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hear of a refusal; yet as I have had no long time to brood hope, and have not rioted on imaginary opulence, this cold reception has been scarce a disappointment; and from your lordship's kindness I have received a benefit, which only men like you are able to bestow. I shall now live, *mihi carior*, with a higher opinion of my own merit." *

LORD ASHBURTON.

1731—1783.

JOHN DUNNING was born at Ashburton, in Devonshire, on the 18th of October, 1731, and, being destined by his father for the profession of the law, received a liberal education.

Of the early part of Mr. Dunning's life few details have been preserved. The assistance afforded him by his father being necessarily very small, he was compelled while a student to live in the most economical manner. At this period of his life his intimate friends were Mr. Kenyon, afterwards Lord Kenyon, and the celebrated Horne Tooke, then, like himself, a student of the law. "It would appear," says the biographer of the latter, "that none of the parties were very rich at this period, for they lived with a degree of frugality that will be deemed rather singular, when contrasted with their future wealth and celebrity. I have been frequently assured by Mr. Horne Tooke, that they were accustomed to dine together, during the vacation, at a little eating-house in the neighbourhood of Chancery-lane, for the sum of seven-pence halfpenny each. 'As to Dunning and myself,' added he, 'we were generous, for we gave the girl who waited upon us a penny a piece; but Kenyon, who always knew the value of money, sometimes rewarded her with a halfpenny, and sometimes with a promise.' " †

* Life of Johnson, vol. iv. p. 365. 3d ed.

† Stephens' Life of Tooke, vol. i. p. 31.

On being called to the bar, Mr. Dunning selected the western circuit, which he subsequently exchanged for the northern; and for six or seven years he continued to practise without any considerable emolument. At length, one of the leaders of the circuit having been suddenly attacked with a fit of the gout, placed his briefs in the hands of Mr. Dunning, who conducted himself so ably, that in a short time his practice began rapidly to increase.* He came into universal notice by his argument against general warrants, which fully established his reputation as a lawyer, and may be considered as the foundation of his fortunes.

The practice of Mr. Dunning at the bar now began rapidly to increase; and he had the honour to be elected recorder of Bristol. This appointment was shortly afterwards followed by his promotion to the office of solicitor-general, vacated by Mr. Willes, who, at the commencement of 1768, became one of the judges of the king's bench. On the dissolution of parliament, in the same year, he was returned, by the influence of Lord Shelburne, as member for Calne, in Wiltshire.

Of his political life, during the short period of his filling the office of solicitor-general, there are few traces.

In the debates of the 9th January, 1770, on the address of thanks, Mr. Dunning spoke for and voted with the minority.† The speech which he delivered on the 31st of the same month, on the debate relating to the law of parliament‡, as it applied to the case of Wilkes, appears to have been made after he had ceased to be solicitor-general, the ministry having just been broken up, though he consented to retain the office nominally, until the appointment of a successor. That appointment took place in the following month of March, the office being bestowed upon Thurlow. Upon the resignation of Mr. Dunning, and his appearance in court the following term, without the bar, in his ordinary bar-gown, Lord Mansfield took the opportunity of paying him a singular

* Holliday's Life of Mansfield, p. 36.

† Parl. Hist. vol. xvi. p. 726.

‡ Id. p. 803.

and gratifying compliment. After he had made his first motion, his lordship, addressing him, declared, that, in consideration of the office he had held, and his high rank in business, he intended for the future (and thought he should not thereby injure any gentleman at the bar) to call on him next after the king's counsel, serjeants, and the recorder of London. Mr. Caldecott and Mr. Coxe, the two senior outer barristers present, immediately expressed their assent, adding that they had contemplated the proposition themselves.*

While Mr. Dunning continued the nominal solicitor-general, an animated debate occurred in the house of commons, upon the "address, remonstrance, and petition" of the city of London to the king, on the conduct of ministers. The motion made to censure this extraordinary document was vehemently opposed, and, amongst others, by Mr. Dunning. Of that speech no correct report has been preserved; but it is said to have occupied an hour and a half, and to have been one of the finest pieces of argument and eloquence ever heard in the house.† For his exertions on this occasion in their favour, "for having," as they expressed it, "when solicitor-general to his majesty, defended in parliament, on the soundest principles of law and of the constitution, the right of the subject to petition and remonstrate," the city presented to him the freedom of their corporation in a gold box. In his answer to their address, he said, "Convinced as I am that our happy constitution has given us the most perfect system of government that the world has ever seen, and that it is therefore our common interest and duty to oppose every practice and combat every principle that tends to impair it, any other conduct than that which the city of London has been pleased to distinguish by its approbation must, in my own judgment, have rendered me equally unworthy of the office I had then the honour to hold, through his majesty's favour, and of the trust reposed in me as one of the representatives of the people."

* • 5 Burr. Rep. 2568.

† Parl. Hist. vol. xvi. p. 893.

On the introduction of Mr. Grenville's bill for regulating the proceedings of the house, in cases of controverted elections, Mr. Dunning supported the bill *; and in the debates which took place in 1774, to render that law perpetual, Mr. Dunning voted with the majority. He made a humorous apology for supporting the bill and voting against his own interest; for since the act had been put into execution, not one trial had come into Westminster-hall, and he was confident, that, if the law should be made perpetual, there would not be one. †

In the debate on Mr. Serjeant Glynn's motion, on the 6th of December, 1770, "that a committee be appointed to enquire into the administration of criminal justice and the proceedings of the judges in Westminster-hall, particularly in cases relating to the liberty of the press and the constitutional power and duty of juries," Mr. Dunning distinguished himself greatly by a copious and learned argument against the doctrine as to libels maintained by Lord Mansfield and the court of king's bench. After tracing the tainted sources from which that doctrine was derived, he concluded with a serious accusation of Lord Mansfield, for his conduct on the trial of Almon. "He said he could not with justice deny Lord Mansfield the merit of being the first who had, in a criminal case, made *prima facie* evidence alone conclusive; but he said there was something more remarkable and peculiar to his lordship: Lord Mansfield was very careful, in the case of Almon, to conceal that part of his doctrine till the trial was over. When Almon's counsel were going to examine a witness, in order to contradict the *prima facie* evidence, and had declared the purpose for which they called him, and whilst they reasoned amongst themselves aloud, and some of them doubted whether it was incumbent on them to disprove what had not been proved, his lordship told the counsel, 'Follow your own opinion in that: if you think it necessary to examine the witnesses, you will proceed; you ought to consider what is best for your client.' Hints, and looks, and half

* Parl. Hist. vol. xvi. p. 910.

† Id. vol. xvii. p. 1071.

words following, persuaded the counsel that they were doing wrong; and, though the witness was sworn, they agreed not to examine him, on a supposition that it was not necessary for their client's defence. His lordship immediately proceeded to direct the jury, and told them, that since the defender had not contradicted by witnesses the *prima facie* evidence, as he ought to have done, that evidence was conclusive. On this very hinge did the verdict turn; and had his lordship, through the whole course of the trial, but hinted this doctrine, the *prima facie* evidence would have been contradicted, the witness having been already sworn for that purpose. This management was very much superior to that of the judges he had cited: whatever their doctrines were, they declared them from the beginning and throughout the trial: they did not, by skulking and concealment, filch a conviction from the jury, but committed a bold robbery on justice, looking in the faces of the laws and the defendant." *

In the debate which took place on the 25th of March, 1771, upon the motion for committing the Lord Mayor and Alderman Oliver to the Tower, for their conduct towards the serjeant at arms, Mr. Dunning made a long and animated speech against the right of the house to commit for such a case of contempt. He also took the opportunity of referring to the imperfect state of the representation, in the following strong terms:—"It is a plausible argument, that the voice of the nation is only to be heard in this house; but plausibility does not necessarily imply justice, nor does this house constitute a real representative of the kingdom. The metropolis, for instance, which contains nearly a sixth part of the people, has no more than four members, and many of the principal trading towns are wholly without a member. When this is recollected, sir, and when it is moreover recollected that the inadequacy of parliamentary representation is a subject of universal complaint, there is but a slender basis for asserting that our voice is the

* Parl. Hist. vol. xvi. p. 1279.

voice of the kingdom, and that, on such, it should be decisive in every deliberation." *

In all the debates which took place upon the affairs of America, from 1774 to the conclusion of the peace, Mr. Dunning was the strenuous opposer of the various measures of force and coercion adopted by the government. Though, in common with many other friends of liberty, he did not oppose the Boston Port bill; yet on finding, upon the introduction of the bill for regulating the government of Massachusetts Bay, that the same system of severity was to be continued, he resisted that measure with great energy and effect. "I have not," said he, "heard of, nor do I see any overt act of treason stated in the preamble of this bill, so as to authorize the severe punishments which it enacts. We are now, I find, in possession of the whole of that fatal secret which was intended as a corrective for all the disturbances in America: but it does not appear to be either peace or the olive branch; it is war, severe revenge and hatred against our own subjects. We are now come to that fatal dilemma, *Resist, and we will cut your throats; submit, and we will tax you*: such is the reward of obedience." † In the course of the same session, Mr. Dunning also opposed the bill for the government of Quebec. ‡

As the affairs of America drew to a crisis, and the colonists, exasperated by the attempts to force them to obedience, took up arms, Mr. Dunning still continued to advocate the same policy. In the debate of the 2d of February, 1775, on the address to the crown, which stated that a rebellion at that time actually existed in the province of Massachusetts Bay, Mr. Dunning rose immediately after Lord North, who had moved the address, and maintained that the Americans were not in rebellion; that the votes and resolutions of the several congresses were decent and moderate, though firm, declarations of the estimation in which liberty ought to be held, and tempered with the highest expressions of

* Parl. Hist. vol. xvii. p. 142. † Id. p. 1300. ‡ Id. p. 1359. 1396.

loyalty and duty to their sovereign. In conclusion, he said, "I insist that America is not in a state of rebellion. I insist that every appearance of riot, disorder, tumult, and sedition, which the noble lord has so faithfully recounted from newspapers, arises not from disobedience, treason, or rebellion, but is created by the conduct of those who are anxious to establish despotism, and whose views are manifestly directed to reduce America to the most abject state of servility, as a prelude to the realising the same wicked system in the mother country." * In the various debates which occurred in the session of 1775-6, on the employment of foreign troops in America, and upon the introduction of them into Ireland, Mr. Dunning spoke very frequently, vainly directing his arguments, his wit, and his ridicule against the measures of ministers. At the conclusion of the year 1776, he supported a motion, made by Lord John Cavendish, "for the revisal of all acts of parliament by which his majesty's subjects in America think themselves aggrieved." † After the loss of this motion, Mr. Dunning, in common with many others of the friends of America, despairing of better measures, seems to have ceased for a time to take part in the debates on the subject of the colonial disturbances.

But upon the question of suspending the *habeas corpus* act with regard to America, which arose upon the introduction of a bill in the year 1777, "to empower his majesty to secure and detain persons charged with or suspected of the crime of high treason, committed in North America, or on the high seas, or the crime of piracy," Mr. Dunning vigorously opposed the bill, contending that it could "be stretched and twined and twisted by the attorney-general, or by some of his brethren equally ingenious, to affect and reach men who never saw America, or, peradventure, the high seas, as efficaciously, for the mere temporary purposes of persecution and revenge, as if they had been caught in arms, in open rebellion." ‡ On the third reading of the bill he moved

* Parl. Hist. vol. xviii. p. 224. † Id. p. 1447. ‡ Id. vol. xix. p. 7.

an amendment of one of the clauses, to prevent its possible operation in England, which, with some slight alteration, was carried; upon which Mr. Fox congratulated the house and the nation as upon an escape from a state of temporary tyrannic dominion.

The liberality of Mr. Dunning's sentiments upon matters of religion was manifested on the debate in 1778, upon Sir George Savile's bill for the relief of the Roman catholics, which afterwards led to the riots of 1780. Mr. Dunning seconded the motion, and placed in a strong light the harsh, cruel, and unjust penalties to which, under the existing laws, the catholics were exposed.* Again, in the following year, upon the debate on the bill for the relief of protestant dissenters, Mr. Dunning opposed the clause which introduced the following test:—“I, A. B., do solemnly declare, that I am a Christian, and a protestant dissenter, and that I take the holy Scriptures, both of the Old and New Testament, as they are generally received in protestant countries, for the rule of my faith and practice.” He maintained that “the enjoyment of any right, civil or religious, in a free government, ought not to be clogged with restrictions; that government having secured the established religion of the country by law, and confined the honours and emoluments of the church to the ministers of that religion, all dissenters from it, while they behaved themselves as loyal subjects, ought to enjoy their own religious opinions without restraint, as a common right belonging to them by the nature of the constitution itself.”†

It was during the session of 1779-80, that Mr. Dunning made his most considerable parliamentary efforts. Early in the latter year he supported Sir George Savile's motion for an account of pensions granted during pleasure or otherwise; and in his speech we find some traces of that humour, which those who have drawn his character so highly extol, but which is very seldom met with in the reports of his speeches. “A

* Parl. Hist. vol. xix. p. 1139.

† Id. vol. xx. p. 320.

noble lord," said Mr. Dunning, " was against the motion on Tuesday night, from motives of delicacy to some of his old acquaintances in his younger days, certain Lady Betties, and Bridgets, and Jennys, in the kingdom of Ireland ; but when his old friends read what he had said of them in the newspapers, they will not much thank him for his delicacy. He freely gives up his old female friends, but screens the great political defaulters, against whom, and whom only, this motion was levelled. Poverty is no disgrace, when it is not brought on by vice or folly. It is no shame for persons nobly descended, when reduced to want through the extravagance or vices of some of their ancestors, to receive bounty from the royal hand. I should be glad to see the list of pensioners made up of persons of that description ; but truly I suspect it abounds with persons of far less than even the negative merit of maiden ladies in circumstances of indigence." *

In the course of the American war, which, by its vast expenditure, was exhausting the treasures of the country, various attempts were made by the opposition to introduce an economical reform, which would not only have the effect of relieving the burthens of the people, but also of depressing the influence of the crown. Burke and Barré had already called the attention of parliament to the subject ; and, in the month of April, 1780, Mr. Dunning, in a speech which may be regarded as the greatest of his parliamentary efforts, moved, in the committee for considering the petitions for economical reform, the following resolutions :—“ That it is the opinion of this committee, that it is necessary to declare that the influence of the crown has increased, is increasing, and ought to be diminished ;” and, “ That it is competent to the house to examine into and to correct abuses in the expenditure of the civil list revenues, as well as in every other branch of the public revenue, whenever it shall appear expedient to the house so to do.” Mr. Dunning was ably supported by Sir Fletcher Norton and Mr.

* Parl. Hist. vol. xxi. p. 88.

Thomas Pitt; and after an ineffectual defence by Lord North, in the course of which it was obvious how much that minister had lost in the favour of the house, both the resolutions were carried. * Inspired by this triumph, Mr. Dunning, a few days afterwards, moved and carried, in the committee, another resolution—"That it is the opinion of this committee, that, for preserving the independence of parliament, and obviating any suspicion of its purity, there be laid before the house, within seven days after the first day of every session, exact accounts, authenticated by the signatures of the proper officers, of every sum and sum of money paid in the course of the preceding year out of the produce of the civil list, or any other branch of the public revenue, to, or to the use of, or in trust for, any member of either house of parliament, by way of pension, salary, or on any other account whatsoever, specifying when and on what account." †

Although the foregoing resolution was only carried by a majority of two, the opposition determined to push their advantage to the utmost; and after a recess of a few days, occasioned by the illness of the speaker, Mr. Dunning, on the 24th of April, moved an address to the king, the injudicious boldness and novelty of which deprived the opposition of all the advantages which might have flowed from their late successes. In a very full house, he moved, "That an humble address be presented to his majesty, praying that he will be graciously pleased not to dissolve the parliament or prorogue the present session, until proper measures have been taken to diminish the influence and correct the other abuses complained of by the petitions of the people." ‡ After a long and spirited debate, the motion was lost by a majority of fifty-one; many members who had supported Mr. Dunning on the former motions now voting with the minister. After a vehement denunciation of these defaulters from Mr. Fox, Mr. Dunning said that he had now no further measures to propose; that his labours and assiduities were already determined; that when he

* Parl. Hist. vol. xxi. p. 340.

† Id. p. 376.

‡ Id. p. 407.

had moved that the committee might be adjourned and kept open till Monday, his intention in so doing was only to give other gentlemen an opportunity of conveying their sentiments through that medium to the house. He said that he had doubted for some days past, but that he despaired since the vote which had now passed, of being able to render any service to his country. Notwithstanding these expressions of disappointment, Mr. Dunning still continued an active attendance on parliament, and spoke several times in the debates on the bill for appointing commissioners to examine the public accounts, on the affair of Sir Hugh Palliser, and on other occasions.

In the session of 1780-81, the legality of the various associations and societies which had been formed for political objects was much debated in parliament, and was maintained with much vigour and eloquence by Mr. Dunning.*

In the following session the American war, now drawing to a crisis, had so far embarrassed the ministry, that, finding themselves unable to continue it with success, they were at length disposed to entertain pacific measures. But here again they met with all the impediments that the opposition, animated by the hope of speedy triumph, could throw in their way. Mr. Dunning said, that "he was not ready to give up the dependency of America; that he thought the ruin of this country was accomplished when America was acknowledged to be independent."† To prevent the proposition which must soon have proceeded from ministers, General Conway, on the 22d of February, 1782, brought forward his motion for putting an end to the war, which, whatever might have been Lord North's private inclinations, he was compelled to oppose, and which was only negatived by a majority of *one*. The fate of his lordship's administration was now decided; and though he continued for upwards of a month to struggle against the superior forces of the opposition, he was ultimately compelled to retire. Mr. Dunning, selected as the

* Parl. Hist. vol. xxii. p. 194.

† Id. p. 830.

organ of the ministers elect, to inform the house of commons of the new arrangements, on the 25th of March stated to the house, "that it was with peculiar satisfaction he found himself enabled, through some communication he had had that day with a most respectable member of the upper house, to inform gentlemen that arrangements were now making for forming a new administration, which he trusted would meet the wishes of that house and of the nation at large." * In consequence of this announcement the house adjourned for a few days, at the end of which period the new administration was formed under the auspices of the Marquis of Rockingham, Lord Shelburne and Mr. Fox being appointed secretaries of state.

The fortunes of Mr. Dunning were materially influenced by these changes. The administration had been scarcely formed before a request was preferred by Lord Shelburne to the king for a peerage for his faithful adherent and friend Mr. Dunning. The request thus made by Lord Shelburne was not communicated either by the king or by himself to the Marquis of Rockingham, who had no intimation of the intended honour until Mr. Dunning kissed hands on his creation. The Rockingham part of the administration, irritated by this mark of want of confidence in their leader, immediately resolved that another peerage must be bestowed at the personal recommendation of Lord Rockingham. Sir Fletcher Norton was selected by them as the individual upon whom the honour should be conferred; and the king was informed that, unless a peerage was without the smallest delay conferred upon him, it would be impossible for Lord Rockingham and his friends to remain in power. The usual forms of court etiquette were waved, and Sir Fletcher Norton, with a notice of only a few hours, attended at St. James's and kissed his majesty's hand on his creation as a baron by the title of Baron Grantley. †

On the settlement of the Rockingham administration,

* Parl. Hist. vol. xxii. p. 1237.

† Wraxall's Memoirs, vol. ii. p. 162.

Lord Shelburne secured a seat in the cabinet for Lord Ashburton, who was appointed chancellor of the duchy of Lancaster. After his elevation to the peerage, Lord Ashburton did not take any active part in the debates in parliament. His influence was sometimes exerted to prevent the inconveniences and mischiefs which arose from the impracticable temper of the chancellor, Lord Thurlow, who was opposed, both in political views and in personal feelings, to the administration of which he was a member. In the debates on the contractors' bill *, and on the Cricklade election bill †, the name of Lord Ashburton appears; but he never assumed in the house of lords the distinguished position which he occupied in the commons.

On the death of the Marquis of Rockingham, and the removal of Lord Shelburne to the head of the administration, Lord Ashburton continued to fill the office of chancellor of the duchy of Lancaster, and was consulted as the confidential adviser of the premier. In an interview which Dr. Watson the Bishop of Landaff had with Lord Shelburne, that nobleman, after expressing a desire that they might be better acquainted, said, that as he had Dunning to assist him in matters of law, and Barré to advise with upon army affairs, he should, in the same manner, be happy to avail himself of the bishop's services in consulting on the interests of the church. ‡ A civil reply was the sole service rendered by the bishop; but the more substantial exertions of Dunning and Barré met with a substantial reward. They both received pensions; the former to the amount of 4000*l.* per annum, an application of the public money which gave rise to much observation in parliament. § Of the relation which subsisted between Lord Shelburne, Colonel Barré, and himself, Mr. Dunning thus spoke, in the course of his celebrated motion respecting the influence of the crown :—" I would add a word or two respecting my honourable friend below me (Colonel Barré).

* Parl. Hist. vol. xxii. p. 1377.

† Life of Watson, p. 95.

‡ Id. p. 1385.

§ Parl. Hist. vol. xxiii. p. 582. &c.

For the faithful and disinterested performance of his duty in this house, how has he been treated by some of his opponents? He has been called a dependant; I presume, alluding to the honour he enjoys in the friendship and intimacy of a certain noble lord, a member of the other house (Lord Shelburne). If that intimacy and friendship be a state of dependence, I am happy in classing myself among that noble lord's dependants. I will assure those, who have alluded to what they call dependence, that it is a state of dependence accompanied with perfect freedom. It is true my honourable friend has been honoured with the noble lord's friendship for upwards of twenty years; but I think I know the frame of mind and disposition of my honourable friend too well to be persuaded that he would purchase any man's intimacy upon any terms short of perfect equality and mutual confidence; and I think I may likewise add, that if any person should attempt to purchase the noble lord's friendship by mean or improper concessions, there is not a man on earth would more readily see through or despise it. I know the noble lord to be a great private as well as public character. I know my honourable friend to possess a spirit of true independence. I am persuaded of the noble lord's great and acknowledged talents as a senator and a politician, and I can add, great as he may appear in a public light, that his private character is no less amiable and worthy of general admiration." *

In the year 1780, Lord Ashburton married Elizabeth, the daughter of John Baring, Esq. of Larkbear in Devonshire, by whom he had two sons, the elder of whom died in April 1783, aged seventeen months. This affliction is said to have weighed most heavily on the spirits of Lord Ashburton, in whom the parental affections existed in their liveliest form. From this period his health rapidly declined. Shortly before his decease an affecting interview is said to have taken place between him and another celebrated lawyer, Mr. Wallace, who

* Parl. Hist. vol. xxi. p. 346.

also died in the autumn of 1783. "I have been assured," says Sir Nathaniel Wraxall, "that a short time before Lord Ashburton's decease, these two distinguished lawyers, finding themselves by accident in the same inn at Bagshot, the one on his way down into Devonshire, and the other returning from thence to London, both conscious that their recovery from the disorders under which they laboured was desperate, expressed a strong mutual wish to enjoy a last interview with each other. For that purpose they were carried into the same apartment, laid down on two sofas nearly opposite, and remained for a long time in conversation; they then parted, as men who would not hope to meet again in this world. By Wallace's decease, Lee became attorney-general, and Mansfield was replaced in his former situation of solicitor-general, which he had filled under Lord North's administration." * Lord Ashburton died in the month of August, 1783.

The character of Lord Ashburton has been drawn by the friendly hand of Sir William Jones, who was indebted to him for various benefits.

"The public are here presented, not with a fine picture, but a faithful portrait; with the character of a memorable and illustrious man, not in the style of panegyric on a monument, but in the language of sober truth, which friendship itself could not induce the writer to violate.

"John Dunning (a name to which no title could add lustre) possessed professional talents, which may truly be called inimitable; for, besides their superlative excellence, they were peculiarly his own; and as it would scarcely be possible to copy them, so it is hardly probable that nature or education will give them to another. His language was always pure, always elegant, and the best words dropped easily from his lips into the best places, with a fluency at all times astonishing, and, when he had perfect health, really melodious. His style of speaking consisted of all the turns, oppositions, and figures which the old rhetoricians taught, and which

* Wraxall's Memoirs, vol. ii. p. 385.

Cicero frequently practised, but which the austere and solemn spirit of Demosthenes refused to adopt from his first master, and seldom admitted into his orations, political or forensic.

“ Many at the bar and on the bench thought this a vitiated style ; but though dissatisfied as critics, yet, to the confusion of all criticism, they were transported as hearers. That faculty, however, in which no mortal ever surpassed him, and which all found irresistible, was his wit. This relieved the weary, calmed the resentful, and animated the drowsy ; this drew smiles even from such as were the object of it, scattered flowers over a desert, and, like sunbeams sparkling on a lake, gave spirit and vivacity to the dullest and least interesting cause. Not that his accomplishments as an advocate consisted principally in volubility of speech or liveliness of raillery. He was endowed with an intellect sedate yet penetrating, chaste yet profound, subtle yet strong. His knowledge, too, was equal to his imagination, and his memory to his knowledge. He was no less deeply learned in the sublime principles of jurisprudence and the particular laws of his country than accurately skilled in the minute but useful practice of our different courts. In the nice conduct of a complicated cause, no particle of evidence could escape his vigilant attention, no shade of argument could elude his comprehensive reason : perhaps the vivacity of his imagination sometimes prompted him to sport where it would have been wiser to argue ; and, perhaps, the exactness of his memory sometimes induced him to answer such remarks as hardly deserved notice, and to enlarge on small circumstances which added little to the weight of his argument ; but those only who have experienced, can in any degree conceive, the difficulty of exerting all the mental faculties in one instant, when the least deliberation might lose the tide of action irrecoverably. The people seldom err in appreciating the merits of a speaker ; and those clients who were too late to engage Dunning on their side never thought themselves secure of success,

while those against whom he was engaged were always apprehensive of a defeat.

“As a lawyer, he knew that Britain could only be governed happily on the principles of her constitution or public law ; that the regal power was limited, and popular rights ascertained by it ; but that the aristocracy had no other power than that which too naturally results from property, and which laws ought rather to weaken than fortify ; and he was therefore an equal supporter of just prerogative and of national freedom, weighing both in the noble balance of our recorded constitution. An able aspiring statesman, who professed the same principles, had the wisdom to solicit and the merit to obtain the friendship of this great man ; and a connection, planted originally on the firm ground of similarity in political sentiments, ripened into personal affection, which nothing but death could have dissolved or impaired. Whether in his ministerial station he might not suffer a few prejudices insensibly to creep on his mind, as the best men have suffered, because they were men, may admit of a doubt ; but if even prejudiced, he was never uncandid ; and, though pertinacious in all his opinions, he had great indulgence for such as differed from him.

“His sense of honour was lofty and heroic ; his integrity stern and inflexible ; and though he had a strong inclination for splendour of life, with a taste for all the elegancies of society, yet no love of dignity, of wealth, or of pleasure could have tempted him to deviate, in a single instance, from the straight line of truth and honesty. He carried his democratical principles even into social life, where he claimed no more of the conversation than his just share, and was always candidly attentive when it was his turn to be hearer. His enmities were strong yet placable, but his friendships were eternal ; and if his affections ever subdued his judgment, it must have been in cases where the fame or interest of a friend was nearly concerned. The veneration with which he constantly treated his father, whom his fortunes and reputation had made the happiest of mortals, could be

equalled only by the amiable tenderness which he showed as a parent. He used to speak with wonder and abhorrence of Swift, who was not ashamed to leave a written declaration that he could never be fond of children, and with applause of the caliph, who on the eve of a decisive battle, which was won by his valour and wisdom, amused himself in his tent with seeing his children ride on his scimitar and play with his turban; and dismissed a general, as unlikely to treat the army with lenity, who durst reprove him for so natural and innocent a recreation.

“ For some months before his death the nursery had been his chief delight, and gave him more pleasure than the cabinet could have afforded; but this parental affection, which had been the source of so much felicity, was, probably, a cause of his fatal illness. He had lost one son, and expected to lose the other, when the author of this painful tribute to his memory parted from him with tears in his eyes, little hoping to see him again in a perishable state. As he perceives, without affectation, that his tears now steal from him, and begin to moisten the paper on which he writes, he reluctantly leaves a subject which he could not soon have exhausted; and when he also shall resign his life to the great Giver of it, he desires no other decoration of his humble grave-stone than this honourable truth—

‘ With none to flatter, none to recommend,
DUNNING approved and mark’d him as a friend.’ ”

It is curious to contrast the preceding sketch with another character of Lord Ashburton, drawn also by one of his contemporaries: “ Never, perhaps,” says Sir Nathaniel Wraxall, “ did nature inclose a more illuminated mind in a body of meaner and more abject appearance. It is difficult to do justice to the peculiar species of ugliness which characterised his person and figure, though he did not labour under any absolute deformity of shape or limb: a degree of infirmity, and almost of debility or decay, in his organs, augmented the effect of his other bodily misfortunes; even his voice

was so husky and choked with phlegm, that it refused utterance to the sentiments which were dictated by his superior intelligence. In consequence of this physical impediment, he lay always under a necessity of involuntarily announcing his intention to address the house, some time before he actually rose, by the repeated attempts which he made to clear his throat. But all these imperfections and defects of configuration were obliterated by the ability which he displayed. In spite of the monotony of his tones, and his total want of animation, as well as grace, yet so powerful was reason when flowing from his lips, that every murmur became hushed, and every ear attentive. It seemed, nevertheless, the acute sophistry of a lawyer, rather than the speech of a man of the world, or the eloquence of a man of letters and education. Every sentence, though admirable in itself, yet resembled more the pleading of the bar than the oratory of the senate; so difficult is it for the most enlightened intellect to throw off the habit of a profession. Dunning neither delighted nor entertained his hearers; but he subdued them by his powers of argumentative ratiocination, which have rarely been exceeded. They soon afterwards raised him to the peerage, and just in time to attain that elevation, as his constitution speedily sunk under accumulated disorders, which hurried him prematurely to the grave. This extraordinary man, who was not exempt from great infirmity of mind, felt or perceived so little his corporeal deficiencies as to consider his person with extraordinary predilection. Fond of viewing his face in the glass, he passed no time more to his satisfaction than in decorating himself for his appearance in the world. He and Barré, who were fellow-labourers in the same vineyard, represented likewise the same borough, Calne, and belonged or at least looked up to the same political chief, Lord Shelburne. They, consequently, were animated by no common principle of union or of action with Fox and Burke, except one, that of overturning the administration. On all other points, a secret jealousy and

rivalry subsisted between the adherents of the Shelburne and the Rockingham parties." *

In his speech to the electors of Bristol, Mr. Burke, in referring to Sir George Savile's bill for relieving the catholics, pronounced the following panegyric upon Mr. Dunning: — "The seconder was worthy of the mover and the motion: I was not the seconder; it was Mr. Dunning, recorder of this city. I shall say the less of him, because his near relation to you makes you more particularly acquainted with his merits. But I should appear little acquainted with them, or little sensible of them, if I could utter his name on this occasion without expressing my esteem for his character. I am not afraid of offending a most learned body, and most jealous of its reputation for that learning, when I say he is the first of his profession. It is a point settled by those who settle every thing else; and I must add (what I am enabled to say from my own long and close observation), that there is not a man of any profession, or in any situation, of a more erect and independent spirit, of a more proud honour, a more manly mind, a more firm and determined integrity." †

SIR WILLIAM JONES.

1746—1794.

WILLIAM JONES, whose reputation as a lawyer has been almost forgotten in his skill as a linguist, and in his extensive and elegant acquirements as a scholar, was born in London in the year 1746. His father was a person of much information and of considerable celebrity as a man of science, and had acquired the friendship of Newton and other distinguished persons of his day. He died about three years after the birth of his son William, who was left to the care of his mother, a woman of

* *Memoirs*, vol. ii. p. 41.

† *Burke's Works*, vol. ii. p. 300. 2d ed.