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**BLACKWOOD'S  
EDINBURGH MAGAZINE.**

No. CCCCXXII.

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VOL. LXVIII.

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**VOL. LXVIII.**

# MY NOVEL; OR, VARIETIES IN ENGLISH LIFE.

BY PISISTRATUS CAXTON.

## BOOK II.—CHAPTER VII.

In spite of all his Machiavellian wisdom, Dr Riccabocca had been foiled in his attempt to seduce Leonard Fairfield into his service, even though he succeeded in partially winning over the widow to his views. For to her he represented the worldly advantages of the thing. Lenny would learn to be fit for more than a day-labourer; he would learn gardening, in all its branches—rise some day to be a head gardener. "And," said Riccabocca, "I will take care of his book learning, and teach him whatever he has a head for."

"He has a head for everything," said the widow.

"Then," said the wise man, "everything shall go into it."

The widow was certainly dazzled; for, as we have seen, she highly prized scholarly distinction, and she knew that the Parson looked upon Riccabocca as a wondrous learned man. But still, Riccabocca was said to be a Papist, and suspected to be a conjuror. Her scruples on both these points the Italian, who was an adept in the art of talking over the fair sex, would no doubt have dissipated, if there had been any use in it; but Lenny put a dead stop to all negotiations. He had taken a mortal dislike to Riccabocca; he was very much frightened by him—and the spectacles, the pipe, the cloak, the long hair, and the red umbrella; and said so sturdily, in reply to every overture,—"Please, sir, I'd rather not; I'd rather stay along with mother"—that Riccabocca was forced to suspend all farther experiments in his Machiavellian diplomacy. He was not at all cast down, however, by his first failure; on the contrary, he was one of those men whom opposition stimulates. And what before had been but a suggestion of prudence, became an object of desire. Plenty of other lads might no doubt be had, on as reasonable terms as Lenny Fairfield; but the moment Lenny presumed to baffle the Italian's designs upon him, the special acquisition of Lenny became of paramount importance in the eyes of Signor Riccabocca.

Jackeymo, however, lost all his interest in the traps, snares, and gins which his master proposed to lay for Leonard Fairfield, in the more immediate surprise that awaited him on learning that Dr Riccabocca had accepted an invitation to pass a few days at the Hall.

"There will be no one there but the family," said Riccabocca. "Poor Giacomo, a little chat in the servants' hall will do you good; and the Squire's beef is more nourishing, after all, than the sticklebacks and minnows. It will lengthen your life."

"The Padrone jests," said Jackeymo stately, "as if any one could starve in his service."

"Um," said Riccabocca. "At least, faithful friend, you have tried that experiment as far as human nature will permit;" and he extended his hand to his fellow-exile with that familiarity which exists between servant and master in the usages of the Continent. Jackeymo bent low, and a tear fell upon the hand he kissed.

"*Cospetto!*" said Dr Riccabocca, "a thousand mock pearls do not make up the cost of a single true one! The tears of women, we know their worth; but the tear of an honest man—Fie, Giacomo!—at least I can never repay you this! Go and see to our wardrobe."

So far as his master's wardrobe was concerned, that order was pleasing to Jackeymo; for the Doctor had in his drawers suits which Jackeymo pronounced to be as good as new, though many a long year had passed since they left the tailor's hands. But when Jackeymo came to examine the state of his own clothing department, his face grew considerably longer. It was not that he was without other clothes than those on his back—quantity was there, but the quality! Mournfully he gazed on two suits, complete in the three separate members of which man's raiments are composed: the one suit extended at length upon his bed, like a veteran stretched by pious hands after death; the other brought piecemeal to the invidious light—the *torso* placed upon a chair, the limbs dangling down from Jackeymo's melancholy arm. No bodies long exposed at the Morgue could evince less sign of resuscitation than those respectable defuncts! For, indeed, Jackeymo had been less thrifty of his apparel—more *profusus sui*—than his master. In the earliest days of their exile, he preserved the decorous habit of dressing for dinner—it was a respect due to the Padrone—and that habit had lasted till the two habits on which it necessarily depended had evinced the first symptoms of decay; then the evening clothes had been taken into morning wear, in which hard service they had breathed their last.

The Doctor, notwithstanding his general philosophical abstraction from such household details, had more than once said, rather in pity to Jackeymo, than with an eye to that respectability which the costume of the servant reflects on the dignity of the master—"Giacomo, thou wantest clothes: fit thyself out of mine!"

And Jackeymo had bowed his gratitude, as if the donation had been accepted: but the fact was, that that same fitting-out was easier said than done. For though—thanks to an existence mainly upon sticklebacks and minnows—both Jackeymo and Riccabocca had arrived at that state which the longevity of misers proves to be most healthful to the human frame,—viz., skin and bone—yet, the bones contained in the skin of Riccabocca all took longitudinal directions; while those in the skin of Jackeymo spread out latitudinally. And you might as well have made the bark of a Lombardy poplar serve for the trunk of some dwarfed and pollarded oak—in whose hollow the Babes of the Wood could have slept at their ease—as have fitted out Jackeymo from the garb of

Riccabocca. Moreover, if the skill of the tailor could have accomplished that undertaking, the faithful Jackeymo would never have had the heart to avail himself of the generosity of his master. He had a sort of religious sentiment, too, about those vestments of the Padrone. The ancients, we know, when escaping from shipwreck, suspended in the votive temple the garments in which they had struggled through the wave. Jackeymo looked on those relics of the past with a kindred superstition. "This coat the Padrone wore on such an occasion. I remember the very evening the Padrone last put on those pantaloons!" And coat and pantaloons were tenderly dusted, and carefully restored to their sacred rest.

But now, after all, what was to be done? Jackeymo was much too proud to exhibit his person, to the eyes of the Squire's butler, in habiliments discreditable to himself and the Padrone. In the midst of his perplexity the bell rang, and he went down into the parlour.

Riccabocca was standing on the hearth under his symbolical representation of the "Patriæ Exul."

"Giacomo," quoth he, "I have been thinking that thou hast never done what I told thee, and fitted thyself out from my superfluities. But we are going now into the great world: visiting once begun, Heaven knows where it may stop! Go to the nearest town and get thyself clothes. Things are dear in England. Will this suffice?" And Riccabocca extended a £5 note.

Jackeymo, we have seen, was more familiar with his master than we formal English permit our domestics to be with us. But in his familiarity he was usually respectful. This time, however, respect deserted him.

"The Padrone is mad!" he exclaimed; "he would fling away his whole fortune if I would let him. Five pounds English, or a hundred and twenty-six pounds Milanese!<sup>[1]</sup> Santa Maria! Unnatural father! And what is to become of the poor Signorina? Is this the way you are to marry her in the foreign land?"

"Giacomo," said Riccabocca, bowing his head to the storm; "the Signorina to-morrow; to-day, the honour of the house. Thy small-clothes, Giacomo. Miserable man, thy small-clothes!"

"It is just," said Jackeymo, recovering himself, and with humility; "and the Padrone does right to blame me, but not in so cruel a way. It is just—the Padrone lodges and boards me, and gives me handsome wages, and he has a right to expect that I should not go in this figure."

"For the board and the lodgment, good," said Riccabocca. "For the handsome wages, they are the visions of thy fancy!"

"They are no such thing," said Jackeymo, "they are only in arrear. As if the Padrone could not pay them some day or other—as if I was demeaning myself by serving a master who did not intend to pay his servants! And can't I wait? Have I not my savings too? But be cheered, be cheered; you shall be contented with me. I have two beautiful suits still. I was arranging them when you rang for me. You shall see, you shall see."

And Jackeymo hurried from the room, hurried back into his own chamber, unlocked a little trunk which he kept at his bed head, tossed out a variety of small articles, and from the deepest depth extracted a leathern purse. He emptied the contents on the bed. They were chiefly Italian coins, some five-franc pieces, a silver medallion enclosing a little image of his patron saint—San Giacomo—one solid English guinea, and two or three pounds' worth in English silver. Jackeymo put back the foreign coins, saying prudently, "One will lose on them here;" he seized the English coins, and counted them out. "But are you enough, you rascals?" quoth he angrily, giving them a good shake. His eye caught sight of the medallion—he paused; and after eyeing the tiny representation of the saint with great deliberation, he added, in a sentence which he must have picked up from the proverbial aphorisms of his master—

"What's the difference between the enemy who does not hurt me, and the friend who does not serve me? *Monsignore San Giacomo*, my patron saint, you are of very little use to me in the leathern bag. But if you help me to get into a new pair of small-clothes on this important occasion, you will be a friend indeed. *Alla bisogna, Monsignore*." Then, gravely kissing the medallion, he thrust it into one pocket, the coins into the other, made up a bundle of the two defunct suits, and, muttering to himself, "Beast, miser that I am, to disgrace the Padrone, with all these savings in his service!" ran down stairs into his pantry, caught up his hat and stick, and in a few moments more was seen trudging off to the neighbouring town of L—.

Apparently the poor Italian succeeded, for he came back that evening in time to prepare the thin gruel which made his master's supper, with a suit of black—a little threadbare, but still highly respectable—two shirt fronts, and two white cravats. But, out of all this finery, Jackeymo held the small-clothes in especial veneration; for as they had cost exactly what the medallion had sold for, so it seemed to him that San Giacomo had heard his prayer in that quarter to which he had more exclusively directed the saint's direction. The other habiliments came to him in the merely human process of sale and barter; the small-clothes were the personal gratuity of San Giacomo!

## CHAPTER VIII.

Life has been subjected to many ingenious comparisons; and if we do not understand it any better, it is not for want of what is called "reasoning by illustration." Amongst other resemblances, there are moments when, to a quiet contemplator, it suggests the image of one of those rotatory entertainments commonly seen in fairs, all known by the name of "whirligigs or roundabouts," in which each participator of the pastime, seated on his hobby, is always apparently in the act of pursuing some one before him, while he is pursued by some one behind.

Man, and woman too, are naturally animals of chase; the greatest still finds something to follow, and there is no one too humble not to be an object of prey to another. Thus, confining our view to the village of Hazeldean, we behold in this whirligig Dr Riccabocca spurring his hobby after Lenny Fairfield; and Miss Jemima, on her decorous side-saddle, whipping after Dr Riccabocca. Why, with so long and intimate a conviction of the villany of our sex, Miss Jemima should resolve upon giving the male animal one more chance of redeeming itself in her eyes, I leave to the explanation of those gentlemen who profess to find "their only hooks in woman's looks" Perhaps it might be from the over-tenderness and clemency of Miss Jemima's nature; perhaps it might be that, as yet, she had only experienced the villany of man born and reared in these cold northern climates; and in the land of Petrarch and Romeo, of the citron and myrtle, there was reason to expect that the native monster would be more amenable to gentle influences, less obstinately hardened in his iniquities. Without entering farther into these hypotheses, it is sufficient to say, that on Signor Riccabocca's appearance in the drawing-room, at Hazeldean, Miss Jemima felt more than ever rejoiced that she had relaxed in his favour her general hostility to man. In truth, though Frank saw something quizzical in the old-fashioned and outlandish cut of the Italian's sober dress; in his long hair, and the *chapeau bras*, over which he bowed so gracefully, and then pressed it, as if to his heart, before tucking it under his arm, after the fashion in which the gizzard reposes under the wing of a roasted pullet; yet it was impossible that even Frank could deny to Riccabocca that praise which is due to the air and manner of all unmistakable gentleman. And certainly as, after dinner, conversation grew more familiar, and the Parson and Mrs Dale, who had been invited to meet their friend, did their best to draw him out, his talk, though sometimes a little too wise for his listeners, became eminently animated and agreeable. It was the conversation of a man who, besides the knowledge which is acquired from books and life, had studied the art which becomes a gentleman—that of pleasing in polite society. Riccabocca, however, had more than this art—he had one which is often less innocent—the art of penetrating into the weak side of his associates, and of saying the exact thing which hits it plump in the middle, with the careless air of a random shot.

The result was, that all were charmed with him; and that even Captain Barnabas postponed the whist-table for a full hour after the usual time. The Doctor did not play—he thus became the property of the two ladies, Miss Jemima, and Mrs Dale.

Seated between the two, in the place rightfully appertaining to Flimsey, who this time was fairly dislodged, to her great wonder and discontent, the Doctor was the emblem of true Domestic Felicity, placed between Friendship and Love.

Friendship, as became her, worked quietly at the embroidered pocket-handkerchief, and left Love to its more animated operations. "You, must be very lonely at the Casino," said Love, in a sympathising tone.

"Madam," replied Riccabocca, gallantly, "I shall think so when I leave you."

Friendship cast a sly glance at Love—Love blushed or looked down on the carpet, which comes to the same thing. "Yet," began Love again—"yet solitude, to a feeling heart—"

Riccabocca thought of the note of invitation, and involuntarily buttoned his coat, as if to protect the individual organ thus alarmingly referred to.

"Solitude, to a feeling heart, has its charms. It is so hard even for us, poor ignorant women, to find a congenial companion—but for *you!*" Love stopped short, as if it had said too much, and smelt confusedly at its bouquet.

Dr Riccabocca cautiously lowered his spectacles, and darted one glance, which, with the rapidity and comprehensiveness of lightning, seemed to envelope and take in it, as it were, the whole inventory of Miss Jemima's personal attractions. Now, Miss Jemima, as I have before observed, had a mild and pensive expression of countenance, and she would have been positively pretty had the mildness looked a little more alert, and the pensiveness somewhat less lackadaisical. In fact, though Miss Jemima was constitutionally mild, she was not *de naturâ* pensive; she had too much of the Hazeldean blood in her veins for that sullen and viscid humour called melancholy, and therefore this assumption of pensiveness really spoilt her character of features, which only wanted to be lighted up by a cheerful smile to be extremely prepossessing. The same remark might apply to the figure, which—thanks to the same pensiveness—lost all the undulating grace which movement and animation bestow on the fluent curves of the feminine form. The figure was a good figure, examined in detail—a little thin, perhaps, but by no means emaciated—with just and elegant proportions, and naturally light and flexible. But that same unfortunate pensiveness gave the whole a character of inertness and languor; and when Miss Jemima reclined on the sofa, so complete seemed the relaxation of nerve and muscle, that you would have thought she had lost the use of her limbs. Over her face and form, thus defrauded of the charms Providence had bestowed on them, Dr Riccabocca's eye glanced rapidly; and then moving nearer to Mrs Dale—"Defend me" (he stopped a moment, and added,) "from the charge of not being able to appreciate congenial companionship."

"Oh, I did not say that!" cried Miss Jemima.

"Pardon me," said the Italian, "if I am so dull as to misunderstand you. One may well lose one's head, at least, in such a neighbourhood as this." He rose as he spoke, and bent over Frank's shoulder to examine some Views of Italy, which Miss Jemima (with what, if wholly unselfish, would have been an attention truly delicate) had extracted from the library in order to gratify the guest.

"Most interesting creature, indeed," sighed Miss Jemima, "but too—too flattering!"



"Tell me," said Mrs Dale gravely, "do you think, love, that you could put off the end of the world a little longer, or must we make haste in order to be in time?"

"How wicked you are!" said Miss Jemima, turning aside.

Some few minutes afterwards, Mrs Dale contrived it so that Dr Riccabocca and herself were in a farther corner of the room, looking at a picture said to be by Wouvermans.

MRS DALE.—"She is very amiable, Jemima, is she not?"

RICCABOCCA.—"Exceedingly so. Very fine battle-piece!"

MRS DALE.—"So kind-hearted."

RICCABOCCA.—"All ladies are. How naturally that warrior makes his desperate cut at the runaway!"

MRS DALE.—"She is not what is called regularly handsome, but she has something very winning."

RICCABOCCA, with a smile.—"So winning, that it is strange she is not won. That gray mare in the foreground stands out very boldly!"

MRS DALE, distrusting the smile of Riccabocca, and throwing in a more effective grape charge.—"Not won yet; and it is strange!—she will have a very pretty fortune."

RICCABOCCA.—"Ah!"

MRS DALE.—"Six thousand pounds, I daresay—certainly four."

RICCABOCCA, suppressing a sigh, and with his wonted address.—"If Mrs Dale were still single, she would never need a friend to say what her portion might be; but Miss Jemima is so good that I am quite sure it is not Miss Jemima's fault that she is still—Miss Jemima!"

The foreigner slipped away as he spoke, and sate himself down beside the whist-players.

Mrs Dale was disappointed, but certainly not offended.—"It would be such a good thing for both," muttered she, almost inaudibly.

"Giacomo," said Riccabocca, as he was undressing, that night, in the large, comfortable, well-carpeted English bedroom, with that great English four-posted bed in the recess which seems made to shame folks out of single-blessedness—"Giacomo, I have had this evening the offer of probably six thousand pounds—certainly of four thousand."

"*Cosa meravigliosa!*" exclaimed Jackeymo—"miraculous thing!" and he crossed himself with great fervour. "Six thousand pounds English! why, that must be a hundred thousand—blockhead that I am!—more than a hundred and fifty thousand pounds Milanese!" And Jackeymo, who was considerably enlivened by the Squire's ale, commenced a series of gesticulations and capers, in the midst of which he stopped and cried, "But not for nothing?"

"Nothing! no!"

"These mercenary English!—the Government wants to bribe you."

"That's not it."

"The priests want you to turn heretic."

"Worse than that," said the philosopher.

"Worse than that! O Padrone! for shame!"

"Don't be a fool, but pull off my pantaloons—they want me never to wear *these* again!"

"Never to wear what?" exclaimed Jackeymo, staring outright at his master's long legs in their linen drawers—"never to wear—"

"The breeches," said Riccabocca laconically.

"The barbarians!" faltered Jackeymo.

"My nightcap!—and never to have any comfort in this," said Riccabocca, drawing on the cotton head-gear; "and never to have any sound sleep in that," pointing to the four-posted bed. "And to be a bondsman and a slave," continued Riccabocca, waxing wroth; "and to be wheedled and purred at, and pawed, and clawed, and scolded, and fondled, and blinded, and deafened, and bridled, and saddled—bedevilled and—married."

"Married!" said Jackeymo, more dispassionately—"that's very bad, certainly; but more than a hundred and fifty thousand *lire*, and perhaps a pretty young lady, and"—

"Pretty young lady!" growled Riccabocca, jumping into bed and drawing the clothes fiercely over him. "Put out the candle, and get along with you—do, you villainous old incendiary!"

## CHAPTER IX.

It was not many days since the resurrection of those ill-omened stocks, and it was evident already, to an ordinary observer, that something wrong had got into the village. The peasants wore a sullen expression of countenance; when the Squire passed, they took off their hats with more than ordinary formality, but they did not return the same broad smile to his quick, hearty "Good day, my man." The women peered at him from the threshold or the casement, but did not, as was their wont, (at least the wont of the prettiest,) take occasion to come out to catch his passing compliment on their own good looks, or their tidy cottages. And the children, who used to play after work on the site of the old stocks, now shunned the place, and, indeed, seemed to

cease play altogether.

On the other hand, no man likes to build, or rebuild, a great public work for nothing. Now that the Squire had resuscitated the stocks, and made them so exceedingly handsome, it was natural that he should wish to put somebody into them. Moreover, his pride and self-esteem had been wounded by the Parson's opposition; and it would be a justification to his own forethought, and a triumph over the Parson's understanding, if he could satisfactorily and practically establish a proof that the stocks had not been repaired before they were wanted.

Therefore, unconsciously to himself, there was something about the Squire more burly, and authoritative, and menacing than heretofore. Old Gaffer Solomons observed, "that they had better mind well what they were about, for that the Squire had a wicked look in the tail of his eye—just as the dun bull had afore it tossed neighbour Barnes's little boy."

For two or three days these mute signs of something brewing in the atmosphere had been rather noticeable than noticed, without any positive overt act of tyranny on the one hand, or rebellion on the other. But on the very Saturday night in which Dr Riccabocca was installed in the four-posted bed in the chintz chamber, the threatened revolution commenced. In the dead of that night, personal outrage was committed on the stocks. And on the Sunday morning, Mr Stirn, who was the earliest riser in the parish, perceived, in going to the farmyard, that the nob of the column that flanked the board had been feloniously broken off; that the four holes were bunged up with mud; and that some Jacobinical villain had carved, on the very centre of the flourish or scroll work, "Damn the stoks!" Mr Stirn was much too vigilant a right-hand man, much too zealous a friend of law and order, not to regard such proceedings with horror and alarm. And when the Squire came into his dressing-room at half-past seven, his butler (who fulfilled also the duties of valet) informed him, with a mysterious air, that Mr Stirn had something "very partikler to communicate, about a most howdacious midnight 'spiracy and 'sault."

The Squire stared, and bade Mr Stirn be admitted.

"Well?" cried the Squire, suspending the operation of stropping his razor.

Mr Stirn groaned.

"Well, man, what now?"

"I never knowed such a thing in this here parish afore," began Mr Stirn, "and I can only 'count for it by s'posing that them foreign Papishers have been semminating"—

"Been what?"

"Semminating"—

"Disseminating, you blockhead—disseminating what?"

"Damn the stocks," began Mr Stirn, plunging right *in medias res*, and by a fine use of one of the noblest figures in rhetoric.

"Mr Stirn!" cried the Squire, reddening, "did you say 'Damn the stocks?'—damn my new handsome pair of stocks!"

"Lord forbid, sir; that's what *they* say: that's what they have digged on it with knives and daggers, and they have stuffed mud in its four holes, and broken the capital of the elewation."

The Squire took the napkin off his shoulder, laid down strop and razor; he seated himself in his arm-chair majestically, crossed his legs, and in a voice that affected tranquillity, said—

"Compose yourself, Stirn; you have a deposition to make, touching an assault upon—can I trust my senses?—upon my new stocks. Compose yourself—be calm. NOW! What the devil is come to the parish?"

"Ah, sir, what indeed?" replied Mr Stirn; and then, laying the forefinger of the right hand on the palm of the left, he narrated the case.

"And whom do you suspect? Be calm now, don't speak in a passion. You are a witness, sir—a dispassionate, unprejudiced witness. Zounds and fury! this is the most insolent, unprovoked, diabolical—but whom do you suspect, I say?"

Stirn twirled his hat, elevated his eyebrows, jerked his thumb over his shoulder, and whispered—"I hear as how the two Papishers slept at your honour's last night."

"What, dolt! do you suppose Dr Rickeybockey got out of his warm bed to bung up the holes in my new stocks?"

"Noa; he's too cunning to do it himself, but he may have been semminating. He's mighty thick with Parson Dale, and your honour knows as how the Parson set his face again the stocks. Wait a bit, sir—don't fly at me yet. There be a boy in this here parish"—

"A boy!—ah, fool, now you are nearer the mark. The Parson write 'Damn the stocks,' indeed! What boy do you mean?"

"And that boy be cockered up much by Mister Dale; and the Papisher went and sat with him and his mother a whole hour t'other day; and that boy is as deep as a well; and I seed him lurking about the place, and hiding hissself under the tree the day the stocks was put up—and that ere boy is Lenny Fairfield."

"Whew," said the Squire, whistling, "you have not your usual senses about you to-day, man. Lenny Fairfield—pattern boy of the village. Hold your tongue. I dare say it is not done by any one

in the parish, after all; some good-for-nothing vagrant—that cursed tinker, who goes about with a very vicious donkey—whom, by the way, I caught picking thistles out of the very eyes of the old stocks! Shows how the tinker brings up his donkeys! Well, keep a sharp look-out. To-day is Sunday; worst day of the week, I'm sorry and ashamed to say, for rows and depredations. Between the services, and after evening church, there are always idle fellows from all the neighbouring country about, as you know too well. Depend on it, the real culprits will be found gathering round the stocks, and will betray themselves: have your eyes, ears, and wits about you, and I've no doubt we shall come to the rights of the matter before the day's out. And if we do," added the Squire, "we'll make an example of the ruffian!"

"In course," said Stirn; "and if we don't find him, we must make an example all the same. That's where it is, sir. That's why the stocks ben't respected; they has not had an example yet—we wants an example."

"On my word, I believe that's very true; and the first idle fellow you catch in anything wrong we'll clap in, and keep him there for two hours at least."

"With the biggest pleasure, your honour—that's what it is."

And Mr Stirn, having now got what he considered a complete and unconditional authority over all the legs and wrists of Hazeldean parish, *quoad* the stocks, took his departure.

## CHAPTER X.

"Randal," said Mrs Leslie, on this memorable Sunday—"Randal, do you think of going to Mr Hazeldean's?"

"Yes, ma'am," answered Randal. "Mr Egerton does not object to it; and as I do not return to Eton, I may have no other opportunity of seeing Frank for some time. I ought not to fail in respect to Mr Egerton's natural heir!"

"Gracious me!" cried Mrs Leslie, who, like many women of her cast and kind, had a sort of worldliness in her notions, which she never evinced in her conduct—"gracious me!—natural heir to the old Leslie property!"

"He is Mr Egerton's nephew, and," added Randal, ingenuously letting out his thoughts, "I am no relation to Mr Egerton at all."

"But," said poor Mrs Leslie, with tears in her eyes, "it would be a shame in the man, after paying your schooling and sending you to Oxford, and having you to stay with him in the holidays, if he did not mean anything by it."

"Anything, mother—yes—but not the thing you suppose. No matter. It is enough that he has armed me for life, and I shall use the weapons as seems to me best."

Here the dialogue was suspended, by the entrance of the other members of the family, dressed for church.

"It can't be time for church! No! it can't!" exclaimed Mrs Leslie. She was never in time for anything.

"Last bell ringing," said Mr Leslie, who, though a slow man, was methodical and punctual. Mrs Leslie made a frantic rush at the door, the Montfydget blood being now in a blaze—whirled up the stairs—gained her room, tore her best bonnet from the peg, snatched her newest shawl from the drawers, crushed the bonnet on her head, flung the shawl on her shoulders, thrust a desperate pin into its folds, in order to conceal a buttonless yawn in the body of her gown, and then flew back like a whirlwind. Meanwhile the family were already out of doors, in waiting; and just as the bell ceased, the procession moved from the shabby house to the dilapidated church.

The church was a large one, but the congregation was small, and so was the income of the Parson. It was a lay rectory, and the great tithes had belonged to the Leslies, but they had been long since sold. The vicarage, still in their gift, might be worth a little more than £100 a-year. The present incumbent had nothing else to live upon. He was a good man, and not originally a stupid one; but penury and the anxious cares for wife and family, combined with what may be called *solitary confinement* for the cultivated mind, when, amidst the two-legged creatures round, it sees no other cultivated mind with which it can exchange an extra-parochial thought—had lulled him into a lazy mournfulness, which at times was very like imbecility. His income allowed him to do no good to the parish, whether in work, trade, or charity; and thus he had no moral weight with the parishioners beyond the example of his sinless life, and such negative effect as might be produced by his slumberous exhortations. Therefore his parishioners troubled him very little; and but for the influence which, in hours of Montfydget activity, Mrs Leslie exercised over the most tractable—that is, the children and the aged—not half-a-dozen persons would have known or cared whether he shut up his church or not.

But our family were seated in state in their old seignorial pew, and Mr Dumdrum, with a nasal twang, went lugubriously through the prayers; and the old people who could sin no more, and the children who had not yet learned to sin, croaked forth responses that might have come from the choral frogs in Aristophanes. And there was a long sermon *apropos* to nothing which could possibly interest the congregation—being, in fact, some controversial homily, which Mr Dumdrum had composed and preached years before. And when this discourse was over, there was a loud universal grunt, as if of release and thanksgiving, and a great clatter of shoes—and the old hobbled, and the young scrambled, to the church door.

Immediately after church, the Leslie family dined; and, as soon as dinner was over, Randal set out on his foot journey to Hazeldean Hall.

Delicate and even feeble though his frame, he had the energy and quickness of movement which belongs to nervous temperaments; and he tasked the slow stride of a peasant, whom he took to serve him as a guide for the first two or three miles. Though Randal had not the gracious open manner with the poor which Frank inherited from his father, he was still (despite many a secret hypocritical vice, at war with the character of a gentleman) gentleman enough to have no churlish pride to his inferiors. He talked little, but he suffered his guide to talk; and the boor, who was the same whom Frank had accosted, indulged in eulogistic comments on that young gentleman himself. Randal drew his hat over his brows. There is a wonderful tact and fine breeding in your agricultural peasant; and though Tom Stowell was but a brutish specimen of the class, he suddenly perceived that he was giving pain. He paused, scratched his head, and glancing affectionately towards his companion, exclaimed—

"But I shall live to see you on a handsomer beastis than that little pony, Master Randal; and sure I ought, for you be as good a gentleman as any in the land."

"Thank you," said Randal. "But I like walking better than riding—I am more used to it."

"Well, and you walk bra'ly—there ben't a better walker in the county. And very pleasant it is walking; and 'tis a pretty country afore you, all the way to the Hall."

Randal strode on, as if impatient of these attempts to flatter or to soothe; and, coming at length into a broader lane, said—"I think I can find my way now. Many thanks to you, Tom;" and he forced a shilling into Tom's horny palm. The man took it reluctantly, and a tear started to his eye. He felt more grateful for that shilling than he had for Frank's liberal half-crown; and he thought of the poor fallen family, and forgot his own dire wrestle with the wolf at his door.

He staid lingering in the lane till the figure of Randal was out of sight, and then returned slowly. Young Leslie continued to walk on at a quick pace. With all his intellectual culture, and his restless aspirations, his breast afforded him no thought so generous, no sentiment so poetic, as those with which the unlettered clown crept slouchingly homeward.

As Randal gained a point where several lanes met on a broad piece of waste land, he began to feel tired, and his step slackened. Just then a gig emerged from one of these by-roads, and took the same direction as the pedestrian. The road was rough and hilly, and the driver proceeded at a foot's-pace; so that the gig and the pedestrian went pretty well abreast.

"You seem tired, sir," said the driver, a stout young farmer of the higher class of tenants, and he looked down compassionately on the boy's pale countenance and weary stride. "Perhaps we are going the same way, and I can give you a lift?"

It was Randal's habitual policy to make use of every advantage proffered to him, and he accepted the proposal frankly enough to please the honest farmer.

"A nice day, sir," said the latter, as Randal sat by his side. "Have you come far?"

"From Rood Hall."

"Oh, you be young Squire Leslie," said the farmer, more respectfully, and lifting his hat.

"Yes, my name is Leslie. You know Rood, then?"

"I was brought up on your father's land, sir. You may have heard of Farmer Bruce?"

RANDAL.—"I remember, when I was a little boy, a Mr Bruce, who rented, I believe, the best part of our land, and who used to bring us cakes when he called to see my father. He is a relation of yours?"

FARMER BRUCE.—"He was my uncle. He is dead now, poor man."

RANDAL.—"Dead! I am grieved to hear it. He was very kind to us children. But it is long since he left my father's farm."

FARMER BRUCE, apologetically.—"I am sure he was very sorry to go. But, you see, he had an unexpected legacy—"

RANDAL.—"And retired from business?"

FARMER BRUCE.—"No. But, having capital, he could afford to pay a good rent for a real good farm."

RANDAL, bitterly.—"All capital seems to fly from the lands of Rood. And whose farm did he take?"

FARMER BRUCE.—"He took Hawleigh, under Squire Hazeldean. I rent it now. We've laid out a power o' money on it. But I don't complain. It pays well."

RANDAL.—"Would the money have paid as well, sunk on my father's land?"

FARMER BRUCE.—"Perhaps it might, in the long run. But then, sir, we wanted new premises—barns and cattle-sheds, and a deal more—which the landlord should do; but it is not every landlord as can afford that. Squire Hazeldean's a rich man."

RANDAL.—"Ay!"

The road now became pretty good, and the farmer put his horse into a brisk trot.

"But which way be you going, sir? I don't care for a few miles more or less, if I can be of service."

"I am going to Hazeldean," said Randal, rousing himself from a reverie. "Don't let me take you

out of your way."

"Oh, Hawleigh Farm is on the other side of the village, so it be quite my way, sir."

The farmer then, who was really a smart young fellow—one of that race which the application of capital to land has produced, and which, in point of education and refinement, are at least on a par with the squires of a former generation—began to talk about his handsome horse, about horses in general, about hunting and coursing: he handled all these subjects with spirit, yet with modesty. Randal pulled his hat still lower down over his brows, and did not interrupt him till past the Casino, when, struck by the classic air of the place, and catching a scent from the orange trees, the boy asked abruptly—"Whose house is that?"

"Oh, it belongs to Squire Hazeldean, but it is let or lent to a foreign Mounseer. They say he is quite the gentleman, but uncommonly poor."

"Poor," said Randal, turning back to gaze on the trim garden, the neat terrace, the pretty belvedere, and (the door of the house being open) catching a glimpse of the painted hall within—"poor, the place seems well kept. What do you call poor, Mr Bruce?"

The farmer laughed. "Well, that's a home question, sir. But I believe the Mounseer is as poor as a man can be who makes no debts and does not actually starve."

"As poor as my father?" asked Randal openly and abruptly.

"Lord, sir! your father be a very rich man compared to him."

Randal continued to gaze, and his mind's eye conjured up the contrast of his slovenly shabby home, with all its neglected appurtenances! No trim garden at Rood Hall, no scent from odorous orange blossoms. Here poverty at least was elegant—there, how squalid! He did not comprehend at how cheap a rate the luxury of the Beautiful can be effected. They now approached the extremity of the Squire's park pales; and Randal, seeing a little gate, bade the farmer stop his gig, and descended. The boy plunged amidst the thick oak groves; the farmer went his way blithely, and his mellow merry whistle came to Randal's moody ear as he glided quick under the shadow of the trees.

He arrived at the Hall, to find that all the family were at church; and, according to the patriarchal custom, the church-going family embraced nearly all the servants. It was therefore an old invalid housemaid who opened the door to him. She was rather deaf, and seemed so stupid that Randal did not ask leave to enter and wait for Frank's return. He therefore said briefly that he would just stroll on the lawn, and call again when church was over.

The old woman stared, and strove to hear him; meanwhile Randal turned round abruptly, and sauntered towards the garden side of the handsome old house.

There was enough to attract any eye in the smooth greensward of the spacious lawn—in the numerous parterres of varying flowers—in the venerable grandeur of the two mighty cedars, which threw their still shadows over the grass—and in the picturesque building, with its projecting mullions and heavy gables; yet I fear that it was with no poet's nor painter's eye that this young old man gazed on the scene before him.

He beheld the evidence of wealth—and the envy of wealth jaundiced his soul.

Folding his arms on his breast, he stood awhile, looking all around him with closed lips and lowering brow; then he walked slowly on, his eyes fixed on the ground, and muttered to himself—

"The heir to this property is little better than a dunce; and they tell me I have talents and learning, and I have taken to my heart the maxim, 'Knowledge is power.' And yet, with all my struggles, will knowledge ever place me on the same level as that on which this dunce is born? I don't wonder that the poor should hate the rich. But of all the poor, who should hate the rich like the pauper gentleman? I suppose Audley Egerton means me to come into Parliament, and be a Tory like himself. What! keep things as they are! No; for me not even Democracy, unless there first come Revolution. I understand the cry of a Marat—'More blood!' Marat had lived as a poor man, and cultivated science—in the sight of a prince's palace."

He turned sharply round, and glared vindictively on the poor old hall, which, though a very comfortable habitation, was certainly no palace; and with his arms still folded on his breast, he walked backward, as if not to lose the view, nor the chain of ideas it conjured up.

"But," he continued to soliloquise—"but of revolution there is no chance. Yet the same wit and will that would thrive in revolutions should thrive in this commonplace life. Knowledge is power. Well, then, shall I have no power to oust this blockhead? Oust him—what from? His father's halls? Well—but if he were dead, who would be the heir of Hazeldean? Have I not heard my mother say that I am as near in blood to this Squire as any one, if he had no children? Oh, but the boy's life is worth ten of mine! Oust him from what? At least from the thoughts of his uncle Egerton—an uncle who has never even seen him! That, at least, is more feasible. 'Make my way in life,' sayest thou, Audley Egerton. Ay—and to the fortune thou hast robbed from my ancestors. Simulation—simulation. Lord Bacon allows simulation. Lord Bacon practised it—and"—

Here the soliloquy came to a sudden end; for as, rapt in his thoughts, the boy had continued to walk backwards, he had come to the verge where the lawn slid off into the ditch of the ha-ha—and, just as he was fortifying himself by the precept and practice of my Lord Bacon, the ground went from under him, and slap into the ditch went Randal Leslie!

It so happened that the Squire, whose active genius was always at some repair or improvement, had been but a few days before widening and sloping off the ditch just in that part, so that the

earth was fresh and damp, and not yet either turfed or flattened down. Thus when Randal, recovering his first surprise and shock, rose to his feet, he found his clothes covered with mud; while the rudeness of the fall was evinced by the fantastic and extraordinary appearance of his hat, which, hollowed here, bulging there, and crushed out of all recognition generally, was as little like the hat of a decorous hard-reading young gentleman—*protégé* of the dignified Mr Audley Egerton—as any hat picked out of a kennel after some drunken brawl possibly could be.

Randal was dizzy, and stunned, and bruised, and it was some moments before he took heed of his raiment. When he did so, his spleen was greatly aggravated. He was still boy enough not to like the idea of presenting himself to the unknown Squire, and the dandy Frank, in such a trim: he resolved at once to regain the lane and return home, without accomplishing the object of his journey; and seeing the footpath right before him, which led to a gate that he conceived would admit him into the highway sooner than the path by which he had come, he took it at once.

It is surprising how little we human creatures heed the warnings of our good genius. I have no doubt that some benignant Power had precipitated Randal Leslie into the ditch, as a significant hint of the fate of all who choose what is, now-a-days, by no means an uncommon step in the march of intellect—viz., the walking backwards, in order to gratify a vindictive view of one's neighbour's property! I suspect that, before this century is out, many a fine fellow will thus have found his ha-ha, and scrambled out of the ditch with a much shabbier coat than he had on when he fell into it. But Randal did not thank his good genius for giving him a premonitory tumble;—and I never yet knew a man who did!

## CHAPTER XI.

The Squire was greatly ruffled at breakfast that morning. He was too much of an Englishman to bear insult patiently, and he considered that he had been personally insulted in the outrage offered to his recent donation to the parish. His feelings, too, were hurt as well as his pride. There was something so ungrateful in the whole thing, just after he had taken so much pains, not only in the resuscitation, but the embellishment of the stocks. It was not, however, so rare an occurrence for the Squire to be ruffled, as to create any remark. Riccabocca, indeed, as a stranger, and Mrs Hazeldean, as a wife, had the quick tact to perceive that the host was glum and the husband snappish; but the one was too discreet and the other too sensible, to chafe the new sore, whatever it might be; and shortly after breakfast the Squire retired into his study, and absented himself from morning service.

In his delightful *Life of Oliver Goldsmith*, Mr Foster takes care to touch our hearts by introducing his hero's excuse for not entering the priesthood. He did not feel himself good enough. Thy Vicar of Wakefield, poor Goldsmith, was an excellent substitute for thee; and Dr Primrose, at least, will be good enough for the world until Miss Jemima's fears are realised. Now, Squire Hazeldean had a tenderness of conscience much less reasonable than Goldsmith's. There were occasionally days in which he did not feel good enough—I don't say for a priest, but even for one of the congregation—"days in which, (said the Squire in his own blunt way,) as I have never in my life met a worse devil than a devil of a temper, I'll not carry mine into the family pew. He shan't be growling out hypocritical responses from my poor grandmother's prayer-book." So the Squire and his demon staid at home. But the demon was generally cast out before the day was over; and, on this occasion, when the bell rang for afternoon service, it may be presumed that the Squire had reasoned or fretted himself into a proper state of mind; for he was then seen sallying forth from the porch of his hall, arm-in-arm with his wife, and at the head of his household. The second service was (as is commonly the case, in rural districts) more numerously attended than the first one; and it was our Parson's wont to devote to this service his most effective discourse.

Parson Dale, though a very fair scholar, had neither the deep theology nor the archæological learning that distinguish the rising generation of the clergy. I much doubt if he could have passed what would now be called a creditable examination in the Fathers; and as for all the nice formalities in the rubric, he would never have been the man to divide a congregation or puzzle a bishop. Neither was Parson Dale very erudite in ecclesiastical architecture. He did not much care whether all the details in the church were purely gothic or not: crockets and finials, round arch and pointed arch, were matters, I fear, on which he had never troubled his head. But one secret Parson Dale did possess, which is perhaps of equal importance with those subtler mysteries—he knew how to fill his church! Even at morning service no pews were empty, and at evening service the church overflowed.

Parson Dale, too, may be considered, now-a-days, to hold but a mean idea of the spiritual authority of the Church. He had never been known to dispute on its exact bearing with the State—whether it was incorporated with the State, or above the State—whether it was antedated to the Papacy, or formed from the Papacy, &c., &c. According to his favourite maxim, *Quieta non movere*, (not to disturb things that are quiet), I have no doubt that he would have thought that the less discussion is provoked upon such matters, the better for both church and laity. Nor had he ever been known to regret the disuse of the ancient custom of excommunication, nor any other diminution of the powers of the priesthood, whether minatory or militant; yet for all this, Parson Dale had a great notion of the sacred privilege of a minister of the gospel—to advise—to deter—to persuade—to reprove. And it was for the evening service that he prepared those sermons, which may be called, "sermons that preach *at* you." He preferred the evening for that salutary discipline, not only because the congregation was more numerous, but also because, being a shrewd man in his own innocent way, he knew that people bear better to be preached at after dinner than before; that you arrive more insinuatingly at the heart when the stomach is at

peace. There was a genial kindness in Parson Dale's way of preaching at you. It was done in so imperceptible fatherly a manner, that you never felt offended. He did it, too, with so much art that nobody but your own guilty self knew that you were the sinner he was exhorting. Yet he did not spare rich nor poor: he preached at the Squire, and that great fat farmer, Mr Bullock the churchwarden, as boldly as at Hodge the ploughman, and Scrub the hedger. As for Mr Stirn, he had preached at *him* more often than at any one in the parish; but Stirn, though he had the sense to know it, never had the grace to reform. There was, too, in Parson Dale's sermons, something of that boldness of illustration which would have been scholarly if he had not made it familiar, and which is found in the discourses of our elder divines. Like them, he did not scruple, now and then, to introduce an anecdote from history, or borrow an allusion from some non-scriptural author, in order to enliven the attention of his audience, or render an argument more plain. And the good man had an object in this, a little distinct from, though wholly subordinate to the main purpose of his discourse. He was a friend to knowledge—but to knowledge accompanied by religion; and sometimes his references to sources not within the ordinary reading of his congregation would spirit up some farmer's son, with an evening's leisure on his hands, to ask the Parson for farther explanation, and so be lured on to a little solid or graceful instruction under a safe guide.

Now on the present occasion, the Parson, who had always his eye and heart on his flock, and who had seen with great grief the realisation of his fears at the revival of the stocks; seen that a spirit of discontent was already at work amongst the peasants, and that magisterial and inquisitorial designs were darkening the natural benevolence of the Squire; seen, in short, the signs of a breach between classes, and the precursors of the ever inflammable feud between the rich and the poor, meditated nothing less than a great Political Sermon—a sermon that should extract from the roots of social truths a healing virtue for the wound that lay sore, but latent, in the breast of his parish of Hazeldean:

And thus ran—

*The Political Sermon of Parson Dale.*

## CHAPTER XII.

"For every man shall bear his own burden."

*Galatians, c. vi. v. 5.*

"Brethren, every man has his burden. If God designed our lives to end at the grave, may we not believe that he would have freed an existence so brief from the cares and sorrows to which, since the beginning of the world, mankind has been subjected? Suppose that I am a kind father, and have a child whom I dearly love, but I know by a divine revelation that he will die at the age of eight years, surely I should not vex his infancy by needless preparations for the duties of life. If I am a rich man, I should not send him from the caresses of his mother to the stern discipline of school. If I am a poor man, I should not take him with me to hedge and dig, to scorch in the sun, to freeze in the winter's cold: why inflict hardships on his childhood, for the purpose of fitting him for manhood, when I know that he is doomed not to grow into man? But if, on the other hand, I believe my child is reserved for a more durable existence, then should I not, out of the very love I bear to him, prepare his childhood for the struggle of life, according to that station in which he is born, giving many a toil, many a pain to the infant, in order to rear and strengthen him for his duties as man? So is it with our Father that is in Heaven. Viewing this life as our infancy, and the next as our spiritual maturity, where 'in the ages to come, he may show the exceeding riches of his grace,' it is in his tenderness, as in his wisdom, to permit the toil and the pain which, in tasking the powers and developing the virtues of the soul, prepare it for 'the earnest of our inheritance, the redemption of the purchased possession.' Hence it is that every man has his burden. Brethren, if you believe that God is good, yea, but as tender as a human father, you will know that your troubles in life are a proof that you are reared for an eternity. But each man thinks his own burden the hardest to bear: the poor man groans under his poverty, the rich man under the cares that multiply with wealth. For, so far from wealth freeing us from trouble, all the wise men who have written in all ages, have repeated with one voice the words of the wisest, 'When goods increase, they are increased that eat them: and what good is there to the owners thereof, saving the beholding of them with their eyes?' And this is literally true, my brethren; for, let a man be as rich as was the great King Solomon himself, unless he lock up all his gold in a chest, it must go abroad to be divided amongst others; yea, though, like Solomon, he make him great works—though he build houses and plant vineyards, and make him gardens and orchards—still the gold that he spends feeds but the mouths he employs; and Solomon himself could not eat with a better relish than the poorest mason who builded the house, or the humblest labourer who planted the vineyard. Therefore, 'when goods increase, they are increased that eat them.' And this, my brethren, may teach us toleration and compassion for the rich. We share their riches whether they will or not; we do not share their cares. The profane history of our own country tells us that a princess, destined to be the greatest queen that ever sat on this throne, envied the milk-maid singing; and a profane poet, whose wisdom was only less than that of the inspired writers, represents the man who by force and wit had risen to be a king, sighing for the sleep vouchsafed to the meanest of his subjects—all bearing out the words of the son of David—'The sleep of the labouring man is sweet, whether he eat little or much; but the abundance of the rich will not suffer him to sleep.'

"Amongst my brethren now present, there is doubtless some one who has been poor, and by honest industry has made himself comparatively rich. Let his heart answer me while I speak: are

not the chief cares that now disturb him to be found in the goods he hath acquired?—has he not both vexations to his spirit and trials to his virtue, which he knew not when he went forth to his labour, and took no heed of the morrow? But it is right, my brethren, that to every station there should be its care—to every man his burden; for if the poor did not sometimes so far feel poverty to be a burden as to desire to better their condition, and (to use the language of the world) 'seek to rise in life,' their most valuable energies would never be aroused; and we should not witness that spectacle, which is so common in the land we live in—namely, the successful struggle of manly labour against adverse fortune—a struggle in which the triumph of one gives hope to thousands. It is said that necessity is the mother of invention; and the social blessings which are now as common to us as air and sunshine, have come from that law of our nature which makes us aspire towards indefinite improvement, enriches each successive generation by the labours of the last, and, in free countries, often lifts the child of the labourer to place amongst the rulers of the land. Nay, if necessity is the mother of invention, poverty is the creator of the arts. If there had been no poverty, and no sense of poverty, where would have been that which we call the wealth of a country? Subtract from civilisation all that has been produced by the poor, and what remains?—the state of the savage. Where you now see labourer and prince, you would see equality indeed—the equality of wild men. No; not even equality there! for there, brute force becomes lordship, and woe to the weak! Where you now see some in frieze, some in purple, you would see nakedness in all. Where stand the palace and the cot, you would behold but mud huts and caves. As far as the peasant excels the king among savages, so far does the society exalted and enriched by the struggles of labour excel the state in which Poverty feels no disparity, and Toil sighs for no ease. On the other hand, if the rich were perfectly contented with their wealth, their hearts would become hardened in the sensual enjoyments it procures. It is that feeling, by Divine Wisdom implanted in the soul, that there is vanity and vexation of spirit in the things of Mammon, which still leaves the rich man sensitive to the instincts of heaven, and teaches him to seek for happiness in those elevated virtues to which wealth invites him—namely, protection to the lowly and beneficence to the distressed.

"And this, my brethren, leads me to another view of the vast subject opened to us by the words of the apostle—'Every man shall bear his own burden.' The worldly conditions of life are unequal. Why are they unequal? O my brethren, do you not perceive? Think you that, if it had been better for our spiritual probation that there should be neither great nor lowly, rich nor poor, Providence would not so have ordered the dispensations of the world, and so, by its mysterious but merciful agencies, have influenced the framework and foundations of society? But if, from the remotest period of human annals, and in all the numberless experiments of government which the wit of man has devised, still this inequality is ever found to exist, may we not suspect that there is something in the very principles of our nature to which that inequality is necessary and essential? Ask why this inequality! Why? as well ask why life is the sphere of duty and the nursery of virtues. For if all men were equal, if there were no suffering and no ease, no poverty and no wealth, would you not sweep with one blow the half at least of human virtues from the world? If there were no penury and no pain, what would become of fortitude?—what of patience?—what of resignation? If there were no greatness and no wealth, what would become of benevolence, of charity, of the blessed human pity, of temperance in the midst of luxury, of justice in the exercise of power? Carry the question farther; grant all conditions the same—no reverse, no rise and no fall—nothing to hope for, nothing to fear—what a moral death you would at once inflict upon all the energies of the soul, and what a link between the heart of man and the Providence of God would be snapped asunder! If we could annihilate evil, we should annihilate hope; and hope, my brethren, is the avenue to faith. If there be 'a time to weep, and a time to laugh,' it is that he who mourns may turn to eternity for comfort, and he who rejoices may bless God for the happy hour. Ah! my brethren, were it possible to annihilate the inequalities of human life, it would be the banishment of our worthiest virtues, the torpor of our spiritual nature, the palsy of our mental faculties. The moral world, like the world without us, derives its health and its beauty from diversity, and contrast.

"'Every man shall bear his own burden.' True: but now turn to an earlier verse in the same chapter.—'Bear ye one another's burdens, and so fulfil the law of Christ.' Yes; while Heaven ordains to each his peculiar suffering, it connects the family of man into one household, by that feeling which, more perhaps than any other, distinguishes us from the brute creation—I mean the feeling to which we give the name of *sympathy*—the feeling for each other! The herd of deer shun the stag that is marked by the gunner; the flock heedeth not the sheep that creeps into the shade to die; but man has sorrow and joy not in himself alone, but in the joy and sorrow of those around him. He who feels only for himself abjures his very nature as man; for do we not say of one who has no tenderness for mankind that he is *inhuman*? and do we not call him who sorrows with the sorrowful, *humane*?

"Now, brethren, that which especially marked the divine mission of our Lord, is the direct appeal to this sympathy which distinguishes us from the brute. He seizes, not upon some faculty of genius given but to few, but upon that ready impulse of heart which is given to us all; and in saying, 'Love one another,' 'Bear ye one another's burdens,' he elevates the most delightful of our emotions into the most sacred of his laws. The lawyer asks our Lord, 'Who is my neighbour?' Our Lord replies by the parable of the good Samaritan. The priest and the Levite saw the wounded man that fell among the thieves, and passed by on the other side. That priest might have been austere in his doctrine, that Levite might have been learned in the law; but neither to the learning of the Levite, nor to the doctrine of the priest, does our Saviour even deign to allude. He cites but the action of the Samaritan, and saith to the lawyer, 'Which now of these three, thinkest thou, was neighbour unto him that fell among the thieves? And he said, He that showed mercy



unto him. Then said Jesus unto him, Go, and do thou likewise.'

"O shallowness of human judgments! It was enough to be born a Samaritan in order to be rejected by the priest, and despised by the Levite. Yet now, what to us the priest and the Levite, of God's chosen race though they were? They passed from the hearts of men when they passed the sufferer by the wayside; while this loathed Samaritan, half thrust from the pale of the Hebrew, becomes of our family, of our kindred; a brother amongst the brotherhood of Love, so long as Mercy and Affliction shall meet in the common thoroughfare of Life!

"Bear ye one another's burdens, and so fulfil the law of Christ.' Think not, O my brethren, that this applies only to almsgiving—to that relief of distress which is commonly called charity—to the obvious duty of devoting, from our superfluities, something that we scarcely miss, to the wants of a starving brother. No. I appeal to the poorest amongst ye, if the worst burdens are those of the body—if the kind word and the tender thought have not often lightened your hearts more than bread bestowed with a grudge, and charity that humbles you by a frown. Sympathy is a beneficence at the command of us all,—yea, of the pauper as of the king; and sympathy is Christ's wealth. Sympathy is brotherhood. The rich are told to have charity for the poor, and the poor are enjoined to respect their superiors. Good: I say not to the contrary. But I say also to the poor, '*In your turn have charity for the rich;*' and I say to the rich, '*In your turn respect the poor.*'

"Bear ye one another's burdens, and so fulfil the law of Christ.' Thou, O poor man, envy not nor grudge thy brother his larger portion of worldly goods. Believe that he hath his sorrows and crosses like thyself, and perhaps, as more delicately nurtured, he feels them more; nay, hath he not temptations so great that our Lord hath exclaimed—'How hardly they that have riches enter into the kingdom of heaven?' And what are temptations but trials?—what are trials but perils and sorrows? Think not that you cannot bestow your charity on the rich man, even while you take your sustenance from his hands. A heathen writer, often cited by the earliest preachers of the gospel, hath truly said—'Wherever there is room for a man, there is place for a benefit.'

"And I ask any rich brother amongst you, when he hath gone forth to survey his barns and his granaries, his gardens and orchards, if suddenly, in the vain pride of his heart, he sees the scowl on the brow of the labourer—if he deems himself hated in the midst of his wealth—if he feels that his least faults are treasured up against him with the hardness of malice, and his plainest benefits received with the ingratitude of envy—I ask, I say, any rich man, whether straightway all pleasure in his worldly possessions does not fade from his heart, and whether he does not feel what a wealth of gladness it is in the power of the poor man to bestow! For all these things of Mammon pass away; but there is in the smile of him whom we have served, a something that we may take with us into heaven. If, then, ye bear one another's burdens, they who are poor will have mercy on the errors, and compassion for the griefs, of the rich. To all men it was said—yes, to the Lazarus as to the Dives—'Judge not that ye be not judged.' But think not, O rich man, that we preach only to the poor. If it be their duty not to grudge thee thy substance, it is thine to do all that may sweeten their labour. Remember, that when our Lord said 'How hardly shall they that have riches enter into the kingdom of heaven,' he replied also to them who asked, 'Who then shall be saved?' 'The things which are impossible with men are possible with God:' that is, man left to his own temptations would fail; but strengthened by God, he shall be saved. If thy riches are the tests of thy trial, so may they also be the instruments of thy virtues. Prove by thy riches that thou art compassionate and tender, temperate and benign; and thy riches themselves may become the evidence at once of thy faith and of thy works.

"We have constantly on our lips the simple precept, 'Do unto others as ye would be done by.' Why do we fail so often in the practice? Because we neglect to cultivate that SYMPATHY which nature implants as an instinct, and the Saviour exalts as a command. If thou wouldst do unto thy neighbour as thou wouldst be done by, ponder well how thy neighbour will regard the action thou art about to do to him. Put thyself into his place. If thou art strong, and he is weak, descend from thy strength, and enter into his weakness; lay aside thy burden for the while, and buckle on his own; let thy sight see as through his eyes—thy heart beat as in his bosom. Do this, and thou wilt often confess that what had seemed just to thy power will seem harsh to his weakness. For 'as a zealous man hath not done his duty, when he calls his brother drunkard and beast,'<sup>[2]</sup> even so an administrator of the law mistakes his object if he writes on the grand column of society, only warnings that irritate the bold, and terrify the timid: and a man will be no more in love with law than with virtue, 'if he be forced to it with rudeness and incivilities.'<sup>[3]</sup> If, then, ye would bear the burden of the lowly, O ye great—feel not only *for* them, but *with*! Watch that your pride does not chafe them—your power does not wantonly gall. Your worldly inferior is of the class from which the apostles were chosen—amidst which the Lord of Creation descended from a throne above the seraphs."

The Parson here paused a moment, and his eye glanced towards the pew near the pulpit, where sat the magnate of Hazeldean. The Squire was leaning his chin thoughtfully on his hand, his brow inclined downwards, and the natural glow of his complexion much heightened.

"But"—resumed the Parson softly, without turning to his book, and rather as if prompted by the suggestion of the moment—"But he who has cultivated sympathy commits not these errors, or, if committing them, hastens to retract. So natural is sympathy to the good man, that he obeys it mechanically when he suffers his heart to be the monitor of his conscience. In this sympathy behold the bond between rich and poor! By this sympathy, whatever our varying worldly lots, they become what they were meant to be—exercises for the virtues more peculiar to each; and thus, if in the body each man bear his own burden, yet in the fellowship of the soul all have common relief in bearing the burdens of each other.

"This is the law of Christ—fulfil it, O my flock!"

Here the Parson closed his sermon, and the congregation bowed their heads.

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## ANCIENT AND MODERN ELOQUENCE.

Eloquence, in its highest flights, is beyond all question the greatest exertion of the human mind. It requires for its conception a combination of the most exalted faculties; for its execution, a union of the most extraordinary powers. Unite in thought the most varied and dissimilar faculties of the soul—strength of understanding with brilliancy of imagination; fire of conception with solidity of judgment; a retentive memory with an enthusiastic fancy; the warmth of poetry with the coldness of prose; an eye for the beauties of nature with a command of the realities of life; a mind stored with facts and a heart teeming with impressions—and you will form the elements from which the most powerful style of oratory is to be created. But this is not all. Physical powers, if not essential, are at least a great addition to the mental qualities required for its success. The orator must have at once the lengthened thought which is requisite for a prolonged argument, and the ready wit which can turn to the best advantage any incident which may occur in the course of its delivery. More than all is required the fixity of purpose, the energy in effort, the commanding turn, which, as it is the most valuable and important faculty of the mind, so it is the one most rarely to be met with in any walk of life, and least of all in combination with the brilliant and imaginative qualities, which are the very soul of every art which is to subdue or captivate mankind.

It is not surprising that the art of the orator should require, for its highest flights, so rare a combination of qualities, for of all the efforts of the human mind it is the most astonishing in its nature, and the most transcendent in its *immediate* triumphs. The wisdom of the philosopher, the eloquence of the historian, the sagacity of the statesman, the capacity of the general, may produce more lasting effects upon human affairs; but they are incomparably less rapid in their influence, and less intoxicating from the ascendancy they confer. In the solitude of his library the sage meditates on the truths which are to influence the thoughts and direct the conduct of men in future times; amidst the strife of faction the legislator discerns the measures calculated, after a long course of years, to alleviate existing evils or produce happiness yet unborn; during long and wearisome campaigns the commander throws his shield over the fortunes of his country, and prepares in silence and amidst obloquy the means of maintaining its independence. But the triumphs of the orator are immediate; his influence is instantly felt: his, and his alone, it is

"The applause of listening senates to command,  
The threats of pain and ruin to despise,  
To scatter plenty o'er a smiling land,  
And read his history in a nation's eyes."

To stand up before a vast assembly composed of men of various passions, habits, and prepossessions; to conciliate their feelings by the art, and carry away their judgment by the eloquence, of the orator; to see every gaze at length turned on his countenance, and every ear intent on the words which drop from his lips; to see indifference turn into excitement, and aversion melt away amidst enthusiasm; to hear thunders of applause at the close of every sentence, and behold the fire of enthusiasm kindled in every eye, as each successive idea is brought forth; and to think that all this is the creation of the moment, and has sprung extempore from the ardour of his conceptions, and the inspiration they have derived from what passes around him, is perhaps the greatest triumph of the human mind, and that in which its divine origin and immortal destiny is most clearly revealed.

It is the magnitude of the combination requisite for its greatest efforts which renders eloquence of the loftiest kind so extremely rare among mankind. It is less frequent than the highest flights in epic or dramatic poetry. Greece produced three great tragedians, but only one Demosthenes; Cicero stands alone to sustain by his single strength the fame of Roman oratory. Antiquity could not boast of more than five or six persons who, by the common consent of their contemporaries, had attained the highest rank in forensic eloquence; it is doubtful if modern times could count as many: as many, we mean, who have attained the very highest place in this noble and difficult art; for, doubtless, in the second class, great numbers of names are to be found; and in the third their name is legion. It is not meant to be asserted that great temporary fame and influence by eloquence may not be, and often has been, acquired by persons who are deficient in many of the qualities above enumerated, as required to form a perfect orator. Without doubt, brilliancy of genius will often, for passing effect, compensate the want of solidity of judgment; and fire of imagination make us for the moment forget a squeaking voice, a diminutive figure, an ungainly countenance. No one, at times, commanded the attention of the House of Commons more entirely than the late Mr Wilberforce, and yet his stature was small, and his voice weak and painfully shrill. But great earnestness of will and brilliancy of fancy are required to compensate such defects; and we are persuaded that none will more readily admit the justice of these observations than those who have laboured under, and, by their powers, in a certain degree surmounted them.

As little is it intended to assert that vast influence may not be acquired, and unbounded celebrity for the time obtained, not merely without the cooperation of such varied and extensive qualities, but by the aid, in many cases, of the very reverse. As temporary influence, not lasting fame, is the immediate and chief end of oratory, its style must be adapted to the prevailing cast of mind, and ruling interests or passions, of the persons to whom it is addressed; and as it will share in elevation of sentiment, if that is their characteristic, so it will be deformed by vulgarity or selfishness when they are vulgar and selfish. It is a common saying, that a speaker must descend to the level of his audience, if he means to command their suffrages or enlist their passions; and we have only to look around us to see how often, in assemblies of an inferior, interested, or

impassioned character, the highest celebrity and most unbounded success are attained by persons who not only have exhibited few of the qualities of a refined orator, but who had studiously concealed those which they did possess, and secretly despised in their hearts the arts to which their triumphs had been owing.<sup>[4]</sup> But this is no more than is the case with all the arts which aim at influencing, or charming mankind. The theatre, the romance, poetry itself, share at times in the same degradation. It would be as unjust to stigmatise oratory as the art of sophists or declaimers, intended to seduce or deceive those who cannot see through its artifices, as it would be to reproach the stage with the vulgarity of the buffoon, or novels with the licentiousness of Aretin, or poetry with the seductions of Ovid. We must not think lightly of an art which has been ennobled by the efforts of Cicero and Burke in the most refined assemblies, because it has also led to the triumphs of O'Connell and Wilkes in the most ignorant.

To the highest triumphs of the art of oratory, that first of blessings, CIVIL LIBERTY, is indispensable. More truly of it than of the liberty of the press, it may be said, "It is our vital air: withdraw it, and we perish." Regulated freedom is essential to its success. It is hard to say whether it perishes most rapidly amidst the studied servility of courtly rhetoric, or the coarse adulations of democratic flattery; whether the atmosphere of Constantinople or that of New York is most fatal to its existence. Genius, and that of the very highest kind, may exist in despotic communities; but it is degraded by selfishness and misdirected by servility.

Where there is only one ruling power in the state—be it monarchical, aristocratic, or democratic—this corruption is equally certain, and equally unavoidable. The sonorous periods in which Fontanes celebrated the triumphs of the empire, the impassioned strains in which Robespierre eulogised the incorruptible virtue of the people, the coarse flattery with which O'Connell captivated his ignorant and excitable audiences, equally marked the approach of the period in which oratory, if such a *régime* continued, must die a natural death. Under such influences it necessarily perished from its own exaggeration: it ceased to be impressive, it became ridiculous. As in all the other arts which are intended to please and instruct mankind, TRUTH, and a regard to the limits of nature, are essential to its success. Exaggeration and hyperbole not only degrade the character of eloquence, but destroy its influence, because they induce a style of expression with which subsequent times, emancipated from passing influences, cannot sympathise—look upon as contemptible. Then, and then only, will oratory attain its highest perfection, during that period "slow to come, soon to perish," as Tacitus said of balanced freedom, during which no one interest in the state is irresistible; and truth, in assailing the vices or resisting the encroachments of others, can find a fulcrum from whence to direct its efforts. Withdraw the fulcrum—remove the support—and truth, and with it genius, will sink to rise no more.

It is surprising, however, how solicitous the human soul is for liberty of expression; how eagerly, if one channel is closed, it seeks out and often finds another. When the power of Government, or the tyranny of the majority, has shut out the natural expression of unfettered opinion in the discussion of the social and political interests of man, it takes refuge in the regions of imagination. Romance becomes the vehicle of independent thought: the stage the arena of unrestrained debate. So delightful is free expression to the human mind, that it proves agreeable even to those whose ascendancy may seem to be endangered by its prevalence. It may appear strange, but it is undoubtedly true, that the germ of the doctrines of human perfectibility, the general vices of those in authority, and the expedience of universal freedom alike in trade and employment, emanated from the precincts of the most despotic authority in Europe, and at the period of its highest exaltation. It was in the palace of Versailles, in the court of the Grande Monarque, and when discharging the duties of tutor to the Dauphin, that Fenelon wrote, for the instruction of his royal pupil, *Télémaque*—perhaps the most thoroughly democratic work, in its principles, that ever emanated from the pen of genius. It was in the boudoir of Madame de Pompadour, and when surrounded by the corruptions of Louis XV., that Quesnay first announced the doctrines of throwing all taxes on the land, and of universal freedom of trade and occupation, which have subsequently had so powerful an influence in producing the Revolution of France, and altering the political system and social conditions of Great Britain.

The extraordinary perfection to which tragedy has been brought in many modern countries where the institutions are of a despotic character, is mainly to be ascribed to this cause. The stage became the outlet of independent thought; it was there alone that unfettered expression could be safely attempted. Put into the mouths of historical or imaginary characters, portraying remote events, for the most part drawn from the classical ages of Greece or Rome, such unrestrained ideas attracted no disquietude in the depositories of authority. They were regarded as an attribute of a primeval world, which had as little relation to the present, and as little bearing on its fortunes, as the skeletons of the Mammoth, or the backbones of the Ichthyosauri, on its material interests. A direct argument in favour of republican institutions would have secured for its author a place in the Bastille, or in the dungeons of the Inquisition; an incitement to the people to take up arms, to dethrone the reigning monarch, would have led to the scaffold; but the most eloquent and impassioned declamations in support of both the one and the other, when couched in verse, put into the mouth of Virginius or Brutus, and repeated on the stage by a popular actor, excited no sort of apprehension. On the contrary, it was only the more admired from its very novelty. Such ideas fell on the mind, amidst the seductions and restrictions of a despotic court, with somewhat of the charm with which the voice of nature, and the picture of her beauties, was in the last days of the French monarchy listened to from the gifted pen of Rousseau, or the vehement and imaginary passions of the Greek Corsairs, as delineated by Byron, were regarded by the worn-out victims of London dissipation.

If we would see in modern literature the most exact counterpart which Europe has been able to

present to the oratorical perfection of antiquity, we must look for it, not in the debates of its National Assemblies, or even the effusions of its pulpit eloquence, but in the speeches of its great tragic poets. The best declamations in Corneille, Alfieri, and Schiller, are often nothing but ancient eloquence put into verse. The brevity and force of Shakspeare belong to the same school. These men exhibit the same condensation of ideas, terseness of expression, depth of thought, acquaintance with the secrets of the heart, which have rendered the historians and orators of antiquity immortal. Like them in their highest flights, they present intellect and genius disdaining the attractions of style, the flowers of rhetoric, the amplifications of imagination, and resting solely on condensed reason, cogent argument, and impassioned pathos. They are the bones and muscles of thought, without its ornament or covering. It is this circumstance which rendered their drama so popular, and has given its great masters their colossal reputation; and in their lasting fame may be found the most decisive proof of the undying influence of the highest species of eloquence on cultivated minds. Men and women went to the theatre not to be instructed in the story—it was known to all; not to be dazzled by stage effect—there was none of it: but to hear oratory of the highest, pathos of the most moving, magnanimity of the most exalted kind, repeated with superb effect by the first performers. The utmost vehemence of action, with all the aids of intonation, action, and delivery, was employed to heighten the effect of condensed eloquence, conveying free and lofty sentiments which could nowhere else be heard. This was the secret of the wonderful influence of the stage on the polished society of Paris, during the latter days of the monarchy. The audience in the *parterre* might be seen repeating every celebrated speech with the actor.

To illustrate these observations, we shall subjoin a few passages—two from Corneille, one from Shakspeare, one from Alfieri, and two from Schiller, in prose—partly to show how nearly they approach to the style of ancient oratory, and partly from a sense of the hopelessness of any translation conveying more than a prosaic idea of the terseness and vigour of the originals,—

"When the people are the master, tumults become national events. Never is the voice of reason consulted. Honours are sold to the most ambitious, authority yielded to the most seditious. These little sovereigns, made for a year, seeing the term of their power so near expiring, cause the most auspicious designs to miscarry, from the dread that others who follow may obtain the credit of them. As they have little share in the property which they command, they reap without hesitation in the harvest of the public, being well assured that every one will gladly pardon what they themselves hope to do on a future occasion. The worst of states is the popular state."<sup>[5]</sup>

Corneille's celebrated picture of Attila, which he puts into the mouth of Octar, but which was really intended for Louis XIV., exhibits another example of the condensed style of oratory, perhaps still more applicable to a greater man than the Grande Monarque,—

"I have seen him, alike in peace and war, bear everywhere the air of the conqueror of the earth. Often have I beheld the fiercest nations disarm his wrath by their submission. I have seen all the pleasure of his heroic mind savouring of the grand and the magnificent, while his ceaseless foresight in the midst of peace had prepared the triumphs of war; his noble anxiety, which, amidst his very recreations prepared the success of future designs. Too happy the people against whom he does not turn his invincible arms! I have seen him, covered with smoke and dust, give the noblest example to his army—spread terror everywhere by his own danger—overturn walls by a single glance, and heap his own conquests on the broken pride of the haughtiest monarchs."<sup>[6]</sup>

Napoleon said, if he had lived in his time, he would have made Corneille his first councillor of state. He was right: for his thoughts were more allied to the magnanimity of the hero than the pathos of the tragedian; and his language savoured more of the sonorous periods of the orator than the fire of the poet.

Beside these specimens of French tragic eloquence, we gladly place the well-known speech of Brutus in *Julius Cæsar*, which proves that Shakspeare was endowed with the very soul of ancient oratory:—

"Romans, countrymen, and lovers! Hear me for my cause, and be silent that you may hear; believe me for mine honour, and have respect to mine honour that you may believe; censure me in your wisdom, and awake your senses that you may the better judge. If there be any in this assembly, any dear friend of Cæsar's, to him I say that Brutus' love to Cæsar was not less than his. If, then, that friend demand why Brutus rose against Cæsar, this is my answer: not that I loved Cæsar less, but that I loved Rome more. Had you rather that Cæsar were living and die all slaves, than that Cæsar were dead to live all free men? As Cæsar loved me, I weep for him; as he was fortunate, I rejoice in it; as he was valiant, I honour him; but, as he was ambitious, I slew him. There are tears for his love, joy for his fortune, honour for his valour, and death for his ambition. Who is there so base that would be a bondsman? If any, speak, for him have I offended. Who is here so rude that would not be a Roman? If any, speak, for him have I offended. Who is here so vile that will not love his country? If any, speak, for him have I offended. I have done no more to Cæsar than you should do to Brutus. The question of his death is enrolled in the Capitol; his glory is not extenuated, wherein he was worthy; nor his offences enforced for which he suffered death."<sup>[7]</sup>

This is in the highest style of ancient oratory. Whoever has had the good fortune to hear this noble speech repeated by the lips, and with the impressive manner of Kemble, will have no difficulty in conceiving how it was that eloquence in Greece and Rome acquired so mighty an ascendancy. Shakspeare has shown, however, in the speech of Antony, which follows, that he is not less master of that important part of oratory which consists in moving the feelings, and conciliating by pathos an adverse audience. Antiquity never conceived anything more skilful, or evincing a more thorough knowledge of the human heart, than thus turning aside the lofty patriotic and republican ideas awakened by Brutus' speech, first by the exhibition of Cæsar's garments, rent by the daggers of his murderers, and yet wet with his blood, and then unveiling the mangled corpse itself!

The eloquence of Alfieri and Schiller, perhaps, of all modern writers, is that which approaches most closely to the brief and condensed style of ancient oratory. The speech of Icilius, in the noble drama of *Virginia*, by the first of these writers, affords a fair specimen of its power:—

"Listen to my words, O people of Rome! I who heretofore have never been deceitful, who have never either betrayed or sold my honour; who boast an ignoble origin, but a noble heart! hear me. This innocent free maid is daughter of Virginius. At such a name, I see your eyes flash with resplendent fire. Virginius is fighting for you in the field: think on the depravity of the times; meanwhile, exposed to shame, the victim of outrage, his daughter remains in Rome. And who outrages her? Come forward, O Marcus! show yourself. Why tremble you? He is well known to you: the last slave of the tyrant Appius and his first minister—of Appius, the mortal enemy of every virtue—of Appius, the haughty, stern, ferocious oppressor, who has ravished from you your freedom, and, to embitter the robbery, has left you your lives. Virginia is my promised bride: I love her. Who I am, I need not say: some one may perhaps remind you. I was your tribune, your defender; but in vain. You trusted rather the deceitful words of another than my free speech. We now suffer, in common slavery, the pain of your delusion. Why do I say more? The heart, the arm, the boldness of Icilius is known to you not less than the name. From you I demand my free bride. This man does not ask her: he styles her slave—he drags her, he forces her. Icilius or Marcus is a liar: say, Romans, which it is."<sup>[8]</sup>

That Schiller was a great dramatic and lyric poet, need be told to none who have the slightest acquaintance with European literature; but his great oratorical powers are not so generally appreciated, for they have been lost in the blaze of his poetic genius. They were, however, of the very highest order, as will at once appear from the following translation (imperfect as it, of course, is) in prose, which we have attempted of the celebrated speeches of Shrewsbury and Burleigh, who discussed before Queen Elizabeth the great question of Queen Mary's execution, in his noble tragedy of *Maria Stuart*:—

#### SHREWSBURY.

"God, whose wondrous hand has four times protected you, and who to-day gave the feeble arm of gray hairs strength to turn aside the stroke of a madman, should inspire confidence. I will not now speak in the name of justice; this is not the time. In such a tumult you cannot hear her still small voice. Consider this only: you are fearful now of the living Mary; but I say it is not the living you have to fear. *Tremble at the dead—the beheaded*. She will rise from the grave a fiend of dissension. She will awaken the spirit of revenge in your kingdom, and wean the hearts of your subjects from you. At present she is an object of dread to the British; but when she is no more, they will revenge her. No longer will she then be regarded as the enemy of their faith; her mournful fate will cause her to appear only as the granddaughter of their king, the victim of man's hatred and woman's jealousy. Soon will you see the change appear! Drive through London after the bloody deed has been done; show yourself to the people, who now surround you with joyful acclamations: then will you see another England, another people! No longer will you then walk forth encircled by the radiance of heavenly justice which now binds every heart to you. Dread the frightful name of tyrant which will precede you through shuddering hearts, and resound through every street where you pass. You have done the last irrevocable deed. What head stands fast when this sacred one has fallen?"

#### BURLEIGH.

"Thou sayest, my Queen, thou lovest thy people more than thyself—show it now! Choose not peace for yourself, and leave discord to your people. Think on the Church! Shall the ancient faith be restored with this Stuart? Shall the monk of new lord it here—the legate of Rome return to shut up our churches, dethrone our queen? I demand the souls of all your subjects from you. As you now decide, you are saved or lost. This is no time for womanish pity: the salvation of your people is your highest duty. Has Shrewsbury saved your life to-day? I will deliver England, and that is more."*—Maria Stuart*, Act iv. s. 7.

Demosthenes could have written nothing more powerful—Cicero imagined nothing more persuasive.

We shall now, to justify our assertion that it is in the dramatic poets of modern Europe that a parallel can alone be found to the condensed power of ancient eloquence, proceed to give a few quotations from the most celebrated speeches of antiquity. We have selected, in general, those

from the historians, as they are shorter than the orations delivered in the forum, and can be given entire. A fragment from a speech of Demosthenes or Cicero gives no sort of idea of the original, because what goes before is withheld. To scholars we need not plead indulgence for the inadequacy of our translations: they will not expect what they know to be impossible.

Tacitus, in his *Life of Agricola*, puts into the mouth of Galgacus the following oration, when he was animating the Caledonians to their last battle with the Romans under Agricola.

"As often as I reflect on the origin of the war, and our necessities, I feel a strong conviction that this day, and your will, are about to lay the foundations of British liberty. For we have all known what slavery is, and no place of retreat lies behind us. The sea even is insecure when the Roman fleet hovers around. Thus arms and war, ever coveted by the brave, are now the only refuge of the cowardly. In former actions, in which the Britons fought with various success against the Romans, our valour was a resource to look to, for we, the noblest of all the nation, and on that account placed in its inmost recesses, unused to the spectacle of servitude, had our eyes even inviolate from its hateful sight. We, the last of the earth, and of freedom, unknown to fame, have been hitherto defended by our remoteness; now, the extreme limits of Britain appear, and the unknown is ever regarded as the magnificent. No refuge is behind us; naught but the rocks and the waves, and the deadlier Romans: men whose pride you have in vain sought to deprecate by moderation and subservience. The robbers of the globe, when the land fails they scour the sea. Is the enemy rich, they are avaricious; is he poor, they are ambitious—the East and the West are unable to satiate their desires. Wealth and poverty are alike coveted by their rapacity. To carry off, massacre, seize on false pretences, they call empire; and when they make a desert, they call it peace.

"Nature has made children and relations dearest to all: they are carried off by levies to serve elsewhere: our wives and sisters, if they escape the lust of our enemies, are seduced by these *friends* and *guests*. Our goods and fortunes they seize on as tribute, our corn as supplies; our very bodies and hands they wear out amidst strifes and contumely, in fortifying stations in the woods and marshes. Serfs born in servitude are once bought, and ever after fed by their masters; Britain alone daily buys its slavery, daily feeds it. As in families the last slave purchased is often a laughing-stock to the rest, so we, the last whom they have reduced to slavery, are the first to be agonised by their contumely, and reserved for destruction. We have neither fields, nor minerals, nor harbours, in working which we can be employed: the valour and fierceness of the vanquished are obnoxious to the victors: our very distance and obscurity, as they render us the safer, make us the more suspected. Laying aside, therefore, all hope of pardon, assume the courage of men to whom salvation and glory are alike dear. The Trinobantes, under a female leader, had courage to burn a colony and storm castles, and, had not their success rendered them negligent, they would have cast off the yoke. We, untouched and unconquered, nursed in freedom, shall we not show, on the first onset, what men Caledonia has nursed in her bosom?

"Do not believe the Romans have the same prowess in war as lust in peace. They have grown great on our divisions: they know how to turn the vices of men to the glory of their own army. As it has been drawn together by success, so disaster will dissolve it, unless you suppose that the Gauls and the Germans, and, I am ashamed to say, many of the Britons, who now lend their blood to a foreign usurpation, and in their hearts are rather enemies than slaves, can be retained by faith and affection. Fear and terror are but slender bonds of attachment; when you remove them, as fear ceases terror begins. All the incitements of victory are on our side: no wives inflame the Romans; no parents are there, to call shame on their flight; they have no country, or it is elsewhere. Few in number, fearful from ignorance, gazing on unknown woods and seas, the gods have delivered them shut in and bound into your hands. Let not their vain aspect, the glitter of silver and gold, which neither covers nor wounds, alarm you. In the very line of the enemy we shall find our friends: the Britons will recognise their own cause; the Gauls will recollect their former freedom; the other Germans will desert them, as lately the Usipii have done. No objects of terror are behind them; naught but empty castles, age-ridden colonies; dissension between cruel masters and unwilling slaves, sick and discordant cities. Here is a leader, an army; there are tributes, and payments, and the badges of servitude, which to bear for ever, or instantly to avenge, lies in your arms. Go forth then into the field, and think of your ancestors and your descendants."<sup>[9]</sup>

It is scarcely necessary to say that this speech was written by Tacitus: most certainly nothing half so perfect was ever conceived by Caledonian chief or Caledonian orator, from that day to this. But as the great speeches in antiquity were all written, this gives a specimen, doubtless of the most favourable kind, of the style of oratory which prevailed amongst them. No modern historian has either ventured or been able to put anything so nervous and forcible into the mouth of any orator, how great soever. If he did, it would at once be known that it had not been spoken, but was the fruit of the composition of the closet.

Catiline, who, like many other revolutionists, possessed abilities commensurate to his wickedness, thus addressed the conspirators who were associated to overturn the sway of the Roman patricians:—

"Had not your valour and fidelity been well known to me, fruitless would have been the

smiles of Fortune: the prospect of as mighty domination would in vain have opened upon us; nor would I have mistaken illusive hopes for realities, uncertain things for certain. But since, on many and great occasions, I have known you to be brave and faithful, I have ventured to engage in the greatest and noblest undertaking; for I well know that good and evil are common to you and me. That friendship at length is secure which is founded on wishing and dreading the same things. You all know what designs I have long revolved in my mind; but my confidence in them daily increases, when I reflect what our fate is likely to be, if we do not vindicate our freedom by our own hands. For, since the republic has fallen under the power and dominion of a few, kings yield their tributes, governorships their profits to them: all the rest, whether strenuous, good, noble or ignoble, are the mere vulgar: without influence, without authority, we are obnoxious to those to whom, if the commonwealth existed, we should be a terror. All honour, favour, power, wealth, is centred in them, or those whom they favour: to us are left dangers, repulses, lawsuits, poverty. How long will you endure them, O ye bravest of men? Is it not better to die bravely, than drag out a miserable and dishonoured life, the sport of pride, the victims of disgrace? But by the faith of gods and men, victory is in our own hands: our strength is unimpaired; our minds energetic: theirs is enfeebled by age, extinguished by riches. All that is required is to begin boldly; the rest follows of course. Where is the man of a manly spirit, who can tolerate that they should overflow with riches, which they squander in ransacking the sea, in levelling mountains, while to us the common necessities of life are wanting? They have two or more superb palaces each; we not wherein to lay our heads. When they buy pictures, statues, basso-relievos, they destroy the old to make way for the new: in every possible way they squander away their money; but all their desires are unable to exhaust their riches. At home, we have only poverty; abroad, debts; present adversity; worse prospects. What, in fine, is left us, but our woe-stricken souls? What, then, shall we do? That, that which you have ever most desired. Liberty is before your eyes; and it will soon bring riches, renown, glory: Fortune holds out these rewards to the victors. The time, the place, our dangers, our wants, the splendid spoils of war, exhort you more than my words. Make use of me either as a commander or a private soldier. Neither in soul or body will I be absent from your side. These deeds I hope I shall perform as Consul with you, unless my hopes deceive me, and you are prepared rather to obey as slaves, than to command as rulers."<sup>[10]</sup>

The topics here handled are the same which in every age have been the staple of the conspirator and the revolutionist; but it may be doubted whether they ever were put together with such force and address. The same desperate chief, on the eve of their last conflict with the consular legions:

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"I well know, fellow-soldiers, that words add nothing to the valour of the brave; and that an army will not be made from slothful, strenuous—from timid, courageous, by any speech from its commander. Whatever boldness nature or training has implanted in any one, that appears in war. It is vain to exhort those whom neither dangers nor glory excite. Terror shuts their ears. But I have called you together to mention a few things, and to make you sharers of my councils. You know, soldiers, what a calamity has been brought upon us by the cowardice of Lentulus; and how, when I awaited succours from the city, I was unable to set out for Gaul. Now, however, I will candidly tell you how our affairs stand. Two armies, one issuing from Rome, one from Gaul, beset us: want of provisions obliges us quickly to change our quarters, even if we inclined to remain where we are. Wherever we determine to go, we must open a way with our swords. Therefore it is that I admonish you that you have now need of stern and determined minds: and when you engage in battle, recollect that riches, honour, glory, in addition to liberty, are to be won by your own right hands. If we conquer, everything awaits us: provisions will be abundant, colonies ready, cities open. If we yield from fear, circumstances are equally adverse: neither solitude nor friend shields him whom his arms cannot protect. Besides, soldiers, the same necessity does not impel them as us. We fight for our country, our liberty, our lives; they for the domination of a few. On that account, mindful of your pristine valour, advance to the attack. You might have, with disgrace, lingered out a miserable life in exile: a few, bereft of their possessions, might have remained, fed by charity, at Rome: but as such a fate seemed intolerable to freemen, you have attended me here. If you would shun these evils, now is the moment to do so. None ever exchanged war for peace, save by victory. To hope for safety in flight, and, at the same time, rescue from the enemy the arms by which the body is covered, is the height of madness. Ever in battle they run the greatest danger who are most timid: boldness is the only real rampart. When I reflect on you and your deeds, O soldiers, I have great hopes of victory. Your spirit, your age, your bravery, encourage me: besides necessity, which makes heroes even of cowards. The straits of the ground secure you from being outflanked by the enemy. Should Fortune fail to second your valour, beware lest you perish unavenged. Rather fall, fighting like men, and leave a mournful and bloody triumph to your enemies, than be butchered like sheep when captured by their arms."<sup>[11]</sup>

With what exquisite judgment and taste is the stern and mournful style of this speech suited to the circumstances, all but desperate, in which Catiline's army was then placed!



No one supposes that these were the identical words delivered by Catiline on this occasion. Unquestionably, Sallust shines through in every line. But they were probably his ideas; and, unquestionably, they were in the true style of ancient oratory. And that what was spoken fully equalled what has come down to us written, is proved by innumerable passages in speeches which undoubtedly were spoken; among which, we select the graphic picture of Antony in his revels—spoken by Cœlius, and preserved by Quintilian:—

"They found him (Antony) oppressed with a half-drunken sleep, snoring aloud, lying across the most beautiful concubines, while others were reposing around. The latter, when they perceived the approach of an enemy, strove to awaken Antony, but in vain. They called on him by name, they raised him by the neck: one whispered softly in his ear, one struck him sharply; but to no purpose. When he was so far roused as to recognise the voice or touch of the nearest, he put his arms round her neck, unable alike to sleep and to rise up; but, half in a stupor, he was tossed about between the hands of the centurions and the harlots."<sup>[12]</sup>

What a picture of the triumvir and rival of Brutus, as well as of the corrupted manners of Rome!

Demosthenes, in his celebrated speech against Æschines, burst into the following strain of indignant invective:—

"You taught writing, I learned it: you were an instructor, I was the instructed: you danced at the games, I presided over them: you wrote as a clerk, I pleaded as an advocate: you were an actor in the theatres, I a spectator: you broke down, I hissed: you ever took counsel for our enemies, I for our country. In fine, now on this day the point at issue is—Am I, yet unstained in character, worthy of a crown? while to you is reserved the lot of a calumniator, and you are in danger of being silenced by not having obtained the fifth part of the votes.

"I have not fortified the city with stone, nor adorned it with tiles, neither do I take any credit for such things. But if you would behold my works aright, you will find arms, and cities, and stations, and harbours, and ships, and horses, and those who are to make use of them in our defence. This is the rampart I have raised for Attica, as much as human wisdom could effect: with these I fortified the whole country, not the Piræus only and the city. I never sank before the arms or cunning of Philip. No! it was by the supineness of your own generals and allies that he triumphed."<sup>[13]</sup>

We add only an extract from the noble speech of Pericles, on those who had died in the service of their country, which is the more valuable that Thucydides, who has recorded it in his history, says that the version he has given of that masterpiece of oratory is nearly the same as he heard from Pericles himself.

"Wherefore I will congratulate rather than bewail the parents of those who have fallen that are present. They know that they were born to suffering. But the lot of those is most to be envied who have come to such an end, that it is hard to say whether their life or their death is most honourable. I know it is difficult to persuade you of this, who had often rejoiced in the good fortune of others; and it is not when we are deprived of goods not yet attained that we feel grief, but when we are bereaved of what we have already enjoyed. To some the hope of other children, who may emulate those who have gone before, may be a source of consolation. Future offspring may awaken fresh interests in place of the dead; and will doubly benefit the city by peopling its desert places, and providing for its defence. We cannot expect that those who have no children whom they may place in peril for their country, can be considered on a level with such as have made the sacrifices which those have made. To such of you as time has denied this hope, I would say, 'Rejoice in the honour which your children have won, and let that console the few years that still remain to you—for the love of glory alone knows no age; and in the decline of life it is not the acquisition of gain, as some say, which confers pleasure, but the consciousness of being honoured.

"To the children and brothers of those we mourn, who are here present, I foresee a noble contest. Every one praises the dead. You should endeavour, I will not say to equal those we have lost, but to be only a little inferior to them. Envy often divides the living; but the grave extinguishes jealousy, for it terminates rivalry. I must speak of the virtue of the women who have shared in our bereavement; but I shall do so in a few words. Great will be your renown, if you do not yield to the weakness of your sex; and place as little difference as possible between yourselves and the virtue of men. I propose that the children of those who have fallen should be maintained, till puberty, at the public expense—a reward at once to the virtue of the dead, and an incitement to the emulation of the living: for among those to whom the highest rewards of virtue are opened, the most worthy citizens are found. And now, having honoured the dead by your mourning, depart every one to his home."<sup>[14]</sup>

Enough—and some may, perhaps, think more than enough—has been done to convey an idea of that far-famed oratory, of which Milton has said—

"Thence to the famous orators repair,  
Those ancients, whose resistless eloquence

Wielded at will that fierce democracy,  
Shook the arsenal, and fulminated over Greece,  
To Macedon, and Artaxerxes' throne."<sup>[15]</sup>

For comparison with these splendid passages, we gladly lay before our readers the famous peroration of Mr Burke's oration against Mr Hastings, long esteemed the masterpiece of British eloquence.

"My Lords, at this awful close, in the name of the Commons, and surrounded by them, I attest the retiring, I attest the advancing generations, between which, as a link in the great chain of eternal order, we stand. We call this nation, we call the world to witness, that the Commons have shrunk from no labour; that we have been guilty of no prevarication; that we have made no compromise with crime; that we have not feared any odium whatsoever, in the long warfare which we have carried on with the crimes—with the vices—with the exorbitant wealth—with the enormous and overpowering influence of Eastern corruption. This war, my Lords, we have waged for twenty-two years, and the conflict has been fought, at your Lordships' bar, for the last seven years. My Lords, twenty-two years is a great space in the scale of the life of man; it is no inconsiderable space in the history of a great nation. A business which has so long occupied the councils and the tribunals of Great Britain cannot possibly be huddled over in the course of vulgar, trite, and transitory events. Nothing but some of those great revolutions, that break the traditionary chain of human memory, and alter the very face of nature itself, can possibly obscure it. My Lords, we are all elevated to a degree of importance by it; the meanest of us will, by means of it, more or less, become the concern of posterity—if we are yet to hope for such a thing, in the present state of the world, as a recording, retrospective, civilised posterity: but this is in the hand of the great Disposer of events; it is not ours to settle how it shall be. My Lords, your House yet stands; it stands as a great edifice; but let me say, that it stands in the midst of ruins—in the midst of the ruins that have been made by the greatest moral earthquake that ever convulsed and shattered this globe of ours. My Lords, it has pleased Providence to place us in such a state, that we appear every moment to be upon the verge of some great mutations. There is one thing, and one thing only, which defies all mutation, that which existed before the world, and will survive the fabric of the world itself—I mean justice; that justice which, emanating from the Divinity, has a place in the breast of every one of us, given us for our guide with regard to ourselves and with regard to others, and which will stand, after this globe is burned to ashes, our advocate or our accuser before the great Judge, when He comes to call upon us for the tenor of a well-spent life.

"My Lords, the Commons will share in every fate with your Lordships; there is nothing sinister which can happen to you, in which we shall not all be involved; and if it should so happen that we shall be subjected to some of those frightful changes which we have seen—if it should happen that your Lordships, stripped of all the decorous distinctions of human society, should, by hands at once base and cruel, be led to those scaffolds and machines of murder upon which great kings and glorious queens have shed their blood, amidst the prelates, amidst the nobles, amidst the magistrates, who supported their thrones, may you in those moments feel that consolation which I am persuaded they felt in the critical moments of their dreadful agony!... My Lords, if you must fall, may you so fall! but, if you stand—and stand I trust you will—together with the fortune of this ancient monarchy—together with the ancient laws and liberties of this great and illustrious kingdom—may you stand as unimpeached in honour as in power; may you stand, not as a substitute for virtue, but as an ornament of virtue, as a security for virtue; may you stand long, and long stand the terror of tyrants; may you stand the refuge of afflicted nations; may you stand a sacred temple, for the perpetual residence of an inviolable justice."<sup>[16]</sup>

The peroration of Lord Brougham's speech in favour of Queen Caroline, which was carefully studied, and, it is said, written over several times, is not unworthy to be placed beside this splendid burst.

"Such, my Lords, is the case before you! such is the evidence in support of this measure—evidence inadequate to prove a debt, impotent to deprive of a civil right, ridiculous to convict of the lowest offence, scandalous, if brought forward to support a charge of the highest nature which the law knows, monstrous to ruin the honour and blast the name of an English Queen! What shall I say, then, if this is the proof by which an act of judicial legislation, a parliamentary sentence, an *ex post facto* law, is sought to be passed against a defenceless woman? My Lords, I pray you to pause: I do earnestly beseech you to take heed. You are standing upon the brink of a precipice—then beware! It will go forth as your judgment, if sentence shall pass against the Queen. But it will be the only judgment you ever pronounced which, instead of reaching its object, will return and bound back upon those who give it. Save the country, my Lords, from the horrors of this catastrophe—save yourselves from this peril. Revere that country of which you are the ornaments, but in which you can flourish no longer, when severed from the people, than the blossom when cut off from the roots and stem of the tree. Save that country, that you may continue to adorn it; save the crown, which is in

jeopardy, the aristocracy, which is shaken; save the altar, which must stagger with the blow that rends its kindred throne! You have said, my Lords, you have willed, the church to the Queen have willed that she should be deprived of its solemn service. She has instead of that solemnity the heartfelt prayers of the people. She wants no prayers of mine. But I do here pour forth my humble supplication to the Throne of mercy, that that mercy may be poured down upon the people, in a larger measure than the merits of its rulers may deserve, and that your hearts may be turned to justice."<sup>[17]</sup>

On the trial of Mr John Stockdale, Lord Erskine thus spoke:—

"I have been speaking of man and his nature, and of human dominion, from what I have seen of them myself among nations reluctant of our authority. I know what they feel, and how such feelings can alone be repressed. I have heard them in my youth from a naked savage, in the indignant character of a prince, surrounded by his subjects, addressing the governor of a British colony, holding a bundle of sticks in his hand, as the notes of his unlettered eloquence. 'Who is it,' said the jealous ruler of the desert, encroached upon by the restless foot of English adventure—'who is it that causes to blow the loud winds of winter, and that calms them again in summer? Who is it that causes this river to rise in the high mountains, and to empty itself into the ocean? Who is it that rears up the shade of these lofty forests, and blasts them with the quick lightning at his pleasure? The same Being who gave to you a country on the other side of the waters, and gave ours to us; and by this title we will defend it,' said the warrior, throwing his tomahawk upon the ground, and raising the war-sound of his nation. These are the feelings of subjugated man all round the globe; and, depend upon it, nothing but fear will control where it is vain to look for affection."<sup>[18]</sup>

Some of Mr Grattan's speeches are said to have been the most eloquent ever delivered in the House of Commons. The following burst of indignant patriotism, on the supposed wrongs of Ireland, affords a favourable specimen of his style of oratory:—

"Hereafter, when these things shall be history, your age of thralldom and poverty, your sudden resurrection, commercial redress, and miraculous armament, shall the historian stop to declare, that here the principal men amongst us fell into mimic traces of gratitude: they were awed by a weak ministry, and bribed by an empty treasury; and when liberty was within their grasp, and the temple opened her folding-doors, and the arms of the people clanged, and the zeal of the nation urged and encouraged them on, that they fell down, and were prostituted at the threshold.

"I will not be answered by a public lie in the shape of an amendment: neither, speaking for the subjects' freedom, am I to hear of faction. I wish for nothing but to breathe in this our island, in common with my fellow-subjects, the air of liberty. I have no ambition, unless it be the ambition to break your chains, and contemplate your glory. I never will be satisfied as long as the meanest cottager in Ireland has a link of the British chain clanking in his rags: he may be naked, he shall not be in irons. And I do see the time is at hand, the spirit is gone forth, the declaration is planted: and though great men should apostatise, yet the cause will live: and though the public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, shall not die with the prophet, but survive him."<sup>[19]</sup>

We shall add only to these copious and interesting quotations two passages from the greatest masters of French eloquence.

Bossuet, in his funeral oration on Henrietta, daughter of France and Queen of England, the consort of Charles I., thus expresses himself:—

"Christians!" says he, in the exordium of his discourse, "it is not surprising that the memory of a great queen—the daughter, the wife, the mother of monarchs—should attract you from all quarters to this melancholy ceremony; it will bring forcibly before your eyes one of those awful examples which demonstrate to the world the vanity of which it is composed. You will see in her single life the extremes of human things: felicity without bounds, miseries without parallel; a long and peaceable enjoyment of one of the most noble crowns in the universe—all that birth and grandeur could confer that was glorious—all that adversity and suffering could accumulate that was disastrous; the good cause attended at first with some success, then involved in the most dreadful disasters. Revolutions unheard of, rebellion long restrained, at length reigning triumphant; no curb there to license, no laws in force. Majesty itself violated by bloody hands—usurpation and tyranny, under the name of liberty—a fugitive queen, who can find no retreat in her three kingdoms, and was forced to seek in her native country a melancholy exile. Nine sea voyages undertaken against her will by a queen, in spite of wintry tempests—a throne unworthily overturned, and miraculously re-established. Behold the lessons which God has given to kings! thus does He manifest to the world the nothingness of its pomps and its grandeur. If our words fail, if language sinks beneath the grandeur of such a subject, the simple narrative is more touching than aught that words can convey. The heart of a great queen, formerly elevated by so long a course of prosperity, then steeped in all the bitterness of affliction, will speak in

sufficiently touching language; and if it is not given to a private individual to teach the proper lessons from so mournful a catastrophe, the King of Israel has supplied the words—'Hear, O ye great of the earth! Take lessons, ye rulers of the world!'"<sup>[20]</sup>

A very different man from Bossuet, but who was perhaps his superior in nervous eloquence, Robespierre, thus spoke on the last occasion when he addressed the Convention, then bent on his destruction:—

"They call me a tyrant! If I were so, they would fall at my feet: I should have gorged them with gold, assured them of impunity to their crimes, and they would have worshipped me. Had I been so, the kings whom we have conquered would have been my most cordial supporters. It is by the aid of scoundrels you arrive at tyranny. Whither tend those who combat them? To the tomb and immortality! Who is the tyrant that protects me? What is the faction to which I belong? It is yourselves! What is the party which, since the commencement of the Revolution, has crushed all other factions—has annihilated so many specious traitors? It is yourselves; it is the people; it is the force of principles! This is the party to which I am devoted, and against which crime is everywhere leagued. I am ready to lay down my life without regret. I have seen the past; I foresee the future. What lover of his country would wish to live, when he can no longer succour oppressed innocence? Why should he desire to remain in an order of things where intrigue eternally triumphs over truth—where justice is deemed an imposture—where the vilest passions, the most ridiculous fears, fill every heart, instead of the sacred interests of humanity? Who can bear the punishment of seeing that horrible succession of traitors, more or less skilful in concealing their hideous vices under the mask of virtue, and who will leave to posterity the difficult task of determining which was the most atrocious? In contemplating the multitude of vices which the Revolution has let loose pell-mell with the civic virtues, I own I sometimes fear that I myself shall be sullied in the eyes of posterity by their calumnies. But I am consoled by the reflection that, if I have seen in history all the defenders of liberty overwhelmed by calumny, I have seen their oppressors die also. The good and the bad disappear alike from the earth; but in very different conditions. No, Chaumette! 'Death is *not* an eternal sleep!'—Citizens, efface from the tombs that maxim, engraven by sacrilegious hands, which throws a funeral pall over nature, which discourages oppressed innocence: write rather, 'Death is the commencement of immortality!' I leave to the oppressors of the people a terrible legacy, which well becomes the situation in which I am placed: it is the awful truth, 'Thou shalt die!'"<sup>[21]</sup>

It must be evident to every impartial person, from these quotations, that the superiority of ancient to modern eloquence, so far as the art itself is concerned, is great and indisputable. The strong opinion of Lord Brougham, on this subject, must command the universal assent of every reasonable mind:—

"It is impossible for any but the most careless observer, to avoid remarking the great differences which distinguish the oratory of ancient from that of modern times. The immeasurable superiority of the former is far from being the only, or even the principal, of these diversities: that proceeds, in part, from the greater power of the languages, especially the Greek—the instrument wielded by the great masters of diction; and in so far the superiority must for ever remain undiminished by any efforts on the part of modern rhetoricians. If, in such varied and perfect excellencies, the most prominent shall be selected, then doubtless is the palm due to that entire and uninterrupted devotion which throws the speaker's whole soul into his subject, and will not even—no, not for an instant—suffer a rival idea to cross its resistless course, without being swiftly swept away and driven out of sight, as the most rapid engine annihilates or shoots off whatever approaches it with a velocity that defies the eye. There is no coming back on the same ground, any more than any lingering over it. All is done at once; but the blow is as effectual as it is single, and leaves not anything to do. All is at each instant moving forward, regardless of every obstacle. The mighty flood of speech rolls on in a channel ever full, but which never overflows. Whether it rushes in a torrent of allusion, or moves along in a majestic exposition of enlarged principles, descends hoarse and headlong in overwhelming invective, or glides melodious in narrative and description, or spreads itself out shining in illustrations, its course is ever onward and ever entire; never scattered, never stagnant, never sluggish. At each point manifest progress has been made, and with all that art can do to charm, strike, and please. No sacrifice, even the smallest, is ever made to effect; nor can the hearer ever stop for an instant to contemplate or admire, or throw away a thought upon the great artist, till all is over, and the pause gives time to recover his breath."<sup>[22]</sup>

It is the more remarkable that this great and decisive superiority on the part of ancient oratory should exist, when it is recollected that the information, sphere of ideas, and imagery at the command of public speakers, in modern times, is so widely extended in comparison of what it was in Greece and Rome. As much as the wide circuit of the globe exceeds the limited shores of the Mediterranean Sea, do the knowledge and ideas which the modern orator may make use of outstrip those which were at the disposal of the brightest genius in antiquity. Science has, since the fall of Rome, been infinitely extended, and furnished a great variety of images and allusions—many of them of the most elevated kind—which at once convey a clear idea to any educated

audience, and awaken in their minds associations or recollections of a pleasing or ennobling description. The vast additions made to geographical and physical knowledge have rendered the wide surface of the globe, and the boundless wonders of the heavens, the theme alike for the strains of the poet, the meditations of the philosopher, and the eloquence of the orator. Modern poetry has added its treasures to those which antiquity had bequeathed to us, as if to augment the chords which eloquence can touch in the human heart. Chivalry has furnished a host of images, ideas, and associations wholly unknown to ancient times; but which, however at times fantastic or high-flown, are all of an ennobling character, because they tend to elevate humanity above itself, and combat the selfish by the very excess of the generous affections. History has immensely extended the sphere of known events, and not only studded the annals of mankind with the brightest instances of heroism or virtue, but afforded precedents applicable to almost every change that can occur in the varied circumstances of human transaction. Above all, Religion has opened a new fountain in the human heart, and implanted in every bosom, with the exception only of those utterly depraved, associations and recollections at once of the most purifying and moving kind. The awful imagery and touching incidents of the Old Testament, exceeding those in the Iliad itself in sublimity and pathos; the pure ideas and universal charity of the New, as much above the utmost efforts of unassisted humanity, have given the orator, in modern times, a store of images and associations which, of all others, are the most powerful in moving the human heart. If one-half of this magazine of ideas and knowledge had been at the disposal of the orators of antiquity, they would have exceeded those of modern Europe as much in the substance and magnificence of their thoughts, as they already do in the felicity and force of their expression.

A key may be found to the causes of this remarkable superiority in ancient eloquence, notwithstanding the comparatively limited extent of the materials of which they had the disposal, in the very qualities in which the ancient orators stand pre-eminent. It is the exquisite taste and abbreviated force of their expression which renders them unrivalled. In reading their speeches, we are perpetually tempted to shut the book even in the most interesting passages, to reflect on the inimitable brevity and beauty of the language. It is a mistake to say this is owing to the construction of the Greek and Roman languages, to the absence of auxiliary verbs, and the possibility of combining expression, as in modern German, so as to convey a complex idea in a single word. Undoubtedly that is true; but who made the ancient languages at once so copious and condensed? It was the ancients themselves who did this. It was they who moulded their tongues into so brief and expressive a form, and, in the course of their progressive formation through successive centuries, rendered them daily more brief and more comprehensive. It was the men who made the language—not the language the men. It was their burning thoughts which created such energetic expressions, as if to let loose at once the pent-up fires of the soul. Those who assert the reverse fall into the same error as the philosophers who ascribe the character of the Anglo-Saxons to their institutions, when, in truth, their institutions are owing to their character.

The main causes to which the extraordinary perfection of ancient oratory are to be ascribed, are the great pains which were bestowed on the education of the higher classes in this most difficult art, and the practice of preparing nearly all their finest orations before delivery. It will sound strange in modern ears to assign these as the causes of this undoubted superiority, when the practice with them is in both particulars directly the reverse; but a very little consideration must convince every reasonable mind that it is to these that it is to be ascribed.

Great as is the importance and undoubted the influence of eloquence in modern Europe, it is by no means so considerable as it was in the states of antiquity. This arises in part from the different structure of government in ancient and modern times. We hear nothing of eloquence in Persia, Egypt, or the East. Military power, political address, were then, as they have ever since been in that part of the world, the sole passports to greatness. But it was otherwise in the republics which studded the shores of the Mediterranean Sea. Universally, in them, supreme power was lodged in the citizens of a single city, or in them jointly with the landowners in the vicinity, who could with ease attend its public assemblies. Every free citizen had a vote in those assemblies, in which every subject, political, social, and judicial, was discussed and determined. Questions of peace and war, of imposing or taking off taxes, of concluding treaties, of domestic laws, of appointing generals and ambassadors, of providing for the public subsistence, of determining private suits, of criminal punishments, of life and death, were all submitted to those assemblies, debated in their presence, and decided by their suffrages. Political power, personal fame, the direction of the state, the command of its armaments, the decision of its dearest public and private interests, were all to be attained by obtaining a sway in these public assemblies, and could seldom be obtained in any other way. Hence it was that, as has been finely observed, in modern times, the soldier is brave, and the lawyer is eloquent; but in ancient, the soldier was eloquent, and the lawyer was brave. Power of any sort could be attained only by acquiring an ascendancy in the popular assemblies; whoever acquired that ascendancy was liable to be immediately called to command the fleets or armies of the republic. Whatever opinions may be formed of the tendency of such a system of government, to insure either the wise direction of its civil interests or the successful protection of its military enterprises, there can be but one as to its effect in insuring the highest attention to oratory, by which alone the command of either could be obtained.

But, in addition to this, the two great instruments of power which, in modern times, so often outweigh the influence of spoken oratory, were wanting. The *press* was unknown in antiquity; there was no public religious instruction: there were neither daily newspapers to discuss passing events, nor a stock of printed works to form the principles of the people, or mould their

judgments, nor an Established Church, to give them early and creditable impressions. Education, derived entirely from oral instruction or costly manuscripts, was so extremely expensive that it was beyond the reach of all but the most wealthy classes. Three-fourths of the persons who had votes in any public assembly had their principles formed, their information acquired, their taste refined, in the theatres and the forum. The temples were open for sacrifice or ceremonies only; not for instruction in religious principle or moral duty. Immense was the addition which this entire want alike of a public press, and a system of religious instruction, had upon the importance of popular oratory. The tragedian and the orator had the entire moulding of the public mind in their hand, alike in fixed principle, previous prepossessions, and instant decision. No daily, or monthly, or quarterly paper existed to form the subject of study at home; no standard works were in every one's hands, to give principles right or wrong, from which they were very unlikely to swerve:—no religious tuition, to the influence of which, in any momentous crisis, appeal might be made. The eloquence of the forum, the transports of the theatre, were all in all.

It resulted, from this extraordinary and most perilous power of oratory in ancient times, that the attention bestowed throughout life, but especially in youth, on training to excellence in it, was unbounded. In truth, education with them was so much directed to the study and the practice of oratory, that it formed in most of their academies the main object of instruction. Other topics—philosophy, poetry, science, mathematics, history—were not neglected, but they were considered chiefly as *subordinate to oratory*—rather, they were the preparatory studies, from which a perfect orator was to be formed. Cicero says expressly, that there is no subject of human knowledge of which the orator may not avail himself, in his public address, and which may not serve to enlighten his narrative, strengthen his argument, or adorn his expression.<sup>[23]</sup> This shows how lofty was the idea which he had formed of this noble art, and the aids which he was fain to obtain for it, from all, even the most dissimilar, branches of human knowledge. The greatest orators and philosophers of antiquity devoted themselves to instruction in its principles, and consideration of the manner of cultivating it with the highest success. Demosthenes taught, as every schoolboy knows, for a talent: a sum above £200, and equal to at least £500 in modern times. Cicero has left several beautiful treatises on oratory; Isocrates owes his fame mainly to his writings on the same subject; Quintilian has bequeathed to us a most elaborate work on its principles, and the mode of its instruction; the treatise of Aristotle on oratory is not the least celebrated of his immortal works. So vast was the number, and so great was the influence of the schools of rhetoric, that they came, in the later days of antiquity, to supersede almost every other subject of study; they attracted the ingenious youth from every part of the world to the groves of the Academy, and singly supported the prosperity and fame of Greece, for centuries after they had sunk under the withering grasp or declining fortunes of the Byzantine empire.

It is evident from these considerations, as well as the intrinsic beauties which the great masters of the art exhibit, that oratory in ancient times was regarded as one of the *Fine Arts*. It was considered not merely as the means of winning the favour, of convincing the judgment, or securing the suffrages of the judges, but of moving the affections, rousing the feelings, and elevating the mind. Quintilian mentions the various definitions of the art of oratory which had been invented by the rhetorical writers of antiquity, and he inclines to that of Cicero, who held that it was the art of speaking "*apte ad persuadendum*." This was its end, its aim; and undoubtedly it was so: but the *modes of persuasion*—the methods of influencing the judgment or moving the affections—were as various as the channels by which the intellect may be determined, the feelings roused, or the heart touched. Not less than poetry, painting, or statuary, they classed oratory among the fine arts; and, indeed, they placed it at the head of them all, because it embraced all their influences, and retouched, as it were, by allusion, all the chords which they had previously caused to vibrate. The surprising force with which they did this, considering the comparatively limited stock of ideas, knowledge, and imagery which was at their disposal, compared to what obtains in modern times, affords the most decisive proof of the great attention they had bestowed on the principles of the art, and the perfection to which they had brought the means of influencing the mind—not only by the force of reason, or the conceptions of genius, but by all the subordinate methods by which their effect in delivery was to be augmented. With them the object of oratory was not merely to persuade the understanding, but

"To wake the soul by tender strokes of art,  
To move the passions, and to melt the heart."

Nor was less attention bestowed, in ancient times, upon training young men, to whatever profession they were destined, in that important and difficult branch of oratory which consists in intonation and delivery. It is well known that this is a branch of the art which is susceptible of the very greatest improvement by education and practice, and that even the brightest natural genius can rarely attain it, without the aid of instruction or the lessons of experience. The surprising improvement which is so often observed in persons trained to different professions or habits, when they have been for some time engaged in public speaking—above all, in emphasis and action—affords daily proof of the vast effects of practice and experience in brightening the delivery of thought. The prodigious influence of accent and intonation in adding to the power of eloquence is equally well known, and may often be perceived in listening to the difference between the same verses when recited by an ordinary reader, and what they appear when illuminated by the genius, or enforced by the feeling, of a Kemble or a Faucit. The ancients, accordingly, were indefatigable in their endeavours to improve themselves in this particular, and availed themselves of means to attain perfection in it to which modern genius would scarcely condescend. Cicero, when advanced in life, and in the meridian of his fame, took lessons from Roscius, the great tragic actor of the day; and the efforts of Demosthenes to overcome the

impediments of a defective elocution, by putting pebbles in his mouth, and declaiming on the shores of the ocean, the roar of which resembled the murmurs of the forum, demonstrate that the greatest masters of the art of eloquence were fully alive to the vast influence of a powerful voice and animated delivery, in heightening the effect even of the most perfect efforts of oratory, and disdained no means of adding to their impression. When asked, What is the first requisite of eloquence? the last of these orators answered "Action;" the second? "Action;" the third? "Action." Without going so great a length, and admitting the full influence of the genius of Demosthenes in composing the speeches which he so powerfully delivered, every one must admit the influence of an impassioned delivery in heightening the effect of the highest, and concealing the defects of the most ordinary oratory.

Quintilian opens his second book by a discussion of the question, which he says occupied a prominent place in the schools of antiquity, at what age a boy should be taken from the teachers of grammar, and delivered to the instructors in rhetoric. By the former, they were taught grammar and the elements of composition; by the latter, exercised in themes, compositions in their own language, translations from Greek, extempore debate, and instructed in declamation, intonation, and action. They were not sent out into the world till they had spent several years in the latter preparatory studies and exercises; and in them were trained young men of all sorts, whether intended for the civil or military classes. It was this which gave its statesmen and generals so wonderful a command of the means of moving the human heart, and enabled them, in the most trying situations, and often in the crisis of a battle or the heat of a tumult, to utter those noble and impassioned sentiments which so often determined the fate of the day, or even the fortunes of their country; and which are so perfect that, when recorded in the historians of antiquity, they have the appearance of having been imagined by the genius of the writer. Nor was the attention to these elements of eloquence sensibly diminished in the progress of time, when the establishment of absolute power in the hands of a single person had transferred, as in the days of Napoleon, the discussion of all public or national questions to the council of state, or the private closet of the emperor. On the contrary, it seems to have daily increased, and was never so great as when the military fortunes of the empire were declining, and its external influence yielding to the increasing weight of the northern nations. A false and turgid style of eloquence, indeed, became then generally prevalent, as it always does in the later days of a nation, and in periods of political servitude: but attention to the means of attaining it underwent no diminution. The wisdom or policy of the emperors left various important functions to their *municipia*, or "little senates," as they were called. The judicial functions, for the most part, were still intrusted to the citizens: they had the management, almost uncontrolled, of their local concerns: and so great was the importance of securing their suffrages that the power of influencing them, by means of oratory, continued to the very last to be the chief object of instruction to the youth.

The instructors of youth in England have practically solved the question which divided the teachers of antiquity, for they deliver the youth at once from the grammar-school to the forum. They teach him the dead languages incessantly, up to the age of eighteen, at school: in the universities, mathematics in one university, and logic in the other, divide his time with the composition of Greek prose or Latin verse. But in those branches of study which have a bearing on eloquence, or are likely to improve the style of composition, the main attention of all is still directed to composition in the *dead languages*. They think the art of speaking or writing in English is not to be learned by exercise in that language, but by exercise in another. They hold we are likely to become eloquent in this our English isle, not by translating Cicero into English, but by translating Addison into Latin; to become great poets, not by rendering Horace into the tongue of Gray and Campbell, but by rendering the immortal verses of these into the languages of Pindar or Virgil. Cicero and Mr Pitt were of an opposite opinion. They held that, although the study of the masterpieces of antiquity is the great school of oratory, and the best path to rivalling their beauties, yet this is to be done, not by prosecuting the vain endeavour to emulate, in these days, their perfection in *their tongue*, but by seeking to *transfer it to our own*. Translations from the Greek into Latin formed a large part of the preparatory studies of Cicero,—from Thucydides and Cicero were the favourite occupation at college of Mr Pitt.<sup>[24]</sup> It may be that these great masters of ancient and modern eloquence were wrong—that their time would have been better employed in composing Greek and Latin verses, in attaining a thorough knowledge of Greek and Latin prosody, or becoming masters of all the niceties of Greek or Latin prose composition; but we shall not enter on the great debate. We are content to let education for all classes, in our universities, remain what Mr Locke long ago said it was, the education of schoolmasters,<sup>[25]</sup> and shall content ourselves with signalling this peculiar system of training as one great cause of the admitted inferiority of modern to ancient eloquence.

None can be more thoroughly impressed than we are with the vast importance of these noble establishments, or their effect in elevating the tone of the national mind, and improving the taste of the youth who daily issue from their walls. It is just from a sense of these advantages that we are so desirous to enhance and extend the sphere of their usefulness, and, by keeping them abreast of the age, and prepared to meet its wants, secure for the classes they instruct the lead in the national affairs to which they are entitled.

It cannot be disputed that, although English composition, or translation from the classics into English, is not altogether overlooked in the English universities, yet it forms a subordinate object of attention. We are all aware how many eminent men have first become celebrated by their prize poems. But those are the exceptions, not the rule. The classics at one university, the higher mathematics at another, form the great passports to distinction; the highest honours at either are only to be won by attention to one or other, or both, of these branches of knowledge. It is not

surprising that, when this is the case, the attention of the young men should be mainly turned to composition in the dead languages, or to the most abstruse parts of mathematics; and that when they come to speak in public, or deliver sermons in their own language, they should, in the great majority of cases, be entire novices, both as concerns the method of composition and the graces of oratory. They are, in truth, called upon for the first time to speak what is to them a *foreign* language; to discuss topics, to them, for the most part unknown; and practise a difficult art, that of delivery, to which they are entire strangers. If they were to address their audiences in Greek, they might possibly rival Æschines or Demosthenes; if in Latin, outstrip Cicero; and if required to compose verses, equal Horace or Pindar. But since they are called on, when they go out into life, to speak neither in Greek prose nor Latin prose, to compose neither in Greek verse nor Latin verse, but to *speak in good English*, and not about gods and goddesses, but the prices of corn and beef, the evils of pauperism and the load of taxes, they too often find themselves entirely at a loss, and inwardly lament the precious years, never to be recalled, which have been devoted to pursuits of no practical utility in life.

It is the more extraordinary that so little attention should be paid at our universities to composition, or the art of oratory, in the English tongue, that every day's experience proves that the power of public speaking is not only absolutely essential to the most moderate success in many professions, but is indispensable to the highest grades *in all*. In the Houses of Lords and Commons, at the Bar, in the Church, it is of course necessary from the very outset, if the very least eminence is to be looked for. But not only in the professions of which oratory is the very foundation, but in every case of life where a certain degree of eminence has been attained, it becomes of equal importance, and the want of it will be equally felt. The landed proprietor will find it impossible to maintain his influence in his county, unless, on the hustings and in political meetings, on the bench of justices, at county and railway meetings, he is prepared to take his part in debate, and can come off with a creditable appearance. The merchant or manufacturer who has become a *millionnaire* by a life of laborious industry, will find that he cannot keep his place in society unless he call deliver his sentiments with effect at civic dinners, meetings for business, in the magisterial chair, or at the festive board. Even the soldier and sailor, when they rise to eminence in their profession, are called on to speak in public, and grievously suffer if they cannot do so. Many a gallant spirit, which never quailed before an enemy, has been crushed, and his reputation injured, by inability to speak in a public assembly, or to answer appropriately a complimentary speech at a public dinner. Indeed, the influence of public speaking in the country is not only great, but daily increasing, and it confers influence and distinction often far beyond the real merits of the speaker, and, for its want, the most solid or brilliant parts in other respects can make no compensation. The great body of men invariably impute inability to speak well in public to want of ideas; whereas, in reality, it generally arises from want of practice, and often coexists with the greatest acquirements and the most brilliant genius. Strange that the art of English oratory, upon which the experience of all tells them success in the higher stations of life is entirely dependent, should, by common consent, be invariably neglected, and that the art of making Latin verses, which universal experience tells all is of no earthly use in life, except to one in a thousand, should, by common consent, be universally cultivated!

It is constantly said, that the object of the extraordinary attention paid in our schools and colleges to composition in the dead languages, is to enable the students properly to appreciate the beauties of their authors, and that, without an exact knowledge of prosody and writing in them, this appreciation cannot be attained. This is doubtless in some degree true: but the point is, at what cost is this proficiency attained, and to what proportion of the students is it of any practical benefit? Is there one in ten to whom the beauty of poetry will ever be intelligible, one in a hundred who will ever be a poet? If we were to live to the age of Methusalem, it might be worth while to set apart ten years for classical composition, ten more for Italian, and ten for German; but since our life is limited to threescore and ten years, and a seventh of that only can be devoted to education, is it expedient to devote the *whole* of that time to that one object? If ten years are devoted to the mastering of Greek composition and Latin prosody, *what time is left* for learning to speak or write in English? What should we say if ten years were devoted by every English young man to the composition of German or Italian verses, because it would better enable him to appreciate the beauties of Schiller or Metastasio, of Korner or Petrarch? Yet is composition in these living languages more practically useful, both for the business of life and for improvement in our own tongue, than in the dead, because it is often of advantage in society, and their tongues are at bottom derived from the same roots, and are similar in construction to our own.

It is the more to be regretted that, in our Universities, translations from English into Greek or Latin should be made so great an object, instead of translations from Greek or Latin into English, because the latter study is perhaps the most beneficial, both to spread a taste for ancient beauties, and to diffuse the means of rivalling them in our own tongue, which the wit of man has ever devised. There is nothing which improves the style like translation from the masterpieces of foreign languages. It is far more beneficial than copying or committing to memory the most perfect specimens of composition in our own tongue, because it both brings us in contact with the most exquisite specimens of human genius, and exercises the mind in the endeavour to transfer them to our own idiom. It varies the thought, it extends the ideas, it suggests new methods of expression. It is the foreign travelling of the soul. It renders foreign or ancient languages tributary to our own; it fills the mind with remote ideas; it not only "elevates us in the scale of thinking beings," but increases our power of communicating our thoughts to the world. What boundless treasures have Milton and Collins, Taylor and Gray, imported into our language from the classical writers: how much was the nerve and form of their expression enhanced by their study of antiquity! Of what value are all their Latin compositions compared to those which,



so enriched, they have left in their own tongue?

The next circumstance which has contributed to stamp its peculiar style, and hitherto unequalled perfection, on ancient oratory, is the circumstance that it was all, or nearly all, WRITTEN and committed to memory. This at least was *certainly* the case with all the orations which have come down to our times; for, if not written, how have they been preserved? There were no short-hand writers in those days. The art of stenography was unknown. No reporters from the *Times* were in attendance, to catch, with almost magical rapidity, every word which fell from the speaker's lips, and render it with exact fidelity in its ample columns the following morning. What was written came, and could only come, from the author himself. It is well known that several of the most celebrated speeches of Cicero never were delivered at all: the frequent repetition of the same ideas, in the same identical words, in the orations of Demosthenes, affords conclusive evidence that they were not merely carefully prepared, but actually written out. Indeed, to any one who considers the style of the speeches, not only of these great masters, but of all the orators of antiquity, it must be sufficiently evident that nearly all that has come down to us had been written. Some part, without doubt, was caught from the inspiration of the moment: a happy retort was sometimes the result of an interruption, a felicitous reply of an antagonist's attack. But these were the exceptions, not the rule. These extempore bursts were interwoven with the framework of the piece, and committed to paper next day, when the author corrected his speech for permanent preservation. In the dexterous interweaving consisted no small part of the skill of the orator. But the greater part of every speech was, beyond all doubt, written and committed to memory. The style everywhere proves this. It is as impossible for any man, how bright soever his genius or copious his language, to speak extempore in the condensed and emphatic style of the ancient orators, as it would be to compose, as an Improvisatore, the verses of Pope or Campbell.

This circumstance sounds strange in those times, and especially to an Englishman, because it is well known that the grand requisite, the one thing needful to a modern orator, is to speak extempore. Power in reply is considered as the highest quality; and it is to it, *par excellence*, that the much coveted phrase "effective" is applied. We all know what would be the fate of a speaker in the House of Commons who should commit his speeches to memory, and take lessons from Macready or Kean in their delivery. Beyond all doubt, derision would take the place of admiration; the laughs would be much more frequent than the cheers. Yet this is precisely what Cicero and Demosthenes did; it was thus that Pericles ruled the Athenian Democracy, and Æschines all but overturned the giant strength of his immortal adversary. We are not to imagine that these men, whose works have stood the test of twenty centuries, were wrong in their system; it is not to be supposed that every subsequent nation of the earth has misdirected its admiration. It is more probable that some circumstances have occurred to turn oratory, in modern times, aside from its highest flights, and induced a style in public speaking which has now become habitual, and will alone be tolerated, but which is inconsistent with the most perfect style of oratory. Nor is it difficult, if we consider the composition of modern senates, and the objects for which they are assembled, to see what these circumstances are.

As freedom and popular institutions are indispensable to eloquence, it is in England and France, since the Revolution, that oratory of a high description can alone be looked for. But the Anglo-Saxons are essentially a *practical* race; and the stamp in this respect which nature has affixed to their character, appears, in every age, not less in their deeds than their accomplishments. Imagination has shone forth most brilliantly in many individuals of the race—but, generally speaking, we are not an imaginative people. The Fine Arts have never struck their roots in the open air amongst us; they are the delicate plants of southern realms, which require the shelter and warmth of our conservatories. It is in the highly educated classes alone that a taste for them is general. The romantic, not the classical drama, alone has ever been popular with the mass of our people; the attractions and fashion of the opera are required to make even the beauties of Metastasio tolerable to the very highest ranks. In matters of business, the same disposition is apparent. What is required, what commands success, is neither the flowers of oratory nor brilliancy of imagination nor elegance of diction, but argument to the point. It is thus that the suffrages of jurymen are to be obtained; it is thus that a majority in the House of Commons is to be secured. As the assemblies to whom modern oratory is addressed are much less numerous than those of antiquity—as they are representatives, not citizens; juries, not Areopagites—a different style of speaking has become established from that which was universally felt to be essential in the assemblies of antiquity. When the crowds of a theatre were no longer to be addressed, the theatrical style of oratory fell into disuse.

As argument to the point, accurate acquaintance with the subject, and the power of communicating something of value to the interests with which senates in modern times are intrusted, are the great requisites which are now looked for, set and prepared speeches have been abandoned. It was soon discovered that they would seldom meet the exigencies of a debate, and still less furnish the materials of a reply. They were felt to be of little value, because they did not meet what the audience wished. They were as much out of place as a set speech would be to a jury, after evidence had been led in a case. It will always be so in situations where real business is to be done, and the persons by whom it is to be done are not numerous assemblies, little acquainted with the subjects of discussion—and therefore liable to be swayed by the eloquence of the orator—but a limited number of persons, most of whom are somewhat acquainted with it, and desire to have their information extended, rather than their feelings touched. It has accordingly been often observed, that the style of speaking in the House of Commons has sensibly declined in beauty, though it has increased in knowledge of the subject, since the Reform Bill introduced the representatives of the commercial towns, and business men have found a place in such numbers in the House of Commons. It may be anticipated that, as their numbers and influence increase,

the same change will become still more conspicuous.

But although these considerations sufficiently explain how it has happened that the style of speaking, in our national assemblies, has become more business-like and less ornate than in the republics of antiquity, and extempore speaking has grown into a universal practice with all public men who aspire to the honours of "effective" oratory—or such as would acquire a practical sway in the assemblies to which it is addressed—it by no means follows from this, that this system is not a deviation from the method by which alone a perfect style of eloquence is to be attained, or a step in descent in that noble art. Because a thing is useful and necessary, or even unavoidable, with a view to attain certain ends, it is not to be concluded, that it is by attending exclusively to it that the highest and most perfect style in it is to be attained. The simple style of singing best suits private performers, and often appears in the highest degree charming, when flowing from the lips of taste and beauty; but no one would compare art, in these its early stages, to what it appears in the hands of Grisi or Mademoiselle Lind. The style of speaking adopted by our leaders at the Chancery bar, or on the North Circuit, is probably the best that could be devised to attain the object to which the gentlemen of the long robe aspire—that of influencing the judges or juries of those courts; but every one must see that that object is a much inferior one to that which was aimed at by Cicero, Demosthenes, or Bossuet. Their business is with oratory as an art; but, in addition to this, eloquence is a fine art. Great eminence in the latter department can never be attained but by sedulous preparation, and the committing to memory of written compositions; and unless this is done, the fame of no orator, how much soever he may be celebrated during his career, can possibly be durable, or exceed the lifetime of the contemporaries to whom his extempore effusions were addressed.

Nothing is more common than to hear it said, after a powerful speech in the House of Lords or Commons has been delivered, that it rivalled the most finished pieces of ancient eloquence; nay, it is sometimes added that it was "above all Greek, above all Roman fame." In no instance, however, has it been found that this reputation has been lasting, or even long survived the actual appearance of the orator before the Houses of Parliament. The ample columns of Hansard's *Parliamentary Debates* are often searched to discover inconsistencies in the delivered opinions of public men; sometimes to bring to light facts on statistics which subsequent time has caused to be forgotten; but rarely, if ever, to cull out specimens of elevated thought, condensed argument, or felicitous expression. None of these speeches will take their place beside those of Cicero and Demosthenes, or the *Oraisons Funèbres* of Bossuet, all of which were written compositions. When the historian comes to record the arguments used on the opposite sides, on great public questions, he cannot refer to a more valuable and faithful record than the *Parliamentary Debates*; for they tell at once what was advanced in the legislature, and said in the nation, on every subject that came under discussion: but he cannot turn to one which it will be less safe to transfer unaltered to his pages. If he means to render the arguments interesting, or even intelligible, to the great body of readers, he must distil them into a twentieth part of their original bulk: he must dismiss all the repetitions and circumlocutions; he must say in words what he finds delivered in sentences; he must abridge a hundred pages into four or five; he must, in short, do *ex post facto*, and to convey an impression of the argument to future times, what the ancient orators did *ab ante*, and in order to secure the suffrages of the present. It is surprising, when this is carefully done, how effectually a lengthened argument can be condensed into a few pages; and how powerful the bone and muscle appears when delivered from the oppression of the superincumbent flesh.

It is not to be wondered at that it should be so. The reason for it is permanent, and will remain the same to the end of the world. In the heat and animation of a debate, a happy idea may occasionally be struck out, a felicitous retort may be suggested by an interruption. The *Parliamentary* speeches contain many instances of such ready talent; and it need hardly be said that the effect of it, at the moment of delivery, is in general prodigious. But it is altogether impossible to keep up a speech extempore in that style. Preparation and previous study are the parents of brief and emphatic expression: without their meeting, the offspring need not be looked for. The reason is, that it is while one thought is in the course of delivery that the mind is arranging those which are to succeed it. The conception of a ready extempore speaker must always be two or three sentences ahead of his elocution. Thence the necessity for circumlocution and repetition. It is to *gain time* for thought—to mould future ideas. If it were not so, he would come to a dead stop, and break down at the end of the first sentence. The faculty of doing this—of speaking of one thing and thinking of another; of composing words in one sentence, and arranging ideas for another, without pause or hesitation—and doing this often in the midst of applause or interruption, is one of the most wonderful efforts of the human mind; and it is its extreme difficulty which renders elegant extempore speaking so very rare, and makes it, when it does appear, the object of such general admiration. But we are persuaded that the greatest master of extempore speaking will admit, that it is wholly impossible to keep up eloquent and condensed expression, for any length of time, without previous preparation. Whenever you hear an orator bringing out condensed and elegant expression for any length of time together, it may be concluded, with absolute certainty, that he is speaking from preparation.

Nor is such preparation inconsistent with occasional allusion to previous argument or retort against interruption; on the contrary, it is by such extempore effusions or sallies, interwoven in the text of a prepared oration, that the highest perfection in the art of oratory is to be attained. If it is wholly prepared, it will appear lifeless and methodical—it will wear the aspect of a spoken essay. If it is wholly extempore, it will be diffuse and cumbrous—crowded with repetitions, and destitute of emphasis. It is by the combination of general careful composition with occasional felicitous reply that the highest perfection in this noble art is to be attained; for the first will give

it general power, the last the appearance of extempore conception. By no other method is it possible to combine the two grand requisites of the highest species of oratory—emphatic and condensed language—with those occasional allusions and sudden replies which add so much to its immediate effect, and give it all the air of being produced at the moment. It is true, this is a dangerous style to adopt, and many are the speakers who have broken down under it; for nothing is so apt to induce confusion in the mind, and forgetfulness of what should follow, as new introductions into a prepared composition. But where is there anything great or magnificent achieved in life without difficulty and danger? and the examples of the ancient orators, by whom both were overcome, is sufficient to demonstrate that it is not beyond the reach of genius and perseverance.

Still less is it to be supposed that such a style of speaking is inconsistent with the most vehement and powerful action, and all the aids which oratory can derive from intonation, gesture, and animation in delivery. On the contrary, it is in delivering such speeches that these may be brought to bear with the happiest effect,—as we daily see on the stage, where known speeches, every word of which is got by heart by the actor, and often is familiar to the audience, are every day repeated with the utmost possible effect, and the most impassioned action. It is the want of such animation in delivery which is the great cause of the failure of many able speakers, and nowhere more than in the pulpit. The common opinion that discourses there must be delivered in a cold inanimate manner, suitable to the gravity of the subject and the solemnity of the place, is an entire mistake, and has contributed, perhaps, more than any other cause, to the vast numbers whom the Dissenters have succeeded, both in England and Scotland, in enticing away from the Established Church. It is this animation which generally follows the delivery of thought extempore, compared with the cold monotonous style in which written discourses are usually delivered,—which is one great cause of the signal success which has attended the efforts of the Methodists and Low Churchmen in England, and the Free Church clergy in Scotland. The common opinion among the peasants of Scotland, that the inspiration of Heaven only descends upon extempore speakers, arises from the same cause. They think the extempore preacher is inspired because he is animated; they are sure he who reads his discourse is not so, because he is monotonous. But many examples prove that it is quite possible to combine the most finished and elaborate written composition with such intensity of feeling, and vehemence of action, as will give it the appearance of extempore and uncontrollable bursts of eloquence. The great effect of Dr Chalmers's sermons in Scotland, and Mr Irving's in England, were not required to show that it is by this combination that the highest triumphs in pulpit oratory are to be attained.

Contrast this with the tame and monotonous way in which too many learned and unexceptionable sermons were delivered in the days of Addison, and which, it is to be feared, has not become obsolete since his time:—

"Our preachers stand stock-still in the pulpit, and will not so much as move a finger to set off the best sermons in the world. We meet with the same speaking statues at our bars, and in all our public places of debate. Our words flow from us in a smooth continued stream, without those strainings of the voice, motions of the body, and majesty of the head, which are so much celebrated in the orators of Greece and Rome. We can talk of life and death in cold blood, and keep our temper in a discourse which turns upon everything that is dear to us. Though our zeal breaks out in the finest tropes and figures, it is not able to stir a limb about us. It was just the reverse in antiquity. We are told that the great Latin orator very much impaired his health by this *laterum contentio*, this vehemence of action, with which he used to deliver himself. The Greek orator was likewise so very famous for this particular in rhetoric that one of his antagonists, whom he had banished from Athens, reading over the oration which had procured his banishment, and hearing his friends admire it, could not forbear asking them, if they were so much affected by the bare reading of it, how much more they would have been charmed had they heard him actually throwing out such a storm of eloquence. How cold and dead a figure, in comparison of these two great men, does our orator often make at the British bar or in the senate! A deaf man would think he was cheapening a beaver, when, perhaps, he is talking of the fate of the British nation. It is certain that proper gestures, and vehement exertions of the voice, cannot be too much studied by a public orator. They keep the audience awake, and fix their attention on what is delivered to them, at the same time that they show that the speaker is in earnest, and affected himself with what he so passionately recommends to others. In England, we often see people lulled asleep with cold and elaborate discourses of piety, who would be transported out of themselves by the bellowings of enthusiasm."<sup>[26]</sup>

It is no answer to our observations to say, that our greatest orators have been bred at the universities, and that the system cannot be very faulty which has produced Pitt and Fox, Chatham and Burke, Peel and Stanley. Supposing that all these orators had devoted themselves, at college, to classical verses, instead of compositions in their own tongue—which was by no means the case—still, that would by no means prove that the system of education in which they were bred was not eminently defective. They became great speakers, not from having been proficient in "longs and shorts" at Oxford, or in the differential calculus at Cambridge, but in spite of these acquirements. They learned the art of speaking in the forum, as Wellington's soldiers learned the art of war in the field, by practice, in presence of the enemy. Doubtless a great deal may be done, by able and energetic men, in this way; but does it follow from this that education is to go for nothing, and that the old system of sending out officers to begin a campaign and besiege towns without knowing a ravelin from a bastion, was advisable, or likely to insure success in the

military art? If you have two or three thousand young men, comprising the élite of the nation, at certain seminaries, *you cannot help finding your leading statesmen and orators there*, whatever they learn at them. They would be found there, though they were taught at them nothing but riding, music, and dancing. The whole rulers of Persia were found at its schools, though they learned nothing at them but to ride, to shoot with the bow, and speak the truth. But it would be rather dangerous to hold that this proves that seminaries, where nothing else was taught, were the ones best suited to secure the first place in society for their scholars, or the blessings of good government to the state.

Nor let it be said that there is no room, as society is now constituted, for the triumphs of the higher species of eloquence; that it cannot be attempted at the bar, and would be hooted down in the House of Commons, where business men now form a large majority, and business speeches, not the flowers of rhetoric, will alone be listened to. There is much truth in these observations, although it will probably be found that, even in courts of justice and in the Reformed House of Commons, a study of the condensed and cogent style of ancient eloquence is not the worst passport to success, and is almost indispensable to the highest triumphs. But supposing the bar and the senate set aside, as places in which business will alone be tolerated, are these the *only* places in which oratory may be practised, in which opinion may be moulded, and influence by eloquence obtained? Are there no public meetings held amongst us for the purposes of political change, social improvement, religious extension, moral amelioration, charity, or festivity, in which large numbers of the people, and often of all ranks and both sexes, are brought together, in which there is ample room for the display of all the graces of oratory, and in which the most eloquent and impassioned speaker is sure to carry away the palm? Are not these meetings the "primary assemblies," as it were, in which the ideas are elaborated, or the principles formed, which afterwards make their way into the press and the Legislature, and so determine the course of national policy, or the fate of national fortunes? Every day, with the increasing popularising of our institutions, is adding to the influence of eloquence, and multiplying the situations in which its highest style may be poured forth with the greatest effect. Above all, is not the pulpit to be found in every parish, where every week an opportunity is afforded for the most earnest appeals to the consciences of men—where the highest temporal and eternal interests are constantly the subject of discussion—where the most earnest appeals to the feelings are not only allowed, but commendable—and where a mixed and willing audience is always to be met with, of both sexes, who receive, not only with patience, but with gratitude and admiration, the most powerful and moving strains of eloquence which can be addressed to them? Rely upon it, opportunities for oratory in its very highest style are not wanting. What is wanting is due attention early in life to that noble art, the lofty spirit which arises at great objects, and the energetic will, the resolute perseverance, which deem the labour of a lifetime a light price to pay for their attainment.

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## LAING'S OBSERVATIONS ON EUROPE.

It is not the least merit of Mr Laing's writings that they embrace much matter within a manageable compass. The objects claiming our attention are multiplying so fast upon us—the path of the inquirer is strewn with so many important topics, that he who would keep pace with the march of knowledge, must be content to throw aside all but what is really useful for the journey. The volume before us, forming a sequel to the *Notes of a Traveller* published by Mr Laing in 1842, fulfils this condition, and comprises within the limits of a moderate octavo a vast variety of subjects, social and political, domestic and foreign—population, the division of land, emigration, militia, university education, Continental railroads, taxes, theatres, fresco-painting, and a multitude of other topics. Among so many subjects, there are of course some on which we are unable to concur in the opinions expressed by the author; and some of his views we can hardly reconcile with the acute good sense that characterises most of his observations. But even on matters where we are forced to differ from him, his remarks are always instructive, original, and suggestive; and he generally presents both sides of a disputed question with remarkable impartiality, leaving the reader to form the conclusion for himself.

There is one circumstance which, in our opinion, greatly enhances the value of Mr Laing's observations on the social condition of our own and other countries. The very worst of all travellers is a political economist—that is, a dogmatist in the science. Whether his *Magnus Apollo* be Smith, or Say, or Ricardo, he sees all things through the spectacles of his favourite theories. Any inquiries he makes are directed, not to elicit the truth, but to support his pre-formed opinions; and, of course, no one who goes forth on this errand ever fails of finding what he seeks. And thus it happens that a Cobden may traverse Europe from end to end; and at the very time when the thunderclouds of social convulsion were about to burst in the most awful storm that has ever shaken civilised nations, he not only discerns no symptom of the impending hurricane, but beholds nothing but the smiling prospect of contented industry—the budding spring-time of universal peace and reciprocity. But, on the other hand, the observer who is either unacquainted with the doctrines of political economy, or who affects to consider them only as objects of speculative curiosity, is, in the opposite way, just as unfit as the pedant in the science to form correct and comprehensive views of the social condition of foreign states. He wants the proper rule to direct his observations, and can hardly attain any but confused and superficial ideas of the meaning of what he sees around him. He alone is qualified to observe wisely, and to write instructively, about the institutions and customs of other nations, who, having worked out for himself the leading principles of the science, and ascertained their true limits, possesses at the same time sufficient common sense and independence of judgment to apply them. Mr Laing seems to us to be gifted in an eminent degree with these requisites for making good practical use of his theoretical knowledge of political economy. He appears to be fully aware of the vast amount of dangerous error that has resulted from a blind and indiscriminate application of the same abstract laws to all cases, without fully ascertaining their true character, or making allowance for those disturbing causes which often render the law wholly irrelevant. Political economy, like other sciences, has its two parts—the theory and the application; and it too often happens that a man who is well read in the first is totally incapable of giving an opinion on the second, and infinitely the more difficult branch. The platform orator or newspaper writer thinks that if he can but refer to an abstract formula borrowed from Ricardo or M'Culloch, it is sufficient to settle any question of social interests that may come before him—not considering that these formula and maxims *are* abstract: and that their applicability to the affairs of everyday life may be affected by so many causes that it is scarcely possible to find any actual example to which they can be applied rigorously, and to their full extent. And hence the nonsense that is talked and written, under the name of political economy; hence the absurdities that are enacted under the idea, that nations can be governed by the square and plummet of its rules.

"The truth has been missed," says Mr Jones, in the preface to his work on the Distribution of Wealth, "not because a steady and comprehensive study of the story and condition of mankind would not yield truth, but because those who have been most prominent in circulating error have really turned aside from the task of going through such an examination at all; have confined the observations on which they have founded their reasonings to the small portion of the earth's surface by which they were immediately surrounded; and have then proceeded at once to erect a superstructure of doctrines and opinions, either wholly false, or, if partially true, as limited in their application as the field from which the materials for them were collected."

Mr Laing supplies us<sup>[27]</sup> with an apt illustration of the fallacious use that is very commonly made of general laws, by neglecting to attend to the special circumstances of each case. It has been laid down as a maxim by economists, that a government should not attempt to direct, restrict, or interfere with the employment of capital and industry; but that every man should be left free to use the portion of them he possesses, how, where, and when he pleases. Now this maxim may be true enough in the abstract, and where there are no conditions to limit its application; but it is not equally true in all political states, nor in the same state at different times. The social condition of Great Britain, at the present day, may admit its application more fully than that of most other nations. But we have only to cross the German Ocean to find a circumstance easily overlooked—namely, that of climate, which upsets its relevancy altogether.

A still more striking exemplification of the same fallacy presents itself too obviously, in the opening of the corn trade in our own country. "There should be no artificial restrictions on the

food of the people"—that is the abstract axiom on which our legislators grounded the abolition of all customs on imported grain. Does any one question the truth of it as a general axiom? Certainly not: and if we were setting out on a new social system—if the field on which we had to work was a *tabula rasa*, and we were free in all other respects, as well as this, to devise a scheme of government for a nascent community—that maxim would no doubt be kept in view in the construction of our code. But we have to legislate for a state of society in which everything else is artificial—in which restrictions meet us wherever we turn. Our task is not to rear a new edifice, in the plan of which we could give free scope to our taste and skill; but to repair, and if possible improve, an ancient fabric, the work of many different ages, and abounding in all manner of quaint angles and irregularities. We have to deal with the case of a country burdened with an enormous weight of general and local taxation, arbitrarily and unequally distributed,—where the employment of the people, and the application of their capital and industry, is founded on the faith of old laws and a settled commercial principle,—above all, a country where the business of exchange has to be conducted through the most anomalous medium—the medium of a *fettered currency*. One and all of these peculiarities in our condition are so many limitations of the general maxim; and the attempt to carry it out in its full extent, in defiance of these limitations, can only end in confusion and disappointment. Political economy is a safe guide in the hands of a practical legislator, only when he has fully apprehended the truth that there is not one of its principles, from beginning to end, that may not be limited by the special condition of each individual state; and unless he can carry with him this master-principle, so necessary to a right use of the theory of the science, it is far better and safer for those whose interests he directs that he should be wholly ignorant of it, and should trust altogether to common-sense and experience.

There is a very manifest disposition at present, to extend the jurisdiction of political economy to all public questions—to take it for granted that, when a case has once been argued and decided according to its laws, there is no more to be said on the subject. We are apt to forget that there is in all cases an appeal to another court, where the inquiry is not as to what is most favourable to the production of exchangeable Wealth, but what most conduces to the Happiness of the people; and that, still beyond, there is the last supreme tribunal on earth of all human actions, where there is but one law—the universal law of Morality. Are these three jurisdictions identical? Or are the decrees that issue from them necessarily in harmony with each other? So, at least, we are told by those who take the strongest view of the importance of political economy. Their doctrine is, that whatever promotes one of these objects promotes the others; and that wealth, happiness, and virtue, though distinguishable in thought, are mutually and reciprocally united in the history and experience of nations. To buy cheap and sell dear is the way for a man to get rich; but the riches of individuals in the aggregate form national wealth, national wealth produces civilisation, civilisation promotes happiness and contentment, and happiness and contentment promote virtue—such is the sorites on which is founded the creed of a very large section of the present school of economists. That country in which the means of production are most developed is the soil where the higher qualities of man's nature will be found flourishing in greatest perfection. Wealth, then, is the principal thing in the guidance of private conduct, as well as in the government of nations; and with all our getting, the chief concern is to get capital. It is this disposition to submit everything to the test of productiveness that Sismondi has so aptly designated by the title of *chrematism*. The views of that great and philosophic writer, as to the inevitable tendencies of the doctrine, have been already fully explained in our pages.<sup>[28]</sup> We allude to them now only to observe how remarkable a confirmation of his opinions is furnished by the history of the great Continental states since that review of his doctrines was written.

Is there, then, no way of reconciling the apparent antagonism between the development of man's industrial powers, and his higher interests as a rational and accountable being? Are we to conclude that the roads that lead to wealth, to happiness, and to virtue, are necessarily divergent? and that national advancement in any one of these paths implies a departure from the others? No; not necessarily so. Such is not the doctrine taught by Sismondi, and by those who, with him, impugn the title of political economy to be considered as the great paramount rule of social existence. All that they maintain is, that there is *no necessary agreement* between these three great springs of human action; that though the law of morality may, and obviously often does, concur with the maxims of happiness, and those again with the rules of political economy, there are nevertheless many questions on which we are at a loss to reconcile them. The learned Archbishop of Dublin has an elaborate argument in his *Introductory Lectures*, to show, on *a priori* grounds, that the condition most favourable to the exercise of man's productive energies must also be favourable, not only to the highest development of his intellectual faculties, but also to his advancement in moral purity. Now, we venture to think that no such argument, however ingeniously conducted, can be satisfactory, simply because IT IS *a priori*. Reason and experience are at variance; and no *a priori* deduction will help us out of the practical difficulty. We, no doubt, all naturally desire and hope—nay, believe—that at some future time, and in some way at present unknown, the perplexing contradiction will be explained. Reason affirms unhesitatingly, that the same Providence which placed so bounteous a store of the physical materials of wealth at our disposal, can never have designed that their cultivation should embitter the lives of those who labour, still less that it should endanger their moral wellbeing; and we look forward, therefore, with firm faith to a period when these paths, which to our present sight seem to lead in directions so opposite, shall all be seen to reunite and terminate in one common end. But, in the present state of our powers, that insight is yet far from being attained, and the great problem yet remains to be solved.—What do we see around us? In this country—whose physical character and the spirit of whose people seem to destine her for the very home and centre of production—are there no discordant elements in our condition? While wealth has increased among us with a rapidity

unexampled in the history of the world, and the struggling energies of all men have been strained to the uttermost in the race of industry—while, under the sway of commercial Ministries, legislation has been specially, almost exclusively, directed to stimulating manufactures in every way, and removing every obstacle that could be supposed, however indirectly, to hinder their extension—can we venture to assert that the condition of the great mass of the people has improved in proportion to our riches? Are the relations of employers and the employed on so satisfactory a footing as to give no grounds for anxiety? Has the labourer, by whose toil all those vast accumulations of capital are created, enjoyed an equitable share of them? Have his means of domestic comfort increased in the same ratio as the wealth of his master? Is not the rate of his remuneration diminishing with every step in our progress? Has not crime, during the last half century, increased fully ten times as fast as the numbers of our population? Who can look at these, and a hundred other similar indications that readily suggest themselves, and say that all is well; that, as far as the experience of Britain goes, the road to national wealth has also conducted us to greater happiness and moral wellbeing? Alas! the evidence is but too convincing that, if there be any way of reconciling these ends, we at least have not yet found it. But we repeat that the contrariety between them is not a necessary or universal one. The conditions of great advancement in commerce and the industrial arts, are not all or invariably unfavourable to the innocent enjoyments of life among the labouring people, or hostile to their higher interests. It is not asserted that wealth is necessarily, or in itself, injurious; but only the means which we have hitherto discovered of acquiring it. The Archbishop imputes the converse of this doctrine to those who venture to deny the supreme importance of the objects of political economy, and then proceeds to demolish it by reducing it to absurd consequences. If, says he, it be true that the riches and civilisation of a community *always* lead to their moral degradation, if you really consider national wealth to be an evil, why do you not set about diminishing it; and, following out the counsels of Mandeville, burn your fleets, destroy your manufactories, and betake yourselves to a life of frugal and rustic simplicity? Such a challenge, we presume to think, has no bearing on the position we have been supporting; and it would be just as fair an argument on our side of the question, if we were to turn round and insist that his Grace should testify to the truth and consistency of the opinions he maintains by turning our churches into cotton factories, and the University of Dublin into a Mechanics' Institute. We go no further than to affirm that, in the experience of our own and the other most civilised nations of Europe, the rapid augmentation of wealth has not been attended with a corresponding increase of rational enjoyment, or of moral improvement, in the mass of the community. Further, we hold that a legislator must recognise these three objects not only as distinct, but as subordinate, one to the other: that is to say, the government of a country is not justified in fostering the interests of the capitalist in such a way as to trench upon the enjoyments of the common people, nor in promoting these to the neglect of their moral and religious instruction. He is not, for example, justified in allowing the employer to demand from his operatives the utmost amount of daily toil that he can extract from them, so as to leave them no time for bodily rest or intellectual culture. All policy that overlooks or contemns this natural subordination in the ends of human existence, must terminate in disaster and misery.

We have been partly led into these reflections through the consideration of a subject which occupies a prominent place in Mr Laing's *Observations*, and seems, in some respects, to illustrate

"How wide the limits stand  
Between a splendid and a happy land."

The national advantages of small estates, as compared with the scale of properties most common in this country, have been most fully and systematically discussed by M. Passy, as well as by Mr Thornton, Mr Ramsay, and Mr Mill, among our own writers. But Mr Laing has had the credit of attracting attention to the subject by his extensive personal inquiries as to the actual results of the Continental plan, and by showing (what many English readers are slow to believe) that the "*petite culture*," as pursued in north and central Germany, and in Belgium, so far from being incompatible with the profitable use of the land, is, in fact, more productive than the opposite system of large holdings. These views were strongly expressed in his *Notes of a Traveller*; and his evidence in favour of peasant proprietorship is greatly founded on by Mr Mill, in the able defence of that system which forms part of his work on political economy. The book now before us takes a more enlarged, and in some respects a different view of the question, presenting it in all its bearings, favourable and unfavourable; and thus furnishing the inquirer with all the materials on which he is left to build his own conclusions.

One who looks at the subject for the first time, and whose beau-ideal of agricultural perfection is formed on the pattern of Norfolk or Haddington, finds some difficulty in believing that a country cut up into small "laird-ships" of from five to twenty acres, can be advantageously cultivated at all. He naturally takes it for granted that, as regards efficiency of labour and quantity of produce, the large scale must always have the advantage of the smaller; and that the spade and the flail can, in the long run, have no more chance in competition with the Tweeddale plough and Crosskill's steam thrashing-machine, than a dray-horse with Flying Dutchman. And in England, or any country similarly circumstanced, his conclusion would no doubt be perfectly correct; and yet a visit to Flanders, Holstein, or the Palatinate, will convince him that the boorish-looking owners of the patches of farms he finds there, with the clumsiest implements, and, to his eyes, most uncouth ways of working, do somehow contrive to raise crops which he, with all his costly engines, and the last new wrinkle from Baldoon or Tiptree Hall, cannot pretend to match. Their superiority as to the cereal grains is perhaps questionable; but, looking to the quantity of produce generally, no impartial observer can doubt that, after making every allowance for

difference of soil and climate, a given area of land in Belgium *yields more food* than the same extent in England. How is this to be accounted for? Let us hear Mr Laing's explanation.

"The clean state of the crops here (in Flanders)—not a weed in a mile of country, for they are all hand-weeded out of the land, and applied for fodder or manure—the careful digging of every corner which the plough cannot reach; the headlands and ditch-slopes, down to the water-edge, and even the circle round single trees close up to the stem, being all dug, and under crop of some kind—show that the stock of people, to do all this minute handwork, must be very much greater than the land employs with us. The rent-paying farmer, on a nineteen years' lease, could not afford eighteen-pence or two shillings a-day of wages for doing such work, because it never could make him any adequate return. But to the *owner of the soil* it is worth doing such work by his own and his family's labour at odd hours; because it is adding to the perpetual fertility and value of his own property.... His piece of land to him is his savings-bank, in which the value of his labour is hoarded up, to be repaid him at a future day, and secured to his family after him."<sup>[29]</sup>

This is the secret of the marvellous industry that has converted even the barren sands and marshes of these districts into one continuous garden. It has been accomplished by what, for want of a better expression, we may call spontaneous, in opposition to hired labour. The labourer is himself the owner of the soil, and to one so circumstanced work assumes quite a different aspect; the spade goes deeper, the scythe takes a wider sweep, and the muscles lift a heavier burden. No agricultural chemistry is so potent as the sense of property. The incentive to his daily toil is not the dismal vision of a parish workhouse in the background, but an ever-fresh hope for the days that are before him. His fare may be hard, his clothing coarse, and indulgences rarely procurable; but his abstinence is voluntary—"et saltem pauperies abest."

There can be no doubt that a much larger proportion of the population will find employment and subsistence from the land under this system than under ours. Mr Laing illustrates this by supposing the case of an estate in Scotland of 1600 arable acres divided into eight farms of 200 acres each; and he assumes that the labour employed on each of these farms, taking one season with another, is equivalent to that of ten people all the year round—an estimate which is not far from the truth on a well-managed farm.<sup>[30]</sup> Such an estate of 1600 acres will thus afford constant employment to eighty labourers.

"Now take under your eye a space of land here, in Flanders, that you judge to be about 1600 acres. Walk over it, examine it. Every foot of the land is cultivated—dug with the spade or hoe where horse and plough cannot work; and all is in crop, or in preparation for crop. In our best farmed districts there are corners and patches in every field lying waste and uncultivated, because the large rent-paying farmers cannot afford labour, superintendence, and manure, for such minute portions of land and garden-like work as the owner of a small piece of land can bestow on every corner and spot of his own property. Here the whole 1600 acres must be in garden-farms of five or six acres; and it is evident that in the amount of produce from the land, in the crops of rye, wheat, barley, rape, clover, lucern, and flax for clothing material, which are the usual crops, the 1600 acres under such garden-culture surpass the 1600 acres under large-farm cultivation, as much as a kitchen-garden surpasses in productiveness a common field. On the 1600 acres here in Flanders or Belgium, instead of the eight farmers with their eighty farm-servants, there will be from three hundred to three hundred and twenty families, or from fourteen hundred to sixteen hundred individuals, each family working its own piece of land; and with some property in cows, sheep, pigs, utensils, and other stock in proportion to their land, and with constant employment, and secure subsistence on their own little estates."<sup>[31]</sup>

The influence such a mode of life produces on the character of the people is a consideration of higher moment than its economical results. And on this point observation seems in general to confirm the opinion which we should naturally form beforehand. Compared with the employments of mechanics, that of the husbandman demands a much higher and more habitual exercise of the faculty of judgment. His mind is not tied down to the repetition of the same act, chipping a stone, straightening a wire, watching the whirling of a wheel, from the beginning of the year to the end, but almost each day brings a new set of thoughts with it. He cannot proceed a step without forming processes of induction from his observations, and exercising his reason as to the connection of the manifold phenomena he sees around him with their proper causes. The peasant proprietor has to task his inventive faculties too, in order to turn all his humble resources to the best advantage; and his success depends more upon his intelligent use of the limited means at his command, than upon the mere bodily energy of his labour. Of such a person it is, therefore, truly and pregnantly said by Mr Laing, that though he may not be able to read or write, he has an educated mind—a mind trained and disciplined in the school of nature. And his position favours the development of his moral powers still more than his intellectual faculties, by teaching him patience, self-restraint, thought for the future, and, above all, that humility which can scarcely fail to be felt by one who finds himself ever in contact with unseen powers and influences beyond his control.

The general diffusion of the means of comfort and of simple enjoyment, earned by unbought rural industry, is an idea that takes a strong hold of the imagination. The fancy wanders back to the days of the old yeomen of England, or further still to Horace's charming pictures of country life,



or to Claudian's Old Man of Verona, thus rendered into glorious English by Sir John Beaumont:—

"Thrice happy he whose age is spent upon his owne,  
The same house sees him old that him a child hath known;  
He leans upon his staffe in sand where once he crept—  
His memory long descentes of one poor cote hath kept.

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Unskilful in affaires, he knows no city neare,  
So freely he enjoys the light of heaven more cleare.  
The yeeres by sev'rall corne—not consuls he computes;  
He notes the spring by floures, and autumne by the fruits—  
One space put down the sun, and bring again his rays;  
Thus by a certaine orbe he measures out his dayes,  
Rememb'ring some greate oke from small beginning spread,  
He sees the woode grow old which with himself was bred," &c.

In every man's mind we believe there is a quiet corner, where the memories or the imaginations of country life take root and thrive spontaneously. Even the old, hardened, care-worn dweller among the sights and sins of cities will "babble o' green fields" when all other earthly things have faded from his mind. In England especially, the preference for country life amounts almost to a passion; and most of us are ready enough to admit, without demanding many reasons, that a people whose chief employment and dependence is the cultivation of their own lands, will be individually happier than if the scene of their labours were in the mine or the mill. But let us beware lest our rural partialities lead us too far.

We may acknowledge that the social condition of a country in which the land is distributed into small properties, affords, in many respects, a better chance of contentment to the people than is enjoyed by the labouring classes generally in Britain. But whether such a system be adapted to our circumstances, whether its introduction to any considerable extent be at all practicable here, is obviously quite another question. The subject has been treated hitherto by British authors with too little reference to the condition of their own country. Benevolent enthusiasts talk of peasant-proprietorship as if it were a harbour of refuge from all our difficulties, as if a return to that unsophisticated mode of life under which—*ut prisca gens mortalium*—each man of us should eat and be satisfied with the fruits reared by his own labour upon his own land, were at once the simplest and the most obvious remedy for our complicated social evils, and as easily accomplished as the passing of a railway suspension bill. Even Mr Laing, we think, in his former works, directed attention perhaps too exclusively to the benefits which he saw to be connected with the system in the northern parts of the Continent, without sufficiently adverting to the causes which render it unsuitable for countries situated like ours. But this omission has been remedied in the work before us, in which, after tracing the beneficial results of a minute subdivision of land property, he turns the picture, and impartially points out its unfavourable features; and to any one who has been indulging in the dream that the culture and territorial system of Belgium or Norway can be transplanted into the soil of England, we earnestly recommend the study of Mr Laing's sixth chapter. We cannot afford space to follow him through the adverse side of the argument, but may state briefly the chief points he brings forward.

In the first place, the condition of a society in which the population is principally employed in raising their food upon their own little properties, is necessarily a *stationary* condition. We speak, be it observed, of a people principally engaged in this occupation; for, in proportion as commerce and manufactures increase among them, labour will become expensive, capital will accumulate in masses, and the peculiar advantages of the small estate system will gradually disappear. The estates themselves will cease to be small; for, as a natural result, men who have made money will add farm to farm, and create large properties, unless there be some counteracting influence, such as the law of equal succession in France, to disperse these accumulations as fast as they arise. Two conditions, then, are necessary to the continuance of peasant-proprietorship among a people as a permanent institution. 1st, An imperfect development of trade and manufactures; and, 2d, a law of inheritance that shall discourage men from forming large properties and transmitting them to their heirs. The state of such a community then, we say, is a stationary one. Every man is like his neighbour, and each succeeding generation is only a copy of the one that preceded it—contented, it may be, industrious and peaceable, but incapable of making a single important step in civilisation. And here we see the nature and extent of that bewildering contrariety which we have noticed between man's social progress and his other interests of happiness and morality. We cannot resist the conviction that the proper destiny of man is, that in every community each generation should be wiser, as well as better and happier, than that which has gone before it. But here we have before us a condition eminently fitted to favour the latter objects, while it acts as a barrier to all material improvement in the arts, the economical applications of science, and all the refinements of social life. In his habits, tastes, and opinions, the *bauer* of this generation in the Rhenish provinces, the *udaller* of Norway, is just the same as his forefathers were five hundred years ago. His simple wants are supplied almost entirely by the industry of his own household, and the travelling pedlar furnishes him with the few articles of luxury in which he indulges. He is not only the owner, cultivator, and labourer of the land, but he is usually his own carpenter, builder, saddler, baker, brewer—often his own clothier, tailor, and shoemaker. Granting, then, that the gross produce of the soil is greater when cultivated by a race of petty landowners, than by capitalists employing hired labour, and that the land will thus

maintain a greater number of agricultural labourers, it is obvious that the *surplus* produce that remains for the support of other branches of industry is diminished in exactly an inverse ratio. The production of commodities for exchange is therefore inconsiderable; and the growth and circulation of capital are necessarily slow.

"Petty cultivation, when pushed to its farthest extent, terminates in spade husbandry, and in it, therefore, the utmost consequences of a minute subdivision of land must be seen. There is no doubt that a country cultivated in this way could be made to produce much more than under any other system of agriculture; and were food the only necessary of man, it might therefore support a much larger population from the growth of its own soil. But then the wealth of this population would be reduced to a bare subsistence; the whole crop, or nearly all, would be consumed by those employed in raising it, and there would be little or nothing over to purchase home or foreign manufactures, the productions of art, or the works of genius, and no means of supporting a population engaged in such occupations. And even though persons might be found willing to addict themselves to the arts and sciences without expectation of pecuniary reward, yet none would be rich enough to have leisure to follow such pursuits. Thus, gradually, a universal barbarism would overspread the land."

Mr Ramsay, from whom we have copied these sentences, and whose judicious remarks on this subject well deserve the attention of the inquirer, here supposes the system of petty cultivation carried out to its utmost limits; but the same consequences, though in a less degree, will necessarily follow every step in that direction. And in point of fact, it is precisely the state of matters in those countries of Europe where agriculture is wholly carried on by peasant proprietors,—where, consequently, there is no independent and wealthy class to maintain a home trade; and the trifling commerce that exists is kept alive chiefly by the demands of that class who live on Government employment, and at the expense of the public.

We have adverted to the connection between the petty territorial system and the law of inheritance. If we could suppose the whole surface of England were to be parcelled out tomorrow into small holdings, and then placed in the hands of labouring men, it is clear that, while enterprise and the spirit of accumulation were left as free as at present, the whole arrangement would be upset before the end of the twelvemonth; and that, in a few generations at furthest, property would be found gathered into large masses, just as it is now. Some artificial means, then, would be necessary for limiting the liberty of disposing of property—some such contrivance as the compulsory law of equal succession in France and the Provinces of the Rhine—to provide against the possibility of the landowner ever becoming wealthy, and rising above the condition of a peasant. But are we prepared for all the consequences to which an equal partition of the land among the children of the peasant proprietor would inevitably lead, and has to a great extent already led in those countries? In communities such as Norway, where equal inheritance has grown up with the old institutions of the nation, and all their domestic customs are intimately connected with it, its evil effects are in a great measure neutralised by traditional usages, which supply the place of law, and prevent the subdivision of property from reaching a dangerous extreme. But national customs cannot be adopted *extempore*; and the experience of France is surely a sufficient proof of the danger of attempting factitiously to adapt that system of succession to the habits and institutions of an old and highly civilised nation. And yet, without some such restriction of the freedom of testation, peasant-proprietorship, as a permanent social principle, is impossible. It is becoming every day more apparent, that the compulsory subdivision of landed property is the main source of the restless and disorganised condition of the French population. The sons of the peasant proprietor spend their youth in the labours of the farm, and look to the land alone as the means of their subsistence. The acre or two that must fall legally to their share at the death of their father is regarded as a sufficient provision against the chance of indigence; and they rarely think of seeking employment in other industrious occupations, or of applying themselves steadily to a trade. The consequence is, that at that age which, in our country, is the prime of a working man's life, they find themselves left to the bare subsistence they can scrape from their miserable inheritance—without regular occupation, unfit for mercantile pursuits, and ripe for war and social tumult. Is it possible to imagine a condition more fitted to foster that reckless and turbulent military spirit—ever ready to burst the barriers of constitutional law—which lies at the root of France's social calamities? Subdivision of land property and perpetual peace—these are the two great elements which our Manchester lawgivers think are to change the face of civilised Europe. Most truly does Mr Laing declare, that ingenuity could not have devised two principles more hostile to each other in their very nature, and more irreconcilable in the past history of the world, than those which Mr Cobden and his followers have selected as the twin pillars of their new social system.

"If Mr Cobden be right in considering this social state (the universal diffusion of property in land) pacific in its elements and tendencies, all political economy, as well as all history, must be wrong!"—(P. 110.)

No state can be pacific, no state can be secure, in which there is not an intervening class between those who govern and those who are governed—a class who shall, as our author says, act "like the buffers and ballast waggons of a railway train," and prevent those violent jerks and concussions which shake the machine of government to pieces; and the existence of such a class is excluded by the very notion of peasant proprietorship. The truth is, there are two, and only two, kinds of government compatible with the territorial system of France, and her law of succession. These are, an absolute democracy on the one hand, and military despotism on the

other—the tyranny of one man or of millions; and between these two polar points of the political compass, her destinies have been vibrating for the last half century.

Let us turn our view once more homewards. We have frequently and earnestly endeavoured to impress upon the public that the accumulation of property, real as well as movable, into vast and unwieldy masses, has gone too far in our own land. We have consistently opposed that policy which tends to give capital an undue and factitious influence, and, in its precipitate zeal to stimulate production, overlooks all other interests. But we cannot deceive ourselves with the imagination, that peasant proprietorship is the specific antidote to these evils. Pleasing as such Arcadian visions may be to the speculative man, who turns away in weariness and perplexity from the struggle of discordant and competing interests, no one surely can believe that they can possibly be realised here, or that the cultivation of the land by peasant owners can ever become a normal and permanent element in our social condition. The ingenious reasonings of Mr Mill and Mr Thornton seem to establish nothing more than that such a state is compatible with good agriculture, and with that contentment which Mandeville calls "the bane of industry;" and that nations, like young couples in the honeymoon—

"Though very poor, may still be very blest."

But no one has seriously set himself to show how a system in such direct antagonism to all our existing institutions and habits—a system tantamount to a retrogression of three hundred years in our history, is to be engrafted on the laws of Great Britain. Some writers, indeed, are fond of referring obscurely to the great measures of Prince Hardenberg and Von Stein in Prussia, and to their beneficial results, as if they formed a precedent and argument for the creation of peasant estates in this country. But every one who has made himself acquainted with the true nature and purpose of the change introduced by those ministers—which was merely a commutation of certain burdens on the beneficiary owners of the land—knows that no such change is possible in Britain, simply because there are no such burdens to commute.<sup>[32]</sup> An isolated experiment of such plantations may be tried here and there, and by artificial culture may be kept up for a time: but it can have no permanent influence on the nation at large. Acts of Parliament cannot make us forget what we have learnt, and relapse into the condition our fathers were in before the Revolution. We cannot retrace our steps at will, and fall back upon some imaginary stage of our past history, when contentment and rude simplicity are supposed to have overspread the land. Examples there are, no doubt, of nations once great and opulent, whose arts, inventions, and civilisation, are now almost forgotten. But changes like these are not studiously brought about by the politic enactments of rulers, but by indirect causes of decay; and a people that has once begun to go back in civilisation must gradually sink into indigence and barbarism. Whether our past advancement, then, has been for good or for evil, it is now too late to retreat. The progress of a society, composed chiefly of peasant landowners, resembles the motion of an eddy at the margin of a great stream—slowly circling for ever in the same narrow round. We, more daring than others, have ventured out into the very centre of the flood where the current rolls strongest; and to stand still now is as impossible as to breast the Spey when the winter's snows are melting on the Grampians.

Following Mr Laing's footsteps, we have pointed out some of the dangers inseparable from a division of the soil into small estates; but we are very far indeed from considering the tenure of land in this country as incapable of amendment. It is mischievous as well as visionary to talk of remodelling our territorial system on the pattern of Prussia or Belgium, or any other country; but it is also mischievous, and most impolitic, to create or continue legal impediments to the *natural* subdivision of property. It is impossible to doubt that a very general desire prevails among the labouring classes, and those who have laid up little capitals in banks and friendly societies, to acquire portions of land suitable to their means of investment. The large prices paid for such lots when they are found in the market, and the eagerness with which even such dubious projects as Mr Feargus O'Connor's have been laid hold of, prove the fact to a certain extent; and it has been strongly confirmed by the inquiries of the committee which sat last session for investigating the means available to the working-classes for the investment of their small savings. The great extension of allotments, in late years, may perhaps have helped to foster this disposition; while it shows how anxious these classes are to acquire the possession of land, even on the most uncertain and unfavourable tenure. However disapprovingly our political economists may shake their heads at the progress made by that system, as not squaring with their doctrines, we cannot doubt that, so far as it has gone, its results have been eminently beneficial; and the thanks of the nation are due to that enlightened nobleman who has taken the lead in this course, and has created, we are told, no less than four thousand holdings of this description on his estates. But allotments do not meet the difficulty of finding a field for the secure investment of the smaller accumulations of industry. The question then is, whether it be right or safe that so strong and healthful a wish should prevail among the people, without the means of gratifying it? Let us shut out of view all the crude and disjointed schemes for a redistribution of property on a wider basis, and the limitation of the right of testation; and, without undermining the structure of the law, endeavour to remove those parts of it which present technical or fiscal impediments to the acquisition of small properties, and to adapt it generally to the wants of the community. The amendment of the Scotch entail law, and of the process of conveyance, as well as the recent remission of part of the burden of stamp duties, have already cleared away some of those obstacles. But much remains to be done, especially in England, in simplifying technical forms, and abridging the expense of conveyances in small transfers. In this respect, we are still far behind the nations of the Continent. Until the recent alteration of the stamp duties, the expense of effecting a sale of land in England, and of creating a mortgage, was in ordinary circumstances

thus proportioned to the value of the subject:—

**Value of Estate. Expense of a Sale. Expense of a Mortgage.**

£50	30	per cent	30	per cent
100	15	...	20	...
600	7½	...	9	...
1500	5	...	3	...
100,000	4	...	12	...

Who would ever dream of applying his savings in the purchase of a piece of land of £50 value, when he must pay £30 more to make a title to it? The new scale of stamp duties alters the proportion; but the expense of legal writings, which forms the larger half of the charges above stated, remains undiminished, and operates as an absolute prohibition of the sale and purchase of land for investment under £1000 value. Such are the intricacies of the system, and such the want of a proper registry,<sup>[33]</sup> that we are told by the highest authorities that there is scarcely a title to be met with on which a purchaser can be quite secure, and which does not afford room for dispute and litigation. Now, contrast all this with the way in which the transfer of property is effected abroad. We have before us a copy<sup>[34]</sup> of an actual conveyance of a parcel of land in the Duchy of Nassau, the price of which was £181. The form of the contract extends to only four lines, and contains a reference to an appended schedule, which specifies briefly in separate columns the description of the subject, its extent, and its number on the register. The expense of the whole transaction, including government charges, was £4, 7s. The sale of a similar estate in England would, until the other day, have been attended with an expense of about £24.

But we cannot enter into the specific means by which the exchange of land properties, especially those of small amount, may yet be facilitated; our object being merely to show how desirable, and how strictly coincident with the soundest conservative policy, it is to remove all discouragements to the natural employment of capital on the soil of the country.

This leads us to the mention of one of those topics of Mr Laing's *Observations*, in which his opinions seem to be more ingenious than correct; we allude to the apparently paradoxical view he takes of the ultimate consequences of abolishing agricultural protection.

Mr Laing is not an observer who runs any risk of being entangled in the obvious meshes of the Free-Trade net. He has seen too much of other countries, and has too just an appreciation of the practical value of politico-economical theories, to be deceived by the common sophisms of the Manchester dialectics. No one has more ably exposed the cardinal fallacy on which the whole system hinges—that a permanently low price of corn is necessarily beneficial to the people. In the former series of his *Observations*, published at a time when the common-sense of the country was beginning to give way before the bold and clamorous assertions of the League, he showed, by arguments sufficient to have convinced any one who would have listened to calm reason, that, in a country like Great Britain, the cheapness of imported corn, though it may enrich the employer of labour, cannot in the long run be an advantage to the working man. He pointed out clearly, too, the fallacy that ran through all the calculations of Dr Bowring and Mr Jacob, as to the supply of grain which the Northern countries of Europe could send us, and the price they could afford to take for it. Every week's experience is now showing the utter worthlessness of the large mass of estimates and returns compiled by these great statistical authorities, and confirming what Mr Laing foretold in opposition to all their calculations—that our principal imports would be drawn from the countries whose produce reaches us through the Baltic, at prices which, in ordinary seasons, must uniformly undersell the English grower in his own markets. The reason assigned by him is a very clear one, and well deserves the attention of those landowners and farmers at home, who are still flattering themselves with the belief that the rates and quantities of the grain imports of the last two years have been occasioned by temporary causes—that the importers must have been losing largely, and will soon cease to prosecute an unremunerative trade.

"Why cannot the British farmer, with his greater skill, capital, and economy of production, raise vastly greater crops, and undersell with advantage, at least in the British market, the foreign grain, which has heavy charges of freight, warehouse rent, and labourage against it? The reason is this: The foreign grain brought to England from the Continent or Europe consists either of rents, quit-rents, or feu-duties, paid in kind by the actual farmer; or it is the surplus produce of the small estate of the peasant proprietor. In either case the subsistence of the family producing it is taken off, and also whatever is required to pay tithe, rates, and even taxes, which, as well as rent, are not paid in money, but in *naturalia*—in grain, and generally in certain proportions of the crops raised. The free surplus for exportation may be sold at any price in the English market, however low; because, if it bring in nothing at all, the loss neither deranges the circumstances nor the ordinary subsistence and way of living of the farmers producing it. All their rents or payments are settled in grain; all their subsistence, clothing, and necessary expenditure are provided for; and the surplus is merely a quantity which must be sold, because it is perishable; and which, if it sells well, may enable them to lay out a little more on the gratifications and tastes of a higher state of civilisation; but if it sells badly, or for nothing at all, does not affect their means of reproduction, or even their ordinary habits, enjoyments, way of living, or stock. They have not paid a price for their corn in rent, wages, manures, and other outlay of money, as the British farmer does before he brings his corn to market, *and have, therefore, no minimum below which they cannot afford to sell it without ruin.*"<sup>[35]</sup>

Mr Laing's intimate acquaintance with the habits and condition of those countries, which now seem destined to stand in the same relation to Great Britain as Numidia did to decaying Rome, has enabled him also to point out how vain is the expectation that they will permanently extend the use of our manufactures in proportion to our consumption of their corn. No one has more forcibly shown the insanity of sacrificing, for so vague a prospect, the prosperity of those classes who chiefly maintain the home market.

"The superior importance of the home market for all that the manufacturing industry of Great Britain produces, compared to what the foreign market, including even the colonial, takes off, furnishes one of the strongest arguments against the abolition of the Corn Laws.... The home consumpt, not the foreign, is undeniably that which the great mass of British manufacturing labour and capital is engaged in supplying. Take away from the home consumers the means to consume—that is, the high and artificial value of their labour, or rate of wages produced by the working of the Corn Laws—and you stop this home market. You cut off the spring from which it is fed. You sacrifice a certain home market for an uncertain foreign market. You sacrifice four-fifths for the chance of augmenting one-fifth. If the one-fifth, the foreign consumpt, should be augmented so as to equal the four-fifths—the home consumpt—it would still be a question of very doubtful policy whether it should be so augmented: whether the means of living of so large a proportion of the productive classes should be made to depend so entirely upon a demand which political circumstances might suddenly cut off," &c.<sup>[36]</sup>

Knowing the opinions held by Mr Laing to be thus adverse to that change of the law which virtually gave to the *metayeur* or proprietor of Holstein, Pomerania, or Poland, a preference in Mark Lane over the farmer of Norfolk or Lincolnshire, it was with some surprise, and some apprehension for the consistency of the author, that, in turning over the table of contents of the volume before us, we came to the following heading:—"On the abolition of the Corn Laws as a *Conservative measure* for the English landed interest."

The process by which he has arrived at the conclusion, that a measure confessedly so disastrous in its immediate consequences will ultimately turn out beneficial to one section at least of the landed interest, seems to be this: He thinks that, in the chief corn-growing countries of the Continent, cultivation is already so generally extended over all the soils capable of yielding any return, that the land cannot, in any circumstances, give employment to a greater number of the inhabitants than it does already; whereas Great Britain contains, in his opinion, a much larger proportional area of improvable soil, which forms a reserve or provision for the future increase of our population. A succession of bad harvests in Germany or France, or any considerable addition to their present population, would necessarily reduce these countries, he believes, to extreme famine and misery; because, the land being already fully occupied and filled up, and their surplus numbers having no considerable outlet in manufacturing or commercial industry, they have no resources to fall back upon in seasons of calamity. But in England there still remains a large extent of "woods, and groves planted and preserved for ornament, parks, pleasure-grounds, lawns, shrubberies, old grass-fields producing only crops for luxury, such as pasture and hay for the finer breeds of horses;" while a still larger area of arable ground is left uncultivated in Ireland and Scotland. Hence, as our population increases, we possess a safety-valve in our untilled soil which does not exist on the Continent; we have still the means of subsisting our daily-increasing numbers; and, so long at least as these means last, it is probable that the owners of the already cultivated lands will be left in the peaceable enjoyment of their property. But that possession would not have been secure had the abolition of the Corn Laws not been conceded at the time it was—the people might have driven the landowners from their occupations, as they did in the first French Revolution; "the free importation of food has averted a similar social convulsion, and has deprived the agitator and hireling speech-maker of his plea of oppression from class interests, and conventional laws in favour of the landowners."<sup>[37]</sup> These seem to be the grounds on which Mr. Laing regards the abolition of the Corn Laws as a *Conservative measure*—"which will preserve, for some generations at least, to our nobility, gentry, and landed interests, their domains, their estates, and their proper social interests."

As this line of defence seems to be a favourite one with the stragging remnant of that party, who, having been the immediate instruments by which the change was effected, nevertheless still venture to claim for themselves the title of Conservatives, we may shortly review the grounds on which it rests. So far as Mr. Laing's adoption of it is concerned, we may remark that the conclusion, taken by itself, is not absolutely incongruous with that disapproval of the measure of 1816 which the author has elsewhere expressed so strongly; because, in fact, he regards the question from two very different points of view. The political philosopher occupies a very different standing ground from a minister or senator. From his speculative elevation, his eye passes over the events and consequences nearest to him, and strives to penetrate the dim possibilities of the future; and if we look at human events from this ground, there are perhaps few even of the severest public calamities that are not followed by some compensatory, though it may be distant, benefit. If we can shut our eyes to the wretchedness and desolation caused by a great fire in a crowded town, we may look forward to a time when the narrow alleys and unwholesome dwellings, now in ruins before us, shall be replaced by roomy and well-built habitations, and we may perhaps consider the prospective health and comforts of the next occupants as counterbalancing the present misery. It *may* or it may not prove true, that the concession of 1816 will put an end to disaffection, and be remembered for generations to come in the hearts of a contented and grateful people; it *may* or it may not secure the aristocracy in the peaceable enjoyment of their patrimonial estates and privileges.

These, however, are results that every one will admit to be at least problematical, while there can be no doubt whatever as to the direct and immediate consequences of the measure. The most obstinate partisan no longer ventures to question the distress and ruin that is every day spreading among the larger section of the British people—the labourers, tenant farmers, and smaller landowners. And now the sufferers are told to make the most of what is left to them, and be thankful that they have escaped a revolution. It may, perchance, occur to them to question whether, in regard to their property at least, the chances of a revolution would have made their condition much worse than it is at present. Looking at the estimates of the depreciation of their possessions, which have been so triumphantly paraded by their enemies, they may be inclined to doubt whether an insurrection, or even a foreign invasion, would have cost them greatly more than ninety-one millions a-year. To the humbler and most oppressed section of the agricultural body, the congratulation on their escape from a worse fate than that they now complain of, may sound not unlike the exhortation of a highwayman who, having stripped his victim of his cash, bids him bless his stars that he is allowed to get off with whole bones, and a coat to cover them. It is true, indeed, that the pressure is not so severely felt by the lords of great domains—cannot indeed be so; for to the owner of £10,000 a-year the loss of one-fourth of his income—though it may oblige him to curtail his expenses in matters of external show, still leaves ample means for the gratification of his accustomed habits and tastes. But what comfort is it to the owner of a small estate, who is reduced to the necessity of selling it for what it will bring—perhaps for some such price as we see recorded in the transactions of the Encumbered Estates Court of Dublin—or to the farmer, who is preparing to carry his family and the remnant of his capital to some other land—or to the labourer, who finds his earnings cut down to 6s. 6d. a-week—what consolation is it to men so circumstanced, that the policy which has caused their ruin may possibly enable the great territorial lords to retain their overgrown estates, and the privileges of their order, "for some generations to come?" Mr Laing, observe, does not venture to anticipate more than a respite for them; and some will be disposed to doubt whether even their permanent safety, and the perpetuation of their rights, would not be too dearly purchased at the price we are now paying for it in the ruin of a far more numerous, and perhaps not less valuable, class of the community. We have often had occasion to express our opinion as to the alleged crisis of 1846, which is said to have been so opportunely averted—as well as to the principle which ought to animate a Government in meeting such difficulties. We are not of those who think the main business of a cabinet is to keep on good terms with "the agitator and hireling speech-maker,"—and that he is the wisest minister who is most adroit in timing his concessions, and casting off his principles at the moment they become inconvenient. Any seeming tranquillity, any truce with the enemies of constitutional order purchased by such a policy, can never be otherwise than temporary and precarious, because, it is insincere—insincere on both sides—a hollow compromise between principle and the expediency of the hour.

When we look to the reasons Mr Laing gives for the opinion we have been commenting on, they will be found to hang together rather loosely. They pre-suppose that agitation *de rebus frumentariis*, and specially the agitation of the League, could only proceed from the pressure of want. Now, the very week that the Bill passed, the price of wheat was 52s. 2d.—which, curiously enough, is the exact sum fixed on by Mr Wilson as the natural price of wheat in England. At that time beef was selling in London at 7s. 3d. a stone. The corn averages for the whole previous year were a fraction over 49s. 6d. The average of the *ten* previous years was 56s. 6d., which, by another strange coincidence, corresponds to a sixpence with the price admitted by Sir Robert Peel. With such rates of the chief articles of subsistence, how can it be said that scarcity was the cause of the Corn-Law agitation? The idea of famishing millions imploring bread may have been an appropriate figure of speech in the rabid cantations of an Ebenezer Elliot; but who seriously believes that the cry of "abolition" was the voice of a starving people, and not the mere watchword of a faction? Scarcity was only the pretext for the clamour before which the Government yielded; and is there any one weak or sanguine enough to believe that, by removing that pretext, and yielding to that clamour, we have silenced the voice of discontent, and ruined the trade of the demagogue? Is agrarian agitation no longer possible? Can we shut our eyes to what is even now passing in the north of Ireland? The fire which we are told was finally extinguished in 1846, has reappeared in that quarter, and already the sparks from it are kindling up in other parts of the empire. The demand for what is called "fixity of tenure" is but the germ of a new agitation, the future phases of which, unless it shall be met in a very different spirit from that which has characterised our recent policy, it is not difficult to foresee. It will become the new rallying point of disaffection—the centre of inflammatory action. The old machinery of the League will be set up anew, and the passions of the people will again be excited by a course of studious and systematic irritation. Ministers will hesitate, deprecate, and dally with the difficulty; rival statesmen will by turns fan the flame, or feebly resist it, as suits the party tactics of the day; until, at length, some one more yielding or less scrupulous than his competitors, will discover that the demand is founded on justice and sound policy—will concede all that is asked of him, and finally will turn round complacently and claim the gratitude of his country for having saved it from a revolution.

Our view, then, of this vindication of abolition, on the ground that it has averted a social convulsion, is briefly this. The discontent which then prevailed was not, as it pretended to be, the consequence of scarcity and dearness of provisions, or of any real grievance, but was in truth produced and fostered by artificial influences, which may at any time be again called into action. The spirit of agitation which then found a convenient pretext in the corn duties, will not fail to find an equally fit handle to lay hold of on the next favourable opportunity; and it is vain, therefore, to hope that we have purchased by our concessions a lasting immunity from disturbance, or any enduring guarantee for the safety of property on its present basis. It is on

grounds of justice, and not of mere statecraft, that so great a question must be argued. Had the corn-laws been founded on injustice and partiality, that surely was in itself an ample and all-sufficient reason for sweeping them away. But if, on the contrary, they were productive of no such injustice to the people at large—if equity, as well as the implied guarantee of a long succession of laws, demanded an adherence to their principle as a partial compensation for the disproportionate burdens we have imposed on the land—then the allegation that their maintenance might have produced a popular outbreak, is, after all, but a feeble and ambiguous defence for the Ministry who so readily surrendered them. The *coup d'état* which we are now asked to applaud as the crowning act of Conservative wisdom, sinks into a mere wily evasion of a difficulty by giving over the interests of the weaker party as a peace-offering to the more clamorous—a sacrifice of established rights to the "civium ardor prava jubentium."

It is quite true, as Mr Laing tells us, that there exists a very large reserve of available land in Great Britain—a reserve quite sufficient, under proper management, to maintain our population for centuries to come, even at its present large ratio of increase. But that there is no similar reserve on the Continent, we beg leave to doubt. The statement may be true as regards those districts to whose condition Mr Laing has paid most attention. It may be true of France, and the peasant-cultivated parts of West Prussia, and the North of Germany; but can we say that the countries watered by the Vistula, the Bug, the Dniester—can we say that Livonia, Volhynia, Podolia—that those vast districts whose produce reaches us through Odessa, (whence it was shipped to England last winter, at a freight of 6s. a-quarter,) are already cultivated up to the full measure of their capabilities? The following comparative statement of the proportion which the cultivated land bears to the superficial extent of the different countries of Europe, is taken from the *Annuaire Statistique* for 1850:—

England,	55	hectares in 100	[38]
France,	54	"	"
Belgium,	43	"	"
Prussia and Denmark,	40	"	"
Italy and Portugal,	30	"	"
Germany and Spain,	25	"	"
Holland and Austria,	20	"	"
Russia and Poland,	18	"	"
Sweden and Norway,	14	"	"

Unless we assume, (which we have no right to do,) that the extent of irreclaimable mountain, marsh, and sand, is much greater in proportion to the area of Belgium, Prussia, and Germany, the countries chiefly referred to by Mr Laing, than it is in Britain, we apprehend that their reserve is, to say the least, considerably larger than ours. We must notice also, that our author seems to regard the unreclaimed land of Britain as if it were a fund on which we can fall back at any time, when unfavourable harvests abroad shall have curtailed our accustomed supplies from the countries of the Continent. But a little consideration will show that, after we have once learnt to trust to annual foreign supplies, it is utterly vain to expect that their occasional deficiency will be supplemented, in case of emergency, from our own spare resources. Land is not like the instruments of production employed by the manufacturer. People talk of having recourse to our less fertile soils, as if it were a matter as easily and speedily accomplished as setting a mill in motion by raising the sluice. But the ponderous machine of agriculture is not so easily set a-going. On unreclaimed soils, an expenditure of from £12 to £25 an acre is required at the very outset. Fences and houses have to be erected, roads and drains to be formed, roots to be grubbed up, stones to be removed, before even the seed can be placed in the ground. Taking the farmer's capital into account, we are probably within the mark when we assert that £26 an acre, on the average, must be laid out on new land, before a single bushel can be reaped from it; and, even when ready for a rotation, an additional preparation of two or three years is necessary to bring it into a state for bearing wheat. Now, is there any speculator so insane as to risk such an expenditure on the possible chance of an occasional and simultaneous failure of the crops on the Continent? Even if grain were at a famine price, will any one be found to throw away his money in ploughing up "lawns, woods, shrubberies, village greens, and waste corners," when the very next season may see our ports swarming as usual with foreign grain ships, and "buyers firm" at 35s. a quarter?

A bad harvest is not an event that can be foreseen, and provided against, in the same way that the thrifty housekeeper lays in an additional stock of fuel, when there is talk of a strike among the colliers. The calamity is upon us long before the most skilful and far-sighted husbandman can arrange his plans and modify his rotations for the purpose of meeting the emergency. It is out of the question, then, under the present system at least, to talk of our spare land as if it were a spare coach-horse, or a spare pair of breeches, ready for use at any moment. We have taken away the only incitement to improvement, by taking care that it shall never be profitable. We have dammed back from our own fields that fertilising stream which is now spreading over and enriching the land of our neighbours. And now that we have chosen to throw ourselves on the resources of other nations—now that we may say, as the Romans did in the days of Claudian, "pascimur arbitrio Mauri"—we must not wonder if occasionally the supply turns out to be insufficient. We do not apprehend that a general scarcity can be of very frequent occurrence; but of this we may rest assured, that when it does happen, there is no portion of Europe in which the scourge of famine will be so severely felt as in this island, and it will then be utterly vain to look for relief from an expansion of that native agriculture which we have been at such pains to

cripple and discourage.

We should convey to our readers a very incorrect notion of Mr Laing's work, if we led them to believe that it is wholly occupied with such subjects as we have been discussing. The commercial, military, and administrative systems of European governments certainly form his most important themes; but his remarks on the arts, customs, and literature of those countries are always amusing, and uttered with a straightforward and fearless disregard of what other people have said upon the same topic. He has no respect for conventional opinions in matters of taste; and he avows an English preference for the solid utilities and material comforts of everyday life over mere ornament. In fact, his views on the fine arts generally, are, to say the least, rather peculiar. The art of fresco-painting seems somehow to excite his bile more than anything else. His aversion to it is as intense and contemptuous as that with which Cobbett regarded the opera. It is clear to us that his digestive organs must have been fearfully disordered during his visit to Munich. From the Pinakothek to the spittoons in the Hall of the Graces, nothing seems to have pleased him—all is tawdry hollow, and out of place—and that æsthetic refinement which the ex-king of Bavaria took under his especial protection is, in his eyes, opposed to all common sense and true civilisation. We cannot join him in regarding the art of the upholsterer as more important than that of the sculptor, or in thinking the possession of hearth-rugs and window-curtains, and plenty of earthenware utensils, truer tests of national civilisation than libraries and picture-galleries. But, to a certain extent, we are disposed to share in his distrust of the genuineness of that progress in art which depends on Government encouragement. The taste which is reared and stimulated in the artificial air of palaces, instead of attaining a healthy and vigorous development, often yields little fruit except empty mannerisms. And, if the labours of the painter and the sculptor be apt to take a questionable direction under courtly tutelage, there is still more room to doubt whether any important progress in manufactures, or the mechanical arts, can be prompted by princely patronage, however well designed. We have already had proof in England of what enterprise and ingenuity can accomplish without such aid—it remains to be seen what advancement they are to make in the leading-strings of court favour, and under the inspiration of puffs in the *Times* newspaper, and promises of medals, with suitable inscriptions, and the bustling exertions of a semi-official staff of attachés.

Notwithstanding his heretical notions about the value of the fine arts, in a national point of view, Mr Laing's pictures of Continental life and scenery, and his criticisms on foreign manners and customs, will be found full of information and instruction, even by those who have resided for years in the countries he describes.

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# WHO ROLLED THE POWDER IN?

A LAY OF THE GUNPOWDER PLOT.

["Upon this the conversation dropped, and soon afterwards Tresham departed. When he found himself alone, he suffered his rage to find vent in words. 'Perdition seize them!' he cried: 'I shall now lose two thousand pounds, in addition to what I have already advanced; and, as Mounteagle will not have the disclosure made till the beginning of November, there is no way of avoiding payment. They would not fall into the snare I laid to throw the blame of the discovery, when it takes place, upon their own indiscretion. But I must devise some other plan.'"—AINSWORTH'S *Life and Times of Guy Fawkes*.]

They've done their task, and every cask  
Is piled within the cell:  
They've heaped the wood in order good,  
And hid the powder well.  
And Guido Fawkes, who seldom talks,  
Remarked with cheerful glee—  
"The moon is bright—they'll fly by night!  
Now, sirs, let's turn the key."

The wind without blew cold and stout,  
As though it smelt of snow—  
But was't the breeze that made the knees  
Of Tresham tremble so?  
With ready hand, at Guy's command,  
He rolled the powder in;  
But what's the cause that Tresham's jaws  
Are chattering to the chin?  
Nor wine nor beer his heart can cheer,  
As in his chamber lone  
He walks the plank with heavy clank,  
And vents the frequent groan.  
"Alack!" quoth he, "that this should be—  
Alack, and well-a-day!  
I had the hope to bring the Pope,  
But in a different way.

"I'd risk a rope to bring the Pope  
By gradual means and slow;  
But Guido Fawkes, who seldom talks,  
Won't let me manage so.  
That furious man has hatched a plan  
That must undo us all;  
He'd blow the Peers unto the spheres,  
And throne the Cardinal!

"It's time I took from other book  
Than his a saving leaf;  
I'll do it—yes! I'll e'en confess,  
Like many a conscious thief.  
And on the whole, upon my soul,  
As Garnet used to teach,  
When human schemes are vain as dreams,  
'Tis always best to peach!

"My mind's made up!" He drained the cup,  
Then straightway sate him down,  
Divulged the whole, whitewashed his soul,  
And saved the British crown:—  
Disclosed the walks of Guido Fawkes,  
And swore, with pious aim,  
That from the first he thought him cursed,  
And still opined the same.

Poor Guido died, and Tresham eyed  
His dangling corpse on high;  
Yet no one durst reflect at first  
On him who played the spy.  
Did any want a Protestant,  
As stiff as a rattan,  
To rail at home 'gainst priests at Rome—  
Why, Tresham was their man!

'Twas nothing though he'd kissed the Toe  
Abroad in various ways,  
Or managed rather that his wife's father  
Should bear the blame and praise.  
Yet somehow men, who knew him when  
He wooed the Man of Sin,  
Would slightly sneer, and whisper near,  
WHO ROLLED THE POWDER IN?

MORAL.

If you, dear youth, are bent on truth  
In these degenerate days,  
And if you dare one hour to spare  
For aught but "Roman Lays;"  
If, shunning rhymes, you read the *Times*,  
And search its columns through,  
You'll find perhaps that Tresham's lapse  
Is matched by something new.

Our champion John, with armour on,  
Is ready *now* to stand  
(For so we hope) against the Pope,  
At least on English land.  
'Gainst foreign rule and Roman bull  
He'll fight, and surely win.  
But—tarry yet—and don't forget  
WHO ROLLED THE POWDER IN!

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# A LECTURE ON JOURNALISM.

BY AN OLD STAGER.

And so, Dick my boy, you are now on the staff of "our Special Commissioners;" and you are going to favour the public with the results of your investigations on the subjects of native industry, free trade, wages, competition, and so forth? Well, it does good to the heart of an aged veteran of the press like myself, to see the sphere of our labours, as we used to call it, so capitally enlarged. It shows me that people are rapidly getting rid of a good many idiotical prejudices which stood in the way of social progress; and that they don't care from what quarter their information comes, so that it is properly spiced and made palatable to their taste. Upon my soul, Dick, and without any humbug, I almost envy you your present position. Two years ago when you came up to London, and were entered in the junior reporting department, you knew as much about political economy as you do of algebra, and would as soon have handled a red-hot poker as a volume of parliamentary returns. And now they tell me that you are the smartest hand going at statistics, and think no more of tossing off an article on the Currency at a quarter of an hour's notice, than my cook does of elaborating a pancake! Why, sir, you are a far greater man than a peer of the realm, or a member of the House of Commons. You are a whole committee in your own person, for you are going to take evidence, just wherever you please, and to report upon it too, without the remotest chance of contradiction. Help yourself, Dick, and pass the decanter. Here is your very good health, and prosperity to the Fourth Estate!

You intend to do your duty manfully and impartially? Of course, Dick, you do. Nobody who has the pleasure of your acquaintance can doubt it. Your virility is beyond all dispute, and how can you be otherwise than impartial when you are writing up your own side? You are not much of a lawyer, perhaps, but common sense will suggest the first plain rules for leading evidence. Your employers want to show that everybody is prospering under the cheerful influences of free trade. They don't, of course, care twopence halfpenny whether their dogma is right or wrong: they are committed to it, and that is enough. They give you a certain allowance per week—I hope, by the way, it is a handsome one—to prosecute your inquiries, and they intend that the results shall be such as to justify their general assertion. And no doubt they will justify it, Dick; for I say, and I care not who knows it, that a cleverer, sharper, more acute and knowing dog than yourself never dipped goose-quill into a standish. You need not blush at the compliment. Was it not you who wrote that leader last week, recommending the agriculturists to regulate their operations on the same principle which is followed in the factories, and to look to short and speedy returns as the best means of making money? Ha, ha, ha! Dick—that certainly was a masterpiece! How the poor devils of chaw-bacons must have stared when they heard you gravely recommending them to raise three or four consecutive crops in the year, to turn the seasons topsy-turvy, and to sow in August that they might reap in January! No wonder that they are angry, for the best of the joke is, that a number of people believed you. The Cockneys have got it into their heads that wheat can be grown by machinery, and I, for one, shan't be in any hurry to disabuse them. If I were you, I would give them another leader or two in the same strain, insisting of course that the agriculturists are a pack of infernal asses, who don't understand the first principles of their own trade, and that Mechi, the razor-man, is their only creditable apostle.

Never mind though it may be necessary for you soon to eat in your own words. Between you and me, Dick—but don't let it go any farther—I have been of opinion for some time back that Free-trade is a total delusion. It may be bolstered up for a little longer, but it can't by possibility last our time. There was too much lying and pulling and quackery and braggadocio at the outset. I told Cobden so, at the time when he was descanting upon the blessings of the cheap loaf, but he would have his own way, and in his very next speech proposed to lay Manchester alongside of the Mississippi! I said the same thing to M'Gregor, but he would not be deterred from promising his hearers an additional two millions per week. And a pretty kettle of fish he has made of it! I am told that he dares not venture to show his face in the Gorbals. You see, Dick, all that nonsense is telling confoundedly against us just now. Wheat is down to zero, in so far as the profits of cultivation are concerned. The farmers are wellnigh ruined—that is plain beyond the power of contradiction, and in the course of another year they will be utterly and effectually spouted. The artisans are beginning to find out that cheap foreign bread means less labour and lowered wages, and they complain that they are driven to the wall by the free importation of foreign goods. If that notion once seizes hold of their minds—and it is doing so rapidly—it won't be long before they begin a tremendous agitation on the other side. Yes, Dick; the Protectionists were right after all, and in the long run they will carry their point with the general consent of the country. In the mean time, however, thanks to Sir Robert Peel, we have got into office, and we shall be consummate idiots if we don't make hay while the sun shines. You are doing capital service, Dick, by throwing dust in people's eyes. Keep it up as long as you can. Sneer at facts when you can't answer them; distort evidence boldly; laugh down the idea of retrogression; assume the existence of unexampled prosperity, in spite of every testimony to the contrary; assert even in the face of hostile elections and powerful gatherings, that the cause of Protection is dead and confined—and the odds are that you may still induce a good many people to believe you. Stout averments, Dick, are capital things, and the broader you can make them the better. I would advise you, though, to be chary of statistics. They are dangerous weapons in the hands of the inexperienced, and you may chance to break your own head, whilst attempting to tomahawk your antagonist. But if you must use them, apply to me or Heavywet. We have a prime stock on hand, carefully prepared for service, and I think we could still put you up to a dodge or two. By the way, who wrote that song upon Heavywet? You know the one I mean, beginning with some such words as—

"All in my den, I cooper up the figure-list,  
Which I've been working at a twelvemonth and a day.  
Where there was a lesser one I substitute a bigger list'  
Saying that the true bill is far, far away."

I wish you had seen Heavywet's face when young Fitztape of the Treasury sang it in his presence on Tuesday last! The old fellow looked as though the waiter had handed him verjuice instead of curaçoa.

I hope, Dick, you are not above receiving a hint from an old hand, who has seen some service in his day. I am sure I have every reason to acknowledge my infinite obligations to the pen which I have wielded with more or less effect for wellnigh forty years, and which has not only provided me with food and raiment, but with a snug patent Government office, which makes me entirely independent of any change of Ministry. These are the kind of prizes, Dick, which are open to us literary men, who have the sense to adopt politics as a trade, and to write up our party, without troubling ourselves about that fantastic commodity which the parsons term conscience. I never could see why a public writer should have a conscience any more than a lawyer. The French fellows are better up to this, and don't even pretend to its possession. And it must be acknowledged that they are allowed occasionally far better chances than we have. Only fancy, Dick, you and I members of a Provisional Government! Wouldn't we have a pluck at Rothschild and the Bank? Don't your fingers itch at the bare idea of such close contact with the feathers of the national pigeon? But it is of no use indulging in those fairy dreams. And after all, I daresay that neither Etienne Arago, nor Armand Marrast, nor Ferdinand Flocon, nor Louis Blanc, are half so well off at the present moment as I am, with my snug salary payable quarterly, and no arrears. It is better not to be too ambitious, Dick, nor to overshoot the mark; for I have always remarked that your most prominent men are precisely those who pocket the least in the long-run. I am for your golden mediocrity, which insures an easy berth, and the power of offering to a friend a cool bottle of claret. You like the wine, Dick? Help yourself again; there's more where that came from.

As I was saying, you should not despise a hint from an old hand. We ancients may not be quite so smart as you moderns, but we are tolerably good judges of the taking qualities of an article—we know, by experience, the sort of thing which is likely to tickle the public ear. Now, you will forgive me for saying, that in your late writings you exhibit, now and then, certain marks of precipitancy, which it might be as safe to avoid. What I mean to express is, that you are too dashing—too daring—too ready to encounter your antagonist with his own weapons. You assume the part of Achilles, instead of imitating the example of Ulysses; you don't touch the Hospitaller's shield, though he has the worst seat of the party, but you make your lance ring against the buckler of Brian de Bois-Guilbert. This may be plucky, but it is not wise. People may applaud you for your hardihood, but it is not a pleasant thing to be chucked over your horse's croup, among shard, and mire, and the general laughter of mankind. You made a great mistake the other day in pitting yourself against Lord Stanley. You might have known better. You were no more than a baby in the hands of the best lance of the Temple; and the attempt only ended, as all must have foreseen, in your own confusion. Don't be angry, Dick. I know you only obeyed orders, but the result demonstrates, very clearly, the utter imbecility of the clique under which you have had the misfortune to serve.

You say you did not write the article about gestures and looks being more expressive than words? I am aware you did not. I am talking to a sensible man, and not to an irreclaimable idiot. It is no fault of yours if the dunderheads, who find the money, will occasionally mistake their vocation, and commit themselves by using the pen. Such things are inevitable in journalism; and they are enough to sow the seeds of decline in the bosom of a printer's devil. But you know very well, notwithstanding, that you committed yourself most egregiously. You were laughed at, Dick, and held up to scorn in every paper from Truro to Caithness. And for what? Why, for attempting pertinaciously to maintain that a statesman meant and said one thing, whereas he distinctly meant and said another. Did you seriously expect to impose upon any one by such a stale device as that—so palpable, and, moreover, so exceedingly open to contradiction? You might as well expect the public to believe that the Duke of Wellington has broken his neck on the hunting-field, in the teeth of a letter from the Field-marshal announcing that he is well and hearty. Yes; I know very well that John Bull is a gullible animal, but not to the degree which you assume. You may state, if you like, that the moon is made of green cheese; or, as some wiseacre did the other day, that the electric telegraph is to be superseded by the employment of magnetic snails; but you won't persuade any one that Ferrand is a friend of Cobden, or that Sir Robert Inglis is a Jesuit in disguise who is working for the supremacy of the Pope. By the way, I was wrong in recommending you to persist in your averment that Protection is dead and coffined. You have, I observe, of late dedicated at least a couple of Jeremiads each week to that topic, and there is a degree of ferocity coupled with the announcement revolting to the feelings of a Christian. You should assume the fact, Dick; not insist upon it in this absurd manner. If the old lady really is under the sod, and beyond the power of resuscitation and the reach of the resurrection-men, e'en let her repose in quiet. In that case she can do you no further harm, and it would be but decent to give her the benefit of a final forgiveness, or at all events to leave her to oblivion. Queen Anne has been defunct for a good many years, but nobody thinks it necessary to proclaim the fact weekly in a couple of leaders. You differ from me, do you? Very well, then; carry on in your own way; all I shall say is, that if your muttered conjurations don't evoke the shade of the departed saint, in a shape that may appal you consumedly, you run a mighty risk of calling a counterfeit into being. It is a good maxim never to put forward anything which the public cannot readily swallow.

I think that, in one respect, the modern system is decidedly preferable to the older. Formerly, we used to combat arguments; now, I observe, you evade them. This I hold to be a great improvement. In the first place, it saves trouble both to the writer and the reader. It is not always easy to reply to a fellow who knows his subject a great deal better than you do. You have to follow him from point to point, investigate his facts, controvert his reasoning, and take, in short, such a world of trouble, as would render the life of a gentleman journalist absolutely insupportable. Milton was occupied nearly a year with one of his replies to Salmasius,—Selden, I believe, took a longer time to double up his opponent Grotius. This is slow work, and you cannot reasonably be expected to submit to it. If anything like argument is to be brought forward, you are entitled to look for it in the *Edinburgh Review*, though I do not intend by any means to assume that your expectations will be realised in that quarter. Costive, beyond the power of medicine, must be the man who batters on the hard dough dumplings, dished up quarterly under cover of the Blue and Yellow! But I forgot—you are not entirely with the Whigs, though you agree with them as to commercial policy.

You do well, therefore, to avoid argument in all points that require previous preparation and study. A general slashing style, without condescending to particulars, is undoubtedly your forte, and I cannot sufficiently admire your dexterity in avoiding a direct reply. You have got hold of a capital phrase in answer to everything that can be advanced against you. No matter how clearly your opponent may have stated his case, no matter how distinct his logic, or how incontrovertible his facts, you come down upon him with your pet cry of "exploded fallacies," and extinguish him at once and for ever. Very righteously you eschew the trouble of pointing out where, when, and by whom, the said obnoxious fallacy was exploded. It is perfectly possible—nay, in nine cases out of ten, absolutely certain, that you never in your life heard that particular view stated before, and that you do not comprehend it when stated; still, you continue to occupy the vantage ground, and pooh-pooh it down as calmly as though it were one of the Manchester unfulfilled prophecies. This is a pleasant way of getting out of a dilemma; and the best of it is, that by generalisation you may contrive to apply your epithet to every fact, however notorious, which has been brought forward by your antagonist. For instance, an indignant farmer writes you a letter enclosing a balance-sheet of his operations for the last year, which shows that, instead of making any profit, he is out of pocket some ninety or a hundred pounds; and he argues, quite fairly, that if grain is to continue at its present rate, in consequence of importations from abroad, he will be a ruined man before the expiry of his lease, and his labourers thrown out of employment. Six months ago, your answer would have been hopeful, courteous, and encouraging. You would have assured him that the present depression was merely temporary, and that in the course of a short time wheat must be at sixty shillings. You are wiser now. You are perfectly aware that any considerable rise in the value of agricultural produce, under the operation of the present law, is a pure impossibility; and you resort to no such assurance. Three months later you would have told him to go to the devil or the antipodes, whichever he pleased, and not bother the public with his wicked and insensate clamour. But you are also tolerably aware, by this time, that the public does not exactly approve of a wholesale system of expatriation, however admirable it may appear in your eyes; and that you have exposed yourself, by recommending it, to certain reflections, which are not very creditable to your character either as a philanthropist or a Christian. Nor can you much mend the matter by insisting upon another pet phrase of yours, which did good service so long as it was new. You cannot always aver that we are in "a transition state" of society. In the first place, the expression, when you analyse it, has no meaning. In the second place, granting that it had a meaning, people are naturally anxious to know, what sort of state of society is to be consequent on the "transition state"—a piece of information which neither you nor any one else have it in your power to supply. So that an ignorant or commonplace person, who is not versed in the mysteries or resorts of journalism, may be well excused for wondering in what possible way you can meet the allegations of Mr Hawbuck. You cannot refuse to print his letter and his statement, for, if you don't, somebody else will; and either you lay yourself open to the charge of suppression, or it may be held that you cannot frame an answer. How valuable, in such a position, is the shield of "exploded fallacies!" You assume, in your commentary on the letter, a tone of heartfelt commiseration, not for the circumstances, but for the prejudices and benighted mental condition of the writer. "We willingly give a place in our columns to the communication of Mr Hawbuck, not on account of its intrinsic worth—not because it contains any novel information—but because it is a fair specimen of that state of intellectual depression and economical ignorance, which the existence for so many years of a false protective system has unhappily fostered, even among that class of agriculturists who are entitled to the epithet of respectable. Here is a man who, from the general wording and caligraphy of his letter, appears to have received the advantages of an ordinary good education—a man who, by his own confession, is the tenant of a farm for which he pays five hundred pounds a-year of rent, and upwards—a man who, we doubt not, is most estimable in his private relations, a kind husband, an indulgent father, and possibly a considerate master—a man who, not improbably, is on good terms with the squire, and, it may be, visits at the parsonage—and yet this very individual, Mr Hawbuck, is complaining that he cannot make ends meet! We shall not, at the present time, minutely question the accuracy of his statements. These may be grossly exaggerated, or they may contain nothing more than a simple narrative of the truth. Assuming the latter to be the case, we ask our readers, with the most perfect confidence, whether the whole of the argument which he has attempted to rear upon such exceedingly slender foundations, is not, from beginning to end, a tissue of exploded fallacies? Here we have the whole question of British taxation brought forward, as if it was something new. Hawbuck ought to know better. His father was taxed before him, and so, we doubt not, were several antecedent generations of Hawbucks, supposing that the family lays claim to a respectable agricultural antiquity. Hawbuck junior—who, we hope, will have more

sense than his father—must make up his mind, in future years, to contribute his quota to the national burdens, in return for which we receive the inestimable blessings of good government, [O Dick!] sound legislation, and impartial administration of the laws. Then Mr Hawbuck, as a matter of course, acting upon the invariable example of the writers and orators of that unhappy faction to which he has the misfortune to belong, drags in the 'foreigner,' just as the Dugald creature is dragged into the hut at Aberfoil by the soldiers of Captain Thornton. This is another exploded fallacy, which we had fondly hoped was set to rest for ever. It seems we were mistaken. Mr Hawbuck cannot dispense with the 'foreigner.' He haunts him ever and anon in the silence of the night like the Raw-head-and-bloody-bones of the nursery, or like the turnip lantern placed on the churchyard wall by some juvenile agricultural humourist. Really it is very distressing that any one should be so persecuted by a phantom which is the pure growth of mental apprehension and disease. Mr Hawbuck certainly ought to consult his medical adviser; or, if distance and the embarrassed state of his affairs preclude him from applying to the village Galen, perhaps he will allow us to prescribe for him. A good dose of purgative medicine twice a-week, moderate diet, abstinence from intoxicating liquors, and change of scene—we would suggest a visit to Mr Mechi's farm of Tiptree—will work wonders with our patient. But he must beware of all excitement. He must on no account attend any gatherings where Mr Ferrand is a speaker, and he had better refrain from passing his evenings at the Agricultural Club. He will thus be able to effect considerable retrenchment in his expenditure by avoiding beer, and Mrs Hawbuck will love him none the less. By attending to these few simple rules, we are convinced that a radical cure may be effected. We shall then hear no more of Mr Hawbuck's complaints, nor will it be necessary again to reprehend him for the adoption of exploded fallacies. We shall not do the farmers of Great Britain the injustice to suppose that this gentleman is a type of their class. We regard him simply as an honest, easy-natured, but very credulous person, who has been unfortunately imbued with false notions of political economy, and used as a tool in the hands of others to promote their interested designs."

There, Dick, is a leader for you cut and dry; and I think you must admit that it will answer every purpose. In the first place, you won't hear any more of Hawbuck. Men of his class cannot bear to be laughed at, so that his only revenge will be a muttered vow to break your head, if it should ever come knowingly within the sweep of his cudgel. In the second place, you will have the satisfaction of knowing that you have raised a laugh, which is at all times equivalent to a triumph in argument. The majority of your readers will esteem you a very clever fellow, and henceforward the name of Hawbuck will be the signal for general cachinnation. It is quite true that Hawbuck's statement is in no way refuted, or the cause of his distress investigated—but how can you possibly be expected to occupy your time with his affairs? As a "special commissioner," indeed, you may treat him more minutely. You may pry into his pigsty, investigate his stable, criticise his mode of drainage, disapprove of his rotation of crops, inquire into the wages which he pays, and decidedly object to his turnips. You may hold him up as a lamentable victim of that species of wretched farming which, under the baneful shadow of protection, could do no more than render British agriculture by far the finest and the most productive in the world. You may exhort him to lay out more capital—you need not care about the amount, as he is not likely to ask you for a loan, nor would you be willing to advance it, if he did, on such dubious security; and you may abuse him as an obstinate ass, because he does not plough with a steam-engine. All this you may do with impunity, (provided you never visit the district again;) and you will be hailed by your own party as a genuine national benefactor, and as an oracle of agricultural progress. But don't mix up the two characters—that is, keep statistics for your report, and general assertions for your leading article. Hold hard by the doctrine of "exploded fallacies." It will apply to everything, and every system, which was ever hatched under the influence of the sun. You may adapt the term to physics quite as appropriately as to opinions. If you are inclined to set forward as an exploded fallacy the dogma that climate has any influence upon crops, you are perfectly entitled to do so, on the authority of the Huxtables of the present generation.

But I fear that I am exhausting your patience, and, as it is now rather late, I shall merely add a word of personal advice. Never attempt to rear up your independent judgment against the wishes of your proprietors. In ordinary times this caution might be unnecessary, since few men are sincerely desirous to quarrel with their bread and butter. But there is a foolish spirit of insubordination visible just now on the surface of society, against which you ought to guard. Young men are beginning to fashion out opinions for themselves. The old traditional landmarks are not sufficient for their guidance; and I, who am a veteran in politics, find myself not unfrequently bearded by some pert whippersnapper, just escaped from school, who is now setting up, as the phrase is, on his own hook, as an earnest man and a patriot, and who probably expects before long to hold office in that new Downing Street which has been so seductively prophesied by the blatant seer of Ecclefechan. I need hardly tell you, Dick, that this is all mere moonshine—pure flatulency, superinduced by a vegetable diet upon a stomach naturally feeble. If you wish to see the results of young independent journalism, you have only to step over to the Continent. I have been watching the progress of events there with considerable interest for the last three years, and my only wonder is, how several scores of able German editors have managed to escape the gallows. You see what a pass they have arrived at in France. Nobody is allowed to write an article in the most paltry paper without affixing his name; and the consequence is, that journalism, as a profession, is terribly on the decline. I don't like this, I own. I wish to see its respectability kept up, and its decencies preserved; and I don't think that can be accomplished by the suppression of the editorial We. People are very anxious to know what are the opinions of a leading London journal upon any given point, but I question if they would pay twopence to ascertain what Jenkins, or Larkins, or Perkins may please to think, should the names of these gentlemen appear at the end of their respective lucubrations. Therefore, Dick, stand up

for your order, and do not be led astray by the impulses of individual vanity. Dismiss all egotism from your mind, and keep in your proper place. Supposing that you have achieved any notable feat of arms, rest contented with the consciousness thereof, and don't run about telling the whole world that it was you who did it. Benvenuto Cellini would have been a precious ass had he stated during his lifetime that it was he who shot the Constable Bourbon. He was wiser, and kept the statement for his memoirs. This would be no world to live in if reviewers were obliged to give up their names. Fancy Hawbuck at your door, or lurking round the corner, armed with a pitchfork or a flail! The bare idea is enough to make one's blood curdle in the veins. Far rather would I evacuate my premises in the full knowledge that two suspicious gentlemen of the tribe of Gad were waiting to capture me on a writ.

And now, Dick, good night. You see I have used my privilege of seniority pretty freely; but you are not the lad I take you for, if you are offended at a friendly hint. By the way, how do you intend to come out on the Catholic question—strong or mild? Are you going to back up Lord John Russell's "noble letter" to the Bishop of Durham?—or do you intend to twit him with his support of Maynooth, his acknowledgment in Ireland of the territorial titles of the Papist bishops, and the rank which he has given them in the Colonies? You don't like to commit yourself, I suppose? Ah, well; perhaps you are right. But this I will say for Lord John, that whatever may be his capabilities as a statesman, he would have made a first-rate editor. Upon my conscience, sir, I believe that there never lived the man who had a finer finger for the public pulse. He knows to a scruple the amount of stimulants or purgatives which the British constitution will bear; and the moment that the patient becomes uneasy, he changes his mode of treatment. I should like to see Shiel's countenance when he reads the letter. I have no doubt that by this time he is convinced that he might have saved himself the trouble of excising *Dei Gratia* from the coinage, and that his tarry in Tuscany will hardly give him a complete opportunity of studying the relics of ancient art. Seriously, Dick, I look upon the almost unanimous opinion expressed by the British press, with regard to this insolent Roman aggression, as by far the best and surest symptom of its vitality.

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# THE GREAT UNKNOWN.

## A JEST FROM THE GERMAN.

It was a bright afternoon in the beginning of October, and the little town of Miffelstein lay basking in the genial sunbeams. But its streets, generally so cheerful, were upon that day solitary. The town seemed deserted, and its unusual aspect evidently surprised a pedestrian, who ascended the steep slope of the main street, and gazed curiously about him, without perceiving a single face at the windows. Everything was shut up. No children played on the thresholds; no inquisitive serving wench peeped from door or garret: some fowls were picking up provender in the road, and a superannuated dog blinked and slumbered in the sun; but of human beings none were to be seen. In seeming perplexity the traveller shook his head. Then—not with the hesitating step of a stranger in the land, but with firm and confident strides—he walked straight to the principal inn, whose doors stood invitingly open upon the market-place. Like one familiar with the locality, he turned to his left beneath the entrance archway, and ascended the stairs leading directly to the coffee-room. The coffee-room was empty. A waiter, who sat reading in the bar, welcomed the new comer with a slight nod, but did not otherwise disturb his studies.

"God bless you, old boy!" cheerfully exclaimed the traveller, casting from his shoulders a handsome knapsack; "just see if you can manage to leave your chair. I am no travelling tailor or tinker, but the long-lost Alexis, returned from his wanderings, and well disposed to make himself comfortable in his uncle's house."

With an exclamation of joyful surprise, the old servant sprang from his seat, and grasped the hand of the unexpected guest.

"Thanks, my honest old friend," replied the young man to his affectionate greeting, "and now tell me at once what the deuce has come over Miffelstein? Has the plague been here, or the Turks? Are the worthy Miffelsteiners all gathered to their fathers, or are they imitating the southerners, and snoring the siesta?"

The waiter hastened to explain that the great harvest feast was being celebrated at a short distance from the town, and that the entire population of Miffelstein had flocked thither, with the exception of the bedridden and the street keepers; and of his master, and the young mistress, he added, the former of whom was detained by business, and the latter was dressing herself, but who both would follow the stream before half-an-hour was over.

"True!" cried Alexis, striking his forehead with his finger: "I have almost forgotten my native village, with its vintage and harvest joys; and I much fear it returns the ill compliment in kind. I can pass my time, however, till my worthy uncle and fair cousin are visible. Bring me something to eat: I am both hungry and thirsty."

"What cellar and kitchen contain is at your honour's service," replied the waiter. "We had no strangers at table to-day, but cold meat is there; and, if it so please you, some kail-soup shall be instantly warmed."

"Kail-soup," said Alexis with a smile; "none of that, thank you. Cold meat—*bene*. But don't forget the cellar."

"Assuredly not. Whatever your honour pleases. A flask of sack, or a jug of ale?"

"Sack! sack!—Miffelstein sack!" cried Alexis, laughing heartily. "Anything you like. Only be quick about it."

Whilst the waiter hurried to the larder, Alexis examined the apartment, which struck him as strangely altered since his boyish days. The old familiar furniture had disappeared, and was replaced by oaken tables, stools, and settees of rude and outlandish construction. The shining sideboard had made way for an antiquated worm-eaten piece of furniture with gothic carvings. Altogether the cheerful dining-room had undergone an odd change. The walls were papered with views of bleak mountain scenery, dismal lakes and turreted castles, enlivened here and there with groups of Scottish peasantry. The curtains, of many-coloured plaid, were not very elegant, and contrasted strangely with the long narrow French windows. "What on earth does it all mean?" exclaimed the puzzled Alexis. Just as he asked himself the question, the waiter entered the room, with a countenance of extraordinary formality, bearing meat and wine upon a silver salver. This he placed before him with an infinity of ceremonious gestures and grimaces.

"Your lordship will graciously put up with this poor refreshment," he said. "The beef is as tender as if it came from the king's table, (God bless him;) the sack, or rather the claret, is of the best vintage. The kail-soup would hardly have been forthcoming; for although the cook is kept at home by a cold, she is reading, and cannot leave her book. And now, if it will please your lordship, I will play you a tune upon the bagpipes."

In mute and open-mouthed astonishment, Alexis stared at the speaker. But the old man's earnest countenance, and a movement he made to fetch the discordant instrument, restored to him his powers of speech.

"For heaven's sake!" he cried, "Tobias! stop, come hither, and tell me if you have lost your senses! Lordship! claret! A cook who can't leave her book! A bagpipe! Tobias! what has come to you?"

"Ah, Mr Alexis!" said the old fellow, suddenly exchanging his quaint and ceremonious bearing for a plaintive simplicity of manner, "to say the truth, I hardly know myself what has come to me. But pray don't call me Tobias before the master. Caleb has been my name now for a matter of three



years. Master and the customers would have it so."

"Caleb?"

"Yes, my dear Mr Alexis. I and the inn were rebaptised on the same day. I am sorry for both of us, but I am only the servant, and what everybody pleases—"

Alexis pushed open the window and thrust out his head. "True, by all that's ridiculous!" he exclaimed, turning to the rebaptised waiter; "the old Star hangs there no longer. What is your house called now?"

"The Bear of Bradwardine; and since that has been its name, and everything in it has been so transmogrified, the place is full of strangers, particularly of English, who throng us in the summer. And there's such laughing and tomfoolery, that at times I'm like to go crazy. They stare at old Caleb as if he himself were the Bear, laugh in his face, and apologise by a handsome tip. That would be all very well, but the neighbours laugh at the master and the inn, and at me and Susan, whose name is now Jenny, and never think of putting hand in pocket to make amends. But what can I do, Mr Alexis? Master is wilful, and I'm sixty. If he discharged me, who would give old Tobias—Caleb, I mean—his daily bread?"

"I would, old fellow," replied Alexis heartily; "I would, Tobias. You've saved me a thrashing for many a prank, and were always kinder to me than my own uncle, who sometimes forgot that I was his sister's son. If ever you want, and I have a crust, half is yours. But go on, I do not yet understand—"

Tobias cast a timid glance at the door, and then continued, but in a lower tone than before.

"Three years ago," he said, "the mistress died, and soon afterwards things began to go badly. Your uncle neglected the house, and at last, if we had one customer a-day, and three or four on Sundays, we thought ourselves well off. It was all along of books. Every week there came a great parcel from the next town, and master read them through and through, and then the young lady, and then master often again. He neither ate, nor drank, nor slept: he read. That may have made him learned, but it certainly did not make him rich. One day, when things were at the worst, a stranger came to the inn, and wrote himself down in the book as an Englishman. He it was who turned master's head. The first night they sat up talking till morning; all next day and the day after that, they were poring over books. Then the folly began; everything must be changed—house and furniture, sign and servants. They say the Englishman gave your uncle money for the first expenses. If everything had gone according to his and master's fancy, you would have found us all in masquerade. The clothes were made for us just like yonder figures on the paper. But we only wore them one day. The blackguards in the street were nigh pulling down the house, and"—here Tobias again lowered his voice—"Justice Stapel sent word to master that he might make as great a fool of himself as he pleased, but that he must keep his servants in decent Christian-like clothing. So we got back to our hose and jackets. The Englishman, when he returned the following spring, and a whole lot of people with him, made a great fuss, and scolded and cursed, and said that we upon the Continent were a set of miserable slaves, and that it was a man's natural right to dress as he liked—or not at all, if it so pleased him. For my part, slave or no slave, I was very glad Justice Stapel had more power here than the mad Englishman. As it was, I had to learn to play the bagpipes; and Jenny had to learn to cook as they do in England or Scotland; and we all had to learn to speak as they speak in master's books, eight pages of which we are obliged to read every day. Jenny likes the books, and says they are better fun than cooking: for my part, I can make nothing of them, and always forget one day what I learned the—"

The old man paused in great trepidation, for just then the door opened, and a beautiful girl, attired in gorgeous Scottish tartans, entered the room.

"Emily! dear cousin!" cried Alexis, springing to meet the blooming damsel, "though eighteen years instead of nine had elapsed since we parted, I still should have recognised your bright blue eyes." Bright the eyes certainly were, and at that moment they sparkled with surprise and pleasure at the wanderer's return; but before Alexis had concluded his somewhat boisterous greetings, their brightness was veiled by an expression of melancholy, and the momentary flush upon the maiden's cheek was replaced by a pallid hue, which seemed habitual, but unnatural. The change did not escape the cousin's observant glance, and he pressed her with inquiries as to its cause. At first he obtained no reply but a sigh and a faint smile. His solicitude would not be thus repelled.

"Upon my word, cousin," he said, "I leave you no peace till you tell what is wrong. I see very well that, during my absence, house and furniture, master and servants, have all been turned upside down. But what can have caused this change in you? Have you too been rebaptised? Has the barbarous Englishman driven you too through the wilderness of his countryman's romances? Have you been compelled, like this poor devil, to swallow Redgauntlet in daily doses, like leaves of senna? Speak out, dear cousin, my old friend and playmate. Assuredly, I little expected to find you still Miss Wirtig. Ere now, I thought some fortunate Jason, daring and deserving, would have borne away the treasure from the Miffelstein Colchis."

Emily cast a side-glance at Tobias, who stood at a short distance, listening to their conversation with an air of respectful sympathy. As if taking a hint, the old man left the apartment. When Emily again turned to her cousin, her eyes glistened with tears.

"Dear Emily," said Alexis, laying aside his headlong bantering tone, and speaking earnestly and affectionately, "place confidence in me, and rely on my zeal to serve you and desire to see you happy. True, I left this house clandestinely, because your father would have made a tradesman of

me, when my head was full of Euclid and Vitruvius, and my fingers itched to handle scale and compasses. But it is not the worst sort of deserter who returns voluntarily to his regiment. Think not ill of me therefore, and confide to me your sorrows. It is nearly three years since William Elben wrote to me that he hoped speedily to take you home as his bride. But now I see that he deceived me."

"William spoke the truth," the maiden hastily replied; "the hope was then justified. He had my consent, and my father did not object. But fate had otherwise decreed. The author of *Waverley* is the evil genius who prevents our union and causes our unhappiness."

"The devil he does!" cried Alexis, starting back.

"Alas! good cousin," continued Emily sentimentally, "who knows how the threads of our destiny are spun!"

"They are not spun in the study at Abbotsford, at any rate," cried the impetuous Alexis. "But it is all gibberish to me. Our neighbours beyond the Channel have certainly sometimes had a finger in our affairs, but I never knew till now that their novelist's permission was essential to the marriage of a Miffelstein maiden and a Miffelstein attorney. But—"

He was interrupted by Tobias, who threw open the door with much unnecessary noise, and thrust in his head with an ominous winking of his eyes, and a finger upon his lips. The next moment the innkeeper entered the room.

Alexis found his uncle grown old, but he was more particularly struck by his strange stiff manners, which resembled those of Caleb, but were more remarkable in the master than the servant, by reason of the solemn and magnificent style in which they were manifested. Herr Wirtig welcomed his nephew with infinite dignity; let fall a few words of censure with reference to his flight from home, a few others of approbation of his return, and inquired concerning the young man's present plans and occupations.

"I am an architect and engineer," replied Alexis. "My assiduity has won me friends; I have learnt my craft under good masters, and have done my best to complete my education during my travels in Italy, France, and England."

"England?" cried Wirtig, pricking his ears at the word: "Did you visit Scotland?"

With a suppressed smile, Alexis replied in the negative. His uncle shrugged his shoulders with an air of pity. "And what prospects have you?" he inquired.

"Prince Hector of Rauchpfeifenheim has given me a lucrative appointment in his dominions. Before assuming its duties, I have come to pass a few days here, and trust I am welcome."

Wirtig shook his nephew's hand.

"Welcome you are!" said he, kindly. "Hospitality is the attribute of the noblest races. So long it please ye, remain under this poor roof. By the honour of a cavalier! I would gladly have you with me in the spring, when I think of rebuilding my house on a very different plan. You will find many changes here, kinsman Alexis. Come, fill your glass. A health to the Great Unknown! He has been my good genius. But we will talk of that on our way to the harvest feast."

The innkeeper's conversation on the road to the hamlet, where the festival was held, was in complete accordance with Caleb's account of his vagaries. He was perfectly mad on the subject of the author of *Waverley*. Never had human being, whether sage, poet, or philosopher, made so extraordinary an impression on an admirer as had the poet of Abbotsford on the host of the Star—now the Bear of Bradwardine. Wirtig identified himself with all the most striking characters of the Scottish novels. He assumed the tone by turns of a stern Presbyterian, a gossiping and eccentric antiquary, a haughty noble, an enthusiastic royalist, a warlike Highland chief. His intense study of the *Waverley* Novels, at a time when he was much shaken by his wife's sudden death, had warped his mind upon this particular subject. Combined with this monomania was a feeling of boundless gratitude to the Scottish bard for the prosperity the inn had enjoyed under the auspices of the Blessed Bear. His portrait hung in the dining-room, where his birthday was annually celebrated. Wirtig scarcely ever emptied a glass but to his health, or uttered a sentence without garnishing it with his favourite oaths and expressions. In his hour of sorrow, the honest German had made himself a new world out of the novelist's creations. The sorrow faded away, but the illusion remained. And Wirtig deeply resented every attempt to destroy it. Emily's lover, Elben, a thriving young attorney, had dared to attack the daily increasing folly of his future father-in-law, and had boldly taken the field against his Scottish idol. He paid dearly for his temerity. Argument sharpened into irony, and irony led to a quarrel, whose consequence was a sentence of banishment from the territory of the Clan Wirtig, pronounced against the unlucky lover, who then heartily bewailed his rashness—the more so that, whilst he himself was excluded from the presence of his mistress, he was kept in constant alarm lest some one of the numerous English visitors to the Bear of Bradwardine should seduce her affections, and bear her off to his island. In vain did he endeavour, through mutual friends, to mollify Scott's furious partisan; in vain did Emily, in secret concert with her lover, exert all her powers of coaxing. At last Wirtig declared he would no longer oppose their union when Elben should have atoned for his crime by presenting him with a novel from his own pen, written in the exact style of that stupendous genius whom the rash attorney had dared to vilify. Elben was horrified at this condition, but nevertheless, remembering that love works miracles, and has even been known to make a tolerable painter out of a blacksmith, he did not despair. He shut himself up with a complete edition of the *Waverley* novels, read and re-read, wrote, altered, corrected, and finally tore up his manuscripts. A hundred times he was on the point of abandoning the task in despair; a hundred

times, stimulated by the promised recompense, he resumed his pen. But his labour was fruitless. A year elapsed; he had consumed sundry reams of paper, bottles of ink, and pounds of canister; the result was *nil*. The time allowed him expired at the approaching Christmas. Poor Emily's cheeks had lost their roses through anxiety and suspense. The Miffelstein gossips pitied her, abused her father, and laughed at Elben.

These latter details did not reach Alexis through either his uncle or his cousin. The former, on casual mention of the attorney's name, looked as grim as the most truculent Celt that ever carried claymore; in her father's presence Emily—or Amy, as the Scotomaniac now called her—dared not even allude to her lover. Elben himself, whom Alexis encountered gliding like a pale and melancholy ghost amidst the throng of holiday-makers, confided to his former school-mate the story of his woes. Alexis alternately pitied and laughed at him.

"Poor fellow!" said he, "how can I help you? I am no novelist, to write your book for you, nor yet a magnificent barbarian from the Scottish hills, to snatch your mistress from her father's tyranny and bear her to your arms amidst the soft melodies of the bagpipe. I see nothing for it but to give her up."

Elben looked indignant at the coldblooded suggestion.

"You do not understand these matters," said he, with an expression of disdain.

"Possibly not," replied Alexis, "but only reflect—you a romance-writer!"

Elben sighed. "True," he said, "it is a hopeless case. How many nights have I not sat in the moonlight upon the ruins of the old castle, to try and catch a little inspiration. I never caught anything but a cold. How many times have I stolen disguised into the lowest pot-houses, where it would ruin my reputation to be recognised, to acquire the popular phraseology. And yet I am no further advanced than a year ago!"

To the considerable relief of Alexis, the despairing lover was here interrupted by the explosion of two little mortars; a shower of squibs and rockets flew through the air, and the women crowded together in real or affected terror. In the rush, the two friends were separated, and Alexis again found himself by the side of old Wirtig, who was soothing the alarm of his timorous daughter. "Fear nothing, good Amy," he said; "danger there is none." Then turning to Alexis: "Cousin!" said he solemnly, "by our dear Lady of Embrun! yon was a report! the loudest ever made by mortar. The explosion of the steamboat which yesterday blew Prince Hector of Rauchpfeifenheim and his whole court into the air, could scarcely have been louder."

"Nay, nay," said Alexis, "things were not quite as bad as that. Rumour has exaggerated, as usual. No one was blown into the air—no one even wounded. The steamboat which the prince had launched on the lake near his capital, was certainly lost, in consequence of the badness of the machinery. But the prince and all on board had left the vessel in good time. The slight service it was my good fortune to render, by taking off Prince Hector in a swift row-boat, doubtless procured me, more than any particular abilities of mine, my appointment as his royal highness's architect."

The bystanders looked with redoubled respect at the man thus preferred by the popular sovereign of the adjacent state. The sentimental Emily lisped her congratulations. Her father shook his nephew vehemently by the hand.

"By St Dunstan! kinsman," he cried, "it was well done, and I dare swear thou art as brave a lad as ever handled oar! Give me the packet of squibs; Amy, thou shall see me fire one in honour of thy cousin Alexis!"

The firework, unskilfully thrown, lodged in the coat skirts of a stout broad-shouldered man in a round hat and a long brown surtout, who was elbowing his way through the crowd. The stranger, evidently a foreigner, strove furiously against the hissing sputtering projectile, and at last succeeded in throwing it under his feet and trampling it out with his heavy boot-soles. Then, brandishing a formidable walking-cane, and grumbling most ominously, he began to work his way as fast as a slight lameness in one of his feet permitted, to the place where Wirtig was blowing his match and preparing for another explosion. Emily called her father's attention to the stranger's hostile demonstrations, but the valiant host of the Bear of Bradwardine heeded them not. From time immemorial, he said, it had been use and custom at Miffelstein harvest-home to burn people's clothes with squibs, and he certainly should not, in the year of grace 1827, set an example of deviation from so venerable a practice. When, however, he distinguished some well-known English oaths issuing from the stranger's lips—and when Caleb came up and whispered in his ear that the traveller had alighted at the Bear, and, finding himself lonely, had demanded to be conducted to the festival—the worthy innkeeper regretted that he had directed his broadside against the stern of a natural ally, and seemed disposed to make due and cordial apology. After some cursing and grumbling in English, the stranger's wrath was appeased, and in a sort of Anglo-German jargon, he declared himself satisfied. He said some civil things to Emily, took a seat by her side, abused the squib and rocket practice, praised his host's wine, and made himself at home. Wirtig's attention seemed greatly engrossed by the new comer, whom he examined with the corner of his eye, taking no further part in the diversions of the festival, and quite omitting to observe the furtive glances exchanged between his daughter and Elben, who lurked in the vicinity.

Presently Alexis, who had been overwhelmed by the greetings of old acquaintances and playmates, returned to his uncle's party. He started at sight of the Englishman.

"How now!" he exclaimed; "you here, my good sir? By what chance?"

The stranger evidently shared the young man's surprise at their meeting. Hastily quitting his seat, he took Alexis by the arm, and led him out of the throng. At a short distance off, but out of all earshot, Wirtig saw them walking up and down, the Englishman talking and gesticulating with great earnestness, Alexis listening with smiling attention. The host of the Bear sat in deep thought, his eyes riveted upon the Englishman.

"Caleb," he suddenly demanded of the old waiter, who was moistening his larynx with a mug of cider—"Caleb, how came yon gentleman to our hostelry?"

"On horseback, Master Wirtig," replied Caleb, mustering up his reminiscences of the *Tales of my Landlord*, "on a gallant bay gelding. His honour wore spatterdashes, such as they wear to hunt the fox, I believe, in his country. His cane hung from his button; and if it so please ye, Master Wirtig, I will describe his horse furniture as well as my poor old memory will permit."

"Enough!" said Wirtig, impatiently. "Whence comes the traveller, and whither is he bound?"

Caleb shrugged his shoulders.

"Has he written his name in the strangers' book?"

"He has so, Master Wirtig, after long entreaty; for at first he steadfastly refused. At last he wrote it. 'Let none see this,' he said, 'save your master; and let *him* be discreet, or—'"

"Glorious!" interrupted Wirtig, and, in the joy of his heart, was near embracing his astonished servant. "I had a presentiment of it, but say—his name?"

Caleb looked embarrassed. "You alone were to see it, Master Wirtig, and I—you know I am not very good at reading writing. I looked into the book, but—"

"How looked the word, fellow?"

"To me it looked a good deal like a blot."

"Now, by St Bennet of Seyton! thou art the dullest knave that ever wore green apron! How many letters?"

Caleb scratched his head. "Hard to say exactly; but not more than five, I would wager that."

"FIVE! Varlet, thou rejoicest me. Heavens! that such good fortune should be mine! Run, man, run as you never ran before! Bid Jenny kill, roast and boil! A great supper! Scottish cookery! The oak-table shall groan with its load of sack, ale, and whisky. Let Quentin put the horses to, and fetch us with the carriage. Rob Roy must go round to all the best houses, and invite the neighbours. Tell Rowena to leave the goats, and help Jenny in the kitchen. By my halidome! I had almost forgotten. Old Edith must sweep out the ballroom, and Front-de-Bœuf put wax-lights in the chandeliers. Go! run! fly!"

Caleb disappeared. In his place came a crowd of the innkeeper's friends and gossips. "What now? What is up?" was asked on all sides. And Wirtig exultingly replied:—"A feast! a banquet! such as the walls of the Bear of Bradwardine never yet beheld. For they are this day honoured by the presence of the most welcome guest that ever trod the streets of Miffelstein. Wine shall flow like water, and there's welcome to all the world."

Breaking through the inquisitive throng, Wirtig hurried to meet Alexis, who was now returning alone from his mysterious conference with the stranger.

"Well?" cried the uncle, with beaming countenance and expanded eyes.

"Well?" coolly replied the nephew.

"Is it he, or is it not?"

"Who?"

"Who? Now, by the soul of St Edward! thou hast sworn to drive me mad. You say you have not been in Scotland? Was it in Paris you knew him? Or do you think I am blind? Is not that his noble Scottish countenance? the high cheek-bones—the sharp gray eyes—the large mouth, and the bold expression? And then the lame foot, and five letters! What would you have more?"

"Really, uncle, I would have nothing more."

"Obstinate fellow! you will explain nothing! But the portrait, the face, the five letters—your mystery is useless—the secret is out—the stranger is—Scott!"

"Scott!" cried Alexis, greatly surprised. "How do you know that?"

"Enough! I know it. 'Tis the Great Unknown! Shame on you, Alexis, to try to deceive your uncle! Tell the great man, with whom you, unworthy that you are, have been so fortunate as to make acquaintance, that his *incognito* shall be respected, as surely as I bear an English heart in my bosom. By the rood, shall it! For all Miffelstein he shall be the Unknown. But I crave his good leave to celebrate his coming."

"I will answer for his making no objection," replied Alexis, who apparently struggled with some inward emotion, for his voice was tremulous, his face very red, and his eyes were steadfastly fixed on the toes of his boots.

"Answer for yourself, Sir Architect!" said his uncle, somewhat sharply. Then, in a lower and confidential tone, "Where is the immortal genius?" he inquired.

"If I mistake not," replied Alexis, "I see him yonder, eating curds and pumpnickel."

"Ah, the great man!" ejaculated Wirtig; "to condescend to food so unworthy of his illustrious jaws."

And see, he is about to fire off the mortar! Engaging familiarity! Boom! The loudest report to-day! The piece is mine, though it cost me a thousand florins! It shall be christened Walter Scott!"

"Hush, hush!" interposed Alexis; "if you go on in this way, the incognito will be in danger. And he himself must not perceive that you—"

"True!" interrupted the excited Wirtig, clapping his hand on his lips. "Ah, could I but speak Gaelic, or even English, the better to commune with the inspired bard! But he has translated *Goetz von Berlichingen*, so must understand the pure German of Miffelstein. But now tell me, Alexis, in strict confidence, how comes the first of the world's poets in our poor village? Has he, perchance, heard of the Bear of Bradwardine, and of his faithful clansman, John Jacob Wirtig? Or does he seek subject for a new romance, and propose to place his hero at Miffelstein, as he conducted Durward to Plessis-les-Tours, and the brave knight Kenneth to Palestine?"

"Neither the one nor the other, my dear uncle, unfortunately for us," replied Alexis thoughtfully, and pausing between his sentences. "Trusting to your discretion, and to convince you of its necessity, I will not conceal from you that a great peril has brought the Author of *Waverley* to Miffelstein. You must know that he has just published an historical romance, in which, availing himself of the novelist's license, he has represented Charlemagne and Henry the Fourth of France vanquished in single combat by William Wallace and Robert the Bruce. A French general, taking offence at this, has insisted upon his retracting the statement, or fighting a duel with blunderbusses at six paces. Of course a man of honour cannot retract—"

"Of course not! Never did Scottish chief so demean himself! I see it all. The — Unknown has shot the general, and—"

"On the contrary, uncle. He does not want to be shot by the general, and that is why he is here, where none will look for him."

"What!" cried the host of the Bear, taken very much aback; "but that looks almost like—like a weakness, unknown to his heroes, who so readily bare their blades! I scarcely understand how—"

"You misapprehend me," interrupted Alexis: "the baronet only asks to put off the duel until he has finished a dozen novels, each in three volumes, which he has in progress. And as the Vandal refuses to wait—"

"I see it all!" cried Wirtig, perfectly satisfied: "the Unknown is right. What! the base Frenchman would rob the world of twelve masterpieces! Not so. In Miffelstein is safe hiding for the Genius of his century. *Montjoie*, and to the rescue! Let him wrap himself in his plaid, and fear no foe! I will cover him with my target, and my life shall answer for his! Where should he find refuge, if not in the shadow of the Bear?"

Meanwhile, taking advantage of Wirtig's relaxed vigilance, Elben had stolen to Emily's side.

"What is the matter with your father to-day?" said the lovesick attorney to his mistress, when Wirtig and Alexis walked away in the direction of the mortar, and the crowd that had assembled round the host of the Bear dispersed, laughing and shaking their heads. "What new crotchet possesses him, and whence comes his extraordinary excitement and exultation?"

Emily pressed her lover's hand, and the tears stood in her sentimental blue eyes.

"William," she said, "I greatly fear that all is over with our dearest hopes. I am oppressed with a presentiment of misfortune. My father is about to execute an oft-repeated threat. He will force me to wed another!"

"Whom?" cried the unfortunate lawyer, his hair standing on end with alarm: "surely not that rattlepate Alexis? The relationship is too near, and the canon forbids."

"You mistake me, William," replied Emily; "I mean the Englishman. My father's strange agitation—his boundless joy—certain hints that he has let fall—I am convinced he has discovered in this stranger some rich son-in-law for whom he had written to England."

"You pierce my very heart!" plaintively exclaimed Elben. "Unhappy day! Accursed festival, date of my last hope's annihilation! How all this merriment grates upon my soul! So might the condemned soldier feel, marching to execution to the sound of joyous music!"

"William! William! what frightful images!" sobbed Emily from behind her handkerchief.

"Romance! poetry!" continued the incensed attorney; "now, indeed, might I hope to compose some tragic history, which should thrill each reader's heart. Despair not, dearest Emily. There is still justice upon earth. I will bring an action against your father. Or perhaps—from this to the new-year there is yet time to invent tales and write volumes. As to yonder lame foreigner, I will try some other plan with him. By the bye, who knows if he has got a passport? I don't think he has, by his looks. Respectable people do not travel about on horseback. I must find out what he is, and his name."

And Elben was moving off, to commence his investigations, but Emily detained him.

"Such means are unworthy your noble nature, my William," she said. "In your cooler moments you will assuredly reject them."

Elben shrugged his shoulders. "At your command," he said, "even stern Themis would drop the sword. But what can I do? Must I resort to a pistol-ball, or to prussic acid, as sole exit from my misery? That would be unbusinesslike, very unbecoming a respectable attorney. Nor would it rescue you from persecution."

"Is there no way out of this labyrinth?" said Emily pensively, apparently little apprehensive of her

lover's resorting to suicide. "No flight from the clutches of this odious foreigner?"

"Flight!" repeated Elben, catching at the word. "What a bold idea!"

"Realise it," said Emily, speaking low and very quickly. "Run away with me!"

The attorney started.

"*Raptus!*" he exclaimed. "Dearest, what do you propose? The law punishes such an act. The third chapter of our criminal code—"

"You have little chivalry in your nature," interrupted Emily, reproachfully. "You are no Douglas! Leave me, then, to my fate. Alas! poor Emily! to be thus sacrificed ere thy twenty-second summer has fled!"

"Twenty-second!" cried the prosaic lawyer, unheeding the implied inferiority to the Douglas; "there is something in that. I knew not you were of age. You have a right to decline the paternal authority. That alters the case entirely. Since you have completed your one-and-twentieth year, an elopement is less perilous."

The lovers' colloquy was here interrupted by the arrival of Wirtig, accompanied by his nephew and the Englishman. The festival approached its close, and Wirtig, at last missing his daughter, and hearing that she was with Elben, hurried in great alarm to seek her. He was accompanied in his search by Alexis and the lame stranger, who conversed in English.

"Is the innkeeper mad?" inquired the latter. "Does he want to borrow money of me? Or what is he driving at?"

"He merely desires to make himself agreeable to you," replied Alexis.

"The devil take his agreeableness. I hate such fawning ways. You know the unfortunate motive of my visit to Miffelstein. In my position, compliments and ceremony are quite out of place."

"You must nevertheless endure them. They insure your safety. For a few days you must be content to pass for a great man."

"There's none such in my family."

"No matter. Greatness is thrust upon you. Try to persuade yourself that you are the great Scottish Unknown."

"Never heard of him. What has he done?"

"He has written romances."

"Pshaw! I hate your scribblers. For heaven's sake, don't say I am an author."

"Unfortunately I have said so already. For your own sake, beware of contradicting me. It is most unfortunate that you forgot your passport. If Prince Hector of Rauchpfeifenheim learns that you are at Miffelstein, you are no safer here than in his capital."

"Curse my luck," growled the Englishman between his teeth, "and confound all smiths and boiler-makers! Had I but remained in Old England! There, if a boiler does burst, money and a letter in the paper will make all right. But the Continent is worse than a slave-market. No *habeas corpus* here! A foreigner is no better than an outlaw, and if an accident occurs, he has no bail but leg-bail."

"It is certainly very wrong of the prince to be angry at such a trifle. You were only within a hair's breadth of drowning him and his whole court. However, it is for you to choose whether or not I shall say who you really are."

"Not! certainly not! To get out of this scrape, I would consent to pass for a Yankee. By all means let me be your Unknown friend."

"You shall," said Alexis, laughing; "but on one condition. You must assist me to bring about the happiness of two deserving persons."

"Cost any money?" inquired the stranger suspiciously.

"Not a kreutzer. A few fair words, which I will teach you."

"I am willing. What is to be done? Who are the persons!"

"That pretty girl you were sitting by just now, and her lover, a worthy young man."

"But I do not know him."

"Not necessary."

"Whatever you like, if it costs me neither liberty nor money. Though I would give all the money in my pocket for a scrap of passport. Cursed Continent! In my country, we don't know such things. Had I only—but in my haste to escape the gendarmes, I forgot everything."

It was at this point of the conversation, carried on in English, and therefore unintelligible to Wirtig, that the innkeeper pounced upon his daughter and her lover.

"How now, attorney!" he exclaimed; "what means this? By St Julian of Avenel! who permitted you to walk with my daughter? *Tête Dieu!* let it be for the last time! I trust thee not, attorney. But this is a happy day, and you shall not be excluded from the banquet in honour of our distinguished visitor. You will be welcome at the Bear of Bradwardine. And what you there shall see and hear will quickly rid you of your prejudices against—"

Alexis trod on the foot of his garrulous uncle. Elben looked daggers at the Englishman. Emily smiled, and sighed.

"Now, your lordship, if it so please ye," quoth Wirtig, in huge delight, "we will return to my poor house. The sun is below the horizon, and the evening dews might endanger your precious health. My forgetful Caleb has assuredly forgotten to send us the carriage."

"I am ready," replied the stranger. "I have had enough and to spare of your rocket practice, and your music makes my head ache."

"The bagpipes are certainly pleasanter to the ear," said Wirtig, submissively, "and I am grieved that I forgot to command Caleb's attendance with them. Pardon the omission. At the house, things shall be better managed. Amy, entertain Sir Wal—"

A crushing application of Alexis' boot-heel to Wirtig's tenderest toe, substituted an exclamation of agony for the second syllable of the forbidden name. The Englishman offered Emily his arm, and a signal from her father compelled its acceptance. By the light of torches, and preceded by a band of music, the Miffelsteiners now moved in long procession homewards, forming a sort of escort for the stranger, who was in front, attended by Wirtig and Alexis. The attorney marched close behind, glaring like a hyena at his supposed rival. Amidst the cracking of fireworks and the reports of guns and pistols, the procession reached the town, and a considerable number of the men went direct to the hotel of the Bear—some eager to profit by the gratuitous good cheer, and others yet more desirous to ascertain its motive. Of this, however, most of Wirtig's guests were by this time aware. Rumours will arise, in small towns as in large cities; and thus it was that at Miffelstein twenty busy tongues whispered the presence of the Great Unknown. At the Bear, Wirtig's liberal instructions had been zealously executed. Caleb, Rowena, Jenny, Front-de-Bœuf, and the rest of the household, had done their duty. The table was loaded with English and Scottish delicacies; the portrait of the Great Unknown—its frame adorned with lamps of many colours—stared somewhat wildly, but, upon the whole, benevolently, from the wall, doubtless well satisfied to see its original doing ample honour to the repast. The appetites of the other guests, which ungratified curiosity might have damped, were sharpened by a confidential communication from the host of the Bear. Notwithstanding his nephew's injunctions to secrecy, Wirtig could not refrain from exhibiting to his friends, before they sat down to supper, and of course in the strictest confidence, the name of W. SCOTT, inscribed upon the last page of the strangers' book. There was no mistaking the characters, blotted and strangely formed though they were. Great were the awe and reverence with which the Miffelsteiners contemplated the stranger, who, for his part, gave his chief attention to his supper. He bolted beefsteaks, reduced fowls to skeletons, and poured down, with infinite gusto, bumper after bumper of Burgundy and Hochheimer. The guests remarked with admiration that he avoided, doubtless with a view to the preservation of his incognito, the Scottish drinks and dishes that adorned the board. He affected disgust at a Miffelstein haggis, and neglected the whisky-bottle for the wines of France and Germany. Once he was observed to smile as he glanced at his portrait, and it was inferred that he was amused at the badness of the likeness, which certainly did little credit to the artist. But he made no remark, excepting that, the next moment, he requested his neighbour to pass him a dish of pork with plum sauce.

Wirtig's discretion was far from equalling that of the Unknown. Seated beside his honoured guest, in the joy of his heart he overwhelmed him with compliments, made countless allusions to his works and genius, and kept his glass constantly full. The stranger let him talk on, and answered nothing, or only by monosyllables. In proportion to the flattery and attentions lavished by Wirtig, were the sadness and sullenness of Elben the attorney. He had arrived later than the other guests. Seated at one end of the table, he looked Medusas at the Unknown.

"What think you, nephew," said Wirtig aside, "if I were to send for Amy and her harp to entertain our illustrious visitor? The bagpipes he has forbidden."

"An excellent thought," replied Alexis; "but it cannot be, for Caleb tells me that my cousin has retired to her apartment, complaining of a violent headache."

"Mere woman's fancies!" grumbled the father. "Amy is no Die Vernon. Did the girl but know whom our roof this day shelters—St George of Burgundy how gladly would she come! How warm would be her welcome of him she is bound to love and reverence!"

Elben overheard these last words, and smiled a grim smile. Owing to his tardy arrival and mental preoccupation, he was unaware of the real motive of the attentions paid to the stranger, and still believed him to be a favoured candidate for the hand of Emily.

The Unknown had finished his pork and plums, and was resting on his knife and fork.

"Where is Miss Amy?" said he, at last, looking particularly tender, either at thoughts of the young lady or at sight of a dish of partridges just then placed smoking before him. The jealous attorney could stand it no longer. Starting from his chair, he rushed from the room.

Wirtig apologised for his daughter's absence, and resumed his complimentary strain.

"By our Lady of Cléry, noble sir!" he said, "the productions of your genius have delighted my understanding, and made my house to prosper. I am under the greatest obligations to you, and my debt of gratitude is doubled by the honour of your visit. I pray you to command me in all things."

The stranger seemed embarrassed by this excessive homage. Just then Alexis spoke a few words to him in English. The Unknown emptied his glass, laid his finger thoughtfully on his nose, and, after a minute's pause, turned to his entertainer.

"You consider yourself under obligations to me?" he said. "I take you at your word. Prove your sincerity."

"In purse and person, hand and heart, command me," cried Wirtig, "Lord of the Isles and most honourable baronet. Do you lack money? What I have is yours. Do you desire protection from the bloodthirsty Frenchman? In my house you shall find shelter. In your defence, I and mine will don tartan, gird claymore, and shoulder Lochaber axe."

"You are a gentleman," said the Englishman, looking rather puzzled, "and I thank you for your good will, but have no need of your money. The favour I would ask is not for myself, but for others. Consent to your daughter's marriage with the man of her choice. You will do me a great pleasure."

"Ha!" quoth the mystified Wirtig. "Blows the wind from that quarter? The sly puss has enlisted a powerful ally. *Pasques Dieu!* 'Tis a mere trifle you ask, worshipful sir. I had gladly seen you tax my gratitude more largely."

"Consent without delay," whispered Alexis to his uncle. "Let not the great man think you hesitate."

"With all my heart," said Wirtig. "I had certainly made a condition, and would gladly—but will Amy be happy with the prosaic attorney?"

Once more the Great Unknown laid his finger solemnly upon his nose. "Undoubtedly," he said, tossing off another bumper of his host's best Burgundy. He spoke rather thick, and his eyes had a fixed and glassy look. "Undoubtedly," he repeated, as if speaking to himself. Just then Caleb and Front-de-bœuf placed a fresh battery of bottles on table and sideboard. "Upon my soul," added the stranger, in English, "this old tavern-keeper is a jolly fellow, and his Burgundy is prime." He nodded oracularly, and again filled his glass.

"Listen to him!" said Alexis to his uncle, who hung upon each sound that issued from his idol's lips. "He prophesies! The second-sight is upon him! He foretells their happiness. Consent at once!"

"The second-sight!" exclaimed Wirtig reverently. "Nay, then, in heaven's name, be it as he wishes! I freely give my consent!"

Alexis would fain have left the room to seek Elben, and inform him of his good fortune; but his uncle would not spare him. The Englishman continued to imbibe the Burgundy, the other guests zealously followed his example, conviviality was at its height, songs were sung, and the evening wore on. During a tumultuous chorus of hurrahs, elicited by an impromptu allusion to the guest of the evening, introduced by the Miffelstein poet into a bacchanalian ditty, Caleb entered the room with an important countenance, and beckoned Alexis from the table. A foreigner, he said, who spoke more French than German, was making anxious inquiries about one Schott or Scott, and insisted upon seeing the landlord. At first somewhat staggered by this intelligence, which threatened destruction to his schemes, the ready-witted architect soon hit upon a remedy. Sending Caleb to announce to the stranger his master's speedy appearance, he called Wirtig aside.

"Uncle," he said, "the moment for decisive action has arrived. The French general is below. He is on the track of the Great Unknown, and insists that he is here. Keep him at bay for a while, and I will contrive the escape of your illustrious guest. Above all, parley not with the false Frenchman."

"Ha! Beauséant!" exclaimed the valorous and enthusiastic Wirtig. "Is it indeed so? Methinks there will be cut-and-thrust work ere the proud Norman reach his prey. Ha! St Andrew! he shall have a right Scottish answer. And though he were the bravest knight that ever put foot in stirrup—"

"Expend not the precious moments in similes," interrupted Alexis. "Remember only that the man is glib of tongue, and let him not mislead you by friendly professions."

"Not I, by the soul of Hereward!" replied Wirtig, leaving the room.

Alexis hastened to the Englishman.

"You must be off, my good sir," he said. "A detachment of the bodyguard of Prince Hector of Rauchpfeifenheim is in pursuit of you. Their officer is in the house, making clamorous inquiry."

"The devil he is!" cried the stranger, sobered by the intelligence. "What is to be done? The horse I came upon is foundered. Infernal country! Accursed steamboat! I cannot leave the place on foot."

"Leave the house, at any rate," said Alexis, "and we will then see what to do. Delay another minute, and escape is impossible. Follow me, as you love liberty and life."

The Englishman obeyed. Alexis led the way into a back-room, threw open a window, and stepped out upon a balcony, whence a flight of steps descended into the garden of the hotel. This was quickly traversed, and the two men reached a narrow and solitary lane, formed by stables and garden walls, and close to the outskirts of the town. Ten paces off stood a postchaise, the door open and the steps down.

"Now then, sir," said the driver in a sleepy voice, as they approached his vehicle, "Jump in. No time to lose."

"How fortunate!" said the Englishman, "here is a carriage."

"But not for you, is it?" said Alexis.

The Englishman laughed, and clapped his hand on his pocket.



"Everything for money. Drive on, postilion, and at a gallop. A double *trinkgeld* for you."

And he jumped into the vehicle, which instantly drove off, and had disappeared round a corner before Alexis, astonished by the suddenness of the proceeding, had time to reciprocate the farewell shouted to him by the fugitive. He was about to re-enter the garden, when a man came running down the lane. It was Elben.

"How now, William," cried Alexis, "what do you here?"

"The postchaise," cried the attorney, "where is it?"

"The postchaise, was it for you?"

"To be sure."

"It has just driven off with the Englishman."

"With the Englishman!" gasped Elben. "Destruction! And Emily in it!"

"Emily! my cousin! The devil! What do you mean?"

"Alexis, you are my friend—with you I need not dissemble. That carriage was to bear me and Emily from her father's tyranny. I put her into it ten minutes ago. She insisted I should be armed, and I returned for these!"

And, throwing open his cloak, he exhibited a pair of enormous horse pistols, and a rapier, which, from its antiquated fashion, might have belonged to a cotemporary of the Great Frederick.

"And whilst you were arming," cried the incorrigible Alexis, convulsed with laughter, "the Great Unknown ran off with your bride. Well, you may rely he will not take her far. He is in too great haste to escape, to encumber himself with baggage. And you will be spared a journey, for my uncle no longer opposes your marriage."

At that moment the garden door opened, and Emily stood before them. No sooner had the romantic damsel sent her knight to arm himself, than she remembered an indispensable condition of an elopement, which she had forgotten to observe, and hurried back to her apartment, to leave upon her table a line addressed to her father, deprecating his wrath, and pleading the irresistible force of love. A few words from Alexis gave her and Elben the joyful assurance that no obstacle now barred their union.

On re-entering the inn, Alexis encountered a French equerry of Prince Hector of Rauchpfeifenheim, who at once recognised him as his sovereign's newly appointed architect.

"Ah! *Monsieur l'Architecte*," he exclaimed, "how delighted I am to meet with a sane man. The people here are stark mad, and persist in knowing nothing of Scott, the engineer. I know very well he is here. Tell the drunken dog that the prince forgives him. I have ordered his baggage to be sent hither, and here is money for his expenses. The prince never seriously intended to visit upon him the fault of his bad machinery."

Alexis undertook to transmit Prince Hector's bounty and pardon, and was enabled to take his uncle the joyful intelligence that the bloodthirsty French general had departed in peace.

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Elben and Emily were married. Alexis forwarded the property of the Great Unknown, and soon afterwards left Miffelstein. Wirtig wondered to hear nothing more of his illustrious visitor and benefactor, when one day a letter reached him, bearing the London postmark, and scrawled in execrable German. Its contents were as follows:—

"Dear Sir,—Once more back in Old England, which I ought never to have left, I remit you the enclosed note in discharge of my reckoning. Before this, you will doubtless have discovered who your Great Unknown really was, and that his business is with pistons and paddlewheels, not with novels and romances. My best regards to that merry fellow Alexis, and to your sentimental little daughter. And you, my comical old friend, have my best wishes for your welfare and prosperity.  
—WILLIAM SCOTT."

When Wirtig had read this epistle, he remained for some time plunged in thought. From that day forward he left off novel-reading, and attended to his business; called Caleb Tobias; eschewed bagpiping and Scottish cookery; consigned plaid-curtains, oaken sideboards, and portraits of the Great Unknown to the lumber-room. And before the new year arrived, the Blessed Bear of Bradwardine had disappeared from the door, and the thirsty wayfarer might once more drink his glass by the light of the jolly old Star.

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# MODERN STATE TRIALS.

## PART III.—DUELLING.

[*Note on Part II. on Criminal Responsibility in cases of Insanity.*—A physician in a responsible official situation, affording him great opportunities for observation, has addressed to us a note from which we extract the following passages. Our only object is to aid in eliciting truth; and our anxiety to do so is proportionate to the difficulty and importance of the subject to which the ensuing letter has reference.<sup>[39]</sup>

"The article on Oxford and M'Naughten has interested me very much; and though I cannot at all admit the principle of punishing a man for his misfortune, I am yet satisfied that the doctors have assumed too much, and have helped to let loose upon society some who deserved hanging as much as any who have ever suffered the extreme penalty. The test of insanity, as laid down by the Judges on the solemn occasion to which you refer, is manifestly of no value; for it is, I might almost say, *the exception* for an insane person *not* to know the difference between right and wrong. Many of them deliberately commit acts which they know to be wrong. Dadd killed his father, and immediately fled to France to avoid the consequences of his crime; and nobody ever doubted that he was one of the maddest, if not the maddest, of the mad. Touchet shot the gunmaker, not only with a full knowledge of the nature of the crime, but for the express purpose of bringing about his own death. He has entertained various delusions: amongst others, the notion that certain passages of Scripture have special reference to himself personally; and, as regards those in actual confinement, on account of their mental malady, the majority know perfectly well that it is wrong to tear, break, and destroy, to injure others, and indulge their various mischievous propensities. So well satisfied are many of them that they are doing wrong, that they will try to conceal acts which they know are not permitted; and, in this way, a propensity to bite, or kick, is indulged in only when it is believed that it can be done unobserved. It seems to me that, in these most painfully embarrassing cases, every one must stand on its own particular merits; and, as neither judges nor doctors can say where sanity ends, and insanity begins, so no possible rule that can be devised will be alike applicable to all; but the previous habits and course of life of the person accused, together with the absence or presence of any motive, will go far to remove the difficulties which necessarily beset the question. I am not at all prepared to say that, because any degree of mental disturbance has been shown to exist, a person should be held *irresponsible*. It is a doctrine fraught with such dreadful danger to society, that it is very properly viewed with jealousy; but, when clearly proved that the mind was so far disturbed as to entertain delusions before and at the time of committing the offence, I would never resort to capital punishment. The Omniscient alone can tell how far the disease has gone, and to what extent the unfortunate being was really responsible for his actions to his fellow men."

Is, or is not, a trial in this country for duelling to be regarded as a Farce following a Tragedy? There are those who say that it is; but we are not of the number. Such trials often greatly excite the public mind, and array opinions and prejudices against each other in such a manner as to disturb and derange the judgment. Then more or less is expected from the law, and its administration, than is right. If the heated public should have prepared itself for a conviction, loud and violent is its reclamation against an acquittal, especially if it have been brought about by what are styled technical objections, and *vice versâ*. They forget, under the impetuous impulses of a sense of natural justice, that settled rules of legal procedure must be observed indifferently on all occasions, if even-handed justice is to be administered in a court of justice. How did these rules come to be settled? They are the results of centuries of experience—of ten thousand instances of the advantage, nay, the absolute necessity, for observing them. If it could be imagined with any, even the slightest foundation of truth, that those sworn to decide according to the law and the facts had wilfully shut their eyes to the one or the other—or, either directly or indirectly, connived at an evasion of the letter or a violation of the spirit of the law, in order to secure a particular result—then there is no power in language adequate fitly to denounce so deliberate and awful a perjury, so monstrous an outrage on the administration of justice.

*Bonâ fide* duels are always lamentable affairs, under whatever circumstances they may happen, especially when attended by loss of life or serious personal injury—occurring, too, in a highly civilised and Christian country like ours. They properly arouse the grief and indignation of every thoughtful and virtuous member of the community; whom, however, they also satisfy as to the prodigious practical difficulty of dealing with such cases. While the law of the land is clear on the subject as the sun at noonday—alike unquestionable and unquestioned—there yet exist, in almost every detected duel, far greater difficulties than are suspected by the public, in bringing to justice the guilty actors. First of all, it must be borne in mind how deep an interest they have in cutting off all means of future evidence, by intrusting a knowledge of the affair to the fewest persons necessary for carrying it out, and by selecting scenes remote from observation. Then, again, let it be remembered that both principals and seconds, and all others present aiding and abetting, have incurred heavy criminal liability—are liable to be indicted for murder, as principals or accessories; and, consequently, none of them can be compelled to furnish any evidence which may even *tend* to criminate himself. This great rule of criminal law has doubtless operated as a great indirect encouragement to duelling; but how is this difficulty to be encountered? Must the rule be abrogated?

Assuming, however, the existence of evidence, and that it is satisfactorily adduced before the jury, it then becomes the duty of the judge and the jury to act in accordance with their oaths: the former to lay down the law distinctly and unequivocally; the latter to find their verdict conscientiously according to the principles of law so laid down, as applicable to the proved facts of the case. If a conviction ensue, the judge must then pronounce the sentence of the law; and it then depends upon the discretion and firmness of the executive whether that sentence shall be carried into effect. Take the case of a fatal duel, conducted with unimpeachable fairness, as far as concerns the practice of duelling—and that the prisoner had received great provocation from his deceased opponent, who had obstinately refused retractation or apology. What is to be the decision of the executive? What will be its moral effect, as an encouragement or discouragement of duelling? Will it operate as a tacit recognition, to any extent, of the practice of duelling, as at all events a necessary evil, and denuded of moral turpitude? These are questions by no means of easy solution.

In the present constitution of society in this country—a Christian community—duelling is a practice environed with difficulties, whichever way it may be approached by its most discreet and resolute opponents. We must deal with men and things as they are, at the same time that we would make them what we think they ought to be. How many professing Christians—men of otherwise pure and virtuous lives—have gone out deliberately to take the life of an opponent, or expose or sacrifice their own!—solely, it may be, from a puerile notion that their *honour* required the committing of the crime! "It is not one of the least evils of this system," it has been well observed, "that the word *honour*—which, rightly understood, denotes all that is truly noble and virtuous—should be prostituted as a pretext for gratifying the most malignant of human passions, or as a cover for that moral cowardice—the fear of being thought afraid." This is one of the chiefest roots of the poisonous tree: and can human laws kill it? We think they can. If the legislature were really intent upon annihilating duelling, its members would long ago have acted on the suggestion of Addison—that, "if every one who fought a duel were to stand in the pillory, it would quickly diminish the number of these imaginary men of honour, and put an end to so absurd a practice." If men will fight for a little stake, let them be made into little men, by enduring a degrading punishment; if for a great stake—that is to say, the gratification of malignant passions—let them be treated as great criminals, and die the felon's death, or live his life. Let justice be really blind in all such cases, her sword descending upon noble and ignoble of station alike.

We acknowledge that there is one aspect of the practice of duelling, which somewhat perplexes the moralist: for it cannot be denied, or doubted, that duelling operates as a great preventive check to ruffian insolence and violence—as a potent auxiliary in preserving the necessary restraints and the courtesies of society. "It must be admitted," says Robertson, "that to this absurd custom we must ascribe, in some degree, the extraordinary gentleness and complaisance of modern manners, and that respectful attention of one man to another, which at present renders the social intercourse of life far more agreeable and decent than among the most civilised nations of antiquity." How many a viper-tongued slanderer's lips have been sealed by the dread of a bullet! How many an insolent inclination to personal violence has been checked—how many a truculent heart has sickened, before the prospect of a "leaden breakfast!" Take a single case, which is really embarrassing to the candid opponent of duelling; an insult offered, by either words or deeds, to the character or person of a lady whom one is bound to protect—an injury beyond all legal cognisance, and perpetrated by one occupying the station of a gentleman. To one who does not bow under the paramount influence of religion, the harassing question occurs,—What is to be done? Cases may be easily imagined in which it would be idle to say—"treat the offence and the offender with contempt—leave them to the contempt of society;" where such a course would only add to the poignancy of the wrong or insult, and invite aggravation and repetition. Let the outraged lady be imagined one's own wife, or daughter, or sister! Is the wrong to be perpetrated with impunity? asks the upholder of duelling. "What would you do," retorts his opponent; "will you deliberately take the life of the offender, and give him an opportunity of taking yours?"<sup>[40]</sup> Is that your notion of *punishment*, or *satisfaction*? What will be the effect of an example such as this, upon society at large? Is every one to be at liberty to do the like?—thus deliberately to ignore the law of God and of man?"

Duelling is, in truth, almost always the resource of the weak-minded, the vain, the vindictive, or the cowardly; and it is not right to ask society to be liberal in its allowances for the wrongdoings of its less worthy members. There are, nevertheless, cases in which persons have found themselves involved in duels under circumstances pregnant with extenuation in the eyes of even the hardest moralist, and such as warrant the executive, when the majesty of the law has been vindicated, and its authority recognised, in mitigating or remitting the punishment due to an acknowledged violation of the law.

The law of the land is better able to vindicate really outraged character and honour than may be imagined by many foolish hot-blooded persons, who give or accept "hostile messages." It is armed with ample powers of compensation and punishment, as may easily be ascertained by those who can satisfy it that they have been the victims of deliberate and wanton insult and injury. Little more than a year ago, one gentleman thought proper to write to some naval and military friends of another most offensive imputations upon his honour. When apprised of this, he instantly wrote to demand that his traducer should either prove the truth of his assertion, or unequivocally retract and apologise for them. Both alternatives were very contemptuously refused, on which the injured party brought an action for libel against his traducer; who, unable to justify, and unwilling to apologise, allowed the case to go before a jury. On their learning the true nature of the affair, and being reminded that they were appealed to as a jury of twelve gentlemen, to

vindicate the honour of an unoffending gentleman, they gave such heavy damages (£500) as soon brought his infuriate opponent to his senses, and elicited an unequivocal retraction, and as ample an apology as could have been desired. A few instances of this kind would soon satisfy the most sceptical of the potency of the law in cases too often deemed beyond its reach, and of the effective reality of its redress in cases of wounded honour. Who could lightly esteem being solemnly and publicly branded by its *fiat* as a liar and a slanderer—its blighting sentence remaining permanently on record? He who would regard such a circumstance with indifference surely is not worth shooting, or running the risk of being shot by, or of being hanged or transported for shooting or attempting to shoot! If a person of distinguished station or character receive an insult or an injury of such a nature, as not to admit of being treated with silent contempt, it becomes his duty to society to set an example of magnanimous reliance on the protection of the laws of his country, and pious reverence for the laws of God. Against one thing, however, every one should be constantly on his guard—the entertaining and cherishing that false overweening estimate of personal dignity and importance, which predisposes too many to take offence, and then hurry to revenge it.

According to the law of England, as already stated, a death caused by duelling, though in the "fairest" possible manner, is clearly murder, to all intents and purposes whatsoever. In the year 1846, the majority of the Criminal Law Commissioners suggested a change in this law, recommending that, where two persons agree to fight, and a contest ensues, and one of them is killed, the homicide should be extenuated. The reasons on which this suggestion was founded appear to us of a very unsatisfactory nature; and one of the Commissioners—the late Mr Starkie—altogether dissented from the views of his brethren, embodying his reasons in an able and convincing protest or counter-statement. "Whilst," he observes, at its close, "as it seems to me, little good could be expected from the proposed alteration, it might be productive of much harm in a *moral* point of view. It would be understood to manifest an alteration in the opinion of the Legislature as to the heinousness of the crime of homicide, and of course tend to diminish the efficacy of the law against it." We entirely concur in the following remarks of Mr Townsend, in one of the best expressed passages in his book:—

"Founded on the law of God, the law of the land should remain clear and stringent, that whoever kills in a deliberate duel commits murder. The sanctity of human life would be impaired were this denunciation lessened, and the forfeit, for expediency's sake, commuted. The very good to be obtained by the compromise with 'codes of honour' would be temporary; for arguments of hardship, as the consequences of conviction, and appeals to compassion against a *gentleman* being adjudged guilty of felony, and transported—it might be for life—would equally tickle the ears of credulous jurors, and be listened to with as much avidity as the present topic of capital punishment. Let the law maintain its own independent straightforward path—*irretortis oculis*—and, be the fluctuations in fashionable feeling what they may, continue, in its austere regard for life, unchanged and unchangeable."<sup>[41]</sup>

Thus stands the matter: the Legislature not having ventured to interfere with the law, which must be administered with rigorous faithfulness by those to whom that severe and responsible duty has been entrusted, God forbid that there should ever be coquetting with an oath on these occasions!

We have no hesitation in saying that our English Judges, as far as our inquiries have gone, invariably lay down the law, in these cases, with clearness and unflinching firmness. The only approach towards a departure from this rule of right, is one which we trust has no other foundation than an erroneous report of what fell from Baron Hotham at Maidstone, in the year 1794, in trying a Mr Purefoy, who shot his late commanding officer, Colonel Roper. That Judge, according to Mr Townsend<sup>[42]</sup>—who also intimates a hope that the judge has been incorrectly reported—concluded his summing up, which produced, as might have been expected, an instant acquittal, by the following extraordinary passage:—

"It is now a painful duty which jointly belongs to us; it is mine to lay down the law, and yours to apply it to the facts before you. The oath by which I am bound obliges me to say that homicide, after a due interval left for consideration, amounts to murder. The laws of England, in their utmost lenity and allowance for human frailty, extend their compassion only to sudden and momentary frays; and then, if the blood has not had time to cool, or the reason to return, the result is termed manslaughter. Such is the law of the land, which, undoubtedly, the unfortunate gentleman at the bar has violated, *though he has acted in conformity to the laws of honour*. His whole demeanour in the duel, according to the witness whom you are most to believe, Colonel Stanwix, was *that of perfect honour and perfect humanity*. Such is the law, and such are the facts. *If you cannot reconcile the latter to your consciences*, you must return a verdict of guilty. But if the contrary, *though the acquittal may trench on the rigid rules of the law, yet the verdict will be lovely in the sight both of God and man*."

If Baron Hotham really uttered this drivel, he was totally unfit to administer justice, and should have been removed from the Bench. Mr Townsend, in one place, observes that Baron Hotham "must have allowed his kindly feelings to master his judgment;" and in another cites the case as "a very *famous* one, being the first of those occasions on which judges admitted, from the bench, the necessity and expediency of juries tempering the law, where, by a stern necessity, they have held themselves bound by it;" that is, in plain English, where judges advised juries to violate their oaths, in order to defeat the just administration of the law. We know no parallel to this "famous" case, except that of Justice Fletcher, a judge in Ireland, in the year 1812; who—as we learn from Mr Phillips' very interesting *Memoirs of Curran*, about to issue from the press—thus addressed an Irish jury, in a trial for murder occasioned in a duel: "Gentlemen, it is my business to lay down

the law to you, and I shall do so. Where two people go out to fight a duel, and one of them falls, the law says it is murder. And I tell you, by law it *is* murder; but, at the same time, *a fairer duel I never heard of in the whole course [sic] of my life!*" The prisoners were, of course, immediately acquitted.

Mr Townsend states, that "the long series of judicial annals has not been darkened by a single conviction for murder, in the case of a duel fairly fought."<sup>[43]</sup> If this be a correct statement, which we greatly doubt, it argues either a signal deficiency of evidence in every case, or a perverse disregard of duty by either judges or juries, or both. We repeat it, and do so anxiously desirous of giving every degree of publicity in our power to the fact, that our judges discharge their duties on these occasions with unwavering firmness. We shall give two or three modern and interesting instances. The late eminent Mr Justice Buller tried a clergyman—the Reverend Bennet Allen,<sup>(1)</sup> <sup>[44]</sup> and his second, for killing a Mr Dulany, in a duel fought at ten o'clock at night, in Hyde Park, at the distance of eight yards: the reverend duellist had put on his spectacles, in order to see his man. Mr Justice Buller told the jury that "they were bound to adhere to the law, as to which there never," he continued, "has been a doubt. In the case of a deliberate duel, if one person be killed, it is murder in the person killing him. Of that proposition of law there is not, there never has been, the smallest doubt. Sitting here, it is my duty to tell you what the law is, which I have done in explicit terms; and we must not suffer it to be frittered away, by any false or fantastical notions of honour." Here the judge did his duty: but the jury seem, according to Mr Townsend, who doubtless spoke after having duly examined the facts of the case, "to have temporised between their consciences and wishes, by acquitting the second, and finding the principal guilty of manslaughter."

Mr Justice Patteson, in trying the seconds for murder, in the case of the fatal duel between Dr Hennis and Sir John Jeffcott, who shot the former, thus plainly put the matter to the jury: "Whether duelling ought to be tolerated in this land, I say nothing. It is no question for any *jury* at all. The law of the land does not tolerate it. I repeat that, if you are satisfied on this evidence, that the three gentlemen went out to Haddon, knowing that Sir John Jeffcott and Dr Hennis were about to fight a duel there, without heat or irritation—but deliberately aiding and assisting the affair on a point of honour, after vainly endeavouring to effect an amicable arrangement—I cannot tell you, in point of law, that it is anything short of murder." The jury at once acquitted the prisoners!<sup>[45]</sup>

In the year 1838, a young man named Mirfin was shot in a duel at Wimbledon, by a young man named Elliott, twenty-five years of age, under deplorable and aggravated circumstances. The former had been a linendraper in Tottenham Court Road; and, together with the latter, seemed to have led the dissolute life, for some time, of men about town. The duel arose out of a quarrel which had occurred in a certain indecent scene of infamy near Piccadilly! Two young men named Young and Webber, respectively only twenty-four and twenty-six years of age, were tried for the wilful murder of Mirfin. They had not acted as seconds of the survivor, but had accompanied him and his second to the scene of action. The chief witness was a surgeon, who detailed with a deadly simplicity and matter-of-fact air the whole particulars of the duel, at which he was present; and produced such an effect on the jury that, on delivering their verdict, they expressed the "horror" with which they had heard his evidence and regarded his conduct, and their regret that he had not himself been put upon his trial for murder. The reader shall have an opportunity of judging for himself on the subject, from a portion of the evidence given by this person.<sup>[46]</sup>

"After the pistols were loaded, Mr Elliott and Mr Mirfin were placed on their ground, and a pistol was delivered to each. I then went and stood seven or eight paces from them, with the two seconds. I looked at the principals. The word to fire was given by Mr Elliott's second: he said, 'Gentlemen, are you ready?—*Stop!*' That was the agreed signal for firing: they were to fire instantly on the last word 'stop' being uttered, and not before. They fired together immediately on the signal. After they had fired, I observed that *the ball had passed through the crown of Mr Mirfin's hat*: I saw something fly up in the air: I saw a portion of the crown just raised at the moment. As soon as they had fired, the seconds interfered. I and they were standing together. They moved towards the principals, who remained in their places. Some conversation took place between the principals and seconds, and then between the seconds themselves—which lasted for a few minutes only. Mr Mirfin insisted on a second shot. He spoke loud enough for all present to hear. I stood within seven or eight paces of him, and could hear every word he said. I was intent looking at his hat—I saw the ball had passed through it. I could hear that the conversation was with a view to reconcile the parties; but Mr Mirfin would not hear of any reconciliation. I believe Mr Elliott would have made a verbal apology; but Mr Mirfin would accept nothing but a written apology, and insisted on a second shot. After he had made this statement, another pistol was delivered to each. They next left their ground. I told Mr Mirfin that his hat had been shot through, and he took it off and looked at it, and said nothing, but replaced it on his head. The second pistols were Mr Mirfin's, and were fired at a signal exactly similar to the former one. Mr Elliott fired first, but not till after the signal had been given. I distinctly heard the sound of his pistol, immediately after the word had been given; and Mr Mirfin's shot was fired almost immediately. I think his pistol was discharged after he had received the fatal shot. I think he felt the wound previous to his firing off his pistol. He did not sufficiently raise his hand. His ball struck the ground. He was in the act of bringing his pistol to the level, when he fired. After both shots had been fired, I looked at each of the men, and did not, at first, perceive that either was injured. Mr Mirfin walked towards me about six paces, I think, with his left hand on his right side, and, I think also, the pistol still in his right hand. I think he gave it to me. He advanced towards me saying, 'I am wounded.' I asked him where; he looked towards the wound and raised his

fingers, showing me where he was wounded, but without speaking. I said, 'I am exceedingly sorry to hear it: good bye. God bless you!' He replied, '*Good bye, old fellow!*' I then assisted him to lie on the grass. He did not fall immediately. I undid his pea-jacket and waistcoat, and pulled up his shirt, and probed the wound. The other persons were standing by. Mr Mirfin's second walked up, and asked if the wound were fatal. I said it was a very fatal wound. Mr Elliott and his second said nothing, merely looking on. Mr Broughton asked me again, after I had probed the wound, whether it was fatal. I said it was. He asked, 'What shall we do?' I replied, 'The sooner you leave the ground the better, and I will wait.' They all three left the ground together. Mr Mirfin died within ten minutes. I did not speak to him after this. I saw I could be of no service to him, and did not wish to fatigue him by saying anything to him. I examined the body after I had got it home, and discovered a small wound not quite the size of a (bird's?) egg, between the fifth and sixth ribs."

We have given these details in all their sickening simplicity and utter hideousness, because they are worth a world of comment on the nature and tendency of affairs of honour.

The trial came on before the late Baron Vaughan, and the present Baron Alderson, at the Old Bailey, on the 22d Sept. 1838; and the former thus laid down the law to the jury: "When upon a previous arrangement, and after there has been time for the blood to cool, two persons meet with deadly weapons, and one of them is killed, he who occasions the death is guilty of murder; and the seconds are also equally guilty. The question then is, did the prisoners give their aid and assistance by their countenance and encouragement of the principals, in this contest? Though neither of the prisoners acted as second, still, if either sustained the principal by his advice *or his presence*—or, if you think he went down for the purpose of encouraging and forwarding the unlawful conflict, although he did not say or do anything, yet if he were present, and was assisting and encouraging, at the moment when the pistol was fired—he will be guilty of the offence of wilful murder. Questions have arisen as to how far the second of a party killed in a duel is liable to an indictment for the murder of the deceased: I am clearly of opinion that he is."

The prisoners were convicted; but under the special circumstances of the case—for there existed, in the evidence, considerable doubt as to the part taken in the murderous affair by the prisoners—or even whether they, in fact, took *any* part in it—sentence of death was not passed upon them, but only ordered to be recorded against them; and they were afterwards sentenced to a lengthened term of imprisonment. Mr Townsend does not seem to have been aware of this case, as he makes no allusion to it.

We ourselves were present at a remarkable trial for duelling, about eighteen or twenty years ago, at the Old Bailey, before the late excellent and very learned Baron Bayley, on which occasion he also laid down the rule of law respecting duelling, with uncompromising firmness and straightforwardness. This was the case of Captain Helsham, who had shot Lieutenant Crowther in a duel, at Boulogne. There were rumours of foul play having been practised; and a clergyman, the brother of the deceased, made strenuous and persevering efforts to bring Captain Helsham to trial. The latter continued, for some time after the duel, in France, though anxious to return to England; and after (as we have heard) taking the opinion of a well-known counsel at the criminal bar—who advised him that he could not be tried in this country for a duel fought in a foreign country not under the British crown—he came to England, where he was instantly arrested, under Stat. 9 Geo. IV. c. 31, § 7, which had been passed two or three years previously—viz., in 1828—and must have altogether escaped the notice of the counsel in question. That act authorises the trial, in England, of any British subject charged with having committed any murder or manslaughter abroad, whether within or without the British dominions, as if such crimes had been committed in England. Captain Helsham was admitted to bail to meet the charge, and, having duly surrendered, took his place at the bar of the Old Bailey, at nine o'clock on a Saturday morning.

He was a middle-aged man, of gentlemanly appearance, his features indicating great determination of character; but they wore an expression of manifest anxiety and apprehension as he entered the dock, and, looking down, beheld immediately beneath him the brother of the man whom he had shot, and through whose ceaseless activity he was then placed on trial for his life as a murderer. And he was to be tried by an uncompromising judge—stern and exact in administering the law, and animated by pure religious spirit; but, withal, thoroughly humane. Throughout the whole of that agitating day, the prisoner stood firm as a rock—sometimes his arms folded, at others his hands resting on the bar; while his eyes were fixed intently on the judge, the witnesses, or the counsel—every now and then glancing with gloomy inquisitiveness at the jury and the judge. His lips were from first to last firmly compressed. It was understood that the counsel for the prosecution were in possession of a damning piece of evidence—viz., that the prisoner had spent nearly the whole of the night immediately preceding the duel in practising pistol-firing. However the *fact* might be, it nevertheless was not elicited at the trial; and probably the prisoner, who had been prepared for such evidence being produced, began, on finding that it was not so, to take a more favourable view of his chances. As the case stood, however, it looked black enough to those who knew the law, and the character of the judge who sat to administer it. That venerable person began his summing up to the jury about seven o'clock in the evening, and the scene can never be effaced from our memory. The court was extremely crowded; the lights burned brightly, exhibiting anxious faces in every direction: but what a striking figure was the central one—that of the prisoner! Immediately over his head was a mirror, so placed as to reflect his face and figure vividly, especially to the jury. A few moments after the judge had commenced his charge, we observed the Ordinary of Newgate glide into court, the late Rev. Dr Cotton, in full canonicals, and with flowing white hair, having a picturesquely venerable and ominous

appearance, and take his seat near to, but a little behind the judge. It was then usual for the Ordinary to be present at the close of capital cases, in order to add a solemn "amen" to the prayer with which the sentence of death concluded—that "God would have mercy on the soul" of the condemned. "Gentlemen of the jury," commenced Mr Baron Bayley, amidst profound silence, "we have heard several times, during the course of this trial, of *the law of honour*; but I will now tell you what is the *law of the land*, which is all that you and I have to do with. It is this: that if two persons go out with deadly weapons, intending to use them against each other, and *do* use them, and death ensue, that is—murder, wilful murder." He paused for a moment, as if to give the jury time to appreciate the dread significance of his opening. As soon as he had uttered the last two words, Captain Helsham's cheek was instantaneously blanched. We were eyeing him intently at the moment, and shall never forget it. He stood, however, with rigid erectness, gazing with mingled anger and fear at the judge, whom he felt to be uttering his death-warrant; and after a while bent his eyes on the jury, from whom they wandered scarce a moment during that momentous summing-up—one which, with every word, was letting fall around him, as he must have felt, the curtain of death. "The law of honour," said the judge, towards the close of his charge, "is an imposture—a wicked imposture, when set against the law of the land, and the law of God Almighty, claiming the right to take away human life. I tell you, who sit there to discharge a sworn duty, that a fatal duel is malicious homicide—and *that* is wilful murder." The jury retired to consider their verdict; and the judge at the same time quitted the court till his presence should be required again. Captain Helsham, however, continued standing at the bar almost motionless as a statue. After a prolonged absence of an hour and forty minutes, the jury returned into court. The prisoner eyed them, as one by one they re-entered their box, with a solicitude dismal to behold, and the irrepressible quivering of his upper lip indicated mortal agitation. The verdict, however, was—Not Guilty; on which the prisoner heaved a heavy sigh, passed his hand slowly over his damp forehead, bowed slightly, but rather sternly to the jury, and was then removed from the bar and released from custody. When the verdict was a few minutes afterwards communicated to Baron Bayley, who had remained in attendance in an adjoining room, he remarked gravely, "I did *my* duty! It is well for Captain Helsham that the verdict is as it is; had it been the other way, I should certainly have left him for execution." In that case, the duellist would have died on the gallows on the ensuing Monday morning.

It is now, however, time to return to Mr Townsend's volumes, where we find two trials for duelling. One is that of the late Mr Stuart, who killed Sir Alexander Boswell, in Scotland, on the 26th March 1822, in a duel conducted with undisputed regularity and fairness. The other is that of the Earl of Cardigan, who fought and wounded Captain Harvey Tuckett, but not mortally, in a duel, on the 12th September 1840. This trial is one of remarkable interest, in every point of view; and we shall take some pains in bringing it distinctly and intelligibly before our readers.

About five o'clock on the afternoon of Saturday, the 12th September 1840, a person named Daun, a miller, together with his wife and son, observed from the stage of their mill, on Wimbledon Common, two carriages approaching it from opposite directions, and at once suspected what was about to take place. Two gentlemen first quitted the carriages—each with a pistol-case—duly loaded a brace of pistols, and stepped out twelve paces; on which two other gentlemen, the Earl of Cardigan and Captain Tuckett, came up, and took their stations at the points indicated. To each was given a pistol; the other two withdrew to a little distance; the word to fire was uttered, and immediately followed by an ineffectual discharge of both pistols. The principals remained at their posts; a second brace of pistols was given them; again both fired and Captain Tuckett fell, wounded in the small of the back—bleeding profusely, but, as it proved, not from a mortal, or even dangerous wound. Thus the aristocratic affair of *honour* was more fortunate in its issue than that plebeian one in which, two or three years before, the young linendraper Mirfin had received his mortal "satisfaction." Lord Cardigan's second was Captain Douglas, and Captain Wainwright was that of Captain Tuckett. The whole affair of the duel had been witnessed by the miller, (who was also a constable,) and his wife and son, standing on the stage of the windmill. The moment that Captain Tuckett fell, the miller and his son quitted their post of observation, ran up to the scene of action, and intimated to all the parties that they must consider themselves in his custody. Lord Cardigan still held in his right hand the pistol with which he had fired; and there lay on the ground two pistol-cases, one of them bearing the Earl's coronet. Captain Tuckett lay on the ground, his second Captain Wainwright kneeling beside him, supporting him; while Sir James Anderson, a surgeon, who had attended them to the field, was examining the wound. One of these three entreated the constable to allow the wounded gentleman to be removed to his own house, giving a solemn pledge that, on his recovery, he should attend before the magistrate. At the same time one of them took out a card, on which was printed—"Captain Harvey Tuckett, No. 13 Hamilton Place, New Road," and wrote in pencil, on the back of the card, the words, "Captain H. Wainwright." Who gave this card remains, in the evidence, a mystery; nor did it appear whether Lord Cardigan saw the card given, or knew what was printed or written on it, or heard what was said. As almost the whole interest of the trial, and also its unexpected issue, turned upon the identity of the wounded duellist, and the requisite adroitness and vigilance of the late Sir William Follett, the Earl's counsel, in dealing with this card, and the circumstances attending its delivery to the constable, the reader will find his account in remarking these circumstances accurately. On the constable's receiving the card, and the pledge above mentioned, he allowed those who had given it to depart. The conduct of the Earl of Cardigan was undoubtedly distinguished by soldierly straight-forwardness and frankness. He went direct, with Captain Douglas, to the Wandsworth police station, and, tapping at the door, the inspector presented himself, and asked what was wanted. "I am a prisoner, I believe," said Lord Cardigan. "Indeed, sir!—on what account?" asked the surprised inspector, as Lord Cardigan entered the station-house. "I have been fighting a duel," said his Lordship, "and hit my man—but not seriously, I believe—slightly—

merely a graze across the back"—drawing his hand across his own back, to indicate the region where he believed his ball had struck Captain Tuckett. Lord Cardigan then turned to Captain Douglas, and said, "This gentleman, also, is a prisoner—my second, Captain Douglas." He then took several cards out of his right breast pocket, and handed one of them to the inspector. It bore the words, "The Earl of Cardigan, 11th Dragoons." On reading the name, the inspector said, "I hope the duel was not with Captain Reynolds?"—alluding to the notorious disputes between his Lordship and that officer, and which led to a court-martial on the latter. Lord Cardigan "stood up erect," said the inspector in giving his evidence, and seemed to reject the notion with the utmost disdain: saying, "Oh no, by no means!—do you suppose I would fight with one of my own officers?"<sup>[47]</sup> He duly appeared before the magistrates, and was bound over in heavy recognisances to appear whenever his presence should be required. He did so from time to time. As soon as Captain Tuckett had sufficiently recovered, he also made his appearance at the police office, and gave his name. The affair had by this time attracted much public attention, chiefly, there can be little doubt, from the unpopularity of the Earl of Cardigan; the newspapers teeming with accounts of his alleged discourteous and oppressive treatment of the officers under his command. The prosecution of Lord Cardigan was loudly called for; it being alleged that the high rank of the offender imperiously demanded that evenhanded justice should be dealt to him. Mr Townsend speaks of this demand for prosecution as "a very pitiful manifestation of popular rancour and spleen."<sup>[48]</sup> "As the duel," he adds, "had been fairly fought, and the code of honour satisfied, without loss of life, it seemed strange that the first unsheathing of the statute should be directed against a high-spirited and gallant nobleman, who had been exposed to violent prejudice and popular clamour; and the prosecution seemed justly obnoxious to the supposition that it originated in party malevolence, and not in respect to the law." We never shared in the hostility here spoken of as existing towards the gallant nobleman in question. Our political opinions are also his; and we are disposed to believe that he has been the victim of much misrepresentation and injustice. We desire, nevertheless, to be understood as vindicating the call for judicial inquiry into the transaction to which Lord Cardigan and his opponent, with their seconds, were parties, if that transaction had been of a criminal character. Only three or four years previously, two young men had been tried and convicted of wilful murder, for having only been present at the duel which cost one of the principals (Mirfin) his life. If Captain Tuckett had been killed, Lord Cardigan would clearly have been guilty of wilful murder—that is beyond all question, if the law of England be not a dead letter, and those who affect to set it in motion be not guilty of a vile mockery of justice. If, therefore, a peer of the realm, a member of the supreme judicature in the kingdom, had really been guilty of a conspicuous and grave violation of the law, which all are required to obey with implicit reverence, those who demanded inquiry ought to have been given credit for acting on public grounds. The peer should not escape, where the plebeian would be condemned. Let us see, then, how stood, and how stands the law on this momentous subject—for momentous it is.

In the first place, let it be understood that *the mere challenging* to fight a duel, whether verbally or in writing, and the mere *carrying* any such challenge, is a high misdemeanour, punishable by fine and imprisonment, according to the circumstances of the particular case. This offence consists in the provoking or inciting others to commit a breach of the peace; but may also be regarded in a much more serious light—namely, as an attempt to commit or provoke others to commit a felony,—and even wilful murder. In the present case, a challenge had been sent and accepted: those who had done so, met, and fired deliberately at each other with deadly weapons, at only a few paces distance—they fired twice; the first time innocuously; the second time, one of them was wounded. Every single step was here highly criminal; the earlier ones as misdemeanours, the later ones as felonies; the last indeed a capital felony, for which, beyond all question, the life of Lord Cardigan had become forfeited to the outraged law of the land. This we will shortly show, for the consolation of all future duellists. By the common law of the land, no personal violence, unattended by death, amounted to more than a misdemeanour. In the year 1722, was passed "the Black Act,"<sup>[49]</sup> which, amongst various enactments levelled at the class of offenders who caused the passing of the statute, contains this brief general one. "If any person shall wilfully and maliciously *shoot at* any person, in any dwelling-house, or other place, he shall be adjudged guilty of felony, and suffer death." This was the first statute which made the mere act of shooting wilfully and maliciously at another—without reference to the result—felony. Subsequent statutes, respectively known as Lord Ellenborough's and Lord Lansdowne's Acts, made it a capital offence to shoot at another with intent to murder, or do grievous bodily harm, provided the death which might be occasioned would amount to murder. Though the matter had never become the subject of judicial decision, it had been suggested by a late eminent writer on the criminal law,<sup>[50]</sup> that, where an ineffectual interchange of shots took place in a duel, both parties might be deemed guilty of the offence of maliciously shooting, within one of these acts, passed in the year 1803, (43 Geo. III. c. 58,) and the seconds also, as principals in the second degree. In the year 1837, however, was passed the Statute of the 1st Victoria, c. 85, which we advise every intending duellist to consult very deliberately, before committing himself to its meshes. It enacts first, (§ 2,) that "whoever shall *wound* any person, or by any means whatsoever cause to any person any bodily injury dangerous to life, with intent to commit murder, shall be guilty of felony, and suffer death." Again, secondly, (by § 3,) "whosoever shall shoot at any person, or, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, *with intent* to commit the crime of *murder*, shall, *although no bodily injury be inflicted*, be guilty of FELONY, and liable to be transported for life, or for any term not less than fifteen years, or imprisoned for any term not exceeding three years, at the discretion of the court." Lastly, thirdly, (by § 4,) "Whoever shall maliciously shoot at any person, or, by drawing a



trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, or wound any person, with intent to maim, disfigure, or disable, *or to do some other grievous bodily harm* to such person, shall be guilty of felony, and liable to the same punishment contained in the previous section."

Blackstone, following Hawkins, thus lays down the law in the case of duelling: "Express malice is, where one, with a sedate deliberate mind, and formed design, doth kill another,—which formed design is evidenced by external circumstances, discovering that inward intention,—as lying in wait, antecedent menaces, former grudges, and concerted schemes to do him some grievous bodily harm. *This takes in the case of deliberate duelling, where both parties meet avowedly with an intent to murder; thinking it their duty as gentlemen, and claiming it as their right, to wanton with their own lives and those of their fellow creatures, without any warrant or authority from any power either divine or human, but in direct contradiction to the laws of both God and man; and therefore the law has justly fixed the crime and punishment of murder on them, and on their seconds also.*"<sup>[51]</sup> This passage may be said to reflect a somewhat ghastly light on the three sections of the statute law given above, such as must have startled the Earl of Cardigan and his advisers, as soon as they found that he had been made the subject of *bonâ fide* prosecution under that statute. We affirm unhesitatingly, and no one will deny, that the facts relating to the duel, as they appear above stated, brought Lord Cardigan's case within every one of these three sections—as clearly within the first, rendering the offence capital, as within the other two, declaring it felony punishable with transportation. This the Attorney-General himself stated to the House of Lords, in opening the case against the prisoner: "The present indictment might have been framed on the *capital charge*." *A wound had been inflicted*, which constituted one branch of the capital offence; but "the prosecutor had, very properly, restricted the charge to firing with *an intent*, without alleging that a bodily injury *dangerous to life* had been inflicted."<sup>[52]</sup> The indictment was founded on the third and fourth sections alone; charging, in the first count, a shooting with *intent* to murder; in the second, to maim and disable; in the third, to do some grievous bodily harm. Indictments were preferred before the grand jury, at the Central Criminal Court, against both principals, and both seconds. The grand jury ignored those against Captain Tuckett and his second, but "found" those against Lord Cardigan and his second. As probably the same evidence, precisely, was laid before the grand jury in both cases, it is certainly difficult to account for the totally different results, except on the supposition that the grand jury weakly suffered themselves to be hurried into a forgetfulness of their sworn duty, by feelings of commiseration for the party who had been wounded by one who had escaped unhurt. Lord Cardigan was reputed to be "a dead shot," and was certainly very unpopular; but there was no pretence whatever for saying that he had acted otherwise than with rigorous fairness in his encounter with Captain Tuckett, who, for all the grand jury could tell, was as "dead a shot" as the Earl. We would, however, fain hope that this secret-sworn inquest were not obnoxious to the censures which Mr Townsend<sup>[53]</sup> and others have levelled at them in this matter. On the bill being found, Lord Cardigan, of course, claimed his right to be tried by his peers—(*i. e. pares, æquales*)—a right which he possessed in common with every fellow-subject; and the indictment was removed by *certiorari*, to be tried before the House of Peers in full Parliament. The court of the Lord High Steward of Great Britain is one instituted for the trial of a Peer indicted for treason, or felony, or misprision of either;<sup>[54]</sup> but when the trial take place during the session of Parliament, as was the case on the present occasion it is before the High Court of Parliament. A Lord High Steward is appointed in either case; but in the latter he officiates, not as the supreme judge in matters of law—as he would be in a trial during the recess—but as speaker, or chairman, having an equal voice with his brother peers, in matters both of law and fact.

This was the first time that duelling had been made the subject of prosecution under the statutes against shooting with intent to kill, maim, disable, or do grievous bodily harm; and the position of the Earl of Cardigan had suddenly become perilous in the extreme, and doubtless occasioned most serious apprehensions to himself and his advisers. If his case should be held to fall within the statute in question, not only was he liable to transportation for life,—and he knew that the House of Peers would firmly do its duty, especially conscious as it was that upon it were fixed the eyes of the whole country,—but what would be the effect of *a conviction of felony* on his property? Four days after the trial, it was stated in the *Times* newspaper,<sup>[55]</sup> and has not been, as far as we know, contradicted, that "such had been the doubts as to the issue of the trial, entertained by Lord Cardigan and his legal advisers, that his lordship, to prevent the whole of his property being forfeited to the crown, executed, some time before, a deed of gift, assigning over the whole of his valuable possessions to Viscount Curzon, the eldest son of Earl Howe, who had married a sister of the Earl of Cardigan. It is stated that the legal expenses of this transfer of property, arising from fines on copy-holds and the enormous stamp-duties, amounted to about £10,000; and as the deed of transfer was said to have been enrolled in due form, in the event of an acquittal the immense expenditure would have to be again incurred, in order to effect a re-transfer." So serious a matter, even in a pecuniary point of view, has now become the fighting a duel, to a nobleman or gentleman of fortune, who are recommended, consequently, not to fight in a hurry—at all events, till they shall have had an opportunity of taking the best advice of counsel learned in the law. The deed of transfer in question, if executed at all, had probably been executed before it was known to Lord Cardigan and his advisers, that it was not intended to indict him for a capital offence, under the second section of stat. 1 Vict. c. 85, and that he could not, consequently, be attainted. Even, however, as the case stood, if he had been convicted of the felony with which he was charged, the validity of his expensive attempt to obviate the legal effect of that conviction upon his large property would have been gravely questionable, had the law advisers of the crown felt it their duty to impugn the transaction.

The House of Lords presented, on the morning of Tuesday the 16th February 1841, a most imposing appearance. Lord Denman, the Lord Chief Justice of the Queen's Bench had been appointed by commission from the Queen, *pro hac vice*, Lord High Steward.<sup>[56]</sup> The judges were in attendance in their state robes, and took their seats on the woolsack. The peers were attired in their robes, such of them as were knights also wearing the collars of their respective orders. The Lord Chancellor (Lord Cottenham) was absent through illness; but there were, independently of the Lord High Steward, no fewer than five law lords present—Lords Lyndhurst, Brougham, Wynford, Abinger, and Langdale. The side galleries were covered with ladies; and the scene was one of great solemnity and magnificence. The Lord High Steward having made reverences to the throne, to which he had been conducted by the state officer—the Garter King-at-Arms bearing the sceptre, and the Gentleman Usher of the Black Rod the Lord Steward's staff—took his seat on the chair of state placed on the upper step but one of the throne. The necessary formalities of reading the commission, the writ of certiorari, and indictment, having been gone through, the Lord High Steward ordered proclamation to be made to the Yeoman Usher of the Black Rod "to bring James Thomas, Earl of Cardigan, to the bar." This was quickly complied with—the Earl, accompanied by the officer above mentioned, appearing at the bar, dressed in plain clothes. As he approached, he made three "reverences," and knelt, till directed by the Lord High Steward to rise. He again made three reverences, respectively to the Lord High Steward, and his brother peers on each side of the house, they returning his courtesy. He was then conducted to a stool within the bar near his counsel. His demeanour was calm and dignified, and he had a very soldierly bearing. He was then in his forty-fourth year. The Lord High Steward's deep impressive tones were then heard, as he thus addressed the noble prisoner: "My Lord Cardigan, your lordship stands at the bar charged with the offence of firing with a loaded pistol at Harvey Garnett Phipps Tuckett, with intent to murder him; in a second count, you are charged with firing with intent to maim and disable him; and in a third count, you are charged with firing with intent to do him some grievous bodily harm. Your lordship will now be arraigned on that indictment." The Earl was then arraigned in the usual manner, by the Deputy Clerk of the Crown, in the Queen's Bench, who thus proceeded:—

"How say you, my Lord, are you guilty of the felony with which you stand charged, or not guilty?"

*Earl of Cardigan.*—Not guilty, my lords.

*Deputy Clerk of the Crown.*—How will your lordship be tried?

*Earl of Cardigan.*—By my peers.

*Deputy Clerk of the Crown.*—God send your lordship a good deliverance.

The Earl then, by leave of the House, sate down uncovered: and after the usual proclamation had been made for all persons to come forward and give evidence, the Lord Steward, with the leave of the House, descended from his seat on the throne, and took his seat at the table. The counsel for the Crown were the Attorney-General (the present Lord Campbell), and Mr Waddington, (now Under Secretary of State); and for the prisoner, Sir William Follett, Mr Serjeant Wrangham, and the late Mr Adolphus. It has been said, and is indeed intimated by Mr Townsend, that, imperturbable as was the self-possession of Sir William Follett, on this occasion he exhibited unusual indication of an oppressive sense of responsibility. Both facts, indeed, and law were so dead against his noble client, and the consequences of conviction so exceedingly serious, that nothing was left for him but to watch with lynx-eyed acuteness, in order to see that nothing but rigorously exact legal proof was adduced against his client.

The opening address of the Attorney-General was temperate, clear, and able; most faithfully stating the law which he charged Lord Cardigan with having violated, and the facts constituting the violation. He reminded the House that sixty-four years had elapsed since a similar trial had taken place—that of Lord Byron, for killing his opponent in a duel. "I am rejoiced, my Lords, to think," continued the Attorney-General, in terms which immediately occasioned great observation, "that the charge against the noble prisoner at the bar *does not imply any degree of moral turpitude*; and that, if he should be found guilty, the conviction will reflect no discredit upon the illustrious order to which he belongs. But, my Lords, it seems to me that he has been clearly guilty of a breach of the statute law of the realm, which this and all other courts of justice are bound to respect and enforce. Your lordships are not sitting here as a court of honour, or as a branch of the legislature, but as a court of justice, bound by the rules of law, and under a sanction as sacred as that of an oath.... Your lordships are aware that the noble Earl is in the army—Lieutenant-colonel of the 11th Hussars; and I have no doubt that, on this occasion, he only complied with what he thought necessary to the usages of society. But, under these circumstances, though it would have been considered, if death had ensued, *a great calamity, and not a great crime*—though moralists of the highest authority have defended duelling—it remains for your lordships to consider what duelling is by the law of England." After quoting from the known great authorities, Hale, Hawkins, Foster, and Blackstone, proving that a death by duelling was wilful murder, the Attorney-General correctly observed—"It necessarily follows, from this definition of murder, that the *first count* of the indictment is [that is, he expected that it would be] completely proved. The only supposition, my Lords, by which the case can be reduced to one of *manslaughter* would be, that Lord Cardigan and Captain Tuckett *casually* met at Wimbledon Common—that they *suddenly* quarrelled—and that, while their blood was up, they fought. But your lordships can hardly strain the facts so far as to suppose that this was a casual meeting, when you find that each was supplied with his second—that each had a brace of pistols—and that the whole affair was conducted according to the forms and solemnities observed when a deliberate duel is fought." Could anything be more clear and cogent? "Then, my Lords, with

regard to the second and third counts of the indictment, I know not what defence can possibly be suggested; because, even if there had been this casual meeting, contrary to all probability and all the circumstances of the case—if it would only, had death ensued, have amounted to the crime of manslaughter—that would be no defence to the second and third counts of the indictment, as has been expressly decided (in the case of *Anonymous*, 2 Moody's Crim. Cases, p. 40) by the fifteen Judges of England."

Such was the opening of the Attorney-General—such as must have left not a single crevice through which a glimpse of hope could be caught. The words of the Act of Parliament could not have applied more exactly to the facts of the case, as our readers must see, even if the act had been expressly framed to meet these particular facts! The miller of Wimbledon, his wife and son, had witnessed the whole affair—the arrival of the parties on the ground, and the double interchange of shots. Lord Cardigan, on the spot, and at the police office, in plain terms avowed who he was, and what he had done, and who had been his second—the inspector of the police-station being present to prove such avowal. Sir James Anderson, the surgeon, who had also seen the duel, and accompanied Captain Tuckett home, was in attendance as a witness. The miller, who had received Captain Tuckett's card, went, a week afterwards, to the residence mentioned in the card, and asked for, and saw, Captain Tuckett. It would seem as though the wit of man could not suggest how these facts could be evaded, or how they could fail of being proved! Yet the case totally broke down; the whole prosecution crumbled into pieces, under the subtle and watchful dexterity of the consummate advocate to whom Lord Cardigan had committed his almost hopeless case. What does the reader suppose to have been the fatal flaw? The prosecution could not prove the identity of Captain Tuckett! Each of the three counts in the indictment charged Lord Cardigan with having fired at—Harvey *Garnett Phipps* Tuckett. That was his real name, but it became impossible to prove the fact; and, without such proof, the prisoner was, beyond all question, entitled to an acquittal. A man cannot be indicted for firing at A B, and convicted of firing at C D. If Captain Tuckett had been called, he could, of course, have instantly disposed of the difficulty; and it is said that that gentleman was actually in, or near, the House of Lords; but the Attorney-General explained that he could not call that gentleman, nor his second, because, though the bill against them had been ignored by the grand jury, "they were still liable to be tried," and therefore "it would not be decorous to summon them to give evidence which might afterwards be turned against themselves." And as for Captain Wainwright, he was in the situation of his noble fellow prisoner, as a true bill had been found against him at the Central Criminal Court. What, then, shall be said against calling Sir James Anderson? Fortunately for himself and for Lord Cardigan, he was in a position to be tried himself on a charge of having been present, aiding and assisting at the commission of a felony. On this gentleman being sworn, the Lord High Steward thus cautioned him, as he was bound to do in the case of any witness similarly situated:

—

"Sir James Anderson,—With the permission of the House, I think it my duty to inform you, after the opening we have heard made by the Attorney-General of the facts of the case, that you are not bound to answer any question *which may tend to criminate yourself*." Doubtless, Sir James Anderson expected nothing less, and had come to the House of Lords perfectly at his ease. Therefore he came like a shadow, and so departed. Thus "had he his entrance and his exit."

"*Attorney-General*.—Of what profession are you?

"A.—I am a physician.

"Q.—Where do you live?

"A.—New Burlington Street.

"Q.—Are you acquainted with Captain Tuckett?

"A.—I must decline answering that.

"Q.—Were you on Wimbledon Common on the 12th September last?

"A.—I must decline answering that also!

"Q.—Were you on that day called in to attend any gentleman that was wounded?

"A.—I am sorry to decline that again!

"Q.—Can you tell me where Captain Tuckett lives?

"A.—I must decline answering the question!

"Q.—Has he a house in London?

"*Sir William Follett*.—He 'declines to answer the question.'

"A.—I have already said that I decline answering the question.

"*Attorney-General*.—Where did you last see Captain Tuckett?

"*Sir William Follett*.—We [the counsel for the prisoner] have no *right*, my Lords, to interfere in this case;<sup>[57]</sup> but, the witness having several times declined to answer the question, I apprehend that it is not regular for the Attorney-General, by circuitous questions, to endeavour to get him to answer.

"*Attorney-General*.—I have never pressed him in any question I have put. [*To Sir James Anderson*.]—Do you decline answering any question whatever respecting Captain Tuckett?

"A.—*Any* question which may 'tend to criminate' myself.

"Q.—And you consider that answering any question respecting Captain Tuckett *may* tend to criminate yourself?

"A.—It is possible that it would.

"Q.—And on that ground you decline?

"A.—Yes.

"*Attorney-General, [to the House.]*—Then, unless your Lordships wish to ask any question of the witness, he may withdraw.

"The witness was directed to withdraw."

Here, then, were four avenues through which light might have been thrown on a transaction which was the subject of such solemn and dignified inquiry by the most illustrious judicial assembly in the world, carefully closed: Sir James Anderson, Captain Tuckett, Captain Douglas, and Captain Wainwright. It will be further observed that Lord Cardigan, in his frank avowal at the police station, had happened not to mention the name of the gentleman whom he had fought and wounded—an omission probably altogether accidental, for his Lordship seems to have been in a humour of signal yet becoming and characteristic frankness.

The sole question in this celebrated case thus became one of identity—the indictment charging Lord Cardigan with having fired at one *Harvey Garnett Phipps Tuckett*—it being the duty of the prosecutors to prove that the prisoner fired at a person *bearing these names*. There was abundant evidence that Lord Cardigan had fired at and wounded a Captain Harvey Tuckett; but this might be a person totally different from him named in the indictment. The skill and vigilance of the prisoner's counsel were visible in tripping up his opponents whenever they approached inconveniently near his client. There is no reason to believe that Lord Cardigan's counsel were aware of there being the slightest difficulty, on the part of the prosecution, in proving the identity of the wounded man with the one specified in the indictment; but at the very first start, Sir William Follett perceived a faint possible advantage, and never for one instant lost sight of it.

"You tell us," said the counsel for the prosecution, examining the first witness—the miller, "that you saw the pistols fired a second time: did you observe whether either of the shots took effect?"

"A.—I thought Captain Tuckett was wounded—or, at least, the other gentleman: *I did not know who it was*."

"Q.—You thought that the gentleman, whom you afterwards knew to be Captain Tuckett, was wounded?"

"A.—Yes.

"Q.—Did you see what that gentleman did with his pistol, after the second shots were fired?"

"A.—No.

"Q.—You did not see whether he held it in his hand, or what he did with it?"

"A.—Which are you alluding to?"

"Q.—I am speaking of Captain Tuckett.

"*Sir William Follett.*—He has said he did not know who it was!"

Here was a stumble by the prosecutors, which their wary adversary never allowed them to recover. The miller then stated the giving of the card of address of "Captain Harvey Tuckett, 13 Hamilton Place, New Road," and produced it; but Sir William Follett would not allow it to be read in evidence against Lord Cardigan, without evidence that Lord Cardigan had seen it given, and was aware of what it was: and such evidence was not forthcoming. The Attorney-General then withdrew the card for the present, and asked the miller whether, on receiving it, he allowed the wounded gentleman to go; to which the answer was "Yes."—"In consequence of receiving this card, did you afterwards call at a particular house?" (meaning the house mentioned on the card, but which Sir William Follett had succeeded in excluding, for the present, from evidence.) Sir William Follett objected that the question was a leading one, and it was not pressed. The witness then stated that, a week afterwards, he called at No. 13 Hamilton Place; asked for "Captain Harvey Tuckett."

"Q.—Whom did you see?"

"A.—Captain Harvey Tuckett.

"Q.—Did you speak to him?"

"A.—I did.

"*Sir William Follett.*—I wish you would put your questions differently!"

"*Attorney-General.*—We ask him whom he saw.

"*Sir William Follett.*—He does not know Captain Harvey Tuckett, I suppose.

"Q.—Did you speak to him?"

"A.—I did."

The Attorney-General then tendered the card in evidence: and Sir William Follett, ignorant of what was written in it, (for the Attorney-General had not specified in stating the case,) objected to its being received. On this a very ingenious and elaborate argument ensued between him and the Attorney-General, whether this card was or was not admissible in evidence, at all events in

that stage of the case. The latter insisted on the affirmative, on the ground that the card had been given to the constable in Lord Cardigan's presence, and the constable had afterwards gone to the address specified in the card. It was therefore a part of the *res gestæ*. "No," answered Sir William Follett; "it does not appear who it was that gave this card, or that Lord Cardigan saw it, nor that he knew what was written on it. The Attorney-General is trying to prove an important fact in the case, by an apparent *admission* of Lord Cardigan; whereas he is not shown to have had any cognisance whatever of the fact which he is supposed to have admitted!" The Lord High Steward said that, at all events, the House would postpone for the present its decision as to the admissibility of the card. "Whether the Attorney-General," said Sir William Follett, "will have any other evidence to prove who it was that had given the card, or to connect the card with the Earl, is another question"—which doubtless occasioned no little anxiety to the Earl and his astute counsel.

The next witnesses were the miller's wife and son, who were cross-examined by Sir William Follett irritably and severely, but ineffectually. They did not, nevertheless, appear to carry the case much farther than had the miller. Then came Mr Busain, the police inspector, who gave evidence of the facts already stated in connection with his name, in the Earl's avowal that he had just fought a duel, and hit his man. On his being asked a very critical question, viz., as to Captain Tuckett's having called at the magistrate's office *and given his name*, Sir William Follett anxiously and hastily interposed—"Was Lord Cardigan present then and there?" to which the answer was, "No, he was not." Sir William Follett therefore succeeded in excluding what Captain Tuckett had said on calling at the magistrate's office, and thus again "averted the decisive stroke."<sup>[58]</sup>

Then the Attorney-General called a Mr Matthew, a chemist in the Poultry, in whose house "Captain Tuckett" occupied rooms for business. Mr Matthew said that Captain Tuckett lived at "No. 13, Hamilton Place, New Road." He was then asked the Christian names of Captain Tuckett. On this Sir William Follett interposed, and having elicited the fact that the witness had never been at the house No. 13, Hamilton Place, New Road, objected to the witness being asked the Christian names of the gentleman who had lodged with the witness in the Poultry! This objection, however, was overruled; but on the question being put, it turned out that the only names by which the witness knew his lodger were "Harvey Tuckett!" As a last resource, the Attorney-General called Mr Codd, an army agent, who paid "Captain Tuckett," of the "11th Light Dragoons," his half-pay, *and knew his name to be "Harvey Garnet Phipps Tuckett!"* But the witness added that he used to pay the money at his own house in Fludyer Street, Westminster, and had never seen Captain Tuckett except there, and at an insurance office! Again was the Earl of Cardigan's star in the ascendant. How could the prosecutor connect the half-pay officer spoken of by this witness, with the Captain Tuckett shot by Lord Cardigan, and afterwards seen wounded in Hamilton Place?

The case was brought, at length, pretty nearly to a stand-still. "Is *that* your case, Mr Attorney?" inquired Lord Brougham; on which the Attorney-General pressed for the decision of the House as to the admissibility in evidence of the card which had been delivered by one of the parties on the ground to the constable.

"*Lord High Steward*.—You object to its being received, Sir William Follett?"

"*Sir William Follett*.—Certainly, my lord: and I should wish to address your lordships, if any doubt is entertained on the subject.

"*Lord High Steward*.—Their lordships are ready to hear your objection.

"*Sir William Follett*, (to the Attorney-General.)—Will you let me look at the card?"

The card was handed to Sir William Follett, who, on examining it, addressing the Lord High Steward, said calmly and resolutely—"My lord, I do not think it necessary to object to this card being read." And, indeed, he had no need to do so; for, as the reader must see, it did not advance the case a single hair's-breadth.

"Is *that* your case, Mr Attorney?" inquired Sir William Follett, with mingled anxiety and hope. "That, my lords, is the case on the part of the prosecution," said the Attorney-General:—on which, turning to the High Steward with a confident exulting air, Sir William Follett "submitted to their lordships that no case had been made out, requiring an answer from the prisoner at the bar."

Into what a minute point this great case had dwindled! "There is no evidence whatever to prove," said Sir William Follett, "that the person at whom the noble Earl is charged to have shot, on the 12th September last, was Harvey Garnett Phipps Tuckett—the name contained in every count of the indictment. The evidence would rather lead to a contrary presumption, if presumption could be entertained in such a case; but it is incumbent on the prosecutor to give positive evidence of the identity of the person named in the indictment with the person against whom the offence is alleged to have been committed.... Is there anything before your lordships to identify the Captain Tuckett spoken of by the army agent, Mr Codd, with the person who is said to have been at Wimbledon Common on the 12th September last? There is nothing whatever."—"If there be the smallest *scintilla* of evidence," answered the Attorney-General, "the prosecution cannot be stopped on this ground; and there is abundant evidence from which it may be inferred that the person wounded in this duel was—Harvey Garnett Phipps Tuckett. We prove that the wounded gentleman was a 'Captain Tuckett;'—that it was 'Captain *Harvey* Tuckett:' that the wounded Captain Tuckett lived at 13 Hamilton Place, New Road. Is there any doubt that it was *that* Captain Tuckett who had taken the premises in the Poultry? When he did so, he gave a reference to No. 13 Hamilton Place, New Road. Is it not an irresistible evidence, then, that the Captain

Tuckett of the Poultry and of Hamilton Place, and who fought with Lord Cardigan, was one and the same person? There is only one other stage—that this Captain Tuckett is the Captain Tuckett of whom Mr Codd speaks. Is there not cogent evidence to prove the identity here? Would any person, out of a court of justice, for a moment doubt the identity here? If not, can this House undertake to say *that there is not a scintilla* of evidence of identity before it?" "What we object," said Sir William Follett, in reply, "is this—that Mr Codd, who says he knows a Captain Tuckett who bears the names mentioned in the indictment, gave no *scintilla* of evidence to connect that individual with the gentleman who was on Wimbledon Common on the 12th September last. It depended altogether on Mr Codd to give such proof—and that proof he wholly failed to give. Your Lordships are now sitting as judges, to decide solely on the evidence which has been laid before you. The Attorney-General says that the card afforded *one* of the Christian names—'Harvey Tuckett;' but is that proof that the person mentioned in that card is the 'Harvey Garnett Phipps Tuckett' mentioned in this indictment? There may be two, or ten, or fifty persons named 'Harvey Tuckett.' I ask your Lordships, sitting as judges on a criminal case, and looking at the evidence alone—disregarding surmise, conjecture, and what you may have heard out of doors—whether there is any evidence to prove that the gentleman wounded on Wimbledon Common bears the name and surname of 'Harvey Garnett Phipps Tuckett?'"

The Lord High Steward, during the deliberation of the House with closed doors, delivered a luminous and convincing exposition of the legal merits of the case before the House:—

"There is an absolute want of circumstances to connect the individual at whom the pistol was fired, and who afterwards was seen wounded in Hamilton Place, with the half-pay officer known to Mr Codd as bearing the names set forth in the indictment on which your Lordships are sitting in judgment; for the mere fact of the wounded person bearing *some* of the names used by the half-pay officer, is no proof that the former and the latter are the same; and the representation by that officer of his having held a commission in the same regiment of which Lord Cardigan told the policeman that he himself was colonel, (which, coupled with the actual receipt of half-pay, may sufficiently prove that fact,) cannot, I apprehend, be turned into a presumption that those two individuals would meet in hostile array. Here are two distinct lines of testimony, and they never meet in the same point."

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"No fact (*i. e.* of identity) is easier of proof in its own nature; and numerous witnesses are always at hand to establish it, with respect to any person conversant with society. In the present case, the simplest means were accessible. If those who conduct the prosecution had obtained your Lordships' order for the appearance at your bar of Captain Tuckett, and if the witnesses of the duel had deposed to his being the man who left the field after receiving Lord Cardigan's shot, Mr Codd might have been asked whether that was the gentleman whom he knew by the four names set forth in the indictment. His answer in the affirmative would have been too conclusive on the point to admit of the present objection being taken.

"Several other methods of proof will readily suggest themselves to your Lordships' minds. Even if obstacles had been imposed by distance of time and place, by the poverty of those seeking to enforce the law, by the death of witnesses, or other casualties, it cannot be doubted that the accused must have had the benefit of the failure of proof, however occasioned; and here, where none of those causes can account for the deficiency, it seems too much to require that your Lordships should volunteer the presumption of a fact which, if true, might have been made clear and manifest to every man's understanding by the shortest process. Your Lordships were informed that no persons out of doors could hesitate, on the proof now given, to decide that the identity is well made out. Permit me, my Lords, to say that you are to decide for yourselves upon the proofs brought before you, and that nothing can be conceived more dangerous to the interests of justice, than for a judicial body to indulge in any speculations on what may possibly be said or thought by others who have not heard the same evidence, nor act with the same responsibility, nor (possibly) confine their attention to the evidence actually adduced. Your lordships," continued the Lord High Steward, "sitting in this High Court of Parliament, with the functions of a judge and a jury, I have stated my own views, as an individual member of the court, of the question by you to be considered, discussed, and decided. Though I have commenced the debate, it cannot be necessary for me to disclaim the purpose of dictating my own opinion, which is respectfully laid before you with the hope of eliciting those of the House at large. If any other duty be cast upon me, or if there be any more convenient course to be pursued, I shall be greatly indebted to any of your lordships who will be so kind as to instruct me in it. In the absence," concluded the noble Lord, "of any other suggestion, I venture to declare my own judgment, grounded on the reasons briefly submitted, that the Earl of Cardigan is entitled to be declared NOT GUILTY."<sup>[59]</sup> This was followed by the unanimous declaration of "Not Guilty,"—pronounced successively "upon my honour"—by every peer present, beginning with the junior baron. The only variation of the form occurred in the case of the Duke of Cleveland, who said—instead of not guilty, upon my honour—"not guilty, *legally*, upon my honour." The white staff of the Lord High Steward was then broken in two; and so was dissolved the first—may it be the last—commission, during the present century, for the trial of a peer on a charge of felony.

Lord Denman's reasons for recommending an acquittal were unanswerable; and by special direction of the House of Lords, though not in conformity with precedent,<sup>[60]</sup> were published, to enable the country to judge of the grounds on which the House had proceeded. The result, however, so contrary to that which had been expected, excited no little indignation; and the *bonâ*

*fides*, even of those who conducted the prosecution, was very sternly questioned. It was insinuated by some of the most powerful organs of public opinion, that the prosecution had been taken up unwillingly, and with not even ordinary precautions to secure the ends of justice. "We ask," said the *Times*, "whether the law officers of the Crown had no foresight to anticipate, or no disposition to provide against, a conclusion so unsatisfactory? Is any man capable of believing that if some tailor, or linendraper, had been indicted at the Old Bailey for the crime of stealing—or that he, having an honour to vindicate equally with noble lords, pistolled and wounded one of his companions—does any man believe that, in such a case, we should have heard of any miscarriage, or of any name that could not be proved? Oh no! there would then have been precautions in abundance—there would have been no loophole left—there would have been no lack of friends and relatives carefully subpoenaed to prove all the Christian names of the necessary party."

We ourselves have reflected frequently on the result of this trial; and the points which have occurred to us are two. *First*, Why was not Captain Tuckett summoned to the bar of the House of Lords—if merely to be asked his name<sup>[61]</sup>—or even only to be pointed out to the witnesses to see if they could identify him? The miller could have been required to look at him, and been then asked—"Is that the person whom you saw lying wounded on the common?"—and Mr Codd could then have been also required to look at Captain Tuckett, and say—"Is that the gentleman to whom you used to pay half-pay as Captain Tuckett of the 11th Light Dragoons, and whose name you knew to be Harvey Garnett Phipps Tuckett?" On both these witnesses answering these questions in the affirmative, it would have required a thousand times even Sir William Follett's ingenuity to suggest a further doubt on the point of identity. This was the course which the Lord High Steward plainly pointed at, in his address to his brother peers, as that which might have been adopted. *Secondly*, Why was not the name of Captain Tuckett varied in various counts of the indictment, so as to meet not every probable, but every possible doubt and difficulty? If in one count he had been called "Harvey Tuckett," it would have sufficed to meet the evidence actually adduced; and the other counts might have, respectively described him as "Harvey Garnett Phipps Tuckett"—"Harvey Garnett Tuckett"—"Harvey Phipps Tuckett"—"Garnett Tuckett"—"Phipps Tuckett"—even adding to these other combinations of the four names in which Captain Tuckett rejoiced. To dispose first of this latter point—we verily believe that, up to the moment when the question of identity was started, the counsel for the prosecution, and their clients, believed that the proof of identity was a matter of course. The indictment had been preferred before the Grand Jury at the Central Criminal Court; and was doubtless framed, in the ordinary course, by the clerk of indictments, from the depositions—in which might have appeared all the four names of Captain Tuckett, without any intimation of doubt or difficulty as to the fact of those being his names, or as to proof that they were. Possibly the clerk had before him a positive statement that Mr Codd, the army agent, who paid Captain Tuckett his half-pay, could clearly prove that his name was "Harvey Garnett Phipps Tuckett;" and that, if so, it was a needless and expensive encumbering of the record to insert counts aimed at only imaginary difficulties. The indictment having once gone before the Grand Jury, and been returned a true bill, no alteration could have been made in it, especially after it had been removed by *certiorari*... Doubtless the brief of the counsel for the prosecution would contain the evidence of Mr Codd, in as direct and positive a form as could be imagined; and they would regard him, as the army-agent of Captain Tuckett, as peculiarly qualified to prove his real names. When the difficulty had been started, we know of no degree of ingenuity that could have been exhibited by counsel, exceeding that of the Attorney-General, in his contests on the point with Sir William Follett. All experienced practical lawyers will acknowledge the probability that the solution of the question here proposed is the true one. It is easy to be wise after the result. A blot is not a blot, until it has been *hit*.

*Secondly*, Why was not Captain Tuckett brought to the bar, to be asked his names, or identified by Mr Codd? There is no evidence that he was in attendance, or that he could have been met with, at the exact moment when his presence was required. It may have been that no order of the House had been obtained for his attendance, only because it had not been thought necessary—that no difficulty would arise which his attendance could solve; and in the absence of direct legal compulsion, Captain Tuckett may have felt it a point of honour not to volunteer himself as a witness against his brother duellist. We can also readily believe that the counsel for the prosecution were anxious to conduct a perfectly novel case—the first instance on record of an attempt to bring an abortive duel under the category of felony, with its alarming incidents and consequences—with unusual liberality, and not to exhibit anything like a vindictive pressure upon the accused. They also knew that Captain Tuckett was himself liable, at that very moment, to be placed in the same situation as Lord Cardigan, and that it would have been idle to call before the House of Lords a witness who would come armed with a right to decline answering any single question—possibly even that above suggested as to his name—which he believed might even *tend* to criminate himself. It must also be borne in mind that the Attorney-General boldly avowed, before the House of Lords, that he regarded the act with which Lord Cardigan stood charged as one devoid of "any degree of moral turpitude," and that "a conviction would effect no discredit on the illustrious order to which he belonged." These observations, proceeding from an Attorney-General on a solemn official occasion, became, a few days afterwards, the subject of grave discussion and censure in the House of Lords. But even the excellent Earl of Mountcashel thus pointed at the practical hardship of Lord Cardigan's position,—"An officer in the army receives an affront. His brother officers expect he shall go out. If he do, he encounters the pains and penalties of the statute 1 Victoria c. 85; if he refuse, he is obnoxious to the contempt of his brother officers."<sup>[62]</sup> It was, certainly, not to be expected that an Attorney-General, entertaining and averring the views of duelling which he did—and having to deal with a nobleman bearing her

Majesty's commission, who was placed in the dilemma indicated by Lord Mountcashel, and had fought his duel fairly, and unattended by fatal consequences—should have been as eagle-eyed a prosecutor as if he had had to deal with a man, gentle or simple, military or civil, who had shamefully provoked, and as disgracefully fought, a fatal duel.

Had Lord Cardigan been convicted, he had still a *chance* of escaping the serious personal consequences by claiming that absurd and unjust privilege of the peerage of which Lords Mohun, Warwick, and Byron in past times had respectively availed themselves, immediately on their having been convicted, in cases of fatal duels, of manslaughter. This privilege had been confirmed by statute, 1st Edward VI. c. 12, § 14, which was passed in the year 1547, and consisted in enabling a lord of parliament and peer of the realm to have benefit of clergy for a first conviction of felony,—that is to say, to escape the penal consequences of conviction, on simply alleging that he was a peer, and praying the benefit of that act! In 1827, however, by one of the statutes which effected so salutary a reform of our criminal law, (statute 7th and 8th Geo. IV. c. 28, § 6,) it was enacted as follows,—that "benefit of clergy, with respect to persons convicted of felony, shall be abolished." It had been intended, by this section, to repeal that of the 1st Edward VI. c. 12, § 14; but serious doubts were entertained, during the pendency of Lord Cardigan's trial, whether that intention had been effectuated. We offer no opinion on the point, which would have been argued, of course, with desperate pertinacity, and consummate learning and ingenuity, had the occasion for such an exhibition arisen. To extinguish, however, all possible doubt, and prevent any future failure of justice, an act was passed in the same session during which Lord Cardigan was tried, (statute 4th and 5th Vict. c. 22, 2d June 1841,) asserting that "doubts had been entertained" whether, notwithstanding the statute of 1827, that of 1547 "might not, for some purposes, still remain in force." The statute of 1841 had but one section, which declared the 1st Edward VI. c. 12, § 14, to be "thenceforth repealed, and utterly void, and no longer of any effect;" and enacted that "every lord of parliament, or peer of the realm having place in parliament, against whom any indictment for felony may be found, shall plead to such indictment, and shall, upon conviction, be liable to the same punishment as any other of her Majesty's subjects are, or may be, liable upon conviction for such felony."

Here stands the law of duelling, alike for lord and commoner, whom we trust we have satisfied of the really alarming responsibilities entailed upon those who may choose to perpetuate these outrages upon the laws of their country.

In closing this paper, and taking leave of a painfully interesting topic, we would fain express a hope and a belief, that a better feeling on the subject of duelling is gaining ground, in this country, than has existed for centuries. There is growing up a spirit of dignified submission to the law of man, based as it is on the law of God, which totally prohibits these unholy exhibitions of murderous malevolence. A truer estimate is formed of the nature of HONOUR—one which forbids alike the offering and the resenting of insults. The following noble paragraph, recently introduced into the Articles of War, is worthy of being written in letters of gold—of being exhibited (with suitable variation of expression) in every place of public resort, and in every possible manner brought under the notice of men of the world, and the youths in our public schools:—

"We hereby declare our approbation," says her most gracious Majesty,<sup>[63]</sup> "of the conduct of all those who, having had the misfortune of giving offence to, or of injuring, or of insulting others, shall frankly explain, apologise, or offer redress for the same; or who, having had the misfortune of receiving offence, injury, or insult from another, shall cordially accept frank explanation, apology, or redress for the same; or who, if such explanations, apology, or redress, are refused to be made or accepted, and the friends of the parties shall have failed to adjust the difference, shall intrust the matter to be dealt with by the commanding officer of the regiment or detachment, fort or garrison; and we accordingly acquit of disgrace, or opinion of disadvantage, all officers who, being willing to make or accept such redress, refuse to accept challenges, as they will only have acted as is suitable to the character of honourable men, and have done their duty as good soldiers, who subject themselves to discipline."

There speaks the Queen of England!

The following is the stringent Article of War (Art. 101) on the subject of duelling:—

"Every officer who shall give, send, convey, or promote a challenge; or who shall accept any challenge to fight a duel with another officer; or who shall assist as a second at a duel; or who, being privy to an intention to fight a duel, shall not take active measures to prevent such duel; or who shall upbraid another for refusing or for not giving a challenge; or who shall reject, or advise the rejection of, a reasonable proposition made for the honourable adjustment of a difference, shall be liable, if convicted by a general court-martial, to be cashiered, or suffer such other punishment as the court may award.

"In the event of an officer being brought to a court-martial for having assisted as a second in a duel, if it shall appear that such officer had strenuously exerted himself to effect an adjustment of the difference, on terms consistent with the honour of both the parties, and shall have failed, through the unwillingness of the adverse parties to accept terms of honourable accommodation, then our will and pleasure is, that such officer shall suffer such punishment, other than cashiering, as the court may award."



## THE DEFENCES OF BRITAIN. [64]

Sir Francis Head is a bold man. When the cry for economy and retrenchment, arising out of the straightened circumstances of the nation, is at its loudest, he has ventured to argue the proposition—once admitted as a truism, but now apparently denied by many—that there are national duties, of surpassing magnitude, which must be undertaken and fulfilled irrespective of pecuniary considerations, if we intend to preserve this country, not simply from a diminution of its greatness, but from the imminent danger of invasion and of hostile occupation. His courage is not lessened by the fact that, in maintaining that axiom, he is fortified by the practical testimony, without any exception whatever, of all our greatest living military and naval authorities; his boldness is not less notable because the Duke of Wellington, Sir John Burgoyne, Admiral Bowes, Admiral Sir Thomas Cochrane, Sir Charles Napier, Captain Plunkett, and others, have year after year protested against the insufficiency of our national defences; and demonstrated that, under the present system, and with the inadequate force at our disposal, we could not, in the event of a rupture with France, calculate on maintaining the inviolability of the British coast, or the security of our capital, London. He is a bold man, and a man of moral courage, because he has ventured once more to stem the tide of popular prejudice and clamour; to expose himself to the sneers of the unthinking, the foolish, and the ignorant, and to the insolent imputations of the professional agitator and demagogue. The individual who was base enough to insult the gray hairs and honoured age of the first soldier of the world, was not likely to refrain from vituperation in the case of a humbler antagonist; and, accordingly, we are not in the least degree surprised to observe, that, at a late meeting in Wrexham, this person, Cobden, who three years ago insinuated that the Duke of Wellington was a dotard, has now turned his battery of coarse abuse against Sir Francis Head. [65]

We have, fortunately, something else to do than to answer the wretched calumniator. We consider it our bounden duty, in so far as we can, to recommend to our readers the exceedingly able and temperate work of Sir Francis Head, which not only embraces all that can be said upon the topic in the way of abstract argument, but exhibits in the clearest form, and from the most authentic sources, the amount of foreign military and naval preparation, at the present moment, as contrasted with our own. It is, we think, a most timely and needful warning, which every one will do well to consider, not in a rash or hasty manner, but calmly, deliberately, and dispassionately, with reference to his own individual interests, and to those of the nation at large. The question, as it now presents itself to our notice, is not one of peace or war. The most zealous peace-monger alive need not be ashamed of adopting the conclusions or seconding the suggestions of the writer. The question, as put by Sir Francis Head, is simply this,—Are we, or are we not, supposing us to become involved in hostilities with France, in a condition successfully to resist all attempts at invasion?

Of course there are several considerations collateral and connected with this. Military and naval establishments being, in effect, the insurance which we pay against the risk of invasion, the risk must be calculated in order to ascertain the amount. Only in one respect the parallel does not hold good between national and private insurance. A man may insure his premises or his life inadequately, and yet he or his representatives will be entitled to recover something. In the case of a nation, inadequate insurance is really equivalent to none. Either the insurance is good altogether, and fully adequate to the risk, or it need not have been effected at all. Therefore, in estimating this matter of sufficiency of defence, we must attempt to ascertain, as clearly as can be done by human foresight, aided by past experience, the amount of possible danger. This is unquestionably a most intricate consideration, yet no one can deny its importance.

It is a very simple matter for those who have never turned their attention to the state of Great Britain, as one great military and naval power surrounded by others, to treat with entire contempt the idea of any possibility of invasion. We have no doubt that a large proportion of the British nation consider themselves at this moment invincible. It is quite natural that this should be the case. We have accustomed ourselves, in consequence of the result of the last war, to look upon British prowess as something absolutely indomitable. The issue of Waterloo has wiped away all memory of the disastrous retreat to Corunna. We remember Trafalgar with pride, and forget that even in naval matters we found our match in the American. The flag of England has not always been supreme on the seas, or even in her own estuaries. Little more than a century and a half has elapsed since a Dutch fleet entered the Thames without resistance, burned the shipping in the Medway, and held Chatham at its mercy. But the present generation knows little about those things, and is disposed to limit its recollections to comparatively recent events. Nor are even these viewed fairly and fully. We are content to take the catastrophe as the measure of the whole. We overlook the disasters, loss, misery, and bloodshed, which our former state of bad preparation entailed upon the nation, and we will not listen to the testimony of the great living witness—still happily spared to us—when he raises his voice to warn us against wilfully incurring a repetition of the same, or the infliction of worse calamities. Not even by tradition do our common people know anything of the horrors of foreign and invasive war. Of all the European nations we are incomparably the least warlike in our ideas and our habits. Our population knows nothing of military training, is wholly unaccustomed to the use of arms. A few muskets in the hands of a few old pensioners have been found sufficient to overawe and disperse the most infuriated mob. And yet we are told to consider ourselves, and do in part believe it, as capable of resisting any attempt at organised military invasion, at a moment's notice, notwithstanding the enormous numerical inferiority of the whole disciplined troops which we could summon from all parts of the kingdom, to even a fractional part of the force which could easily be brought against

us!

Assuredly we have no reason or wish to undervalue the greatness of English courage. That quality alone will turn the scale when the match is otherwise equal. Our wild and rude ancestors, who opposed the landing of the legions of Cæsar, were certainly not one whit inferior in courage or in strength to their descendants, and yet those qualities could not save them from being utterly routed by the discipline of the Italian invaders. It may be questioned whether, in the case of a sudden emergency, the British population at the present day could offer so formidable a resistance to a regularly disciplined force. The odds are that they could not. The aboriginal British tribes, like our Highlanders in last century, were trained to the use of arms, however simple, and versed in some kind of tactics, however rude. They knew how to stand by each other, and they were not terrified by the sight of blood. Whereas the modern operative, suddenly summoned from the factory to take his place as a national defender, would be of all creatures the most incompetent and helpless. To mount a horse, or rather, to guide a horse when he had mounted it, would be to him a thing impossible. He would as lieve thrust his hand into the flames as attempt to fire a cannon. His ideas as to the distinction between the but-end and the muzzle of a musket are so extremely indefinite, that you might as well arm him at once with a boomerang; and the odds are, that, in masticating a cartridge, he would consider it part of his duty to swallow the ball. Or, supposing that his piece is adequately loaded and primed, what is the betting that he does not bring down a comrade instead of disabling an enemy? A random shot strikes the midriff of Higgins, who has just patriotically rushed from the manufacture of *domestics* to do his duty on the battle-field. He falls gasping in his gore; and Simpkins, who is his right-hand man, grows pale as death, and is off in the twinkling of a billy-roller. A single bivouac, on a frosty night, would send half the awkward squad to the hospital shivering with ague. Those who had previously pinned their faith on Hogarth's caricature of the spindle-shanked Frenchman toasting frogs on the point of his rapier, would speedily discover their mistake at the apparition of the grim, bearded, and bronzed veterans of Algeria, armed to the teeth, and inflamed with that creditable "morale," of which so much has been said, but which resolves itself simply into a burning desire for vengeance on "perfidious Albion." They would then begin, though rather late, to perceive the advantages of preparation, discipline, and science, and bitterly to regret that they had turned a deaf ear so long to the warnings of wisdom and experience. Discipline is as powerful now, in strategy, as it was nineteen hundred years ago. The cotton-clad Briton would not be one whit more able to repel invasion than his remote skin-clad progenitor. And as for a leader, are we liable to the charge of prejudice when we aver that we would rather march to combat under the guidance of a Caractacus than that of a Cobden?

But is there any chance of an invasion? We reply—that depends in a great measure upon the extent of our actual preparation. If it is known abroad, and notorious, that we have made our citadel impregnable, the probabilities of any such attempt are extremely lessened. If, on the contrary, we are manifestly unable to resist aggression, we do unquestionably increase our risk to an enormous degree. Which of us can calculate on our escaping from the embroilment of war, in the present distracted state of European politics, for a year, or even for a month? The last time we approached this subject of the national defences was towards the commencement of the year 1848, when Cobden was attempting to preach down military establishments. Our readers may recollect the arguments which he used at that time. He represented that the whole world was at profound peace and tranquillity; that the nations were thinking of nothing else but relaxation of tariffs, and the interchange of calicoes and corn; that men were a great deal too wise ever again to appeal to the rude arbitration of the sword—and much more trash of a similar nature, which seemed to give intense delight to his cultivated Manchester audience. We considered it necessary to tie him up to the halberts, and gave him a castigation which to this hour he writhingly remembers. We pointed out then the utter absurdity of his notion, that Free-trade was to supersede Christianity as a controller of the passions of mankind; and we insisted that, so far from real tranquillity being established on the Continent, it was "quite possible that France may yet have to undergo another dynastic convulsion." What followed? Before the number of the Magazine which contains that paper was published, the Revolution broke out in France, and extended itself over more than half the Continent. It is not yet completed, or anything like completed—it is resolving itself into war, the natural and inevitable sequence of all such revolutions. Hitherto we have kept out of it by good fortune, if not by dexterous management. But our escape was a very narrow one. Once we were so very near a rupture, that the French ambassador was recalled from St James's, and the Russian ambassador just about to retire. Was there no danger then? Who that regards the political aspects abroad, will give us a guarantee that some new emergency may not arise, involving a *casus belli*, from some circumstance almost as trivial and insignificant as the claims of Don Pacifico? His Holiness the Pope, in return for Mintonian advice and Whig support, has been pleased to prefer a spiritual claim over the British dominions—how if France, rather at a loss for some enterprise abroad to sustain her government at home, should take a fancy for a new crusade, and determine on backing, by temporal artillery, the less dangerous thunders of the Vatican?

But France, say Cobden and his crew, does not desire war. Cobden is a precious expositor of the cabinet councils of France! What took the French to Rome? What is taking them at this moment to the eastern frontier? Not the dread of invasion, we may be sure; for the unhappy states of Germany have quite enough business on hand to settle among themselves, without attempting to push westward. France may not, indeed, desire war in the abstract, but war may become a political necessity for France; and we think that we can discern symptoms which indicate that the necessity must soon arrive. Once unsettle a nation, as France has been unsettled, and there is no security for its neighbours. France is at this time nominally a republic, practically a military

despotism. Military despotism is always, sooner or later, compelled to support itself by aggression. It gets rid of the contending elements within by giving them a foreign outlet; for, if it did not do so, it must in the end inevitably succumb to anarchy. These things may not be known in the mills, or familiar to men whose intellect is beneath that of the aggregate average of ganders; but they are nevertheless true, and all history confirms them.

We therefore think that—looking to the present state of the Continent and its political relations, the hostile jealousy of some states, and the extreme instability of others—there is anything but reason to predict the return of a settled European peace. The first act of the drama may have been played, but the whole piece is not yet nearly concluded. If we are right in this, what are the chances that we escape, whilst the other nations are contending? Extremely small. Now, is there any man (except Cobden) silly enough to suppose, that, in the event of further and more serious hostilities occurring on the Continent, we should be able to escape from embroilment, *on the ground that we have not sufficient forces in Great Britain to protect the integrity of our shores*? If there exist any such individual, let him go back to his Æsop, and he will find various illustrations bearing strongly upon the subject. It is no difficult matter for the strong to pick a quarrel with the weak. Our monstrous and almost insane position is this, that, with all the elements of strength existing abundantly among ourselves, we have obstinately resolved not to call them forth, so as to prepare for any emergency, or for any contingency whatever.

Cobden's opinion is, that the governments cannot go to war, because the people will not let them. Does the prophet of Baal allude to Russia, Austria, Prussia, or France? We presume it will not be held that these states fortify that opinion. If not, to *what* governments and *what* people does he allude? The truth is, that he is possessed by the most monstrous hallucination which ever beset a human brain. He believes that the population of Europe are so enamoured of his flimsy rags as to be ready to sacrifice everything for the privilege of putting them next their skins, and that no government dare interpose between them and that most inestimable luxury. Whereas, in reality, Manchester and its products are detested, both by governments and people, from one end of Europe to the other. Why it should be so is not in the least degree perplexing. Every nation (except perhaps our own, which is for the present labouring under a most miserable delusion) has the natural wish to protect and foster its internal industry. A purely agricultural state is necessarily a very poor one—it is the mixture of agriculture and manufactures which tends to create wealth. Our neighbours on the Continent are doing all in their power to promote manufactures, and we have helped them to attain their object by allowing a free export of machinery. They have not the slightest intention of permitting that portion of their capital, which is already invested in manufactures, to be destroyed by submitting to the operation of Free Trade; so, very wisely, they take advantage of our open ports to get rid of their superfluous agricultural produce, whilst they continue or augment their duties upon the articles of manufacture which we export. Not a man of them would break his heart if every mill in Manchester were burned to the ground to-morrow, nor would they subscribe one kreutzer for the benefit of the afflicted sufferers. Such is their feeling and their policy even in time of peace; in time of war they are somewhat apt to clap on an entire embargo.

The governments, however, are going to war, and at war, notwithstanding all that can be said or written to the contrary; nor have we been able to discover that the people—at least that portion of the people which, in time of tumult, is the most influential—has manifested the slightest indisposition to push matters to extremity. The small still voice of Elihu Burritt has failed to tranquillise the roar of conflict in Denmark and the Holstein Duchies. It may possibly be matter of wonder to some folks that all national quarrels are not instantly submitted to the arbitration of a peripatetic blacksmith, or an equally ubiquitous cotton-spinner. Oliver Dain, more popularly designated *Le Diable*, had once a good deal to say in matters of state, though his avowed function was only that of a barber, and it may be that the Peace Congress set considerable store by that notable precedent. We, however, are not ashamed to confess that our faith is small in the efficacy of the Columbian Vulcan. Mars, we suspect, will prove too much for him in the present instance, and escape the entanglement of the net. Seriously, we apprehend that there is less to fear from the deliberate intentions of governments, than from the inflamed passions of the people. At all events the two co-operate, and must co-operate in producing war; and public opinion in this country, as to the propriety of maintaining peace, is of as little effect or practical use, owing to our notorious weakness, as the sighing of the summer wind.

Such being the signs of conflict abroad, the next consideration is, how are we affected by them—or rather, what course ought we to pursue in the present distracted state of European politics? We think that common-sense dictates the answer—we ought to prepare ourselves against every possible emergency. We do not know from what quarter the danger may come, or how soon; but the horizon is murky enough around us to give warning of no common peril. What should we think of the commander of a vessel who, at the evident approach of a storm, made no preparation for it? Yet such is, in truth, at the present time, the fatuous conduct of our rulers. They have been advised by the best and most experienced pilot of their danger, and yet they will do nothing. They are drifting on as heedlessly as if the breeze were moderate, no reefs ahead, and no scud visible in the sky.

We have said that we do not know from what quarter the danger may come. There is, however, one quarter from which we may, legitimately enough, apprehend danger; and that not only on the score of most tempting opportunity, but because from it we have, ere now, been threatened under circumstances of greater difficulty. The meditated invasion of England by France, under Napoleon, ought not to be effaced from the recollection of the British people. We were then infinitely better prepared to resist such an attempt than we are now. We had troops and levies in

abundance, a large and powerful navy, manned by experienced sailors, and full intimation of the design; whilst, on the other hand, the French were deficient in shipping, and, what is even more material, unassisted by that wonderful agent steam, which has made the crossing of the Channel in a few hours, despite of contrary winds, a matter of absolute certainty. Because that expedition failed, is it a fair conclusion—as we have seen it argued in the public journals—that another expedition, aided by that science which has reduced the intervening arm of the sea to a mere ditch or moat, must also necessarily fail? We cannot understand such reasoning. It is allowed by all military and naval men who have studied the subject, or written upon it—and we confess that, in a matter of this kind, we should prefer eminent professional opinions to the mere dicta of a journalist, or the sweeping assertions of a civilian—that a French army could now, by the aid of steam, be ferried across the Channel without encountering the tremendous opposition of a fleet. If that be admitted, then invasion becomes clearly practicable, and the next consideration is its probability.

It is always instructive to know what is going on on the other side of the Channel. It is no Paul Pry curiosity which prompts us to inquire into the proceedings of our eccentric neighbours; for, somehow or other, we very frequently find them swayed in their actions either by our example or our position. And, in order to prosecute this inquiry, we shall make room for Sir Francis Head, and accept such information as he can give us:—

"There is often so much empty bluster in mere words, that, if there existed no more positive proof of danger than the statements, arguments and threats above quoted, we might perhaps, in the name of 'economy,' reasonably dismiss them to the winds. The following evidence will, however, show that the French nation, notwithstanding the violence of the political storms which have lately assailed them, and notwithstanding the difference of opinion that has convulsed them, have throughout the whole period of their afflictions, and under almost every description of government, *steadily, unceasingly*, and at *vast cost*, been making preparations for *performing* what for more than half a century they have THREATENED—namely, the invasion of England.

*"Extracts from the correspondence of the Times, described as from 'an Officer of Experience in our own Service.'—(See Times, September 10, 1850.)*

"CHERBOURG, Saturday night.

"The spectacle of to-day was perhaps one of the most splendid of its kind that has been ever witnessed. Nothing short of the terrible glories of actual warfare could have exceeded it; and, without being an alarmist, I may safely say that the effect made on the mind of an Englishman by such a display of force and power on the part of an ally who has been our bitterest foe in times gone by, in a port almost impregnable, and within a few hours' sail of the shores of Great Britain, was not calculated to put him at ease.'

"CHERBOURG, Monday, *Sept. 10.*

"There are not many Englishmen who know that, within less than sixty-six miles of Portsmouth, there is a French port in which the most extensive works have been for years carried on, till nature has given way to the resources of skill and infinite art, and the sea and land, alike overcome, have yielded to our ancient foe one great naval entrepot,—placed in a direct line with our greatest dockyards, fortified at an enormous cost, till it is impregnable to everything but desperate daring and lucky hardihood, increasing day after day in force and power, accessible from every point of the compass and at all states of the tide to a friendly fleet, capable of crushing beneath an almost irresistible fire the most formidable of hostile armaments—in a word, "the eye to watch and the arm to strike the ancient enemy." There is no geographical necessity for such a port opposite to our coast. The commerce of France does not need it. Our neighbours may well remark that they are justified in protecting a place which has already felt the force of our arms, and that they are bound to protect Cherbourg from such a contingency as that which occurred in the last century, when Admiral Bligh laid it in ruins. But Admiral Bligh would not have attacked Cherbourg had it not been a menacing warlike station; and, talk as they may, there can be no doubt that the whole of these immense works are prepared *for a war with England, and with England alone*. When I say this, of course I do not mean to say that France will take any unjust advantage of her position; but we ought not to shut our eyes to the fact that such a place is within seven or eight hours' sail of England; and that a French fleet leaving it in the evening with a leading wind could be off Portsmouth next morning, and could bombard any of our towns on the southern coast.

"On the above graphic description, the editor of the *Times* offered to the country the following just remarks:—

"It is impossible to forget—perhaps, without the slightest imputation on our neighbours' good-will, we may say it was not intended we should forget—that the fleet which issued, in such magnificent style, from behind the Cherbourg breakwater, might some day sail straight across the Channel; that those heavy guns might all be pointed in anger; and that each of the black rakish-looking steamers might throw a thousand men

on a hostile shore without warning given or suspicion raised. Such a suggestion cannot be thought out of place or ill-timed, for doings of this kind are the very vocation of the vessels paraded before us. If guns were not meant to be fired, or steamers to be employed for transport, there would be no use in manufacturing either one or the other. From the extent of our liabilities we may measure our precautions; and it is undoubtedly not advisable that we should be without the wherewithal to receive such visitors as might possibly be some day despatched from Cherbourg. The point is certainly a brave one for the economists, who will appeal to the folly thus probably exemplified of nations urging each other forward in the ruinous race of public expenditure. The argument sounds very plausible, but it is, in plain truth, impractical.'

"Lastly, during England's late disagreement with France and Russia on the subject of Greece, after the French Ambassador had left this country, and while the Russian Ambassador was ready to leave it also, the *Times*, without creating the smallest excitement throughout the country, informed its readers of two ominous facts, namely —

"1st, That, during the said discussion, France was *increasing* her number of seamen.

"2d, That, as soon as the foresaid discussion ended, they were *dismissed*."

We regret to observe that, since then, the *Times* seems to have changed its tone on this very important subject, and it now regards the preparation necessary to insure the security of England as too costly for the object proposed. This is a novel view, even in ethics. We have been taught that it was our duty, in case of necessity, to expose even our lives in defence of our country; and we do hope that there are some among us who still adhere to that noble lesson. No such sacrifice is required just now. All that is demanded—and demanded it ought to be, not by isolated writers, or even high and competent authorities, but by the general voice of the nation—is, that our navy should be put upon an efficient footing—that the Admiralty should be reformed, and no chief of it appointed who is not conversant with the details of the service of which he is selected as the head—that no other Minto should be allowed to make his high maritime office the source of family patronage—that a ready and constant supply of skilled and experienced seamen should be secured—and that the vast expenditure lavished on our ships should not be rendered nugatory for want of hands to man them adequately when launched. Furthermore, we require that the standing force of our army at home should be so augmented as to render it certain that, in any sudden emergency, we may not have to depend upon the voluntary efforts of a panic-stricken and undisciplined mob. We have already spoken of the chances of our being involved in war, and also of the possibility of an invasion: let us now examine what amount of disposable forces we have ready, in the event of such a terrible emergency. Our muster-roll, inferior certainly to the Homeric catalogue, is as follows:—In Great Britain and Ireland we have precisely 61,848 regular enlisted soldiers of all departments of the service! Of these, 24,000 are stationed in Ireland alone, whence, in the event of the occurrence of any disturbance, they could scarcely be withdrawn; so that the whole defensible force of England and of Scotland is reduced to rather less than 38,000 soldiers! That number would hardly be doubled were we to add the whole of the pensioners, more or less worn out, the corps of yeomanry, and the half-drilled workmen of the dockyards: and with this force some of us are content to await invasion; whilst others, more reckless still, are even clamouring for its reduction! Farther, as if we were resolved to push on folly to the furthest extreme, the drawing of the militia has been, by Act of Parliament, suspended; so that even that slender thread, which in some degree connected the civilian with the military service, has been broken. This is the bare naked truth, with which foreigners are perfectly well acquainted, and which they will continue to bear in mind, notwithstanding our attempts to amuse them, with glass-houses and gigantic toy-shops.

What would not the elder Buonaparte have given to find us in such a state! Very far, indeed, are we from imagining that the present President of the French Republic bears any personal ill-will to this country, wherein he has met with much hospitality; but, giving him the utmost credit for amicable dispositions and pacific intentions, we cannot forget the peculiarity of the position which he occupies, or the varied influences which control him. However we may wish to believe the contrary, it is certain that France regards herself rather as the rival than as the ally of England. It cannot, indeed, be otherwise. France has recollections, not of the most soothing kind, which no lapse of time has been able to efface; and these will infallibly, when an opportunity occurs, regulate her future conduct.

And how stands France at this moment with regard to military preparation? Observe—there is no enemy threatening her from without. Of all states in Europe she is the least likely to be attacked. Yet we find her available force as follows:—

<b>Regular troops.</b>		
Staff,		3,826
Cavalry,		58,932
Infantry, &c.,		301,224
Artillery,		30,166
Engineers,		8,727
Pontoon train, &c.,		5,755
	Total,	408,630
<b>Garde Nationale.</b>		
82 battalions	of 1500 men,	123,000

2378	do.	of 1000 men,	2,378,000
			2,501,000

Of whom 2,000,000 are armed with firelocks.

To the above are to be added:—

Garde Nationale of Paris,	129,800
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Total,	2,630,800
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Together, more than three millions of trained men!

We need not dwell on the disproportion which is apparent here; indeed, our whole task is one from which we would most willingly have been held excused. It is not pleasant either to note or to reiterate the undoubted fact of our weakness; and yet what help is there, when purblind demagogues are allowed by senseless clamour to drown the accents of a voice still speaking to us from the verge of the grave? Let Sir Francis Head illustrate this point, and may his words sink deep in the heart of an unwise generation.

"Why, we ask, have the Duke of Wellington's repeated prayers, supplications, admonitions, and warnings "to various Administrations," and through the press to the British people, been so utterly disregarded? Without offering one word of adulation—we have personally no reason to do so—we cannot but observe, that no problem in science, no theory, important or unimportant, has ever been more, thoroughly investigated than the character of the Duke of Wellington by his fellow-countrymen.

"During the spring and summer of his life, the attention of the British nation followed consecutively each movement of his career in India, Portugal, Spain, Denmark, the Low Countries, France, and latterly in the senate. In the autumn of his life, the secret springs which had caused his principal military movements, as well as his diplomatic arrangements, were unveiled by the publication of despatches, letters, and notes, official as well as private, which without palliation or comment developed the reasons, —naked as they were born,—upon which he had acted, on the spur of the moment, in the various predicaments in which he had been placed. In the winter of his life, bent by age, but with faculties matured rather than impaired by time, it has been his well-known practice, almost at the striking of the clock, to appear in his place in the House of Lords, ready not only to give any reasonable explanations that might be required of him, but to disclose his opinions and divulge his counsel on subjects of the highest importance. Every word he has uttered in public has been recorded; many of his private observations have been repeated; his answers to applications of every sort have usually appeared in print; even his "F.M." epigrammatic notes to tradesmen and others, almost as rapidly as they were written, have not only been published, but in one or two instances have actually been sold by auction. Wherever he walks, rides, or travels, he is observed; in short, there never has existed in any country a public servant whose conduct throughout his whole life has been more scrupulously watched, or whose sayings and doings have *by himself* been more guilelessly submitted to investigation. The result has been that monuments and inscriptions in various parts of London, of the United Kingdom, and throughout our colonial empire, testify the opinion entertained in his favour; and yet although in the Royal Palace, in both Houses of Parliament, at public meetings, and in private society, every opportunity seems to be taken to express unbounded confidence in his military judgment, sagacity, experience, integrity and simplicity of character, yet in our Legislature, in the Queen's Government, as well as throughout the country, there has for many years existed, and there still exists, an anomaly which foreigners observe with utter astonishment, and which history will not fail to record—viz., that his opinion of *the defenceless state of Great Britain* has, by statesmen, and by a nation who almost pride themselves on their total ignorance of the requirements of war, been utterly disregarded!"

We have but little space left for further comment. We do not consider it necessary to follow Sir Francis Head through almost any portion of his masterly details, or to sketch, even in outline, the picture which he has drawn of the possible consequences of our supineness. On these points the book must speak for itself. We venture to think that it will not be without some effect, however it may be assailed by vulgar abuse, or depreciated by contemptible flippancy. It speaks home to the feelings of Englishmen, has the merit of great perspicuity, and deals prominently with facts which can neither be gainsaid nor denied.

Even to the apostles of peace—the fanatics, as we think, of the present age—Sir Francis holds out the olive branch. He represents to them, what they probably cannot see, that the only method of realising their cherished idea of voluntary arbitration and reduction of armaments, is by maintaining at a crisis like the present the true balance of power. And certainly he is right, if there be anything at all in their scheme. For our own part, we hold it to be absolutely and entirely chimerical. It is a mere phase or fiction of that wretched notion of cosmopolitanism, which some years ago was preached by Cobden—a notion to which the events and experiences of each successive month have given the practical lie, and which never could have been hatched except in the addled brain of some ignorant and vainglorious egotist. By herself, Britain must stand or fall. The good and the evil she has done—the influence which she has exerted, one way or the other, over the destinies of the human race, is written in the everlasting chronicle; and her fate is in the hand of Him who raises or crushes empires. What trials we may have to undergo—what calamities to suffer—what moral triumphs to achieve—are known to Omnipotence alone. But as a

high rank in the scale of nations has been given us, let us, at all events, be true to ourselves, in so far as human prudence and manly foresight can avail. Let us not, for the sake of miserable mammon—or, still worse, for the crude theories of a pragmatistical upstart—imperil the large liberties which have been left to us, as the best legacy of our forefathers. Our duty is to uphold, by all the means in our power, the honour and the integrity of our native land: nor dare we hope for the blessing or the countenance of the all-controlling Power, one moment after we have proved ourselves false to the country which gave us birth.

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# THE POPISH PARTITION OF ENGLAND.

If a religious Revolution consists in a powerful change in the religious feelings of a country, then are we at this moment in the midst of a religious Revolution! If a spirit of ardour suddenly starting forth in a period of apathy, if public zeal superseding public indifference, and if popular fidelity to a great forgotten cause, pledging itself to make that cause *national* once more, exhibit an approach to a miracle, then there has been made on the mind of England an impression not born of man. But if those high interpositions have always had a purpose worthy of the source from which they descend, we must regard the present change of the general mind as only a precaution against some mighty peril of England, or a preparation for some comprehensive and continued triumph of principle in Europe. That England is a tolerant country has never been questioned. Though the whole frame of its constitution is actually founded on the supremacy of the sovereign, and, of course, on the derivation of ecclesiastical power, as well as of every other, from the throne; though therefore the high appointments of the Church have been vested in the Crown, and the subordination of the great body of the clergy has necessarily connected them with the throne, the principle of toleration shapes all things. The ecclesiastical constitution excludes all violence to other disciplines; allows every division of religious opinion to take its own way; and even suffers Popery, with all its hostility, to take its own way—to have its churches and chapels, its public services, its discipline, and all the formalities, however alien and obnoxious, which it deems important to its existence.

None familiar with the history of Popery can doubt that its principle is directly the reverse—that it tolerates no other religion; that it suffers no other religious constitution; that where the tree of Popery lifts its trunk and spreads its branches, all freedom of opinion withers within its shade.

Rome, by an usurpation unexampled even in the wildest periods of heathenism, insists on seizing that which is wholly beyond human seizure—the conscience; demands that uniformity of opinion which it was never within the competency of man to enforce on man; and punishes man by the dungeon, confiscation, and death, for feelings which he can no more control, and for truths which he can no more controvert, than he can the movements of the stars.

If it has been argued that Protestantism is equally condemnatory of those who dissent from its doctrine, the obvious answer is, that it simply declares the condemnation annexed by Scripture to vice. But it attempts no execution of that punishment, leaving the future wholly to the mercy or the justice of the Judge of the quick and dead. Popery not merely passes the sentence, but executes it, as far as can be done by man. Thus the distinction is, that Protestantism goes no further than to declare what the welfare of mankind requires to be declared. But Popery takes the judgment into its own hands; and, where it has power, punishes by confiscation and chains, by the dungeon and the grave. And the especial evil of this usurpation is, that this punishment may exist, not for notorious vice, but for conspicuous virtue; not only that it takes God's office into its grasp, but that it insults the whole character of God's law. It goes farther still, and gathers within its circle of reprobation things which are wholly beyond the limit of crime—the exercise of knowledge, the right of conscience, and the sincerity of decision.

Yet, by this violent assumption of divine right, and lawless comprehension of crime, Popery has slain millions!

This distinction draws the broad line between Popery and Protestantism. The Protestant never persecutes; he is barred by his religion. The Papist never tolerates; he is stimulated by his creed. When Protestant worship is tolerated in Popish countries, the toleration is either compelled by Protestant superiority, or purchased by Popish necessities. But the claim of supremacy corrupts the whole combination. Where it is not extorted from the hands of Government, it still remains in the mind of the priesthood. Where it is blotted from the statute book, it is still registered in the breviary. Where it is extinguished by policy, it is revived by priestcraft. Like the pestilence, disappearing from the higher orders, it lurks in the rags of the populace, and waits only some new chance of earth or air, to ravage the land again. Or, like the housebreaker, hiding his head while day shines, but waiting only for nightfall to sally forth, and gather his plunder when men are vigilant no more.

The Papal Bull which has aroused such a storm of wrath in England, gives the full exemplification of this undying spirit of usurpation in Popery.

Beaten down in field and council three centuries and a half since—baffled in every attempt to domineer over England from the Reformation—in every instance sinking from depth to depth—wholly excluded from legislative power by the greatest of British kings, William III., for a hundred years of the most memorable triumphs of the constitution—Popery has now, before our eyes, to the astonishment of our understandings, and to the resistless evidence of its own passion for power, returned to all its old demands, and to more than its old demands; and, as if to make the evidence more glaring, returned at the moment when England is at the height of power, and Rome in the depth of debasement; when England is in her meridian of intelligence, and Rome in her midnight; when England is the great influential power of peace and war to all nations, and when Rome is a garrison of foreign hirelings, and her monarch the menial of their master's will.

If those demands are made, with Popery living in an actual paralysis of all the functions of sovereignty, what would be their execution with Popery lording it over the land? If Popery can issue these proclamations from the floor of its dungeon, what would be the sway of its sword when it strode over the neck of the empire? If, stript and manacled, it can thus rage against Protestantism, what would be its fury when, with new strength and unrestrained daring, its march headed by treachery in the higher orders, and followed by fanaticism in the lower, it



should take possession of the Constitution?

While England was in a state of drowsy tranquillity, a Papal Bull appeared, under the signature of Cardinal Lambruschini, the Papal Secretary. A more daring document never was fabricated in the haughtiest days of Papal tyranny. It divided England into twelve Dioceses of the *Popedom*; it appointed twelve bishops, and appropriated to them all the rights and privileges of Episcopacy in England; and it called on all the Papists to contribute to the new pomp of the Popish worship, and the subsistence of the Diocesans.

This document is long and desultory; but as it is of importance to lay the case authentically before the reader, it shall be given in its own words, abbreviating only the formalities of the verbiage.

"Pius P. P. IX.—The power of ruling the *Universal Church*, committed by our Lord Jesus Christ to the Roman Pontiff in the person of St Peter, *Prince of the Apostles*, hath preserved through every age in the Apostolic See this remarkable solicitude, by which it consulteth for the advantage of the Catholic religion in all parts of the world, and studiously provideth for its *extension*. And this correspondeth with the design of its Divine founder, who, when he ordained a *head* to the Church, looked forward to the consummation of the world. Among other nations, the famous realm of England hath experienced the effects of this solicitude on the part of the Sovereign Pontiff."

After referring to the agency sustained by the Papacy in England from 1623, by nominal bishops, the Bull declares that, from the commencement of his pontificate, Pius had his attention fixed on the "promotion of the *Church's advantage in that kingdom*. Wherefore, having taken into consideration the present state of Catholic affairs in that kingdom, and reflecting on the *very large and everywhere increasing number* of Catholics there; considering also that the impediments which principally stood in the way of the *spread of Catholicity* were daily being removed, we judged that the time had arrived when the form of Ecclesiastical Government in England might be brought back to that model in which it exists freely among other nations." It seemed good to the Pope to establish his Bishops among us, as they were in Popish countries. The result is, "that in the kingdom of England, according to the common rule of the Church, we constitute and decree that there be restored the hierarchy of ordinary bishops."

Before we proceed, we must observe the quantity of assumption, even in this fragment. 1st, That Christ gave the Headship of the *Universal Church*, (he himself being the *only* Head); 2d, That St Peter was the *head* of the apostles, (which is contradicted by the whole apostolic history;) and 3d, That this right has *always* and everywhere belonged to Rome!—(a right resisted by the Greek Church, by a large portion of even the Latin Church, by the early British Church, and by the Syrian.)

It is further admitted, that a *change* has lately taken place in the relative conditions of English Protestantism and Popery, and that the appointment of bishops is for the purpose "of extending that change"—in other words, of acquiring power, and urging proselytism, in a Protestant state, where the Papist is tolerated only on the promise of peace.

But all disguise is now thrown aside, as if it was no longer necessary. The movement is acknowledged to be one of *national conversion*; religious conquest is declared to be the object; the Pope, in planting twelve new bishops in British sees, declares that he is resuming the old supremacy of Rome—thus, holding out reconciliation in one hand, and retaliation in the other, he is prepared at once to supersede the national religion.

In conformity with this declaration, he has taken the map of England into his hand; and, surrounded by his cardinals, has dissected it into dioceses in the following style:—

All England and Wales shall henceforth form one Archiepiscopal Province.

In the district of London there shall be an Archbishopric of Westminster, comprising Middlesex, Essex, and Hertfordshire.

The See of Southwark is to be suffragan to that of Westminster, and is to comprehend the counties of Berks, Southampton, Surrey, Sussex, and Kent, with the isles of Wight, Jersey, Guernsey, and the adjacent isles.

In the north there is to be the Diocese of Hexham.

The Diocese of York will be established at Beverley.

In the west, the See of Liverpool, comprehending the Isle of Man, Lonsdale, Amounderness, (?) and West Derby.

The See of Salford, comprising Blackburn and Leyland.

In Wales, there shall be the Diocese of Shrewsbury, comprising Anglesea, Caernarvon, Denbighshire, Flintshire, Merionethshire, Montgomeryshire, Cheshire, and Salop.

And the Diocese of Newport, comprising Brecknockshire, Glamorganshire, Carmarthenshire, Pembrokeshire, Monmouthshire, and Herefordshire.

The West is divided into two Bishoprics:—

Clifton, comprising Gloucestershire, Somersetshire, and Wiltshire; And Plymouth, comprising Devonshire, Dorsetshire, and Cornwall.

In the Central District, the Diocese of Nottingham shall comprise Nottinghamshire, Derbyshire, Leicestershire, Lincolnshire, and Rutlandshire.

The Diocese of Birmingham, comprising the counties of Stafford, Warwick, Worcester, and Oxford.

The Eastern district shall form one Diocese, under the name of Northampton.

Thus England shall form one Ecclesiastical Province, under one Archbishop and twelve Bishops.

They are to correspond with the College de Propagandâ Fide.

The new Bishops are to be unshackled by any previous customs of the Romish Church in England, and to have full Episcopal powers.

The Papal letter concludes by a recommendation to the Roman Catholics of England "*to contribute, so far as in their power,*" by their pecuniary means, to the dignity of their Prelates and the "*splendour of their worship,*" &c.

To prevent all idea that this division is merely nominal or spiritual, or unconnected with penalties on Protestantism, the principal Popish journal in England has added the following comment:—

"Rome has more than spoken; she has spoken and *acted*. She has again *divided* our land into dioceses, and has placed over each a pastor, to whom *all baptized persons* (!) *without exception* (!) within that district, are openly *commanded* to submit themselves in all ecclesiastical matters, *under pain of damnation* (!) And the *Anglican Sees*—those ghosts of realities long past away—are *utterly ignored*."

The bull proceeds: "Thus, then, in the most flourishing kingdom of England, there will be established one Ecclesiastical Province, consisting of an Archbishop or metropolitan head, and twelve Bishops, his suffragans, by whose *exertions* and *pastoral* cares we trust God will give to Catholicity in that country a fruitful and daily increasing extension.

"Wherefore we now reserve to ourselves and our successors, the Pontiffs of Rome, the power of again *dividing* the said province into others, and of *increasing the number of dioceses*, as occasion shall require; and, in general, as it shall seem fitting in the land, we may freely declare new limits to them."

Thus we find that the Pope is to hold a perpetual bag of mitres in his hand, out of which every aspirant for the honours of Rome and the lucre of England is to have his dole. Every head among us that aches for honours may now know where to look for them. Professorships and parishes need no longer keep the new school lingering on the edge of Popery; their *consciences* (!) may be relieved without injuring their pockets; they may allow themselves to "speak out;" and after half-a-dozen years of the most stubborn denials of Popery—of paltry protests and beggarly equivocation—of defending their orthodoxy in the press, and betraying their apostacy in the pulpit—they will be enabled to turn their backs on Protestantism, probably with a very useful addition to their resources, and start up from Curates and Canons into "My Lords." England would give very comfortable room for a speculation of this kind. Sixpence a piece from twenty millions of people would be better than all the Professorships of both Universities; and a seat in the House of Lords (which would be inevitably demanded, and which would be unhesitatingly conceded by Whig flexibility) would place the obscure and the avaricious very much at their ease.

To a Roman financier the prospect might have other charms. The present budget of the Poppedom is supposed to be within a couple of millions sterling, and even that paid in a manner by no means creditable to Italian punctuality. As for the old tributes from Naples, Spain, and France, we may fairly return them as *nil*, those powers having more use for money than they possess bullion, and none of them being secure of army, populace, or parliament. A twelvemonth, in these times, may see the monarchs of the three succeeding to the vacant apartments of the Orleans dynasty at Claremont.

But what an incomparable windfall would England be to the Papal pauperism of these times! A bishop in every county gathering the alms of the faithful! or, if one bishop were not enough, might not the "sovereign pontiff," as the little Welsh Bishop reverently names Pio Nono, make fifty? He has graciously reserved to himself the right of "increasing and multiplying them" to the extent of all exigencies. We might soon have a bishop in every city, or a bishop in every village. We might have those holy locusts coming on the wing from every corner of the Continent; those cormorants of Rome fishing in our waters, until they carried off their prey to disgorge it into the capacious maw of Rome!

And that this operation would take place, on the first opportunity, is as certain as that "Peter's pence" were once raised in England with as much regularity as the king's taxes; that every Papist in Europe paid his portion of pence to Rome; that every bishop received his mitre from Rome; and that Rome never gave anything without a sum in hand, or a handsome promissory note—and that Rome boasts of being always the same. All this traffic would be under the name of charity; the old cry of Judas, "Ought not this ointment to have been sold for three hundred pence, and given to the poor?" would be echoed by the new keeper of the bag; and we should establish an annual drain of our circulation, to which all the contrivances of taxation would be child's play. For what could be the limit to the demands of foreign avarice invested with domestic authority, extortion calling itself zeal? or what could be the limits of a market selling absolution here, and Paradise hereafter, to profligate men and silly women—to lives wallowing in voluptuousness, and death-beds groaning in despair? It has been distinctly stated that, at the Reformation, *one-third* of the whole land of England had been absorbed into the possession of the Popish priesthood!

In all the annals of usurpation, there never was a broader grasp than in this Bull; in all the annals of effrontery there never was a more impudent assumption; but, in all the annals of infatuation, there never was an act of more headlong absurdity. It instantly roused the whole people; it

reinforced every argument of the honest against Popery; it overthrew every pretence of the dishonest on behalf of Popery; and it worked the still greater wonder of forcing the loose and the lukewarm, the waverers and "waiters on the turn of things;" the "decently" knavish, the "respectably" hollow, and the "reputably" unprincipled, to acknowledge that Popery was really a "presuming kind of thing;" and that it ought to be, in some delicate way or other, *if possible*, put down.

But England contains other men than those smirking scandals to manhood. The nation burst out into a flame of indignation wherever man met man: in whatever occupation, in whatever rank of life, under whatever form of politics, in all hues of religious opinion, there was but one language. "Was ever insolence like this? Is a foreign friar to carve out the empire? Is a worshipper of stocks and stones to teach us religion? Is a persecutor to mutilate our laws? Is a despot to scandalise our liberties? Is the dependent of France, of Austria, or Spain, or any power that will suffer him to hang upon it, to be the actual divider of England among his dependents? Is a demand of power and possession, that would not be endured in any Popish country of the earth, to be quietly submitted to in the chief of Protestant kingdoms? And is this most insolent of all aggressions to be inflicted by the meanest of all sovereigns on the most powerful of all nations, and that nation the one which has most triumphantly abjured Popery?—England—whose fathers drove it headlong from the land, and cashiered a dynasty for daring to attempt its return; whose Constitution loathes its tyranny, whose honour abhors its artifice, whose literature exposes its deceptions, and whose religion brands its apostacy!"

That this description of the national feeling is not exaggerated, must be evident from the tone of the numberless speeches made at the parochial and provincial meetings, immediately on the publication of the atrocious Bull. The clergy of London and Westminster, as first insulted, took the lead; and their language expressed the natural feelings of offence and scorn excited by this intolerable presumption. The sentiment was unanimous.

Of course Rome is at her old work, and every trick is tried to smooth down the universal disdain. A Dr Ullathorne, who has taken time by the forelock, and *bemitred* himself without delay, wishes to tell the world that the Bull is a very harmless bull indeed; that the Vicars-Apostolic only wished for a change of name; and that the appointment of dioceses is merely what the Wesleyans and Sectaries effect, in marking out their preaching districts year by year.

But, do the Wesleyans give their preachers titles and badges of dignity? Do they locate them in cathedrals, build palaces for them, and enjoin the whole body of the faithful to "supply the splendour of their worship and themselves?" Do they declare that everything in religion is false but Wesleyanism; that all else have no orders, no Baptism, and no Christianity; that all other beliefs are rebels to the supremacy of John Wesley, and are liable to be punished as rebels in the coming day of Wesleyan power? That such poor evasions should be attempted is a scandal to the talents of Rome as an *equivocator*, but is not less a scandal to the brains of the man who attempts them, for they can deceive no one. They certainly have not deceived "Father Newman," who daily trumpets forth the triumph of the Bull; nor "Dr Wiseman," who has, by virtue of his red hat, ordered his *jubilate* to be chanted in every Popish chapel of London; nor the Liverpool Papists, who have actually sung *Te Deum* on the national victory of Popery; nor have they deceived even the English prelacy, who had gone so much farther than the winking Virgin, and seemed not inclined to use their eyes at all.

Nor will they deceive the people of Scotland, who, in the land of John Knox, are not forgotten by the Pope, but are understood to have allotted to them seven bishops by his provident bounty, seven delegates of Jesuitism, seven ambassadors of his triple-crowned highness, seven sons of the Scarlet Lady of Babylon, seven "purple and fine linen" representatives of Dives, before he was sent "to his place."

In the midst of this busy period, a letter appeared from the pen of the Premier. It was received by the multitude with a burst of acclamation; for this there were reasons of very different colours. Some were glad that Ministers could feel *anything* on a religious subject; some, that Lord John was on the national side; some that, after having so long raised the suspicions of one side, he had at last challenged the hostility of the other.

We must acknowledge that our gratulation was not altogether so ardent, and that we conceived this letter to be very much more the offspring of his Lordship's fears than his feelings. It was obviously unfortunate that his zeal had been kindled so *late*, there being no imaginable doubt that the Pope had marked out Westminster for the See of his new Archbishop several years ago. And it is clear, that the appointment of one Archbishop would have been as great an encroachment as the fixture of fifty. The principle was *there*, and it would evidently be prolific. Yet not a syllable of remonstrance had transpired. Wisdom was silent in the streets, and precaution slumbered within the Cabinet curtains. Whitehall was as quiet as Lambeth, and Lambeth of course was Lethe. No Minister hurried to the palace, with pallid lips and faltering nerves, like him who

"Drew Priam's curtain at the dead of night,  
To tell him Troy was burned."

But the Dean and Chapter of Westminster had actually attempted to break the slumber, by an address deprecating the appointment, as utterly unconstitutional. This occurred in 1848. It was heard of no more, and silence came again.

As his Lordship's Letter is probably to be regarded as a Cabinet *minute*, we shall give its chief

portions *verbatim*.

It begins by referring to a letter of the Bishop of Durham, which termed the Bull "insolent and *insidious*," the latter epithet appearing to us to have no other merit than that of alliteration, the measure not being *insidious* at all—but, by a remarkable deviation from the customary craft of the Papacy, being one of the most open and audacious insults on record.

The Letter then proceeds to say, that its writer, having "promoted to the utmost of his power the claims of the Roman Catholics to all civil rights"—a fact with which the country was fully acquainted—thought "it right, and even desirable, that the *ecclesiastical system* of the Roman Catholics should be the means of giving instruction to the numerous Irish immigrants in London and elsewhere, who, without such help, would be left in heathen ignorance."

The latter sentence we do not profess to understand. Does it allude to any *arrangement*, by which the Papacy was to change the system of simple superintendence, and adopt Dr Wiseman as archbishop, after all? Is this the preliminary to further *development*, and is the common rumour on the subject the reverse of a mistake? How the kind of religion imported by the legions of Irish beggary into England was to be purified by a new episcopal staff, is wholly beyond our comprehension. Or why the Protestant people of England, after feeding the pauperism of Ireland at home, should be bound to provide for its heresy here—or how, for the further allurements of the superfluous rabble of Ireland, we are to provide, for either their poverty or their pride, the pageant of twelve Popish mitres, we must leave it to his Lordship to explain.

His next sentence is more intelligible.

"There is an *assumption of power* in all the documents which have come from Rome—a pretension to supremacy over the realm of England, and a claim to *sole and undivided* sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation, as asserted even in Roman Catholic times."

How this discovery should have been delayed till November 1850, in the apprehension of a public personage acquainted with the general facts of history, handling Popish concerns all his life, and an inveterate supporter of the Popish Bill of 1829, is not easily accounted for. But every man of common intelligence in Europe, (his Lordship excepted,) knew that Popery has existed in a perpetual struggle with *all* governments for temporal supremacy, under the *pretence* of spiritual; that it has attempted a constant usurpation of royal authority even in the Popish kingdoms; and that its restless appetite for power requires constant coercion, even by those governments, to render it compatible with any government at all. What is to be said, when Pio Nono has excommunicated the Sardinian government before our eyes? The next sentence is significant: "I confess that *my* alarm is not equal to my indignation."

Does his Lordship mean by this that we have been frightened by a shadow, while *he* has preserved his fortitude? or that the nation has been somewhat inclined to play the fool in its fright, while he has preserved his serenity through his superior knowledge? But he then proceeds to inform us what should be the true object of national alarm, and that is Tractarianism!

Without implying that his Lordship here employs that well-known species of diplomacy which substitutes conjecture for reality, we shall tell him that Tractarianism, though exciting much regret, and bringing much discredit on the laxity of discipline which has so long suffered its existence, is *not* the real danger; that, compared with Popery, it is but the "fly on the chariot wheel;" and that its influence is not to be named for a moment beside the systematic art, the vast extent, and the indefatigable ambition of Popery.

We are not much more reassured by his Lordship's hint of the smallness of the Pope's territorial power.

"What is the danger to be apprehended from a foreign prince of *no great power*, compared to the danger within the gates?" &c.

But does his Lordship conceive that we are afraid of the Pope's territorial power?—that we are alarmed at an invasion of his Hundred Swiss?—or that any man ever supposed that a minister in the Pontine Marshes was to shake the Religion and State of England? The Popedom has *always* been a narrow territory, and yet the Papacy has been the great disturber of Europe for a thousand years. Does his Lordship doubt that its weapon was superstition, and that superstition was once universal? But, while we can feel no terror at the sickly absurdities of a few fanatics, or the low artifices of a few hunters after vulgar popularity, who have never reckoned within their ranks any one man of name, or ability, or learning, or even of station—who owe their sole publicity to what the Bishop of London calls a "poor imitation of Popery," and whose bowings and gesticulations are actually objects of national ridicule—we see a wholly different antagonist in a system, possessed of the power of the multitude, addressing itself to every weakness and pampering every passion of man, offering every prize to avarice, and stimulating every appetite for possession; unceasing in pursuit of all its objects, and making everything an object; desperately inimical to religious liberty, and perpetually labouring to establish over every people an authority fatal to the progress of mankind. We see it now with a hundred and forty millions of souls in Popish Europe, with nearly all the Continental thrones Popish, with hundreds of thousands of monks and friars devoted to all the purposes of its ambition, with its seculars mingled through every population, and with the wealth of the whole Popish community ready to be lavished in a crusade of Monkism. We must confess that we feel as much anxiety in the issue of a contest with such a power as is consistent with a feeling of courage in the performance of our duty.

We have never doubted that England, under the protection of a higher power than man, and awakened to a sense of her peril, will triumph in the most hazardous struggle. But her safety must be grounded on her vigilance. The sleeping giant is as helpless as a child.

So fully are we convinced that Rome is the *real* danger, that we not merely laugh at Tractarianism, in comparison, but we look with suspicion on every attempt to set it up as *the* danger. To compare this dwarf with the gigantic bulk of Popery seems absurd; and we must therefore reject it as argument altogether. It is also unfortunate for this bugbear that it has been so slow in its discovery, and that the Ministerial terrors have already slept so long, Tractarianism being now a well-grown peril—its siege of the Church having already lasted some years beyond the renowned siege of Troy!

The Letter, however, closes with the spirit of an enthusiast in the "good cause,"—"I will not abate a jot of heart or hope so long as the *glorious principles* and the *immortal martyrs of the Reformation* shall be held in reverence by the great mass of a nation which looks with contempt on the *mummeries* of superstition."

All this is what Dominie Sampson would have pronounced "prodigious!" with his loudest and longest suspiration. And all is eminently curious, in the man whose whole career has been devotion to every Popish demand, and advocacy of every Popish measure; who has risen into office by the influence of Popish voices, and who has been in the *intima concilia* of the imaginary Archbishop of Westminster!

Must not Protestants ask, By whose advice was Mr Wyse planted in the Greek embassy?—by whom was Mr O'Farril planted in the government of Malta?—by whom was Mr Shiel planted in the embassy to Tuscany—or rather to the whole of western and middle Italy, and in immediate approximation to Rome? Were three Papists selected for those express, and at present most important missions, without a purpose?—were they flung up merely by the diplomatic wheel?—or were those extraordinary appointments of untried men produced by a sudden, and a *Papal* demand, for the support of a plan?

But this is a time of wonders, and his Lordship's conversion may rank at the summit of them all. However, there is a reason for everything in art and nature; and it is said that a very high personage had a share in this rapid operation on the Ministerial understanding; that the question was asked,—"Pray, who is to be the sovereign?" and that the answer was his Lordship's letter. It concludes by giving the *coup-de-grace* to the character of Popery, of whose present performances it speaks with scorn, as "laborious endeavours to *confine the intellect, and enslave the soul.*"—(Downing Street, Nov. 4.)

In the meantime "my Lord Cardinal," who had stopped in his posthaste journey, on learning John Bull's theological opinions of his Manifesto, was comforted by an emissary despatched to inform him that the bonfires of the 5th of November had all been suffered to sink into ashes, and that he would escape any severer trial of his fortitude than being burnt in effigy. But the Doctor, now fearless of his *auto-da-fé*, is also said to have determined on carrying the war into the enemy's quarters, and showing that every step which he has taken has been *sanctioned* by his denouncers; and that, instead of being the foolish and impudent intruder which the public have believed him to be, he has been actually only the submissive follower and ready agent of councils far enough removed from the Quirinal.

We shall advert to but one matter in addition, yet the most important of all. From the accession of Pio Nono, there has been a decisive change of the old Papal plan. For the last three hundred years, Popery, smitten by the Reformation, had limited its efforts to keeping itself in existence, the stern power of the military thrones having prohibited its excitement of the people. But times changed; the power of the multitude increased, the power of the monarchs diminished, and the appeal was now to be made to the multitude. Europe then saw, with sudden astonishment, a *liberal* Pope, and heard the sound of popular emancipation from the recesses of the Conclave. If the rash ambition of the King of Sardinia had not thrown Italy into war, and his shallow generalship turned the war into a flight, the plan of popular appeal would probably have made Popery the head of Red Republicanism. But the whole affair was managed as everything beyond the confessional is managed by monkery—and the Pope was glad to escape from the blaze which he had kindled with his own hasty hand.

His restoration by the French sword, drawn for republicanism in France and for despotism in Rome, has set the machinery in movement again; and we now see its first manufacture in the actual claim of supremacy in England. Whether its contemptuous repulse here will check its progress abroad, who shall say? But, that a conspiracy for the extinction of Protestantism exists in Europe; that the ten foreign cardinals were appointed to propagate the plan; and that it is to be defeated only by vigilance and principle, there can be no doubt in the mind of any rational being.

But, since we began this paper, two events have occurred, which, trifling as they may be as to the individuals concerned, give too clear an evidence of the spirit of Popery and public men to be wholly passed by.

That excellent paper, the *Standard*, thus briefly states the first: "In May 1845 the late Lady Pennant expressed to her parish minister (the Rev. Mr Briscoe) her intention to build a church near her residence, in Wales, for the use of her poor neighbours. This she also stated to her daughter, who promised to fulfil it. This daughter married Lord Fielding, and brought him a fortune, part of which, of course, was apparently pledged to the building of the church. On Lady Pennant's death, writes the Bishop of St Asaph to Lord Fielding—'You publicly declared that you

purposed to bestow a large sum of money in founding a church, and all things belonging to it. *You invited me and my clergy to join in laying the foundation.* You seemed to understand it so. *We certainly understood it so;* and we received *the Lord's Supper* together, with this understanding.

"Now, I must say, that I regard this as a promise made to me, and my clergy, as solemnly as it could be made on earth.'

"Lord Fielding," says the *Standard*, "sets about the building,—plain proof that he perfectly understood his duty. Before the completion of the church, however, his Lordship falls into the hands of Tractarians, who, as usual, deliver him over to Romanist priests, who furnish him with the *miserable* arguments, which, grounded on the two extraordinary notions, that what a man promises as a Protestant he is not bound to perform as a Papist, and that, no distinct fund having been appropriated in Lady Pennant's will, he is not *bound* to apply any whatever—finishes by saying, 'My duty appears clear to me, to devote that church which is being built at my own cost, and which yet remains mine, to the furtherance of *God's truth*, as I find he himself delivered it to his Holy Catholic Church.'"

So that the result of Lady Pennant's wish, and her money, left for a Protestant church, is the building of a Popish chapel! and the result of a Protestant bishop's laying the foundation, is the erection of a place for the mass and the worship of the Virgin Mary! We disdain comment on this transaction. But it is eminently *Popish*.

The other instance is the attendance of Mr Hawes, the Under Secretary of State, at a congratulatory public meeting in honour of Dr Wiseman's appointment as a cardinal, and his actually subscribing money to buy him a *Red Hat*.

The office of Under Secretary, though not one of much public consideration, and often given to persons of none whatever, is yet regarded as extremely *confidential*; and, in the instance of Mr Hawes, it has unusual weight, from his being the actual representative of the Colonial Secretary in the House of Commons, Lord Grey being in the House of Lords. But Mr Hawes is also understood to possess a confidence *out* of his Department, and to be on the most intimate terms with the Premier. Indeed, the admiration of the Under Secretary for the noble Lord, the delicate attention of generally escorting him into the House, and seldom being able to remain in it after it has lost the light of his Lordship's countenance—his ecstasy of admiration at every sentence which slips from the Premier's lips, and the fixedness of his eye on his Lordship's features during the sitting—have often excited the surprise, and occasionally the amusement, of the members of the Legislature. But that Mr Hawes should have attended a public meeting, or done any one act on earth in which he conceived it possible to have produced a frown on the noble Lord's brow—or, indeed, should do anything without a consciousness of the most PERFECT acquiescence in the most important quarter—was among the "grand improbabilities" of the age. But Mr Hawes *did* go to the meeting, and subscribed for what our ancestors called a "rag of Popery," and what their sons call one of its "mummeries."

On this subject a correspondent of the *Morning Chronicle* writes the following queries:—

"*Can* Lord John Russell be *sincere* in his new-born zeal against what he pronounces the 'mummeries of superstition,' when he allows one of his *subordinates*, Mr B. Hawes, M.P., to attend a meeting of 'Catholics of the London district,' for the purpose of moving a resolution," &c. He adds: "Let me ask his Lordship, is it true that his Under Secretary for the Colonies, besides speaking at the meeting, has publicly subscribed £10 towards procuring one of those said 'mummeries'—a Cardinal's hat—for Dr Wiseman?" To this, the only answer given by Mr Hawes is, that he declined signing the Popish resolutions, but that he spoke, and offered to give his tribute, &c., from friendship to the Doctor; which this Papist, however, graciously condescended to receive.

Now, if Mr Hawes were attending to his parental trade on this occasion, there would have been nothing to say, but that it showed the smartness of an expert trafficker. But, as a fragment of the Ministry, he had another character to sustain, and he ought to have been aware of the conclusions which would be drawn, by both Papists and Protestants, as to the degree of approval under which he might have acted.

The "Cardinal's hat," too, by no means mends the matter. If his *friendship* for Dr Wiseman must overflow to the amount of £10, could it have taken no less official shape? Might he not have made it up to the Doctor in teacups or teaspoons, in a dozen of pocket-handkerchiefs, or in an addition to his shoes and stockings? But the hat is a *badge*: it has the effect of a *cockade*. What if it is a thing of red stuff? What is a cockade?—a thing of ribbon—which, however, makes the difference between armies!

Without any particular respect for Mr Hawes' shrewdness, we cannot believe that he was unacquainted with the natural conclusions; nor do we believe that it *can* be passed over, when the day comes for national inquiry into the whole course of Papal politics in England for the last half-dozen years. Meanwhile, the spirit of the people is high, their determination is decided, and the time is at hand for a great restoration to the principles of England.

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#### FOOTNOTES:

- [1] By the pounds Milanese, Giacomo means the Milanese lira.
- [2] JEREMY TAYLOR—*Of Christian Prudence*. Part II.
- [3] *Ib.*
- [4] This was well known in ancient times. "Corruptas," says Quintilian, "aliquando et vitiosas orationes, quas tamen plerique judiciorum pravitate mirantur, quam multa impropria, obscura, tumida, humilia, sordida, lasciva, effeminata sunt; quæ non laudantur modo a plerisque, sed quod pejus est, *propter hoc ipsum, quod sunt prava laudantur.*"—*Inst. Orat.* ii. 5.
- [5] *Cinna*, Act ii. s. 1.  
"Quelle prodigieuse supériorité," says Voltaire in his *Commentaries* on this passage, "de la belle Poésie sur la prose! Tous les écrivains politiques ont délayé ces pensées, aucun n'a approché de la force, de la profondeur, de la netteté, de la précision de ce discours de Cinna. Tous les corps d'état auraient du assister a cette pièce, pour apprendre à penser et à parler."—VOLTAIRE, *Commentaires sur Corneille*, iii. 308.
- [6] CORNEILLE, *Attila*, Act ii. s. 5.
- [7] *Julius Cæsar*, Act iii. s. 2.
- [8] *Virginia*, Act i. s. 3.
- [9] *Agricola*, c. 31, 32.
- [10] SALLUST, *Bell. Cat.*
- [11] SALLUST, *Bell. Cat.*
- [12] QUINTILIAN, lib. iv. 2.
- [13] *De Coronâ, Orat. Græc.* i. 315, 325.
- [14] THUCYDIDES, ii. § 32, 33.
- [15] *Paradise Regained*, iv. 268.
- [16] BURKE'S *Works*, vol. xvi. pages 415, 416, 417, 418, 420.
- [17] BROUGHAM'S *Speeches*, i. 227, 228.
- [18] ERSKINE'S *Speeches*, ii. 263.
- [19] GRATTAN'S *Speeches*, i. 52, 53.
- [20] BOSSUET, *Oraisons Funèbres*.
- [21] *Hist. Parl.*, xxxiii. 406.
- [22] Lord Brougham on the Eloquence of the Ancients. *Speeches*, iv. 379, 445, 446.
- [23] "Quis enim nescit, maximam vim existere oratoris in hominum mentibus vel ad iram aut

ad odium aut dolorem meitandis, vel, ab bisce usdem permotionibus, ad lemtatem misericordiamque revocandis quare, nisi qui naturas hominum, vimque omnem humanitatis, causasque eas quibus mentes aut incitantur aut reflectuntur, penitus perspexerit, dicendo, quod volet, perficere non poterit. Quam ob rem, si quis universam et propriam oratoris vim definire complectique vult, is orator erit, meà sententri, hoc tam gravi dignus nomine, qui, *quæcumque res inciderit*, quæ sit dictione, explicanda, prudenter, et composite, et ornate, et memoriter dicat, cum quædam etiam actionis dignitate. Est enim finitimus oratori poeta, numeris adstrictior paulo, verborum antem heentia liberior, multis vero ornandi generibus socius, ac pæne par."—*De Oratore*, hb 1 cap. 17.

- [24] "Postea mihi placuit, eoque sum usus adolescens, ut summorum oratorum Græcas orationes explicarem; quibus lectis, hoc assequer, ut, cum ea, quæ legerem *Græce, Latine redderem*, non solum optimis verbis uterer, et tamen usitatis, sed etiam exprimerem quædam verba imitando, quæ nova nostris essent, dummodo essent idonea."—*De Oratore*, 1. i. 34. "All Mr Pitt's leisure hours at college were devoted to translating the finest passages in the classical authors, especially Thucydides, into English, which he did freely, to the no small annoyance of his tutors."—*TOMLINE'S Life of Pitt*, i. 23.
- [25] "For the exercise of the student's writing, let him sometimes *translate Latin into English*. But by all means obtain, if you can, that he be not employed in making *Latin* themes and declamations, and, least of all, verses of any kind. Latin is a language foreign in this country, and long since dead everywhere—a language in which your son, it is a thousand to one, shall never have occasion once to make a speech as long as he lives, after he comes to be a man; and a language in which the manner of expressing one's-self is so far different from ours, that, to be perfect in that, would very little improve the purity and facility of his English style. I can see no pretence for this sort of exercise in our schools, unless it can be supposed that the making of set Latin speeches should be the way to teach men to speak well in English extempore. Still more is to be said against young men making Latin verses. If any one thinks poetry a desirable quality in his son, and that the study of it would raise his fancy and parts, he must needs yet confess that, to that end, *reading* the excellent Greek and Roman poets is of more use than *making bad verses of his own in a language that is not his own*. And he whose design it is to read in English poetry would not, I guess, think the way to it was to make his first essays in Latin verses."—*LOCKE on Education*, § 169, 174.
- [26] *Spectator*, No. 407; *Addison's Works*, iv. 327.
- [27] *Observations*, p. 158.
- [28] See *Blackwood's Magazine*, vol. lvii. p. 529.
- [29] *Observations*, p. 24.
- [30] The paternal care which our Government takes of agriculture leaves us to grope our way by mere guess-work in all statistical questions affecting it. For want of a better guide, we may refer to Mr M'Culloch's often-quoted estimates, according to which, it would appear, that there is one labourer to each 13½ acres of arable land in England, one to each 19 5/7 acres in Scotland—almost exactly the proportion assumed by Mr Laing.
- [31] *Observations*, p. 39.
- [32] Previous to Hardenberg's administration, the peasants enjoyed the *dominium utile* of their lands, (*bauern hofe*, as they were called,) but subject to the payment of a certain quit-rent or feu-duty to the superior lord; and the scope of the change was to make these quit-rents redeemable, by the cession of a certain fixed proportion of the land and to vest the absolute property of the remainder in the vassal. It is obvious, therefore, that there is not the slightest analogy between the case of the Prussian feuar (as we should call him in Scotland) and that of an ordinary tenant-at-will or lessee of land, and that the commutation we have described has no similarity whatever to the schemes of "tenant-right," of which we now hear so much.
- [33] We are glad to observe, in the recently published Report of the Royal Commission presided over by Lord Langdale, some indication of progress towards supplying the want of a system of Registry in England,—a want which, as the Commissioners truly affirm, operates as a heavy burden on land property, and a material diminution of its value.
- [34] Evidence of Lords' Committee on the Burdens affecting Land, p. 423.
- [35] *Observations*, p. 154.
- [36] *Notes*, p. 287.
- [37] *Observations*, p. 153.
- [38] The estimate for this country is clearly too small. Out of one hundred acres in England, seventy-eight are under cultivation, or in meadow. For the British Islands, the proportion is about sixty-four to one hundred. As to the extent of uncultivated but available land in Prussia, see the Evidence of Mr Banfield before the Committee of the House of Lords on Burdens affecting Land.
- [39] *Modern State Trials*: Revised and Illustrated, with Essays and Notes. By WILLIAM C. TOWNSEND, Esq., M.A., Q.C., Recorder of Macclesfield. In 2 vols. 8vo. Longman & Co. 1850.
- [40] In one of Dr Johnson's various conversations with Boswell and others, on the subject of duelling, he said, "A man is sufficiently punished [for an injury] by being called out, and subjected to the risk that is in a duel. But," continues Boswell, "on my suggesting that *the injured person* is equally subjected to risk, he fairly owned he could not explain the rationality of duelling." It will be remembered that, in previous conversations, the Doctor had endeavoured to do so, by various unsatisfactory and sophistical reasons; and one of his arguments, recorded by Boswell, was quoted by the counsel of Mr Stuart, when tried

for having shot in a duel Sir Alexander Boswell, the eldest son of Boswell!

- [41] Townsend, vol. i. p. 170-171.
- [42] *Ibid.*, p. 154-5.
- [43] Townsend, vol. i. p. 152.
- [44] *Ibid.*, p. 162.
- [45] *Ibid.*, p. 163.
- [46] *Regina v. Young*. 8 Carr and Payne, 644.
- [47] In opening the case against Lord Cardigan, at the bar of the House of Lords, the Attorney-General, (now Lord Campbell,) of course speaking from erroneous instructions, imputed to Lord Cardigan the utterance of a most unbecoming and offensive expression,—"Do you think I would *condescend* to fight with one of my own officers?" We are satisfied that no such language could have fallen from a British officer; and the evidence shows that it did not in point of fact.
- [48] Vol. i. p. 210.
- [49] It was called "the Waltham Black Act," as occasioned by the devastations committed near Waltham, in Hampshire, by persons disguised, and with *blackened* faces—"who seem" says Blackstone, "to have resembled the followers of Robert Hood, who in the reign of Richard I. committed such great outrages on the borders of England and Scotland."—4 Black. Com. 245.
- [50] Mr Chitty. Townsend, i. p. 209.
- [51] 4 Black. Com. p. 199.
- [52] 1 Townsend, p. 215, 216.
- [53] *Ibid.* p. 210.
- [54] For misdemeanour, a peer has no such privilege, but must be tried by a jury.
- [55] 20th February 1841.
- [56] The mode of appointing this high officer, and of constituting the court, will be found explained at length in Blackstone's Commentaries.—Vol. iv. p. 259, *et seq.*
- [57] The meaning of this observation is, that the privilege of not answering questions tending to criminate the witness belongs to the witness, and not to the parties wherefore the objection to such questions ought to come from the witness, and not from the counsel for either of the parties.
- [58] TOWNSEND, vol. i. p. 229.
- [59] Townsend, p. 239, 240, 241.
- [60] *Ibid.*, p. 238.
- [61] We are by no means sure, however, that he could have been compelled to answer the question, if he had stated that he believed his answer might tend to criminate himself.
- [62] 1 Townsend, p. 211. Lord Campbell has included his opening address in Lord Cardigan's case among his published speeches, and thus deprecates the censures which had been passed upon him: "I was much hurt by an accusation that my address contained a defence of duelling, and had a tendency to encourage that practice. Nothing could be further from my intention.... I continue to think that to engage in a duel, which cannot be declined without infamy, and which is not occasioned by any offence given by the party whose conduct is under discussion, whether he accepted or sent the challenge, though contrary to the law of the land, is an act free from moral turpitude.... I consider that to fight a duel must always be a great calamity, but it is not always, necessarily, a great crime." Fully acknowledging the difficulties of the subject, we publicly and solemnly disclaim participation in these opinions, for reasons already laid before our readers. We give Lord Campbell full credit for the purity of his motives, and the sincerity of his convictions; but we must withhold our concurrence from opinions which ignore *moral* turpitude in a breach of THE LAW OF GOD!
- [63] Articles of War. Art 17.
- [64] *The Defenceless State of Great Britain*. By Sir F. B. HEAD, Bart. London. Murray: 1850.
- [65] The following is an extract from Cobden's speech at Wrexham, on 12th November last, as reported in the *Times* of 14th November: "He had no doubt that, in the volume written by Sir F. Head, (which had been referred to,) the author of *Bubbles from the Brunns of Nassau*—and he dared say those bubbles were just as substantial as the facts in that volume, (cheers and laughter,)—but there was something in the antecedents of Sir F. Head, and his conduct in Canada, which did not recommend him to him (Mr Cobden) as a good authority in this affair of our finances. (Hear, hear.) But, no doubt, he should be told that we were in great danger from other countries keeping up large military establishments, and coming to attack us. Now, the answer he gave to that was, that he would rather run the risk of France coming to attack us, than keep up the present establishments in this country. He had done with reasoning on the subject. He would rather cut down the expenditure for military establishments to L.10,000,000, and run every danger from France, or any other quarter, than risk the danger of attempting to keep up the present standard of taxation and expenditure. (Cheers.) *He called those men cowards who wrote in this way*. He was not accustomed to pay fulsome compliments to the English, by telling them that they were superior to all the world; but this he could say, that they did not deserve the name of cowards. (Hear, hear.) *The men who wrote these books must be cowards*, and he knew nothing so preposterous as talking of a number of Frenchmen coming and taking possession of London."

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