sorry to have been obliged to insist at such length upon the simplest elements of political science and the theory of our Government. But you have made it needful. You have put forth notions radically false and practically mischievous on fundamental questions; and you have done it in the way most calculated to impose on the minds of the ignorant and unthinking—by quietly assuming their truth. One wonders to see you apparently so unconscious of the utter contradiction between that which you take for granted and that which, in the general consent of respectable writers and thinkers, is held to be settled beyond debate. There is one at least among your associates (if I mistake not) who would be ashamed to stand godfather to your assumptions in regard to sovereignty and sovereign rights.

It is important for one who is so fond as you are of making distinctions, to see to it that they are just and valid. It is of immense moment that one who builds so much on words should rest his structure on the solid foundation of a correct and exact conception of them. Words are often things, and sometimes things of tremendous consequence, and none more so than those which enter into the grounding principles, of politics. No theoretical error but works practical mischief. No one should be more aware of this than he who undertakes the 'diffusion of political knowledge' among the people of this country. The false notions on sovereignty and sovereign rights which you have put forth, are precisely the ones to take root and bear evil fruit among the least instructed and least thoughtful, the most passionate and unscrupulous of our people. In short, it is among the lowest and worst elements of our social life—among the sort of persons that swelled the majorities in the Sixth Ward of Sodom—that you win find your most numerous disciples and readiest coadjutors in your bad work of opposing the constituted authorities of the state; and this at a time when every good man and true patriot should think much more of duties than of rights, and be more willing to forego personal rights for his country's good, than by factious assertion of them to weaken the arm of public power struggling to save the national existence. [Pg 518]

I shall go on in another letter to consider your utterances on the distinction between the Government and the Administration, and your special pleas for hostility to the constituted authorities.

LETTER II.

GOVERNMENT AND ADMINISTRATION—CONSTITUTIONALITY.

Dear Sir: I now proceed to consider your letter to Mr. Crosby, which I cannot help regarding as fitted to excite sentiments of mortification as well as grief in the minds of all intelligent men and good patriots who in time past have known and honored you. What such as have not known or cared for you will be apt to think, I shall not undertake to say.

One of Mr. Crosby's questions was this: 'What appears to you the sufficient reason for a Christian citizen to ally himself with others for the extreme and radical purpose of undermining and paralyzing the power of the Government at a crisis when unanimity of support is plainly essential not only to the welfare but to the very life of the nation?'

This is a plain question, and one may well wonder how it was possible for you to suppose that you were fairly meeting it and effectually rebutting the charge it implies by raising the distinction you make between the Government and the Administration. The sense in which Mr. Crosby used the

word Government is perfectly obvious; and if he had a right to use it in that sense—as he undoubtedly had—it seems to me it was for you to answer it in its plain meaning; to answer the question he asked, and not another, which he did not ask. But you preferred to go into critical analysis and to make sharp distinctions of words. Let us look at the work you have made of it.

You tell Mr. Crosby that he has 'fallen into the prevalent error of confounding the Government with the Administration of the Government,' and that 'they are not the same.' Now, they *are* the same, when both words are used to signify the same thing.

You say that 'the word government has, indeed, two meanings.' Webster gives a round dozen. In its political applications it has four. You add, 'In order to relieve the subject from ambiguity'—though there is in this case no ambiguity to relieve—'that the ordinary meaning of government in free countries is that form of fundamental rules and principles by which a nation or state is governed,' etc. No doubt this is one of the meanings of the word. No doubt government, considered with reference to its quality or the manner of its constitution, does often signify a system of polity, a determinate organization and distribution of the supreme powers of the state. But this is not its '*ordinary*' meaning—either in the sense of its being the most correct and proper, or the most frequent use of the term. The other meaning to which you refer—that which makes it 'synonymous with the administration of public affairs'—is equally legitimate, and a great [Pg 519] deal more frequent. The word not only '*sometimes*' has this meaning, but has it, I presume to say, ten times oftener than it has what you call its 'ordinary meaning,' and for the sufficient reason that there is occasion to speak ten times of Government as an actual exercise of the supreme powers where there is to speak of it once as an abstract system of polity.

But you say that when the word is used in 'a meaning synonymous with administration of public affairs, then '*the Government*' is metonymically used for *administration*, and should not be confounded with the original and true signification of the term *Administration*, which means the *persons collectively* who are intrusted with the execution of the laws, and with the superintendence of public affairs.'

Pardon me, but this strikes me as a singular combination of futilities and falsities. In the first place, when the word government is used synonymously with administration, to signify in a general way the conduct of public affairs, there is nothing 'metonymical' in the case: one word is not rhetorically put for the other; either word may be rightfully used to signify the same thing, that is, they are so far forth simply synonymous terms. In the next place, what in the world do you mean by saying that the '*original and true*' signification of the term administration is the *persons collectively* who are intrusted with the execution of the laws, and with the superintendence of public affairs? It is one of the meanings of the word indeed, and so a 'true' one—though no more true than its other authorized meanings, but it is not the 'original' one; on the contrary, it is secondary and derived. And finally, what earthly warrant have you for talking of 'confusion' being made when the *Government* is used to signify 'the persons collectively' by whom public affairs are conducted? It is just as correct to use the word Government in this sense, as it is to use the word Administration. Both words are rightfully so used; and you would here, I suppose, be in no error in saying 'metonymically' used, if you have a fancy for that epithet: *Administration* is 'metonymically' *put for* the official persons and acts of the persons who have the direction of national affairs, and *Government* is just *as often* 'metonymically' put for the same persons and acts—and with *equal right*; for it is authorized by established usage, which is the supreme law of language. By what right, then, do you assume to limit the term government to signifying a 'form of fundamental rules and principles,' or at least to insist that when used synonymously with administration, it shall *not* be used to signify the 'persons collectively' by whom the affairs of the nation are conducted; and when Mr. Crosby uses it—as he obviously does—in that sense, to talk to him of 'error and confusion?' When Lord Russell spoke the other day in the British Parliament of 'awaiting an explanation from the American Government' in the matter of the Peterhof, and when the London *Times* spoke of 'the Government at Washington being anxious,' you might as properly have taken them to task for the 'error' and 'confusion' of talking as if our 'form of fundamental rules and principles' could give an explanation, or feel disturbed in mind. Mr. Crosby had a perfect right to use the word in the sense in which he obviously did use it. He fell, therefore, into no 'error.' He 'confounded' nothing; he did not identify different things, nor wrongfully put one thing for another.

In short, your distinction between the Government and the Administration falls away into a sheer, absurd futility. And well if it escape a harsher judgment; for when you go about to make irrelevant distinctions in a plain case, where there is none to be made, and tax your correspondent (no matter in what soft phrase) with errors and confusions when he was guilty of [Pg 520] none—it will go nigh to be thought by many an unworthy subterfuge, serving no other purpose than the fallacious one of shifting the question, and misleading dull minds.

Of the same sort is what you further say in support of this futile distinction. You talk of the Administration being '*utterly destroyed* without affecting the health of the Government,' of the Government 'remaining intact, unscathed, while the Administration is *swept out of existence*;' and you say 'every change of Administration, at every election, exemplifies this great truth'!

By Government, I suppose you here unconsciously mean something different from what you had before defined as its 'ordinary meaning,' for you would hardly talk of the 'life' and 'health' of an abstract scheme of polity, of a set of 'rules and principles.' I take it, therefore, that you mean, or ought to mean, a living, acting something. Now imagine a Government without an Administration, with its Administration 'utterly destroyed,' 'swept out of existence.' How long

afterward would it continue to exist? One day? One hour? One moment? No; the 'life' of a Government implies the perpetual, uninterrupted exercise of the supreme powers of the state, and that depends upon the undying official life of living administrative functionaries; and therefore to say, as you do, that the Administration is 'utterly destroyed,' 'swept out of existence,' every time new members are elected to fill the place of those whose term of office has run out, is an absurd exaggeration of language, and certainly serves no good purpose, but only affords to those who are capable of being deceived by it a fallacious show of support to a distinction which I have proved to be irrelevant and futile in this case.

It seems to me it is not for you to talk about 'the prejudices and befogged intellects' of those who are unable to see 'in the light' of your notable 'explication' that 'opposition to the Administration'—such as you now make—'is not opposition to the Government.' And your pretension 'to rally in support of the Government,' and to 'uphold and strengthen' it, by such opposition, will, I am afraid, be looked upon by intelligent men and good patriots as absurd and impudent to the last degree-an outrage, in fact, on language and on common sense.

But enough for your verbal distinctions—a great deal too much, indeed, were it not that if you can put forth such things in good faith, it is to be presumed that there may be others of easy faith enough, through disloyal predisposition of feeling, to take them as sound and valid, and so find comfort in error and an evil course.

To come now to the real merits of the case. You denounce the Administration, and seek to stir up popular disaffection to it, not for heartlessness, hesitation, and feebleness in prosecuting the war, but precisely for whatever of earnestness, promptitude, and energy it displays—not, in short, for what it does not do, but for what it does do, in striking down the rebellion. It is vain for you to justify your conduct by professions of allegiance to the sovereign people and loyalty to the Government. Why, it is the great will of the sovereign people (to whom you profess such faithful allegiance) that the Government (to which you profess such devoted loyalty) should be saved from destruction by crushing to utter extinction the armed rebellion that seeks its overthrow. And the Administration—and I may include Congress, since the action of that body is also the object of your denunciation—is the organ of the sovereign people, carrying out its sovereign will in all the acts you denounce. I do not say that the conduct of affairs has been in all respects satisfactory to the people. There have been too many things that looked to them like want of heart, want of earnestness, want of energy, want of wisdom, particularly in the earlier conduct of [Pg 521] the war—too many indications of a disposition, if not to protract the struggle, yet to make this terrible crisis of the nation a time for political combinations and contractors' gains. They have seen these things with grief and stern displeasure. But the acts you denounce meet their sovereign approval. They are in favor of all earnest and vigorous measures for subduing the rebels, and for repressing and punishing traitorous sympathy with them, and treasonable aid and comfort to them.

But you denounce these acts as unconstitutional. To a bare, unsupported assumption it might be enough to say that the constitutionality of all these acts has been again and again affirmed by authorities of far greater weight than yours or mine—by scores of statesmen and judges of the highest eminence in the land. But I will go a little into the question.

I assert that it is perfectly constitutional to repress an armed rebellion by force of arms. It is the sworn duty of the Administration under the Constitution to do so. And all the acts you condemn come in one way or another under powers delegated to Congress and to the Executive. The constitutional right to make war carries with it the constitutional right to employ all the means sanctioned by the laws of war. This is the amply sufficient justification of each and every one of the measures you denounce—the Emancipation Proclamation, the Confiscation acts, the suspension of *habeas corpus*, and the arrest of traitorous abettors of the rebels.

As to the *Proclamation*—whether it is to be regarded as in its own proper effect conferring the *legal* right to freedom, or whether it is to be taken simply as a notification to the rebels (and to the slaves also, so far as it should get to their knowledge) of what the President, in his supreme military capacity, was about to order and enforce, as our armies might come into contact with the slaves—is a question not necessary to determine here. But no intelligent man needs be told that even in a war with a foreign enemy, with honorable belligerents, it is always a matter lying rightfully in the discretion of the commander of an invading army to proclaim and secure the emancipation of slaves; and in a rebellion like this it is the height of absurdity, or of something much worse than absurdity, to quarrel with the military policy of depriving the rebels of the services of loyal men forced to dig trenches and minister supplies to them. What constitutional right have rebels—in arms for the overthrow of the Constitution—to be exempted from the operation of the laws of war? Who but a rebel sympathizer would challenge it for them?

As to the *Confiscation* acts—it is enough to say that the Constitution gives Congress power 'to declare the punishment of treason.' Confiscation of property—as well as forfeiture of life—is a punishment attached to this great crime in the practice, I believe, of every Government that has existed. The rebels confiscate all the property of men in the South loyal to the Union, on which they can lay their hands; and their practice can be condemned by us only on the ground that the crime of rebellion makes all their acts in support of it criminal. But as you have no word of condemnation for the rebellion, so you have none for their confiscation acts. You would throw the

shield of the Constitution only over the property of rebels. Loyal men, however, are of opinion that as the hardship of paying the expenses entailed by this accursed rebellion must fall somewhere, it is but just it should fall as far as possible on the rebels, rather than on us. If confiscation of rebel property chance to bear hard on the innocent children of traitors, it is no more than what constantly chances in time of domestic peace, in the pecuniary punishment of [Pg 522] crimes far less heinous than treason; and loyal men see no good reason why the hardship should not fall in part on the children of traitors, rather than wholly (as in part it must) on our children.

As to the suspension of the privilege of the writ of *habeas corpus*: many foolish and disloyal people, out of the folly and disloyalty of their hearts, talk as if the thing itself were something wicked and monstrous; although the Constitution plainly provides that it may be done, 'when, in cases of rebellion and invasion, the public safety may require it.' Who is to judge of the necessity, and who is to exercise the power of suspending it, the Constitution does not declare; and in the silence of the Constitution and in the absence of any legislation on the point, the President might well presume that the discretion of exercising a power constitutionally vested somewhere, and designed to be exercised in emergencies of public peril, liable to arise when Congress might not be in session, was left to him. At all events, he took the responsibility of deciding that the public safety required its exercise. Congress has since justified his course, and legalized the power in his hands. The loyal people of the nation approve its action.

And finally, the constitutional right in certain cases to suspend the ordinary privilege of the writ of *habeas corpus* carries with it, of course, an equally constitutional right to make what you call 'arbitrary arrests.' The very object of granting the power to vacate the privilege of the writ is to enable the Executive to hold in custody such persons as it may judge the 'public safety requires' the holding of—without its purpose being frustrated by judicial interference. But the power to *hold* in custody is utterly nugatory, if there be no power to *take* into custody. To suppose that the Constitution grants the one, but denies the other, is to suppose it self-stultified by contradictory provisions—and that in a case where the public safety in time of imminent peril is concerned. The only consistent and sensible view of the Constitution is, that as the validity of the writ of *habeas corpus* is the ordinary rule, and its suspension the extraordinary exception—so the power to make arrests by civil process only is the ordinary rule, and the power to make arrests by military or executive authority is the extraordinary exception—both exceptions alike holding 'when, in cases of rebellion or invasion, the public safety may require.' In such cases the ordinary guarantees of personal liberty are constitutionally made to give way to the operation of the extraordinary powers demanded by the necessities of the state. It has always been so in all Governments; and every Government—unless it suicidally abnegate its highest function and supremest duty, that of maintaining itself and securing the national safety—must, in time of rebellion and civil war, possess such powers, powers to repress and prevent, in the first moment of necessity, what, if let go on, it might be too late to cure by judicial or any other process.

The rebels arrest, imprison, or banish those who are disaffected to their cause. They have a right to do so, provided their rebellion itself be justifiable; although they have made themselves objects of just execration and abhorrence by the abominable atrocities of cruelty and murder they have in thousands of instances perpetrated upon those whom they knew or suspected to be faithful to the Union. Your sensibilities, however, are excited only in behalf of the traitors among us, who have done more, and are doing more, to aid and comfort the public enemy, and to weaken the military power of the Government, than whole divisions of rebels in arms. While millions of good patriots stand amazed at the extraordinary and unparalleled leniency with which the Government has for the most part dealt with these traitors—that is, *done nothing* with them—you and your [Pg 523] associates are fierce in your denunciations of its action in the few cases in which it has temporarily arrested them; and even the requiring of them to take the oath of allegiance as a condition of release, has been made matter of bitter invective. What but disloyalty to the national cause, what but sympathy with the rebels, can prompt such denunciations—made, too, with a view to stir up popular disaffection to the Government?

To sum up: I have shown that all the acts you denounce are as perfectly constitutional as they are just and necessary in principle, and sanctioned by the practice of all Governments.

But even if it were otherwise; even if the framers of the Constitution—never contemplating the possibility of such a crisis as the present—had embodied in that instrument no provision of extraordinary powers for such an exigency—none the less would it be the duty and the right of Congress and of the Executive to adopt whatever measures they should judge the public safety to require. What the Constitution had not granted they would be bound, if necessary, to assume; and even if the Constitution stood in the way, they would be bound to go over it in order to save the national existence. It is one of those cases in which necessity gives sovereign right. It is doubtless a very illegal thing to blow up people's houses, yet what civic magistrate, not a fool, would hesitate to do it when nothing else could arrest the conflagration of a city; and what court of law is there (outside of *Liliput*, where poor Gulliver was condemned to death for saving the royal palace by an illegal fire engine) so foolish as to sustain an action against the magistrate in such a case? What must be thought, then, of the good sense and loyalty of those who would interpose the Constitution to prevent the suppression of a gigantic rebellion, which puts the Constitution, the Government, and the national existence in imminent peril of destruction? Who, that knows anything which a man of decent intelligence is bound to know, but knows that '*the salvation of the republic is the supreme law*?' On this principle the old Revolutionary Congress went, when, without a particle of delegated warrant from the several States, it assumed to act for the whole people as a nation, and, among other things, invested Washington with nearly

dictatorial powers to carry on the war—a principle that Washington had already before acted on in more than one case of summary dealing with the Tories of his day. The sovereign sense of the nation sustained this assumption, and gave it the validity of supreme law. And I believe the nation would now sustain the Government in the assumption of any powers necessary to the putting down of the rebellion, even if ample powers were not already granted in the Constitution.

History has no record of a conspiracy more treasonable, flagitious, and infamous than that in which this rebellion originated; no record of a rebellion more foul, more monstrous, more wicked. The great heart of the nation is filled with just indignation and abhorrence. It understands and feels that every consideration of national interest and welfare, of national honor and dignity, of justice, and fidelity to the great trust received from the fathers of the republic, alike forbid the nation to consent to its own dismemberment, or to a compromise with rebels in arms, and a surrender of the great principles involved in the contest—principles which lie at the foundation not only of our national Government, but of all government, and all political order. It understands and feels that the preservation of the national Government, and of all the sacred interests bound up with it, is a necessity for the nation, is the one grand paramount obligation now resting upon [Pg 524] it. Its stern determination is to carry on this war, at all costs and all hazards, so long as there is a rebel in arms. Hundreds of loyal leaders of the people—statesmen and jurists of the highest eminence, Southern born as well as Northern born—have said, and only articulated the great voice of the nation when they have said: '*Constitution or no Constitution, put down the rebellion, and save the national existence. Time enough then to inquire whether it was done under the Constitution, or outside of it, or over it.*'

At the same time the people believe that the Constitution gives the Government ample powers to put down the rebellion, as they have also given it unlimited resources of men and money. It would not be true to say that they have always been satisfied with the progress and success of the Government in the use of these powers and resources. There was doubtless a time when the public feeling demanded a more clear and decisive policy, and more vigor in the prosecution of the war. The people would like to have had the whole military system of the country revised and made more perfect. They would be better pleased if measures had been seasonably taken by which we might have had a well-organized and well-drilled army of reserve, two hundred thousand strong. Appreciating, however, the circumstances of the country at the opening of the war, the gigantic magnitude of the rebellion, and the immensity and complication of the problems pressing on the Administration, they have on the whole been disposed to be patient and trustful. And as long as they believe there is an honest, earnest purpose in the Administration to extinguish the rebellion by force of arms, they will sustain it. What they would do if ever they should come to the conviction that the national existence is in peril through incapacity, selfish personal ambitions or treachery on the part of the Administration, it is not necessary to predict. The conjuncture is not likely to arrive. Of one thing, however, you may be sure: the great loyal body of the nation have no quarrel with Congress or with the Administration for any of the measures that are the objects of denunciation by you and your associates, and they hold the men who utter these denunciations to be worse enemies to their country than the rebels in arms—morally far worse than the great mass of the misguided followers of the rebel chiefs.

LETTER III.

SLAVERY.

Dear Sir: A considerable portion of your letter is taken up with a discussion of the rebel Vice-President Stephen's declaration touching slavery.

In his speech at Savannah, Mr. Stephens, speaking of the new Government which the rebels had set up, says: 'Its foundations are laid, its corner stone rests upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and moral condition.'

One would think this was clear enough, and that it was doing no injustice to its substantial purport to say that Mr. Stephens here makes slavery the corner stone of his new Government. You say, however, that this is 'an egregious misapprehension,' that '*he has made no such declaration*.' 'Let us learn' (you go on) 'what he actually did say. His language is this: 'The foundations of our new Government are laid, its corner stone rests upon'—what? slavery? no—'upon the *great truth* that *the negro is not equal to the white man*, that slavery,' which he then defines to be 'subordination to the superior race, is his natural and moral condition.''

This is nice! How admirably your *italic* emphasis upon the first clause, your intercalated comments, and the slight way of bringing in the second clause, serves to bring out the full, undivided force of the whole sentence! What a charming union of acuteness and moral nobleness [Pg 525] it exhibits! Equally admirable for the same qualities is your distinction between basing a government upon *slavery* and basing it upon a *great truth* about slavery. Mr. Stephens has said that the corner stone of his new Government rests upon the *great truth* that slavery is the natural and moral condition of the negro. He has not, therefore, said that it rests on *slavery*! And so you think yourself justified, do you, in your emphatic assertion that 'he has made no such declaration'? You stand impregnable and triumphant—on the words! You stick to what is 'nominated in the bond'—the very Shylock of criticism!

But not satisfied with this, you strengthen the case by argument: Mr. Stephens did not say so, or

mean so, because he would have been very foolish if he had—so must every one be that thinks he did. Mr. Stephens's 'language' (you say) 'could not be applied to slavery; it would be a strange misapplication of terms to call slavery a physical, philosophical, and moral truth.' But irresistible as your logic is, did you really suppose that the 'plain men' who (according to your motto) in troubled times like these 'read pamphlets,' were any of them so stupid as to think that your wonderful distinction amounts to anything? Did you suppose any man of decent intelligence would fail to see that it makes no practical difference—since slavery, as an institution, was to be the inevitable consequence of the *great truth* about it—and that therefore Mr. Stephens's declaration amounts substantially to saying that slavery was to be the corner stone of his new Government; and so your assertion, that 'he has made no such declaration,' is a paltry verbal quibble, unworthy of a sensible and fair-minded man.

So of your way of proving that the rebel Government have adopted no such corner stone. It is like yourself, and unparalleled but by yourself. First, you allege that even if Mr. Stephens had said so, his individual assertion is no law for the Government; next, that 'there is not one word in the Constitution of the Confederacy that gives color to any such idea as slavery being the corner stone of their Government; on the contrary, section ix, article i, *clearly repudiates it*.' You did not quote the article you refer to. Your 'plain men,' when they come to see it, will perhaps have an opinion on the question why you did not. The article is as follows: '*The importation of African negroes from any foreign country other than the slaveholding States of the United States, in hereby forbidden, and Congress is required to pass such laws as shall effectually prevent the same.*'

Now did you really think that this article 'clearly repudiates' the idea of the rebels intending to have slavery for one of their fundamental institutions, or did you presume on the ignorance or stupidity of those you have undertaken to instruct in political knowledge? The article itself contains no such repudiation, nor is there anything to warrant your inference that such was its purport, and everybody that knows anything about it, knows that it is a gross misrepresentation of its real object to say so.

The rebel Constitution was framed by delegates from the seven Lower Slave States. It was adopted February 8, 1861. Neither Tennessee nor Virginia nor any of the Border States had then joined the rebel Confederacy. Most of these States were opposed to the reopening of the African slave trade from principle and sentiment. The material interests of Virginia were strongly opposed to it. The staple product of Virginia was slaves. She lived only by breeding negroes for the market of the slave-consuming States of the Lower South. To reopen the African slave trade would destroy the profits of her great staple. The price of negroes would go down from *one thousand* dollars to *two hundred*. It was well known, however, that there had been for several [Pg 526] years a clamor in the Lower States for the repeal of the law of the Union prohibiting the African slave trade, that the determination to have the trade reopened '*in the Union or out of the Union*' had been publicly proclaimed in South Carolina, and that the matter of demanding it from the Congress of the Union had been before the Legislature of that State, on the recommendation of the Governor, three or four years before the breaking out of the rebellion.

Under these circumstances the rebel Constitution was framed. And however important to the slave-buying interest of its framers and of the people they assumed to represent, the opening of the African slave trade may have been felt to be, it was felt to be far more important at that crisis to secure the accession of Virginia and the Border States to the rebel cause by prohibiting it. Hence the adoption of the article you refer to without quoting, and of the next very significant article, which you neither quote nor refer to: '*Congress shall also have power to prohibit the importation of slaves from any State not a member of this Confederacy.*' The first of these articles, prohibiting the African slave trade, is a guarantee to the interests of the slave breeders if they join the Confederacy; and the second a threat, that if they do not join it, they may have no benefit from the prohibition in the first. Yet knowing all this, or bound to know it, you represent the prohibition of the African slave trade in the rebel Constitution as a 'clear repudiation' of the idea of slavery being intended to be a fundamental institution under their Government! Shame on you! It is a thousand miles away from having any such meaning or purpose; and I confess I am utterly unable to conceive how any man of decent intelligence could in good faith make the representation you do. *Suppressio veri, allegatio falsi.*

Besides, what object could you have? You vindicate the doctrine, 'the great truth,' by which (according to you, as according to Mr. Stephens) slavery as an institution is justified. You approve of slavery, or, as Mr. Stephens euphistically terms it, the 'subordination of the negro to the superior race.' You know that slavery *is* a fundamental institution in the rebel scheme. Why then take pains to produce a contrary impression, by resorting to such futile distinctions, such wretched quibbles, and such absurd logic? It seems to me nothing but a mania for verbal distinctions and sophistical special pleas can explain such a gratuitous self-sacrifice.

Or is it, possibly, that you thought you could persuade your 'plain men who read pamphlets,' that in virtue of the sweet euphuism, 'subordination to the superior race,' negro slavery at the South was in some way to be divinely transformed, and, though called slavery, was not in fact to be slavery after the old former fashion? '*Subordination to the superior race*'! It certainly merits the praise of Mr. Justice *Shallow*: 'It is well said, in faith, sir; and it is well said indeed, too; ... and it is good, yea, indeed is it: good phrases are surely, and ever were, very commendable. Very good; a good phrase!'

But *you* knew it was to be the *same sort of subordination* that has always prevailed at the South.

What is that? It is a subordination that is legally determined as follows: 'Slaves shall be deemed, held, taken, reputed, and adjudged in law to be '*chattels personal* in the hands of their owners and possessors, and their executors, administrators, and assigns, to all intents, constructions, and purposes whatever.' (South Carolina Laws, 2 Brevard's Digest, 229.) 'A slave is one who is in the full power of a master to whom he belongs. The master may sell him, dispose of his person, his industry, and his labor. He can do nothing, possess nothing, nor acquire anything but what must belong to his master.' (Louisiana Civil Code, art. 35.) 'The slave is entirely subject to the will [Pg 527] of his master.' (Idem, art. 173.)

This is the legal condition of the slave—the same in all the slaveholding States. The laws and decisions resting upon this principle of chattelhood and absolute ownership and dominion are too numerous to cite. They may be summed up in the words of Judge Crenshaw (1 Stewart's Ala. Rep., 320): '*the slave has no civil rights*.' It is matter of settled law, that he can make no contract; cannot form a legal marriage; cannot constitute a family—husbands and wives, parents and children, being liable (except in Louisiana) to be sold apart; cannot protect his wife's or daughter's chastity against the master's will; has no right of self-defence, but may be lawfully killed for resisting or striking his master or (in some States) any white man; has no appeal from his master; can bring no action; cannot testify in courts; has no right to education, but teaching him to read and write is penally prohibited.

The laws do not pretend to recognize and protect him as a person, except against murder and excessive cruelty; and these laws are nullified if the master take care to kill or torture him apart from the presence of white witnesses; and even if there be legal witnesses, the murderer or torturer can seldom be brought to punishment. 'A cruel and unreasonable battery' on a slave by the master or hirer is *not indictable*. This is Judge Ruffin's decision. (2 Devereux's N.C. Rep., 265). This decision is celebrated for the language in which it is announced, and the grounds on which it is rested.

'*The power of the master*,' says the Judge, '*must be absolute to render the submission, of the slave perfect*. I most freely confess my sense of the harshness of this proposition. I feel it as deeply as any man can. And as a principle of moral right, every person in his retirement must repudiate it. But in the actual condition of things it must be so. There is no remedy. This discipline belongs to the state of slavery. They cannot be disunited without abrogating at once the rights of the master, and absolving the slave from his subjection. It constitutes the curse of slavery to both the bond and the free portion of our population. But it is *inherent in the relation* of master and slave. That there may be particular instances of cruelty and deliberate barbarity where, in conscience, the law might properly interfere, is most probable. The difficulty is to determine where *a court* may properly begin. Merely in the abstract, it may well be asked which power of the master accords with right. The answer will probably sweep away all of them. But we cannot look at the matter in this light. The truth is we are forbidden to enter on a train of general reasoning on the subject. *We cannot allow the right of the master to be brought into discussion in the courts of justice. The slave, to remain a slave, must be made sensible that there is no appeal from his master, that his power is, in no instance, usurped, but is conferred by the laws of man, at least, if not by the laws of God.*'

Such is slavery under the slave code. Men are sometimes better and sometimes worse than their laws. We need not wonder that volumes might be filled with recitals of cruelties and atrocities of torture, ending, in many cases, only with the death of the victim. Nor need we wonder at the more loathsome moral abominations so prevalent in Southern society, which degrade the whites even more than the blacks—of children begotten by masters upon the persons of their slave women—begotten in lust and sold for gain; of beautiful quadroons and octoroons sought and bought for the base pleasure of their owners; of families, where the lawful wives and daughters of the master are served by slaves that are their own uncles, brothers, or sisters, born of slave [Pg 528] women, yielding to the master's lustful will. *Amalgamation is a Southern, not a Northern taste and practice.* The most abominable case that has recently come to light, is that of the young slave mother, at New Orleans, of whose children her own father (a rich rebel) was the father! All these things are inevitably incident to a state of slavery, and there is no law against them.

Such is slavery—such is the institution you advocate as divinely ordered, under the soft phrase, '*subordination to the superior race*'! And this is the way you speak of those whom you term radical Abolitionists: 'Look at the dark conclave of conspirators, freedom-shriekers, Bible-spurners, fierce, implacable, headstrong, denunciatory, Constitution and Union haters, noisy, factious, breathing forth threatenings and slaughter against all who venture a difference of opinion from them, murderous, passionate advocates of imprisonments and hangings, blood-thirsty,—and if there be any other epithet in the vocabulary of wickedness, do they not every one fitly designate some phase of radical Abolitionism?'

I cannot help fancying that it will occur to some that by substituting *slavery-shriekers* and *Bible-perverters* in this sentence, it might at least equally well describe Northern pro-slavery zealots. At any rate, your language is the very extravagance of coarse pro-slavery fanaticism. I have never been of mind with those you term radical Abolitionists; but it seems to me that of the two fanaticisms, the anti-slavery fanaticism is the most respectable in principle, less selfish, and more generous in impulse. I have all my life been disposed to leave the South in undisturbed possession of its constitutional pound of slavery flesh. But when the slaveholders showed an inveterate determination not to be content with that, but to *nationalize* slavery, to carry it everywhere, and to make it the great element of political control throughout the nation, I felt no constitutional obligation to submit. And when the conspirators, foiled in their designs, rushed

into open rebellion, I made up my mind that slavery had best be destroyed—for only when it is, will the conditions of true unity between the South and the North begin to exist—then only will the prosperity and peace of the nation be established on a permanent basis. This is now the opinion of a great many of the best and wisest men at the South. I believe that slavery will be destroyed in the progress and sequel of this war—to the ultimate incalculable advantage of the South.

One word more: You have seen fit to quote Burke and Milton, for the sake of a fling at the *clergy* who venture to discuss the questions of the day. I do not know how far some of your associates will be disposed to thank you. Perhaps their being on your side gives them a capacity not possessed by the others, and exempts them from the application of your rebuke. I have an impression that the culture and habits of thinking of the members of the clerical profession do not particularly unfit them for taking just and sound views on the questions that agitate the public mind, and that their position—cutting them off from all offices and emoluments that are the objects of ambition to party politicians—gives them some special advantages for doing so. For myself, having all my life been devoted to study and thought on the great principles of social and moral order, I feel myself as well qualified, at least, to offer an opinion, as though I had been devoted to the mechanical application of the principles of physical science.

C. S. Henry. [Pg 529]

BUCKLE, DRAPER, AND THE LAW OF HUMAN DEVELOPMENT.

FIRST PAPER.

So parallel are the lines of thought in Mr. Buckle's 'History of Civilization' and Professor Draper's 'Intellectual Development of Europe,' while they continue within the same limits in discussing the law of individual and social progress; and so exactly does the latter work resume the consideration of this law at the point where the English writer abandoned its further analysis, to commence to apply that which he had made to the history of various nations, that one might almost suppose the two authors had undertaken the task conjointly, and divided the work between them.

It was the purpose of Mr. Buckle, in his introduction, to ascertain the sources of social, and, incidentally, of individual development—the fundamental causes of human progression; and subsequently to verify the principles established, by tracing, in general outlines, the rise and advance of leading nations under their impulse. The basis upon which he started in his examination was this: 'That when we perform an action, we perform it in consequence of some motive or motives; that those motives are the results of some antecedents; and that, therefore, if we were acquainted with the whole of the antecedents, and with all the laws of their movements, we could with unerring certainty predict the whole of their immediate results.'

From this proposition the historian concludes 'that the actions of men, being determined solely by their antecedents, must, under precisely the same circumstances, always issue in precisely the same results. And as all antecedents are either in the mind or out of it, we clearly see that all the variations in the results—in other words, all the changes of which history is full, all the vicissitudes of the human race, their progress or their decay, their happiness or their misery—must be the fruit of a double action; an action of external phenomena upon the mind, and another action of the mind upon the phenomena.'

Mr. Buckle gives it as the result of his investigations concerning the relative influence of these two agencies: That external or physical laws have been most powerful in the earlier ages of the world, and among the most ignorant nations; that in proportion as knowledge increases, the power of this class of agencies diminishes, and that of mental laws becomes more predominant; that these latter are therefore the great motor forces of civilization, consisting of two parts, the moral and the intellectual, of which the latter are vastly superior as instruments of social advancement, stationary in their effects; finally, as the formal statement of the laws of human development, he says:

> '1st. That the progress of mankind depends on the success with which the laws of phenomena are investigated, and on the extent to which a knowledge of those laws is diffused. 2d. That before such investigation can begin, a spirit of scepticism must arise, which, at first aiding the investigation, is afterward aided by it. 3d. That the discoveries thus made increase the influence of intellectual truths, and diminish, relatively, not absolutely, the influence of moral truths; moral truths being more stationary than intellectual truths, and receiving fewer additions. 4th. That the great enemy of this movement, and therefore the great enemy of civilization, is the protective spirit—the notion that society cannot prosper, unless the affairs of life are watched over and protected at nearly every turn by the state and the church; the state teaching men what they are to do, and the church teaching them what they are to believe.' [Pg 530]

In all these points the recent work of Professor Draper coincides with that of the lamented

English writer. The main object of the former is, however, to discuss a question more basic than those undertaken by the author of 'Civilization in England,' the consideration of which was by him formally declined: namely, the question of a predetermined order of development lying back of all physical and mental phenomena. The opening sentences of the American book will sufficiently indicate the purpose of its pages:

> 'I intend, in this work, to consider in what manner the advancement of Europe in civilization has taken place, to ascertain how far its progress has been fortuitous, and how far determined by primordial law.
>
> 'Does the procession of nations in time, like the erratic phantasm of a dream, go forward without reason or order? Or, is there a predetermined, a solemn march, in which all must join, ever moving, ever resistlessly advancing, encountering and enduring an inevitable succession of events?
>
> 'In a philosophical examination of the intellectual and political history of nations, an answer to these questions is to be found. * * * Man is the archetype of society. Individual development is the model of social progress.'

It will be sufficient for our present purpose to indicate the line of Dr. Draper's argument, in seeking for a solution to the problem of progress, and to sum up the conclusions to which he is ultimately led by his investigations.

In the intellectual infancy of a savage state, man regards all passing events as depending on the arbitrary volition of a superior but invisible power. The tendency is necessarily to superstition. After reason, aided by experience, has led him forth from these delusions as respects surrounding things, he still clings to his original ideas as respects objects far removed, believing the stars to be inhabited by mysterious powers, or to be such themselves. Gradually he emerges from star worship as he did from fetichism, still venerating and perhaps exalting into immortal gods the genii whom he once supposed to inhabit the stars, long after he has ascertained that the latter are without any perceptible influence on him.

He is exchanging, by ascending degrees, his primitive doctrine of arbitrary volition for the doctrine of law. As the fall of a stone, the flowing of a river, and the ordinary operations of nature familiar to him have been traced to physical causes, to like causes are at last traced the revolutions of the stars. In events and scenes continually increasing in greatness and grandeur, he is detecting the dominion of law. This perception is extended, until at last it embraces all natural events, until they are seen to be the consequences of physical conditions, and therefore the results of law.

> 'But if we admit that this is the case, from the mote that floats in the sunbeam to multiple stars revolving round each other, are we willing to carry our principles to their consequences, and recognize a like operation of law among living as among lifeless things, in the organic as well as the inorganic world? What testimony does physiology offer on this point?'

Physiology, in its progress, has passed through the same stages as physics. Living beings were once considered to be beyond the power of external influences, the various physiological functions being carried forward by a feigned immaterial principle, called the vital agent. But when it was discovered that the heart is constructed upon the recognized rules of hydraulics; the eye upon the most refined principles of optics; that the ear was furnished with the means of dealing with the three characteristics of sound—its tympanum for intensity, its cochlea for pitch, and its semicircular canals for quality; and that the air, brought into the great air passages, calling into play atmospheric pressure, was conveyed upon physical principles into the ultimate cells of the lungs, and thence to the blood; when these and very many other like facts were [Pg 531] brought into prominence by modern research, it became necessary to admit that animated beings do not constitute the exception once supposed, and that organic operations are the result of physical agencies.

> 'If thus, in the recesses of the individual economy, these natural agents bear sway, must they not operate in the social economy too?
>
> 'Has the great, shadeless desert nothing to do with the habits of the nomade tribes who pitch their tents upon it—the fertile plain no connection with flocks and pastoral life—the mountain fastnesses with the courage that has so often defended them—the sea with habits of adventure? Indeed, do not all our expectations of the stability of social institutions rest upon our belief in the stability of surrounding physical conditions? From the time of Bodin, who nearly three hundred years ago published his work 'De Republica,' these principles have been well recognized: that the laws of nature cannot be subordinated to the will of man, and that government must be adapted to climate. It was these things which led to the conclusion that force is best resorted to for northern nations, reason for the middle, and superstition for the southern.'

The importance of physical agents and physical laws in the social as well as in the individual economy, is variously illustrated by Professor Draper, who points out the essential part they play in several departments of nature. To the merely mechanical inclination of the earth's axis of rotation toward the plane of her orbit of revolution around the sun, we owe the changing seasons

and the method of life which is dependent on these. The alteration of that physical arrangement would involve a corresponding alteration in the whole life of the globe. So, again, the possibility of existence upon the earth, in any way, depends upon conditions altogether of a material kind. It is necessary that our planet should be at a definite mean distance from the source of light and heat, the sun; and that the form of her orbit should be almost a circle, since it is only within a narrow range of temperature, secured by these conditions, that life can be maintained.

It is through natural agents also that the means of regulation are secured in the present economy of the globe. Through heat, the distribution and arrangement of the vegetable tribes are accomplished; through their mutual relations with the atmospheric air, plants and animals are interbalanced, and neither permitted to obtain a superiority. The condensation of carbon from the air and its inclusion in the strata constitute the chief epoch in the organic life of the earth giving a possibility for the appearance of the hot-blooded and more intellectual animal tribes. That event was due to the influence of the rays of the sun.

Passing from inorganic to organic forms, our author remarks that their permanence is altogether dependent 'on the invariability of the material conditions under which they live. Any variation therein, no matter how insignificant it might be, would be forthwith followed by a corresponding variation in the form.' At this point we are brought to the far-famed 'development theory,' which, since the publication of the 'Vestiges of Creation,' has been the scientific battle field of the naturalists of the world. Professor Draper is, of course, a firm adherent of this theory. He continues:

> 'The present invariability of the world of organization is the direct consequence of the physical equilibrium, and so it will continue as long as the mean temperature, the annual supply of light, the composition of the air, the distribution of water, oceanic and atmospheric currents, and other such agencies, remain unaltered; but if any one of these, or of a hundred other incidents that might be mentioned, should suffer modification, in an instant the fanciful doctrine of the immutability of species would be brought to its true value. The organic world appears to be in repose, because natural influences have reached an equilibrium. A marble may remain forever motionless upon a level table; but let the surface be a little inclined, and the marble will quickly run off. [Pg 532] What should we say of him who, contemplating it in its state of rest, asserted that it was impossible for it ever to move?
>
> 'When, therefore, we notice such orderly successions, we must not at once assign them to a direct intervention, the issue of wise predeterminations of a voluntary agent; we must first satisfy ourselves how far they are dependent upon mundane or material conditions, occurring in a definite and necessary series, ever bearing in mind the important principle that an orderly sequence of inorganic events necessarily involves an orderly and corresponding progression of organic life.
>
> 'To this doctrine of the control of physical agencies over organic forms I acknowledge no exceptions, not even in the case of man. The varied aspects he presents in different countries are the necessary consequences of those influences.'

Whether we advocate the doctrine of the origination of the human race from a single pair, or from different races at different centres, we are, in Dr. Draper's judgment, alike driven to the conclusion of the transitory nature of typical forms, to their transmutations and extinctions. In the former case, we can only account for diverse races, having different shades of complexion, different varieties of skull, etc., by the admission of the paramount control of physical agents, such as climate and other purely material circumstances; in the latter, we can only account for the varieties visible among the different races themselves on similar grounds.

Variations in the aspect of man are best seen when an examination is made of nations arranged in a northerly and southerly direction, the differences of climate being much greater in this direction than from east to west. These variations do not affect complexion, development of the brain, and, therefore, intellectual power, only. But differences of manners and customs, that is, differences in the modes of civilization, must coexist with diversities of climate. An ethnical element is therefore necessarily of a dependent nature; its durability arises from its perfect correspondence with the conditions by which it is surrounded. Whatever can affect that correspondence will touch its life.

With such considerations the author passes from individuals to groups of men or nations:

> 'There is a progress for races of men as well marked as the progress of one man. There are thoughts and actions appertaining to specific periods in the one case as in the other. Without difficulty we affirm of a given act that it appertains to a given period. We recognize the noisy sports of boyhood, the business application of maturity, the feeble garrulity of old age. We express our surprise when we witness actions unsuitable to the epoch of life. As it is in this respect in the individual, so it is in the nation. The march of individual existence shadows forth the march of race existence, being, indeed, its representative on a little scale. Groups of men, or nations, are distributed by the same accidents, or complete the same cycle as the individual. Some scarcely pass beyond infancy; some are destroyed on a sudden; some die of mere old age. In this confusion of events, it might seem altogether hopeless to disentangle the law which is guiding them all, and demonstrate it clearly. Of such groups each may exhibit, at the same moment,

an advance to a different stage, just as we see in the same family the young, the middle aged, and the old. * * * In each nation, moreover, the contemporaneously different classes, the educated and illiterate, the idle and industrious, the rich and poor, the intelligent and superstitious, represent different contemporaneous stages of advancement. One may have made a great progress, another scarcely have advanced at all. How shall we ascertain the real state of the case? Which of these classes shall we regard as the truest and most perfect type?'

In order to deal with this problem, and to demonstrate the general nature of a movement having such diverse components, we must, continues Professor Draper, select, from a family or a nation, or a family of many nations, such members or classes or states as most closely represent respectively its type or have advanced most completely in their career. In a state the leading or [Pg 533] intellectual class is always the true representative. It has passed gradually through the lower stages, and has made the greatest advance.

We are next called to notice that individual life is maintained only by the production and destruction of organic particles, death being necessarily the condition of life; and that a similar process occurs in the existence of a nation, in which the individual represents the organic molecule, whose production, continuance, and death in the person, answers to the production, continuance, and death of a person in the state. In the same manner that individuals change through the action of physical agencies and submit to impressions, so likewise do aggregates of men constituting nations. 'A national type pursues its way physically and intellectually through changes and developments answering to those of the individual, and being represented by infancy, childhood, youth, manhood, old age, and death, respectively.'

This orderly process may, however, be disturbed by emigration, by blood admixture, or by other exterior or interior occurrences, which would involve a corresponding change in the national characteristics and duration; perhaps result in the rapid and total disappearance of the community.

For—and this brings us to the last point of analogy which Professor Draper gives between individual and national life—nations, like individuals, die. Empires are only sandhills in the hourglass of Time; they crumble spontaneously away by the process of their own growth.

'A nation, like a man, hides from itself the contemplation of its final day. It occupies itself with expedients for prolonging its present state. It frames laws and constitutions under the delusion that they will last, forgetting that the condition of life is change. Very able modern statesmen consider it to be the grand object of their art to keep things as they are, or rather as they were. But the human race is not at rest; and bands with which, for a moment, it may be restrained, break all the more violently the longer they hold. No man can stop the march of destiny. * * * The origin, existence, and death of nations depend thus on physical influences, which are themselves the result of immutable laws. Nations are only transitional forms of humanity. They must undergo obliteration as do the transitional forms offered by the animal series. There is no more an immortality for an embryo in any one of the manifold forms passed through in its progress of development.

'We must, therefore, no longer regard nations or groups of men as offering a permanent picture. Human affairs must be looked upon as in continuous movement, not wandering in an arbitrary manner here and there, but proceeding in a perfectly definite course. Whatever may be the present state, it is altogether transient. All systems of civil life are therefore necessarily ephemeral. Time brings new conditions; the manner of thought is modified; with thought, action. Institutions of all kinds must hence participate in this fleeting nature; and, though they may have allied themselves to political power, and gathered therefrom the means of coercion, their permanency is but little improved thereby; for, sooner or later, the population on whom they have been imposed, following the external variations, spontaneously outgrows them, and their ruin, though it may have been delayed, is none the less certain. For the permanency of any such system it is essentially necessary that it should include with its own organization a law of change, and not of change only, but change in the right direction —the direction in which the society interested is about to pass. It is in an oversight of this last essential condition that we find an explanation of the failure of so many such institutions. Too commonly do we believe that the affairs of men are determined by a spontaneous action or free will; we keep that overpowering influence which really controls them in the background. In individual life we also accept a like deception, living in the belief that everything we do is determined by the volition of ourselves or of those around us; nor is it until the close of our days that we discern how great is the [Pg 534] illusion, and that we have been swimming, playing, and struggling in a stream which, in spite of all our voluntary motions, has silently and resistlessly borne us to a predetermined shore.'

These lines were written before the commencement of our civil war. The following sentence, taken from the postscript to the preface, gives them, at this time, additional significance:

'When a nation has reached one of the epochs of its life, and is preparing itself for another period of progress under new conditions; it is well for every thoughtful man interested in its prosperity to turn his eyes from the contentions of the present to the

accomplished facts of the past, and to seek for a solution of existing difficulties in the record of what other people in former times have done.'

Guided by this law of development, Professor Draper sets out on his task of investigating the course of European progress. For the purpose of facilitating this investigation, he divides the intellectual progress of the nations examined, into five periods: 1, The Age of Credulity; 2, The Age of Inquiry; 3, The Age of Faith; 4, The Age of Reason; 5, The Age of Decrepitude; corresponding with the five divisions of individual life, as previously stated, from infancy to old age. The general line of examination and its results may be stated by giving the opening paragraphs of his closing chapter:

'The object of this book is to impress upon its reader a conviction that civilization does not proceed in an arbitrary manner, or by chance, but that it passes through a determinate succession of stages, and is a development according to law.

'For this purpose we considered the relations between individual and social life, and showed that they are physiologically inseparable from one another, and that the course of communities bears an unmistakable resemblance to the progress of an individual, and that man is the archetype or exemplar of society.

'We then examined the intellectual history of Greece—a nation offering the best and most complete illustration of the life of humanity. From the beginning of its mythology in old Indian legends, and of its philosophy in Ionia, we saw that it passed through phases like those of the individual to its decrepitude and death in Alexandria.

'Then addressing ourselves to the history of Europe, we found that, if suitably divided into groups of ages, these groups, compared with each other in chronological succession, present a striking resemblance to the successive phases of Greek life, and therefore to that which Greek life resembles—that is to say, individual life.'

Looking at the successive phases of individual life, Professor Draper finds intellectual advancement to be their chief characteristic. The anatomist discovers that the human form advances to its highest perfection through provisions in its nervous structure for intellectual improvement. In like manner the physiologist ranks the vast series of animals now inhabiting the earth in the order of their intelligence. The geologist declares that there has been an orderly improvement in intellectual power of the beings that have successively inhabited the earth.

The sciences, therefore, join with history, infers Professor Draper, in affirming that the great aim of nature is intellectual improvement; intellectual improvement in the individual, and hence, man being the archetype of society, intellectual advancement in the race.

'What, then, is the conclusion inculcated by these doctrines as regards the social progress of great communities? It is that all political institutions—imperceptibly or visibly, spontaneously or purposely—should tend to the improvement and organization of national intellect. * * *

'A great community, aiming to govern itself by intellect rather than by coercion, is a spectacle worthy of admiration. * * * Brute force holds communities together as an iron nail binds pieces of wood by the compression it makes—a compression depending on the force with which it has been hammered in. It also holds more tenaciously if a little rusted with age. But intelligence binds like a screw. The things it has to unite must be carefully adjusted to its thread. It must be gently turned, not driven, and so it retains the consenting parts firmly together. * * * [Pg 535]

'Forms of government, therefore, are of moment, though not in the manner commonly supposed. Their value increases in proportion as they permit or encourage the natural tendency for development to be satisfied.'

Intellectual freedom should be secured in free countries, adds Dr. Draper, as completely as the rights of property and personal liberty. Philosophical opinions and scientific discoveries are entitled to be judged of by their truth, not by their relation to existing interests.

'There is no literary crime greater than that of exciting a social, and especially a theological odium against ideas that are purely scientific, none against which the disapproval of every educated man ought to be more strongly expressed. The republic of letters owes it to its own dignity to tolerate no longer offences of that kind.

'To an organization of their national intellect, and to giving it a political control, the countries of Europe are rapidly advancing. They are hastening to satisfy their instinctive tendency. The special form in which they will embody their intentions must, of course, depend to a great degree on the political forms under which they have passed their lives, modified by that approach to homogeneousness, which arises from increased intercommunication.'

In an all-important particular, concludes Dr. Draper, the prospect of Europe is bright. It approaches the last stage of civil life through Christianity. Universal benevolence cannot fail to yield better fruit than has been secured in the past. There is a fairer hope for nations animated by a sincere religious sentiment, who, whatever their political history may have been, have

always agreed in this, that they were devout, than for a people who, like the Chinese, now passing through the last stage of civil life in the cheerlessness of Buddhism dedicate themselves to a selfish pursuit of material advantages, who have lost all belief in a future, and are living without any God.

The large space given to the statement of the purpose and drift of 'The Intellectual Development of Europe,' will allow only a brief consideration, in this paper, of the two great points presented by its author. These are, the question of the relative value of moral and intellectual truths in the progress of the human race; and the nature of the law of individual and social development. Both Professor Draper and Mr. Buckle affirm, and endeavor to support the affirmation with array of proof, that intellectual truths are more important and more concerned in the march of society, in the advancement of mankind, than moral ones; and both conclude that the great object of life, its final achievement, is intellectual culture and mental unfoldment in the individual and in the race. To the consideration of these points we will, therefore, direct our attention.

The social, political, religious, and scientific development of the world proceeds under the operation of two grand antagonistic principles. One is the principle of Unity. The other that principle which is the opposite of unity, which we will call Individuality. The first tends to bring about coöperation, consolidation, convergence, dependence; the second to produce separation, isolation, divergence, and independence. Unity is the principle which tends to order; Individuality to freedom. The desire of order is the animating sentiment of conservatism. The love of freedom is the vital essence of progress. Unity is the static, and Individuality the motic force of human society. Both are inherent in the nature of things, and equally important as elements of a true social organization. Unity is allied to the affections, which are synthetic in their character; Individuality, to the intellect, which is mainly analytical, critical, and disruptive in its tendency. [Pg 536] Unity is predominant in religion, which is static in its nature; Individuality, in science, which is primarily disturbing. In the distribution of the mental faculties, Unity relates to the moral powers, and Individuality to the intellectual; the former being, as both Mr. Buckle and Professor Draper have shown, more stationary in their character than the latter.

Unity is represented in social affairs by the institutions of community which tend to bind the people into a composite whole; Individuality, by the personal independence which liberates from the conventionalities of association and creates social freedom. In the religious domain, Unity is represented by faith, which is allied to the emotional or affectional nature, and is predominantly concessive, unquestioning, and submissive; Individuality, by the spirit of inquiry and investigation, which will only believe after intellectual examination and satisfaction. In political affairs, Unity is represented by the principle of leadership, seen, in its one-sided and imperfect form, in despotic or monarchical rule; Individuality, by the democratic principle of political equality. In science, the two principles have various analogues in different departments. In rational mechanics, unity is analogous to statics, and individuality to dynamics. In astronomy, unity to the centripetal, and individuality to the centrifugal force. Unity is allied to synthetical, and individuality to analytical chemistry. It will not be necessary to specify further analogies. These two principles are everywhere present throughout the universe; and it is through the mutual play of their opposite drifts, when rightly adjusted and balanced, that harmony is secured, as in the revolutions of the planets; while disharmony is the result, wherever it exists, of an undue preponderance, either of the tendency to unity, on the one hand, or of that to disunity or individuality, on the other.

In virtue of this analysis, looking at the question solely from the stand point of abstract science, we should affirm that moral truth, as the analogue or representative of the principle of unity, and as the converging tendency, was exactly the equal and counterpart of intellectual truth, the analogue of the diverging tendency, represented by the principle of individuality. To assert the contrary, would be equivalent to averring that dynamics were more important agencies in mechanics than statics; that the centrifugal force was more essential to the harmonious movements of the heavenly bodies than the centripetal, because the functions of statics and centripetal force are more stationary in their nature; or that the head was more important than the heart, which two parts are, in the human organism, the respective representatives of intellect and affection, the basis of moral power.

The truth, in relation to all these particulars, will appear on closer examination, if not already shown, to be this: *that the principle of Unity and the principle of Individuality must everywhere be represented in proximately equal proportions, in order to effect a just balance of conditions and to secure practical harmony*. Centralization and freedom must everywhere coexist, and be equally operative. Conservatism is as important to society as progress. Conservatism overbalancing progress, destroys society by stagnation, blotting out the individuality of the person and moulding men into machine-like uniformity; progress preponderating over conservatism, destroys the community by disrupting bands of association before new methods are sufficiently understood, and giving reins to a liberty whose untutored use can end only in anarchy and unbridled license. Conservatism and progress, the centripetal and centrifugal forces of society, each being equally balanced, will result in a harmonization of social interests that will cause community to move on its career as evenly as the planet moves in its graceful orbit. So in [Pg 537] every other department, wherever these opposite principles are equally adjusted by allowing each full play, there results perfect consonance and peace. Order and freedom in government; unity and liberty in church; individuality and mutuality in society; these are the elements, when

alike operative, of security and success in their respective domains, in individual and social life.

To secure the highest state of civilization, it is therefore essential that there should be an equal activity of the intellectual and of the moral or (as they may be more appropriately called) the religious faculties: religion being, in its broadest sense, devotion—arising from a conscientious feeling of duty or obligation—to that which appears to the individual as the highest truth; and the faculties which are active in the exercise of this devotion being the moral or religious ones. Viewed as a question of abstract science merely, the investigation might be arrested at this point, with the conclusion that intellectual and moral agencies were both indispensible to the progress of humanity, and the right relations of society, and, therefore, equally important elements of social advancement. Additional proof will be given incidentally, however, of this general truth, in the consideration of the special case of the relative value of these agencies in the past progress of the nations.

It has been said that the development of the world proceeds under the operation of the antagonistic principles of unity and individuality. Unity, as a prior idea to individuality, which latter arises from the disintegration of that which was formerly one—had, historically, a prior development. The period of its paramount sway in the first grand division of time stretches from the dawn of history up to about the twelfth century, or to the beginning of the revival of learning. The principle of individuality then began to be active, and has guided the subsequent progress of civilization. At no time, nor in any nation, however, has either one of these principles been entirely inactive. One or the other has *preponderated*, and thus given distinct characteristics to its age. It is to these preponderating drifts that reference is made in the foregoing division, as specially marking periods.

The opposite tendencies of unity and individuality, and their successive development have been somewhat vaguely apprehended by Professor Draper,—who has not, however, perceived them as *principles*,—and have furnished him with the periods into which he arbitrarily divides the progressive epochs of social growth. If we change these divisions into their proper order—an order singularly disarranged by this author—we shall have substantially the representative periods in the historical domain, of unity and individuality. The order in which these eras are placed in 'The Intellectual Development of Europe' is, 1, Age of Credulity; 2, Age of Inquiry; 3, Age of Faith; 4, Age of Reason; 5, Age of Decrepitude. It is evident, however, as partially shown by Mr. Buckle, that the age of inquiry is uniformly subsequent to the age of faith, and immediately precedes the age of reason. Comparing this distribution, moreover, with the one given by Dr. Draper of the five stages of human existence to which he makes it correspond, we find childhood given as the age of inquiry, youth of faith, and manhood of reason. The ages of inquiry and faith should, however, change places, in order to be congruous. In applying these periods to the history of Greece, the age of inquiry is made to extend from the rise of philosophy to the time of Socrates; and the age of faith to comprise the epochs of Socrates, Plato, and the Skeptics, up to about the time of Aristotle. But in any such division as Dr. Draper attempts, the age of faith should precede the rise of philosophical speculation, and the age of inquiry should include the era of ethical as well as of physical investigation. In the application to European history a similar error is made. The age of inquiry is given as the epoch of the rise of Christianity and the establishment of the papal power; then follow the thousand years of the age of faith, the age of reason beginning a little before the time of Galileo. The time given to the age of inquiry should have been included in the age of faith, while the real European age of inquiry is the era of the restoration of learning, the development of modern languages, the invention of printing, and the Reformation, an era which Dr. Draper discusses in a chapter entitled: 'Approach to the Age of Reason in Europe. *It is preceded by the Rise of Criticism.*' Certainly the epoch of the rise of criticism, of the Reformation, and of printing, is the age of inquiry, if any age is entitled to that name. [Pg 538]

Changing then the places of the age of inquiry and that of faith, we shall have, so far as the grand or European division is concerned, the epochs of credulity and faith, both essentially stationary elements, included within the stage of the development of the principle of unity; and those of inquiry and reason, both mainly productive of change, within the period of the reign of the principle of individuality. Judging now solely from our knowledge of the nature of these opposite drifts, what should we expect to discover as the prevalent characteristics of their respective periods of supremacy? We should look, during the time in which the principle of unity was developing its powers, for the predominant manifestation of all those elements of progress which belong on the side of order, strength, stability, permanence, conservatism, community of interests, associative effort, uniformity in political and religious belief, moral activity; for all those elements, in fine, which tend toward the unification of social power and interest, and toward progress by coöperation; and we should expect a corresponding lack of tendencies of an opposite kind. On the other hand, during the era in which the principle of individuality predominated, we should be prepared to see a preponderating manifestation of all those elements which tend to freedom, change, disintegration of interests, antagonistic or competitive effort, diversity in political and religious belief, intellectual activity; of all those drifts, in short, which relate to the individualizing of social power and interests, and to progress by antagonism; with corresponding absence of the elements active in the preceding epoch.

Turning now to Dr. Draper's storehouse of historical facts, do we find our expectations realized or disappointed?

We discover that during the age in which the principle of unity was dominant, vast, magnificent, opulent empires existed, consolidated, stable, powerful, orderly; but whose subjects possessed

comparatively no freedom, which resisted all effort at progression, denied to men political equality, and sought to prevent all desire of change. We see a religious organization which bound the people in a single faith by a common creed; which fostered a spirit of brotherly sympathy; kept alive the fire of holy zeal by pious ministrations; taught the universal brotherhood of the human race; cultured the emotional nature of its worshippers; sought to eradicate pauperism, to abolish slavery, and to inculcate practical humility, treating peasant and king as equals before God; endeavored to provide for the spiritual and material wants of mankind; to become the guardian of the weak, the educator of the ignorant, the rescuer of the vicious, the comforter of the sorrowing, and the strong hand of protection between selfish or brutal power and the lowly; which, however, resisted all efforts at intellectual freedom, shut its ears to the voice of science, strove to repress the rising desires of the soul and keep it in perpetual bondage and darkness. We behold, next, a social organization in which, as a general rule, though with many exceptions, [Pg 539] each individual held his fitting place, the station for which he was best adapted by natural character and training; in which each rank recognized its obligations of deference toward superiors, and of guardianship toward inferiors, and fulfilled, in the main, as they were then understood, the practical duties which these obligations created; in which the rich and powerful were the social fathers of the poor and humble, securing them from physical want and from the snares of designing men; but in which the spirit of independence was not alive, the dignity of labor was denied, the development which results from competitive struggles unknown, and education uncared for.

But the achievements of this stage of individual and social growth, those which stand out as the illustrious and characteristic features of the time, were its moral or religious accomplishments. The pages of history which detail the events of this epoch, are crowded with relations of heroic devotion to the individual's highest ideal of truth, not as occasional acts of life, but as the dominating purpose of existence; of loyalty to men and women of superior powers; of self-sacrifice for the welfare of others. The sentiments of Christianity, which appeal mainly to the heart, took fast hold on the emotional and affectional natures of a simple people not yet developed in their intellectual faculties. A sense of responsibility for his every action rested heavily on every person. Men shut themselves in dungeons, scourged their flesh, lacerated their bodies, inflicted all manner of torture on their frames, that they might purge away every evil desire, every wrong propensity, and conquer their material elements into submission to the spiritual. Deeds of lofty self-abnegation, rarely if ever known to modern days, were then common. Stern virtue, as virtue was then understood, was largely prevalent. The habits of life were devout, reverential, careful of sanctities, solemn and austere. Individuals and community lived in the constant remembrance of being strictly accountable for the manner and actions of their lives. A moral and religious atmosphere pervaded society, such as our modern levity can little understand. An atmosphere which impregnated every living being who came within its scope, and hallowed their lives, so that the guiding and animating spirit of the day, among high and low, rich and poor, ignorant and learned, was the conscientious desire of thinking, acting, and living as God wished and as their better natures approved; of being pure in their purposes and holy in their deeds, as purity and holiness were then conceived; of subduing and controlling their passions, and in all ways being devoutly scrupulous that everything they did was dictated, not by a desire to gratify a selfish impulse nor an ebullition of feeling, but by a conviction of duty under a sense of eternal responsibility to God.

The moral and religious grandeur of the age could not avail, however, for the highest purposes of civilization, in the absence of intellectual vigor and mental growth. Devotion itself made men bigots. Their love of God, unaccompanied by right views of human liberty, induced cruel persecutions. Humanity had no hope in such developments alone, grand as they were, and a new principle began its career, gradually supplanting the first. What does our historian give as the facts of civilization since the century preceding the Reformation, from which time the tendency to individuality has been predominant?

The great kingdoms and empires of the earlier days melted away under its influence. The divine right of kings, and the theory that power sprang from the ruler, gradually yielded to the democratic principle of political equality and the origination of power in the people. Civil liberty became the touchstone of good government, instead of centralization of power and consolidation. [Pg 540] General eligibility to office grew into vogue in the place of the ancient mode, which practically limited the selection of statesmen and officials to a privileged class, comprising the largest and most cultured minds of the nation. Freedom, and consequent diversity, in thought, in speech, and in action, became paramount considerations to coercion and resulting uniformity in these respects. The functions of rule were step by step curtailed until they dwindled theoretically, and, to a large extent, in the most advanced countries, practically, into two only—the protection of person and of property. That government is best which governs least, came to be an axiom of political progress; and the paramount purpose of civil organization is beginning to be regarded, not, as under the monarchical sway, the preservation of order, but the liberty of the people.

In ecclesiastical affairs, we see the integrality of the church destroyed under the influence of the Protestant principle of private judgment, one of the first fruits of individuality. We perceive sects gradually subdividing into sects, until, instead of a unity of religious sentiment and a sympathy of religious action under the impulse of a common creed, an innumerable variety of religious denominations came into existence, each embodying different beliefs in diverse articles of faith, and refusing Christian fellowship with the others. In this transition the gain has been great, and the loss has been great. The human soul has been liberated to the light of intellectual truth, and emancipated from the bands of ancient superstition. The blessings of education, culture, mental

development, and social expansion, have been accorded to the people. Gloomy asceticism has yielded to more hopeful views of life. Dark and depressing theological dogmas have received more cheerful interpretations; and the design of creation, the nature of man, and the destiny of humanity are seen in more alluring colors. The expectations of the future are no longer made terrible by visions of a dreadful God; but beneficence and goodness smile through all the purposes of a loving Father.

All this is gain, is strength, is progress. But what shall we say of that fierce spirit of religious antagonism, which resulted from the disruption of the unity of the church? Of that decline in power which can only exist by consolidation of effort in sympathy of spirit? Of the loss of that capacity through powerful organization to influence men, to perform vast deeds of benevolence, superintend the spiritual and material conditions of the indigent, provide for the comfort of the poor, check the encroachment of the strong on the weak, and hold community in respectful awe by the force of its moral and religious sentiments? The cultivation of the intellectual faculties released the nations from the domination of a narrow-minded spiritual power; but it caused men to forget, to a great extent, while in the hot pursuit of knowledge, that moral culture is equally as essential as mental. To the intellectual gain, during this period of development, we must add a corresponding moral or religious loss. We miss, in modern life, the ever-present, all-pervading, conscious sense of high individual accountability which directed the thoughts, controlled the feelings, and overshadowed the lives of the children of the former stage of progress. The activities of intellectual and material existence absorb the energy of our era, and leave little inclination and less strength for the cultivation and expansion of the deeper faculties of man's nature. In all that side of religious progress which comes from the inculcation of true ideas concerning God, man, human destiny, and human duty; in all which belongs to the *intellectual* side of religion, the side which enhances our knowledge of what should be done, we have far surpassed the nations and the people of the past. But in all that pertains to the emotional, the [Pg 541] devotional, and especially to the *moral* side of religion, we are far behind them. The animating spirit of life, under the predominating influence of the religious sentiment, was, as we have seen, a conscientious endeavor to live, in all ways, a life of purity, of virtue, and of implicit obedience to the highest dictates of truth, according to the understanding of truth which then prevailed. To do that which they deemed right, no sacrifice was too great, no labor too arduous, no suffering too severe. The deep, abiding, earnest, controlling spirit of the time, shone bright and glorious through all its ignorance, degradation, and superstition, a warning to our later and more cultured age, that the triumphs of the intellect are not all that is requisite for the final achievements of civilization.

The influence of the individualizing tendency is no more perceptible on the page of history, in political and religious affairs, than in the relations of social life. The gradual advance in political ideas, as relating to the liberty of the people, modified the oppressive trade-caste systems of the older nations, and wholly abolished them in the more advanced. Competitive industry introduced intelligence and self-reliance among the people. The doctrine of the equality of men elevated the spirit of the laborer, and dispersed, to a greater or less extent, as the doctrine made itself felt, that servile veneration which the lower classes paid to the higher; the essential dignity of labor is becoming acknowledged. To all these benefits, there have been, nevertheless, corresponding losses. Competitive industry has developed the mental faculties of the people; but has also left the ignorant and the weak still under the feet of the intelligent and the rich, while the recognition of the doctrine of social and political equality has eliminated from the community those distinctive classes who formerly constituted themselves the supervisors and patrons of the indigent, and the providers for their material wants. It is for this reason that the lowest orders of modern society exhibit relatively a condition of physical misery unknown to the poor of former times. So, while the inherent and native dignity of manhood has cropped out, under the impulse of this same idea of the equality of man, reverence for things to which reverence is due, respect for sanctities of whatever kind, deference to superior worth in any sphere—these and other virtues which belong on that side of truth which consists of the recognition of the inherent *inequality* of man in mental, moral, and spiritual characteristics, are rapidly disappearing, giving place to that spirit of dead-levelism so peculiarly illustrative of the prevalent sentiment in this country, and so aptly denominated 'Young America.'

It is in the loss of this side of truth, this want of recognition of the inherent inequality in men, that one of the greatest elements of national power has disappeared. That individuals differ in their organization and capacities one from another, and are hence, in this respect, unequal, is a generally accepted truism. From this inequality it results that every man has some sphere in which he is superior to all others, and in regard to the concerns of which he should be the voluntarily recognized authority. But, except in the departments where men are entirely ignorant, and hence are forced to acknowledge the supremacy of others, there is, among the most advanced peoples, scarcely any recognition, of this great truth of voluntary deference to those who are entitled to superiority. Persons of only ordinary capacities, who read the newspaper, but who elsewise have had little time or inclination for study, boldly argue abstrusest questions concerning military methods, political economy, theology, or ethics, with students and thinkers, without the slightest suspicion that they have no *moral* right to enter into such a [Pg 542] dispute, under such circumstances; their true position being that of learners. It is not wholly from a want of knowledge that such errors are committed. Men are mainly aware that *political* equality does not mean equality of faculties and of functions. This assumption of a parity which has no existence, arises in a large measure from a want of moral power; from a lack of that religious development, so prevalent in the first state of progress, which made it possible to conquer pride, subdue egotism, cultivate humility, defer to superiority, and enabled the

individual in all ways to accept cheerfully his proper position in society, and cordially to recognize that of every other, so far as he understood them. Political and social equality emancipate mankind from civil slavery, from social oppression, from the forced domination of assumptive aristocracies, from the pride of rank; they prohibit any imposition of authority which the individual does not willingly accept; but they do not lift one iota of that responsibility which rests upon every human being to honor the truth wherever or whatever it may be. Truth demands that we recognize our superiors, in whatever sphere we may find them, and eagerly avail ourselves of their advantages; that we recognize our inferiors, and give them, if they will accept, of our store. That we in America are no longer coerced into the acknowledgement of an assumed superior class, only renders our obligation of voluntary deference more binding. The selfishness and recklessness which the principle of individuality has developed in its course; the disregard of moral duties which it has engendered, promise only disaster and defeat to our national career, unless speedily counteracted by a development of the opposite tendency.

Finally, it is in the sphere of intellectual growth, with its resulting scientific achievement and material prosperity, that we must look for the greatest results of the period in which the principle of individuality has preponderated. It is needless to undertake to detail these here. Every department of human concern has felt their influence, and advanced under it. Through science, the world in which we live has been unfolded to our vision; the organism we inhabit made known; the history of the past revealed; and the destiny of our future forecast. To science, the offspring of intellectual activity, we owe our increased facilities for travel; the gradually accumulating comforts of life; extended commercial advantages; national growth; social amelioration; increased power over the elements; and rapidly accumulating wealth. To mental development we owe civil freedom, social culture, and religious liberty; commerce, invention, arts, education, enterprise. The principle of individuality still guides the development of our day; science is discovering new resources; and practical applications are introducing new elements of prosperity. The stage of unity has done its work; it gave us great elements of civilization, but not enough. The stage of individuality, now swiftly advancing to its close, has furnished magnificent contributions to progress, but could not achieve the highest point. We are passing into a third era, which shall combine the good results of each, and ultimate a nobler form of individual and social life.

Here, then, we may pause in our investigation and ask the conclusion. Have intellectual truths been more important in the past progress of the world than moral ones? Let us sum up. We have seen that the early ages of the world were dominated by the principle of unity; that during its career the moral agencies preponderated, while the intellectual were subordinated; that society, under the influence of these agencies, developed to a higher degree than subsequently certain elements, such as political order, national stability, religious sympathy, moral responsibility, [Pg 543] associative labor, deference, reverence, and others, absolutely essential to the highest well-being of a nation; that these elements, however, in the absence of those of an opposite or counteracting nature, had a morbid rather than a healthful action, and kept humanity in darkness and stagnation, being inadequate to all the requirements of social progress; that a new development then began, under the impulse of a new and opposite principle, which evolved precisely those tendencies the want of which had prevented the complete realization of the highest purposes of national life; such were intellectual culture, political liberty, social equality, religious freedom and others; that in the course of the development of these principles, likewise absolutely necessary to the complete organization of community, those which had been predominant under the operation of the drift toward unity, became dormant; so that the results of the second stage of progression were, practically, the same as those of the first, namely, the evolution of magnificent principles, which in the absence of their counterparts had not a healthful action, and were unavailable for the establishment of the highest civilization; and finally, we have seen, from the nature of the two principles, that neither is adequate, alone, to the inauguration of a true social order, neither to develop the indispensable requisites which belong to its opposite, but that in every harmonious organization both must be present, mutually functioning, interblending, and expanding.

This, then, is the answer: The moral agencies have tried to secure the highest social state without the aid of the intellectual, and have failed. The intellectual agencies have sought to secure the same object without the aid of the moral, and have likewise failed. There is no possibility of establishing the *desideratum* without the full and uninterrupted play of the moral faculties; no possibility of establishing it without the full and uninterrupted play of the intellectual faculties; both have been equal factors in the history of the past in an isolated way; both will be equal factors in a blended harmony in the history of the future. One is humanity's head, and the other humanity's heart. With the absence of either the nation is not yet come into its birth; it is still an embryo.

In this exhibition of the nature and tendency of the principles of unity and individuality, we have also the means of correcting the error into which Professor Draper has fallen respecting the law of human development. He, together with Mr. Buckle, has failed to perceive that the *static* forces are as important to human growth as the *motic*. He would reject the fruits of the stage of unity and be satisfied with the splendid achievements of the intellectual era. Dazzled by the brilliancy of this later age he is not conscious that in securing the finer results of our riper civilization, we have left in abeyance the deeper, sterner, and more religious elements of life. He would urge us onward in our merely intellectual career, unmindful of the lesson, which the pages of history logically teach, which the principles we have pointed out unerringly confirm, that intellectual development, religious liberty, civil freedom, social equality, unbalanced and unregulated by the

centralization, consolidation, moral force, religious responsibility, and the tendencies which belong to the principle of unity, push irresistibly toward disintegration, and end inevitably in political revolution, national disruption, and social anarchy. Toward that goal the nations are now steadily setting under the operations of the tendency to individuality. In the direction which Dr. Draper points for success and prosperity are only disaster and despair: 'The organization of the national intellect' has been and will be fruitless, unless accompanied by the organization of the [Pg 544] national moral power. China has the former in an inferior and stunted way, without the latter, and is fitly described by the historian as passing cheerlessly through the last stage of civil life. Had she been less selfish, had she felt deeply the moral and religious obligation she owed to humanity, China had liberated the intellectual faculties to a complete freedom under the sanctification of the moral agencies, and added to that permanence, which is *one* of the chief factors of national success, the freedom which is the other.

The 'predetermined order of development' has not destined the peoples of the earth to the melancholy fate of China. The climacteric of the present stage of progress is rapidly approaching, is even now touching with its finger the startled nations. When it shall have passed, the world will enter upon the third and final stage of civil progress, in which the organized power, social order, moral grandeur, religious unity, and coöperative industry of the past epoch will be allied to the civil liberty, social equality, intellectual culture, and practical activity of the present. Under these combined influences humanity will start upon a new career, whose achievements in literature, in science, in art, in religion, in practical activities, will make even the vast accumulations of our modern day seem to the future historian insignificant accomplishments, 'a school-boy's tale, the wonder of an hour.'

To the American student of history his own country presents, at the present time, a most mournful and convincing example of the inability of intellectual agencies to secure national stability or individual prosperity in the absence of moral strength. Here education has been general, mental activity great, and literary culture prevalent. Here, nevertheless, during half a century a giant wrong has held paramount sway; dominating the sentiment, dictating the policy, controlling the action of the Government, and, at the same time, bending commercial interests to its purpose, giving the law to public opinion, and directing the destiny of the republic. Not to any want of knowledge has the reign of this tyrant been due. The slaveholding institutions of the South are mainly sustained by men of high mental development and large intellectual culture. The statesmen who staked the freedom of a race against the chance of political honor, were renowned for mental vigor. The people who turned a deaf ear to the cry of the bondmen, are celebrated throughout the world for their intelligence.

The weakness of the nation was not intellectual, but moral. The 'selfish pursuit of material advantages' had conquered, in the slaveowner of the South, and in the mercantile community of the North, the love of equity and the desire of right. Political ambition was stronger among the statesmen of the North, than the instincts of mercy or the sense of religious responsibility. Love of gain weighed heavier with the people of the United States than the love of God or of their fellowmen. In vain the voice of warning has been sounded. In vain has the republic been urged to love mercy and to do justice. The country lay in a moral lethargy, from which no gentle means could rouse it, and the dread thunderbolt of war was launched to smite it into action. Through humiliation and suffering; amid widows' tears and orphans' grief; through struggle and privation; by the stern baptism of blood, the nation is being awakened to its deficiencies, is being called to the development of higher virtues.

This latest lesson of history is solemn and impressive. Fruitlessly shall communities teem with material advantages and wealth; in vain shall peoples increase their industrial resources; futile the universality of education and the liberalizing results of intellectual growth; these shall endure but for a season, as the glitter on the waves, unless the national life is grounded on religious [Pg 545] devotion to the highest truth, and is practically active in securing the social welfare of the brotherhood of man.

TREASURE-TROVE.

A day in the heart of summer,
  A sky of that glorious hue
That dazzles and melts like the ocean,
  In its fathomless, infinite blue!

The topmost leaves of the maple
  Are stirred by a wondrous song,
That swells, and dies; then rising,
  Still clearer floats along.

Oh, where have I heard that music?
  Whence its familiar tone?

The beauty that thrills it, trembles
  Not in the song alone:

It dwells in sunsets, that deepen
  In the glory and gloom of night;
In waters that glance and sparkle,
  In the hush of the lingering light.

Like the waves of a springing river,
  That from silver fountains wells;
Higher, and fuller, and sweeter
  That liquid melody swells.

Oh, the haunting, dim-shadowed expression,
  That sighs on the breathless air!
If ever a soul were in music,
  A soul is thrilling there!

That song, with its burden immortal,
  I heard it long ago!
I know its every cadence,
  That quivers and pulses so:

I claim it, bird of summer!
  That wondrous song of thine;
Though thine its tuneful utterance,
  Its melody is mine. [Pg 546]

Then sing till, tranced in rapture,
  The day forgets to wane;
And the winds of heaven are silent,
  To hear that magic strain.

Sing till the pain of thy transport
  O'erpowers each dying tone!
Thou canst not warble a measure
  That is not all mine own.

MATTER AND SPIRIT.

Mr. Editor: In the July number of The Continental, I notice some editorial remarks upon a portion of my article 'Touching the Soul,' which appeared in the June number. For these remarks I am under obligation to you, as pointing out the looseness of my phraseology, whereby I have failed to convey the idea I intended; for which looseness the only excuse must be that my mind was occupied more with the thought than with the expression, and the latter was so absorbed in the former as to have suffered in consequence. For it seems to me that the strictures are due to misapprehension of the position assumed.

To commence with the assumed operation of spirit on the material world, as seen in the action of nature: Does not the theory that the mysterious productive forces are in their own nature spiritual verge somewhat closely upon the dogmas of pantheism? What else than this was the belief of the ancients, which placed a Naiad in every stream and a Dryad in every tree? Does it not draw still nearer to Shelley's theory of a 'Spirit of Nature,' which was his God, creating, shaping, and pervading all things? In a word, does not such a theory, in effect, place a god in every object?

Spirit acts independently of God. And here I would not be misunderstood. For though God, as the Author of all spiritual being, may be said to be the indirect cause of all spiritual action, since, if he had not created it, the action could not have resulted, yet He has created the soul to act upon its own promptings, and entirely independent of Himself, holding it, at the same time, to a strict accountability for all the deeds done in the body. To deny this, is to deny the whole doctrine of freewill agency, and with it that of all human responsibility, unless we go to the other and blasphemous extreme of branding with cruelty and injustice the entire system of revealed religion. In consequence, then, of this independent action of spirit, we see the soul of man constantly departing from its normal state, effecting evil as well as good, and guilty of action for which its Creator can in no wise be held responsible. And upon this simple fact hangs the whole system of future rewards and punishments. If now we consider this force which we have been discussing to be spiritual in its nature, it is not for us to draw the line between it and the soul of man. Spirit, so far as it touches our knowledge or experience, is one and the same thing the world over, differing only in degree of its qualities. If we concede to this force the status of spirit, [Pg 547] we must also concede to it that essential characteristic or faculty of spirit, *independent action*; and hence the Creator God could not be said to have any hand whatever in the works of this

spiritual force—in other words, in the creation of any of the features of the physical world—further than in the original creation of the spirit which underlies and produces them. But this position is in direct variance with the teachings of Holy Writ, wherein we are told that He maketh every flower to bloom, every leaf to grow, and without Him not even a sparrow falls to the ground. In fact, upon almost every page of the sacred book is recognized and taught the fact of the direct intervention of God, not only in human affairs, but also in every work of nature, however minute and insignificant.

And as another result of this independent action, we should find this spiritual force, as in the case of the human soul, frequently departing from its normal state, deviating from the laws which now seem to control it, and multiplying so-called 'freaks of nature,' abnormal works in the physical world, calculated to derange the comfort of mankind and render all things uncertain and insecure. In a word, it would be in the power of such a force, or combination and opposition of forces, to turn the earth again to its original chaos. With such a belief, then, we must assume that God has delegated the care of the material world to other hands of His own creation, and left the comfort and well-being of humanity at the mercy of another spirit, no wiser and perhaps not even so far advanced in the scale of progress as itself.

But it seems to me that the mysterious productive forces of nature can in no wise be called spiritual. Certainly spirit 'animates, informs, and shapes the universe,' in the sense that all things are created and all agencies are kept in operation by an all-powerful God, who is himself pure Spirit, but in no other sense; for God makes use of certain principles or laws to accomplish all things in this world of ours. That unknown force which vivifies the seed and produces the stalk, the blade, and the ear, which clothes the earth with verdure, and which underlies and induces all the works of nature, is not a thinking, reasoning spirit, like that which renders humanity godlike; but a principle—a law—a mere agency whereby the Almighty effects his designs, which is wholly controlled by him, dependent upon him for its very existence, and which in each individual instance ceases to be with the accomplishment of its end; a principle which humanity cannot comprehend, and with which human spirit can have no sympathy or connection except as it excites wonder and admiration. Under this view all the objects of nature are the products, not of spirit, but of law, which is itself the product of the one great Creative Spirit whereby all things are. Even if we admit that so subtle is the connection between the spirit and the law, the law and the material object, that matter may, after all, be said to be the work of and acted upon by spirit, yet it will be seen that even in this instance, spirit does not act directly upon matter, but only through certain intermediate agencies, of which more anon; while, in the matter under discussion, the direct action of spirit upon matter is assumed by the so-called spiritualists.

Again, in regard to the connection of the soul with the organized frame, nothing is better established than the mutual action and reaction between the mind and body. A volume of truth is contained in the simple and hackneyed phrase, *Mens sana in corpore sano*. A diseased frame is almost invariably accompanied by depression of spirits and a disinclination, if not an absolute disability for profound thought; and, on the other hand, a diseased mind soon makes itself manifest to the outer world in an enfeebled and sickly frame. The merest tyro in medical science [Pg 548] recognizes the fact that in sickness no medicine is so effective as cheerfulness, hope, and a determined will; while not unfrequently the direst evil against which the physician has to contend is despondency. And many other instances might be given of this mutual action, which are unnecessary in this connection, since the point is conceded.

Yet, as regards the outer world, it is nevertheless true that the soul cannot directly perceive material objects, but only through the agency of the physical senses. In the matter of sight and sound, the atoms of the elastic medium must first make a material and tangible impression upon the eye and ear, which impression is conveyed by the nerves to the brain, where all human knowledge of the mystic process ceases. We only know that there is an intimate connection between the nerves and the mind established in the brain—which is the fountain head of both—whereby the mind receives this subtile impression and thereby becomes cognizant of the object which is its original cause. The same thing is true of all the other senses. Destroy now any one of these bodily senses, and the soul at once becomes dead to all that class of impressions which before were conveyed through that medium. Destroy the sight, and the mind can have no cognizance whatever of material objects save through the sense of touch—for our knowledge of matter through the senses of hearing, taste, and smell, is one of experience alone, which, aided by sight and touch, has taught us in the past that where sound, taste, or odor exist, there must be matter to produce these impressions. Destroy, then, if it were possible, this sense of touch, and our absolute perception of objects is entirely lost—the connection between the outer world and the perceptive faculties of the mind is dissolved forever. The truth of this position is seen in the fact that in a swoon, when all the senses are benumbed, the mind is utterly unconscious of its surroundings.

Again, to go to the other end of the chain—admitting that the force which resides in the material points and produces the vibration in the elastic medium is spiritual in its nature, do we not find that this force never produces an impression upon the senses, and through them upon the mind, except through the intermediate agency of a material object? The object itself must exist before the force can act, and hence arises our confidence in the evidence of our senses. Were it otherwise, indeed, our whole life would be one of uncertainty, of innumerable deceptions, a mere wandering about in a mist of delusions worse than those of a maniac. And if this force could act upon our perceptions without a material point in which to reside, is it not reasonable to suppose that it would occasionally so do, and that we should sometimes perceive effects for which we

could find no cause in the material world—no connection with matter? Yet in the whole range of human experience no such thing is known. Even the phenomena which we call optical illusions arise from certain derangements of the atomic particles of the medium through which the impression is conveyed.

From this course of reasoning two plain deductions arise, either of which is disastrous to the spiritualistic theory. For if we deny, as I have done, that this hidden, mysterious force is spiritual in its nature, we have in all our knowledge and experience no *instance* of the direct action of spirit upon matter. While, if we *acknowledge* that fact, we have still no instance of spirit so acting upon the medium through which we receive our physical perceptions as to produce an impression through the senses upon the mind, without the intervention of a material point.

Is it reasonable, then, to suppose that in this our age, for the first time, a single solitary manifestation of this supernatural power should occur, as claimed by the spiritualists, [Pg 549] unaccompanied by any analogous contemporary or corroborative fact of the same or of a different nature? To admit this is to admit one of three things: 1st, that both the physical senses and spiritual constitution of humanity have undergone a sudden and wonderful change; 2dly, that the Almighty has entirely altered his mode of communication with mankind; or, 3dly, that the whole world of spirits has been let loose to wander at will over the universe and space!

But admitting, as all must do, that there is in each individual human organism an intimate and mysterious connection, through the nerves and brain, between the spirit and the senses, the fact that this is the only known connection, direct or indirect, between matter and spirit, seems to me to argue that there is no other perceptible one. For, if there were any such, designed in any way to affect our perceptions, mental, moral, or physical, would it not, in some one of its phases, have been made manifest through all the past ages of the world? That such a connection has never been discovered is proof sufficient that no such was ever intended by the Supreme Being to affect mankind in any way, *unless* we admit that the spiritual and religious necessities of mankind, and, in fact, the very constitution itself of human spirit, are entirely different from what they have been in the ages gone by, and require not only a different pabulum, but also a different mode of dealing at the hands of the Almighty: in a word, that the very essence of religion is progressive.

If these positions be correct, the discussion is narrowed down to the consideration of the relations of the spirit as connected with the organized frame. And this brings us to another very natural deduction.

Every schoolboy knows the story of the wonderful clock whose inventor was blinded by the order of his sovereign, that he might not be able to repeat his work for any rival power; and how, many years afterward, when the memory of his person had passed away from those who had known him in his younger days, he groped his way back to the scene of his former labors, and, guided by a lad to the tower which enclosed the already famous work of art, under pretence of listening once more to its chimes, he suddenly, with his scissors, severed a single small wire, and the wonderful performances were closed forever. No artist thereafter could be found to restore the work, for none other than the inventor was acquainted with its mechanism, or could discover the secret of its operation. And so it remained a silent monument to the ingratitude of a sovereign and the revenge of a victim of the most barbarous cruelty. And yet the principle was still there uninjured, and as capable of operation as ever before, yet forever dead to that complicated mechanism, since the single connecting rod was severed which bound the idea to its only means of action—the immaterial to the material—the soul to the body. The mechanism too was as perfect as ever, in all its constituent parts, but forever silent and inoperative from lack of connection with the idea upon which it depended. Side by side lay the principle and its means of manifestation, separated only by the infinitesimal portion of space which divided the parts of the broken wire, yet as effectually separated as if worlds had rolled between them. Unite again these slender fragments, and both would again spring to life, unimpaired in their workings, and as brilliant as ever; but without this restoration both must remain forever dead.

Even such is the connection between the soul and body. A system of slender wires—more slender by far than the most attenuated thread of human construction—connects the more than ethereal spirit with the wonderful mechanism of the human body. And so long as this intimate connection is maintained intact we have the living, breathing, reasoning being, the image of his Creator, the [Pg 550] most wonderful manifestation of Almighty power. But once these slender wires are parted, and the soul separated from the body by death, the relation of that man's spirit with the material world is dissolved forever. The senses of the body are the only medium through which the soul can act upon or receive impressions from the world of matter, and between them and it, once so intimately associated, there is now a great gulf fixed—the gulf which separates time from eternity. Henceforth the body, deprived of the lifegiving principle, its end accomplished, which was only to serve as a temporary dwelling for the soul in its time of trial and probation, goes swiftly to decay, and returns to its original dust. But the soul lives on for another world and a different stage of existence, entirely free from the trials and sufferings and sorrows of this. Its mission here is fully accomplished, and it has nothing further to do with the material. Only that Almighty Power which created it can restore its association with a perception of matter, and that by reuniting the broken chord—the silver chord which bound it to its prison walls of clay. Henceforth it is to deal only with pure spirit and as pure spirit; it has a nobler destiny before it, and higher and more glorious objects to employ its powers and engross its emotions and affections than any that earth can afford; and to maintain that it can again return and mingle in the affairs of a sordid world is to degrade it from its new and more glorious eminence—to drag it down from the sublime, the eternal, and the godlike, to the insignificant, the ephemeral, and the

human.

Yet it is not to be assumed that matter and spirit are *opposed* to each other in any other respect than that of constitution—of construction, if the term is allowable. As in color white and black are the opposite extremes of a long line of causes and effects, and as one is the synonyme for utter absence of the other, so, and so only, are matter and spirit opposite poles to each other; and we frequently use the terms ethereal, *spiritual*, to denote the strongest contrast to the substantial, the material. And so, in just the degree in which any object departs from the substantial and lacks the properties of the material, do we say that it approaches the spiritual. Yet, even as in nature we find not only objects, but even forces, of entirely different and even opposite origin and construction working in perfect harmony, so matter and spirit may exist together, and work in harmony, though acting independently of each other, and incapable of producing upon each other what, for lack of a better word, we may call physical effects.

It was not attempted, in the article referred to, to disprove the phenomena of spiritualism by the above mode of reasoning, but simply to deny and disprove the intervention of the supernatural in their origin—to show, in fact, that disembodied spirit can by no possibility have anything to do with their production. That the phenomena certainly exist is not to be denied, and the only question which puzzles the philosophical mind of the age is whence do they arise. If these manifestations are due to the tricks of legerdemain, it is certain that the jugglery is so cunningly devised and skilfully executed as hitherto to have baffled the detective ingenuity as well as the deep wisdom of the most profound minds of the age. Philosophy is no nearer the solution of the question than at the beginning; yet as the process of inquiry goes on, there is little doubt that the investigation will develop the little knowledge now possessed, and perhaps bring to light new facts in regard to the relation between matter and spirit as it exists in the body. Possibly it may some day, in the far future, be discovered that these phenomena are due to some at present undiscovered connection between the mind and will of the medium and the material objects of his [Pg 551] immediate surroundings. At present man's knowledge of the properties and workings of the spirit within him is infinitesimal in quantity and degree, and, if this inquiry shall, by making humanity better acquainted with its immortal part, open new paths of research to human intellect, and add to the world's comparatively slender stock of knowledge of spiritual things, or of the natural forces which are constantly working around and within us, then will spiritualism, with all its errors and its dangerous tendencies, prove to have been one of the blessings of this age.

And, in passing, it may be well here to mention an incident, for the truth of which the writer can vouch, and which may, perhaps, throw some light upon this vexed question, or give a clue to some earnest searcher into the cause of this mystery.

A gentleman, being for the first time in his life in the city of Cincinnati, where he had not a single acquaintance, and having long been anxious to test this spiritualistic second sight, on the evening of his arrival muffled himself closely and attended a 'circle.' Summoning the spirit of a distant relation long deceased, he inquired first into his name, age, and residence; all of which were given correctly. Not a little startled with this result, he proceeded with his inquiries, and elicited the following information in regard to his family, viz.: that two of his brothers, named George and Henry, died before his own birth; that of these two George was the elder, but Henry died first. Astounded at the accuracy of these replies, he waited to hear no more, but at once left the circle, with his own faith quivering in the balance.

On returning to his home, he related these circumstances to an elder sister, within whose recollection the birth and death of these children had occurred. She listened attentively to the close, and then quietly informed him that both the spirits and himself were in error, for that Henry was the elder and George died first. As these questions of age and date were the strongest points made by him in his spiritual consultation, and the points most relied upon to test the accuracy of the replies, this revelation at once upset all his doubts and fears, and restored him again to the faith of his fathers. He himself had always believed the facts to be as he had heard them from the medium, they having, by some means, been reversed in his mind in the absence of any other knowledge in the premises than that derived from hearsay, and that too long gone by.

Now, in this instance, the mind of the medium was clearly *en rapport* with that of the inquirer, and hence all the errors of the latter had been closely followed. The facts were given not as they really were, but as they existed in the mind of the inquirer. In other words, his mind was read by the medium as an open book. And while, in this case, this close copying of error at once precluded the idea of supernatural agency, the facts are interesting as furnishing a new line of inquiry, by showing that, in this instance at least—and if in this, why not in others?—the phenomena of spiritualism were closely allied to those of clairvoyance and mesmerism, and that the path of investigation into all these mysteries may be pursued by one and the same course of reasoning.

But whether the cause of these mysteries is to be found in jugglery, in some subtile connection between mind and matter, in animal magnetism, or in any other of the thousand new branches of natural or mental science, it must in the end be found—if found at all—to depend upon purely natural laws—laws fixed and undeviating in the very constitution of things, and which would have worked as well a thousand years ago as to-day. The supernatural is entirely excluded from the investigation, for that is a world beyond humanity's ken, into which no mortal may peer. If the [Pg 552] world of disembodied spirits have any connection whatever with these wonderful and mystical phenomena, the question must ever remain as perplexing and mysterious as it is to-day.

But human intellect is progressive. Age after age brings man nearer to the comprehension of the

myriad wonders that surround him, though he must ever remain, while fettered to the earth and blinded by the body, unable to grasp and comprehend the Infinite. And the time will come, perhaps not in this age, nor even in its successor, when this perplexing problem shall be solved, and the hidden truths of to-day be as clear as the noonday sun.

And if not here, then hereafter. Ah! that hereafter! how much of spiritual knowledge it involves! how much of manifestation of eternal truth and clearing up of mysteries! Into what a sea of knowledge does the spirit glide when it departs from the body! Every wave in that illimitable ocean of space is freighted with wisdom, every sound is the tone of undying truth, every breath is redolent of divine wisdom. We wonder now at the wisdom of the sages of our own and of ages gone by—at the learning, the profundity, the astonishing acquirements of the Newtons, the Lockes, the Bacons, the Franklins, and the Humboldts. But when we shall stand, in all the nakedness of pure, unfettered spirit, within the confines of the spirit land, and gaze with all the clearness of unveiled spiritual vision upon the wonderful mechanism of the universe and of the spirit world; when we see—as we shall see—laws and principles, and even abstract truths, as plainly as we now look upon the material objects around us; when, indeed, nothing shall be hidden from our view, and questions which are now too intricate for the wisest minds to solve, and others which are now too profoundly mysterious for human intellect to comprehend or even conceive, shall seem as axioms which need no argument, and which a child can perceive; when, finally, the mysteries of God himself are revealed to our progressive souls, then how contemptibly insignificant will appear the learning of the wisest of earth's sages! how infinitesimal the wisdom of Solomon himself! For to such knowledge we must and shall attain; knowledge wisely barred from our attainment in this earthly existence, lest in our presumption we should rebel against God, and, like Lucifer of old, endeavor to make ourselves equal to Him who is the Author of our spiritual being. Yet in every soul is implanted a yearning for this forbidden knowledge, an undying thirst, which can never be satiated in this life, for but a single draught of that wisdom and truth which flows like a sea about the great white throne. And it is this which makes me comprehend how even an unregenerated soul—and how much more the Christian—can long for that which we call death, but which is but the initiation into the mysteries of the Beyond. It is this which, even aside from religious aspirations and fears, wraps our departure in an awful sublimity. To die that we may KNOW—to give up the transitory, the perishing, the earthly, that we may grasp the all-enduring, the imperishable, the divine; to pass from blindness to far-stretching, unimpeded sight! to be able at a single glance to count the very stars of heaven, and to see the network of laws which bind them in their places, and control, not only their motions, but the minutest particulars of their internal organism; and, above and greater than all, to comprehend the relation between the soul and its God. Here is an existence worthy of spirit which is the image of its God—an existence which will give full scope for the exercise of those faculties which can only act so feebly here—the only existence for which any soul should pine. Strange that humanity should so shudder at the thought of death! And stranger still, that the searcher for wisdom should not seek it in the preparation for that future life where alone true wisdom can be gained. [Pg 553]

And as for questions such as this which we have been discussing, it is, after all, enough for us to know that all will some day be revealed; enough for us to know that there are other duties incumbent upon us, other interests more vital to our spiritual well-being, than that of peering into these hidden mysteries, which do not at all concern our present existence, which do not promote our present or future happiness, or help us forward on our eternal road.

EGBERT PHELPS.

REPLY TO THE ABOVE.

MATTER AND SPIRIT.—Our contributor, under this title, has entered upon a boundless field of speculation, in which we have no thought of following him to any considerable distance. A metaphysical discussion of this character would scarcely be appropriate to the pages of THE CONTINENTAL; and our readers would doubtless find the controversy uninteresting, if not altogether unprofitable. We, however, cheerfully insert the paper offered by Lieutenant Phelps, on account of the spirit of earnest piety and love of truth which seem to pervade it; and we shall confine ourselves here to the briefest possible comment which will enable us to make understood our grounds of dissent.

We demur to the suggestion that our ideas, as expressed in the July number, have necessarily any affinity to 'the dogmas of pantheism.' We then wrote thus: 'It is spirit only that animates, informs, and shapes the whole universe. Wherever law prevails (and where does it not?), there is intelligence, spirit, soul, acting to sustain it, during every moment of its operation.' Can anyone seriously question the correctness, and even the entire orthodoxy of this statement? In truth, we do not understand that our contributor himself denies it absolutely, but only in a qualified sense, as we shall presently show. Of course, it could be no other spirit than the Deity, to which our language would be applicable; and we do not see how it can in any way derogate from His attributes, to represent him as acting, by an exertion of spiritual power, to sustain and uphold his creation, during every moment of its existence.

Nor can we comprehend the pertinence of our contributor's disquisition on the great question of free will and necessity, as applicable to our ideas of the relations existing between mind and matter. 'Spirit acts independently of God,' says he. We might well question the truth of this assertion; but we may equally well admit it, so far as any inference may be drawn against the

positions we have assumed. The question is not whether the soul of man is compelled to action according to the law of its creation, or is permitted by spontaneous choice to follow its own independent will. This is not point of disagreement; for we have expressed no opinion on this subject, nor upon any other which involves it. On the contrary, we took the question to be simply whether there can be, in the nature of things, any relations of reciprocal influence and mutual coöperation between mind and matter. If this be not the question at issue, both our contributor and ourselves are engaged in a fruitless attempt to enlighten each other. We are well aware that his digression from the main argument to the disputed question of free will, is made for the purpose of attempting to show that all spiritual agency must be like that which he claims for the soul of man—that is to say, it must have a free will, 'constantly departing from its normal state,' acting irregularly and according to the freaks of its own spontaneity. And because there is no such caprice and irregularity in the operation of the laws of nature, the inference is drawn that they cannot be the evidences of spiritual power, in the forces which they govern.

Upon this point there seems to be a radical difference of understanding between our contributor and ourselves. Be it pantheism, or whatever any one else may choose to call it, we entertain the very simple belief that the ultimate laws of nature, impressed upon the material world, are nothing less than the direct power of the Almighty upholding the universe, and controlling all its operations throughout all time from the origin of the creation to its end, if it shall have one. We cannot look upon the system of nature as a piece of machinery, wound up and set a-going, and destined to run its appointed course, with only an occasional glance of its Author to interfere with its regular working. We do not suppose that this constant exercise of power imposes any burden upon the Author of the creation; nor are we conscious of any diminution of his glory, or any denial of his absolute personality, when we consider him as being ever present in all his works, 'animating, informing, and shaping them,' by the perpetual exertion of his omnipotent will. [Pg 554]

We do not, by any means, understand our contributor as denying the agency of the Almighty in the establishment of general laws; but his view of the subject is totally different from ours. If we have not misconceived his meaning entirely, he considers the laws of nature as something independent of the operations which they control—a *tertium quid* interposed between the creator and his work. God is the author; law is the active agent; and material changes are the results. Law is not spirit; and therefore matter is not moved and controlled by spirit. We entirely disclaim any want of respect for our contributor and his thoughts; but we must express our surprise that he should resort to this clumsy and unphilosophical theory, in order to deny the direct agency of spirit in the operations of nature. Law is not separate and distinct from the phenomena which it regulates. It is only a rule or principle, as he himself admits, 'which ceases to be with the accomplishment of its end.' This rule or principle, which implies intelligence and will, must be in the mind of the Author, who operates in accordance with it, and not in the mere matter whose changes it controls. Yet our author strangely says, 'all the objects of nature are the products, not of spirit, but of law, which is itself the product of the one great Creative Spirit whereby all things are.'

But let us admit that this extraordinary theory is sound, and that LAW is the active agent which controls all physical phenomena. Now this thing, called LAW, must be either spirit or matter, or a compound of both. If it be spirit, then it acts upon matter directly; if, on the contrary, it be itself matter, then spirit acts upon it; and, finally, if it be a compound of the two, then it affords still stronger evidence of reciprocal effects, which are decisive of the whole question in dispute. We are conscious, however, that this reasoning is almost puerile; for laws are mere abstractions, and not actual entities. They indicate the mode in which causes produce effects; in other words, they are signs of the intention and purpose with which the Great Spirit carries on all his mighty works.

It is hardly necessary, in order to sustain our position, to follow the steps of our contributor, in his attempted investigation of the mode of communication between the human soul and the outer world, through the senses. Many of his ideas might afford ground for interesting comment. But the point in dispute is too distinct and circumscribed to require many words for its elucidation. It is sufficient to say that in the process of perception through sensation, there must be some point of contact, at which the mind and the material object perceived by it are brought into the relations of mutual influence. Whenever a material object is cognized, there is a direct effect of matter upon the mind. And so, likewise, in every case of voluntary muscular exertion, the mandate of the will is communicated through the nerves, and the spirit thus acts directly upon matter. No refinement of theory will avail to get rid of these obvious facts; for, whatever intermediate agencies may be imagined by way of explanation, they leave the ultimate truth indisputable, that in some mysterious way, spirit and matter do effectually operate upon each other. [Pg 555]

We are in no degree committed to the doctrines of modern spiritualism, and we shall not take issue with our contributor in his vehement protest against the belief that disembodied spirits ever visit 'the warm precincts of the cheerful day,' and make themselves known to living mortals. An orthodox Christian, however, might have some hesitation, in view of certain passages of Scripture, in utterly denying the *possibility* of such phenomena; and every reader of history and student of philosophy might well exclaim with Tennyson:

'Dare I say
No spirit ever brake the band
That stays him from the native land
Where first he walked when wrapped in clay?'

But we are quite as far from having asserted the existence of such preternatural phenomena, and we shall surely not attempt to establish facts of which we have no experience whatever. All that we have done has been merely to question the validity of that curt and summary argument, which assumes that matter and spirit are incapable of acting upon each other, and in this way cuts off all investigation.

We were somewhat disappointed and discouraged as we followed our contributor into that passage in which he seems to think that after death, the soul of man is removed beyond all knowledge of material things, and becomes incapable of ever perceiving their existence. It is true, this is but the logical deduction from his premises; and yet we felt some emotions of terror —some shrinking from that great and impassable gulf which he represents as then to be fixed between us and the objects of our life-long acquaintance—'the gulf which separates time from eternity.' But we were soon relieved; for in the conclusion of his article he waxes eloquent upon the higher faculties with which the soul will doubtless be endowed in its new state of existence, and with apparent unconsciousness of all inconsistency, assumes the very opposite of the whole preceding part of his argument. 'But,' he exclaims, 'when we shall stand in all the nakedness of *pure, unfettered spirit*,' 'and gaze with all the clearness of unveiled spiritual vision *upon the wonderful mechanism of the universe*,' etc. We might inquire of our author how, upon his principles, with merely spiritual vision, we can expect to behold anything so gross and material as the mechanism of the universe; but we overlook and forgive the apparent inconsistency—we are willing ourselves to be vanquished in the argument—for the sake of the noble idea that we may hereafter 'pass from blindness to far-stretching, unimpeded sight,' and 'be able at a glance *to count the very stars*, and to see the network of laws which binds them to their places, and controls, not only their motions, but the minutest particulars of their internal organism.' We are thankful, at all events, that, though matter and spirit may be so far apart in this our mortal state of existence, in the spiritual world, at least, we shall not lose all memory and knowledge of the grand material creation, of which we have learned so little here, but shall still be able, with even clearer vision, to perceive and comprehend the works of God, and, in the light of a nobler understanding, to adore the unfathomable wisdom which the Omnipotent Spirit has displayed in the arrangements of the boundless universe—the magnificent dwelling place of his creature man.

F. P. S. [Pg 556]

EXTRATERRITORIALITY IN CHINA.[10]

History pays no more than a just tribute to commerce, when she accords to that agency important civilizing influences; yet it must be admitted that it has frequently pursued a tortuous course, has often been unscrupulous in the means that it has employed, and has not always been reciprocal in its advantages. Like religion, it has been used as an opening wedge to conquest. As the establishment of a factory in Bengal prepared the way for the battle of Plassy, so the founding of a mission in Manilla led to the subjugation of the Philippines. Or as, in our day, opium breached the walls of China, so the Society of Jesus, by its labor in Anam, has caused the dismemberment of that empire. British commerce demanded for its development successive wars. Gallican religion exacts from each dynasty the employment of the sword as an auxiliary of propagandism.

These aggressions have been facilitated by the assumption, on the part of Christian powers, of the exemption of their subjects from local jurisdiction in Mohammedan and pagan countries. A factory or a mission is established, which, from the outset, is an *imperium in imperio*, and becomes a permanent conspiracy which soon finds causes of complaint against the government of the land in which, without invitation, its members have become domiciled. Essentially this is filibusterism, more dangerous because more insidious than an armed invasion; it has caused nearly all the collisions which have occurred in oriental and occidental intercourse. If, in the discussions that have arisen on eastern questions, this consideration of the subject had not been wholly ignored, the courses pursued by western powers would be even less defensible than they have been made to appear. No one can arrive at correct conclusions on questions affecting China, Japan, Siam and other pagan states without an attentive consideration of the claims which those weak countries have upon us in view of their being compelled to join the family of nations, and render themselves amenable to international law, while they are debarred from the semblance of reciprocity.

Extraterritoriality originated in the Levant. The mercantile establishments that sprang up in Western Asia and Northern Africa, as Moslem power began to wane, partook of a semi-official character; being recognized as an appendage of the diplomatic corps of that country, it became the practice to accord to the trading Frank the exemption from local jurisdiction which was accorded to the official representative of his country.

This abdication of authority, on the part of those states, has been effected gradually, and the usurpation on the part of Christian powers has only been perfected and secured by treaty in our own day. Great Britain, in her treaty with the emperor of Morocco (1760), agreed that 'if there shall happen any quarrel or dispute between an Englishman and a Mussulman, by which any of them shall receive detriment, the same shall be heard and determined by the emperor *alone*.'

In the following year we find the sublime Porte, in a treaty with Prussia, jealously guarding

Turkish interterritorial rights, stipulating that the Ottoman tribunals should take cognizance of cases arising between Prussian subjects and those of the Porte. All that the Porte was then willing to concede, was the presence of the Prussian consul at such trials, and the privilege of [Pg 557] adjudicating in disputes arising between his countrymen.

In the treaty between France and Algiers (1764), it was agreed that offences occurring at *sea*, should be tried by the French consul, when the offender was a Frenchman; and by the dey, when the offender was an Algerine. And, at the same time, in her treaty with Morocco, France merely secured the stipulation that 'if a Frenchman should strike a subject of Morocco, he shall be tried only in presence of his consul, who shall defend his cause, and he shall be judged impartially.' A French edict of 1778, in reference to the duties of consuls, alludes to trials occurring in Constantinople, which clearly admit interterritorial jurisdiction. The Republic, in 1801, also admitted that right on the part of Moslem states.

Algiers, in her treaty with Denmark (1792), expressly provides for jurisdiction over the Danes in her dominion.

Russia negotiated a treaty, in 1783, with the Porte, stipulating only for the privilege of exercising jurisdiction through her ministers or consuls, in cases of quarrels between Russians.

Spain was content, in 1784, to secure from Tripoli the presence in a Tripolitan court of a Spanish consul on the trial of a Spaniard.

Our own country uniformly conceded to Barbary powers entire jurisdiction over our resident citizens. The treaty with Morocco (1787) reads: 'When a citizen of the United States kills or wounds a subject of Morocco, or if a subject of Morocco kills or wounds a citizen of the United States, the laws of the country are to be followed; equal justice, and the presence of the consul, being alone stipulated for.' And in the treaty with Algiers (1816), we merely require that the 'sentence of punishment of an American citizen shall not be greater, or more severe, than it would be against a Turk in the same predicament.'

With Tunis there was the same understanding. Again, in the treaty of 1836, with Morocco, no claim is made for jurisdiction by us over our citizens; the presence of the consul at a trial being deemed a sufficient guarantee for an equitable trial; showing, that up to that date Morocco resisted the extraterritorial aggression to which the Ottoman power had already yielded.

So far as appears from Marten's *Recueil des Traités*, the Sublime Porte was the first to yield the point, suffering it to go by default, however, of exempting resident foreigners from local jurisdiction, rather than by a formal abdication of authority in a treaty. The earliest admission that we have met with, strange to say, occurs in the United States' treaty, negotiated with Turkey in 1830. 'If litigation and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced, unless the American dragoman be present. Citizens of the United States, committing an offence, shall not be arrested and put to prison by the local authorities, but they shall be tried by their minister or consul, and punished according to their offence, following in this respect the *usage* observed toward other Franks.'

With Persia, in 1856, we stipulated only that the American consul shall be present at the tribunal, when Americans are parties in a trial.

Our earliest treaty in Eastern Asia was negotiated in 1833, with Siam, with which power we agreed, 'that merchants of the United States, trading in the kingdom of Siam, shall respect and *follow* the laws and *customs* of the country in *all* points'—conceding not only interterritoriality to the fullest extent; but making it the duty of American traders to creep on all fours when in the presence of a high functionary of that kingdom, and to become orthodox Buddhists! Inadvertently, no doubt, going farther than Joel Barlow, who thought it expedient in his treaty [Pg 558] with Tripoli (1797) to insert a sort of disclaimer against Christianity, inserting in the treaty, 'the Government of the United States is not in any sense founded on the Christian religion,' a sort of offset, in accordance with the fashion of the period, to the Austrian treaty of nearly the same date, which was negotiated in the name of the 'Most Holy Trinity.'

As regards Mohammedan countries, it is not likely that grave evils will soon arise from the exempting of foreigners from local jurisdiction; there is yet so much vigor in the government of those states, and so much vindictiveness toward the giaour foreigners there will be deterred from those practices which render them a terror to the more servile people of Buddhist countries. But the extension of the principle to Eastern Asia has been extremely disastrous to the peoples of those countries, and has not been unattended by inimical reflex influences on the wrong doers of the West.

To understand the operation of extraterritorial jurisdiction, let us suppose the principle to be applied to ourselves. A European merchant or sailor inflicts corporal chastisement on one of our citizens in Broadway, and the prestige which the foreigner enjoys, precludes interference on the part of bystanders and police. If the New Yorker happens to be desirous of obtaining redress, he must first discover and identify the assailant, and next ascertain his nationality. [A Chinaman, in like circumstances, would find as much trouble in arriving at the truth, as if he were to attempt the investigation of the assailant's pedigree; he knows as little of our nationalities as we do of the forty tribes of Borneo.] Our persevering citizen succeeds at length in lodging a complaint at the consulate of the offender. The consul is perhaps a fellow merchant of the defendant, or head of the firm to which the offender is consigned. The complainant is accommodated with a blundering

interpreter, and the case is tried according to the foreigner's code, which, on such occasions, is endowed with more than wonted elasticity. If, contrary to all probability, the foreigner is convicted, the citizen has the satisfaction of seeing the foreign assailant placed in confinement on the consul's premises, or perhaps mulcted to a small amount; and with this administration of justice, he and his country must be content. Who does not see that such an abdication of authority on our part would lead to the perpetration of wrongs that would soon become unendurable, even if we were first to become a broken spirited people? And, considering the arrogance and recklessness of many foreigners in China, and the pusillanimous character of the natives, what can be expected but contempt and aggression on one side, and mistrust and finesse on the other? What but a chronic discontent, wholly incompatible with healthful commerce and peaceful intercourse, can be expected from such a state of things? Consider further that this occurs among a people of the highest antiquity, with a history and a civilization of which they are justly proud; who, in political and moral science, were in advance of Greece and Rome, at a time when those, whom they now designate 'barbarians,' really were so. When our ancestors were half naked savages, the Chinese were a polished literary people. In calling attention to this subject we do so, not less in the interest of our oriental clients than in that of our own lands; for our relations with the empire of China will, with the growth of our power on the Pacific, assume such importance, that good policy demands that we should avoid any course likely to render hostile such a large portion of the human race. Many years ago we deprecated Chinese emigration into California, on the ground that, as *prolétaires*, they would degrade labor, and leave that State without its most important element of strength; yet to the Chinese, in their own country, we would pursue a conciliatory instead of a domineering course. [Pg 559]

Hardly had the Portuguese doubled the Cape of Good Hope, when the Chinese, who had but imperfectly resisted aggression from neighboring countries, began to suffer annoyance from the 'barbarians from the Western Ocean.' At an early day the Portuguese established a factory at the mouth of the river on which Ningpo is situated. The factory became a colony, and the colony a little state. 'At the origin of colonies,' says M. Cochin, 'we find in general two men, a filibuster and a missionary. To go so far, one must have either a devil in his body, or God in his heart. When to these two men is joined a third—a ruler—all goes on well; the first subjugates, the second converts, and the third organizes.' All these went to work in China: as elsewhere, affairs went on well as regards filibuster, missionary, and ruler. Courts of justice, hospitals, seminaries, and military posts were established. Natives joined the colonists in large numbers, adopting the foreign dress, customs, and religion, without a moment's hesitation. If the Chinese had been as few in number as the Aztecs, a Portuguese dominion would soon have arisen in Cathay; but the raids made by the colonists, the slaying of villagers, the violation and carrying off of women, the cruelty and robberies of the Christians, became so intolerable that the whole region was aroused, and the colonists exterminated. From that period Europeans were rigorously restricted to the port of Canton, and the coast enjoyed quiet, except interrupted by an occasional buccaneer, until the present century, when the opium traffic brought violent men to every port.

The Portuguese were not the only sufferers from trespassing upon the soil of China. Twenty Japanese filibusters were boiled to death in the streets of Ningpo, by order of an envoy of their country, who then (1406) happened to be in Peking. All their intercourse with foreigners seemed to confirm Chinamen in the belief that the barbarians were in their dispositions like wild beasts, unamenable to reason, and to be treated accordingly.

With feelings of mutual mistrust and hostility, commerce was long conducted by Europeans and Chinese at Canton. The question of foreign exemption from local jurisdiction only came up for discussion in cases of homicide; but in every instance the Chinese insisted on their right to punish the murderer. Foreign resistance to the claim was based only on the unwillingness of the Chinese to distinguish between killing by accident, in self-defence, or from malice. In the Chinese code such distinctions exist; but life for life was the inexorable demand when a native was slain by a foreigner; it was not, however, so much jealousy of foreign jurisdiction, as a desire of revenge, that actuated them, as was shown on many occasions. Whenever foreigners tried and executed one of their number for a murder of a Chinaman, the mandarins and people were satisfied. It was the practice of the local authorities to make a representation to the emperor to the effect that such trials and executions were in obedience to their orders, the foreigners being their submissive agents. The real difficulties occurred when an accidental or extenuating homicide took place, or where there was insufficient proof of the guilt of the accused. The condign punishment of those convicted did not meet the requirements of the Chinese authorities. They seized, and held as hostages, countrymen of the murderer, and demanded blood for blood, seeking not justice but revenge. The object was explicitly expressed by the emperor Kienlung, in an edict (1749): 'It is incumbent to have life for life, in order to frighten and repress the foreigner.'

Four years subsequent to the issuing of the edict of Kienlung, the Canton local government memorialized the emperor to disallow to foreigners the privilege of appeal, when sentenced to death. Except in times of insurrection no Chinaman can be executed until his death warrant is signed by the emperor. In compliance with that memorial, foreigners, guilty of homicide, were outlawed. It was formally announced that 'The barbarians are like beasts, and not to be ruled on the same principles as citizens. Were any to attempt controlling them by the great maxim of reason, it would tend to nothing but confusion. The ancient kings well understood this, and accordingly ruled barbarians by misrule. Therefore, to rule barbarians by misrule is the true way of ruling them.' It suited the purpose of European residents at Canton to descant upon the arrogance and inhumanity of the Chinese, as manifested by proceedings based upon those hostile [Pg 560]

edicts, while the provocations which explained and extenuated them were studiously concealed.

Considered apart from the misdemeanors of foreigners, the measures of the Chinese authorities justified the appeal to arms by the nation, whose interests were chiefly concerned in commercial dealings with that empire. The supremacy claimed by the Chinese over all countries occasioned frequent altercations between the mandarins at Canton and the English officers who were in charge of the East India Company's factory in that city. Hostile collisions were, however, comparatively unfrequent, owing to the authority exercised over all British subjects by the East India Company, that body having authority to deport any of their countrymen who acted disorderly. Their proceedings in that way gave a tone to the entire foreign community, and as intercourse was restricted to a single port, where the people were jealous, and mandarins vigilant, murderous affrays did not often take place; yet, when they did occur, the Chinese were resolute in claiming jurisdiction in each instance. In cases of assault, pecuniary recompense always satisfied the complainant; and in business transactions mutual confidence in each other's integrity rendered official intervention unnecessary.

Thus, except in cases of homicide, the foreign claim of exemption from local jurisdiction was tacitly admitted, and no inconvenience followed. But where life was lost, even when both the murderer and his victim were foreigners, the right to try and execute the guilty was contended for, and in some cases admitted. Kienlung's demand of 'life for life' was always made, an innocent victim being not less acceptable than the real culprit. On one occasion (1772), when a Chinaman was killed in the Portuguese settlement of Macao, an Englishman, demanded by the Chinese, whom the Portuguese admitted to be guiltless, was by them given up, and by the Chinese strangled, to meet the claim of life for life. No regard was had for those who by accident caused loss of life. In 1780 a native was killed by the firing of a salute from an English vessel. The mandarins decoyed the supercargo and held him as a hostage until the gunner was delivered up. The innocent cause of the calamity was given up under a promise from the mandarins that he should have a fair trial, and that his life should not be endangered. He was immediately strangled. In 1821 an Italian sailor, in the service of an American merchantman, was the indirect cause of the death of a China boatwoman, who was by the side of his vessel. Trade was stopped until the poor man was delivered up; the committee of American merchants, in the examination of the sailor, protested against its irregularity. In sending the prisoner to be strangled, they said, 'We are bound to submit to your laws, while in your waters; be they ever so unjust, we will not resist them.' A plausible reason for a culpable act. They should have allowed the trade to stop, and quit the Chinese waters, rather than become parties to the murder of the Italian. [Pg 561]

The abrogation of the monopoly of the East India Company, and the rapid extension of the illicit traffic in opium, caused a great influx of foreigners into China, who often forced their way to ports where intercourse was prohibited; these were among the causes which prepared the way for the war with Great Britain; but the question which precipitated that war, was one touching Chinese jurisdiction over contraband merchandise, smuggled into the empire in defiance of the efforts of the Chinese authorities to keep it out. Opium, the bane of their race, was stored up in the foreigners' vessels in Chinese waters. To obtain possession of the fatal drug, they placed the foreigners in duresse. The opium war followed, and next the treaty of Nanking, which secured all that Britain desired, save the legalization of the opium traffic.

Neither in the treaty of Nanking, nor the supplementary treaty, was the concession of exemption of British subjects from local Chinese jurisdiction formally expressed. Security to British subjects was guaranteed, while the British Government stipulated that they should keep a ship of war at each port 'to restrain sailors on board the English merchant vessels, which power the consuls may also avail themselves of, to keep in order the merchants of Great Britain and her colonies.'

That the Chinese regarded the principle of extraterritoriality as having been conceded, was shown by their ready assent to the insertion in the American treaty of a clause formally abdicating sovereignty to that extent. Our treaty says: 'Subjects of China, who may be guilty of any criminal act toward citizens of the United States, shall be arrested and punished by the Chinese authorities, according to the laws of China; and citizens of the United States, who may commit any crime in China, shall be tried and punished by the consul or other public functionary of the United States.' Provision was made for joint action between American and Chinese officials in certain cases. It was also stipulated that there should be no interference by the Chinese in any misunderstanding that might arise between Americans and people of other foreign countries.

In the third treaty—that negotiated by the French—foreign exemption from Chinese law was yet more explicitly declared: 'Every Frenchman, who harbors resentment or ill will toward a Chinese, ought first to inform the consul thereof, who will again distinctly investigate the matter, and endeavor to settle it. If a Chinese has a grudge against a Frenchman, the consul must impartially examine and fully arrange it for him. But if any dispute should arise, which the consul is unable to assuage, he will request the Chinese officer to coöperate in arranging the matter, and having investigated the facts, justly bring the same to a conclusion. If there is any strife between French and Chinese, or any fight occurs in which one, two, or more men are wounded, or killed by firearms, or other weapons, the Chinese will, in such cases, be apprehended and punished, according to the laws of the Central Empire; the consul will use means to apprehend the Frenchmen, speedily investigate the matter, and punish them according to the French law. France will in future establish laws for their punishment. All other matters, not distinctly stated in this paragraph, will be arranged according to this, and greater or lesser crimes committed by the French, will be judged according to French law.'

China, stunned by the blows so unexpectedly inflicted by the barbarians, whom she despised and thought herself able to exterminate, made no resistance to the demands made for extraterritoriality. As a Chinaman does not hesitate to commit suicide when excited and alarmed, so Taukwang quietly acquiesced in terms which were fatal to the independence of his empire. [Pg 562] When, subsequently, the English demanded from the Siamese similar conditions, those people, although feeble and servile, could not easily be made to brook the degradation. Sir John Bowring, who negotiated the treaty with that state, says, in his Kingdom and Prospects of Siam, 'The most difficult part of my negotiation was the emancipation of British subjects from subjection to Siamese authority.' Who can wonder? The emancipation of the guests required for its complement the disfranchisement of the host! The fact that the Siamese were aware of the nature of the concession affords hope that they will succeed in averting some of its mischievous consequences. Subsequently the Siamese made the same concession to Americans, thus abrogating our former self-stultifying stipulation.

Mr. Urquhart, in his work on Turkey and its Resources, expresses the opinion that the Ottoman empire and the Barbary States have acted unwisely in exempting resident Franks from jurisdiction; on which Mr. Cushing, who negotiated our treaty, remarked, when attorney-general of the United States: 'It may be unwise for them; but it will be time enough for them to obtain jurisdiction over Christian foreigners, when these last can visit Mecca, Damascus, or Fez as safely and freely as they do Rome and Paris, and when submission to local jurisdiction becomes reciprocal.' When have Mohammedans or Pagans refused submission to rulers in Christian lands? As regards China, Christian travellers enjoy the same immunities there that are accorded to them in Europe or America—they are safe and free; it is not easy, therefore, to frame a valid reason for extraterritorial practice in that empire.

No less a jurist than John Quincy Adams, in a lecture on the British war with China, delivered before the Massachusetts Historical Society (December, 1841), pronounced the cause of Britain 'righteous.' Mr. Adams, however, proceeded on the assumption that the real matter at issue was whether the assumption of Chinese supremacy should be admitted or not. He regarded the opium question as a mere incident in the controversy, and entirely overlooked the other question at issue, viz., the independence of China.

Let us now observe the operation of the extraterritorial policy. Besides Canton, four other ports were opened for trade, and the grant is made to England of full sovereignty of the island of Hongkong, commanding the entrance of the Pearl or Canton river. If the Chinese had been able to restrict its concession to the three treaty powers, England, United States, and France, the baneful consequences might have been easily controlled, for these countries immediately empowered their consuls to exercise jurisdiction over their respective countrymen. In one respect, Congress fully met the demands made upon the country by the position which we with others had assumed in China. Laws sufficiently stringent were enacted for the government of our citizens in that empire; but the consular system, that was inaugurated to meet the new order of things, was so defective, as to render those laws nearly inoperative. The salaries attached to these offices being totally inadequate, competent persons could not be induced to accept appointments; or when accepted, they were relinquished as soon as the incumbent became fully qualified by experience for the discharge of consular duties. Having to act as a magistrate, some knowledge of law was requisite; and having peculiar diplomatic duties to perform, considerable knowledge of Chinese polity, history, and customs was needed. The consequence was, as regards Americans, such a lax administration of justice that our disorderly countrymen were not subject to due restraint; and as American offenders easily eluded apprehension, or escaped punishment, lawless British subjects often found it advantageous to claim to be American citizens, insomuch [Pg 563] as to cause irreparable damage to American character and influence. When the ports were first opened for trade, no people were regarded with as much favor as our countrymen; but since that period we have lost ground, and our influence has been greatly impaired through those causes.

The British consular system was made a service, its members being fairly remunerated and induced to make their occupation the profession of their lives; consequently the Government has at all times competent and reliable servants. British consuls, moreover, in their magisterial capacity were a terror to evil doers, the means placed at their disposal for repressing the unruly were ample; while the American consul, being unprovided with interpreters, and ignorant of the language, having no constable or marshal, clerks or assistants of any kind, and having no place wherein to confine a criminal, often failed to inspire respect.

It was, however, from the subjects of non-treaty powers that China was destined to suffer most from her concession of extraterritoriality. Men of every clime and nation claimed exemption from her laws. Vagabonds, whose government had no consular authority to restrain them, boldly defied the local authorities, becoming a law unto themselves. Lawless adventurers from the gold regions of Australia and California personated those nationalities; and the bewildered Chinese often despaired of success in distinguishing even the names of the nationalities they were called to encounter. When discharging consular duties in Ningpo, the mandarins frequently consulted us, soliciting information on this subject; they were apprehensive of offending one government or another, while seeking to afford protection to their own people.

One disastrous result of the war with England was the discovery by the Chinese of the impotency of their rulers. No sooner had the lawless among them seen the ease with which a few foreigners dictated terms to the hitherto formidable mandarins, than they took to the sea as pirates. In a short space of time the coast became so infested by these marauders, that Chinese junks dared not put to sea without being under the convoy of a foreign, square-rigged vessel. A lucrative

business soon sprang up in convoying. A foreign merchantman would sail in company with a fleet of junks, and by his presence intimidate the Chinese pirate. Gradually this business was monopolized by the Portuguese; the proximity of their Chinese possession, Macao, enabled them to fit out lorchas, or coasting sloops, which, being manned largely by Manilla men, were able to serve as a cheap and effective navy for the Chinese mercantile marine. Enjoying exemption from all control, these armed, irresponsible lorchamen early began to dictate terms to the Chinese mariners, and in a few months the unfortunate Chinaman was puzzled which to avoid, the piratical junk or the buccaneering lorcha, the extortions of the latter being as damaging as the robberies of the former. He was no more at liberty to decline the protection of a Portuguese convoy, on the terms which the foreigner saw fit to impose, than to refuse the demands of the professed pirate.

The Chinese pirates, finding their occupation so much interfered with by their foreign rivals, turned their attention to the poor fishermen, whom they mercilessly plundered. Foreign protection was invoked; and the protection of this important branch of industry was committed to the unprincipled lorchamen. When junkmen and fishermen discovered that the extortions of the foreigner were damaging as the exactions of the native pirate, they tried to make terms with the latter; but it was too late. It was no longer optional with them to accept or refuse protection. Black mail was levied upon all with the method and certainty of a revenue service. This was not [Pg 564] effected without violence and bloodshed; but of this there were none to take cognizance. The outrages were perpetrated at ports or off coast, where there were no consuls. Hence anarchy reigned at all points beyond the precincts of the consular ports.

It is the nature of such a condition of things to extend; and it was not long before the lawless foreigners, chiefly Portuguese, but with a mixture of English, Americans, and all other nationalities, carried their depredations to the villages on the islands and mainland. Robbery and murder at sea were succeeded by like crimes on land. Whole villages were reduced to ashes; the men butchered, and the women violated; some being carried on board the lorchas and held to ransom. Chinese officials were slain on attempting to resist the corsairs. Much of our surgical practice in China was due to these piracies and forays.

Adventurers, who could not command a lorcha, fitted up native boats, and hoisting some foreign flag, carried on like depredations in the estuaries and rivers. Others went so far as to open offices in the small towns for the sale of passes, which boats crossing from headland to headland were compelled to show, in order to escape from greater exactions when under way. Not a small part of the wrongs thus perpetrated were by natives attired in foreign habiliments and under foreign direction. Such was the fear entertained of foreigners, that a bold and unscrupulous man could do anything with impunity. Take the following occurrence as an illustration: At the mouth of the Ningpo river is a small village of salt makers, at which the salt commissioner stations a deputy. This officer, after having been cruelly beaten, was driven away by the Portuguese, who issued a proclamation authorizing their employés to collect the salt gabel in the name of the Portuguese consul!

It is proper to remark that the transition from the protective to the piratical character of the lorchas was owing in some measure to the fatuous procedure of the mandarins themselves toward a formidable body of pirates, whose submission they purchased by conferring ranks and emoluments on the chiefs, and by giving employment to the whole fleet, constituting them guardians of the coast. In transforming the wolves into shepherds, a change of occupation was not attended by a change of character. In their new capacity as legalized fleecers, they came into collision with those of Macao; and what they lost as convoyers, they aimed to gain as pirates.

A general massacre of the Portuguese at Ningpo, by the Cantonese pirates, served to mitigate the evil by calling the attention of the English and Portuguese authorities to the anarchy which drew much of its support from Hongkong and Macao. The Portuguese were subjected to greater restraint, and a greater degree of order was thereby secured.

It is not easy to estimate the evil effects upon China of the possession of Hongkong and of Macao by the Portuguese. They are like corroding ulcers in her side. Imagine Bermuda and Nassau just off Sandy Hook, with every conceivable facility for smuggling into the port of New York; suppose the contraband traffic to be fatal to the health and morals of our citizens, as well as prejudicial to our revenue, and then extraterritorial privilege giving immunity to many of the foreigners' misdeeds; and the difficult position of Chinese authorities will be partially appreciated.

It was in part a question of jurisdiction that led to the second war with England—the 'lorcha' war. But for the assumption, on the part of the British, that the Chinese were in a measure a subjugated people, or not in possession of full sovereignty, they could not have again invaded China with any show of reason. [Pg 565]

On the breaking out of hostilities there was a general demand, on the part of all mercantile powers, for the entire and unrestricted opening of the Chinese empire to all foreigners. At that juncture we felt called upon to remonstrate against such injustice toward an unoffending country. In a series of articles, published in the *North China Herald*, we attempted to show that an unqualified compliance with the demands of chambers of commerce and the press would be inimical to foreign no less than to Chinese interests: 'With one voice Christian nations demand the entire opening of China, and an extension of commercial advantages, regardless of Chinese rights in the matter. I believe that these rights cannot be infringed with impunity. China, it is true, must succumb before a requisite force; but the real difficulties of the aggressors will only then commence. Let us consider the consequences of an unconditional compliance with the

demands of foreigners. You shall see the horrid barbarities, which have devastated the coast, reënacted in the interior. You shall see the adventurers, who shoot down Chinamen with no more malice or compunction than they shoot a pheasant, go further and travel faster than consul, merchant, or missionary. Murder, robbery, rape, and the like, will be common wherever the arm of authority is unfelt. Up her far-reaching rivers, along her interminable network of canals, on the surface of her broad lakes, through her every navigable water-course, China will be infested by desperadoes from all lands, scattering misery in every valley and throughout the great plain. Then will follow the assassination of the peaceful traveller; massacres, foreign intervention, blockades and wars, and the lasting impediments to commerce and civilization which these disorders engender.'

We proposed, as a check to the evil, a system of passports, limiting the privilege of travel or residence beyond consular ports to responsible persons—to those who could give some guarantee that the privilege should not be abused. Lord Elgin and Baron Gros, the allied plenipotentiaries, accepted the plan, and proposed it to the imperial commissioners. It is said that the commissioners eagerly seized the proposition, as, after the capture of Tien-tsin by the allied forces, they saw that submission was inevitable, yet durst not propose to the emperor unconditional acquiescence with the conquerors' demands, and represented the proposed passport system as a condition which they had imposed upon the barbarians. Thus they were empowered to negotiate the treaty of Tien-tsin, which averted a battle between that port and Peking, which neither party felt itself quite ready to commence.

About a dozen additional ports, some in the heart of the empire, are now open to the foreigner, and extraterritoriality obtains throughout the vast region subject to the sway of the Son of Heaven—which, with other corresponding causes, seems to be effecting the dismemberment of that hoary empire. The regimen to which the oldest of nations is subjected, is fast placing it in the condition of the 'sick man' of the Bosphorus.

As an evidence of the aggressive character of the foreigner, and of the desire of rendering extraterritoriality a means of subjugation, examine the claims set up within the past few months by mercantile interests. China, having surrendered her right over criminals in her territory, has been further called on to submit to British consular investigation and adjudication with the assistance of two assessors (British merchants), in all cases of seizure and confiscation by her customs authorities, whenever hardship or injustice is alleged—the custom-house officers to be cited before the consul to receive his judgment in the case!

Again, there is a foreign as well as a native Shanghai. This settlement, or city of foreigners, adjacent to Shanghai proper, occupies a considerable space of territory, and is a place of great [Pg 566] wealth. Its warehouses are palatial, it has beautiful public and private edifices, and is governed by a municipality chosen by property holders from among themselves. Its police, streets, piers, race-course, and all the appurtenances of a city, are admirably arranged. Nowhere, in the whole empire, is there so much security for life and property; hence natives, who can afford to hire, from foreigners, houses which have been erected on this conceded ground, are glad to do so; it has consequently become a place of resort for well-to-do natives, who thus become exempt from the extortion of the mandarins. Latterly the Chinese local authorities have undertaken to impose a tax upon these extraterritorial natives, which their foreign clients resist, although one of the reasons assigned by the mandarins, for the levying of taxes on their people residing in the foreign settlement, is an increase of expenditure consequent on the employment of the Anglo-Chinese flotilla.

Happily the British Government has refused to enforce the claims of the merchants, as regards the exemption of their contraband goods from confiscation; and Sir F. Bruce, the British ambassador, and Mr. Burlingame, the United States ambassador, have admitted 'that the so-called foreign settlement of Shanghai is Chinese territory, and that the fact of Chinese occupying houses, which are the property of foreigners, does not in any way entitle such foreigners to interfere with the levying of taxes by Chinese officials.'

No additional evidence need be adduced to show that, in exempting resident foreigners from criminal and civil jurisdiction, the Chinese have opened the way for endless complications, for ever-recurring aggressions. What are the duties of our Government and people with regard to the Chinese, in view of the position in which those people are placed? We hold that it is not our duty to abandon the concession, which thus imperils the existence of the Chinese empire. It is not clear that if all nations, having intercourse with China, were to agree to renounce the privilege they have extorted, it would be best to suffer their people to trust wholly to Chinese tribunals for protection. Cases could not fail to arise demanding foreign interference, if foreigners were permitted to go to China at all. And since the re-sealing of the empire is out of the question, less evil is perhaps likely to accrue, as things now are, than by a change of policy. There is so little regard for human life among the Chinese, so much venality at the tribunals of justice, that foreigners would be endangered in person and property, unless protected by some extraordinary safeguards, perhaps even to the extent secured by treaty. Assuming, then, as we do, this jurisdiction in China, we incur a grave responsibility. It is incumbent on us loyally to fulfil the obligations that we have assumed; to see that we do not, by a lax administration of justice, encourage unprincipled men in violating Chinese law. No new laws are required, but a faithful enforcement of those already enacted. To accomplish this, we need to amend and improve our consular system. Consulates in China cannot be rendered efficient until they are filled by competent men, who shall hold their office during good behavior, and to whom inducement should be made to spend the best part of their lives in the service. We cannot, like the English,

hold out the prospect of a retiring pension to one who serves the State twenty years in that uncongenial climate; but we can refrain from making those frequent changes which prove so detrimental to every interest concerned. The consuls should either be acquainted with the Chinese language, a work for a lifetime, or have an American interpreter. The practice of having a Chinese linguist is most damaging—the native linguist being invariably a lying knave, who [Pg 567] becomes consul *de facto*, whom no native can approach without a bribe, which it is supposed goes in part to the consul. As the points where consuls are needed are numerous, some of them being where the honorable merchantman from the United States rarely visits, it may seem that the expense would prove an insuperable objection to the establishment of a full and efficient consular system. This objection ought to have no weight. If we are not prepared to allow the Chinese to exercise jurisdiction over our wandering citizens, we are bound, at any cost, ourselves to discharge that duty. And in view of the fact that American officials possess power of life and death over their fellow citizens, our Government should appoint a judicial officer, also holding office during good behavior, by whom all grave cases should be tried. If we cannot afford to be just, let us economize by abrogating the office of commissioner or ambassador to Peking. That is an office which, from its emoluments, must always be given, whichever party may be in power, as a reward for party services to one who will return or be recalled before he begins to understand his business. A *chargé des affaires*, with our admiral on the station, could attend to all needful diplomacy, and thus a saving could be made and carried to the credit of the consulates.

Further, as by express stipulation we debar the Chinese from adjudicating in quarrels which may arise between our citizens and the people of other countries in China, we ought to take measures for the establishing of a mixed tribunal to exercise jurisdiction in such cases; and there ought to be an arrangement by which countries which are properly represented in China might investigate and adjudicate in offences committed by foreigners not properly represented in that country: a most dangerous class of persons, who enjoy the privilege of extraterritoriality, without amenability to any tribunal, and who by their misconduct place every foreign interest in jeopardy.

As with the advance of Christian civilization, society is more and more disposed to accord the rights of manhood to men of every race; so, let us hope, nations will yet be found willing to forego the advantages that greater power confers, no longer employing that power in oppressing or subverting weak states.

FOOTNOTES:

[10] The second number of a series of articles on Eastern Asia.

REASON, RHYME, AND RHYTHM

CHAPTER VII.—THE ARTIST AND HIS REALM.

The Divine Attributes the base of all true Art.

Aristotle teaches that: 'The object of the poet is not to conceive or treat the True as it *really* happened, but as it *should* have happened. The essential difference between the poet and historian is not that the one speaks in verse, the other in prose, for the work of Herodotus in verse would still be a history; that is, it would still relate what had *actually* occurred, while it is the province of a poem to detail that which *should* have taken place.' Thus the human soul exacts in the finite creations of the poet that justice which it ever divines, but cannot always see, because the end passes beyond its present vision, in the varying dramas of human destiny written in the Book of the Infinite God.

Carefully keeping in mind that the end of such divine dramas is not *here*, we see that, in [Pg 568] accordance with the above views of Aristotle, the *true* is not that which *really* occurs, but that which our feelings and intellect tell us ought to occur. The actually occurring, the *Real*, has always been confounded with the abstractly *true*, but they are very different things. Virtue, morality, such as revealed by Christianity, and confirmed by reason, are certainly *true*; but in relation to that which is, to the *real*, the *actual*, what man has ever yet succeeded in realizing the pure, high model set forth in the Gospel? In accordance with the theory that the *Actual* is the *true*, the nature of a saintly hero, a self-abnegating martyr, would not be a *true* nature; while the fact is, it alone is true to the purposes of its creation.

Sophocles, Raphael, Michael Angelo, Fra Angelico, etc., etc., did not mean by truth in the arts, the pure and simple expression of that which *really* is, but the expression of that which is rarely found *in* the actual, but is suggested by it. Aquinas makes an acute distinction between the intellect *passive*, which merely receives impressions from without, and the intellect *active*, which reasons upon and draws inferences from them. The senses can only give or know the *individual*; the active intellect alone conceives the *universal*. Our eyes perceive a triangle; but as we have this perception in common with the brutes, it cannot raise us above their level; and to take our rank as intelligences, as men, we must rise from the mere perception of the individual triangle to the general idea of triangularity. Thus it is the power of *generalizing* which marks us as men; and the senses have in reality nothing to do with the internal operation; they but receive the

impressions, and convey them to the active intellect. Thus to the impressions given by the senses of *finite* things to the passive mind, the active intellect adds the idea of *infinity*. The eager soul, always longing for the infinite, the absolute, then seeks to invest all with that perfection which it divines in the Maker of all; the possibility of which conception of perfection is added or attached by the Creator to the Real, as a supersensuous gift to those made in His own image. Such conceptions live ever firm and fair in the charmed world of the artist, for his world is the Realm of pure Ideas.

Much may be quoted in proof of this view. Cicero says:

> 'When Phidias formed his Jupiter, he had no living model before his eyes, but having conceived an idea of perfect beauty in his soul, he labored only to imitate it, to produce it in the marble without change.'

Raphael says:

> 'Having found no model sufficiently beautiful for my Galatea, I worked from a certain Idea which I found in my own mind.'

Fra Angelico furnishes a striking example of working from images found in the soul. He was an artist of very devout character, early devoting himself and his art to God, saying: Those who work for Christ, must dwell in Christ. Always, before commencing a picture which was to be consecrated to the honor of God, he prepared himself with fervent prayer and meditation, and then began in humble trust that '*it would be put into his mind what he ought to delineate*;' he would never deviate from the first idea, for, as he said, '*that* was the will of God.' This he said not in presumption, but in faith and simplicity of heart. So he passed his life in imaging his *own ideas*, which were sent to his meek soul by no fabled muse, but by that Spirit 'that doth prefer before all temples the upright heart and pure;' and never before or since was earthly material worked up into soul, nor earthly forms refined into spirit, as under the hands of this devout painter. He became sublime through trusting goodness and humility. It was as if Paradise had opened upon him—a Paradise of rest and joy, of purity and love, where no trouble, no guile, no change could enter; and if his celestial creations lack force, we feel that before these ethereal [Pg 569] beings, power itself would be powerless; his angels are resistless in their soft serenity; his virgins are pure from all earthly stain; his redeemed spirits in meek rapture glide into Paradise; his martyrs and confessors are absorbed in devout ecstasy. Well has he been named Il Beato e Angelico, whose life was participate with the angels even in this world. Is it not clear that Fra Angelico had found the Realm of the Artist; the fair and happy clime of the Ideal?

Our readers must not confound the ideal with the imaginary: the ideal is rather that which the real requires to invest it with that beauty which it would have possessed had the spirits of Death and sin never thrown their dark shadows over God's perfect work. Let not the poet fear the reproach that his characters are too *ideal*; if harmoniously constructed, but *true* in the higher sense, such reproach is praise.

Man rises spontaneously from the perception of the finite beauty of creatures to the conception of the sovereign beauty of the Creator, which idea has indeed its first condition in the perception of the senses; but it passes on until it extends its sphere through all our faculties, all our moral life, until the distant vision of Absolute Beauty attracts us from the limited sphere of the senses to the realm of the ideal. Thus the artist, that he may appease the insatiate thirst for Absolute Beauty, which ever pursues him, strives to bring down upon earth the divine but veiled images, which he beholds in that fair clime.

Every work of art implies three acts of the intellect: an act, by which the artist conceives the pure idea, the soul of his creation; an act, by which he conceives or invents the form in which he is to incarnate this idea, the body of his creation; and, lastly, a conception of the relations between the pure idea and its material form, the rendering of the body a fit vehicle and indwelling-place for the soul. Three acts—but an artist of *genius* produces the three *simultaneously*; consequently a marvellous life and unity mark all his works: an artist of mere talent must be contented simply with the production of new combinations of form, since Genius alone can create artistic soul; while the assiduous student, without any peculiar natural gift, is capable of the third act, as it is only an intellectual exercise in which the scientific principles of art are skilfully applied to given forms.

Artists are frequently considered as deficient in the faculty of Reason, whereas no one was ever a great artist without possessing it in a high degree, and mankind are rapidly becoming aware of this fact. It is true they often jump the middle terms of their syllogisms, and assume premises to which the world has not yet arrived; but time stamps their rapid deductions as invincible, for genius dwells in the Realm of the Ideal: the realm, not of contingent and phenomenal actualities, but of *eternal truths*. 'For the ideal is destined to transform man and the world entire into its own image; and in this gradual and successive transformation consists the whole progressive history of humanity.'

Genius discerns the true and beautiful in itself, in the world of ideas, in God.

Talent lies on a lower level. It is the power of manifesting to men, whether by words, sounds, or plastic signs, the ideas already suggested by genius, or found by the reasoning faculties.

Genius is intuitive and creative—talent, reflective and acute.

Shakespeare was a poet of unequalled genius—Milton, of unrivalled talent.

Chopin is a composer of profound genius—Mendelssohn, of highly cultivated talent.

Madame de Stäel was a woman of genius—Miss Edgeworth, one of talent.

Elizabeth Barrett is a poet of genius—Tennyson, of talent.

Genius descends from the Idea to the Form—from the invisible to the visible: talent mounts from the visible to the invisible. [Pg 570]

Genius holds its objects with and by the heart; talent seizes and masters them through the understanding. Genius creates body, soul, and fitness; talent combines new forms for the immortal souls already created by genius.

Taste, in its highest grade, ranks above talent, and stands next to genius; nay, it is sometimes known as *receptive* genius. It is the faculty of recognizing the Beautiful in the world of thought, art, and nature; in words, tones, forms, and colors. Taste is a higher faculty than is generally supposed. Genius and Taste are the Eros and Anteros of art. Without his brother, the first would remain ever a child. Taste is that innate and God-given faculty which at once perceives and hails as true, ideas, which it, however, has not the power to discover for itself. It should be educated and carefully fostered; but no amount of cultivation will give it where not already in existence, for it is as truly innate as genius itself.

In its lowest form, it is the comprehension of the scientific principles of art, and the judging of artistic works in accordance with scientific rules.

What is known as tact, is a curious social development of the same faculty. Taste is the child of the mind and soul; tact, of the soul and heart. Both are incommunicable.

The word taste is frequently misapplied. Thus a man, with what is blunderingly called a classical taste, is incapable of aught but the classic; that is to say, he recognizes in a new work that which makes the charm of an old one, and pronounces it worthy of admiration. Put the right foot of an Apollo forward, instead of the left, and call it Philip of Pokanoket, and he will fall into ecstasies over a work at once so truly national and classic. He would have stood dumb and with an untouched heart, before the Apollo, fresh from the chisel of the sculptor. Such men have graduated at Vanity Fair, and are the old-clothesmen of art.

Thus the men of talent are almost invariably recognized and crowned in their own days; because they always deal with ideas in a measure already familiar to the multitude. But, alas for the sensitive child of genius! The bold explorer of untrodden paths must cut away the underbrush that others may follow him; he must himself create the taste in the masses, by which he is afterward to be judged. His bold, daring, and original conceptions serve only to dazzle, confuse, and blind the multitude; and as it requires time to understand them, to read their living characters of glowing light, the laurel wreaths of appreciation and sympathy, which should have graced his brow and cheered his heart, too often trail their deathless green in vain luxuriance round the chill marble covering the early grave of a broken heart. Ah, friends! Genius demands sympathy in its impassioned creations; loving and laboring for humanity, it exacts comprehension, at least, in return. Yet how very difficult it is for an artist to win such comprehension! And, by a strange fatality, the more original his compositions, the greater the difficulty. He must amuse the men of the senses; satisfy the precision of the men of the schools; and succeed in rendering intelligible to the uncultured masses the subtile links of ethereal connection which chain the finite, the relative of his compositions, to the Infinite, the Absolute.

For it is a pregnant fact, with regard to the masses, that only so far as they can be made to *feel* the connection of things with the Absolute, can they be induced to appreciate them. For instance, tell them that the stars attract in the direct ratio of their masses, in inverse ratio to the squares of the distance, and they may almost fail to understand you; but tell them, in the words of the Divine Book, so marvellously adapted to their comprehension, that 'the stars declare the glory of God,' and you are at once understood. Tell them they ought to love one another, because 'they are members of the same spiritual body'—and, although, in this concise statement, you have declared to them the internal constitution of the moral world, revealed the inner meaning of the laws of order, of social harmony, of their own destiny, and of the progress of the race—you may utterly fail in awakening their interest. But show them a Being who lived for this truth, whose life was one of sacrifice and abnegation, who died for its manifestation—they are immediately touched, interested, because you have left the unsympathetic region of abstract formulas; you have given law a visible, palpitating, feeling, suffering, and rejoicing Body—you awaken their love, their gratitude—they adore their godlike Brother, and now *feel* themselves members of the one spiritual body. [Pg 571]

It is this very possibility, on a lower plane, of thus clothing his thoughts with a visible body, which gives the artist an advantage over the man of science, who presents the formula of the *law* with the aid of the contingent finite idea, but without connecting it with its First Cause. Confining itself to the limits of the thing examined, science tries to explain the finite rationale of its being; while art gives its formula by the aid of a material sign, a form or body, which contains or suggests both limits of its double existence, viz.: the finite and the infinite. For the true artist always connects the relative with the Absolute, the second cause with the First; in the finite he seeks the Infinite—therefore he finds mystic and hidden truths in essential harmony with the soul of man. He is always returning to unity. The man of science, on the contrary, always beginning

with the variable and contingent facts of this world, is often lost in the wildering whirl of the ever-moving and unceasing variety around him, finding it hard to link his widely severed facts with the Supreme Unity, which gives to all its reason for being, its true worth. Variety and Unity —the created and the Creator!

It is almost universally believed that there is more truth in science than in poetry—a vulgar error refuted both by reason and common sense. Poetry, being the expression of the necessary with the Absolute, must, in consequence, be nearer truth than science, which has, for the most part, its starting point in contingent, variable, and fugitive facts, and either succeeds in seizing in an uncertain manner or fails to seize at all the one Idea imbosomed in such a multitudinous array of facts. The whole creation is but the visible expression of the laws of our unseen God: the man of science mounts from the visible fact to the unseen Idea, while the poet descends from the idea to the fact, thus humbly imitating the work of creation.

It was man who introduced disorder into the finite: regenerated through the incarnation of the Divine, he must labor with all his powers to restore it to its pristine order. He must remodel the physical world by his industry, and task his intellect in the paths of science, that the truths of nature may be developed, that the well-being of his body, his material nature may be properly cared for: by his courage and endurance he must alleviate all wrongs, and set free the oppressed; he must elevate his soul and ennoble his heart by a grateful attention to his religious duties; he must increase and multiply his happy and helpful relations with his brother men by a faithful and devout culture of the fine arts.

The Beautiful does not address itself principally *to* the senses; but, by its exhibition of eternal laws, *through* them to the soul, for the *manifestation of the Divine attributes is the mystic Heart of all true Beauty*.'

To give an example of the different appeals made by science and by art, let us open alternately [Pg 572] the pages of the poet and savant, let us take some familiar thing, for instance, a common flower, and see what they will tell us of its character, relations, and worth. The botanist notes the distinctions of the flower, that his herbarium may be increased—the poet, that he may make them vehicles of expression, of emotion. The savant counts the stamens, numbers the pistils, delineates the leaves, marks the manner of growth, classifies, affixes a name, and is satisfied;—the poet studies the whole character of the plant, considering each of its attributes as a vehicle of expression, an ethical lesson; he notes its color, he seizes on its lines of grace or energy, rigidity or repose, remarks the feebleness or vigor, the serenity or tremulousness of its hues, observes its local habits, its love or fear of peculiar places, associating it with the features of the situations it inhabits, and the ministering agencies necessary to its support. It becomes to him a *living* creature, with histories written on its leaves, and passion breathing in its tremulous stems. He associates and identifies it with the history and emotions of humanity. Feeling that even these fragile flowers are symbolic of a moral world, he crowns the bride with white roses, orange buds, or snowy myrtle wreaths, to typify that innocence and chastity are essential to a love that is to last as long as life endures. He wreathes the redeemed with undying amaranth, unfading palms, to symbolize that their meek triumph is for eternity; while he places in the hands of the angels the sculptured chalice of the snowy lily, with its breath of incense and stamens of molten gold, as an imperfect type of the perfect purity, sweet peace, and glorious golden splendor of the Heavenly City.

The pages of the poets are full of beautiful lessons and tender illustrations drawn from the fragile flowers. We cite Lowell's lines to one of our most common flowers:

TO THE DANDELION.

Dear common flower that grow'st beside the way,
  Fringing the dusty road with harmless gold,
    First pledge of blithesome May,
  Which children pluck, and, full of pride, uphold,
High-hearted buccaneers, o'erjoyed that they
An Eldorado in the grass have found,
Which not the rich earth's ample round
May match in wealth—thou art more dear to me
Than all the prouder summer blooms may be.

Gold such as thine ne'er drew the Spanish prow
  Through the primeval hush of Indian seas,
    Nor wrinkled the lean brow
  Of age, to rob the lover's heart of ease;
'Tis the spring's largess, which she scatters now
To rich and poor alike with lavish hand,
Though most hearts never understand
To take it at God's value, but pass by
The offered wealth with unrewarded eye.

Thou art my tropics and mine Italy;
  To look at thee unlocks a warmer clime;
    The eyes thou givest me

Are in the heart, and heed not space or time:
Not in mid June the golden-cuirassed bee
Feels a more summer-like warm ravishment
In the white Lily's breezy tent,
His fragrant Sybaris, than I, when first
From the dark green thy yellow circles burst.

Then think I of deep shadows on the grass,—
Of meadows where in sun the cattle graze,
Where, as the breezes pass,
The gleaming rushes lean a thousand ways,—
Of leaves that slumber in a cloudy mass,
Or whiten in the wind,—of waters blue
That from the distance sparkle through
Some woodland gap,—and of a sky above
Where one white cloud like a stray lamb doth move.

My childhood's earliest thoughts are linked with thee;
The sight of thee calls back the Robin's song
Who, from the dark old tree
Beside the door, sang clearly all day long,
And I, secure in childish piety,
Listened as if I heard an angel sing
With news from heaven, which he could bring
Fresh every day to my untainted ears,
When birds and flowers and I were happy peers. [Pg 573]

How like a prodigal doth nature seem
When thou, with all thy gold, so common art!
Thou teachest me to deem
More sacredly of every human heart,
Since each reflects in joy its scanty gleam
Of heaven, and could some wondrous secret show,
Did we but pay the love we owe,
And with a child's undoubting wisdom look
On all these living pages of God's book.

Wordsworth's 'Daisy' is very beautiful, and full of moral lessons:

In youth, from rock to rock I went,
From hill to hill, in discontent
Of pleasure high and turbulent,
Most pleased when most uneasy;
But now my own delights I make,—
My thirst at every rill can slake,
And gladly nature's love partake
Of thee, sweet Daisy!

When winter decks his few gray hairs,
Thee in the scanty wreath he wears;
Spring parts the clouds with softest airs,
That she may sun thee;
Whole summer fields are thine by right;
And Autumn, melancholy wight!
Doth in thy crimson head delight
When rains are on thee.

In shoals and bands, a morrice train,
Thou greet'st the traveller in the lane;
If welcome once, thou count'st it gain;
Thou art not daunted,
Nor car'st if thou be set at nought:
And oft alone in nooks remote
We meet thee, like a pleasant thought,
When such are wanted.

Be violets in their secret mews
The flowers the wanton Zephyrs choose;
Proud be the Rose, with rains and dews
Her head impearling;
Thou liv'st with less ambitious aim,
Yet hast not gone without thy fame;
Thou art indeed by many a claim
The Poet's darling.

If to a rock from rains he fly,
Or, some bright day of April sky,
Imprisoned by hot sunshine, lie
Near the green holly,
And wearily at length should fare;
He needs but look about, and there
Thou art: a friend at hand, to scare
His melancholy.

A hundred times, by rock or bower,
Ere thus I have lain couched an hour,
Have I derived from thy sweet power
Some apprehension;
Some steady love, some brief delight;
Some memory that had taken flight;
Some chime of fancy wrong or right,
Or stray invention.

If stately passions in me burn,
And one chance look to thee should turn,
I drink out of an humbler urn
A lowlier pleasure;
The homely sympathy that heeds
The common life our nature breeds;
A wisdom fitted to the needs
Of hearts at leisure.

Sweet flower! for by that name at last,
When all my reveries are past,
I call thee, and to that cleave fast,
Sweet, silent creature!
That breath'st with me in sun and air,
Do thou, as thou wert wont, repair
My heart with gladness and a share
Of thy meek nature!

With still deeper poetic feeling has that untutored bard of nature, poor Burns, written of this little flower:

TO A MOUNTAIN DAISY,

On turning one down with the plough, in April, 1786.

Wee, modest, crimson-tipped flow'r,
Thou's met me in an evil hour;
For I maun crush amang the stoure
Thy slender stem;
To spare thee now is past my power,
Thou bonnie gem!

Alas! it's no thy neebor sweet,
The bonnie Lark, companion meet,
Bending thee 'mang the dewy weet,
Wi' speckl'd breast,
When upward springing, blithe, to greet
The purpling east.

Cauld blew the bitter biting north
Upon thy early, humble birth;
Yet cheerfully thou glinted forth
Amid the storm
Scarce reared above the parent earth
Thy tender form.

The flaunting flowers our gardens yield,
High sheltering woods and wa's maun shield
But thou, beneath the random bield
O' clod or stane,
Adorns the histie stibble field,
Unseen, alane!

There, in thy scanty mantle clad,
Thy snawie bosom sun-ward spread,
Thou lifts thy unassuming head,
In humble guise;

But now the share uptears thy bed,
And low thou lies! [Pg 574]

Such is the fate of artless Maid,
Sweet floweret of the rural shade!
By love's simplicity betrayed,
And guileless trust,
Till she, like thee, all soiled, is laid
Low i' the dust.

Such is the fate of simple Bard,
On life's rough ocean; luckless starr'd,
Unskilful he to note the card
Of prudent lore,
Till billows rage, and gales blow hard,
And whelm him o'er!

Such fate to suffering worth is given,
Who long with wants and woes has striven,
By human pride or cunning driven
To mis'ry's brink,
Till, wrench'd of every stay but Heaven,
He, ruin'd, sink!

Ev'n thou who mourn'st the Daisy's fate,
That fate is thine—no distant date:
Stern Ruin's ploughshare drives, elate,
Full on thy bloom,
Till crushed beneath the furrow's weight
Shall be thy doom!

With our hearts full of love and tender sympathy with the author of this exquisite poem, let us now look among the botanists for a description of the Daisy. We will find: 'Perenuius (Daisy, E.W. & P. 21), leaves obovate, crenate; scape naked, 1 flowered; or, Leucanthemum (Ox-eyed Daisy), leaves clasping, lanceolate, serrate, cut-toothed at the base; stem erect, branching.' (See Eaton's Botany.)

All honor to the savant! Untiring in his investigations, ardent in his researches, the men of the senses are scarcely worthy to untie the latchet of his shoe, but he is slow in acknowledging the *science of art*, and apt to look down upon the artist from his throne of power! Because the artist deals with a different order of truths, unseen and belonging principally to the world of feeling, the savant rarely does justice to the intense study requisite for the mastery of the mere form of art; the long, unrequited, and patient toil requisite for its practice, or the soaring and loving genius required to fill the form when mastered with glowing life. All honor to the savant! but let him not fail to acknowledge the artist-brother at his side, who labors on for humanity with no hope of learned professorships to crown his career, nor venerable diplomas to assure him of social honor and position. Let him not be regarded as an idler by the wayside, nor let 'La Bohème' be any longer considered as his especial type and insignia! The useful and the beautiful should stand banded in the closest fellowship, since Truth must be the soul of both! Honor then the pure artist, while he still lives, nor keep the laurel only for his tomb!

In order to examine scientifically, the mind is generally forced to consider its object as deprived of life; indeed, the functions of living creatures cannot be fully analyzed without being first deprived of life. Science gives us its subject with the most rigorous exactitude, with the most scrupulous fidelity; but, alas! often without that magical kindler of love and sympathy, life. Art gives us its subject with vivid coloring, motion, palpitating life—often, indeed, by associative moral symbolism adding a still higher life to simple being, filling it, as in Burns's lines to the Daisy, with a purer flame.

Science daguerreotypes, art paints its objects. Science is necessarily abstract, discrete; art necessarily concrete. So true is this, that when art begins to decline, it manifests a tendency to pass from the concrete to the discrete, abstract; it becomes self-conscious, reflective, scientific. Body, form, is mistaken for soul, spirit. A discrete idea fails to move us, because it gives us only *successively* the relations subsisting between it and the First Cause, as its facts must be isolated, its elements decomposed, and presented to us in an inverse order to that in which they reveal themselves to the mind in the spontaneous and natural use of its powers. Science never appeals to our emotional faculties spontaneously; when it does speak to the heart, it is because the mind, linking together the successive ideas given by science, at last seizes upon the UNITY of the [Pg 575] whole, supplying by its own conceptions the voids of science. When the savant possesses the creative power in a high degree, as did Kepler, he becomes prophet and artist. The concrete ideas of art appeal immediately to our feelings; emotions excited by them are spontaneous, because they aim at presenting their objects in all the splendor of their *living* light. Only life produces life; all our emotions and sympathies pertain to the suffering, the acting, the living—and thus an artistic conception appeals to our entire being. What psychological analysis of youthful and feminine loveliness could move us as a Juliet?

Analysis and reflection suppose the suspension of spontaneity, that is, of the free activity of the soul. Spontaneity and reflection are the two modes in which the spirit manifests its activity. Spontaneity is the living power which it possesses of acting without premeditation, without contingent ideas, of being influenced or determined by some power from without, the action thus produced blending the two primary elements of feeling and thought. This is the distinctive mode of woman's being. Reflection is that operation of the mind by which it turns its gaze in upon itself, and considers its own operations; it compares, analyzes, and constructs logical processes of thought. This is as natural to man, as spontaneity to woman. Now both of these modes are essentially necessary to the well-being of the individual, the one is the complement of the other; the cultivation of the one should never be sacrificed to that of the other. Teach woman to reason; develop spontaneity in man. But as the whole course of our education is solely addressed to the reflective faculties, intended chiefly for their culture, how is spontaneity to be developed? Certainly not through abstract science; for it, with its formulas, occupied only with contingent and relative ideas, addressing itself solely to the faculties concerned with the elaboration of the relative, that is, to the reflective faculties—how can it avail for the cultivation of spontaneity? It can be cultivated only through the due direction of the emotional nature; but how is that to be approached? In the first place through the joys and sorrows, the events of daily life; a training of such importance that the Great Creator, for the most part, retains it in His own hands: humanly speaking, only through the arts, which contain, at the same time, the scientific form of the finite, and the blissful intuition of the Infinite. As wisdom and love mark the works of the Creator, so thought and feeling meet in the creations of the artist, in the arts—but thought alone is concerned with the formulas of science. Now, if spontaneity be more conducive to man's happiness than reflection, then poetry, literature, and the arts are of more importance to him than abstract science. If, in appealing to spontaneous emotions, they give the legitimate influence to the heart which it should possess, because under their influence thought and feeling move in the proper *unity* of their divinely linked being, then must pure, creative, loving, and devout art at last take its rank, when spontaneity shall be regarded as the generatrix of reflection, above the cold and haughty pile reared by the reflective faculties alone, abstract science.

The aspirations of man constantly sigh for the limitless; his soul contains depths which his reason cannot fathom. How rapidly his surging ideas come and go! What flashes of supernatural light—what fearful obscurity! Heaven and Hell war in his soul! Strange visions traverse his intellect, throwing their lurid light into the vague depths of his heart. His power to love and feel seems boundless—his power to know almost at zero. What can he predicate even of himself, with his boundless desires for he knows not what—his fleeting emotions and insatiable wishes! Ah! if the [Pg 576] language of poetry, of music, of the arts, came not to gift these passing images with external life, to fix them in the wildered consciousness, they would surge away almost unmarked, like lovely dreams, scarcely leaving their dim traces in the memory. For, with the generality of common minds, the actual is death to the ideal! But art speaks; spontaneity is justified; our inner being, so vague before, stands revealed before us; the beautiful must be the true, the chaos of the moral world is dispelled; we were created to *enjoy* the attributes of God, which, finitely manifested, are Truth and Beauty; and His light moves over the perturbed chaos of our dim being! What can abstract science, with its cold and finite language, do for a soul athirst for an infinite happiness? Nothing, unless its first postulate be God! Young people, generally, and women, in whom the love of Beauty is strongly developed, have almost a repulsion to the study of science. Wherefore? Because it often seems to exile God from His own creation. Let Him desert Paradise, and it becomes at once a desert. The Infinite is the Rose of Sharon and the Lily of the Valley! Besides, the reflective reasoning faculties awaken late with those in whom the intuitive faculties and sensibilities attain an early development. Let woman not despair. What use will there be for the reflective reason, when 'we shall know even as we are known,' and the vision in God shall make the spontaneous bliss of immortality?

The habit of only seeing, only studying, only analyzing the finite, is very apt to inspire the savant with a peculiar distrust of all spontaneous emotion. Ceasing to open his heart to that light from the Absolute, which ought to quicken it into bloom, it learns to dwell only in the sterile world of abstract formulas. If he could find algebraic signs for its expression, he would willingly believe in the immortality of the soul: the characters which he can never learn to comprehend, are precisely those in which dwell the intuitions of the infinite. He piques himself upon the precision of his language, not perceiving it has gained this boasted prim exactitude at the expense of breadth and depth. All honor to the savant! but let him keep the lamp of spontaneity ever burning in his soul. By its light the savage and the woman divine God; without it, he may weigh creation—and 'find Him not!'

Nothing can be more superficial than the intellects of men given over to formulas. They always imagine they can explore the depths of truth, if they can succeed in detecting an inch of its surface. When they arrive at the term of their own ideas, they believe they have exhausted the absolute. They frequently want feeling, because they have, in some way, destroyed their own spontaneity—that inexhaustible source of living and original thought, individualized and yet universal, of ever-thronging and vivid emotions.

The most spontaneous writer of the present day is a woman; fresh, rugged, rich, and natural, as the wayside gold of the Dandelion above described by Lowell—hence her sudden and great popularity with the people. She feels strongly, and thinks justly, and fears not to say what the great God gives her. May she continue to pour her 'wayside gold' through the literary waves of the 'Atlantic'—and still keep the molten treasure bright and burnished for the service of our altar. Let her not fly too near the candles of the clergy, and thus sear her Psyche wings. Need I name

Gail Hamilton? Pardon the digression, courteous reader, and let a woman greet a gifted sister as she passes on.

Let me not be misunderstood in my estimate of the spontaneous and reflective faculties: they must *combine* in any man *truly great*. If I have dwelt on spontaneity, it is because it has not been sufficiently prized or cultivated. The savant must have the faculties of the artist, as had Kepler; [Pg 577] the artist those of the savant, as had Michael Angelo and Leonardo da Vinci. Study, reflective power, logical ability, erudition, are *absolutely* necessary; but one of their principal functions is to be able to analyze aright the products of spontaneity; to give the soul the consciousness and comprehension of the innumerable phenomena which arise in it, in its varied relations with the world of ideas. The man who is at the same time *spontaneous* and *reflective*, is alone *complete*, be he artist or savant; he lives, yet is able to analyze life. Of such mental character are indeed all men of true genius, whether mechanicians, architects, philosophers, savants, or artists.

The truths surging dimly through the universal consciousness, find interpreters in the men of genius; through them the moral and religious ideas of an epoch take form, and crystallize themselves in poetry and the arts—as the laws of the divine geometry are realized in the crystallizations of minerals. Poetry and the arts may be regarded as the *sum* of the absolute truths to the conception of which the masses have risen at any given period in the life of a people.

Lamartine says:

> 'If humanity were forced to lose entirely one of the two orders of truth—either all the mathematical or all the moral truths—it should not hesitate to sacrifice the mathematical, for though it is true if these were lost the world would suffer immense detriment, yet if we should lose a single one of the moral truths, where would man himself be? Humanity would be decomposed and perish!'

It cannot be denied that art has an incontestable superiority over science in appealing to *all*, in addressing the masses in the language they most readily understand, the language of feeling, imagination, and enthusiasm. It is not intended only for men of culture, of leisure; all classes are to be benefited by its exalting influence. Men whose lives are almost entirely absorbed by occupations necessary for the comfort of their families, can scarcely be contented with the monotonous and wearisome spectacle of actual every-day life. Their cares are very exhausting, agitating the heart and mind with harassing emotions; while the immortal soul thirsts for eternal happiness. Can it be doubted that such dim, vague, unsatisfied longings are the source of much immorality? Mechanical operations, business speculations, commercial transactions, important as they may appear to the utilitarian, are far from responding to the requirements of the intellect, the imperious exactions of the heart. Such men pine unconsciously for a draught of higher life, they grow weary of existence. Literature and the arts may come to their aid, creating for them an ideal world in the midst of the actual, in the bosom of which they may find other emotions, interests, and images. They may open, even in the desert of the most conventional life, an unfailing spring of ideas and emotions, at which the poor world-wearied spirits may slake their mental and moral thirst. The wonders of commercial industry cannot quite chain the minds of men to the material world—it is certain that the thirst for the ideal ever increases in exact proportion with the development of the race. The true and high task of the artist, the poet, is to divine these wants of humanity, to cultivate these inchoate aspirations for the infinite, to hold its nectar to the toil-worn, weary lips, to soothe and elevate the restless spirits, to cultivate, in accordance with the essence of Christianity, this excess of moral and intellectual being, which the occupations of this weary earth-life cannot exhaust.

Besides, is it not true that the very character natural to the artist is peculiarly fitted to exert a beneficial influence on a material and commercial society? The pursuits of commerce are very apt to engender a spirit of utter indifference to everything except material well-being—a spirit of competition and mutual distrust most injurious to the happiness of society; but the artist is [Pg 578] proverbially careless of mere pecuniary gain, and is always full of trust in his fellow men. In the various phases of excitement which are constantly agitating society, he looks only for the manifestation of noble passions and great thoughts. In the base smiles wreathing so many false lips, he sees but the natural expression of kindness; when lips vow fidelity, he dreams of an affection based upon esteem, not upon a passing instinct, a sordid or sensual interest—he believes in a union of hearts. Breathing everywhere around him the high enthusiasm of his own truthful and loving soul, he knows nothing of those perfidious jealousies and bitter enmities which creep and twist in the shade, always hiding under some fair mask; of those coarse intellects opposed to every noble impulse, or of that proud and obstinate egotism which repels every generous emotion of the heart, because it knows that *feeling* creates an *equality* which is wounding to its haughty estimation of its own supposed merit.

It is certain that the soul was not created for the accumulation of money, but to enjoy God. It is a free and living power, whose true condition upon earth is the voluntary fulfilment of duty. It was made for this by the God of love. Duty, love to God and man, is the Ideal of human life; and as art and poetry should be the expression of the highest and most universal ideas of the human race, duty should not only be the Pole star of the artist's own life, but its chastening purity should preside over all his conceptions. A profane or unchaste work of art is a sacrilege against the most High; an insult to those divine attributes in whose image that artist himself was made, and which he must constantly struggle to suggest or typify, that the work of his hand prove not a golden calf, an offence both to God and man. The moral ideal always advances as we approach it. 'Be ye

perfect as I am perfect,' is the precept of the Master. This is the justification of the poet when he portrays men in advance of the common level of life. The *moral* Beautiful is the realization of *Duty*, which the poet should picture in its most sublime form. He may and should sing of the passions, but *Duty is the eternal pole star of the soul*! The susceptible heart of the artist must respect the majesty of virtue. Unless his escutcheon glitter with the brilliancy of purity, he is not worthy to be one of the Illustrious Band whose high mission upon earth (with lowly reverence be it said) is the manifestation of the Divine Attributes. O Holy Banner, borne through the streets of the Heavenly City by saints and angels, will the artist suffer thy snowy folds to be dragged through the mire of crime? Shame to him when he dallies in the Circean Hall of the senses! Infamy when he wallows in the sty of sensuality!

The effort to apprehend and reproduce the Supernal Loveliness on the part of souls fittingly constituted so to do, has given to our race all the marvels, the softening and elevating influences of the Ideal Realm. The purest, the most exciting, the most intense pleasure is to be found in the *pure* contemplation of Beauty. We may indulge in it without fear—no Hock and soda are required after its safe excitements! In this contemplation alone do we find it possible to attain that pleasurable elevation, *that excitement of the soul*, which we recognize as always dependent upon our introduction into the Realm of the Ideal. This excitement of the *soul* is easily distinguished from the excitement of the *mind* consequent upon the perception of logical truths, the satisfaction of the reason; or from passion, the excitement of the *heart*. The excitement of the *soul* is strictly and simply the temporary satisfaction of the human aspiration for the Supernal Beauty; and is quite independent of the search for finite truths for the gratification of the [Pg 579] *intellect*; or of that of passion, which is the intoxication of the *heart*. For in regard to passion of the heart, its home lies too near the senses to be entirely safe, and its tendency may be to degrade;—while there may be high and useful truths which do not move the *soul* in the least.

The arts, then, always occupied with the reproduction of Beauty, gain their power over the soul of man by reminding him of the Divine Attributes. His thirst for the beautiful belongs to his immortality, for it never rests in the appreciation of mere finite beauty, but struggles wildly to obtain the Beauty above. Inspired by an ecstatic prescience of the glories beyond the grave, we struggle, by multiform combinations among the things and thoughts of time, to attain a portion of that loveliness whose elements pertain to Eternity alone; and thus, when by poetry or music, the most entrancing of the poetic moods, we find ourselves melted into tears, we are not moved through any excess of pleasure, but through an impatient sorrow at our inability to grasp *now, wholly, here on earth*, those divine and rapturous joys of which, through the poem or through the music, we obtain but brief and indeterminate glimpses:

> 'Tears, idle tears, we know not whence they're flowing,
> Tears from the depths of some *divine despair*.'

Tears of the created, the finite, for the Creator, the Infinite!

Every phenomenon of the material world is not a sign of the divine thought, when considered apart from its relations with other things, as every isolated word in a language is not, in itself, a sign of our thought. There is something in the nature of things which constitutes the visible sign the symbol of the Invisible. To reveal or suggest the Absolute, it is not sufficient for the artist to combine fortuitously mere natural phenomena; he must be able to select those in which God has incarnated His Idea. Where is he to find a guide through this labyrinth of sounds, forms, tones, and colors?

He must strive to realize the ideas given him by the Creator; he must surround us here with the memories of our lost Paradise; he must repeat to us the mysterious words and tones which God confides to his heart in his lonely walks to the holy temple, in his solitary musings in the dim forests, or in his prayerful hours under the starlit heavens of the solemn midnight.

> 'With whose beauty (of created things) if they being delighted took them to be gods, let them know how much the Lord of them is more beautiful than they: *for the first Author of Beauty made all those things*.'—*Book of Wisdom.*
>
> 'And they shall strengthen the state of the world; and *their prayer shall be in the work of their craft*, applying their soul, and searching in the law of the Most High.'—*Ecclesiasticus.*

Here, then, is the secret—gratitude and love are to be the teachers of the artist. Naught save love will enable him to read the wondrous runes of God's creation; nothing but sympathy can catch the strange tones of mythic music; there is nothing pure, which can be painted, save by the pure in heart. The foul or blunt feeling will see itself in everything, and set down blasphemies; it will see Beelzebub in the casting out of devils; it will find its God of flies in every alabaster box of precious ointment; in faith and zeal toward God it will not believe; charity it will regard as lust; compassion as pride; every virtue it will misinterpret, every faithfulness malign. But the mind of the devout artist will find its own image wherever it exists; it will seek for what it loves, and draw it out of dens and caves; it will believe in its being, often where it cannot see it, and always turn away its eyes from beholding vanity; it will lie lovingly over all the foul and rough places of the human heart, as the snow from heaven does over the hard and broken mountain rocks, following their forms truly, yet catching light from heaven for them to make them fair—and that must be a [Pg 580] steep and unkindly crag, indeed, which it cannot cover.

The artist must direct his eyes to the spheres of Sovereign Beauty; he must lend his ears to the

harmonies of the Eternal World, that he may be able to decipher the symbolic signs which manifest the Being of beings, and recognize the voices which murmur His Name; for in humble reverence, yet joyful gratitude, it may be said that God Himself is the First, True, and Last Master of the Artist.

Poetry and the arts have an end, ordained by Providence, with respect to the extension of *social* intercourse; a sacred duty to fulfil to humanity at large. The signs of the times are startling; religions and governments seem driven by a whirlwind, and it is of vital importance that everything should be cultivated which has any tendency to bring men together, to link multiform variety to unity; the national variety to its distinctive unity; the variety of these distinctive unities, these national governments of all races and peoples, to one great Unity of government, freedom, development, justice, and love. There seems to be but little doubt that our own country is destined to become the *central heart* of this marvellous *unity*. Is not the very war, now raging over her fair fields, a war for Union? A false element allowed to exist in our code of universal freedom, we mean slavery, like all Satanic elements, has struggled to bring division, faction, disintegration, death, in its train. It has convulsed, but awakened our country. Its reign is almost over; its powers to dissever and destroy are now being rapidly eliminated from a Constitution whose basic meaning is justice, equality, and love. The battle is waging in this vast area of freedom, not for spoil, dominion, vengeance, or ambition, but simply for *Union* even with our enemies! Liberty, union, life, are parts and portions of God's own law; slavery, dismemberment, death, belong of old to Lucifer. Where God and Demon combat, can the strife be doubtful?

We suffer that we may be purified; but a Union broader, juster, and more beneficent than any the world has yet seen, is to bud, bourgeon, and bloom from this bloody contest. The rose of love is yet to grow upon this crimson soil, and brother yet to stand with brother to insure the union of the world. The glory of our present struggle for the happiness of humanity, will yet be hailed by every living soul!

This is the unity sung by prophets, felt by poets, and foreshadowed in the writings of statesmen, historians, and metaphysicians. Industry, politics, commerce, science, and the arts, are the means which God has placed at man's disposal to aid him in the accomplishment of this mighty work. Man is *one* in the fall of Adam; *one* in the redemption of Christ. Individuality and solidarity are but man's variety and unity.

It is certain, however, that a mere combination of commercial interests does but little for the heart; science, with its exact formulas, is almost equally powerless; they form together but the bony skeleton of a lifeless union; poetry and the arts must clothe it with the soft and clinging flesh, quicken it with the throbbing heart, and warm it with the loving soul of an all-embracing humanity; and it is, to say the least, very remarkable how exactly this important task is in keeping with the nature of the arts, because they alone express the *feelings*, the *distinctive individualities* of men and nations, while the sciences reveal only the 'impersonal' of the intellect. That a man may demonstrate mathematical problems tells us nothing of his heart; if he paint a single violet rightly, it tells of truth, sympathy, and love. Men never leave in their scientific researches the traces of the different phases of the soul, the *imprint* of their own *personality*; the sciences have everywhere the same character, because they contain discrete and abstract ideas, necessarily the same in all minds. [Pg 581]

In the creations of art, on the contrary, *feeling*, the spirit of life, is added to the pure idea, and this new element of *individual character* introduced into the thought is, in its infinite subtlety, sufficient to produce the immense variety which exists in the poetic and artistic creations of different men, of different ages, and of different nations. And the reason of this is very simple; it is because the heart is the seat of *distinctive personality*. We never *love* men for what they *know*; we love them for what they feel and *are*. It is consequently *feeling* which is the principle of *union* among men.

Thus it is through art and literature alone that national individualities *really* communicate with each other; it is through them that what is *characteristic* in each is made known to all; it is through them that embittered, long-seated, and deeply-rooted national prejudices must be dissipated; through them that the fusion of minds, violently hostile to each other only because of their mutual ignorance and misconception of character, must eventually be effected. Before the means of constant intercommunication, daily becoming more rapid and perfect, shall have compassed the whole earth with their lines of lightning, before all nations shall be known to one another as inhabitants of the same city—the artists, through art and literature, will have confided to the human heart of their brethren their own most sacred feelings, the hidden beatings of their life-pulse, so that when the material barriers separating souls shall fall, when steam and iron shall subdue space and time, men of distant climes will no longer stand as strangers to one another, but meet with all the enthusiasm of near and dear friends long since initiated in all the holy and tender secrets of the home hearth; the due place of affection, honor, and gratitude ready for all true souls at the sacred fireside of appreciative fraternal love.

It is remarkable that the art marked and conditioned by the necessity of the most *perfect unity*, the art almost exclusively intended for the expression of and appeal to the feelings of the soul, the art without material model of any kind, and consequently the most ideal and original of all, in which the pulse of time itself marshals the tones in order, symmetry, and proportion, coloring them with the joys and woes, hopes and fears of humanity—should now be undoubtedly entering upon a new era of far higher and wider development. This fact contains a germ which is to blossom in the most brilliant bloom; the crowning flower in that *living unity*, which is, indeed, the

'*manifest Destiny*' of our race.

There is certainly something exceedingly remarkable in the unitive powers of music. In the first place, its present popularization cannot fail to multiply the relations of men with one another, as each separate instrument, like an arithmetical figure, has an *absolute*, as well as a *relative* value. It may not be sufficient in itself to produce *harmony*; but when placed in UNION with others, it gains a double or triple value, according to the part assigned it in a musical Whole. A single *jar* in time or tune spoils the entire effect of the marvellous variety and order, attained in the *utter oneness* of any good musical work. The desire to increase the limits of art, to multiply its delicious emotions, will infallibly lead those who cultivate this ethereal study to frequent reunions, in order that they may produce the Beautiful in more fulness, obtain a greater variety of effect and tone, cradled, as it must ever be in music, in the bosom of the strictest unity.

Music has its own trinity, composed of Rhythm, Melody, and Harmony. *Rhythm* is the pulse of time; the tones register its heart beats and manifest its soul, its *melody*; *harmony* is the concurrent sympathy or antagonism elicited by its annunciation in the invisible realm in which it [Pg 582] moves. Unity is first manifested in the rhythm; then, as the tones *consecutively* follow each other, the succeeding one always born and growing immediately from the one just expiring, in the consequent *melody*; and lastly, as the tones progress *simultaneously*, hand to hand, and heart to heart, with the single line or passion of the melody, conditioned and responding to it in all its varied phases—(the individual and collective, the soul and its surroundings)—the grand diapason of harmony rolls on—and the magic *unity* of music is complete! Hence, part of its power over men. But like all organic, basic life-principles, its relations with the human spirit defy analysis. Its unitive influence cannot be denied, even by those who do not feel its charm. Let them but consider that no public act of humanity implying the *primeval unity* of the race, is considered complete without it, and they must be convinced that it is pre-eminently the art of social union. When an entire nation collects as a band of brothers to resist aggression, to repel invasion, it is music, the unitive art, which animates them to seek death itself to resist wrongs which would burden all, its very rhythm keeping in massive *unison*, *together*, the tread of thousands, causing all hearts to throb in *one* measure, and so regulating the most heterogenous masses that they move as it were as *one* mighty man. And in all public acknowledgments of our collective dependence as *one* race upon the *one* God, music alone is considered sufficiently symbolic and tender to express the universal sense of helplessness, of generic trust in His marvellous mercy.

Music blesses the innocent bride with the first chant of forever *united*, and consequently holy love. It hallows at the baptismal font the introduction of the infant into the mystical *oneness* of the children of Christ. Even at the grave it softens human sorrow by its heavenly whisperings of *eternal union* in the bosom of Infinite love.

France is ever ready to receive Italian, Sclavonic, and German artists with characteristic and appreciative enthusiasm; and America applauds with *naïve* rapture that skill, as yet, alas! foreign to her native soil.

'I pant for the music which is divine,
  My heart in its thirst is a dying flower;
Pour forth the sound like enchanted wine;
  Loosen the notes in a silver shower;
Like an herbless plain, for the gentle rain,
I gasp, I faint, till they wake again.

'Let me drink of the spirit of that sweet sound—
  More—oh, more—I am thirsting yet!
It loosens the serpent which care has bound
  Upon my heart to stifle it;
The dissolving strain, in every vein,
Passes into my heart and brain.'
SHELLEY.

Artists and litterateurs are the true representatives of the countries in which they live; because they alone reveal to us the secret throbbings of the great national heart; and the warm and sympathetic feelings which they excite in foreign climes, are *golden links* drawing more closely the ties of mutual understanding and affection, welding them together in that generous *reciprocal* esteem and comprehension, which is destined to *unite* all climes and tongues.

'A touch of nature makes the whole world kin.'

The sympathies of life are widening and increasing. Societies are constantly arising devoting themselves to the solacing of human misery; eager sympathies are evinced by different countries in the sufferings of distant lands; ready and substantial aid is gladly tendered in cases of pestilence and famine; and religious intolerance and bigotry are raving themselves to rest. Christ is more and creeds are less than of old. The fact that a free government is now in successful operation, in which (when one false element, slavery, shall be forever eliminated) the voluntary annexation of new states and new countries would be but new ties of strength, with the [Pg 583] consentaneous and related facts above quoted, tend to prove that humanity is entering upon a new era; that it is not destined to trail its passionate and quivering wings much longer through the mire of mere materialism; but that newer and higher life is spreading *simultaneously* through all its members; that the elevating love of the Good, the True, and the Beautiful, is hourly

penetrating it more deeply; that after its intellect shall have been trained by the sciences—its force increased by industry, commerce, and statesmanship—its inmost heart will be developed by the Charities, now, as with the subtile Greeks, *one* with the Graces—the arts for the manifestation of the Beautiful. Everything tends to prove, even the wars now waging for national entities, that the human race is approaching that *promised* phase of civilization, in which *all* the elements are to combine in glorious *unity*, sound in witching harmony, and men, full of love to God and man, are to become living stones in the vast temple of the redeemed, *one* through the loving heart of the Brother who died for them all; *one* through Him with the Infinite God, since in Him finite and Infinite are forever *one*!

A few words in the cause of those in advance of their times, and we attain the close of our first volume.

It is a startling fact, in the history of humanity, that the benefactors of the race have always been its martyrs and victims; dyeing every glorious gift which they have won for their brethren in the royal purple of the kingly blood of their own hearts. Is this, brethren, to last forever? Shall we never requite the dauntless Columbus, in the wide sea of Beauty? Of all men living, the artist most requires the boon of sympathy. The most susceptible of them all, the musician, plunging into the unseen depths of the time-ocean to wrestle for his gems, feels his heart die within him, when he sees his fellow men turn coldly away from the pure and priceless pearls which he has won for them from the stormy waves and whirlpools of chaotic and compassless sound.

As the artists must be considered as the standard-bearers of that blissful banner of progress to be effected through the culture of the *sympathies* of the race, unrolling that great Oriflamme of humanity, on which bloom the Heavenly Lilies of that chaste Passion of the Soul—*the longing for the infinite*—let us acknowledge that we have failed to render happy the great spirits no longer among us; and let us strive, for the future, not to chill with our mistrust and coldness, not to drive into the sickness of despair with our want of intelligent sympathy, the gifted living, who, as angels of a better covenant, still lovingly linger among us! Let us strive to learn the lesson set before us with such tenderness in the following eloquent words of Ruskin, fitting close as they are to the many which we have already collated and combined with our work from his glowing pages.

> 'He who has once stood beside the grave to look back upon the companionship now forever closed, feeling how impotent *there* are the wild love and keen sorrow to give one moment's pleasure to the pulseless heart, or atone in the lowest measure to the departed spirit for the hour of unkindness, will scarcely for the future incur that debt to the *heart* which can only be discharged to the *dust*. But the lessons which men receive as *individuals*, they never learn as *nations*. Again and again they have seen their *noblest* descend into the grave, and have thought it enough to garland the tombstone when they have not crowned the brow, and to pay the honor to the *ashes* which they had denied to the *spirit*. Let it not displease them that they are bidden, amidst the tumult and glitter of their busy life, to listen for the few voices and watch for the few lamps which God has toned and lighted to charm and guide them, that they may not learn their sweetness by their silence, nor their light by their decay.'

Elizabeth Barrett Browning, the highest poet of our own century, has thus given us the artist's creed of resignation, closing her chant with his sublime Te Deum: [Pg 584]

VOICE OF THE CREATOR.

''And, O ye gifted givers, ye
Who give your liberal hearts to me,
To make the world this harmony,—

''Are ye resigned that they be spent
To such world's help?' The spirits bent
Their awful brows, and said—'Content!

''We ask no wages—seek no fame!
Sew us for shroud round face and name,
God's banner of the oriflamme.

''We are content to be so bare
Before the archers! everywhere
Our wounds being stroked by heavenly air.

''We lay our souls before thy feet,
That Images of fair and sweet
Should walk to other men on it.

''We are content to feel the step
Of each pure Image!—let those keep
To mandragore, who care to sleep:

''For though we must have, and have had
Right reason to be earthly sad—

THOU POET-GOD, ART GREAT AND GLAD!''

END OF VOLUME FIRST.

THE LIONS OF SCOTLAND.

The 'restoration' mania which now pervades Great Britain, however much it be declaimed against by certain hypercritical architects, is yet certain to have at least one favorable result, in preserving to the future tourist the noblest monuments of the past. The abbeys and castles and tombs of England and Scotland are now so well cared for, that, ruins though they be, they will last for centuries. And yet the observant traveller can note, year by year, little changes, trifling alterations, which, though without great importance, are not destitute of interest; for he who has once visited Melrose, will be interested to learn that even one more stone has fallen from the ruin.

It is intended, in the following pages, to review the present condition, and state the recent changes in the 'Lions of Scotland,' and particularly in the localities with which the memories of Burns and Scott—memories so dear, both to the untravelled and travelled American—are most closely associated. Of the thousands of visitors who yearly flock to do mental homage at the tomb of Shakespeare, one out of every ten is from the United States; and so a large minority of the tourists in Scotland, and particularly of those most deeply interested in Scotland's greatest bards, hail from the New World. The conclusion of the war will probably be the signal for an unusual hegira from America to Europe; and these notes of the actual condition, in A.D. 1863, of Scotland's famed shrines, may serve to whet the increasing appetite for foreign travel.

'Bobby Burns' is buried at Dumfries, a rather dull town, which, fortunately for the tourist, has no notable church or ruin to be visited *nolens volens*. The place has, however, a Continental air, caused principally by the very curious clock tower in the market place; a quaint spire, in the background, adding to the effect of the architectural picture.

At one end of the town is St. Michael's church—a huge, square box, pierced by windows, and guarded by a big sentinel of a bell tower, surmounted by another quaint spire. The graveyard is one of the oddest in the kingdom, presenting long rows of huge tombstones, twelve or fifteen feet high, usually painted of a muddy cream color, each one serving for an entire family, and recording the trades or professions as well as the names and ages of the deceased. One of these enormous stones is in commemoration of the victims of the cholera in 1832. [Pg 585]

In one corner of the cemetery is the tasteless mausoleum of Burns—a circular Grecian temple, the spaces between the pillars glazed, and a low dome, shaped like an inverted washbowl, clapped on top. The interior is occupied by Turnerelli's fine marble group of Burns at the plough, interrupted by the Muse of Poetry. At the foot of this group, and covering the poet's remains, is the freshly painted slab, bearing these inscriptions:

IN MEMORY OF
ROBERT BURNS,
WHO DIED THE 21ST OF JULY, 1796,
IN THE 37TH YEAR OF HIS AGE:

AND

MAXWELL BURNS,
WHO DIED THE 25TH APRIL, 1799,
AGED 2 YEARS AND 9 MONTHS;

FRANCIS WALLACE BURNS,
WHO DIED THE 9TH JULY, 1803,
AGED 14 YEARS—HIS SONS.

THE REMAINS OF BURNS,
REMOVED INTO THE VAULT BELOW
19TH SEPTEMBER, 1815—AND HIS TWO SONS.

ALSO THE REMAINS OF
JEAN ARMOUR,
RELICT OF THE POET,
BORN 6TH FEBRUARY, 1765,
DIED 26TH MARCH, 1834;

AND ROBERT, HIS ELDEST SON,
DIED MAY 14, 1857,
AGED 70 YEARS.

Visitors are allowed to enter the cheerful, if not elegant mausoleum, though all it contains can be seen through the windows. All the memorials of Burns, by the way, seem to be of the same

tasteless style—the same wearisome imitation of the antique. The monument at Ayr, and that on Calton Hill, Edinburgh, are but additional examples.

Before leaving Dumfries, let me allude to a very curious custom, observed only in St. Michael's church, and even there beginning to fall into desuetude. The Scotch, who are alike noted for snuff and religious austerity, are equally devoted to footstools. In many families, where economy is the rule, one footstool—they are mere little wooden benches—serves both for the fireside and the kirk. To facilitate transportation, these benches are provided with little holes perforating the centre of the seat, large enough to admit the ferule of an umbrella or cane; and thus, borne aloft on these articles, the little benches are carried proudly above the shoulders of the bearers, like triumphant banners. In order to avoid the noise arising from the clatter of these benches as they are lowered into the pews, the congregation are accustomed to assemble some time before divine service begins.

A similar custom once prevailed in the cathedral at Glasgow. In 1588 the kirk session decided that seats in the church would be a great luxury, and certain ash trees in the churchyard were cut down, and devoted to the then novel purpose; but ungallantly enough, the women of the congregation were forbidden to sit on the new seats, and were ordered to bring stools along with them. Tradition, however, fails to record whether the Glasgow ladies carried their stools on the tops of umbrellas, like their sisters of Dumfries.

The grave of Burns owes to its uncouth monument the unsatisfactory feeling which it inspires in visitors. Alloway kirk is the place where the remains of the favorite Scottish poet should lie. Instead of artificial temples, badly copied from a clime and nation with which he had no sympathy or affinity, the young daisy and the fresh grass should mark his resting place.

'Alloway's kirk haunted wall' is preserved with such faithful care, that this year it looks very much the same as it did when Burns knew it. As a ruin, apart from the interest with which the poet has invested it, it possesses nothing to attract attention. Two end walls, which once supported a gable roof, and two low side walls, all without ornament of any kind—without gothic [Pg 586] tracing or oriel wonders—without even graceful ivy flung over its ruggedness—are all that remain of Alloway, if we except the old bell, which yet hangs in the little belfry; a sign board below insulting visitors by requesting them not to throw stones at it!

The little churchyard of Alloway continues to be a burial place; but the gravestones seem, in many instances, sadly inconsistent with the poetical associations of the place. As at Dumfries, the business occupations of the deceased are mentioned; and we find here the family tombs of 'Robert Anderson, molecatcher,' of 'James Wallace, blacksmith,' and the like. David Watt Miller, who was buried here in 1823, was the last person baptized in the old Alloway kirk—his tombstone recording the fact. Near the entrance to the graveyard, and opposite the new gothic edifice which has taken the place of the old kirk, is the slab to the poet's father and sister, thus inscribed:

'Sacred to the memory of WILLIAM BURNS, farmer
in Lochie, who died February 13, 1784, in
the 63d year of his age.

Also of ISABELLA, relict of JOHN BELL; his
youngest daughter, born at Mount Oliphant,
June 27, 1771; died December 4, 1858, much
respected and esteemed by a wide circle of
friends, to whom she endeared herself by her
life of piety, her mild urbanity of manner, and
her devotion to the memory of BURNS.'

The reader is aware that Alloway's kirk, the Burns monument, the cottage where the poet was born, the elaborate temple, erected to his memory, and Tam O'Shanter's brig, are all within a few rods of each other, at about two miles' distance from Ayr. The view of the temple, kirk, and 'brig,' from the opposite side of the stream, is worthy of Arcadia. The temple is familiar from engravings; but the bridge, with its graceful arch, draped by low-hanging ivy, is far more beautiful. Yet this exquisite scene is identified with one of Burns's coarsest efforts—one which, with all its vividness and humor, cannot be read aloud in the family circle. Fortunately, however, for the poet, his fame by no means rests on this unequal mixture of the humorous, the beautiful, and the vulgar; and instead of admiring Tam O'Shanter's bridge itself, it is much more pleasant to stand upon it, and gaze therefrom at the river which laves the 'banks and braes o' bonnie Doon'—at the fields besprinkled with the 'wee, crimsoned-tipped flower'—at the cottages where once lived the 'auld acquaintance' of 'lang syne,' and where occurred the scenes of 'The Cotter's Saturday Night.' 'Highland Mary' has crossed this bridge, and this sanctifies it far more than the imaginary terrors of Tam O'Shanter.

An hour's railway ride takes the tourist from the land of Burns to the scenes rendered sacred by the genius of Scott.

Abbotsford, the favorite home, of course is still open to visitors, who are hurried though it with the most disgusting celerity, by the guide engaged by the family to 'do'—at a shilling a head—the hospitalities of the place. The home of Scott retains all the characteristics it did when he died; but is shown in such a heartless, museum-like manner, that the visitor need not expect much gratification from the inspection.

A few miles farther up the Tweed is Ashetiel, the former home of Walter Scott, a place seldom seen by tourists, though here he wrote his finest poems. Some time ago I was invited to spend a night with a farmer who resides on the estate. Those who have read Washington Irving's graphic description of his visit to Abbotsford, will remember Mr. Laidlaw, of whom he thus writes:

'One of my pleasant rambles with Scott, about the neighborhood of Abbotsford, was taken in company with Mr. William Laidlaw, the steward of his estate. This was a gentleman for whom Scott entertained a particular value. He had been born to a competency, had been well educated; his mind was richly stored with varied information, and he was a man of sterling moral worth. [Pg 587] Having been reduced by misfortune, Scott had got him to take charge of his estate. He lived at a small farm on the hillside above Abbotsford, and was treated by Scott as a cherished and confidential friend, rather than a dependant.' My worthy host was the son of this old gentleman, who is still alive and in good health. Several years ago he emigrated to Australia, where he now resides, still taking a lively interest in literary affairs, and reading, though an octogenarian, all the new works, that are regularly sent to him by his son. The old gentleman was as intimately acquainted with Hogg as with Scott, and my host remembers both these personages, though he was but a boy when they died.

Early one September morning Mr. Laidlaw was kind enough to take me about the grounds of Ashestiel, where 'Sir Walter' (they never add the name of Scott, in speaking of him here) passed thirteen of the best years of his life, and where he wrote the greater parts of 'Marmion' and the 'Lay.' We walked over the dewy fields (romantic but damp), and down to the banks of the Tweed, where I was shown a large outspreading oak, under which Sir Walter was wont to sit and frame his ideas into fitting words. Under this tree, with Tweed rippling at his feet, he spent many an hour in communion with himself, quietly weaving those strains that have immortalized him. From this place we passed on to the house itself—Ashestiel—now the residence of Sir William Johnstone, from whose family Sir Walter had leased it during the building of Abbotsford. It is a fine old building; but much altered and improved since it was occupied by Scott. Lockhart says of this place: 'No more beautiful situation, for the residence of a poet, could be imagined. The house was then a small one; but, compared with the cottage of Lasswade, its accommodations were amply sufficient. The approach was through an old-fashioned garden, with holly hedges, and broad, green terrace walks. On one side, close under the windows, is a deep ravine, clothed with venerable trees, down which a mountain rivulet is heard, more than seen, on its progress to the Tweed. The river itself is separated from the high bank, on which the house stands, only by a narrow meadow, of the richest verdure; while opposite, and all around are the green hills. The valley there is narrow, and the aspect in every direction is that of perfect pastoral repose.' This picture still holds good, with the exception of the 'old-fashioned garden,' which has made way for a new lawn and carriage road. The proprietor was an intimate friend of Walter Scott, and an India officer of merit, who has now returned to his old home, having bidden farewell to the neighing steed and all the pomp and circumstance of war.

From the house I was conducted to another of Scott's haunts—a little wooded grassy knoll, still known by the name of 'Wattie's Knowe,' or 'Sheriff's Knowe,' for Scott enjoyed both the familiar title of 'Wattie' and the official one of 'Sheriff.' It is a lovely spot, this Wattie's Knowe. The trees are old and gnarled; the grass is overrun with green moss and graceful fern-leaves, and if you are quite still, you can hear the murmur of Glenkinnon Burn, as it leaps over its pebbly bed, and hastens on to the Tweed. Here, between the branching trunks of a huge elm, Scott had fixed a rustic seat, to which he resorted nearly as often as to his favorite oak tree on the banks of the Tweed. While he resided here, Abbotsford was building; and almost daily he would ride over to superintend its progress.

Melrose is this year guarded with unusual vigilance. Hitherto visitors have been allowed to pass hours in the ruin, at their leisure, and read the wizard scene of the 'Lay of the Last Minstrel,' in [Pg 588] the very locality where it is supposed to have occurred. At present, however, a sable widow, of the most unimpeachable respectability, casts a melancholy gloom over the place by the dejected yet resigned manner in which she unlocks the wooden gate and ushers strangers through the nave and transepts. Her orders, she says, are to allow no one to remain a moment in the ruin without her superintending presence—which is safe, but unpoetical.

Dryburgh, the ruin in which is the tomb of Walter Scott, is shown by an intelligent man who oversees the place. At the foot of Sir Walter's granite tomb is that recently erected to the memory of 'the son-in-law, biographer, and friend,' Lockhart. A bronze medallion likeness of the eminent reviewer adorns the red polished granite of his tomb. The Erskine family, the Haigs of Bemerside, and the earls of Buchan, are the only families, besides Sir Walter's ancestors, the Haliburtons, who are allowed to bury in this ruin. It was of the Haigs that Thomas the Rhymer, centuries ago, made a prediction to the effect that the line would never become extinct—a prediction which threatens to fail, as two maiden ladies now alone represent the family.

That 'proud chapelle,'

'——where Roslyn's chiefs uncoffined lie,'

has seen some notable changes of late. A few years ago, it contained only tombs; but the present Earl of Roslyn recently fitted it up for a divine service, according to the Church of England ritual, though the altar, the sedilia, the candles, the purple cloths, the painted organ, and other ecclesiastical decorations suggest an imitation of the Roman Catholic services, to which the chapel was formerly devoted. The people in the vicinity, who are all Scotch Presbyterians, do not attend these services, the select congregation being formed by 'the quality'—the gentry and

nobility, who have their country seats near by.

The readers of 'Marmion' will, of course, remember Norham and Twisell castles. The former, as seen, from the railways, is a most uninviting pile of rude masonry, worn and broken by time and decay; but a nearer inspection reveals many phases of interest. The castle stands on the summit of a cliff, overhanging the Tweed, yet almost buried in rich foliage. The outer walls are crumbled away, and overgrown with short grass, forming a series of green mounds, which mark the graves of feudal grandeur. The south, east, and west walls of the keep, however, remain standing, a huge shell or screen of dull red stone, while to the north stretches a fragment of wall, along which it is easy to scramble to a point overlooking the Tweed, the village of Norham, and the adjacent scenery. Pleasant and thrilling it is to lie here on this deserted ruin, and read that spirited opening canto! With what renewed brilliancy do those chivalric lines bring back the long-past scenes of other days!

'Day set on Norham's castled steep,
And Tweed's fair river broad and deep,
And Cheviot's mountains lone:
The battled towers, the donjon keep,
The loophole grates where captives weep,
The flanking walls that round them sweep,
In yellow lustre shone.'

And imagination can almost bring to the ear the welcome to Marmion:

'The guards their morrice pikes advanced,
The trumpets flourished brave,
The cannon from the ramparts glanced,
And thundering welcome gave.
A blythe salute in martial sort
The minstrels well might sound,
For, as Lord Marmion crossed the court,
He scattered angels round.
Welcome to Norham, Marmion!
Stout heart, and noble hand!
Well dost thou back thy gallant roan,
Thou flower of English land.'

'They marshall'd him to the castle hall,
Where the guests stood all aside,
And loudly flourished the trumpet call,
And the heralds loudly cried:
'Room, lordlings, room for Lord Marmion,
With the crest and helm of gold!
Full well we know the trophies won
In the lists at Cottiswold.
Place, nobles, for the Falcon Knight!
Room, room, ye gentles gay,
For him who conquered in the right,
Marmion of Fontenaye.''

[Pg 589]

Scott is already becoming old-fashioned, and his poems are not now sought after, as they were ten years ago; but any one who wishes to revive all the boyish enthusiasm with which he first read 'Marmion,' has only to take the book with him to the ruins of Norham and again read the glowing page!

The village of Norham is a quaint place dominated by the castle, and as humble nowadays, with its little thatched cottages, as in the times when the villagers were mere vassals of

'Sir Hugh, the Heron bold,
Baron of Twisell, and of Ford,
And Captain of the Hold.'

A limpid stream runs down the principal street of Norham—a gutter, which in the sunlight gleams like a band of silver. Village damsels wash potatoes therein. Among the residents of Norham, by the way, is the hostess of the principal inn, who was in the train of Joseph Bonaparte, during his stay in America, living in his household at Bordentown, New Jersey. She claims to be a personal acquaintance of Napoleon III; but I have not heard what strange wave of fortune stranded the friend of the Emperor of the French in the remote and unknown port of Norham.

A curious family romance hangs about Twisell castle, also mentioned in 'Marmion.' The present building, an immense quadrangular edifice, was begun by Sir Francis Drake, who never had means to finish it. His heirs tried to complete the castle, which is now the property of a lady over seventy years old, residing in Edinburgh, who devotes all her spare means to the work. Indeed, the building of Twisell castle is a hereditary monomania in the family; but the estate belonging to the magnificent structure is only forty acres in extent—utterly insufficient to support such a castle with the household it will ultimately need. As yet Twisell is a granite shell; no partitions are put up in the interior. Vast sums of money must be expended before it can be made

tenantable.

But I must forego any allusions to Crichton and Pantallon castles, the former the place where Marmion was entertained, and the latter the spot where the bold chief dared

'——to beard the lion in his den,
The Douglas in his hall.'

And I must also omit 'Newark's stately tower,' where the last minstrel sang his lay—and Branksome, the scene of the opening canto—and the scenery of Lomond and Katrine, rendered famous by the success of the Lady of the Lake. All these, and many other localities, hallowed by poesy, can be easily visited by the enthusiastic tourist; but I prefer to devote my pen and space to the most neglected and most beautiful of them all—to Lindisfarn, the Holy Isle.

Though really in England, it is yet near enough to the border to be included among the Lions of Scotland. It lies on the coast, about a dozen miles south of Berwick-upon-Tweed, the nearest approach to it, being from the railway station of Beal. Here the visitor will find the one-horse cart of the postmaster, offering the only conveyance to one of the most romantic and retired spots in the kingdom.

Holy Island, in circumference about eight miles, lies three miles from the land; but is only an island at high tide. At other times, the receding waters leave the sands bare, with the exception of two or three channels, not more than six inches deep, and afford a passage for vehicles, marked by a long row of stakes, intended especially to guide travellers in winter, when the snow falls thickly on the path. In summer there is always a strong wind blowing over these sands, [Pg 590] drying them from the salt water, forming picturesque patterns along the ever-changing ground, and dashing a thin veil of sand along the way. Woe to the unlucky wight who loses his hat in this place! With nothing to intercept it, the unfortunate headgear is at once taken by the wind and sent flying over the sandy plain, faster than human foot can run, far out to the island, and often over it to the sea beyond. The frolicsome dog, which generally accompanies the postmaster's cart, is the only hope on which the hatless wretch can then rely; and usually this reliance is not in vain.

Holy Island contains a population of some 600 souls, mostly fishermen. Not a tree grows on the island; but at the south end, where a low village crouches down against the continual sweepings of the stormy winds, are a few fields, fragrant with clover, and gleaming with buttercups; and, in one of these fields, scarce a stone's throw from the beating surf, stand the ruins of Lindisfarn Abbey, one of the earliest seats of Christianity in Great Britain, and one closely identified with the traditionary career of St. Cuthbert. The front walls, portions of the side walls, a diagonal arch richly ornamented, and the chancel recently repaired to arrest further decay, remain to tell of its former beauty. The area within the ruins is strewn with sea shells and pebbles, while about the bases, whence once sprang aloft the clustered pillars of the nave, grow in rich profusion hardy yellow flowers. The sharp sea winds have eaten into the stone in many places, reducing it to an apparent honeycomb. No ripple of gentle streamlet falls on the ear; no luxuriant foliage offers its pleasant shade; no ivy drapery, stirred by the summer breeze, floats from the decaying walls; but instead of these gentle attractions, which Tinter and Bolton and Valle Crucis offer, we have at Lindisfarn the boom of the ocean surf and the biting freshness of the keen sea wind.

Scott thus describes Holy Island and Lindisfarn:

'The tide did now its floodmark gain,
And girdled in the saint's domain:
For, with the flow and ebb, its style
Varied from continent to isle;
Dryshod, o'er sands, twice every day,
The pilgrims to the shrine find way;
Twice every day, the waves efface
Of staves and sandalled feet the trace.
As to the port the galley flew,
Higher and higher rose to view
The castle, with its battled walls,
The ancient monastery's halls—
A solemn, huge, and dark-red pile,
Placed on the margin of the isle.
In Saxon strength that abbey frowned,
With massive arches broad and round,
That rose alternate, row on row,
On ponderous columns, short and low,
  Built ere the art was known,
By pointed aisle, and shafted stalk,
The arcades of an alley'd walk,
  To emulate in stone.'

The scenes of Sarrow and Ettrick vales, associated with the life and described in the poetry of the Ettrick shepherd, deserve more attention from tourists than they usually receive. The single tomb in Ettrick kirkyard, the site of his birthplace near by, marked by a stone in the wall, bearing the letters J. H., Poet; Chapelhope, the scene of the 'Brownie o' Bodsbeck,' 'Sweet St. Mary's Lake,' Mount Benger, and the new monument recently erected on the shores of St. Mary's, representing

the poet seated on a rock, his plaid thrown loosely over his shoulders, and his shepherd's dog by his side—all these localities cannot fail to interest those who know James Hogg, either by his works, or by his character, so powerfully and singularly delineated in the pages of 'Noctes Ambrosianæ.'

Burns, the Ploughman—Scott, the Minstrel—Hogg, the Shepherd! How much does Scotland owe to the magic of their pens! Without them, her mountains and lakes and streams would never have known the presence of that indefatigable, money-spending feature of modern life—the tourist; for, without them, few indeed would be the Lions of Scotland. [Pg 591]

WE TWO.

We own no houses, no lots, no lands;
No dainty viands for us are spread;
By sweat of our brows, and toil of our hands,
We earn the pittance that buys us bread.
And yet we live in a grander state,
Sunbeam and I, than the millionaires
Who dine off silver or golden plate,
With liveried lacqueys behind their chairs.

We have no riches in bonds or stocks;
No bank books show, our balance to draw;
Yet we carry a safe-key, that unlocks
More treasure than Crœsus ever saw.
We wear no velvets, nor satins fine;
We dress in a very homely way;
But, ah! what luminous lustres shine
About Sunbeam's gowns and my hodden gray.

When we walk together—(we do not ride,
We are far too poor)—it is very rare
We are bowed unto from the other side
Of the street—but not for this do we care.
We are not lonely; we pass along,
Sunbeam and I, and you cannot see
(We can) what tall and beautiful throng
Of angels we have for company.

No harp, no dulcimer, no guitar,
Breaks into singing at Sunbeam's touch;
But do not think that our evenings are
Without their music; there is none such
In the concert halls where the palpitant air
In musical billows floats and swims;
Our lives are as psalms, and our foreheads wear
A calm like the feel of beautiful hymns.

When cloudy weather obscures our skies,
And some days darken with drops of rain,
We have but to look in each other's eyes,
And all is balmy and bright again.
Ah! ours is the alchemy that transmutes
The dregs to elixir, the dross to gold;
And so we live on Hesperian fruits,
Sunbeam and I, and never grow old. [Pg 592]

Never grow old: and we live in peace,
And we love our fellows, and envy none;
And our hearts are glad at the large increase
Of plenteous virtue under the sun.
And the days pass by with their thoughtful tread,
And the shadows lengthen toward the west;
But the wane of our young years brings no dread,
To break our harvest of quiet rest.

Sunbeam's hair will be streaked with gray,
And Time will furrow my darling's brow;
But never can Time's hand take away
The tender halo that clasps it now.
So we dwell in wonderful opulence,
With nothing to hurt us, nor upbraid;

And my life trembles with reverence,
And Sunbeam's spirit is not afraid.

PATRIOTISM AND PROVINCIALISM.

In that memorable parliamentary battle between Webster and Hayne, the broad nationalism of the former stands out in splendid contrast with the narrow provincialism of the latter. Hayne's theme was small and sectional—it wanted bulk; hence, he continually intrudes himself in his subject: the subject is half, and Hayne and Webster the other and more important half. Webster, on the contrary, is completely absorbed in the magnitude of his subject; he forgets the very existence of such facts as Webster and Hayne, and considers only that the destinies of millions hang upon the great principles he is enunciating. Hayne is burdened with an inferior sense of personality, and never gets beyond the clouds; Webster's massive intellect shines out calm and bright as a fixed star—far beyond the gross atmosphere of personal strife or sectional antagonism. Hayne looks through a glass dimly, and sees only South Carolina—a part; Webster, with his grand *coup d'œil* sweeps the horizon, and his eagle glance takes in the entire Union as one perfect, organic whole. Hayne's logic, granting the premises, was a finished and splendid piece of mechanism; Webster started from a deeper and broader vantage-ground of universal principle and intuitive truth, and by one terrible wrench, of his giant intellect, Hayne's premises fell from under, and the labored superstructure of his logic went down in one confused mass of ruin with its foundations.

General Banks, in his late order, welcoming the return of our brave soldiers from their two years' captivity in Texas, after recounting their heroic history, gives utterance to the following noble sentiment: 'They refused to substitute the misguided ambition of a vulgar, low-bred provincialism, for the hallowed hopes of a national patriotism.'

A great truth, like 'a thing of beauty, is a joy forever.' We feel it as the wine of life in our spiritual organisms, quickening thought, ennobling our aims, fortifying virtue, and expanding our immortal statures. Such a truth is contained in that pointed antithesis: 'A vulgar, low-bred provincialism, and the hallowed hopes of a national patriotism.' [Pg 593]

The human soul, in its process of development, grows from the centre to the circumference, from a part to the whole, from a unit to the universe. Its first conception is that of self-consciousness, and its first emotion that of self-love. As it expands its immortal germs, it becomes conscious of its relation to objects outside of self; it seeks new outlets of sympathy in love of parents and kindred—then of political communities, nations, and races; ever expanding the grand circle of its sympathies as it grows more and more into a perfect image of the divine spirit of the universe.

This tendency of the soul to the universal is a sure index of its highest moral and intellectual culture; it is one of the divine instincts of our nature, and shines out as God's autograph upon the great representative minds of all ages. In Marcus Curtius, William Tell, Garibaldi, and our own loved Washington, it makes the cream of history and the highest poetry of nations. Its perfect manifestation is seen in that grandest of all epics, 'Christ on the Cross,' wherein we behold a most complete absorption of the self of the individual in the universal self of the race.

There are men with little, narrow souls, that never radiate beyond the centre of self; they have no conception of pure, fixed, absolute principles, but are wholly governed by their local surroundings, provincial prejudices, and the lower instincts of their nature. The large, liberal mind of the true patriot, however, can never be dwarfed down to mere sectional standards, but, true to the law of its attraction, will ever point to the Pole-star of national unity and national brotherhood.

Universality of soul, in the sense above adverted to, distinguishes the Anglo-Saxon race as the best government-builders of the world. England, by her subordination of the sectional to the national, by her reverence for organic law and national unity, has survived the fiercest shocks of her civil convulsions, and built upon their ruins a more perfect and enduring fabric of government. In Southern latitudes, where the temperament grows mercurial, and the emotional nature predominates, as in France and the Italian States, governments seem founded on *volcanic strata*, liable to frequent and radical eruptions. In the hot Huguenot blood of South Carolina was kindled the first fatal spark that now threatens to set our entire Union in a blaze of ruin.

The Christian draws nearer to the angels as he forgets self in the love of God and his kind; and that nation is the most prosperous, happy, and powerful that subordinates all selfish local interests, all sectional antagonisms, to the higher law of national unity and brotherhood, that holds 'the hallowed hopes of a national patriotism' as ever paramount to the misguided ambition of a vulgar, low-bred provincialism. [Pg 594]

LITERARY NOTICES.

Gala Days. By Gail Hamilton, Author of 'Country Living and Country Thinking.' Ticknor &

Fields, Boston. For sale by D. Appleton & Co., New York.

Who will not welcome another book from the pen of Gail Hamilton, nor name a 'gala day' indeed the one devoted to a perusal of these pleasant pages? As Americans, we are very proud of Gail Hamilton. We regard her books as blessings to the community. We know of no familiar essays comparable to hers; we prefer them greatly to those of Elia. Everything she touches assumes a sudden interest, no matter how trivial in itself it may be. She pours sunshine over the pettiest details of every-day life. We have known and felt all she tells us, lived it as life, and instantaneously recognize it as truth; but who before has ever recorded it for us—nay, who could do it for us, save this gifted woman, who accepts all with a spirit so brave and true? How acute her analysis of character! Every house has its own Halicarnassus. He is a typal man, as is shown in the fact that husbands, brothers, sons, and lovers are constantly called 'Halicarnassus' by the ladies most closely associated with them. Halicarnassus—tantalizing and antagonistic, slow to work and ready to jeer, the plague and pest of the home hearth, but at the same time its pride and joy, true and helpful in all real emergencies, though full of irritating taunts and desperate indolence. Such books keep our spirits up in these days of national calamity and domestic losses. Their charm is indescribable. Their style is sharp and brusque, but telling of wide culture; keen, but tender; clear as mountain brook, but varied and full as a river. Gail Hamilton will write of the daily trifles of which life is made, then boldly grapple with the highest truths; she mounts from the hut to the skies, and pours the light of heaven on all she touches by the way. Humor and pathos, fun and earnestness, fiery indignation and loving charity, detailed truths and bold imaginations meet in her singularly rich, graphic, natural, and original pages. We have often heard fault found with them by the artificial, as fault is always found with things fresh and natural; but for ourselves we would not willingly lose a single line she has ever written. No affectation, no cant, no sickly feeling, no weakness, no inflation, no appealing for petty sympathy, no writing for the sake of seeming fine, does she ever indulge in. She coins words at will, for she writes from her heart and is no purist; but we feel them to be appropriate, and requisite to express the shade of thought in question: we may laugh at them at first, but so natural and naive are they that we soon find them stealing into our own vocabulary.

The beneficial effect of such writings upon American women cannot be overestimated. They act as invigorating tonics, courses of beefsteak and iron upon the somewhat too fragile loveliness, the exacting and fastidious fine-ladyism, the morbid helplessness, far too prevalent among them. Their ideal of womanhood has been wrong, narrow and contracted, wanting in strength, breadth, and charity. Miss Muloch and Gail Hamilton, while cherishing the sanctity of womanhood, are giving broader views, higher aims, truer delicacy, and greater self-reliance to their plastic sex. Their lessons and examples are bracing as the sea breeze, and soothing as air fresh from the piny mountain.

Gail Hamilton dares to call things by their right names; humbugs die and shams perish as her clear, deep eyes gaze upon them. She has the bravery of virtue, and battles courageously with wrong, selfishness, and weakness, though we always feel it is a woman's arm that strikes the blow, and the Halicarnassuses of earth are ready to kneel to receive it. But that she has explicitly [Pg 595] forbidden all intrusion into her privacy, we would say more about her. Meantime we frankly offer her our sympathy and humble admiration, our true and leal homage, our grateful appreciation of her strong, womanly, truthful, pure, and generous nature. Move on in peace, fair iconoclast of false idols, stripper of tinsel shrines, bringer of pleasant hours to the quiet home-hearth, vigorous painter of home tasks and duties; and may Halicarnassus feed upon your pungent and salty wit, drink the wine of your valiant and patriotic heart, and bask in the sunshine of your loyal and loving soul forever and ever!

Our Old Home: A Series of English Sketches. By Nathaniel Hawthorne. Boston: Ticknor & Fields, 1863. For sale by D. Appleton & Co., New York.

Messrs. Ticknor & Fields are daily doing their countrymen service by publishing good books, and thus increasing the means for promoting general and solid culture. To them as well as to the gifted author are due our thanks for this agreeable volume of truthful and instructive sketches. It is, in fact, the portfolio of a genuine artist. He tells us that the picture to have been evolved from a combination of these faithful outlines is now never to be completed. This is certainly to be regretted so far as artistic enjoyment is concerned; but, in regard to exact portrayal of subject matter, sketches are ofttimes more valuable, because more precise, than the finished work as seen through the haze of the artist's imagination, wrought upon by the softening influences of time, distance, and the necessary requirements of beauty in every such creation.

Americans, until recently, have been prone either to sneer indiscriminately at everything foreign, or to undervalue their own country and advantages, and find nothing tolerable which was not the growth of the eastern shore of the Atlantic. These tendencies are now, we think, giving place to a calmer impartiality, a broader and more enlightened spirit of inquiry. Patriotism is no longer a mere matter of scoff among politicians, self-sacrifice the object of newspaper sneers, *our country* a spread-eagle figure for a Fourth-of-July oration. American men and women now know that in a good cause they can cheerfully resign fortune, and even bravely send forth to the battle field, or to the still more fatal hospital, the dearest members of their household; and they hence feel lifted up above petty scoffs and political or commercial jealousies. Having proven their continued manhood and womanhood, they can look their brother men of whatever nation in the face, quietly yielding precedence where deserved, and as quietly claiming their own dues. The spirit of Hawthorne's book is strictly in accordance with this growing feeling. Fanatics, either for or

against England and the English, may find too much praise or too much blame; but the impartial reader cannot fail to be impressed by the author's fairness, even by the keen-sighted appreciation of either virtues or faults resulting from a sincere and long-seated affection.

The chapter on "Outside Glimpses of English Poverty" is written as if with the heart's blood of the writer; and we may all of us ponder it well, lest some day its graphic but melancholy outlines may only too vividly delineate the condition of our own poor. Let it teach every man of us to strive without ceasing to bridge the wide chasm almost necessarily dividing rich and poor. Let us untiringly pour into that chasm love, pity, help, forbearance, our best of constructive thinking, but last as well as first, love—Christian love—until vice and despair no longer find excuse in circumstance.

We are glad again to welcome within the ranks of American literature the author whose "Twice-Told Tales," "Manse Mosses," and "Scarlet Letter" so thrilled our youthful souls; and we hope the pressure of the times, weighing heavily upon him as upon all men of imagination who have outlived their first youth, may ere long be lifted, and his mind naturally revert to the treatment of mystic themes he of all writers seems empowered to render dreamily interesting and suggestive.

> Methods of Study in Natural History. By L. Agassiz. Boston: Ticknor & Fields, 1863. For sale by D. Appleton & Co., New York.

This is indeed a valuable work, supplying a want long felt by that class of intelligent students who, without the time or means to fathom the depths of natural science, are yet desirous of [Pg 596] obtaining accurate and reliable information regarding its foundation and general principles. The public are deeply indebted to Professor Agassiz, for it is not every man of real science who is willing to step into the popular arena, throw aside (in so far as possible) technicalities, and strive to impart to the unlearned the valuable results of years of severe study, observation, and thought. We are happy to see that the illustrious author enters "an earnest protest against the transmutation theory, revived of late with so much ability, and so generally received." The book concludes thus: "I cannot repeat too emphatically that there is not a single fact in embryology to justify the assumption that the laws of development, now known to be so precise and definite for every animal, have ever been less so, or have ever been allowed to run into each other. The philosopher's stone is no more to be found in the organic than the inorganic world; and we shall seek as vainly to transform the lower animal types into the higher ones by any of our theories as did the alchemists of old to change the baser metals into gold."

The subjects treated are: General Sketch of the Early Progress in Natural History; Nomenclature and Classification; Categories of Classification; Classification and Creation; Different Views respecting Orders; Gradation among Animals; Analogous Types; Family Characteristics; The Characters of Genera; Species and Breeds; Formation of Coral Reefs; Age of Coral Reefs, as showing permanence of species; Homologies; Alternate Generations; The Ovarian Egg; Embryology and Classification.

> Sermons preached before his Royal Highness the Prince of Wales, during his Tour in the East, in the Spring of 1862, with Notices of some of the Localities visited. By Arthur Penrhyn Stanley, D.D., Regius Professor of Ecclesiastical History in the University of Oxford; Honorary Chaplain in Ordinary to the Queen; Deputy Clerk of the Closet; Honorary Chaplain to the Prince of Wales. Published by Charles Scribner, 124 Grand street, New York.

These Sermons are dedicated to his Royal Highness Albert Edward, Prince of Wales, and are published at the request of the Queen of England, Their interest depends in part on the circumstances and the occasion of their delivery; in part upon the charm of their own quiet, simple, and elegant style, their devout and tender spirit. The scenes in which these discourses were preached are among the most famous and familiar of the sacred and classical localities, the texts chosen being always in accordance with them, the sermons illustrating their history and connecting their glorious Past with the Present of the illustrious travellers. They were preached on the Nile, at Thebes; in Palestine, at Jaffa, at Nablus, at Nazareth, at Tiberias; in Syria, at Rasheya, at Baalbec, at Ehden; on the Mediterranean, &c. Notices are appended of the spots visited during the tour of the young Prince in the East. We find in the table of contents: 'The Mosque of Hebron, The Cave of Machpelah, The Tomb of David at Jerusalem, The Samaritan Passover, The Passover on Mount Gerizim, The Antiquities of Nablus, Galilee, Cana, Tabor, The Lake of Genesareth, Safed, Kedesh-Naphtali, The Valley of the Litany, The Temples of Hermon, Baalbec, Damascus, Beirut, The Cedars of Lebanon, Arvad; Patmos, its Traditions and connection with the Apocalypse.' These notices are interesting and graphic. Places into which travellers have found it impossible to penetrate, were rendered accessible to the heir of England's crown. The visit to the hitherto inaccessible Sanctuary, the Mosque of Hebron—the Sanctuary, first Jewish, then Christian, now Mussulman, which is supposed to cover the Cave of Machpelah, to which their attention had been directed by the great German geographer, Ritter, and which has excited in modern times the keenest curiosity—is full of instruction and interest. Since the time of Prince Edward and Eleanor, this visit was the first paid by an heir of the crown of England to these sacred regions. We close our notice with a short extract from the pages of this pleasant book.

'That long cavalcade, sometimes amounting to one hundred and fifty persons, of the Prince and his suite, the English servants, the troop of fifty or a hundred Turkish cavalry, their spears glittering in the sun, and their red pennons streaming in the air, as they wound their way through the rocks and thickets, and over the stony ridges of Syria, was a sight that enlivened even the

tamest landscape, and lent a new charm even to the most beautiful. Most remarkably was this [Pg 597]
felt on our first entrance into Palestine, and on our first approach to Jerusalem. The entrance of the Prince into the Holy Land was almost on the footsteps of Richard Cœur de Lion, and of Edward I, under the tower of Ramleh, and in the ruined Cathedral of St. George, at Lydda. Thence we had climbed the pass of Joshua's victory at Bethhoron, had caught the first glimpse of Jerusalem from the top of the Mosque of the Prophet Samuel, where Richard had stood and refused to look on the Holy Sepulchre which he was not thought worthy to rescue. Then came the full view of the Holy City from the northern road, the ridge of Scopus—the view immortalized in Tasso's description of the first advance of the Crusaders. The cavalcade had now swelled into a strange and motley crowd. The Turkish governor and his suite—the English consul and the English clergy—groups of uncouth Jews—Franciscan monks and Greek priests—here and there under the clumps of trees, groups of children singing hymns—the stragglers at last becoming a mob—the clatter of the horses' hoofs on the hard stones of that rocky and broken road drowning every other sound—such was the varied procession, which, barbarous as it was, still seemed to contain within itself the representatives, or, if one will, the offscourings of all nations, and thus to combine the impressive, and, at the same time, the grotesque and melancholy aspect which so peculiarly marks the modern Jerusalem. Our tents were pitched outside the Damascus Gate, near the scene of the encampment of Godfrey de Bouillon, and from thence we explored the city and the neighborhood.'

> Freedom and War: Discourses on Topics suggested by the Times. By Henry Ward Beecher. Boston: Ticknor & Fields. For sale by D. Appleton & Co.

We cannot more appropriately present this work to the notice of our readers, than by quoting from the editor's introduction the following passage with regard to it: 'The title sufficiently expresses the rule by which the selection was made. That rule was to choose discourses on subjects of present interest, and which, at the same time, should, as far as possible, so handle those subjects as to have a more permanent value. They have also a certain significance from their order in time. No other system will be found in the book, except a systematic purpose always to discuss the subject apparently most important at the time. Its general method is, to apply the principles of Christianity to the duties and circumstances of life; to insist on a sound and fearless Christian morality in whatever men do; and to show the increased importance of practising that morality in times like these. It is believed that, in seeking to do this, the discourses are consistent and clear in teaching God's almighty supremacy and his goodness and wisdom, faith in humanity and its future, the absolute necessity of national righteousness and of Christian equality, the substantial truth and excellence of the frame of government of the United States, the substantial nobility and courage, justice and perseverance, of the real democracy of the country, and the certain and ineffable splendor of our future, if only we are true to ourselves, to humanity, and to God.' Few men have had such ardent and devoted friends as Henry Ward Beecher; few such bitter and determined enemies. It were useless to tell his friends of the loyalty, patriotism, and ability of these remarkable Discourses; we heartily wish his enemies could be persuaded to peruse them. We believe they would find the writer far other than they deem him. We think they would find their prejudices melting away, their dislike growing into admiration, and their own souls kindling from the fire of his ardent and broad humanity. No man's opinions have been more constantly misstated, none more generally miscomprehended, than Mr. Beecher's. A man of large soul, of generous impulses, he thinks as he feels, and writes as he thinks. His thoughts are original, his imagination glowing, his sympathies all-embracing, his creed broad and flowing, his illustrations apt and graphic, his diction clear and bold, though often careless and sometimes almost grotesquely familiar;—all that he touches seems poured through his heart, and thus never fails to reach the heart of his audience. He battles with the sins and evils of his time, and is perhaps as conservative as truth will admit. [Pg 598]

EDITOR'S TABLE.

NOW AND THEN.

John Letcher, the present rebel Governor of Virginia, has lately presented himself in rather a new character by recommending in his message to the legislature of his State, a provision of law to pay for slaves lost by the war. When he was a member of the House of Representatives of the United States, he was altogether incapable of appreciating any public liability to individuals. He was notorious for the sleepless energy and vigilance with which he opposed all private claims without regard to their merits. He seemed to set on the principle that a valid demand against the government could not exist, and that no man who presented one could be honest.

By the rules of the House of Representatives certain days are set apart called 'objection days,' when the private calendar is called over, and all bills not objected to are laid by and passed without debate. Few, indeed, were the bills which, in Mr. Letcher's day, could stand this ordeal. On these days he was in his glory; it was then that by the use of the magic words, 'I object,' he obtained his greatest triumphs.

On one of these occasions, a plain old lady from a distant part of the country, was in the gallery looking down on the proceedings with intense anxiety. She was the unfortunate subject of a

revolutionary claim, which had long been pending without result, and by the advice of her friends she had come all the way to Washington to give her personal exertions to its prosecution. By dint of untiring energy she had succeeded in having it passed through the Senate and sent down to the House. It had successfully run the gauntlet of the House committee, and as the calendar was now to be called, the simple-hearted old lady thought she was at the end of her troubles. She watched the proceedings with great interest, but soon began to show signs of apprehension and alarm at the movements of Mr. Letcher. The clerk had been engaged for some time in reading the bills in their order, but not one of them had reached the conclusion of its reading before the fatal words, 'I object,' were heard to issue from the seat occupied by Mr. Letcher. Turning uneasily and hastily to a stranger sitting near, the good old lady with some petulance inquired, 'who is that bald-headed man that objects to all these bills?' 'Bald, madam!' replied the gentleman, 'you're quite mistaken. He's not bald, but his hair hasn't grown any for a great many years.' 'But who is he,' continued the old lady, 'and what makes him object to everybody's bill.' With most provoking deliberation, the gentleman replied to the old lady's impatient queries: 'Madam, that is John Letcher; he is a Virginia gentleman, of one of the very first families.' 'But what makes him object, I want to know that.' 'Madam,' replied the gentleman, 'the peculiarity you mention is connected with a most extraordinary fact in his history; you would indeed be surprised to learn it.' 'Do pray tell me what it is, now won't you, sir?' 'He can't help it, madam; he's obliged to object. It is a necessity imposed upon him from his birth.' 'La, mister, do pray tell me what it is. I'm dying to know.' 'Well, madam, you see now, this is objection day; Mr. Letcher was born on objection day; he objected to being born on that day; but this objection was unanimously overruled, and he became so enraged, that he has objected to everything from that day to this.' Just at this moment, the clerk read in a loud, clear voice: 'Number ——, a bill for the relief of ——.' The old lady turned away from the stranger as she heard her own name called, just in time to see Mr. Letcher rise and utter the inevitable words 'Mr. Chairman, I object.' [Pg 599]

The old lady sank back in her seat and covered her face with a red handkerchief. The stranger gentleman leaned over sympathizingly, and said in a low voice, 'Madam, the first time his mother attempted to comb his hair, he objected to having any hair; and now you see the consequence.'

But the old lady was not to be defeated. She called on Mr. Letcher every day, from that time till the next objection day; and when her bill was about to be called, Mr. Letcher took his hat and walked out of the House. The same gentleman happened to be present; he stepped up to the old lady and said: 'Madam, Mr. Letcher is now about to take the only thing he never objected to—he's gone to take a drink.'

The truth is Mr. Letcher objected to seeing the old lady again. She had promised to visit him daily until her bill passed; and the force of this objection overcame the other; and so the bill which had been defeated by an objection, was now passed on account of one.

THE PINE.

The Pine—the Pine—the mighty Pine—
The everliving—evergreen;
That boldly cleaves the broad sunshine,
Towering high with scornful mien;
And smileth not in summer's gladness,
And sigheth not 'mid winter's sadness;
Shedding no tear
O'er the dying year,
But groweth still bright,
And touched by no sorrow,
For he feareth no night,
And hopeth no morrow.

The proud—the cold—the mountain Pine,
The tempest driven—tempest torn—
That grandly o'er the wildwood line
The forest banner long has borne;
And he waileth never the waning flower,
For he knows no death but the storm-cloud's power.
Could he have grief
For a passing leaf?
So strong in his might,
Touched by no sorrow,
Fearing no night
And hoping no morrow.

By the Rappahannock,
August 7, 1868.

A DAY AMONG THE MOUNTAINS.

It was one of those hot days in summer, when life is rather emotional than operative, and will lies locked in the ecstasy of sense. For a week the heat had been incessant, and now at early morning

the thermometer stood at 96 in the shade. We were a party of loungers thrown together by chance, in a small town of western Maryland, united in nothing but a desire to escape the heat. The town lay in a little basin scooped out among circling mountains, which were veiled in almost perpetual vapors;—but this morning the vapors had parted, wreathing the mountains in light, delicately tinted circles, and disclosing a clear, glowing sky. To the east rose Table Rock, a black, frowning bowlder, resting, a mile and a half up the mountain, on a base so narrow, it seemed a breeze would rock it into perilous motion; while to the southwest, lay Fairmount, serene, stately, sloping upward with a symmetry which architecture might vainly emulate. We determined upon an excursion to the latter, and mounted our horses for the six-and-a-half miles ride. The road was macadamized, and worn so firm and level, it reminded me, constantly, of the stone walks in a granite quarry. Among our party was a young man just returned from Europe surfeited with scenery and sight-seeing, but for the rest, we were commonplace Americans, eager to see everything, and ready to go into ecstasies over everything which we saw. It was in early July, and the foliage had not yet wilted from its moist, bright greenness; the atmosphere was a wave of light, and the earth seemed no longer dust, dross, and atoms of decay, but surcharged and palpitating with sunshine. A dead calm pervaded the air, not a leaf fluttered, not a blade bent; nature was in a trance of heat and light. As we ascended the mountains, we were sensible of a slight motion in the vapors, and a cool murmur in the trees; it was the first breath of the mountain air, swelling as we advanced to a spicy, exhilarating breeze. The sea air is certainly more bracing, but I never experienced anything so soothing, as that wind wafted from cool mountain recesses. We left our horses at the inn, and proceeded on foot to the summit. We were on one of the peaks of the Alleghanies, looking down into a valley, which, below, had appeared enclosed by mountains, but now disclosed a broad opening to the south, while eastward ran the [Pg 600] Blue Ridge, so wrapped and sublimated by azure mists, that it seemed a line of cloud mountains projected against the dazzling sky. As far as the eye could reach, the valley was a Paradise, so soft and delicate in its exuberant verdure, that the eye pained by the splendor of sky and air, was soothed without any cessation of delight; through its midst ran the Potomac, always limpid, but under this burning sun of a silvery brightness, shaded and mellowed by the foliage around. The wind, which we found so grateful, had increased steadily till it blew in strong gusts—a dense cloud spread over the west—while in the east, the sky faded to a chalky whiteness, low thunders muttered in the mountains, and faint shudders crept through the leaves; a line of fire curled up over the cloud, and in an instant, so vivid and swift were the electric bursts, the air seemed sheeted in flames. In a long residence on both lake and sea shore I remember no transition so startling, as this from a loveliness which was beatific to a tempest which was appalling. But the storm was as brief as its coming had been sudden, and, as the sun shone out over the dripping foliage, each leaf and blade reflected bright colors through its prismatic drops, the distant trees gleaming like sea spray in the light. As we looked through purple vapors, floating from the purple heights of shadowy mountains, the window seemed mirroring the sensuous splendors of an Italian landscape. In descending to the valley, we took a winding road which led farther up toward the heart of the range. Here were gorges opening up through the mountains, which baffle all description, and before which Art must despair. Such grouping! such luxury! so blended and irradiated with gossamer mists, it seemed easy to fancy, that in their depths lay hidden the happy fields of Pan. It is in these mists which harmonize contrasts, in these tremulous motions which conceal angles and abruptness, that nature defies art; the subtlest art may suggest, but cannot reproduce them. As we stopped, for a moment, at the foot of the mountain, and looked up through the fragrant air to the sunset sky, and forward into the valley, mantling with slumbrous shade, our young friend from Europe exclaimed, 'I have seen to-day, what I had never expected to see in America,—mountains as picturesque as those of Wales, and a sky mellow and brilliant as that of Italy.' For me, I could not help but feel that in American scenery lies the hope of American artists, and that the artist to whom Rome is denied, may receive even fuller inspiration from the sea and skies and heights of his native land! This was in 1859. There was then no token or presage of that other July day, when, under the very shadow of these mountains, an army thrilled with heroic impulse; when men, whose whole lives had been ignoble, redeemed them by the most sublime daring; and those whose lives held every promise yielded them with the most patriotic devotion; and through long sultry hours, men cheerfully endured the tortures of thirst, of wounds, and of lonely death agonies, sustained by a prescience of victory. Thus was the scene, which nature had made enchanting, rendered historic and immortal.

A. J. S.

ARE YOU FOR THE COUNTRY?

Then draw and strike
In nature's right,
And Freedom's might,
To break the night
Of Slavery's blight,
    And make our country free!

Strike home the blow,
And bravely show
The traitor foe
His blood shall flow
Beneath the glow
    Of *Freedom's* victory.

Let traitors feel
The Northern steel;
Nor backward wheel
Till they shall kneel,
And *Yankee* heel
Shall rest on Tyranny.

Then on, ye brave!
Your banner wave
O'er head of slave,
And ope the grave
For rebel knave;—
Bring Peace and Unity.

[Pg 601]

THE CONTINENTAL MONTHLY

The readers of the CONTINENTAL are aware of the important position it has assumed, of the influence which it exerts, and of the brilliant array of political and literary talent of the highest order which supports it. No publication of the kind has, in this country, so successfully combined the energy and freedom of the daily newspaper with the higher literary tone of the first-class monthly; and it is very certain that no magazine has given wider range to its contributors, or preserved itself so completely from the narrow influences of party or of faction. In times like the present, such a journal is either a power in the land or it is nothing. That the CONTINENTAL is not the latter is abundantly evidenced *by what it has done*—by the reflection of its counsels in many important public events, and in the character and power of those who are its staunchest supporters.

Though but little more than a year has elapsed since the CONTINENTAL was first established, it has during that time acquired a strength and a political significance elevating it to a position far above that previously occupied by any publication of the kind in America. In proof of which assertion we call attention, to the following facts:

1. Of its POLITICAL articles republished in pamphlet form, a single one has had, thus far, a circulation of *one hundred and six thousand* copies.

2. From its LITERARY department, a single serial novel, "Among the Pines," has, within a very few months, sold nearly *thirty-five thousand* copies. Two other series of its literary articles have also been republished in book form, while the first portion of a third is already in press.

No more conclusive facts need be alleged to prove the excellence of the contributions to the CONTINENTAL, or their *extraordinary popularity*; and its conductors are determined that it shall not fall behind. Preserving all "the boldness, vigor, and ability" which a thousand journals have attributed to it, it will greatly enlarge its circle of action, and discuss, fearlessly and frankly, every principle involved in the great questions of the day. The first minds of the country, embracing the men most familiar with its diplomacy and most distinguished for ability, are among its contributors; and it is no mere "flattering promise of a prospectus" to say that this "magazine for the times" will employ the first intellect in America, under auspices which no publication ever enjoyed before in this country.

While the CONTINENTAL will express decided opinions on the great questions of the day, it will not be a mere political journal: much the larger portion of its columns will be enlivened, as heretofore, by tales, poetry, and humor. In a word, the CONTINENTAL will be found, under its new staff of Editors, occupying, a position and presenting attractions never before found in a magazine.

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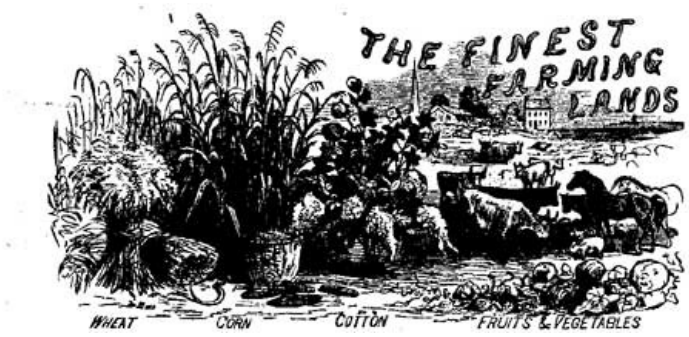

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THE ORDINARY YIELD

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"	in four years	118 00
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DEVOTED TO

Literature and National Policy.

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☞ January, 1864, thus securing Mr. Kimball's "Was He Successful?" and Mr. Kirke's "Among the Pines," and "Merchant's Story," and nearly 3,000 octave pages of the best literature in the world. Premium subscribers to pay their own postage.

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