

Brougham and Vane, Henry Peter Brougham
1st Baron, 1778-1868 60

OPINIONS

OF

LORD BROUGHAM,

ON

POLITICS, THEOLOGY, LAW, SCIENCE,

EDUCATION, LITERATURE,

&c. &c.

AS EXHIBITED IN HIS

PARLIAMENTARY AND LEGAL SPEECHES,

AND

MISCELLANEOUS WRITINGS.

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ADVERTISEMENT.

It is scarcely requisite to observe to the intelligent reader of this work, that its object is to afford a collective view of the opinions and practical objects of one of the most eminent public men of his age, so far as these objects and opinions are manifested in his writings and speeches.

As it would be totally foreign to the ingenuousness of an honourable mind, to take any part in a publication so personally exhibiting himself, it must be quite unnecessary for the Editor to state, that Lord Brougham has no connexion with this work, further than that he forms the subject of it.

This book will be found, not only to embody the most brilliant passages from his celebrated speeches and writings, but also to unfold to the

reader the gradual development of his lordship's mind, on those great questions in politics, literature, and science, in which learned men of all countries, and all ages, must ever take a lively interest.

The Editor has exercised great caution in the extracts which have been made, relying only on the most authentic reports of Lord Brougham's parliamentary and legal speeches. He confidently trusts that the passages from the Edinburgh Review will be seen to offer such internal evidences as will render their authenticity a matter of no doubt with the reader.

In addition to the selections, the Editor has given a prefatory memoir, which, he feels assured, will be found more complete, accurate, and elaborate, than any that has hitherto appeared. It contains very ample particulars of his lordship's early, and also of his more advanced life, with a philosophical analysis of his mind and writings.

London, April, 1837.

MEMOIR
OF
LORD BROUGHAM.

'To write the Biography of a certain class of public men is a task comparatively easy. Draw out a plain and prominent outline of their private personal history, throw in a bold background of the political events of the era in which they have moved, and you complete the picture.

Lord Brougham is eminent among these potentates of the world of mind. So completely is he identified with the interests of his countrymen, that it would be impossible to write his life without making the groundwork of it a history of the age in which he lived. The active part he has taken in the great questions of Reform; the unwearied energy and perseverance, and we may now add the success, of his efforts in the great national cause of the Education of the People; the peculiarity of the

position which he held, in the early part of his career, as regarded the Royal Family; and, lastly, (though it be by no means the last in importance,) his wonderful acquirements, and the power of mind by which he has been all along enabled to display them in such brilliancy;—all these causes have combined to attach to the name of Lord Brougham an interest of no ordinary kind. Indeed, he is deservedly the object of this interest; for although even his warmest admirers admit that he has defects, none, not even his political enemies, hesitate for one moment to accord the homage due to his great talents, and to testify to their conviction that he is a man of no common order.

HENRY BROUGHAM is the eldest son of Henry Brougham Esq., of Scales Hall, in Cumberland, and Brougham Hall, in Westmorland, by Eleanor, only child of James Syme, D.D. and niece of Dr. Robertson, the celebrated historian.

He is the representative of one of the most ancient families in Cumberland and Westmorland. It was resident in the same spot before the Conquest; for we find that in the reign of Edward the Confessor, Walter de Burgham was in possession of the manor of Burgham; and that it was afterwards restored to him, though upon another tenure, in the reign of the Conqueror. In the 22nd. of Henry II., Odard de Burgham was Lord of the Manor, and was third in command of those officers who were fined for giving up Appleby Castle to the

Scots. In the reigns of William III., George I., and George II., the heads of the family were High Sheriffs of Cumberland. Thus an aristocrat by birth, the strength of mind required for the reception and maintenance of opinions tending so much to the depreciation of the honours derived from birth *alone*, as those of Lord Brougham have done, was great.

Mr. Brougham had five other children besides the present Lord. JAMES, successively M.P. for Tregony, Downton, and Winchelsea; PETER, who died in 1800 at St. Salvadore on his passage to the East Indies; JOHN, a wine merchant at Edinburgh, who died at Boulogne in 1829; WILLIAM, late fellow of Jesus College Cambridge, afterwards M.P. for Scuthwark, and now a Master in Chancery; and MARY. LORD BROUGHAM was born in St. Andrew's Square, Edinburgh, on the 19th September 1779, and he received the rudiments of education at the High-school of the town, then under the direction of Dr. Adam. At the age of fifteen, he entered the University. Here he very soon became a member of a debating club, where he early exhibited proofs of those remarkable oratorical powers, which have since made him so distinguished in the world.

When little more than sixteen years of age his mental powers were sufficiently developed, and that too, in branches of knowledge seldom mastered in youth, to enable him to compose a paper containing a series of optical experiments, and an exposition of principles connected with that science. This re-

markable production of precocious intellect was thought so worthy of attention, that it was printed in the Philosophical Transactions of the Royal Society for 1796. In 1798, he sent another communication, having for its object the development of certain principles and views of geometry, which, also printed in the Philosophical Transactions, excited considerable interest in the scientific world; so much so that the vanity of the juvenile author was gratified by the publication of a reply by Professor Prevost of Geneva, as well as by favourable notices in several continental publications. In addition to these palpable evidences of early proficiency, he carried on a correspondence in Latin, on scientific subjects, with several of the most distinguished philosophers on the continent. One of the speedy consequences of these studies, and their fruits, was, that in March 1803 he was elected a fellow of the Royal Society, although his formal admission did not take place till the spring of 1804.

A characteristic anecdote is told of him while at college. It was a custom with himself and a few of his companions, to meet periodically at the house of Professor Robison of Edinburgh, where, among other amusements, they all drew lots for subjects on which each was to have an essay prepared by the next day of meeting. This was done for practice, of course. It happened on one evening that Mr. Brougham did not arrive at the appointed time, so that his companions at last drew lots, leaving one

unopened for him. When he arrived, he did not much like this unceremonious mode of disposing of his chance, and he showed symptoms of annoyance. His chagrin was not a little increased when he found, on opening the paper, that the subject allotted to him, was a very abstruse question in chemistry, to which science he had not at that time paid any attention. The Professor seeing him perplexed, encouraged him, "Come, come Brougham," said he, "I am quite sure you will do it if you try." The result was that he applied himself to study the subject, and notwithstanding that he was at the time actively engaged in other intellectual pursuits, he at the expiration of a few days produced a paper, the research, ability, and brilliancy of which, drew down the most hearty applause from the Professor, and placed it above all competition with the other essays.

While he was yet a young man, Mr. Brougham left Edinburgh, and accompanied Mr. Stuart, (now Lord Stuart de Rothsay), on a tour through the northern countries of the continent. This was necessarily of essential service to him, contributing, as it did, to rub off the rust acquired during a scholastic life, while it tended to that expansion of the mind which foreign travel invariably produces.

His return from this tour was the time chosen for his call to the Scotch bar, where his peculiar talents and marked individuality soon distinguished him from the crowd, and rendered him an object of favourable speculation among his brother barristers, as well as

to such of the public as had an opportunity of witnessing his exertions. His searching sarcasm, his withering irony, his grappling argumentative powers, all those qualities which, augmenting the volume of his vast learning, and the quickness of his legal aptitude, afterwards made him the most singular man of his age, were here first nursed into life and activity. Long, indeed, before his name had become familiar among his countrymen, and his fame had flown abroad into the world, his admiring friends, and the more deep-thinking observers among the public, had predicted for him a brilliant and a useful career.

The vast store of knowledge, of men, in literature and in law, which he had amassed during the earlier years of his life, and that irrepressible desire of communicating his ideas—of engaging in mental conflict, whether with men or with the principles of their knowledge—which seems to have all along been a necessity of the nature of the man, soon found a vent more open and appropriate than that which the Scotch courts of law presented; for it was about this time that he became a member of a literary society, since celebrated, called the Speculative Club. Of this fraternity, Dr. Southey, the late Mr. Francis Horner, Mr. Jeffrey, afterwards the able editor of the Edinburgh Review, and now a Scotch Judge, Mr. Murray, now the Lord Advocate, the late Lord Kinnaird, and other men, who afterwards became distinguished for their talents or their political acts, were members. Here the restless

activity of the growing mind of the young advocate found a field for its exertion ; for here he had to contend with intellects as powerful, if not so practised, as his own. The recollection of the brilliant displays to which these contests of eloquence and of learning led, still sheds a light on the early remembrances of those distinguished individuals.

In the year 1802 was established the Edinburgh Review, of which Mr. Brougham became one of the chief contributors, in conjunction with Mr. Jeffrey, Mr. Horner, Sir James Mackintosh, Mr. Macaulay, and other prominent political and literary characters. The confidence, the habits of research, by this rendered necessary, were exactly what a young and perhaps too ardent mind required, to give it strength and tone.

In 1803 Mr. Brougham published "An Inquiry into the Colonial Policy of the European powers." A notice of the literary merits of this work will be found elsewhere ; it is merely necessary here to say that its appearance immediately drew the eyes of the public on its author. They began to inquire who it was that, in the comparative obscurity of a northern city, could have lit up so bright a flame ; and the reputation of Mr. Brougham, which hitherto, although great in degree, had been confined in extent, began from this time to grow general. A man has made a long stride in the world, when his fellow countrymen begin to know him by name, and look for his

periodical appearance before them. Besides being noticed in the northern periodicals, the book was reviewed with care, though not with much ability, in the *Monthly Review* for 1806.

Many circumstances had now concurred to raise the reputation of Mr. Brougham at the Scotch bar to a height, great when compared with his youth and the shortness of his career. But the preferment and fame to be there won was not calculated to enchain the ambition of so grasping a mind; and he therefore soon turned his attention to England, where there was something like a fair field for his exertions, and where the striking political crisis, that was now approaching with rapid strides, presented temptations to still more exalted hopes. At this time, too, his being engaged in the case of Lady Essex Ker, in the celebrated litigation which involved the title and estates of the Dukedom of Roxburgh, required his personal attendance at the bar of the House of Lords, where his pleading attracted great notice. Accident, however, which has so often favoured great men, at last, if report may be believed, gave the desired impulse to the rising advocate. It is said, that on an occasion, when he was pleading in one of the courts of Edinburgh, he in some way exceeded, in the warmth of his advocacy, the strict conventional forms. This drew down upon him a reprimand from the Judge, of so personal a nature, that Mr. Brougham, in disgust, threw up his brief and resolved to retire from practice there. He was

soon afterwards called to the English bar by the Honourable Society of Lincoln's Inn: and his removal to London, in 1807, led to an extensive practice in the Courts of Westminster Hall.

On the 16th of March 1808, he appeared at the bar of the House of Lords, as counsel for the merchants of London, Liverpool and Manchester, who had prayed to be heard against the orders in council which, they complained, seriously injured their American trade. He opened the case in a short speech, which, and the examination of witnesses, occupied until the first of April. On that day, and on the 6th of the same month, he addressed their lordships on behalf of his clients in a speech of five hours' duration. Its eloquence and argumentative ability were such, that although he was unsuccessful, it gained him considerable reputation. He had chosen the northern circuit, on which Mr. Park, afterwards Mr. Justice Park, and Sir James Scarlett, took the lead. It was not long before he obtained a large share of the leading business. His family connections in the north of England, of course, much assisted in this; but great talents were requisite, in order successfully to compete with men of such acknowledged legal ability.

It is a singular fact, that the man who was afterwards so able a champion of Parliamentary Reform, should have owed his first seat in the House of Commons to that pocket influence of which he so much disapproved. It was in 1810 that, through the

influence of the Earl of Darlington (now Duke of Cleveland) he was returned for Camelford, on the vacancy occurring which was caused by the raising of the present Marquis of Lansdown to the peerage. His first speech, an extract from which, commences this collection, was delivered on the 5th of March 1810;* and, as is usual with first speeches, did not produce the effect that was expected from his high forensic reputation. But the truth is, that whatever may have been the previous ability or confidence of the aspirant for senatorial honours, the atmosphere of the house, and the total newness of the situation, almost preclude the display of eloquence. Any attempt, indeed, at the accomplishment of what must be so out of place, would argue the absence of that good sense, the exercise of which is the best substitute for fine speaking on such occasions. Success is almost impossible; for while, on the one hand, the new speaker has in view the extravagant expectations formed for him by his admirers and friends, on the other he has to contend against the conscious want of that confidence, which is, after all, the key to triumph. It is to be remarked, however, in the case of Mr. Brougham, that while his address was quiet and unassuming, and wholly undistinguished by that lava-like eloquence which he afterwards displayed, it was a soundly argumentative speech, well aimed at the matter in hand. It was delivered, also,

* On Mr. Whitbread's motion respecting the Earl of Chatham.

in the assertion of a great constitutional principle—
itself a peculiar feature in all Lord Brougham's public speeches: for he has never, during the whole course of his political life, prostituted his talents to mere party speaking. It called forth an eulogium from Mr. Adam during the debate.

Mr. Brougham's next parliamentary effort was on the 15th of June following, when he addressed the House on the subject of the continuance of the Slave trade,—which, notwithstanding the Abolition Act, was still carried on to a great extent as well by our own subjects as by foreign nations. Mr. Brougham concluded by moving an address, beseeching His Majesty to take such steps as would effectually put an end to the traffic in slaves. Here, he shone out with a peculiar lustre; and whatever doubt might have been raised as to his ultimate success in Parliament from the unassuming tone of his first speech, was instantly dispelled. Imperfect as the art of reporting was at that time, the extracts which we have subjoined will effectually convince the reader that there was no want of matter in the speech, even though the reporter may have failed to convey the peculiarities, or the force, of style. The address was agreed to without a division.

In 1811 Mr. Brougham turned his attention to the subject of the currency. He addressed the House at great length, and with considerable ability, on a motion which had for its object to prevent gold coin from being paid, or received, for more than its

current value. The resolutions which he proposed were negatived without a division; but great impression was produced on those in the House not already pledged to support the measures of the Crown, by the plain and indisputable exposition which he gave of the real causes of the fluctuations in the currency, and of the general distress resulting from them. He also spoke on the question of the Administration of Justice in Trinidad, and on that of Flogging in the Army.

During this year 1811, Mr. Brougham was also, engaged in a legal cause, his mode of conducting which added much to his celebrity. A criminal information had been filed against Messieurs Hunt, the conductors of the Examiner newspaper, for an alleged libel, in an article commenting with great severity, and in very strong language, on the practice of Flogging in the Army. This article had been copied into the paper from the Stamford News; but the violent political bias of the government of the day, induced them to select this talented liberal journal for prosecution, although the original fabricator of the supposed libel was at hand. Mr. Brougham's known legal ability, especially in causes where the subject matter was of a political nature, as well as the prominent part which he had taken in the debates on military flogging, pointed him out as the most fit person to defend a prosecution of this sort. Accordingly, he conducted the defence, and delivered, on behalf of his clients, one of the most

energetic and effective speeches he had yet been known to make. He was several times interrupted in the course of his address by irrepressible bursts of applause from the auditors; and it drew forth encomiums from the attorney general, and from Lord Ellenborough, who presided. The result was, that although the judge's summing up was decidedly against the defendants, and although he declared his opinion that the article was libellous, the jury found them not guilty. The learned gentleman was afterwards specially retained to defend Mr. John Drakard, the proprietor of the Stamford News, who was also prosecuted for the same article. Here again he made a speech which, if possible, surpassed his former efforts; yet, although the line of defence adopted was exactly the same as in the case of the Messrs. Hunt, the result was different, and the defendant was found guilty.

During the Parliamentary Session of 1812, Mr. Brougham took an active part in the debates, on all questions of any moment. Among others were those on the East India company's affairs; the negotiations for forming a new administration; the bill for better securing the preservation of the peace; and especially that on the leather tax, in which the ministers were pressed very hard, having only a majority of eight. His principal effort this session, however, was upon the question of the orders in council. On the 3rd. of March he introduced the question to the House, and although his motion was negatived by two hun-

dred and sixteen, to one hundred and forty four, yet on the 28th of April, Lord Stanley obtained the appointment of a committee to inquire into the state of trade and manufactures, particularly with reference to the operation of the orders in council. Mr. Brougham took a very active part in the proceedings of this committee, which sat for six weeks. On the 16th of June following he moved, in the House of Commons, an address to the Prince Regent, praying him to repeal, or suspend, the orders in council. His speech, on the occasion, was a master-piece of argumentative eloquence, and it had the effect, although the motion was withdrawn, of inducing the minister to promise that the wishes of the merchants should be complied with. On the 23rd of the same month the orders were rescinded, so far as they affected the trade with America. On several other occasions, also, during the same session, his parliamentary displays attracted great notice, particularly his speech on the 2nd of June, on the subject of the Droits of the Admiralty which, he maintained, had been unconstitutionally misapplied for many years.

It was in October, in the year 1812, that Mr Brougham contested Liverpool with Mr. Canning. General Gascoyne was the other candidate on the Tory interest, and Mr. Creevy was the other on the liberal side. Party spirit ran very high at the time and public attention was very much attracted to the contest. The following description

of the scenes which took place on the spot, is from an eye witness.

“ Mr. Brougham’s abode, in Clayton square, and Mr. Canning’s, in Rodney street, were attended every evening by an immense concourse of persons, of all ranks, and both sexes, in order to hear the speeches which the two candidates severally addressed to their respective partizans, at the close of each day’s poll. Mr. Brougham’s speeches were chiefly concerning the circumstances of the election ; though he occasionally introduced observations on public affairs, and on the then awful state of the country, which exhibited specimens of the most glowing and impressive eloquence, of the most extensive views, and the most profound reflection. Mr. Canning spoke of Mr. Brougham with the utmost respect, professing a high admiration and regard for his talents and character. About eleven o’clock on the 15th of October Mr. Brougham and Mr. Creevy, finding the majority against them too great, withdrew from the contest, and the former, in a speech from the hustings, took leave of his brother candidates with the strongest expressions of kindness and good will, disdaining every sentiment of personal opposition or animosity. Mr. Canning seemed greatly affected with this address, and extended his hand to his opponent with the warmest cordiality.”

Mr. Brougham’s failure at Liverpool induced him to offer himself for the Inverkeithing district of Scotch boroughs, but here also he was unsuccessful.

From this time, until the year 1816, he continued out of Parliament. In the latter year, he sat for Winchelsea, also a borough in the patronage of the Earl of Darlington; and during the Session he took part in all the most important discussions in the House of Commons. We would particularly refer the reader to the extracts, in the following pages, from a famous speech of his on the subject of Agricultural distress; they carry with them their own critical passport. On the 8th May he introduced a bill on the subject of the Law of libel, which, had it passed the House, would have effected ameliorations, then most desirable. On the 21st, in a memorable speech, he moved for a Committee to inquire into the state of the education of the lower orders of the metropolis. On the 20th of June he presented the report of this committee, from which it appeared that there were, at this time, no less than one hundred and twenty thousand children in London wholly destitute of education. In the vacation of the same year, having been appointed one of the legal advisers of the Princess of Wales, and having occasion to see her on the Continent, he availed himself of the opportunity to visit the establishments of Fellenberg and Pestalozzi, at Berne and Yverdun. That he took a lively interest in them is manifest, from his having described them, on more than one occasion, in his speeches.

Having given such very copious extracts from all the speeches made by Mr. Brougham during his

long Parliamentary career, we do not think it necessary here to enumerate them. Those passages speak for themselves. In 1817, and in 1818, he was actively engaged in parliamentary labours. In the month of September in the latter year, he published a letter to Sir Samuel Romilly, on Abuses in Charities, which ran through ten editions in the course of a few months. Shortly before, at the general election, he had unsuccessfully contested Westmorland, against the great interest of the Lowther family.

The year 1819 has furnished us with most interesting materials. We allude particularly to the powerful and strenuous opposition he gave to the "six acts" of Lord Castlereagh's Administration; and to the debate on Mr. Owen's plan for ameliorating the condition of society.

This brings us to the year 1820; an important era in the life of Lord Brougham. Here it will be necessary for us to take a view of the history of the unfortunate Queen Caroline, prior to our calling the attention of our readers to Mr. Brougham's magnificent oration in her defence, from which we have made such copious extracts. It was during the Duke of York's campaign, that he became acquainted with his uncle, the Duke of Brunswick, to whose court and family he was introduced. When he returned to England he was loud in his praises of the Princess Caroline, whose personal charms had made the most favourable impres-

sions on his mind. These impressions were conveyed to the Prince of Wales, and to the King; and the former was urged to make an offer of marriage. The Prince was at first averse to entertain the subject, but being very much harassed by his creditors, and being obliged to discharge some debts of honour, he, on the condition that the King would promise, in writing, to discharge all his debts on his marriage, consented that the negotiations on the subject should be commenced. When a man takes a wife, for no other purpose than to liquidate his debts, we need not feel surprised, if but little happiness result from the union. On the Princess's side there existed also obstacles, for she had fixed her affections on a German prince whom she could not marry. This interest, indifference, and second love, held out but an unpropitious prospect for the royal pair. To show the state of her Serene Highness's mind prior to the union, we cannot do better than make a quotation from a letter which she addressed to one of her countrywomen, resident in England. This letter is dated, November 28th, 1794. She says, "You are aware my friend, of my destiny: I am about entering into a matrimonial alliance with my first cousin, George, Prince of Wales. His generosity I regard, and his letters bespeak a mind well cultivated and refined. My uncle is a good man, and I love him very much, but I feel that I shall never be inexpressibly happy. Estranged from my connexions, my associates, my friends—all that I hold dear

and valuable, I am about entering on a permanent connexion. I fear for the consequences, yet I esteem and respect my future husband, and I hope for great kindness and attention. But, ah me! I say sometimes I cannot love him with ardour: I am indifferent to my marriage, but not averse to it; I think I shall be happy, but I fear my joy will not be enthusiastic. The man of my choice, I am debarred from possessing, and I resign myself to my destiny. I am attentively studying the English language; I am acquainted with it, but I wish to speak it with fluency. I shall strive to render my husband happy, and to interest him in my favour, since the fates will have it that I am to be Princess of Wales."

On the 4th of April 1795, the future Queen of England arrived off Gravesend, and on the following morning she landed at Greenwich Hospital. In four days after her arrival, her marriage with the Prince was duly solemnized at the Royal Chapel, St. James's, with considerable pomp and splendour.

It is not compatible with the object we have in view, in writing this memoir, to enter minutely into a detail of all the circumstances connected with the public and private life of the unfortunate Queen whose cause Lord Brougham so nobly and ably advocated; it is sufficient for our purpose to take a cursory glance at the events connected with the Queen, with which his Lordship was more immediately associated.

It was during the absence of the Queen, after a

separation from her husband, on a continental tour, that reports extremely prejudicial to her character reached the King's ear.

In 1814 she quitted England for the Continent, assumed the title of Countess of Wolfenbüttel, and visited various parts of Italy and Germany. At Milan, she took into her service an Italian named Bartolomeo Bergami, in the capacity of courier; but he was soon raised from that menial situation to the office of chamberlain, and all the members of his family, with the exception of his wife, obtained employment in the Princess's household.

It was during the latter portion of her residence on the Continent, that reports unfavourable to the Princess, found their way into the papers, and reached the ear of the Prince Regent; and these reports gave origin to the celebrated Milan commission. The individuals who were selected to inquire into the alleged misconduct of the Queen were, Mr. Leach, the late master of the Rolls; Mr. Cook, a barrister; Mr. Powell a gentleman of private fortune; Colonel Brown, and Lord Stuart. A person of the name of Vamercati was appointed the Italian agent, and to this man, it is said, the great part of the arrangement of this affair was intrusted.

The whole of the year 1818 was occupied by the exertions of the Milan commission. The Princess was surrounded by enemies, secret and avowed, and it was only at the desire of Mr. Brougham, and some other friends, that she was

induced to remain on the Continent. Although the report of the commissioners was unfavourable to the Princess, the Prince took no decided steps until the demise of George III. rendered it imperative that some final arrangement should be agreed upon. A few days after the death of George III. Mr. Brougham, the Queen's legal adviser, dispatched Mr. Sicard with the intelligence; and also with directions as to the course which he considered it necessary for her to pursue. In reply to Mr. Brougham's communication, she stated that it was her intention to return to England immediately, to confront her enemies; and she directed him, at the same time, to obtain for her the palace of the late Queen, in the Green Park. Preparatory to the Queen's starting for England, Mr. Brougham was requested by her to meet her at Geneva; but his numerous engagements preventing him from acceding to this invitation, he wrote to the Queen advising her immediately to direct her steps towards England. As soon as Lord Liverpool and the Ministry were made acquainted with the Queen's movements, everything was done that could suggest itself to their minds, to prevent her from leaving the Continent. Lord Hutchinson, the friend of the King, and selected on the part of the Government to conduct the negotiations, accompanied by Mr. Brougham, met the Queen at St. Omer. The offers made to the Queen by Lord Hutchinson were indignantly refused, and she positively declared, that it was her immediate

intention to proceed to England, notwithstanding the declaration made to her by his Lordship, that it was the intention of the government to commence proceedings against her, should she carry her intention into effect. On the 5th of June 1820, Queen Caroline landed at Dover, and a succession of triumphs followed her until she arrived in London.

After a prolonged discussion in both houses of parliament, respecting the alleged misconduct of the Queen, a committee consisting of the Duke of Wellington, and Lord Castlereagh on the part of the King, and Mr. Brougham, and Mr. Denman, as friends of the Queen, was appointed to negotiate the matter with the Queen, to bring about an amicable arrangement: As this negotiation was productive of no good result, the Queen boldly demanded a public inquiry into the truth of all the charges brought against her. It thus became necessary to send out a commissioner to Italy, to collect evidence on behalf of the Queen; and Mr. Henry was selected to carry this into effect. Every obstacle, however, was thrown in the way of his effecting the purpose of his mistress, and the Queen was thereby deprived of many witnesses who, it was alleged, would have been able wholly to refute the depositions of the parties procured by the exertions of the Milan commissioners.

On the 5th of July, Lord Liverpool brought in a bill of pains and penalties, founded on the reports of the committee of inquiry, against the Queen, by which she was impeached of adultery with Bergami.

On the 21st of August witnesses (chiefly her former servants) were called to substantiate the charges, and the case in support of the bill closed on September the 7th. The Queen's defence, conducted by Mr. Brougham and Mr. Denman (now Lord Denman Chief Justice of the Court of King's Bench) occupied forty-nine days, and ended on November 6th. The second reading of the bill was carried by a majority of 28; and the third by a majority of *nine* only. On the result of the third reading, the Ministry abandoned the measure altogether.

During the proceedings, the popularity of the Queen continued unabated. Addresses poured in upon her from all quarters, and scarcely a day elapsed in which the road to her residence was not thronged with thousands of people assembled to pay her homage. The abandonment of the bill of "Pains and Penalties" was celebrated by the Queen's going to St. Paul's, attended by a vast concourse of people, to return thanks for her deliverance from "a conspiracy against her honour and life."

During the whole of this celebrated trial Mr. Brougham's popularity was unbounded; crowds of people daily congregated about his house, and followed his carriage, to the House of Lords. On several occasions they attempted to take the horses from the carriage and drag it in triumph through the metropolis; but Mr. Brougham expressed his dislike to this step, and, of course, the idea was abandoned.

In the *Morning Chronicle* of October 5th 1820, we find the following just eulogium on Mr. Brougham's speech on the trial:—

“As a display of eloquence, it will bear a comparison with the most celebrated efforts of any age. We know not whether most to admire the power or the judgment and the taste of the speaker. It would be difficult to name an instance, in the history of modern eloquence at least, in which high excellence was so totally free from the alloy of imperfections. In some of the most celebrated displays of late times, it is impossible not to perceive that the speaker was as often thinking how he should himself appear to the highest advantage, as how he should best promote the interests of his client. The most admired flights of Curran, for instance, may frequently be said to be flights from the cause of his client, calculated rather for the gratification of an unconcerned audience, than for producing a suitable impression on those whom he was more immediately addressing. Even in the celebrated speech of Sheridan in the case of Warren Hastings, at least in all the versions of it, there is often a good deal of turgidity and misplaced appeals to the feelings—a good deal of straining after flaming imagery. From these *dulcia vitia* Mr. Brougham is perfectly free. It may truly be said of him, that he never utters a sentence which is not dictated by the interests of the party for whom he is contending.”

In 1822, on the 11th of February, Mr. Brougham

moved a resolution in the House of Commons for the consideration of the public burthens, particularly those pressing on the agricultural interest. In the speech which preceded his motion, he displayed the most complete knowledge of his subject—explained fully the causes of the great depression that had succeeded the war; and recommended reduction of the public expenditure. The motion, however, was negatived by 212 to 108.

On the 24th June, in the same year, he moved a resolution condemnatory of the unconstitutional influence of the crown in the government; but this was also negatived by 216 to 104.

In the debate on the King's Speech, at the opening of the session of 1823, he delivered a speech on the subject of the machinations of the Holy Alliance, that must have been "gall and wormwood to the enemy." It was, undoubtedly, the most complete exposure of the position of those armed despots, as regarded the liberties of Europe, that had ever been delivered in that house.

In this volume, too, will be found some extracts from his celebrated speech in defence of Ambrose Williams, who was tried at the summer assizes at Durham, on Tuesday August 6th, 1822, before Mr. Baron Wood and a special jury, for a libel on the clergy, contained in the *Durham Chronicle* of August 18, 1821. This speech, it is said, was not only reported by a gentleman of high reputation as a reporter, but Mr. Brougham lent his aid in correcting

it; and so fastidiously did he polish his production for the press that, in the judgment of many, it has been injured by an excess of care. Mr. Brougham is represented to have once said at Mr. M. A. Taylor's table, that he never made a speech, either in parliament or at the bar, so completely to his own satisfaction, as that in defence of Ambrose Williams. The case for the prosecution was conducted by Sir J. Scarlett (now Lord Abinger).

On April 17th of the same year, the celebrated, and at the time, much-talked of *fracas* took place in the House of Commons, between Brougham and Canning. On that day, several petitions were presented to the House, concerning concessions to the catholics, which gave rise to an animated discussion on the subject, during which Sir Francis Burdett made a furious attack upon Mr. Canning, for his alleged defection from the cause of emancipation. Sir Francis Burdett, in his speech, observed that the Right Hon. Secretary (Mr. Canning) had stated, that it was impossible the catholic claims could ever be conceded. Mr. Canning was also accused of practising a deception upon the country and the House of Commons. It was stated, by Sir F. Burdett, that Mr. Canning had only made use of the Catholic question, because it afforded him a happy theme for the display of his rhetoric, and that "he had endeavoured to catch a breath of the fleeting god of popularity, by affecting, in this instance, to be the advocate of liberal principles."

Mr. Canning, in his reply to Sir F. Burdett, denied

that he had ever said that he considered the success of the Catholic question as hopeless. After defending himself at some length, he concluded his speech by observing that, with respect to the observations which had been made upon his conduct, he asserted that both in and out of office, but more especially whilst out of office, he had done everything to promote the success of this great cause. After Mr. Peel had defended his conduct upon this subject, Mr. Brougham rose and spoke, and with more than usual ardour of manner, poured out a stream of warm eulogy upon Mr. Peel, and of bitter invective against those members of the cabinet, who, pretending zeal for the Catholic question, abandoned it to its fate. After speaking, at some length, with considerable eloquence, in favour of the Catholic claims, and denouncing those who pretended to be the friends and advocates of the Catholics, yet secretly opposed their emancipation, he, turning to the ministerial bench, and looking Mr. Canning full in the face, accused him of having exhibited “a specimen—the most incredible specimen—of monstrous truckling, for the purpose of obtaining office, that the whole history of political tergiversation could furnish.” Mr. Canning rose from his seat, and with considerable vehemence observed,—“I rise to say that this is false.”

At this, Mr. Brougham resumed his seat. After the lapse of a few minutes, during which perfect stillness prevailed in the house, the speaker said, in

a low tone, that he hoped the Hon. Secretary would retract the expressions he had used. An individual of his high rank and station could not fail to be aware that such an expression was a complete violation of the orders and customs of the House.

At this, Mr. Canning expressed his regret at having, in the warmth of the moment, used any words which were a violation of the decorum of the House ; but he declared, that no consideration on earth should induce him to retract the sentiment. An animated conversation ensued between the different members on the subject. The Chancellor of the Exchequer asked Mr. Brougham to consider for a moment the language he had used, and he would see, that it would not have been borne by one gentleman from another. He wished Mr. Brougham to admit that the expression he had made use of was not intended to convey a personal insult, and thus allow Mr. Canning to retract, without any compromise of his honour, the language which had called forth the animadversions of the Speaker.

The Speaker followed up the suggestion of the Chancellor of the Exchequer, and requested Mr. Brougham to explain the words which he had used. Mr. Tierney and Lord Archibald Hamilton defended Mr. Brougham, and observed, that Mr. Canning was not in a condition to call for an explanation of any ambiguous phrases that had been applied to him, until he had retracted that expression which was a violation of the orders of the House.

Mr. Bankes then moved, that both parties be committed to the custody of the Sergeant-at-Arms. During all this time, Mr. Brougham remained silent, except that, when Mr. Wynn requested him to state what was really the intention of his language, Mr. Brougham refused to give one word of explanation; Mr. Canning had declared that he would not retract his words; and it was impossible to call on Mr. Brougham to be the first to explain. In this situation of things, there seemed to be no other course than that proposed by Mr. Bankes. It was one, however, which the House was unwilling to adopt. The manager of the House of Commons in the custody of the Sergeant-at-Arms, would have been a novel spectacle. At last, Sir Robert Wilson hit upon a mode of smoothing down the difficulties, by proposing that Mr. Canning should make a conditional retraction, so as to enable Mr. Brougham to disavow any purpose of personal offence. Sir Robert observed, that he was satisfied that the expressions that had fallen from his learned friend (Mr. Brougham) were addressed to the Right Hon. Secretary in his official character, either as Governor-General of India, or as Secretary of State for Foreign Affairs; and that the interruption of the Right Hon. Gentleman arose only from the conviction of the moment that the expression was personal, and no otherwise intended. Taking this view of the case he considered that Mr. Canning might, consistently with his honour and feelings, state that he had misunderstood the

import of Mr. Brougham's language, when he made use of the epithet which called for the censure of the Chair. Mr. Canning rose from his seat, stated that he should not be unwilling to act upon the suggestion which had been offered, and that, if the Hon. Gentleman's expressions only referred to his official, and not his private character, he would be ready to admit that he had been mistaken in what he had said; but if Mr. Brougham referred to his private conduct, he would retract nothing. The Speaker expressed his own conviction that Mr. Brougham meant no personal offence in what he had said. Mr. Brougham was then loudly called for, and after a little hesitation, he arose, amidst the cheers of his friends, and observed that he had used the words "political tergiversation" only in reference to Mr. Canning's public and political life. As a private individual, Mr. Brougham said, he never knew ought of him, which did not do him the highest honour. Messrs. Peel, Banks and Tierney then spoke, and expressed themselves perfectly satisfied, with Mr. Brougham's explanation. Mr. Canning then rose, and said he should think no more of the matter, and Mr. Brougham repeated the same expression, and so terminated this personal quarrel between the two great orators.

Mr. Canning's words, in effect, said—"You shall either fight me or retract." It may be doubted whether a statesman, in legislative debate, ought ever to have recourse to this mimicry of the *ultima ratio* of kings; but if he does choose to tender such

an issue to his opponents—if he does condescend to say to them,—“ I will prove by fighting you, that I do not merit your sarcasms,”—he ought, at least, to be consistent; and he should make this communication privately, and not in the face of an assembly, where the purpose must necessarily be defeated by the mere promulgation of it. To tell a man in private life, that what he says is false, has a meaning and a result; to tell him the same thing in parliament is mere passion and fury; and, at the most, is only a formal invitation to the House to commit him who uses such expressions to the custody of the Sergeant-at-Arms.

After the termination of this personal quarrel and debate, it is said that Mr. Brougham and Mr. Canning met in the lobby of the House, when Mr. Brougham advanced and offered his hand, which Mr. Canning accepted. It was a curious scene to witness the two rival orators, who, a few hours before, were nearly committed to the Sergeant-at-Arms, in order to prevent a personal quarrel from terminating in a duel, now socially conversing together, as if nothing had occurred to disturb that friendly feeling which ought to exist between two men devoting their great minds and splendid talents to the promotion of the interests of their country.

Towards the latter end of the same year, Mr Brougham was engaged with Dr. Birkbeck in the formation of the first Mechanics' Institution, which caused the establishment of so many others through-

out the country. It was on this occasion that he published the "Practical observations on the Education of the People," from which extracts will be found in this volume.

The year 1824 was chiefly marked by his celebrated speeches in the case of Missionary Smith of Demerara, which had a close connection with the great question of Negro Slavery, and was therefore a subject of engrossing interest.

In the early part of 1825, Mr. Brougham was elected Lord Rector of the University of Glasgow, having for his opponent no less a person than Sir Walter Scott. It was a singular fact that the casting vote was given by Sir James Mackintosh. On the 5th of April, a grand entertainment was given to Mr. Brougham at Edinburgh, under circumstances that must have been peculiarly gratifying to him. It was a genuine and spontaneous expression of the admiration of his fellow-townsmen, on whom his genius and celebrity had shed no small lustre. His installation took place next day at Glasgow, when he delivered his Inaugural Address,—a beautiful effusion of academic feelings, and classical both in subject and manner.

In 1825 and 1826, besides speaking in Parliament on almost every question of moment, he again unsuccessfully contested Westmorland. He then once more sat for Winchelsea.

The year 1827 is memorable for the institution of the Society for the Diffusion of Useful Knowledge, of which Mr. Brougham was President. He was its most

active promoter, and composed for it the admirable *Treatise on the Objects, Pleasures, and Advantages of Science*, its first publication. He also took an active part in the debates of that important year, and in the month of May, of the same year, he was induced, by the liberal course of policy avowed by Canning, who had been appointed Premier, to take his seat on the ministerial benches. His support was wholly disinterested; he declared, in the House, that his junction with the ministry was on a stipulation utterly precluding the possibility of his taking office. In this year too, the London University was founded. Lord Brougham's name will ever be associated with this Institution, of which he was one of the originators.

On the 7th of February, 1828, he delivered his famous six hours' speech on Law Reform, from which are subjoined copious extracts, of the most interesting kind. The speech excited great interest at the time; and his moral firmness was much admired in thus braving, for the public good, the interested prejudices of a profession.

In 1829 he supported the Catholic Relief Bill, introduced by the Wellington administration; and at the general election of 1830 he was, in the most flattering manner, elected for Yorkshire, where he had no influence whatever beyond that of his great public celebrity.

The accession of Lord Grey's administration was the signal for Mr. Brougham's appointment to the Lord Chancellorship, and his elevation to the

Peerage, by the title of Baron Brougham and Vaux of Brougham in Westmorland. The events which followed are fresh in the recollection of every man. The resignation and re-appointment of the Grey administration, the passing of the Reform Bill, and the many occurrences that arose at that important period, all furnished opportunities for the display of Lord Brougham's talents, as the records in this work will testify. His Lordship continued to discharge the arduous duties of Lord Chancellor until the dissolution of the Melbourne cabinet in 1834, when he went out with the other ministers. His public acts since that time do not require any special notice here, beyond what is contained in the following pages, if we except the publication of the Discourse on Natural Theology, of which more particular mention will be made elsewhere. We had omitted to state that Lord Brougham when in Paris soon after his accession to office, received the honour of being elected a member of the French Institute.

We have already said, that in the year 1803 Mr. Brougham published his celebrated work entitled *An inquiry into the Colonial Policy of the European Powers*, 2 vols. which production conduced largely to the promotion of his celebrity. Many men eminent for their scientific attainments to whom Mr. Brougham was personally unknown, now solicited the honour of his friendship, so highly did they think

of his erudition and genius. Sir Joseph Banks, to whom Mr. Brougham presented a copy of his "Colonial Policy," spoke in the highest terms of praise of the production, and predicted the author's future eminence. In this work, from which we have made several extracts, is exhibited a profundity of information, both modern and antiquarian, a depth of reasoning, and a felicity of illustration very rarely possessed by any one single individual.

In the first portion of this celebrated treatise he enters fully into the consideration of the political relations between a state and its colonies; he takes a graphic view of the colonial possessions of ancient states, and points out, by reference to facts, the principles which guided the ancients in their colonial legislative enactments. The leading feature, he considers, which the classics have left us of ancient policy, is a uniform preference of the warlike to the peaceful arts. To form a people of soldiers, he considers was the grand object of almost all the legislators and rulers of antiquity, for which they sacrificed, without feeling their loss, the advantages of the pursuits that embellish, and the domestic relations that sweeten, civilized life. In this portion of the treatise Mr. Brougham points out the striking analogy that exists between the History of the Carthaginians, and the European nations who colonized America. At first, he observes, the settlement could admit of no restraints, but demanded all the encouragement and protection of the parent state; and the gains of its commerce were neither suffi-

ciently alluring to the Carthaginian merchant from their own magnitude, nor necessary to him from the difficulty of finding employment for his capital in other directions. After dwelling at some length on the political relationship which existed between the celebrated states of antiquity and their colonial possessions, he directs his attention to the consideration of their commercial relations, and, in this portion of the work we are at a loss which most to admire, the author's profound acquaintance with the principles which have hitherto guided ancient and modern states in their commercial transactions, or the original, striking, and statesmanlike views which he takes of this important subject. Mr. Brougham appears deeply imbued with the correctness of the principle of political economy developed in Smith's celebrated "Wealth of Nations;" although on some points he considers that writer to have imbibed erroneous opinions. After considering fully the colonial policy of the United Provinces, the colonial policy of Spain, Portugal, Denmark, Sweden, England, and France, he enters, at the commencement of the second volume, into an examination of the foreign relations of colonies. This necessarily involves the consideration of the mutual relation of colonies with respect to their dependence on the mother countries. After elaborately discussing this point, the author proceeds to consider the interests of the European colonies, as connected with the re-establishment of the French Powers in the West Indies; also the consequences of

the formation of a negro commonwealth, in the same country, to the interests of the colonies which remain under the dominion of the mother country. At the conclusion of the second volume Mr. Brougham discusses, with considerable force of reason, the policy of cultivating the colonies by means of free negroes. In this portion of this celebrated treatise we find developed those enlightened and philanthropic views respecting negro slavery, for the support of which Mr. Brougham has, for so many years, stood forward as the firm and uncompromising champion. It cannot be said, as it was when Mr. Brougham stood up manfully in the House of Commons and thundered forth his anathemas against negro slavery, that he had a personal and interested object in view, in supporting the question of negro emancipation. At the time when Mr. Brougham published his colonial policy he was not a public man; he had no constituency to please, no influential member of the House of Commons, or the House of Lords, to curry favour with; he, in this treatise, gives expression to his honest, unprejudiced opinion respecting a traffic which, for so many years, disgraced the history of humanity. Mr. Brougham has been accused, by some of his opponents, of having, in early life, advocated negro slavery; and his "Colonial Policy" has been referred to as a substantiation of the fact. These calumniators must either have grossly and wilfully mis-stated facts, or have been ignorant of Mr. Brougham's expressed opinion on this subject.

In order to set this question *for ever* at rest, we will quote a passage of the “Colonial Policy” in which Mr. Brougham gives expression to his undisguised views on negro slavery. In page 475 vol. 2 he says, “the question of abolition, though one of the most momentous that occupies the attention of men, is extremely short and simple. The whole argument is confined to a very narrow compass; if we look to the nature of the traffic, its *unnecessary enormities* are sufficient to make us forget the first great and essential objection, which may be urged, that it is not a trade, but *a crime*. We find that it is a crime of the *worst nature*, radically planted in the depths of *injustice*, branching out into various forms of guilt, prone to entwine with manifold accessory pollutions not inherent in the seed, terminating in every species of noxious productions which can blast the surrounding regions, and taint the winds of heaven. The men then who would persuade us to cherish so monstrous a production, because they have given it a name, borne by the most salutary and nutritious branches of the social system, are surely guilty of a mockery to our common sense, still more intolerable than any insults to our feelings; we cannot stop to argue with them, or to hear the preposterous applications which they make of principles peculiar to things of a nature essentially different from this; we cannot allow so great an outrage upon the common forms of speech as the defence of a glaring iniquity, by an appeal to views that belong to the great source of wealth

and virtue—the commercial intercourse of mankind.

The arguments which have been expressed on this most false view of the great question, are, if possible, still more absurd. Many of them consist in gross misstatements of facts, either completely proved by the evidence adduced on the side of the abolition, or so thoroughly well known, that no evidence of their existence is deemed necessary by the enemies of the slave system. Some of these topics are drawn from the narrowest views of mercantile policy, and the most insulting appeals to the bad passions of mankind. Others are deduced from absurd ideas of natural law or revealed religion, and supported by allegations which are instantaneously proved to be false. To enter into an analysis of these arguments, or of the short and satisfactory answers which they have received, would be very unnecessary, after the short and simple process of reasoning, by which we have been led to conclude in favour of the abolition. Such discussions of the question are now no longer requisite ; all views of the expediency of the measure have yielded to the strong and unanswerable conviction of its necessity, with which the events of the last ten years have inspired every impartial statesman.”

No man will entertain a doubt, after reading the above passage, that Mr. Brougham was, at this period, as decided a friend of negro emancipation, as he was when that great measure was introduced and supported by him in the House of Lords, when

he was Lord High Chancellor of England. In strenuously and fearlessly standing forward as the champion of anti-slavery, Mr. Brougham had no little difficulty and opposition to combat with. Arrayed against him he had the whole phalanx of the Tory party, swayed no doubt, by conflicting motives. On the other side, he had opposed to him a great body of wealthy, influential mercantile men, the value of whose property depended on the existence of this disgraceful traffic. But, in the face of this apparently insurmountable barrier, he manfully maintained the truth and justice of his principles; as will be perceived by reference to the passages which we have selected from his many splendid speeches delivered in the House of Commons and Lords, on this important question.

We come now to the consideration of Lord Brougham's last production of magnitude, the *Discourse of Natural Theology*, the publication of which, while it extremely annoyed many of his more bigotted opponents, from its refuting their insinuations of irreligion and infidelity, gave additional delight to his admirers, from the extent of thought and felicitous expression which it embraces. We cannot better introduce the few remarks we shall have to make upon it, than by extracting the following observations on its tendency, from a recent number of the *Edinburgh Review*:—"It has often been made a reproach to Christianity, and often has it proved a snare to the young inquirer, that men of genius have not readily yielded to the weight of its

testimony. Impotent as this argument is, it has been wielded with considerable effect ; and although such examples of infidelity are not difficult of explanation, yet it is the best and fairest reply, to point to that cloud of witnesses which is resplendent with the names of Milton, and Locke, of Bacon, Newton, and Boyle. To this honoured list, the friends of truth will no doubt rejoice in the accession of another name, and hail the appearance of a work written by one of the most remarkable men of his age—an orator unrivalled for the force of his eloquence—a reasoner whose dialectical powers it would be difficult to match—a philosopher of great and varied acquirements—a statesman pre-eminent in acuteness and perspicacity. Is it not an event to be welcomed by the church, and to be hailed by christians of every creed, that, in the meridian of his power—amid the strife of contending factions, and under the burden and distraction of the highest functions—such a man is come forward as the advocate of Natural and Revealed Religion ?”

Any one opening this work in expectation of finding in it a complete elucidation and exposition of the whole science of Natural Theology, would be apt to condemn the book for deficiencies, the result only of his own haste. It does not profess to be any such thing : it is rather an attempt to show the importance of that science, and the manner in which the mind should be prepared for its study. In this light, it is a work of high value—nay, of more real usefulness than many of much greater pretensions.

We never yet read a composition, treading on this very delicate ground, that so calmly and philosophically cleared away the mists of prejudice and misconception which obscure the subject, and at the same time, so amply provided the means of progression in the road so laid open.

It is truly a *logical* book—an admirable Treatise on the Inductive method of Investigation. It establishes, in the most masterly manner, that Natural Theology is necessarily as amenable to this great law of the mind, as any other—nay, more, that until that mode of reasoning be adopted as the basis of truth, religion has not acquired its firmest hold upon man's understanding. Lord Brougham maintains, and proves, that the evidence of the existence of mind, is to the full as complete as that on which we believe the existence of matter. He also ably argues, on a novel principle, the immortality of the soul, and the existence of a Deity, from the internal evidences afforded by the mind itself. This is a branch of the science hitherto but little attended to by Natural Theologians.

But the main charm of the work, to the general reader consists in the beauty of its style, the clearness and precision of its reasoning, and the total absence of the assumption of scepticism. It exhibits the humility of Enquiry with the dignity of Reason; and there are passages of description, and appeals to the feelings, unrivalled, certainly, in any production that the press has of late years produced.

The few selections which our space has enabled us to make, have been made rather with reference to their intrinsic literary excellence, than with any view of presenting a connected argument. For this, the reader should go to the book itself, or to the very elaborate article from which we have already quoted.

Lord Brougham is remarkable for uniting, in a high degree of perfection, three things which are not often found to be compatible. His Learning is all but universal; his Reason is cultivated to the perfection of the logical or argumentative powers; and he possesses, in a rare and eminent quality, the gift of Eloquence.

Of his Learning we should not be saying too much, were we to say that there is scarcely a subject, on which human ingenuity or human intellect has been exercised, that he has not probed to its principles, or entered into with the spirit of a philosopher. That he is a classical scholar of a high order, is shown by the passages, scattered through these volumes, of criticism on the internal peculiarities of the works of the ancients and their styles of composition. They evince an intimate acquaintance with the great master-pieces of antiquity. The book-worms of Universities—those scholastic giants who are great on small questions of quantity and etymology,—who buckle on the pondrous armour of the commentators

in the contest with more subtle wits, on the mighty, the interesting doubt of a wrong reading;—such men, in the true spirit of pedantry, have refused to Lord Brougham the merit of profundity, while they kindly allow that he possesses a sort of superficial knowledge of the classics :—they say that, swallow-like, he can gracefully skim the surface of the stream, but that its depths would overwhelm him. Now, while we think this may be true as regards the fact, we wholly dissent from it as regards the inference. It is a question to be decided, between the learned asses of a by-gone school, and the quicker intellects of a ripening age, which is the better thing,—criticism on words,—on accidental peculiarities of style,—or a just and sympathising conception of the feelings of the poet, or the wisdom of the philosopher. Men are beginning to disregard the former, while they set a high value upon the latter : so much laboriously-earned learning is at a discount, and allowance should be made for the petty spite—the depreciating superciliousness, of disappointment. Lord Brougham's classical knowledge partakes more of that intimate regard and appreciation which we accord to the great writers of our own country, than of this pedantry of the schools. Hence the cry of want of depth, that has been raised against him. Like many other great men of his age, he has read the authors of ancient Greece, and Rome, in a spirit that has identified him with their thoughts and feelings, by taking into account the circumstances of their times ; and the result has been, that he has exchanged the

formalities and critical sharp-sightedness of acquaintance, for the intensely delightful intimacy of friendship.

In point of general political knowledge, and particularly of that branch called Political Economy, Lord Brougham stands out prominently among his contemporaries. In the passages from his speeches and writings which we have given in this work, will be found the first principles of every new view of these subjects, that has been taken by modern political economists. Of not a few he has himself been the originator. In the party history of the last century he is well versed, as many of his speeches show ; and we know of no public man of the present day, so well acquainted with the theory and practice of the constitution, whether as regards the broad principles of liberty on which it is based, or as regards its gradual formation, during the different periods of our history. It may not be amiss here to observe, that notwithstanding his long connection with the movement party, and the countenance he has from time to time given to measures of a decidedly liberal cast, he never was, and is still as far from being, a Democrat. Throughout his career he has been a consistent Liberal, and a sincere friend to the people ; always advocating such measures of Reform as were calculated to remove abuses, while they in no way affected the stability and integrity of the really valuable institutions of the country. While, on the one hand, he has declared his most unequi-

vocal opposition to the Ballot, and Universal Suffrage, on the other he has advocated the great cause of popular education, as the ultimate panacea for all the evils to be feared from the extension of popular influence.

The legal knowledge of Lord Brougham has been questioned, nay positively denied—by the members of the profession whose abuses he desired to reform. It was even said, that while his elevation to the Chancellorship was the unjustifiable act of a party to serve party purposes, it was at the same time desirable to Mr. Brougham in a pecuniary point of view, from a falling off in his professional practice, caused by his hostility to those abuses. Now, although this is a question really of more interest to lawyers, than to the public in general, and one which might therefore, under other circumstances, be left to their decision, yet there was an *animus* at the time among this class of men, that rendered them not disinterested judges. Their opinion therefore must be taken with a qualification, as well on the score of particular immediate drawbacks, as on the score of their general professional prejudices. Lord Brougham respected too much the broad principles of justice, and he too little regarded the technicalities of law, to be agreeable to that body. He had a faculty too, for giving speedy judgments, and a determination to prevent unnecessary expenses, that were particularly disagreeable to men imbued with a conscientious desire that justice should not

be prejudiced by an unprecedented and informal haste in its dispensation, or by a reduction of the number of its advocates. The new Lord Chancellor, too, thought that when one or two intelligent and talented barristers had been engaged at a large expense, and had well stated the case of their client, it was quite unnecessary that the same ground should be again gone over by juniors, whose arguments marred, more than they helped, the interests of their employers. When, therefore, his Lordship either put them down, or was droned into a short nap, while the industrious advocate was earning his unnecessary fee, it was of course a specimen of "the arrogance of an upstart wholly unacquainted with Chancery Law," or "of an eccentricity bordering on insanity, and wholly unfitting its exhibitor for the high and responsible situation he held." Posterity will do justice to Lord Brougham in this respect. It will be felt to have been impossible that a man of such vast acquirements, who had been so successful in his profession, and who had, in all other branches of knowledge, evinced such clearness of intellect, could have been the inefficient lawyer his detractors have represented him to be.

There is yet another great department of mind in which Lord Brougham has proved his excellence—that of physical science. With the great principles of all the sciences, his public works show him to be familiar. He does not profess to be a Discoverer, in chemistry or any other. His treatise on the Objects, Pleasures, and Advantages of Science is

admirable, as a bird's eye view of the subject, while at the same time it is an enticing stimulant to study. The work on Natural Theology necessarily touches upon the physical sciences, and their connection with the great mechanism of nature. The geometrical and optical papers, published in the Philosophical Transactions of the Royal Society, when their author was only fifteen years of age, show at least a firm groundwork of scientific knowledge. And if it be said that Lord Brougham's scientific attainments are superficial only, we would say that knowledge of detail does not of itself make a man competent. The principles of all sciences are a *sine qua non*.

Lord Brougham is eminently a clear headed man ; and he is distinguished for his argumentative powers. Through many years of public life, during which we have watched him, we never yet saw him at fault, on even the most intricate question. He has peculiarly the faculty of analysis ; and more than any man we ever knew, that of keeping in his own mind a comprehensive view of the whole bearings of a question, even while running at large into the minutest details ; no man detects the fallacy of an opponent's argument more easily ; nor can any man be more skilful in concocting a fallacy to suit a temporary purpose. His intellectual superiority to the *pro's and con's* of every question is such, that he is never confused, even by the most unlooked for interruptions. We have known him, in the midst of a most intricate argument, to be drawn aside by

a temporary interruption, to pursue the idea thus aroused for five or ten minutes, and yet to return, instantaneously, and without the slightest embarrassment, to the point at which he broke off. He himself tells us that he is frequently preparing the following sentence while delivering the preceding one. No man, too, knows better than Lord Brougham where the exception should come in aid of the usefulness of the rule.

Lord Brougham's eloquence, however, is that which most distinguishes him from his contemporaries. Learning may be acquired; the habit of reasoning may be induced by constant dialectic contest; but eloquence is the gift of nature, possessed by no man who is not imbued with sentiments of an enlarged benevolence. Lord Brougham's eloquence is unlike that of any man we ever heard speak. It savours of the peculiar constitution of his mind. It is eminently adapted for educated men. Lord Brougham was never intended for a demagogue; for he never condescends to the low art of pandering to the populace. His speeches are specimens of what we would call argumentative eloquence; and the only defect we can point out in them arises from his fertility of illustration. The extraordinary information he possesses has induced the habit of drawing too largely upon it; and he is apt to be led aside from the straight road of his argument, to elucidate some minor disputed point, which his knowledge of detail

enables him to clear up. But the argumentative style of which we speak is almost peculiar to himself. There is a ripeness, a fruitfulness, in his mind, that places him above the fetters of ordinary speakers, while reasoning on the question at issue. Such men, from the difficulty of clearing their heads for the contest, too often present a mere fleshless skeleton, as it were, very convincing to the judgment, no doubt, but wholly powerless over the feelings; so that no lasting impression is produced on the mind by such speeches. But Lord Brougham, from his being a master in argument, is free to pursue his bent in illustration, and thus conjures up a whole picture that dwells on the mind, and is remembered for its effect on the feelings or the imagination, even by men whose levity or dullness precluded their being fixed by the argument. The very structure of his sentences is more adapted for this kind of speaking than any other. They sometimes appear involved, to an ordinary mind, from their length, and the abundance of illustration and explanation which they embrace; but the extraordinary vigour with which the delivery is kept up, and the liveliness of fancy or of humour that flashes at every turn of the thought, dispel the temporary cloud long before they are brought to a close.

In irony and in sarcasm, Lord Brougham stands unrivalled among the public men of the day. His irony is positively terrible. The unhappy victim of its serpent-like art remains in utter unconsciousness

of its near approach — rapt, may be, in admiration of the eloquent out-burst that precedes it. Slowly, silently, it steals upon him : he feels its hot breath : in a moment it has clutched him : the folds of “ that enormous asp ” are winding round : they press him closer, closer : he gasps : he writhes : one struggle at hardy independence is unavailing :—and he sinks, powerless, if not annihilated, in the gigantic grasp ! Then comes the sting—the biting sarcasm ; and he who, but a few moments before, had gloried amidst the triumphant cheers of his party, in the display of an eloquence or an argument he fondly thought enduring, is utterly at the mercy of his foe ; the very marrow and vitality of his fallacy is sucked out, and nothing but the lifeless frame is left behind.

Let it not be supposed, however, that this irony is always ill-natured ;—far from it. Only on very great occasions is the powerful castigation administered. In proportion to the talent and weight of the opponent, is the severity of the lashing. On other occasions, where dullness or prejudice only have to be ridiculed, a good-humoured, somewhat contemptuous strain of depreciatory irony is resorted to, akin to the punishment of extreme tickling practised by the orientals. Woe to the fool-hardy bigot who may interrupt the development of an argument, or mar the effect of a too bold illustration, by rising “ to order ! ” The nursery practice of “ snubbing ” is a trifle to the knock-down blow that he gets. Don

Quixote and the wind-mill were an apter illustration. He retires from the momentary conflict utterly discomfited, cheered only by the reflection that he has been prostrated by one who disregards all the laws of heaven or man—a mighty enchanter who has got his irresistible power by some strange process quite unknown to him, that plodding son of earth.

That this exuberant power of ridicule led Lord Brougham, while Lord Chancellor, into some excess of its use, cannot be denied, although a ready excuse can be found in the circumstances of his situation. He might be held to be the representative of liberal principles in a place where almost the name of Liberal had, till then, been proscribed; and the animosity towards the new Chancellor, evinced by many noble peers, was calculated to draw forth reprisals. The eccentricities, too, of men of genius are of such value that they may well be said to atone for themselves.

But the same excitement that produced these, also produced, on occasions, an enthusiasm in Lord Brougham's eloquence quite unprecedented. During the discussions on the Reform bill, he seemed to identify himself with the measure; and we question whether, even at the epoch of the Queen's trial, he delivered himself in a manner so expressive of his ardent sympathy with the cause which he had embraced. His peroration on the second reading of the Reform bill is a proof of the strong excitement

under which he laboured. The eyes of the nation were upon him and his colleagues. Indeed, it required that powerful impulse to induce a man, in a country where enthusiasm is looked at as something to be ashamed of, to express himself so strongly as he does in the following passage :—

“ My Lords, I do not disguise the intense solicitude which I feel for the event of this debate, because I know full well that the peace of the country is involved in the issue. I cannot look without dismay at the rejection of the measure. But, grievous as may be the consequences of a temporary defeat, temporary it can only be; for its ultimate and speedy success is certain. Nothing now can stop it. Do not suffer yourselves to be persuaded, that even if the present ministers were driven from the helm, any one could steer you through the troubles that surround you, without Reform. But our successors would take up the task in circumstances far less auspicious. Under them you would be fain to grant a bill, compared with which, the one we now proffer you is moderate indeed. Hear the parable of the Sybil, for it conveys a wise and wholesome moral. She now appears at your gate, and offers you mildly the volume—the precious volume of wisdom and peace. The price she asks is reasonable; to restore the franchise, which, without any bargain, you ought voluntarily to give. You refuse her terms—her moderate terms; she darkens the porch no longer. But soon,—for you cannot do without her wares—you

call her back ; again she comes, but with diminished treasures ; the leaves of her book are in part torn away by lawless hands—in part defaced with characters of blood. But the prophetic maid has risen in her demands :—it is Parliament by the year—it is vote by the ballot,—it is suffrage to the million ! From this you turn away indignant, and for the second time she departs. Beware of her third coming ; for the treasure you must have : and what price she may next demand, who shall tell ? It may even be the mace which rests upon that woolsack. What may follow your course of obstinacy, if persisted in, I cannot take upon myself to predict,—nor do I wish to conjecture. But this I know full well, that as sure as man is mortal, and to err is human, justice deferred enhances the price at which you must purchase safety and peace ;—nor can you expect to gather in another crop, than they did, who went before you, if you persevere in their utterly abominable husbandry, of sowing injustice and reaping rebellion.

“ But, among the awful considerations that now bow down my mind, there is one which stands pre-eminent above the rest. You are the highest judicature in the realm ; you sit here as judges, and decide all causes, civil and criminal, without appeals. It is a judge’s first duty, never to pronounce sentence, in the most trifling case, without a hearing. Will you make this an exception ? Are you really prepared to determine, but not to hear, the mighty cause upon

which a nation's hopes and fears hang? You are. Then beware of your decision! Rouse not, I beseech you, a peace-loving, but a resolute people; alienate not from your body the affections of a whole empire. As your friend, as the friend of my order, as the friend of my country, as the faithful servant of my sovereign, I counsel you to assist, with your uttermost efforts, in preserving the peace, and upholding and perpetuating the constitution. Therefore I pray and exhort you not to reject this measure. By all you hold most dear,—by all the ties which bind every one of us to our common country—I solemnly adjure you,—I implore you,—yes, on my bended knees, I supplicate you, reject not this bill!”

A quality of Lord Brougham's mind, that is almost as extraordinary as his extent of information, is its singular activity. His energies never seem to flag—even for an instant; he does not seem to know what it is to be fatigued, or jaded. Some such faculty as this, indeed, the vastness and universality of his acquirements called for, in order to make the weight endurable to himself, and to bear him up during his long career of political activity and excitement. Accordingly, labours that would go far to upset the reason, or destroy the powers, of ordinary men, seem to produce no more effect on him, than do the hot sands and swift pace of the desert on the dromedary. Activity, strife, intellectual contest—these are the elements of his existence, and of his success.

Take the routine of a day, for instance. In his early life he has been known to attend, in his place in Court, on Circuit, at an early hour in the morning. After having successfully pleaded the cause of his client, he drives off to the hustings, and delivers, at different places, eloquent and spirited speeches to the electors. He then sits down in the retirement of his closet to pen an address to the Glasgow students, perhaps, or an elaborate article in the *Edinburgh Review*. The active labours of the day are closed with preparation for the court business of the following morning; and then, in place of retiring to rest, as ordinary men would, after such exertions, he spends the night in abstruse study, or in social intercourse with some friend from whom he has been long separated. Yet he would be seen, as early as eight on the following morning, actively engaged in the Court, in defence of some unfortunate object of government persecution; astonishing the auditory, and his fellow lawyers no less, with the freshness and power of his eloquence.

A fair contrast with this history of a day, in early life, would be that of one at a more advanced period; say, in the year 1832. A watchful observer might see the new Lord Chancellor seated in the Court over which he presided, from an early hour in the morning until the afternoon, listening to the arguments of Counsel, and mastering the points of cases with a grasp of mind that enabled him to give

those speedy and unembarrassed judgments that have so injured him with the profession. If he followed his course, he would see him, soon after the opening of the House of Lords, addressing their Lordships on some intricate question of law, with an acuteness that drew down approbation even from his opponents, or, on some all-engrossing political topic, casting firebrands into the camp of the enemy, and awakening them from the complacent repose of conviction to the hot contest with more active and inquiring intellects. Then, in an hour or so, he might follow him to the Mechanics' Institution, and hear an able and stimulating discourse on education, admirably adapted to the peculiar capacity of his auditors; and, towards ten perhaps, at a Literary and Scientific Institution in Marylebone, the same Proteus-like intellect might be found expounding the intricacies of physical science with a never tiring and elastic power. Yet, during all those multitudinous exertions, time would be found for the composition of a discourse on Natural Theology, that bears no marks of haste or excitement of mind, but presents as calm a face as though it had been the laborious production of a contemplative philosopher.

It would be a great mistake that would suppose the man who has thus multiplied the objects of his exertion to be of necessity superficial; superficial, that is, in the sense of shallowness or ignorance. Ordinary minds are bound by fetters, no doubt. Custom has

rendered the pursuit of more than one idea all but impossible to them, and the vulgar adage of "Jack of all trades, master of none," applies to them in full force. But it must be remembered that a public man like Lord Brougham, who has chosen his peculiar sphere of action, and who prefers the being of general utility to the scholar-like pursuit of any one branch of science exclusively, is not bound to present credentials of full and perfect mastership, such as are required from the professor of a University. His pursuit of facts must of necessity be for the purpose of illustrating general principles in political or moral science; and where more than a certain amount of knowledge is not laid claim to, the absence of more is no imputation.

To conclude, Lord Brougham is certainly one of the most extraordinary men of his age. He is thoroughly individualized as regards his talents and all that constitutes idiosyncratic difference, even while he is identified with the political and moral advancement of the people. During all the agitations of a period almost unparalleled even in our stormy history, he has remained untainted by the influence of party spirit. That he has entered, and hotly too, into almost every question, of any moment, that has come before the Legislature during many years, is true; but he has never appeared in the character of a partizan; he has always been the consistent supporter of liberal measures *per se* and not because

they were the means adopted, by a party, to gain political power. Together with his political steadfastness he has preserved his intellectual integrity from profanation. For, although, had he early devoted his powers to the study of abstract or practical science, as a leading and not a subsidiary pursuit, the acuteness of his mind was such, that he must have risen to eminence upon the basis of discovery; yet it is no slight proof how little the struggles of the world affect superior intellects, that he has all along turned aside, with a never cloying avidity, to the pursuits of mind—to science, to literature, and to philosophy.

We are much mistaken indeed, if his Lordship be not still destined to play a conspicuous part on the public stage. The circle of time has brought round that state of things, in which he will be called upon to assist in the practical operation of the theories and principles on which his early fame, as a reasoner, was founded. The period is approaching when the equalization of parties will allow of a consideration for the real interests of the people—when public men will exchange their squabbles about who shall bring forward measures, for more amiable contention, as to what will best conduce to the public good. The subjects of Education and of Law Reform, particularly, cannot much longer be put off; and Lord Brougham has happily so preserved his political character from suspicion, as regards motives, that a more fit advocate could not be found, or made.

Their advocacy, indeed, is his right ; for more practical good has already been done by him, and by those he has set in motion—more actual amelioration of the condition of the people has been produced—than any, even the most prominent and powerful, political men of the day can lay claim to. And, long after the temporary animosities and misconceptions occasioned by party feelings shall have passed away—when the name of many a notorious and now interesting turbulent shall have been forgotten—so long as the people of this country entertain that veneration for talent, and philanthropy, that this age has seen dawn among us—the name of Lord Brougham will be associated with nearly all of lasting greatness and worth that the time has produced : he will be remembered as one of the foremost of that enlightened band of philosophers who have sworn to change the fetters of superstition for the healthy restrictions of moral obligations, and have so paved the way for the human race towards a rational and progressive happiness.

THE GENIUS OF BROUGHAM.

*Ministerial Responsibility.**

. . . My honourable and learned friend has called on gentlemen to state what law, what statute, or what charter made the conduct of Lord Chatham, in presenting his narrative to his Sovereign without the privity of his colleagues, and with a request of secrecy, a violation of the Constitution. I have risen humbly to tender an answer to that question. . . . I come now to show how the conduct of Lord Chatham was a violation of the Constitution. It must be remembered that the resolutions under discussion do not aver that anything false or insidious is attributable to Lord Chatham, or that he took advantage of his easy access to His Majesty to poison the Sovereign's ear against any man or class of men. Whatever insinuations might have been made,—but that any were so made is, I repeat, by no means inferred,—we have no possible means of coming at. Enough, however, is before us, in the answer of His Majesty to our Address, and in the evidence of the noble lord himself, to prove that a narrative was presented, or conveyed in some private manner to His Majesty, with a request that the fact of the document having been so sent, and its contents, might not be revealed.

* From Mr. Brougham's first speech, House of Commons, March 5, 1810.

Now it is impossible for us for one moment to suppose that the noble lord intended to practise a mockery upon his Sovereign—that a communication so private and confidential could have been forwarded without some important object—important at least to the party sending it; and it is therefore to be assumed that the narrative in question must have been presented with a view to impress upon the mind of His Majesty some strong representation on the subject to which it related. The document was afterwards taken back by the noble lord, as appears from his own evidence, for the purpose of omitting a portion of it which embraced a material discussion. Upon this state of the case, then, the resolutions charge the noble lord with no breach of the Constitution as far as regards the to-be-supposed contents of that narrative. What constitutes the breach of the Constitution is the privacy with which the affair was conducted, coupled as it was with a request of secrecy. Now it may be, and indeed it undoubtedly is, difficult for me to point out any particular Act of Parliament making this specific act, this unanticipated course of conduct, a breach of the privileges or the practice of Parliament and of the Constitution; but I confidently appeal to those which are the very basis of all Acts of Parliament, the sound and established principles of which the Constitution is made up, or rather which themselves form the Constitution.

Is it not necessary that the constitutional Ministers of the Crown shall communicate with each other constitutionally and confidentially on all public affairs? Is it not absolutely requisite, for the harmony and completeness of all ministerial acts, that they conduct the business of Government with united counsels and mutual advice and co-operation? Are they not bound by every obligation of duty, and by every principle, and the uniform practice of the Constitution, to devise in concert all the measures essential to the public interests and welfare? And ought they not to hold full and mature consultation and deliberation together before embarking on any course of action which may, nay must, lead to important political consequences, in order to an effectual co-operation after-

wards, in the execution of all the various measures of the Government? In the present case, however, we find Lord Chatham separating himself from his colleagues and tendering a statement secretly to His Majesty,—that is, giving his advice to his Sovereign without consulting the other members of the administration. We find him not only doing this, but coupling his communication with a request of secrecy! Why, sir, we must have some responsibility from His Majesty's Ministers! How can we possibly consider His Majesty's Ministers as responsible for this private communication made by Lord Chatham?

If an expedition be determined on by a cabinet, one Minister, under the influence of such a system, might suppose that the object in view was to be best attained by artillery, and give advice to that effect to his Sovereign; another by infantry; another, as in a late case, by a *coup-de-main*; whilst another might give the preference to a troop of light horse. Every one might have a different opinion, while the only point on which all would agree, would be that their advice should be kept snug and secret in the possession of His Majesty. Can we suppose any state of confusion worse confounded, more complete, and, as it might be, more disastrous or absurd than that which must result from such a state of ministerial separation?

It is in the spirit of fairness to the noble lord's colleagues that I now press on the House the adoption of these resolutions; for it would be the height of injustice to make them responsible for conduct or advice to which they were not, and could not, be parties. I call upon the House, therefore, to support these resolutions, in justice to the principles of the Constitution, in fairness to His Majesty's Ministers, from a regard to the honour of the Crown, by securing from violation that insuperable barrier which guards the personal inviolability of the Sovereign, by casting the whole responsibility of all his acts upon his advisers.

House of Commons, March 5, 1810.

Privileges of the House of Commons.

I think the House ought to go all reasonable lengths to satisfy the people that they will never unnecessarily and wantonly exercise privileges that may be misconstrued. The House can never suffer in the estimation of the country but through its own acts; and they can only bring themselves into contempt by waging a war in which even success would be ruin. I repeat, in which even success must be a detriment; for what would our boasted privileges avail if, in the struggle for maintaining those which may be unnecessary, we lost the confidence of the people? In times and on questions of great popular excitement, the House owe a duty to their constituents—the duty of moderation; and it behoves them on such occasions to make allowance for the ferment which exists in the public mind.

House of Commons (Sir F. Burdett's Case), May 24, 1810.

Course of the Anti-Slavery Principle.

The question I purpose submitting to the consideration of the House is, whether any, and what measures can be adopted in order that the full and satisfactory execution of that sentence of condemnation which Parliament has, with an unparalleled unanimity, passed on the African slave-trade, may be watched over and secured. It is now four years since Mr. Fox made his last motion in this House, and, I believe, his last speech here, in favour of the abolition. He then proposed a resolution, pledging the House to the abolition of the traffic, and an Address to the Crown, beseeching His Majesty to use all his endeavours for obtaining the concurrence of other powers in the pursuit of this great object. An Address to the same effect was made by the other House with equal unanimity; and, only in the next year, two noble friends of mine (Lords Grenville and Grey), who in zeal and devotion to this cause are second only to my honourable friend (Mr. Wilberforce), unavoidably absent

from indisposition this day, gave the Parliament an opportunity of redeeming its pledge, by introducing the Abolition Bills into the two Houses. That measure which had formerly met so many obstacles, whether, as some are willing to believe, from the slowness with which truth works its way, or, as others were prone to suspect, from the want of zeal in its official supporters, now experienced none of the impediments that had heretofore retarded its progress: far from encountering any formidable difficulties, it passed through Parliament almost without opposition; and one of the greatest and most disputed of measures was at length carried by larger majorities, perhaps, than were ever known to divide upon any contested question.

The friends of the abolition, however, never expected that any legislative measure would at once destroy the slave-trade: they were aware how obstinately such a trade would cling to the soil where it had taken root; they anticipated the difficulties of extirpating a traffic which had entwined itself with so many interests, prejudices, and passions. But, although the abolitionists certainly foresaw, they very much underrated, those difficulties. They did not make sufficient allowance for the resistance which the real interests of those directly engaged in the trade, and the supposed interests of the colonists, would oppose to the execution of the Acts; they underrated the wickedness of the slave-trader and the infatuation of the planter: for while, on the one hand, it now appears certain that nothing has been done to circumscribe the foreign slave-trade, on the other hand, it seems that the abominable commerce has not wholly ceased even in this country.

. . .

Speech on Slave Trade, June 15, 1810.

National Honour.—The Slave-Trade.

. . . Do not all the facts connected with the continuance of this abominable trade show the imperative necessity of making some arrangement with the Spanish

Government while the friendly relations between the two countries subsist? The great obstacle I always find opposed to such a proposition is, "What can we do? These nations are wedded to their own prejudices; they have views and deeply-rooted interests of their own, and how can we interfere?" Now, I always entertain a very great suspicion, not only of all such arguments when they come from particular quarters, but of this argument in particular, and for one plain reason—that it is one which is never used except with reference to this question of abolition; it is here alone that any want of activity is ever observed in our Government, or that we ever hear of our want of influence in the councils of our neighbours. On all other measures—some of suspicious, some of doubtful policy—in matters indifferent or repugnant to humanity—we are ready enough to intrigue, to fight, or to pay. It is only when the interests of humanity are concerned, and ends the most expedient as well as justifiable are in view, that we not only all at once lose all our activity and influence, but become quite forward in protesting that we have not the power to interfere.

From one end of Europe to the other our weight is felt; and, in general, it is no very popular thing to call it into question. At all times we are ready enough to use it as well as to magnify it; but on this one occasion we have become both weak and diffident, and, while we refuse to act, must needs make a boast of our inability. Why, we never failed at all when our object was to obtain new colonies and extend the slave-trade; then we could both conquer and treat; we had force enough to seize whole provinces where the slave-trade might be planted, and skill enough to retain them by negotiation, in order to retain with them the additional commerce in slaves which their cultivation required! I therefore naturally view with uniform suspicion our uniform failure when our object is to abolish or limit this same slave-trade. I suspect that it may arise from there being some similarity between our exertions in the cause and those of some of its official advocates in this House—that we have been very sincere, no doubt, but rather cold; without a par-

ticle of ill-will towards the abolition, but without one spark of zeal in its favour. The question, then, of "What can we do to stop the foreign slave-trade?" I shall answer by putting another question—I ask, "How did we contrive to promote the slave-trade when that was our object?" I only desire one-tenth part of the influence to be exercised in favour of the abolition that was used, with such fatal success, in augmenting the slave-traffic, when, by our campaigns and our treaties, we had acquired the dominion of boundless regions, and then laid waste the villages and fields of Africa that our New Forest might be cleared.

Speech on Slave Trade, June 15, 1810.

Military Flogging ;—its Tendency.

I have lately expressed myself strongly in abhorrence of the flogging of negroes—a race less connected with us than the objects of this motion; and the House were loud in their detestation of the cruelty. Why not, when it comes nearer home, and among a gallant and manly race of beings? The spectacle of a military flogging is one of the most horrid; and that, not on the testimony of persons of peaceful habits, but on the authority of officers educated in the view of them. That the punishment is ignominious is proved on the testimony of officers of the highest distinction; viz., General Stewart, Sir Robert Wilson, and General Cockburn. Flogging turned the indignation at the crime against the punishers. The punishment is not merely obnoxious as not reclaiming the culprit, but is an offence to public decency. There are other modes of making discipline secure, such as deprivation of pay and restraint of food; but now we take the wretched victim down from the triangles, an object for the dissecting-room or for the hospital, to be hung up again and receive another such punishment. The practice is ruinous to the soldier; he thereby loses his spirit, feeling, and character.

Debate on Flogging, House of Commons, June 20, 1811.

Privilege of the House of Commons in stopping the Supplies.

The very best privilege of the House of Commons—the power of granting or refusing the Supplies—is the great and only security that the people have in their representatives against the influence and encroachments of the Crown.

Jan. 21, 1812.

Degradation of the British Soldier.

A trifling violation of duty undoubtedly merits some punishment, but not flogging; and, in cases of mutiny or personal violence to an officer, if the officer were knocked down and trodden upon, then a severer punishment than that of flogging ought to be adopted; but this severe punishment degrades man to the brute, and harrows up and cauterizes the feelings of all who witness it. Can anything be more abominable than to set apart a class of our fellow-citizens, and demand from them a callousness and insensibility which we would not allow in any other class in the British dominions? While we cherished all the kindly affections in every other branch of the community, and doomed a particular class to such a rigorous and unfeeling system, have we not reason to apprehend the effects either in after-times or in times nearer our own? If the soldier ought to be set apart as little as possible from the citizen, how can we justify a punishment which is confined exclusively to the soldiers—a punishment which debases those who suffer, those who inflict it, and those by whom it is witnessed?

Debate on Corporal Punishment, House of Commons, April 16, 1812.

The Cry of "The Church is in Danger."

I can see no risks to the Church of England while the laws protect and endow her; and while those laws

are observed I can feel no alarm from Dissenters, or Methodists, or any other class in the religious world. From universal toleration, and even liberal kindness to all sects, I can conceive no possible danger to ensue; but from an opposite line of conduct—from singling out one sect and running it down—from confining your intolerance to a single sect, and that a far more numerous and more powerful one than all the rest together—or from capriciously granting it certain immunities and unreasonably withholding others—I confess I can see probable dangers; and from no one mode of treatment do I conceive such dangers more likely to result than from the strange perversion of fact, and that utter blindness to all history and of every day's experience, which leads some men to cry out, when they have no other ground whereupon to justify their conduct towards that one sect—that the Church is safe on all its other quarters, and only in danger from them.

Speech on the Catholic Claims, April 24, 1812.

Benefits of Trial by Jury.

Why do we prize the trial by jury above all the other blessings of our free Constitution? It is not because, in the ordinary questions of property, twelve uninformed men are fitter to decide than a bench of learned judges. No, nor yet because, in such common cases, the twelve men are capable of deciding so well as the judges. But still the method of trial is inestimable, for a most sufficient reason—because every now and then a question occurs where some bias may exist in the judge's mind—where his feelings may be swayed by the influence of the Crown which appointed him—where his connexion with the people is too slender to inspire him with the proper feelings—where the habits of his profession, or the prejudices of his rank, may interfere with the full discharge of his high functions. Then it is—in the rare and not in the ordinary case—that the interposition of a jury is thought, and rightly thought, to correct the supposed

partialities of the judge or to supply the proper feelings; and, whether by checking or by prompting, to restore to the even-handed scales of justice their due force.

Ibid.

Horrors of the Plague of London.

Nothing in the story of that awful pestilence which once visited this city is more affecting than the picture which it presents of the vain efforts made to seek relief. Miserable men might be seen rushing forth into the streets, and wildly grasping the first passenger they met, to implore his help, as if by communicating the poison to others they could restore health to their own veins, or life to its victims, whom they had left stretched before it. In that dismal period there was no end of projects and nostrums for preventing or curing the disease, and numberless empirics every day started up with some new delusion, and rapidly made fortunes of the hopes and terrors of the multitude, and then as speedily disappeared, or were themselves torn down by the general destroyer. Meanwhile the malady raged until its force was spent: the attempts to cure it were doubtless all baffled; but the eagerness with which some men hailed each successive contrivance proved too plainly how vast was their terror, and how universal the suffering that prevailed.

June 16, 1812.

*Military Renown of England.—Jealousy of America.
—Slave Trade.*

Never did we stand so high since we were a nation, in point of military character. We have it in abundance, and to spare. This unhappy and seemingly interminable war, lavish as it has been in treasure, still more profuse of blood, and barren of real advantage, has at least been equally lavish of glory; its feats have not merely sustained the warlike fame of the nation, which would have been much; they have done what seemed barely pos-

sible, they have greatly exalted it; they have covered our arms with immortal renown. Then, I say, use this glory, use this proud height on which we now stand, for the purpose of peace and conciliation with America: let this and its incalculable benefits be the advantage which we reap from the war in Europe; for the fame of that war enables us safely to take it. And who, I demand, give the most disgraceful counsels—they who tell you we are in military character but of yesterday—we have yet a name to win—we stand on doubtful ground—we dare not do as we list, for fear of being thought afraid—we cannot, without loss of name, stoop to pacify our American kinsmen; or I, who say we are a great, a proud, a warlike people—we have fought everywhere, and conquered wherever we fought—our character is eternally fixed; it stands too firm to be shaken, and on the faith of it we may do towards America, safely for our own honour, that which we know our interests require? This perpetual jealousy of America! Good God! I cannot with temper ask on what it rests. It drives me to a passion to think of it. Jealousy of America! I should as soon think of being jealous of the tradesmen who supply me with necessaries, or the clients who intrust their suits to my patronage. Jealousy of America, whose armies are yet at the plough, or making, since your policy has willed it so, awkward (though improving) attempts at the loom;—whose assembled navies could not lay siege to an English sloop of war!—jealousy of a power which is necessarily peaceful as well as weak, but which, if it had all the ambition of France, and her armies to back it, and all the navy of England to boot,—nay, had it the lust of conquest which marks your enemy, and your own armies as well as navies, to gratify it, is placed at so vast a distance as to be perfectly harmless! And this is the nation of which, for our honour's sake, we are desired to cherish a perpetual jealousy, for the ruin of our best interests.

I trust that no such phantom of the brain will scare us from the path of our duty. The advice which I tender is not the same which has at all times been offered to

this country. There is one memorable era in our history when other uses were made of our triumphs from those which I recommend. By the Treaty of Utrecht, which the execration of ages have left inadequately censured, we are content to obtain, as the whole price of Ramilies and Blenheim, an additional share of the accursed slave-trade. I give you other counsels. I would have you employ the glory which you have won at Talavera and Corunna in restoring your commerce to its lawful, open, honest course, and rescue it from the mean and hateful channels in which it has lately been confined. And if any thoughtless boaster in America or elsewhere should vaunt that you have yielded through fear, I would not bid him wait until some new achievement of our arms put him to silence, but I would counsel you in silence to disregard him.

*Extract from Speech in House of Commons on
Orders in Council, June 16, 1812.*

Opinion of an Income Tax.

I cannot impress too deeply on the public mind the unequal manner in which this tax operated; nor can I reprobate sufficiently the inquisitorial mode of its collection. It injured in a greater proportion than it oppressed: it injured in a higher degree than it produced revenue. The very circumstance of its being so productive a tax, formed one of the strongest grounds of objection to it. It did so because such a productive tax was likely to render Ministers more profuse and extravagant. I hope such a tax will never be agreed to by Parliament. I hope the country would rise as one man against it.

Committee of Supply, Feb. 12, 1816.

A Standing Army.

I cannot agree with the Noble Lord (Castlereagh) in letting it be thought for an instant, that soldiers would disgrace themselves in becoming citizens by being dis-

banded. I would speak the language of the Constitution, and say to the soldier, "You have faithfully performed the duty for which you were called forth; return now, and be again a citizen." This is the language of the Constitution, and if the time is passed when such language will be held in the House, I still hope that, out of it, no one will dare to say that a soldier would be degraded by becoming a citizen. It has been said by some gentleman on the other side, "Is this a fair return for the services of those troops, that, when you no longer want their exertions, you shall send them adrift, and suffer them to become scavengers?" I wish no such thing. I do not wish to see them unrewarded for their services, but I cannot for one moment think that they would be degraded by returning to that state of society from which they should not have been called in the first instance but of necessity.

House of Commons, March 11, 1816.

Opinion on the Detention of Buonaparte.

I have no hesitation in saying that I conceive no harm can result from this measure;* I have no objection to it whatever, as far as I can judge at present: on the contrary I think that the opinions about it must be almost unanimous, as far as relates to the securing the custody of Buonaparte's person; and if any doubts arise, it will be best to settle the question by a legislative act. For whether we consider Buonaparte as a prisoner of war, not claimed by his own Government, or in any other light, we have, under the circumstances which have occurred, an unquestionable right to detain him even by the law of nations, without any Act of Parliament. I can conceive no difficulty whatever on this subject, coupled, however, with all possible lenity, and with a probability of such a period being put to his custody, however remote, as any state of affairs which could not now be contemplated might render necessary.

House of Commons, March 12, 1816.

* Bill for effectually detaining Napoleon Buonaparte.

Income of Prince Leopold.

I approve most sincerely of the intended establishment, though some doubt has arisen in my mind respecting the propriety of continuing £50,000 a year to the Prince of Cobourg, in case of Her Royal Highness' demise, as that sum far exceeds the income of our own princes. But on considering what mortification His Serene Highness, after having been placed so high, would have to encounter, on descending to a lower income, I feel that doubt nearly removed. The allowance is liberal, but I hope it will be spent in this country.

House of Commons, March 15, 1816.

Military Parade of the Prince Regent.

Formerly parades of the military took place only twice a-year, on the King's and Queen's birthdays. At the commencement of the present reign, and indeed thirty or forty years ago, peace officers alone were seen keeping order among the crowd; but now, not a court-day passes without the employment of a strong military force on the public highway. This has grown prodigiously of late years. I remember that about twelve years ago, half a dozen guards at the top of St. James's-street, were thought a sufficient number to keep the way open. The times are, however, altered, and this day I could scarcely observe a yard's length of St. James's-street without a soldier; indeed, the street presented something like a military spectacle. In inadvertently hitting on this name, I have hit upon the right point, for this military appearance has of late grown into great repute, and though it may arise from childish vanity in a certain quarter, it is yet of great importance to the public, that when, as on this day, scarcely half a dozen coaches are to be seen, their progress should not be intercepted by an armed force, where there is no more real occasion for it than there is at the opera, the theatre, or the mansion-house. If, however, it become a general practice in one quarter,

it soon will in others, and the evil will then become general.

House of Commons (Unconstitutional Interference of the Military), April 4, 1816.

Many Causes for Agricultural Distress.

A circumstance which must strike every observer who turns his attention towards this state of the country, is the comparative state of prices before and since the war. In 1792 the average price of wheat was 47s. the quarter; now its price is 57s., almost 20 per cent. higher; and yet no complaint of low prices was ever heard before the war, nor were any of those signs of distress to be perceived which in these times claim our pity in every part of the empire. This consideration is of itself sufficient to show that over-trading—that excess of cultivation—is not the only cause of the evil we complain of, and may warn us against the error of imputing it to the operation of any one cause alone; for I am certainly disposed to rank the great extension of cultivation among the principal causes, or at least to regard it as lying near the foundation of the mischief.

House of Commons, April 9, 1816.

Progress of Agriculture and Internal Commerce during the War.

The commencement of hostilities in 1793 produced the stagnation of trade and manufactures which usually accompanies a transition from peace to war; but these difficulties were of uncommonly short duration, and the brilliant success of our arms at sea, the capture of some of the enemy's colonies, the revolt of others, and the crippled state of his mercantile resources at home from internal confusion, speedily diminished his commerce in an extraordinary degree, augmenting our own in nearly the same proportion. As his conquests or influence extended over other nations possessed of trade or colonial

establishments, these in their turn became exposed to our maritime hostility, and lost their commerce and their plantations, so that in a very short time this country obtained a mercantile and colonial monopoly altogether unprecedented even in the most successful of her former wars. The consequence was a sudden extension of our manufacturing industry and wealth, and a proportionate improvement in our agriculture.

But, although this effect began to be perceivable soon after the first successes of the war, it was not fully produced until a few years had elapsed; and a number of circumstances, in some measure accidental, happened to coincide with these, which might more reasonably have been expected to occur during the course of the war, in promoting, I might almost say in forcing, the cultivation of the country. . . . Together with the scarcities of 1796 and 1800, the financial and military operations of the war concurred to raise the prices of agricultural produce. Those operations certainly did not create capital, or multiply the number of mouths for consuming food; but they collected capital in masses to be expended less economically, in feeding a number of persons more carelessly, than the same individuals would have been supported by part of the same capital, had it been left in the hands of private persons. . . .

The tendency of such a national expenditure unquestionably is, to raise prices above their natural level for a time at least, and thus to force cultivation forward, although in a long course of years the same capital in the hands of the community would have been much more augmented, and would gradually and healthfully have increased the production of the country in a greater, but not in a disproportionate degree. . . . While the circumstances which I have mentioned were disposing men to extend the cultivation, an event occurred which in its consequences mightily facilitated this operation. I allude to the stoppage of the Bank of England in the early part of 1797. The alarm in which that extraordinary measure originated very speedily subsided, and with the restoration of confidence came a disposition to accommodate, on

the part of bankers and other dealers in money, wholly unexampled. The Bank of England soon increased its issues; and the numbers of country banks were everywhere augmented. In districts where no such establishment had ever been known, they were to be found actively engaged in discounting and lending, and in issuing their own notes.

In places too small to support a bank there were agents appointed by banks fixed at some distance; or a shopkeeper or tradesman added, to his usual and regular calling, the new employment of cashing bills and passing notes. It is true that the check which had now been removed from the great bank in London still operated to a certain extent upon the minor dealers in credit, thus scattered over the country; they were obliged to pay, if required, in Bank of England paper, although the issuers of that paper were not compelled to pay in specie. But this was rather a nominal than a real restraint; for, if the holders of country bank paper could not obtain gold in exchange, they preferred coarse notes, with the name of Mr. or Sir John Such-a-one, whom they knew, to notes somewhat better engraved, but worth just as little, and with the names of a governor and company and a Mr. Newland, whom they knew nothing about; so that the country banks enjoyed the same facility with the bank in London, of increasing their issues; and they used it with much less reserve. Hence the unlimited accommodation which they afforded to farmers, and generally to all speculators in land.

They assisted all adventurers more or less, but adventurers in land most of all, because they had better security to give, and were supposed to be engaged in a less hazardous line of trade.

Another circumstance, which also occurred within the period in question, was the great extension of our colonial possessions. The value of those establishments is, I believe, somewhat underrated in this country; not that we are slow to parade their importance in several particulars; on the contrary, we are prone to magnify them in our accounts of exports and imports, and of the

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quantity of tonnage and number of seamen employed in our trade; but we seldom, if ever, reflect upon the vast effects produced by them on the agriculture of the mother country. In promoting this their wealth operates both through the channels of commerce and remittances, almost as directly as the riches of one district of this island expand themselves over and fertilize another less wealthy territory in its neighbourhood. . . .

The last circumstance is the completion of our commercial and manufacturing monopoly, by the destruction of almost all other trade and peaceful industry, the final result of Bonaparte's continental and military system. In the end, indeed, we felt the effects of this prodigious attempt, as I shall presently have occasion to state; but for some time it only consummated the ruin of our competition and gave new resources to our seaport and manufacturing towns. The effects of this increase upon the industry of the country, at a period when men were singularly prone to farming speculations, cannot easily be overrated. We are apt to suppose the sphere of such influence much more contracted than it really is.

If any one is desirous of perceiving how widely it extends, I think I can furnish him with a medium through which he may view it. When the measures of the enemy, which began with the Berlin and Milan decrees, had, through the co-operation of our own orders in council, succeeded in crippling the trade of almost all our great towns, the distresses of the merchant and manufacturer affected not merely the farmer in his neighbourhood, but lowered the cattle and corn markets to a great distance, so that fat beasts were sold at very low prices, one hundred and even one hundred and fifty miles from the manufacturing districts in Lancashire and the West Riding of Yorkshire, in consequence of the distresses prevailing over those parts of the country. In like manner, it is evident that the earlier events of the war, which suddenly promoted the wealth of the great towns, tended as rapidly to augment the cultivation of even the remote provinces.

House of Commons (Dist. State of Agr.), April 9, 1816.

The War a strong Stimulant to Cultivation.

The improvements in most parts of the country have been going on so visibly that the most careless observer must have been struck by them. Not only wastes have disappeared for miles and miles, giving place to houses, fences, and crops; not only have even the most inconsiderable commons, the very village greens, and the little stripes of sward by the way-side, been in many places subject to division and exclusive ownership, and cut up into corn-fields in the rage for farming; not only have stubborn soils been forced to bear crops by mere weight of metal, by sinking money in the earth, as it has been called, but the land that formerly grew something has been fatigued with labour and loaded with capital until it yielded much more; the work both of men and cattle has been economised, new skill has been applied, and a more dexterous combination of different kinds of husbandry has been practised, until, without at all comprehending the waste lands wholly added to the productive territory of the island, it may be safely said, not perhaps that two blades of grass now grow where only one grew before, but, I am sure, that five grow where four used to be; and that this kingdom, which foreigners were wont to taunt as a mere manufacturing and trading country, inhabited by a shopkeeping nation, is, in reality, for its size, by far the greatest agricultural state in the world.

House of Commons, April 9, 1816.

Risk of Speculations after the War.

After the cramped state in which the enemy's measures and our own retaliation (as we called it) had kept our trade for some years, when the events of the spring of 1814 suddenly opened the Continent, a rage for exporting goods of every kind burst forth, only to be explained by reflecting on the previous restrictions we had been labouring under, and only to be equalled (though not in extent) by some of the mercantile delusions connected with South American speculations. Everything that

could be shipped was sent off; all the capital that could be laid hold of was embarked. The phrensy,—I can call it nothing less, after the experience of 1806 and 1810,—descended to persons in the humblest circumstances, and the furthest removed by their pursuits from commercial cares. Not only clerks and labourers, but menial servants engaged the little sums which they had been laying up for a provision against old age and sickness; persons went round tempting them to adventure in the trade to Holland, and Germany, and the Baltic: they risked their mite in the hope of boundless profits; it went with the millions of the more regular traders. The bubble soon burst, like its predecessors of the South Sea, the Mississippi, and Buenos Ayres; English goods were selling for much less in Holland and the north of Europe than in London and Manchester; in most places they were lying a dead weight without any sale at all; and either no returns whatever were received, or pounds came back for thousands that had gone forth. The great speculators broke; the middling ones lingered out a precarious existence, deprived of all means of continuing their dealings either at home or abroad; the poorer dupes of the delusion had lost their little hoards, and went upon the parish the next mishap that befel them; but the result of the whole has been much commercial distress—a caution now absolutely necessary in trying new adventures—a prodigious diminution in the demand for manufactures, and indirectly an effectual defalcation in the demand for the produce of land.

House of Commons, April 9, 1816.

Consequences of Contracting the Currency.

And now it was, when a general commercial distress began to prevail, that the consequences of our paper circulation, and the banking operations connected with it, not gradually, as had been expected, but almost instantaneously, developed themselves. The Bank of England not very slowly limited its discounts, and dimi-

wished its issues of paper about three millions. At the period, indeed, the amount of notes in circulation had exceeded that to which they were now reduced by six millions; but the average had been for some time about three millions higher. The country banks, acting less upon system, and more under the influence of alarm, lessened their discounts in a much greater degree. A single failure would stop all such transactions over a whole district; and I could mention one large stoppage, which made it difficult for a length of time to discount a bill anywhere in three or four counties.

The persons who felt this change most severely were of course those who had been speculating in any way, but above all others, speculators in land: those who had either purchased or improved beyond their actual means upon the expectation of that credit and accommodation being continued, which had enabled them to commence these operations. Ordinary traders have much greater facilities in the money-market; and their speculations are much more speedily terminated. The improver of land has to deal with property not easily convertible into money, and his adventures extend necessarily over a long course of years. Persons in this situation soon found their borrowed capital withdrawn. When the fall of produce made it difficult for them to pay the interest, they were suddenly called upon for the principal: they had gotten into a situation which no prudence could have enabled them to avoid, because it was the result of events which no sagacity could have foreseen. They had for many years been tempted to speculate by a facility of obtaining capital or credit, which in a month or two was utterly withdrawn; and before the least warning had been given, either by the course of events, or by the dealers in money and accommodation, a support was removed which the most cautious of men might well have expected to be continued indefinitely, or at any rate, to be gradually removed.

House of Commons, April 9, 1816.

The Farmer suffers exclusively from Taxation.

It must be remembered that part of the taxes fall directly and exclusively upon the landed interest. Some of the assessed taxes, and the enormous malt, beer, and spirit duties are clearly of this description. But next, observe how differently the farmer is situated in these times from the other parts of the community, with respect to the rise in wages, produced partly by the taxes.

The commodity in which he deals is on the decline in point of price from over cultivation; he cannot therefore throw the tax upon the consumer. If manufactured goods are in high demand, the customer pays the duties to which the manufacturer may be subject, either directly or indirectly, by the rise of wages caused by those taxes. If those goods are falling in price, the tax presses upon the manufacturer himself. Now this is, and for some time past has been, in a peculiar manner, the state of the farmer, who indeed never has the means of suddenly accommodating the supply of his commodity to the demand with the nicety and dispatch observable in the operations of trade.

House of Commons, Agricultural Distress, April 9, 1816.

Abuse of Poor-Laws.

But a still more material circumstance distinguishes the situation of the farmer from that of the manufacturer, relieving the latter at the expense of the former: I allude to the state of the law, which throws upon the land the whole burthen of maintaining the poor, and reduces the price of all labour below its natural level, at the sole expense of the cultivator. It is well known to the Committee, that, whatever may have been the intention of the legislature (and the meaning of the statute of Elizabeth is sufficiently plain), yet, from a defect in the powers of the Act, the money raised for the support of the poor is paid entirely by the land.

Persons in trade only pay in so far as they are also owners of real property. Thus a manufacturer who is

deriving ten or twelve thousand a-year from his trade is rated as if he only had a large building worth four or five hundred a-year beside his dwelling-house, while his neighbour, who possesses a farm of the same yearly value, pays as much—that is, the man of ten thousand a-year in trade pays no more than the man of five hundred a-year in land. Yet, only observe the difference between the two in relation to labour and to the poor. The farmer employs a few hands; the manufacturer a whole colony: the farmer causes no material augmentation in the number of paupers; the manufacturer multiplies paupers by wholesale: the one supports; the other makes paupers—manufactures them just as certainly, and in something of the same proportion, as he manufactures goods.

The inequality of this distribution is plain enough, but I am now speaking of it in its relation chiefly to the subject of wages. From the abuse of the poor-laws, it has become the prevailing practice to support, by parish relief, not merely persons who are disabled from working by disease or age, but those who, though in health, cannot earn enough to maintain them; and, by a short-sighted policy wholly unaccountable, the custom has spread very widely of keeping down the wages of labour by the application of poor-rates, as if anything could equal the folly of paying rates rather than hire; of parting with the distribution of your own money, and of paying for labour not in proportion to your own demand for that labour, but in proportion to some general average of the district you chance to live in.

I pass over the inevitable effect of this arrangement in raising the total amount of the sums paid for labour, and in throwing upon one farm the expenses of cultivating another less favourably circumstanced; it is enough for my present purpose to remark, that the whole effect of the system is to make the land pay a sum yearly, levied in the most unequal manner, applied in the least economical way, for the purpose of lowering the wages generally, and lowering the wages of manufacturing as well as agricultural labour. From this unquestionable position I draw two inferences, I think equally undeniable, and

bearing directly upon the subject of our present inquiry ; the one is, that the effects of taxation in raising the price of labour are not distributed equally over all classes of the community, but fall exclusively upon the land, the land paying for the rise which the taxes have occasioned, both in agricultural labour and in all other kinds of work. The other is, that, even if the fall in the prices of provisions should apparently restore wages permanently to their former level, the real state of wages would still be raised, and the real costs of cultivation be augmented, unless the poor-rates also had been brought back to their former amount.

Speech on Agr. Distress, House of Com., April 9, 1816.

Pernicious Influence of Poor-Laws.—Early Marriages.

I confess that I see but one radical cure for the state into which this last abuse has thrown the country (alluding to the poor-rate), and which is daily growing worse, deranging its whole economy, debasing its national character. The inequality of the system may be remedied ; at least I would fain hope that some method might be devised, without having recourse to the odious machinery of an income-tax, for making the other property bear its share with the land in defraying the expense which should fall equally on all income, if it is to be compulsory upon any. But though great relief may thus be obtained, the worst vices of the system are deeper seated, and admit, I fear, but one cure. As the law is now administered, under the influence of the habits which have unfortunately grown up with the abuse of it, the lower orders look to parish relief no longer with dread or shame, but they regard it as a fund out of which their wants may at all times be supplied. To say nothing of the effects of this feeling upon their habits of industry and economy,—to pass over its fatal influence on their character, and especially on their spirit of independence,—only observe how it removes all check upon imprudent marriages, and tends to multiply the number of the people

beyond the means of subsistence—that is, to multiply the numbers of the poor.

A young couple who feel inclined to marry never think, now-a-days, of waiting until they can afford it,—until they have a prospect of being able to support a family. They hardly consider whether they are able to support themselves. They know, whatever deficits may arise in their means the parish must make up, and they take into their account the relief derivable from this source as confidently, and with as little repugnance, as if it were a part of their inheritance. It is truly painful to reflect that our peasantry, who, some time ago, used to regard such a supply with dread,—used to couple every notion of ruin, misery, and even degradation, with the thought of coming upon the parish,—should now be accustoming themselves to receiving relief almost as if it were a regular part of their wages. I can see but one effectual remedy for this great and growing evil; it is the one which follows so immediately from the principles unfolded in Mr. Malthus's celebrated work.

Speech on Agricultural Distress, April 9, 1816.

Liberty of the Press.—Is Truth a Libel?

As the law of libel now stands, the chief evil felt by persons accused of offences of this nature is this—that, if prosecuted for libel, it is of no manner of consequence to the trial of their cause—it is a weight which enters not at all into the scale—whether the matter of the alleged libel is consistent with truth, or totally false. I will suppose that a statement, not one item of which is overcharged, containing reflections on Government, or on an individual, is published, and that the author is prosecuted by Government, or the individual: let the statement be ever so true, I am willing to admit that the prosecution should be criminal; but I contend that the question, whether the matter is true or false, ought to be taken into consideration by the jury. To say that the measures of Government are bad, and that the Minister

who prepares them ought to be impeached, or that A. B., a given individual, is guilty of felony, though never so true, might frequently be highly criminal; because there are cases in which nothing but malice could have originated such charges, and other circumstances, besides the allegations being true or not true, might account for the publication, and from them a malicious motive might be inferred. Nevertheless, no one can deny, first, that the crime would be greater if the allegations be false; and that will be considered in estimating the amount of the punishment; but, secondly, though on trial truth is no absolute justification, yet it ought to enter into the consideration of the cause, because in many cases it would be decisive for or against the defendant.

I will first put the case of a private libel, because it is more likely malice would enter into the composition of this, as it is difficult to conceive a person guilty of intentional malice on subjects of public concern. I will suppose that a person has published, that A. B. has been guilty of felony; it does not follow, because he may have been guilty, that the publisher was not also guilty of a libel; but what I maintain is, that the truth or falsehood ought to be considered by the jury, in order that they might ascertain if the motives of the party accused of the libel were innocent or not. There is no case in which the falsehood of the charge would not be decisive against him, though there might be many in which it would not be decisive for him. If I say A. B. is guilty of felony, and it turns out to be false, I am a libeller; though it does not follow that the truth being so would always exculpate me. But, then, is the truth always to be excluded? Unless those who take a different view of the question are prepared to say, that in no possible case can the truth or falsehood of the fact be material as to the malice or purity of motives, then they must agree with my conclusion, that the court should have the truth of the facts before them, not as conclusive for or against the defendant, but as going to show the purity or malice of his motives.

Motion on the Liberty of the Press, May 8, 1816.

Evidence which the Defendant may put in, in Trial for a Libel.

If a party be prosecuted for a libel, it is competent for the defendant to show on what occasion he was induced to publish it; and if it were in answer to any former attack, he has a right to bring this forward in evidence. But to what does this lead? If I libel a party, is no justification that he libelled me before, as I could have prosecuted him for his libel, instead of adding offence to offence. But, although the courts say that this is no justification, yet they allow it to be given in evidence, in order to cast a better light on the conduct of the defendant; the malice or purity of his motives being the point to which the attention of the jury is really directed.

Again, all circumstances attending the manner of publication are allowed to be given in evidence, not as any justification, but because they tended to show the motives of the publication. If a member of the House of Commons published his speech, or a private person an account of what transpired in a court of justice and that publication contained a libel, it would be no justification that the speech had been spoken or the matter had passed in court. In cases of this kind, the courts said, it was no justification to prove that you were only the reporter, but they allowed it to be given in evidence, and to go to the jury, because they were sifting out the purity or malice of motives: they inquire, "Did he invent and defame, or did he only give a defamatory speech, which might be spoken, but not published or disseminated?"

*Ibid.**Evidence in cases of High Treason.*

It is well known, in the celebrated case of Lord Russell, the evidence of Dr. Tillotson was admitted to prove that his Lordship's habits of life were moral: even against the imputation of high treason was this evidence allowed, to show the improbability of such guilt being compatible

with opposite habits of life. In the case of Horne Tooke, also, who was tried for high treason in the year 1794, a book which he had written in 1782 was permitted to be put in as evidence of his loyalty.

I allude to his celebrated letter, addressed to Mr. Dunning, upon the subject of parliamentary reform; and, fortunately for Mr. Tooke, there happened to be in that letter, together with many constitutional doctrines, some very satisfactory proofs of his loyalty. Upon that ground the book was tendered as evidence, and upon that ground it was received. It was not, of course, considered as a justification, but it went to prove the probability or improbability of a man using the question of parliamentary reform, in 1794, as a cloak to cover purposes of high treason, who, in 1782, had written upon the same subject with much loyalty.

Ibid.

The Truth of a Libel ought to be considered.—Restrictions on Political Discussion.—Licentiousness of the Press.

The question is, What is there in the nature of truth that it should not be taken into account in cases of libel? Why should that only be omitted which in many cases is conclusive—in all is of weight; conclusive where the charges are false, and of weight where they are true?

The present system limits the freedom of discussion on public matters of every description: this must be admitted by all; but they would rely, in answer, on the probable mischiefs which would ensue from letting in the truth—which, they would allege, would amount to a greater inconvenience than the present restrictions on political discussion. When I refer to this evil, and compare it with the mischief to which the character of any one is now subject, much as I regret the former, I would prefer, if obliged, to confine redress to one of the evils, to remedying the latter. With regard to this, the best that can be said is, that the press is, like the air, “a

chartered libertine," and that we must be content to suffer a little in private character for the sake of preserving that liberty; but I have said enough to show that this liberty degenerates, in many instances, into absolute licentiousness; and I consider that licentiousness to arise from this cause, that there is no public person to watch over the property or character of individuals.

By the inveterate practice of our law, wrong suffered by a private person can only be redressed by that person himself. When a man's character is attacked, be the pain and injury he suffered ever so great,—be the person who made the attack the most malicious of men, and his motives the most iniquitous,—it is a thousand to one he escapes with impunity. Does the law afford no redress? I shall be asked. Why does not the injured individual come forward? His reasons are these: there are two ways pointed out for redress—by action and by indictment. Suppose the former to be preferred: the accuser is, indeed, defied to prove the truth, but the injured person goes into court for a verdict; and then, after running the gauntlet of having all his affairs exposed to the impertinence or pruriency of public animadversion—after submitting to a speech from the defendant's counsel ten times worse than the original libel—after all the expense of a trial, and the risk of being turned round on a point of law—he appeals to a jury for damages, to estimate the value of his character; and those who know how juries are composed, would probably agree with him that, for the worst injury done to a private individual's character, they would be very apt to give very inadequate damages.

Thus a plaintiff would go out of court, with an ingenious speech from his counsel, with another from the counsel employed on the opposite side, and damages to the amount of £40 or £50. The proceeding by action seems to me, in the present state of the law, to be liable to great objections. Those objections are felt by individuals, and therefore they do not choose to adopt such a mode. The emolument which a slanderer accumulates by the propagation of his calumny, constitutes the fund out of

which the person aggrieved is to be remunerated in damages. The libeller breaks open the recesses of an individual's private life; he holds them up as a source of profit to public observation; he absolutely coins the character of his victim; and out of what he has gained in this base manner, the person accused is paid, perhaps, £100 or £150.

Safety can only be found in a criminal prosecution; and I should never advise an individual to institute an action for libel, if it were not for the one material point which forms a principal subject now under discussion. If I went into court to prosecute a person who has slandered me, I do not defy the defendant to prove the truth of his charge. On the contrary, in taking such a course I seem to admit the truth of the accusation; and, in fact, the public are always ready to suppose the charge to be true when the person aggrieved institutes a criminal prosecution against the accuser. On such occasions it is observed, that the plaintiff would not have had recourse to this mode, but for the purpose of preventing the defendant from proving the truth of what he has alleged. This is practically the reason why men do not prosecute for libel. But if the defendant be allowed the power, in cases of civil prosecutions for libel, to prove the fact, not as a ground of justification, but as a matter worthy of being considered by the jury, all the objections against this course of proceeding would be done away.

Every man would then have a peaceful weapon to punish his traducer, and a sufficient shield to protect his character from the imputation of having selected this particular mode, in order to prevent his opponent from establishing the truth of what he asserts. By making this alteration, additional facility would be given to freedom of discussion, and additional security would be afforded to the rights of private character. For all offences against the state there is an effectual remedy. No person can libel the government with impunity, because it is not liable to those feelings which actuate private individuals. The only character which is not thoroughly protected, and

for which retributive justice is not provided, in case of libellous attacks, is that which is likely to suffer more from such attacks than could be inflicted by the most licentious observations made by the press on the government.

Ibid.

In Libel the whole Bearings should be viewed by the Jury.

Before I proceed to state the remedies I mean to propose, I shall call the attention of the House to the inconsistencies in principle by which truth is admitted in some cases and excluded in others. In 1735, when Lord Hardwicke presided in the Court of King's Bench, the right of pleading the truth in justification was denied. Since that time, however, it has been allowed that the truth, in all cases for action by libel, be pleaded as matter of justification. Now, why should it not also be allowed, where a criminal prosecution is resorted to? Because, it is said, in the latter case there is no private feeling or motive, as there is in the former. This principle, however, is not at all borne out by the practice.

A private individual may apply to the Court of King's Bench for a criminal information, in case of libel, and, in that proceeding, he is called on to state the truth in an affidavit. This does not take place at the trial, but at the discussion which takes place when the trial is moved for. On such an occasion the plaintiff must swear that the libel is false, although he is not prosecuting for damages for a private injury. He is prosecuting for the public, in the King's name, and he is therefore only in the light of a witness. Why, then, has he a right to be more *rectus in curia* here than if he brought his case before a grand jury? He here asks for an extraordinary intervention of the Court, who will not grant it without a positive affidavit that the libel is false; but, if he goes before a grand jury, and they find a bill, no opportunity is given on the trial of hearing evidence as to the truth or falsehood of the libel; it is quite sufficient to prove it. Now, with

respect to the application for a criminal information, it is what the public have a right to, if that be the speediest and most proper way of putting an end to a business of this kind. But the conduct of the Court shows that such application is, in fact, a private matter, although the proceeding is of a criminal nature; for the plaintiff is called on to waive his right of a private action, and he must waive it before the application is made, which is a course quite inconsistent with the idea of a prosecution for a public wrong.

It appears to me, however, that the proving the libel to be true is not a sufficient justification; for which reason it follows that, neither in a private action for damages, nor in a public criminal prosecution, should the truth be taken as a justification, but in each case it ought to go to the jury for their consideration. Much injury may be done to the feelings of a man by dragging his affairs before the public, and giving a true statement of them. The truth, in such a case, may add to the greatness of the injury; yet, in a civil action, if the truth be proved, it is a sufficient answer to the plaintiff.

Many cases may be imagined, and such cases often occur, where, according to the common adage, "the greater the truth, the greater the libel." If, therefore, a change be made at all in the law on this point, it ought to be, that neither in a civil action, nor in a criminal prosecution, for a public or a private libel, the truth should be received as entirely justifying the defendant, but it should be suffered to go to the jury as matter for their consideration. In civil actions it would guide them in assessing the amount of damages; in criminal proceedings it would enable them to judge whether the defendant had acted from malicious motives or from feelings of a public nature.

Ibid.

The same in Public Libel.

I can also imagine cases in which public libels may be true, and yet the truth may be injuriously stated.

For example, it might be true to state that provisions were dear, but if that statement were made to a multitude in an inflammatory and exaggerated manner, it would be a libel. In the same manner, to address troops upon the subject of their pay in such a way as tended to excite disaffection or mutiny would be libellous, even though the matter stated were true, and harmless if stated in a different manner. So, in a case which was tried, where a regiment embarking for foreign service were told that the ship in which they were to go was leaky, the offence was punished. Now it might have been true (in that particular case, however, it was not) that the ship was in that condition, and yet the exigencies of the state, at that particular period of the war, might have rendered such a thing inevitable, and the mentioning it in an exaggerated manner would be an offence.

In the same way reports spread with regard to invasion, the succession to the Crown, and other State affairs, though perfectly true, yet are held by the law to be punishable under certain circumstances. It is, therefore, no part of my plan, either in civil or criminal cases, to make the truth, even when proved, a defence of libel, but merely that it shall be taken into the account; that it shall be given as evidence; that it shall go to the jury, and come within the scope of their inquiry, when they assess what they may think fit and adequate damages.

Ibid.

Preservation of the Peace the Principle of the Law of Libel.—Inconsistencies of that Law.

I am aware that there may be great and important objections to the changes proposed; but I do not despair of being able to offer a satisfactory answer to them all. The first I am prepared to meet is, that in a prosecution for libel, proceeding on its tendency to disturb the peace, and not on its injurious effect on character, the truth or

falsehood of the matter alleged is of no consequence, and should not be brought into view.

The answer to this, I think, is easy, completely satisfactory—even irresistible. This allegation of a breach of the peace is merely a fiction of the law, merely a reason for giving the court jurisdiction, merely a creature of judicial refinement, similar to that of a father recovering damages for the seduction of his daughter. The action in this latter case is not brought ostensibly to punish the seducer or to obtain compensation for the injury the family has sustained, but proceeds on the ground that he has been deprived of the benefit of her services, and is entitled to damages for the loss. The tarnished honour of his family, his own wounded feelings, the disgrace and degradation of his child, are all left out of view by the law; and the father, considering his daughter as his servant, of whose services he is deprived, comes forward, under the authority of law, merely with a claim of compensation for those services.

Who is there, however, in practice, that ever looks upon the matter in this light? and how ridiculous would it be, in cases of seduction, to allot damages on the only principle that a legal fiction allows? In case of libel, the legal fiction proceeds on the idea that character is nothing, and that the tendency to a breach of the peace is everything. But why adhere to such a fallacy?—why not admit that character is of some value—that it is property which deserves some protection—and that the robbery of our goods and chattels will infer the penalty of death? The robbery of our good name, which is dearer to us than any other species of possession, deserves a certain degree of punishment, although the act may have no tendency to create tumult or a breach of the peace. But if anything can prove the futility of this objection, it is the second answer I will return to it. If the tendency to a breach of the peace is the only ground of proceeding in cases of libel, how comes it that this tendency to a crime is punished with more severity than the offence itself? When a riot is excited—when violence ensues—in short, when the peace is broken, the

punishment is often of small importance, while the penalties of libel are frequently very severe.

In some cases, three or six months' imprisonment are awarded for a breach of the peace; while a year, or two years, with a heavy fine, are adjudged for the publication of libel. Here the tendency to crime is punished more heavily than the crime itself. Does not an absurd inference like this show the fallacy of the premises from which it is legitimately drawn? and, consequently, that a breach of the peace is not the true ground of proceeding in cases of libel? The difference between the fiction and the practice of the law may be still further shown by an appeal to the case of duelling. Suppose that, instead of publishing defamatory matter calculated to break the peace, a party challenges another to fight a duel—suppose they go out—suppose even death ensues, or that one of them kills his antagonist, then would no punishment follow this outrage, unless there was some unfairness in the transaction.

This is the practice of the law, and this the spirit of its present administration. The law, however, cannot contemplate this unfairness: it merely considers the act, and should pronounce judgment accordingly. It decrees no punishment here for an actual breach of the peace; but, in the case of libel, it punishes the tendency to it. Consummation of crime is privileged with impunity, while the steps to it are punished with severity.

Ibid.

The present Libel Law a Nullity.

What is the effect of the present practice in cases of libel?—When the plaintiff chooses to proceed by action, the truth, and the truth alone, is put in issue; when he proceeds by criminal prosecution, the truth of the libellous statements is not regularly put in issue, but the prosecutor's character suffers more than if they were regularly examined. Does it not almost always happen

that insinuations are liberally dealt out—that hints are made—that the jury, the court, and the public, by means of the defendant's counsel, are let into all the facts they could desire? The legal assistants of the defendant are in the habit of lamenting that their hands are tied up, otherwise that they could prove the charge, and that the prosecutor has chosen to proceed by indictment, where he was sure truth could not be listened to, rather than by an action of damages, where it certainly would have been turned against him. All the facts are brought by a side wind before the jury, and make an impression the more unfavourable in proportion as they are undefined in their nature, and eked out with surmises, hints, suspicions, and insinuations—the mists of which a rigorous examination would scatter.

Ibid.

Precedent no Defence of Illegality.

The right honourable gentleman seems to think that he has made out an unanswerable case, when he shows that a similar bill was sanctioned two years ago. But what defence is that of an innovation upon the common law of the land and the principles of the Constitution? Am I to be told, when I complain of a measure which violates the ancient legal practice of the realm, which sets at nought the wholesome provision of our ancestors for the protection and liberty of all residing within the realm, and which vests an arbitrary power in the executive government, that that measure is not to be arraigned?—that no jealousy is to be entertained upon the subject, because two years ago a similar one was authorized by Parliament? With all due deference for the argumentative talents of the Right Honourable Gentleman, I must still venture to think that the practice is not less novel because it is two years old.

House of Commons, May 10, 1816.

Authorities on the Law of Nations.—The Alien Act unconstitutional.

The right honourable gentleman seemed also at a loss to imagine why we, on this side of the House, feel so much jealousy on the subject; and, in order to convince the House that there was no ground for jealousy at all, he quoted the authority of Puffendorf. Puffendorf, a Swede, a writer upon the law of nations, a jurist, brought in by the right honourable gentleman to decide upon a question of municipal law, to determine whether it is compatible with the British Constitution, of which he knew nothing, of which he could know nothing, that aliens should be subject to certain restrictions! I am a little astonished, indeed, to hear Puffendorf appealed to by the honourable gentleman opposite; for I remember, some years ago, when a question which really involved the principles of public law was agitated in this House, when we had to discuss the legitimacy of an attack carrying war and devastation into a friendly foreign state, and Puffendorf was quoted to show what are the great maxims of the law of nations, as applicable to that particular case, the answer from the other side of the House was, What! would you have us sink in this great struggle upon the authority of Puffendorf?—would you have us go to the bottom with Puffendorf in our pockets?—would you have us perish because Puffendorf has declared that we had no right to do what we did?

As to Puffendorf, however, I wish to be understood as speaking with all that deference and respect to which his great authority as a jurist entitles him; but the right honourable gentleman might as well have quoted the Koran, the Talmud, or the Levitical Law, to support his argument, as to plead his Puffendorf.

For my own part, I go to different and to better authorities,—the common law and the statute law of these realms; and I call on right honourable gentlemen to declare what other law there is upon the subject, and upon what grounds the novel and alarming proposition rests, that the King, as a matter of right, in time of peace, can

seize the person of a peaceable alien foreigner residing within the realm, and send him out of the country. . . .

. . . The law is the same as regards British subjects and foreigners as far as regards personal liberty, though the latter are certainly under some restrictions with regard to property.

Ibid.

Great Britain a Refuge for Persecuted Foreigners.

The British empire has always been regarded as that spot in civilized Europe where every man is secure in his property, his liberty, and his opinions, no matter what country may have given him birth. History attests, that when persecution drove the inhabitants of the south of France, of the Low Countries, of the north of Italy, from their habitations, our hospitable shores were crowded with refugees, who sought here that safety and that freedom which their native land denied them. They sought it, and found it. They brought their wealth, where they had any, and they brought what, perhaps, was more valuable, their industry and skill, which they poured into our lap. The asylum which our humanity granted they amply repaid us for. Are we, then, now prepared to abandon that mild, and liberal, and humane policy which has earned for us so honourable and glorious a distinction, and, by fettering the alien foreigner with restrictions, or suspending penalties over his head, render even this country no longer his secure refuge in the moment of his calamity?

Even in recent times, and I appeal to the knowledge of many who hear me, there have been actually remittances made to this country by persons abroad, in consequence of apprehensions of violence on account of religious differences. I do not name any particular state, because I do not wish to mingle a very important question with the one now before us; but the fact is undoubted, that large sums have been so remitted, in the confident expectation that they to whom they belonged

might enjoy here, as formerly, the full benefit and protection of English laws.

Ibid.

Religious Considerations in Educating the Poor.

Throughout the arrangements which I hope to see established for the removal of ignorance and vice, I trust that nothing will be admitted offensive to any religious opinions, while care must by all means be taken that nothing be allowed to interfere with the just privileges of our national establishment.

*House of Commons, (Education of the Poor of London),
May 21, 1816.*

Right of the Clergy to Tithes.—Sacredness of Church Property.—Power of Parliament.

I am ready to avow that the rights of the Church to the property it enjoys are as sacred as the rights of individuals to their estates or freeholds; and that the parson of the parish has as good a right to his tenth of the produce of the soil as the body of proprietors to the other nine parts. This tenth cannot be interfered with, cannot be reduced, cannot be taken away, without violating the law under which the great body of the community enjoy their rights of property. But, while I consider the right to tithes to be as sacred as any other rights of property, I cannot allow that it is more so in any other sense than that it confers a title to a species of property devoted to sacred purposes, to support a body of men who guide the religious exercises of the community. More sacred, in the sense of its being inviolable, it cannot be; and, as the exercise of all rights of property can be regulated by the Legislature when the general welfare demands its interference, so may this. Nay, I will even go farther, and say, that Parliament can legislate in this species of property when it cannot do so in others.

House of Commons, May 22, 1816.

Tithe.—Compulsory Commutation.

Other plans have been proposed, and, among the rest, one, of which the great principle is to appoint commissioners to survey and inspect the land, and then to value the tithe, and make an award in consequence, compulsory both on the landholder and titheholder. I object to this provision on account of the compulsion which it involves.

Ibid.

Plan for Commutation of Tithes.

I think there cannot properly be one uniform regulation for all the kingdom, but that a variety of plans might be adopted, suited to the varied conditions of the parties, but none of them compulsory. There would be no harm in allowing, in some cases, a lease, in others a sale, in others an exchange, with the sanction of the authorities to which the superintendence of the interests of the Church might be intrusted. A bishop or a patron of a living would not be likely to sanction an improvident bargain, however much the necessities of the incumbent might induce him to make one.

Some general law, regulating the system of commuting tithes, has become indispensable. At present, the contracts between the parishioner and the incumbent are constantly liable to be evaded. It is desirable that the parties should have the power of binding themselves in law to a determinate engagement. The holders of benefices would discover that their interest is equally engaged with that of the proprietors of lands. It would be advantageous to all parties that a general regulation should be adopted against taking tithe in kind. This could not at all infringe on the proprietary rights of the Church; for, in districts where improvement is chiefly carried on, it is certain that the Church does not draw its fair tithe. No doubt can remain on this point if the House will look at the rental of lands and houses assessed to the property-tax. It amounts to fifty millions; and of this it is not too much to say that the Church does not receive above

one-fifth of its due proportion. It is, therefore, far from being too hard a taskmaster ; and there can be no doubt that, for the sake of the Establishment itself, it is advisable to place it on a better footing.

The landowner would gain much, but the clergy would gain more. The just and sacred right of the Church might, by being guarded against the expenses of collection and litigation, be converted from what is very often a scanty pittance to an adequate and considerable revenue. The want of such an arrangement is the true cause why so many thousands of acres are left in a state of desert nature, and why, with regard to what is in cultivation, there is a perpetual squabble between the pastor and his flock. In parishes presided over by what is called a rigorous parson, nothing can be more detrimental to the interests of humanity than this kind of disputation. Nothing can tend more strongly to alienate the minds of the parishioners from a disposition to receive any teaching from such a quarter.

Ibid.

Friendly Intervention with Foreign States.

The motion does not require this country to draw the sword in favour of the persecuted Protestants of France. Other means of redress are in our hands, which may be used without any breach of amity. It is the duty of England to use them peacefully and delicately in proportion to the importance and delicacy of the subject. It is the duty of Government to make such representations to the authorities in France as becomes the situation of that country and the attitude we are entitled to assume. A renewal of hostilities would not necessarily be the consequence ; on the contrary, in former times, when we have felt ourselves called upon to interpose in favour of those who were unjustly suffering, our sympathy has been frequently rewarded by the desired object.

Ibid.

Restoration of the Bourbons.

The noble lord has said that he who diminishes the stability of the present government of France is no friend to peace. It is true that conflicting opinions have been entertained as to the propriety of our interference in the establishment of the Bourbons, but both parties may now join sincerely in the prayer that that family may not be disturbed. That it may continue on the throne of France, presenting a firm front to its enemies, and a benevolent countenance to its friends, must be the nearest and dearest wish of every man who rejoices in the happiness of France and the tranquillity of Europe; but I am at a loss to imagine how this Government is prevented from remonstrating on the subject of the Protestants, at a time when we have an army in France, and a general with powers little less than sovereign.

Ibid.

Conduct of Austria to the Poles.

Something has been said of the great fidelity of the Austrian Government to its engagements; but I wish now to advert to one of those engagements, which is not of a financial, but of a political nature. It was guaranteed by the Powers assembled at the Congress of Vienna, that the Poles should have a liberal constitution of government. No steps have yet been taken by Austria and Prussia to fulfil this engagement towards those portions of Poland which have been confirmed to them. I understand, however, that the Emperor Alexander, to his great honour, has given a free Constitution to that principal part of Poland of which he may be considered as the sovereign. I think it would be well if Austria were reminded of her engagements in this respect.

House of Commons, May 28, 1816.

Registration of Slaves.—"The murdered Men were only Slaves."

But it will not be sufficient to leave this registration to the care of the Colonial Assemblies, who would not take such effectual steps to carry it into operation as might be wished. A proof of the construction they would be likely to put in their own favour on such a measure, may be found in the case where, at the interference of this country, it was made a capital offence to murder a slave with malice prepense. This was afterwards construed into murdering a slave without any provocation: so that by that construction the most trifling provocation on the part of a slave—even an angry word or a look—would be held a sufficient justification of his murder. The conviction, too, of a white man for the murder of a slave is a thing almost unknown in the colonies, although it is notorious that several of such murders have been committed. I could mention to the House three cases of as flagrant murders of slaves, under circumstances as shocking as ever disgraced human nature, and these were committed in the presence of others, and in justification of them it was said that the persons murdered *were only slaves*.

House of Commons, June 19, 1816.

Right of the People to Petition.

Unlearned and incapable men are not to be precluded from the exercise of their right to petition the House. Such preclusion would indeed be inconsistent with the privileges which the Constitution guaranteed to all British subjects, and it would be inconsistent also with the best interests of the country; for facility of petitioning forms a natural preventive against violence. It holds out to the people an encouragement rather to petition this House in all cases of redress, than to resort to illegal or riotous measures. On the score of policy, as well as principle, I am an advocate for facilitating the admission of all petitions from the people.

January 29, 1817.

Universal Suffrage.—Parliamentary Reform.

I am anxious to take this early opportunity of declaring my decided opposition to the principle of universal suffrage, because it is my entire conviction that, if that measure were adopted, it would operate to destroy the Parliament instead of reforming it, and to overthrow the Constitution instead of amending it, while it must serve to shake the universal security of property. I am, however, an advocate for that degree of reform which is obviously necessary to remove those blemishes which have been mixed up by time with that glorious fabric of human wisdom, the British Constitution. I am decidedly adverse to those wild, vague, impracticable propositions (and, even if practicable, so pernicious) which are so loudly talked of.

Petitions for Reform of House of Commons, Jan. 29, 1817.

Right of the People to meet, and discuss their Grievances.

I have heard with extreme indignation the sentiments uttered by an honourable member early in the debate (Mr. Dawson), that it is improper to assemble the people at public meetings for the discussion of subjects above their comprehension—a sentiment the more dangerous because it is applauded by the side on which the honourable gentleman sits. It is now, for the first time that such language has ever been heard within these walls; and I trust it will be the last time I shall ever hear it said, that the discussion of their rights, and the statement of their grievances, is above the comprehension of a free and enlightened people. And from whom do such alarming doctrines proceed? From whom but the very wholesale dealers in popular clamour—the great artists of outcry and delusion—the men who, on every occasion, are the most ready to make appeals to the mob for the worst of purposes? From whom but from those who, in 1784, had canted to the

multitude about chartered rights, and, in 1807, had made them parties to a theological controversy? These are they who now dare to tell the people that their sufferings are above their comprehension, who had yet assisted Mr. Pitt in giving the Constitution its first stab, and backed Mr. Perceval in following up the blow ; conceiving, truly, that though the householders of England cannot understand the state of their affairs, the question of the East India monopoly, and the Catholic claims, are subjects quite level to the capacity of the rabble.

January 29, 1817.

*Englishmen have no Right to claim Annual Parliaments
and Universal Suffrage.*

I have no objection that the subjects of annual Parliaments and universal suffrage should be discussed—that they should be entertained as political questions—that applications should be made to the House to support them ; but what excites my displeasure is, that those who most have read the history of their country, who are not ignorant men, who have reflected long on what they are doing, urge the uninstructed and illiterate to demand universal suffrage as their birth-right, to place it on the same rank with personal liberty or security of property, to declare it the ancient imprescriptible right of Englishmen, and tell those whose opinions they direct, as a matter of history, that it is for this right their ancestors fought and bled. The men who make these statements must know they are propagating delusions, and that truth and fact are against them.

I am not unacquainted with the history of my country ; but I have never read in any historian, or in any account of the Constitution of England, that our ancestors fought and bled for universal suffrage, or that, in the struggle between the Crown and the people, on two very important occasions, when our rights and liberties were the subjects of contention, in the times of King John and Charles I., this political doctrine was ever thought of by our brave

and patriotic forefathers. In the former of these periods, so far were our ancestors from allowing universal suffrage, or any man who had attained the age of twenty-one to vote, that the great body of the people were not represented at all, or, if represented, were represented in a way very different from that now contended for.

January 31, 1817.

Abolition of Useless Places.—Pay of Public Men.

If my own views are the same as those entertained by my friends below—and I have no reason to think otherwise—I conceive they should not merely propose the abolition of useless places, but proceed to a very disagreeable task, although one which, in the present labouring state of the finances of the country, is highly proper—for I consider propriety and safety as one and the same thing—that of reducing all the salaries of all the high offices of state. No man has ever opposed more strenuously than I have done, that groundless clamour which accused public men of receiving too great a proportion of the public money. It would be much nearer the truth to strike a balance, and say that some are paid at too high a rate, while others are paid but moderately. But former times are different from the present, and a different rule of conduct is called for.

House of Commons, Feb. 7, 1817.

Opinion of Monarchy.—Court Splendour.

Public men cannot feel too sensibly the importance of retrenchment at this moment. I am no enemy to the true splendour that ought to surround the throne. No man is more desirous than I am to support that monarchical establishment existing in this country which, in my conscience, I most sincerely believe to be the only form of government consistent with civil liberty; but it is because I conceive that monarchy in danger that I recommend

them to bear in mind that the best safeguard of the monarchy is the planting its roots firmly in the affections of the people; that, instead of the flourish of useless ornaments and gaudy trappings, in the present distressed state of the country, nothing is so becoming as for the highest classes to sympathize with the lowest; that nothing is so graceful as poverty in public men; that nothing is so honourable as men in high stations, with great opportunities of becoming wealthy, discharging their duties, and neglecting the means of amassing riches; and that the monarchy will be found more firmly planted in proportion as the people see a diminution of all useless splendour.

February 7, 17.

Political Evils of Machinery.

Nothing can be more wicked than attempts to destroy machinery such as the country has lately witnessed; yet, at the same time, the feelings which exists against machinery must be a ground of formidable alarm, for it shows that, instead of now being, as it lately was, a source of wealth, it is the cause of the most severe distress to a great body of the people, because the hands thrown out of work by the introduction of machines in one branch can not now find employment in other lines. This is a great evil, well deserving the serious attention of Parliament.

February 11, 1817.

Popular Delusions.—Ignorance of Radicals of the English Constitution.

I put myself on my country, in comparison with the noble lord (Cochrane), as to which of us has shown himself to be the greater friend of the people of England. But, Sir, I will not show my friendship for the people by telling them falsehoods; I will not be a party in practising delusions on the people; I will not take advantage of the warmth of popular meetings—a

great proportion of the individuals constituting which are necessarily ignorant of nice points of history and antiquity—to induce the people to sign such petitions as those which have lately been presented to the House. Sir, I do not blame the large body of the people for the language in which they have expressed themselves ; but I blame them, or rather I blame the fabricators of the petitions by whom they have been palmed upon the people, for having the assurance to declare that universal suffrage is a right for which our ancestors shed their blood.

I will not be a party to telling the people that, twelve hundred years ago, this country enjoyed a free and perfect Constitution. Gracious God ! Twelve hundred years ago ! Sir, we have heard of histories of England, by various individuals and of various descriptions ; but in what history of England is to be found, not only a trace of this country's having enjoyed a free and perfect Constitution twelve hundred years ago, but a trace of its having enjoyed any Constitution at all at that period ? What do we know of the state of this country, in that respect, in the year 618 ? Why, we know little or nothing of the Constitution of England half as many centuries back ; and what can we possibly know of its Constitution two hundred years before the different Saxon heptarchies were united under one monarch ? This is a specimen of the historical knowledge, of the antiquarian research, of the acquaintance with constitutional law, of these wiseacres out-of-doors, who, after poring for days and nights, and brooding over their wild and mischievous schemes, rise up with their little nostrums and big blunders to amend the British Constitution !

House of Commons, Feb. 14, 1817.

Political Persecution.—Equal Distribution of Property.

An honourable friend of mine, who always speaks with great force upon any subject, has observed that they

ought not rashly to despise doctrines because they are absurd, or are entertained only by obscure persons; but it might also be added, that the more absurd an opinion is, the more easy it must be to explode it, and the shorter must be its probable duration. Many are the absurdities which, by persecution, are forced into reputation, and many the men established as martyrs who would otherwise have been the laughing-stocks of society. No doctrine that ever has been promulgated, is more likely, from its monstrous extravagance, to die a natural death, than that of taking away men's property and doling it out to parishes for the purpose of again equally dividing it among the community. But even a doctrine as ridiculous as this might possibly be magnified into importance by persecuting the miserable enthusiasts who professed it.

February 24, 1817.

Politics a Trade.—Rewards to Public Men.

It seems, inducements must be given to men of talents and respectability to enter the service of the State. This is a delicate as well as a wide field of observation. I wish that the right honourable gentleman (Sir M. W. Ridley) had gone more lightly over it. I am sorry he has chosen the present crisis for so open and downright an avowal to the public (now for the first time fairly told; whatever they might have suspected), that politics are a trade—that men betook themselves to it, as to other lines of traffic, for emoluments—and that it is a trade which the state must encourage by high bounties.

Perhaps, the existing circumstances of the country, and of all the other branches of its commerce, does not peculiarly suit so open and undisguised a declaration of what he could no longer doubt to be, in some instances, at least, the fact. As to the other professions, with the profits of which the right honourable gentleman has compared the gains of professional politicians, I greatly fear he has overrated them. When he spoke, somewhat

unaccountably, of half-guinea motions as a very tempting object of cupidity, he perhaps only mistook the least lucrative for the most lucrative branch of that most laborious profession. But, let him take even the instances of very great gain, and they are but few : I will venture to assure him that there are no such things in the law as places of £14,000 a-year for doing nothing ; and yet I have known of traders in the right honourable gentleman's line getting such things, after lives neither very long nor very laborious in that line.

February 25, 1817.

Rule in receiving Petitions.

It is much better to receive a petition couched in loose and incorrect language, where no disrespect is intended by it, than to incur the imputation of cavilling with the expressions and disregarding the complaints of the people.

March 4, 1817.

Dangerous Influence of the Bank of England.

It had been an opinion of a predecessor of the Right Honourable the Master of the Mint—a man somewhat distinguished for his scientific attainments and excellent judgment—I mean Sir Isaac Newton ; it has been the opinion of Sir Isaac Newton, that an increase of even threepence in the price of gold is sufficient to endanger every guinea in the country. This opinion that great man has published, and has signed his name to it ; and, if threepence in the price of gold can have such an influence on the gold coin of the realm, what must the effects of an equal or greater rise in silver be on the silver currency ?

Yet, to this danger is the country constantly exposed, while it remains with the Bank of England, by a single stroke of the pen, to derange the market prices of both gold and silver by a sudden and unrestricted issue of their paper currency. I can assure the House that I speak of

the Bank with the greatest respect—a respect mixed with dread and alarm. I respect the Bank, but I fear it also. It is in vain to hope for any security for the circulation of the new coinage, unless the earliest opportunity is taken of withdrawing that control which at present restricts the Bank from the payment of their notes and tokens in specie. The moment the Bank pays on demand all danger is at an end.

March 5, 1817.

Condition of the Artisans of Birmingham in 1817.

I will take the state of Birmingham as a fair symptom of the state of commerce in general, intimately connected as that great town is with the neighbouring counties in all the branches of their industry and commerce. In a population of 84,000 souls, about 27,500 are receiving parish relief; of the workpeople one-third are wholly out of employ, and the next are at half-work. The poor-rates have risen to between fifty and sixty thousand pounds a year, a sum exceeding, as I am informed, what the inhabitants paid to the income tax. In 1812, when the House was so greatly touched by the state of this place, only a ninth part of the population were paupers, and the rates did not exceed £27,000; yet we then thought the public distresses had reached their utmost pitch.

March 13, 1817.

Connexion between the Agricultural and Mercantile Interests.

It is indeed a vain and idle thing to take distinctions between the different orders of the country, and to speak of the agricultural and mercantile classes as if they had opposite or even independent interests. They are all intimately and inseparably connected by the eternal nature of things; they must for ever run together the same course, whether of progress or decline.

I will give you, on this matter, the words of a man,

who, having by his honest industry become the greatest ornament of the one order, made himself by the fruits of his honourable gains a distinguished member of the other, and afterwards rose, by his sagacity and experience, to adorn also the literature of his age. "Trade and land," says Mr. Child, "are knit each to the other, and must wax and wain together, so that it shall never be well with land but trade must feel it, nor ill with trade but land must fall.

March 13, 1817.

A Field for Commerce in South America.

There can be no field of enterprise so magnificent in promise, so well calculated to raise sanguine hopes, so congenial to the most generous sympathies, so consistent with the best and the highest interests of England, as the vast continent of SOUTH AMERICA. He must indeed be more than temperate, he must be a cold reasoner, who can glance at those regions, and not grow warm. The illustrious historian (Robertson) who has described the course of their rude invaders, relates, if I mistake not, that when, after unparalleled dangers, amid privations almost insupportable, through a struggle with sufferings beyond endurance, weary, hungry, exhausted with toil, scared at the perils of their march, they reached at length the lofty summit so long the object of their anxious enterprise, they stood at once motionless, in gratitude for their success, in silent amazement at the boundless ocean stretched out before them, and the immeasurable dominion spread beneath their feet, the scene of all their fond expectations. And now, the people of this country, after their long and dreary pilgrimage, after all the dangers they have braved, the difficulties they have overcome, the hardships they have survived, in something like the same state of suffering and exhaustion, have that very prospect opened to their view!

If any sense of justice towards them, any regard for the dictates of sound policy, any reverence for the real

wisdom of past ages, has influence over our own councils; they must be enabled and invited to approach that hemisphere, and partake in the numberless benefits which flow from such an intercourse. Upon our good pleasure it depends to command the virgin resources of that mighty expanse of territory—variegated with every species of soil, exposed to all the gradations of climate, rich from the fallow of centuries, sufficiently peopled to raise every variety of the produce we want, yet too thinly inhabited to threaten our own industry with any rivalry—watered in all directions by seas rather than rivers—studded with harbours, through which to distribute its wealth over the old world—and the native country of that wherewith the sect of practical politicians are best pleased, and their patron saint propitiated, gold and silver mines, already fruitful, but capable of yielding infinitely larger returns under the management of European skill. Such is the prospect which these vast regions unfold; a prospect sufficient to compensate for any loss you have sustained; an adequate outlet for your mercantile enterprise, though Europe were once more hermetically sealed against you, though Buonaparte were restored, and his Continental system revived, even if Europe itself, for commercial purposes, were blotted from the map of the world.

March 13, 1817.

Mr. Pitt a "Reformer."

I have particularly mentioned that Mr. Pitt did not go all the lengths of the Duke of Richmond, as to universal suffrage; but it is curious, when the reformers are twitted and taunted with being enemies to their country, or Jacobins, it is studiously kept out of sight, that Mr. Pitt was once a most strenuous and active reformer. I have only to refer the House to the correspondence of the Rev. Mr. Wyville, to see the notes that have passed between Mr. Pitt and the active reformers of that day. In the case of the King *versus* Frost, who was a respectable attorney, but certainly not of equal importance with

Mr. Pitt, it was proved that Mr. Pitt had addressed him as a "zealous friend" to the public, on no other account than that of his active co-operation on the subject of Reform.

March 21, 1817.

Cure for Popular Discontents.

On a former night I incurred the displeasure of the Master of the Mint, for quoting the authority of a predecessor of his, who filled the same office, but was certainly a person of very inferior rank and influence in all other respects—I mean Sir Isaac Newton. Perhaps, I shall be excused to-night for citing the words of another great man, who, having been also a Cabinet Minister, may be better listened to by the gentlemen opposite—my Lord Chancellor Bacon. That illustrious person has delivered himself in expressions not inapplicable to the present times. He recommends, for the remedy of seditions nothing like gagging bills, or other measures of restraint, which, by seeking to silence the voice of complaint, only give the people more cause to complain. But, he says, that the best means of checking discontent is to search the causes of it, and undertake their removal, whether these shall be found in the amount of taxes, the falling off of trade, the breach of ancient customs and privileges, or the number of soldiers and strangers in the land, and generally whatever tends to knot the discontented together in a common cause.

He is disposed to think, too, that we should give the public feeling a free vent; and, above all things, he warns us not to "turn the humours back, and thereby cause the wound to bleed inwards." Sir, I warn this House to have a care how, in the present season of acknowledged calamity—of grievances from misgovernment, this night openly confessed—you turn back the popular humours of which you complain, lest you cause the wounds to bleed inwards.

March 13, 1817.

Limits of the Liberty of the Press.

A new course of dealing with the public press, unless greater licence prevails than I see any reason to apprehend, would be attended with the most serious mischief; and, unless the House desires to descend from the high ground on which it has hitherto stood, by putting itself on the opinion of the country, it will never depart from the system which it has hitherto wisely pursued, and by which its conduct, as well as that of the Government, or of any individual, are open to discussion within certain bounds chalked out by sound discretion. If public discussion respecting our proceedings transgresses all bounds, the House may at any time, by making an example of the offender, declare that it shall go no further. Hitherto we have lost nothing by abstaining from a too vigilant regard of the publication of remarks on our proceedings: the more they are scrutinized, the less it may be found our reputation will suffer, and I dread a contrary course more than any blow against the House, except, indeed, one which would destroy its privileges, which might destroy its existence, and certainly would put an end to its practical utility—the cutting off what passes here from the knowledge of our constituents.

House of Commons, May 7, 1817.

Doctrine of Pensions.—Politics should not be made a Trade.

The argument that men should be paid for public services is of very recent date; and I should be glad to know, why it should be laid down that statesmen must look for compensation from the Crown, when we remember the Sommerses, the Godolphins, and all that class of illustrious statesmen who devoted themselves to the service of the country? What new light has come over this age, that we are to take men into the pay of Government, merely with a view to reward them on their retirement from office? When Chancellors are remunerated the case is very different. The man who is promoted to that elevated situation has been a barrister;

and when he went to the bar, he went to it for no earthly purpose but to advance his fortune—just as a merchant or a tradesman goes into his counting-house or behind his desk. He is therefore to be treated as a professional man to the end; and, when he retires, we should give him half-pay, in the same manner as we reward the man who has served in the field.

This is the principle that is applied to the discharge of clerks in office, and I sincerely wish that they had more. I object, however, to considering men in the higher situations of life as mere traders in office. Has a statesman no higher view? Is his conduct influenced by no better motive than the prospect of a pension on retirement? I cannot, I will not believe, that any man sincerely desirous of serving his country, or of preserving the high reputation which his talents may gain, could be actuated by principles of so low and sordid a nature. But, supposing for a moment, that men got into Parliament, or even into office, with such interested motives, is it decorous in this House to tell it to the world? Is it politic in us to proclaim it to the country by Act of Parliament, in the black letter of a statute, that men enter into Parliament as a trade?—that they take a brief with a retaining fee, and then retire into their original penury? Are these the principles upon which the illustrious statesmen of former times acted? Was this the way in which England attained her pre-eminence over every other country? No; it was by having a race of high-minded, sound-principled men, who stated their opinions in Parliament because they were their opinions—who were not picking up pelf on every occasion that presented itself, but who did that which their consciences and principles directed them to do!

House of Commons, May 19, 1817.

*Misapplication of the Public Rewards.—Men in office
not the only Public Servants.*

But I deny the argument of compensation on another ground. I maintain that there lurks in this argument

nothing more nor less than a gross fraud. What can be more shocking, or mischievous, or delusive, than the argument that public men are to be treated as if they were traders in politics? To declare that we must give the Crown a power of compensation in such cases, is a fraud on the Constitution and on the people.

But the principle of this Compensation Bill is not that which it pretends to be. It does not call forth persons into the public service; it does not enable men in inferior circumstances to engage in politics; it does not secure to them a compensation for so doing. I admit that it does draw forth one class of public men. But who are they? Is the State served only by men in office? Does no man serve the State but he who has been six years in office. Does the man who gives up his days and nights to his attendance in this House, and to the studies necessary to make that attendance valuable, confer no benefit on the community? These, indeed, serve their country; the others serve themselves. I see around me persons who have toiled long and hard in the discharge of their duty to the country; who have on many occasions rendered it the most essential service; but who, in the whole of their political lives, have not been more than eleven or twelve months in office. Am I to be told on that account that their labours have not been eminently beneficial to the public? Is it to be established as a principle, that he only is a public servant who holds an office? The great business of Government in this country is carried on, not behind desks and in cabinets only, but in the great council of the nation.

Ibid.

Parliament the Government.

There have been many instances in our history, even during those periods of the administration of Sir Robert Walpole, of Lord North, of Mr. Pitt, at which their power was the most uncontrolled, when the course taken by the great machine of the State, was not wholly the

result of the force impressed upon it by the Government, but partook largely of the counteracting impulse of their opponents. Many bad measures were adopted, notwithstanding that opposition, but many worse were altogether prevented. The effect which those individuals who are not in office, have in modifying the measures of those who are in office, no one can possibly doubt; and it establishes my position, that the substantive business of Government is carried on in Parliament.

Ibid.

Employment of Spies in the Public Service.

The Commons have a right to demand a redress of grievances before granting the supplies, and it is no light matter to have persons like Reynolds quartered upon the public as pensioners. What will the country say, when they hear that the noble lord (Castlereagh) intends to send forth a person of this degraded cast as His Majesty's Consul-General to a foreign port? What will the Continental Ministers say, when they become acquainted with the character of this representative of the Government? In all commercial concerns he is to represent the Government, at least as far as concerns the merchants of this country. Is it to be maintained seriously that a person clothed with a character of spy and informer is to hold this situation? .

This, I believe, is the first time that any man has ventured in this House to pass a panegyric on spies and informers—persons of such infamy that no one judge in England, or in Ireland either, will desire a jury to take cognizance of a case where their evidence is not fully and clearly corroborated. This Mr. Reynolds, it appears, for lucre came forward to swear (no matter whether truly or falsely) against his associates; he has turned informer; and this is sufficient to stamp him with all the infamy that attaches to such characters, notwithstanding all the subtlety of the noble lord. I cannot sufficiently express my abhorrence of such a character, nor my grief to hear

the eulogium which the noble lord has thought proper to pronounce on it.

House of Commons, June 16, 1817.

Gift of Books to Public Institutions.

It certainly is not any encouragement to learning, to impose on authors—poor men—the task of supplying the Universities with books, and thereby unnecessarily sparing the funds of those rich and well-endowed bodies.

House of Commons, June 19, 1817.

Absurdity of the Thistlewood Plot.

The Report of the Committee talks of numerous leaders and large funds, and of one individual in particular, Thistlewood, as having pecuniary resources, not only for providing arms, ammunition, and equipment for horse and foot, but for the payment of the wages of the thousands who were thrown out of employ in consequence of his plot, and who engaged to devote their labours to its accomplishment,—demands which the fortunes of the Dukes of Devonshire or Bedford would be incapable of answering. What appears to be the fact? That this man of inexhaustible wealth was in reality so poor as to be unable to appear on his trial in court in the ordinary dress of his country, but was content to put up with the jacket and trousers of an old sailor! When the managers were arrested, they were found in a miserable garret, two or three in one bed, and, in the depth of winter, covered only with a single blanket. At least, therefore, if it be true that they had immense funds at their disposal, they behaved most disinterestedly in appropriating no part of them to their own purposes. The subscriptions, of which the First Report says so much, amounted in the whole to £1.2s.; and the whole scheme of summoning the tower, and seizing the bridges, was as contemptible in its reality as the report has endeavoured to make it important in the representation. The cavalry

was to consist of horses taken from hackney-coaches at a time of night when there were none in the streets; and the general who was to lead them had been appointed to his command, not so much because he could ride, as because from his lameness he could not walk.

All the craft in the Thames, like the tower, was to be captured by a single rebel; and, when a few barges had been furnished with one gun each, they were to proceed to the Nore, to capture all the first rate men-of-war there stationed for the protection of the river. Upon the subject of the ammunition-waggon the Report has been very diffuse; and the right honourable member for Liverpool has added to the gross exaggeration by his taunt, that he could see no connexion between a peaceable meeting for the reform of abuses and a waggon loaded with military stores; yet what did it turn out to be but an ounce or two of powder in a little tin canister, and a few bullets in the foot of an ancient stocking. These, too, placed in the waggon by the miscreant and accomplice, Castles, or by some person employed by him for the purpose.

House of Commons, June 23, 1817.

Suspension of Habeas Corpus Act a Suspension of the Constitution.

It is said by those who now call for the suspension of the Habeas Corpus Act, that in times of danger the Constitution requires support. I beg leave to protest against this doctrine; the Constitution of England is not made merely for fair weather; and, if it cannot defy and outlive the storm, it is not worth preserving. If this measure (the Suspension Act) is unfortunately passed, I hope never again to be compelled to listen to the pharisaical cant of how much happier and more free the subjects of this country are, than the nations by whom they are surrounded; for what does the suspension of the Habeas Corpus Act prove but that the Constitution of England is of no use, and the liberties of Englishmen of no value?

House of Commons, June 23, 1817.

Opinion of Lucien Buonaparte.

What is the real danger to be apprehended from Lucien Buonaparte in either Europe or America? He is a person who, as far as I understand, is a great admirer of French poetry, and also, when not engaged in either reading or writing it, amuses himself with digging up the remains of antiquity at Tusculum. When in this country his whole deportment—and it was vigilantly observed—was of the most peaceable and inoffensive nature.

House of Commons, July 11, 1817.

Tyranny of Lord Castlereagh's Irish Administration.

With regard to the noble lord opposite, it cannot be forgotten with what scenes his administration in Ireland was formerly attended. I presume that the noble lord was ignorant of them at the time of their occurrence, but the circumstances are on record! It is now a fact which cannot be controverted, that men were flogged with a merciless spirit, which was not satiated till their bones appeared to the face of day.

It is not to be denied that the man who had been thus lacerated was rubbed over with gunpowder, in order to be a second time mangled, till his bowels burst through his wounds, and was then abandoned without medical aid. When this man afterwards brought his action against the individual who had inflicted the punishment, it is equally true that that individual petitioned the Irish Parliament for a bill of indemnity, on the avowed principle of his having employed torture, in order to extort truth. I allude now to the case of *Wright v. Fitzgerald*, in which the Attorney-General supported the petition, and the petitioner was afterwards made a baronet.

House of Commons, July 11, 1817.

Mr. Canning's Mode of Debating.

The right honourable gentleman has charged the address (on the state of the nation) principally with

omissions, and above all with leaving out the subject of Parliamentary Reform. Now, for my part, I can hardly regret this, as it has afforded the right honourable gentleman an occasion for letting off his long meditated speech on that question, which, for some odd reason or other, he did not choose to speak in the debate on the worthy baronet's motion upon the subject; and I must say the right honourable gentleman himself was rather ungrateful in making such invectives against an omission which he has turned to so much account: to be sure, had it been otherwise, I do not at all know that he would not have contrived to bring in the speech that he had ready for use. That is his way of debating.

The right honourable gentleman has honoured me by comparing me to a commander, and has given a very distorted account of my operations; and it is said that chiefs accustomed to be opposed, get to know one another's tactics very precisely. Now, I cannot have the presumption to say it of myself; but the little legion—the band on this side, who are generally opposed to the right honourable gentleman, as one leader is to another, has learned pretty accurately his course of tactics. It is this: he takes care to have magazines well stored with ready-made, cut-and-dry speeches, prepared for future occasions, and adapted as replies to the topics he supposes may be used. Indeed, he has not left us to guess this, for he once let his secret out in plain terms. He said that in most debates, one would, by thinking on the subject beforehand, anticipate the arguments that would be used on the other side; accordingly, this is the right honourable gentleman's method. He deems it more convenient, better suited to the importance of the subject, and more becoming the dignity of the place, to weigh well what his adversaries are to say, and be ready with an elaborate—answer may not be always the fit word, but harangue, or merriment perhaps—than trust to the moment.

It is impossible to deny that his plan has great advantages; but it has, I am afraid, its inconveniences also. While the expected topics are used, for which the answers are ready got up, all goes well. But if, as will now and

then crossly happen, they never are used at all, then comes the difficulty how to get in all the fine things prepared with so much labour to meet them. That all this work should be thrown away—all the hours of day and midnight oil consumed in vain—is too hard, and in common humanity cannot be expected; so the passages got up must at all events be introduced, and if the expected topics do not come on on the other side, they must be supposed to have come on. Accordingly, this is exactly the right honourable gentleman's way; he fancies his adversary has used the arguments he himself is prepared to meet; he puts them into his mouth and answers them; or he supposes something to be left out which is not, and he amuses himself and the House with being very droll upon the omission.

July 11, 1817.

Repudiation of Violence in Reform.

Reverting to the noble lord's (Castlereagh) charge of violent innovation, I must appeal to the House, in justice to myself, whether, either on this night or on any other occasion, I have ever brought forward a single measure, or uttered a word, that betrayed a leaning towards plans of a sweeping, rash, or violent reform. On the contrary, it is my conscientious opinion, that, in effecting improvements in our political institutions, we ought to proceed warily and even slowly, seeing how much easier it always is to pull down and destroy, than to build up and to restore. These are my principles; to these I have steadily adhered; and I defy any man to show me one exception. To be sure, I belong not to the class of reformers to which these Ministers belong; I am not for sitting a passive and idle spectator of the ravages of time upon the Constitution, and expecting that time will repair what time alone has destroyed—in other words, doing nothing, and trusting to blind chance. But a rash, hasty, wholesale system of change is utterly abhorrent to my views.

July 12, 1817.

Buonaparte the Enemy of Europe and of France.

I have always regarded the power, and ambition, and tyranny of that person as incompatible with the independence of Europe as with the liberties of France. I have uniformly recommended the most vigorous measures against his power. I have blamed the Government, not for opposing him, but for opposing him inefficiently—for dividing their attacks—for splitting their power—for carrying on the war as they waged it during many years, in a feeble manner, upon narrow views, the failure of which was certain.

July 12, 1817.

Political Religion.

Nothing can do so much harm to religion as to make it a handle for political convenience. He is the worst enemy of religion who makes a show of dealing out justice for its protection, but who, in reality, acts on political grounds, and to serve political interests. But it seems a man may blaspheme—he may send forth as much irreligion as he thinks proper, so long as he meddles not with the conduct of Government—he may abuse the ministers of religion with impunity, so long as he abuses not the Ministers of the King—he may say or publish what he pleases, so long as he is of the right stamp—he may take what liberties he pleases with the affairs of the Church, so long as he leaves temporal administration unprofaned. I have a most complete dislike of such publications themselves; but religion, I think, for its own sake, ought never to furnish means for the expression of political displeasure.

March 3, 1818.

Large Standing Army.—State of Europe and of Ireland in 1818.

It becomes the Commons of England, as many of them, at least, as are here assembled, to insist that the

number of troops to be maintained, especially in this country, shall not exceed what it was in 1792. In a year of profound peace, and when all danger of internal commotion is allowed to have ceased, it is for Ministers, and not for those who sit on this side of the House, to show why the force should be increased beyond what it now is. The people of England have a right to be governed at the smallest possible expense; and, if I show that the state of the country does not require any extraordinary measures, the *onus* is on Ministers to establish, step by step, the necessity of maintaining every battalion and every troop of the line which they now propose to the House. The noble Secretary-at-War has said that there is a great increase of population, and, of consequence, a great increase of turbulent spirits in the country; but, does he mean to say that, because the population is increased to the amount of five or six hundred thousand, the army must be kept up to the present numbers? In that case, allowing his position to be true, instead of an increase in the army of ten per cent. it would be increased to at least one hundred per cent. What is there in the state of the country so different from what it was in 1792, as to justify the augmenting the army in this degree? Was the year 1792 more particularly tranquil than the other years that succeed it? I maintain that, if ever there was a period in which the Constitution of this country was exposed to danger, it was in the year 1792. France was then threatening to sow discord and dissension in the country, and great apprehensions were entertained for our external and internal welfare. But the terrors which the French revolution excited are now passed. That revolution, indeed, has fallen into disrepute among the nations of Europe, and the danger which it was said to have given birth to is now on the other side. The danger which now exists is not a danger to be apprehended from the people; it is a danger that arises out of the doctrine of legitimate Government, to be maintained and supported by military force; it is a danger that the Government will go too far in trampling on the rights and liberties of their subjects.

And yet this is the time in which the Ministers of the Crown think proper to desire so considerable an increase of the standing army compared with what it was in 1792. It is admitted that Ireland is the most disturbed part of our dominions, and that England is the most tranquil; but in framing the Estimates this view of the empire is entirely overlooked, and the increase of the army in England is much greater than the augmentation which Ministers have made for the sister country. If they wish to remove the discontent which unfortunately exists in that part of the empire; if they are desirous of governing Ireland not by the sword, but by the laws, they will turn their attention to those subjects which form the principal ground of murmur. The noble lord and his colleagues will readily understand that I allude to the Catholic claims, the granting of which would have the effect of restoring tranquillity in every part of the kingdom. It is scarcely necessary, at this time of day, to observe that standing armies are utterly inconsistent with the spirit of our free Constitution, but I will venture to say that it is one of the most calamitous signs of the times, that in every country armies are kept up for the purpose of spoliation and of exciting terror in the minds of the people.

March 4, 1818.

Powers of Magistrates to exceed the Law.

I agree that when, in a crisis of real difficulty and danger, a magistrate who has been armed with extraordinary powers, for the preservation of public tranquillity, does step beyond the bounds of what is strictly legal, without exceeding the limits necessary for effecting his purpose, such a magistrate deserves protection, if the measures he pursues are proved or admitted to be essential to the public safety. It is possible that such conduct may at once be illegal and meritorious; its illegality may be extenuated by the necessity that calls for it; and the magistrate may have acted meritoriously in ven-

turing, on such an occasion, to overstep bounds at his own risk. An indemnity granted to such a magistrate, and under such circumstances, would be no more than he would have a right to demand.

Indemnity Bill, March 11, 1818.

Character of Mr. Ponsonby. Mr. Lamb (Lord Melbourne) "recalled to his forgotten Whig principles."

My lamented friend was on all occasions the firm defender of the Constitution, equally against any threatened turbulence of the people as against the encroachments of power. He was a man of too sound mind and too firm principles to be led away by vague generalities unsupported by facts, or to surrender the liberties of the people when Ministers find it to their interest to sound a false alarm, and pack Committees to find matter of accusation against the country. He kept to the sheet anchor of the Constitution; and the more the storm raged, he held by it the faster, as the only means of weathering it out. He was a true constitutional lawyer of the old school. His wisdom enlightened, and his eloquence roused the House, whenever any question of constitutional right came before it; and he held this maxim, that it is the grossest delusion and the height of impolicy and inconsistency, for those who have Whiggism on their lips, to say that, at the first moment of disturbance, they will deprive themselves of that Constitution which, as it is the best security against the power of the Monarch, is the best safeguard against the turbulence of the multitude; and, had he now been present, his warning voice would have rung in the ears of my honourable friend (Mr. Lamb) to recall him to his forgotten Whig principles. His language always was, "Let us preserve the Constitution entire in all its parts, and in perfect vigour, then we can defy turbulence from without, the engines of corruption within, and the most dangerous enemy of all,—the influence of the Crown."

Ibid.

Fictitious Plots of the Castlereagh Ministry.

If the alarm of last year had been really felt by Ministers, and if, in consequence of that alarm, they had committed conscientiously some illegal acts, I should not have felt such a repugnance to the present measure ; but the Bill for the suspension of the Habeas Corpus Act, and the other measures themselves, to which they resorted, proceeded from a sense of their own unpopularity, and a desire to preserve their places, rather than from any danger which they believed to threaten the tranquillity of the country. They saw that, from their conduct in maintaining a large standing army, and opposing every recommendation for retrenchment, their places were in jeopardy, and hence originated their plots and conspiracies and cries of alarm. Had they been before the beginning of last session as secure in their seats as they found themselves in a short time to be, or as they think themselves now ; could they have anticipated the large majorities which excited so much cheering in the late stages of this Bill—I may be wrong, but I believe in my conscience that the country would not have suffered the infliction of the Suspension Act. They thought a plot necessary for their power : they made a plot ; and they resolved to maintain their places, though they destroyed the liberties of their country.

Ibid.

The Constitution and its Dangers.

It is now reckoned childish or romantic to profess any veneration for the Constitution of the country, or respect for popular rights. My honourable friend (Sir S. Romilly) has been taunted with romance for defending its general principles ; but I will say, that, if it is a romance, it is a romance which has given us all the advantages which those who know not their origin cannot overlook. It has made us the admiration and envy of our neighbours ; and, by frequent derelictions of it, like the present, we shall soon cease to be the only free and happy

country in Europe, or in the world. If the House thinks to do its duty to the country, by agreeing to every unconstitutional measure at the bare suggestion of the Minister—if you think you will be doing your duty to your constituents by refusing to investigate their complaints, and by rushing headlong, without inquiry, into every measure which is recommended against them—if the new doctrine of confidence in Ministers, whoever they may be, obtains, I should then say that it is a matter of little consequence in which form the Constitution exists: the substance of it is gone. It is plainly avowed that it is fit only for fair weather—to be got rid of as soon as a storm arises—and that the rights of the people of England are not to be held even during their good behaviour, but at the good will and pleasure of the Ministers of the Crown.

Ibid.

Tithe ;—its Evils.

Among the causes of irreligion or lukewarmness, and ecclesiastical feud and schisms, I believe none to be so prominent as the disputes which arise out of tithe; and, of these disputes, by far the most irksome to both the parson and the landholder, are those which grow from the insecurity of possessions, and the liability to be disturbed after long enjoyment. I wish to see the ground of those for ever removed, that nothing but peace and harmony may prevail within the precincts of the Church, and that the parson and his flock may live in uninterrupted concord.

Ibid.

A True Friend to the People.

There can be no greater friend to the people, no falser friend to the royal family, than he who, abandoning his duty to his constituents, would persuade Parliament to put a negative upon, or not voluntarily to comply with, the expressed sense of the people.

April 16, 1818.

A Monarchy preferable to a Republican Government.

One of the illustrious men who is now regarded only as the greatest poet, though he was also one of the firmest friends of liberty, said that he preferred a republic to a monarchy, because the trappings of a monarchy would set up a commonwealth. In this I presume to differ from him, and to think that he took too narrow a view of the question; for I prefer a monarchy, with all its trappings; but it is on the condition that they should be cut down to the lowest amount, consistently with the safety of the monarchy itself. But he is no true friend to monarchy who attempts to draw off veneration from the fabric of the monarchy to its extrinsic ornaments, and, by accumulating expense, to assist to persuade the people that other forms of government are better, because they are cheaper.

April 16, 1818.

Pernicious Influence of Annual Parliamentary Grants on Public Schools.

Should Parliament show a disposition to assist those societies formed for the education of the poor, by annual grants, no one can doubt that the zeal of the collectors and the exertions of the contributors would be immediately relaxed; nor can it reasonably be questioned that the funds so bestowed would be applied less economically. We might expect soon to see these incomes raised for the education of the poor in less considerable towns, amounting to £100 or £200 a year, in larger cities to £1,200, £1,500, and even £2,000, dwindle to nothing, while others, only in embryo, might perish; and many beneficial schemes would assuredly never be performed at all, which the charity of richer classes, left to itself, neither controlled nor assisted, might speedily have conceived.

The line traced out by Parliament with regard to the populous districts, by all the evidence given to the Committee, seems sufficiently plain. It should confine its assistance

to the *first cost* of the establishments, and leave the yearly expenses to be defrayed in every case by the private patrons. The difficulty generally experienced in beginning a school arises from the expenses of providing the school-room and the master's house. In many places the inhabitants could raise so much a year to keep the thing going, provided it were once started; and undertakings are often thus abandoned from the difficulty of meeting this first and greatest expense.

May 8, 1818.

The Thirst after Knowledge.

When we turn from the considerable towns and populous districts to parts of the country more thinly peopled, we perceive a different state of things in all but one essential particular, in which every quarter of the kingdom seems to agree. The means of instruction are scanty: there is little reason to look for their increase, but the poor are everywhere anxious for education. From the largest cities to the most solitary villages; to remote districts where the inhabitants live dispersed, without even a hamlet to gather them together; whether in the busiest haunts of men, the seats of refinement and civility, where the general diffusion of knowledge and the experience of its advantages or pleasures might be expected to stamp a high value on it in all mens' eyes; or in the distant tracts of the country, frequented by men barely civilized and acquainted with the blessings of education rather by report than observation; in every corner of the country the poor are deeply impressed with a sense of its vast importance, and willing to make any sacrifice within the bounds of possibility to attain this object of their ardent and steady desire. All the evidence collected evinces the truth of this statement, so honourable to the character of this country; and I make it with a feeling of pleasure and pride, because it shows the existence of a noble spirit in Englishmen, which all the calamities of the times have not been able to undermine and subdue.

May 18, 1818.

The Scotch System of Parochial Education.

The attention bestowed, from the earliest times, upon the important subject of national education in Scotland reflects immortal honour upon its inhabitants. As far back as the fifteenth century, in the year 1494, when it would be difficult to trace any attention to such matters in the proceedings of the English and Irish Parliament, that comparatively poor and barbarous country introduced into its statute-book an Act, the mention of which, I suspect, may excite merriment in the House—an Act to compel persons of a certain station, barons and freeholders of substance, to have their eldest sons well provided in Latin at the grammar-schools, and afterwards to study the laws for three years, to the end that “justice might remain universally through the realm.”

Other legislative provisions of inferior importance were made in the course of the sixteenth century, and, at length, in the reign of Charles I., the attention of Government was directed to the establishment of parochial schools.

To that monarch is unquestionably due the praise of having begun the system. I know not if historians have sufficiently marked the difference of his conduct towards England and towards his ancient hereditary kingdom. In this respect he somewhat resembled a celebrated chief of our own times, who always treated with much more favour the country of his birth than that of his adoption. So, whatever Charles I. may have been in England, in Scotland he was a great reformer! She owes to him the most beneficial change that ever was effected in ecclesiastical polity,—the general commutation of tithes; and about the same time he laid the foundation of another improvement, hardly less important both to the State and the Church—the system of parish schools. In the preceding reign an Act of Council had passed, 1616, directing the bishops “to deal and travail” with their respective dioceses for “providing the means of entertaining schools.” And the statute of Charles, in 1633, compelled the landholders to undertake this work. It was not, however, till after the revolution that the measure was rendered effective, in 1696, by one of the last and

best Acts of the Scottish Parliament: a law justly named among the most precious legacies which it bequeathed to its country.

May 8, 1818.

Opinion of Scotchmen.—Reason why they succeed in Life.—Opinion of America.

Go where you will over the world, the name of a Scotchman is still found, combined in the minds of all men, perhaps, with some qualities, which sincere regard for that good people restrains me from mentioning, but certainly with the reputation of a well-educated man. To the possession of this enviable characteristic, and not, I trust, to the other qualities imputed to them, we may fairly ascribe the high credit, the great ease, and what is usually termed the success in life, which generally attend Scotchmen settled abroad. The countries where they have settled have partially followed their example—as, indeed, into what part of the world have they not emigrated?—and, Sir, let me ask, where have they gone without conferring benefits on the place of their adoption? In what place have they settled that has not reaped, at the least, as much advantage from them as it has bestowed upon them? In Sweden, where a number of noble families are of Scotch extraction, something upon the model of the parish-school system has long been established. In the Swiss cantons, and in many of the Protestant countries of Germany, the example has been followed, with more or less closeness, and whenever the plan has been adopted its influence upon the improvement of the lower classes and the general well-being of society has, if I may trust my own observation, and the concurring testimonies of other travellers, been abundantly manifest.

America affords another instance which deserves to be cited as a triumphant refutation of the whimsies of ingenious men, who fancy they can descry something in education incompatible with general industry. That is surely the last country in the world where idleness can

expect to find encouragement. The imputation upon it has rather been that the inhabitants are too busy to be refined. An idler there is a kind of monster; he can find no place in any of the innumerable tribes that swarm over that vast continent. In the rapid stream of its active and strenuous population it is impossible for any one to stand still a moment; if he partake not in its motion he will be dashed aside. Yet such is the conviction there that popular education forms the best foundation of national prosperity, that, in all the grants made by the Government of this boundless territory, a certain portion of each township, I believe the twentieth lot, is reserved for the expense of instructing and maintaining the poor.

May 8, 1818.

The "Eternal Gates" of Chancery.

Is not the Court of Chancery open? Come all ye who labour under the burden of fraud or oppression, enter the eternal gates of the Court of Chancery. True you are the poor of the land; the grievance you complain of has robbed you of everything; but, penniless though you are, you are not remediless; you have only to file a bill in equity, and the matter will take its course! Why, if there were nothing in reality, there is something in the name of the Court of Chancery that appals the imagination, that strikes terror into the unlearned mind. I recollect a saying of a very great man in the Court of King's Bench: the judge having said of his client, "Let him go into a court of equity," Mr. Erskine answered in an artless tone of voice, which made Westminster Hall ring with laughter, "Would your lordship send a fellow-creature there?"

May 8, 1818.

Opinion of King's Speeches.

All the speeches from the throne are neither more nor less than the composition of the King's ministers, and

they are always viewed and treated as such by Parliament. The addresses, which echo back the tale, are never understood to pledge any members of the House to any particular vote upon the many questions which may arise in the course of the session. A King's speech is usually known as a vague, unmeaning, general composition, in which as little as possible is said in a large number of civil and sounding phrases.

Mr. Windham has once shown his opinion of such compositions, when, in alluding to a gentleman who had been much employed in preparing Royal speeches, and who was himself one of the most skilful, as well as eloquent orators, he exclaimed, "I verily believe he could speak a King's speech off hand."

June 2, 1818.

The good old Days of the Constitution, and Reform.

I wish to recall to my honourable friend's (Sir F. Burdett) recollection, that in those pure times of the Constitution, when the monarchy was in all its splendour, respected abroad, as it was united at home, having recently emerged, by-the-by, from a seven-fold division—in the days when there were no rotten boroughs, no corrupt elections, no circumscribed suffrages, when Parliaments were not merely annual, but when there were sometimes more than three of them in one year—in that golden age of the Constitution (unless the lustre of the metal was impaired in its progress from the Heptarchy to the period of Magna Charta), it appeared from this chapter of Magna Charta, that liberty was allowed to those who had property *in men*, instead of being the property of men.

Absurd, visionary, and even detestable, as a proposition to return to a state of slavery was, a very learned man, a great patriot, and one of the most ardent and sincere friends of liberty that ever lived, Mr. Flecher, of Saltoun, had proposed in that Parliament, in which he was a constant and strenuous advocate for popular rights, as a relief from the state of mendicancy which then existed

in Scotland, that the people of that country should return to the Greek and Roman practice of domestic slavery. This doctrine was supported because it was an old practice of the country.

June 2, 1818.

Character of Jeremy Bentham.

I have the greatest respect for this gentleman. There exists not a more honest and ingenuous mind than he possesses. I know no man who has passed a more honourable and useful life. Removed from the turmoil of active life, voluntarily abandoning both the emoluments and the power which it held out to dazzle ambitious and worldly minds, he has passed his days in the investigation of the most important truths, and has reached a truly venerable, although I hope not an extreme, old age. To Mr. Bentham I wish not to impute either inadequate information, or insufficient industry, or defective sagacity; but I hope it will not be deemed disrespectful towards him if I say that his plan of Parliamentary Reform shows that he deals more with books than with men. Mr. Bentham is a real advocate for universal suffrage. He is a far more steady, an infinitely more consistent reformer than the honourable baronet (Sir F. Burdett), as he gives votes not only to all men, but to all women also. He draws no line at all; he weighs not with practical nicety the claims of different classes; he recollects that his principle is *universal*; he tosses away the rule and the scale altogether, and, without restriction, lets in all; young and old, men or women, sane or insane, all must vote—all must have a voice in electing their representatives. Mr. Bentham is a patron of the ballot, and his doctrine is, that all who can ballot may enjoy the elective franchise. The moment a person of either sex is able to put a pellet into a box, no matter whether he be insane, and has one of the keepers of a mad-house to guide him, still Mr. Bentham says that, though he does not support the utility of allowing idiots or mad persons to vote, for their own sakes, yet,

rather than make any distinctions, he will allow them, as they cannot do any harm, and the unbending consistency may do some good.

June 2, 1818.

Danger of conceding too much to Public Clamour.

The only result of yielding to the desire of conciliating popular favour, by proposing measures which discretion does not approve, is that many would be ready to outbid for that applause by still more extravagant concessions, and the highest bidders would not be the most honest and the most enlightened, but the most servile and submissive, the most mad or dishonest. I agree with the great man to whom I have just adverted (Mr. Fox), that it is necessary to make a stand against such wild chimerical notions (annual parliaments and universal suffrage); it is the duty of Parliament to expose and reprobate them—to try them by its own better judgment—to exercise, with regard to them, its own honest and enlightened conscience. To despise popular opinion is a short-sighted policy, even if it is justifiable in point of duty. The sentiments and desires of the people deserve every degree of respectful attention from their representatives; but the Legislature must exercise its own judgment; and to abandon this would be a gross folly, a greater breach of duty, than even the most entire disregard of the public voice. This abdication of their proper functions is, however, incomparably more criminal if done with a view to court popular favour at the expense of sincere and deliberate conviction; it is also, beyond all question, a still more short-sighted delusion, to fancy that such a base stratagem can succeed. The adoption of universal suffrage might for a moment lift one unworthy or obscure individual to popularity; another, less scrupulous or more consistent, would soon rise over his head by admitting persons under one-and-twenty, or paupers, women, or lunatics.

The prize, when thus put up to be bid for, would next be sought by adopting the ballot—yet all would not do;

the “*oft’ner-if-need-be-ans*” would still start up and carry the day—their existence is eternal; there is no pitch too high, no base note too low for them; they know of no obstacle, hardly any difficulty; their only rule in the competition is to go beyond the last man who has offered; and, as the degrees of human folly are infinite in all directions, this unworthy rivalry in pandering for the vices or the craziness of the multitude has no limits—I turn away from it with disgust, but not without some compassion for such as have engaged in it. For of this I feel assured, that, when popularity is thus sought after, it loses all the lustre which made it so precious a possession to honourable minds.

When it is to be bid for, not in the sterling coin of pure conduct, enlightened views, statesmanlike accomplishments—which few men hold a large stock of, but in the base dross of subserviency and compliance, and pretence and cant, which any one may have without stint, and the most unprincipled alone would use, then the people are degraded by being so courted, and their favours become a worthless, nay, a debasing enjoyment; a boon as fleeting as it is vile.

June 2, 1818.

The Wisdom of the old English Reformers.

To me it appears that the overthrow of an arbitrary Government and a bigoted church is in itself a great good, and makes an excellent and a substantial first part in the banquet of liberty. The patriots of the Revolution recorded their reasons for banishing James II., with a view of deterring future kings from the repetition of similar enormities. They never, any more than their illustrious predecessors, who had hazarded their all for the sake of liberty, civil and religious, aimed at improving the Constitution by indulging the senseless wishes of a multitude, after objects which, if they were to attain to-morrow, they would no longer consider of any value.

Much they have done for their country; vast is the load of gratitude which we owe them, both the statesmen who

brought about the Revolution, and the great, but somewhat mistaken men, who first turned the torrent of arbitrary power, and taught tyrants that resistance was a possible event when it became a sacred duty.

They did not, however, pretend to complete everything at once; they were not of the school which will try nothing unless they can do all by a stroke of the pen—whose maxim is all or nothing—who strike out Constitutions as a treat; the illustrious authors of the Revolution were satisfied to do speedily whatever was manifestly necessary and plainly safe. Caution required that something should be left to time, and they were modest enough to think that something might be done by the wisdom of after ages. Experience seemed to them of some value, and they wished to profit by frequent trials, and by feeling their way as they proceeded along. To create new systems in a hurry they deemed neither suited to the difficulty and magnitude of the work, nor to the limited nature of men. They knew well that man and nature, or rather its great Parent, must proceed by very different steps; and that, while the latter, according to Lord Bacon's beautiful observation, engenders at once the whole plant, so that the rudiments of each part are to be formed in the germ, from whence the light, the air, the shower, expand and educate the perfect vegetable; finite beings must be content to add things to each other, and go on by successive experiments, step by step, until, through many trials and many failures, they work something approaching to the object of their wishes.

The presumptuous ignorance, the rashness unchecked by information, which distinguishes many in the present day, leads to the expression of a vain contempt for men of better times, whose merits were far beyond the comprehensions that pretend to undervalue them. For my own part, I think the great men alluded to have only increased their claims to the admiration and gratitude of all posterity, by resting satisfied with having placed the country in a sure road to improvement, and to the attainment of a pure Constitution, instead of attempting things

beyond the reach of human imperfection, and only to be dreamed of by the blindness of ignorant presumption.

I have said so much in justice to these benefactors of their country, and I shall conclude by pressing on the House a maxim to be gathered for their example, and which comprises my own creed upon reform generally, that the empiric who pretends at once to eradicate every evil in the system, and the flatterer who affects to believe that no change at all is wanting, are equally dangerous guides in state affairs, and that the one is as incapable of effecting a salutary reform as the other.

June 2, 1818.

Pleasures of "Getting into Chancery."

It appears from the testimony of three most respectable churchwardens, who have devoted their time to the enormous abuses in the parish of Yeovil, that, of an income of £2,000 bequeathed to a charitable purpose, not above £30 or £40 are rendered available. Questions and answers to the following effect passed between the Education Committee and those individuals:—"Q. Why did you not go into a court of law—there you would have found a remedy? A. We did.—Q. Did you go to the Court of Chancery?—A. We instituted proceedings there eight years ago. Q. How long did they continue?—A. We are not out of court yet." The first witness examined:—"I have paid £1,300 costs, and have received only £300 of them from the town. Q. Have you obtained no relief?—A. Oh, it has ruined us! Q. Have you found the other expenses heavy?—A. Oh, good God! I have a thousand times wished myself out of the world; it has entirely ruined me; it has destroyed an excellent business of which I was possessed." . . . The second witness examined:—"Q. What have you experienced with respect to this case?—A. It has cost me £500 already, and I fear I do not know the worst of it." The third witness examined:—"Q. Have you suffered

anything by this suit ?—*A.* My heart is almost broken ; indeed, my nerves are so shaken by the losses which I have sustained in the prosecution of the affair, that I scarcely know what to do ; it has been the most grievous thing I ever knew. I have a wife and several children, and I beg leave to add, that, unless the Committee allow me to leave town to-night, I do not know what will become of them." The whole appearance of the man bore ample testimony to the truth of the dreadful account he gave of his condition.

So much for this instance of the advantage of resorting to a court of law.

Sir G. Paul, a man of the most estimable character, who had devoted a long and useful life to the advancement of all that was calculated to benefit the poor, had, on the discovery of an abuse of a similar nature in a charity of £50 or £60 per annum, betaken himself to the same cheap and expeditious remedy. The House having heard the general results of such steps, I will now show them a little of the mechanism by which a man's fortune, health, and happiness are ruined.

After the necessary preliminary steps, this cause was put on the paper in the Court of Chancery in December, but was ordered to stand over. Again it was put on the paper, and again it was ordered to stand over for three days. On the 21st it was actually called on, but the court made up its mind that it would not make up its mind. On the 9th of April, for which it was fixed, the court, with its usual promptitude, determined that it would not determine. On the 13th of May it came on, and the court pronounced on one point, expressing its opinion that a certain lease was void, but reserved its judgment on other points. To elucidate those points the court took home the papers, and no more was heard of the case for many months. The papers being taken home, it was a kind of respite, and a suspension of proceeding, which relieved from expense during the time they were considering. The counsel, however, both for the plaintiff and for the defendant, applied for judgments ; but it was postponed to the 20th of January, on which

day it was not judged. Two days afterwards the same occurrence took place; it was then decided that it should not be decided until another day, on which other day it was again decided that it should not be decided until another day, on which day it was again postponed.

It was appointed positively for the 29th of February, there being but twenty-eight days in that month. It was of course again deferred, and then again on a subsequent day it was mentioned. This word "mentioned" is a light and airy word in this House, but in the Court of Chancery it is attended with fees to the counsel, fees to the agents, fees to the short-hand writer; in short, a "*mention*" is not the most unexpensive and agreeable proceeding which befalls a suitor.

Some days after the court acknowledged that it had mislaid the papers, which so many months before it had taken home to peruse, and desired that a brief (attended with considerable expense) might be left with the court. On the 17th of March it was again called on, and at length it was—not decided, for decided it is not unto the present moment, but it was referred to the Master.

June 3, 1818.

Character of Lord Eldon and the Court of Chancery.

The Court of Chancery may be excellent for many purposes, but to the suitors in it it is ruinous. It may be an ornament to the state, it may be beneficial to those who belong to it, but to those who are so unfortunate as to resort thither for equity it is irremediable, but certainly not immediate, ruin. And here I beg to guard myself against being misunderstood. I unequivocally disavow the intention of throwing the slightest imputation on the integrity, on the talents, or on the incomparable and unprecedented learning of the noble and learned lord at the head of the Court of Chancery. I sincerely believe that, from the days when English law and equity were separated to the present time, there never has been any individual in that situation more anxious to do justice to all parties. I believe I may say with equal confidence

that this noble and learned lord's unrivalled sagacity and subtlety is unanimously acknowledged by the whole profession, and that he is by far the man of the most wonderful legal learning that has for ages appeared in any of our courts.

This is not merely the expression of my own unfeigned reverence and admiration of the great qualities by which this noble and learned lord is distinguished. I know I speak the sentiments of all the profession, common lawyers as well as Chancery lawyers. That the learning and subtlety of the noble and learned lord is unexampled, is the opinion from one end of Westminster-hall to the other. I must add, that a more kindly-disposed judge to all the professional men who practise in his court never, perhaps, existed. But, notwithstanding all these good qualities on the part of Lord Eldon, it is my duty to say, that there is a something in the Court of Chancery which sets at defiance all calculations of cost and time, and renders the celebrated irony of Swift, when he makes Gulliver tell the worthy Hynnywhmn, his master, (what, he says, his honour found it hard to conceive,) that his father had been wholly ruined by the misfortune of having gained a Chancery suit with full costs, not only not an exaggeration, but a strictly correct description of the fact.

June 3, 1818.

Imperishable Monuments to a Nation's Fame.

I cannot sit down without once more adverting to a most interesting topic, to which I drew the notice of the House when I last had the honour of addressing them. Every day has discovered to the Committee (of Education) more and more proofs of the munificently charitable disposition of individuals in former times. What I wish you to do is, only to turn with grateful attention to the benevolence of your forefathers, and to endeavour to prevent the memorials of that benevolence from being defaced.

We are occupied in raising monuments to the glory of our naval and military defenders, and fashioning them of

materials far more perishable than their renown; all I ask is, that we should protect from the operations of time, and from the injuries of interested malversation, those monuments of the genuine glory of our ancestors, those trophies which they won in a pious and innocent warfare, and left to commemorate triumphs unmingled with sorrow, unpolluted by blood, gained over Ignorance, that worst enemy of the human race, and over her progeny, Vice!—Thus we shall perform a greater service to the public; we shall contribute to exalt the name and the fame of this country more than by all the other acts of public munificence in which, as a great and a victorious nation, we have been justly indulging. Whatever may be attempted to impede the attainment of this object, I hope that we shall so vigilantly protect the Commissioners in the execution of their duty, as to prove to all persons that any efforts to frustrate the views of this House, and to defeat the hopes of the country, are vain; and I trust that all who have hitherto obstructed, or who may yet endeavour to thwart our views, whether from an interested dread lest their own malversations should be detected, or from scarcely less base fellow-feeling for the malversations of others, or from a silly and groundless fear of they know not what dangers—that all who, on whatever grounds, hold out a protecting hand to corruption, from the hereditary enemy of improvement, and the mitred patron of abuse, down to the meanest peculator in the land, may learn that the time is gone by when the poor can be robbed with impunity.

June 3, 1818.

Reciprocity of Interests between the Magistracy and the People.

I fully concur in the eloquent eulogium pronounced by the right honourable gentleman (Mr. Canning) upon the incalculable, the hardly-to-be-expressed, value of our magistracy, who not only act gratuitously, but are often exposed to the discharge of disagreeable functions, and, in some instances, even to the risk of their lives in the

public service. For this reason it is that the law has fenced them round with a threefold fence in the discharge of those duties. I therefore lament, as sincerely as any man can do, that any transaction should take place which could throw a stigma on so respectable a body. I lament it the more, as it is to the constitutional discharge of the duties of that magistracy that the people are to look up for the preservation of tranquillity. It is their only source of assistance, save the introduction of the military. I shall lament deeply the result of the transactions under discussion, if the magistrates implicated are not in this instance separated from the general body of magistrates.

House of Commons, Nov. 24, 1819.

Character of Mr. Wynn.

With reference to the clamour which has been raised against extra-judicial proceedings, I cannot but express my disappointment at the opinions expressed on this subject by several of my honourable friends for whom I entertain the highest respect; and particularly at the opinion expressed by my honourable and learned friend the member for Montgomeryshire (Mr. Wynn), a man learned beyond all others in the history of the assembly whose privileges I am endeavouring to support—skilled beyond all men, deeper than all the children of men, in the knowledge of the voluminous records of Parliamentary precedents—a man who is even supposed by most people to know the whole of the journals of the House by heart, who devotes to their study the light of day and the midnight oil, whose accuracy in everything connected with Parliament is so rigid, that many persons imagine he really comes down to the house every morning at ten o'clock, the hour at which the House ought to assemble according to the strict letter of the adjournment; in short, a man whose devotion in this respect can only be equalled by that of a learned ancestor of his, who, having fainted from excessive toil and fatigue, a smelling bottle was called for, but one who knew much better the remedy

adapted to the case of that gentleman, exclaimed, "For God's sake, bring him an Act of Parliament, and let him smell at that!"

I cannot help thinking, in like manner, that, in case my honourable and learned friend should ever be attacked in a similar way, the mere smelling of a volume of the journals could not fail instantly to revive him.

House of Commons, Nov. 24, 1819.

Licentiousness of the Press in 1817.

It is now too late to complain of the licentiousness of the press—too late to complain of the gross and disgusting passages which are sent before the public, and which I lament as much as any man. I, too, have to complain of the existence of such abuses, but from a different cause, for it appears as if the abuse and licentiousness of the press had been fostered, in order to give some colourable ground for attack upon its liberty. What I have to complain of, and do complain of, is that in the last three years, without an attempt at prosecution, a mass of the grossest and most criminal matter has been launched forth to the public with which ever society has been visited. In some of these writings, assassination has been inculcated, forgery defended, and almost every act which could violate allegiance encouraged. I, within the last two years, read some parts of a newspaper, published in 1817, in which it was said that the House of Commons was an impostor, the House of Lords an impostor, and the King equally an impostor; and that King, Lords, and Commons were only supported in their oppression of the people by the influence of 300,000 bayonets. It was also added, that the office of the King is a sinecure which ought, like all others, to be abolished. The Sovereign was addressed in a coarse familiar way, and asked what it was he did for the money which he received from the public. The speech which Oliver Cromwell addressed to the Parliament, when he ordered what he termed "that bauble" to be removed, was then repeated to the King, and he was advised to imitate it. This I

saw in a newspaper published two years and a half ago, and I have not learned that it has been attempted to prosecute it. There was besides this a sort of catechism in which murder and high treason were treated as innocent and justifiable acts. It was asked, "Is high treason a crime?" To which the answer was, "Not always." Another question was "When is high treason a crime?" and the answer was, "When a subject ascends the throne by the choice of the people, then to put that man to death would be a crime, because there would be a loss of a good man to the people."

The writer of the catechism went on to say, that, when a man receives the throne as an hereditary right, then it would not be a crime, even if the man were a good and efficient sovereign. Who then are to blame, if the press is licentious, but they who have not taken any steps to correct it by the proper application of those remedies which the law prescribes?

House of Commons, Nov. 24, 1819.

Seditious Pamphlets (1819.)

I will show the House good reason why the publishers of these pamphlets are not guilty of the charge which has this evening been brought against them (a violation of the Stamp Act). The words of the Stamp Act, on which alone this charge has been substantiated, and upon which I have always given my opinion, when requested to do so, are, "Any newspaper or papers containing any news, intelligence, or occurrence." From these words it is impossible to argue that a person who does not publish any news, intelligence, or occurrence, but merely comments upon them, is guilty of a fraud upon the revenue, because the loop-hole through which he escapes is evidently a loop-hole contemplated by the Legislature. That this is the case will appear more clearly by considering the intention of the Legislature. The Act allows not only individuals to publish every week, or at any other periodical intervals, such comments, but also contains a clause stating the terms on which they are to

publish them. From the wording of this clause, it has always been my opinion that a man who publishes a pamphlet, containing mere comment, periodically, is not evading, much less defrauding, the revenue. I have thought it requisite to make these observations, in consequence of what fell from the noble lord on a former occasion. I am clearly of opinion that nothing can be more dangerous to society, nothing more pernicious to the best interests of humanity, than what has recently gone forth to the world in these twopenny pamphlets, and my charge against Ministers is, that they did not endeavour to stop the torrent of blasphemy and sedition which lately inundated the country before it arrived at its present height. The existing laws confer on them sufficient power wherewith to have done it; and I will pledge myself to show, when the proper opportunity arrives, that they are more effectual for such purpose than those new measures which the House is called upon to adopt, and that they are the laws to which the Ministers will ultimately be compelled to repair, in order to punish offenders, even though they carry their present severe and extraordinary propositions.

*House of Commons, (Newspaper Stamp Duties Bill,
one of the "Six Acts"), Dec. 2, 1819.*

Right of the People to meet.

I fear, indeed, that the too frequent use of this right has an evil tendency, by making the people extremely careless and indifferent about its exercise on great public occasions. It is known to all persons who are in the habit of attending public meetings that where, in one instance, great numbers appeared, and active and animated discussion took place, it is found difficult for some time after to procure another meeting at which equal zeal would be manifested. I also disapprove of the mode in which these recent meetings were conducted. I broadly disapprove of the array in which men were marched from place to place. It points to anything rather than to the beginning of a deliberative assembly.

I also object to the large amount of numbers which were collected on these occasions. If 60,000 or 70,000 persons must meet, if the population of such a place allows such a mass to assemble together, it must always be attended with danger, and therefore I disapprove of it.

Seditious Meetings Prevention Bill, Dec. 2, 1819.

The Ministerial Press of 1819.

I shall now mention another misrepresentation—a misrepresentation that comes from that part of the public press which, day by day, insults the distresses of the people; which treats them with contumelious indignity and with unbearable insolence, which pours on them all the abuse that the malignity of man can devise, and in doing so displays all the asperity of office, without its dignity. These censures come from individuals who are much lower than those to whom they apply them; because low birth, seeking to exalt itself by cringing to those in power, is infinitely more mean and despicable than low birth coupled with honest industry. These low panders of the Government of the day—these backbiters of the people—these offenders against all decency, when they speak of the great body of the nation, disseminate the grossest misrepresentations.

Ibid.

The Duke of Wellington—How to maintain his Fame.

The protest against the meeting was signed by the lord-lieutenant of the county, and by many other individuals connected with Government—amongst the rest, the noble Secretary-at-War (Lord Palmerston) signed it; a Cabinet minister added the sanction of his name to it, and, to make the argument still stronger, that minister was the Duke of Wellington. With all respect for the abilities of that great captain, with all the gratitude I owe him as one of the millions whom he has been the great instrument in the hand of Providence of saving from a cruel tyranny, a foreign tyranny, I cannot help wishing

that he had made the debt still greater by showing himself a friend to the liberties of his country at home,—by refusing to sign that protest. I trust if ever the day should come when, in a struggle for liberty, he may be called upon to act, that he will be found to do his duty to the people as well as to the Sovereign; and that he will recollect that, on the love of the people, and on the love of the people alone, the safety and security of the throne depends. Let him bear in mind—let him never lose sight of the fact—that a military minister never in this country, from the time of the Duke of Marlborough downwards, could retain his popularity, however great, however just, in opposition to the voice of his countrymen, who love to be ruled by civil and patriotic characters. Such is the nature of Englishmen, and I trust that such it will continue.

Seditious Meetings Prevention Bill, Dec. 2, 1819.

Impossible to suppress Discontent.

The Bill supposes that the meetings are only assembled under pretence of discussing matters connected with Church or State; but nothing is more easy for them than to say, “We’ll have no such discussion at all; we have been tired with long speeches, and the nonsense contained in them;” and they may give up discussing political questions altogether. They may, if their intentions are so bad as the noble lord supposes them to be—and it is only on the supposition of bad intentions that this Bill is necessary—they may, as has been done in another country, assemble for the purpose of attending a funeral, or for a literary purpose, or to discuss the dead languages, or to discuss a question of grammar; and it may be recollected that one of them has written a grammar, so good, indeed, as to be in high estimation on several parts of the Continent;*—they may, for any of these purposes, assemble in large numbers; and yet there is not one clause within the four corners of this Bill that could apply to them or prevent their so doing. They may go

* The late Mr. Cobbett.

from one parish to another, or for the purpose of going to church, or for a number of other purposes to which the Bill does not allude, to the great terror of His Majesty's liege subjects; and yet, provided they have not caps of liberty, or banners, or flags, or music, this Bill cannot prevent them.

Seditious Meetings Prevention Bill, Dec. 2, 1819.

The Irish Question in 1819.

As to Ireland, it is a most ungracious act to that country to declare her suspected before there was a ground for suspicion; to hasten to declare her guilty, or about to become guilty, though there is not the shadow of a charge against her. As in private life there is no more certain way to make a man unworthy of trust than to distrust him when there is no need, so, I fear, it will be found with Ireland. This is not the way to regain those who are lost, or to retain those who are well affected.

Ibid.

Cause of Lord Chatham's Success as a Minister.

It was the wisdom of Lord Chatham, in placing confidence in those who had not been trusted by his predecessors, that finally completed the harmony that has now so long continued. He threw himself upon the people—he went, as he afterwards proudly and justly boasted, to the North to seek for merit, and he found it where his predecessors had only sought for and found rebellion.

Seizure of Arms Bill, Dec. 14, 1819.

Right of the People to possess Arms.

“An Englishman's house his castle.”

That a subject has at all times a right to keep arms in his possession, of which the Government cannot, under given circumstances, deprive him, is a proposition I will not maintain; but, before the subject is deprived of them, a case of necessity must be fully established. Another

point most material to be considered is, that, in dealing with so sacred a matter as the rights of the people, any one of them must be suspended in the mode, under all the circumstances, least likely to affect the rest, or to abridge the other privileges and comforts to which he is entitled. When the noble lord maintains that the subject has only a right to arms for the protection of his property, or for self-defence against the midnight plunderer, or an unauthorized police-officer, I can only say that I have not so read the Constitution. I even believe that the noble lord will agree with me, that he has too narrowly stated the right. Not only is an Englishman's house his castle against the unwarranted intrusion of the police, or against the attack of thieves, but it is so in another and a higher sense of the word, as giving him a prerogative to have arms for his defence. I maintain that he has a right to arms for his defence, not merely because I would preach it up to him that he may use them against the lawless measures of bad rulers, but to remind those rulers that the weapons of defence may be turned against them if they break the laws or violate the Constitution. If this be dangerous doctrine, I address it, not to the country, but to its rulers; and I beg you to recollect that, in broaching it, I am only following a venerable authority, not to be disputed even by the other side. Judge Blackstone also, twice over, has laid it down in his book, that such is the use of arms, and such the privilege of the British subject. These are not times for any man to assert opinions that may be misapprehended or perverted; and I will therefore follow up what I have advanced by adding that no act of the rulers of the country, in which they are supported by the constituted authorities, can warrant any part of the community to talk of, nay, to dream of, resistance. If the law of the land is to be altered, it can only be altered by Parliament; and I would as vehemently and steadily, to the last drop of my blood, resist any encroachment by the people upon the legislative right, as I would oppose strenuously and firmly any invasion, by the Crown or the Parliament, of the known privileges of the community.

These are the doctrines of the British Constitution—doctrines as serviceable to good rulers as they are dangerous to evil rulers; calculated to promote and to secure the peace and good order of society, and calculated, too, as a warning to those who would violate that liberty they ought to preserve.

Seizure of Arms Bill, Dec. 14, 1819.

Opinion of Mr. Owen's Plan.

I am desirous not to be understood as agreeing wholly to Mr. Owen's plan. I conceive the theory on which it is founded to be wholly erroneous. It is founded upon a principle which I deny,—that of the increase of population being a benefit to the country. But, although I differ from the theory upon which that plan is founded, especially upon the subject of population, and think it would increase the evil of which it is the ostensible remedy, I still think that there are certain parts of the plan peculiarly entitled to the consideration of the House. I mean especially that part of it which relates to education. The system proposed and acted upon by Mr. Owen, in training infant children, before they are susceptible of what is generally called education, is deserving of the utmost attention. This, indeed, is the sound part of Mr. Owen's plan, and agreeable to the wisest principles.

By all means, then, I would say, let the House appoint a Committee, to inquire into the means by which those parts of Mr. Owen's plan, against which no objections can be made, may best be put in general practice. That which is wild or visionary may be slighted; but the useful or the practicable ought not to be discarded. At the same time, I must say, with respect to education, that the assistance of Government or Parliament is not so necessary to its advancement, as the interests of that subject may be very safely trusted to the public spirit and private benevolence of the country.

Debate on Mr. Owen's Plan, Dec. 16, 1819.

Importance of Infant Education.—Mr. Owen's Views.

The training up of infant children is, in every view, a point of great importance. I have given this subject a considerable degree of attention, and the experience of several years strengthens me in the opinion which I have been led to form on it. I saw in Switzerland an establishment, the plan of Mr. Fellenberg, for infant education, carried on with excellent effect. That gentleman's plan is, however, better suited to an agricultural district, where the population are scattered, than to a manufacturing town, where the population are crowded together, for Mr. Fellenberg took the children to his school both night and day, thus separating them from their parents. Mr. Owen proceeds on the same principle as to education, but then he does not separate the children from their parents, unless for the day, and therefore his plan is more applicable to manufacturing or populous districts than that of Mr. Fellenberg in Switzerland. The plan of Mr. Owen's is, indeed, so much better, as it is calculated to improve the domestic habits of the people; the child being allowed, by remaining with its father and mother, to acquire those social and domestic habits which are of so much value in life, which beget those strong ties of affection, some of the best and most sure bonds of mutual assistance. With the example before us of what Mr. Owen has effected in the education of children, it will, I conceive, be impossible to refuse an inquiry into the practicability of extending it. If it were not vouched by such undeniable proofs, it could scarcely be conceived that so much good had been done by the plan as is known to have been produced at New Lanark. The example set there is, I conceive, much better than that produced in Switzerland.

Ibid.

Good done to Parents by the Education of Children.

This system, where education alone is given to children, without any food or clothing, tends also, by a sort of

reflex operation, to improve the habits of the parents themselves; for, in the presence of children so trained, they would be ashamed of intoxication or swearing, or any habits that might pollute the minds or offend the feelings of those who are the objects of their attachment.

Ibid.

Character of Mr. Owen.

I have the highest respect and esteem for Mr. Owen, whom I really believe one of the most humane, simple-minded, amiable men on earth. He is, indeed, a rare character; for, although a projector, Mr. Owen is one of the most calm and candid men I have ever conversed with. You may discuss his theories in any terms you please,—you may dispose of his arguments just as you think proper; and he listens with the utmost mildness. His nature perfectly free from any gall, he has none of the feverish or irritable feelings which too generally belong to projectors.

Ibid.

The Queen's Title. First Mention of this Subject in the House of Commons.

I cannot enter into this discussion without pain, but I hope the House will indulge me with its attention for a few moments, and the more so as I differ very materially from the views of my right honourable friend on the subject.

Whether the name of the Queen be inserted or omitted in the Liturgy, or in any Act of Council, she is constitutionally and indisputably Queen Consort. Being, indeed, the wedded wife of the King, the moment he succeeded to the Crown she was, *eo ipse*, Queen of England. Upon the demise of his father, she, in fact, became as lawfully and rightfully the Queen, as her husband became the King of this country. Her title, then, does not depend upon any words in the Liturgy, or upon any Act of Coun-

cil, or upon any expression which a Minister of the Crown may think proper to employ in this House. Such things, indeed, have no effect whatever on the rights of the Queen; they are "trifles light as air," and cannot operate in the slightest degree to impeach the title of her Majesty. Nor is it in the power of this House, by any vote it thinks proper to pronounce, to impeach that title.

Provision for her Majesty, February 20, 1820.

Charges against the Queen, but not mere Rumours, should be entertained by the House. No Appeal to out-of-doors Influence.

As to the rumours to which my honourable friend has alluded, and which are imagined to cast a cloud of suspicion upon the character of the Queen, I totally disregard such rumours. I shall, indeed, refuse my ears to everything like rumour, suspicion, or insinuation, so long as her Majesty remains Queen Consort. I shall listen to no tales about inquiry or commission, nor shall I allow the rumoured result of any rumoured inquiry to have the slightest effect upon my judgment; but, if anything in the shape of a distinct charge against the Queen be brought before this House, I hope I shall be found to act as becomes an honest Member of Parliament, by pronouncing a fair decision, not only between the parties immediately concerned, but with regard to the public interest, which the consideration of such an important question must necessarily involve. I trust I shall be found, in such a case, ready to do equal justice to the Queen, to the King, and to the public, with a due regard to all the national and constitutional points naturally belonging to such an investigation. But, till some specific charge be submitted to this House, my lips will be sealed upon the subject; but I must say, that, in justice to the high personage alluded to, I think no opinion should be expressed upon her conduct merely on the authority of rumour. Should any charge be preferred, let it be borne in mind that this illustrious personage is not re-

markable for any slowness to meet accusation, nor for any difficulty to prove her innocence. Remembering, then, her alacrity on the subject of former charges, it is but candid to give her credit for equal alacrity to meet any charges that may hereafter be advanced, and for equal facility, too, in confounding her accusers.

The question is of such an important character, that I hope gentlemen will at all times feel the propriety of considering it with calmness and temper; that, bound up as the question is with the feelings of all the royal family, I trust no appeal upon the subject will ever be made to any turbulent passions out-of-doors. Such an appeal, indeed, on such a subject, cannot be too forcibly deprecated at any time, because its only effect would be the subversion of the radical principles of justice; but, especially under existing circumstances, an appeal of that nature must serve to raise a ferment in the country, and to have the names of illustrious personages dragged through the mire of every hustings throughout the empire. If any discussion of this important question should ever arise in Parliament, its character is ample guarantee for the examination of the subject with justice, moderation, and candour; and, deeply interested as I must be in the question, from professional considerations, as well as from my duties as a member of this House, I shall enter into the discussion with the full confidence of an equitable result.

Provision for Her Majesty, February 21, 1820.

Character of the late Speaker (Lord Canterbury).

I am sure that I express only the general sentiment, in the wish that the Speaker now elected may continue, with the enjoyment of health and long life, to fill a station equally necessary for the support of the privileges of the House, and for the preservation of the liberties of the people at large. It is a matter of most sincere congratulation to the House and to the country, that it has again the inestimable benefit of having the chair filled by one who has shown himself, in all the more important,

as well as in the less material, parts of the functions of his situation, eminently gifted for their discharge; who has, upon every occasion, proved that he is indeed the depository of the truest dignity of the House, by wearing the honours conferred upon him both with firmness and meekness. It forms one of his highest and most essential titles to the office, that, on all necessary occasions, he has evinced the courage, as well as the capacity, to protect the sacred privileges of the House from infraction, under whatever pretext, whether assaulted by lawless violence, or put to hazard by the more subtle attempts of gradual encroachment.

April 22, 1820.

Doctrine of the Employment of Spies.

As long as such men as Thistlewood and the others exist, Government are, in my opinion, not only justified in employing persons to watch their proceedings, but they would be highly culpable if they neglected to do so. The necessity for the employment of spies is lamentable; but so is the employment of the executioner of the law. As long as crimes continue to be perpetrated, so long must they continue to be punished. Both occupations are odious; but, in my opinion, no man is entitled to blame Government for employing the odious informer, who is not prepared to blame them equally for employing the odious executioner. There is, however, one limitation to this doctrine: he who employs spies takes upon himself a most difficult, and delicate, and responsible office. He is deeply answerable to the country and to the administration of justice if he does not take the greatest care to select such men as will only give information, and not instigate to the commission of crime. The existence of such wretches as Thistlewood and Ings renders the employment of spies necessary; but let it be, at the same time, remembered, that the existence of such wretches as Thistlewood and Ings renders the employment of instigators to crime equally unnecessary.

Cato Street Conspiracy, May 2, 1820.

The Crown cannot possess separate Property.

It is an old and confirmed maxim of the Constitution, sanctioned by the opinion of the greatest lawyers, both on the bench and at the bar, supported by the whole current of the most venerable authorities, that the Crown, as such, is incapable of possessing separate property—in other words, the King was anciently held to possess all the lands he held *jure coronæ*—they were called *sacra patrimonialia coronæ*: even lands which he possessed in his private character before the demise of the Crown were forthwith deemed to be held *jure coronæ*.

Droits of the Crown, May 2, 1820.

Necessity of defining the Income of the Crown.

Is not the honour and dignity of the Crown best consulted by keeping all these accounts separate? I shall be told, perhaps, that it is fit and necessary that the old mystery should continue, though, in private life, it would be thought little short of absolute drivelling, to confound things in themselves so distinct. Would not any man keep separate the amount of wages and salaries—of his butcher's and his baker's bills—and of the expenses of his farm? He is thus able to see by which of his concerns he gains, and by which he loses, and may with convenience, in the end, strike a balance, and ascertain what surplus remains in hand. Yet, what is the strange advice of the Chancellor of the Exchequer? "Jumble the whole together; confound one account with another in such a manner that it shall require an acute and accurate accountant, with much knowledge of finance, to decide how much is paid for wages, how much for the necessaries of life, or how much is expended on improvements."

But, it is said, to simplify matters in this way, to make accounts clear and explicable, would be beneath the dignity of the Crown. Admitting it for a moment, is there nothing to be gained by it? are popularity and the full approbation of the whole of the King's subjects worth

no consideration? Supposing there may be some slight defalcation of dignity, is there no advantage in preventing great defalcations of a pecuniary kind, which have been perpetually occasioned by this absurd, confused, Gothic mode of keeping accounts? After all, where would be the loss of dignity if the people told their prince,—“You shall be paid largely, liberally, cheerfully, without a murmur from the people, who well know that your interests and theirs are inseparably united, not as at present, but by a fixed, constant, determined grant out of the consolidated fund?” That, in truth, is my proposition; but the Chancellor of the Exchequer, in his love for mystery, seems to think that there is something sublime in obscurity. The misfortune for him, however, is, that we live in a prying age, when men will not be satisfied with being told that they must not examine and scrutinize; and when they do inquire, they will find that, among the hereditary revenues of the Crown, the Sovereign does not think it below his dignity to have his revenue made up of one penny per barrel upon ale, and one halfpenny per gallon upon whiskey. This paltry pittance is accepted in exchange for the great feudal relics of wardship and purveyancer, the especial jewels in the crown of a feudal sovereign—the gems that give glorious lustre to his ancient, real, and solid dignity.

Droits of the Crown, May 5, 1820.

The Pension List—how filled.

And how is this large revenue of the Crown disposed of? In pensions. It is not under the control of Parliament, and may be expended as the reward of good services or bad services, or as the meed of favouritism, or for no services at all. So that the property of those dying intestate or lunatic, the proceeds of certain captured vessels, and the other sources of revenue which I have mentioned, may all be employed in the furtherance of corrupt practices, or of special jobs, or to induce individuals to undertake particular duties. I do not mean

to say this in an invidious sense. I will not contend that such an use has been made of those funds. I merely allude to the possibility of their abuse; and I conceive that pensions derived from those occasionally accumulating funds are not so pleasing to the public as those which come through the more regular and steady channel of the Legislature.

If any pension were necessary to be granted to a great naval or military character,—to Earl St. Vincent, to Lord Hutchinson, to Lord Nelson, or their heirs, is there an individual in this House who would not feel it to be his duty to recommend a grant to those gallant commanders, or their relatives? If such a proposition were made, it is sure to be carried. But the privilege of the Crown is not always so wisely exerted. Individuals have been honoured with pensions, who did not assist in defeating Buonaparte in Egypt, nor in effecting any other public service. I do not mean to say that those individuals would not have procured their pensions if application had been made to Parliament; but I am well assured that they would not have got them so unanimously as the House would have conferred a similar mark of approbation on Lord Hutchinson, Earl St. Vincent, or Lord Nelson; and I am equally well convinced that no Minister would have proposed a pension so cheerfully to the persons to whom I, in the first instance, adverted, as to those whom I last named. No: a minister proceeds in a different course. He deems it more advisable, when there is any doubt of success, to screw a pension out of some fund over which Parliament has no control, rather than bring it under the consideration of the House.

Ibid.

Case of Sir Home Popham.

When I recollect the case of Sir Home Popham, I cannot but join in opinion with those who declare that these funds are sometimes abused. At the end of a long war, when a peace of proportionate length was supposed to

have been attained, that gallant officer, feeling all the ardour of a high and generous mind, and disliking sloth, inactivity, and idleness, sought the field of his former glory, the theatre of his bold achievements. Enamoured of glory, and wishing to gain new laurels by exploits on the ocean, where he had already been so successful, he engaged in a smuggling transaction. Different men seek fame by different roads. One individual looks for it in the field of battle, where he will perhaps find death; another seeks for it through the medium of smuggling, and perhaps finds captors. The gallant officer having procured simulated papers, and all the other instruments necessary for his purpose, proceeded on board his ship, which he named the *Etrusco*. He sailed for the East Indies, where he arrived in safety. But the best-conducted enterprises sometimes fail, particularly on an element which is as proverbial for its uncertainty as it is famous for the glorious scenes that have been acted on it. Commodore Robinson unfortunately fell in with, and captured, this great contrabandist, and his vessel was condemned by a competent jurisdiction. But how did the matter end? Instead of handing over the proceeds of the ship and cargo to the captor, who had done his duty to the country, £20,000, and the expenses of the suit, were given to the gallant officer, to comfort him under his disappointment.

Sir Home Popham, it appears, was a man of fine feeling; indeed, the man of sentiment and the hero always go together. His family, at the time to which I allude, was on shore, and Sir Home thought, "I have exposed myself to the perils of the sea, to the rage of the enemy, and to the persecution of the King's proctor; and God forbid, when I have an opportunity of seeing my family, that I should stay on board." He, accordingly, went on shore in a boat. But what became of the boat, or rather, as Mr. Windham said, of the two boats? That will be presently seen. A soft intercourse was observed to be carried on during the night between the boats and Sir Home's family, and the sentimental trips from the ship to the shore continued until morning.

But there was another person, whose case was much harder than that of this gallant officer (who did not supply any of the money necessary for furnishing out the adventure). That individual was Mr. Charnorb, of Ostend, who procured the funds that were requisite ; so that the person who advanced the money lost all, while he who originally advanced none received a very large sum. This was unfortunate for Mr. Charnorb ; but such circumstances will happen to the best of smugglers.

Ibid.

Purchase of Foreign Corn.

One principle has been stated, to which, in the abstract, I may subscribe. It is stated to be an erroneous policy to purchase dear corn at home, whilst it can be bought at a much cheaper rate abroad ; and it is added, that the effect of this would be, to force men to cultivate bad land at a great expense. Though I may, as I said, agree with this principle in the abstract, yet I have a right to complain of the manner in which it is turned into a meaning which, as applied to the subject before the House (agricultural distress), it does not properly bear ; for the question here is, not whether, at such an expense, you ought to bring poor land into cultivation, but it should be considered that we have already encouraged the cultivation of such land. The circumstances in which the country has been placed are such, that even poor land is eagerly sought and diligently cultivated. It is hedged and ditched, and improved, so as to become the depository of a large portion of British capital. It would be idle to say that this was done in other times and under other circumstances ; for if we were to go back at all, we might, with as much reason, extend our retrospect to the Heptarchy. The fact is, that capital has been so employed—that this land is now under cultivation—that it contains the capital, I may almost say the life, of the cultivators ; and it would be as reasonable, under such circumstances, to refer back to the pe-

riod I have mentioned, or to say that we should go for our grain to Poland, where the serf cultivates the soil for his lord, because in Poland we can get it cheaper than we can now produce it.

Agricultural Distress, May 30, 1820.

The Queen—Opinion of her Sagacity.

Her sagacity, not inferior to that of any person in public or private life whom I have ever known, and the propriety of her mind, which, in spite of the calumnies which have been so industriously circulated, is not impaired by what is so generally ruinous to the delicacy of a female—absence from her family, where delicacy of character is best cherished—a removal from the country, deprecated by her, but to which she felt it necessary to submit,—and, above all, the withdrawing of that salutary control, which, more than any other cause, establishes domestic habits, and is the best preserver of female propriety and delicacy—I repeat, that that propriety and sagacity with which nature has largely endowed her would have taught her, even had the circumstance of her illustrious birth been wanting, to shun any inferior or degrading association.

Motion for Secret Committee, June 7, 1820.

Omnipotence of Parliament to do Justice.

Her Majesty knows that, if the inquiry were to proceed beyond the threshold of the committee, it must be an inquiry of open examination. She knows that Parliament is omnipotent, but that it is omnipotent only to do justice. She knows that it could not pass a Bill of attainder against her without a previous hearing. She knows that the noble lord would hardly take for his model the proceedings in Lord Strafford's case, and still less would he dare to take the monstrous proceedings of the reign of Harry VIII. for his precedents. She knows that not only the noble lord, not only the rickety

and shattered fabric of the ministry of which the noble lord is the organ, but the administration of Mr. Pitt himself, in the plenitude of his power, even had that administration been fortified by the only element of superior talent possessed by the present Government in the person of an illustrious commander, whose achievements have been as serviceable to his country as glorious to himself;—she knows that even such a ministry would have found it a task infinitely above their strength to pass a Bill on the report of a select committee, without evidence on both sides—without the examination of witnesses—without confronting the accused with the accuser—and without all those other forms which the law prescribes.

Ibid.

National Importance of the Queen's Case—An amicable Arrangement preferable.

From the beginning to the end of these distressing transactions it has been my most fervent wish,—and upon that principle my conduct has been built,—that if it were possible for her Majesty, consistently with her innocence, her honour, and her safety, to submit to a private compromise rather than to provoke a public discussion, she should give her consent.

In this question the interest of the royal family is most deeply concerned, and the interests of the constitution are implicated in proportion; the peace, the tranquillity, the very morals of the nation are involved. We are on the brink of a precipice, or rather we are not yet quite so near the edge as to afford a clear view of all its dangers; and if those who counsel the Crown do not know, they ought to know, that, when once the line is passed, retreat is impossible, and discussion inevitable.

Those who recollect what took place on a former occasion will bear in mind the nature of the inquiry then entered into, and from it they may judge to what that now proposed would extend. Not merely is the Queen's character at stake—not merely must the treatment she

has received in this or that instance be investigated—not merely must the inquiry extend to this or that illustrious house with which she is connected—but all the private history of all those exalted individuals to whom she is related may be forced into the conflict. I do not say that this must necessarily be, but that it is probable all these matters might be forced under the public eye.

Let us refer, as I have already suggested, to what took place eleven years ago. On that occasion public business was suspended, every feeling on any other topic was annihilated, the political scandal and gossip of the day became stale, party spirit ceased, and even political rancour no longer existed, the general conversation of the year being the private life, habits, and failings of one of the noblest personages in the realm. He must be a more sagacious man than I have hitherto had the fortune to meet, who, in the present stage of the business, at no great distance, perhaps, from the commencement of the inquiry, could pretend to describe the course it would take; but he must be a man indeed of miraculous sagacity who would take upon himself to say what conflicting interests,—without yielding to popular feeling or clamour, not desirous to gratify the greedy appetite of mobs, but holding them bad in themselves, and more dangerous in their embrace than in their enmity (like some rabid animals, whose saliva is more dreadful than their bite),—might ultimately produce. Who can assert what men, bound by professional ties to regard nothing but the safety of their client, might think it necessary to recommend? Others, not my honourable and learned colleague and myself alone, must be trusted—our royal client must rely on the skill, the knowledge, and the prudence of others; and who shall say that absolute necessity might not compel those individuals to advise a proceeding, of which some idea may be formed by those who are aware of what passed in this country eleven years ago? He, then, must be a sagacious man who could assert what course necessity might compel; and he must be a bold man who would say that, if he were in the situation of a professional adviser of the Queen, he

would hesitate for one moment in securing his client, even at such a desperate expense. An advocate, be it remembered, has but one point to look to; he is ruined, disgraced, degraded—he may even render himself unfit to belong to a Milan tribunal—if he looks to any other interest than that to which his character is pledged.

I have said that he must be a bold man who would pretend to point out the issue or probable duration of the proposed inquiry; but he must be a bolder man still who would rashly plunge this country into a state of irritation and confusion, while there yet remains a possibility of adjusting matters in a private and amicable manner. For God's sake—for the sake of the country—for the sake of those whose memories might mislead them, whose confidence might betray, or whose blindness might beguile them—for the sake of the wives and daughters of all who love decency, morality, and who recollect when, but a few years since, the opening of a newspaper was regarded with fear and disgust by the father of every modest and well-conducted family—I call upon the house to pause—only to pause—to ascertain if it be yet possible to escape from this threatened calamity. If the means of avoiding it be yet afforded, I put it to honourable members, as they value everything that is dear to them—as they value the character of England as a nation—whether they will not hesitate before they open a subject disgusting in itself, and most destructive in its consequences.

Let it not be forgotten that there are three parties who have a deep interest in this discussion. First, the King, who is most desirous that the inquiry should proceed—who feels that he has nothing to dread from disclosures, and who is unfortunately impressed with the idea that in his high office it is necessary for his vindication that something should be undertaken. Next, the Queen, who acts nearly, if not entirely, in the same spirit—who thinks it requisite for her own security, for the clearing of her own honour, that the inquiry should be persisted in to the end; who shrinks not from it, but courts it; who is prepared to meet it; who has come from safety into—I will not say jeopardy, because the innocent can know no jeo-

party, but—trouble, vexation, and anxiety, in order to go through the whole of this painful, and, in my view, odious and frightful investigation. Both of these high parties would instantly reject the advice I am now tendering.

But there is a third party, whose wishes I hope the House will not consult—I allude to those persons out of doors who are possessed of a greedy and diseased appetite for detraction, and who only give up their chase of vulgar private scandal on some such emergency as the present, where the allurements are increased by its affecting the most exalted personages in the land. Those who labour under the infliction of such a morbid desire, and those who basely make a profit by pandering for its gratification, have a direct interest in urging forward the inquiry, and most bitterly will they be disappointed if it does not proceed. They form a powerful body; but I am not their representative; and if I have the honour of being a servant of Her Majesty, I have also the higher honour of being a representative of this House. As Her Majesty's servant, I will not disobey her commands, and where her honour is at stake I will do my utmost to defend it; but, in the humble performance of my duty in this House, I feel called upon even to thwart Her Majesty's inclination, and I would tell her, "Madam, if negotiation yet be possible, rather go too far, and throw yourself upon your country and upon Parliament for your justification, than not go far enough; if yet it be possible to avert the ruin which this course, if persisted in, will bring upon the nation, do your utmost to postpone the calamity." If I might advise those who stand in a similar situation with regard to the King, I would say to them, "Act like honest men, and disregard all consequences—tender that counsel to your Sovereign which the case demands, and do not fear that Parliament will abandon you, or the country desert you; even party will not disgrace itself to the lowest level to which corrupt and unprincipled factionists can descend, by taking advantage of your faithful and fearless discharge of a noble and disinterested duty. Do not apprehend that even political calamity will attend you; for if successors must

be appointed to your places, be sure that they will not be found within these walls."

Ibid.

Difficulties of the Queen's Situation.

The more important the charge, the more the accused party feels conscious of innocence,—the more essential it is she should have at her command all the means of vindicating her honour and confounding her enemies. I call on your lordships to recollect that, when an Englishman's wife or daughter comes before the public to have her conduct, during a long course of years, sifted with the strictest scrutiny, in order to enable her to meet the dangers attending such an investigation, the witnesses must be all English; no foreigner must be admitted as an evidence against her—none whose principles hang on them by a loose tenure—none who deny the obligation of an oath—none who conceive that an oath taken here, whatever importance they may attach to it elsewhere, is not to be rigorously attended to. This is the first safeguard of an Englishwoman, tried for her conduct in England. In the next place, as the witnesses against her are of her own country, she has an opportunity of knowing them; the judge knows them and the public know them; the press shows to the world their conduct in the witness-box—their conduct as regards their duty to their fellow-creatures and to their God. The third safeguard of an Englishwoman, brought to her trial in England, is that compulsory process by which she may bring into court witnesses to her conduct, against whom neither bribes, nor threats, nor any procurements of her adversaries, can avail one straw.

But how is Her Majesty situated? All the witnesses by whom the charges against her are supported are, either by religious observances, or by other circumstances of character and situation, of such a description, that I will venture to say, although all the noble lords whom I address were as bold as the distinguished captain (the Duke of Wellington) in whose presence I now stand,

there is not one of them who would not shrink back with terror if he thought one spark of such evidence was to be brought forward against his wife or daughter. Her Majesty is not, in the present case, clothed with power or invested with patronage; her friends abroad are neither numerous nor powerful, nor are they likely to atone by their zeal for the smallness of their number and their want of power. She is discountenanced by all the public authorities of this country, and despised and rejected by those abroad; and, under these disadvantages, she has to meet all that bribery, all that force, all that fear, all that malignity, can collect and array against her.

House of Lords (Petition from the Queen), June 26, 1820.

Objection to the Term "Lower Orders."

I purposely avoid using the term "lower orders," not from any deference to those who have so strenuously objected to it, and whose counsels and evil courses, if they had been followed, would have made them low indeed. I know not what rational objection there can be to the appellation: sure I am that the forefathers of these "lower orders" never found fault with it. This House was called the "Lower House of Parliament," but this term did not imply any degradation to the Commons; it is used as a term of distinction between this and the other House. So it is when the lower orders are mentioned; the term is used to distinguish them from those who are above them in the scale of society. God forbid that I should say anything against the poorer classes of society! for what would the rich be without the poor?—where would be the pyramid without its base?

June 28, 1820.

Education no Detriment to the Poor—Historical Evidence in Support of Education.

It appears that, since the peace of Amiens, and in consequence of what has taken place at the French revolution the education of the poor classes is objected to by

some persons in this country, on the ground that it would make a man a worse subject. This is, however, a modern idea. I can show, from historical documents and authorities, that the education of the poor is by no means a novel object, but has been held in early ages, and by the wisest governments, the best security for the morals, the subordination, and the peace of countries.

In France, in the year 1582, under the reign of Henry III., the States General met, and the noblesse of the day presented a petition to the sovereign, praying that pains and penalties might be imposed upon those who would not send their children to school; and nearly at the same time the Scotch Parliament (perhaps the most aristocratical body in existence) passed a law that every gentleman should send, at least, his eldest son to school, in order to learn grammar.

In the sixteenth century an order was made that all children should attend school, and that alms and charities should be refused to those persons whose children did not so attend. I have also seen a charter of King David I., dated in 1241, in which mention was made of various public schools in Roxburgh, now a small village.

Another charter, dated 1163, spoke of the school of Stirling. Another in 1244, noticed the number of schools in Ayr; and a fourth, dated in 1256, made honourable mention of the praiseworthy manner in which the schools of other districts were conducted. Shortly before the revocation of the edict of Nantes, in 1680, the most intolerant period of French history, was founded the first society in the world, and, for a long time, the only one, for the advancement of education. Its founder was the celebrated *Père de la Salle*, and the order was "*Les Frères des Ignorants*," and their vow was the foundation of schools.

That society had established numerous schools for the education of the poor. In 1724, which was also a most intolerant period, Pope Benedict issued his celebrated bull, authorizing and encouraging the extensive establishment of places of education for the poor. In that bull the Pope mentioned the example of the "*Père de la*

Salle," and expressed himself in the following words:—
 "Ex ignorantia omnium origine malorum, præsertim in illis qui egestate oppressi sunt, et qui elementa Christianæ religionis persæpe ignorant." A more accurate, a more scientific description of ignorance, was never given, even by Voltaire, than in this instance was promulgated by the enemy of that great philosopher,—by Benedict.

I now turn to a different authority. From that of "*Père de la Salle*," and his *ignorantium* brotherhood, from the advice of the Pope, to whose bull I have alluded, I come to the evidence, in 1738, of the lieutenant of police, at Paris,—a man who was, perhaps, much more conversant than either with the effects of ignorance. That gentleman stated that, from the period of the establishment of the *ignorantium* schools in Paris, the expense of the police in the Faubourg St. Antoine was reduced 30,000 francs annually. This was the evidence, be it remembered, not of a theoretical, but of a practical man. About the same time a remarkable circumstance happened in this country. In 1714 Mandeville published his "*Fable of the Bees*," condemning the charity schools of that day, because, he said, the children learned nothing there but to lisp "*High Church and Ormond*;" and in nine years afterwards the grand jury of the county of Middlesex thought fit to present him as a fit object for prosecution, and he was accordingly prosecuted for endeavouring to prevent the advancement of education and religious instruction, for irreligion, for decrying the universities, and for reprobating the instruction of youth. Thus, strange as it may seem, an impious man and an atheist was at that time occupying the ground since mistakenly filled (though only for a moment) by the pious and the religious, who in our own day, worked upon by false philosophy and the evil consequences of the French Revolution, have endeavoured to discourage the progress of knowledge.

Mandeville charged the education of his time with instilling principles of disloyalty, and an antagonist of Mandeville's, in a letter to Lord Carteret, replied, "I, defy you to prove this; but enter into any of the schools,

and if you at any time find disloyalty inculcated, let the schools be pulled down." Now this is precisely my argument. I have heard that schools have been established in Lancashire and Cheshire, inculcating unconstitutional doctrines, radical doctrines; why then my advice is, if there are such schools, let them be shut up.

I next come to a letter or circular of the Pope, through the Cardinal Fontana, to the Irish prelates, in 1819. In this letter is pointed out the poison which was inculcated into the minds of the people from allowing them to read unauthorized versions of the Holy Scriptures. The right reverend father said, with true philosophy, "It is not enough to prevent such works; in order to prevent your flock from being badly educated, you must yourselves educate them well." This was undoubtedly the language which, as a pious man, and as head of the Church to which he belonged, he ought to use. The Pope went on to say, "In order to avoid the snares of the tempter, I beseech the holy brotherhood, through the love of Christ, to work day and night in the establishment of Catholic schools, in order to prevent the dissemination of improper doctrines." Now this is exactly my argument. Let us, in order to prevent bad impressions, inculcate those which are sound, and this is only to be done by education. I am happy to have such high authority with me on this point. The whole of this branch of the argument may be summed up in the memorable words of the great Lord Bacon, "*Luces enim naturam puram*," &c.—that the light of knowledge was in itself pure and bright, however it might be perverted and polluted by wickedness or imperfect instruction; and that the channels by which it poured in upon the human species ought to be ever kept open and undefiled.

June 28, 1820.

Instructing the Poor in Latin and Greek—Milton and Burns quoted in Support of Education.

It has been urged against me that I wish the poorer classes to be taught Greek and Latin, and fluxions and

other knowledge, which would draw them from the cultivation of the soil and their various humble occupations. I really have no such wild project in contemplation. I agree with one of the wisest men that ever lived, that, to one of the rank to which I allude, a knowledge of all the languages of the globe cannot, in point of utility, be put in competition with an acquaintance with a single mechanical art.

Milton, the most learned man of a learned age, endowed with many rare accomplishments of genius and of acquirement, in his small "Tractate of Education," has expressed himself in the following forcible and beautiful language:—"And though a linguist should pride himself to have all the tongues that Babel cleft the world into, yet if he had not studied the solid things in them, as well as the words and lexicons, he were nothing so much to be esteemed a learned man as any yeoman or tradesman competently wise in his mother-dialect only." Still, however, I am persuaded that, if a poor man had a little more education, it would be no bar to his industrious occupations.

Without dwelling upon theoretical opinions, I will quote a practical authority of a remarkable nature, in a letter from Mr. Gilbert Burns, brother to the immortal poet of that name, who, though a self-taught man, will pass down to posterity with the name of his country, a man who has by his songs rendered that country much dearer to its natives, as must be felt by all those belonging to that country who have ever visited foreign climes. I will read an extract of a letter from the brother of that man to Mr. Currie, and it is the more worthy of attention as the hand that wrote it had, an hour before, been probably engaged in directing the plough.

Mr. Gilbert Burns, in his letter, says, "I can say, from my own experience, that there is no sort of farm-labour inconsistent with the most refined and pleasurable state of mind that I am acquainted with, arising from a liberal education, thrashing alone excepted." I will here beg leave to observe that the writer does not clothe his ideas in perhaps as fine or as roundabout a dress as would be

used by some other gentleman; he stated what arose in his mind clearly but simply. He had, perhaps, been thrashing shortly before, and had, therefore, felt the irksomeness of the employment. He went on to state, "That indeed I always considered an insupportable drudgery, and I think an ingenious mechanic who invented the thrashing-machine ought to have a statue among the benefactors of his country, in a corresponding niche with the first introducer and cultivator of potatoes. I maintain, moreover, that, as the sort of dim religious awe is wearing off which used hitherto to guard the morals of the people in this part of the world, from a great variety of causes, men will go suddenly into the other extreme, if they be not educated so as to enable them to see the separation between the essence of true religion and the gross system so often confounded with it." So much for my peasant. He came at once to the point, and I wish that many other persons whom I know would do the same.

June 28, 1820.

Opinion of Scotland.

Scotland is not a land where many visionaries or speculators are to be found. Metaphysically as some of its inhabitants are inclined, they have an utter contempt for everything that does not promote their own real and substantial advantage. It is for this that I praise Scotland. My praise of the Scotch is, that they know and follow what is their real advantage, and that they do not see the advantages of vice and idleness. Their youth are not brought up in vice and idleness, but in persevering and industrious habits.

June 28, 1820.

A Picture of a Parish Clerk.

This ancient, but now degraded body, the parish-clerks, in the older and better times of the Church, were viewed in the light of minor spiritual assistants. Even

now, in Catholic countries, they are so considered. They are one of the five minor orders of the Catholic Church, amongst whom are the *ostuarii*, the bell-ringers, &c.

Our parish-clerk, however, fills a more respectable situation, but the office of late years has fallen so much into decay, that some of those who are appointed to it pursue the very lowest occupations. I recollect one of this fraternity, who, to procure a livelihood, went about singing, or rather disturbing the slumbers of the neighbourhood, if not depressing the spirits of those who did not sleep. In truth, I cannot say his voice was remarkable for its sweetness, or the ditties that he poured forth remarkable for their elegance. Having refreshed the parishioners in this manner, the worthy man regularly proceeded to refresh himself, and for the most part it was necessary to carry him home. These were his nightly amusements, his occupation during the day was mole-catching. On Sunday he appeared at church, reading, not indeed with a distinct voice, but as audibly as he could, and as fast as his abilities enabled him to read, that part of the divine service which was allotted to him. I am not very squeamish about these things; but I thought, when I witnessed this exhibition, that it was a very undignified mode of performing a religious service.

June 28, 1826.

Religion as connected with Education.

A religious education is most essential to the welfare of every individual. To the rich it is all but everything; to the poor it may be said, without a figure, to be everything. It is to them that the Christian religion is especially preached—it is their special patrimony; and if the Legislature does not secure for them a religious education, they do not, in my opinion, half execute their duty to their fellow-creatures.

June 28, 1820.

Early Formation of good Habits.

If a child is neglected till six years of age, no subsequent education can recover it. If to this age it is brought up in dissipation and ignorance, in all the baseness of brutal habits, and in that vacancy of mind which such habits create, it is in vain to attempt to reclaim it by teaching it reading and writing. You may teach what you choose afterwards, but if you have not prevented the formation of bad habits, you will teach in vain.

An infant is in a state of perpetual enjoyment from the intensity of curiosity. There is no one thing which it does not learn sooner or better than at any other period of life, and without any burden to itself or the teacher. But learning is not all, nor the principal consideration—moral habits are acquired in these schools; and by their means children are kept out of the nurseries of obscenity, vulgarity, vice, and blasphemy. In the establishment at Westminster, none but children between three and five years of age are admitted, and there they are kept out of the streets, and taken care of by a parental indulgent dame, while their mothers are set at liberty to go out and work. Whether the children learn less or more is of little consequence. The moral discipline is the great consideration.

June 28, 1820.

Opening of Brougham's Speech on the Queen's Trial.

The time is now come when I feel I shall truly stand in need of all your indulgence. It is not merely the august presence of this assembly which embarrasses me, for I have oftentimes had experience of its condescension; nor the novelty of this proceeding that perplexes me, for the mind gradually gets reconciled to the strangest things; nor is it the magnitude of this cause that oppresses me, for I am borne up and cheered by that conviction of its justice which I share with all mankind; but, my Lords, it is the very force of that conviction, the knowledge that

it operates universally, the feeling that it operates rightly, which now dismays me with the apprehension that my unworthy mode of handling it may for the first time injure it; and while others have trembled for a guilty client, or been anxious in a doubtful case, or crippled with the consciousness of some hidden weakness, or chilled by the influence, or dismayed by the hostility, of public opinion, I, knowing that here there is no guiltiness to conceal, nor anything save the resources of perjury to dread, am haunted with the apprehension, that my feeble discharge of this duty may for the first time cast that cause into doubts, and may turn against me for condemnation those millions of your lordships' countrymen whose jealous eyes are now watching us, and who will not fail to impute it to me if your lordships should reverse the judgment which the case for the charge has extorted from them. And I feel, my lords, under this weight, so troubled, that I can hardly at this moment, with all the reflection which the indulgence of your lordships has accorded to me, compose my spirits to the discharge of my professional duty, under the weight of that grave responsibility which accompanies it. It is no light addition to this feeling, that I foresee, though at some distance happily, that, before these proceedings close, it may be my unexampled lot to discharge a duty, in which the loyalty of a good subject may, among the ignorant, among the thoughtless—certainly not with your lordships for a moment—suffer an impeachment.

Oct. 3, 1820.

The Duty of an Advocate to his Client.

I once before took leave to remind your lordships, which was unnecessary, but there are many whom it may be needful to remind, that an advocate, by the sacred duty of his connexion with his client, knows, in the discharge of that office, but one person in the world—that client and none other. To save that client by all expedient means, to protect that client at all hazards and costs to all others, and among others to himself, is the

highest and most unquestioned of his duties; and he must not regard the alarm, the suffering, the torment, the destruction which he may bring upon any others; nay, separating even the duties of a patriot from those of an advocate, he must go on reckless of the consequences, if his fate should unhappily be to involve his country in confusion for his client.

Italian Society—Associates of the Queen.

The charge against the Queen is, that she has associated with Italians, instead of her own countrymen and countrywomen; and that, instead of the peeresses of England, she has sometimes associated with Italian nobility, and sometimes with persons of the community of that country. But, who are they who bring this charge? Others may accuse her—others may blame her for going abroad—others may tell tales of the consequence of living with Italians, and of not associating with the women of her own country, or of her adopted country; but it is not your lordships who have any right to say so. It is not you, my lords, that can fling this at her Majesty. You are the last persons in the world—you, who now presume to judge her, are the last persons in the world so to charge her; for, you are the witnesses whom she must call to vindicate her from that charge.

While she was here she courteously opened the doors of her palace to the families of your lordships. She graciously condescended to mix herself, in the habit of most familiar life, with those virtuous and distinguished persons. She condescended to court your society, and, as long as it suited purposes not of hers—as long as it was subservient to views not of her own—as long as it served interests in which she had no concern—she did not court that society in vain. But when changes took place—when other views arose—when that power was to be retained which she had been made the instrument of grasping—when that lust of power and place was to continue its gratification, to the first gratification of which she had been made the victim—then her doors were opened

in vain ; then the society of the peeresses of England was withholden from her ; then she was reduced to the alternative, humiliating indeed—for I say her condescension was no humiliation ; she was only lowering herself, by omitting the distinction of rank, to enjoy the first society in the world—but then it pleased you to reduce her to what was really humiliation, either to acknowledge that you had deserted her—to seek the company of those who now made it a favour, which she saw they unwillingly granted,—or to leave the country, and have recourse to other company. I say then, my lords, that it is not here that I must be told—it is not in the presence of your lordships I must expect to hear any one lift his voice to complain that the Princess of Wales went to reside in Italy, and associated with those whose society she neither ought to have chosen, nor perhaps would have chosen—certainly would not have chosen—had she been in other and happier circumstances.

Queen's Trial, Oct. 3, 1820.

The Queen's Advocates.

See, my lords, the unhappy fate of this illustrious woman ! It has been her lot always to lose her surest stay, her best protector, when the dangers most thickened around her ; and, by a coincidence almost miraculous, there has hardly been one of her defenders withdrawn from her, that his loss has not been a signal of an attack upon her existence. Mr. Pitt was her earliest friend and defender in this country. He died in 1806, and, but a few weeks afterwards, the first inquiry into her Royal Highness began. He left her a legacy to Mr. Perceval, her firm, dauntless, most able advocate. And no sooner had the hand of an assassin laid Mr. Perceval low than she felt the calamity of his death, in the renewal of the attacks which his gallantry, his skill, and his invariable constancy had discomfited. Mr. Whitbread then undertook her defence ; and, when that catastrophe happened which all good men lament, without any distinction of party or sect, again commenced the distant grumbling

of the storm; for it then, happily, was never allowed to approach her, because her daughter stood her friend, and there were who worshipped the rising sun. But, when she lost that amiable and beloved daughter, all which might have been expected here, all which might have been dreaded by her if she had not been innocent, all she did dread—because, who, innocent or guilty, loves persecution? who delights in trial when character and honour are safe?—all was at once allowed to burst upon her head; and the operations commenced by the Milan Commission. And, my lords, as if there were no possibility of the Queen's losing a protector without some most important act being played in this drama against her, the day which saw the venerable remains of our reverend Sovereign consigned to the tomb—of that sovereign who, from the first onset of the Princess in English life, had been her constant and steady defender—that same sun ushered the ringleader of the band of perjured witnesses into the palace of his illustrious successor. Why, my lords, do I mention these things? Not for the sake of making so trite a remark, as that trading politicians are selfish—that spite is twin brother to ingratitude—that nothing will bind base natures—that favours conferred, and the duty of gratitude, only make these natures the more malignant. My lords, the topic could be trite and general, and I should be ashamed to trouble your lordships with it; but I say this once more, in order to express my deep sense of the unworthiness of any man who now succeed such powerful defence, and to whom the best my exertions should fail to do what any man who has been living, must have accomplished.

Respect paid by Foreign Powers to the Queen.

The Queen's company has been proved by any learned friend's case, not to have been treated abroad with the neglect which it experienced here. She has been, in the first place, courteously received, even after her return from the long voyage, by the legitimate sovereign prince of Baden, a prince with a legitimate origin, though with

a revolutionary accession to his territory. Equally well received was she by the still more legitimate Bourbons at Palermo; but courted was her society by the legitimate Stuarts of Sardinia, the heirs legitimate, as contra-distinguished from the heirs of liberty and right, to the throne of this realm—the illegitimate heirs I call them; but the true legitimates of the world, as some are disposed to call them, who do not hold that allegiance, at least who disguise that allegiance, to the house of Brunswick, which, as good subjects, we all cherish. Nay, even a prince who, I doubt not, will rank, in point of antiquity and family, even higher than the legitimate Bourbons and Stuarts—I mean his highness the Dey of Tunis—received Her Majesty as if she was respected by all his lighter-coloured brethren in the other parts of the globe. And she was also received in the same respectful manner by the representatives of the King at Constantinople. So that, wherever she has gone, she has met from all ranks the only persons of authority and note whom she could have had as her vindicators. She was received by all those persons of authority and note, not only as my learned friend expected to prove, but in the very reverse manner, and as from her evidence I have now described her.

Undisguised Conduct of the Queen.

You will, my lords, find, that just in proportion as the different acts alleged are of a suspicious, or of an atrocious nature, in exactly the same proportion do the parties take especial care that there shall be good witnesses, and many of them, in order to prove it. It would be a horrible case if such features did not belong to it; but such features we have abundantly; and if the witnesses are to be believed, no mortal ever acted as the Queen is represented to have done. Walking arm-and-arm is a most light thing, it seldom takes place except in the presence of witnesses, and many of those speaking most accurately respecting it; but sitting together in an attitude of familiar proximity, which is somewhat less equivocal, is proved by several witnesses; and those who state it to

have been done by the aid of placing the arms round the neck, or behind the back, and which accordingly raises it a step higher—these witnesses show you this happened when the doors were open, in the height of the sun, in a villa where hundreds of persons were walking, and when the house and villa were filled with common workmen. Several salutes were given, and as this is still higher in the scale, it appears as never was a kiss to pass between these lovers without especial pains being taken that a third person should be by to tell the story to those who did not see it. One witness is out of the room, while Bergami is about to take his departure on a journey from the Queen, while in Sicily. They wait until he comes in, and then they kiss. When at Terracina Bergami is going to land, the whole party are on deck. The Princess and Bergami retire to a cabin, and wait till Majocchi enters, and then the act is perpetrated. Sitting on a gun, or near the mast of a ship, on the knees of the paramour, is an act still higher in the scale of licentiousness. It is only proved scantily by one witness, but of that hereafter—care is taken that it should be perpetrated before eleven persons. But, sitting upon a gun with the arms entwined, is such an act as leaves nothing to the imagination, excepting the granting of the last purposes of desire. This must be done in the presence of all the crew, of all the servants, and all the companions, by day and in the evening. The parties might be alone at night, then it was not done; but at all other times it is done before all the passengers and all the crew.

There are features of peculiar enormity in the other parts of this case; and in proportion as these disgusting scenes are of a nature to annoy any one, however unconcerned in the case, who hears them—to disgust and almost contaminate the mind of any one who is condemned to listen to them—in that proportion is especial care taken that they shall not be done in a corner. The place for them is not chosen in the hidden recesses of those receptacles of abomination which the Continent has too many of, under the degraded and vilified name of palaces—the place is not taken in the hidden haunts which lust

had degraded to its own purposes—some island where vice concealed itself from the public eye of ancient times—it is not in those palaces, in those Capreæ of old, that the parties chose to commit such depredations; but they do it before witnesses in open day-light, when the sun is at the meridian. And that is not enough; the having them in the public highways is not enough; but they must have a courier of their own to witness them, without the veil of any one part of the furniture of a carriage, or of their own dress, to conceal from his eye their disgraceful situation! My lords! I ask your lordships whether vice was ever known before so unwary; whether folly was ever known so extravagant; whether unthinking passion, even in the most youthful period, when the passions swell high, and the blood boils in the veins, was ever known to act so thoughtlessly, so recklessly, so foolishly, as this case compels me to fancy? And when your lordships have put the facts to your minds, let this consideration dwell there, and let it operate as a check when you come to examine the evidence by which the case is supported.

Refusal of the Queen to compromise her Dignity and Honour.

Menaced with degradation and divorce, knowing that was not an empty threat that was held out, and seeing it was about to be accomplished, up to this hour she refuses a magnificent retreat, and the opportunity of an unrestrained indulgence in all her criminal propensities, and even a safeguard and protection from the court of England, and a vindication of her honour by the two Houses of Parliament. If, my lords, this is the conduct of guilt—if these be the lineaments by which vice is to be traced in the human frame—if these are the symptoms of that worst of all states, dereliction of principle, when carried to excess, when it almost becomes a mental disease—then I have misread human nature; then I have weakly and groundlessly come to a conclusion, for I have always understood that guilt was wary, and innocence alone unwary.

Exclusion of Witnesses.

I am not dealing with a plaintiff's case, in a suit upon a bill of exchange for £20. I am not even speaking in a case of misdemeanor, or a case of felony, or the highest crime known in the law, between which and the acts alleged against my illustrious client it is difficult to draw simply a technical distinction. But I stand here on a Bill of pains and penalties, which your lordships are not bound to pass ; which you may give the go-by to ; which you are not bound to say aye or no to. Your lordships are not sitting as commissioners to try a case of high treason. Gracious God ! is this a case in which the prosecutor is to be allowed to bring forward half a case ? Is this an occasion on which the prosecutor is to be allowed to say, " These witnesses I will not call. True it is, they are the best—true it is, they are respectable ; and that they are unimpeachable no man can deny. If they swear against the Queen, she is utterly undone. But I will not call them. I will leave them for you to call. They are not my witnesses, but yours. You call them. They came from your vicinity. They are not tenants of Cotton-garden, and therefore I dare not, I will not, produce them ; but when you call them, we shall see what they state, and if you do not call them"—in the name of justice, what ? Say. For shame, in this temple of justice, this highest temple of justice, to have her most sacred rule so profaned, that I am to be condemned in the plenitude of proof, if guilt is—that I am to be condemned unless I run counter to the presumption which rules in all courts of justice, that I am innocent until I am found guilty, and that my case is to be considered as utterly ruined, unless I call my adversary's witnesses ! My lords, if you mean ever to show the face of those symbols by which justice is known to your country, without making it stand an eternal condemnation of yourselves, I call upon you instantly to dismiss this case, and for this reason ; and I will say not another word upon the subject.

Majoochi a Perjured Witness.

The first figure that was presented to your lordships in the process (of witnesses against the Queen) must naturally have arisen to your recollection the moment I announced my intention of going into any particular detail of the merit of the different witnesses—I mean *Theodore Majoochi*, of happy memory, who will be long known in this country, and everywhere else, much after the manner in which ancient sages have reached our day, whose names are lost in the celebrity of the little saying by which each is now distinguished by mankind, and in which they were known to have embodied the practical result of their own experience and wisdom; and, as long as those words which he so often used in the practice of that art and skill which he had acquired, by long experience and much care—as long as these words should be known among men, the image of Majoochi, without naming him, will arise in their remembrance.

My lords, this person is a witness of great importance; he was the first called, and the latest examined; continuing by the case and accompanying it throughout. His evidence almost extended over the whole of the period through which the case and the charge itself extends; in fact, only dismissed, or rather retiring, from the Queen's service, and refused to be taken back, about the time when the charge closed. He and Demont stand aloof from the rest of the witnesses, and resemble each other in this particular, that they go through the whole case. They are, indeed, the great witnesses to prove it; they are the witnesses for the Bill; the others being confirmatory only of them; but, as willing witnesses are wont to do—as those who have received much and been promised more—they were zealous on behalf of their employers, and did not stop short of the two main witnesses, but they each carried the case a great deal further. This is, generally, with a view to their relative importance, the character of all the witnesses.

Now only let me entreat your lordships' attention

while I enter on this branch of the subject a little more in detail. I have often heard it remarked, that the great prevailing feature of Majoochi's evidence—his want of recollection—signifies, in truth, but little; because a man may forget—memories differ. I grant they do. Memories differ, as well as honesty, in man. I do not deny that. But I think I shall succeed in showing your lordships, that there is a sort of memory that is utterly inconsistent with any degree of honesty in any man, which I can figure to myself. But why do I talk of fancy? for I have only to recollect Majoochi; and I know cases, in which I defy the wit of man to conceive stronger or more palpable instances of false swearing, than may be conveyed to the hearers and to the court, in the remarkable words, *Non mi ricordo*—I do not remember. I will not detain your lordships by pointing out cases where the answer, “I do not remember,” would be innocent, where it might be meritorious, where it might be confirmatory of his evidence, and a support to his credit. Neither need I adduce cases where such an answer would be the reverse of this—where it would be destructive to his credit, and the utter demolition of his testimony. I will not quote any of these cases. I shall content myself with taking the evidence of Majoochi as it stands: for if I had been lecturing on evidence, I should have said—as the innocent forgetfulness is familiar to every man, so is the guilty forgetfulness; and in giving an instance, I should have just found it all in Majoochi's actual evidence. Now, at once, to give your lordships proof positive that this man is perjured—proof I shall show to be positive, from his mode of forgetting. In the first place, I beg your lordships' attention to the way in which this witness swore hardily in chief, eke as hardily in cross-examination, to the position of the rooms of Her Majesty and Bergami. The great object of the Attorney-General, as shown by his opening, was that for which the previous concoction of this plan by these witnesses had prepared him; viz., to prove the position of the Queen's and Bergami's rooms always to have been favourable to the commission of adultery, by showing that they were near and had a

mutual communication, whereas, the rooms of all the rest of the suite were distant and cut off; and the second part of that statement was just as essential as the first, to make it the foundation of the inference of guilt which it was meant to support. Accordingly, the first witness who was to go over their whole case appears to have been better prepared on this point than any ten that followed—more inferences—more forgetfulness in detail—perfect recollection to attack the Queen—utter forgetfulness to protect himself from the sifting of a cross-examination. “Where did the Queen and Bergami sleep?” “Her Majesty slept in an apartment near that of Bergami.” “Were those apartments near or remote?” for it was often so good a thing to get them near and communicating with each other, that it was pressed again and again. “Where were the rest of the suite; were they distant or near?” says the Solicitor-General. This was at Naples; and this is a specimen of the rest—for more was made of that proximity at Naples than anywhere else—“Were they near or distant?” “They were apart.” The word in Italian was *lontano*, which was interpreted “apart;” I remarked, however, at the time, that it meant “distant;” and distant it means, or it means nothing. Here, then, the witness had sworn distinctly, from his positive recollection, and had staked his credit on the truth of a fact, and also of his recollection of it—upon this fact, whether or not the Queen’s room was near Bergami’s, with a communication? But no less had he put his credit upon this other branch of his statement, essential to the first, in order to make both combined the foundation of a charge of criminal intercourse, “that the rest of the suite were lodged apart and distant.” There is an end then of innocent forgetfulness, if, when I come to ask where the rest slept, he either tells me, “I do not know,” or, “I do not recollect;” because he had known, and must have recollected, that, when he presumed to say to my learned friends, these two rooms were alone near and connected, the others were distant and apart; when he said that, he affirmed his recollection of the proximity of those rooms, and the remoteness

of the others. He swore that at first, and afterwards said, "I know not," "I recollect not," and perjured himself as plainly as if he had told your lordships one day that he saw a person, and the next day said he never saw him in his life; the one is not a more gross or diametrical contradiction than the other. Trace him, my lords, in his recollection and forgetfulness—observe where he remembers and where he forgets—and you will find the same conclusion following you everywhere, and forcing the same conviction.

Description of Mademoiselle Demont.

I wish in the first place to remind your lordships what sort of person Mademoiselle Demont describes herself to be; because it signifies very little what we shall be able to show her to be. I had rather take her own account of herself; I cannot wish for more, and I am sure she could give us no less, with any ordinary regard to her own safety; for, as to desire of truth, I say nothing upon this occasion. She is a person of a romantic disposition, naturally implanted in her mind, and which has been much improved by her intercourse with the world. She is an enemy to marriage, as she says in her letters. She does not like mankind in the abstract; "*potius amica omnibus quamlibet inimica*," I think we may say, from some things which came out afterwards; mankind in the abstract she rather objects to; but she makes an exception in favour of such a near friend as Sacchi, whom she dignifies by the title of an Italian gentleman, though he, ungrateful man, to justify her dislike of mankind, will not return the compliment, by acknowledging her to be a countess! But this Italian gentleman, whom she will not acknowledge to be a servant, came over with her. Marriage she says she does not like. She loves sweet liberty, and in pursuit of this "mountain nymph," over her native hills and in this country, your lordships see what sort of company in which it lands her, namely, that of Mr. Sacchi, not to mention Krouse the messenger, who goes over to fetch her, and brings the reluctant fair to

appear as a witness upon the present occasion. But far be it from me, my lords, to deny the accomplishments of this person. By no means. She is the most perfect specimen—she is the most finished model—of the complete waiting-maid, that I believe the world has ever seen actually existing. I believe none of the writers of her own country, or of ours, that she is now studying, will give a more complete specimen—neither *Molière*, nor *Le Sage*, nor our own Congreve or Cibber—than that which she has given, without any assistance, in this House. I cannot deny her the greatest readiness—that she is at no loss in writing I cannot deny—that she is not at all sterile in her descriptions upon those subjects on which she enters, until she is brought into contact with her own letters, and until my learned friend, Mr. Williams, began his cross-examination. I cannot deny that she possesses caution which would do honour to a Machiavel of a waiting-maid; that she is gifted with great circumspection; that she possesses infinite readiness at devising excuses, and adjusting one part of her evidence with another; that they were well formed and well devised, and that if the thing could have been done—which it cannot by the eternal laws of truth—she would have succeeded in blinding and deluding her hearers. She showed great art in endeavouring to reconcile the stories she had told with the contents of the letters which were produced; which letters she had not forgotten, though she did not know that they were still in existence, and ready to be produced against her.

M. Sacchi, the Witness.

I now come to that amiable gentleman, M. Sacchi. And I observe, my lords, with great satisfaction, a most pleasing symptom of liberality in the present times, as exhibited in the liberal reception which this witness has met with among your lordships, and in the pains which have been taken, both by those who produced him, and those who afterwards examined him, to increase the estimation in which it was wished that he should be held. It

shows, my lords, how the age is improving. It shows how vulgar prejudices against Buonaparte and the French nation are wearing away. I well remember the time when nobody would have been well pleased to bring forward, as a principal witness in a case of any kind, a man whose recommendation was that he had been a soldier of Buonaparte, that he had served in any of his campaigns, and had been promoted by that Corsican adventurer—that usurper—that revolutionary chief—as it was the fashion to call him. Nevertheless, now that a witness against the Queen has this merit to boast of, it is brought forward as if we had never heard anything—as if we had never been sickened by whole volumes of abuse which had been poured forth, for the purpose of showing that the very name of a French hussar, particularly if he happened to be a servant of Buonaparte, was just the name for everything most profligate and abandoned. Now, my lords, without ever having been one of those who approved of the excess to which this abuse was carried on the part of ourselves and of our neighbours, I nevertheless cannot help thinking that a cast-off servant, a courier who pretends to be a gentleman, and now has his servant to wait upon him, and who says, “Thank God, I was always in easy circumstances,” though he was once living on the wages of a common courier—who can only say, that he was a common soldier in the French army, and was refused a commission in the Swiss army, but was offered the place of a sergeant—would, a few years ago, have stood very little chance of mending his credit by this last adjunct.

*The Witnesses against the Queen the Representatives
of Foreign States.*

How comes it to pass, my lords, that, with no want of care in the preparation of this case—that, with the greatest display of skill and management in all the parts of the preparation—that, with boundless resources of all sorts, to bring these faculties into play, there yet should

be one deficiency so remarkable, that, even upon the names of the witnesses being pronounced, it must strike every observer—I mean, that want of balance between the different countries from which the evidence is brought, and that unfairness towards some great states, contrasted so manifestly with the infinite attention which is paid to others, so that, while the Italian states, from the greatest to the pettiest, are represented on the present occasion by numberless deputies, I will not say of *all* ranks, but of all ranks below the lowest of the middle orders; when you come across the Alps, you find Switzerland, the whole Helvetic League, appearing in the person of a single nymph, and the whole circle of the Germanic Empire embodied in the personage of one waiting-maid at an inn—that from Vienna, the capital of that country, nobody appears at all—that from some of the other resting-places of her Majesty, in her tour through her native land, does a single delegate arrive—that from some of her abiding places there, least of all from her place of nativity, where she was best known, is one deputy to be seen; and that, in fact, everything on this side of the Alps is to be found in the person of that one chamber-maid, or cellar-maid, or assistant to the cellar-man or drawer; for in some quarters doubts were raised in which of these capacities this Germanic representative was to be taken? But, whatever we might doubt as to her quality, with respect to her numbers there is no doubt, that she is one single individual from that portion of the world, and that, save and except the Swiss maid, she is the one single individual who is not Italian.

Pietro Cuchi.

Do your lordships recollect *Pietro Cuchi*, the waiter from Trieste? Can any man who saw him have forgotten him? Does he not rise before your faces the instant I mention his name—unless many of your lordships should recollect the face, the never-to-be-forgotten expression of face, although the name may have escaped you? Do

your lordships recollect that expression of physiognomy—those eyes—that nose—that lecherous mouth—with which the wretch stood here to detail impurities which he has invented, to repeat the falsehood to which he had previously sworn at Milan? Do you recollect the eye of that hoary pander from Trieste? Did he not look as the great poet of Italy describes the hoary lecher of the infernal regions to have looked, when he says he regarded him with the eye, the gloating eye, of an ancient tailor peeping through the eye of his needle? My lords, I remember that man well. The story he told was enough. But I will contradict him; for he, at least, shall not pass unpunished. He, at least, is here. He must be made an example of. I can contradict others; I can drag others to punishment: but he shall not escape. My lords, I will show you, by evidence undoubted, unquestionable, above all suspicion, that that man must have sworn falsely. I will prove it by the room itself. I can, if I will, prove it by the position of the door. I think his own account of the position of that door, in answer to questions put by your lordships, might almost save me the trouble of doing it. But I will show you more. I will show you that what he swore cannot be true—either here, if your lordships put me to the necessity of it, or elsewhere, for the sake of justice. I can show, my lords, that the Queen slept at Trieste, in her whole life, but one night; that she came one day, went to the opera (that was the only truth the witness told), left it on the morrow, and neither before nor after ever crossed the threshold of the gates of Trieste in her days.

My lords, I dismiss the other witnesses of the same description. I take this filthy cargo by sample purposely. Let those who will, delve into the bulk—I will not heave it more. That it is damaged enough the sample tells sufficiently, and with a single remark I dismiss it. I recollect, my lords, these foolish stories, not only about the hand, and about the bracelet-chains being put round her neck, with I know not what other trumpery, got up for the purpose of variegating the thrice-told tale. And your lordships will, I think, agree with me, that the

Italians who coined the fiction are pretty much the same now that they were known to our ancestors to be a few centuries ago. Whether Iachimo be the legitimate offspring of our great Shakspeare's mind or not, may be doubted; but your lordships will readily recognise more than one of the witnesses, but one especially, as the own brother of Iachimo. How has he represented himself?—

“ ——— I have belied a lady,
The princess of this country, and the air on't
Revengingly enfeebles me—
——— Mine Italian brain
Can in your duller Britain operate
Most vilely; for my vantage, excellent,
And, to be brief, my practice so prevailed,
That I returned with similar proof, enough
To make the noble Leonatus mad.”

My lords, the cases are the same. We have the same evidence, from the same country; and for the same purpose; almost with the same effects; and by the same signs, marks, and tokens, by an extraordinary coincidence, the two cases are sought to be substantiated.

A Party to be considered Innocent until proved to be Guilty.

I am not bound, in claiming a debt, to call, to prove my adversary's servant, or his clerk, or his relation; but if I am placed upon my defence, even for the lowest crime known in the law, pure, unsuspected testimony must be given, whether it be derived from one quarter or from another—whether it is to be got from their side or ours. I will put a case to illustrate this point: suppose a highway robbery or murder to be alleged to have been committed, and a man is put upon his trial, and that a Bow street officer, panting for his reward, or an accomplice, infamous by his own story, or a spy, degraded by his calling, or any other contaminated, impure, necessarily suspected witness of any description, is alone put forward to prove that charge; and suppose a friend of the defendant were standing by, his servant, or his partner in trade, or any person who is barely competent, by the rules of

evidence, to appear as a witness—any person except his wife, who cannot be a witness—I say, no man ought to be put in jeopardy of his life, or be called upon to produce in his defence that friend, that relation, that servant; unless the case against him has been first proved by unsuspicious testimony; and if only the degraded spy, or the infamous accomplice, or the hired informer, the Bow-street runner, were called against him, their testimony is not such as to make it needful for the prisoner to call his friend. It is the prosecutor who must call his friend: it is no excuse to say he is a friend, a relation; a partnership is no excuse: the English law demands, what common sense approves, that every man shall be considered innocent until he is proved to be guilty; and that guilt must be proved at the peril of him who seeks to condemn losing the purpose of his prosecution.

The History of Bergami, the alleged Paramour of the Queen.

Show me, my lords, the woman, particularly the amorous, the imprudent, the insane woman Her Majesty is described to be by those perjured witnesses, who would have allowed her paramour, after indulging in all the gratifications described at Naples, for weeks and months, to continue for months, and almost for years, in an apparently menial capacity. My lords, this is not the rapidity of pace with which love promotes his favourite votaries; it much more resembles the sluggish progress with which merit finds its way in the world, even in courts. My lords, he was a man of merit, as you will hear in the evidence, if you put me on calling any. He was not of the low origin he has been described to be. He was a person whose father held the situation of a proprietor, of moderate income, in the north of Italy. He had got into difficulties, as has happened to many of the Italian gentry of late years; and his son, if I mistake not, had sold his estate, in order to pay his father's debts. He was reduced, but he was a reduced gentleman. When he was

in the service of General Pino, he was recognised as such. The general repeatedly favoured him ; he has dined at his table, General Pino being the commander-in-chief in the Milanese. He has dined at his table during the Spanish campaigns. He was respected in that situation—he was esteemed by those whom he served at that time. They encouraged him, as knowing his former pretensions and his present merits ; and when he was hired, he was proposed by a gentleman, an Austrian nobleman, then living in Italy, in the Austrian service—he was proposed to the Queen's chamberlain as a courier, there being a vacancy, and was hired without the knowledge of Her Majesty, and before she had ever seen him. The Austrian nobleman, when he offered him as a courier, said, he fairly confessed he hoped, if he behaved well, he might be promoted, because he was a man whose family had seen better days, because he was a faithful servant, and with ideas belonging rather to his former than to his present situation. It was almost a condition of his going, that he should go for the present as a courier, with the expectation of soon filling some other vacant place.

Conclusion of the Speech in Defence of the Queen.

Such then, my lords, is this case. And let me again call on your lordships, even at the risk of repetition, never to dismiss for a moment from your minds the two great points upon which rests my attack upon the evidence ; first, that they have not proved the facts by the good witnesses within their reach, whom they have no shadow of pretext for not calling ; and secondly, that the witnesses whom they have ventured to call are, every one of them, injured in their credit. How, I again ask, my lords, is a plot ever to be discovered, except by the means of these two principles ? Nay, there are instances in which plots have been discovered, through the medium of the second principle, when the first had happened to fail. When venerable witnesses have been seen to be brought forward, when persons above all suspicion have lent them-

selves, for a season, to impure plans, when nothing seemed possible, when no resource for the guiltless seemed open—they have almost providentially escaped from the snare by the second of these principles; by the evidence breaking down where it was not expected to be sifted, by a weak point being found, where no pains, from not foreseeing the attack, had been made to support it. . . .

Your lordships recollect that great passage—I say great, for it is poetically just and eloquent—in the sacred writings, where the elders had joined themselves, two of them, in a plot which had appeared to have succeeded, “for that,” as the Scriptures say, “they had hardened their hearts, and had turned away their eyes, that they might not look at Heaven, and that they might do the purposes of unjust judgments.” But they, though giving a clear, consistent, uncontradicted story, were disappointed, and their victim was rescued from their gripe, by the trifling circumstance of a contradiction about the mastich tree. Let no man call those contradictions or those falsehoods, which false witnesses swear to from needless falsehood, such as Sacchi about his changing his name, or such as Demont about her letters, or such as Majoochi about the banker’s clerk, or such as all the others belonging to the other witnesses, not going to the main body of the case, but to the main body of the credit of the witnesses—let no man rashly and blindly call those accidents. They are dispensations of Providence, which wills not that the guilty should triumph, and which favourably protects the innocent. . . .

Such, my lords, is this case now before you! Such is the evidence in support of this measure, inadequate to prove a debt—impotent to deprive of any civil right—ridiculous 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 of an English Queen! What shall I say, then, if this is their case—if this is the species of proof by which an act of judicial legislature, an *ex post facto* law, is sought to be passed against this defenceless woman? My lords, I pray your lordships to pause. You are standing on the

brink of a precipice. It will go forth your judgment if it goes against the Queen; but it will be the only judgment you will ever pronounce which will fail in its object, and return upon those which gave it. My lords, from the horrors of this catastrophe—save the country—save yourselves.

Conduct of Ministers after the Withdrawal of the Bill of Pains and Penalties.

I should not have thought of trespassing upon the patience of the House at this late hour, were it not for the speech of the noble lord (Castlereagh), who has allowed expressions to fall from him which I cannot allow to pass unanswered. I could have wished, for the sake of that noble lord, and still more for the sake of the country, and of the illustrious lady whom the noble lord has done all in his power to vilify, that I had been allowed to be silent; but the whole of the noble lord's speech was designed to give new life to the fatal dissensions which are agitating the country, and to place the illustrious parties concerned in a state of contention for an indefinite length of time. For the sake of casting new stigmas upon Her Majesty, and fixing upon her the charges Ministers abandoned in their evidence, he has not only infringed all bounds of decorum, but all forms of debate, and with the artful sedulousness of the penner of a paragraph for a party newspaper, has entered into a laboured analysis of the votes in the Lords, to whose proceedings, in ordinary cases, a bare reference only is allowed. If, at a time when not only justice, but all the forms which are the handmaids of justice, are violated for the one purpose of destroying the Queen—unless, indeed, I ought to add, that of distracting the country,—I may be allowed to follow so vicious and unparliamentary a precedent, I shall be able to give a satisfactory answer to the noble lord.

I can show that, of the illustrious individuals who composed the majorities and minorities, not one could possibly be influenced by the royal person who was the

object of the prosecution. I can show that the royal person who was the real prosecutor was represented, in that assembly which was to decide in his cause, by his household, by his state-officers, by his ministers themselves, and by all those who were open to influence, either from the highest rewards a monarch could bestow, or from the lowest boons which a peer could accept, to relieve a dependent or to conciliate an adherent. Is this fact nothing in judging of the real value of a numerical majority? Was an array of influence great as this ever excited against individuals who presumed to call themselves judges? . . . The noble lord says that this was not made a party question in the House of Lords. Never, not only in our own times, but if we recur to the history of times beyond our own personal knowledge, we shall find that never, on any question, was a more violent spirit of partiality shown. His Majesty's Ministers avowed themselves the authors, patrons, and managers, of the Bill, and showed the zeal and spirit of prosecuting parties. If it so happened that at last some—not indeed of the Ministers, but of their adherents—voted against the Bill, will the noble lord contend that by the ministerial side alone were these symptoms of impartiality shown? Is it not notorious that there were three or four of the noble lords with whom it has been my habit to act, with whose opinions I have generally concurred, and whose talents I have admired (never more, indeed, than when they were of late so misdirected), who formed the most active friends of the Bill, not, indeed, in voting, but in fair and open debate? These noble lords bore much of the brunt and odium of the measure, while the Ministers kept behind at their safe and effectual labour of entrapping and securing votes.

The noble lord has referred to the denial which I gave to the assertion, that the Queen was degraded by the omission of her name in the Liturgy. I confess that I was not then willing to allow that the Queen was degraded by that act. It is a part of sound philosophy, that a man should not contemplate the full amount of the injury he suffers from the wrongs of a superior force, which he is power-

less to resent or resist. If this feeling may be allowed to operate on a man in his own case, how much more strongly may it operate when the character at stake is that of a client—not only of a client, but of a woman and a Queen? The noble lord may take the fact in any words, and no one is better able than the noble lord to vary the combinations of adjectives and substantives, to pile high-sounding epithets, and to frame phrases which fill the ear and elude the mind. I allow that I have not been unwilling to believe that the Queen has not been degraded. It was not for me, at that time, to declare that my royal mistress was degraded, when she had to meet all the terrors of the threatened investigation; I say the “terrors” of an investigation, not that innocence can be exposed to danger from justice or from inquiry, but her Majesty was on the brink of an investigation in which innocence was no security—in which she was to be met by perjured men and perjured women, and by bribing men and bribing women, whose perjury and bribery were concerted to accomplish one object, where the long arm of power and the long purse of an administration joined their influence over Italian hands and Italian hearts—over hearts ready to crouch to the one—over hands ready greedily to snatch at the other. From such a trial, from such a threatened prosecution, the most guiltless might shrink without for a moment incurring the imputation of crime.

After her Majesty's ill-advised, ill-fated migration from this, the land of her adoption, contrary to the representations of my late revered friend (Mr. Whitbread), contrary to my own advice recorded and in her Majesty's possession, for six years she was all but forgotten by the people of this country. Now nothing is talked of on the other side but her increasing and inconvenient popularity. Why is she popular, and why are the hearts of all classes interested in her behalf? Because she is oppressed and persecuted; and if ministers wish to sink her into comparative oblivion, I will give them a recipe:—“Treat her well,”—they have nothing to do but to abstain from persecution.

The people have witnessed a woman and a Queen maltreated, insulted, trampled upon; they have seen injuries inflicted where injuries were possible, and insults where injuries were powerless. They feel for her, because they love the monarchy and the persons of their rulers with what an historian has called, with somewhat of a sneer, "a childish admiration of royalty." For this the people of England have covered their Queen with the shield of their protection, and have covered themselves—I will boldly say it—with immortal renown, as lovers of justice and detesters of tyranny.

I have the implied promise of the noble lord that, if the Queen was not convicted, she should be restored to all her rights. I have the direct words of the noble earl in the other House (Liverpool); I have the still higher authority and warrant of sound reason and the law of the land. The Queen has been acquitted—she must be treated as if she had never been tried, or there is no justice in England.

Omission of the Queen's Name in the Liturgy, Jan. 26, 1821.

Provision for the Queen—Reasons for rejecting it.

Her Majesty understands, from the votes of the House, which she is entitled to read, that provision is to be made for her to-night; and she says, that under the circumstances in which she has been placed, she cannot barter her honour for money; for if she does, there is an end of her character, and with her character, her safety. She warns the House, therefore, in respectful language, against voting the grant; she tells them that the money to her would be useless, as, with the feelings which she entertains for the treatment which she has received, and the situation in which she is placed, the acceptance of it would be impossible.

The noble lord, on the contrary, says, "Wait till the money be voted, and then refuse it;" but, if she waits till then, on the same authority she may be told that it is too late—that it is disrespectful to the House to refuse their

grant, and that she ought to have interfered to prevent its being voted. In the message which I have presented, Her Majesty only says, "You wish to make provision for me; in so doing, you mean my advantage, but allow me respectfully to decline it." She sees that her safety is involved—the maintenance of her character. If she is to submit to be the object of calumnies out of doors—if these calumnies are to be sanctioned by the acts of ministers, and even embodied in Acts of Parliament, then there is no protection for her character, and the agitations of the country will continue. I may be biassed in my opinions on this subject, and my judgment, placed as I am with regard to Her Majesty, may have little weight with the House; but, in my conscience, I will say, that I see no other way of terminating these discussions, or of tranquillizing the country, than by doing that act of justice which arises as a necessary consequence out of that sacred principle of law which declares that he who has been acquitted ought not to be treated as one who has been pronounced guilty.

Either the Queen is guilty or not guilty—either she has been acquitted, or she has not been acquitted. If she has been acquitted, no man has a right to renew these bold but unfounded assertions of crime: if she has not been acquitted, in God's name let her new accusers come forward at once. Let them manfully stand forth and produce their re-digested case. The Queen asks for justice—she has a right to demand it—and she requires no more. If the country has not already seen enough of these disgraceful proceedings, let her traducers come forward with fresh charges against her.

Provision for the Queen, February 1, 1821.

*Conscientious Belief of the Innocence of the Queen
declared.*

Having said so much as to the conduct of the Queen, it is fit I should now discharge what I call a debt of justice to her. I know it has been invidiously and male-

volently asserted, and most industriously circulated, for purposes which must be obvious to every man, that my expressed opinion of Her Majesty's conduct is not the same in fact with my own conscientious conviction. It is necessary, sir, for me, with that seriousness and sincerity which may be permitted to a man upon the most solemn occasions to express, to assert—which I do now assert in the face of this House—that if, instead of an advocate, I had been sitting as a judge, at another tribunal, I should have been found among the number of those who, laying their hands upon their hearts, conscientiously pronounced Her Majesty “not guilty.” For the truth of this assertion, I desire to offer every pledge that may be most valued and most sacred. I wish to make it in every form which may be deemed most solemn and most binding; and, if I believe it not as I now advance it, I here imprecate on myself every curse which is most horrid and most penal.

February 6, 1821.

Habeas Corpus Act—Rule for its Suspension.

One word as to the suspension of the Habeas Corpus Act. The noble lord has declared that neither political nor religious animosities are mixed up in the present disturbances in Ireland. If, then, a power be given to imprison without trial, it is a measure wholly inapplicable to the alleged mischief. For the Suspension Act is only applicable to cases of political or religious dissension, when some violent political or religious agitator is stalking abroad, and when it is desirable that the Government should have the power of removing him from the centre of his operations. What, then, will the natural consequence be when the people find such an Act as this passed, which alone is applicable to political or religious contests? They will infer that it is directed against their leaders,—men who probably enjoy that rank among them from the part they take in their religious or political controversies; and that is the sure way to provoke and embody in the disturbances that from which the

noble lord admits they are now happily free, and to promote that exasperating evil which happily does not at the present moment deform the condition of society in Ireland.

State of Ireland, February 7, 1822.

National Distress never confined to the Agriculturists.

If any one large branch of the community suffers by the pressure of the times, it is a necessary consequence, arising from the intermixture of all parts of society, that other classes must also be injured: but what must be the effect when the body which most complains of distress—when that class of the community which suffers so generally, and for so very protracted a period—comprises neither more nor less than the whole of those persons who are engaged in the cultivation of the soil? Is it possible, when this is the case, that the home-market should not be greatly contracted by a distress so general? The fact cannot be doubted; and to counteract that depreciation little, in my opinion, would be effected by opening the sources of foreign trade. I am aware that foreign commerce presents many powerful stimulants to exertion and industry. I will not go over these, because I am convinced that, after all, it is the internal market for its manufactures which is of most importance to this country; and to tell me that the home-market can be in a flourishing state when the chief customers of the manufacturer are ruined, is to assert a proposition which, on the first view, presents a contradiction in terms.

Motion on National Distress, February 11, 1822.

Pressure of Taxation on the Agriculturists.

But on no class does the pressure of taxation so seriously lie as on the agricultural body. Indeed, there are special causes why the same weight falling on the other branches cannot, in its effects, be so injurious as to them. The agriculturist is very differently circumstanced in the

control of his concerns from the manufacturer. He does not, like him, possess the power of accommodating his supply to the demand. There are causes intrinsically affecting his concerns which give him far less power over them. He is exposed to the operations of the seasons, and to all the accidents of the elements. Besides all these, the House will see that the imposition of a tax on a falling market must be injurious to the grower of the commodity, inasmuch as he is unable to shift it on the consumer. He is at the mercy of those fluctuations, to counteract which the manufacturer can provide by the limitation of the supply to the demand. It has been said, and said justly, that low prices tend to relieve themselves. In such a state of things the manufacturer looks for his profit in a more extended consumption, and so would the agriculturist also, did not the operations of the Exchequer interpose. He would find his compensation for a fall of price in a more extensive sale, did not the tax-gatherer interfere between the natural relation of cause and effect. By such interference the agriculturist is shut out from that natural remedy which is open to every other branch in any depression of the prices. When the tax is so great as to form a great proportion of the price, the consumer is not affected in the same degree as the grower.

Ibid.

Distress of the Landed Interest—The Currency—Lavish Expenditure—Reduction of Taxation.

Having now returned to the old system of currency, the first mode of relieving the misery of the farmer is, to relieve him from the taxes by which he is oppressed. Still, in defiance of all retrenchment and all economy, much of public burthen will necessarily remain; and I have no hesitation in saying, that if, after all the resources of economy are exhausted—if, after every possible reduction has been effected—if, after a large amount of load is taken off, the country shall still find the state of the

farming interest so bad that landed gentlemen cannot continue to exist in such a state of things, I am not prepared to say that the country ought not to go still farther in relief.

My decided opinion upon the subject is, that where the pressure is so great, and the interest so mighty—for the very existence of the state is bound up in the prosperity of the land—the country has only one limit to relief, the making that relief decidedly effectual; that, if one measure of reduction will not do, recourse must be had to another, and from thence to another; and that, if all reductions are found insufficient, the country must prepare for other measures, for measures only to be justified by a paramount unreasoning necessity. To tamper with the public faith, to sully the honour of the country, to declare a national bankruptcy!—good God! who in his senses could recommend it?—to raise the denomination of the currency higher!—that is a gentler form of speech, but it amounts pretty nearly to the same thing—to attack the standard, secretly or openly!—acts differing only from each other as open violence differs from secret fraud. I do not say that the country ought to make up its mind easily to such a course; for it is one thing to have kept the currency where it was a few years ago, and another thing, having re-established it, again to alter the standard. Many persons would have agreed to keep the currency down, where it would have been to the great and equitable relief of the country if it had remained, who would not now agree to retrace their steps, and to change the state of things once more. And with cause; for the thing itself would be worse, and the example would be ten thousand times worse, as it would be easier to follow it in cases of future difficulty.

But necessity—if necessity does come—if that hour does arrive when there is no possibility of negotiation, whose mandate is peremptory, and must instantly be obeyed—and I should say that the hour of necessity is come, if the landowners of England are to continue in the state, or anything like the state, in which they now stand: for it is well to talk, in honeyed accents, of suiting

the supply to the demand, and throwing bad land out of cultivation—of changes in society, from one employment to another—of transfer (for that is an expression which does wonders), and of what one man loses being gained by another. These words, however smoothly they may sound upon the tongue, will be found, if interpreted, full of serious and dangerous meaning. They suppose the laying waste of a large and fair proportion of England, the breaking up of all endearing connexions, the destruction of all local attachments, the most frightful agonies to which the human mind can be subjected. They look to the tearing up by the roots that fabric of society, which, in this country, may flourish perhaps most ornamentally towards its summit, but which is bottomed upon the foundation of a solid landed interest, and which must crumble into dust when that landed interest shall be no more.

I have said, when the landed interest shall be no more. I say the landed interest will be no more when proprietors are reduced to traffic in securities, when they are compelled from day to day to a life of traffic and of speculation, instead of living like country gentlemen and gentlemen of England. To be distressed by every little neighbour within sight of his gate; to be fearful at the approach of every new comer; to glean a scanty pittance of rent from a tenantry as suffering as themselves; and at last, having gleaned from the tenantry all their earnings, to be forced to come upon their savings; and, their savings being exhausted, to be obliged to drive them out or sell them up, taking the rent (as it is now taken) out of the farmer's capital, not out of his revenue; and then being forced to mortgage, and eventually to sell;—then the process of transfer, as it is called, becomes complete; and, instead of the former owners, a new race of proprietors is distributed through the country.

To this conclusion the thing must, after all, come. Persons talk of the ruin of the landed interest; but it is not meant to say that the proprietors will be destroyed, that the land will become sterile, or that the houses will be levelled, and the owners exterminated. No; what is

to be understood by the ruin of a great class, and by the destruction of one of the most commanding interests in the country, is shortly this: a great change of property, much individual misery, the whole relations of the class destroyed, or the relations of that class to the rest of society, and those of its members to each other. Such is what is called the destruction of a class; and, when it happens to a community, it becomes the destruction of a State. Once more, then, if economy is not found effectual, Parliament is bound to do that which will be effectual, for, at all events and at all hazards, it is their duty to save the State. God forbid that any man should even whisper such an expedient as that, from which every well-constituted mind must recoil—the compounding with the public creditor, or the tampering with the currency—while Parliament possesses the power of relieving the existing distress by a diminution of taxation and by the enforcement of economy! I say, therefore, that the only measure for mitigating the great evil which at present oppresses society is to reduce, by every expedient, the burthens of taxation. This is to be done by real and efficient retrenchment; not by lopping off the salaries of petty clerks, and by little jobs of that kind, such as consolidating a few clerkships in one, to serve the dependant of some great man. It is not by petty, unjust savings of this kind that real retrenchment is to be effected; but by beginning at the highest, and going down to the lowest, salaries, till every class of the State is included.

I hope we shall not be any longer told that public men are not to be borne hard upon, when it is the fact that they are the only class who have not suffered enormously.

Ibid.

Judges not too highly remunerated.

There are some offices, however of high nature, which, if touched at all, ought to be touched delicately. There are offices which require so peculiar an education, and so

long a previous course of study, on the part of those fulfilling them, that they are fully entitled to all the pecuniary advantages they enjoy.

At the risk of every kind of misrepresentation and jeering, to which, as a member of the legal profession, I know I shall lay myself open by the observation I am about to offer, I have no hesitation in declaring it to be my decided opinion, that those who hold judicial appointments are not too abundantly remunerated. When a man is made a judge, he is taken from a very lucrative practice. I have known judges, who, by becoming so, sacrificed half their usual income. Now, when it is considered how incalculably beneficial it is to the public, at any cost, to have the best-qualified individuals dispensing justice from the Bench, it will be felt that this is a branch of the public service, the emolument of which ought not to be touched.

Ibid.

Mr. Hume.

I will continue to my honourable friend my full reliance, because I never yet found him fail in what he had undertaken to establish—because, on this occasion, when the accuracy of his calculations is especially impeached, he has signally triumphed; and I hope he will go on with the same persevering zeal for the public good, careless of the taunts of those who profit by abuses, forgetful of the neglect shown to his labours by the gentlemen opposite, thinking only of his country, dreaming only of his duty, and, great as his services are to that country, still laying up additional claims to its gratitude.

February 27, 1822.

Influence of the Crown on the Votes of Members—Causes of Mr. Pitt's triumphant Majorities.

So great is the influence of the Crown in the House and the country, that any man who might be named

Minister might come down to-morrow, and, the instant he took his seat upon the Treasury-bench, whatever plans he might propose would receive the support of a decided majority of the House.

Before Mr. Pitt went out of office in 1801, he was attended with his accustomed triumphant majorities. His majorities, while Prime Minister, were usually about four to one; and, in a House of 300 members, only 63 were found bold enough to oppose them. It was vainly imagined in those days, as I have often heard, very naturally, partial friends since assert, that Mr. Pitt enjoyed his sway in Parliament, not as a tribute to his station, but to his great hereditary name, to his splendid talents, and to his unimpeached personal integrity. But, when he went out of office, when he was succeeded by another right honourable gentleman, who resembled him only in one single particular, which the country might have supposed the least material—that of his being the King's chief minister, representing His Majesty's Government—then the truth was at once disclosed. Many, either from personal esteem of that great individual (I do not mean the then new Minister), or from tenderness towards the character of Parliament, or from that optimism, which all men feel, more or less, in politics, wishing to think the form of government under which they live as perfect as possible, were disposed to expect that Mr. Addington would only retain his majorities so long as he enjoyed the confidence of Mr. Pitt. Unhappily, the event speedily proved that that which had been held up as the least material ingredient—as least attended to by the House, and operating upon its pure and disinterested members in the smallest degree—could procure for the new Minister that numerical force which negatives all awkward questions, and defeats the most powerful adversaries. In truth, that which had been idly imagined to be the least material circumstance, the possession of place, turned out to be the only one that produced any effect upon the incorruptible House of Commons.

Influence of the Crown, June 24, 1822.

Pitt and Addington—Desertion of the former by the House.

Mr. Pitt and Mr. Addington being now twain for the first time, a trial of strength took place; the House having opened its eyes to what many had before suspected—the schism between the *out* and the *in* Minister. At this moment its disinterested regard for Mr. Pitt was rudely put to the test; and, with a total disregard of that delicacy towards its feelings which might have been observed, it was required at once to decide between the two. Mr. Pitt boldly and plainly put the question to all who had, but a few short weeks before, lavished their professions upon him. “Give me,” said he, “no more of your speeches, let me hear no more of your expressions of confidence in me, let me have no more songs in my praise without-doors, nor tirades in my favour within-doors; come to the vote, come to the test, let me put to the proof some of you who have followed me for twenty years, while I could dispense place and patronage. Let me now see whether you now prefer Mr. Addington or me.” What was the result? In a House of 400 members no fewer than 333 were free to confess, and by their votes they did unequivocally confess, that they preferred Mr. Addington to Mr. Pitt. They preferred Mr. Addington to Mr. Pitt’s great hereditary name; the fame of his illustrious ancestors, the popularity established in his family for nearly half a century, and in himself for a quarter of a century. What, then, became of the support of Mr. Pitt’s adherents, the love of his friends, the gratitude of all on whom he had conferred benefits, the fidelity of the placemen he had created, and the affection of the contractors he had replenished? Where were then the worthy aldermen he had enriched, the honourable baronets he had made, the knights of the shire for whose families he had provided, and all the representatives for rotten boroughs, who had a thousand times boasted their generous and unalterable regard? Where were all those among whom he had lived—whom he had fed, clothed, and commanded—and who, while he was Minister, had

dragged him through every measure, overcoming every opponent, from Mr. Fox down to the gentleman whom I do not wish to name, who once displayed a shattered Bank-note before the eyes of the House in derision of Mr. Pitt's "solid system of finance?" All had suddenly disappeared. Mr. Pitt was discomfited, and left in as small a minority as Mr. Fox, or any other opposition member, had ever headed. This too, be it remembered, on a personal question—on a question of confidence;—and Mr. Addington's qualifications, his overpowering talents, and his undiminished and unenvied popularity, were found an overmatch for Mr. Pitt, when he had no longer the means of buying friends, or securing the gratitude of base and mercenary dependants.

Of all his overwhelming majorities only fifty-six were

“ . . . faithful found
Among the faithless ; . . . ”

adhering to him “even in extremity of ill.” It is painful to observe that these fifty-six afterwards fell to fifty-five, when another proposition of the Minister was resisted; and against the powerful coalition of the friends of Mr. Windham, the family of Lord Grenville, and the adherents of Mr. Fox, Mr. Addington still made head. He continued to do so for upwards of a year, and then, indeed, a change of ministry was effected; but how? A most suspicious circumstance was observed by all those who contemplated the movements of the Cabinet; for it was found a number of the friends of Mr. Pitt had become members of Mr. Addington's administration, and there was reason to believe that the premier and Mr. Pitt understood one another. Of this fact, indeed, no man entertained a doubt—that, if Mr. Addington had been strongly supported by all his friends, and if he had chosen to run the risk of his place, remaining by his Sovereign, as his Sovereign was willing to remain by him, for aught I know, he might have been Minister to the present hour.

Ibid.

Waiters upon Providence.

The Parliament to which I have been referring was not dissolved until the latter end of 1806; and at this time, it will not be forgotten, the strongest phrases were used in every quarter regarding the conduct and language of Mr. Fox; charging him, almost in terms, with unfurling the standard of rebellion, although it was known that he never could assemble any Parliamentary force that deserved to be called a body capable of giving even a slight resistance to the Minister of the day. Nevertheless, an event happened about 1806 which let in a new and sudden light upon the honourable House of Commons. Mr. Fox came into office—an event of which the House was most curiously observant. Nothing is looked at in Parliament with more anxious, prying, and wary eyes, than a circumstance of this kind—when a man is sent down by his monarch to be the Minister. Members of Parliament are most patient, curious, sedulous, and careful observers of such a change. They eagerly watch every motion, and catch every hint, but refrain from acting until doubt is at an end. When the appointment is gazetted—when the favoured individual is really Minister—that change produces, of course, a corresponding change in the House of Commons. The moment the operation is complete out-of-doors, the alteration within-doors is wonderfully rapid. On the 3d of March, 1806, the very House of Commons that just before had charged Mr. Fox with unfurling the standard of rebellion no longer entertained the slightest distrust of his person or his principles. They followed him implicitly, and in as great numerical force as they had followed any of his predecessors in office.

*Ibid.**Trimming of the old House of Commons.*

The House of Commons were approaching a very critical time. Rumours were spread of certain things passing elsewhere, which made the members quite alive.

They began to look sharply about them; to try to see their way—as they had done after the decease of Mr. Pitt. They began to be aware that they had better be quiet—that they had better abstain from all strong demonstrations—that they had better steer near the land, and with a snug sail, lest they should get on a lee-shore and be suddenly shipwrecked. They did not exactly understand what was passing around them, but they knew that something was passing. Birds of ill omen were fluttering about, and who knew what might ensue? It was evident that something was not as it should be; but that was very immaterial. The great point was, that something was not as it had been. Mr. Fox was no more. His friends, it is true, were in office; but it was not very clear whether they ought to be supported. They, the members, were plain, downright, matter-of-fact men. They wished to know how affairs stood. They wished to know whether the men apparently in power were *de facto* ministers. “Make it quite clear to us—clear to demonstration—that you are not going out, and then we shall immediately know what to do.” In the meanwhile, they comforted themselves as the members are wont to comfort themselves when engaged in such an interesting speculation. The first thing in those cases is a tendency on the part of honourable members to absent themselves from the House. There are suddenly many calls into the country. Journeys are to be taken for health, for amusement, or for the health and amusement of dear friends and relations. It is quite astonishing to perceive the ties which bind a member of Parliament to his home when it is not convenient to him to take his place in the House! Accordingly, at the period to which I have been alluding, the numerical force of the House speedily dwindled to nearly one-half of its usual amount. The suspense, however, began to be painful. It would have become intolerable had it been much longer protracted. But at length it pleased His Majesty to put an end to all doubt and indecision by changing his ministers.

On the 12th of March only sixty honourable members could be found to support a strong measure proposed to

them by the opponents of the then administration. On the 3d of March only fifty-seven had been found to support a still stronger measure. And yet, no sooner had the House been able to look well about them, no sooner had they had time and opportunity to take an observation, no sooner had they made themselves sure of who were to be in, and who were to be out of office, than the sixty or fifty-seven members became expanded in a most marvellous manner to 258, that being, to the great astonishment of all beholders, the number of members who voted for the negative of the proposition, whether or not the House of Commons reposed any confidence in His Majesty's late Ministers. Thus did a large majority of this House—in which, but a very short period before, only fifty-seven members could be found to express their disapprobation of those Ministers—come forward to protest that they never liked those Ministers, that they liked any Ministers better, and that they were very grateful to His Majesty for having taken the public affairs out of their hands. Ay, and had it pleased the King to change the administration on the day after, the same members would again have looked about them—they would again have taken observation—they would again have seen what way they were going—they would again have slackened their attendance in the first instance—they would again have eventually confessed that they always preferred Mr. Fox and his friends, and that they never liked these new men, whom they would probably have characterised as mere clerks of office—as followers of Mr. Pitt, who were unworthy to hold the candle to their great predecessor and model; and they would have assured His Majesty that Lord Grey and Lord Grenville appeared to them to be the only individuals worthy of his confidence, for that on them alone had fallen the mantle of the illustrious statesman whose principles they maintained. All that would have been said on the morrow, had those eminent individuals been reinstated in power

Ibid.

Political Trimming of the Universities.

This principle of Government influence operates on other bodies besides Parliament. Although I might, I will not go to corporations for instances of that fact, because corporations are not worthy of the comparison; but I will take my example from the conduct of a grave, learned, and most venerable body, whose dignified duty it is to dispense the blessings of education over the land, and of whose institutions morality and religion are the corner-stones. I mean the grave, learned, and venerable University of Oxford. Undoubtedly, that illustrious and erudite body possess great quickness of discernment, great powers of prognostication, on the subject of which I have been speaking. Hardly could the House of Commons itself manifest greater alacrity in the detection of falling or of rising political influence.

Never have they exhibited in modern times, since their predilection for the old family, the stain of which they have washed out by their subsequent to the new, any want of due vigilance on the point in question, except in the solitary instance of their election of Lord Grenville to the Chair of the Chancellor of the University. But even then they had their excuse. Every appearance at the time indicated that Lord Grenville was coming into office. The Walcheren expedition had just overwhelmed its projectors with shame. It was well known that there were great squabbles in the Cabinet. Two of the members of that Cabinet were already gone. A message had been sent from the King to eminent individuals opposed to the existing administration.

Mr. Perceval appeared to be in treaty with Lord Grey, and still more closely with Lord Grenville. It was altogether pretty clear that there would be some change in the administration, and everything pointed out Lord Grenville as the probable chief of the new ministry. Henceforward, however, the University will no doubt be more cautious. Henceforward, they will follow the prudent example of the House of Commons. Henceforward, they will see the gazette before they venture to

act. Henceforward, they will not believe that any man is fairly out of office until they see the appointment of his successor gazetted. They have paid too dearly for their experience not to benefit from it, for they chose Lord Grenville to be their Chancellor, and from that day the noble lord has never held any situation of official trust and responsibility.

As an additional proof of the watchful attention of the University of Oxford to men in power, let the House recollect their conduct on the Catholic question. On the 5th of March, 1807, Mr. Perceval declared that the Bill which had been introduced by His Majesty's Government was one of the most dangerous measures which had ever been proposed to Parliament, and that it ought to be opposed by all who felt an interest in maintaining the established religion of the State. Accordingly, on the 17th March, a petition was presented from the University of Oxford, in which they expressed their anxiety, their consternation, their holy horror, at a Bill which threatened to break down all the barriers of our civil and religious establishments. They also declared their conviction that the security of all the existing oaths and tests was indispensable to the maintenance of those establishments. Mr. Perceval persevered in his opposition to the Bill in question. Aided by the efforts of the University of Oxford, to whose exertions the University of Cambridge lent their assistance, he lighted up a flame which had nearly consumed the peace of the country. The public tranquillity was hazarded by men, who, to further their own political interests, did not scruple to raise—I was going to say a religious—but an irreligious, base, brutal, and unchristian cry of “Popery!” The outcry thus raised by Mr. Perceval, its author, perhaps honestly, but seconded dishonestly by hundreds and thousands—this base outcry having accomplished its object, of destroying one administration and replacing another, and having given to the countenance of the King towards any set of individuals the invariable sequel of that countenance—a triumphant majority in the House of Commons—what followed?—the very measure so exclaimed against; that

very measure for admitting Catholics into the Army and the Navy was introduced into the House of Commons by the identical Ministers who had been so loud in its reprobation, passed this House, and afterwards passed the other House of Parliament *sub silentio*, not a single word having been spoken against it by any spiritual peer, although, only ten years before, it had been pronounced a measure pregnant with the most disastrous and frightful consequences! I have looked over the journals of the House to see if I could discover any address from the University of Oxford on that occasion; but none have I been able to find; nor, if I had discovered it, would it weaken my argument, since it is evident that the tone of such an address must have been very different from that which originally proceeded from the same learned and venerable body on the subject.

Ibid.

The Pressure from without on the old House of Commons.

I may be told that the voice of the people has penetrated, and is attended to, within the walls of this House. When I look to the instances which have recently fallen within all our observations, I imagine that, instead of being an objection, it ought to be the greatest and most deplorable of all instances of the insufficiency of public opinion in producing an immediate redress of any grievance. But, while I say this, I wish not to be misunderstood. Does any man suppose that, whilst a spark of liberty remains in this country—whilst a free press exists—whilst there remains a pure bench and an uncorrupted bar—whilst this House continues to be a deliberative body (no matter how much pledged to the interests of the Crown, and false to those of the people)—whilst our doors remain open to the public, and the whole country must be informed of what is passing here—does any man mean to deny that, whilst such things exist, public opinion can be excluded from this House?

But what I complain of is, that the times do not keep

pace with the public grievances. These grievances have been felt from day to day, and from year to year, for the last twenty or thirty years, and yet the House and the country have gone slumbering on with a blind confidence in the conduct of Ministers. Can there be a stronger instance of the corruption of the times than this? We have gone on complaining, but we wait until the pool shall be ruffled. Are we to wait and to wait on until the *vox populi* comes to ruffle that pool? Are we to see the House of Commons harassed by petitions? Are we to wait until the prayers of the people reach us—until the groans of humanity, as was said with respect to the slave-trade, force themselves on our unwilling ears?—Are we to await all this, while reform and amendment are in so many mouths?

There is a material difference between firm independence and that desultory sort of independence which shows itself only when the Minister ceases to apply the lash. The people, however, are now taking a steady and decided view of the evils which oppress them, and which are to be remedied only by a reduction in the number of places and establishments, and that Parliamentary reform which will bring the people more in contact with their representatives. I do hope that this opportunity will be taken for giving a pledge to the country to this effect. It is to enable this House to regain with the country that confidence which only their own fault could have forfeited, that I shall propose as a resolution, “that the influence now possessed by the Crown is unnecessary for maintaining its constitutional prerogatives, destructive of the independence of Parliament, and inconsistent with the well-governing of the realm.”

Ibid.

Want of a Counterpoise to the Crown.

The question does not relate merely to places and offices in this House. From that source much influence arises, which is felt in the deliberations and votes of the House. But there is a large debt; for the payment of

the interest of that debt, a large amount of money must be yearly levied ; and to meet that influence a counterpoise is required. If we would preserve the balance of the Constitution, we must introduce changes on the one side equivalent to the changes created on the other. Changes have been created by the debt and its machinery ; changes are therefore necessary which shall place on the opposite side of the beam an influence sufficient to restore the equipoise. The members of this House must therefore be brought more into contact with their constituents, in order to give to the people the counterpoise required by the principles of the Constitution against the influence of the Crown. I call upon the House, if they value the good will and confidence of the country, to restore this counterpoise ; for, if they turn a deaf ear to the voice of the people, the consequence will be a well-founded dissatisfaction, and all the evils which must arise from a derangement of our boasted Constitution.

Ibid.

Character of the Holy Alliance—Their Crimes and Hypocrisy.

By the fourth article of the treaty of Aix-la-Chapelle, dated November, 1818, it was laid down that a special congress might be held from time to time on the affairs of Europe, or, to use the words, and borrowing the hypocritical cant of their predecessors, the three powers who basely partitioned Poland—who, while they despoiled a helpless nation of its independence, kept preaching about the quiet of Europe, the integrity of its States, and the morality and happiness of their people—who talked daily of their desire of calm repose, the atmosphere, I well know, which despotism loves to breathe, but which an ancient writer has eloquently painted, when he says that they mistook for peace the stillness of desolation ; following the vile cant of their ancestors, the allies declared, at Aix-la-Chapelle, that their object was to secure the tranquillity of Europe—that their fundamental principle

should be never to depart from a strict adherence to the law of nations. "Faithful to these principles" (continued this half sermon, half romance, and half State-paper), "they would only study the happiness of their people, the progress of the peaceful arts, and attend carefully to the interests of morality and religion, of late years unhappily too much neglected." Here, again following the example of the autocratrix Catherine—the spoiler of Poland, who, having wasted and pillaged it, province after province, poured in hordes of her barbarians, which hewed their way to the capital through myriads of Poles, and there, for one whole day, from the rising of the sun to the going down thereof, butchered the unoffending inhabitants, unarmed men, and women, and infants; and, not content with this work of undistinguishing slaughter, after the pause of the night had given time for cooling, rose on the morrow, renewed the carnage, and continued it throughout the day; and, after this, ordered a *Te Deum* to be sung, to return thanks for her success over the enemies of Poland. That mild and gentle sovereign, in the midst of these most horrible outrages upon every feeling of human nature, issued a proclamation, in which she assured the Poles that she felt towards them "the solicitude of a tender mother, whose heart is only filled with sentiments of kindness for all her children." Who can or who dare doubt, that she was all she so described herself, and who can, after the experience of the last year, dispute the legitimate descent of the allied powers, and the purity of their intentions towards Spain?

But along with this declaration of the object of future congresses comes the stipulation which I should like to see some German statist, some man versed in the manufacture of state-papers, compare with, and reconcile to, the notes fashioned at Verona, not unlikely by the very hands which produced the treaty of Aix-la-Chapelle. The stipulation was this: "Special congresses concerning the affairs of States, not parties to this alliance, shall not take place except" (and here I should like to know how Spain, which was no party to the alliance, has brought herself within the exception) "except in consequence of

a formal invitation from such States ;” and their ambassador shall assist at such congresses. How would any German statist reconcile these contradictions ? Here the interference in the internal affairs of Spain is not only not “ by special invitation ” from, but is in downright opposition to, the will of Spain. Thus stands the conduct of these holy allies, diametrically opposed to their own professions and engagements ; and by such means is the attempt now made to crush the independence of a brave people !—But it is not in the case of Spain alone that the consideration of these papers is important—they furnish grounds of rational fear to all independent governments ; for I should be glad to learn what case it is (upon the doctrines now advanced) to which this principle of interference might not be extended—on which the authority to comment, criticise, and dictate, may not be assumed ? The House is not aware of the latitude to which the interference of these armed legislators may be, nay, actually is, extended.

The revolt of the colonies is distinctly stated as one ground of interposition. The allies kindly offer their “ intervention ” to restore this great branch of “ the strength of Spain.” There is no end of the occasions for interfering which they take. One is rather alarming—the accident of a sovereign having weak or bad ministers. Russia, forsooth, was anxious to see Ferdinand surrounded with “ the most enlightened, most faithful of his subjects,” men “ of tried integrity and superior talents ”—men, in a word, who should be every way worthy of himself. So that, according to these wise men of Verona (and this is a consideration which should be looked to in some other countries as well as Spain), the existence of an inefficient or unprincipled administration would be of itself a just ground of interference. The principle does not stop here ; “ ruinous loans ” forms another ground, and “ contributions unceasingly renewed ;” “ taxes which, for year after year, exhaust the public treasures and the fortunes of individuals.” All these are instances in which the principle of interference might apply to other countries besides Spain ; and I have no

doubt that, when the same doctrines are extended to certain countries, the preparatory manifesto will make mention of agricultural distress and the sinking-fund.

Feb. 4, 1823.

The Emperor Alexander.

But, to complete all the charges against Spain, the Russian Emperor finishes his invective with the awful assertion that on the 7th of July "blood was seen to flow in the palace of the King, and a civil war raged throughout the Peninsula." It is true that a revolt had been excited in some of the provinces. But by whom? An ally. It was produced by those cordons of troops which were posted on the Spanish frontier, armed with gold and with steel, and affording shelter and assistance by force to those in whose minds disaffection had been excited by bribery. It is also true that blood had been shed. But would it not be supposed by any person unacquainted with the fact, and who only read the statement in the manifesto, that this was blood shed in an attempt to dethrone Ferdinand, and introduce some new and unheard-of form of government? At any rate, does not this statement plainly intend it to be supposed that the constitutional party had made the onset and shed royalists', if not royal, blood? But what is the fact? A few persons were killed who had first attacked the constitutionalists, in other words, mutinied against the established government, the government which the Emperor Alexander himself had recognised in 1812; and this he had now the audacity to call the shedding of blood by Spaniards in the palace of the King! As well might he accuse the people, the Parliament, and the Crown of England, of causing "blood to flow in the palace of the King," for ordering their sentinels to fire on some person whom they might find attempting to assassinate the Sovereign, as accuse the Spaniards of such a crime for the events which happened in 1822.

Feb. 4, 1823.

Insolence of the Holy Alliance towards Spain.

It would be disgusting to enter at any length into papers, at once so despicable in their execution, and in their plan so abominably iniquitous. There is but one sentiment held regarding them out of the House, and my excuse for taking notice of them now is my desire to call forth a similar expression of feeling from the House itself. Monstrous and insolent and utterly unbearable as all of them are, I consider that of Russia to be more monstrous, more insolent, and more prodigiously beyond endurance than the rest. It is difficult to determine which most to admire—the marvellous incongruity of her language and conduct now with her former most solemn treaties, or the incredible presumption of her standing forward to lead the aggression upon the independence of all free and polished states. Gracious God! Russia!—a power that is only half civilized—that with all her colossal mass of physical strength is still quite as much Asiatic as European—whose principles of policy, foreign and domestic, are completely despotic, and whose practices are almost altogether oriental and barbarous! In all these precious documents there is, with a mighty number of general remarks, mixed up a wondrous affectation of honest principles—a great many words covering ideas that are not altogether clear and intelligible; or, if they happen to be so, only placing their own deformity in a more hideous and detestable light: but, for argument, or anything like it, there is none to be found from the beginning to the end of them. They reason not, but speak one plain language to Spain and to Europe; and this is its sum and substance: “We have hundreds of thousands of hired mercenaries, and we will not stoop to reason with those whom we would insult and enslave.” I admire the equal frankness with which this haughty language has been met by the Spanish Government. The papers which it has sent forth are plain and laconic, and bluntly speak this language: “We are millions of free men, and will not stoop to reason with those who threaten to enslave us.” They hurl back the menace upon the head from

which it issued, little caring whether it come from Goth, or Hun, or Calmuck; with a frankness that outwits the craft of the Bohemian, and a spirit that defies the ferocity of the Tartar. If they find leagued against them the tyrants by whom the world is infested, they may console themselves with this reflection, that, wherever there is an Englishman, either of the old world or the new—wherever there is a Frenchman, with the miserable exception of that little band which now for a moment sways the destinies of France, in opposition to the wishes and interests of its gallant and liberal people—a people which, after enduring the miseries of the revolution and wading through its long and bloody wars, are entitled, if ever any people were, to a long enjoyment of the blessings of peace and liberty—wherever there breathes an Englishman or a true-born Frenchman—wherever there exists a free heart or a virtuous mind—there Spain has a natural ally, and an inalienable friend.

Feb. 4, 1823.

*Frederick of Prussia—His Conduct and Character—
Model of a Patriotic Nation.*

For my own part, I cannot but admire the mixture of firmness and moderation which the Government of Spain has exhibited. When the allied Sovereigns were pleased to adopt a system of interference with the internal policy of Spain—when they thought fit to deal in minute and paltry criticisms upon the whole course of its domestic administration—when each sentence in their manifestoes was a direct personal insult to the Government, nay, to every individual Spaniard—and when the most glaring attempts were made, in all their State-papers, to excite rebellion in the country, and to stir up one class of the community against the other—it would not have surprised me if, in the replies of the Spanish Government, some allusion had been made to the domestic policy of the allied Sovereigns, or if some of the allegations which had been so lavishly cast upon it had been scornfully retorted upon those who had so falsely and so insolently called

them forth. What could have been more pardonable, nay, what more natural, than for the Spanish Government to have besought his Prussian Majesty, who was so extremely anxious for the welfare and good government of Spain—who had shown himself so minute a critic on its laws and institutions, and who seemed so well versed in its recent history—to remember the promises which he had made some years ago to his own people, by whose gallant exertions, on the faith of those promises, he had regained his lost crown? What would have been more natural than to have suggested that it would be better, ay, and safer too in the end, to keep those promises, than to maintain, at his people's cost, and almost to their ruin, a prodigious army, only safely employed when in the act of ravaging the territories, or putting down the liberties, of his neighbours? The Government of Spain would have a right to make such representations, for his Prussian Majesty owed much, very much, to its exertions; indeed, the gallant resistance which it made to the invasion of Bonaparte alone enabled Prussia to shake off the yoke; while, on the other hand, the Spaniards owed a debt of gratitude to the brave and honest people of Prussia for beginning the resistance to Bonaparte in the North. Could anything, I ask, have been more natural for the Spanish Government than to have asked the Emperor of Austria, whether he, who now pretends to be so scrupulously fond of strict justice in Ferdinand's case, when it costs him nothing, or must prove a gain, had always acted with equal justice towards others when he was himself concerned? Could anything have been more natural than to have suggested to him that before he was generous to Ferdinand he ought to be just to George;—that he ought to return to him the whole, or at any rate a considerable part, of the twenty millions which he had borrowed of him—a debt which, remaining unpaid, wasted the resources of a faithful ally of Spain, and tended mightily to cripple his exertions in her behalf? I wish, likewise, to know what could have been more natural—nay, if the doctrine of interference in the internal concerns of neighbouring nations be at all admitted—what could

have been more rightful, in a free people than to have asked him how it happened that his dungeons are filled with all that is noble, and accomplished, and virtuous, and patriotic, in the Milanese—to have called on him to account for the innocent blood which he has shed in the north of Italy—to have required at his hands satisfaction for the tortures inflicted in the vaults and caverns where the flower of his subjects are now languishing—to have demanded of him some explanation of that iron policy by which he has consigned fathers of families, the most virtuous and exalted in Europe, not to exile or death, but to a merciless imprisonment for ten, fifteen, and twenty years, nay, even for life, without a knowledge of the charge against them, or the crime for which they are punished? Even the Emperor Alexander himself, tender and sensitive as he is at the sight of blood flowing within the precincts of a royal palace—a sight so monstrous, that, if his language can be credited, it has never before been seen in the history of the world—might have been reminded of passages in history calculated to lessen his astonishment, at least, if not to soothe his feelings; for the Emperor Alexander, if the annals of Russian story may be trusted, however pure in himself, and however happy in always having agents equally innocent, is nevertheless descended from an illustrious line of ancestors, who have, with exemplary uniformity, dethroned, imprisoned, and slaughtered husbands, mothers, and children. Not that I dream of imputing those enormities to the parents, or sisters, or consorts; but it does happen that these exalted and near relations never failed to reap the whole benefit of the atrocities, and always failed to bring the perpetrators to justice.

In these circumstances, if I had the honour of being in the confidence of His Majesty of all the Russias, I should have been the last person in the world to have counselled my imperial master to touch upon so tender a subject. I should humbly have besought him to think twice or thrice, nay even a third or fourth time, before he ventured to allude to so delicate a subject: I should, with all proper deference, have requested him to meddle with any

other topic: I should have directed him, by preference, to every other point of the compass; I should have implored him rather to try what he could say about Turkey, or Greece, or even Minorca, on which he has of late been casting many an amorous glance—in short, anything and everything before he approached the subject of blood flowing within the precincts of a royal palace, and placed his allusion to it, like an artful rhetorician, upon the uppermost step of his climax.

Feb. 4, 1823.

The Holy Alliance worse than Bonaparte.

I find, likewise, in these self-same documents, a topic, for which the Spanish Government, had it been so inclined, might have read to the Holy Alliance another severe lecture: I allude to the glib manner in which the three potentates now talk of an individual, who, let his failings, or even his crimes, be what they might, must always be regarded as a great and a resplendent character—who, because he is now no longer either upon a throne or at liberty, or even in life, is described by them, not merely as an ambitious ruler—not merely as an arbitrary tyrant, but as an upstart and an usurper.

This is not the language which those potentates formerly employed, nor is it the language they are now entitled to use, regarding this astonishing individual. Whatever epithets England, for instance, or Spain, may have a right to apply to his conduct, *their* mouths, at least, are stopped: they can have no right to call him usurper—they, who, in his usurpations, were most greedy accomplices, or willing tools. What entitles the King of Prussia to hold such language now?—he who followed his fortunes with the most shameless subserviency, after the thorough beating he received from him, when trampled upon and trodden down in 1806? No sooner had he risen again and recovered the upright attitude of man, than he fell upon his knees, and, crouching before him who had made him crawl in the dust, kissed the blood-stained hand of Bonaparte, for leave to keep His Bri-

tannic Majesty's foreign dominions, the electorate of Hanover, which he had snatched hold of while at peace with England. So the Emperor Alexander, after he had also undergone the like previous ceremony, did not disdain to lick up the crumbs which fell from the table of his more successful rival in usurpation. Little, it is true, was left by the edge of Bonaparte's appetite, but, rather than have nothing—rather than desert the true Russian principle of getting something on every occasion, either in Europe or in Asia (and of late years they have even laid claim to an almost indefinite naval dominion in America)—rather than forego the Calmuck policy of always adding something, be it ever so little, to what was already acquired, be it ever so great—he condescended to receive from the hand of Bonaparte a few square leagues of territory, with an additional population of some two or three thousand serfs. The object was trifling, indeed, but it served to keep alive the principle. The tender heart of the father, overflowing, as his imperial grandmother had phrased it, with the milk of human kindness for all his children, could not be satisfied without receiving a further addition to their numbers; and therefore it is not surprising that on the very next occasion he should have been ready to seize, in more effectual exemplification, a share of the booty, large in proportion as his former one had been small.

The Emperor of Austria, who entered before the others into the race for plunder, and continued in it till the very end—he who, if not an accomplice with the jacobins of France in the spoliation of Venice, was at least a receiver of the stolen property—a felony of which it was well said at the time in the House, that the receiver was as bad as the thief—that magnanimous Prince, who, after twenty years' alternation of truckling and vapouring—now the feeble enemy of Bonaparte, now his willing accomplice—constantly punished for his resistance by the discipline invariably applied to those mighty princes in the tenderest places, their capitals, from which they were successively driven—as constantly, after punishment, joining the persecutor, like the rest of them, in attacking and

plundering his allies—finished by craving the honour of giving Bonaparte his favourite daughter in marriage; nay, after the genius of Bonaparte had fallen under the still more powerful restlessness of his ambition—when the star of his destiny had waned, and the fortune of the allies was triumphant, through the roused energies of their gallant people, the severity of the elements, his own turbulent passions, and that, without which the storm of popular ferment, and Russian winters, and his own ambition, would have raged in vain,—the aid of English arms, and skill, and gallantry—strange to tell, these very men were the first to imitate that policy against which they had inveighed and struggled, and to carry it farther than the enemy in all its most detestable points.

I maintain that it is so, for not even by his bitterest slanderers has Bonaparte been ever accused of actions so atrocious as was the spoliation of Norway, the partition of Saxony, the transfer of Genoa, and the cession of Ragusa, perpetrated by those in whose mouths no sound has been heard for years but that of lamentation over the attacks upon national independence. It is too much, after such deeds as these—it is too much, after the allies have submitted to a long course of crouching before Bonaparte, accompanied by every aggravation of disgrace—it is too much for them now to come forth and calumniate his memory for transactions in the benefits of which they participated, at the time, as his accomplices, and the infamy of which they have since surpassed.

Feb. 4, 1823.

A Warning to Charles the Tenth.

I rejoice that the Spaniards have only such men as these to contend with; I know that there are fearful odds when battalions are arrayed against principles; but it is some consolation to reflect that these embodied hosts are not aided by the merits of their chiefs, and that all the weight of character is happily on the contrary side. It gives me, however, some pain to find that a monarch so enlightened as the King of France has shown himself

on various occasions to be should have yielded obedience, even for a time, to the arbitrary mandates of this tyrannical junto. I trust, however, that it may only prove a temporary aberration, on his part, from the sounder principles on which he has hitherto acted. I trust that the men who appear to have acquired his confidence only to abuse it will soon be dismissed from it; or, if not, that the voice of the country, whose interests they are ready to sacrifice, and whose rising liberties they seem anxious to destroy, will compel them to pursue a more manly and more liberal policy. Indeed, the King of France has been persuaded, by the parasites by whom he is at present surrounded, to go even beyond the principles of the Holy Alliance. He has been persuaded to tell the world that it is from the hands of a tyrant alone that a free people can hold a Constitution. That accomplished Prince—and all Europe acknowledges him to be at once a most finished gentleman and most able scholar—cannot but be aware that all the wise and good men of former times differ with him in opinion upon this point; and if I remind him of a sentence which I have found in a recently recovered work, of one whose eloquence was only to be surpassed by his wisdom, and whose skill as a statesman was only to be rivalled by his observation as a philosopher—if I remind him of an opinion of Cicero, in direct variance with the doctrines which he has recently promulgated, it is in the sincere hope that he will consider it with all the attention that is due to such high authority. That great man has said, “*Non in ulla civitate, nisi in quâ summa potestas populi est, ullum domicilium libertas habet.*” I recommend to his Most Catholic Majesty to reflect, not only on the wisdom of so great a philosopher, but also on the experience of so great a statesman. I recommend him to consider that he was one of the greatest statesmen of the old world—that, like himself, he lived in times of great danger and of great difficulty—that he had to contend with the most formidable conspiracy to which the life and liberty of social man had ever been exposed—that, under such circumstances, he had recourse only to the Roman constitution—that

he threw himself on the good will of his patriotic countrymen—that he only put forth the vigour of his own genius and the vigour of the law, and that he never thought of calling to his assistance the Allobroges, the Teutones, or the Scythians of his day; and I now say that, if the King of France calls either on the modern Scythians or the modern Teutones to assist him in this unholy war, judgment will that moment go forth against him and his family, and the dynasty of Gaul will be changed at once and for ever.

Address on the King's Speech, Feb. 4, 1823.

The Allied Sovereigns the Enemies of Freedom.

What are the grounds on which the necessity of this war is defended? It is said to be undertaken because an insurrection has broken out with success at Madrid. I deny this to be the fact. What is called an insurrection was an attempt to restore the lawful Constitution of the country—a Constitution which had been its established Constitution till Ferdinand overthrew it by means of a mutiny in the army; and therefore, when a similar mutiny enables the friends of liberty to recover what they have lost, it is an error in language to call such recovery by the name of insurrection, and an abuse of terms, which can only be intended to hoodwink the reason, or conciliate the prejudices of the honest part of mankind. Let the pretext, however, for the war be what it may, the real cause of it is not hard to conjecture. It is not from hatred to Spain or Portugal, considered simply as Spain and Portugal, that the allied sovereigns are for marching their hordes into the Peninsula—it is not against freedom on the Ebro, or freedom on the Mincio, that they are making war; no, it is against freedom in the abstract—it is against freedom wherever it is to be found—it is against freedom by whatever men it is possessed—it is against freedom by whatever checks it is secured, and by whatever safeguards it is guaranteed. Freedom is the object of their most inveterate hate; and against freedom they are ready to employ every species both of fraud and of

force. They dread its institutions—they abhor its spirit. All the benefits which it has conferred upon mankind, all the monuments which have been raised in its honour, all the miracles which have been effected by its influence, they hate with the malignity of demons, for they are compelled to fear and tremble at the very sound of its name. It is on this account that, disguise it as they may, they can feel no real friendship for the people of this country. As long as England remains the country she is at present; as long as Parliament forms a free and open tribunal, to which the oppressed of all nations under heaven can appeal against their oppressors, however mighty and however exalted—and with all its abuses (and no man can lament them more feelingly than I do), and with all its imperfections (and no man can be more anxious to remove and amend them, because no man wishes more heartily to make it worthy of the love and admiration of the country), it is still too free to please the tastes of the continental despots—so long will England be the object of their hatred and machinations, sometimes carried on in secret, sometimes carried on openly, but always carried on with the same unremitting vigour and activity.

Ibid.

The Armed Critics of Europe.—Their Pretences for Aggression on Public Liberty.

It is idle to suppose that these armed critics can be bounded by any limits of time or of country. Can the House suppose, if there were any portion of territory in the neighbourhood of the Emperor Alexander which appeared peculiarly suited to his views, that he would not soon be able to discover some fault or flaw in its political institutions requiring his intervention—supposing it even to be a part of the Turkish Government? Nay, if his Imperial Majesty were met, with his consistory of tyrants and armed critics, I believe that it would be in vain for the Ulemah, with all his tribe of learned muftis, to plead to him that their government was of the most

sacred and venerable description—that it had antiquity in its favour—that it was in full possession of the “conservative principle of social order”—that it was “replete with grand truths”—that it had never listened to “the false doctrines of a disorganized philosophy”—and that it had never been visited by any such things as “dreams of fallacious liberty”—I believe that, if the learned Ulemah were to argue the point just as if it were the holy Koran, still these “three Gentlemen of Verona” would not turn away in disgust as I should do, but would pry about for an avenue by which to enter into the territory in question, and, if they could not find a way, would not scruple about making one; and the result in one point of view would be, that, in three months from the time of deliberation, the Emperor Alexander would be at Constantinople or at Minorca—for he has long shown a desire to have some western provinces; and that Austria and Prussia would be invited to look for an indemnity in anything that England, or the King of England, might have on the Continent to suit them. The principles on which this band of congregated despots have shown their readiness to act are dangerous in the extreme, not only to free states, for reasons I have before explained, but also to the states over which the very members of this unholy junta preside. Resistance to them is a matter of duty, and the duty of this country is in consequence plain. It behoves us, however, to take care that we do not rush blindly into a war. An appeal to arms ought to be the last alternative we should try, but still it ought never to be so foreign to our thoughts as to be conceived impossible, or so foreign to our councils as to take us unprepared.

Ibid.

Outline of a True Foreign Policy.

Above all things, we ought to repeal, without delay, the Foreign Enlistment Bill—a measure which, in my opinion, we ought never to have enacted. I will not, however, look back to measures on the propriety of which all

of us may not agree, but I will look forward, in order to avoid all subject of vituperation, reserving my blame for the foreigners whose tyrannical conduct obliges this nation to hate them, and my co-operation for whatever faithful servant of the Crown will, in the performance of his duty to his country, to freedom, and to the world, speak a language that is truly British—pursue a policy that is truly free—and look to free states as our best and most natural allies against all enemies whatsoever; quarrelling with none, whatsoever may be the form of their government, keeping peace wherever we can, but not leaving ourselves unprepared for war; not afraid of the issue, but calmly resolved to brave it at all hazards; determined, at the same time, to support, amid every sacrifice, the honour and dignity of the Crown, the independence of the country, and every principle that is considered most valuable and sacred amongst civilized nations.

Ibid.

Liberal Sentiments of Canning on Foreign Policy.

I observed, when the Minister for Foreign Affairs rose and uttered sentiments which, as an Englishman, a statesman, and an orator, did him the highest honour—sentiments which will surprise and delight the country, and which will crown him with the ardent applause of that country—while those expressions were heard with delight by all who sat on the opposition side of the House—while the loudest expressions of gratification were heard—while even the benches below me* resounded with acclamations—that a “death-like silence” was preserved by the gentlemen opposite—that the faculties of those who administer the government, and their various ministers and supporters, appeared to sink into a “dread repose,” astounded, I suppose, at the liberality of the principles which they have so unexpectedly heard. God grant that the negotiation, when we come to read

* Mr. Wilberforce, Mr. Bankes, &c.

the papers, may not be found to be carried on rather in the spirit of those silent gentlemen than in the spirit which filled the breast of the right honourable secretary, the expression of which was re-echoed from almost every part of the House, and will be joyfully responded to from every part of the empire.

I and my honourable friends agree perfectly with the right honourable secretary in the liberal sentiments he has expressed; I wish those sentiments were common to him and to all his colleagues, and their supporters. Those sentiments will be echoed through this country with delight; and most heartily do I and all my friends pray for the success of the Spanish people in this war. I deny that it is the war of the French nation, and I believe that the French army do, in their hearts, detest the work of plunder, guilt, and hypocrisy which they are sent about. It is the effort of two or three French emigrants, who have gotten into power. They are determined to make a desperate attempt to get back their confiscated estates by a counter-revolution, and the priests chime in with them to recover their well-lost tithes. It is on account of these classes that the Spaniards are to be punished because they wish to be free. I hope in God, however, that they will succeed against their enemies. I have with delight heard the right honourable gentleman say that this war is not only unprincipled, but desperate, on the part of France. I believe it is both, and I trust the defence by the Spaniards will prove it to be the latter. But though the Spaniards may yield a little—though the French may succeed at first—though a great foreign orator has predicted their success as certain—though the renowned and veteran Angoulême has clapped his hand upon his sword, and vowed to conquer, still I will not despair of the ultimate success of the Spanish people. For our part, our duty is to go on so as to deserve the respect of a people who to a man are animated with the strongest feelings for the success of liberty and independence. Should the war end (as I sincerely hope it may) in the discomfiture of the Bourbons—should they be again conquered—they will owe it to themselves alone, and

they will perish amidst the delight of every man in Europe; except, perhaps, a few whose breasts never warmed with any feelings for liberty, except when the preservation of their places or their own personal interests rendered it expedient; but, with these few exceptions, they would perish unregretted by the world. None would raise a hand in their behalf; none would wish for their restoration!

Motion on Spanish Negotiations, April 14, 1823.

Ireland without a Public.

This House has this night heard a lesson with regard to the state of Ireland, emanating from the long experience and great patriotism of my right honourable friend (Sir J. Newport), not founded in violent or chimerical notions, but pregnant with the soundest political wisdom. My right honourable friend has declared it to be the curse of Ireland to be torn by factions, mobs, and associations; and to have nothing which can fairly be called a public. The Union, notwithstanding all the evils which have attended it, has, at least, brought to Ireland the chance of obtaining that inestimable blessing. Let it not be said, when Ireland complains of grievances, that the best way of allaying heats, of quelling dissension, and of diffusing satisfaction through the country, is not to remedy those grievances. Let her voice be heard—let her wrongs be redressed—let her just demands be conceded, and we shall hear no more of turbulence and dissension with regard to Ireland.

Sir F. Burdett's Motion for an Inquiry into the Conduct of the Sheriff of Dublin, April 22, 1823.

Atrocious Aggression of France on Spain.

But it is a subject of deep-felt congratulation with me, that, even from those by whom the conduct of His Majesty's Government has been even thus moderately approved, not one word has fallen from any man, of whatever side, of whatever party of the House—either the

supporter or the opponent of the administration—in extenuation of the atrocious aggression of France.

No man has been found base or desperate enough to pollute the air of this House by uttering a single syllable that can be construed into a justification of that abominable act of injustice. No volunteer assassin of public liberty—no greedy pander to the passions of those spoiled children of royalty who wield the sceptres of Europe—has dared within these walls to utter a sentence in its defence. A character of that description I sincerely believe does not belong to this country, much less to an enlightened and free assembly. Words, it is said, have been uttered elsewhere, which may bear somewhat of such construction, but, as I did not hear them myself, I must believe that they were misconceived, or uttered in the heat of discussion, or, peradventure, not uttered at all, by the individual to whom they have been attributed. For the honour of the country—for the honour of the House of Commons—I wish it to go forth to the extremity of the earth, that, after a full discussion of three days, in which men of every party have delivered their opinions, men amongst whom exist strong political differences, there is not an individual who has not loudly expressed his strong reprobation of the unjustifiable principles of the allies, and of the atrocious conduct of the French government towards Spain. It has been imputed to me as an offence, that, in describing the conduct of these foreign despots, I have used strong language. I have used strong language. And why? Because the occasion demanded it—because the paramount claims of justice called upon me to give vent to those feelings which I know actuated the people of England, and which could in no place be expressed with so much effect as in the House which is said to represent them. I have also used such language because I felt that strong expressions of reprobation could not proceed with propriety from the right honourable gentleman and his colleagues; and, as such expressions ought to be used in a British House of Commons, I followed the impulse of my heart in discharging a duty to my country and to mankind. But, I would fain

ask, who are my accusers? Is it the honourable member who, though he would not menace on behalf of Spain, had no objection to eat and drink in sympathy with Spanish wrongs? If the honourable member for London is my accuser, I will recall to the memory of the House the honourable member's own marked "execration" at the conduct of France. Is it the honourable mover of the amendment—he who has proclaimed his abhorrence at the abominable principles of the allies and the aggressions of the Bourbons? Is it the noble lord (F. Gower) who, with a forbearance and temperance rarely the accompaniment of youth, has read a lecture to all statesmen as to the impropriety of language which is unbecoming in itself, and can only do mischief to the cause in the support of which it was applied, but who still feels so forcibly the injustice of French aggression that he can only ascribe it to frenzy, to insanity,—in language of a description which I, the accused, will not repeat—not certainly on account of its meekness, but because I think it too highly seasoned? Do I blame the noble lord's ebullition of feeling? Certainly not. The voice of nature has prevailed over the artifices of refinement; and the restrictions which the noble lord would impose have disappeared before the generous impulses of the heart aroused into indignation.

Spanish Negotiations, April 30, 1823.

When a Conscience can be dispensed with.

If a witness were allowed to plead the tenderness of his conscience as an excuse for not giving his evidence, there would be an end of all inquiry. What would be said if one of the Society of Friends were to come into a court of justice, and say that his conscience not only precluded him from taking an oath, but, because he had strong feelings on the subject of capital punishments, also prevented him from giving evidence which might effect the life of an individual? The answer which would be given to such a person would be this:—"Sir, you have no right to have

a conscience on such a subject at all; the legislature is the only judge of the necessity of taking away a man's life, and your notions of jurisprudence must not stand in the way of justice."

House of Commons, May 8, 1823.

The Comparison instituted between the West India Slaves and the Roman Domestic Slaves.

I cannot but express my great astonishment that the right honourable gentleman (Mr. Canning) should have compared the negro slaves in the West Indies with the Roman domestic slaves, and with other slaves of antiquity. And I am the more surprised when I reflect on the classical taste and knowledge for which the right honourable gentleman is so remarkable. There are certainly some points in which the condition of the West India slaves resembles those of antiquity; but, speaking generally, the two states do not admit of a comparison. Will any man say that, in a country where land was tilled by freemen, as among the ancients, it was possible the same habitual cruelty and severity of exaction could prevail, as in those colonies where men are compelled by the whip, by mere brute force, to cultivate the soil, and where habitual dread of the lash stands engraven on the very front of the system as the sole motive to exertion? Not that I mean to assert that the whip is always used, any more than the whip of the waggoner is always in use; but what I assert is, that the slaves on plantations are worked by placing the men and the women, of various degrees of strength and capacity, in a line, in which they are compelled to toil by the imminent fear of the lash being applied to their backs; and it is applied as often as their laxity of exertion may seem to render it necessary. Such a system, I say, converts a man into a brute animal. All the noble feelings and energies of our nature, and almost all traces of humanity, are eradicated by this base practice, by which the man is made to work and act and move at the will of another, and is thus of necessity re-

duced to the level of a brute ; it is a practice which makes its appeal, not to the qualities which distinguish him from the beasts of the field, but to those which he shares in common with them.

House of Commons, May 15, 1823.

A novel Mode of converting the Slaves to Christianity.

I observe that there is on the table a paper—I allude to the letter of a worthy curate—which enters into some details with respect to the religious instruction of the slaves. This worthy person states, with great simplicity, that he had been twenty or thirty years among the negroes, and that no single instance of conversion to christianity had taken place during that time—all his efforts to gain new proselytes among the negroes had been in vain ; all of a sudden, however, light had broken in upon their darkness so suddenly, that between 5,000 and 6,000 negroes had been baptized in a few days. I confess I was at first much surprised at this statement. I knew not how to comprehend it, but all of a sudden light broke in upon my darkness also. I found that there was a clue to this most surprising story, and that these wonderful conversions were brought about, not by a miracle, as the good man seems himself to have really imagined, and would almost make us believe, but by a premium of a dollar a-head paid to this worthy curate for each slave that he baptized !

Such was the mode of propagating religion which seems to have afforded so much satisfaction, and to have given so much cause for triumph. If any good person thinks that any real practical good can result from such an administration of religious instruction and of Christian baptism, let him enjoy his hopes : I cannot agree with him.

May 15, 1823.

Peculiar Condition of Landed Property in the West Indies.

We ought to be aware that the state of the landed property in the West Indies is not in the least analogous to the state of landed property in England, although it has often been compared to it. The owners of West Indian estates usually reside in this country, and can have but a feeble control over the course of proceedings in the colonies. And though some of them, it is true, may have got their estates by inheritance, yet this is not the case with a great majority; they have obtained them by purchases on speculation, or by debt, having advanced money on mortgage, and with a view to consignments. In short, landed property in the West Indies partakes much more of the nature of a hazardous commercial speculation than of that stable enjoyment of territorial property which characterizes the British landholders. Men in these circumstances, it is obvious, have no permanent interest in the soil. Their object is, to make the most they can in the shortest time; and therefore they will not be deterred, by considerations of humanity for the slaves, from extracting, during their temporary possession, by means of the uncontrolled power they possess over those wretched beings, the utmost benefit which the estate is capable of yielding.

But even if the owners acted with the best intentions—and many of them, I believe, do—they are absent, and know nothing of what is actually going on upon their estates. It is an individual who has no real interest in the estate who is placed as their agent on the spot to superintend the whole concern. Some owners of estates may be very honest, honourable, humane men, who would not work their slaves too much; but what security have we that this will be the case with all, or that many may not even think it their interest to act otherwise? Indeed, I am persuaded that it is not so plainly the pecuniary interest of the slave-owners in all cases to be humane, as some have imagined. The West India purchaser of an estate may consider himself engaged in a gambling con-

cern, and may hope in a few years to scourge a handsome profit out of the unhappy beings committed to his charge ; and he may even flatter himself that he will clear a greater profit in this way than he would have done had he pursued a different course. His object is to get a great return in a short time, and, although in a long series of years it might be against his interest to over-work his slaves, yet, his object being a rapid return for his capital, he cannot wait the slow progress of improvement in order to attain it. . . .

It is very well known, and the simile is far from being a new one, that some post-masters use their horses exactly upon this principle. They might keep their horses longer alive by making them do less work, and by giving them better treatment ; but they prefer making them do more work, though it may wear them down sooner, upon a mere calculation of profit and loss. Far be it from me to charge such a sordid calculation as this upon the West India planters ; but what I say is, that the identity of their interests and those of humanity ought not to be so much relied upon : you cannot trust to the former alone in the treatment of the slave, because I have shown that views of interest may be supposed to require treatment, in certain circumstances, wholly different from that which would be dictated by the principle of humanity.

May 15, 1823.

Vindication of the Character of Mr. Macauley.

I cannot hear without being surprised the charge which has this evening been levelled against a gentleman whose conduct and personal character are honoured wherever they are known ; one who has passed a considerable portion of the active part of life in a pestilential climate (Sierra Leone), where, having exerted himself in every possible way to mature the means of defeating the alarming progress of slavery in Africa, exposed himself to all the horrors of a middle passage in a slave-ship, in order to ascertain the nature and extent of the sufferings of these unhappy beings—a pursuit in which he might have

perished as a martyr to his humanity, at all events, must have made the greatest possible sacrifices, through feelings which did him honour. . . .

This gentleman, whom I have known for twenty years, is the less likely to expose himself to the charge of having misrepresented the sentiments of Mr. Cooper, from the circumstance of his being, to my knowledge, a man of that extreme caution and dispassionate deliberation, that, even in the conflict of opinion, I have never known him reason on any subject where he ever stated a fact, or endeavoured to give to any subject a feature or impression which it was not in fairness entitled to receive.

May 15, 1823.

The Court of Chancery a Nuisance.

I have mixed much as well with those who now practise in the Court of Chancery as with those great and good men who are removed from us for ever—men who were at the same time the ornaments of the law and of human nature—men who have practised as many years in the Court of Chancery as the Attorney-General has practised months, and who have been engaged in as many thousands of equity causes as the Attorney-General has been in tens; and all these great men have pronounced, with one voice, that this Court is a great public grievance, and the severest calamity to which the people of England are exposed. If there is an evil to the country, which affects any man who has property, and those who have not, perhaps, in their domestic or personal relations—which interests the comfort, the independence, or the personal liberty of any one of the people of England—it is the Court of Chancery. This has been so deeply felt by some who have practised in that Court, that they have been induced to abandon their practice, notwithstanding the effects of early education, fixed habits, and the prospects which were held out to them of obtaining the first rank in their profession. All these considerations had been put to flight in their candid and ingenuous minds, by having daily exhibited before them the wounded

feelings of suitors, whose hardships sprung from the same source whence they were drawing fame and fortune. .

One of these great men, now no more, the late lamented Sir Samuel Romilly, has left behind him his recorded opinions upon this subject, and I owe it as a duty to declare that these opinions shall one day see the light. They have been deposited in my hands as a sacred testimony, and they will amply prove that the abuses of the Court of Chancery have not been overstated by my honourable and learned friend (Mr. J. Williams). . .

I will ask any professional man, common law as well as equity lawyers—and upon the answer I will be content to rest the issue of this part of the argument—whether, when the case has been sent him of a person kept out of a property of small amount which belonged to him, and when, by his skill, he has discovered the precise nature of the wrong, if he found that the only remedy was the Court of Chancery, he would not think he has reduced the problem *ad absurdum*. No man who ever put a forensic habit on his back would think of advising a suit in equity to recover £50, £80, or £100. Can there, then, be a greater libel upon the law of a country than to say that a man must be kept out of his right, because, if he sought it, the costs of the Court of Chancery will be his inevitable ruin.

June 5, 1823.

The Chancellor acting by Deputy.

The Attorney-General has said that this great fountain of learning and law, the Court of Chancery, should be open to all alike. So I say too, and therefore it is I complain that the functions which few others but so wonderful a man as the Lord Chancellor can perform should be executed by deputy. I deprecate this system of deputyship altogether, for I predict the worst effects from it to the pure administration of justice. . . .

The situation of Chancellor of this country, whilst it continues to be the difficult and arduous situation which

it is now, must be filled by extraordinary men. But, if this system is to prevail, this might soon cease to be the case. If the duties of this high office are to be put in commission—if one-half of the business in Chancery is at one time to be taken away and confided to a deputy keeper of the seals, and a deputy or journeyman speaker of the House of Lords is to be appointed at another, who can say where this is to end, and whether the younger sons of great families may not in time be educated for the Chancellorship, as they now are for a mitre? So long, however, as the situation of Lord Chancellor continues to be one of difficulty and high honour, so long will it continue to be decorously filled, and such men as Nottingham, Hardwick, and Eldon, will be found—among whom none is more learned or a more incorruptible judge than the latter noble and learned lord, although I cannot help lamenting that defect of his understanding, that proneness to doubt, which I have even heard the noble and learned lord himself deplore, on account of the suitors of his court. . . .

Let then the doors of the Court of Chancery be opened wide, and access be given to all to this oracle of the law. Let not a turnpike be clapped upon it in the shape of the Vice-Chancellor's Court, and a toll be exacted. It is this toll, this turnpike nuisance, that I wish to see abated.

June 5, 1823.

English and Irish Law contrasted.

The law of England viewed the subjects of the realm as brothers, and the King as their common parent; but the law of Ireland held a language widely different. It marshalled man against man, sect against sect. It employed religious tenets on the one hand to foment (if it were not to profane the word) religious animosities on the other. The law of England esteemed all men equal. It was sufficient to be born within the King's allegiance to be entitled to all the rights the loftiest subjects of the land enjoyed. None were disqualified by it; and the only distinction was between natural born subjects and

aliens. Such, indeed, was the liberality of our system in times which we called barbarous, but from which, in these enlightened days, it might be well to take a hint, that, if a man was even an alien born, he was not deprived of the protection of the law. In Ireland, however, the law held a directly opposite doctrine. The sect to which a man belonged—the caste of his religious opinions—the form in which he worshipped his Creator—were the grounds on which the law separated him from his fellows, and forced him to endure a system of the most cruel injustice. Not only this, but on the very same grounds, and with, if possible, less right—with, if possible, more impolicy—and with, if possible, greater cruelty—it leagued him against all who held opposite notions as essentially and as implacably as his enemies were combined against him.

One principle at this moment influenced judges, jurors, magistrates, and almost every witness—the English, the humane, the equitable principle, not invented in a dark age, nor imported from a barbarous country—not even adopted in this our day of imitative admiration from the Holy Alliance, and supported by their legions of Cossacks,—but invented in England, and adopted by a body calling itself the English Parliament. It originated in the enlightened policy of this enlightened country, in this enlightened age. It remained for the nineteenth century to see the doctrine fully established—that the law in Ireland is a respecter of persons—that it prefers one sect to another—that it will not allow men to worship God according to their consciences, or, if they do, they must do it at the signal peril of forfeiting all claim to the protection of the law.

House of Commons, June 26, 1823.

Character of the late Mr. Grattan.

Mr. Grattan was certainly a party man. In the highest, truest, and most honourable sense, he performed what he justly considered the important duties of party; but, of

all members on the opposition side of the House, his authority was the most unexceptionable, because he had undeviatingly observed the strictest accuracy in his details, and was little liable to the imputation of being carried away by enthusiasm. He was a man of singular candour and of great moderation; and, from his entrance into public life to the close of his illustrious career, gave signal proofs of his moderation, of his extreme forbearance, nay, of his gentleness.

June 26, 1823.

The sacred Functions of a Judge.

If a judge was found at all times to maintain the dignity of his high office—if impartiality was the essence of the performance of judicial duty, and without which no judge could be worthy of the name,—surely, any mixture in party dissensions, any partisanship in religious or in political disputes, anything like entering into detail of class differences and arrangements, anything approaching, however distantly, to becoming a tool of a particular faction, would be that sort of stain from which, above all others, the ermine ought most immediately to be cleared. For, first, such interference touched a judge's dignity; secondly, it rendered his impartiality suspicious; and thirdly, it went to shake that respect which was due to every just and dignified magistrate—that respect, which if any magistrate forfeited by his misconduct, the sooner he vacated his office the better; the sooner that balance was seized from him, which he could no longer be expected to hold fairly—the sooner he dropped that sword which none would give him credit for wielding usefully; when once he had rendered it impossible for the public to view him with respect, he cannot too soon lay down an authority, the mere insignia of which was entitled to veneration.

June 26, 1823.

“Justice to Ireland”—Conduct of England towards that Country—Its Character, physical and moral.

England, possessing Ireland, is in the possession of that which ought to be her security in peace, and her sinew in war; and yet, in war, what has Ireland been but a strength to our enemies? what in peace, but an eternal source of revolts and rebellion? Ireland, with a territory of immense extent, with a soil of almost unrivalled fertility, with a climate more genial than the climate of England, with an immense population of strong-built hardy labourers—men suited alike to fill up the ranks of our armies in war, or for employment at home in the works of agriculture or manufactures—Ireland, with all these blessings which Providence has so profusely showered upon her? We have been stewards over her for the last 120 years; but our solicitude for her has appeared only in those hours of danger when we apprehended the possibility of her joining our enemies, or when, having no enemy abroad to contend with, she raised her standard, perhaps in despair, and we trembled for ourselves.

It cannot be denied that the sole object of England has been to render Ireland a safe position. We have been stewards over Ireland for this long period of time. I repeat that we shall one day have to give an account of our stewardship—a black account it will be, but it must be forthcoming. What have we done for the country which we are bound to aid and protect? In our hands her population seems a curse to her rather than a blessing. They are a wretched, suffering, depressed race—without motive for exertion—starving in the midst of plenty. But, wretched as they are, they will not be content to remain so. They now demand justice. They call for the attention of the House, and they are ready to prove their grievances. They have already proved the scandalous and unequal administration of her laws. In England justice is delayed, but, thank Heaven, it can never be sold. In Ireland it is sold to the rich, refused to the poor, and delayed to all parties. It is in vain to

disguise the fact—it is in vain to shun the disclosure of the truth. We stand, in regard to Ireland, upon the brink of a precipice. Things cannot remain as they are. They must either get better or worse. I hope, I trust, that such an interval may yet be granted as will allow time for measures—and they must be sweeping ones—of reformation; but, if this interval be neglected, fearful, indeed, will be the consequences which will ensue. I may be wrong in this prediction; but, if I am wrong, I do not stand alone. I am backed by the spirit of the wisest laws—by the opinions of the most famous men of former ages. If I err, I err in company with the best judgments of our own time; I err with the common sense of the whole world, with the very decrees of Providence, to support me. We are driving 6,000,000 of people to madness, to despair. What results can reasonably be expected from such blind obstinacy and injustice?—It will not do for honourable gentlemen to meet this case with their old flimsy defences and evasions. Excuse after excuse we have had for refusing to do justice to Ireland; but the old excuses will not do—they will apply no longer.

At one period we could not listen to the Catholics from an apprehension of Bonaparte; at another period the question was abandoned, for fear of breaking down a strong administration; on a third occasion the claimants were met with “the scruples of the monarch.” Bonaparte has since died upon the rock of St. Helena, under solitary confinement and unnecessary torture. The monarch, too, is gone to his great account. There are no scruples in the present King’s breast which weigh against the interests of Ireland. Two objections, therefore, to the claims of the Catholics, are, by the mere lapse of time, completely got rid of; and for the third, the danger of breaking down a strong administration, it will be admitted, on all hands, that we run very little hazard just now of doing anything of the kind.

June 26, 1823.

Mode of quieting Ireland—Folly of new Penal Enactments—Orange Lodges.

To attempt any course with Ireland short of a complete redress of her grievances will be a mockery of the evils under which she is suffering; but the greatest mockery of all—the most intolerable insult—the course of peculiar exasperation—against which I caution the House, is undertaking to cure the distress under which Ireland labours by anything in the shape of new penal enactments. It is in these enactments alone that we have so far shown our liberality to Ireland; she has received penal laws from the hands of England, almost as plentifully as she has received blessings and advantages from the hands of Providence. What have these laws done?—checked her turbulence, but not stifled it. The grievance remains perpetual, the complaint can only be postponed. We may load her with chains; but, in doing so, we shall not better her condition. By coercion we may goad her on to fury, but by coercion we cannot break her spirit.

If the Government is desirous to restore tranquillity to Ireland, it must learn to prefer the hearts of the Irish people to the applauses of the Orange Lodges. The warm-hearted disposition of this people—their desire for the maintenance of cordiality and good feeling—has been sufficiently evinced during His Majesty's recent visit to Ireland. What reception will they not give to their representatives for benefits actually conferred? But I am afraid to trust myself with the idea of a prospect which I fear it will never be my good fortune in reality to behold; I believe I must come back to my sad original demand—those rights of common justice, that equal administration of the law, from which Ireland is the only portion of Great Britain that is excluded. To do wrong to their subjects in some instances is the common frailty of Governments; to deny the wrong upon complaint being tendered is not uncommon; but to deny the fact, and therefore to refuse justice, and, upon a re-assertion of the matter of complaint, to say, "I deny the fact; I refuse redress; I know that you offer to prove them, but I

did not do the wrong, and will not consent to any inquiry ;"—what was this but adding to injury and violence mockery and insult? But, whatever the House may do, I have performed my duty—I have released myself from my share of the responsibility as to the sufferings of Ireland. If the inquiry which I ask for shall be refused, I shall most deeply deplore it. But the satisfaction will remain to me, that I have urged the House to their duty, and have omitted no arguments which I thought available to induce you to the adoption of those measures, without which, on my conscience, I believe there can neither be peace for Ireland nor safety for the empire.

June 26, 1823.

Private Madhouses—Character of Mr. Warburton.

It is my opinion that private madhouses are establishments almost necessarily open to abuse ; and, where abuses do exist, it is most important that they should be hunted to detection. At the same time, justice is due to a number of highly respectable men, who are proprietors of houses of this description ; and among others to Mr. Warburton, with whom I am professionally acquainted. In the course of my legal practice I have frequently seen Mr. Warburton examined in courts of justice ; and his character stood equally high for medical skill and for humanity.

June 30, 1823.

A Political Chancellor.

Once sever the Chancellor's judicial and political capacities, by giving him only the last, and a second Lord Shaftesbury might be made Chancellor ; such a man as Charles II. made his friend for turning into ridicule that illustrious statesman Lord Clarendon, for imitating his manners and his gait, and for employing a man to carry the fire-irons before him in mockery of the insignia of office.

Lord Shaftesbury—the virtuous and pure Lord Shaftesbury—turned out, indeed, a more honest Chancellor than he was a politician; and an instance in our own time is not wanting. If such is the case, a creature, a favourite, may in future be appointed Chancellor, and a Monarch himself may make a bargain for a part of the patronage belonging to the office. Such is the consequence which Sir Samuel Romilly predicted. His fears have in great part been realized. He thought that it was possible that in a short time it might cease to be the practice to appoint a great lawyer to the office of Chancellor; to this it was answered that there would, nevertheless, be still a great lawyer in the House of Lords; but now even that is to be done away with; some fine gentleman taken from the court, such as Roger North spoke of as going down to the House of Lords in a silk dress, upon a gaily-caparisoned horse, may be chosen to preside in the Peers, one thinking merely of the court of our Lord the King in St. James's, and never troubling himself with the court of our Lord the King in Westminster Hall. Though this is an extreme case, yet great mischief might arise, even if this extreme case did not occur.

July 10, 1823.

Lord Eldon's Scotch Decisions satisfactory.

The people of Scotland are completely satisfied with the decisions of Lord Eldon upon their appeals, and would be dissatisfied with any new arrangements. The professional men of Scotland have the highest confidence in the learning, skill, and integrity of Lord Eldon. They are even satisfied with his decisions when he differs from a large portion of them, as he sometimes does, on the law of Scotland, as affecting certain descriptions of property. Nay, some of them have gone round to this learned lord's opinions on these points; and I believe that, if the lawyers of Scotland were polled, the majority would be in favour of the learned lord's opinions on these points.

July 10, 1823.

England no longer the Leading Power of Europe.

The honourable gentleman has asserted that at no former period of her history did Great Britain hold a more commanding attitude in the eyes of the world, or one in which she more completely held the balance of power in the scale of human politics. Where is this shown? Where is this preponderating control of influence visible? We once, indeed, could boast of that proud pre-eminence; but I challenge any man to point out its influence now in governing the destinies of states. Either we have the power, and refrain from using it, or we have suffered the beam which upheld liberty and the independence of nations to be kicked by a herd of despots, and the balance to be overpowered; or we have suffered ourselves to be duped and cajoled, and shut out from the European system; or, what is, if possible, still worse, to be called into it when (and indeed upon no other occasion) we are wanted as brokers, when the bills are to be paid, and the money is to be supplied to meet the exigency of the scheme.

One mode of estimating the sense entertained by the continental powers of the conduct and station of England is to see in what light foreigners treat us. It is now the proverbial talk abroad, when the politics of England are discussed, that she is no longer entitled to rate herself as a first-rate controlling power—no, nor even as a second-rate,—but must take her place as an insular power, where nature has put her, or where she has put herself.

Address on the King's Speech at the Opening of the Session, Feb. 3, 1824.

The Holy Alliance Conspirators.

I am prepared to maintain the contrary from the avowed principles of the conspirators commonly called "The Holy Alliance." [*Hear.*] What! is the designation doubted? Why, it is not mine, but that which they have given themselves. There is but one view which can be taken of that league of conspirators, and of the motives

of their alliance. I do not expect that any measure will proceed from these conspirators during the course of the present year, or next year, or of even the year after that, expressly designed to wound the pride or outrage the feelings of the people of this country; for, though that people are prevented by many considerations from plunging hastily into the miseries of war, though they are bound over to keep the peace in recognisances of £800,000,000 sterling; yet, as in the case of private individuals there are insults which compel us to forfeit the recognisances into which we have entered, so also, in the case of nations, there are circumstances so injurious to their honour, so galling to their pride, and even so alarming to their fears, as to induce them to forfeit the recognisances by which they are bound, and to say, in language more warranted by high feeling than by sound discretion, "Let the debt go; let the storm come; we are prepared for the worst; and, hap what hap may, we will submit no longer to the contumely and outrages of these oppressors of mankind!"

Therefore it is, I conceive, that the imperial personages abroad will proceed slowly and gradually, but still silently and surely, in their infernal work; that they will not assail us by any direct and immediate measures, but will accustom us to bear, by degrees, first one thing and then another, till at last, when they have come to that point at which we necessarily must stop, we shall find that we have lost the golden opportunity of resisting them with success; and having lost it, and that which to individuals is everything, and to nations almost everything,—honour, shall be driven at their good time, and not at our own, to wage a long and sanguinary, and perhaps unsuccessful, struggle against those whom we could have resisted successfully, had we resisted them in the outset of their aggressions.

In making these assertions I am not indulging in empty and unsupported declamation. I have only to ask the House to look at the conduct of these crowned conspirators abroad, and then request it to judge of what

their intentions and feelings must soon be towards us. I was treated during the last session—and, as it was a most important point, and one of which I have the most vivid recollection, I will proceed to it first—I was treated with a sneer of contempt by a right honourable Secretary, when I stated that, according to information I had received, the allied Sovereigns had commenced a system of unwarrantable interference with the internal government of the Swiss cantons. I said at the time I did not believe all the information which I had received, but added that, if the least part of the least statement which I had heard were founded on fact, it was much too much. The right honourable Secretary, in reply, contented himself with parodying the expression which I used, and did not venture to say “there is no foundation for such a story,” which would have been satisfactory, or “we do not ourselves know of any such thing,” which to me would have been more satisfactory; for I should have supposed that, as the well-paid minister whom we had residing in that country, with all the intelligence which it was his duty and his business to collect, had not heard of such a measure, there could not be any truth in the information I had received regarding it. The right honourable Secretary, however, ventured to say, “If the least part of the least statement which the honourable and learned gentleman has made is much too much for him to disclose, it may be a satisfaction for him to know that that least part is much more than His Majesty’s Government are informed of.” From the epigrammatic turn of the expressions which the right honourable Secretary then used, I have an entire recollection of the reply which he then made; and yet, notwithstanding that reply, it now turns out, beyond all dispute, that the intelligence which I then received was much more correct than that which had been received by his Majesty’s Government: for, though hitherto I have not been proved to be correct in what I had asserted regarding the offer of placing Switzerland under the protectorate of an Austrian Prince, still I have been more than borne out by facts in what I had asserted.

regarding the restrictions which were to be placed upon the freedom of its press, and the regulations by which it was proposed to send all emigrants out of its territories ; or, in other words, by imperial mandate, to convert Switzerland, which in all former time has been an inviolable asylum to all persons persecuted for their religious and political opinions, into a mere province and appanage to Austria. Sorry am I to state, but it is a matter too important to be passed over in silence, that those individuals whom the calamities of their country and the oppression of its rulers had induced to seek refuge in Switzerland have been driven from its confines, with an aggravation of suffering that was totally unnecessary even to accomplish the infernal purposes of their persecutors ; and that the press has been put down with a degree of superfluous violence, for which it is impossible to account upon any rational principle ; for, not content with putting down those journals which communicated political intelligence, or those journals of intelligence in which certain matters of political discussion were mixed, they have even put down those journals of which the object was mere literary and scientific discussion, for no other reason, that I can learn, than that they savoured of discussion, and that discussion and conspiracy could not stand together. I may be told in reply that, notwithstanding all these circumstances, the finances of Switzerland, though small in amount, are flourishing, that its people are contented and cheerful, and almost free from taxation ; that there is tranquillity within, and no disturbance from without ; but yet, though all this is true, I will still call Switzerland an unhappy country, placed as it is at the beck of foreign despots, and therefore forced to connive at the wrongs which those public conspirators against all that is free, and virtuous, and holy, are daily inflicting against the liberties of mankind. The people of Switzerland are made their accomplices, and thus contrive to preserve nominal freedom, whilst practically suffering all the indignities of the most abject slavery. By such conduct they trust to escape those evils which open resistance

would immediately bring upon them ; and all they gain by such obedience to the mandates of their masters is a postponement—a short postponement—of the misfortunes which they dread.

Ibid.

The Confederation of Despots.

Nor is it in Switzerland alone that these conspirators make their power to be felt and dreaded. In Germany they exercise similar control ; and it is not too much to say that they act as a police—a kind of royal, imperial, and military police—all over the continent of Europe. Indeed, they act like that unseen body which formerly exercised its influence over Germany, to counteract principles and practices as detestable as their own. Like that unseen body, these conspirators meet in secret conclave to effect their objects ; like them, they deliberate on their decrees in private, and afterwards appoint individual members to execute them in public. For instance, sentence goes forth against Italy, and Austria is appointed to desolate and overrun that beautiful country. On a subsequent occasion, Spain and Portugal became the object of their rage, and to France was allotted the task of punishing and enslaving them. On one day Austria, and on another France, was the power selected to execute the orders of this confederation of despots ; and that, too, without any deference to us or to our interests (indeed, as to our interests, it would only enhance the merit of the deed if it were decidedly hostile to them), without any regard to our feelings, principles, customs, or opinions ; and the bitter fruits of those orders are reaped by their victims, or by ourselves, without any question being made as to their effects, or any objection being urged by us to their consequences.

And this, I am to be told, is subject of congratulation to the people of England !

This is “holding the balance of power,” “swaying the destinies of Europe,” and executing our own purposes as

absolutely as we ever did in the “high and palmy state” of our national glory!

Ibid.

Cruel Tyranny of the Austrian Government towards the Italian Liberals.

I have been told, upon authority which I cannot dispute, that there is no part of Germany in which the editor of a journal dares publish anything that is calculated to give umbrage—I will not say to the sovereign of his own country, for that is a matter of municipal law and domestic arrangement—but to the Czar of Muscovy, the King of France, or the Emperor of Austria—foreign powers, natural enemies to each other, between whom no alliance can exist that is not founded upon the principle of conspiring against the liberties of nations; and who have no more right or title to interfere with the press of Germany than the Commons of England with the press of France, or to command the suppression of any journal published in its metropolis. I am afraid that this is the case in Italy also. An Austrian army, as you all know, has overrun that beautiful yet miserable country. The south of it is still occupied by a body of 30,000 men, whilst the north has recently witnessed a scene of horror of which the mere recollection makes the blood curdle in the veins, and fills every feeling breast with the strongest emotions of disgust and abhorrence.

Despotism has there added new horrors to the cruelty which it always exhibits in the execution of its decrees, and has aggravated, by the most ingenious barbarity, the mental tortures which it is in the habit of inflicting on its unhappy victims. I do not wish to excite the feelings of the House by any glowing appeal to their passions; but I cannot help asking it whether any language of condemnation can be too strong for a Government which, when individuals have been sentenced to death, after three years' confinement in a fortress, remote from their friends,

unacquainted with their crime, and unopposed with their accusers, could, after their relatives had undertaken a week's journey to apply for mercy, send them back without any answer, and withhold from them a knowledge that an order had been issued to remit the capital part of the sentence, and to change it—I will not say whether in mercy or not—into protracted imprisonment for ten or twenty years in an Austrian fortress? Let it reflect upon the mental agony in which those unhappy females must have travelled back to their unhappy relatives, in ignorance of the commutation of their sentence, and expecting to arrive at the place of their imprisonment too late to catch their last sigh, or to pay the last offices of affection to their bleeding remains: let it reflect on the mass of wanton and unnecessary suffering to which they have thus been exposed; and then, if it can, let it withhold from those who inflicted it its disgust, its hatred, and its deepest execration.

Ibid.

Modern Substitute for the Rack.

It is true that torture has been abolished, and that the rack is no longer used; but unfortunately the judge of police is invested with a power which enables him, if his victim does not answer as he wishes, to aggravate his suffering in whatever proportion he thinks fit. For instance, he can place him in a dark instead of a light dungeon; he can feed him on bread and water, instead of the usual prison allowance; he can confine him for ten or even twenty days in a cell, which he is authorized to render more or less damp or unwholesome, according as the prisoner showed a greater or less sense of the enormity of his offence; in other words, according to the honesty, or obstinacy, or strength of nerve, of his victim; and thus he is enabled to extort by a slower, though not a less effective, torment than the rack, an avowal of guilt, where the individual is not guilty, and a denunciation of crime against those who have never committed it. These practices, you are aware, have now been carried on in Italy, under

Austrian superintendence, for upwards of three years. In some cases the victim has sunk under them; in others he has been so completely worn down by his sufferings, as to have sought to escape from them and from life together by confessing guilt which he had never perpetrated; and in many, the nearest relations have inculpated each other of crimes which it was afterwards proved, upon the clearest evidence, it was not possible they could have committed.

Ibid.

Character of Ferdinand of Spain.

Ferdinand, its beloved monarch [*a laugh*], who, I defy any man to deny it, is more the object of the contempt, disgust, and abhorrence of civilized Europe than any other man now living in it. There he is, a fit companion for the unholy band of Kings who have restored him to the power which he has so often abused, in order to give him an opportunity of abusing it once more: there he is, with the blood of the murdered Riego yet dripping on his head, seeking fresh victims for the scaffold, and ready to proceed, on the first summons, to the torture of the helpless women and unoffending children whom fortune may have placed in his hands.

Ibid.

The Spanish Refugees.

With respect to those distinguished individuals who have left that country to avoid the tyranny which they must have experienced had they remained in it, it must be admitted by all parties that they retired from the contest with hands unstained with blood, and with reputations untainted even by the breath of suspicion. They possessed not resources to save Spain; but they had more than ample resources to save themselves from contumely. Those great men have retired, subject to no charge, but

conspicuous for that honest, illustrious, and in this country, I hope, honoured, poverty, which they prefer to wealth, when acquired by an abandonment of principle. I hope to God that they will find, wherever they go, the same sympathy, the same kindness, which has been extended towards them in England.

The people who have squandered away such sums of money on projects that are worse than useless may well extend the hand of assistance to these high-minded men; and I anxiously hope to see the day when they may do justice to their transcendent merits, by treating them in that generous way that their virtue deserves.

Ibid.

Case of Missionary Smith, Demerara.

Mr. Smith is, or, as I unhappily must now say, was, a minister, a faithful and pious minister, of the Independents—that body, much to be respected, indeed, from their numbers, but far more to be held in lasting veneration for the unshaken fortitude with which, in all times, they have maintained their attachment to civil and religious liberty, and, holding fast by their own principles, have carried to its uttermost pitch the great doctrine of absolute toleration; men, to whose ancestors this country will ever acknowledge a boundless debt of gratitude, as long as freedom is prized among us: for they, I fearlessly proclaim it—*they*, with whatever ridicule some may visit their excesses, or with whatever blame others—*they*, with the zeal of martyrs, the purity of the early Christians, the skill and the courage of the most renowned warriors, gloriously suffered and fought, and conquered for England the free constitution which she now enjoys.

True to the generous principles in church and state which won those immortal triumphs, their descendants still are seen clothed with the same amiable peculiarity of standing forward, among all religious denominations, pre-eminent in toleration; so that, although, in the progress of knowledge, other classes of dissenters may be

approaching fast to overtake them, *they still* are foremost in this proud distinction.

Trial of Missionary Smith at Demerara, June 1, 1824.

Necessity of a firm Policy among the Slaves.

And now allow me to take the opportunity of re-asserting the opinion which, with respect to that most important subject of emancipation, I have uniformly maintained, not only since I have had the honour of a seat in this House, but long before, with no other difference, save, perhaps, in the manner of expression, correcting that manner by the experience and knowledge which a more extended intercourse with human life must naturally have bestowed.

My opinion ever has been that it is alike necessary to the security of our white brethren, and just, and even merciful to the negroes—those victims of a long-continued system of cruelty, impolicy, and injustice—to maintain firmly the legal authorities; and, with that view, to avoid, in our relations with the slaves, a wavering uncertain policy, keeping them in a condition of doubt and solicitude, calculated to work their own discomfort and the disquietude of their masters. Justice to the whites, mercy to the blacks, command us to protect the first from the effect of such alarms, and the last from the expectation that, in the hapless condition in which they are placed, their emancipation can be obtained—meaning thereby their sudden unprepared emancipation, effected by violent measures, or with an unjustifiable haste, and without previous instruction. The realization of such a hope, though carrying the name of a boon, would inflict the severest misery on these beings, whose condition is already too wretched to require, or, indeed, to bear, any increase of calamity. It is for the sake of the blacks themselves, as subsidiary to their own improvement, that the present state of things must for a time be maintained. It is because to them, the bulk of our fellow-subjects in the colonies, liberty, if suddenly given, and still more if

violently obtained by men unprepared to receive it, would prove a curse, and not a blessing, that emancipation must be the work of time, and, above all, must not be wrested forcibly from their masters.

Ibid.

When Martial Law should prevail.

I know that the general answer to all that has been hitherto alleged on this subject is that martial law had been proclaimed at Demerara. But, Sir, I do not profess to understand, as a lawyer, martial law of such a description; it is entirely unknown to the law of England—I do not mean to say in bad times of our history, but in that more recent period which is called constitutional. It is very true that formerly the Crown sometimes issued proclamations, by virtue of which civil offences were tried before military tribunals. The most remarkable instance of that description, and the nearest precedent to the case under our consideration, is the well-known proclamation of the august, pious, and humane Philip and Mary, stigmatizing as rebellion, and as an act which should subject the offender to be tried by a court-martial, the having heretical, that is to say, Protestant, books in one's possession, and not giving them up without previously reading them.

Similar proclamations, although not so extravagant in their character, were issued by Elizabeth, by James I., and (of a less violent nature) by Charles I., until, at length, the evil became so unbearable that there arose from it the celebrated Petition of Right, one of the best legacies left to his country by that illustrious lawyer Lord Coke, to whom every man who loves the constitution owes a debt of gratitude, which unceasing veneration for his memory can never pay.

The petition declares that all such proceedings shall henceforward be put down; it declares that “no man shall be forejudged of life or limb against the form of the Great Charter;” that “no man ought to be adjudged to death but by the laws established in this realm, either

by the custom of the realm or by Acts of Parliament ;” and that “the commissions for proceeding by martial law should be revoked and annulled, lest, by colour of them, any of His Majesty’s subjects be destroyed or put to death contrary to the laws and franchise of the land.” Since that time no such thing as martial law has been recognised in this country ; and courts founded on proclamations of martial law have been wholly unknown. And here I beg to observe that the particular grievances at which the Petition of Right was levelled were only the trials, under martial law, of military persons, or of individuals accompanying, or in some measure connected with, military persons. On the abolition of martial law, what was substituted ? In these days a standing army in time of peace is considered a solecism in the Constitution.

Accordingly, the whole course of our legislation proceeded on the principle that no such establishment was recognised.

Afterwards came the annual Mutiny Acts, and courts-martial, which were held only under those Acts. These courts were restricted to the trial of soldiers, for military offences, and the extent of their powers was pointed out and limited by law.

On the pressure of a great emergency, such as invasion or rebellion, when there is no time for the slow and cumbrous proceedings of the civil law, a proclamation may justifiably be issued for excluding the ordinary tribunals, and directing that offences should be tried by a military court ; such a proceeding may be justified by necessity, but it can rest on that alone. Created by necessity, necessity must limit its continuance. It would be the worst of all conceivable grievances—it would be a calamity unspeakable—if the whole law and constitution of England were suspended one hour longer than the most imperious necessity demanded.

Ibid.

Cruelty of the West India Planters.

A more horrid tale of blood remains to be told. Within

the short space of a week, as appears by the same document, ten had been torn in pieces by the lash : some of these had been condemned to six or seven hundred lashes ; five to one thousand each ; of which inhuman torture one had received the whole, and two almost the whole, at once. In deploring this ill-judged severity, I speak far more out of regard to the masters than to the slaves. Yielding thus unreservedly to the influence of alarm, they have only covered themselves with disgrace ; but they may, if cooler heads and steadier hands control them not, place in jeopardy the life of every white man in the Antilles.

Look now to the incredible inconsistency of the authorities by whom such retribution was dealt out, while they recommended *him* to mercy, whom, in the same breath, they pronounced a thousand times more guilty than the slaves. Can any man doubt for an instant that they knew him to be innocent, but were minded to condemn, stigmatize, and degrade him, because they durst not take his life, and yet were resolved to make an example of him as a preacher ? The whole proceedings demonstrate the hatred of his persecutors to be levelled at his calling and his ministry. He is denounced for reading the Old Testament ; charged with dwelling on parts of the New ; accused of selling religious tracts ; blamed for collecting his hearers to the sacrament and catechism ; all under various pretexts, as that the texts were ill chosen—the books sold too dear—the communicants made to pay dues.

Nay, for teaching obedience to the law which commands to keep holy the Sabbath, he is directly, and without any disguise, branded as the sower of sedition. Upon this overt act of rebellion against all law, human and divine, a large portion of the prosecutor's invectives and of his evidence is bestowed. What, though the reverend defendant showed clearly, out of the mouths of his adversary's witnesses, that he had uniformly taught the negroes to obey their masters, even if ordered by them to break the rest of the Sabbath ; that he had expressly inculcated the maxim, " Nothing is wrong in you which your master commands ; and nothing amiss in him which necessity

prescribes?" What, though he reminded the court that the seventh day, which he was charged with taking from the slaves, was not his to give or to withhold; that it had been hallowed by the divine Lawgiver to his own use, and exempted in terms from the work of slave as well as master—of beast as well as man? He is arraigned as a promoter of discontent, because he, the religious instructor of the negroes, enjoins them to keep the Sabbath holy, when their owners allow them no other day for working; because he, a minister of the gospel, preaches a duty prescribed by the laws of religion and by the laws of the land, while the planters live in the contempt of it.

In short, no man can cast his eye upon this trial without perceiving that it was intended to bring on an issue between the system of the slave-law and the instruction of the negroes. The exemplar which these misguided creatures seem to have set before them is that of their French brethren in St. Domingo—one of whom, exulting in the expulsion of the Jesuits, enumerates the mischiefs occasioned by their labours. "They preached," says he, "they assembled the negroes, made their masters relax in their exactions, catechised the slaves, sung psalms, and confessed them." "Since their banishment," he adds, "marriages are rare; the negroes no longer make houses for themselves apart; it is no longer allowable for two slaves to separate for ever their interest and safety from that of the gang" (a curious circumlocutory form of speech to express the married state). "No more public worship!" he triumphantly exclaims; "no more meetings in congregations! no psalm-singing nor sermons for them!" "But they are still catechised; and may, on paying for it, have themselves baptized three or four times" (upon the principle, I suppose, that, like inoculation, it is safer to repeat it). In the same spirit the Demerara public meeting of the 24th of February, 1824, resolved forthwith to petition the Court of Policy "to expel all missionaries from the colony, and to pass a law prohibiting their admission for the future."

Nor let it be said that this determination arose out of

hatred towards sectaries, or was excited by the late occurrences. In 1808 the Royal Gazette promulgated this doctrine, worthy of all attention: "He that chooses to make slaves Christians, let him give them their liberty. What will be the consequence when to that class of men is given the title of 'beloved brethren,' as actually is done? Assembling negroes in places of worship gives a momentary feeling of independence, both of feeling and acting, and by frequent meetings of this kind a spirit of remark is generated; neither of which are sensations at all proper to be excited in the minds of slaves."

Again, in 1823, says the Government paper: "To address a promiscuous audience of black or coloured people, bond and free, by the endearing appellation of 'My brethren and sisters,' is what nowhere can be heard except in Providence Chapel;" a proof how regularly this adversary of sectarian usages had attended to the service of the church. And, in February last, the same judicious authority, in discussing the causes of the discontents, and the remedy to be applied, thus proceeds: "It is most unfortunate for the cause of the planters that they did not speak out in time. They did not say, as they ought to have said, to the first advocates of missions and education, 'We shall not tolerate your plans till you prove to us that they are safe and necessary; we shall not suffer you to enlighten our slaves, who are by law our property, till you can demonstrate that, when they are made religious and knowing, they will still continue to be our slaves.'"—In what a perplexing predicament do the colonial proprietors now stand! Can the march of events be possibly arrested? Shall they be allowed to shut up the chapels, and banish the preachers and schoolmasters, and keep the slaves in ignorance? This would, indeed, be an effectual remedy; but there is no hope of its being applied! The obvious conclusion is this: Slavery must exist as it now is, or it will not exist at all. If we expect to create a community of reading, moral, church-going slaves, we are woefully mistaken.

Ignorant, oh! profanely ignorant, of "the things that belong to their peace," may we truly say, in the words

of the missionary's beautiful text—to that peace, the disturbance of which they deem the worst of evils.

Were there not dangers enough besetting them on every side without this? The frame of West Indian society, that monstrous birth of the accursed slave-trade, is so feeble in itself, and at the same time surrounded with such perils from without, that barely to support it demands the most temperate judgment, the steadiest and most skilful hand; and, with all our discretion, and firmness, and dexterity, its continued existence seems little less than a miracle. The necessary hazards to which, by its very constitution, it is hourly exposed, are sufficient, one would think, to satiate the greedy appetite for difficulties, to quench the most chivalrous passion for dangers.

Enough, that a handful of slave-owners are scattered among myriads of slaves.—Enough, that, in their nearest neighbourhood a commonwealth of those slaves is now seated triumphant upon the ruined tyranny of their slaughtered masters.—Enough, that, exposed to this frightful enemy from within and without, the planters are cut off from all help by the ocean. But to odds so fearful these deluded men must needs add new perils absolutely overwhelming. By a bond which nature has drawn with her own hand, and both hemispheres have witnessed, they find leagued against them every shade of the African race, every description of those swarthy hordes, from the peaceful Eboe to the fiery Koromantyn; and they must now combine in the same hatred the Christians of the old world with the Pagans of the new. Barely able to restrain the natural love of freedom, they must mingle it with the enthusiasm of religion; vainly imagining that spiritual thralldom will make personal subjection more bearable—wildly hoping to bridle the strongest of the passions, in union and in excess, the desire of liberty irritated by despair, and the fervour of religious zeal by persecution exasperated to frenzy.

But I call upon Parliament to rescue the West Indies from the horrors of such a policy—to deliver those misguided men from their own hands. I call upon you to interpose while it is yet time to save the West Indies;

first of all, the negroes, the most numerous class of our fellow-subjects, and entitled beyond every other by a claim which every honourable mind will most readily admit,—their countless wrongs, borne with such forbearance, such meekness, while the most dreadful retaliation was within their grasp: next, their masters, whose shortsighted violence is, indeed, hurtful to their slaves, but to themselves is fraught with fearful and speedy destruction, if you do not at once make your voice heard, and your authority felt, where both have been so long despised.

Ibid.

Algernon Sydney.

In Sydney's case, another ground of objection at the trial, and of reprobation ever afterwards, was the seizure and production of his private manuscript, which he described, in eloquent and touching terms, as containing "sacred truths and hints that came into his mind, and were designed for the cultivation of his understanding, not intended as yet to be made public." Recollect the seizure and production of the missionary's journal; to which the same objection and reprobation is applicable, with this only difference, that Sydney avowed the intention of eventually publishing his discourse, while Mr. Smith's papers were prepared to meet no mortal eye but his own. In how many other particulars do these two memorable trials agree? The preamble of the Act rescinding the attainder seems almost to describe the proceedings at the court of Demerara. Admission of hearsay evidence; allowing matters to be law for one party, and refusing to the other the benefit of the same law; wresting the evidence against the prisoners; permitting proof by comparison of hands—all these enormities are to be found in both cases.

But, Sir, the demeanour of the judges after the close of the proceedings, I grieve to say, completes the parallel. The chief justice who presided, and whom a profligate Government made the instrument of Sydney's destruction, it is stated in our most common books—Collins, and I

believe also Rapin—"when he allowed the account of the trial to be published, carefully made such alterations and suppressions as might show his own conduct in a more favourable light." That judge was Jeffries, of immortal memory! who will be known to all ages as the chief—not certainly of inexperienced men, for he was an accomplished lawyer, and of undoubted capacity—but as the chief and head of unjust and cruel and corrupt judges. There, in that place, shall Jeffries stand hateful to all posterity while England stands; but there he would not have stood, and his name might have come down to us with far other and less appropriate distinction, if our forefathers who sat in this House had consented to fritter away the expression of their honest indignation, to mitigate the severity of that record which should carry their hatred of injustice to their children's children—if, instead of deeming it their most sacred duty, their highest glory, to speak the truth of privileged oppressors, careless whom it might strike, or whom offend, they had only studied how to give the least annoyance, to choose the most courtly language, to hold the kindest and most conciliating tone towards men who showed not a gleam of kindness, conciliation, courtesy, no, nor bare justice, nor any semblance or form of justice, when they had a victim under their dominion.

Ibid.

Mr. Smith a Martyr.

The right honourable gentleman seems much disposed to quarrel with the title of martyr which has been given to Mr. Smith. For my own part, I have no fault to find with it; because I deem that man to deserve the name, as in former times he would have reaped the honours, of martyrdom, who willingly suffers for conscience; whether I agree with him or not in his tenets, I respect his sincerity I admire his zeal; and when through that zeal a Christian minister has been brought to die the death, I would have his name honoured and holden in everlasting remembrance. His blood cries from the ground, but not

for vengeance ! He expired, not imprecating curses upon his enemies, but praying for those who had brought him to an untimely grave. It cries aloud for justice to his memory, and for protection to those who shall tread in his footsteps, and—tempering their enthusiasm by discretion, uniting with their zeal, knowledge, forbearance, with firmness, patience to avoid giving offence, with courage to meet oppression, and to resist when the powers of endurance are exhausted—shall prove themselves worthy to follow him, and worthy of the cause for which he suffered. If theirs is a holy duty, it is ours to shield them, in discharging it, from that injustice which has persecuted the living and blasted the memory of the dead.

Ibid.

Danger from persecuting the Slaves.

Sir, it behoves this House to give a memorable lesson to the men who have so demeaned themselves. Speeches in a debate will be of little avail. Arguments on either side neutralize each other. Plain speaking on the one part, met by ambiguous expressions—half censure, half acquittal, betraying the wish to give up, but with an attempt at an equivocal defence—will carry out to the West Indies a motly aspect ; conveying no definite or intelligible expressions, incapable of commanding respect, and leaving it extremely doubtful whether those things which all men are agreed in reprobating have actually been disapproved of or not.

Upon this occasion, most eminently, a discussion is nothing unless followed up by a vote to promulgate with authority what is admitted to be universally felt.

That vote is called for, in tenderness to the West Indians themselves—in fairness to those other colonies which have not shared the guilt of Demerara. Out of a just regard to the interests of the West Indian body, who, I rejoice to say, have kept aloof from this question, as if, desirous to escape the shame, they bore no part in the crime, this lesson must now be taught by the voice of Parliament—that the mother country will at length make

her authority respected—that the rights of property are sacred, but the rules of justice are paramount and inviolable—that the claims of the slave-owner are admitted, but the dominion of Parliament indisputable—that we are sovereign alike over the white and the black; and though we may for a season, and out of regard for the interests of both, suffer men to hold property in their fellow-creatures, we never, for even an instant of time, forgot that they are men, and the fellow-subjects of their masters—that, if those masters still hold the same perverse course—if, taught by no experience, warned by no auguries, scared by no menaces from Parliament, or from the Crown administering those powers which Parliament invoked it to put forth—but, blind alike to the duties, the interests, and the perils of their situation, they rush headlong through infamy to destruction; breaking promise after promise made to delude us; leaving pledge after pledge unredeemed, extorted by the pressure of the passing occasion; or only, by laws passed to be a dead letter, for ever giving such an elusory performance as adds mockery to breach of faith;—yet a little delay; yet a little longer of this unbearable trifling with the commands of the parent state, and she will stretch out her arm, in mercy, not in anger, to those deluded men themselves; exert at last her undeniable authority; vindicate the just rights, and restore the tarnished honour of the English name!

Ibid.

The Tories adopting Free Trade.

The principles—let it be said in Parliament, and be heard with rejoicing and edification throughout the country—the principles are at an end which have so long hampered the industry and cramped the energy of the people of England. Those doctrines of narrow, shop-keeping, huxtering policy, which wise men have for many years treated with contempt, both at home and abroad, but which for ages have been revered by the ignorant as the only base upon which commercial prosperity could be

firmly established—those doctrines which, for two generations back, have been the topic of unqualified scorn, and the theme of unmixed reprobation, with writers of enlightened understanding, but which have been regularly defended by each successive minister during that period as the real foundation of national greatness—those doctrines, I am happy to say, are now exploded for ever, and can never more be advanced to obstruct the welfare and prosperity of the country. For years the House has been told that it is either a wild chimera or a dangerous innovation to talk of the doctrines of a free trade, and of the right of men to employ their capital and their industry according to their interests, their wishes—ay, or even according to their caprices. At one time, when it pleased the ministry to view them with contempt, these doctrines were described as a visionary code, specious in theory, but impossible in practice; and at another, when it pleased it to excite alarm against them, they were viewed with as much detestation and abhorrence, as if they had been a leaf taken out of that book which some men think they can never enough detest and abhor—I mean “The Rights of Man,” by Thomas Paine. I have myself heard them treated as idle chimeras by one set of ministers, and as jacobinical innovations by another, just as it was the fashion of the day to treat them as objects of contempt or abhorrence; and yet I, who have seen them first contemned and then abhorred, have now the happiness to say that they have reached the consummation of their glory, not merely in being adopted by ministers, but in being publicly recognised, not only in the speech which has just been delivered to us from a high quarter, but also in the addresses which are going to be returned to it by both Houses of Parliament.

Address on the King's Speech, Feb. 3, 1825.

Calls of Ireland.

Is the voice of Ireland never to be listened to? Is it in Ireland alone that sound policy is to be overlooked; and that, too, where one-half of the empire, or

thereabouts, is concerned; where a great population is oppressed by a continuance of matchless impolicy, and worse injustice,—where a state of things prevails, which puts to imminent peril the responsibility of any British minister who suffers a large portion of the King's subjects to remain in jeopardy, because he withdraws from the adjustment of a question which, ere long, must be definitely settled. I hope that, upon the state of Ireland, we are not to be met by any crooked policy of expediency. I hope the time is now past when we are to be told, "O, touch not such a topic, it is too delicate, there are too many, and too irreconcilable, and too various opinions, afloat upon it: we must leave that alone—it is too harassing and complicated to be mooted. All other difficulties you will find us ready to meet and overcome, but, by common consent, we have arranged to steer clear of this question: the fact is, what can we do with it?—we have not two members who think alike upon this topic." Is this the way, I ask, in which the government of this country is to be conducted? Can we tolerate this exception from the general policy, in the case of a country so inseparably identified with our interests, when we have an absolute right to have upon it the undivided opinion, clearly expressed, of an intelligible and distinct cabinet? It is worse than idle to say that the condition of Ireland is the only question on which a cabinet might be divided. We have proof that there are too many opinions in which they are far from concurring. It was no later than last session that the House witnessed—the country witnessed—one honourable colleague introducing in this House a change in the silk-laws; and witnessed also the same measure thrown out in the upper House by another noble colleague; upheld also in that object by other members of the same administration. We have seen, also, measures since adopted by all the members of that cabinet, which once were designated by some of its members as jacobinical, when they were suggested by those around me; carried, I will say, by the wisdom and manliness of the right honourable gentleman opposite;* because, backed

* Mr. Secretary Canning.

as he is by public opinion on this question—backed as he is by the honourable friends who fill the benches around me, and on which he would have triumphed, even had he been obliged to have left office on such grounds. Is he not bound, then, to follow up his principles? Is Ireland, I again ask, bound as we are to that near, that intimate connexion, on whose peace and security such momentous interests hang, on which so much danger stares us in the very front—dangers, I would say, growing out of our own neglect, and on which we are probably on the verge of a great crisis—never to be approached? Sir, it can no longer be said, or insinuated, that scruples exist in a certain quarter, which destroy all hope of giving to the Catholics the relief which they seek. Such language, indeed, I always held to be most unconstitutional, most unjustifiable, most factious.

It was language of which even the ministers of Charles II. would have been ashamed. It was language which, in the better times that preceded the reign of Charles II., would have brought the minister who dared to utter it to the block. [*Hear! hear! from Mr. W. Lamb.*] I should like to hear my honourable friend, who by his cheers challenges the justice of that observation, refute it. Accomplished as my honourable friend is in constitutional knowledge, having examined every opinion respecting it—for I am sure no man is better informed on the subject than my honourable friend—I should like to hear what he could say in reply to that which I have advanced. This I know, that the greatest statesman this country ever saw would cheerfully have gone to death rather than have uttered such language; and yet, when so humble an individual as myself, temperately, and, I trust, not immodestly, repeats a doctrine which has been invariably maintained by those statesmen to whom the constitution has been so highly indebted, he is to be met with a cheer. My honourable friend cheers because a Whig ventures to say that the King's name ought not to be mentioned in this House for the purpose of overawing or influencing our determinations. And yet that is a principle which was never departed from until the period

to which I have alluded, and the propriety of our departure from which was never openly avowed in Parliament until this night.

In ancient times, it was invariably admitted, that of every act that was gracious and conciliatory, His Majesty ought to have the credit; but that, whenever odious and unpopular measures were proposed, the Ministers of the Crown should take the responsibility on their own shoulders. This principle has been laid down by all our writers, and has been invariably acted upon, even in the worst, in the very worst, periods of our monarchy. Yet I was only drawing a corollary from this principle when I was interrupted by my honourable friend's cheer.

Unquestionably it is a principle which has been departed from by many of the individuals of whom the present Administration is formed. If any odious step is to be taken, any measure by which, perhaps, a political opponent is to be run down and injured—nothing is more common than to hear them exclaim, “Oh! I assure you, it is no fault of ours that Mr. So-and-so is thus used. You may easily guess who is at the bottom of the treatment he has received. It is our wish to do what is right. We are above all petty personal jealousies; but there are impressions existing in a certain high quarter which prevent us from acting as we would otherwise do.” And thus, Sir, it is constantly attempted to throw a load of odium on the Sovereign and his immediate friends.

Even when creditable measures are proposed by these individuals, the same system is resorted to. They talk of the difficulties they have experienced, and declare that God only knows the prejudices they have had to conquer. So it used to be in the late reign with respect to Ireland. The language was (I thank God that it cannot now be held), “We are free from prejudice on the subject; we acknowledge that the proposition to emancipate the Catholics is just and reasonable; but there exist in a certain illustrious quarter objections which it is impossible to obviate, although the precise nature of those objections our solemn oath as State counsellors forbids us to divulge.” Sir, it is a source of great satisfaction to me that that

argument is at an end. No one who has marked the course of the illustrious individual who is now seated on the throne of these realms—more especially that gratifying occasion, his visit to the sister kingdom—can doubt for a moment that his opinion respecting the policy that ought to be pursued towards Ireland is consistent with the soundest and most enlightened principles. But this is a fact of which we cannot regularly have any knowledge here. The private opinion of His Majesty is in this country of no weight. The royal acts are the acts of the Ministry. The speeches from the throne are the speeches of the Ministry. But there is a country in which such is not the case. I may advert, in support of my conviction of His Majesty's opinion on the question of religious liberty, to his conduct in a country in which he acts not through his Ministers, but directly as a Sovereign. England has had frequent occasions to lament her connexion with Hanover. It is an ill wind, however, that blows nobody good. That connexion has proved highly serviceable to the cause of Ireland, by showing the sentiments entertained by the King on the subject which now agitates Ireland. I allude to the royal proclamation issued last December, at Hanover, for the purpose of removing doubts respecting one of the articles of the act of the German confederation of June, 1815. This, Sir, is the proclamation of George IV., King of Hanover. It is not his proclamation individually. It does not proceed from responsible advisers. Whatever blame or credit belongs to it belongs to His Majesty personally. It was, therefore, with no small delight that I read this, which I consider as a test of His Majesty's real opinion. It is a proclamation deserving of the highest praise. Our Government has been in the habit of imitating the Governments of the Continent. I wish they would do so in the present case. I hope they will take this whole leaf out of the volume of the practice of Hanover. It is a valuable hint which has been given to them—a useful admonition—a sound example of liberal policy. At least, it will for ever stop Ministers from insinuating that any one is to blame but themselves for whatever fate may await

Ireland. The annunciation of the King of Hanover is one that ought to be echoed in this country. It is most wise and most enlightened. "The several professors of the Christian faith," it declares, "enjoy a perfect equality of civil and political rights in the kingdom; and, in conformity with the said article, the notion of a predominant and of a merely tolerated church is entirely abolished." This, Sir, is the real doctrine of toleration. The man who really means to tolerate does not use the word. He never speaks of it as a boon. He considers it as a right, not as a favour, that every man should worship his Creator in whatever mode he conscientiously prefers. He holds that a man may be erroneous in his religious opinions, but that, if he be sincere in them, it is an insult to him to say that he shall be tolerated in professing them. When, therefore, His Majesty, in this proclamation, says that the idea of a predominant and of a merely tolerated church is not to be endured, he speaks the language of a wise and liberal policy. More is added in the same sound spirit. "All Christian communities" (ALL—the expression is not confined to Hanover, it is equally applicable to Ireland) "have a right to the unobstructed and free exercise of their religious worship." More than this cannot be desired. Further than this no man would wish to go. But, I ask, why not apply to Ireland the principle which has been thus wisely applied to Hanover? Why will His Majesty's Ministers in this country, in spite of this noble example, persevere in their present offensive and unjust policy? Why do not, at least, some of them manfully, frankly, and boldly, maintain the necessity of concession to the Catholics?

Ibid.

Lord Eldon's Tenacity of Office.

Do you think he would resign his office—that he would quit the great seal? Prince Hohenloe is nothing to the man who could effect such a measure! [*Hear, and a laugh.*] A more chimerical apprehension never entered the brain of a distempered poet. Anything but that.

Many things may surprise me; but nothing would so much surprise me as that the noble and learned individual to whom I allude should quit his hold of office while life remains. A more superfluous fear than such an event never crossed the wildest visionary in his dreams. Indeed, Sir, I cannot refrain from saying that I think the right honourable gentlemen opposite greatly underrate the steadiness of mind of the noble and learned individual in question. I think they greatly underrate the firmness and courage with which he bears, and will continue to bear, the burthens of his high and important station. In these qualities the noble and learned lord has never been excelled—has never, perhaps, been paralleled; nothing can equal the forbearance which he has manifested. Nothing can equal the constancy with which he has borne the thwarts that he has lately received on the questions of trade. His patience under such painful circumstances can be rivalled only by the fortitude with which he bears the prolonged distress of the suitors in his own court; but to apprehend that any defeat would induce him to quit office is one of the vainest fears—one of the most fantastic apprehensions—that was ever entertained by man. Let him be tried. In his generous mind, expanded as it has been by his long official character, there is no propensity so strong as a love of the service of his country. He is, no doubt, convinced that the higher an office, the more unjustifiable it is to abandon it. The more splendid the emoluments of a situation—the more extensive its patronage—the more he is persuaded that it is not allowed to a wise and good man to tear himself from it. I contend, therefore, that the right honourable gentlemen opposite underrate the firmness of their noble and learned colleague. Let them make the experiment; and, if they succeed in wrenching power from his gripe, I shall thenceforward estimate them as nothing short of miracle-mongers.

His present station the noble and learned lord holds as an estate for life. That is universally admitted. The only question is, whether he is to appoint his successor. By some it is supposed that he has actually appointed

him, and I own I have observed several symptoms of such being the case. If it be so, I warn that successor that he will be exceedingly disappointed if he expects to step into the office a single moment before the decease of its present holder. However, I do entreat that the perseverance of this eminent person may be put to the test. Let the right honourable gentleman say he will resign, if the Catholic question be not carried in the Cabinet: let the noble and learned lord say that he will resign if it be carried. I am quite sure of the result. The Catholic question would be carried, but the noble and learned lord would retain his place. He would behave with the fortitude which has distinguished him in the other instances in which he has been defeated; and the country would not be deprived, for a single hour, of the inestimable benefit of his services.

Ibid.

Power of the Catholic Association.

Is there any one who can deny that the leading members of the Catholic Association are men of great influence in Ireland? Is there any one who can contradict my assertion that the Association receives the hearty support of the whole body of the Catholics in Ireland? Sir, I am greatly misinformed, and I am misinformed by those too who must possess the best means of knowledge, if the Catholic Association in Ireland does not actually and virtually represent the wishes and feelings of almost all the Catholic body in that country. It is true that the whole of the proceedings of that Association may not be approved by every body. The right honourable and learned Attorney-General for Ireland thought (I for one certainly did not agree with him) that one of the members of that Association, in the warmth of his eloquence, had gone beyond what moderation would have dictated. But when the right honourable and learned gentleman submitted that obnoxious speech to the consideration of twenty-three impartial members, they differed from him.

To that right honourable and learned gentleman the Catholics are, however, indebted for the most inestimable services. If any man in England, or in Ireland, has contributed more than any other to place the Catholics in the condition of power in which they are now placed, he is that man. If not the father of that Association, he has armed them with their present authority. For who, after the venerated Grattan, ever pleaded the cause of the Catholics with half the strength of reasoning and brilliancy of eloquence? There are many who may not approve of all the measures adopted by the Association—of the rent for instance—but who may still be ready to adhere to the Association with their lives. To attack by Act of Parliament an Association thus representing the sentiments, wishes, and feelings of the people of Ireland, would be to attack the people of Ireland themselves.

Sir, it would at present be no difficult task to alienate the minds of the people of Ireland from this country. They were taught to look to the British Parliament for support; that support has failed them. They were advised to look up to their representatives, but there again they found themselves deceived. There is not in this House any man who laments the fact more than I do; but so it is, that the peace of Ireland is secured by the Catholic Association, and the Catholic Association alone. Ireland is at this moment tranquil. Never were the laws of the land more regularly enforced, more cheerfully obeyed, in that country than they are at present. It is true that some abuses of the administration of the laws are still complained of; yet, such is the luxury of even an approach to an equal distribution of justice amongst these poor people, that they already rejoice and feel comparatively happy. But has this feeling been produced by the Government of the country? I deny it: it would be but to cloak the truth to make such an assertion—it has been produced by the exertions of the Catholic Association.

The people of Ireland placed their trust in you. They

found themselves disappointed. They threw themselves upon their former friends, those friends who had supported and flattered them at a period when we were surrounded by war and by danger; and they found that, the war being over, and the danger subsided, their friends took to office and to power, and deserted them. Having found this, I then ask, Sir, what resource had this body? They discovered that they had no hope from Parliament; that they could not trust their friends; at least, those leading friends who forsook them for office: what then, I ask, could they do, but throw themselves upon those persons who continued to advocate their cause and support their interest? But His Majesty's Ministers complain of this; and why? just because it is their own handiwork; a piece of machinery of their creating, and therefore they hate and abuse it. They say, and very naturally, "This is our own work; we may thank ourselves for allowing this Catholic Association, this new power, to grow up; but now that it has grown, we dread and would crush it." Let me ask, Sir, how can they do this? It has been well said by Swift, that nothing is more common in society than that men should first render themselves ridiculous by their actions, and then turn round and feel angry because other men laugh at them. And, Sir, there is nothing more unreasonable, and yet more common, than that bad rulers should create mischiefs, and afterwards turn round and find fault with, and feel enraged at, those who, whilst they complain of the evil, point out the remedy. But what is to be done? They tell us that the Government must be kept in motion, while at the same time they vituperate and find fault with some of the members who are connected with it, and the alarm of rebellion is spread abroad. Sir, I mean to cast no reflections on any set of persons. I thank God there never was a period when disaffection was less to be apprehended in Ireland than at present; and, in my opinion, there is only one way by which those unfortunate disturbances can be rekindled—namely, by taking legal steps to put down the Catholic Association. If, Sir, you

introduce such a measure as this—if you turn a deaf ear to the complaints and sufferings of that unhappy country—if, I say, you annihilate that body which your own negligence and misgovernment have allowed to grow up—you will give an additional proof of the impolicy of your measures, and the want of attention to the interests and happiness of Ireland. This House, as well as His Majesty's Ministers, must know, Sir, that the system now complained of has so grown up in Ireland; they must know the strength which it has attained, and the deep root which it has taken: they may try to put it down by an Act of Parliament; and they may do so—in twenty-four hours they may do so; but, if they do it, or attempt to do it, then, I say, they are unworthy of the smallest portion of that praise which they have received for the removal of even the most trifling restriction, which, in their liberal policy, they have removed from our foreign commerce, and for the which no man is more ready to give them credit than myself. I say you may put down the Catholic Association in twenty-four hours; but, if you do, it is your own fault. You are conscious of the injuries you have inflicted on that body—you feel that you have denied to it even common justice—and now its ghost haunts you. If, however, you really wish to put that body down—if you wish to annihilate it for ever—then, I say, let the Roman Catholics know that you are determined to carry the question of emancipation. Let them know that you are determined, though late, to do them justice, and there is at once an end to the Catholic Association. That you may be so wise, so just, as to do this, instead of waging a harsh and impolitic war against 6,000,000 of oppressed subjects, is my most sincere wish; would I could say my most sanguine hope.

But I, Sir, am the defender of the Catholic Association; I am the advocate of the right of the Irish people to meet, to consider, to plan, to petition, to remonstrate, to demand; and my frank opinion is—an opinion which I set out with avowing, and which, I trust, will reach the whole of Ireland, as well as the whole of

England—that the more energetic their remonstrance, provided that it be peaceable—the stronger the language they use, provided it be respectful—the more firm their port, the more lofty their demeanour the more conformable it will be to the high interests of those who have all at stake, which can render life desirable, or existence honourable; and infinitely more likely to succeed than any abject course, which would imply self-distrust, or self-conviction of error. I trust, Sir, that, after this open declaration, I shall not be charged with blinking the real merits of the question, nor accused of courting a base and fleeting popularity, the value of which I know as well as the right honourable gentleman.

Such popularity I as well know how to give to the wind as the right honourable gentleman does. The cause which I have undertaken to-night I would abandon to-morrow if I thought my duty to the House, to Ireland, or to the empire, required the sacrifice. By no such mean motive as a love of popular favour am I actuated, but by the more sacred incentive of attachment to that cause of which I avow myself the advocate, and to which I am now about to do my duty, as I trust I should to any other client, if menaced with the danger of an oppressive law, sanctioned by the majority of this House.

Unlawful Societies in Ireland, Feb. 15, 1825.

Apology for the Violence of the Catholic Association.

We have been told that certain violent speeches have been made in the Catholic Association; it has been said that certain expressions have been used, which have been commented and played upon, and attacked, on the one hand, but still more ingeniously defended on the other. I am not here to defend any peculiar expressions used by that body; neither is it my intention to special plead or explain them away; but I do say, and I say it fearlessly, that to no one expression that I have heard can there be attached any unchristian, any illegal meaning. Nay, I will even go a step further, and say that, considering the

situation in which the members of that body were placed; recollecting that the Legislature said to them, "We allow you to select from either House of Parliament who are to be your advocates, but you cannot have one who possesses your entire confidence, inasmuch as you cannot have for your advocate a member of your own religion;"—when I recollect that that body is so treated, and when I know that years would scarcely suffice to tell the heads of the injuries under which they have been labouring, am I to be told that they are to be at once condemned, because, in a manifesto which all must admire, but the lovers of peace beyond all others, there occurred the phrase, "We conjure you, by the hatred you bear to Orangemen, to be at peace?" If they had commenced their address to the Catholic people by saying, "We command you, by the love you bear your Orange brethren, to be at peace," then we should have been told that it was a piece of hypocrisy on the part of the Association; and I must confess that, in that case, I for one should have turned from the document with disgust.

I know, Sir, that it is not the part of a Christian to hate any man; but, if ever there was an occasion which justified a set of persons in hating and execrating another set, that occasion presents itself in the case of the Roman Catholics of Ireland. It has occurred in the case of the oppressed Catholics against the Orange oppressor; and more particularly so at a time when they are to be put down by Orange violence and Orange tyranny, exercised against the great bulk of the people. We have been told that Mr. O'Connell has made use of strong language in the course of the discussions which took place in the Catholic Association. I do not deny that he has done so; but let me ask, Sir, what would be our case, and where should we be, senators though we be, and clothed as we are with all the solemnity of a legislative assembly, if we were to be told from another quarter that we were a turbulent and disorderly body; that we set a bad example to all other states? What should we think of such a denunciation? And yet I have heard in this House, ay, and even in the course of this night, lan-

guage stronger, ay, even a thousand-fold stronger, than any which ever came from the Catholic Association.

An honourable friend of mine (Mr. Grenfell) has, in the course of his speech, made use of an expression which, in the language of the lovers of strong liquor, would be called stout. The honourable gentleman, if I recollect right, said, in the course of his address, "If the Catholics should resist oppressions which were no longer bearable, and if I were on my death-bed, I should pray to God that they might be successful."

Sir, I only allude to this expression of the honourable member for the purpose of showing that, when people feel warmly upon any subject, they indulge in a greater latitude of speech than usual; and I will boldly say that no member of the Catholic Association ever ventured one-thousandth part so far as my honourable friend did upon this occasion. But my honourable friend is not the only member I can point out as having, in the heat of debate, used what, elsewhere, would be called strong language. I well remember that the right honourable Attorney-General for Ireland, who was remarkable for his great zeal, for the force and power of his arguments, and for the admirable propriety with which he suited his expressions to his ideas and feelings, and in whom, therefore, a strong or hasty expression was not so excusable as in others—I remember, I say, when that right honourable gentleman, in one of the most eloquent speeches which it has fallen to my lot to read,* used the following words when speaking of the Union: "I warn the Ministers of this country against persevering in the present system; let them not proceed to offer further violence to the settled principles, or to shake the settled loyalty, of this country. Let them not persist in the wicked and desperate doctrine which places British connexion in contradiction to Irish prudence. I revere them be^h; for myself, I have no hesitation in saying that, if the wanton ambition of a Minister should assault the

* A speech made upon a most important occasion in Ireland, but not more important than was this question to the Roman Catholics.

freedom of Ireland, and compel me to the alternative between it and British connexion, I would fling that connexion to the winds, and I would clasp the independence of my country to my heart." I pray to God, Sir, that the right honourable and learned gentleman may never be called upon to redeem his pledge.

The words here used are elegant and expressive, but they are strong; they were used by an honest man, a good Irishman, and a true patriot; but Sir, they were not used without some risk; he was on the very verge; and while I feel that, as an honest man, he would, if necessary, redeem that pledge, I cannot help reflecting that, in doing so, he would become a rebel to England. While such was the language of the right honourable and learned gentleman upon an occasion of emergency, the Catholic Association, who were enslaved, degraded, and oppressed, were expected to clothe their sentiments in expressions of love, and kindness, and forbearance. And this, too, towards a set of men who acted upon the devilish principle of retaining the shadow of the wrong, after the substance of it had been overcome; and this only for purposes of irritation and insult, and in order to keep in the minds of the oppressed a recollection of their degradation.

Ibid.

Unanimity of the Catholics.

Sir, I advised the Roman Catholics to persist, not to be discouraged—to be peaceable and obedient to the law—to take all the constitutional means of resisting the passing of the Bill; but, if it be passed, to submit with patience to its provisions, to adopt all due measures of self-defence, not by unlawful associations, but by such combinations as the law, even after the enactments of this Bill, must necessarily leave them, and in the end they need not despair of success. Do not let them think, listening to false friends, that going too far with moderation and conciliation will be of any avail. Above all, do not let them suppose that saying nothing, doing

nothing, trusting to those who have abandoned them, or looking out for others, whom they have never tried, will ever accomplish the object on which they have so long set their hearts. Let them confide in their old friends, in their faithful and distinguished leaders, those enlightened men who have always ably advocated their cause—in such men as my venerable friend,* now far advanced in life, and spent in their service, the worthy successor of the revered Grattan.

Let them proceed firmly in the course they have honourably commenced, and let them not forget to look to the Catholics of England; let them reflect on the admirable conduct of their brethren and fellow-sufferers here, who, having long tried what moderation, what passive obedience, what calm submission would do, and finding it would accomplish nothing, or rather, as in Ireland, aggravated the evils of which they complained, have at length come forward—and I glory that they have done so—to join hand and heart with the Irish Catholics for the attainment of one common object. A noble duke, whom I am proud to call my friend, who would be at the head of any society, but who is especially at the head of the Catholic Society of England, down to the lowest parish priest performing a weekly duty with his flock, have made common cause for a common end, and from this union I anticipate the happiest results. I am told by the right honourable secretary, that I know little of Englishmen if I think that a formidable attitude assumed by the Irish is likely to be attended with beneficial effects. This may be true. It may be true that the English have never granted anything under the coercion of fear; but, if it be true, I do not know it, for history proves directly the reverse. I assert, on the contrary, and I defy him to contradict me, that the Roman Catholics have never obtained any concession, but when the Government of the day was influenced by apprehension. Times of peace, and peace only, added new sufferings and augmented privations. In 1778 the first

* Sir J. Newport.

step was gained by the Catholics, because the Government was under difficulties. In 1782 it had to deliberate with armed men, who extorted, by force, the independence of Ireland. In 1793 new fears prevailed, and new concessions were made, and it was then that the last boon was given, of the elective franchise. Is it true, then, that the Catholics have never obtained anything by assuming a formidable attitude? I call, then, upon the British House of Commons, not by any bad passions—not by the hatred you bear to oppressors—not by long-stifled enmity for the deepest injuries, but every principle most sacred to Christians—not by hatred, but by charity—not by revenge, but by conciliation: as you are statesmen, and have, in fact, the Government of the empire in your hands, I claim of you, by policy and by prudence, to look at this question fairly, and to consider the dreadful consequences which may result from passing this measure. Adopt it, and you alienate the Catholics for ever—you convert discontent into rage—you arm rage with new weapons; and upon your heads will be the consequences of this misguided and deluded policy. You, and you only, must be responsible, if the present Ireland be torn from the mother country.

Unlawful Societies in Ireland, Feb. 17, 1825.

No Danger in Emancipation.

What could the Roman Catholics do if they were in power? I admit that they would have additional weight and influence, if they were intrusted with political power. But have they no power at this moment? That is my question; and I entreat the House to consider the subject in this point of view. They have much power; as great, in degree, as if they were admitted; but much worse than it could possibly be if they were received into the bosom of the Constitution. It is, at present, a dangerous, it may become a mischievous, a fatal, power. Let the Legislature, then, convert it into a regular, constitutional, proper power, and there is an end to the danger.

The door would then be effectually closed against any apprehended mischief. I will name no man; but this I will say, that greater natural abilities, more acquired talents, finer skill, and, what I should dread to encounter in an opponent, nicer discretion, I never saw displayed, in a more extensive degree, than I saw those qualities displayed by those who now conduct the affairs of the Roman Catholics. I repeat, that men of greater talents—men of more information—men of more practised skill—men possessing greater powers of self-command—men actuated by the dictates of a more sound judgment, or distinguished by a finer sense of discretion—I have never seen. I speak not merely from public report, but also from private conviction. These are the elements of public power. Men so accomplished—so richly endowed by nature—so much improved by study—backed by their countrymen (I care not whether six, or five, or four millions)—such men, it must be admitted, possess power. That which I have described is power, or I know not what power is. The power which those persons wield is dreaded by the Government.

Why do I assert that it is dreaded? Because, to control that power, they broke through the principles of the Constitution, and enacted mischievous and revolting laws. My *panacea* is, “Give to those people their birthright; you thus take that power from them. Let the six millions be sixty millions;—if they have no grievance, you have no cause of fear. Act thus, and all this national talent—all this acquired ability—all this practised skill—all this nicely-balanced discretion, will be exerted for your service—will no longer be wielded against you! The elements of strife and confusion are abroad. The energies which oftentimes accompany political disappointment, and the fire which always attends religious zeal, and the discontent which a refusal of justice must ever engender, may, when combined, produce the most fearful effects. My remedy is plain and rational, “Take all those elements into your own hands—work them properly—control them, not by coercion, but by kindness—attract them to you by benefits, instead of repelling them

by injuries, and no longer will you lie down under the apprehension of nightly insurrection."

Roman Catholic Claims, Feb. 28, 1825.

Folly of the Dissenters in joining the "No Popery" Cry.

I repeat that I mean to say nothing disrespectful of the Dissenters. There are, I believe, 6,000,000 of them, and if some of them differ from the great body, and differ from their own avowed principles, it is a matter which I can but lament. I am sorry, when those individuals found the Church at a pinch for a cry of "No Popery," that they were induced, I fear under a delusion, to step forward at that critical juncture for the purpose of raising it. I will state to the Dissenters now present, if any such there be, that they egregiously deceive themselves if they think the Church of England will, in return, do anything for them. I think I know the Church, I speak of the high Church; I do not mean to class all its members together; and am sure that the Dissenters who come forward with these petitions know little of that establishment if they think that, in the hour of need, their conduct upon this occasion will stand in their stead. The Church will not repay their services in the way they imagine. If I know anything of that body, they will accept the assistance of the Dissenters, but they will give them no advantage in return. The Dissenters may come to them and say, "Don't you remember, on the 19th of April, 1825, when you were in the greatest distress for a 'No Popery' cry—when the Solicitor-General was in despair—when every body, even the honourable member for Somersetshire, complained of the apathy of the people—that we came forward, and gave you a few drops of alarm, a few crumbs of comfort, in the shape of ominous forebodings; and will you not now assist us in getting rid of our disabilities?" How would this appeal be received? The question would be, "What did you come forward for? Did you not come forward according to your con-

scientific belief that danger was to be apprehended? Were you not really alarmed? Certainly you were; and you came forward not to assist us, but to help yourselves. You have a monopoly of toleration. You have got into a snug birth yourselves, and all you wished for was to retain it. We have become enlightened on this subject ourselves; and we think it very inconsistent for you, the Dissenters, to have acted as you did. For us, it was the best thing that ever was done. You performed the work, and we despise you heartily for it; but as to our assisting you, we are astonished how such an idea could ever have entered your minds."

It may be allowed here to observe, and it is an axiom as true as any that is to be found in the "*Principia*," that the *odium theologicum* operates in an inverse ratio to the approximation of opinion amongst the different Christian sects—a principle which undoubtedly applies to the Established Church. The nearer those sects approach, the more they hate each other; and when the shade of difference is very indistinct indeed, as between a Dissenter and a Protestant, the parties hate one another to a degree of pure bitterness. If the Dissenters hope to receive any benefit by showing how near they are to the Church, they deceive themselves.

Scotch Jurors, February 14, 1825.

Liberality of the Northern Circuit.

The Northern Circuit consists of about ninety members; it may be termed a floating body of from ninety to one hundred members: upwards of fifty of these barristers have signed this petition in favour of the Roman Catholic claims; and, from my personal knowledge, I can assert, that thirty-four or thirty-five of the remainder have expressed their warm concurrence in the object of this petition, but at the same time have objected to sign it, because they entertained some scruple how far it is fit for the bar, as a body, to petition the Legislature. Out of the whole circuit, I believe I may say that there are

not half a dozen, and certainly not twelve members of it, who hold opinions adverse to the Catholic claims.

April 19, 1825.

The Souls of the Irish.

I will not stop to inquire whether the Irish will feel obliged for the attention which the House manifests towards the safety of their souls; they may be convinced that Parliament is extremely anxious with respect to their spiritual concerns, however their temporal matters may suffer under its management; but it may perhaps be suspected that they would rather desire that Parliament would be more careful of their purses, and leave their souls to take care of themselves.

April 26, 1825.

Perjury of the Bishops.

These reverend persons (the Bishops) are in the habit of talking of perjury as a crime not to be heard of without abomination; they declare that truth, sincerity, and frankness are the essence of religion. If, then, perjury is criminal when committed by laymen, it must be ten times more odious when practised by churchmen. And yet what do these reverend persons do? I will suppose that a reverend gentleman is to be inducted into a bishopric of about £4000 a-year; he declares, in the name of God, that he felt inwardly moved, yes, that he felt inwardly moved at that moment by the Holy Ghost, to take upon himself the office of bishop, and the administration thereof, and for no other reason. Now, here is this reverend person solemnly declaring that he takes upon himself to discharge the duties of a bishop in consequence of a call from the Holy Ghost, and for no other reason; although he knows at the same time that he has opposed the Catholic question and the claims of the Dissenters on a thousand occasions.

April 26, 1825.

The Principle of adopting or rejecting Measures.

I will venture to lay down, as a general proposition, that there is not a more wholesome and safe principle of legislation than that any great measure of public policy should be considered, and adopted or rejected, on its own merits, and not in connexion with another measure of not much greater importance than itself.

April 26, 1825.

Provision for the Catholic Clergy.

We have adopted at home the principle which acknowledges the propriety of educating the people; let us proceed onwards in the performance of our duty, and adopt the same principle with regard to Ireland. We are not called upon to provide for the ministers of every sect; if we were, we should have sects which are unknown to us at present, which have few or no followers, which have only one priest and thirteen or fourteen devotees—for instance, Johanna Southcote and the believers in her Shiloh,—claiming from the Government support and remuneration for their religious instructors. To say that we are bound to provide for the ministers of all sects is not to take a statesmanlike view of the question. We are not bound to do any such thing until a sect become populous, as the Catholics are in Ireland, and include, as they do, the majority of the inhabitants of the country.

May 2, 1825.

Duties on Spirits ought to be kept high.

I would rather that the duty should be kept up unnecessarily high upon spirits—I would rather even that the national liberty of the people should be in such a degree infringed upon—than that any facility should be afforded to the consumption of spirits; always, however, keeping the duty so high as to prevent the encouragement of private distillation, which, of the two evils, is the greater.

May 5, 1825.

A Bishop's Exposition of the Thirty-nine Articles.

A right reverend prelate (the Bishop of Bath and Wells), the very flower of the episcopacy, has said, and he is no Jesuit, nor a lover of Jesuits, that an individual who subscribes the thirty-nine articles does not subscribe to the particular belief of each of them; but that, by believing some and disbelieving others, he, in some way, lumps his faith; and that, as in the ebbing and overflow of the tide, the belief in one article is counteracted by a disbelief in another, and thereby a sort of average faith is embraced, which entitles the subscribing person to swallow the whole, and to assume to himself any situation or promotion, in the Church or elsewhere, that he may be enabled to obtain.

May 10, 1825.

Persecution not confined to the Catholic Church.

I have heard, in the course of this debate, something of persecution, and it has been said that the principle of persecution is inherent in the Catholic Church. Let not those who use this argument be too nice in its application. There have been persecutions in all churches. Persecution is the effect of superior power and superior domination. It occurs when any particular church has got the upper hand, while, as yet, all heresies are not completely put down. At such a crisis, persecution flourishes. Let the priests of any religion have power, and let men speak for themselves, in opposition to their doctrines, in this case persecution is sure to follow. Let the House look to the head of the Lutheran establishment, which first pointed out the errors of the church of Rome. Luther himself was not free from the charge of intolerance. But the establishment of the country, it will be said, is Calvinistic. What has Lord Chatham said on this subject? He has declared that we have a Calvinistic creed, an Arminian clergy, and a Popish ritual; that Calvin, whose precepts we follow, was himself a persecutor—the persecutor of Servetus, whom he caused to be burned.

But we need not go back to so distant a period to show how persecution is engendered by power. I call on the House to look at the scenes which, at no very remote period, have been acted in this country. I allude to those infernal torments—I can call them nothing else—which, one hundred and fifty years ago, were inflicted on the people of Scotland, under that tyrant who, alike contemning the word of God and the sacredness of the Constitution, sent his people to die the death of martyrs, on account of the Covenant. They died as they lived—convinced of the justice of the opinions they had espoused, and scorning to give up a principle, even though their existence depended upon it. What was this but the clashing of sects? On the one side were the priests, who possessed power, on the other side were the honest men, who dared to deny that their doctrines were right; and the result was that persecution, which I defy the men best read in matters of this kind to equal in the history of this country or of Europe. In arguing this question I put all mention of heresies, jesuitism, and persecution out of my view; such violent language is unsuited to such an occasion; and I hope we shall have no more of it, on one side or the other.

House of Commons, Roman Catholic Relief Bill. May 10, 1825.

Duties of the English Foreign Secretary.

The Secretary of State for the Foreign Department has to maintain the national hospitality on a suitable scale, in the presence of foreigners of rank; he has also his household expenditure swelled by the constant maintenance of messengers; he has no house provided for him; he has to listen to the ambitious pretensions of the Holy Alliance, to fence off all their meditated attacks upon public liberty in the best way he can—and I have no doubt it requires all his great ingenuity to do so; he has also to make excuses of all kinds for them in and out of the House—to correspond backwards and forwards with these good people—to tell them that to attempt to assist in

some of their projects would be just as much as his head is worth.

May 20, 1825.

On the Power of the Crown in promoting the Judges.

Whatever may be the rate of salary paid the judges, or whatever may be the mode of remunerating them, or whatever regulation may be adopted as to the permanency of their appointments, the independence of the bench must always be equivocal, if not nugatory, as long as the Crown exercises the power of promoting the judges. This looking up for promotion on the bench, as in the Church, naturally tends to make men look rather to their makers, than to the public good. Generally, the bench is admirably filled; still the Crown ought, for its own sake, to remove the sort of tendency to which I allude, or the possibility of its existence. If you wish to preserve the purity of the judges in the public esteem, you ought to put them above suspicion.

Not long ago, every chief in Westminster-Hall had been promoted from an inferior judgeship. Every one of the arch-judges had been a common judge translated, as much as a matter of course as an archbishop was made from a bishop. A system so foul, that mocks all public decency, cannot do with men who have to confront the opinions of a watchful public and a jealous bar. An extreme case might be supposed of a dearth of talent at the bar, and of a puisne judge, whose integrity and wisdom might render all men desirous of seeing him in the chief justice-seat. If my amendment will exclude such a man from a translation to the higher judgment-seat, it will only prove the principle I advocate, to produce a case of an alternative between the general independence and integrity of the bench, and the exclusion, once perhaps in forty years, of a man from an office which he was so well able to fill: of the two alternatives, who could hesitate which to choose?

Speech on the Judges' Salaries, May 20, 1825.

On the Irregularity of the Members of the House of Commons alluding to what has passed in the Lords.

I have heard much of the irregularity of alluding to what has occurred in another place on this subject. According to strict parliamentary etiquette, it is out of order to do so ; but what is the effect of such a rule ? The members of this House are the only persons in the world who cannot make the proceedings of the other House matter for discussion. In every private society, every debating society, every tavern, in the smoking-room of every ale-house, all persons, in England, Ireland, and Scotland, can safely and securely, without apprehending the consequences of a breach of privilege, discuss the conduct and opinions of every individual member of the House of Lords. It is, however, the lot of the House of Commons to be tied up. Well, it is a case of necessity, and I must submit.

Equal Justice to Ireland—Warning to those who oppose the Catholic Claims.

The opponents of the Catholics may send forth their military commanders, they may array against them their reverend prelates and their subtle lawyers, for the first time animated by the new light which appears to have broken in upon them, from the declaration of war falsely ascribed to a Royal Duke (York). They may, by the assistance of their proxies, and their forces from the west and the north, obtain a triumph—not over the House of Commons, for of ourselves we should not think for an instant—but over Ireland, over England, over right, and over justice. That triumph would, however, be but momentary. They may now exult, but their tone of exultation will soon be turned into another strain. Of one thing let them be assured, that they have not done with the Irish question by the vote to which they have come. It is not easy to stifle the cry of six millions of their countrymen, even if that cry is wrong, much less when it is the cry of rights, of reason, and of justice, against mere brute

powers and unreasonable obstinacy, which set all justice at defiance

To the people of Ireland I would recommend submission to the law—bad, bad as it is—but I agree with my honourable friend in counselling union—above all things union. Let no little personal piques or local differences guide them—let not even considerable differences of opinion for one moment split those who should unite as one man, and who, if united, must conquer. The lords—the bishops—the heir presumptive to the throne—the King upon the throne—all cannot defeat them; nothing could do this but their own disunion and violence.

May 26, 1825.

*Duke of Cumberland—The Prejudice against him—
His Income contrasted with the Duke of York's.*

There is certainly a prejudice against this noble duke throughout the whole of the country—it is felt by man, woman, and child. The Duke of Cumberland, it will be recollected, has already £18,000 per annum, and the 15th regiment of dragoons, which makes his income £19,000 a-year. He lives abroad, not because he holds an office, as the Duke of Cambridge does, but he lives abroad to please himself. He lives in a cheap country too, where his income of £19,000 is equal to £30,000 a-year, in this country. When, therefore, £6,000 additional is asked for him and his family, why does he not show himself amongst us? The House is called upon to grant an additional sum to sustain his and his family's dignity. Why does he not spend his income here, to maintain the dignity and splendour of the country from whence he draws his funds? How different is the conduct of his royal brother, the heir presumptive; how differently provided for, and I say so with regret, is the Duke of York, crippled as he is with debts. Yet, to liquidate these debts, he has never applied to Parliament. He resides in England. Why does not the Duke of Cumberland follow his example? What is there to prevent his living here?

May 27, 1825.

Duke and Duchess of Kent.

It is impossible for me to conclude without adverting to the great loss which this country has sustained by the death of the lamented Duke of Kent. No man who duly appreciated his talents, his enlightened opinions, but must regret it as a great national deprivation. His private virtues survive in his illustrious widow, who is most assiduous in doing that which a mother is best fitted to do; namely, superintending the education of the infant Princess.

May 27, 1825.

Mr. M. A. Taylor's Efforts to produce a Reform in Chancery.

I will say that there is not a man in this House who deserves better of his country than that honourable member; and I should like to see the man who would sneer when I utter my conscientious opinion in favour of the honourable and learned individual. I see members whose learning amounts to no more than the capacity of counting ten upon their fingers, who presume to sneer at what I say—members who never open their mouths in this House but to cover themselves with ridicule, and whose silence is the most prudent part of their conduct—I see these men presume to sneer at a panegyric which is echoed by every person who has the honour of knowing the individual to whom I refer.

June 7, 1825.

Lord Gifford's History—His sudden Elevation to the Peerage.

Lord Gifford, who has just been elevated to the peerage, owes his advancement to the favour of the Lord Chancellor. I never saw any man raised to eminence in so extraordinary a manner. He is seen practising at the Exeter sessions, and three weeks after he is Solicitor-General. The man who has been raised in this extraordinary manner certainly owes a great deal to the archi-

fect of his fortunes, being in no respect the architect of them himself. He has been raised to his present eminence upon the credit of possessing abilities which he never exhibited—he has got everything upon tick. I have not spoken to an individual in the profession who does not consider the noble lord's rise the most extraordinary flight upwards of anything, except a balloon, that has ever been witnessed. After the noble lord had been raised to the highest point, not of royal, but of chancery favour—after having sat for a short time in the Common Pleas (and I believe he is the youngest judge who ever sat on that bench), he is, by a sort of legerdemain known only to the Lord Chancellor, advanced to the office of Master of the Rolls, the most lucrative and the easiest of the law appointments. Then, as if to make assurance doubly sure, and that no latent seed of partiality should lurk in the noble lord's mind, which might bias his judgment in favour of his patron, he is made a sort of deputy Chancellor to the House of Lords, to do the Chancellor's journeywork. In order, if possible, to make this person the victim of what Sir Robert Walpole called political ingratitude, he is pointed out as the individual to whom the Lord Chancellor means to leave his office by way of legacy. It is understood that the learned lord means to make him his heir and legatee, by devising to him the Great Seal for the term of his natural life—that being the term for which it appears the office in future is to be held.

June 7, 1825.

The Duke of Sussex.

The Duke of Sussex, except the allowance made to him by Parliament as one of the royal offspring, has never received one shilling of the public money, in any manner or form whatsoever. It is the lot of this illustrious Prince to have married a lady in a foreign country, and by that most unfortunate of all Acts, the Royal Marriage Act, such foreign marriage is illegal in England, by the very worst of all human laws—that same identical Royal

Marriage Act, which has been well described by Mr. Wilberforce as the most unconstitutional Act that disgraced the Statute-Book ; and for the violation of such an Act has his royal highness suffered by a heavy diminution of his income. The pecuniary effect of this step (his marriage) has been to reduce his income to £13,000 a-year. The Duke of Sussex has never applied for an increase of income—he has never dreamed of applying for it ; never has he compounded with his creditors ; always has he ensured for them 20s. in every pound of debt which was contracted. By his royal highness's excellent management, with the assistance of a learned person who superintends his affairs, his debts have been reduced from £100,000 to a very inconsiderable residue. They have now sunk to a sum hardly worth mentioning ; and this has been effected without exposing his royal highness to any circumstances whereby the royal dignity could be degraded in his person.

June 14, 1825.

Difference between Church Property and Private Property—Right of Government over Corporate Funds.

God forbid that I should contend that the church has the same power over its property that individuals have over theirs ! I admit the existence of a church known to the law as a corporate body having rights, and to which wrongs might be done. But I contend that both the mode of establishing church property, and the mode of dealing with it, are very different, both in argument and practice, from the mode of establishing and dealing with private property. I will first say that the property of the church must be regarded, in the strict sense of the word, as public property, if the church is considered, not as individuals only, but as a large body of 2,000 persons and upwards, having duties depending upon their situations. Another material difference between church and private property is, that the private individual may do what he likes with his property ; he carries it about with him ; no person has any control

over it, except the Legislature, and of this he has no right to complain, for he gives his assent, or is supposed to give his assent, to its measures. His private property is inseparably attached to his person; he may transfer it, sell it, burn it, break it up in parcels; in short, do with it whatever he likes, without any control, except that imposed by settlements, and this is the act of a person disposing of property which he holds in fee. He may bequeath his property by will, or he may allow it to go to his eldest son, to his nearest of blood, or to anybody he pleases. But to whom can the parson leave the property of the church?—to the next succeeding parson, a person whom he probably never saw, and who may be his mortal enemy! He has no power to dispose of this property; it must go to his successors. The control, therefore, which the church and which individuals have over their property cannot be called the same. . . . The next point I will mention is the consequences of the Legislature meddling with private property, and with the property of the church. By taking away the property of an individual, he is deprived of his means of providing for his family and children. But if the Legislature were to say to the priest of some parish, containing 500 Catholics and one Protestant, “After you are dead, there shall be no longer any parson in this parish,” who would be injured by this? A person who never enjoyed it! Is there in this case the same injury inflicted as in the other? In the one case, you deprive a wife and children of the means of subsistence; but in the other, there is nobody to suffer but an unknown, and, perhaps, unborn person. There is, therefore, no analogy between the two cases.

The last difference I will mention, and it is an important one, is, that private property is held on no condition whatever; there is no duty imposed or annexed to the enjoyment of the right; but the church consists of 2,000 office-bearers, clothed with a sacred character, indeed, extremely useful to the state—a body of men set apart for a particular service, but who receive their property on condition of performing those services, fulfilling those duties, and who may be stipendiaries, or who may be

paid by salaries, instead of tithes and land, as they are in most countries of Europe. But it suits the policy of this country to pay them by tithes. This does not make them different from other public officers, or other public servants. There is no sort of analogy, then, between church property and private property which should lead to the conclusion that the former possesses the same sort of inviolability as the latter. The church receives its property for the performance of certain services, but private property is held unconditionally. As well might the pay of the army, as the property of the church, be called inviolable and private property. The army is a corporate body, larger, indeed, and more numerous, than it ought to be—it is a great public body—it has Chelsea Hospital; and the navy has Greenwich Hospital, richly endowed with land, for the use of the navy under certain conditions; but is it even supposed that either of these bodies could regard their pay, or the property of these hospitals, as theirs, and to be held inviolably sacred? I contend that the property of the church is conferred by the State for the performance of certain services, and that the Legislature may deal with it, when it is necessary, for the benefit of the church and the State.

*House of Commons (Established Church of Ireland),
June 16, 1825.*

Religious Instruction of the Negroes.

With respect to the missionaries, I must declare that they have done great good—unmixed good—in the West Indian Colonies. The church must, of course, be protected; but I would deal with an equal hand, and afford protection to the sects likewise. The church is not adapted to the spiritual exigences of the colonies. It is quite impossible that the task of instructing the slaves can be left to the established church alone. The very accomplishments of its clergymen, the education which they receive at Oxford and Cambridge, unfit them for the task of converting and educating the unfortunate beings who ought to be the peculiar objects of proselytism and instruction.

June 23, 1825.

Lawyers not fond of Litigation.

Now, the love of lawyers for litigation is a vulgar, gross, and every-day charge. It is, however, utterly groundless. Four out of every five opinions given by lawyers are against the case submitted to them. I, myself, frequently tell clients that, though in principle they may have a very good case, they have not one which would repay the expense and trouble of a suit.

Deccan Prize-Money, July 1, 1825.

Dangerous Monopoly of the Bank of England.

Much has been said upon the proceedings of the Bank of England during the late panic of the country. Without wishing to throw blame upon the conduct of that body, I cannot help expressing my conviction that an end must come to that system which exerts so powerful an influence at present, not only on the money-market, but on the whole trade of the country. Some change ought to be effected, by which the interests of the whole empire, together with the fortunes of every family in it, should be withdrawn from the absolute control and direction of four-and-twenty men; be they bankers, or be they merchants, whether they are to be looked up to as a political corporation or a powerful commercial company, it is too much to trust the whole property of the country to the absolute will or caprice of a few men, left in the exercise of a power which is constantly changing all the relations of that property—sometimes increasing their issues and raising its value, then as suddenly contracting them and leaving commercial transactions in a state of corresponding embarrassment—now restricting their discounts, and now enlarging them—now restricting their issues and lowering the rate of interest, and again suddenly enlarging their issues and raising the rate of interest. Just such as we have lately witnessed are the fearful consequences of that system upon all the property of the country—such are the confusion and disorder which must

continually prevail in all its concerns, so long as the influence of that system is allowed to prevail.

I mean not to say I distrust the present Bank directors; but I distrust, and ever shall distrust, the wisdom of any set of men placed in their situation, and who, unless they possess the gift of prophecy, cannot be safely intrusted with powers such as those at present vested in the Bank of England, without check or control. Let the monopoly of the Bank of England be restricted, and let other companies have an opportunity of raising themselves up in opposition to them; then, and not till then, will the money-market and the commercial transactions of the country be placed upon a steady and secure footing.

[Feb. 2, 1826.]

Lord Eldon's Infirmary of Doubting.—Separation of the Political and Judicial Functions of the Chancellor.

In short, upon a review of the whole business done in the court, it is evident, on the face of the report, that delays prevail to an extent grievous and ruinous to the suitors of the court. For the delays I see only one effective and necessary measure—the separation of the political from the judicial character of the judge presiding in the high Court of Chancery. It is in vain to deny that his political avocations must be a distraction to him, effectually preventing him from the due and efficient fulfilment of his judicial duties. Add to this—what there is not the least need of concealing, as the noble and learned lord himself admits it—that his doubting disposition amounts to a positive mental infirmity. He is addicted to over-much doubting—to too nice subtlety—which leads him sometimes, from an over-anxious observance of close and intricate points, to lay a trap, as it were, for his sound and excellent judgment.

And that he is gifted with a most excellent judgment, and a most eminently-endowed understanding, from my own observation of that noble lord, I do not hesitate to admit. With such high capabilities of forming his decision, it is impossible that he can be long in making up

his mind—nor do I believe that he is long in doing so. He is only long, and slow, and hesitating in giving his opinion: for he has a mind large and capacious, filled with ample stores of learning, drawn from every source, but more especially with the learning of his profession; trained by a course of experience extending through a period of unusual length, and pregnant with almost all the vicissitudes of human life: he has an extraordinary nimble and subtle fancy, and can bring his faculties, which are great, at the shortest period of time, to bear on the greatest and most difficult questions. I speak thus of the noble Chancellor, not out of any peculiar respect for him; but I deliver the sentiments I have formed through long and watchful observation. It would, therefore, be strange if that noble and learned person could not see through the greatest difficulties, as indeed it is well known he does, at a glance.

I must candidly confess that I am entirely of Sir Samuel Romilly's opinion, that the Lord Chancellor makes up his mind soon, but that the infirmity under which he labours leads him into those subtle speculations which so long holds back his opinions.

But of what avail is it to the suitors of the court that he makes up his mind quickly? It is no benefit to them, as he will not express it. I have spoken thus freely what I think of the noble lord; and I feel less scruple or hesitation in saying it, as in doing so I have said little more than what I have heard the noble and learned lord himself admit. It is not, perhaps, so much a matter of blame as it is of excuse to the noble lord, that he has too much to do; that he is obliged by his political duty to be in one place, while his judicial duty requires of him to be in another—that he is now there when he ought to be here—that he is one day obliged to attend the presenting of the Recorder's report, and on another day to attend the Cabinet Council.

Again, he is engaged in hearing appeals before the House of Lords; and these, with a variety of other occupations, allow him little or no time to attend to the efficient discharge of his official duties in the Court over

which he presides. Amongst other disadvantages of these various avocations, to which his lordship is subjected, the suitors have to experience this material and important one—that the Lord Chancellor cannot attend continuously, at any one time, to hear the whole of a case, so as to be able to take a full view of it, and to decide at the moment that all the arguments on both sides are fresh upon his mind, but, by being now called off here, and again called off there, he is only able to collect the case, as it were, by piecemeal, and to decide upon it (when he does decide) after that disjointed and disconnected hearing of it. These various distractions realize the observation which was so familiar to the House about ten years ago in discussions on this question, that, on account of the political and judicial functions of the Lord Chancellor interfering with each other, thereby “the judicial year was diminished, not by minutes or hours only, but by days, and weeks, and months.” So it is now, and will continue to be, until the judicial be separated from the political character of the Lord Chancellor.

Court of Chancery, May 18, 1826.

Lord Eldon's Aversion to Chancery Reform.

For sixteen years the reform of this court has been the constant subject of debate. The abuses are palpable, glaring as noon-day; no one doubts of their existence; half the property of the kingdom is crumbling away under their pressure; the suitors of this court are daily ruined by their operation; yet, during the whole of these sixteen years, the noble person at its head has not made a single reform—has not made one improvement—has not advanced a single step—has not put himself in motion, nor moved even the little finger of his left hand, to procure the remedy of one evil—the correction of any, even the smallest abuse, that, under his own eye, and with his own knowledge, exists in his court. It has been said that Lord Somers, and the great men who preceded Lord Eldon, were not required to make those alterations and corrections which are now so loudly called for

in the practice of his court. But, in the first place, neither Lord Somers, nor any other Lord Chancellor, had, like Lord Eldon, the experience of twenty-five years as judge of that court, and twenty-five years more as a practitioner in it; secondly, the grievance was never in former times represented to be so great as it is now, and has been of late years; thirdly, such abuses were never known to exist without any control whatsoever to check or restrain them; fourthly, with the admission of these abuses, there never has been displayed such an opposition to every motion, plan, and measure, proposed to remedy them, as has been displayed during the last sixteen years in this House; and lastly, and most of all, there has been no former instance of such injury being entailed upon the suitors of the Court of Chancery by the union of the judicial and political character of the Lord Chancellor, and without the separation of which it is idle to expect any effectual reform in the abuses of the Court of Chancery—abuses greater and more flagrant and enormous than those by which the people of any country have ever been aggrieved by a tribunal instituted for the purpose of administering equity and justice.

Ibid.

Inutility of Kings' Speeches.

The speeches themselves are, more or less, a mere civility on the part of the Crown to the Parliament. They generally, too, as has been observed for many successive sessions, are so framed as to say as little as possible upon the most difficult circumstances of the times; but in no instance has a speech from the Throne ever so completely failed to notice such subjects as the present one has done. I hope, however, that I shall live to see the day when this species of introduction to the business of the session, this most useless—and, because useless, most unseemly (I will not use a harsher epithet)—ceremony, will be dispensed with.

Address on the King's Speech, Nov. 21, 1826.

When the Whigs would go to War on the Continent.

The question is not now, whether, even in order to retain our possessions, we should be content to forfeit our station in the eyes of Europe and of the world, and by so doing avoid war. I would say "No," even if that were the alternative which was presented to our choice. But the question now actually is, whether for a limited season we shall submit to an insecure, a precarious, dishonourable, unbearable, truce—I cannot call it peace, for it has nothing of the honour, or the comfort, or the security, which render peace sweet—whether we shall, for the sake of a temporary, disgraceful, disgusting, and intolerable postponement of hostilities, expose ourselves hereafter, when war shall inevitably come on, to be held up to the eyes of the world as a beaten-down and degraded nation, ruined in the eyes of mankind, and, what is a thousand times worse, ruined in our own eyes by the loss of self-esteem, and, what may perhaps be still worse in the judgment of those to whose minds topics of this kind do not find easy access under any other form—namely, that a small sum, if expended in time, might have been the means of saving a disbursement ten times the amount, with interest, aye, and with compound interest, at a future time; and when the risking the loss of a thousand men now, although the necessity of such an alternative is sufficient in itself to excite horror and regret, may avert the sacrifice of ten hereafter, and may have the effect of preventing a war when our resources shall be crippled—a war of boundless extent, in which, it should be observed, other powers besides Spain may take part, and of which it may be truly said that no man can foresee where it will end. I entirely agree in all that has been said of the hazards and difficulties inseparable from war, and I was certainly one of those who held, some years ago, that, looking to the burthens under which this country laboured, we were under severe recognisances to keep the peace. I know the severity of these burthens; but if I feel their weight, if I feel apprehensive, as who must not, of their effect, in case this most necessary measure—a measure

which, upon all reasonable probability, must prove effectual—should unhappily fail, I cannot but rely on those sound, enlightened, liberal, and truly English principles—principles worthy of our best times, and of our most distinguished statesmen—which now govern the councils of this country in her foreign policy, and inspire the eloquence of the right honourable Secretary with a degree of fervour, energy, and effect, extraordinary and unprecedented in this House—unprecedented (I can give it no higher praise) even in the eloquence of the right honourable gentleman.

I feel that in these principles, now adopted and avowed by the organs of our Government, we have a strong and impregnable bulwark, which will enable us not only to support our burthens, and, should the day of trial come upon us, to meet the combined world in arms, but which will afford the strongest practical security against future danger, and render it eminently improbable that we shall ever have that combined world to contend with, so long as those principles are maintained. Our burthens may remain; but our Government know that, when the voice of the people is in their favour, they have a lever, if not within their hands, within their grasp.

I will imitate the discretion of the Secretary, and go no further. We know, because we have experienced, the extent of that power; our enemies that would be, but who, on this account, will not be so, know it because they see its effect here, and dread its effect among themselves. If, however, that catastrophe, which His Majesty's Ministers have taken the best means to avert, and which, in all human probability, will be averted, should unhappily fall upon us, whatever may be our burthens, whatever may be the difficulties with which we may have to contend, let but His Majesty's Government act steadily up to the principles they have avowed, and let the country but remain true to itself, and I have no fear of the rest.

Portugal Affairs, Dec. 12, 1826.

Eulogium of the Duke of York.

Feeling the deepest sympathy with those who most deplore the decease of his royal highness the Commander-in-Chief, I assure the right honourable gentleman that the language he has employed on this occasion makes it not only perfectly easy, but extremely grateful, for me to concur in the proposed address.

In now rising to express my own entire concurrence in the language of the right honourable Secretary, I shall abstain from all comment, further than to add that I consider it to have been no small praise to his royal highness, and one that may with perfect truth be applied to his memory, to have, for so long a period of time, enjoyed the disposal of the immense patronage of the army, without ever allowing political considerations—by which, I would be understood to mean such as are more commonly termed party considerations—to interfere with the disposal of that patronage. And I would add another just eulogium, that his royal highness has shown himself quite incapable of allowing mere personal feelings—feelings of asperity towards any particular individuals, for example—to cast any shade across the path of his public duty; and surely, the best testimony which the country could have of the sincerity and honesty of those strong political opinions which his royal highness confessed himself to entertain on certain questions—and, on some subjects, I might be almost tempted to call them prejudices—the best test that his royal highness at least held them honestly and conscientiously, is this, that he cherished them, as much as possible, free from all admixture of asperity towards those whose notions were opposed to his own on such matters.

Death of the Duke of York, Feb. 12, 1827.

Lord Eldon's Management of the Chancery Commission.

These, I believe, are the only two members, unconnected with the noble lord at the head of the court, whose proceedings are at issue; but what can we do amongst so many? Had they been two angels, and not two men,

who were sent into that den of Chancery, among Chancellor's judges, and Chancellor's masters, and Chancellor's commissioners of bankruptcy, and Chancellor's *élèves*—all looking up to his lordship for further promotion, and all having a right to expect it from their past promotion—what could they hope to effect by their most strenuous exertions? Gentlemen may speak of my two honourable and learned friends in the most flattering terms,—and it would be scarcely possible for any man to speak more favourably of them than I think;—still I will say that it was impossible for them to make any effectual resistance against the tide into the very midst of which they were plunged. The House is well aware how matters go on under such circumstances. It was not by the noble and learned lord's going down to the commissioners and professing, whilst he tore his venerable locks and deluged with salt tears his aged cheeks, that he was a desolate and injured old man, and that he was distressed beyond measure as to what would become of his poor family, if he should only leave to it a million and a half *plus* his good name; it was not by making of speeches at their board, and then by counting of noses among the committee, that he contrived to wheedle from them golden opinions; but it was by appearing seldom at their deliberations. Oh! no. The noble and learned lord well knew that the seldomer he appeared, the better it was for himself and for his views—it was by not prostituting his influence among them by frequently displaying it,—it was by not courting divisions against him on paltry questions, which might, perhaps, have accustomed his colleagues to oppose him upon important ones which he had much at heart, and then to defeat him, when his efforts were made not only for glory but also for victory. The learned lord is too skilful a tactician to commit any of the blunders into which spirits less acute might accidentally fall.

He has not passed fifty years of his life amid the intrigues of cabinets, the turmoils of the senate, the conflicts of the forum, and the consultations and tricks and tacks of the profession of law—for which I have considerable veneration, as I know a little about them; he has not

passed fifty years of his life in a profession in which men are accustomed to consider closely their clients' interests; and sometimes, peradventure, their own interests, to commit any of those blunders into which weak and inexperienced men might be hurried; and, short of his committing any of those blunders, there is little danger of his being frustrated in his purpose of checking and stifling inquiry. No: he, the noble and learned lord, attended the commission, endowed with all the graces of a complete courtier, with the most entire and unbroken good humour, with all the fascination of manner which his experience has taught him to ingraft upon a naturally-affable temper; with all the weight which invariably attends a man of influence in a learned profession, with a great reputation for learned research in the laws of his country, with a name always associated with its legal history—the noble and learned lord, rich in all these accomplishments, came down to the commission, clothed in smiles and courtesies, and, laying aside the authority he has a right to assume, endeavoured to mislead those whom he had no right to attempt to influence.

The noble and learned lord eventually succeeded in his endeavours: he prevailed, as the House well know, over the hopes of some, the fears of others, and the good-nature of all, until the inquiry, dwindling away step by step, was paralysed as to its power, and neutralized in its effects. I believe that, had there been any one member of that commission of inquiry who had not been so far seduced by the fascinations of the noble lord, of which I have been just speaking [*a laugh on the Ministerial benches*].—In describing the fascinations of the noble lord, I merely mean to show the House how they would act upon those whom the noble lord might think required seduction, not upon those who required no seduction, such as the judges in Chancery and the masters in Chancery, individuals whom I believe to be attached to the man, but who might be attached to the system; or who, like the person in the fable, placed at a mean distance between two equal powers of attraction, neither of which could prevail, might be so equally divided between their attach-

ment to the man and their attachment to the system as to be unwilling to blame either. My learned friends, the late members for Ilchester and Lincoln, are not exactly in that situation ; but the other members of the commission look all one way, see with the same pair of eyes, and those the eyes of John Lord Eldon.

Court of Chancery, Feb. 27, 1827.

The Roman Catholic and the Athanasian Creed.

But because there may be something ridiculous, something revolting to sound judgment, in the Catholic religion, does it follow, therefore, that those who profess it should be stigmatized ?

Respecting as I do, as a member of the Church of England, its ordinances and observances, and believing it to be, of all church establishments, the nearest advanced to perfection ; still, with all my unwillingness to venture a word of disrespect towards that establishment, as to its doctrines and discipline, I, as a Protestant, confess that, if I had had an angry dispute with a Catholic on the subject of his religion, and had been rating, as the right honourable gentleman has done, amidst the cheers of the House, the Bull of Pope Pius VII., I should have expected that the Catholic would pluck out of the Athanasian creed some few passages in which I should be sorely gruelled ; some few doctrines, not quite in the spirit of common sense, or of a Christian church.

These, however, are subjects which should be suppressed in this place.

To us it belongs to respect all men, of whatever religion, which they conscientiously believe, and conscientiously act up to. Be their tenets revolting to us or not, they are their opinions. They are conscientiously entertained. Give them up they cannot, with honour ; and will not, if they are laughed at and insulted. If we are in the peculiar situation, that, in the nineteenth century, there are some of our fellow-subjects whom we “ look down upon as they wander to find the way of eternal life,” does not this afford the most cogent argu-

ment, the most irrefragable reason, for regarding their errors, deplorable though innocent, with compassion? The more right we are, the more ridiculous their notions, the safer is our church.

Roman Catholic Claims, March 6, 1827.

Reasons for supporting Mr. Canning's Administration.

The honourable gentleman who last addressed the House made an appeal personally to myself in an especial degree. He was considering the state of the new Administration, as he is pleased to term it, and the principles that have presided in the reconstruction of the ministry, and he discovered, it seems, especially after the speech of my honourable friend the member for Westminster, that there can have been no earthly motive for the change of position which we have assumed, except the desire we must have to participate—I do not know whether he said in the emoluments of office; but, if he did not say it, more sordid natures would understand him to mean it—at all events, in the patronage and power of the right honourable gentleman below me, now at the head of the Treasury.

To whomsoever that observation may be intended to apply, be it a sober theory of the honourable gentleman's, founded on a reason, according to his mode of reasoning; or a sarcasm, the first birth of wit in an ex-officer of the Crown, less accustomed heretofore to indulge in sneers than in silent votes [*order, order!*].—There are, it appears, some gentlemen whose ideas of justice would be well satisfied to hear the charge, but who refuse to listen to the defence [*cheers*].—Whatever may be my difference or agreement with the government of the right honourable gentleman, of which I am disposed to argue favourably, I trust, at any rate, that his government will not be conducted in this House on principles that would sanction so grievous a departure from the justice due to every individual [*cheers*].—I say, then, that to whatever member or part of the

House the observation of the honourable member may apply, to me, in my situation, it can have none. I never dreamed of taking office under the present arrangement.

I am much more certainly and inevitably out of office, and out of office am more likely to continue, than even the honourable gentleman himself. But because I support this Government, though I go no further, I am to be charged with having acceded to an unnatural coalition. I am to be told there has been a monstrous and unnatural alliance formed between the right honourable gentleman below me and those friends with whom I have had, and still have, the happiness and honour of acting. An unnatural alliance—because there are points of difference which should have eternally forbade the junction! an unnatural alliance—because we have differed, and particularly of late years, on the most material questions of internal and foreign policy! an unnatural alliance—because, since the death of Lord Londonderry, we have been striving to rivet fast to the chariot-wheel of the Holy Alliance the triumphant fortunes of Great Britain!—an unnatural coalition, because we have been amongst those who have been the stanchest friends to the liberal system of commercial policy adopted by that ministry; because, amongst others, I myself have been the constant supporter of those free doctrines in trade, which were afterwards received, sanctioned, and carried into practice, by men more enlightened and of far more political weight than myself! An unnatural coalition, undoubtedly, because we have constantly differed from the right honourable gentleman, as to the internal policy of the empire; because we, forsooth, have ever disputed with him, as to that great corner-stone, the mode fitting to be adopted for the government of the sister kingdom of Ireland.

Look over all the great political questions that divide some men and approximate others at the present day. Travel with your eyes over the affairs of Europe, or even across the Atlantic, and see the dawn of liberty in South America, where millions are blessing the grateful

light, while the hearts of millions in this country are beating in unison with theirs, yet rejoicing in their new-born freedom. Whether we look, I say, to the east or the west, to America or to Europe, to our domestic policy, or questions of trade, or improvement of our mercantile system, or to the agricultural interests of the country, the very last subject on which I gave the feeble aid of my voice to Government, though the late Under-Secretary was then silently voting on the same side—surveying all those great questions which divide men in their opinions, and animate conflicting parties and rival statesmen, I can conscientiously declare that, passing them all in review, I cannot discover one single tenet or sentiment, nay, one solitary feeling, which, practically speaking, has influenced the councils of his Majesty's Government during the last three or four years, and which did not find in my opinion a firm support, and in my feelings a faithful echo.

There was indeed one point, in those days, in which I differed from the right honourable gentleman. As to one question, one practical view of the state of affairs, I could not coincide with him. When I saw a cabinet formed of statesmen appearing outwardly to act together, but whose opinions on the greatest question of all not merely discorded, but differed widely as the poles asunder;—when I saw the opinions of one Secretary of State, as evidenced by his vote and his speeches, opposed by another Secretary of State;—when I saw the Government in such a state as the late Secretary for the Home Department has manfully, and honourably to himself, and satisfactorily to this House, and to the country, described—a state in which he found himself chiefly, if not singly, opposed to his right honourable friend*, so painfully situated that he had almost resolved to retire a year or two ago from his Majesty's service;—when the Government was in this state, I could not give it a more regular, constant, and therefore more valuable, support. I was prevented from doing so, barred out from the very

* Mr. Canning.

attempt, because I could not lend my assistance to a Government so constituted as to command respect from no thinking man; and in which, from its very construction, it was utterly impossible that the interests of the public service could ever be consulted.

This impediment has been removed by the retirement from office of those who were the principal elements of this opposition in the King's councils.

New Administration, May 1, 1827.

Eulogium of Sir Robert Peel.

With regard to the right honourable gentleman who has addressed the House this evening, I am particularly anxious to express myself in those terms of high personal respect which I feel towards him. I shall not now be accused of paying my court to that individual, if I speak my full opinion of his merits.

It may not be forgotten by the House—not because anything done by so inconsiderable a person as myself is likely to dwell in their memory, but as connected with passages in the right honourable gentleman's life worthy to be remembered,—that, if there was one individual to whom on this side (I at that time was sitting on the other side) it was my misfortune, certainly, not his fault, to be opposed in a more personal manner than another, it was that right honourable gentleman.

But candour, and truth, and justice, compel me to say that the manner in which he conducted himself was not only at all times above all censure, but such as places him above the possibility of suspicion, even by the most ingenious malice of his worst enemy, if he had one. Feeling the good accomplished by the moderate, rational, and wholesome steps taken by the right honourable gentleman, for the amendment of the criminal laws—those great reforms, projected by that excellent man, Sir Samuel Romilly, who was not spared to witness the triumph of his principles, and more recently supported with surpassing eloquence and ability, by an honourable

friend* whom 'indisposition now keeps from his place in Parliament—I regard it as none of the least evils resulting from the unsettled state of the Catholic question, that that circumstance alone deprives the Government and the country of that right honourable gentleman's services.

Ibid.

Sacrifices to support Mr. Canning.

As it is the custom to talk of sacrifices, I may mention mine. I have quitted a situation in this House which, considering the influence of opinion and feeling, was in the highest degree grateful to me; and in which I was surrounded and (if it may be permitted me to say so) supported by one of the largest, most important, the most honourable, and—now I may say it, for I was privy to all their councils, and my motives cannot be suspected—the most disinterested opposition that ever sat within the walls of this House, men who supported what they deemed right, though it kept them out of power, and confirmed their adversaries in office; and who persevered in that course year after year, without a possible hope of benefit ever accruing to themselves.

I have quitted that honourable and eminent situation, enough to gratify the ambition of the proudest of men, on an express stipulation, which utterly excludes the possibility of my taking office. I have done so deliberately and advisedly. I shall be sufficiently gratified in watching the progress of those opinions to which I am attached, both as to our foreign and domestic policy; including with the rest the Irish question, but not giving it a prominence which would render it exclusive, and impede its success by making it unpopular in this country, by arousing the religious jealousy of the people.

When I say that I have not become a party to any arrangements with regard to office, I wish it to be understood, however, that the union which has taken place between parties lately divided will have my cordial

* Sir J. Macintosh.

and uniform support. My taking office would have stood in the way of those arrangements ; and I therefore, at once, voluntarily, and without waiting for a suggestion from any one, resigned all my claims to office. It is unpleasant to be forced to dwell on matters that are wholly personal to oneself ; but, as the right honourable gentleman most truly stated this night, the character of a public man belongs to his country ; and to his country he ought not to be slow in furnishing the means of properly estimating his motives.

Ibid.

Love of Office.

But how strangely, with their powers of office, has their consistency deserted the honourable gentlemen opposite ! For here are those very individuals who held agitating the Catholic question, but a fortnight back, the very worst thing in the world, only anxious now, without a moment's delay, to bring it forward ! " Do not delay a single fortnight," is the cry of the honourable gentlemen ; " do not delay a week." Even a week, a little week, is too long to sit upon a bench of thorns, to be out of the sunshine of royal favour. A week ! a week is an age in a cold, chill, opposition atmosphere, with no employment but reading the fag-ends of old debates, to piece out new discussions, instead of calculating the vast and eternal items of official expenditure, and the still more agreeable problem of receipt. A week is an impracticable time to sit upon a bare and barren rock, surrounded by persons as ill off as themselves ; and calculating nothing more pleasant and enlivening than how many times in the last twenty years the future Master of the Mint had voted against the First Lord of the Treasury ; how many times the honourable members who sit by the " pillar," and, the worst of it is, are likely to sit there, or if they are driven away, it can only be by the old kind of driving, which makes matters worse, the being driven from pillar to post—how often these persons have voted, and with

what numbers, and in what divisions, when they sat opposite to particular other persons—the burthen of the calculation being that they now sit *with* them.

Oh, no! this is too much. To bear this for a month is impossible :—at least, if it be possible in any way to get out of it by forcing on the question which they have been used to say only convulsed England and agitated Ireland; to force this on—at the certainty of keeping this unsettled—by telling ministers “You are abandoning your principles, and you are giving up the Catholics, if you delay to bring it on but for a single day.”

New Administration, May 3, 1827.

Mr. Brougham's Defence of his Political Conduct.

Now, as to the divisions upon which I and my honourable friends have differed from the right honourable gentleman: the right honourable gentleman has discovered divisions upon those questions so pre-eminently important as the window-tax, and the assessed taxes, and the repairs of the old towers of Windsor, and some other great European or cosmopolite questions, which he has cited. But I would request the honourable gentleman to recollect some of the minor matters which concern Europe and the country almost as much as the Gothic windows of Westminster Hall, to one of which I had the honour formerly to call the attention of the House. My exertions on that occasion are now the greatest happiness of my life, if I only except some professional services which I effected on another occasion, and in which I must glory till the end of my days. I supported in this House the principles which, upon the same occasion, were supported by the then Secretary for Foreign Affairs, the now First Lord of the Treasury, although they, or we, differed as to the line of conduct to be taken. I remind the House of the last military invasion of Spain by the French. I wished, on that occasion, that other language should be used than that which was used. But neither I nor any of my friends differed in any essential points from the sentiments of the right honourable

gentleman; and, in the end, the question was suffered to turn merely upon that consideration which was proposed by the right honourable member for Westmorland—"at all events we are not prepared to say that we will go to war upon the question of the French occupying the Spanish Peninsula." That is the only great question of policy upon which I differed from the right honourable gentleman, and that was not upon a principle, but upon the measures which ought to be pursued in supporting it. As to the division upon that occasion, I remember very well that I only threatened it; and at the close of the discussion I declined the dividing of the House. The fact is that, if I had been ever so well inclined to divide, I could not have done much; for the House at that time wanted what it has now got, a really good factious opposition. I am very glad of it. I congratulate the country upon possessing it. The place has been long unoccupied; and I have no doubt it will soon be ably filled; especially after the honourable gentleman shall have forgotten his official suavity, and had time to attune his infant aptitude to that rough labour. I can give the honourable gentleman some useful hints; having had considerable experience in that way. I think myself almost perfect in my knowledge of the tactics; and the first hint I shall give him is, that the division, to be good for anything, ought to be small, and not, as the honourable gentleman thinks, considerable and almost overwhelming. The honourable gentleman likes it served up rather warm and high spiced; but I can assure him that there is nothing so bad in a division as a large opposition. There is so much to be done to conciliate parties—so much to be given up to one—so much to be conceded to another—and so much expected by a third—that nothing can be more harassing and perplexing, not even a factious debate introduced into the middle of the mover's speech.

There is a gentleman, whom I do not see—I scarcely know his person: I have heard of his name, and it is said that he held a place in the Ordnance, under the former Government. As I do not see him on the benches

opposite, I almost hope that he will be found on the Ministerial side of the House. I believe that that honourable gentleman sits for Bishop's Castle. I am aware of the excellence of that honourable gentleman in the Quarter-Master's department; but, with the vast respect I feel for his great talents, I wish to see them confined to that department. The honourable gentleman* may take a lesson from that honourable member. Let him be consulted; he would say, "Oh! you won't divide, won't you; but I'll make you divide, just to expose your weakness."

The question of parliamentary reform is one of those cited, upon which I and my honourable friends are said to be at variance with the Government. Upon that question, the party to which I have the honour to belong is divided into two opinions—one portion standing in direct opposition to all reform, the other holding for moderate, or, as old Major Cartwright used to call it, mock-reform. I differ from this opinion of the Major; and differ from those who are opposed to reform in any degree. To call that a question upon which they are bound to remain opposed to the present system of Government, or for my friends to have considered it such, when upon all other great questions of policy—passing by those very great ones concerning gothic windows, lamp-posts, and some others of no less importance, which have been cited—it is only one upon which the right honourable gentleman stands pledged, and, as I fear, irreversibly pledged—to stand back and hold out upon that question from a Government whose measures we have proved, and have for some time approved, would have been neither sense nor justice; it would have been folly and injustice to themselves, and dishonest to the country.

The causes of their union are to be found in the alteration of the great features of the Administration, after the death of Lord Londonderry, and the liberal, manly, and truly English feeling displayed by his successor in the foreign policy of the country—in the equally sound prin-

* Mr. Dawson.

ciples which guided him in that almost equally grand question of South America—in the liberal and moderate views of the President of the Board of Trade, as to the regulations of our shipping and commerce, and the currency, as connected with, and deeply affecting the interests of both. These are the three ties that unite us, and upon which the country and her policy have derived the highest advantages, since the demise of the Marquis of Londonderry. Is this a declaration of approving these measures? True—I have, myself, propounded them. As early as 1812, I pleaded for them, and, to a certain degree, defeated the opponents of them. I, on behalf of them, renewed my opposition to the old illiberal Government, when returned to this House in 1816. I fought the whole session against Lord Castlereagh for them. I propounded them again in a more formidable way in 1817, and divided the House upon them. Is my distrust of the Holy Alliance first awakened by the now vacant places? Why, that Alliance was but “in the gristle,” when I endeavoured to rouse the opposition of Parliament to it. I argued against it, as a system weak and inexpedient, any participation in which would be dishonourable to the country, and mischievous to our liberties. For this I have been called a fanatic—a misguided promoter of political disturbances.

What objection, it is said, ought I to have to the most harmless of all princely arrangements? What can be less distrustful than this scheme of politics which, like a grain of mustard seed, being sown at due season is to spring up and overshadow Europe, so that no glimmering of the light of liberty should break in to disturb the repose of tyranny. I have been called a seer of sights, and a dreamer of dreams, for opposing this notion. These are the very words applied to me by Lord Castlereagh. Nothing so harmless, according to the unsuspecting mind of Lord Castlereagh, as this union of the Russian, Austrian, and Prussian powers, with our own, for the achievement of this beneficial purpose. I have persisted in the opposite opinion. The right honourable gentleman*, I be-

* Mr. Canning.

lieve, was not in the House at the time ; he was abroad upon foreign business. The demise of Lord Londonderry made way for him : he entered office, and proceeded immediately to act upon those principles which I moved the House upon in 1817, and which I defended in 1822. The right honourable gentleman has successfully established a system of liberal foreign policy. Upon these grounds I gave him my best assistance. Guided by these principles, and founding his measures on such grounds, in the course of his administration the right honourable gentleman shall have from me, that which he has a right, in point of consistency to demand, a cordial, zealous, and disinterested support.

— *New Administration, May 3, 1827.*

The Nobility—their mental Deficiencies.

Now, it becomes me, of course, to speak of the absent with all becoming respect ; but, from what I have not only heard others say in another place, but from what I have heard said of them, I can only express my unfeigned regret, that a prayer, which I heard yesterday solemnly preferred, has not hitherto been fulfilled. I can only express my sorrow that it has not yet pleased Divine Providence “to endue all the nobility with grace, wisdom, and understanding.” That a portion of the nobility is so endued, I have no manner of doubt ; but, even if I were willing to suppose that nine-tenths of them are so gifted, I cannot conceal from myself, or from the House, that the remaining portion of that illustrious body are still in a condition to require the prayers of the church.

— *Criminal Justice, May 18, 1827.*

Lord Lyndhurst's Talents for Business.

Does any one doubt that the present Lord Chancellor, though not educated in the Equity Courts, is a man of great legal talents, and of a strong, manly, and independent mind ?

He possesses a remarkable power of simplifying, and dealing with the most complicated questions. It is the remark of those who have the greatest experience in Westminster Hall, that no man knows so well how to split the nut, throw away the husk, and get at the kernel. Speaking as a man of plain common sense, and without offering to defend my profession, which was alluded to to-night by the Hon. Member for Colchester, only for the purpose of its being described as tarnished in its honour, void of principle, and full of treachery and tergiversation—notwithstanding what I have seen and read, daily and weekly, printed and exhibited—I shall say little with respect to myself, except that I take a pride in avowing myself a member of that profession. Without going to sentence-makers, paragraph-mongers, and magazine-writers, but to attorneys, solicitors, and practitioners, I will undertake to say, that what is predicted of the Lord Chancellor is, that he is a man qualified for reforming the Court, and anxious to save its time: it is the general opinion that he excels in this, and that he will make up his defect in education—in not being brought up in a Court of Equity, which is not his fault, but his misfortune. That he will, in a short time, make up for that defect, I entertain a most sanguine expectation.

This is my ground of confidence in the present arrangements. But I do not, therefore, say, “Attach the bankruptcy to the great seal for ever—marry them—link them eternally;” but I say, “Wait a year: give time to the Court of Chancery, which now has three, not two, Judges, for the introduction of practical and effectual reforms;”—one of which has been mentioned—I mean the removal of the system of affidavits upon affidavits without end, under which the Court groans, and suitors groan still more; forming a weight heavier, and to them more costly, than gold. All this has been regulated by one simple order—that before a certain day all the affidavits on the one side shall be filed; and before another day those on the other; before a third day the affidavits in reply; after which, it is a rule of Court, that no further

affidavit can be allowed, unless under very particular circumstances.

All this, it may be said, is easy enough; like Columbus's egg, it is very simple: and the result is almost as good as the discovery of the adventurous navigator; for it brings us nearer to the discovery of cheap justice. Then, I say, leave the Lord Chancellor to make these experiments. The noble lord thinks he can do something, with the aid of his two efficient coadjutors. Let the House wait and see what their united efforts can produce. They have now *judices a judicando*, not *judices a non judicando*; they can now try the experiment in the Court of Chancery, where there are not two Judges, but three; but it can be fairly tried, and if at the end of the year the case should appear hopeless, then I will admit that the bankruptcy experiment should be adopted, and I would support a proposition which I now deem mischievous, or at least premature. This is my opinion; and I believe it is consonant with the opinion of the Lord Chancellor. That noble and learned lord is of opinion, that if, after trial, it should still be found that the three Judges do not (it would be because they could not) get through the business of the Court, he would have no objection to sever the bankruptcy from the great seal.

Court of Chancery, May 22, 1827.

The Battle of Navarino a glorious Achievement.

But I do enter my protest and dissent, in the strongest manner, against one clause of the speech,—which protest and dissent I trust to hear re-echoed and affirmed from one end of the kingdom to the other. I allude, Sir, to the manner in which the late glorious, brilliant, and immortal achievement of the British navy is spoken of as matter of lamentation only. As matter of lamentation! This is the first time, in the course of my experience, that I have ever seen men anxiously come forward to take an early, an uncalled for, an improper, and I say an unfair, opportunity of expressing concern and regret at the victorious achievement of the arms of their country-

men. It was reserved for some men of the present time to win battles, and to be alarmed at their success; to conquer, and to repine at conquest; to fight the battles of freedom, yet to tremble like slaves; to act gloriously, and to repent bitterly of their well-behaving; to win battles for liberty in the West, and to pluck from their brows the laurels they had there nobly won, only to replace them by cypress wreaths, in sorrow for the blow which they had struck for liberty in the regions of the East. I must hail this sort of reference to late events as but an evil omen of what is to come. I deeply lament that I know not how to give my confidence to men who advert to the battle of Navarino as to an untoward event, and seize the earliest opportunity of doing so in a speech from the Throne, as the most judicious and effectual means of conciliating the affections and the confidence of the nation to their own Government, and of exciting, in their own behalf, the favourable expectations of Governments abroad.

Speech on the Address, January 29, 1828.

Objection to the Military and Civil Power united in the Duke of Wellington.—“The Schoolmaster abroad.”

I cannot, Sir, sit down, without saying a few words on a particular subject, connected with the present Administration, to which, I confess, I feel a very great degree of objection. I allude to the Commander-in-chief of the army of this country having been placed by his Sovereign at the head of the Government. No man values more than I do the illustrious talents of the noble duke as a soldier. No man glories more in the various victories which the noble duke has achieved than I do. Indeed, when many persons were undervaluing those victories, and describing them as “untoward,” I raised my voice in this House and endeavoured to show their importance; I was one of the first to endeavour, by all the little means in my power, to promote the successful career of the noble duke, by placing greater and more extensive resources at his disposal; but, though I entertain the highest

opinion of the noble duke's military genius, still I do not like to see him at the head of the finance of this country, enjoying all the patronage of the Crown;—enjoying, as he does enjoy, the perfect confidence of his Sovereign;—enjoying the patronage of the army;—enjoying the patronage of the Church;—and, in fact, enjoying most of the other patronage of the State. To the noble duke also is entrusted the right to convey constant and confidential advice to the ear of his Master. As a constitutional man, this state of things strikes me as being most unconstitutional.

I am told that the noble duke is a person of very great vigour in Council, and that his talents are not confined to the art of war. It may be so; but that does not remove my objections against the noble duke's being placed in possession of such an immense mass of civil and military influence. It has been said that the noble duke is incapable of speaking in public as a first minister ought to do, and that therefore he was an ineligible person for the situation. Now I conceive that there is no validity in that objection. I was present when the noble duke declared that he did not aim at the situation of first minister, and I never heard a better speech in my life. Nothing could be more suited to the occasion: I never saw less want of capacity in an individual who might be called upon to take an active part in debate. This, therefore, is not my reason for objecting to the appointment. That objection rests on the constitutional grounds I have already stated; and, moreover, because the noble duke's habits have been military, not civil.

It is scarcely necessary to remind the House of the noble duke's near connexion with the very worst, and most despotic, and the most purely military system, into which this country has ever been seduced. That, however, forms in my mind another and a very strong objection to his being placed at the head of the administration.

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Let it not be supposed that I am inclined to exaggerate. I entertain no fear of slavery being introduced by the power of the sword. It would require a stronger—

it would demand a more powerful man, even than the Duke of Wellington, to effect such an object. The noble duke may take the army, he may take the navy, he may take the mitre, he may take the great seal. I will make the noble duke a present of them all. Let him come on with his whole force, sword in hand, against the Constitution, and the energies of the people of this country will defeat his utmost efforts. Therefore, I am perfectly convinced that there will be no unconstitutional attack on the liberties of the people. These are not the times for such an attempt. There have been periods when the country heard with dismay that "The soldier was abroad." That is not the case now. Let the soldier be abroad;—in the present age he can do nothing. There is another person abroad—a less important person in the eyes of some, an insignificant person, whose labours have tended to produce this state of things. The schoolmaster is abroad! And I trust more to him, armed with his primer, than I do to the soldier in full military array, for upholding and extending the liberties of his country. I think the appointment of the Duke of Wellington is bad in a constitutional point of view; but as to any violence being in consequence directed against the liberties of the country, the fear of such an event I look upon to be futile and groundless.

Ibid.

Opinion of Sir Robert Peel's Law Reforms.

It is not so much for anything he has actually done that I feel disposed to thank him, as for the countenance he has given to the subject of Law Reform. He has power from his situation to effect reforms which others hardly dare propose. His connexions in the Church and State render his services in this department almost invaluable. They have tended to silence the clamours that would otherwise have been raised against the reform of the law, and might possibly have proved fatal to it. If (which I do not believe) he intended to limit his efforts to what he has already accomplished; if he were disposed

to say, "Thus far have I gone, and no farther can I go with you," the gratitude of his country would still be due to him in an eminent degree, for having abashed the worst enemies of improvement by his countenance and support of it. But I trust he will again direct the energies of his mind to the great work of reformation, and bestow his exertions over a wider space.

Speech on the State of the Law, Feb. 7, 1828.

Inequality of Business in the Law Courts.

The time may come when, if a judge were to be made, in consequence of political influence, who was known not to be capable of properly filling the office, it might be said by those who supported him, "Oh, it does not matter—send him to the Court of Exchequer—he will have nothing to do there." Thus the small portion of business transacted; the suspicion, originating from the general mixture of suits carried on in different ways, that the business is not well done; the monopoly of attornies, together with several other causes, occasions this Court to be the least frequented of any; indeed, it has now scarcely anything to engage its attention. The Judges do not sit for more than half-an-hour some mornings, and there are hardly ever on the paper more than six or seven causes for trial after term—a dozen would be considered a large entry; when I well remember Lord Ellenborough having five hundred and eighty-eight set down for trial in London only; and the present Lord Chief Justice lately had on his papers no less than eight hundred and fifty untried causes. I mention this to support my proposition, that there is not really a free competition between the different Courts. To say, in the circumstances which I have stated, that suitors have free access to all the Courts equally, is a fiction—an assertion adapted to what ought to be, perhaps to what is intended, but certainly not founded on the fact.

Ibid.

Opinion of the Twelve Judges.

For my own part, I frankly confess that I am one of those who do not see the paramount excellence that some suppose to be vested in the number *twelve*; although Lord Coke has spoken of it with a degree of rapture, like that of the algebraist when he dwells upon the marvellous powers of three or nine. Twelve appears to be the number, in his view, connected with all that is important and venerable, either sacred or profane, ancient or modern; but as I, unfortunately, do not possess the lights by which he was guided, I cannot help thinking that fourteen is a much better number than twelve, although I cannot quote the fourteen Apostles, or the fourteen tables, or the fourteen wise men. It will, indeed, divide by seven, which is more than can be said of twelve, but I rely not upon that superiority: it has another arithmetical quality of more importance. Though neither so divisible, nor so beautiful, nor so classical as twelve, it contains two more units than twelve—beats it by two beyond all doubt or cavil; and that superiority recommends it for my present purpose. If twelve were beautiful in the days of Lord Coke, fourteen must now, I fear, on this account, take its place: for how any one can suppose that twelve men are able to do now what they were only enough to do centuries ago, is to me matter of astonishment; now, that they have seven or eight hundred causes to try, where they formerly had but thirty or forty, and when we know, that in the time of Lord Mansfield, in the late reign, sixty was reckoned a fair entry.

Ibid.

Suggestions for allowing Judges a Portion of the Fees in addition to their Salaries.

There are two observations, Sir, which I have to make relative to the Judges generally, and which I may as well state now I am upon that subject:—I highly approve of paying those learned persons by salaries, and not by fees, as a general principle; but, so long as the door is

thus closed to all ambition, so long must we find a tendency in them, as in all men arrived at their resting-place, to become less strenuous in their exertions than they would be if some little stimulus were applied to them. They have an irksome and an arduous duty to perform ; and, if no motive be held out to them, the natural consequence must be, as long as men are men, that they will have a disposition, growing with their years, to do as little as possible : I would, therefore, hold out an inducement to them to labour vigorously, by allowing them a certain moderate amount of fees. I say, a very moderate amount, a very small addition to their fixed salary, would operate as an incentive ; and if this were thought expedient, it ought to be so ordered that such fees should not be in proportion to the length of a suit, or the number of its stages ; but that the amount should be fixed and defined once for all, in each piece of business finally disposed of. I am quite aware that this mode of payment is not likely to meet with general support, especially with the support of the reformers of the law ; but I give the suggestion as the result of a long reflection, which has produced a leaning in my mind towards some such plan. I throw out the matter for inquiry, as the fruit of actual observation, and not from any fancy that I have in my own head ; but I may also mention that some friends of the highest rank and largest experience in the profession, agree with me in this point,—men who are among the soundest and most zealous supporters of reform in the Courts of Law.

Ibid.

The Principle which ought to guide the Government in the selection of Judges.

The other general observation that I have to make, with respect to the Judges, is of a nature entirely different from the last which I have submitted to the House. The great object of every Government, in selecting the Judges of the land, should be to obtain the most skilful and learned men in their profession, and, at the same

time, the men whose character gives the best security for the pure and impartial administration of justice : I almost feel ashamed, Sir, to have troubled you with such a truism ; but the House will presently see the application I am about to make of it. Sorry am I to say, that our system of judicial promotion sins in both these particulars. Government ought to fill the bench with men taken from among the most learned lawyers and most accomplished advocates—men who have both knowledge of the depths of jurisprudence, and sagacity to apply it—men who, from experience as leading advocates, possess the power of taking large and enlightened views of questions, and of promptly seizing the bearing of a case. There cannot be a greater error than theirs, who fancy that an able advocate makes a bad judge ; all experience is against it. The best judges in my time, with the exception of the present Lord Chief Justice, than whom no man can discharge his office more excellently and efficiently, have all of them been previously distinguished in the profession as advocates. But not only should the choice be unconfin ed by the legal acquirements and professional habits of the practitioner ; there ought not to be, in choosing Judges from the Bar, any exclusion or distinction. He alone ought to be selected, in whom talent, integrity, and experience most abound, and are best united. The office of Judge is of so important and responsible a nature, that one should suppose the members of Government would naturally require that they should be at liberty to make their selection from the whole field of the profession—that they would themselves claim to have the whole field open to their choice. Who could believe that a Ministry would not eagerly seek to have all men before them, when their object must be to choose the most able and accomplished ? But although this is obvious and undeniable, and although the extension of the Minister's search cannot fail to be attended with the highest public advantage, as well as the greatest relief to him in performing his trust, is it the case that any such general and uncontrolled choice is exercised ? Is all the field really open ? Are there no portions of the domain excluded from the

selector's authority? True, no law prevents such a search for capacity and worth! True, the doors of Westminster Hall stand open to the Minister! He may enter those gates and choose the ablest and best man there. Be his talent what it may, no man, to whom the offer is made, will refuse to be a Judge. But there is a custom above the law—a custom, in my mind “more honoured in the breach than in the observance”—that party, as well as merit, must be studied in these appointments. One half of the Bar is thus excluded from the competition; for no man can be a Judge who is not of a particular party. Unless he be the known adherent of a certain system of Government,—unless he profess himself devoted to one scheme of policy,—unless his party happen to be the party connected with the Crown, or allied with the Ministry of the day, there is no chance for him; that man is surely excluded. Men must be on one side of the great political question to become Judges; and no one may hope to fill that dignified office unless he belongs to the side on which courtly favour shines; his seat on the bench must depend, generally speaking, on his supporting the leading principles of the existing Administration.

It may be said that the Ministers do not expect that the opinions of a Judge should exactly coincide with theirs in political matters. Be it so; I stop not to cavil about trifles; but at all events, it must be admitted that, if a man belongs to a party opposed to the views of Government—if, which the best and ablest of men, and the fittest for the Bench, may well be, he is known for opinions hostile to the Ministry, he can expect no promotion; rather let me say, the country has no chance of his elevation to the Bench, whatever be his talents, or how conspicuously soever he may shine in all the most important departments of his profession. No one, I think, will venture to deny this; or if he do, I defy him to show me any instance, in the course of the last hundred years, of a man, in party fetters, and opposed to the principles of Government, being raised to the Bench. No such thing has taken place that I know of. Never have I heard of such a thing, at least in England; though we

have, perhaps, known instances of men who have changed their party to arrive at the height of their profession. But on this subject, desirous throughout of avoiding all offence, I will not press—Well—I do not wish to say a word about it.

In Scotland, it is true, a more liberal policy has been adopted, and the right honourable gentleman opposite has done himself great honour by recommending Mr. Gillies, Mr. Cranstoun (now Lords Gillies and Corehouse) and Mr. Clerk (Lord Eldin), all as well known for party men there as Lord Eldon is here, though their party has been, what is now once more termed, the wrong side; but all men of the very highest eminence among the professors of the law. Now, when I quote these instances in Scotland, I want to see examples of the same sort in England; for, however great my respect for the law and the people of the North may be, I cannot help thinking, that we of the South too, and our jurisprudence, are of some little importance, and that the administration of justice here may fairly call for some portion of attention.

Ibid.

Party Principles ought not to influence Judicial Appointments.—Conduct of the Whigs in 1806 in the appointment of Judges.

If, at the present moment, the whole of Westminster Hall were to be called upon, in the event of any vacancy unfortunately occurring among the Chief Justices, to name the man best suited to fill it, to point out the individual whose talents and integrity best deserved the situation—whose judicial exertions were the most likely to shed blessings on his country, can any one doubt for a moment whose name would be echoed on every side? No; there could be no question as to the individual to whom would point the common consent of those most competent to judge; but, then he is known as a party man, and all his merits, were they even greater than they are, would be in vain extolled by his profession, and

in vain desiderated by his country. I reprobate this mischievous system, by which the empire loses the services of some of the ablest, the most learned, and most honest men within its bounds.

And here let me not be supposed to blame one party more than another; I speak of the practice of all Governments in this country; and I believe, when the Whigs were in office, in 1806, they did not promote to the Bench any of their political opponents; they had no vacancies in Westminster Hall to fill up; but in the Welsh judicature they pursued the accustomed course. Now what is the consequence of thus carrying party principles into judicial appointments? The choice of Judges is fettered by being confined to half of the profession: so that you have less chance of able men; and those you get are necessarily partisans, and, therefore, less honest and impartial. Why should the whole bench be Ministerial or Tory—no man can desire it to be so—unless vacancies should occur during those visits of Whig Ministers, “few and far between,” when, once in a quarter of a century, power alights upon that party, and then spreads its wings and flies from them in a few months? Does not this arrangement instil into the minds of expectant Judges, and of men already on the Bench, a feeling of party fatal to strict justice in political questions? I speak impartially, but unhesitatingly, on this point; for it is perfectly notorious, that now-a-days, whenever a question comes before the Bench, whether it be upon a prosecution for libel, or upon any other matter connected with politics, the counsel at their meeting take for granted that they can tell pretty accurately the leaning of the Court, and predict exactly enough which way the consultation of the Judges will terminate, though they may not always discover the particular path which will lead to that termination. While the system I complain of continues, while you suffer it to continue, such a leaning is its necessary consequence. The Judges have this leaning—they must have it—they cannot help having it—you compel them to have it—you choose them on account of their notoriously having it at the Bar; and you vainly

hope that they will suddenly put it off, when they rise by its means to the Bench. On the contrary, they know they fill a certain situation, and they cannot forget by whom they were placed there, or for what reason.

Ibid.

The Defects in the Welsh Judicature.

Why should Wales, because it happens to be called the Principality, have the rights of property, and the personal privileges of the inhabitants, dealt with by different Judges, and almost by a different system from that which is established in England? In England you have the first men—men of the highest education and experience—to sit in judgment on life and property. In Wales you have as Judges, I will not say inferior men, but certainly not the very first, nor in any respect such as sit upon what Roger North calls the “cushion in Westminster Hall.” I shall here show three defects requiring a remedy most imperatively. Oftentimes those persons have left the Bar and retired to the pursuits of a country gentleman. I do not say for that reason that they are unfit for the office of a Judge, but still they cannot be so competent as men in the daily administration of the law, and forming part of our Supreme Courts. In some cases they continue in Westminster Hall—which is so much the worse, because a man, who is a judge one-half year, and a barrister the other, is not likely to be a good judge or a good barrister. But a second and greater objection is, that the Welsh Judges never change their circuits. One of them for instance goes the Caermarthen circuit—another the Brecon circuit—and a third the Chester circuit; but always the same circuit. And what is the inevitable consequence? Why, they become acquainted with the gentry, the magistrates, almost with the tradesmen of each district, the very witnesses who come before them, and intimately with the practitioners, whether counsel or attornies. The names, the faces, the characters, the histories of all those persons are familiar to them; and out of this too great knowledge grow likings and prejudices

which never can by any possibility cast a shadow across the open, broad, and pure path of the Judges of Westminster Hall. Then again they have no retiring pensions; and the consequence is, they retain their salaries long after they have ceased to discharge properly the functions for which they receive them. Now mark the result of this. On one of the Welsh circuits at the last Spring Assizes there were set down no more than forty-six causes for trial; and how many does the House think were disposed of? Only twenty; and of the twenty-six made remanets, are some that had stood over from the preceding Assizes. It is evident enough what should be done here. If any of the Judges of the Principality have become, from the extreme pressure of business on the one hand, or from any physical cause on the other, inadequate to the discharge of the business which comes before them, pension them off—if they be barristers yet remaining in Westminster Hall, and not fit to be raised to the Bench, pension them off too: sure I am that theirs will be the cheapest pension; nay, the most beneficial to the giver, “being twice blessed,” which has ever been bestowed. I verily think that the Principality would itself cheerfully pay this first cost of a better system. At all events, add two Judges to your present number, and let them take, with the other twelve, their turn and share in the business of the country. Let the Principality of Wales be divided into two circuits, and then you will have the work well done, and quickly done, especially if you transfer the Equity jurisdiction to the two Courts of Westminster. In addition to this, from the accession to the present number of Judges, the existing difficulties arising from the Bail Court and the Chamber practice will be done away.

Ibid.

On the Bishops having the appointment of Judges.

Is it a fit thing, I ask, now when Popery is no longer cherished, or even respected, nay, hardly tolerated among us, that one of its worst practices should remain—the ap-

pointment of some of the most eminent Judges in the Civil Law Courts by prelates of the Church? I except, indeed, the Judge of the High Court of Admiralty, because his commission proceeds from the Lord High Admiral; but I speak of all those who preside in the Consistorial Courts, who determine the most delicate and grave questions of spiritual law, marriage, and divorce, and may decide on the disposition, by will, of all the personality in the kingdom. Is it a fit thing that the judges in these most important matters should be appointed, not by the Crown, not by removeable and responsible officers of the Crown, but by the Archbishop of Canterbury and Bishop of London, who are neither removeable or responsible; who are not lawyers—who are not statesmen—who ought to be no politicians—who are, indeed, priests of the highest order, but not, on that account, the most proper persons to appoint Judges of the highest order? So it is in the province of York, where the Judges are appointed by the Archbishop, so in all other Consistorial Courts, where the Judges are appointed by the Bishops of the respective dioceses in which they are situated.

Ibid.

Of the Establishment of Trial by Jury in India.

I should say, that a reform of the judicatures of India would be matter highly deserving the consideration of his Majesty's Government. I am at a loss to know, why there should be so rigorous an exclusion of jury trials from the native Courts of India. I know, and every one must know, who has taken the trouble to inquire, that the natives are eminently capable of applying their minds to the evisceration of truth in judicial inquiry; that they possess powers of discrimination, ready ingenuity, and sagacity in a very high degree; and that where they have been admitted so to use those powers, they have been found most useful and intelligent assistants in aiding the investigation of the judge. But I know, also, that your present mode of administering justice to those native subjects, is such as I can hardly speak of without shame.

Look at your local Judges—at their fitness for judicial functions. A young writer goes out to India, he is appointed a Judge, and he repairs to his station, to make money by distributing justice, if he can, but at all events to make money. In total ignorance of the manners, the customs, the prejudices, possibly of the language of those upon whose affairs and conduct he is to sit in judgment, and by whose testimony he is to pursue his inquiries, and, very possibly, equally uninformed of the laws he is to administer; he must needs be wholly dependent upon his Pundit for direction, both as to matter of fact and matter of law, and most probably becomes a blind passive tool in the hands of a designing minister.

Ibid.

Introduction of British Justice into India. Sagacity of a Brahmin Juror.

The experiment of trial by jury, by which this serious evil may, in part, be remedied, has been already tried. The efforts made by a learned Judge of Ceylon, Sir Alexander Johnson, to introduce into that colony the British system of justice, manfully supported by the Government at home, have been attended with signal success. I am acquainted with a particular case, indeed,—the details of it are too long to lay before the House,—but which showed the fitness of the natives to form part of a tribunal, notwithstanding the prevalence of strong prejudices in a particular instance among them, where the failure of the experiment might, therefore, have been apprehended. A Brahmin was put on his trial for murder, and a great feeling existed against him, possibly against his caste. Twelve of the jury were led away by this feeling, and by the very strong case which a subtle conspiracy had contrived against the prisoner,—when a young Brahmin, the thirteenth juror, examined the evidence with a dexterity and judgment that excited the greatest admiration, and from his knowledge of the habits and manners of the witnesses, together with ex-

traordinary natural sagacity, succeeded in exposing the plot, and saving the innocent man.

Nothing could be better calculated to conciliate the minds of the natives, than allowing them to form part of the tribunals to which they are subject, and share in administering the laws under which they live. It would give them an understanding of the course of public justice, and of the law by which they are ruled; a fellow feeling with the Government which executes it; and an interest in supporting the system in whose powers they participate. The effect of such a proceeding would be, that in India, as in Ceylon, in the event of a rebellion, the great mass of people, instead of joining the revolters, would give all their support to the Government. This valuable, but not costly fruit of the wise policy pursued in that island, has already been gathered. In 1816, the same people, which twelve years before had risen against your dynasty, are found marshalled on your side, and helping you to crush rebellion. So will it be in the Peninsula, if you give your subjects a share in administering your laws, and an interest and a pride in supporting you. Should the day ever come, when disaffection may appeal to seventy millions, against a few thousand strangers, who have planted themselves upon the ruins of their ancient dynasties, you will find how much safer it is to have won their hearts, and universally cemented their attachment, by a common interest in your system, than to rely upon a hundred and fifty thousand Seapoy swords, of excellent temper, but in doubtful hands.

Ibid.

Lord Eldon's Rule for striking a Magistrate's Name off the List.

It was laid down as a rule by the late Lord Chancellor Eldon, from which no consideration, his lordship used to say, should induce him to depart, that, however unfit a magistrate might be for his office, either from private misconduct or party feeling, he would never strike him off the list until he had been convicted of some offence

by the verdict of a Court of Record. Upon this principle he always acted. No doubt his lordship felt that as the magistrates gave their services gratis, they ought to be protected; but still it is a rule which opens the door to very serious mischief and injustice; and I myself could, if necessary, quote cases in which it has been most unfortunately persevered in.

Ibid.

Impropriety of making Clergymen Magistrates.

I have very great doubts as to the expediency of making clergymen magistrates. This is a course, which, whenever it can be done conveniently, I should certainly be glad to see changed, unless in counties where there are very few resident proprietors. My opinion is, that a clerical magistrate, in uniting two very excellent and useful characters, pretty generally spoils both; that the combination produces what the alchymists call, a *tertium quid*, with very little indeed of the good qualities of either ingredient, and no little of the bad ones of both, together with new evils superinduced by the commixture. There is the activity of the magistrates in an excessive degree; over activity is a very high magisterial offence in my view, yet most of the magistrates distinguished for over activity are clergymen: joined to this, are found the local hatings, and likings, and, generally, somewhat narrow-minded opinions and prejudices, which are apt to attach to the character of the resident parish priest, one of the most valuable and respectable, if kept pure from political contamination. There are some lords-lieutenants, I know, who make it a rule never to appoint a clergyman to the magistracy; and I entirely agree in the policy of that course, because the education and pursuits of such gentlemen are seldom of a worldly nature, and therefore by no means qualifies them to discharge the duties of such an office; but, generally speaking, as the House must be aware, through the country, the practice is far otherwise. Again, some lords-lieutenants appoint men for their political opinions; some for acting as par-

tisans in local contests ; some are so far influenced as to keep out all those who take a decided part against themselves in matters where all men should be free to act as their opinions dictate, and in the exercise of this patronage no responsibility whatever substantially exists.

Ibid.

The Privileges of a Magistrate.

In the first place, they have the privilege of granting or withholding licences. As we all know, it lies in the breast of two justices of the peace to give or to refuse this important privilege. It is in their absolute power to give a licence to one of the most unfit persons possible ; and it is in their power to refuse a licence to one of the most fit persons possible. They may continue a licence to a person who has had it but a twelvemonth, and who, during that twelvemonth has made his house a nuisance to the whole neighbourhood ; or they may take away a license from a house to which it has been attached a whole century, and the enjoyment of which has not only been attended by no evil, but has been productive of great public good ; and all this, be it observed, they do even without ever the shadow of control. There is no rule more certain, than that a mandamus does not lie to compel justices either to grant or withhold a licence. I hardly ever remember moving for one ; and I only once recollect a rule being granted—it was on the motion of my honourable and learned friend, the Solicitor General. But I know that great astonishment was expressed on the occasion ; that every one asked what he could have stated, to make the court listen to the application ; that all took for granted it would be discharged, as a matter of course ; which it was accordingly, in less time than I have taken to relate the circumstance.

Ibid.

Irresponsibility of the Magistracy.

And what control is there over the conduct of the

licensing magistrate? I shall be told that he may be proceeded against, either by a criminal information, or by impeachment. As to the latter, no man of common sense would think of impeaching a magistrate, any more than he would think now-a-days of impeaching a minister. Then, as to proceeding by criminal information;—in the first place, it is necessary, in order even to obtain a rule, to produce affidavits that the magistrate has been influenced by wilful and corrupt motives: not merely affidavits of belief in those who swear, but of facts, proving him guilty of malversation in his office. Then suppose, as not unfrequently happens, a rule obtained on this *ex-parte* statement, the magistrate answers the charge on oath; he swears last, and may touch many points never anticipated by the other party, consequently not answered: and unless the alleged facts remain, upon the discussion, undeniable, and the guilt to be inferred from them seems as clear as the light of day, the rule is discharged with costs. The difficulty of proving corruption is rendered almost insuperable, because all the magistrate has to do, in order to defend himself from the consequences of granting or withholding a licence, is to adopt the short course, of saying nothing at the time—of keeping his own counsel—of abstaining from any statement of his reasons. Let him give no reason for his conduct, and no power on earth can touch him. He may grant a licence to a common brothel, or he may refuse a licence to one of the most respectable inns on the north road; let him withhold his reasons, and his conduct remains unquestionable, although the real motive by which he is actuated may be, that he is in the habit of using the one house, and that the landlord of the other will not suffer him to use it in the same way. Unless you can show that he has himself stated his motives, or that there are circumstances so strong against him as amount to conviction, you are even prevented from instituting an inquiry on the subject. Thus absolute is the authority of the magistrate with regard to licensing.

The Judges of the land chosen from the professors of the law, after the labours of a life previously devoted to

the acquirement of knowledge calculated to fit them for their office, and clothed with attributes of supreme power over petty magistrates, are responsible for every word and act, and are subject to every species of revision and control. They are selected with the most anxious caution for every qualification of high character and of profound knowledge; and yet they are incapable of pronouncing a single decision, from which an appeal will not lie to some other tribunal immediately above them: while, from the decision of the country justices—taken from the community at hazard, or recommended by the habits least calculated to make them just—subject to no personal responsibility, because beyond or below the superintendence of public opinion, and irremovable, unless by a verdict for some indictable offence—in their decision there is no appeal; unless their judgments shall have been set forth in a case, submitted by their own free will, with their express permission, to the Court of King's Bench.

Ibid.

A singular Instance of the Influence of the Crown in defeating Justice.

There was a case in the Court of Exchequer, in which I acted as counsel for the defendant, and had to subject a Crown witness to a severe cross-examination; he exhibited strong indications of perjury, but the verdict went against me notwithstanding. My learned friend, Mr. Serjeant Jones (whose talents and professional skill entitle him to higher praise than any in my power to bestow), whether he profited by my experience or was more dexterous in dealing with the case, did honour to himself by succeeding in the next trial, when the same witness was examined; for the suspicion of perjury entertained before was now turned into certainty, and the party acquitted. A prosecution was now instituted against that man and others connected with him; eighteen indictments were found at the sessions, and the Crown at once removed the whole by *certiorari* into the Court of King's Bench.

There they were all to be tried, and a former Attorney-General conducted the prosecution. On the first, Meade, the witness I have mentioned, was clearly convicted. The other seventeen were then to have been tried, and Mr. Sergeant Jones called them on, but the Crown had made them all special jury causes : a sufficient number of jurymen did not attend ; my learned friend wanted to pray a tales, and the Crown refused a warrant. Thus an expense of ten thousand pounds was incurred, and a hundred witnesses from Yorkshire brought to London, all for nothing, except, after the vexation, trouble, and delay he had endured, to work the ruin of the prosecutor, who had been first harassed upon the testimony of the perjured witnesses. These poor Yorkshire farmers, whom the villain had so vexed, had no more money to spend in law ; all the other prosecutions dropped. Meade obtained a rule for a new trial, but funds were wanting to meet him again, and he escaped ; so that public justice was utterly frustrated, as well as the most grievous wrong inflicted upon individuals. Nor did it end here ; the poor farmer was fated to lose his life by the transaction. Meade, the false witness, and Law, the farmer whom he had informed against, and who was to become the witness against him upon the approaching trial, lived in the same village ; and one evening, in consequence, as was alleged, of some song or madrigal sung by him in the street, this man, Meade, seized a gun and shot Law from his house dead upon the spot. He was acquitted of the murder, on the ground of something like provocation, but he was found guilty of manslaughter, and such was the impression of his guilt upon the mind of the Court, that he was sentenced to two years' imprisonment. A case of more complicated injustice, one fraught with more cruel injustice to the parties, I never knew in this country, nor do I conceive that worse can be found in any other. We may talk of our excellent institutions, and excellent they certainly are, though I could wish we were not given to so much pharisaical praising of them ; but if, while others, who do more and talk less, go on improving their laws, we stand still and suffer all our worst abuses to continue,

we shall soon cease to be respected by our neighbours, or to receive any praises, save those we are so ready to lavish upon ourselves.

Ibid.

Brougham's Opinion of Canning.

The brilliant success which has attended the introduction of a liberal system in our foreign affairs, under the administration of a late right hon. gentleman, of transcendent merits, will, I hope, sufficiently show the necessity of proceeding in the same course. I trust that the talents and exertions of that gentleman (who has fallen a sacrifice to the vile abuse which has been heaped upon him) will not even now be lost to the country. The success which has attended his efforts induces me to hope that the liberal system which that gentleman has introduced will be for ever pursued by this country. I trust that we shall no longer have to dread lest our names should be coupled with liberal principles; I trust that we shall not, in future, be ashamed of all that is best in our institutions, while we support all that is worst, all that is most approved, all that is most legitimate in other monarchies. I trust that England will long continue to be, what she has been for three or four years past, since Mr. Canning came into office, the refuge and solace of persecuted freemen, and not the refuge and solace of the tyrants by whom they are persecuted; that wherever any tyranny is exercised—wherever any system of misgovernment is apparent—wherever any plan of cruelty or of fraud is perpetrated and enforced against the liberties of the people—that those who suffer by such iniquitous proceedings will never fail to look to England for succour and support.

January 29, 1828 (Session).

Beneficial effects of Cheap Law.

How can I, or any one conversant with the practice of the law, adequately express the benefits of having a cheap redress for petty wrongs, when we daily witness

the evils of the opposite system? How often have I been able to trace bankruptcies and insolvencies to some lawsuit about ten or fifteen pounds, the costs of which have mounted up to large sums, and been the beginning of embarrassment! Nay, how often have we seen men in the situation described by Dean Swift, who represents Gulliver's father as ruined by gaining a Chancery suit with costs!

February 7, 1828.

Litigation avoided by the establishment of Courts of Arbitration.

If arbitrators were publicly appointed, before whom parties themselves might go in the first instance, state their grounds of contention, and hear the calm opinion of able and judicious men upon their own statements, their anger would often be cooled, and their confidence abated, so as to do each other justice without any expense or delay. Such a tribunal exists in France, under the name of *Cour de Conciliation*; in Denmark it exists; and for certain mercantile causes in Holland also. If it be thought too great a change to introduce it here, in what I deem its best form, I think much good would arise from a modification of it—the appointment of Public Arbitrators, who might at all times sit and take references by consent, with process to compel the attendance of witnesses, and the execution of their awards. At least we should see all those cases taken before them at once which are now brought at great cost into courts wholly unable to try them, and are uniformly greeted with the observation from both Bench and Bar—"Oh, an account and a set-off—a hundred items—so many issues—no judge or jury can try it," after all the expense of trying it has been incurred.

Ibid.

On the Law of Arrest and Outlawry.

What would be the effect of altering the law in this respect? Could its reformation injure any one? Certainly

not ; on the contrary, it would benefit all classes of the community. The very first consequence of such an alteration would be to make tradesmen less easy in giving credit, by rendering them more cautious. At present they are induced to rely on the suddenness of personal arrest for compelling a payment of their demands in preference to others, and thus to speculate upon the chance of payment from insolvent persons ; so they enter into a competition—not an honest, praiseworthy competition, in the correctness of their dealings, or the goodness of their wares—but a competition in the credit they give to needy and profligate, or suspected and extravagant men, unable to pay anything like the whole amount of the debts which the rashness or cupidity of tradesmen may allow them to contract. And on whom does the loss thus incurred by the tradesman finally fall ? Not unfrequently on those who can and do pay ; they have to answer for those who do not ; they pay a sort of *del credere* in proportion to the loss incurred through giving credit—a species of insurance on all bad debts. Even the more respectable customers would be all the more regular in their dealings and economical in their habits, were they never tempted by easy credits to buy what they have not money to pay for.

My next objection to the present system under this head is, that no proceeding can take place in our courts unless there be an actual appearance. We outlaw a man to compel an appearance. Why do so ? Why can we not proceed as in the case of ejectment, where a notice is left at the dwelling-house ? Why can we not leave a writ at a man's house, stating what we sue him for ; and only when we think him about to fly call upon him to give surety ? I repeat, why not send a writ to the known domicile or house of business of the debtor ? a writ, too, which shall plainly describe the cause of action, instead of serving him with a writ that only tells him he is a prisoner for some reason or other, which in due time he will be informed of ; and, if he cannot be found, outlawing him after nine months' delay ? This is done in Holland, a mercantile country, and in Scotland, a wary

country, where too great charity is not generally shown to the debtor; at least the Scotch have not the reputation of being unnecessarily merciful on such occasions; yet a writ to take the debtor's person is only obtainable there if he be *in meditatione fugæ*. Our process of outlawry is, in its nature, extremely foolish; its object being to compel an appearance, which, after all, is not necessary, provided the party wilfully absents himself after due notice. If a man chooses to keep away, why not proceed without him after such a delay, and so many services at his place of residence, as shall ensure him having a knowledge of the action? As for any scruple about proceeding against an absent man, without making perfectly sure of his having notice, the present law has no right to say a word on the subject; for its process of outlawry is neither more nor less than a mean by which you harass an absent man, without even pretending to give him notice. He may be in the Greek Islands, on the coast of Africa, or in the backwoods of America, and his creditor can outlaw him, and proceed to have his goods forfeited without his being aware of the transaction, and without the proceeds of the forfeiture necessarily benefiting any one but the Crown. In Exchequer cases, it is true, the debt and costs, not exceeding 50*l.*, are paid out of the fund which arises from selling the goods; in all other cases a party must apply to the Lords of the Treasury. Why should this be? What have the Lords of the Treasury to do with the legal remedy of plaintiffs in suits? Why send any one to the executive power for the redress which the judicial authority alone ought to administer?

Ibid.

Special Pleading—Vicious Nature of Modern Pleading.

Anciently this pleading, as it is termed, was by word of mouth; but in more modern times it has been carried on in writing. Originally, too, pleas were in French, afterwards in Latin, and, for a century past, by a great, but most salutary innovation, doubtless much reviled and dreaded in its day, they have been conducted in English.

Lord Coke deemed special pleading so delightful a science, that its very name was derived, according to him, from its pleasurable nature: "*Quia bene placitare omnibus placet.*" Incapable of inventing a new pleasure, I would fain restore a lost one, by bringing back pleading to somewhat of its pristine state, when it gave our ancestors such exquisite recreation. Certain it is that our deviation from the old rules in this branch of the law has been attended with evil effects. Those rules, as Lord Mansfield once said, were founded in reason and good sense; accuracy and justice were their object, and in the details much of ingenuity and subtlety were displayed; but by degrees the good sense has disappeared, and the ingenuity and subtlety have increased beyond measure, and been oftentimes misdirected; nay, to such a pitch have the changes proceeded, that at last subtlety has superseded sense; accuracy and justice are well nigh lost sight of; and ingenuity is exhausted in devising pretexts for prolixity and means of stratagem. In these really hurtful innovations the courts of law have been the far too ready accomplices; and the legislature has been a most willing instrument to increase the evil, by sanctioning, almost as a matter of course, in each new Act the power of pleading the general issue: so that to call the modern practice by the name of *special* pleading is an abuse of terms. It can be only restored to its ancient condition, and made deserving, if not of Lord Coke's panegyric, yet of the more measured commendations of Lord Mansfield, by reviewing the entire system as it at present stands. My wish is, as far as possible, to revive the accuracy of the old pleading, without its niceties and verbosity; while pains are taken to improve it where this can safely be done, by adapting it to the advanced state of modern jurisprudence.

Ibid.

Pleading, as it should be.

The first great rule of pleading should be to induce and compel the litigant parties to disclose fully and distinctly the real nature of their respective contentions,

whether claim or defence, as early as possible. The second is, that no needless impediment should be thrown in the way of either party, in any stage of the discussion, within the Court, whether plea, replication, or rejoinder, whereby he may be hindered to propound his case in point of fact or of law. In the third place, all needless repetitions, and, generally, all prolixity, should, as well as all mere reasoning which neither simply affirms nor denies any proposition of fact or of law, be prevented; and all repugnant or inconsistent pleas should be disallowed, as well as all departure from ground once taken.

Ibid.

The truth of a Libel ought to be considered by the Jury.

There is a test, excluded in cases of libel, of which I shall say the less, that I brought in a Bill some years ago to remedy this defect. The main question in any prosecution for libel being the innocence or guilt of the publication, is it not preposterous to keep the proof of its truth or falsehood from the view of the Court? Almost everything else is admitted which can throw any light upon the motives of the party; but that is carefully shut out which is the best test by far of their nature, though certainly only an unilateral test, inasmuch as there must always be guilt if there is falsehood, though truth does not of necessity prove innocence. Nay, the defendant cannot even be allowed to urge the truth in mitigation of punishment after conviction: as if there were the same criminality in publishing that a man had been tried and sentenced to the gallies for forgery, who was so sentenced, and that an innocent individual had been sent thither, who never had been tried or even suspected of the offence—a case which lately occurred within my own experience.

Ibid.

Religious Opinions ought not to disqualify a Person for giving Evidence.

Furthermore, I ask, why should any class of persons be excluded from giving evidence in criminal cases on

account of their religious opinions, notwithstanding their testimony is admissible in cases of a civil nature? A Quaker is precluded by his religion from taking an oath; his affirmation is received in civil, but rejected in criminal cases. I was once employed, with two of my learned friends, to defend a man prosecuted by the Attorney-General for a misdemeanour. We had a very worthy and learned physician, by whose testimony we expected to rebut the charge; but it turned out, when he came to the witness-box, that he was a Quaker; of course he would not swear, and equally of course he could not affirm; our client, also of course, was convicted. This is bad every way; it is bad for that it suffers guilt to escape; it is bad for that it suffers innocence to be destroyed. The Quakers, it is true, desire not to see a change, because, being averse to capital punishments, they do not wish their testimony to be used in capital cases; but they forget that their evidence may be the only means of saving an innocent person from the very punishment of death to which they object, and that, rather than help to hang the guilty, because they dislike the punishment, they are allowing the innocent to suffer by the self-same punishment. There is, in my opinion, no reason for excluding any individual, be he of what religion, sect, or persuasion he may, from giving testimony in cases of every kind, provided he believes in the existence of a God, and a state of future rewards and punishments, and is not openly infamous by sentence of a court.

Ibid.

Defects in the Law of Debtor and Creditor.

The judgment pronounced, there follows the execution; and in this most important branch of the law, which may be emphatically called the law of debtor and creditor, I feel perfectly justified in declaring our system to be the very worst in Europe, departing the most widely from the principles which ought to regulate a creditor's recourse against his debtor. Those principles are abundantly plain. In proportion as, before the debt has been proved,

the person and property of the party charged should be free from all process not necessary to prevent evasion; so, after judgment, ought the utmost latitude be given to obtain satisfaction from all the defendant's property whatever—land, goods, money, and debts; for to himself they no longer belong. To allow any distinction between one kind of property and another seems the height of injustice. No consistent reasoner can maintain the propriety of exempting land more than chattels; no honest debtor can claim the privilege which he waived when he contracted the debt. In the case of a person deceased, all kinds of debts and all creditors should come in equally upon an insolvent estate; and preference only be given to a mortgage or other lien. The chattel itself sued for should be returned, and damages only given where it has been lost. The person of the debtor should not be taken in execution unless there is either a wilful concealment of property, or there has been criminal or grossly imprudent conduct in contracting the debt; for the two objects should be kept carefully distinct, of what is done to satisfy the creditor, and what is done to punish the debtor. Lastly, the former should obtain his satisfaction as speedily as may be, and as conveniently for the latter as is consistent with the creditor's security. How widely does our law depart from these obvious and natural principles, by dint of refinements, blunders, and openly-avowed injustice!

Ibid.

Salutary Innovation.

The great stream of time is perpetually flowing on; all things around us are in ceaseless motion; and we vainly imagine to preserve our relative position among them by getting out of the current and standing stock still on the margin. The stately vessel we belong to glides down; our bark is attached to it; we might "pursue the triumph, and partake the gale;" but, worse than the fool who stares expecting the current to flow down and run out, we exclaim, Stop the boat!—and would tear it away to

strand it, for the sake of preserving its connexion with the vessel. All the changes that are hourly and gently going on in spite of us, and all those which we ought to make, that violent severances of settled relations may not be effected, far from exciting murmurs of discontent, ought to be gladly hailed as dispensations of a bountiful Providence, instead of filling us with a thoughtless and preposterous alarm.

Ibid.

A Royal Road to Honour.

In pursuing the course which I now invite you to enter upon, I avow that I look for the co-operation of the King's Government; and on what are my hopes founded? Men gather not grapes from thorns, nor figs from thistles. But that the vine should no longer yield its wonted fruit, that the fig-tree should refuse its natural increase, required a miracle to strike it with barrenness. There are those in the present Ministry whose known liberal opinions have lately been proclaimed anew to the world, and pledges have been avouched for their influence upon the policy of the State. With them, others may not, upon all subjects, agree; upon this I would fain hope there will be found little difference. But, be that as it may, whether I have the support of the Ministers or no—to the House I look with confident expectation, that it will control them, and assist me; if I go too far, checking my progress—if too fast, abating my speed—but heartily and honestly helping me in the best and greatest work which the hands of the lawgiver can undertake. The course is clear before us; the race is glorious to run. You have the power of sending your name down through all times, illustrated by deeds of higher fame and more useful import than ever were done within these walls. You saw the greatest warrior of the age—conqueror of Italy—humbler of Germany—terror of the North—saw him account all his matchless victories poor, compared with the triumph you are now in a condition to win—saw him contemn the fickleness of Fortune, while, in despite of

her, he could pronounce his memorable boast, "I shall go down to posterity with the Code in my hand!" You have vanquished him in the field; strive now to rival him in the sacred arts of peace. Outstrip him as a lawgiver whom in arms you overcame! The lustre of the Regency will be eclipsed by the more solid and enduring splendour of the reign. The praise which false courtiers feigned for our Edwards and Harrys, the Justinians of their day, will be the just tribute of the wise and the good to that Monarch under whose sway so mighty an undertaking shall be accomplished. Of a truth, sceptres are most chiefly to be envied for that they bestow the power of thus conquering and ruling thus. It was the boast of Augustus—it formed part of the glare in which the perfidies of his earlier years were lost—that he found Rome of brick, and left it of marble; a praise not unworthy a great prince, and to which the present reign has its claims also. But how much nobler will be our Sovereign's boast, when he shall have it to say, that he found law dear and left it cheap! found it a sealed book—left it a living letter! found it the patrimony of the rich—left it the inheritance of the poor! found it the two-edged sword of craft and oppression—left it the staff of honesty and the shield of innocence! To me, much reflecting on these things, it has always seemed a worthier honour to be the instrument of making you bestir yourselves in this high matter, than to enjoy all that office can bestow—office, of which the patronage would be an irksome incumbrance, the emoluments superfluous to one content, with the rest of his industrious fellow-citizens, that his own hands minister to his wants: and, as for the power supposed to follow it, I have lived near half a century, and I have learned that power and place may be severed. But one power I do prize: that of being the advocate of my countrymen here, and their fellow-labourer elsewhere, in those things which concern the best interests of mankind. That power, I know full well, no Government can give—no change take away!

Ibid.

Sir Samuel Romilly.

A high authority on all subjects, but still higher upon those relating to the laws of the country, and more peculiarly to be revered and followed upon that branch of jurisprudence with which he was peculiarly conversant—one of the highest ornaments of that profession which he illustrated during a long, brilliant career.

April 24, 1828.

Mercantile Law—Law of Partnerships.

It very often happens that mercantile men do not know what funds belong to them, and what to others; who their partners are, or whether they have any partners at all. Good as I believe some part of the mercantile law to be—good as I believe the common law part of it to be—yet a more vicious, more obscure, more uncertain, and more enslaving system than the law relating to partnerships does not in my opinion exist anywhere.

Ibid.

Objections of Lawyers to Legal Reforms.

Lawyers are not interested, *quasi* professional men, because, far from lessening their business, every such change has a direct tendency to increase it. But men are not always actuated by interested motives. Men who have been long used to a system have another bias, quite as dangerous, quite as strong, though not sordid. Some men are strongly prejudiced in favour of a system in which they have been born and bred; they love the mysteries which they have spent so much time in learning, and they do not like the rude hand which would sweep away the cobwebs, in spinning which they have spent their toil, their days, for perhaps half a century.

Ibid.

Protestantism in Ireland.

I doubt whether, if it came to a balance, the interests

of the Protestants would not be found as great as that of the Catholics. They are small in number, but great in point of wealth. They are surrounded by an immensely disproportionate body of another religion, a religion which is made an opposite one by arbitrary acts.

May 12, 1828.

Intimidation.

What is intimidation? I can understand that an individual may be intimidated, and, by so base a motive as that of fear, be led to consent to an act by which he sacrifices his honour to self-interest, and to the object of gaining a paltry end, with the advantage of an escape from personal risk; but that cannot be the case with us. We are not treating for ourselves. We are trustees—we are guardians—we have nothing strictly personal to stake—and we can have no such fear. When, therefore, I speak of the disturbed state of Ireland influencing my vote, it is not that I am in personal danger; but that, acting for others, I shrink from rushing into a determination to entertain measures that must endanger the tranquillity and happiness of the empire. The error arises here from confounding the meanest and basest sort of intimidation with that proper fear or caution which men acting for the interests of others ought to feel.

Catholic Question, May 12, 1828.

The Selection of Judges.

I deny that it is as necessary to choose judges from amongst barristers who are in the highest scale of practice, as from among those who are in the second scale. In the profession of the law there are always two or three who will always outstrip the rest, and there will be others who will approach them at no great distance; but there is a third and a more numerous class, who are quite competent to the discharge of judicial functions; and I deny that the Bench should be filled with men of the very first or even with men of the second class. We ought not to

consider the amount of salary merely ; we ought to recollect that nothing is so great an attraction to a man as dignity, a certain income, and the absence of competitors ; for men learn to appreciate all these things when they see others fail in health, and the emoluments of their profession falling off from time, or from others treading on their heels. Men calculate upon all these matters, and are readily induced to exchange the uncertainty and labour of professional conflict for certainty and retirement on the Bench. I have no doubt that many men whose professional income is £6000 in England would be glad of a seat upon the Bench at a salary of £4000 ; and I have no doubt, also, that many men in Scotland, whose professional income bears the same proportion to £2000, would be glad of a seat on the Bench at a salary of £2000.

May 21, 1829.

The Principle of Political Neutrality.

Though many may think that the crimes of Dom Miguel, and the sufferings of his unhappy subjects, give us a right to interfere with his Government, and to tear him down from that height to which, by his crimes, he has ascended, yet, however anxious might be my wish to see that tyranny put an end to, I should be the last man to counsel stirring one step for the purpose of obtaining an object, which, though greatly to be desired, can only safely, can only lawfully, be accomplished by those who live under his Government. I would counsel, strictly and vigorously, non-interference, with reference even to Dom Miguel ; not that I hate his tyranny less, but that I love peace and its principles more.

Speech on Affairs of Portugal, June 1, 1829.

Conduct of Members at the commencement and close of the Parliamentary Session.

Who can doubt it that has lived to see a Parliament expire, and who recollects the strong difference—the marked contrast—exhibited by the opening and close of

that Parliament—between its spring time and its latter days? These latter days are marked by prudence, by discretion, by a saving spirit, by a fearful looking to the after-judgment which awaits it, by an impression—a lively impression—upon its mind, while lingering on its death-bed, of the fate it has to meet, of the tribunal before which it has to appear, of the account it has soon to render up: by all these, I say, are its latter days distinguished. But when it returns from its constituency with renovated youth, with six years of life before it, there is no longer a disposition to save money—to be sparing of encroachments on the people's rights—to humour them even in their caprices, as in the later days of its existence,—there is not an inclination to consult their sound, reasonable opinions: for men have a disposition to believe that that which is not to happen in six or eight months is not to happen at all.

Debate on O'Connell's Motion for Vote by Ballot and Triennial Parliaments. May 28, 1830.

Opinion of Triennial Parliaments.

It is morally certain that, if you had an election every three years instead of every six, that party which is always the same, which has no variation, being the Government—the Government—and still the Government, for, however counsels and circumstances might change, it would still be the executive Government,—a corporation that never dies, which, being possessed of wealth, and honours, and of all the patronage which our immense overgrown establishments give it, would, sooner or later, make its influence felt more fearfully even than now. But if, with the duration of Parliament cut down to three years, you take those steps which I hold to be an essential part of any measure which is to deserve the name of Parliamentary Reform,—I mean the reduction of the expenses of contested elections,—you might then, and then only, safely and advantageously so shorten the duration of Parliament.

Ibid.

Opinion of Vote by Ballot.

This question strikes me as a practical, and not as a theoretical one; and, as I have stood four contested elections, I may be so allowed to lock upon it. I do not think any arrangement can be made for taking the vote by ballot which would give you anything approaching to a security from the concealment of the vote, unless by running risks and embracing evils much greater than those endeavoured to be avoided. It is easy to say, "Let a man vote by ballot as you do in a club-room;" but nothing can be less like the fact when you come to put the system into operation. I need not tell those who have stood contested elections, that, as long as returning a member is an object of great ambition to some,—of profit, I am sorry to say, to others,—and an object dear to all those who step forward as candidates, their friends will be assiduous, early and late in the field, canvassing from one end of the country to another. They will divide it into districts, with canvassers and committees over each district, whose business it will be constantly to be among the voters, and, as long as the canvass lasts, almost to live with them. This is supposing there is a contest, for where there is none the ballot will not be called for; and supposing, also, there are tenants fearful of their landlords, and landlords have the disposition and the power to oppress their tenants, for else the ballot will not be necessary. But we are told, that, in case of the ballot, when his landlord's agent comes round, the voter has only to say to him, "I certainly mean to vote for you; it is my solemn determination: you are my landlord, I have thriven under you, and will assuredly vote for you." This he is fairly and honestly to say, meaning all the while, in his own mind, fairly and honestly to vote for his landlord's enemy, when it is said he will be protected by the ballot. Well, he goes to the poll; and instead of coming up in that mean, miserable, paltry way, which English freeholders now do—for I do not mean to insert such terms as skulking, slinking, sneaking, into the question, as they have nothing to do with it—well, then, he goes up to the poll, and

goes into the sentry-box, or whatever other piece of machinery the advocates may invent for him, to give the ballot falsely, (I make the argument at present of the difficulty of doing that,) and there deposits his stamp or billet—which, I suppose, will not be subject to the forgery laws, as it is not made negotiable—and safely comes away, comes away without discovery of what he has done ; but now comes the difficulty—now comes the rub. He goes back to his landlord, against whom he has voted, and congratulates him upon the triumph he will obtain over his adversary. Matters continue thus for two or three days, the contest being likely to be the subject of conversation. There are meetings of the voters, and conversations between families in their walks to church, after church, and perhaps at the ale-house—for it is barely possible for a voter to go to the ale-house—and in all these situations our voter is to be so constantly on his guard as never to drop a single syllable or single hint that can give rise to a suspicion of which way he actually gave his vote. He must keep a most guarded mouth upon his tongue ; he must say nothing to his wife, to his children, to his bosom friend, to his pot-companion ; to all must he be dumb. That is the position in which our worthy honest freeholder, under the best possible supposition, is to be kept for three long years, till the next occasion arises for exercising his honest vote.

Ibid.

Opinion of the French Revolution of 1830.

. . . That revolution, which in my conscience I believe to be the most glorious in the annals of mankind, whether we regard the promptitude with which the acts of lawless despotism were repelled, or the yet more glorious temperance which distinguished the combatants after the battle was gained ; for it is far more glorious for a people to gain a conquest over their passions when roused to vengeance than to overcome a tyrant in the field of battle.

Speech in the House of Commons, Nov. 2, 1830.

“Measures, not Men.”

I beg here to state that, as a general-principle, my intention is to support measures which meet with my approbation, and to oppose those of a contrary tendency; let the one or the other come from whom they may. . . . Let good measures be proposed,—careless shall I be from whom they emanate; even should the proposer be of opposite principles to myself, I will support them. It is necessary, however, that I should qualify the doctrine of its being not men but measures that I am determined to support. Such doctrine in a monarchy is unintelligible and irrational. In a republic like America, where all things are canvassed, sometimes with open and sometimes with closed doors,—and where I have my vote on whatever is proposed,—where a treaty cannot be concluded without my knowledge,—where I cannot be bound by a treaty I never heard of to make war twenty or thirty years hence, or to send troops to Belgium or Portugal half a century afterwards,—such a doctrine may be tolerated and no harm ensue; but in a monarchy it is the duty of Parliament to look at the men as well as the measures; because a set of men might make a treaty which would render war inevitable at some distant day, unless the honour and safety of the country were sacrificed. I say, therefore, as long as a set of men can act secretly, that we are imperatively called upon to look at them and their character, as well as at the measures they may propound.

Ibid.

The Duke of Wellington.

I wish that I had not lived to see the day when a forgetfulness of those invaluable services in the field, which have made for the duke of Wellington, as a soldier, a general, and a conqueror, a great, a brilliant, and an imperishable renown, coupled with a deviation by the noble duke from his own sphere of life into the labyrinths of politics, and with an attempt of the noble duke to shine

as a great statesman,—a character which nature, that formed him a great general, plainly never intended he should become;—I wish, I repeat, that I had not lived to see the day when the forgetfulness of his great merits by the rabble,—a forgetfulness never to be pardoned, always to be condemned; for no deficiency on the part of the Duke of Wellington as a politician ought to eradicate the great gratitude which we all owe to him as a soldier, and even in some respects as a statesman, for even in that character, I think, he is not without his merits;—I wish to heaven, I once more repeat, that I had not lived to see the day when the forgetfulness of the people to the merits of the soldier, and the forgetfulness of the soldier to his own proper sphere of greatness, displayed to England, to Europe, and to the world, an occasion when he could not accompany His Majesty on his journey into the heart of an attached and loyal population.

Speech in the House of Commons on the King's Visit to the City, Monday, November 8, 1830.

Opposition of Attorneys to Law Reform.

When I see an attempt made, in a peculiar manner, to deter me from the discharge of an important public duty, I feel myself called upon to stand up against it; not that I care for it, because I ought to give the persons to whom I allude fair warning that no menaces, which they or others may have recourse to, shall ever deter me from the faithful discharge of my duties to the public. I trust that it will not be necessary for me to allude to the subject again, but that what I now have said will operate as a lesson and a warning. I believe that they are led on by a false feeling of professional honour—by a sort of corporative feeling; but it is well to advise them, once for all, not “to lay the flattering unction to their souls” that I shall be prevented by a combination of all the attorneys in Christendom, or any apprehensions of loss of practice, from bringing any measure forward which I may deem beneficial, much less from endeavouring to render the administration of justice pure and cheap. I beg to

inform those gentlemen that they are much mistaken if they think to deter me. If all the attorneys choose to contrive to deprive me of practice, I assure them that I will not die without defending myself; if, however, the question is to be between barristers and attorneys, it will be seen whether barristers cannot throw open their doors to clients without the intervention of attorneys and their bills of costs. ' I do not say that I would be the first man to do this; but, if such a combination were entered into against me, I will tell them what I would do—I would throw myself upon the clients of the attorneys, upon the country gentlemen, and the merchants, and the traders,—and I would ask them to protect me against their attorneys and solicitors; and, if I did not succeed and beat the attorneys, I should be more surprised than I have ever been at any misadventure that ever beset me.

Speech in House of Commons on introducing Local Courts Bill, November 10, 1830.

Progressive Reform.

Objection and opposition are the common fate of every reformer, not only of the law, but of every human system. No man ever yet could satisfy all upon such points. One class will ever declare that he goes too far; the other that he does not go far enough. It only remains to him, therefore, to see that he goes rightly as far as he does go; and those who think he does not go far enough may support him to the extent that he ventures, and he for the same reason may afterwards take a step further with them. Those, however, who think he goes too far are quite right to oppose him in the first instance.

House of Commons, Judicial Reform, November 10, 1830.

Law for the less Wealthy.

And here I trust your lordships will permit me once more to remind you of a principle which should never be lost sight of, or forgotten, when attempting to legislate with the object of rendering more cheap and expeditious

the means of justice,—that the amount of the sum at issue between litigants,—that is to say, that what is called a moderate action, involving comparatively but little pecuniary interest, is no standard of the ability and knowledge in the presiding judge,—is no measure of the importance, the intrinsic, paramount importance to the parties engaged in the suit, and, therefore, is not to be got rid of hastily by a member of the profession of but little skill or experience. The moderate amount for which an action is brought does not relieve it from any of its legal difficulties; so that, as well as regards the interests of parties as to preserve the administration of justice pure, it is desirable that the judge should be both able and experienced.

Local Jurisdiction, House of Lords, December 2, 1877.

Litigation to be desired.

Here let me answer that illusion entertained, not only by many out of doors, but I fear even by some of your lordships, namely, that litigation ought not to be discouraged than otherwise. This, in my opinion, is a groundless assertion, which will not bear the test of a close examination. My complaint, my lords, is, not that suits are so numerous, but that they are so few. This is my objection, and I wish to see them multiply. It is a folly to exclaim against an increase of litigation, for until litigation comes up to a certain point—until all causes can be readily and cheaply tried—until justice is denied: until no wrongs can be redressed—until no rights can be withheld—until justice is denied, and then there is a necessity for legislation. It is as idle to assert that inferior causes require judges of inferior knowledge and ability for their decision, as it is preposterous to take any standard for the necessity of providing for the wants of the less wealthy suitors in courts of justice than that which I have named,—the amount of wrongs committed,—the amount of rights withheld,—or, in other words, so long as justice is denied to any portion of the people, until litigation has grown to

this height, I again say, justice is denied to the people ; and the people have a right to demand a more accessible and more speedy administration of the law than the present means afford. Whether it be withheld by force or fraud, by the oppression of the rich or by unnecessary and vexatious expense, or by whatever else tends to keep the Courts shut against His Majesty's subjects, I say, so far is there a complete violation of the expression and principle of the great Charter—so long is there a violation of the oath of the Crown, neither to sell, nor to deny, nor to delay right or justice. Justice is sold if the suitors have to pay three times more than is necessary for it—it is delayed if it must be waited for, not one day or one week, but six weeks—it is denied so long as the price of obtaining it is such as to deter the suitor from seeking it, or that it is beyond the reach of any class of the King's subjects.

Ibid.

Admonition to the House of Lords.

It is the great duty, the high function of the Government—it is the King's most sacred duty—it is all our deepest interest, that the law should be obeyed. It is the no less sacred, and high, and important duty of your lordships, as legislators, to take care that the laws be loved ; and when the Government resolve, on their part, in their executive capacity, with a determination from which no threat shall make them swerve, no supineness can make them slumber, to faithfully perform their duty to themselves, to their King, and, if possible, still more faithfully to the King's subjects, by enforcing the laws as the greatest mercy to the deluded offenders against them ; let me pray your lordships, on the other hand, in your capacity as lawgivers, in this most fitting moment, to take care, by improving the laws, you make them the more loved. I counsel you to no measure unbefitting your high station, and character, and dignity, in entreating you earnestly to attempt this great work, and not to be offended when I tell you, that a feeling has gone

abroad of disrespect towards both Houses of Parliament, which, fortunately, both Houses have it in their power to allay. The tie which should bind the several orders in the State to each other, particularly the people to their Parliament, should be, as they have been often compared, as that of domestic union; and if unhappily there should arise domestic jars between the two parties possessing so deep and intimate a common interest—if one party should be temporarily alienated—I would not counsel you to practise unworthy artifices to remove that alienation, far less would I counsel you to descend to meretricious blandishments to allure those who stand aloof from you. No, I would say, “Maintain your own rights, preserve your dignity, but take care and do your duty to yourselves and the alienated party, by removing all just grounds of complaint.” I counsel you to improve the administration of justice, which is so important to the welfare and happiness of the public. Trust me, my lords, the road to duty, the door of reconciliation, is open to you; and it will be exclusively your own faults if again the language of disrespect is addressed to you from any portion of the King’s subjects. What, I repeat to you, the people want and love, is cheap justice. What they hate and exclaim against, is expensive and tardy litigation. And can there be a duty at once more pleasing and more befitting your high stations, one, too, the exercise of which is just now of such all-importance to the integrity of the institutions of the country, in Church and State, that when you, on the one hand, show the people that you are firmly resolved to resist all lawless aggression, that, on the other, you are willing listeners to all their complaints, readily sympathize with their wants, and that by amending the laws, and by so doing the better preserve them, and make them the better worth preserving, you satisfy the people with respect to the institutions they are living under, and thus conduce to render them more worthy of their love and confidence? By doing this, and that too this night—this moment—you will do more towards allaying the ferment of the public mind than all that the declamation of the greatest orator

could devise, or the sagest lawgiver frame, or the most conciliating Government adopt—more towards preserving all the institutions of the country to your latest posterity—more towards handing down to your descendants uninjured that mighty fabric, that firm union in Church and State, which has descended to you from your ancestors, and which is founded on the best security, namely, that of promoting the rights, and liberties, and happiness of a great people.

Ibid.

Opinions biassed.

I will defy any man, or body of men, to be exempt from what is the common lot of all men; for all men have their opinions biassed by that system under which they enjoy power, and are disinclined to any change by which that power is to be taken from them.

April 14, 1831.

The Earl of Chatham and Reform.

My lords, I do not wish to use the language of threats, either on the one side or the other, such as my noble friend has had recourse to; but I recollect, and history has recorded the fact, that when the great Earl of Chatham was addressing our most severe ancestors within these walls, when he was shaking them with his magnificent oratory, he suffered the lightning of his eloquence to flash upon the enemies of reform, by menacing them with the dangers which must attend an attempt to withhold from the people their just rights; and I well remember that that was deemed no insult by those who heard him, but was considered honourable, highly honourable, to him who had the boldness to utter that denunciation. For my own part, all that I will venture to do in this latter day of eloquence and of talent, standing in the honourable situation which I do in this House and in the country, is to call upon your lordships to reflect and believe, that the thunders of Heaven are sometimes heard to roll in the voice of a united people.

Reform Bill, April 14, 1831.

The Pleasures of a Witness, or Legal Subtlety.

Any man who wishes to see real talents beneficially exercised would do well to go into a court of law. Let him omit the speech altogether, and see the play of the counsel during the time the evidence is adduced; to see them on the alert, straining every nerve of body and mind during the production of the evidence, careless of the speech—for experienced counsel, except on very great occasions, rarely detain the court many minutes—but exerting their whole mind, soul, and body, and every function, moral and physical, for the purpose of discharging their duty to their clients, by producing the facts luminously, consistently, and irrefragably to the jury. The jury see the witness; they have an opportunity of watching his demeanour while giving his evidence, and then they see him submitted to a cross-examination; after which comes his counsel, comforting and restoring, as it were, the poor man, after the flagellation he has undergone, and setting up the broken credit of the witness, damaged by the cross-examination. After the cross-examination of the adverse counsel, which has impaired the credit of the witness as it were for the moment, then comes the skilful counsel, who restores and comforts the poor man, and gives him a better opportunity of explaining the case, and setting himself right with the jury, until at last, the conflict being over on both sides, the evidence of the witness is fairly before the court. The jury see the witness, and a jurymen, by a single glance of his eye, can frequently tell whether the man is speaking truth or falsehood: many circumstances and details, that cannot be taken down in notes, are found out in affidavits, frequently settling the credit due to a man's testimony at once.

Bankruptcy Court Bill. Second Session, Sept. 23, 1831.

Trial by Jury.

The jury are sometimes right when the judge is wrong. Judges themselves sometimes admit that they took, what they afterwards found out to be, a wrong view of the case,

while the jury took a right one; and how can it be otherwise than a frequent case? One man may be very excellent for deciding a point of law; nothing can be better than one for superintending a jury, from his long experience and long practice, but twelve men are much better for deciding in cases where there is conflicting evidence, and where that evidence is to be brought before them in an uncertain shape, because there are a great variety of points in the case; one man takes one view, and another another, each taking it, as it were, by a different handle, until, by reflection and argument, they come to a unanimous decision. Nothing can be better, I am convinced, than the decision of these twelve men, instructed as they are by the counsel and the judge.

Ibid.

The Ballot.—Intelligence of Middle Classes.

I never have bowed to the populace—the mob; though I have never testified any unbecoming contempt of them. Where is the man who has yielded less to their demands than he who now addresses you? Have I not opposed their wishes again and again? Have I not disengaged myself from them on their most favourite subject, and pronounced a demonstration, as I deemed it, of the absurdity and delusion of the ballot? But, if there is a mob, there is the people also. I speak now of the middle classes—of those hundreds of thousands of respectable persons—the most numerous, and by far the most wealthy, order of the community; for if all your lordships' castles, manors, rights of warren, and rights of chase, with all your broad acres, were brought to the hammer, and sold at fifty years' purchase, the price would fly up and kick the beam when counterpoised by the vast and solid riches of those middle classes, who are also the genuine depositaries of sober, rational, intelligent, and honest English feeling. Unable though they be, to round a period and point an epigram, they are solid, right-judging men, and, above all, not given to change. If they have a fault, it is that error on the right side, a suspicion of state quacks

—a dogged love of existing institutions—a perfect contempt of all political nostrums. They will neither be led away by false reasoning, nor deluded by impudent flattery; but so neither will they be scared by classical quotations, or brow-beaten by fine sentences; and as for an epigram, they care as little for it as for a cannon ball. Grave, intelligent, rational, fond of thinking for themselves, they consider a subject long before they make up their minds on it; and the opinions they are thus slow in forming, they are not swift to abandon.

Reform Bill, Oct. 7, 1831.

The Liberty of the Press.

It is most true, that the press has great influence, but equally true that it derives this influence from expressing, more or less correctly, the opinion of the country. Let it run counter to the prevailing course, and its power is at an end. I also admit that, going in the same general direction with public opinion, the press is oftentimes armed with too much power in particular instances; and such power is always liable to be abused.

Ibid.

Progress of Public Feeling in the Reform Question.

The noble and gallant duke seemed to think it a matter fully admitted, that, in the years 1828 and 1829, there was little or no feeling in favour of Parliamentary Reform; and that it was not until the three days at the end of July, 1830, that any great agitation began, or that any strong feeling existed in the public mind on this question. I can assure him that he is greatly mistaken in that opinion; and I say, with a noble friend of mine, whom I see, that if the noble and gallant duke had lived as much in this country—not of late years, but during the period preceding—as my noble friend, he would have come to the same conclusion with him, that the question of Parliamentary Reform has been making a constant, steady, but perhaps not always regular, progress, ever

since it first attracted the attention of the country and fixed the wishes of the people—somewhere about the end of the American war. It made a great progress during the period which succeeded that calamitous event; it was greatly impeded by the early horrors of the French revolution. During the first years of the French war it suffered a great diminution of its supporters; but towards the latter end of that war it assumed a more decided appearance, and pervaded districts in which it had never been heard of before. When the peace came, the feeling had become still more strong and more deep. From that time the question began to progress more steadily, much more uniformly, and much more regularly, than it had ever done before; till, at the present moment, it has spread itself over the whole empire. . . . His Majesty's Ministers have been charged with agitating this question; it is said that, but for them, we should have heard little of it; that they have brought it forward, and not the country; that it is their bill, and not the people's. My lords, we bring forward this measure in redemption of the pledge we have given. My noble friend at the head of the Government* is pledged to Parliamentary Reform by the opinions of his whole life; but, at the same time, we only bring forward the question at a period when the people are not only ripe for it, but actually beseeching the Parliament and the Government to take it up, when the people are in favour of it to a degree they never were before.

House of Lords. Speech on the Reform Bill, April 13, 1832.

The Duke of Wellington's Declaration against Reform.

With regard to the intensity and universality of feeling with which the Duke's declaration has taken possession of the country, if I were asked to name one event which, more than any other, nay, even ten thousand times more than the revolution of the three days in Paris, had tended to render that feeling more intense, and to spread it more widely throughout the country, I should point to what I

* Earl Grey.

would call that ill-fated declaration of the noble duke, that no reform was to be looked for; that all was perfect; that the representation of this country, whether to be found in schedules A. or B., whether in the boroughs, corrupt, from jobbing freemen giving their venal votes, or in the close boroughs brought to market and sold for a price by their owners; whether trafficked for in money, or bartered for in patronage, in spite of all laws to the contrary; that every part of the system, from the least impure down to the most rotten, formed altogether so perfect a system of representative government, that, if the noble duke should ever be called upon to frame a constitution for a country not endowed with one, he could not hope to make one so perfect, but that he would endeavour to approach it as nearly as possible. Now, my lords, there could not have been a more manly, a more gallant, and, followed up as it was by an adherence to that opinion, a more straightforward declaration than that of the noble duke; it was one for which no man can blame him, but one which I think every man must deplore. It had the effect of spreading wider the zeal for Parliamentary reform, and of making that zeal burn more fiercely; not that I think that any disadvantage, because it only had the effect of giving a vent to the feelings of the people, and accelerating that which would, in all probability, ere now, have arisen without that declaration of the noble duke; but it was the proximate cause (I have already stated what were the ultimate causes) of the strong and universal feeling which we found in existence when we accepted office under His Majesty.

Ibid.

Anarchy not the Interest of the lower Classes.

It is the interest of the poorer as well as of the higher classes that there should be a good government in the country, that efficient representatives should be chosen, that men should be sent to Parliament to watch over the institutions of the country; and it is no less the interest of the lowest of those classes that there should be peace and prosperity in the country, and that the sta-

bility of its institutions should be carefully and diligently watched. My lords, I will not now enter into the question whether the rich man or the poor man has the greatest interest in the preservation of tranquillity; but it is sufficient for me that the poor man loses his all, and that he is the first who will suffer in a convulsion, long before acts of spoliation take place sufficient to ruin the rich man: public calamity, the want of bread, and all the evils which follow in the train of a convulsed state of the country, would be sure to press with the most grinding effect upon the humbler classes. Your lordships might suffer, if every man were frantic enough to dream of unsettling the established institutions of his country, and to introduce confusion into this empire; but who would suffer first and most severely?—who but the humbler classes, not excepting the day labourer, the artisan, and the agricultural labourers? But the men who would suffer most of all are those individuals of the middle, aye, even the humbler portion of the middle class, to whom this measure proposes to give the franchise. Why, then, my lords, be afraid to trust those classes? Why be afraid that such a Parliament as they would return would dream of unsettling the Constitution of the country? Why not trust those classes who are, at least, as worthy of trust as those whom you trust now? Why not admit those whose interests and feeling, it must be allowed, are most adverse to any violent change? Suppose, my lords, that there exists a worse portion of the people (and I entreat your lordships' attention to this point)—suppose the existence of any such portion, bent upon mischievous designs—the populace we may call them—men over whom you have no hold—men who have no stake in the country—men tossed about by every gale of opinion—men to whom agitation is described as natural—the supporters of those opinions about which so much alarm has been expressed—if there be a body of men of this sort in the country, I ask whether any one thing can be conceived more effectual towards reclaiming them, and bringing them back to a sense of their duty to their country, and to a right view of their own interests, than

the course to which this measure pursues? for it affords an opportunity of reclaiming these misguided individuals, by placing among them persons capable of controlling them by their influence, and of gaining them over, by their advice, to the interests of both,—men not very far above themselves, but renting small £10 houses,—and by giving them an interest in the preservation of the institutions of the country.

Ibid.

Predictions of Evil from Reform.

The noble duke reminds us of the expensive proceedings of the Long Parliament. If I conceived that the new and reformed Parliament would be a revolutionary Parliament, or like either the Long Parliament or the present Chambers of France, with a new dynasty and a new succession, I might believe that there was some probability of an increased expense being the consequence of the change. But why was it that all this increased expense occurred in France? It was said that, after all the changes in France, a great addition had been made to the budget; but it was not because a change in the ministry had taken place that the budget of France was increased, or the budget was greater because the French army was greater; and the reason why the army was greater, was not that the Parliament of France had been reformed, or the elective qualification extended, but because the dynasty of the country had been changed, because there existed a disputed succession, and because the germs of civil war were hourly denoting themselves. The unsettled state of Europe, and the general aspect of foreign countries with respect to France, were by no means calculated to prevent her preparing herself for the worst; it was, in fact, because the political atmosphere was lowering, and because dark clouds hung over that fair country, that a large standing army became absolutely necessary, and, as a consequence, an increase of the budget to the amount of nine or ten millions beyond what had been required under the elder branch of the family of the Bourbons. But to argue that, because in France

the army has been increased, and an increase of expense has been incurred, therefore a reform of the British House of Commons will occasion additional expense to the people, appears to me a conclusion the wildest, and one of the silliest, I ever heard. Many consequences may be anticipated by those who are opposed to reform; many evil results may be apprehended by those persons who dread a more unfettered expression of public opinion; but I think if there is any one thing which a reformed Parliament is not likely to be chargeable with, or any one popular excess which it is not likely to run into, it is an excess of extravagance.

Ibid.

The Reform Bill a Peace-maker between the Lords and People.

Much has been said as to the consequences of rejecting this measure. I will not dwell upon that view of the subject, because I wish to avoid saying anything that can, even by the most ingenious perversion, be construed into the language of intimidation. But, my lords, I only beg and entreat you not to lose this opportunity of improving (I will not say of regaining, because that would imply loss) your place in the affections of your fellow-countrymen. If their confidence in you, if their love and respect for you, should unfortunately have been shaken, I think not only wisdom, prudence, and good feeling, but a due regard to the peace and security of the kingdom, a due regard to the interests of all classes, and to your own dignity, ought strongly to incline you to lean to that course, which is as certain, as absolutely certain, not only to regain all you have lost, if you have lost anything, but to raise you higher than you ever were in the affection, esteem, and respect of the people. Of my fears for an adverse event, of my fears of what may possibly happen, I shall say nothing; I mean only this, that no event is more to be dreaded, for the security of all our establishments, for the security of all our institutions, than a growing alienation of the public mind from the legislative body of this country. Above all, we should

avoid the widening of any breach, the increase of any distance, by which we are now separated from the great bulk of the people.

Ibid.

Universal Suffrage.

When education has made such progress as it has done, and when I look at the further progress it may reasonably be anticipated to make in a few years, I can trust with implicit, with cheerful, with daily increasing, and, I will add, with exulting confidence, in the plain good sense, the rational, consistent, regular, and peaceful opinions and wishes of the majority of the people. It is proper that there should be some restriction in the right of voting, for the purpose of avoiding the evils which will always attach to too numerous assemblies of the people, and for the purpose of preventing too vast an expense at elections, and the mischief which would arise from drawing no line at all; but it is not from any distrust I have of even those classes to whom this measure does not give the elective franchise, that I assent to this restriction; for I am sure, if you will remove the great and obvious grievance of our time, and of times long past, owing to the state of the representation,—if you destroy the system of nomination, you will restore yourself to a place in the affections of the people, which the existence of that grievance has caused you to lose: that is the great and capital grievance of all; once remove it, and I for one entertain not the slightest apprehension from the power and conduct of even those who are below the humblest class, to whom the franchise will, by this bill, be given.

Ibid.

Violence within and without Parliament.

My noble and learned friend's first argument was one which rested upon the conduct of certain individuals out of doors; bodies of the people who, as my noble friend says, are much excited, and whose excitement, he as-

sumes, will be increased, rather than allayed, by the course of the bill in its present shape. As a proof of this assertion, my noble and learned friend condescended to notice a speech made at a northern political union by an individual whose observations he read. I really do not think it was worth my noble and learned friend's while to dwell upon what an individual might say on such an occasion, although I am quite ready to admit that, if he were to ransack the speeches made at all the public meetings upon any important political question, there is hardly one of them at which some observations were not made which a person of sound judgment, and calmly exercising his faculties, might disapprove of. This I admit, and I think that the same rule might be safely or fairly applied to any assembly, hardly even excepting the highest and most constitutional assemblies, of the country. I am quite sure that I have heard—I will not say in this House of Parliament, but in Houses of Parliament—observations quite as reprehensible as those to which my noble friend referred. I have heard propositions made, and even voted by majorities in those assemblies, which, in point of absurdity (I speak with respect and even with reverence of those bodies), much exceed, not only those to which my noble and learned friend referred, but anything which has ever been said, even by the wildest speaker in favour of reform.

House of Lords, May 7, 1832.

Irresponsibility of the Peers.

My lords, what I understand to be the meaning of representation is, that the person called the representative shall not only have some fellow-feeling for the people, should not only live amongst them, but that he should have communication with them, and be in some degree under their control; that he should be sent to Parliament by them, and that he should not behave exactly as he pleases, without being answerable to those whom he calls his constituents. According to the argument which has been advanced, your lordships' house represent

the whole kingdom, because in the country you live among one class of persons, and in town you live among the other class; therefore all parties have representatives in your lordships' house; but the country has no control over your lordships. They do not consider that you are here for their purpose. You are useful and necessary, you are a branch of the Legislature, but you are not that branch of the Legislature to which the people look as belonging peculiarly to themselves, because you are not answerable to them; you are not elected by them; you have not had confided to you a trust which from time to time you are required to return into their hands; and for that reason, namely, your not being under their control, they do not speak through you. It is because the people speak through the members whom they elect that those members are said to be their representatives.

House of Lords, Committee on the Reform Bill, May 22, 1832.

Control of Representatives by their Constituents.

A member of Parliament, if the expression means anything, means a member who has a constituency, and who is sent to Parliament by that constituency, to act not only on their own behalf, and for their own peculiar interests, but on behalf of the whole empire. Whether the one interest is to predominate and overpower the other, must always be a question of circumstances, and as to which, no general rule can be laid down. Do not, my lords, let it be supposed that, because I stated that the time and manner in which a member of Parliament is to account to his constituents, and as to whether he shall deliver up his trust into their hands or not, is a question of great difficulty; do not let it be supposed, as I said before, that I mean to deny, or to cast any doubt upon (and I am astonished any doubt should have been cast upon it), the right which constituents have, from time to time, to meet and consider the Parliamentary conduct of the members whom they have sent. How far that member, upon any given occasion, shall feel himself obliged to alter his Parliament-

ary conduct, or even to render up his seat, is another, and a difficult, and, it may be, a most delicate question. All that I now mean to assert is, what, I will repeat, I never till to-night heard doubted, the right of constituents from time to time to communicate with each other on the conduct of their member, and, if necessary, to instruct him as to their wishes in regard to his Parliamentary conduct. Whether he shall obey those instructions or not, is a matter which must depend upon the circumstances of each particular case. He has a right to refuse to obey their instructions, and they cannot compel him to resign his seat. In both cases, and on both sides, there is nothing in all this but what is perfectly consistent with the constitution of the state and the law of Parliament.

Ibid.

The Registration System.

Look at the whole frame of this bill with respect to registration; for some time there will be a considerable amount of discussion going on in carrying that into effect; but then consider that this is a great good in itself, and one which would be happily obtained, even at the high price which must be paid for it. Legislation, or any other human work, is necessarily imperfect; a registration of those who possess the right of voting must partake of the general imperfection; and it is entirely out of the question to hope that everything should go on smoothly at first. Our object is to make the system as complete as possible; to cut short all that controversy on each particular case which now exists at elections, which entails on the parties concerned ruinous expense, and eternal discussion and confusion, by simply requiring that the names of persons claiming the right to vote shall appear in a certain authentic record, in order to ascertain whether any individual vote be good or bad, by the simple process of identification. Now, in order to attain this, the bill proposes that the whole of the votes should be gone through previously, once for all; and

my hope and trust—and I will go so far as to say, my confident expectation—is, that each successive year, and each successive revision by the Legislature, as opportunities occur, will greatly diminish the labour, time, and expense of elections. That the circumstances of men coming to be registered, of objections being raised, of these objections being discussed, will, of course, take up considerable time, no one can deny; it is impossible to doubt it; but I am as perfectly confident as any one can be, with respect to a measure before it is in actual operation, that delays and difficulties will be confined almost entirely to the first year.

Ibid.

Political Franchise to the Universities.

If the thing were to do over again with respect to the Universities of England and Ireland, I would not consent to the franchise being given them. I do not see that the nature and habits of these learned bodies are best adapted to the exercise of the elective franchise. I do not think that these places, these haunts of letters, ought to be broken in upon by the turmoil of political contention; and though in England, perhaps, not so much mischief has been experienced as might perhaps have been expected from the exercise of the franchise, yet, on balancing the good and the evil, I am far from being of opinion that the latter does not predominate. I might express myself in much stronger terms upon this point, and, if I did so, I should only express the opinion of those who possess a more intimate knowledge of the Universities than I do. The exercise of the elective franchise at our Universities tends to make those who reside there for the purposes of study premature politicians; whilst, on the other hand, it causes those who have spent the earlier part of their lives in superintending the education of their younger countrymen in the shades of calm retirement, and who, from thence, have passed into the sacred offices of ministers of religion, to become the agents in political contentions, for which, in my humble judgment, they are,

of all men, the least adapted, and which is not in the least ornamental to their characters, nor calculated to render them beneficial to the country at large.

House of Lords, July 9, 1832.

Disavowal of offensive Intentions.

Some observations have been made in another place* upon something that fell from me here, calculated, it was supposed, to give pain; I will not say in what quarter, for I never once referred to any individual, by name or description, in an unparliamentary or offensive way; and, if I had done so, your lordships would have been the first to correct me. I regret to learn that my observations have given pain, for it is at all times, and under all circumstances, most deeply painful to myself to cause pain to any human being. I cannot say that the observations made by me were uttered under the influence of irritation or of anger, I confess I have not that excuse; but I did feel contempt and scorn for the charge that was made; a charge in which the accuser stooped to insinuate, at the very moment of my life—at the very moment in the life of any public man—when such an insinuation could be least merited—stooped to insinuate, at the very moment when I was doing an act of some imprudence, it might be called folly—an act certainly which, in the ordinary course of prudential conduct, I had no right to commit—that at that very moment I, under the influence of sordid motives, was departing from those principles to which I was then making a great and substantial sacrifice. It would be folly and childishness to say that it was not a great and substantial sacrifice, but it was one which I made, so help me God, without the slightest reluctance or discontent. I acknowledge that I did feel great scorn and contempt for such a charge so brought, and, in expressing my feelings with reference to the accusation, I might have gone further, and said that which, apparently, applied to the quarter whence the charge proceeded; but it is not in my nature, on the contrary,

* House of Commons.

it is most abhorrent to my nature, to utter anything calculated to inflict the pain of which complaint has been made. I repeat, that I should be at all times most averse from any such thing; though I did express, because I strongly felt, scorn and contempt for such a charge.

House of Lords, August 7, 1832.

Abolition of Sinecure Places.

I have already given an earnest of my determination to carry into effect the principles which I have always professed, by abolishing all sinecure places in the courts with which I am connected, and I will push those principles to the uttermost: I will not only encourage, but lead the way in the abolition of all useless places; and I will not be prevented by any apprehension of popular clamour. The feeling of the people of this country is against useless places with great pay and little work, but not against useful places with moderate pay and plenty of work.

February 12, 1833.

Eulogium on the Marquis of Wellesley.

In the wisdom and sagacity of the Marquis of Wellesley, in his tried firmness, boldness, and promptitude, as in his no less tried and unimpeachable integrity, and in that mixture of humanity and kindly feeling which, like all brave natures, his is combined with: in all these generous feelings and noble qualities, whether the sterner or more gentle of his nature, I place the most unlimited confidence, because I know that they give me the amplest security that not one of the powers to be intrusted to him will be abused. So far from being exceeded, or wantonly used, not one of them will be called into action, unless some special and overruling necessity shall arise which will leave no room for hesitation and doubt. Add to all this, that there is mixed up with his endowments an affection for the people (the Irish) over whom he has been called to preside, which will carry still further his natural re-

lucance to strong measures of this nature, and make him desirous to temper them with every species of mercy and kindness.

Debate on the Irish Coercion Bill, introduced by Lord Grey, February 15, 1833.

Right of the Subject to demand Protection from the Crown.

Protection, your lordships are aware, protection affording security of person and property, is the first law of the State. The Legislature has no right to claim obedience to its laws, the Crown no right to demand allegiance from its subjects, if the Legislature and the Crown do not afford, in return for both, protection of person and property. Without protection, the Legislature would abdicate its functions if it demanded obedience; without protection, the Crown would be an usurper of its right to enforce allegiance.

Ibid.

Religious Observance of the Sabbath-day.

I agree in considering that the due observance of the Sabbath-day, a day calling for rest and relaxation from the cares and business of life, and an attention to our religious duties, is alike conducive to the spiritual and worldly welfare of the people. Such is my opinion, an opinion which I have often expressed here and elsewhere; but I feel that it is an exceedingly difficult subject on which to legislate, so as to apply an effective remedy for the evil complained of. I am ready most fully to admit that it is desirable that every protection should be afforded, which the law and Constitution can supply, to those who show so proper and praiseworthy a feeling as that of keeping the Sabbath-day holy: but, on the other hand, I do not at present see how this is to be effected without producing evils, at least equal in extent to those which it is supposed to remedy.

March 11, 1833.

Opinion of Imprisonment for Debt.

The true principle on which imprisonment for debt ought to rest is, that no man should be so imprisoned, not only on *mesne* process, but even in execution after judgment, unless he refuse to answer questions which he can answer, or to surrender property which he has, and may surrender, or to do any one thing which he can do for the satisfaction of his creditors; or unless he has contracted debts fraudulently, or by such negligent conduct as may be compared to fraud; in all which cases he has no right to retain his liberty, and ought to be treated, in the first instance, as contumacious, in refusing to do, for the satisfaction of his creditors, what he can do; in the second instance, as criminal, in having been guilty of fraud. I am aware that this is an opinion in which some difference exists, but it is, I am confident, one which will be more firmly and universally embraced in proportion as it is more closely examined.

House of Lords, March 28, 1833.

Abstract Christianity not the Law of the Land.

Though the Christian religion may be said, in a sense, and the only sense in which the expression ever could, with any meaning, be used, to be part of the law of the land, it is not the Christian religion in the abstract which stands in this relation to the law of the land. No such thing. The Christianity of the Unitarians was never called by those authorities part of the law of the land; nor the Christianity of other dissenters, whether Presbyterians, Baptists, or any other denomination; nor was the Christianity of the Roman Catholics ever called part of the law of the land; but that which has been said to be part of the law of the land, because that which the law protects and cherishes—that with which many parts of the law are blended—that upon which a portion of the Constitution rests—is the Christianity, not of the Presbyterians, Unitarians, Baptists, or Papists; but the Christianity of the Church of England, as by law established.

That is what the law of England has recognised and established. It tolerates the other system of belief and discipline, and gives their professors the civil rights and civil privileges of all citizens; but that which, as a system of faith and discipline, the law patronizes and establishes, is the doctrine and ceremonial of the Church.

Debate on the Civil Disabilities of the Jews, August 1, 1833.

The Jews.

I have no hesitation in saying, that, according to my opinion, and I believe the opinion of all the soundest lawyers of this country, His Majesty's subjects, professing the Jewish religion, are born to all rights, immunities, privileges, and franchises which His Majesty's other subjects enjoy, excepting only so far as the positive enactments of the law shall have excluded them from the enjoyment of any of these rights, immunities, franchises, privileges, or shall have limited and defined that enjoyment.

Ibid.

Religious Opinions ought not to disqualify from Civil Rights.

I consider it a fundamental doctrine, in which I know I differ from many for whom I entertain great respect—I hold it to be a fundamental doctrine, in matters of civil policy, that no person ought to be excluded from the enjoyment of any right or privilege, of a purely secular nature, merely on account of the religious belief which he conscientiously entertains. In respect of his religious opinions, he ought on no account whatever to be disqualified from enjoying any civil rights.

Ibid.

Atheists and Deists are admitted into Parliament.

There is nothing to prevent an Atheist from entering either House of Parliament, if, indeed, there exists such a

person. But as to Deists, history gives us ample proof of the truth of my position, that the most noted infidels, men whom the records of our courts of justice have stigmatized as blasphemers, have once and again found admittance, notwithstanding the guard warily placed at the threshold, through the doors of both Houses of Parliament, and even into the councils of the Sovereign, and to the highest offices of the State. I may go back to a great literary character of this country, and one, at the same time, well known for the infidel tenour of his writings, I mean Lord Shaftesbury, the author of the *Characteristics*. I might also remind your lordships of Lord Bolingbroke. Both these celebrated persons made their abjuration upon the true faith of a Christian, being just as much believers in the sublime truths of Christianity as any of those Jews whom you still exclude; with this difference, that those noble persons had an equal respect for the Old and New Testament, believing neither in the law of the one covenant nor the other.

Ibid.

The Established Clergy not the best Instructors in the Colonies.

If I be asked why I assume so confidently the necessity of having sectarians to teach the slaves instead of relying entirely on the labours of the clergy of the Established Church, my answer is this: that all experience shows that the only chance, the only probability, of converting and teaching these poor slaves the doctrines of religion and morality, is to be found in the zeal and congenial habits of these sectarian teachers. Send a man from Oxford or Cambridge to be resident in a colonial village to convert, reclaim, and instruct the negroes; you might as well send him to a workshop in Birmingham, or a spinning-house in Manchester, in order to spin cotton or forge iron. He may be well adapted to preach to and to teach the masters,—he may not be ill-adapted to give his lessons to the superior overseers and book-keepers, as persons next in gradation below the masters

and next above the negroes ; but send him to associate with negro-men, negro-women, and negro-children, to teach the children, to preach to the fathers and mothers, and, I believe, anything more futile, more nugatory, more wholly without hope, not only of accomplishing, but even of contributing towards the end desired, could not be adopted. It is only to the zeal, to the unceasing ardour, the indefatigable labour, the habitual practice of preaching and teaching of the sectarian that you can look for any future progress in the work ; and it is to the exertions that have come from that quarter alone that any progress hitherto effected is to be attributed.

Colonial Slavery, August 12, 1833.

Medical Science—Incapacity of Oxford and Cambridge Universities to teach Physic.

If a man wishes to follow the profession of medicine, and is desirous to devote his faculties and labours to that most useful employment, gainful to many, useful beyond almost any other to the whole community, this individual, if he be a member of the Church, may follow the medical profession by going to the universities of Oxford and Cambridge, residing within his own county, and obtaining his education, I will not say a medical education, there ; for, by a strange anomaly, it does so happen that the only two bodies which have the power of granting medical degrees are those two which have at once the monopoly of the privilege, and a monopoly of the incapacity to teach ; which at once claim to themselves the exclusive power of making doctors, and at one and the same time loudly admit—for they proclaim rather than confess it—that they cannot teach medicine, as all other colleges but themselves do. They make doctors, but cannot qualify them to practise. They cannot make a Bachelor of Arts or a Master of Arts by teaching him the mathematics or the classics ; but the moment he has attained that step in his progress towards medical honours, he must fare away, and go for seven years elsewhere to

learn medicine, and become capable of being by them created a doctor.

Thus it is with the medical student if he happens to be a Churchman; but, if this same individual be a conscientious Dissenter, he cannot go to Oxford at all either to obtain education or degrees. He may go to Cambridge, no doubt, but even there he can obtain neither a mathematical nor a medical degree. He must for this purpose suffer banishment from his country; he must leave England, and pursue his studies either in the North of Italy, or at Paris, or at the Dutch universities, as formerly used to be the practice, or he must go to the Scotch universities; as if in London there were no teachers of medicine, as if to learn it men must go to Edinburgh. Why is he subjected to this hardship? Simply because he conscientiously differs from the religious opinions of the majority of his fellow-subjects,—because he will not subscribe to the thirty-nine articles.

Cambridge University Petition, March 21, 1834.

The Prussian System of Education can never be adopted in this Country.

Of one thing I am morally certain, that in this country the Prussian system of education can never be adopted. The system of education in Prussia is arbitrary, is absolutely compulsory. It is established under the bayonet, and enforced under the rigour of military punishment, under the dread of the sergeant, under the fear of the corporal. Such a system may do very well for a country which, in reality, is but one great camp, but it would never be tolerated in England. I do not believe that any one measure could be devised by the mind of man so surely, so admirably, calculated to make a system of education unpopular as that of compelling people to send their children to school. God forbid that such a system should ever be attempted in this country. I am decidedly adverse to the introduction of a compulsory system in any sense whatever, either by forcing parents to send their children to school under certain penalties, or of depriv-

ing them of certain privileges if they refuse to let them attend.

April 16, 1834.

Some Public Charities a Nuisance—The Foundling Hospital.

I will boldly assert that there are no greater nuisances in this country than some of the institutions that are called charities. I wish I could say of them that they are only useless ; that they do neither harm nor good ; that they are mere nonentities, neither producing benefit nor generating evil. Unfortunately, I can say no such thing. Many of these, I affirm, are positive nuisances ; many of them are of such a description that the law ought not to allow them to exist ; and many of them in their origin are of such a nature as the law does not allow.

As an instance, I would point your lordships' attention to that splendid building, the Foundling Hospital, supported from estates producing at the present moment (1834) £50,000 or £60,000 a-year, and which, when the present leases expire, will, no doubt,—in consequence of the great improvements that have taken place in the neighbourhood, produce not less than £100,000 a-year. This building has the name of a Foundling Hospital ; but it is not in reality a foundling hospital, nor has it been one for more than half a century past. And why ? Because a foundling hospital is found to be a public nuisance, because it produces the most mischievous effects ; the desertion of children, the abandonment of children, are its immediate effects ; besides, in consequence of this establishment, children were brought into the world who otherwise would never have seen the light. Seeing that this institution offered a premium for vice, the governors made a rule which, for half a century, has rendered this place anything but a foundling hospital ; they came to a resolution to this effect :—"That in future no child shall be admitted into this hospital until its parents have undergone an examination." Now this was a wise rule, but it altogether altered the original object of the institu-

tion, which was for foundlings, properly so called, and not for those whose fathers and mothers are known.

Ibid.

Subscription to the Thirty-nine Articles.

If the subscription does not mean what it purports to mean ; if the putting of your name to the thirty-nine articles, whether you say that you believe in them or do not, does not mean that you subscribe to these articles ; if it does not mean that you do an act which has something to do with the subject-matter of these articles, with the propositions they contain, with the points of doctrine they enforce ; if it means that you disbelieve them all, or may know nothing at all about them till afterwards instructed in them ; if, I say, all this be meant, instead of what common men would suppose to be meant, I have only two observations to make : the first is, that a more clumsy invention was never struck out by human brain, lay or clerical, academic or barbarous, than to call upon people to show they mean one thing by professing to mean thirty-nine other things.

The second observation I would make is, that, if this be the veritable orthodox and true doctrine of subscription to the thirty-nine articles, much as I have disliked subscription heretofore, I shall now like it a thousand times less. I thought it was casuistry before—I thought it was jesuistry before—I thought it was a trap for tender consciences before—I thought it was a desecration of the holiest subjects before ; but, if it was desecration before, it is now reared before my eyes as a degree of desecration, a degree of casuistry of an infinitely higher description, as a refinement of subtlety and of jesuitry, as a cloak of hypocrisy of the vilest and coarsest nature.

April 21, 1834.

Illegality of large Meetings.

My opinion distinctly is, and I do not wish to have it for one moment concealed from any part of the country,—

my clear and decided opinion is, that it is not lawful for men to assemble together in vast bodies disproportionate to the nature of the occasion which brings them together, and in multitudes infinitely beyond any apparent necessity for such congregation. My lords, this tends to great public mischief; it tends to the intimidation of the peaceful subjects of the king. My lords, in a great mercantile and industrious community it tends to great mischief—to the interruption of the peaceful industry of the country; and it tends further and more mischievously, it has an almost unlimited tendency to endanger the peace of the king, by the more unnecessary and innumerable assemblage of his subjects.

April 28, 1834.

The O'Connell of Antiquity.

There have existed great geniuses in former times. One of them, the second modern poet, and perhaps the third of all ages, has recorded of himself, that when reduced, not by his own idleness and extravagance, but by the political contests of his country, and by a persecution which he had not the power to resist, to beg for his bread during a season; so far from glorying in it, he, who could hardly live under that hard necessity, has expressed in his own matchless verse the sense of shame under which, although in his case it entailed no real disgrace, that mendicity placed him. He received the alms of his fellow-countrymen, he says, with sensations that made every fibre of his system quiver with shame. My lords, I trust that there are few gifted with such genius who will long endure that shame, who will be able long to brook the indignity of living by such means as these, and who, in order to perpetuate such a base and unmanly means of support, will continue to plunge their country in discord and distress.

Union with Ireland, April 30, 1834,

Base Corruption at Liverpool.

I never read a more disgusting, or witnessed a more offensive, spectacle of universal corruption than I witnessed in one of the Liverpool elections; which election, I think, took place in the year 1830. During that election two houses were open, in which a regular piece of machinery was prepared, by means of a slip in the wall, for the corruption of the voters. To these houses the wretched freemen were brought by persons less excusable than themselves, because in better circumstances of life, and consequently not exposed to the same temptation;—to these houses, however, the freemen were brought, and actually, in course of the first day, paid £5 each for their votes. The market rising on the next day to £20, £30, £40, ay, and as the day advanced, to £60, £70, £80; and in one instance, as the poll was about to close, to £120. Thus were men bribed for doing that which, if they did at all, they ought to do purely, honestly, and conscientiously; and thus was a spectacle exhibited, so marked by every disgusting feature of corruption, as to be incapable of more than a moment's contemplation by the mind.

May 1, 1834.

Reasons for supporting an Established Religion.

There are some wants which the animal instincts of our nature leave safely to encumber us, since they are sure of being provided for, as hunger and thirst, and other such natural propensities, operating as a physical necessity; he who feels them will take means to satisfy their craving, as the more he feels them the more sure he is to endeavour to obtain relief. But it is not so with the wants of nature affecting the more refined and noble part of our constitution. It is not so, for instance, with the want of education, I mean common secular education; on the contrary, the more ignorant people are the less civilized they are; the less they know of the utility and advantages of learning, the less they bestir themselves and take means of supplying the defects in their education.

Sure I am that I may apply the same doctrine to the want of religious education, where it is almost self-evident that the very want of that instruction is pretty sure to prevent its necessity from being felt, and to prevent the demand, therefore, from being voluntarily supplied by the individual. This is my first article of belief.

My other objection is, that the establishment of a church, whether you call it in connexion with the state or not—I will not argue on a phrase—but the establishment of one body of clerical men set apart to instruct the people in their moral and religious duties, has, by practical experience always been found to have a tendency to exclude that very great evil, the opposition to which is of paramount importance, not only to the policy of the state, but to the interest of religion itself—I mean the unbridled licence of fanaticism. There are two grounds, the second by no means an unimportant one, on which my deliberate opinion is formed, and fixedly formed, until I shall be otherwise convinced in favour of some religious establishment.

May 12, 1834.

Advice to the Dissenters.

Let the Dissenters look to the actual grievances under which they suffer; let them calmly and dispassionately look to the best means of remedying these grievances; and when they find that measures are in contemplation which have a tendency thoroughly and altogether to remove the evils which press on them, let them accept of the redress offered to them, and not trouble themselves on mere speculative, trifling, and unimportant matters.

Ibid.

Bacchanalian Festivity.

The clause now under consideration provides that, if any person keeping a public house allows another present to get drunk in that house, he, the keeper of the public house, incurs a penalty. Why, my lords, one man is drunk after two or three glasses, and another man sober

after two or three bottles. How can a poor publican *supervisum corporis* of his customer,—tell the drinking capacities of his guests. Is he to say, when two persons enter his house and call for something to drink, “I can’t serve you, sir; I see by your face you are only a half-pint man—a two-glass customer; but as to that other gentleman he is a three-bottle man, and he may drink here with perfect safety both to himself and to me.” Is it not absolutely necessary that the publican should be able to exercise this extraordinary degree of discernment? Because if he sells a bottle, or even a pint, to a person whom half a pint would make tipsy,—if he sells two glasses to a man whom one glass and a half would make very drunk indeed,—does he not run the risk of having to pay the penalty to which he is liable by the bill of my noble and learned friend. Much of the probability of a man’s getting tipsy at a given public house depends upon his having been at another public house; there are a certain class of public house customers who hold a *symposium*, who enjoy a little bacchanalian festivity at almost every public house they come to; their visits are multifarious; they get a little at one place, and a little at another, and, contrary to the rule of the wise man—which is moderation—the more they get the more they want; and having got a glass at one house they proceed to another, and regale themselves with a second. Now, is the owner of the second house, who furnishes a sober man with just the quantity of liquor which, added to what he has taken before, will make him drunk, to be the unfortunate victim of this clause? Is this unfortunate, unhappy, wretched publican, the moment a man presents himself at the door, to say, “Stop, sir, do not presume to cross the threshold: let me have a previous inquisition; I will impanel a jury—not of matrons, but of twelve honest and lawful waiters, good and true, who shall try you at the bar,”—certainly a very proper place for such an investigation,—“I will take the chair, and these good and lawful men, upon their oaths, with proper penalties and restrictions for the prevention of singing and so forth, shall examine witnesses, and inquire touching the proba-

bility of your having been to any other house; because it depends on how much you have drank before you came here, whether I am safe in serving you. If you have come here fresh—not fresh with liquor, but fresh in all your sober purity—if you are virgin soil, and lack moisture, then I will give you another glass; but that glass, if only one glass is wanted to make you drunk, that one glass makes me penal.” How can any man breathing believe that the House of Lords will sanction such a bill as this, or send such a measure into committee? My lords, we should disgrace, we should stultify ourselves if we sent such a clause as this into committee.

May 15, 1834, (*Sabbath Bill.*)

Inconsistency of the Scotch Law of Marriage.

A party in Scotland cannot bargain for the purchase or sale of one-twentieth part of an acre of land, nor charge it with one single shilling by the most sacred instrument under his hand and seal, till he is one and twenty years of age. But when he is fourteen, the same individual, though he may be the first duke in the land, may, in one moment of time, without one instant being given for delay for cooling the passions—for obtaining the advice of parents, friends, or guardians—without the “*spatium requiemque*”—“*dolori*,” I was going to say, but that will not apply to my subject,—contract an imprudent and bad alliance by marriage, by saying merely these words, “Will you accept of me as your husband?” and the other party saying “Yes.” That is as good and valid a marriage as ever was made by king, priest, pope, or bishop! Such is the law of marriage in Scotland. Here are a lad of fourteen and a girl of twelve—“I take you for my wife,” says the one, and “I take you,” replies the other, “for my husband;” and that, according to the Scottish law, is a good and valid marriage, by which a youth of the greatest title and property may be allied to the most abandoned character.

[May 22, 1834.]

The "Appropriation" Principle.

I wish to know what man of ordinary sense, what man of the most common capacity, will have the audacity to state to an assembly of reasonable men, that, after having provided fully, even to an overflowing, for the spiritual wants of the Protestant inhabitants of Ireland, you are to retain the surplus of the revenues of the church for the exclusive use of the established religion, as if it were sacred to that body of men, for whose support an amply sufficient sum is already assigned?

No one can calmly pretend to say that this is an abstract question,—that it is a question purely of principle,—that it has nothing to do with the matter of fact. I put an extreme case, for it is by extreme cases that such principles are tried, and I say, suppose there were no Protestants at all in Ireland, would any man possessing common sense, or a sound understanding, contend that in such circumstances the legislature would not have a right—that Parliament would not have the power—that the King, lords, and commons, if they choose, might not deliberately appropriate the revenues of the church in the same manner as they are now almost in the daily practice of dealing with other property in the case of private bills?

But if it be entirely an abstract question—if, in truth, it be a mere question of right, and not at all a question of facts and circumstances—then, upon that abstract question of right, I say, if, instead of seven hundred thousand, which is asserted to be the number of Protestants in Ireland attached to the Established church, there were only seven thousand, or seven hundred, or seventy, could an argument in favour of the sacred character and untangible nature of the fund be attempted, or, if tried, tolerated for a moment? Would the pretensions for one instant be endured, that the whole fund was inalienable, and that it must be applied exclusively to the support of twenty-five thousand persons, who must by necessity be absolute sinecurists?

June 6, 1834, (Church of Ireland.)

True Nature of the Church.

There is a very extraordinary delusion under which many labour with respect to the question of church property. Persons are constantly speaking of the church as if it were something separate from the rest of the community, something known to the law, some body distinctly and separately recognized by it; as if it were a corporate or municipal body, possessed of several rights, and capable of holding several properties; in a word, as if the church were a corporation. A greater or more mischievous error cannot exist. The church, both in contemplation of law, and in fact, is no such body. The church is not the body of the clergy—it is the body of the faithful; and consists just as much of the laity as of the clergy. When you talk of church property, therefore, you do not in reality mean that there is £3,000,000 a-year derived from tithe-land and other sources belonging to the clergy, as a body separate from the state; and yet in common parlance this is the ordinary, but most erroneous sense, in which church property is regarded.

*Ibid.**The Catholics have no right to the Funds of the Protestant Church.*

I am as great an advocate as any in this House, or out of it, for giving instruction to all sects upon the same footing, without respect to condition or creed; but when we provide education out of funds originally connected with the Established church, I think it is a matter of course, that, first of all, though not exclusively, the religious education so given should be on the principle of the Establishment whence the funds are derived. As to the Catholic church having one single fraction of a farthing of this fund, there is no one noble lord who sits on this side of the House—not even the noble earl himself, whom it would be irregular for me to name, but whom all your lordships know to be a most excellent landlord, and most respectable country gentleman in the

county of Kent (Winchilsea)—not even that noble earl is more adverse than I am to any proposition, if it can be conceived, for giving a single fraction of a farthing out of this fund, at least, to the Catholic church.

Ibid.

Great danger of Establishing the Catholic Church in Ireland.

If the only church in competition with our own be the Catholic church, I never can consent to any measure for establishing that hierarchy in Ireland, whether in connexion with the church of Rome or independent of it; and this I will say, that no greater curse could befall the people of Ireland, no greater danger could arise to the liberties of England as well as Ireland, than any measure which would tend to instal the Catholic as the established religion of that country. Liberty would not be safe, and, in my opinion as a Protestant, religion would be no better off than liberty, if Catholicism were established as the state religion of Ireland.

Ibid.

Happy Effects of Education.

The tendency of knowledge is, and the tendency of its diffusion undoubtedly is, to improve the habits of the people, to better their principles, and to amend all that which we call their characters; for there are a host of principles and feelings which go together to make up what we call, in the common acceptation of the words, the human character. How does this diffusion operate? To increase habits of reflection, to enlarge the sphere of the mind, to render it more capable of receiving pleasurable emotions, and of taking an interest in other, and in higher and better matters than mere sensual gratification. It tends to improve the feelings as well as to increase the reflective habits; and it tends, therefore, to the attainment of that which in itself tends immediately and directly to improve the character and conduct of a nation.

It tends to increase prudence and prudential habits,

and to amend and improve the human feelings. The ancients have described the effects of education in far better language, and much more happily than I can do—
“emollit mores nec sinit esse feros.”

June 20, 1834, (*Prison Discipline*).

Effects of Oaths in weakening the Moral Principle.

Increasing unnecessarily the number of oaths to be taken operates injuriously in a two-fold manner: it not only diminishes the sanctity of an oath, and begets an indifference to what ought to be a high, moral, and religious ordination; but it hath another tendency—to check the law in its course in punishing crime. Everything that diminishes the sanctity of an oath begets a carelessness about swearing, and generates a habit of perjury and prevarication, which those who have to administer the law know to be the most difficult thing to deal with.

The whole course of our criminal legislation has a direct and immediate tendency to demoralize men, and to beget in them a carelessness of feeling instead of the better principles which innocence and virtue inspire. Everything that tends to make needless exhibitions and frequent examples of extreme cruelty and bloodshed has necessarily the same effect, such as the witnessing of executions by the score, which were formerly only not seen by me, because I turned my head the other way.

Ibid.

Bad Influence of frequent Executions.

Twenty-five years ago it was no uncommon thing for eight or ten people to be hung up of a morning, and that, too, for various offences against property without any violence to the person. It is impossible to estimate the effect which must have been produced on a mob of twenty thousand or thirty thousand persons witnessing that cruel spectacle, which was more worthy of Moloch than that of a Christian prince to tolerate in his dominions.

The multitude went away with infinitely less horror at the offence,—which is the last thing thought of on these occasions,—than of disgust for the law itself; which is a most unwholesome feeling for the subjects of any country to entertain, and tends as much as bloodshed itself to take away that natural tenderness of disposition which all men, more or less, possess. When these habits of indifference to the moral and religious obligations, and these feelings of cruelty, are once implanted in the mind of the people, it requires a long course of education, and truly much reading and writing, before these evils, which are rooted in the mind and heart, can be eradicated.

Ibid.

Effects of the old Poor Laws on the Morals of the People.

Good God ! my lords, is it possible to look at the question of crime, and the progress of crime, and not to see what a monster—what a gigantic counter-agent—you have, stalking through the length and breadth of the land, and laying waste all the moral feelings and finer sensibilities, as well as all the prudential restraints, which society, which law, and which even our nature uncorrupted and unrefined, tend to throw about the paths of men ? This counter-agent is the poor laws, and the abuse of the poor laws. What signifies it then for me, or one or two others, founding infant schools in parishes, or forming central schools for wider purposes, or making learning so cheap that no man shall be so poor that he cannot afford to buy a library in the course of twelve months, adapted to his own particular profession, whether as an artificer, a man of science, a moralist, or a religionist,—what signifies all this being done by us ? It is like pouring a drop of water into a glass of arsenic or prussic acid, and thinking thereby to neutralize its deleterious effects.

Let us throw men upon their own resources ; let us leave off dilating about the rights of the poor ; and proceed to eradicate out of men's minds that which the

abuses of the poor laws have implanted into them, and made epidemical in this country,—namely, this principle, that every man may be idle or industrious as he pleases, he shall fare all the same. Good God! my lords, can there be any principle so destructive as this? Did ever man, did ever fiend, devise a principle so calculated to contaminate character by removing the best restraint upon evil-doing, evil thoughts as well,—I mean the restraint of common prudence, which, since man's fall, is the condition by which he shall live. God Almighty has decreed that man should live by the sweat of his brow; but human legislation has decreed the very reverse. Man has said, be his brow moist with sweat or be it parched, be he industrious or be he idle, active or indolent, let him lead the life of the snail or the sluggard he shall feed of the earnings of his industrious fellow-creature, and that fellow-creature shall, for his industry, pay the penalty of supporting the sluggard in his worthless existence.

Ibid.

Capital Punishment—Forgery.

You have no right to take away one man's life because he has murdered another, except it be with a view of making an example, in order to prevent any other man from taking away another man's life. This is the only reason for which capital punishment is inflicted. Why has death been abolished as a punishment for the crime of forgery? Not because you have no right to take away life; but because you found that the feelings of men were going in such a direction, that there was no possibility of visiting the crime with punishment at all; and that, as long as the capital enactment remained, you could get no prosecutors. That was the only ground upon which the support of ninety-nine out of every hundred was obtained for the repeal of the capital part of the punishment for this offence.

Prove to me a case of arson, and I think it deserves capital punishment as much as murder, for it may involve

many murders ;—prove to me a case of burglary, or of highway robbery with violence, or of a person coming into the chamber of a female at night, and telling her to give up her cash, or he will take her life, and I think that, in every sense of the word, you have a right to inflict capital punishment in these cases ; and you will get prosecutions, and convictions, too, for these offences. When you find that the punishment is so severe that you cannot get a conviction, it then behoves you to pause : first, because you find that you can do with less punishment for the prevention of crime, and that is better for society ; and next, because you find that you can do better with less punishment, because the greater punishment frustrates its own end.

Ibid.

Difference among Dissenters.

They know little of the nature of the human mind, who think that any system can be laid down in which all sects of Dissenters will agree. Many of these sects differ as much from one another as they do from the church ; and many of them would rather come to the church than accommodate matters with their brother sectarians. It is true, that the law which regulates the zeal of parties in matters of religious controversy is very much in the nature of the law of gravitation—namely, that it operates in the inverse ratio of the distance ; but the nearer the theological disputants agree in matters of doctrine, the less the distance which separates them from one another, the stronger the power of repulsion.

June 24, 1834.

Place versus Conscience.

Talk of “ midnight oil ” and the “ sweat of the brow ! ” Will this avail a man under the present system ? Why, a man may waste all the oil in his cruets, and he may waste the sweat of his brow until there is no more sweat

to come out of it, and all this will avail him nothing;— he must go to the poor-house, he must apply to the parish for relief, unless he can render himself acceptable, not to the public, but to the minister of the day, and obtain a place. Even getting a place will avail you nothing if you wish to remain conscientiously in office; for if you happen to differ from the minister on a subject of great importance, and take the liberty of stating your opinion, out of office you go, and you get no pension, because you have not held it long enough. No; you must put your conscience under a bushel, you must shut your eyes to all abuses, you must render yourself quite acceptable to the Government for three years, otherwise you will lose your place and your chance of a pension.

Ibid.

Character of Mr. Malthus.

May I step aside for one moment and do justice to a most learned, a most able, a most virtuous individual, whose name has been mixed up with more unwitting deception, and also with more wilful misrepresentations, than any man of science in this Protestant country, and in these liberal and enlightened times. When I mention talent, learning, humanity, the strongest sense of public duty, the most amiable feelings in private life, the tenderest and most humane disposition which ever man was adorned with; when I speak of a man, the ornament of the society in which he moves, the delight of his own family, and not less the admiration of those men of letters and science amongst whom he shines the first and brightest; when I speak of one of the most enlightened, learned, and pious ministers whom the church of England ever numbered amongst her sons, I am sure every one will apprehend that I cannot but refer to Mr. MALTHUS.

July 21, 1834, (House of Lords, Poor Laws.)

*Mr. Chadwick's Talents.**

Mr. Chadwick I have not seen more than once or twice; but I confess that I have risen from the perusal of his papers (on the Poor Laws), admirable in all respects—for excellence of composition, strength of reasoning, soundness of judgment, and all that indicates the possession of every species of talent,—I say, I have risen from the perusal with a degree of admiration that I find it difficult either to suppress or describe.

Ibid.

Effects of the Poor Law on Industry.

Oh, monstrous progress of this unnatural system, which has matured in the squalid recesses of the work-house the worst ills that haunt the palace, and made the pauper the victim of those imaginary maladies which render wealthy idleness less happy than laborious poverty! Industry is the safeguard against impure desires, the true preventive of crimes; but not under the Poor Laws. Look at that volume (the Report of the Poor Law Commissioners), the record of idleness and her sister guilt, which now stalk over the land. Look at the calendar, which they have filled to overflowing, notwithstanding the improvement of our laws, and the progress of education. Industry is the corner-stone of property; which gives it all its value, and makes it the cement of society,—but not under the Poor Law; for it is deprived of its right and its reward, it finds its place occupied by indolence, and sees wrong and violence wear the garb, and urging the claims of right; so that all property is shaken to pieces, and the times are fast approaching when it shall be no more! In this devastation there remains but one exception—in those seats of industry, where the miracles of labour and of skill have established the great triumph of the arts, and shed unnumbered blessings on all around. These arts, whose lineage is high—for they are the offspring of science; whose progress is so flourish-

* Now Secretary to the Poor Law Commissioners.

ing—for they are the parents of wealth; they have indeed stayed for a season, in those districts which they nourish and adorn, the progress of the overwhelming mischief: but long even they cannot arrest its devastation, and this last pillar cannot long remain after all the rest of the edifice has been swept away! They cannot stay the wasting ruin, but we can and must. It behoves us to make a stand before one common ruin involves all, and tread back our steps, that we may escape the destruction that is on the wing and hovering around our door.

Ibid.

Science and Ignorance.

Unhappily, science has its limits, and they are not hard to reach; but ignorance is endless, unconfined, inexhaustible: ever new in invention, though all its productions are wretched and worthless; always surprising you, though mingling pity and contempt with wonderment; and never is it more daring in its inroads upon our credulity, never is it more strange in the antic feats it performs, never more curious in the fantastic tricks it plays, than when its gambols are performed in the persons of men dressed in a little brief authority, or who would fain be so attired, and who really are decked habitually in presumption that almost surpasses belief.

Ibid.

The Poor Law Amendment Bill justified by the state of the Country.

My lords, if this be a great step—if this be an extraordinary enactment—if this be an unheard-of measure which we are now discussing; supposing I admit all this, I ask, are not the times in which we live, in this respect, of an extraordinary aspect? Is the state of things on which we are called upon to legislate one that has often or ever existed before? Is the existing condition of our peasantry and our landowners not a novelty, and a portentous novelty; the growth of very late times yet daily

increasing and swelling out its hideous form? We live in times, indeed, very different from those that are past, when a report is presented to us, founded on the concurrent testimony of magistrates, country gentlemen, clergymen, farmers, labourers, and parish officers,—of manufacturers and tradesmen,—of men of science, and of men of no science at all,—of men of practical knowledge, and men of theoretical principles,—of the dwellers in towns, and of the inhabitants of the country,—of those who have been constantly in vestries,—of those who have been all their lives occupied in the administration of the Poor Laws, as magistrates, as barristers, or as judges. I say, my lords, you must listen to the recommendations when you have the best judges in matters of opinion, and the best judges to the matter of fact, all in one voice representing to you a state of things which has made industry and idleness, honesty and knavery, shift their places; and which exposes the property of the community, and with its property every law, every institution, every valuable possession, every precious right, to the ravages of that remorseless rural pestilence, before whose strides you, the guardians of the social happiness of those who live under your protection, have beheld the peasantry of England abused to a pitch which I am at once afflicted and ashamed to contemplate, which I shudder to describe, and which I could not bear to think of did I not know that the same hand which lays it bare to your eyes, and makes its naked deformity horrible in your sight, will be enabled, by your assistance, to apply to a foul disease a safe, an effectual remedy; restoring to industry its due reward, and visiting idleness with its appropriate punishment; reinstating property in security, and lifting up once more,—God be praised,—the character of that noble English peasantry to the proud eminence, where, but for the Poor Laws, it would have shone untarnished—the admiration of mankind, and the glory of the country, which boasts it as its brightest ornament.

Ibid.

Origin of the term "Union between Church and State."

It is singular enough that the origin of this phrase may be traced to a very high quarter for talent and learning—namely, Bishop Warburton; he, if I mistake not, was the author of the phrase. But Bishop Warburton was not for the alliance of the church of England (of which he was at times an eloquent and strenuous defender) with the state, because it was the church he belonged to, and of which he approved; his doctrine was, that the state must ally itself with whatever is the church of the majority. The right reverend logician counted noses; and as in England he was for the union of the Episcopalian king with an Episcopalian church, so in Scotland he would have been for the union of a Presbyterian king with a Presbyterian church, and in Ireland for the union of a Catholic king with a Catholic hierarchy.

August 1, 1834.

Inefficacy of Religious Tests.

Religious tests, good God! reflect for one moment how, from its very nature, a religious test must be the personification of impotence itself? How can any test keep out of any situation he aspires to any but the conscientious man? The test is pointed against the conscientious man in reality, though it professes to be contrived for his protection. Such a man will not take it, and it is only because he is an honest man that he will not. He is excluded, while the knave, who has no conscience at all, or whose conscience is seared, as it were, with an hot iron, will swallow all the tests that can be imposed, either by the statutes of the realm, or those imitative statutes which the universities have framed.

The meaning of a test is, not that you should be excluded unless you believe; but that you shall be excluded unless you *say* you believe: not, "unless you are one of us you shall have none of our good things;" but, "pretend to be one of us, and you shall have what you want." It is not addressed to a man's conscience, his honest re-

ligious opinion—it is addressed to his sordid propensities; to his feeling of self-interest; it is an appeal to his pocket, not his heart; it is a security for the very vilest parts of his nature—his love of vain distinction and his love of pelf. The moment your test meets with the man to exclude whom it is devised, it becomes utterly powerless, he swallows it up whole, in the twinkling of an eye; the gates, shut for his exclusion, fly open to receive him, and he exultingly wishes the test were twice as strong: as the man, upon his preferment, wished there were sixty-nine articles instead of thirty-nine, that he might subscribe them all, at the same rate of gain.

Ibid.

Instances cited to prove the foregoing.

What think you of some of our own most distinguished countrymen, all of them members of the Universities, and all subscribers to the thirty-nine articles? What think you of Dr. Middleton, of Trinity College, one of its most learned members, and not certainly one of the most powerful advocates for the church, or, indeed, for the Christian religion itself? him no test ever scared; the very nature of his argument, the kind of artillery with which he attacked religion, showed that he would swallow any test that the statute could invent or college propose to him. No man who reads the writings of David Hume, can have the slightest doubt that if any test whatever had been tendered to that celebrated metaphysician—but not very religious man—he would have scrupled for one second of time about taking it. How could you bind by declaration or subscription, the writer who closes his celebrated argument against all miracles with the well known passage:—"Our most holy religion rests not on reason, but on faith, and he who believes in it is conscious of a perpetual miracle in his own person, which subverts all the principles of his understanding." I need not remind your lordships of Shaftesbury, of Bolingbroke, of Wilkes—persons notorious for infidel principles, and whom tests were so far from excluding, that

they habitually subscribed declarations “on the true faith of a Christian.”

Ibid.

O’Connell and the Government.

I have uniformly been one of those who have declared my opinion against this individual whenever I have thought his conduct called for censure at my hands. No man on either side of the House, perhaps no man in Parliament, has used less of caution, less of management, in the expression of my opinions with respect to the honourable and learned gentlemen, when I have deemed it my duty—and a most painful duty I have felt it to be whenever I have had to discharge it—to animadvert upon his opinion; but because I disapprove of his opinions,—because I greatly blame and deeply lament parts of his conduct as mischievous to Ireland, and wholly unworthy of his great talents and abilities, to which I have always been ready to do justice,—I have entered into no bond, have made no covenant with myself, to allow Mr. O’Connell to govern me by the rule of contraries; to adopt whatever he rejects, or reject whatever he approves, simply because these several courses would be opposed to his. I hold it to be my duty to consult for the good of this realm; to advise my Sovereign in those things which belong to his Crown and people; and not less than anything else, to consider what belongs to his person and the peace of his dominions: and if I know and feel that a proposition which comes from Mr. O’Connell is an improvement upon a measure I have brought forward, I am neither so vain as to reject it because it is not my own, nor idiot so flagrant as to refuse it because it proceeds from one in whose conduct I cannot in all particulars agree.

August 11, 1834.

A House of Lords necessary to rectify the “Blunders and Absurdities” of the House of Commons.

I should, indeed, be sorry to see any measures adopted

which could, in the slightest degree, operate to the disparagement of this House. I am always ready to bear testimony to the value of this House, which I consider to be an integral and necessary part of the Constitution. No person who has watched the proceedings of the last two years (1833-4) could have failed to perceive that if there had been no House of Lords, the House of Commons must have stopped its legislation, or otherwise it would have been covered with blunders and absurdities. I speak with all due respect to the House of Commons, which I regard with a feeling of veneration. It is not the fault of the House of Commons that they commit errors, for they must almost of necessity do so. With the competition which prevails amongst six hundred and fifty-eight individuals, who are continually striving one with another to gratify their constituents, it is impossible that the details of measures can receive the same calm and deliberate attention which they obtain in your lordship's House, where no distractions arising from such extraneous circumstances exist.

August 14, 1834.

The Conservative Reformers of November 1834.

When, I ask, did the reforming spirit come upon this Government? They are now for reform in corporations, in the law, in the Church, in the State, in tithes, and in the law of marriages. They are going to make marriage a civil contract, and to abolish all bans, for the sake of the Dissenters. All these things we are to have from those who, a few months ago, would not listen to any reform; who told us, that in proposing it we were pulling down the Church about our ears; who inveighed against us as revolutionists; who challenged us as rebels; who exclaimed that we had either fools' heads on our shoulders, or traitors' hearts in our bosoms. Since when, I repeat, has this miraculous conversion taken place?—whence has it been derived? My lords, I hope that my experience of men has not made me too distrustful of their good intentions, or induced me to entertain a worse

opinion of the honesty of my fellow creatures than I ought to cherish. I hope that, having lived so long in the world as I unfortunately have, I have not, therefore, arrived at an unkindly or uncharitable estimate of their honesty. It is, however, a result not more, perhaps, of reason and experience, than of a sort of instinct which I have in me—an instinct which I believe to be a property of our common nature—that I feel an invincible mistrust of sudden, unaccountable, miraculous conversions. That men should at once from being the enemies of reform; from being the opposers of all improvement; from being the vituperators of all change; from being those who confounded reform with revolution, anarchy, disaffection, with political insanity, if not the worst political depravity; who would not touch any of the outworks of our venerable institutions of Church and State; who signalled their opinions, year after year, by uninterrupted, unabated, and pertinacious hostility to all species of reform, regarding it as synonymous with destruction; whose conduct has recorded their opinion in the eyes of the world, and whose speeches have rung it in all our ears; whose protests have stigmatized reform in worse language than I have to use,—for I cannot forget the invectives against it with which they have so often loaded your lordship's journals:—that these men should, all once, on the 14th of November, in the year of grace 1834, without any intermediate events happening, any change of public affairs; with nothing but twenty-four hours' experience added to their former stock; without any time given for reflection, except what elapsed between the opening and the reading of the letter enclosed to Sir Henry Wheatley, and brought by the servant of my noble friend; without being allowed *spatium requiemque dolori*; having no time to mourn over the destruction of our venerable institutions, to grieve over the loss of former opinions, to balance conflicting emotions, and weep over the cruel reflection that that ruin was all to be the work of their own hands:—that these men should all at once become reformers—this, my lords, does appear to me (I use not a harsh, but a very temperate expression) one of the most unaccountable

phenomena in human nature which I was ever yet called on, either as a statesman, as a philosopher, or as a man of the world, to contemplate. But it is said, "You may trust us in our conversion; this is not the first time we have changed our opinions, and sacrificed our principles, and become converts, in twenty-four hours, to the faith of our opponents." That is, it seems their title to trust.

Speech on February 24, 1835.

The Duke of Wellington's Mode of Reasoning.

The noble duke, on all occasions, begs the question; it is the mode of argument by which he is uniformly and plainly distinguished. Others have recourse to it more covertly, using it with temperance, skilfully, dexterously, eloquently; I should perhaps say, oratorically—for the noble duke is eloquent, but, bred in other pursuits, he is not rhetorical. In them the method is always recognised, though often with some difficulty, as a begging of the question. They are like the whining, coaxing, cunning mendicants, who often gain their point before we are aware of their arts; of this sort is the noble and learned lord.* The noble duke goes to work more roundly—less artfully; he speaks out plainly and bluntly; he begs the question stoutly—what the law calls sturdily; but though sturdy, he is still a beggar of the question all the same.

Ibid.

On sudden Changes in Political Opinion.

It is always suspicious when people change their principles and gain something; although, certainly, it may be a proof, in some cases, of magnanimity and honest devotion to the public well being; but that is a case which should occur only once in a statesman's life. A man may once get himself into that false position—he may once expose himself with impunity, to such a load of suspicion; but he must be aware of trying such an experiment a second time; for assuredly no weight of reputation, no

* Lyndhurst.

amount of public service, would ever enable any one with impunity to play the game twice.

Ibid.

Repeal of the Slavery and Abolition Acts.

If the country were so sunk, so brutalised, as to repeal sacred laws (like the slavery and abolition acts) on justice and mercy, I would say, let them try; but mine should not be the unholy hand to assist, in any way, in destroying a measure of such wise and generous policy. I might, if madness and wickedness were to triumph, be reduced for a time to despair, but I would live on in the ardent hope of being able, in better times, to undo a proceeding of such frightful iniquity. Whether I were in or out of office, I should never cease to protest against such unrighteousness, or to maintain, through good and evil fortune, that cause which I have ever supported, not for the sake of place, but from the immutable principles of humanity and justice.

Ibid.

On Oaths taken at the Universities.

My lords, I cannot help considering the taking of oaths, on such trifling occasions, as extremely reprehensible. That the occasions are trifling I infer, from the circumstance that sixpence absolves an individual for breaking one, eightpence for breaking another, and so on, in gradation. Oaths cease to be proper safeguards when they are so lightly treated. They ought to be reserved for the most solemn occasions. *Dignus vindice nodus.* If a necessity exists for the intervention of an oath, if an appeal is proper to be made to divine justice, let it be done in the most solemn manner. It surely ought not to be resorted to in a case where a fine of eightpence would remove the charge of perjury; it should only be introduced with reference to the performance of duties that could not by any means be dispensed with. As to other oaths, they come within the same principle, with the exception that they are taken by adults in the course

and practice of business, and the affairs of the world; whereas these oaths prescribed by the Universities are taken with all the form and solemnity of oaths generally, although in quality, in reality, or in effect, they are unlike other oaths.

March 6, 1835.

Opinion of the Unitarians and Socinians.

When the noble lord (Kenyon) pronounces, *ex cathedra*, in his place in this House, that a certain sect, which calls itself Christian, is not much attached to religion itself, he alleges that which, if it be not uttered in the spirit of persecution, does not in itself much savour of toleration. I think that we ought to be uniform in our conduct towards all sects. Whether the Unitarians are to be expelled or rejected, or (acting upon the more refined notions of this age) whether they are to be partly turned out of doors, or whether they are to be at once bowled out of the pale of the Church, still that must be a great grievance, at all events to them. I say, again, you are bound to treat all sects alike, and I protest again against its being said, that the Socinians or the Unitarians are not Christians. If we affirm that those persons are not Christians, we assert that which those individuals deny. Persecution consists very much in men holding up their own opinions as the standard of truth, and denouncing men who do not agree with them as persons who are not Christians. At all events, we are bound to treat the Unitarians with fairness; to be denied to be Christians is looked upon by them as a great grievance, and those who say the Unitarians are not Christians, ought not to avail themselves of the help which the Unitarian writings—excellent writings of excellent and able men, afford them in their contests with professed infidels.

March 31, 1835.

Benefits resulting from Infant Schools.

I consider the establishment of infant schools as one

of the most important improvements,—I was going to say in the education, but I ought rather to say in the civil polity of this country,—that have for centuries been made. Whoever knows the habits of children at an earlier age than that of six or seven—the age at which they generally attend the infant schools—whoever understands their tempers, their habits, their feelings, or their talents, is well aware of their capacity of receiving instruction long before the age of six. The child is, at three and four, and even partially at two and under, perfectly capable of receiving that sort of knowledge which forms the basis of all education ; but the observers of children, the student of the human mind, has learnt only half his lesson, if his experience has not taught him something more : it is not enough to say that a child can learn a great deal before the age of six years ; the truth is, that he can learn, and does learn, a great deal more before that age than all he ever learns or can learn in all his after life. His attention is more easily roused in a new world ; it is more vivid in a fresh existence ; it is excited with less effort, and it engraves ideas deeper in the mind. His memory is more retentive in the same proportion in which his attention is more vigorous ; bad habits are not formed, nor is his judgment warped by unfair bias ; good habits may easily be acquired, and the pain of learning be almost destroyed ; a state of listless indifference has not began to poison all joy, nor has indolence paralysed his powers, or bad passions quenched or perverted useful desires. He is all activity, inquiry, exertion, motion—he is eminently a curious and learning animal ; and this is the common nature of all children, not merely of clever and lively ones, but of all who are endowed with ordinary intelligence, and who in a few years become, through neglect, the stupid boys and dull men we see.

May 21, 1835.

Capacity of Children to acquire Knowledge.

The child, when he first comes into the world, may care very little for what is passing around him, although

he is, of necessity, always learning something, even at the first; but, after a certain period, he is in a rapid progress of instruction; his curiosity becomes irrepressible; the thirst for knowledge is predominating in his mind, and it is as universal as insatiable. During the period between the ages of eighteen months to two years and six, I will even say five, he learns much more of the material world—of his own powers—of the nature of other bodies—even of his mind, and of others' minds, than he ever after acquires, during all the years of boyhood, youth, and manhood. Every child, even of the most ordinary capacity, learns more, acquires a greater mass of knowledge, and of a more useful kind, at this tender age, than the greatest philosopher is enabled to build up during the longest life of the most successful investigation, even were he to live to eighty years of age, and pursue the splendid career of a Newton or a La Place. The knowledge which an infant stores up—the ideas which are generated in his mind—are so important that, if we could suppose them to be afterwards obliterated, all the learning of a senior wrangler at Cambridge, or a first-class man at Oxford, would be as nothing to it, and would, literally, not enable its victim to prolong his existence for a week. This being altogether undeniable, how is it that so much is learned at this tender age? Not, certainly, by teaching, or by any pains taken to help the newly-arrived guest of this world. It is almost all accomplished by his own exertions—by the irrepressible curiosity—the thirst for knowledge, only to be appeased by learning, or by the fatigues and the sleep which it superinduces. It is all effected by the instinctive spirit of inquiry, which brings his mind into a perpetual course of induction, engaging him in a series of experiments, which begins when he awakes in the morning, and only ends when he falls asleep. All he learns during these years he learns, not only without pain, but with an intense delight—a relish keener than appetite known at our jaded and listless age—and learns in one-tenth of the time which, in after life, would be required for its acquisition. Perverse and obstinate

habits are formed before the age of seven, and the mind that might have been moulded like wet clay in a plastic hand, becomes sullen, untractable,—obdurate, after that age. To this inextinguishable passion for all learning, succeeds a dislike for instruction amounting almost to disease. Gentle feelings—a kind and compassionate nature—an ingenuous, open temper—unsuspecting, and wanting no guard, are succeeded by violence, and recklessness, and bad morals, and base fear, and concealment, and even falsehood, till he is forced to school, not only ignorant of what is good, but also much learned in what is bad. These are the effects of the old system; the postponed education, and the neglected tuition of infants.

Ibid.

Effectual Mode of Preventing Crime.

Planting infant schools in such haunts of men as London, Westminster, Southwark, Manchester, Birmingham, and Sheffield, would be the most simple and most efficacious preventive of crime. It is usual to regard punishment as the means of deterring men from committing offences. I know that there are some who put their trust in the gallows for extirpating crime; that those who recoil from the idea of execution, fall back upon transportation; that those for whom the transportation has no charms, yet affect the penitentiary; that those who dislike the unwholesomeness of the penitentiary, yet cling to the treadmill, believing in the virtues of solitary confinement for two weeks, or confinement, not solitary, for the residue of six or twelve months. I know that various persons patronise these different punishments—that each has his reason for pressing his particular fancy, and that all flatter themselves their own favourite nostrum will be found the specific for our diseased moral condition. But this I know, that no one ever stops to examine in what way punishment deters from crime, or asks himself if it really

operates in that way at all; resting satisfied with the old-received popular opinion—learned by heart and repeated by rote, without the least regard to its meaning, far less to the reasons it may rest upon—that “the example of the punishment deters from the commission of the crime;” and no remedy beyond punishment is even thought of as worthy of a moment’s consideration.

Ibid.

Effect of Habit on the Infant Mind.

I trust every thing to habit; habit, upon which, in all ages, the lawgiver, as well as the schoolmaster, has mainly placed his reliance; habit, which makes every thing easy, and casts all difficulties upon the deviation from the wonted course. Make sobriety a habit, and intemperance will be hateful and hard; make prudence a habit, and reckless profligacy will be as contrary to the nature of the child grown an adult, as the most atrocious crimes are to any of your lordships. Give a child the habit of sacredly regarding the truth—of carefully respecting the property of others—of scrupulously abstaining from all acts of improvidence which can involve him in distress, and he will just as little think of lying, or cheating, or stealing, as of rushing into an element in which he cannot breathe.

Ibid.

On the Exclusion of the Study of History from the Schools on the Continent.

I have inquired of well informed foreigners—not, certainly, of France—if, in addition to a little natural history and mineralogy, the children were not allowed to learn civil history also? The answer was, -no; that it is forbidden; and in certain countries, seats of legitimacy, it may not, without risk be taught. So that the pupils learn the history of a stone, of a moss, of a rush,

of a weed; but the history of their own country, the deeds of their forefathers, the annals of neighbouring nations, they may not read. They are not allowed to gain the knowledge most valuable to the members of a rational and civilized community. History, the school of princes, must present closed doors to their subjects; the great book of civil wisdom must to them be sealed. For why? There are some of its chapters, and near the latter end of the volume, which it is convenient they should not peruse. Civil history, indeed!—the history of Rulers! Why, that would tell of rights usurped—of privileges outraged—of faith plighted and broken—of promises made under the pressure of foreign invasion, and for gaining the people's aid to drive back the invading usurper and tyrant; but made to be broken when, by the arm of that deluded people, that conqueror had been repelled, the old dynasty restored, and its members only remembered the invader and the tyrant to change places with them, and far outdo his worst deeds of oppressing their subjects and plundering their neighbours! History, indeed! That would tell of scenes enacted at their own doors; an ancient, independent, inoffensive people, overcome, pillaged, massacred, and enslaved by the conspiracy of those governments, which are now teaching their subjects the history of the grasses, and the mosses, and the weeds; tell them that the bible and the liturgy were profaned, which they are now commanded to read, and the Christian temples where they are weekly led to worship, were desecrated by blasphemous thanksgivings for the success of massacre and pillage. It would tell them of monarchs who live but to tyrannize at home, and usurp abroad; who hold themselves unsafe as long as a free man is suffered to exist—who count the years of their reign by just rights outraged, and solemn pledges forfeited—monarchs who, if even by strange accident, the sun goes not down upon their wrath, exclaim that they have lost a day; monarchs who wear the human form, and think nothing unhuman alien to their nature! No wonder, indeed, that civil history is forbidden in the schools of those

countries ! The tyrant cannot tear from the book the page that records his own crimes, and the world's sufferings, and he seals it up from the people ! But let us be thankful that despotism is, for the wisest purposes, made as capricious as it is hateful, and that those scourges of the earth, who dare not have their deeds told, yet teach men the knowledge which must, in the end, extirpate their own hateful race.

Speech on Education, May 21. Session, 1835.

Scotch Entails Bill.

I recollect very many cases of hardship which have occurred under this part of the Scotch law ; and one instance in particular, occurs strongly to me at this moment, and which I shall never forget. A lady, of great respectability, of an ancient family in the north of England, married in early life a Scotch gentleman, and he dying, she was entitled to a dower of 400 marks a year, or 20*l.* sterling, which, although it would have supported her as a widow, 300 or 400 years ago, amounts, in the present day, to about less than the poorest peasant enjoys, and much less than what would be earned by a house-maid. The estate being strictly in tail, there was no power to jointure beyond that. But the heir-at-law being her son, he supported his mother for about five years, when he, unfortunately, died, and then the infant came into possession, and the guardians had no power whatever to grant the unhappy lady one farthing. She came to me, as I had been a trustee under some settlement in the family, and she begged that I would interest myself for the purpose of obtaining a situation for her as a companion to an elderly lady, or old gentleman, and while I was looking out for some such person with whom she might live, she died, I believe very much in consequence of the wants of those common necessities which in sickness are required. All this arose from the state in which the fettering of an entailed

estate had left her; and it is only one out of many instances, which have come to my knowledge.

May 27, 1835.

On the Prevention of Crime.

In extirpating crimes, we must look to prevention rather than to punishment. Punishment lingers behind; it moves with a slow and uncertain step—it advances but at a halting pace in its pursuit after the criminal: while all the advantages which it promises, without being able to attain them, might be secured by preventing the access of the evil principle into minds as yet untainted with its baneful influence. By the infusion of good principles, and by that alone, can we hope to eradicate those crimes with which society is at present harassed. I feel that every day is lost which is not devoted to this great purpose by the lawgiver and the government of this close-peopled, wealthy, and manufacturing country, where the variety—I had almost said, the variegation of the moral aspect of the people is so great,—arising from the variety of their habits, and from the consequences which inevitably follow from the unequal distribution of wealth—where we behold all the extravagance close by the squalid wretchedness of poverty. In such a state of things, the necessary consequence is, that crime and immorality will abound. In such a state of things, then, it is necessary that the lawgiver and the ruler should take every means to extend education, and thus prevent the aptitude for criminal purposes.

National Education.—June 30. Session, 1835.

Popular and Despotic Governments.—Municipal Governments.

Is there even anything more important for the good government of the country—more valuable for tranquillity, more comfortable for all classes of His Majesty's

subjects, than that their great national institutions should be placed on such a footing, and their administration intrusted into such hands as shall command respect, and secure confidence. This it is, indeed, which constitutes the great line of distinction between free, and popular, and despotic governments; and nobody but a driveller, a dotard, or a fanatic, could dream of its being any disadvantage that the people should be satisfied with the manner in which their affairs are conducted. If that be a truism in general,—if it be admitted to have application to all the mighty arrangements of power, in the administration of the empire, and the constitution of the realm,—it is to be entirely held inapplicable when you come down from the higher eminences, to the humbler, but nearer level of the people themselves, when dealing with that which interests most men,—not the fate of empires—not the councils of states, not the fortunes of kings, not the interests, cabals, or existence of their ministers, but how their own town shall be ruled, how their own justice shall be administered, their own concerns managed, their own supplies raised; and how the money wrung from the hard earnings of their toil, for the support of the police, the administration of justice, and for other purposes of municipal government, should be regularly, honestly, and even parsimoniously administered. Instead of its indicating a driveller to hold such doctrines, it is the true wisdom of the truest statesman to desire, on the one hand, that the people at large should be satisfied with the general government of the country, but also to desire on the other, as warmly and as strenuously, to bestir himself that the people may not be dissatisfied with the administration of their municipal affairs.

August 3, 1835. Municipal Corporations.

Qualifications of Members of Parliament.

With regard to the qualifications required for a member of the House of Commons, I will say, that nothing

can be more ridiculous; nothing can be a greater farce of mummery than that qualification. A qualification of 600*l.* is required from knights of the shire, and of 300*l.* from burgesses of boroughs. These qualifications are absurd in themselves, in making a difference where no difference ought to exist; and they are more absurd in this, that, having made the distinction, both classes of members should be jumbled together, and a freehold qualification required for both. But not only has this qualification been evaded,—not only is it anomalous and absurd, but let us see how it has worked. There are qualifications required for England, for Ireland, but no qualifications are required for Scotland. The only instance in which a qualification is not required in the representation of England is that of the two universities. Now, attend to the practical working of this qualification: It has been said that the use of a qualification is to secure members of a certain stamp of respectability. Now, it so happens that the law, as it now stands, says, that a man, in England, is not fit to be a member of parliament who does not possess a qualification; whereas, in Scotland, a man is eligible without any qualification. But, my lords, does this qualification secure to England better or more fitting members of the legislature? Are the Scotch members of the lowest order?—Are they, in point of fact, chosen from amongst the paupers of the country? My lords, I will venture to say, that there is not one amongst the fifty-three members for Scotland, who is not, in point of wealth, more than equal to the average of the English and Irish members; and yet, the English and Irish members are obliged to qualify, by being sworn to the possession of 300*l.* and 600*l.*, whilst the Scotch members are bound to no qualification at all.

August 14, 1835.

Abolition of Imprisonment for Debt.

This is, perhaps, one of the greatest changes that have for a long period been proposed to be effected in

the law of this country. No question can be conceived of more wide-spread importance, or more nearly affecting certain rights of the subject. The principle, that imprisonment of the debtor ought not to be considered compensation to the creditor for a debt, but as some infliction of a penal nature for the debtor refusing to do an act which he is in honesty bound to do,—or for committing a fraud, or something equivalent to a fraud, or wasting his property by such gross and wilful neglect, as to justify the creditor in visiting some punishment upon him for thus taking away the creditor's own means of paying his debts.

August 25, 1835. (Session.)

Character of Lord Lyndhurst.

My noble and learned friend has adverted to the peculiarity of his own position at this moment. He said that he came forward as no volunteer to this work, but that if he had come forward as a volunteer, he should not have been ashamed of having done so. I will add, that if my noble and learned friend had been a volunteer, it would have done him honour to have taken at once that lead which his great talent, his vast experience, and his great weight amongst your lordships, entitle him to take, now and for ever. But my noble and learned friend, as he truly tells you, was not a volunteer in this cause. He was solicited by his friends, and if that solicitation does credit to him, who wanted it not, it also does credit to those who know my noble and learned friend's merit, and want his services. My noble and learned friend's assiduity and application, his talents, his acuteness, his memorable success on this occasion, before your lordships, all attest the soundness of judgment which made choice of him as the manager of the opposition against this bill, and do credit to his mental qualities, inasmuch as they demonstrate the weight which he has attained, and justly attained, among your lordships.

Sept. 4, 1836. Municipal Corporation Bill.

Political Miasma.

I, too, have been attacked ; but for me to be attacked in the discharge of my duty by those whom I every hour help, in every possible way, is so familiar, that it is like the air I breathe,—sometimes more wholesome than at others, sometimes more oppressive, — oftentimes tainted with miasma, — oftentimes bearing infection on its wings, — an evil in the constitution of the political atmosphere, which he who breathes it must take it into his account occasionally to inhale.

Ibid.

Pleasures of being Prime Minister.

I have no ambition to fight for that office (*premier*) which is so ably, so admirably,—but I am afraid I cannot add so cheerfully — filled by my valued friend the noble Viscount near me (*Melbourne*). Both he and I have lived to know, that in that political career in which he now is, and in which both of us have run, there is pain, there is suffering, there is every kind of every day annoyance, which no more ceases when you quit the restless waves of office and get upon the steadier dry land of private life, than the motion of the vessel ceases to harass the brain after you have quitted your bark and landed once more upon the shore.

Ibid.

The Punishment of Death.

If I could believe that the punishment of death, as it now stands in the Statute Book — as it exists according to the letter of the law — has the tendency of deterring persons from the commission of those offences, for which the law leaves it as a matter of discretion whether that punishment shall be inflicted or not, I certainly

should be disposed not to alter, but to continue that law. For, with great respect for those excellent and amiable persons who have devoted so much of their time to this question, but who have come to so different a conclusion from that which I have arrived at, I must repeat, that my opinion still remains opposed to theirs. I am not aware of the existence of any law, human or divine, which prevents the taking of a man's life as a punishment for crimes which he has committed. When I say human, I mean that there is not any general law which ought to bind the conduct of all men, which prohibits, any more than I think any divine enactment does, the taking of a man's life as a punishment for any great and grievous faults committed by him. It is said that, except for the shedding of man's blood, man shall not shed that of another; there is no doubt, that "Whoso sheddeth man's blood, by man shall his blood be shed." But that does not exclude the same capital punishment from being inflicted for all other offences besides the shedding of blood; neither is there any general feeling which ought to influence any well-regulated mind against the infliction of capital punishment for other offences besides murder. The same grounds, and the same justification exist for the punishment of death for other crimes than murder. For what is the justification which you have for taking away a man's life when he has taken that of another? The commission of such a crime is, I should say, an almost inexpiable offence — a great injury is done to society, and the most irreparable injury is inflicted on the individual and his family whose life has been so taken. But when we come calmly and reasonably, and not figuratively and metaphorically, to consider the subject, we see that it is not a justification for taking away a man's life, that he has taken that of another; the only justification is, that by so taking another's life, you obtain that which is the best security against the commission of the same crime by others. That is the cause of the punishment; it has its origin in that principle; that is the only intelligible defence for its exercise; it is the only reason which

entitles us to do that which is, but for that principle, merely the taking away a second man's life, because a first man's life has been taken. The feelings of all men are in unison with that sentiment, because there is a natural indignation operating in their minds, which renders it impossible to reconcile them to the shedding of one man's blood, merely because he has been the shedder of the blood of another; and it is only on the principle of deterring others from the commission of so enormous a crime that they think such a punishment justifiable * * * *. But my objection to the present law is, that it denounces but does not execute—that it has so long threatened, but so long failed in practice to carry that threat into execution, that its denunciations have become of no effect, and have in fact, operated on criminals as no threat at all. * * *

House of Lords, June 25, 1836.

The Pressure from without.

I would not for one moment be understood to say that we ought to introduce a change in compliance with feelings, however universal, if unreasonable; but I must state that, if public feeling sets in so strong, so uniform, and now so long-continued a current against a law as it exists in the statute book, though not in practice, as to make that law inoperative, and to render it impossible to execute it in consequence of the existence of such doubts in the minds of the individuals who compose the prosecutors and witnesses, as render prosecution ineffective,—I must say that such a circumstance affords a strong case for our interference to amend that law.

Ibid.

Wonderful Effects of Steam.

In their distance from each other, and for every purpose of intercourse, Manchester and Liverpool are, as if

by magic, brought within one-fifth part of the distance ten years ago, and within one-tenth part of the distance a century before that. What has made this most extraordinary revolution? What is it that enables man to move almost with the wings of the dove, and perform the various operations of business, or amusement, or pleasure, to attend to private affairs, or to public concerns, half a dozen times in the course of the day, at distances thirty miles asunder, which in former ages it would have taken a week to accomplish? What is it that makes the distance between Manchester and Liverpool nothing? which will enable us shortly to proceed from Liverpool to Birmingham, or from Liverpool to London, in eight or ten hours at farthest? What is the power that annihilates, as it were, the space which separates different communities of men,—or walking on the waves, brings the continents buried in the heart of America down to the seacoast, and civilizes their inhabitants by commerce and intercourse with their fellow-men? Why, it is Steam, subdued to the use of man, and made as docile and a thousand times more powerful than any domestic animal, instead of being the source of terror and dismay by its devastation. And who was it that subjugated this mighty power? A working mechanic, James Watt, whose name ought to live for ever, not in the annals of his country alone, but of his kind, as the common benefactor of the human race.

Speech on laying the Foundation Stone of the New Mechanics' Institution at Liverpool, July 20, 1835.

Watt, an Example to Mechanics.

James Watt was a maker of mathematical instruments,—a mechanic,—respectably connected it is true; but nothing is so respectable as personal good conduct, genius, and knowledge, which may be possessed by the peasant as well as the duke. What was it that subjected steam to us, but the skill, industry,

and talent of that working mechanic of the town of Greenock, in Scotland? For myself, I think that there is not one of the mechanics to be taught in this Institution, of which we have now been laying the foundation stone, who may not expect in future times to add to the discoveries of Watt, to increase further the powers of his species, to extend the resources of his country, and to benefit all mankind by the application of his knowledge to the safest, most wholesome, and most useful of all conquests, those won over the inert masses of matter in the most beneficial of all alliances, those formed with her energies and power.

Ibid.

Great Influence of Mechanics' Institutions.—Dr. Birkbeck their Originator.

I have no hesitation in saying that of all the improvements which have been made of late years in the condition of the people of this country, the diffusion of knowledge, both in science and in the other principles of their art, amongst the industrious portion of the middle classes, to whose use Mechanics' Institutions are more especially devoted, stands in the first rank amongst the very foremost. These Institutions have spread within the last ten or twelve years prodigiously over the country. But it is not only ten or twelve years ago,—it is a debt of no more than strict justice that I should remind you that a much earlier date is to be taken as the origin of these useful establishments; for, though the London Mechanics' Institution was then established, principally through its chief founder and most munificent patron, Dr. Birkbeck, he had, twenty-four years before, established the first real Mechanics' Institution in the city of Glasgow, where he first gave scientific lectures to humble artisans. Some have doubted whether he were the first that suggested the Institution of London; some have claimed to share with him the praise of executing that great design; but be it that he had coadjutors in planning, as it is

certain he had in executing it, I care not, for he was only taking a leaf out of his own book, twenty-four years old, which I have in my possession, printed at Glasgow in the year 1800, and in which there is a proposal of the first course of lectures, on subjects of science, which ever any man of science delivered to the men of art.

Liverpool Speech, July 20, 1835.

Rail Road Impressions.—Horror of War.

When I saw the difficulties of space and time, as it were overcome,—when I beheld a kind of miracle exhibited before my astonished eyes,—when I surveyed mosses pierced through on which it was before hardly possible for man or beast to plant the sole of the foot, and now covered with a road and bearing heavy wag-gons, laden not only with innumerable passengers, but with merchandise of the largest bulk and weight,—when I saw valleys made practicable by bridges of ample height and length which spanned them,—saw the steam railway traversing the surface of the water at a distance of sixty or seventy feet in perpendicular height,—saw the rocks excavated, and the gigantic power of man penetrating through miles of the solid mass, and gaining a great, a lasting, an almost perennial conquest over the powers of nature by his skill and industry,—when I contemplated all this, was it possible for me to avoid the reflections which crowded into my mind,—not in praise of man's great deeds,—not in admiration of the genius and perseverance which he had displayed, or even of the courage which he had shown in setting himself against the obstacles which matter had opposed to his course,—no, but the melancholy reflection that whilst all these prodigious efforts of the human race, so fruitful of praise, but so much more fruitful in lasting blessings to mankind, and which never could have forced a tear from any eye, but for that unhappy casualty which deprived me of a friend and you of a representa-

tive, a cause of mourning which there began and there ended; when I reflected that this peaceful, and guiltless, and useful triumph over the elements and over nature herself had cost a million of money, whilst 1500 millions had been squandered in bloodshed, in naturalising barbarism over the world,—shrouding the nations in darkness,—making bloodshed tinge the earth of every country under the sun,—in one horrid and comprehensive word, WAR,—the greatest curse of the human race, and the greatest crime, because it involves every other crime within its execrable name, and all with the wretched, and, thank God, I may now say, the utterly frustrated,—as it always was the utterly vain, attempt to crush the liberties of the people? I look backwards with shame, with regret unspeakable,—with indignation to which I should in vain attempt to give utterance, upon that course of policy which we are now happily too well informed and too well intentioned ever to allow again whilst we live,—when I think that if 100, and but 100 of those 1500 millions, had been employed in promoting the arts of peace, and the progress of civilization, and of wealth, and prosperity amongst us, instead of that other employment which is too hateful to think of, and almost now-a-days too disgusting to speak of,—(and I hope to live to see the day when such things will be incredible,—when looking back we shall find it impossible to believe that they ever happened)—instead of being burthened with 800 millions of debt, borrowed after spending 700 millions, borrowed when we had no more to spend,—we should have seen the whole country covered with such works as now unite Manchester and Liverpool, and should have enjoyed peace uninterrupted during the last forty years, with all the blessings which an industrious and a virtuous people deserve, and which peace profusely sheds upon their lot.

Ibid.

Trade of Liverpool.

Gentlemen, I have not only seen your railway, and drawn my moral from that, but I have seen Liverpool; and, though I was here for a morning five years ago,—the day the railway was opened,—and saw then the important improvements made during the interval which separated that from my former visit; yet I never come, and never shall come, however short the interval, without seeing astonishing proofs of the progress this great town is making. To go no further, I went to the docks, and I believe all Europe does not present a more interesting spectacle than the line ending with the new graving docks, all of which have been made since I was last here. Whilst contemplating these improvements I was happy in considering that all is now taking the right course,—that instead of a gambling, speculative sort of trade, too generally driven by great seaports, and from which London itself is not exempt, there is in Liverpool a much more healthy, and a much more moderate, I mean a more secure, more extensive, and unquestionably a more beneficial trade for the prosperity of the country at large.

Ibid.

A Slave Ship.—Punishment of Slave Traders.

But, gentlemen, there was one change, one prodigious improvement, which I saw most strikingly exemplified, and there is not any which does greater honour to the name of any community under the canopy of heaven than the commercial revolution to which I allude. I was taken to a vessel lying in one of those docks. It had once been a slave-ship. It was the only slave-ship I ever beheld, often as these dreadful vessels of wrath have been present to my imagination. This ship had been captured by a King's cruiser in the South American seas. It had been filled with pirates. I grieve to say three of those pirates were Englishmen; I grieve yet

more to say that the captain was himself of our nation. There had been 750 wretched slaves in a vessel of 300 tons burthen, and there had been to keep them in order, beside the chains, 75 ruffians,—pirates,—slave-dealers. I know that thirty or forty years ago I durst as soon have cut off my right hand, or had the tongue I speak with burned out of my head, as uttered what I have uttered to you this instant. And I'll venture to say that there is not one man who now hears me who will not cordially exult in the sentiment I am about to express,—Blessed be God that we have lived to see the day when this hellish traffic is declared to be piracy by law, as it in all times was in its own nature! The English captain of this slaver died on the spot, pierced with many wounds, after behaving with a bravery worthy of a better cause; but the other three Englishmen who degraded themselves by engaging in this horrid crime, are now in a dungeon, about to suffer the capital punishment due to their guilt. There are many instances of nations having, in the slow course of ages, improved their opinions, mended their habits, bettered their morals, left vicious and taken to virtuous courses; but Liverpool is the only community which, within the memory of one generation of short-lived men, has performed this moral miracle, and abandoned a gainful, because it was a guilty commerce.

Ibid.

“Dragging the Seals through the Dirt.”

I should make ill amends for the kindness I have always received from the town of Liverpool during a quarter of a century, if I did not say that I do not feel I am doing any thing wrong, in thus appearing before you on this occasion of festivity; that I never felt I was degrading any station in which it pleased Providence to place me by coming forward freely, and meeting my fellow-citizens. I know that my doing so has been objected to, and I know that my attendance at one dinner

in particular, was made the topic of censure; but I care not for it now, and I cared not then. I may, however, say, that the only dinner I voluntarily attended when in Scotland, last year, was one given, which I was urged to accept by my friend Mr. Bannerman, the member for Aberdeen. There was another,—that given to Earl Grey, at Edinburgh,—to which I could not avoid going without giving currency to the most ridiculous of all strange falsehoods, then propagating by the hireling press, namely, that Lord Althorp and myself had endeavoured to turn Lord Grey out of the ministry. I had, indeed, two letters from Earl Grey, acquitting us of such a wild plot as cutting our own throats by cutting Earl Grey's would have been; and one of them stating that none of his colleagues had made such constant efforts, up to the last moment, to keep him from resigning, as Lord Althorp and myself did. I was not satisfied with that: I thought that if I did not go to meet Earl Grey at Edinburgh, as I was pressed by my liberal fellow-townsmen to do, I should give additional currency to that most absurd and wholly unaccountable calumny. Yet it was said,—“Who ever saw such a thing in this world? What! a Chancellor—a Lord High Chancellor—attending a public dinner?” I really expected next to hear,—and it would have struck me with no more astonishment,—“Did any mortal breathing ever hear of a Lord High Chancellor ever dining at all?” Now, as the charge against public men for attending public dinners is, in the eyes of some, a very grave one, I feel “for my order,” who are thus traduced in my person, and I am bound to defend them as well as I can; I feel for the illustrious living, and also the departed greatness of the country; I feel, not only for such men as your late lamented representative, Mr. Huskisson, who never shrank from meeting his fellow-citizens in public; but I feel still more for another of your late representatives, who was a still greater sinner in this way, because he met the public, not only at dinners, but in the morning, and also in the evening, when there was not the excuse of a good dinner for so doing.

I did not change my opinions to join him—he became liberal at the close of his career; I gave my most cordial and disinterested support to his government, though I declined to join it. I need hardly to tell you that I mean the late Mr. Canning. Gentlemen, Mr. Canning was subject to the same imputation. Let me not confine myself to Liverpool: I am bound to defend other illustrious men from the same charge, and, principally, the late Mr. Pitt. Though I differed with him in politics,—though I deeply lament the course which the alarmists and the court seduced him to take,—though I have done my best to guard against a similar seduction, from the very same quarters, at the present day, and have, therefore, the satisfaction of being out of office, instead of being still clothed with power: but I am also defending Mr. Pitt, for he attended public meetings; he addressed his fellow-citizens after public dinners. Him, therefore, I defend also from this charge.

But it will be said he was only a Chancellor of the Exchequer? Well, then, I must even undertake the defence of my venerable and learned friend the Earl of Eldon, from whom I never received any thing but kindness in the course of my professional life; for whom, as a lawyer, I feel the greatest possible admiration, in common with all lawyers; under whom I, his humble successor, studied the principles of the court in which he presided for twenty-five years, and whose judgments I respect as a pure fountain of equity. I, therefore, pay a debt which I owe to him as the Chancellor who preceded me, as the Judge under whom I practised, as the master from whom I drew my knowledge, when I defend him from the gross, the foul, and the bitter charge of a Lord High Chancellor of England daring to meet his fellow-countrymen in public. Year after year did my venerable predecessor, when holding the Great Seal, attend public dinners, sometimes with Mr. Pitt, sometimes without him; and after Mr. Pitt's decease, Lord Eldon knew no better mode of testifying his respect for his departed friend and leader's memory, than by annually delivering a very impressive speech at the dinner to ce-

celebrate the anniversary of Mr. Pitt's birth. Shall it be said, then, that it is unexampled in a Lord Chancellor to attend public dinners? Those enemies of mine, who never come into sight, but are exceedingly active mining under ground, and working in the dark, had better betake themselves to some other charge, at least while Lord Eldon is allowed to remain an ornament to his country.

Having endeavoured to state the precedents, and to defend the character of the illustrious men, now no more, and of those who are still preserved to us, permit me now to say, that it has been at all times not merely a privilege of public men to meet their fellow-citizens on fitting occasions, but a privilege of the people to have public men constantly coming before them, and a duty of those men to come before the people freely, without the nonsense and the *hauteur* with which some idle folks choose to invest themselves by way of avoiding responsibility to the people; by way of making the people more easily led and misled; and by way of making them safe to govern and misgovern,—the policy, and the tactics, and the trick of those who, of late years, have been pleased to make the discovery that ministers have no business to attend public meetings. One other word I must add on this score; none of those who choose to confine their public appearances to after-dinner exertions, will ever find me do so. I appear here once in eight years, but I live in parliament. Whatever others may do, who appear nowhere but at such meetings, my life is passed where it ought, in my place in parliament.

Liverpool Speech, June 20, 1835.

Opinions on Reform always the same.—Opposed to Precipitate Reform.

Gentlemen, I know it has been also said—it has been very lately said, that I do not hold the same doctrines, and pursue the same course, in office and out of office; that I feel no difficulty in coming here to-day, and ex-

alting the people, by magnifying their means and their power, in exciting their hopes by holding out the prospect of still further improvements ; and that, whilst in office, I shunned the people, did not magnify their means, did not hold out hopes of greater reforms, but did all that in me lay to relax the pace at which public reforms were going on. Gentlemen, never was a charge more ridiculous, The insinuation is about as true as it is consistent, and it comes with a strange grace from the very persons who condemned my attending meetings while I held the Great Seal. But it seems I preached up cautious reform in those days, and complained of those who were impatient. I said precisely then what I say now, that crude, rank, precipitate reforms are worse and worse for the cause of reform than standing stock still.

Ibid.

Defence of the Grey Government.—Consistency of Lord Brougham.

I then, as now, treat those as the most absurd and thoughtless of men who complain of the government I was connected with for doing too little since the Reform Bill was carried. I then thought, and still think, that a more groundless charge never was brought against any men than the accusation of doing little against those, who in two sessions of parliament, had emancipated the slaves of the West, and the commerce of the East,—settled the Bank Charter,—reformed the whole Scotch Municipal Corporations,—improved the Criminal and Civil Law,—swept away the abuses of the Court of Chancery,—and though last, the greatest of all, abolished for ever the debasing system of the abused Poor Laws. But have I not now, when out of office, practised exactly what I preached when in power? Have I confined my consistency to using the same language in and out? No such thing. I have acted towards this government, whom these silly persons are endeavouring to

decry, precisely as I asked others to act by myself last year. What were the measures I was then most anxious to see carried? The Local Courts Bill, to bring cheap justice home to every dwelling; and the bill for at once abolishing the Pluralities and non-residence of the Clergy. These great measures were ready prepared; they were, after infinite pains, digested in bills; those bills were even printed; all was ready for carrying them through parliament; and my belief was, that this government, which professed to approve them, could have passed them into law. But I have carefully abstained from urging them forward, because I knew it would embarrass them in some quarters. I have never pressed the subject in any way, because I was satisfied with what the ministers are now engaged in doing, or endeavouring to do, and which, backed by the people, and relying only on their support, I trust they will succeed in accomplishing, I mean Municipal Reform, and the reformation of the Irish Church. Is not this demonstrative of the silly falsehood of that charge? Can any thing more be wanting to show that my conduct in 1835, out of office, is exactly what I recommended while a minister, in 1834? No, no, gentlemen, trust me, it is because my principles do NOT *so very easily bend to circumstances, and take their hue from situations*, that we now meet on the same level, and that I no longer am in the service of the state.

Ibid.

Inducements to take Office.—Idea of a Good Government.

I will fairly own that it must be a very good and active Government which I will ever consent to join. Unless I see a prospect of governing with the power of really serving the people; unless I can find a government strong to do, and willing, my present position of absolute independence suits me best. It must be a ministry of that kind, and which will do much, much, much, to relieve the intolerable burdens of this nation,

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and bless it with a very, very, very cheap government, that shall tempt me to abandon my post with and in front of that people. Digest your measures well,—be not rash, be not precipitate,—be not impatient, whilst you see that honest men have hold of the helm of the state, and that important measures are in progress under their auspices. Such now is, and always was my advice. I too shall get impatient if I find that they flag; I too shall get suspicious if I find that they flinch: but, in the mean time, I shall be one of the humblest, perhaps the most superfluous, but certainly the most zealous of their defenders, in a House where defenders do not superabound. In the country, I happen to be better acquainted with the people than any of them, and I shall be, as I have been, their supporter out of doors, as well as in parliament, where I never decline to appear on any occasion, in office or in opposition. In all places I shall be their defender, till they give me cause to leave them; and when I do leave them I believe I shall not alone quit them,—I believe that when I abandon them it will be because they have abandoned the people; and whether the people will cling by me, or cling by them, is a question which I will not delay a moment, to ask to have answered.

Ibid.

Principles to be supported, not Men.

Gentlemen, it has been most justly said, that this is essentially not a party meeting; but there is no such thing in these times as public men coming among their fellow citizens, and no mention being made of politics. I trust that I have given offence to no one by stating that my opinions are now what they always were. But I never grudged any man the credit he might get by altering his opinions for the better, and I think it truly unfortunate that a disposition has lately sprung up among us, to turn our backs on those men who were our adversaries, but are now willing to range themselves in

the great class of reformers. For my part, if any man, be his name what it will,—Melbourne, Grey, Russell, Althorp, Wellington, or Peel,—will change bad opinions for good ones, coming over to us, not for the lust of power, not to bolster up a falling administration,—but to help forward good measures, and give the people a chance of good government,—I am the last man in the world to inquire what he did before. I say, “What do you now? God forbid that I should twit you with ever having been worse than you are now disposed to be.” This has been, right or wrong, my constant principle. I am reminded of it by Liverpool, and all I see around me. Did I not here conflict for weeks with Mr. Canning, in 1812? Yet did I not, after fifteen years, support a cabinet, at the head of which was Mr. Canning, because he had taken up liberal opinions on foreign questions, as well as on matters of domestic policy? I said then, “You have changed to liberal politics—I should not have gone over to you, but you have come over to me, and I will support you.” Did I not, in 1830, and did not Earl Grey and Lord Althorp with me, do the self-same thing? Lord Melbourne, Lord Glenelg, (then Mr. Grant,) Lord Goderich, (formerly Mr. Robinson,) the Duke of Richmond, the enemy of Catholic emancipation, but one of the most honest, conscientious, and enlightened men, nevertheless, that I know,—Lord Palmerston; every one of these five were supporters of Lord Castlereagh’s Six Acts. Yet I sat in the same cabinet with them, and I support three of them who are now in office, because they, in conformity with the improving spirit of the age, have come to be liberal. Earl Grey, Lord Althorp, Lord John Russell, and myself, never changed our opinions at all; we were, and had always been, parliamentary reformers; these five had all been strong anti-reformers down to the last moment, but I said, “Let us act together for the good of the people, and to promote the cause of good government, since they have left their former opinions and come over to ours.” I see no sense, gentlemen, in dealing out a different measure to others who have been our opponents, if, indeed, we act not for

a party, but for the people,—our common object ought to be the general good, and that will never be promoted if we make war not on those who oppose us, but on the converts to our views.

Ibid.

The Pains of Office.

To one charge, however, which they bring against me, I must, no doubt of it, plead guilty,—I have not found favour with the courtiers, and I am no longer in office. My political habits; my principles; my popular feelings; the perpetual struggle of my life for the rights of my fellow-citizens; the determination which guides my public conduct that the interests of the people shall be the sole rule of the government; above all, my fixed and unalterable resolution that the Reform Bill shall bear its natural fruits, by giving this country at length a really cheap government, without which it is a useless and barren stock;—all these things are the worst of crimes in the eyes of a court, and the result of them is, that I now meet my fellow citizens in a private station, and absolutely independent in the performance of all my duties. Nor do I boast of having made any great sacrifice.

If it were not somewhat late in the day for moralizing, I could tell of the prerogatives, not so very high,—the enjoyments, none of the sweetest,—which he loses who surrenders place, oftentimes misnamed power. *To be responsible for measures which others control, perchance contrive; to be chargeable with leaving undone things which he ought to have done, and had all the desire to do, without the power of doing; to be compelled to trust those whom he knew to be utterly untrustworthy; and on the most momentous occasions, involving the interests of millions, implicitly to confide in quarters where common prudence forbade reposing a common confidence; to have schemes of the wisest, the most profound policy, judged and decided on by the*

most ignorant and the most frivolous of human beings, and the most generous aspirations of the heart for the happiness of his species, chilled by frowns of the most selfish and sordid of his race:—these are among the unenviable prerogatives of place,—of what is falsely called power in this country; and yet I doubt if there be not others less enviable still. To be planted upon the eminence from whence he must see the baser features of human nature, uncovered and deformed; witness the attitude of climbing ambition from a point whence it is only viewed as creeping and crawling, tortuous and venomous, in its hateful path; be forced to see the hideous sight of a naked human heart, whether throbbing in the bosom of the great vulgar, or of the little, is not a very pleasing occupation for any one who loves his fellow creatures, and would fain esteem them; and, trust me, that he who wields power and patronage for but a little month, shall find the many he may try to serve furiously hating him for involuntary failure—while the few whom he may succeed in helping to the object of all their wishes, shall, with a preposterous pride, (the most unamiable part of the British character,) seek to prove their independence by showing their ingratitude, if they do not try to cancel the obligation by fastening a quarrel upon him.

Yet to even all this I might have reconciled myself from a desire to further great measures, and from the pleasure which excitement gives to active minds, or, if you will, from the glory which inspires ambitious notions among statesmen, as well as conquerors. But worse to be endured than all, was the fetter and the cramp imposed on one used to independence,—the being buried while yet alive, to the people's condition and claims,—buried in the house of form and etiquette appointed for all ministers. Who, then, can marvel at the exultation which I feel to shake and to brace every fibre of my frame when, casting off these trammels—bursting through the cerements of that tomb—I start into new life, and resume my position in the van of my countrymen, struggling for their rights, and moving onwards in the accelerated progress of improvement with a boundless might, and a resistless fury, which pros-

trate in the dust all the puny obstacles that can be raised by the tyranny of courts and their intrigues—the persecution of bigots and their cunning—the sordid plots of greedy monopolists, whether privileged companies, or overgrown establishments, or corrupt municipalities?

In this proud position I am now placed ; and I have no desire at all to leave it. I am once more absolutely free,—the slave of no party—at the mercy of no court intrigue—in the service of my country, and of that only master. Firm on this vantage ground, it must, indeed, be an honest government, and a strong one,—a government which promises much for the people, and is capable of accomplishing much of what it promises, that can ever tempt me to abandon my independence in the front of my countrymen, and enlist with any ministry whatever.

Liverpool Speech, July 20, 1835.

Prospects of the Age.—Sneerers at Education.

Let us, as well we may, heartily rejoice in the magnificent prospect which now lies before us of good government, general improvement in virtue, and the attainment of national prosperity through the restoration of the people's most unquestioned right,—a cheap administration of their affairs—a substantial, effectual relief of their heavy burdens. The enemies of improvement have, indeed, of late years, confessed by their conduct, the hopelessness of any further attempt to obstruct its progress : they have bent before the wave, from fear of being swept away by it ; and they now have recourse to sneers and jibes at the instruction of the people. We are called Schoolmasters—a title in which I glory, and never shall feel shame. Our Penny Science is ridiculed by those who have many pence and little knowledge ; our lectures are laughed at, as delivered to groups of what those ignorant people in fine linen and gaudy attire call, after the poet, “lean unwashed artificers ;”

a class of men that should be respected, not derided by those who, were they reduced to work for their bread, would envy the skill of the men they now look down upon. Let such proud creatures enjoy the fancied triumph of their wit ; we care not for their light artillery (if, indeed, their heavy jests can so be termed) half so much as we did for their serious opposition. If they are much amused with our penny sciences, I hope, before long, to see them laugh twice as much at our penny politics ; because, when the abominable taxes upon the knowledge which most concerns the people are removed, —I mean the Newspaper Stamp—we shall have a universal diffusion of sound political knowledge among all classes of the community : and if lectures divert them so mightily now, I can tell them that preparation is making for affording them much more entertainment in the same kind by a very ample extension of the present system of lecturing, and by including politics in the course.

Ibid.

The "March of Intellect" and its Contemners.—Glory of the Schoolmaster and the Conqueror.

But there is nothing which these adversaries of improvement are more wont to make themselves merry with, than what is termed the "*march of intellect* ;" and here I will confess, that I think, as far as the phrase goes, they are in the right. It is a very absurd, because a very incorrect expression. It is little calculated to describe the operation in question. It does not picture an image at all resembling the proceedings of the true friends of mankind. It much more resembles the progress of the enemy to all improvement. The conqueror moves in a march. He stalks onward with the "pride, pomp, and circumstance of war,"—banners flying,—shouts rending the air,—guns thundering,—and martial music pealing, to drown the shrieks of the wounded, and

the lamentations for the slain. Not thus the School-master, in his peaceful vocation. He meditates and prepares in secret the plans which are to bless mankind; he slowly gathers round him those who are to further their execution,—he quietly, though firmly, advances in his humble path, labouring steadily, but calmly, till he has opened to the light all the recesses of ignorance, and torn up by the roots the weeds of vice. His is a progress not to be compared with any thing like a march,—but it leads to a far more brilliant triumph, and to laurels more imperishable than the destroyer of his species, the scourge of the world, ever won.

Such men—men deserving the glorious title of Teachers of Mankind, I have found, labouring conscientiously, though, perhaps, obscurely, in their blessed vocation, wherever I have gone. I have found them, and shared their fellowship, among the daring, the ambitious, the ardent, the indomitably active French; I have found them among the persevering, resolute, industrious Swiss; I have found them among the laborious, the warm-hearted, the enthusiastic Germans; I have found them among the high-minded, but enslaved Italians; and in our own country, God be thanked, their numbers everywhere abound, and are every day increasing. Their calling is high and holy; their fame is the property of nations; their renown will fill the earth in after ages, in proportion as it sounds not far off in their own times. Each one of these great teachers of the world, possessing his soul in peace; performs his appointed course—awaits in patience the fulfilment of the promises, resting from his labours, bequeathes his memory to the generation whom his works have blessed, and sleeps under the humble, but not inglorious epitaph, commemorating "one in whom mankind lost a friend, and no man got rid of an enemy."

Ibid.

Character of Pitt.

I admit, who does not?—that Mr. Pitt was a great minister, a great orator, and a man of unsullied public virtue, as far as freedom from mean, sordid, and despicable views could make him such. He sacrificed much to ambition, he sacrificed much more to love of place, which I think, in him, was not love of power, because he consented to hold office without that influence which every minister ought to possess, if he means to act wisely and honestly for the good of the country; but he had great and good qualities notwithstanding, and I am ready, differing wholly as I do from his politics, and agreeing with his early principles, to which his whole course while in power presented a frightful contrast; I admit his great qualities, as every man, who has the least regard to truth, or any candour in his composition, must cheerfully allow.

Ibid.

Opinion of Buonaparte.

And yet there is some excuse for Buonaparte when he acts in this manner. His government, as he well knows, is tolerated in injustice and cruelty. If you search and lay bare its foundation, you must necessarily shake it to its centre; its safety consists in silence and obscurity! Above all, is it essential to its power that the cruelty of his military system should not be attacked, for on it does he rest his greatness? The writers, therefore, who should treat, in a nervous style, of the rigour of his conscription, could expect nothing but severe punishment.

Speech on the Trial of Drakard in 1812.

Religion, in England, Ireland, and Scotland.

If any hierarchy in all the world is formed on any principle of consistency, if any church should be forward not only to suffer but provoke discussion, to stand upon that title, and challenge the most unreserved inquiry, it is the Protestant Church of England ; first, because she has nothing to dread from it, secondly, because she is the very creature of pre-inquiry, — the offspring of repeated revolutions, — and the most reformed of the reformed Churches of Europe. But surely if there is any one corner of Protestant Europe where men ought not to be rigorously judged in ecclesiastical controversy, — where a large allowance should be made for the conflict of irreconcilable opinions, — where the harshness of jarring tenets should be patiently borne, and strong or even violent language be not too narrowly watched, — it is in this very realm in which we live under three different ecclesiastical orders, and owe allegiance to a sovereign, who, in one of his kingdoms, is the head of the church, acknowledged as such by all men ; while, in another, neither he, nor any earthly being, is allowed to assume that name, — a realm composed of three great divisions, in one of which prelacy is favoured by law and assumed in practice by an episcopalian people ; while, in another, it is protected, indeed, by law, but abjured in practice by a nation of sectaries, catholics, and presbyterians ; and in a third, it is abhorred alike by law and in practice, repudiated by the whole institutions, scorned and detested by the whole inhabitants.

Speech for Ambrose Williams, August 6, 1822.

Bishops at discount in Scotland.

His Majesty, almost at the time in which I am speaking, is about to make a progress through the northern provinces of this island, accompanied by certain of his

chosen counsellors, a portion of men who enjoy unenvied, and in an equal degree, the admiration of other countries and the wonder of their own, — and there the prince will see much loyalty, great learning, some splendour, the remains of an ancient monarchy, and of the institutions which made it flourish. But one thing he will not see. Strange as it may seem, and to many who hear me incredible, from one end of the country to the other, he will see no such thing as a bishop; not such a thing is to be found from the Tweed to John O'Groat's: not a mitre; no, not so much as a minor canon, or even a rural dean, — and in all the land not one single curate, — so entirely rude and barbarous are they in Scotland, — in such outer darkness do they sit, that they support no cathedrals, maintain no pluralists, suffer no non-residence; nay, the poor benighted creatures are even ignorant of tithes. Not a sheaf, or a lamb, or a pig, or the value of a plough-penny do the hapless mortals render from year's end to year's end! Piteous is their lot! — what makes it infinitely more touching is, to witness the return of good for evil in the demeanours of this wretched race. Under all this cruel neglect of their spiritual concerns, they are, actually, the most loyal, contented, moral, and religious people any where, perhaps, to be found in the world. Let us hope that his Majesty may return safe from the dangers of his excursion into such a country; an excursion most perilous to a certain portion of the church, should his royal mind be infected with a taste for cheap establishments, a working clergy, and a pious congregation.

Ibid.

The Bishopric and Clergy of Durham.

If there is any part of England, in which an ample licence ought more especially to be admitted in handling matters of Church Government, I say without hesitation, it is this very bishopric, where in the nineteenth century,

we live under a palatine prince, the Lord of Durham ; where the endowment of the hierarchy, I may not call it enormous, but I must, I shall be permitted without offence, to term splendid ; where the establishment, I dare not whisper, proves grinding to the people, but I will rather say is an incalculable, an inscrutable blessing,—only it is prodigiously large ; showered down in a profusion somewhat overpowering ; and laying the inhabitants under a load of obligation overwhelming by its weight,—it is in Durham, where the church is endowed with a splendour and a power, unknown in monkish times and popish countries, and the clergy swarm in every corner, as it were the patrimony of St. Peter,—it is here where all manner of conflicts are at each moment inevitable between the people and the priests, that I feel myself warranted on *their* behalf, and for *their* protection,—for the sake of the establishment, and as the discreet advocate of that church and that clergy,—for the defence of their very existence,—to demand the most unrestrained discussion of their title and their dealings under it.

For them in this age, to screen their conduct from investigation, is to stand self-convicted ; to shrink from the discussion of their title is to confess a flaw ; he must be the most shallow, the most blind of mortals, who does not at once perceive that if that title is protected only by the strong arm of the law, it becomes not worth the parchment on which it is engrossed, or the wax that dangles to it for a seal. I have hitherto all along assumed, that there is nothing impure in the practice under the system ; I am admitting that any person engaged in its administration does every one act which he ought, and which the law expects him to do ; I am supposing up to this hour not one unworthy member has entered within its pale ; I am presuming that up to this moment not one of these individuals has stepped beyond the strict line of his sacred functions, or given the slightest offence or annoyance to any human being ; I am taking it for granted that they all act the part of good shepherds, making the welfare of their

flock their first care, and only occasionally bethinking of shearing in order to prevent the too luxuriant growth of the fleece proving an incumbrance, or to eradicate a disease. If, however, these operations be so constant that the flock actually live under the knife,—if the shepherds are so numerous, and employ so large a troop of the watchful and eager animals that attend them, (some of them too with the cross of the fox, or even the wolf, in their breed), can it be wondered at, if the poor creatures thus placed and hunted, and barked at, and snapped at, and from time to time worried, should now and then bleat, dream of preferring the rot to the shears, and draw insidious, possibly disadvantageous comparisons, between the wolf without, and the shepherd within the fold? It cannot be helped; it is in the nature of things that suffering should beget complaint; but for those who have caused the pain to complain of the outcry and seek to punish it,—for those who have goaded, to scourge and to gag, is the meanest of all injustice.

Ibid.

The Silent Sorrow of the Durham Clergy.

They, (the Clergy of Durham), it seems, entertained the same generous sentiments with the rest of their countrymen, though they did not express them in the old, free, English manner, by openly condemning the proceedings against the late queen; and after the course of unexampled injustice against which she victoriously struggled, had been followed by the needless influence of human torture, to undermine a frame whose spirits no open hostility could daunt, and extinguish the life so long embittered by the same foul arts,—after that great princess had ceased to harass her enemies,—after her glorious but unhappy life had closed, and that princely head was at last laid low by death, which living, all oppression had only the more illustriously exalted,—the venerable clergy of Durham, I am told,

were for the first time, though less forward in giving vent to their feelings than the rest of their fellow citizens,—though not so vehement in their indignation of the matchless and unmanly persecution of the queen,—though not so unbridled in their joy at her immortal triumph, nor so loud in their lamentations over her mournful and untimely end,—did, nevertheless, in reality, all the while, deeply sympathise in her sufferings, in the bottom of their reverend hearts! When all the resources of the most ingenious cruelty hurried her to a fate without parallel,—if not so clamorous, they did not feel the least of all the members of the community,—their grief was in truth too deep for utterance,—sorrow clung round their bosoms, weighed upon their tongues, stifled every sound,—and, when all the rest of mankind, of all sects and of all nations, freely gave vent to the feelings of our common nature, THEIR silence, the contrast which THEY displayed to the rest of their species, proceeded from the great depth of their affliction; they said the less because they felt the more! Oh, talk of hypocrisy after this! Most consummate of all the hypocrites! After instructing your client's official advocate to stand forth with such a defence,—such an exposition of your motives,—to dare utter the word hypocrisy, and complain of those who charged you with it! This is, indeed, to insult common sense, and outrage the feelings of the whole human race! If you were hypocrites before, you were downright, frank, honest hypocrites to what you have now made yourselves,—and surely, for all you have ever done, or ever been charged with, your worst enemies must be satiated with the humiliation of this day, its just atonement, and ample retribution!

Ibid.

The Durham Clergy Persecutors of the Queen.

When they found that her sufferings were to have an end; that new pains were inflicted in revenge for her

escape from destruction, and new tortures devised to exhaust the vital powers of her, whom their lawless violence had failed to subdue—we might have expected some slight manifestation of disapproval from holy men, who, professing to inculcate loving kindness, tender mercy, and good will to all, offer up their daily prayers for those who are desolate and oppressed. When at last the scene closed, and there was an end of that persecution which death alone could stay, her unhappy fate could not even glut the revenge of her enemies; and they who harassed her to death, now exhausted their malice in reviling the memory of their victim; and if among them had been found, during her life, some miscreant under the garb of a priest, who, to pay his court to power, had joined in trampling upon the defenceless; even such a one, bare he the form of a man, with a man's heart throbbing in his bosom, might have felt even *his* fawning, sordid, calculating malignity assuaged by the hand of death; even *he* might have left the tomb to close upon the sufferings of his victim. All probability, certainly, favoured the supposition that the clergy of Durham would not take part against the injured, because the oppressor was powerful; and that the prospect of emolument would not make them witness with dry eyes and hardened hearts, the close of a life which they had contributed to embitter and destroy. But I am compelled to say, that their whole conduct has falsified these expectations. They sided, openly, strenuously, forwardly, officiously with power, in the oppression of a woman, whose wrongs this day they, for the first time, pretend to bewail in their attempt to cozen you out of a verdict, behind which they may skulk from the inquiring eyes of the people. Silent and subdued in their tone as they were, on the demise of the unhappy Queen, they could make every bell in their chimes peal when gain was to be expected from flattering present greatness. Then they could send up addresses, flock to public meetings, and fill the press with their libels, and make the pulpit ring with their sycophancy, filling up to the brim the measure of their

adulation to the reigning monarch, head of the church, and dispenser of its patronage.

Ibid.

Uncourteous Rivalry of Editors.

I am about to shew that Mr. Wakley, being the editor of a journal, which, as the learned Counsel (Sir James Scarlett) has justly said, is a work in great circulation, has only acted as a rival editor, and is justified in what he has done. Rival editors do not always treat one another with that degree of meekness and courtesy, which the learned gentleman on the other side seems to expect from them. For my own part, however, I do not see why editors should not treat each other with civility. Certain I am, that if a court of honour and politeness were instituted, Sir James Scarlett would be entitled to sit in it as chief justice, and no doubt that learned judge would call before him, and severely reprimand, any one guilty of incivility. If one gentleman said he was a rival editor, the learned judge would say "That is no reason why you should be rude: therefore, I award that you make him three bows, and go out of court!" Courts of law, however, do not deal with matters of this sort in this way; they give damages for incivility. If they did give their attention to such matters, jurymen would be much more employed than they are, for no man could jostle another in the street, no man could call another Roderick instead of doctor,* without being called before the court, and being required, by the learned judge presiding, to call out, instead of Roderick, "Doctor," three times wherever the gilded pill is raised, either in Warwick Lane or at the West End, and at the hour at which the first cock crows, exclaim, "In the name of Esculapius, Doctor Macleod." So, if one gentleman at the bar

* In the Lancet, Dr. Mac Leod had been called, "*Roderick, the Yellow Goth.*"

were to call another his friend, instead of his learned friend, the name to which, by the courtesy of the profession, he is entitled, that learned gentleman would be entitled to damages for the breach of politeness. The plaintiff and defendant in this case are rival editors, and if they have not treated each other with courtesy, that is to be considered as nothing in a court of law.

Mac Leod v. Wakley, February 18, 1828.

Peculiar Nature of Commissions of Lunacy.

An inquisition of this sort is one of a very peculiar nature. In other cases, there are the plaintiff and the defendant, who are to be looked upon as enemies or opponents, between whom there is no community of feeling; but such is not the case here. Here they are, or ought to be, the same party, with the same purpose in view; and even though they be nominally opposed, they are, or ought to be, animated by the same spirit. What is the first and inevitable consequence of this principle? Why, that there should be no contentious wrangling between the parties, — no desire to catch at trifles, — none of those common tricks of the profession which are exhibited at *nisi prius*, — and that the party promoting the commission, should be most anxious to bring forward every tittle of evidence that has transpired up to the last moment. So that, in fact, the counsel on the other side are, or ought to be, as much for Mr. Davies, as I and my learned friends, more technically speaking are. At the same time, I apply the like doctrine to my own side, and vow most solemnly, that if at any one instant I had felt the evidence was such as to convince me of the insanity of Mr. Davies, as his counsel, as entrusted with the protection of all his highest interests, and in the faithful discharge of my duty, I should feel bound to suspend all further proceedings, to save the wreck of his estate, and to fling round him that protection of the law which

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his unsoundness of mind would make it my duty to seek for him.

Speech on Commission of Lunacy, December 24, 1829.

Peculiar state of Mr. Davies's Mind.

Gentlemen, where great affection has existed before, — where every management and controul has tended to increase it, the consequence of a re-action in those feelings is as strong as the feelings themselves. I care not what your physicians or your metaphysicians may say ; I shall be content to hold by common sense, which tells me, that when a strong affection is succeeded by any thing like a coldness in a quarrel, it is sure to beget great irritation ; the struggles between the passions must necessarily produce it. This is the state in which Mr. Davies was placed ; and while in this state, some persons chose to raise the doubt as to his soundness of mind, and to take active steps towards his being treated as a madman. But let me ask, was this a likely way to allay his irritation ? was such a mind in such a state to be restored to calmness and tranquillity by having keepers and a strait waistcoat ?

December 24, 1829.

Opinions and Authority of the Doctors.

I think I may venture to say, that it is dangerous for men of authority to give opinions, because that trust which we are willing to repose in their authority runs the risk of being brought into disrepute by their opinions. Their authority is established, and we cannot dispute it ; but when they give out an opinion, of that we are able to judge by the rules of common sense and experience. Take the doctors on their authority, and they are so many superior beings — infinitely and irreproachably above us ; indeed, I am almost afraid to talk

of them in that character, lest they should cry out "Delusion! delusion!" and snap me up as a patient. for no sooner is that string touched, than away they go like sheep in a pen. But when we talk of opinions, it is quite another affair; they then become very much like us common mortals, and we can judge of the point as well as themselves.

Ibid.

Mad Doctors, not always the best Judges in Lunacy.

Let me observe that the bulk of the medical men who were called to give evidence in support of Mr. Davies's insanity, are what I shall call mad-doctors. And here I may make one observation which is common to all men who have peculiarly studied and practised only one portion of a science; in my opinion their judgment is not so sound as that of those who have devoted themselves to the more general and liberal cultivation of any branch of the science. In my own profession it is not uncommon to take the opinion of a general lawyer, as well as a conveyancer, on points strictly relating to conveyancing only; and so, when the dentist or the aurist is consulted I would, if it were my case, join with him an able general practitioner, for the sake of procuring a more sound and satisfactory judgment. Those gentlemen who only look after insanity are somewhat dangerous; they look at things and actions with a view peculiar to themselves,—they may be called, after fashion, madness hunters, twist finders, delusion fanciers. Nor is this all; there is a fellow-feeling among them. Your medical man is very apt, where a brother has got into a mad-house, to indulge in a little learning to get him out,—probably actuated by a natural wish that the craft should not come to shame. Let me warn you that you are not now dealing with facts. If any one were to ask me if Mr. Lawrence, Dr. Burrows, or Dr. Monro were to be believed as to a fact, I should say, beyond a doubt; but when it comes to a matter of opinion I cannot

answer so favourably, because I know that, as medical men, they are labouring under a bias and fellow-feeling.

Ibid.

“ Delusion of Manner.”

The next medical witness, Dr. T. Davis, has been peculiarly happy, for he has had the luck to invent an entirely new sort of delusion; according to him, Mr. Davies laboured under a delusion of manner. Here then we have the delusion of manner for the first time propounded; and if Dr. Davis's doctrine is to prevail, I will venture to say that it will prove a great relief to those who are afflicted with prosing friends and long-storied acquaintances.

The doctor was so good as to tell us that he had no difficulty in saying that Mr. Davies was insane in his delusions; but press him how we would, or where we would, as to the delusions themselves, he could not describe them. At length, after great trouble, we got him to insinuate that the delusion consisted of unnecessary emphasis and gesticulation. God help us!—who of us are safe, if that is to be taken as the criterion of unsoundness? When I think of it I do not feel safe myself. I am in the greatest alarm for my learned friends; and, as for Dr. Haslam, he is hopeless,—he is beyond praying for. All that we can hope is, that the mad-doctors possess the instinct of certain fishes, and forbear from preying on each other.

Ibid.

“ Unsound Quotations no proof of Insanity.”

As to Mr. Davies's letters, which have been brought forward as a proof of his insanity, why, the worst that can be said of them is, that they abound with unsound quotations; but merely unsound quotations are not to

be taken as proofs of an unsound mind,—if so, in what a situation does my learned friend Mr. Wright, the counsel with Mr. Wetherall,* in support of the commission stand? Little bits of speeches are very different from whole speeches, and if a Mrs. Wardell had come into this room yesterday, now and then, during my learned friend's address, I know not what might not have happened. Supposing she had heard a little bit about "reason filling the throne, till delusion pulled her down, and seduced her and then occupied the seat," and yet this was very good, as my learned friend, Mr. Wright, gave it. What would have been the consequence if Mrs. Wardell had heard him say this? Would it not have been that somebody was getting up to the Throne of Heaven for the purpose of seducing the moon? Then, too, when my learned friend talked of "grasping infinity in your palm, and measuring eternity with a span!" Why all this controlling and measuring,—palming and spanning,—infiniteizing and eternitizing, were very rational in my friend; but if a person only moderately learned had heard it, would there not have been danger of its being worked up into some most horrible delusion.†

Ibid.

Commerce and War.

We may always conclude, that a nation is in a comparatively low state of commercial advancement, which finds it cheaper and easier to fight, than to purchase; and prefers gaining in the field, to gaining in the market. When trade, and the arts of civilized life, have been carried to a certain length, war is the greatest calamity that can befall a community. Any state in modern Europe would be so completely ruined by the

* Now, Sir Charles Wetherall.

† On Saturday, October 26, a verdict of soundness of mind was returned by the jury.

contests which Athens and Carthage easily supported, that it would be a matter of total indifference whether the war was a series of victories, or of disasters. The return of peace to France and England, after half so long a contest as either the Peloponnesian or the Punic wars, would be cheaply purchased by any conquest or revolution—any change of dynasty, or overthrow of government.

“ *Colonial Policy*,” (1803). p. 12.

How did we get the Colonies?

The means by which, with a very few exceptions, all the Colonial territories of modern Europe have been acquired, are such as reflect no great honour, either upon the honesty or the humanity of the different nations. The most valuable of these distant countries were peopled by independent tribes, either united in society under regular governments, and advanced in civilization, or living in a rude, but free state, and connected by the most simple and imperfect ties. As soon as their existence became known to the more powerful communities of the old world, an intercourse was established, which terminated in the subjection or extirpation of the ancient possessors, after a succession of cruelty and fraud; sometimes mingled with ridiculous perversions of casuistry in religion and jurisprudence—sometimes varied by pretexts, still more shameless, of rights by grant, purchase and conquest.

The title, then by which the different powers now hold their Colonial territories, very much resembles that by which all nations have possessed their dominions in every age and quarter of the globe—the right of the strongest and most crafty, assumed over those who could neither resist or escape—and admitted by others, who dared not oppose it, or who shared in the spoil.

“ *Colonial Policy*,” p. 37.

The Founders of the North American Colonies.

The Colonies of North America were originally planted by men who had quitted their native country, either from a love of civil and religious liberty; or from a desire to better their fortunes, by laying out a small capital in the improvement of land; or from the necessity of finding employment in a country where labour bore a high price — anxious to live in peace and freedom, with a competency for themselves and their families, these men centered all their views in the spot to which they removed their fortunes and their persons — they gave up, for ever, the thoughts of returning to the countries which they had left behind them — and transferred to their new homes, all those ties which had formerly bound them to Europe. The first emigrants consisted of whole families; and if, for some time afterwards, the new comers were chiefly men, the disproportion of sexes could last but for one generation; since all the inhabitants remained in the country for life, and the increase of population, by the influx of new settlers, could bear no proportion to the natural augmentation.

The woods of the Northern Continent, then, were cleared by men of small capital, content with a living profit, attached to the soil, and entertaining no ideas of removing from it. The smallness of their property excited their whole industry; and the part of their profits which arose from their labour, bore a great proportion to that part which came from their stock. They never thought of accumulating, unless to extend their improvements; nor of separating themselves from that immoveable subject in which their wealth was vested.

Men ever acquire a strong interest in the soil which owes its cultivation to their labours, and repays their cares by its fertility. The scene of their prosperity naturally has charms for them; the influence of local attachment binds them to the spot which necessity has made them to choose. And, even, if at first, they had entertained no prospects of removing thither for life, or

had no ties of family and friendship, to determine their residence; as the ardour of youth abates, the love of change cools, the views of enjoyment contract; and the desire of depositing their bones in a country which had received and cherished them, gradually succeeds to the obliterated partiality of the place of their birth.

“ *Colonial Policy*,” p. 43.

Holland the Asylum of the persecuted.— Character of the Merchants.— Liberality of the Laws.

Holland is the only country in Europe where the merchants are almost all of foreign extraction, or foreigners by birth. The manufacturers, too, are many of them descended from strangers. This has arisen from the peculiar circumstances of the neighbouring states, and the asylum offered to all the victims of civil or religious persecution, by the republic. The same circumstances, however, of unlimited toleration, and commercial advantages, which drew men thither, retained them there; and the trader who removes to Holland, in the present times, for the purpose of his business, seldom thinks of returning to his native country. The laws make no distinction between natives and foreigners in the privileges of trade, or in political rights. Every one may be admitted alike to the highest offices of the states, and of the federacy, by obtaining the freedom of the cities; and the burgess ticket of the capital itself costs something less than 5*l*.

“ *Colonial Policy*.”

First Settlers of America.

The first settlers of all the Colonies, were men of irreproachable character, though not very enlightened in their views, or polished in their manners. Many of them fled from persecution; others on account of an honourable poverty; and all of them with their expect-

tations limited to the prospect of a bare subsistence, in freedom and peace: all idea of wealth or pleasure was out of the question. The greater part of them viewed their emigration beyond the Atlantic, as a taking up the cross; and bounded their hopes of riches to the gifts of the Spirit—and their ambition, to the desire of a kingdom beyond the grave. A set of men more conscientious in their doings, or simple in their manners, never founded any commonwealth. It is indeed the peculiar glory of North America, that, with a very few exceptions, its empire was originally founded in charity and peace.

“ *Colonial Policy.*”

America deficient in the higher Branches of Literature.

The Americans have always possessed a numerous, virtuous, and athletic peasantry; but they have numbered no fine artists among their millions. They have raised necessities, but imported superfluities. They have produced theologians and statesmen, because government and religion were necessary; but they have not raised a single orator in all the course of their changes—not even under their present constitution, so favourable to eloquence: and the word American has never yet (so far as I know) been coupled with either poetry, painting, or music.*

Ibid.

American Fanaticism.—Definition of Liberty of Conscience.

But, although they (the settlers) left the old world for liberty and conscience sake, they soon manifested what they understood by liberty of conscience. By that term they meant (like almost all advocates of liberty)

* The reader must bear in mind that this opinion was expressed by Lord Brougham so far back as the year 1803, since which time America has given birth to many sons who stand high in the literary world.

the propagation of their own peculiar tenets; and they showed, that they only wanted the power to propagate their creed (like their European oppressors) by that method of mental persuasion, which consists in burning the body. They allowed every man entire liberty of conscience, provided he used that liberty in adopting their own standard of faith. Accordingly, while in Old England, the spirit of fanaticism was operating to the downfall of government, and mingling itself with every pursuit of the age, to the universal debasement of manners and sentiment—in New England, the heterodox were persecuted by the impulses of the inward light; or parties were formed, and armies marshalled, and millions led, by the subtle principles of metaphysical theology. But the Falklands and Sydneys had no parallels to temper the unclassical rage of the American bigots; and even the Cromwells and Bradshaws found but poor representatives in the stupid fanatics of Boston and Salem. Long after the mother country had relinquished, for ever, the arts of persecution, they found votaries in the constituted authorities of the colonies: and the northern states, at the end of the seventeenth century, afforded the disgraceful example of that spiritual tyranny, from which their territories had originally served as an asylum.

The century, which has just passed, moderated this odious spirit: but, to this day, the northern states are chiefly distinguished from the others, by a taint of religious bigotry,—as the character of the middle states is modified by the extensive mixture of different nations, which have contributed to people them—and that of the northern provinces, by the admixture of Negro slaves. In the middle states, the mercantile spirit has gained more ground than in any of the rest: the diversities of race have rendered the sentiments of patriotism, and the love of liberty, less ardent—while the variety of religions has prevented the introduction of that fanaticism, of which we have traced the effects in the north. In the northern states, the contrast of servitude has mingled an aristocratical spirit with the manners of

simple husbandmen ; and the climate, by promoting the growth of an article belonging to the class of luxuries, has given rise to a species of agricultural traffic, bordering upon the great gains and uncertain prospects of commercial speculation.

Ibid. p. 66.

Dissolute Morals in the West Indies.—Female Society.

The manners of those who reside in the West Indies are affected by the peculiarities of their situation. The want of modest female society ; the necessity of gratifying the desire engendered by a burning climate—the abundance of unhappy women, whose blood boils with still stronger passions, and renders them in European eyes, only an inferior race, formed for the corporeal convenience of their masters—these are the causes of dissolute morals. The want of female society, while it brutalizes the mind and manners of men, necessarily deprives them of all the virtuous pleasures of domestic life, and frees them from those restraints, which the presence of a family always imposes on the conduct of the most profligate men. The witnesses of the planter's actions are the companions of his debaucheries, who reek with the same lust, and wallow in the same gluttonous mire ; or the wretched beings, who tremble at his nod, while they minister to the indulgence of his brutal appetite, and impose no more check upon excesses than if they wanted that faculty of speech, which almost alone distinguishes them from the beasts that surround them.

Ibid.

Joint-Stock Speculations unprofitable.

Joint-stock companies are, of all trading schemes, the most unprofitable ; they are quite unfit for the ma-

nagement of any commerce that requires active exertion, minute attention to trifling savings and small profits, and full knowledge of a complicated detail. Accordingly, in all speculations of distant commerce, they have uniformly failed, unless when confined to small numbers, and a narrow capital. The shares of their stock generally sell below par, unless when some other purpose than profit is the object of the purchaser. With all the advantages of vast capital, they are almost always, sooner or later, defeated, or driven back from the market, by the ingenuity, industry, superior knowledge, and more rigid economy of private traders. A monopoly alone can save them from ruin; and the necessities of modern governments, or their connection with the proprietors, or their false views of the simplest subjects in commercial philosophy, have generally seconded those selfish and hurtful designs.

Ibid.

Causes of the Plague.

The plague has been supposed by many to be indigenous in Egypt; yet nothing can be more certain than that in ancient times it was unknown to the industrious cultivators and merchants of this province; and there is no doubt that it has often been confounded with other maladies. The true cause of those putrid diseases which sometimes prevail on the banks of the Nile, must be sought for in the habitual uncleanness of the inhabitants, respecting anything but their bodies; the dirty clothes which they always wear, even after steeping themselves for hours in boiling water; the uncommon filthiness of their streets at all seasons of the year; the innumerable pools of stagnant water which they never think of draining or filling up. As for the plague, it is now proved, beyond a doubt, that this disease is always of foreign growth, and has never, except after a famine, been hatched even in Cairo itself, where 900,000 inhabitants are heaped together in a dirty, confined, and

mouldering city. But, notwithstanding its constant prevalence in some parts of the Ottoman empire, and generally at Constantinople, the communication between Alexandria and these infected quarters is never for one moment stopped ; no regimen or system of medical police is adopted. Indeed, in the whole extent of the Grand Seignor's dominions, there never was a single act of quarantine performed. The universal belief of the Turks in predestination, and their utter ignorance of medicine, both prevent any means from being pursued to check the progress of the infection, and preclude all chance of a cure being effected, or the disease being eradicated, until the natural course of the seasons brings relief. How absurd, then, is it to accuse the climate of engendering a malady which seems to be courted by all the efforts of the people, with the entire concurrence of their rulers.

Ibid.

Weakness of Government in parts distant from the Capital.

In every government there must exist absolute authority somewhere. In colonial or provincial governments, this power resides at a distance. In every vigorous system of administration, the executive power must be concentrated within the fewest hands possible. In whatever manner it is vested in the mother country, the executive power in the colonial government must be divided between two classes of rulers, one in the colonies, and one at home. In fact, the former are subordinate and dependent—the latter essentially possess the supreme powers.

In all the despotisms of the East, it has been observed, that the farther any part of the empire is removed from the capital, the more do its inhabitants enjoy some sort of rights and privileges; the more inefficacious is the power of the monarch, and the more

feeble and easily deranged is the organization of the government.

Montesquieu has fancifully compared the condition of the people, under such a system, to the stratification of the earth according to the geological theories of the ancients—whilst the centre is devoured by perpetual fire, and the middle regions are the scene of barrenness, the surface is blest with salubrity, and clothed with verdure.

Ibid.

Dr. Black, the celebrated Chemist.

His attention appears to have been divided between the science which his natural bias led him peculiarly to cultivate, and those more general objects of speculation which enlarge the understanding, while they improve the taste. Although his application to these delightful pursuits was never very ardent, it was steady and vigorous. If he did not, like Pascal, Newton, M'Laurin, and various writers on lighter subjects, astonish the world by a premature display of talents, his want of those stronger passions which lead to an early development of genius, ensured him the possession of a calm and immoveable judgment, a patient capacity of observation, and a modest distrust of theory,—the most essential characteristic of the inductive philosopher.

In the course of his studies, he does not appear to have entered deeply into the abstract sciences, either of mathematical or metaphysical truth. His taste led him rather into the contemplation of real and external objects; and he soon employed as much of his talents as he ever devoted to severe study, in the investigations of experimental philosophy. The physical discoveries of Sir Isaac Newton attracted his chief admiration; and, upon the unequalled models of inductive disquisition which the treatise of light contains, his scientific habits were happily formed. After he had, by his own disco-

veries, laid the foundation of a revolution in science almost equal to the changes which his great master had effected, we find him steadily persevering in the same strict and chastened system of inductive logic, and freely acknowledging the sources of his skill.

Edinb. Rev.—Dr. Black's Lectures, Oct. 1803.

Unity of Minds of the First Order.

In contemplating the intellectual character of this eminent person, (Dr. Black) we cannot fail to be delighted with the observation of that unity which seems peculiar to minds of the first order. An original genius is often to be found in all the departments of human excellence. But it is rarely, indeed, that we can discover one whose features are at once distinctly marked, and nicely blended; each different from the ordinary cast, and all animated by the same spirit. The most astonishing intellect that has ever been permitted to enlighten mankind, possessed this real harmony in the very highest degree. Those qualities which distinguished the father of inductive science from every other philosopher, were equally conspicuous in each of his various exertions; and the pre-eminent dignity of his powers was sustained through all the thousand operations by which he enlarged the grasp of the human mind. It is in vain that we search every corner of the Newtonian writings, for some trifling proof that their author was, like ourselves, liable to the common intellectual failings of the species. We are consoled by no glimpse of wavering steps, even on the most delicate ground, or hasty advances, where the footing is surest, and the prize most attractive; or careless examination, where the intermediate objects are most trivial; or relaxation, when the greatest obstacles have been surmounted; or intemperate triumph, when the most dazzling prospects are displayed. Each height is reached by the safest and the shortest path, with the smallest

bustle; and the attainment is only valued as leading to some loftier eminence. Each position is alike marked by its distance from the ordinary level; by the nature of the works which secure it, and of the country which it commands.

Ibid.

Towering greatness of Newton.—Black compared with him.

The chief characteristic of Newton, is the degree of superiority in which he towers above every other natural philosopher, so as to form a class by himself. But the kind of his excellence is also remarkable and uniform. The distance and dissimilarity of the objects which his discoveries enable us to compare, is not more astonishing than the ease and simplicity of the means of comparison. The pleasure of contemplation, which forms the primary object of all abstract science, and which the view of those comparisons invariably bestows, is equalled by the practical importance of the consequences to which they may be applied. The annunciation of the proposition is not more unexpected, than the demonstration is flowing, and the corollaries useful.

All these various investigations, too, were the easy and natural work of one great, simple mind, versatile in the direction of its efforts, but uniform in its mode of operation; not the attempts of an ordinary intellect, straining at universality by ambitious mimicry of different talents.

In these particulars, we cannot avoid observing a striking analogy between the philosophical genius of Black, and that of Newton. None of this illustrious man's followers has so correctly seized the true spirit of inductive reasoning by which he was guided, or combined so happily the utmost simplicity of means with the accomplishment of the most difficult and important ends. In all Dr. Black's analytical inquiries, we per-

ceive how much belongs to the mind of the observer; how little is left to the trick and dexterity of the operator. By placing nature in new combinations of circumstances, he extorts from her, (to use the language of Lord Bacon) some of her sublimest secrets: but these combinations are always simple and conclusive. He knows, too, that the ordinary combinations which we witness every hour, require only patient observation to furnish the unbiassed reasoner with ample opportunities of generalization. Accordingly, in no scientific enquiries, since the date of the *Principia* and *Optics*, do we find so great a proportion of ratiocination, founded upon the description of common facts, but leading to unexpected and important results, as in the two grand systems of Black. This mode of investigating the laws of nature has various advantages of the highest consequence. It diminishes, incalculably, the chance of success, by precluding the use of complicated apparatus. It brings home to every one the evidence of the discoveries, and exposes the demonstration of each proposition to the most severe and universal scrutiny.

It opens to all who can observe and reason, the field of important inquiry, and raises the mind to the most general views of the constitution of the world.

The same happy turn of mind which placed the scientific investigations of Dr. Black so near the greatest discoveries that have ever been made by the species, was perceptible also in the elegance and ingenuity which it mingled with all his personal habits.

Ibid.

Want of Passion sometimes detrimental to Philosophers.

One prominent feature in Dr. Black's character, Mr. Robison does not appear to have delineated with sufficient strength; we mean the want of passion. There can be no doubt that this defect, however much it may have contributed to the ease and calmness of his enjoy-

ments, deprived his mind of that energy by which alone the greatest things are performed in the pursuits either of speculation or of active life. When we consider how short a period of time his original inquiries occupied; how carelessly he left his discoveries to be appropriated by others; how little progress he made in following out those sublime ideas, by the help of which his followers have overturned and created systems; nay, how long an interval he frequently suffered to elapse between the conception and execution of some experiment which was to decide the truth of a favourite theory; we must be convinced that he felt little of the inspiration so necessary to the full success of those happy few who possess all the powers of philosophical investigation. This want of passion, or of ardor and energy, or, to give it the right name, this indolence, was conspicuous in all the particulars of Dr. Black's conduct. The discovery which he first made, was the last of being completed. He never could be induced to publish any account of it to the world, notwithstanding the constant attempts of his rivals to deprive him of the claim. He was at all times averse to publication, and fastidious to an uncommon degree, in his judgments of his own compositions. When the *experimentum crucis* of his doctrine of latent heat occurred to him, he delayed making it for many months, because there happened to be no ice-house in the town where he lived. In extending this doctrine to the case of aëriform fluidity, he remained for years satisfied with analogies and rough sketches of experiments, which he could at any time have performed with ease; and however little doubt he had reason to entertain of the result, he evinced none of that anxiety which is so natural to a discoverer, even on the least important points of his theory. After ascertaining the existence of fixed air, and determining some of its qualities, he delayed investigating its other properties, and pursuing the most obvious experiments on analagous bodies; until the field was occupied by others, who, with scarcely a spark of his truly philosophical genius,

were enabled, by their superior activity, to make the most valuable discoveries.

Nor can we avoid remarking, how closely his property and correctness of character were connected with this freedom from passion, which always kept his mind, as it were, disengaged, unabsorbed by any predominant enthusiasm, and at leisure to regard the most trivial concerns. He was never, like Newton or Smith, known to be absent in society; or thoughtless and playful in his hours of relaxation, like Hutton and Hume.

Ibid.

Dogmatism of the French Chemists.

It appears, that M. De Luc published a work, containing a few crude ideas on the combination of heat; that he afterwards became better acquainted with the subject; that he formed a design to pass for the author of the doctrine, by completing his knowledge of the theory, and twisting his former vague statements into some kind of similarity; that, for this purpose, he applied to the man whom he knew to be the discoverer, and obtained from him a full account of the matter, under the pretext of defending his claim against others; that, instead of fulfilling his promise, he only refuted the claims of those others, in order to bring forward his own; converted the documents which he had procured to his own use; and concluded by politely laughing at the person whom he had thus defrauded. Such is the amount of the impression made by Mr. Robison's narrative, in the eighth note to the first volume. We wish that some friend of the Genevese philosopher could step forward to clear him of so foul a charge. We are willing to hope that his conduct may be explained in a way consistent, at least, with the belief of his honesty; for who can hesitate to pronounce, that the conduct here imputed to him, would have been deemed common im-

posture, if avarice, not vanity, had been the motive, and money, not fame, the end?

Mr. Robison has incorporated with the text of these lectures, vol. ii. p. 215, some very curious observations upon the conduct of Lavoisier and his associates, both towards Dr. Black, and in the establishment of their new chemical system. We rejoice that this subject is fairly brought before the public; and, on whichever side the decision may finally be given, the history of the science, as well as the political history of the times, is likely to be illustrated by the discussion.

That the French chemists formed themselves into a junto for the propagation of their system; that, like all juntos, they delivered their doctrines with an authoritative tone, highly indecorous in matters of science; and that they sometimes even displayed somewhat of a spirit of persecution towards those who, from ancient habits, or from a predilection for their own new theories, refused their assent to the antiphlogistic doctrines, are facts which cannot be disputed. As little can it be denied, that the Parisian philosophers, animated like all similar associations, by an *esprit de corps*, and mingling with this, very strong national partialities, arrogated to themselves the merit of every important discovery, nay, of almost all the detached observations which had been made in any part of Europe during the latter half of the eighteenth century.

Now, Mr. Robison requires us to go a step farther, and to admit that the motive for changing the nomenclature may be found in the same corporative and national spirit,—in the desire to obliterate the remembrance of every thing which did not owe its origin to the associated academicians of France,—in the same combination of innovating phrenzy, and puerile vanity, which produced the new calendar and metrology. We confess our disposition to question this, at least in the extent to which it is here pushed. No one can deny, that the love of system had risen to a very great height in France, at the time of the innovations here alluded to; and it would appear, that as much of the calendar and

metrology as is analagous to the nomenclature, owed its origin to this spirit of systematizing and classifying all the objects of our contemplation.

Instead of blaming the new chemical language for its resemblance to the other changes, we are inclined to laugh at the pedantry of its authors who could overlook the essential distinction between the two cases, foolishly think of giving new names to the ideas of most ordinary recurrence in common life, and attempt suddenly to alter the language and the habits of the vulgar, for the pleasure of a useless uniformity. It cannot be doubted, that political views mingled with this love of system in preparing the change of the calendar, perhaps those views were the chief inducement to its adoption. But it should be remembered, that mere innovation, however sudden, in matters purely speculative, is liable to no one of the manifold objections which are so decisive against all political changes, however specious.

And in this most essential particular, the two cases are exactly opposed to each other:—that the new nomenclature was adopted, after a series of the most beneficial and fundamental changes had been effected upon the whole science of chemistry; while nothing called for the new calendar, but the most destructive revolution which the violence and folly of mankind ever brought together. The dogmatical spirit, indeed, with which the new nomenclature, and, in general, the new system, was promulgated, had a tendency to obliterate much very valuable information, contained in the writings of the elder chemists; and we conceive, that the present publication, if it served no other end, would be highly important as a collection of things not to be met with in the works of the new school.

Ibid.

Charlatanerie of the French Scientific Men.

Mr. Robison, among the observations to which we are now alluding, introduces a fact, upon the authority of

Professor Lichtenberg of Gottingen. We give it to our readers as an amusing instance of that universal *churl-tancerie* (the word cannot be translated by a people so destitute of the thing) which renders the French national character the least *respectable* of any in the civilised world.

When the Parisian chemists, it seems, had finished their grand experiments on the composition of water, they held a sort of festival, at which, Madame Lavoisier, in the habit of a priestess, burnt Stahl's *Fundamenta* on an altar, while solemn music played a *requiem* to the departed system. The German Professor remarks, that if Newton had been capable of such a childish triumph over the vortices of Des Cartes, he could never be supposed the man who wrote the *Principia*; and Mr. Robison most justly adds, that if Newton or Black had so exulted over Des Cartes and Meyer, their countrymen would have concluded they were out of their senses.

Ibid.

Right of Searching Neutral Vessels.

It is evident, that the right to search a foreign vessel for deserters, is of the very same nature, and governed by the same rules, with the right to search a neutral vessel for contraband goods.

You have a right to search for those goods, only because you are injured by their being on board the vessel which trades with your enemy;—you have a right to search for your own runaway seamen who take shelter in the vessel, because you are injured by their being enabled to escape from you. If a neutral carries contraband goods, such as armed men, (which indeed treaties frequently specify in the list), to your enemy, he takes part against you; and your remedy—your means of checking his underhand hostility, is to stop his voyage, after having ascertained the object of it. If the same neutral gives shelter to your seamen, he takes part

with your enemy; or, if you happen not to be at war, still he injures you; and your remedy, in either case, is to recover the property, after ascertaining that he has it on board.

In both instances, the offence is the same,—the foreign vessel has on board what she ought not to have, consistently with your rights. You are therefore, entitled, say the jurists, to redress; and a detection of the injury cannot be obtained without previous search.

If the foreign vessel is a ship of war, such conduct is a direct injury committed by the government of one nation against another nation. For if an American frigate either carries troops or other contraband to France, or carries away deserters from an English man-of-war, or refuses to give them up when claimed; and if the American government avows the proceedings of its ship, then is that government acting an hostile part towards England, who has in consequence, a right to seek redress,—namely, by going to war.

For all such proceedings, therefore, on the part of the foreign government, there is this proper and sufficient remedy.

But if the offending vessel belong not to the foreign government, but to a private trader, the case is different. For no power can exercise such an effective control over the actions of each of its subjects, as to prevent them from yielding to the temptations of gain, at a distance from its territory. No power can therefore, be effectually responsible for the conduct of all its subjects on the high seas; and it has been found more convenient to trust the party injured by such aggression with the power of checking them.

This arrangement seems beneficial to all parties; for it answers the chief purpose of the law of nations,—checking injustice without the necessity of war.

Endless hostilities would result from any other arrangement. If a government were to be made responsible for every act of its subjects, and a negotiation were to ensue every time that a suspected neutral merchantman entered the enemy's port, either there must be

a speedy end put to neutrality, or the affairs of the belligerent and neutral must both stand still. If the suspected vessel is a ship of war, no such inconvenience can follow by seeking redress by negotiation merely. A neutral has very few ships of war; if she has many, this is a circumstance of evidence against her, and a good ground of complaint. Not only is this remedy easy and safe to all parties, but it is the only remedy which is not exceedingly liable to abuse, and full of danger to the public peace of nations. No serious consequences are likely to arise from allowing men-of-war to search merchant ships; more especially if the right is confined to vessels of the state, and withheld from privateers. Nothing but hostility can result from allowing one ship of war to search another ship of war; because, if a national spirit is any where to be found, it is on board of such vessels. Moreover, the injury done to such a private trader, by searching, is insignificant, compared to the benefit secured to both nations by such a practice. But the injury done to a ship of war by searching, is both much greater in itself, from the insult to the honour of the crew, and bears a much greater proportion to any good which can be supposed to result from the practice, even on the highest estimate, because there are very few such vessels to search.

Edinb. Rev.—Randolf on Neutral Questions, Oct. 1807.

Right of Searching Private Ships does not extend to Ships of War.

The right of searching private ships has been acknowledged by the law of nations; but no such right has ever been admitted by that law with respect to ships of war. The following details not only prove this point, but positively demonstrate, that the claim alluded to, is repugnant to the law of nations.

The right of searching merchant ships has never been denied, except by a few very speculative men. But

such a modification of it has been more than once proposed by different powers, as would almost have amounted to an extinction of it. In 1780, and in 1801, it was maintained that the presence of a ship of war protected from all search a fleet of merchantmen under its convoy. This position was founded upon the inviolability of the national flag, and upon the pledge of fair dealing on the part of the merchantmen, which the presence of its convoying ship, and the word of its commander afforded. This pretension of the neutral powers was carefully examined, chiefly by English civilians, who were unanimous against it, and displayed great learning in refuting it. They reasoned both on the general consequences of extending to merchantmen the protection of the convoying flag, and from the authority of the writers on public law.

Not one of their general reasonings even alludes to searching the convoy ship itself, although an argument of this nature would have cut the whole question short. Not one of their authorities makes any mention of such a kind of search, although a quotation of this nature would have been the best authority against the pretensions of the armed neutrality, at a time too, when our jurists were in no small degree pressed for authorities, even to make out the right of searching ships under convoy.

Ibid.

Jeremy Bentham's Refinements ridiculous.

We must complain of some of the details into which our author's ingenuity and fertility has seduced him under almost all these heads. Indeed, they contain the most objectionable parts of the whole work; and it is because we profess ourselves admirers, nay, disciples of the system—and generally speaking, adopt this branch of it also, that we regret the hold which several of his examples and observations here give to his adversaries.

For example, it is said that one who has poisoned another, should himself be poisoned, because the nature of the crime shows peculiar deliberation, and proves that he who commits it is capable of reflecting well at the moment on the fate that awaits him — as if in this calculation, any thing beyond the chance of detection was likely to enter, at least in the shape of deliberate reflection.

But this is of comparatively little importance ; — it is where he refines further on the general principle, that we chiefly object to his inferences. If the criminal has not killed the person whose life he has attempted, then, says Mr. Dumont, an antidote may be administered after the poison, so as to recover the delinquent. — *La dose (he adds) et le temps seroient fixés par le juge sur le rapport des experts.* So in punishing a person for causing an inundation, in countries intersected by canals, it is said, that if the principles of the code exclude capital punishments, the delinquent may be drowned and then restored to life. Again, for acts of counterfeiting, as forgery, &c. a part of the punishment may be, we are told, to expose the offender with his hand pierced by a sharp instrument like a pen — and for slander, &c. the tongue may be so dealt with. This is going far : but the refinement stops not here ; for it seems the part of the instrument which pierces is to be exceedingly small, merely enough to penetrate — while the external portion being large, gives to the spectators, an impression that the hand or tongue is transfixed by a thick instrument : — a species of device somewhat like hanging a man in effigy by way of intimidating the beholders. Our author seems apprehensive of ridicule on this head, and he thinks he escapes it by saying that whatever ludicrous effect such a punishment may have, it is so much the better, as it will only tend to render the offence more contemptible ; — forgetting, surely, that the laugh will here be turned, not against the delinquent, but against the punishment and the law ; while, by a natural consequence, the bias is rather inclined in the offender's favor : or at least the public attention is with-

drawn from him in a way not very advantageous to the ends of justice.

In defending such positions, it is in vain for our author to say, they are only laughed at, because men judge of them by their imaginations. It is, in fact, he who is misled by his fancy, while we are only reasoning upon the effects likely to be produced by such methods upon the imagination of the multitude to whom they are addressed. We could not pass over this chapter without making these reflections, which are offered altogether in the spirit of amity and respect; and they only apply, if admitted in their full extent, to the excess of refinement with which the principles, unquestionably sound, have in certain instances been pushed beyond the limits of their legitimate application.

Edinb. Rev.—Bentham's Punishments, Oct. 1813.

Bentham and Montesquieu compared.

In the analysis which we have just brought to a close, it has been impossible for us to give even a specimen of the rich vein of illustration which runs through the whole of the original treatise. Examples are never wanting from the laws and the history of all ages and nations, to explain, and to enforce the general positions. The work, however, in this department, has a manifest superiority over Montesquieu's celebrated performance. The author does not, like him, overload his chapters with facts and anecdotes, which, so far from being kept in subordination to the main design of unfolding the principles, become in very many instances the chief object. Whoever is but slightly acquainted with the *Esprit des Lois*, must recollect upon how many occasions not merely a subdivision is made, but a general head formed, and a principle laid down, for the sole purpose of introducing a singular story; and how little the illustrious president is in the habit of regarding the value of the facts which he brings together.

He is equally careless of the evidence, the foundation on which his facts rest. He finds them in a *printed book*; and that is enough. Down they go into his commonplace book, and there they lie until a niche is found in some compartment of his treatise; but if none is found, one must be made, at all events the facts must not be lost. Whether they come from France, or from Japan, or from the kingdom of Bantam; whether in themselves probable, or such as scarcely any force of testimony could make us believe (e. g. that in some countries there are ten women for one man) seems to signify nothing; they are equally facts, and must be noticed with the same respect.* The reader of Mr. Bentham's works has never to complain of this. Nor does he meet with the substitution of epigrams and neat sayings for deliberate philosophical positions. Indeed, a plain, manly, even homely sense, is one peculiar characteristic of his doctrine.

Ibid.

Bentham's Method of Reasoning.

His method of handling the subject, which, from a mathematical analogy, not very applicable, has been termed *exhaustive*,† is, no doubt, admirably adapted to ensure a cautious and full investigation of it. By carefully analysing it, separating all its parts, and attending

* Est il possible (says Voltaire) qu'un homme serieux daigne nous parler si souvent des lois de Bantam, de Macassar, de Borneo, d'Achem; qu'il repete tant de contes de voyageurs, ou plutot d'hommes errans, qui ont debité tant de fables, qui ont pris d'abus pour des lois, qui sans sortir du comptoir d'un marchand Hollandais, ont penetré dans les palais de-tours de princes de l'Asie? *Œuv. tom. xxxv. p. 37.*

An implicit belief of every thing in ancient history is equally unworthy of "un homme serieux."

† *Analytical* is a more appropriate term.

to each in its uncombined state, all risk of confounding together different ideas, and of passing over any of the premises which ought to influence the conclusion, is with certainty avoided. They, however, who expect more from such a method of investigation, (and we have sometimes thought, or fancied, we perceived symptoms of this expectation in Mr. Dumont), deceive themselves, probably, with some indistinct notions of a comparison with the analytical processes of the mathematical and physical sciences. To a certain extent, the comparison holds; but if we push it farther, we lose all resemblance; and if we attempt to force the subject, we fall into the grossest absurdities; instances of which are, indeed, not wanting in the history of philosophy. Indeed, even in the sciences of abstract quantity and of matter, the inquirer must limit himself in tracing resemblances and diversities; he cannot compare where he has no common measure. The chemist may resolve a body into its constituent parts, and the moralist may examine of what kinds of suffering any penal infliction consists: but, while the common relations of weight and bulk always afford the former the means of estimating the mutual proportions of the simple ingredients, the latter has no such standard of comparison; he cannot say how many parts of the whole punishment consists of pain, and how many of anxiety. So we can at once say how many parts of a lighter body it will take to outweigh a given portion of a heavier one; but we shall in vain seek for a precise answer to the question, how much must be added or taken from one kind of punishment to make it equal to another kind. Again, we enumerate and consider, according to Mr. Bentham's method, all the circumstances in favour of a given punishment; we then allow those that are against it, but we have no means of accurately comparing the advantages and disadvantages, or of subtracting the one from the other, and striking the balance. So, in choosing between two modes of punishment, we may state the circumstances that should draw us towards one, or those which should draw us towards the other, but we cannot

calculate the superiority of the one to the other, still less can we find some middle line exactly determined by the combined operation of the different inducements. We are in the situation of a mathematician who sees from the *data* in the enunciation of a proposition, generally and vaguely, the relations which must determine the result; who perceives that, from the nature of the equation, there are certain limits to the solution, who knows upon what conditions the solution depends; but who cannot perform the investigation, and arrive at the conclusion. Let it not be thought, however, that this necessary consequence of the different nature of the subject is any detraction from Mr. Bentham's merit, or that his method does little service, because it does not perform impossibilities.

It brings under our view every thing which requires consideration,—perpetually reminds us of points apt to be passed over in the hasty and sweeping deductions of more ambitious inquirers, and secures to each particular, the attention which it merits.

Nor is the merit small, of having pushed the method no farther than the nature of the subject permitted.

Inferior minds would easily have been seduced into an attempt at some preposterous union of calculus with enumeration, as they have been into wild applications of the mathematics to nosology and morals.

Ibid.

Cicero's vast Genius.—The Oration against Verres.

It cannot be doubted, that, in the conduct of the great cause against Verres, Cicero displayed the whole resources of his vast genius. He was in the prime of life; he had the novelty to stimulate him, of appearing for the first time as an accuser; he had, by a previous successful conflict, obtained the uncontrolled management of the impeachment; it was a child of his own care, from the beginning. In collecting the materials,

he had, as nearly as possible, been an eye-witness of the facts ; he had arranged the cause with a view to his own exertions ; he had an audience of all that was noble, enlightened, virtuous, or refined, from every part of Italy ; he addressed a tribunal, at once popular and select ; his clients were the oppressed people of a mighty province, in importance rivalling the imperial state ; but, above all, he had such a subject,—so copious, so various, so abounding with the very topics which an orator would fancy to give his talents their full scope, that it was scarcely a merit to handle it with eloquence. Such a wonderful combination of circumstances never yet prepared the field for the triumphs of the art ; so grand an occasion for display of forensic power, will, in all likelihood, never again exist. It is enough to say, that the orator surpassed by his execution, the singular excellence of his materials ; and, instead of being overwhelmed by their magnitude, only drew from thence the means of another perfection in the skill and discretion of his selection. So, at least, all appears upon paper. But it abates somewhat of the interest which we feel in this renowned cause, to reflect that, with a trifling exception, it exists on paper merely ; and that none of the orations against Verres were delivered, but the first, which is only a short and general introduction to the subject.

Edinb. Rev.—Translations from Cicero, Oct. 1813.

The Oration against Verres not fit for Modern Readers.

But the radical objection to the choice of these specimens is derived from the nature of their subjects.

That both of them are monuments to the transcendent genius of the master, and that their workmanship is exquisitely perfect, even in the parts less attractive to ordinary modern readers, we readily admit. But with a reference to the design of making that which shall, as nearly as possible, resemble an English speech, both

subjects are faulty. The Romans regarded the statues and pictures of their gods, the chief object of Verres' pillage, with all the sacredness of religious veneration; and, accordingly, that pillage was viewed also as sacrilege. The vehemence of the orator, therefore, in exposing it, and the importance attached by him to every minute particular respecting the fate of each work, cannot fail to appear excessive in our eyes. Nothing can more clearly show the difference of the feelings with which the original and the translation must be read by those to whom they are respectively addressed, than the peroration of the whole cause. It consists of apostrophes, or prayers, to all the deities, to direct the judges in their determination: but the topics by which he implores them, are almost entirely drawn from the injuries offered to their statues and temples by Verres.

His most enormous crimes—crimes, that in all ages, and in every form into which society can be moulded, must excite equal horror, scarcely afford the subject of a single adjuration. If they are alluded to, it is in passing on to the matter more personally interesting to the gods and goddesses, and therefore more awful to the feelings of the audience. So it is in the various other parts of these orations; where, after working our feelings up to the highest pitch, by the finest painting of vicious excesses, and their miserable effects, the whole is wound up with what to us seems a pure anticlimax, a disrespect to some “Nymph of the Grot.”

Ibid.

Worthlessness of Modern Oratory.—It is not Natural Eloquence.

The truth is, that a certain proficiency in public speaking may be attained with nearly infallible certainty, by any person who chooses to give himself the trouble of frequently trying it, and can harden himself against the pain of frequent failures. Complete self-

possession and perfect fluency, are thus acquired, almost mechanically, and with little or no reference to the talents of him who becomes possessed of them. If he be a man of no capacity, his speeches will of course be very bad ; but, though he be a man of genius, they will not be eloquent. A sensible remark, or a fine image, may frequently occur ; but the loose and slovenly and poor diction, the want of art in combining and disposing his ideas, the inability to bring out many of his thoughts, and the utter incompetency to present any of them in the best and most efficient form, will deprive such a speaker of all claims to the character of an orator, and reduce him to the level of an ordinary talker. The same man, had he never spoken in public, would have possessed the same power of convincing or expounding, provided he were only called upon to exert them in conversation with one or two persons. Perhaps the habit of speaking may have taught him something of an arrangement, and a few of the simplest methods of producing an impression ; but beyond these first steps he cannot possibly proceed by this empirical process ; and his diction is sure to be much worse than if he had never made the attempt, — clumsy, redundant, incorrect, unlimited in quantity, but of no value. Such a speaker is never in want of a word, and hardly ever has one worth having.

Edinb. Rev.—Greek Orators, Oct. 1821.

Study of the Ancient corrects the Modern Oratory.

Now we cannot imagine any better corrective to the faults of which we are complaining in the eloquence of modern times, than the habitual contemplation of those exquisite models which the ancients have left us ; and especially the more chaste beauties of Greek composition. Its perfect success, both in moving the audience to whom it was addressed, and the readers who studied it in all ages, cannot be denied ; its superiority

to all that has ever been produced in other countries is confessed. There may be some use, therefore, in observing how certainly it was the result of intense labor—labor previously bestowed to acquire the power, and the utmost care used in almost every exercise of that power.

Without somewhat both of this discipline, and this sedulous attention, it would be as vain to think of emulating those divine originals, by dint of a habit of fluent speech, attained through much careful practice, as to attempt painting like Raphael, without having learned to draw, and by the help of some mechanical contrivance.

Ibid.

Demosthenes—his Speeches prepared.

But let us come to Demosthenes himself. His extreme care in composing his orations is as well known as the sedulous discipline which he underwent to learn the art, and notwithstanding the facility which he must have acquired, both by this preparation, and by long and constant practice, he was averse, in an extraordinary degree, to extempore speaking. Plutarch relates this of him; and, notwithstanding the great excellence which is ascribed to his unprecedented harangues in the same passage, there may be some suspicion that his reluctance to trust his success to fortune, affected his execution upon certain occasions,—perhaps, in the memorable debate with Philip, of which the orator's illustrious rival has left us so lively and so cutting a description. His anxiety in preparing may, however, be further estimated, by the circumstance of his having left a collection of exordia, or introductions, almost resembling that "*volumen proæmionum*," which we know Cicero to have kept ready by him, from the pleasant mistake that he committed in sending one to Atticus, as the begin-

ning of his treatise *De Gloriâ*, when he had before used it for the Third Book of the Academic Questions.*

It may justly be conceived that Demosthenes was not likely to have a book of introductions so unconnected with any particular subject as to be applicable to any speech. This rather befitted Sallust, or Cicero himself, than the close-reasoning, business-like Athenian. Yet in whatever way we account for it, and though we suppose that most of the Exordia in question were written in the prospect of making some particular speech, when time was wanting to compose the whole, the fact of fifty-six of these pieces remaining, only two or three of which exist in connection with any of his known orations, seems to prove, incontestably, the laborious nature of the process by which he reached and kept his vast pre-eminence in eloquence.

But his immortal works themselves afford, by internal evidence, the most satisfactory proofs of this position; and we may obtain a singularly instructive view of the workmanship of those exquisite pieces, by examining its progress, where we are accidentally enabled to trace it through the different stages of the process. The means of doing this are afforded by those *repetitions* which occur in several of the most celebrated orations. The instance in which this is to be found to the largest extent, is in the Fourth Philippic. Commentators and critics, who have never very nicely traced this subject, aware generally of the existence of these repetitions, have denominated that Philippic the peroration of the whole nine speeches against Philip; and thus conceived that they accounted for so many passages being found in it which occurred in the others. But in truth the oration is almost entirely a repetition, and chiefly from one of the preceding, that most magnificent of all the minor works, the oration upon the affairs of the Chersonese, sometimes called the Eighth Philippic. Now, if

* He tells him, as soon as he discovers the mistake, to cancel the exordium, and prefix another, which he sends, taken from the same collection. *Ep. ad Att. xvi. 6.*

there were only whole passages of great length found in two orations without the least variations, we might perhaps fairly conclude, that the transcribers had by mistake copied them; and if nearly the whole of any one oration were an exact repetition of portions of some other, we might suspect that oration to be spurious. But here there are so many variations and additions, as plainly to show that the orator sometimes improved upon the first thought, and sometimes adapted it to the new occasion; and we can frequently perceive the means whereby the adaptation is effected. The repetition, therefore, of many whole sentences, and of many clauses of sentences, without a single alteration, clearly proves the pains which he had bestowed upon the composition of each part, and the value which he set upon the result. It demonstrates, beyond a doubt, that the choice and the disposition of words, even in passages apparently of inferior importance, had been a work of mature deliberation, and of some difficulty; for his retaining the self-same words in the same order, when he wishes to express the same ideas, shows that he regarded the first selection and arrangement as preferable to any other.

Nothing can be more calculated to convince us that he deemed all the portions of his speech important; that all were elaborated with extreme art; and that no part of his composition was carelessly prepared, and flung in as a kind of cement to fill up the interstices between splendid passages.

We see those fine parts themselves repeated sometimes with variations, and sometimes in the same terms, exactly like the periods of a more ordinary description. On the other hand, nothing can be more instructive than an attentive consideration of the alterations, especially where they are made as additions and improvements, and not merely with the view of adapting an old sentence to some new purpose, but because the orator saw that he might increase its beauty, its aptness, or its force, by some happy turn or new thought, which had suggested itself since the first

composition. We are thus led into the history of the composition, almost as if his rough draft had been preserved, and can trace the progress of the work, not perhaps from the first execution to the most finished state, as in the manuscripts of Pope's verses which Dr. Johnson has cited, but from a state with which the great orator had, after much labour, rested satisfied, and which all ages would have deemed perfect had he gone no further, to that still more exquisite pitch of beauty, in the existence of which only Demosthenes could have made us believe.

Ibid.

Perorations of the Greek Orators more dignified than powerful or impassioned.

The perorations of the Greek orators are not remarkable for strength, if we regard only the very last sentences of all; because it seems to have been a rule enjoined by the severe taste of those times, that, after being wrought up to a great pitch of emotion, the speaker should, in quitting his audience, leave an impression of dignity, which cannot be maintained without composure.

The same chastened sense of beauty which forbade a statue to speak the language of the passions, required that both the whole oration, and each highly impassioned portion of it, should close with a calmness approaching to indifference and tameness. Æschines, in the speech against Ctesiphon, would have furnished a remarkable exception to this rule, had he finished with that truly magnificent passage in which he calls up the illustrious dead of Athens, and plants them round himself, and bids his hearers listen to the groans that the crowning of the man who had conspired with barbarians, draws from the tombs of those who fell at Marathon and Platæa. So fine a peroration is perhaps not in any language to be found; it probably suggested to his great rival the celebrated oath which has long stood, by universal consent, first among the remarkable passages of perfect eloquence.

But Æschines was obliged to compose himself after this burst; and he added the two sentences, one of which has ever been deemed both extravagant and absurd; and was indeed attacked as such by Demosthenes,—the invocation to a series of natural objects and abstract qualities; and the other becomes still more feeble than it naturally would have been, by immediately following that lofty but clumsy flight. The result is a total failure,—one of the most remarkable in the history of rhetoric,—an attempt which is violent and overstrained, rather than vehement, yet heavy withal and cold,—bearing the character of the worst declamation,—and succeeded by a mean common-place, without any felicity whatever, either of conception or execution. This failure,—this sudden reverse of fortune,—this total defeat in the moment of most prodigious success,—a transition from one of the grandest triumphs of the art of oratory to nearly the most signal discomfiture upon record, must be ascribed entirely to a compliance with that harsh rule which we have cited as regulating the Greek peroration, and which the judgment of all succeeding ages, both of ancient* and modern times, has repealed. But we find remarkable exceptions to this rule in the orations of Demosthenes himself,—not indeed that he ever breaks off abruptly in an impassioned period, but that one or two of his finest orations are

* Some few of Cicero's perorations appear to be formed upon the Grecian model. We allude not to such orations as those *Pro Ligario* and *Pro Archia*, where the conclusion only preserves the subdued tone of the whole composition, and is as highly wrought as most parts of the speech, and with ornaments of the same kind. But the deep pathos of the anti-penultimate period in the *Pro Milone* is somewhat in contrast with the two last sentences; although, no doubt, there was a great object in view, the application perhaps of all that had gone before, by a solemn call upon the judges to do a certain thing. The sentence with which the second Philippic closes, furnishes a more near approach to the tameness of the Attic peroration, or rather the ultimate conclusion. But many of his

closed with passages of great force, and most careful composition, instead of ending in the very plain, seemingly negligent, perhaps purposely, or even affectedly negligent manner, observable in most of the others.

We allude to no less than the grand oration of all, that for Ctesiphon, the concluding prayer of which is, if not vehement, yet singularly animated, and in the ideas well as the rhythm most beautiful; and to the powerful declamation in which the oration upon the embassy closes.

Ibid.

Oratory, an Art with the Ancients.

From the detailed examination into which we have entered of these repetitions, two conclusions may be drawn, both highly illustrative of the degree in which oratory among the Greeks was considered as an art demanding the utmost care, and calculated to exhibit the mere display of skill, as well as to attain more important objects. In the first place, we find that the greatest of all orators never regarded the composition of any sentence worthy of him to deliver, as a thing of easy execution. Practised as he was, and able surely, if any man ever was, by his mastery over language, to pour out his ideas with facility, he elaborated every passage with almost equal care. Having the same ideas to express, he did not, like our easy and fluent moderns, clothe them in different language for the sake of variety; but reflecting that he had, upon the fullest deliberation, adopted one form of expression as the best, and because every other must needs be worse, he used it again without any

finest orations break off in bursts of the highest eloquence, as the first Catalinarian; the exquisite orations for Flaccus and Cluentius; and that *Pro Domo Sua*, which he himself prized so highly, and upon which he tells us he laboured so fully. *Ep. ad Att. iv. 2.*

change, unless further labour and more trials had enabled him in any particular to improve the workmanship. They who speak or write with little or no labour to themselves, and proportionably small satisfaction to others, would in similar circumstances find it far easier to compose anew, than to recollect or go back to what they had finished upon a former occasion. Not so the mighty Athenian, whom we find never disdaining even to make use of half a sentence, which he had once happily wrought and treasured up as complete; nay, part of a sentence from one quarter and part from another, applying them by some slight change to the new occasion, and perhaps adding some new member,—thus presenting the whole, in its last form, made of portions, fabricated at three different periods, several years asunder. Nothing can more strikingly demonstrate, how difficult, in the eyes of the first of all writers and authors, was that which all orators in all after ages, have thought the easiest part of their task.

Ibid.

The Athenians.—Their delicate sense of rhetorical excellence.

But another inference may be drawn from the comparisons into which we have entered. If they prove the extreme pains taken by the orator, they illustrate as strikingly the delicate sense of rhetorical excellence in the Athenian audience; and seem even to show that they enjoyed a speech as modern assemblies do a theatrical exhibition, a fine drama, or a piece of music, which, far from losing by repetition, can only produce its full effect after a first or even a second repetition has made it thoroughly understood.

It seems hardly possible, on any other supposition, to account for many of the repetitions in Demosthenes. A single sentence, or even a passage of some length, if it contained nothing very striking, might be given twice to

a court or a popular assembly in modern times, after no great interval of time ; but who could now venture to make a speech about two-thirds of which had been spoken at different times, and nearly half of it upon one occasion the very year before ? This would be impossible, how little soever there might be of bold figures, and other passages of striking effect. But we find Demosthenes repeating, almost word for word, some of his most striking passages—those which must have been universally known, and the recurrence of which might have been foreseen by the context.

It seems to modern readers hardly possible to conceive, that the functions of the critic thus performed by the Athenians, should not have interfered with the capacity of actors or judges, in which it was certainly the orator's business chiefly to address them ; and that the warmth of feeling, arising from a sense of the reality of all they were hearing, should not sometimes have been cooled by the recollection of the artificial display they were witnessing. Yet no fact in history is more unquestionable than the union of the two capacities in the Athenian audience,—their exquisite discrimination and high relish of rhetorical beauties, with their susceptibility of the strongest emotions which the orator could desire to excite.

The powers of the artist become no doubt all the more wonderful on this account ; and no one can deny that he was an artist, and trusted as little to inspiration as Clairon and the other actors, of whose unconcern during the delivery of passages which were convulsing the audience, so many striking anecdotes are preserved. In the whole range of criticism, there is not perhaps a more sound remark than that of Quintilian, which has sometimes been deemed paradoxical, only because it is profound, in his celebrated comparison of the Greek and Roman masters.—*Curæ plus in illo ; in hoc naturæ.*

Ibid.

Chief Excellence of the Greek Orators.

But that the chief excellence of the Greek orator, rapid argument, and, still more, striking points strongly and shortly made, and in choice language—always harmonious, except where the subject requires a discord, or where sweetness is incompatible with force,—that this would be infallibly successful with a modern audience, when so few of Cicero's beauties could be borne, we conceive to be a proposition which requires no proof beyond the attentive study of almost any of the Athenian's works. Let any reader who has been accustomed to hear debates in Parliament, note what passages have struck him most in those works, and he will find that they are the sort of things which have the most instantaneous effect in modern speeches; which produce the most sudden and thrilling sensations; and, finding in every bosom an echo, occasion the loudest expressions of assent. Now, some speakers may create admiration by careful composition alone, or without sallies; but they do not find their way as the old Greek did to our hearts. Others may find their way thither without the just care of composition; but he united both powers, and concealed, for the time at least, the labour by which the combination was effected. Can we marvel that his success was prodigious,—and that it was equally complete with hearers whom he was to move, and with critics whom he was to please? But the experiment which we are suggesting must be made by a very attentive reader; and it may not succeed at first.

He must imbue himself so thoroughly with a knowledge of all the circumstances in which the oration was delivered, that he can enter at once into the situation of the hearer and the speaker; and he must ponder accurately the words used in each fine passage, often read them, and often repeat them, until their power is familiar to his ear. In no other way can he enter into the feelings with which they were heard by those to whom the language was natural, and the extremely small number

of the topics as well known as the features of their own or the orator's countenance.

Ibid.

“ Hits ” in the Ancient Speaking.

It will thus be found, that there is not any long and close train of reasoning in the orations, still less any profound observations, and remote and ingenious allusions; but a constant succession of remarks, bearing immediately upon the matter in hand, perfectly plain, and as readily admitted, as easily understood. These are intermingled with the most striking appeals, sometimes to feelings which all were conscious of, and deeply agitated by, though ashamed to own; sometimes to sentiments which every man was panting to utter, and delighted to hear thundered forth—bursts of oratory, therefore, which either overwhelmed or relieved the audience. Such *hits*, if we may use a homely phrase, (for more dignified language has no word to express the thing), are the principal glory of the great combatant; it is by these that he carries all before him, and to them that he sacrifices all the paltry graces which are the delight of the Asian and Italian schools. Suppose the audience in the state we are figuring, it is evident that one sentence, or parenthesis, or turn of expression—a single phrase—the using a word, or pronouncing a name, at the right place and in the just sense, may be all that is wanting to rouse the people's feelings, or to give them vent. Now in this way, and not by chains of reasoning, like mathematical demonstration, or legal argument, it is that Demosthenes carries us away; and it is no otherwise that an assembly at the present day is to be inspired and controlled. Whosoever among the moderns has had great success in eloquence, may be found not perhaps to have followed the Grecian master, but certainly in some sort to have fallen into his track. Had he studied correctness equally, the effect would have been heightened, and a

far more excellent thing would have been offered to our deliberate admiration, after its appeal to the feelings had been successfully made.

Ibid.

Demosthenes, a Mannerist.—The French, incapable of translating him.

Every great master of the art of speaking or writing, is, in some degree, a mannerist, and bears about with him, throughout, the stamp of his own identity. His style is like no one else. In the rival passages, (for instance,) from the Oration for the Crown, and the Funeral Oration of Plato, which Dionysius, as we have formerly noticed, compares, there is nothing more akin, (Attic as they both were,) than if they had been composed a thousand years asunder; nor even between himself and his own immediate contemporary and antagonist, is there a stronger similarity, (we beg to be understood as casting no imputation upon the general good taste of Æschines by the comparison,) than between Addison and Gibbon. In our judgment, he most resembles Thucydides,—but Thucydides, unfrozen, expanded, amplified and adorned. Without, however, wearying our readers with a dissertation, which might be endless, upon what he is most like, or what he is not like at all, we have no difficulty in saying, that, in all his orations, and throughout every part of them, the principal feature and the leading characteristic is argument,—but such argument!—so environed, encompassed, and emblazoned with passion, anger, inflammation, earnestness, disdain, power,—and so forth, (for which we refer again to Dionysius, Longinus, and the Critics, and to the taste and feelings of every reader who has any), that the argument merely, though without the loss of a tittle or iota of it, if stripped of its accompaniments, can no more be compared to that marvellous compound, which for want of a better description, we call *Demosthenes*, than a shadow to a substance,—a skeleton to a man, or the faded rem-

nant of loveliness, which lingers on the countenance of death, to the glory and blaze of beauty in the fulness and freshness of life and health. In these latter instances, who can say that there is no resemblance? But what a falling off!*

Feeling, therefore, as we do most perfectly, the desperate nature of this undertaking, and that, at best, it is only a question of approximation, by whomsoever the attempt may be made, we must nevertheless observe, that, *a priori*, and without reference to the actual experiment, we should have expected, from almost any quarter of Europe, a more favourable exhibition of 'the old man eloquent,' than from Paris. We are aware that this opinion should be delivered in a whisper, if it were likely to reach the neighbouring capital. But still we must say, that the bullion and substance of the athletic and ponderous orator, 'spun into French wire,' or hammered into their tinsel, are not, in our apprehension, likely to bear a stronger resemblance to the original, than the slim figure of one of their skipping posture-masters, to the muscular frame of old Milo of Crotona, or one of their lean kine, to a well-fed bull of our Crowland or Bedford level.

Their very *bien narrer* itself, upon which they plume themselves so much, (and we are not disposed to deny them this excellence), the easy, lively, sprightly, unsubstantial narrative of — no matter what, provided it be well told — may consist perfectly with a total absence of all solidity, vigor, and passion — the very distinguishing features of Demosthenes. Who, indeed, could expect a faithful delineation of an author, apparently all subject, from a scholar of that nation, one of whose most admired and celebrated critics had no hesitation in avowing, that he should infinitely prefer the most commonplace and ordinary observation, dressed up with all

- * Ah! where is now the loved and living bloom,
That the young flower in summer beauty drest!
DEATH, like a blight, has o'er its sweetness come,
And soil'd in dust its bright and budding crest.

the finish and effect of elegant composition, to the most noble thought, if conveyed in unadorned and inelegant language? Who could expect a full display of passion from a member of that corporation of critics, (and that too of the most intolerant, bigotted, and exclusive court); who can patiently sit for hours together, and admire the monotonous, singsong declamation—not merely of lovesick swains, “sighing like furnace,” in endless verse, but of heroes and heroines expiring, in the * extremity of distress, with the nerveless, spiritless, heartless polish, and much more than the length of a drawing-room conversation?

Edinb. Rev. French Translations of Demosthenes, Feb. 1822.

Debt of the Moderns to Greece.

When we learn, from no mean authority, that one single city,—the eye indeed of Greece, was “the inventress of all learning,”—(*illæ omnium doctrinarum inventrices Athenæ! Cic. de Orat.*)—an inquiry naturally suggests itself,—how fares it, at this moment with the inheritors of this land—the fairest portion of the earth, from which have issued poets, historians, philosophers, orators, patriots, in such a continued stream of glory? Where now is the tribute paid, so justly due, for the civilization and improvement of mankind? Who guards the offering at the shrine of genius, of which the critic speaks? What nation is the foremost in discharging the debt of gratitude to the ancestors, by conferring benefits upon their descendants? To this inquiry, it is our unwelcome task to answer, that the children of this renowned race, after having

* Horace knew better than this.

“*Et Tragicus plerumque dolet sermone pedestri :—
Telephus et Peleus, cum pauper et exsue uterque
Projicit ampullas, es sesquipedalia verba.*”

De Arte Poet.

endured a more than Egyptian bondage for nearly five centuries, under the most austere and insolent task-masters that ever yet vexed and tormented any portion of mankind,—after having been the slaves of the meanest and basest of slaves,—the sport and playthings of eunuchs* and panders, have at length risen as one man, and, drawing the sword, have cast away the scabbard,† to redeem themselves from slavery, and purge the foul stain from the name of Greece. That this strife, in such a case, has now endured for upwards of twelve months; and that England, with the name of Liberty upon her lips,—the supposed patroness of the injured and oppressed, (we say nothing of actual assistance, but) has not vouchsafed to encourage and hearten them in their career, by one cheering smile of approbation,—by one animating expression of applause: nay, more, that, not content with cold indifference and selfish apathy, this same England, under the mask of an ill-disguised neutrality, has actually sided against the sufferers, and has given her aid towards delivering over the Christian descendants of Greeks to the whips and scourges of Infidel barbarians:—and that, too, when Englishmen of former days, before this nation had grown into the firmness and consistency of power,—whilst a people, comparatively in the gristle, and under the dominion of a woman, stretched out a helping hand, and saved the Hollanders in their agony of danger and of glory,—and, by so doing, braved and defied, when in the very zenith of their dominion, the hereditary pride of Austria, and the supercilious loftiness of Castile! What! Is the

* Athens is the property of the Kislär Aga, (the slave of the Seraglio, and guardian of the women), who appoints the Waywode. A Pander and Eunuch,—they are not polite applications, but true ones,—now *governs* the *governor* of Athens.—Lord Byron's Note to the Giaour.

† This was the way with the men of old. When the Persians came to demand earth and water in token of submission, the Spartans and Athenians tossed them into a muddy ditch, telling them to help themselves,—there was plenty of both.

doctrine of legitimacy come to this? Does the Holy Alliance open its capacious and accommodating arms to embrace the foe of Christendom — the Turk? Does prescription run in favor also of *his* dominion? Are the quantity and duration of suffering, to be made, in every possible case, the very reasons for its continuance, — when every man's heart feels, and his understanding confirms the feeling, that, the longer it has been protracted, the more aggravated and afflicting is the injustice?

Surely, surely, our political climate has been severely altered, or there is something peculiarly malignant in the distemperature of the present season. Is there a people, whose government is theoretically and practically vicious, where chance of amendment is desperate, and patience no longer a virtue, — and do they endeavour to better their condition, and profit by the spreading lights and information of mankind? The very first breath of a whisper of any such attempt makes the flesh of our rulers creep. A military force is called in, and quells the movement by the sword. Their sympathy is excited by the endearing spectacle of reason yielding to power. Tranquillity they say is restored. But we have no time for a commentary: our text is — Geneva, Pargœ, Spain, Portugal, Naples, South America, the Ionian Isles, Greece! Let nations be parcelled out and divided amongst the ruling powers as the *spolia opima* of victory, — let unoffending and harmless people be transferred from one master to another, as the live stock of the land which they inhabit, — let precedents be created destructive of the balance of power, and of the independence of weak states among the strong, — let any aspect or “shape” of things be “taken,” but that of change in the form of government, “and their firm nerves will never tremble.” But the very insinuation of such a change — though according to safe and glorious example — though *from* the very worst *to* that which all experience concurs with all reason in showing to be the best — fills them at once with animosity and terror.

If, however, it be said that all this has been not approved of by ministers, but connived at, — not sanctioned, so much as endured, from a reasonable and prudent apprehension of committing the country to the hazardous experiment of war; — or if, to speak more plainly, our monumental debt, the languor of over-exertion, and the weakness induced by convulsive efforts, unsparingly and lavishly made in the pursuit of objects, some of which, at least, were of an ambiguous and questionable policy, have rendered interference on the part of England impossible; — then have we just cause to lament, that no portion of our resources should have been husbanded for emergencies as they might arise, — and first and chiefest, for the support and maintenance of a cause, entitled to the favour of a civilized world; — which has for its watch-words, Liberty and Religion, names touching a chord that vibrates to the heart of every friend to the well being of man in both stages of his existence; — a cause which, grafting the name of England upon the immortality of Greece, would hand down the exertions of our country, in her behalf, to the applause and admiration of all succeeding ages.

Ibid.

Importance of Knowledge and Oratory.

It is but reciting the ordinary praises of the art of persuasion, to remind you* how sacred truths may be most ardently promulgated at the altar—the cause of oppressed innocence be most powerfully defended—the march of wicked rulers be most triumphantly resisted—defiance, the most terrible, be hurled at the oppressor's head. In great convulsions of public affairs, or in bringing about salutary changes, every one confesses how important an ally eloquence must be. But in peaceful times, when the progress of events is slow and

* The Students of Glasgow University.

even, as the silent and unheeded pace of time, and the jars of a mighty tumult in foreign and domestic concerns can no longer be heard, then, too, she flourishes,—protectress of liberty, patroness of improvement,—guardian of all the blessings that can be showered on the mass of human kind; nor is her form ever seen but on ground consecrated to free institutions. “*Pacis comes otiiq̄ue socia, et jam bene constitutæ reipublicæ alumna eloquentia.*” To me, calmly revolving these things, such pursuits seem far more noble objects of ambition than any upon which the vulgar herd of busy men lavish prodigally their restless exertions. To diffuse useful information, to further intellectual refinement, sure forerunner of moral improvement,—to hasten the coming of that bright day, when the dawn of general knowledge shall chase away the lazy, lingering mists, even from the base of the great social pyramid; this, indeed, is a high calling, in which the most splendid talents and consummate virtue may well press onward, eager to bear a part. I know that I speak in a place consecrated by the pious wisdom of ancient times to the instruction of but a select portion of the community. Yet from this classic ground have gone forth, those whose genius, not their ancestry, ennobled them; whose incredible merits have opened to all ranks the temple of science; whose illustrious example has made the humblest emulous to climb steeps no longer inaccessible, and enter the unfolded gates, burning in the sun. I speak in that city where Black having once taught, and Watt learned, the grand experiment was afterwards made in our day, and with entire success, to demonstrate that the highest intellectual cultivation is perfectly compatible with the daily cares and toils of working men; to show by thousands of living examples, that a keen relish for the most sublime truths of science, belongs alike to every class of mankind.

To promote this, of all objects the most important, I rejoice to behold men of talents and influence pressing forward in every part of the empire; but I wait with impatient anxiety to see the same course pursued by men

of high station in society, and by men of rank in the world of letters. It should seem as if these felt some little lurking jealousy, and those were somewhat scared by feelings of alarm—the one and the other surely alike groundless. No man of science needs fear to see the day when scientific excellence shall be too vulgar a commodity to bear a high price. The more widely knowledge is spread, the more will they be prized whose happy lot it is to extend its bounds by discovering new truths, or multiply its uses by inventing new modes of applying it in practice. Their numbers will, indeed, be increased, and among them more Watts and more Franklins will be enrolled among the lights of the world, in proportion as more thousands of the working classes, to which Franklin and Watt belonged, have their thoughts turned towards philosophy; but the order of discoverers and inventors will still be a select few, and the only material variation in their proportion to the bulk of mankind will be, that the mass of the ignorant multitude being progressively diminished, the body of those will be incalculably increased who are worthy to admire genius, and able to bestow upon its possessors an immortal fame.

To those, too, who feel alarmed as statesmen, and friends of existing establishments, I would address a few words of comfort. Real knowledge never promoted either turbulence or unbelief; but its progress is the forerunner of liberality and enlightened toleration. Whoso dreads these, let him tremble; for he may be well assured that their day is at length come, and must put to sudden flight the evil spirits of tyranny and persecution which haunted the long night now gone down the sky. As men will no longer suffer themselves to be led blindfold in ignorance, so will they no more yield to the vile principle of judging and treating their fellow creatures, not according to the intrinsic merit of their actions, but according to the accidental and involuntary coincidence of their opinions. The great truth has finally gone forth to all the ends of the earth, *That man shall*

no more render account to man for his belief, over which he has himself no control. Henceforward, nothing shall prevail upon us to praise or to blame any one for that which he can no more change than he can the hue of his skin, or the height of his stature. Henceforward, treating with entire respect those who conscientiously differ from themselves, the only practical effect of the difference will be, to make us enlighten the ignorance on one side or the other from which it springs, by instructing them, if it be theirs; ourselves, if it be our own, to the end that the only kind of unanimity may be produced which is desirable among rational beings—the agreement proceeding from full conviction after the freest discussion. Far then, very far, from the universal spread of knowledge being the object of just apprehension to those who watch over the peace of the country, or have a deep interest in the permanence of her institutions; its sure effect will be the removal of the only dangers that threaten the public tranquillity, and the addition of all that is wanting to confirm her internal strength.

Let me therefore indulge in the hope, that, among the illustrious youths whom this ancient kingdom, famed alike for its nobility and its learning, has produced to continue her fame through after ages, possibly among those I now address there may be found some one,—I ask no more,—willing to give a bright example to other nations in a path yet untrodden, by taking the lead of his fellow-citizens,—not in frivolous amusements, nor in the degrading pursuits of the ambitious vulgar,—but in the truly noble task of enlightening the great mass of his countrymen, and of having his name no longer encircled, as heretofore, with barbaric splendour, or attached to courtly gewgaws, but illustrated by the honours most worthy of our rational nature,—coupled with the diffusion of knowledge,—and gratefully pronounced through all ages by millions whom his wise beneficence has rescued from ignorance and vice. To him I will say, “*Homines ad Deos nullâ re propius accedunt quam*

salutem hominibus dando: nihil habet nec fortuna tua majis quam ut possis, nec natura sua melius quam ut velis servare quamplurimos." This is the true mark for the aim of all who either prize the enjoyment of pure happiness, or set a right value upon a high and unsullied renown. And if the benefactors of mankind, when they rest from their pious labours, shall be permitted to enjoy hereafter, as an appropriate reward for their virtue, the privilege of looking down upon the blessings with which their toils and sufferings have clothed the scene of their former existence; do not vainly imagine that, in a state of exalted purity and wisdom, the founders of mighty dynasties, the conquerors of new empires, or the more vulgar crowd of evil doers, who have sacrificed to their own aggrandisement the good of their fellow-creatures, will be gratified by contemplating the monuments of their inglorious fame;—theirs will be the delight,—theirs the triumph,—who can trace the remote effects of their enlightened benevolence in the improved condition of their species, and exult in the reflection, that the prodigious change they now survey, with eyes that age and sorrow can make dim no more,—of knowledge become power,—virtue sharing in the dominion,—superstition trampled under foot,—tyranny driven from the world,—are the fruits, precious, though costly, and though late reaped, yet long enduring, of all the hardships and all the hazards they endured here below!

Address to the Glasgow Students.

Aptitude of Youth for Knowledge.

It is not the less true, because it has been oftentimes said, that the period of youth is by far the best fitted for the improvement of the mind, and the retirements of a college almost exclusively adapted to much study. At

your enviable age, everything has the lively interest of novelty and freshness; attention is perpetually sharpened by curiosity; and the memory is tenacious of the deep impressions it thus receives, to a degree unknown in after life; while the distracting cares of the world, or its beguiling pleasures, cross not the threshold of these calm retreats; its distant noise and bustle are faintly heard, making the shelter you enjoy more grateful; and the struggles of anxious mortals embarked upon that troublous sea, are viewed from an eminence, the security of which is rendered more sweet by the prospect of the scene below. Yet a little while, and you too will be plunged into those waters of bitterness, and will cast an eye of regret, as now I do, upon the peaceful regions you have quitted for ever. Such is your lot as members of society; but it will be your own fault if you look back on this place with repentance or with shame; and be well assured that, whatever time—ay, every hour—you squander here on unprofitable idling, will then rise up against you, and be paid for by years of bitter but unavailing regrets. Study then, I beseech you, so to store your minds with the exquisite learning of former ages, that you may always possess within yourselves sources of rational and refined enjoyment, which will enable you to set at nought the grosser pleasures of sense, whereof other men are slaves; and so imbue yourselves with the sound philosophy of later days, forming yourselves to the virtuous habits which are its legitimate offspring, that you may walk unhurt through the trials which await you, and may look down upon the ignorance and error that surround you, not with lofty and supercilious contempt, as the sages of old times, but with the vehement desire of enlightening those who wander in darkness, and who are by so much the more endeared to us by how much they want our assistance.

Ibid.

Preparation desirable in Oratory.

In forming the taste by much contemplation of the antique models, and acquiring the habits of easy and chaste composition, it must not be imagined that all the labour of the orator is ended, or that he may then, dauntless and fluent, enter upon his office in the public assembly. Much preparation is still required before each exertion, if rhetorical excellence is aimed at. I should lay it down as a rule, admitting of no exception, that a man will speak well in proportion as he has written much; and that with equal talents he will be the finest extempore speaker, when no time for preparing is allowed, who has prepared himself the most sedulously when he had an opportunity of delivering a premeditated speech. All the exceptions which I have ever heard cited to this principle, are apparent ones only, proving nothing more than that some few men, of rare genius, have become great speakers without preparation; in nowise shewing, that with preparation they would not have reached a much higher pitch of excellence. The admitted superiority of the ancients in all oratorical accomplishments, is the best proof of my position; for their careful preparation is undeniable.

Ibid.

Ancient and Modern Oratory.

But though the more business-like manner of modern debate approaches much nearer the style of the Greek than the Latin compositions, it must be admitted that it falls short of the great originals in the closeness, and, as it were, density of the argument; in the habitual sacrifice of all ornament to use, or rather in the constant union of the two, so that, while a modern orator too

frequently has his speech parcelled out in compartments, one devoted to argument, another to declamation, a third to mere ornament, as if he should say, Now your reason shall be convinced; now I am going to rouse your passions; and now you shall see how I can amuse your fancy. *The more vigorous ancient argued in declaiming, and made his very boldest figures subservient to, or rather an integral part of his reasoning.**

Glasgow Discourse.

The Greek Authors preferred to the Roman.

Not to mention the incomparable beauty and power of the Greek language, the study of which alone affords the means of enriching our own, the compositions of Cicero, exquisite as they are for beauty of diction, often remarkable for ingenious argument and brilliant wit, not seldom excelling in deep pathos, are nevertheless so extremely rhetorical, fashioned by an art so little concealed, and sacrificing the subject to a display of the speaker's pauses, admirable as those are, that nothing can be less adapted to the genius of modern elocution, which requires a constant and almost exclusive attention to the business in hand. In all his orations which were spoken (for, singular as it may seem, the remark applies less to those which were only written, as all the Verrine, except the first, all the Philippics except the first and ninth, and the Pro Milone,) hardly two pages can be found which a modern assembly would bear. Some admirable arguments on evidence, and the credit of witnesses,

* [In having adopted this principle, coupled with the habit of preparation recommended in the preceding passage, lies the secret, as it seems to us, of Lord Brougham's success as an orator. ED.]

might be urged to a jury ; several passages, given by him on the merits of the case, and in defence against the charge, might be spoken in mitigation of punishment after a conviction or confession of guilt ; but whether we regard the political or forensic orations, the style, both in respect of the reasoning and the ornaments, is wholly unfit for the more severe and less trifling nature of modern affairs in the senate or at the bar. Now, it is altogether otherwise with the Greek masters. Changing a few phrases, which the difference of religion or of manners might render objectionable,—moderating in some degree the virulence of invective, especially against private character, to suit the chivalrous courtesy of modern hostility,—there is hardly one of the political or forensic orations of the Greeks that might not be delivered in similar circumstances. before our senate or tribunals, while their funeral and other panegyrical discourses are much less inflated and unsubstantial than those of the most approved masters of the Epideictic style, the French preachers and academicians. Whence this difference between the masterpieces of Greek and Roman eloquence ? Whence but from the rigid steadiness with which the Greek orator keeps the object of all eloquence perpetually in view, never speaking for mere speaking's sake ; while the Latin Rhetorician, *ingenii sui nimium amator*, and as though he deemed his occupation a trial of skill, or display of accomplishment, seems ever and anon to lose sight of the subject matter in the attempt to illustrate and adorn it ; and pours forth passages sweet indeed, but unprofitable, fitted to tickle the ear without reaching the heart.

Ibid.

Study of the Early English Writers.

But the English writers who really unlock the rich sources of the language, are those who flourished from

the end of Elizabeth's to the end of Queen Anne's reign; who used a good Saxon dialect with ease, but with correctness and perspicuity,—learned in the ancient classics, but only enriching their mother tongue where the attic could supply its defects,—not overlaying it with a profuse pedantic coinage of foreign words,—well practised in the old rules of composition or rather elocution (*συμβολικα*), which unite natural ease and variety with absolute harmony, and give the author's ideas to develop themselves with the more truth and simplicity when clothed in the ample folds of inversion, or run from the exuberant to the elliptical, without ever being redundant or obscure. Those great wits had no foreknowledge of such times as succeeded their brilliant age, when styles should arise, and for a season prevail over both purity, and nature, and antique recollections—now meretriciously ornamented, more than half French in the phrase, and to mere figures fantastically sacrificing the sense, now heavily and regularly fashioned as if by the plumb and rule, and by the eye rather than the ear, with a needless profusion of ancient words and flexions, to displace those of our own Saxon, instead of temperately supplying its defects. Least of all could those lights of English eloquence have imagined that men should appear amongst us professing to teach composition, and ignorant of the whole of its rules, and incapable of relishing the beauties, or indeed apprehending the very genius of the language, should treat its peculiar terms of expression and flexion, as so many inaccuracies, and practise their pupils in correcting the faulty English of Addison, and training down to the mechanical rhythm of Johnson the lovely and inimitable measures of Bolingbroke.

But in exhorting you deeply to meditate on the beauties of our old English authors, the poets, moralists, and perhaps more than all these the preachers of the Augustan age of English letters, do not imagine that I would pass over these great defects when compared with the renowned standards of severe taste in ancient times. Addison may have been pure and elegant;

Dryden airy and nervous; Taylor witty and fanciful; Hooker weighty and various; but none of them united grace with beauty—the perfection of matter with the most refined and chastened style; and to one charge all, even the most faultless, are exposed—the offence unknown in ancient times, but the besetting sin of later days—they always overdid—never knowing or feeling when they had done enough. In nothing, not even in beauty of collocation and harmony of rhythm, is the vast superiority of the chaste, vigorous, manly style of the Greek orators and writers more conspicuous than in the abstinent use of their prodigious faculties of expression. A single phrase—sometimes a word—and the work is done—the desired impression is made, as it were, with one stroke, there being nothing superfluous interposed to weaken the blow or break its fall. The commanding idea is singled out; it is made to stand forward; all auxiliaries are rejected; as the Emperor Napoleon selected one point in the heart of his adversary's strength, and brought all his power to bear upon that, careless of the other points which he was sure to carry if he won the centre, as sure to have carried in vain if he left the centre unsubdued. Far otherwise do modern writers make their onset; they resemble rather those campaigners who fit out twenty little expeditions at a time, to be a laughing stock if they fail, and useless if they succeed; or if they do attack in the right place, so divide their forces, from the dread of leaving any one point unassailed, that they can make no sensible impression where alone it avails them to be felt. It seems the principle of such authors never to leave any thing unsaid that can be said on any one topic; to run down every idea they start, to let nothing pass; and leave nothing to the reader, but harass him with anticipating every thing that could possibly strike his mind. Compare with this effeminate laxity of speech, the manly severity of ancient eloquence; or of him who approached it, by the happy union of natural genius with learned meditation; or of him who so marvellously approached still nearer, with only the familiar knowledge of its least perfect ensamples. * * *

Ibid.

The People their own Instructors.

It is no doubt manifest that the people themselves must be the great agents in accomplishing the work of their own instruction. Unless they deeply feel the usefulness of knowledge, and resolve to make some sacrifices for the acquisition of it, there can be no reasonable prospect of this grand object being obtained. But it is equally clear that to wait until the whole people with one accord take the determination to labour in this good work, would be endless. A portion of the community may be sensible of its advantages, and willing at any fair price to seek them, long before the same laudable feeling becomes universal; and then successful efforts to better their intellectual condition cannot fail to spread more widely the love of learning, and the disrelish for sensual and vulgar gratifications. But although the people must be the source and the instruments of their own improvement, they may be essentially aided in their efforts to instruct themselves. Impediments which might be suffered to retard or wholly to obstruct their progress, may be removed; and efforts which, unassisted, might prove fruitless, arising perhaps from a transient or only a partial enthusiasm for the attainment of knowledge, may, through judicious encouragement, become effectual, and settle into a lasting and an universal habit.

*Ibid.**Public and Private Charity a National Evil.*

Every person who has been accustomed to subscribe for the support of what are commonly called charities, should ask himself this question,—“However humane the motive, am I doing any real good by so spending my money? or am I not doing more harm than good?” In either case, indeed, harm is done; because, even if the money so applied should do no mischief, yet, if it did no good, harm would be done by the waste. But in order to enable him to answer the question, he must

reflect, that no proposition is more undeniably true than this, that the existence of a known and regular provision for the poor, whether in the ordinary form of pensions, doles, gratuities, clothing, firing, &c. or in the shape of maintenance for poor children, in whole, or only in part, has the inevitable tendency to bring forward not only as many objects as the provision will maintain, but a far greater number. The immediate consequence of such provisions is, to promote idleness and poverty beyond what the funds can relieve: the continued and known existence of the provision trains up a race of paupers; and a provision for children, especially, promotes improvident marriages, and increases the population by the addition of paupers. It is therefore a sacred duty, which every one owes to the community, to refrain from giving contributions to begin such funds; and if he has already become a yearly contributor, it is equally his duty to withdraw his assistance, unless one condition is complied with,—namely, that no new objects shall be taken into the establishment, but that those only who at present belong to it shall be maintained; so that the mischief may be terminated within a limited time, and nothing unfair or harsh be done to those who had previously depended on its funds. I remember the time when money given to beggars was supposed to be well bestowed—a notion now exploded; yet even this exercise of benevolence is less mischievous than the support of regular establishments for the increase of paupers.

Practical Observations on the Education of the People.

Education of the Poor.

It is with unspeakable delight that I contemplate the rich gifts that have been bestowed—the honest zeal displayed by private persons for the benefit of their fellow-creatures. When we inquire from whence proceeded these magnificent endowments, we generally find that it is not from the public policy, nor the bounty of

them, who, in their day, possessing princely revenues, were anxious to devote a portion of them for the benefit of mankind—not from those who, having amassed vast fortunes by public employment, were desirous to repay, in charity, a little of what they had thus levied upon the State. It is more frequently some obscure personage—some tradesman of humble birth—who, grateful for the education which had enabled him to acquire his wealth through honest industry, turned a portion of it from the claims of nearer connexions, to enable other helpless creatures, in circumstances like his own, to meet the struggles he himself has undergone. In the history of this country, public or domestic, I know of no feature more touching than this, unless, perhaps, it be the yet more affecting sight of those, who, every day, before our eyes, are seen devoting their fortunes, their time, their labour, their health, to offices of benevolence and mercy. How many persons do I myself know, to whom it is only necessary to say there are men without employment, children uneducated, sufferers in prison, victims of disease, wretches pining in want, and straightway they will abandon all other pursuits, as if they themselves had not large families to provide for; and toil for days and for nights, stolen from their most necessary avocations, to feed the hungry, clothe the naked, and shed upon the children of the poor that inestimable blessing of education, which alone gave themselves the wish and “the power to relieve their fellow-men!” I survey this picture with inexpressible pleasure, and the rather because it is a glory peculiar to England. She has the more cause to be proud of it, that it is the legitimate fruit of her free constitution. Where tyrants bear sway, palaces may arise to lodge the poor; and hospitals may be the most magnificent ornaments of the seat of power. But, though fair to the eye, and useful to several classes, their foundations are laid in the sufferings of others. They are supported, not by private beneficence—which renders a pleasure to the giver, as well as a comfort to him who receives—but by the hard-won earnings of the poor, wrung from their wants, and frequently by the prepos-

terous imposts laid upon their vices. While the rulers of any people will hold from them the enjoyment of their most sacred rights—a voice in the management of their own affairs, they must continue strangers to those noble sentiments—that honest declaration of purpose which distinguishes freemen, teaches them to look beyond the sphere of personal interest, makes their hearts beat high, and stretches out their arms for the glory and the advantage of their country. There is no more degrading effect of despotism, than that it limits the charitable feelings of our nature, rendering men suspicious and selfish, and forgetful that they have a country. Happily for England she has still a people capable of higher things!

Ibid.

The Human Mind no longer in Shackles.

I rejoice to think that it is not necessary to close these observations, by combating objections to the diffusion of science among the working classes, arising from considerations of a political nature. Happily the time is past and gone when bigots could persuade mankind that the lights of philosophy were to be extinguished as dangerous to religion; and when tyrants could proscribe the instructors of the people as enemies to their power. It is preposterous to imagine that the enlargement of our acquaintance with the laws which regulate the universe, can dispose to unbelief. It may be a cure for superstition—for intolerance it will be a most certain cure; but a pure and true religion has nothing to fear from the greatest expansion which the understanding can receive, by the study either of matter or of mind. The more widely science is diffused, the better will the Author of all things be known, and the less will the people be “tossed to and from by the sleight of men, and cunning craftiness whereby they lie in wait to deceive.” To tyrants, indeed, and bad rulers, the progress of knowledge among the mass of mankind is a just object of

terror; it is fatal to them and their designs; they know this by an unerring instinct, and unceasingly they dread the light. But they will find it more easy to curse than to extinguish. It is spreading in spite of them, even in those countries where arbitrary power deems itself most secure; and in England any attempt to check its progress would only bring about the sudden destruction of him who should be insane enough to make it. Let no one be afraid of the bulk of the community becoming too accomplished for their superiors. Well educated, and even well versed in the most elevated sciences, they assuredly may become; and the worst consequences that can follow to their superiors, will be, that to deserve being called their *bettors*, they too must devote themselves more to the pursuit of solid and refined learning. The present public seminaries must be enlarged; and some of the greater cities of the kingdom, especially the metropolis, must not be left destitute of the regular means within themselves of scientific education.

Ibid.

The Pleasures of Knowledge.

It may be easily demonstrated that there is an advantage in learning, both for the usefulness and the pleasure of it. There is something positively agreeable to all men, to all, at least, whose nature is not most grovelling and base, in gaining knowledge for its own sake. When you see anything for the first time, you at once derive some gratification from the sight being new; your attention is awakened, and you desire to know more about it. If it is a piece of workmanship, as an instrument, a machine of any kind, you wish to know how it is made; how it works; of what use it is. If it is an animal, you desire to know where it comes from; how it lives; what are its dispositions, and, generally, its nature and habits. You feel this desire too without at

all considering that the machine or the animal may ever be of the least use to yourself practically ; for, in all probability, you may never see them again. But you have a curiosity to know all about them, because they are new and unknown. You accordingly make inquiries ; you feel a gratification in getting answers to your questions ; that is, in receiving information, and in knowing more ; in being better informed than you were before. If you happen again to see the same instrument or animal, in some respects like, but differing in other particulars, we find it pleasing to compare them together, and to note in what they agree, and in what they differ. Now, all this kind of gratification is of a pure and disinterested nature, and has no reference to any of the common purposes of life ; yet it is a pleasure—an enjoyment. You are nothing the richer for it ; you do not gratify your palate, or any other bodily appetite ; and yet it is so pleasing that you would give something out of your pocket to obtain it, and would forego some bodily enjoyment for its sake. The pleasure derived from science is exactly of the like nature, or rather it is the very same. For what has been just spoken of is in fact science, which, in its most comprehensive sense, only means *knowledge*, and in its ordinary sense means *knowledge reduced to a system*; that is, arranged in a regular order, so as to be conveniently taught, easily remembered, and readily applied.

The practical uses of any science or branch of knowledge are undoubtedly of the highest importance ; and there is hardly any man who may not gain some positive advantage in his worldly wealth and comforts, by increasing his stock of information. But there is also a pleasure in seeing the uses to which knowledge may be applied, wholly independent of the share we ourselves may have in those practical benefits. It is pleasing to examine the nature of a new instrument, or the habits of an unknown animal, without considering whether or not they may ever be of use to ourselves or to any body. It is another gratification to extend our inquiries, and find that the instrument or animal is useful to man, even although we have no chance ourselves of ever benefiting

by the information: as, to find that the natives of some distant country employ the animal in travelling:—nay, though we have no desire of benefiting by the knowledge; as, for example, to find that the instrument is useful in performing some dangerous surgical operation. The mere gratification of curiosity; the knowing more to-day than we knew yesterday; the understanding clearly what before seemed obscure and puzzling; the contemplation of general truths, and the comparing together of different things,—is an agreeable occupation of the mind; and, beside the present enjoyment, elevates the faculties above low pursuits, purifies and refines the passions, and helps our reason to assuage their violence.

Ibid.

Use of Algebra.

When we say that 2 and 2 make 4, we state an arithmetical proposition, very simple indeed, but connected with many others of a more difficult and complicated kind. Thus, it is another proposition somewhat less simple, but still very obvious, that 5 multiplied by 10, and divided by 2 is equal to, or makes the same number with, 100 divided by 4—both results being equal to 25. So, to find, how many farthings there are in 1000*l.*, and how many minutes in a year, are questions of arithmetic which we learn to work by being taught the principles of the science one after another, or, as they are commonly called, the *rules* of addition, subtraction, multiplication, and division. Arithmetic may be said to be the most simple, though among the most useful of the sciences; but it teaches only the properties of particular and known numbers, and it only enables us to add, subtract, multiply, and divide those numbers. But suppose we wish to add, subtract, multiply, or divide numbers which we have not yet ascertained, and in all respects to deal with them as if they were known, for the purpose of arriving at certain conclusions respecting them, and,

among other things, of discovering what they are ; or, suppose we would examine properties belonging to all numbers ; this must be performed by a peculiar kind of arithmetic, called *Universal* arithmetic, or *Algebra*.* The common arithmetic, you will presently perceive, carries the seeds of this most important science in its bosom. Thus, suppose we inquire what is the number which multiplied by 5 makes 10 ? This is found if we divide 10 by 5,—it is 2 : but suppose that, before finding this number 2, and before knowing what it is, we would add it, whatever it may turn out, to some other number ; this can only be done by putting some mark, such as a letter of the alphabet, to stand for the unknown number, and adding that letter as if it were a known number. Thus, suppose we want to find two numbers which, added together, make 9, and multiplied by one another, make 20. There are many which, added together, make 9 ; as 1 and 8 ; 2 and 7 ; 3 and 6 ; and so on. We have, therefore, occasion to use the second condition, that multiplied by one another they should make 20, and to work upon this condition before we have discovered the particular numbers. We must, therefore, suppose the numbers to be found, and put letters for them, and by reasoning upon those letters, according to both the two conditions of adding and multiplying, we find what they must each of them be in figures, in order to fulfil or answer the conditions. Algebra teaches the rules for conducting this reasoning, and obtaining this result successfully ; and by means of it we are enabled to find out numbers which are unknown, and of which we only know that they stand in certain relations to known numbers, or to one another. The instance now taken is an easy one ; and you could, by considering the question a little, answer it readily enough ; that is, by trying different numbers, and seeing which suited the conditions ; for you plainly see that 5 and 4 are the two

* Algebra, from the Arabic words signifying the *reduction of fractions* ; the Arabs having brought the knowledge of it into Europe.

numbers sought; but you see this by no certain or general rule applicable to all cases, and therefore you could never work more difficult questions in the same way; and even questions of a moderate degree of difficulty would take an endless number of trials or guesses to answer. Thus a shepherd sold his flock for 80*l.*; and if he had sold four more sheep for the same money, he would have received one pound less for each sheep. To find out from this, how many the flock consisted of, is a very easy question in algebra, but would require a vast many guesses, and a long time to hit upon by common arithmetic. And questions infinitely more difficult can easily be solved by the rules of algebra. In like manner, by arithmetic you can tell the properties of particular numbers; as, for instance, that the number 348 is divided by 3 exactly, so as to leave nothing over; but algebra teaches us that it is only one of an infinite variety of numbers, all divisible by 3, and any one of which you can tell the moment you see it; for they all have the remarkable property, that if you add together the figures they consist of, the sum total is divisible by 3. You can easily perceive this in any one case, as in the number mentioned, for 3 added to 4 and that to 8 make 15, which is plainly divisible by 3; and if you divide 348 by 3, you find the quotient to be 116, with nothing over. But this does not at all prove that any other number, the sum of whose figures is divisible by 3, will itself also be found divisible by 3, as 741; for you must actually perform the division here, and in every other case, before you can know that it leaves nothing over. Algebra, on the contrary, both enables you to discover such general properties, and to prove them in all their generality.

*Preliminary Discourse on the Objects, Advantages,
and Pleasures of Science.*

Difference between Mathematical and Physical Truths.

We have mentioned one distinction between Mathe-

matics and Natural Philosophy, that the former does not depend on the nature and existence of bodies, which the latter entirely does. Another distinction, and one closely connected with this, is, that the truths which Mathematics teach us, are *necessarily* such—they are truths of themselves, and wholly independent of facts and experiments—they depend only upon reasoning; and it is utterly impossible they should be otherwise than true. This is the case with all the properties which we find belong to numbers and to figures—2 and 2 must of *necessity*, and through all time, and in every place, be equal to 4: those numbers must *necessarily* be always divisible by 3, without leaving any remainder over, which have the sums of the figures they consist of divisible by three; and circles must *necessarily*, and for ever and ever, be to one another, in the exact proportion of the squares of their diameter. It cannot be otherwise; we cannot conceive it in our minds to be otherwise. No man can in his own mind suppose to himself that 2 and 2 should ever be more or less than 4; it would be an utter impossibility—a contradiction in the very ideas: and if stated in words, those words have no sense. The other properties of number, though not so plain at first sight as this, are proved to be true by reasoning, every one step of which follows from the step immediately before, as a matter of course, and so clearly and unavoidably, that it cannot be supposed, or even imagined, to be otherwise: the mind has no means of fancying how it could be otherwise: the final conclusion from all the steps of the reasoning or demonstration, as it is called, follows in the same way from the last of the steps, and is therefore just as evidently and necessarily true as the first step, which is always something self-evident; for instance, that 2 and 2 make 4, or that the whole is greater than any of its parts, but equal to all its parts put together. It is through this kind of reasoning, step by step, from the most plain and evident things, that we arrive at the knowledge of other things which seem at first not true, or at least not generally true; but when we do arrive at them, we perceive that they are just as true,

and for the same reasons, as the first and most obvious matters; that their truth is absolute and necessary, and that it would be as absurd and self-contradictory to suppose they ever could, under any circumstances, be not true, as to suppose that 2 added to 2 could ever make 3, or 5, or 100, or anything but 4; or, which is the same thing, that 4 should ever be equal to 3, or 5, or 100, or any thing but 4. To find out these reasonings, to pursue them to their consequences, and thereby to discover the truths which are not immediately evident, is what science teaches us: but when the truth is once discovered, it is as certain and plain by the reasoning, as the first truths themselves from which all the reasoning takes its rise, on which it all depends, and which require no proof, because they are self-evident at once, and must be assented to the instant they are understood.

But it is quite different with the truths which Natural Philosophy teaches. All these depend upon matter of fact; and that is learnt by observation and experiment, and never could be discovered by reasoning at all. If a man were shut up in a room with pen, ink, and paper, he might by thinking discover any of the truths in arithmetic, algebra, or geometry; it is possible at least: there would be nothing absolutely impossible in his discovering all that is now known of these sciences; and if his memory were as good as we are supposing his judgment and conception to be, he might discover it all without pen, ink, and paper, and in a dark room. But we cannot discover a single one of the fundamental properties of matter without observing what goes on around us, and trying experiments upon the nature and motion of bodies. Thus, the man whom we have supposed shut up, could not possibly find out beyond one or two of the very first properties of matter, and those only in a very few cases; so that he could not tell if these were general properties of all matter or not. He could tell that the objects he touched in the dark were hard and resisted his touch; that they were extended and were solid: that is, that they had three dimensions, length, breadth, and thick-

ness. He might guess that other things existed beside those he felt, and that those other things resembled what he felt in these properties; but he could know nothing for certain, and could not even conjecture much beyond this very limited number of qualities. He must remain utterly ignorant of what really exists in nature, and of what properties matter in general has. These properties, therefore, we learn by experience; they are such as we know bodies to have; they happen to have them—they are so formed by Divine Providence as to have them—but they might have been otherwise formed; the great Author of Nature might have thought fit to make all bodies different in every respect. We see that a stone dropped from our hand falls to the ground: this is a fact which we can only know by experience; before observing it, we could not have guessed it, and it is quite *conceivable* that it should be otherwise: for instance, that when we remove our hand from the body it should stand still in the air; or fly upward, or go forward, or backward, or sideways; there is nothing at all absurd, contradictory, or inconceivable in any of these suppositions; there is nothing impossible in any of them, as there would be in supposing the stone equal to half of itself, or double of itself; or both falling down or rising upwards at once; or going to the right and the left at one and the same time. Our only reason for not at once thinking it quite conceivable that the stone should stand still in the air, or fly upwards, is that we have never seen it do so, and have become accustomed to see it do otherwise. But for that, we should at once think it as natural that the stone should fly upwards or stand still, as that it should fall down. But no degree of reflection for any length of time could accustom us to think 2 and 2 equal to anything but 4, or to believe the whole of anything equal to a part of itself.

Ibid.

Mathematical Reasoning.

After we have once, by observation or experiment,

ascertained certain things to exist in fact, we may then reason upon them by means of the mathematics; that is, we may apply mathematics to our experimental philosophy, and then such reasoning becomes absolutely certain, taking the fundamental facts for granted. Thus, if we find that a stone falls in one direction when dropped, and we further observe the peculiar way in which it falls, that is, quicker and quicker every instant till it reaches the ground, we learn the rule or the proportion by which the quickness goes on increasing; and we further find, that if the same stone is pushed forward on a table, it moves in the direction of the push, till it is either stopped by something, or comes to a pause, by rubbing against the table and being hindered by the air. These are facts which we learn by observing and trying, and they might all have been different if matter and motion had been otherwise constituted; but supposing them to be as they are, and as we find them, we can, by reasoning mathematically from them, find out many most curious and important truths depending upon those facts, and depending upon them not accidentally, but of necessity. For example, we can find in what course the stone will move, if, instead of being dropped to the ground, it is thrown forward: it will go in the curve already mentioned, the parabola, somewhat altered by the resistance of the air, and it will run through that curve in a peculiar way, so that there will always be a certain proportion between the time it takes and the space it would have moved through had it dropped from the hand in a straight line to the ground. So we can prove, in like manner, what we before stated of the relation between the distance at which it will come to the ground, and the direction it is thrown in; the distance being greatest of all when the direction is half way between the level or horizontal and the upright or perpendicular. These are mathematical truths, derived by mathematical reasoning upon physical grounds; that is, upon matter of fact found to exist by actual observation and experiment. The result, therefore, is necessarily true, and proved to be so by reasoning only, provided we have once ascer-

tained the facts; but, taken altogether, the result depends partly on the facts learned by experiment or experience, partly on the reasoning from these facts. Thus it is found to be true by reasoning, and necessarily true, that *if* the stone falls in a certain way when unsupported, it must, when thrown forward, go in the curve called a parabola, provided there be no air to resist: this is a necessary or mathematical truth, and it cannot possibly be otherwise. But when we state the matter without any opposition—without any “*if*,”—and say, a stone thrown forward goes in a curve called a parabola, we state a truth, partly fact, and partly drawn from reasoning on the fact; and it might be otherwise if the nature of things were different. It is called a proposition or truth in Natural Philosophy; and as it is discovered and proved by mathematical reasoning upon facts in nature, it is sometimes called a proposition or truth in the *Mixed Mathematics*, so named in contradistinction to the *Pure Mathematics*, which are employed in reasoning upon figures and numbers. The man in the dark room could never discover this truth unless he had been first informed, by those who had observed the fact, in what way the stone falls when unsupported, and moves along the table when pushed. These things he never could have found out by reasoning; they are facts, and he could only reason from them after learning them by his own experience, or taking them on the credit of other people’s experience. But having once so learnt them, he could discover by reasoning merely, and with as much certainty as if he lived in daylight, and saw and felt the moving body, that the motion is in a parabola, and governed by certain rules. As experiment and observation are the great sources of our knowledge of Nature, and as the judicious and careful making of experiments is the only way by which her secrets can be known, Natural and Experimental Philosophy mean one and the same thing; mathematical reasoning being applied to certain branches of it, particularly those which relate to motion and pressure.

Ibid.

Importance of the Law of Gravitation.

This is one of the most important truths in the whole compass of science, for it does so happen that the force with which bodies fall towards the earth, or what is called their *gravity*, the power that draws or attracts them towards the earth, varies with the distance from the Earth's centre, exactly in the proportion of the squares, lessening as the distance increases: at two diameters from the Earth's centre, it is four times less than at one; at three diameters, nine times less; and so forth. It goes on lessening, but never is destroyed, even at the greatest distances to which we can reach by our observations, and there can be no doubt of its extending indefinitely beyond. But by astronomical observations made upon the motion of the heavenly bodies, upon that of the moon, for instance, it is proved that her movement is slower and quicker at different parts of her course, in the same manner as a body's motion on the earth would be slower and quicker, according to its distance from the point it was drawn towards, provided it was drawn by a force acting in the proportion to the squares of the distance, which we have frequently mentioned; and the proportion of the time to the distance is also observed to agree with the rule above referred to. Therefore, she is shown to be attracted towards the Earth by a force that varies according to the same proportion in which gravity varies; and she must consequently move in an ellipse round the Earth, which is placed in a point nearer the one end than the other of that curve. In like manner it is shown that the Earth moves round the Sun in the same curve line, and is drawn towards the Sun by a similar force; and that all the other planets in their courses, at various distances, follow the same rule, moving in ellipses, and drawn towards the Sun by the same kind of power. Three of them have moons like the Earth, only more numerous, for Jupiter has four, Saturn seven, and Herschel six, so very distant, that we cannot see them without the help of glasses; but all those moons

move round their principal as ours does round the Earth, in ovals or ellipses ; while the planets, with their moons, move in their ovals round the Sun, like our own Earth with its moon.

But this power, which draws them all towards the Sun, and regulates their path and their motion round him, and which draws the moons towards the principal planets, and regulates their motion and path round those planets, is the same with the gravity by which bodies fall towards the earth, being attracted by it. Therefore, the whole of the heavenly bodies are kept in their places, and wheel round the Sun, by the same influence or power that makes a stone fall to the ground.

Ibid.

The Science of Chemistry elucidated by Mathematics.

The application of Mathematics to Chemistry has already produced a great change in that science, and is calculated to produce still greater improvements. It may be almost certainly reckoned upon as the source of new discoveries, made by induction after the mathematical reasoning has given the suggestion. The learned reader will perceive that we allude to the beautiful doctrine of *Definite or Multiple Proportions*. To take an example ; the probability of an oxide of arsenic being discovered, is impressed upon us by the composition of arsenious and arsenic acids, in which the oxygen is as 2 to 3 ; and, therefore, we may expect to find a compound of the same base, with the oxygen as unity. The extraordinary action of chlorine and its compounds on light, leads us to expect some further discovery respecting its composition, perhaps respecting the matter of light.

Ibid.

Economy of the Heavenly Bodies.

The size, and motions, and distances of the heavenly bodies are such as to exceed the power of ordinary imagination, from any comparison with the smaller things we see around us. The Earth's diameter is nearly 8000 miles in length; but the sun's is above 880,000 miles, and the bulk of the sun is above 1,300,000 times greater than that of the Earth. The planet Jupiter, which looks like a mere speck, from his vast distance, is nearly 1300 times larger than the Earth. Our distance from the Sun is above 95 millions of miles; but Jupiter is 490 millions, and Saturn 900 millions of miles distant from the Sun. The rate at which the Earth moves round the Sun is 68,000 miles an hour, or 140 times swifter than the motion of a cannon-ball; and the planet Mercury, the nearest to the Sun, moves still quicker, nearly 110,000 miles an hour. We, upon the Earth's surface, beside being carried round the Sun, move round the Earth's axis by the rotatory or spinning motion which it has: so that every 24 hours we move in this manner near 14,000 miles, beside moving round the Sun above 1,600,000 miles. These motions and distances, however, prodigious as they are, seem as nothing compared to those of the comets, one of which, when furthest from the Sun, is 11,200 millions of miles from him; and when nearest the Sun, flies at the amazing rate of 880,000 miles an hour. Sir Isaac Newton calculated its heat at 2000 times that of red-hot iron; and that it would take thousands of years to cool. But the distance of the Fixed Stars is yet more vast: they have been supposed to be 400,000 times further from us than we are from the Sun, that is, 38 millions of millions of miles; so that a cannon-ball would take near nine millions of years to reach one of them, supposing there was nothing to hinder it from pursuing its course thither. As light takes about eight minutes and a quarter to reach us from the Sun, it would be above six years in coming from one of those stars; but the calculations of later astronomers prove some stars

to be so far distant, that their light must take centuries before it can reach us; so that every particle of light which enters our eyes left the star it comes from three or four hundred years ago.

Ibid.

Relation between Astronomy and Navigation.

The tables, which astronomers have been enabled to form of the heavenly motions, are of great use in navigation. By means of the eclipses of Jupiter's satellites, and by the tables of the Moon's motions, we can ascertain the position of a ship at sea; for the observation of the Sun's height at mid-day gives the *latitude* of the place, that is, its distance from the equinoctial or equator, the line passing through the middle of the Earth's surface, equally distant from both poles; and these tables, with the observations of the satellites, or moons, give the distance east and west of the observatory for which the tables are calculated,—called the *longitude* of the place: consequently, the mariner can thus tell nearly in what part of the ocean he is, how far he has sailed from his port of departure, and how far he must sail, and in what direction, to gain the port of his destination. The advantage of this knowledge is therefore manifest in the common affairs of life; but it sinks into insignificance compared with the vast extent of those views which the contemplations of the science afford, of numberless worlds filling the immensity of space, and all kept in their places, and adjusted in their prodigious motions by the same simple principle, under the guidance of an all-wise and all-powerful Creator.

Ibid.

Wonderful Facts Relating to Air.

The discoveries relating to the air, are interesting in themselves, and applicable to important uses. It is an agent, though invisible, as powerful as water, in the operations both of nature and of art. Experiments of a simple and decisive nature show the amount of its pressure to be between 14 and 15 pounds on every square inch; but, like all other fluids, it presses equally in every direction; so that though, on one hand, there is a pressure downwards of above 250 pounds, yet this is exactly balanced by an equal pressure upwards, from the air pressing round and getting below. If, however, the air on one side be removed, the whole pressure from the other acts unbalanced. Hence the ascent of water in pumps, which suck out the air from a barrel, and allow the pressure upon the water to force it up 32 or 33 feet, that body of water being equal to the weight of the atmosphere. Hence the ascent of the mercury in the barometer is only 28 or 29 inches, mercury being between 13 and 14 times heavier than water. Hence, too, the motion of the steam-engine; the piston of which, until the direct force of steam was applied, used to be pressed downwards by the weight of the atmosphere from above, all air being removed below it by first filling it with steam, and then suddenly cooling and converting that steam into water, so as to leave nothing in the space it had occupied. Hence, too, the power which some animals possess of walking along the perpendicular surfaces of walls, and even the ceilings of rooms, by squeezing out the air between the inside of their feet and the wall, and thus being supported by the pressure of the air against the outside of their feet.

Ibid.

Beautiful Construction of the Bird's Eye.

Birds flying in the air, and meeting with many obstacles, as branches and leaves of trees, require to have their eyes sometimes as flat as possible for protection; but sometimes as round as possible, that they may see the small objects, flies and other insects, which they are chasing through the air, and which they pursue with the most unerring certainty. This could only be accomplished by giving them a power of suddenly changing the form of their eyes. Accordingly there is a set of hard scales placed on the outer coat of their eye, round the place where the light enters; and over these scales are drawn the muscles or fibres by which motion is communicated; so that, by acting with these muscles, the bird can press the scales, and squeeze the natural magnifier of the eye into a round shape when it wishes to follow an insect through the air, and can relax the scales in order to flatten the eye again when it would see a distant object, or move safely through leaves and twigs. This power of altering the shape of the eye is possessed by birds of prey in a very remarkable degree. They can thus see the smallest objects close to them, and can yet discern larger bodies at vast distances, as a carcass stretched upon the plain, or a dying fish afloat on the water.

A singular provision is made for keeping the surface of the bird's eye clean—for wiping the glass of the instrument, as it were—and also for protecting it, while rapidly flying through the air and through thickets, without hindering the sight. Birds are, for these purposes, furnished with a third eyelid, a fine membrane or skin, which is constantly moved very rapidly over the eyeball by two muscles placed in the back of the eye. One of the muscles ends in a loop, the other in a string which goes through the loop and is fixed in the corner of the membrane, to pull it backward and forward. If you wish to draw a thing towards any place with the least force, you must pull directly in the line

between the thing and the place; but if you wish to draw it as quickly as possible, and with the most convenience, and do not regard the loss of force, you must pull it obliquely, by drawing it in two directions at once. Tie a string to a stone, and draw it straight towards you with one hand; then, make a loop on another string, and running the first through it, draw one string in each hand, not towards you, but sideways, till both strings are stretched in a straight line: you will see how much more easily the stone moves quickly than it did before when pulled straight forward. Again, if you tie strings to the two ends of a rod, or slip of card, in a running groove, and bring them to meet and pass through a ring or hole, for every inch in a straight line that you draw both together below the ring, the rod will move onward two. Now this is proved, by mathematical reasoning, to be the necessary consequence of forces applied obliquely: there is a loss of power, but a great gain in velocity and convenience. This is the thing required to be gained in the third eyelid, and the contrivance is exactly that of a string and a loop, moved each by a muscle, as the two strings are by the hands in the cases we have been supposing.

A third eyelid of the same kind is found in the horse, and called the *haw*; it is moistened with a pulpy substance (or mucilage) to take hold of the dust on the eyeball, and wipe it clear off; so that the eye is hardly ever seen with any thing upon it, though greatly exposed from its size and posture. The swift motion of the haw is given to it by a gristly, elastic substance, placed between the eyeball and the socket, and striking obliquely, so as to drive out the haw with great velocity over the eye, and then let it come back as quickly. Ignorant persons, when this haw is inflamed from cold, and swells so as to appear, which it never does in a healthy state, often mistake it for an imperfection, and cut it off: so nearly do ignorance and cruelty produce the same mischief.

Ibid.

The Anatomical Formation of the Bones, Quills, and Bodies of Birds.

If any quantity of matter, as a pound of wood or iron, is fashioned into a rod of a certain length, say one foot, the rod will be strong in proportion to its thickness; and, if the figure is the same, that thickness can only be increased by making it hollow. Therefore, hollow rods or tubes, of the same length and quantity of matter, have more strength than solid ones. This is a principle so well understood now, that engineers make their axles and other parts of machinery hollow, and therefore stronger with the same weight, than they would be if thinner and solid. Now the bones of animals are all more or less hollow; and are therefore stronger with the same weight and quantity of matter than they otherwise would be. But birds have the largest bones in proportion to their weight; their bones are more hollow than those of animals which do not fly; and therefore they have the needful strength without having to carry more weight than is absolutely necessary. Their quills derive strength from the same construction. They possess another peculiarity to help their flight. No other animals have any communication between the air-vessels of their lungs and the hollow parts of their bodies; but birds have it; and by this means they can blow out their bodies as we do a bladder, and thus become lighter when they would either make their flight towards the ground slower, or rise more swiftly, or float more easily in the air; while, by lessening their bulk and closing their wings, they can drop more speedily if they wish to chase, or to escape. Fishes possess a power of the same kind, though not by the same means. They have *air-bladders* in their bodies, and can puff them out, or press them closer, at pleasure; when they want to rise in the water, they fill out the bladder, and this lightens them: when they would sink, they squeeze the bladder, pressing the air into a smaller space, and this makes them heavier. If the bladder breaks, the fish remains at the bottom, and

can be held up only by the most laborious exertions of the fins and tail. Accordingly, flat fish, as skaits and flounders, which have no air-bladders, seldom rise from the bottom, but are found lying on banks in the sea, or at the bottom of rivers.

Ibid.

Peculiar formation of the foot of Animals by means of which they are enabled to walk up perpendicular surfaces.

We may remember this pressure or weight of the atmosphere as shown by the barometer, and the sucking-pump. Its weight is near fifteen pounds on every square inch, so that if we could entirely squeeze out the air between our two hands, they would cling together with a force equal to the pressure of double this weight, because the air would press upon both hands; and if we could contrive to suck or squeeze out the air between one hand and the wall, the hand would stick fast to the wall, being pressed on it with the weight of above two hundred weight, that is, near fifteen pounds on every square inch of the hand. Now, by a late most curious discovery of Sir Everard Home, the distinguished anatomist, it is found that this is the very process by which *flies* and other insects of a similar description are enabled to walk up perpendicular surfaces, however smooth, as the sides of walls and panes of glass in windows, and to walk as easily along the ceiling of a room with their bodies downwards and their feet over head. Their feet, when examined by a microscope, are found to have flat skins or flaps, like the feet of web-footed animals, as ducks and geese; and they have by means of strong folds the power of drawing the flap close down upon the glass or wall the fly walks on, and thus squeezing out the air completely, so as to make a vacuum between the foot and the glass or wall. The consequence of this is, that the air presses the foot on the

wall with a very considerable force compared to the weight of the fly; for if its feet are to its body in the same proportion as ours are to our bodies, since we could support by a single hand on the ceiling of the room (provided it made a vacuum) more than our whole weight, namely, a weight of above fifteen stone, the fly can easily move on four feet in the same manner by help of the vacuum made under its feet.

It has likewise been found that some of the larger *sea-animals* are by the same construction, only upon a greater scale, enabled to climb the perpendicular and smooth surfaces of the ice hills among which they live. Some kinds of *lizard* have a like power of climbing, and of creeping with their bodies downwards along the ceiling of a room; and the means by which they are enabled to do so are the same. In the large feet of those animals, the contrivance is easily observed, of the toes and muscles, by which the skin of the foot is pinned down, and the air excluded in the act of walking or climbing; but it is the very same, only upon a larger scale, with the mechanism of a fly's or a butterfly's foot; and both operations, the climbing of the sea-horse on the ice, and the creeping of the fly on the window or the ceiling, are performed exactly by the same power, the weight of the atmosphere, which causes the quicksilver to stand in the weather glass, the wind to whistle through the key hole, and the piston to descend in an old steam-engine.

Ibid.

Evidence of Design in the Works of Creation.

If, to take Dr. Paley's example, we pass over a common, and strike the foot against a stone, we do not stop to ask who placed it there; but if we find that our foot has struck on a watch, we at once conclude that some mechanic made it, and that some one dropped it on the ground.

Why do we draw this inference? because all our

former experience had told us that such machinery is the result of human skill and labour; and that it nowhere grows wild about, or is found in the earth. When we see that a certain effect, namely, distinct vision, is performed by an achromatic instrument, the eye, why do we infer that some one must have made it? because we nowhere, and at no time have had any experience of any one thing fashioning itself, and indeed cannot form to ourselves any distinct idea of what such a process as self-creation means; and further, because when we ourselves would produce a similar result, we have recourse to like means.

Again, when we perceive the adaptation of natural objects and operations to a perceived end, and from thence infer design in the maker of these objects, and superintendent of these operations, why do we draw this conclusion? because we know by experience that if we ourselves desired to accomplish a similar purpose we should do so by the like adaptation; we know by experience that this is design in us, and that our proceedings are the result of such design; we know that if some of our works were seen by others, who neither were aware of our having made them, nor of the intention with which we made them, they would be right, should they, from seeing and examining them, both infer that we had made them, and conjecture why we had made them.

The same reasoning, by the help of experience, from what we learn to what we cannot know, is manifestly the foundation of the inference, that the members of the body were fashioned for certain uses, by a Maker acquainted with their operations, and willing that those uses should be served.

Introduction to Paley's Natural Theology. p. 43.

Discoveries of Geologists.

A comparative anatomist, of profound learning and marvellous sagacity, has presented to him what to common eyes would seem a piece of half decayed bone, found in a wild, in a forest, or in a cave. By accurately

examining its shape, particularly the form of its extremity or extremities (if both ends happen to be entire,) by close inspection of the texture of its surface, and by admeasurement of its proportions, he can with certainty discover the general form of the animal to which it belonged, its size as well as its shape, the economy of its viscera, and its general habits.

Sometimes the investigation in such cases proceeds upon chains of reasoning, where all the links are seen and understood; where the connection of the parts found with other parts, and with habitudes, is perceived, and the reason understood,—as that the animal had a trunk, because the neck was short compared with its height; or that it ruminated, because its teeth were imperfect for complete mastication. But, frequently, the inquiry is as certain in its results, although some links of the chain are concealed from our view, and the conclusion wears a more empirical aspect,—as gathering that the animal ruminated, from observing the print of a cloven hoof, or that he had bones from his wanting certain teeth, or that he wanted the collar bone from his having cloven hoofs. Limited experience having already shown such connections as facts, more extended experience will assuredly one day enable us to comprehend the reason of the connection.

The discoveries already made in this branch of science is truly wonderful, and they proceed upon the strictest rules of induction. It is shown that animals formerly existed on the globe, being unknown varieties of *species* still known; but it also appears that *species* existed, and even *genera* wholly unknown for the last five thousand years. These peopled the earth, as it was not before the general deluge; but before, some convulsion long prior to that event, had overwhelmed the countries then dry, and raised others from the bottom of the sea.

In these curious inquiries, we are conversant not merely with the world before the flood, but with a world, which, before the flood, was covered with water, and which, in far earlier ages, had been the habitation of birds, and beasts, and reptiles. We are carried, as it

were, several millions back, and we reach a period when all was water, and slime, and mud, and the waste, without either man or plants, gave resting-place to enormous beasts, like lions and elephants, and river horses, while the water was tenanted by lizards, the size of a whale, sixty or seventy feet long, and by others with huge eyes, having shields of solid bone to protect them, and glaring from a neck ten feet in length, and the air was darkened by flying reptiles, covered with scales, opening the jaws of the crocodile, and expanded wings, armed at the tips with the claws of the leopard.

No less strange, and yet no less proceeding from induction, are the discoveries made respecting the former state of the earth ; the manner in which these animals, whether of known or unknown tribes, occupied it ; and the period when, or, at least, the way, in which they ceased to exist.

Professor Buckland has demonstrated the identity with the hyænas, of the animals habits that cracked the bones which filled some of the caves, in order to come at the marrow ; but he has also satisfactorily shown that it inhabited the neighbourhood, and must have been suddenly exterminated by drowning. His researches have been conducted by experiments, with living animals, as well as by observation upon the fossil remains.

Ibid, p. 45.

The existence of a God demonstrated in the works of the Creation.

We have no experience directly of that great Being's existence in whom we believe as our Creator ; nor have we the testimony of any man relating such experience of his own. But so, neither we, nor any witnesses in any age, have ever seen those works of that being, the lost animals that once peopled the earth ; and yet the lights of inductive science have conducted us to a full

knowledge of their nature, as well as a perfect belief in their existence. Without any evidence from our senses, or from the testimony of eye witnesses, we believe in the existence and qualities of those animals, because we infer by the induction of facts that they once lived, and were endowed with a certain nature. This is called a doctrine of inductive philosophy. Is it less a doctrine of the same philosophy, that the eye could not have been made without a knowledge of optics, and as it could not make itself, and as no human artist, though possessed of the knowledge, has the skill and power to fashion it by his handy work, that there must exist some Being of knowledge, skill, and power, superior to our own, and sufficient to create it.

Ibid, p. 51.

Of the independent Existence of Mind.

The evidence for the existence of mind, is to the full as complete as that upon which we believe in the existence of matter. Indeed it is more certain and more irrefragible. The consciousness of existence, the perpetual sense that we are thinking, and that we are performing the operation quite independently of all material objects, proves to us the existence of a Being different from our bodies, with a degree of evidence higher than any we can have for the existence of those bodies themselves, or of any other part of the material world.

It is certain,—proved, indeed, to demonstration,—that many of the perceptions of matter which we derive through the senses are deceitful and seem to indicate that which has no reality at all. Some inferences which we draw respecting it are confounded with direct sensation or perception; for example, the idea of motion; other ideas, as those of hardness and solidity, are equally the result of reasoning, and often mislead. Thus we never doubt, on the testimony of our senses, that the parts of matter touch—that different bodies come in

contact with one another, and with our organs of sense ; and yet nothing is more certain, than that there is some small distance between the bodies which we think we perceive to touch. Indeed it is barely possible that all the sensations and perceptions which we have of the material world, may be only ideas in our minds : it is fairly possible, therefore, that matter should have no existence. But that mind,—that the sentient principle,—that the thing, or the being which we call “*I*,” and “*We*,” and which thinks, feels, reasons,—should have no existence, is a contradiction in terms. Of the two existences, then, that of mind as independent of matter, is more certain than that of matter apart from mind.

Ibid, p. 57.

Influence of Habit on the Mind of the Orator.

The influence of habit upon the exercise of all our faculties, is valuable beyond expression. It is, indeed, the great means of our improvement, both intellectual and moral, and it furnishes us with a chief, almost the only, power we possess of making the different faculties of the mind obedient to the will.

Whoever has observed the extraordinary feats performed by calculators, orators, rhymers, musicians, nay, by artists of all descriptions, can want no further proof of the power that man derives from the contrivances by which habits are formed in all mental exertion. The performances of the Italian *Improvisatori*, or makers of poetry off hand, upon any presented subject, and in almost any kind of stanza, are generally cited as the most surprising efforts of this kind. But the power of *extempore speaking* is not less singular, though more frequently displayed, at least in this country.

A practical orator will declaim in measured and in various periods — will weave his discourse into one texture — form parenthesis within parenthesis — excite the

passions, or move to laughter — take a turn in his discourse from an accidental interruption, making it a topic of his rhetoric for five minutes to come, and pursuing in like manner the new illustration to which it gives rise — mould his diction with a view to obtain or shun an epigrammatic point, or an alliteration, or a discord; and all this with so much assured reliance on his own powers, and with such perfect ease to himself, that he can plan the next sentence while he is pronouncing off-hand the one he is engaged with, adapting each to the others, and still look forward to the topic which is to follow and fit in the close of the one he is handling to be its introducer; nor shall any auditor be able to discover the least difference between all this and the portion of his speech which he has got by heart, or tell the transition from the one to the other.

Ibid, p. 46.

Wonderful Capacity of the Mind of Man.

View the intellectual world as a whole, and surely it is impossible to contemplate without amazement, the extraordinary spectacle which the mind of man displays, and the immense progress which it has been able to make in consequence of its structure, its capacity, and its propensities, such as we have just been describing them.

If the brightness of the heavenly bodies, the prodigious velocity of their motions, their vast distances and mighty bulk, fill the imagination with awe, there is the same wonders excited by the brilliancy of the intellectual powers — the inconceivable swiftness of thought — the boundless range which our fancy can take — the vast objects which our reason can embrace.

That we should be able to resolve the elements into their mere simple constituents — to analyze the subtle light which fills all space — to penetrate from that remote particle of the universe, of which we occupy a speck, into regions infinitely remote — ascertain the

weight of bodies at the surface of the most distant worlds—investigate the laws that govern their motions, or mould their forms—and calculate to a second of time the periods of their re-appearance during the revolution of centuries,—all this is in the last degree amazing, and affords much more food for the admiration than any of the phenomena of the material creation.

Then what shall we say of that incredible power of generalization which has enabled some even to anticipate by ages the discovery of truths the furthest removed above ordinary comprehension, and the most savouring of improbability and fiction—not merely a Clairant conjecturing the existence of a seventh planet, and the position of its orbit, but a Newton learnedly and sagaciously inferring, from the refraction of light, the inflammable quality of the diamond, the composition of apparently the simplest of the elements, and the opposite nature of the two ingredients unknown for a century after, of which it is composed. Yet there is something more marvellous still in the processes of thought, by which such prodigies have been performed, and in the force of the mind itself, when it acts wholly without external aid, borrowing nothing whatever from matter, and relying on its own powers alone.

The most abstruse investigations of the mathematician are conducted without any regard to sensible objects; and the helps he derives in his reasonings from material things at all, are absolutely insignificant, compared with the portion of his work which is altogether of an abstract kind. The aid of figures and letters being only to facilitate and abridge his labour, and not at all essential to his progress. Nay, strictly speaking, there are no truths in the range of the pure mathematics which might not, by possibility, have been discovered, and systematized by one deprived of sight and touch, or immured in a dark chamber, without the use of a single material object.

The instrument of Newton's most sublime speculation, the *calculus* which he invented, and the astonishing systems reared by its means, which have given immor-

ability to the names of Eulen, Lagrange, Laplace, are creatures of pure abstract thought, and all might, by possibility, have existed in their present magnificence and splendour, without owing to material agency any help whatever, except such as might be necessary for their recording and communication. These are surely the greatest of all the wonders of nature, when justly considered, although they speak to the understanding and not to the sense. Shall we, then, deny that the eye could be made without skill in optics, and yet admit that the mind could be fashioned and endowed without the most exquisite of all skill, or could proceed from any but an intellect of infinite power?

Ibid, p. 71.

The Immateriality of the Mind.

We may first of all observe that if a particular combination of matter gives birth to what we call mind, this is an operation altogether peculiar and unexampled. We have no other instances of it; we know of no case in which the combination of certain elements produces something quite different, not only from each of the simple ingredients, but also different from the whole compound. We can, by mixing an acid and an alkali, form a third body, having the qualities of neither, and possessing qualities of its own different from the properties of each; but here the third body consists of the other two in combination. These are not two things,—two different existences,—the neutral salt composed of the acid and the alkali, and another thing different from that neutral salt, and engendered for the first time by that salt coming into existence. So when, by chiselling, “the marble softened into life grows warm,” we have the marble new moulded, and endowed with the power of agreeably affecting our senses, our memory, and our fancy; but it is all the while the marble; there is the beautiful and expressive marble instead of the amorphous mass, and

we have not, besides the marble, a new existence created by the form, which has been given to that stone. But the materialists have to maintain that, by matter being arranged in a particular way, there is produced both the organised body and something different from it, and having not one of its properties — neither dimensions, nor weight, colours or form. They have to maintain that the chemist who mixed the *aqua fortis* and *potash*, produced both nitre and something quite different from all the three, and which began to exist the instant the nitre was crystallized; and that the sculptor who fashioned the Apollo, not only made the marble into a human figure, but called into being something different from the marble and the statue, and which exists at the same time with both and without one property of either. If, therefore, their theory is true, it must be admitted to rest upon nothing which experience has ever taught us: it supposes operations to be performed and relations to exist of which we see nothing that bears the least resemblance in any thing we know.

But 2dly, the doctrine of the materialists in every form which it assumes is contradicted by the most plain and certain deductions of experience. The evidence which we have of the existence of mind is complete in itself, and wholly independent of the qualities or the existence of matter. It is not only as strong and conclusive as the evidence which makes us believe in the existence of matter, but more strong and more conclusive; the steps to the demonstration are fewer, the truth to which they conduct the reason is less remote from the axiom—the intuitive or self-evident position whence the demonstration springs. We believe that matter exists, because it makes a certain impression upon our senses, that is, because it produces a certain change, or a certain effect; and we argue, and argue justly, that this effect must have a cause, though the proof is by no means so clear that this cause is something external to ourselves. But we know of the existence of mind by our consciousness of, or reflection on what passes within us, and our own existence as sentient and thinking

beings, implies the existence of mind, which has sense and thought.

To know, therefore, that we are, and that we think, implies a knowledge of the soul's existence. But this knowledge is altogether independent of matter, and the subject of it bears no resemblance whatever to matter, in any one of its qualities, or habits, or modes of action. Nay, we only know the existence of matter through the operations of mind; and were we in doubt of the existence of either, it would be far more reasonable to doubt that matter exists than that mind exists.

That all around us should only be the creatures of our fancy, no one can affirm to be possible. But that our mind — that which remembers — compares — imagines — in a word, that which thinks — that of the existence of which we are perpetually conscious — that which cannot but exist, if we exist — that which can make its operations the subject of its own thoughts: that this should have no existence, is both impossible, and, indeed, a contradiction in terms. We have, therefore, evidence of the shortest kind — induction of facts the most precise and unerring — to justify the conclusion that the mind exists, and is different from, and independent of matter altogether.

Ibid, p. 107.

Indestructibility of Matter and Mind.

The body decays, and is said to perish; that is, it is resolved into its elements, and becomes the material of new combinations, animate and inanimate, but not a single particle of it is annihilated; nothing of us, or around us, ever ceases to exist. If the mind perishes, or ceases to exist at death, it is the only example of annihilation which we know.

Ibid, p. 107.

Influence of external circumstances in modifying our Dreams.

Every one knows the effect of a bottle of hot water applied during sleep to the soles of the feet: you instantly dream of walking over hot mould, or ashes, or a stream of lava, or having your feet burnt by coming too near the fire. But the effect of falling asleep in a stream of cold air, or in an open carriage, varies this experiment in a very interestingly, and, indeed, instructive manner. You will, instantly that the wind begins to blow, dream of being upon some exposed point, and anxious for shelter, but unable to reach it; then you are on the deck of a ship, suffering from the gale; you run behind a sail for shelter, and the wind changes, so that it still blows upon you; you are driven to the cabin, but the ladder is removed, or the door locked. Presently you are on shore, in a house with all the windows open, and endeavour to shut them, but in vain; or, seeing a smith's forge, you are attracted by the fire, and suddenly a hundred bellows play upon it, and extinguish it in an instant, but fill the whole smithy with their blast, till you are as cold as on the road. If you from time to time awake, the moment you fall asleep again, the same course of dreaming succeeds, in the greatest variety of changes that can be rung upon our thoughts.

Ibid, p. 113.

Velocity of Thought during Sleep.

A puncture made will immediately produce a long dream, which seems to terminate in some such accident as that the sleeper has been wandering through a wood, and received a severe wound from a spear, or the tooth of a wild animal, which at the same instant awakens him. A gun fired in one instance, during the alarm of an invasion, made a military man at once dream the enemy had landed, so that he ran to his post, and

repairing to the scene of action, was present when the first discharge took place, which also the same moment awakened him.

Ibid, p. 115.

Mind and Organization.

The body is constantly undergoing change in all its parts. Probably, no person at the age of twenty, has one single particle in any part of his body which he had at ten; and still less does any portion of the body he was born with continue to exist in or with him. All that he before had has now entered into new combinations, forming parts of other men, or of animals, or of vegetable or mineral substances, exactly as the body he now has will afterwards be resolved into new combinations after his death. Yet the mind continues one and the same, "without change or shadow of turning." None of its parts can be resolved; for it is one and single; and it remains unchanged by the changes of the body. The argument would be quite as strong though the change undergone by the body were admitted not to be so complete, and though some small portion of its harder parts were supposed to continue with us through life.

Ibid, p. 121.

A Future State demonstrated by the universal prevalence of Religion among Men.

There is nothing more strongly indicative of a future state, than the prevalence of religion amongst men. There can hardly be found a tribe so dark and barbarous as to be without some kind of worship, and some belief in a future state of existence. Now all religions are so far of God that he permits them; he made and preserves the faculties which have invented the false

ones, as well as those which comprehend and treasure up the true faith. Religious belief, religious observance, the looking forward to a future existence, and pointing to a condition in which the deeds done on the earth shall be visited with just recompence, are all facts of universal occurrence in the history and intellectual habits of the species. Are they mere fiction? Do they, indeed, signify nothing? Is that a mere groundless fancy, which in all places, in all ages, occupies, and has occupied the thoughts, mingled itself with the actions of all mankind, whether barbarous or refined?

Ibid, p. 131

The principle of Bacon's Philosophy.

The inductive principle is this: that from observing a number of particular facts, we reason to others of the same kind—that from observing a certain thing to happen in certain circumstances, we expect the same thing to happen in the like circumstances. This is to generalize; but then this assumes that we first show the identity of the facts, by proving the similarity of the circumstances. If not, we suppose, or fancy, and do not reason or generalize. The tendency of the doctrine, that a proposition being demonstrated by one set of facts, may be used to explain another set, has the effect of making us suppose or assume the identity or resemblance which ought to be proved. The true principle is, that induction is the generalizing or classifying of facts by observed resemblances and diversities.

Ibid, p. 167.

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