

LORD ERSKINE.

1750-1823.

FROM A SPEECH IN BEHALF OF JOHN STOCKDALE, WHEN TRIED FOR A LIBEL ON THE HOUSE OF COMMONS.*

GENTLEMEN OF THE JURY,—If this be a wilfully false account of the instructions given to Mr Hastings for his government, and of his conduct under them, the author of this defence deserves the severest punishment for a mercenary imposition on the public. But if it be true that he was directed to make the *safety and prosperity of Bengal the first object of his attention*, and that, under his administration, it has been safe and prosperous; if it be true that the security and preservation of our possessions and revenues in Asia were marked out to him as the leading principle of his government, and that those possessions and revenues, amid unexampled dangers, have been secured and preserved; then a question may be unaccountably mixed with your consideration, much beyond the consequence of the present prosecution, involving, perhaps, the merit of the impeachment which gave it birth—a question which the Commons, as prosecutors of Mr Hastings, should, in common prudence, have avoided; unless, regretting the unwieldy length of their proceedings against him, they wish to afford him the opportunity of this strange anomalous defence. For, although I am neither his counsel, nor desire to have anything to do with his guilt or innocence, yet, in the collateral defence of my client, I am driven to state matter which may be considered by many as hostile to the impeachment. For if our dependencies have been secured, and their interests promoted, I am driven, in the defence of my client, to remark, that it is mad and preposterous to bring to the standard of justice and humanity the exercise of a dominion founded upon violence and terror. It may and must be true that Mr Hastings has repeatedly offended against the rights and privileges of Asiatic government, if he was the faithful deputy of a power which could not maintain itself for an hour without trampling upon both. He may and must have offended against the laws of God and nature, if he was the faithful viceroy of an empire, wrested in blood from the people to whom God and nature had given it. He may and must have preserved that unjust dominion over timorous and abject nations by a terrifying, overbearing, insulting superiority, if he was the faithful administrator of your Government, which, having no root in consent or affection—no foundation in similarity

* Delivered before the Court of King's Bench, December 9, 1789.

of interests—no support from any one principle which cements men together in society, could only be upheld by alternate stratagem and force. The unhappy people of India, feeble and effeminate as they are from the softness of their climate, and subdued and broken as they have been by the knavery and strength of civilisation, still occasionally start up in all the vigour and intelligence of insulted nature. To be governed at all, they must be governed with a rod of iron; and our empire in the East would, long since, have been lost to Great Britain, if civil skill and military prowess had not united their efforts to support an authority—which Heaven never gave—by means which it never can sanction.

Gentlemen, I think I can observe you are touched with this way of considering the subject, and I can account for it. I have not been considering it through the cold medium of books, but have been speaking of man and his nature, and of human dominion, from what I have seen of them myself among reluctant nations submitting to our authority. I know what they feel, and how such feelings can alone be repressed. I have heard them in my youth from a naked savage, in the indignant character of a prince, surrounded by his subjects, addressing the governor of a British colony, holding a bundle of sticks in his hand as the notes of his unlettered eloquence. "Who is it," said the jealous ruler over the desert, encroached on by the restless foot of English adventurer—"who is it that causes this river to rise in the high mountains, and to empty itself into the ocean? Who is it that causes to blow the loud winds of winter, and that calms them again in summer? Who is it that rears up the shade of those lofty forests, and blasts them with the quick lightning at His pleasure? The same being who gave to you a country on the other side of the waters, and gave ours to us; and by this title we will defend it," said the warrior, throwing down his tomahawk upon the ground, and raising the war-sound of his nation. These are the feelings of subjugated man all round the globe; and depend upon it, nothing but fear will control where it is vain to look for affection.

FROM A SPEECH AGAINST THOMAS WILLIAMS FOR THE PUBLICATION OF PAINE'S "AGE OF REASON."*

I call for reverence to the Sacred Scriptures, not from their merits, unbounded as they are,

* Before Lord Kenyon and a special jury on the 24th of July 1797.

but from their authority in a Christian country; not from the obligations of conscience, but from the rules of law. For my own part, gentlemen, I have been ever deeply devoted to the truths of Christianity, and my firm belief in the Holy Gospel is by no means owing to the prejudices of education, though I was religiously educated by the best of parents, but arises from the fullest and most continued reflections of my riper years and understanding. It forms at this moment the great consolation of a life which, as a shadow, must pass away; and without it, indeed, I should consider my long course of health and prosperity, perhaps too long and uninterrupted to be good for any man, only as the dust which the wind scatters, and rather as a snare than as a blessing. Much, however, as I wish to support the authority of the Scriptures, from a reasoned consideration of them, I shall repress that subject for the present. But if the defence shall be, as I have suspected, to bring them at all into argument or question, I shall then fulfil a duty which I owe not only to the Court, as counsel for the prosecution, but to the public, to state what I feel and know concerning the evidence of that religion which is reviled without being examined, and denied without being understood.

I am well aware that, by the communications of a free press, all the errors of mankind, from age to age, have been dissipated and dispelled; and I recollect that the world, under the banners of reformed Christianity, has struggled through persecution to the noble eminence on which it stands at this moment, shedding the blessings of humanity and science upon the nations of the earth. It may be asked by what means the Reformation would have been effected, if the books of the Reformers had been suppressed, and the errors of condemned and exploded superstitions had been supported as unquestionable by the State, founded upon those very superstitions formerly, as it is at present upon the doctrines of the Established Church? or how, upon such principles, any reformation, civil or religious, can in future be effected? The solution is easy. Let us examine what are the genuine principles of the liberty of the press, as they regard writings upon general subjects, unconnected with the personal reputations of private men, which are wholly foreign to the present inquiry. They are full of simplicity, and are brought as near perfection by the law of England as, perhaps, is consistent with any of the frail institutions of mankind.

Although every community must establish supreme authorities, founded upon fixed principles, and must give high powers to magistrates to administer laws for the preservation of the government itself, and for the security of those who are to be protected by it; yet, as infallibility and perfection belong neither to human establishments, nor to human individuals, it ought to be the policy of all free establishments, as it is

most peculiarly the principle of our own constitution to permit the most unbounded freedom of discussion, even by detecting errors in the constitution, or in the administration of the very Government itself, so as that decorum is observed which every State must exact from its subjects, and which imposes no restraint upon any intellectual composition, fairly, honestly, and decently addressed to the consciences and understandings of men. Upon this principle I have an unquestionable right—a right which the best subjects have exercised—to examine the principles and structure of the constitution, and by fair, manly reasoning, to question the practice of its administrators. I have a right to consider and point out errors in the one or in the other; and not merely to reason upon their existence, but to consider the means of their reformation. By such free, well-intentioned, modest, and dignified communication of sentiments and opinions, all nations have been gradually improved, and milder laws and purer religions have been established. The same principles which vindicate civil contentions, honestly directed, extend their protection to the sharpest controversies on religious faiths. This rational and legal course of improvement was recognised and ratified by Lord Kenyon as the law of England, in a late trial at Guildhall, when he looked back with gratitude to the labour of the Reformers, as the fountain of our religious emancipation, and of the civil blessings that followed in their train. The English constitution, indeed, does not stop short in the toleration of religious opinions, but liberally extends it to *practice*. It permits every man, even publicly to worship God according to his own conscience, though in marked dissent from the national establishment, so as he professes *the general faith*, which is the sanction of all our moral duties, and the only pledge of our submission to the system which constitutes a State. Is not this system of freedom of controversy, and freedom of worship, sufficient for all the purposes of human happiness and improvement? and will it be necessary for either that the law should hold out indemnity to those who wholly adjure and revile the Government of their country, or the religion on which it rests for its foundation?

I expect to hear, in answer to what I am now saying, much that will offend me. My learned friend, from the difficulties of his situation, which I know from experience how to feel for very sincerely, may be driven to advance propositions which it may be my duty, with much freedom, to reply to; and the law will sanction that freedom. But will not the ends of justice be completely answered by the right to point out the errors of his discourse, in terms that are decent and calculated to expose its defects? or will any argument suffer, or will public justice be impeded, because neither private honour and

justice, nor public decorum, would endure my telling my very learned friend that he was a fool, a liar, and a scoundrel, in the face of the Court, because I differed from him in argument or opinion? This is just the distinction between a book of free, legal controversy, and the book which I am arraigning before you. Every man has a legal right to investigate, with modesty and decency, controversial points of the Christian religion; but no man, consistently with a law which only exists under its sanctions, has a right not only broadly to deny its very existence, but to pour forth a shocking and insulting invective, which the lowest establishments in the gradations of civil authority ought not to be permitted to suffer, and which soon would be borne down by insolence and disobedience, if they did.

[Mr Erskine, after the statement of the principles of the liberty of the press, read and commented on several passages of Paine's "Age of Reason," selected in the indictment for the consideration and judgment of the jury. He then proceeded.]

GENTLEMEN,—It would be useless and disgusting to enumerate the other passages within the scope of the indictment. How any man can rationally vindicate the publication of such a book, in a country where the Christian religion is the very foundation of the law of the land, I am totally at a loss to conceive, and have no wish to discuss. How is a tribunal, whose whole jurisdiction is founded upon the solemn belief and practice of what is denied as falsehood and reprobated as impiety, to deal with such an anomalous defence? Upon what principle is it even offered to the Court, whose authority is contemned and mocked at? If the religion proposed to be called in question is not previously adopted in belief and solemnly acted upon, what authority has the Court to pass any judgment at all of acquittal or condemnation? Why am I now, or upon any other occasion, to submit to your lordship's authority. Why am I now, or at any time, to address twelve of my equals, as I am now addressing you, with reverence and submission? Under what sanction are the witnesses to give their evidence, without which there can be no trial? Under what obligations can I call upon you, the jury, representing your country, to administer justice? Surely upon no other than that you are sworn to administer it under the oaths you have taken. The whole judicial fabric, from the king's sovereign authority to the lowest office of magistracy, has no other foundation. The whole is built, both in form and substance, upon the same oath of every one of its ministers, to do justice "as God shall help them hereafter." What God? and what hereafter? That God, undoubtedly, who has commanded kings to rule, and judges to decree with justice; who has said to witnesses, not by the voice of nature, but in revealed com-

mandments, "Thou shalt not bear false witness against thy neighbour;" and who has enforced obedience to them by the revelation of the unutterable blessings which shall attend their observances, and the awful punishments which shall await upon their transgressions.

But it seems this course of reason, and the time and the person are at last arrived, that are to dissipate the errors which have overspread the past generations of ignorance! The believers in Christianity are many, but it belongs to the few that are wise to correct their credulity! Belief is an act of reason; and superior reason may, therefore, dictate to the weak. In running the mind along the numerous list of sincere and devout Christians, I cannot help lamenting that Newton had not lived to this day, to have had his shallowness filled up with this new flood of light. But the subject is too awful for irony. I will speak plainly and directly. Newton was a Christian! Newton, whose mind burst forth from the fetters cast by nature upon our finite conceptions; Newton, whose science was truth, and the foundation of whose knowledge of it was philosophy:—Not those visionary and arrogant assumptions which too often usurp its name, but philosophy resting on the basis of mathematics, which, like figures, cannot lie:—Newton, who carried the line and rule to the utmost barriers of creation, and explored the principles by which, no doubt, all created matter is held together and exists. But this extraordinary man, in the mighty reach of his mind, overlooked, perhaps, the errors which a minuter investigation of the created things on this earth might have taught him of the essence of his Creator. What shall then be said of the great Mr Boyle, who looked into the organic structure of all matter, even to the brute inanimate substances which the foot treads on. Such a man may be supposed to have been equally qualified with Mr Paine to "look through nature, up to nature's God." Yet the result of all his contemplation was the most confirmed and devout belief in all which the other holds in contempt as despicable and drivelling superstition. But this error might, perhaps, arise from a want of due attention to the foundations of human judgment, and the structure of that understanding which God has given us for the investigation of truth. Let that question be answered by Mr Locke, who was, to the highest pitch of devotion and adoration, a Christian. Mr Locke, whose office was to detect the errors of thinking, by going up to the fountains of thought, and to divert into the proper track of reasoning the devious mind of man, by showing him its whole process, from the first perceptions of sense to the last conclusions of ratiocination; putting a rein, besides, upon false opinion, by practical rules for the conduct of human judgment.

But these men were only deep thinkers, and lived in their closets, unaccustomed to the traffic

of the world, and to the laws which practically regulate mankind. Gentlemen, in the place where you now sit to administer the justice of this great country, above a century ago Sir Matthew Hale presided, whose faith in Christianity is an exalted commentary upon its truth and reason, and whose life was a glorious example of its fruits in man; administering human justice with a wisdom and purity drawn from the pure fountain of the Christian dispensation, which has been, and will be in all ages, a subject of the highest reverence and admiration.

But it is said by Mr Paine that the Christian fable is but the tale of the more ancient superstition of the world, and may be easily detected by the proper understanding of the mythologies of the heathens. Did Milton understand these mythologies? Was he less versed than Mr Paine in the superstitions of the world? No; they were the subject of his immortal song; and though shut out from all recurrence to them, he poured them forth from the stores of a memory rich with all that man ever knew, and laid them in their order as the illustration of that real and exalted faith, the unquestionable source of that fervid genius which cast a sort of shade upon all the other works of man.

"He passed the bounds of flaming space,
Where angels tremble while they gaze;
He saw, till, blasted with excess of light,
He closed his eyes in endless night."

But it was the light of the body only that was extinguished, "the celestial light shone inward," and enabled him to "justify the ways of God to man." The result of his thinking was, nevertheless, not the same as Mr Paine's. The mysterious incarnation of our blessed Saviour, which the "Age of Reason" blasphemes in words so wholly unfit for the mouth of a Christian, or for

the ear of a court of justice, that I dare not, and will not, give them utterance—Milton made the grand conclusion of "Paradise Lost," the rest of his finished labours, and the ultimate hope, expectation, and glory of the world:

"A virgin is his mother, but His Sire,
The power of the Most High; He shall ascend
The throne hereditary, and bound His reign
With earth's wide bounds, His glory with the
heavens."

The immortal poet having thus put into the mouth of the angel the prophecy of man's redemption, follows it with the solemn and beautiful admonition, addressed in the poem to our great first parent, but intended as an address to his posterity throughout all generations:

"This having learned, thou hast attained the sum
Of wisdom; hope no higher, though all the stars
Thou knewest by name, and all th' ethereal powers,
All secrets of the deep, all Nature's works,
Or works of God in heaven, air, earth, or sea,
And all the riches of this world enjoy'st,
And all the rule one empire: only add
Deeds to thy knowledge answerable, add faith,
Add virtue, patience, temperance; add love,
By name to come called charity, the soul
Of all the rest; then wilt thou not be loth
To leave this Paradise, but shalt possess
A paradise within thee, happier far."

Thus you find all that is great, or wise, or splendid, or illustrious, among created beings—all the minds gifted beyond ordinary nature, if not inspired by their universal author for the advancement and dignity of the world, though divided by distant ages, and by the clashing opinions distinguishing them from one another, yet joining, as it were, in one sublime chorus to celebrate the truths of Christianity, and laying upon its holy altars the never-failing offerings of their immortal wisdom.

RICHARD BRINSLEY SHERIDAN.

1751-1816.

ON SUMMING UP THE EVIDENCE ON THE SECOND OR BEGUM CHARGE AGAINST WARREN HASTINGS.*

["THOUGH Sheridan," says Mr W. F. Rae in his "Lives of Wilkes, Sheridan, and Fox," "soon took high rank among the good speakers and admirable debaters in the House of Commons, yet he was not classed among the greatest

* Delivered before the House of Lords, sitting as a High Court of Parliament, June 1783.

of English orators till after he had made his memorable speeches against Warren Hastings. The opportunity he then had for the display of his powers was almost unique. An impeachment of equal note had not been made since the time when the favourite minister of Charles I. was proceeded against for high crimes and misdemeanours, found guilty, and executed. Warren Hastings was one of the favourites of George III. In the opinion of his sovereign and his friends, he was the saviour of India; according to others, chief among whom was