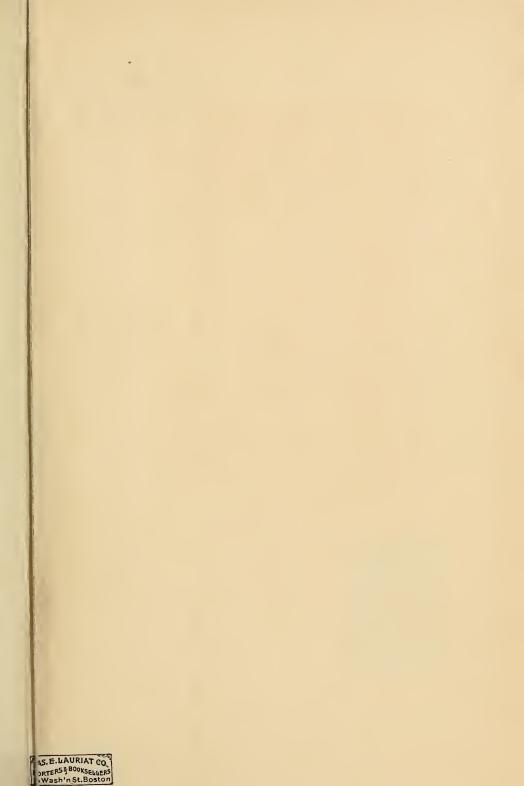


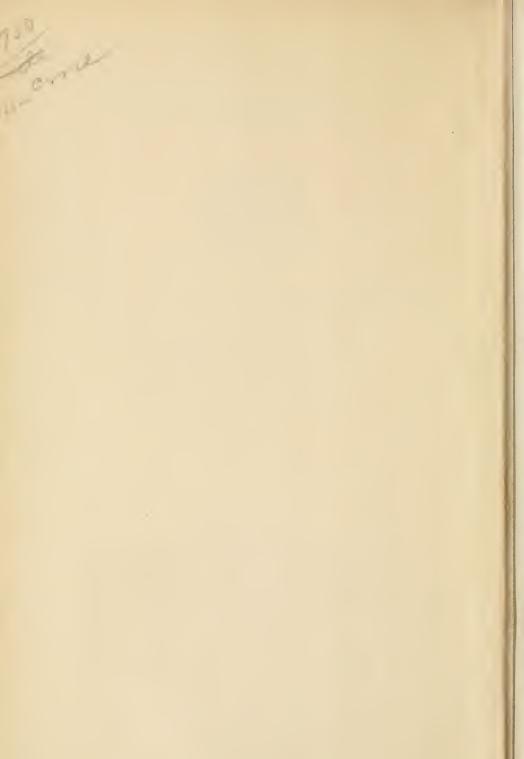


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JOHN CHURCHILL, FIRST DUKE OF MARLBOROUGH.

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STUDIES IN THE HISTORY OF THE BRITISH PEERAGE

BY

M. NELSON D'AUVERGNE, M.A.

ILLUSTRATED

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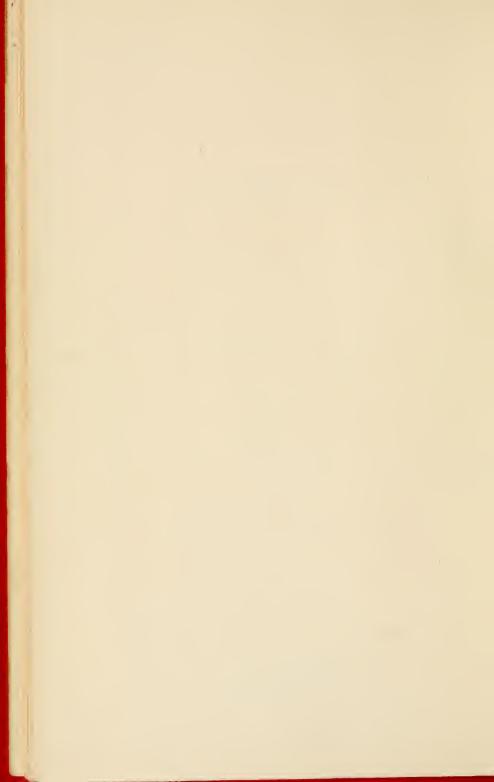
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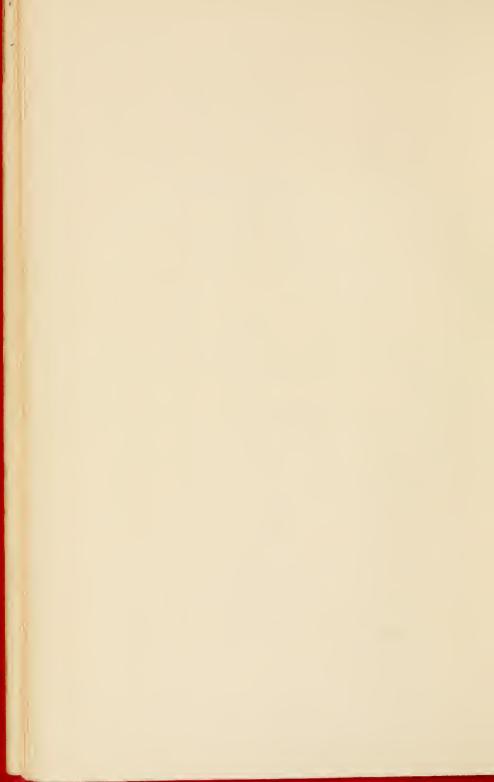
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# TARNISHED CORONETS

#### FOREWORD

In an hereditary senate mediocrity recognises its best safeguard against the domination of greatness. If men as dull as the herd did not occupy positions of authority, true aristocrats might obtain those positions and force the herd along at a faster pace than it wished to travel. Thus is explained the relative popularity the hereditary peerage has enjoyed in this country, especially among the classes most fearful of the depredations of intellect.

The admitted superiority of a class of men who do not even profess to be wiser, braver or better than those below is, moreover, exceedingly restful and comforting to the community; for where merit is not the standard of excellence or the road to distinction it can not be accounted any disgrace to remain at the bottom of the scale. Thus the nation is spared all feverish emulation in the matter of moral worth, and the energy saved can be devoted to moneygetting and amusement.

These I take to be the grounds on which the institution of a peerage charged from generation to generation with the function of law-making may be defended in this country. They are not, of course,

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an explanation of its origin, which, like that of nearly all the institutions of England, was historical and accidental. It is only of very recent years that this fortunate order has been called upon to account for its existence, much less to justify it; and such inquiries have always been pronounced by the order itself to be in bad taste. The English peerage began as an institution with the Norman Conquest. The first peers were men who got their lands by the sword, and they professed to hold them by the sword. In return the holder was required to assist the sovereign in war. As far as this limited responsibility went, one man was as good as another, and therefore the owner's son was allowed to succeed him. Somewhat after this casual and sordid system, the peerage came into existence. There was certainly no theory about the transmission of "ruler qualities" from father to son. The barons had got the rest of the population under them, and intended to keep them down as long as they could. But even to the immature intelligence of that time it appeared absurd that a man should own half a county without doing something substantial for the state in return. The barons did not repudiate their liability to provide for the defence of the kingdom, but, like the modern tax-payer, they evaded their responsibilities as often as they could. The wardens of the king's castles constantly complained of the wretched quality of the men supplied by their lordships for castle guard. Our mediæval history is chiefly a record of quarrels between the king and the barons over their share

#### Foreword

in the spoil of the common people. Unfortunately these conflicts encouraged the propagation of that pestilent parasite, the lawyer, who was always at hand to give form and permanence to the arbitrary and illconsidered utterances of our sottish rulers. To this stage of our history we owe some of our worst laws, which in England is saying a good deal. To the bold barons and their satellites are due, for instance, the imbecile and inhuman English laws of bastardy, which are an insult to human intelligence and morality, and under which the Crown and the lawyers (the Press conniving) continue to swindle helpless women and children.

It must be some consolation to the present holders of peerages that they have in their veins hardly a drop of the blood of these wretched mediæval robbers. The ancient nobility of England had pretty well extinguished themselves by the end of the fifteenth century. The lawyers have taken care that the evil they did should survive them. Their places were taken, as we know, by the creatures of the sovereign. mere courtiers, who were certainly not better men. They sprang, as Lord Randolph Churchill would have said, "from God knows where"; and they had, like the English lady of yesterday, many privileges and no responsibilities. They represented no tradition, no ideal, no functions; they stood for nothing in particular. Even their titles had lost all meaning. An Earl of Norfolk in Henry I.'s day was a very important officer in that county. To-day men call themselves earl of this and duke of that place, without perhaps ever having seen it. And few, alas! have as

glorious a connection as had the marshals of Napoleon with their eponymous cities and provinces.

With their titles the old baronage had certainly not bequeathed much of their spirit to the new peerage. The meekness of the haughty lords of the Court of Henry VIII, would have revolted a Franciscan nun. The Duke of Norfolk, from whom I believe the present holder of the title is descended, acquiesced in the murder of his niece, Katharine Howard, with unnecessary haste. "He had learned," he told the King, "that his ungracious mother-in-law, his unhappy brother and wife, and his lewd sister of Bridgewater, were in the Tower, which, from his long experience of his majesty's justice, he felt sure was not done but for false and traitorous proceedings." Percy, Earl of Northumberland was beside himself with terror when he found his son had incurred Henry's ire by a flirtation with the Queen's maid-of-honour, Ann Boleyn. These noble persons crouched like whipped curs before the Tudor sovereigns. Their servility was richly rewarded, as we know, by the spoils of the Church. Many of the families most conspicuous to-day in our public lifesuch as the Russells, Cavendishes and Cecils-owed their first rise in the world to their unscrupulous acceptance of stolen property. In return they became the mere instruments of despotism, and the accomplices of the sovereign in his worst acts of oppression. The treasons of Somerset and Northumberland, the duplicity of Burleigh, the villainy of Leicester, are as notorious as the readiness of the nobility of that time to change their religion backward and forward so long as they were allowed to keep their ill-gotten lands.

At last these illustrious persons were found out. When the great struggle began between the Crown and the Commons the nobility were pushed aside. They hesitated and intrigued, they changed sides, they affected neutrality, they deserted the monarch to whom they owed their patents of nobility, a few even followed that monarch's son into exile. They were, in short, of no importance at this great crisis in our history. As soldiers they were proved to be far inferior to tradesmen like Cromwell and Ireton. When the brewer of Huntingdon turned them out of their Chamber, and went away with the key in his pocket, they showed the virtue characteristic of their order-timely submissiveness. They connived at the worst infamies of Charles II.'s policy; but when his brother proposed to introduce religious toleration they hesitated not to depose their sovereign in favour of a Dutch prince who had been in arms against this country a few years before. The explanation of this unwonted energy is not far to seek. The restoration of Catholicism might have been followed by the restoration of the Church's stolen property. Their lordships, who had acquiesced in the subversion of parliamentary government by the Tudors, in the destruction of the religion of the country, and even in the abolition of their rank as legislators by Cromwell, were discovered at last to have a principle-their trade was their politics. They were land-owners and money-getters first. Eurichinous-nous was the watchword of the old English nobility as of the French

bourgeoisie. Under the House of Hanover the whole country became their farm. For nearly a century the ideal of aristocratic government was realised. What manner of men these born legislators were, the following examples may show. Were they worse than the people-no! but the aristocrat's only claim to govern can be that he is better. The English peerage possessed no ideals, no inherent genius for rule. They have never represented anything but their own interests, and these have been fluctuating. They hissed Queen Victoria soon after her accession, as they would hiss any other sovereign who belonged to an opposite faction. They have no tradition of loyalty to Crown, Church or State. Now their claws have been cut, they pose as jolly good fellows, broad-minded and liberal. Cant! They would not so much as listen a year or two ago to a proposed revision of the marriage laws, and were as shockedthey, the descendants of Fox and Charles II. and Sandwich-at a discussion of the subject as the most trumpery Puritan ranter. They pandered to the vilest instincts of the mob by rejecting a Bill to prevent the torture of rabbits. We should have thought the English peers should have understood the feelings of an animal in headlong flight. That the peerage has much in common with the savage and superstitious elements in our midst is not to be doubted. But it is time for them to go, and perhaps they will take with them the lawyers, who are their spurious offspring, and the bishops, who have blessed their worse deeds. The world is tired of mediæval bogeys; we want a true aristocracy.

#### ROBERT SPENCER, SECOND EARL OF SUNDERLAND (1641-1702)

IT is a strange story they have to tell who write of English freedom, that mirage which has deceived the eyes of our countrymen for generations. Europe has believed in it; we have even believed in it ourselves, boasting that we have bathed our limbs in its clear waters. Only of late years has the suspicion crossed our minds that perhaps we and the world at large have been equally befooled, that what we thought freedom was but another form of slavery. We have been wont to scoff at the French and shudder at the Reign of Terror, but the horrors of that period were only the bubbles on the richly flowing wine of liberty that revitalised France a hundred and twenty years ago, and placed her in the vanguard of humanity and progress. We, for our part, have sinned more grievously against the name of liberty, and at no time more than at the "Glorious Revolution" of 1688. It is interesting to inquire into the causes of this great upheaval.

Such real or affected devotion to Crown and Church as had characterised the aristocracy of King Charles I. had died out during the years of exile. The second Charles and his courtiers came back, determined to have and to hold, to recoup their

fortunes, never to set out on their travels again. Causes became unpopular. Patriotism went out of fashion. Place and power were valued only as they contributed to personal wealth and aggrandisement. A swarm of vampires settled on the country. Meantime the nation was only asking for peace.

But the sterner temper of James II. refused to bow to the spirit of the age. He was a fanatic, a bigot if you will, but he was at least sincere, and ready to sacrifice his crown to his religion. Moreover, he was ready to grant some measure of toleration. There could be no security for the private enterprise of office-holders under such a king. And so a group of noble lords, constituting themselves Defenders of the Protestant Faith, and Champions of Liberty, brought over and imposed on the country a foreign master, who paid them highly for their services. They were shrewd men, who knew the temper of their countrymen, and the hatred the majority bore towards the Catholic Church. Even the Nonconformists could be relied on voluntarily to submit to persecution rather than suffer the followers of the Scarlet Woman to practise their heresies in peace. So Englishmen contentedly exchanged a decrepit system of monarchy for the fetters of a strong, selfseeking oligarchy. The country sank to the lowest depths of misery and barbarism; learning drooped and died; corruption spread like the pestilence to every corner of public life. There came a time when the army suffered humiliating defeats; when no man



ROBERT SPENCER, SECOND EARL OF SUNDERLAND.

of honour would risk his reputation in the navy; when our most important colonies revolted and cast us off for ever. Despite the rise of democracy in the last century, the aristocratic tradition, even to-day, is stultifying the forces of progress. In short, the only liberty vindicated in 1688 was: for the Lords, the right to more effectively oppress the people; for the people, the right to acquiesce in the changing of their oppressors. Yet men still throw up their caps for "Liberty and the Glorious Revolution"!

Of the patriots who fought, sword carefully in scabbard, in this glorious cause, Robert Spencer, second Earl of Sunderland, was one of the most illustrious. His father, Henry Spencer, the first Earl, had fallen in the King's army at Newbury in 1643, held on that side it seems from a feeling of personal honour. His mother was Dorothy Sidney, the beautiful and witty "Sacharissa," whom Van Dyke and Edmund Waller combined to immortalise. If, as believers in aristocracy assert, heredity counts for anything, the good deeds of their son Robert should have shone forth in a naughty world. Alas that history is so destructive of comfortable theories!

Robert was born in Paris in 1641. He early gave promise of extraordinary abilities, which were assiduously cultivated both by his mother and by the tutor she had secured for him. During a residence abroad he became thorough master of half-a-dozen European languages. But probably the Calvinist doctrines of the Rev. Dr Thomas Pierce, like those of most of

his faith, narrowed the virtuous life to one of intolerable boredom, for immediately on his emancipation Sunderland sowed broadcast a crop of wild oats that would have been painful harvesting a century later. In 1661, at the age of twenty, he went to Christ Church College, Oxford, where he made himself early famous by the part he took in William Penn's demonstration against the newly reinstituted custom of wearing the surplice at chapel. His rank and family connections saved him from the rustication that punished Penn and others of his companions for their energetic protest; but Sunderland retired from the University in dudgeon at this treatment of his friends. This, perhaps, is the most creditable episode in his life.

The Earl of Bristol at this time had a sister, Anne Digby, who was also his heiress. To her the young Sunderland began to pay his court, with one eye on her enormous fortune. She was a pretty woman, a match for her suitor in worldly wisdom and in aptness for an *affaire de galanterie*. The marriage was arranged, when suddenly his lordship vanished, leaving, says Pepys, "advice to his friends not to inquire into the reason of his doing, for he hath enough of it." Interest, however, proved stronger than his fear of matrimony, and it being the business of women in those days to get married, honourably if possible, but at all costs to get married, the bride accommodatingly overlooked the youthful bridegroom's freak, and the ceremony took place on 10th June 1665. They seem

## Second Earl of Sunderland

to have lived most amicably together, each encouraging the other's intrigues and drawing mutual benefit therefrom. Both were fascinating and popular at Court, though the Princess Anne considered the Countess "the greatest jade that ever lived, and he the subtellest working villain on the face of the earth."

Two years later Sunderland was given a commission in Prince Rupert's Regiment of Horse, an honour that does not seem to have involved much service. At this time he and his wife were fully occupied at Court in winning, like sensible politicians, the goodwill of their Graces of Cleveland and Portsmouth. In 1671 his diplomatic career began; a career in which his twisted and brilliant genius excelled. He went from Madrid to Paris, and thence to Cologne, to represent his country in the negotiations for a general peace, which, however, fell to the ground. In 1674 the young ambassador was made a Privy Councillor and Gentleman of the Bedchamber to Charles II. Four years later we find him occupied with the Treaty of Nymegen. The conclusion of these negotiations brought his days of accredited diplomacy to a close. Henceforth he preferred to play entirely for his own hand.

An excellent measure of a man's political influence in the eighteenth century is the number and obsequiousness of the literary dedications he received. When the great Dryden dedicates to Sunderland his mutilated adaptation of *Troilus and Cressida*,

it is safe to infer that the Earl was looked upon as a force to be reckoned with. It was an excellent moment for a man of strong Protestant professions to throw himself into the whirl of political life, for the revelations of Titus Oates had roused a storm of anti-Catholic fury, to which the Court was obliged for the moment to bend.

In spite of the King's pardon Danby had fallen; the Duke of York was in bad odour with the people; Monmouth was high in the King's favour, and his friends, Essex, Shaftesbury and Halifax, were likely to be most powerful in the sovereign's counsel. There was a general reshuffling of places, during which the post of Secretary of State fell to Sunderland, partly on account of the sum of six thousand pounds he had paid for it, partly owing to the favour of Louise de Querouaille. The functions of his position he performed in a curious manner, never putting in an appearance at the Secretary's office, but having all papers carried to him at his own house, and signing them as he sat at the gaming-table, barely glancing at their contents. When a small Inner Cabinet was formed from the Privy Council of thirty, the Earl was admitted to the inmost clique, where he was reported constantly to keep his mouth shut, except to say that he agreed with a certain lord's opinion, or wondered how anyone could hold the reverse.

He had not held office long before he began the "tacking" policy that he pursued throughout his public life with hardly a single slip. Monmouth was beginning to single out Shaftesbury above his colleagues by special favours. The King fell seriously ill. Halifax and Sunderland, in hasty consultation, brought back the Duke of York to the royal bedside. Then Temple and Halifax retired, waiting for the straw that should show which way the wind was going to blow. The government of the country was left in the hands of Godolphin, Laurence Hyde and Sunderland, who were contemptuously called "The Chits." For it is one of the chief tenets of English political wisdom that youth is necessarily foolish and absurd; that the making and administration of the laws can only be with safety entrusted to men who have entered on the decline of life.

But the star of Monmouth was waning, partly owing to his own disobedience; the King was coming to believe more strongly in his cynical maxim that his "chief security lay in having a successor they liked less than himself." James's unpopularity endeared him to his royal brother. In this connection, however, Sunderland committed one of his few errors. James had been sent into Scotland, and this apparent banishment was read by the Earl as a sign of royal disfavour. He gave support, first cautious then open, to the Protestant Exclusionists, and when the Bill for breaking the succession came before the House of Lords in November 1680 he flung down the gauntlet by voting for the measure.

Meanwhile other iniquities had come to light. Sunderland had fitted his bow with many strings.

For some time his uncle, Henry Sidney, had been ambassador at The Hague. Through him the Earl had opened up negotiations with the Prince of Orange, who had formed a confederation of states to oppose the pretensions of France. Into this league he was anxious to draw England, in spite of the close connection that existed between the French and English Courts. For some time Sunderland seems to have imagined that Charles might be induced to enter the alliance, but that astute monarch realised too well that foreign war would place him helpless in the hands of his Parliament. To strengthen William's position with the English, Sunderland urged him to come over and show himself to the people, proposing several plans he might adopt to cultivate popular favour. Further under his direction the States-General of Holland drew up a memorial begging Charles to settle the question of the succession in a manner that would be acceptable to his Majesty's Protestant subjects. Not unnaturally the King was furious at this attempt of the Protestant tail to wag the dog; moreover, the substance of the advice was highly distasteful to him at the moment. His anger fell on Sidney, the envoy at The Hague, and Sidney's nephew, Sunderland. When, on the top of this, came the news that the latter had voted for the Exclusion Bill, the King's anger knew no bounds. Early in February 1681 Sunderland was dismissed from office.

The Duke of York continued to grow in favour

with the King. When in 1682 he was again allowed to take up his residence at St James's, his opponents repented the error of their ways. The Duchess of Portsmouth, who had been most bitterly set against him, was received back into favour, and her loyalty secured by an annual allowance granted her by James of five thousand pounds from the revenues of the post office. The moment was propitious. Sunderland threw himself at her Grace's feet, and, with that marvellous address that never failed to conciliate the men he had most deeply wronged, persuaded her to use her much increased influence with her royal master on his behalf. Even James was gained over to speak for the penitent sinner; Charles consented to see him once again.

The Earl had gained his pardon; there remained for him to win back the influence he had wielded some years earlier. To this end, he renounced the Prince of Orange and all his works. He assiduously cultivated Barillon, the French ambassador, who in the unavoidable absence of his master, Louis XIV., ruled England as his deputy. To Barillon he avowed that he had come to the conclusion that the gulf between the King and Parliament was impassable; that henceforth to France alone could Charles look for support. This policy bore good fruit. Within a month of being admitted to kiss the royal hand, Sunderland was again a member of the Privy Council. Within six, he was appointed in succession to Conway, Secretary of State for the Northern Province. "The King," says Bishop Burnet, "was the more anxious to have Sunderland again near him, that he might have somebody about him who understood foreign affairs." For Sunderland's natural abilities there can be nothing but praise.

This time he was determined not to risk the royal favour at the call of friendship or family affection. Sunderland was a typical member of his class; he acquiesced in the execution of Lord William Russel and of his own uncle, Algernon Sidney, after the discovery of the Rye House Plot. And yet even in 1685, during the last illness of the King, he himself was coquetting once again with Monmouth, the crime for which his uncle was condemned. It was owing to Sunderland's influence that Judge Jeffreys was made Chief Justice, the most ferocious of the long list of judges who, in the English law-courts, have interpreted in the spirit in which they were made the most barbarous set of laws in Christendom.

In course of time the throne became vacant by the death of Charles II., and Sunderland, for the moment zealously loyal, enthusiastically hailed the Duke of York as King. For a time his fate hung in the balance, for James could not altogether forget that the Earl had voted for the Exclusion Bill. As an offset to this, however, he could not but remember the minister's enormous influence, his powerful family connections, whom it would be as well to conciliate, since his future policy was likely to be highly unpopular to both Court and nation. At this juncture

# Second Earl of Sunderland

Sunderland himself resolved the crisis. The King proposed to repeal the Test Act, that penalised alike Catholics and Nonconformists. When Halifax point-blank refused to help his Majesty, Sunderland, the erstwhile doughty champion of Protestantism, came to the rescue, declaring that his vote and influence were at the King's service. He was made Lord President of the Council, and to prove how thoroughly he had purged himself from that accursed thing, Protestant sedition, he bestirred himself with the utmost zeal in the suppression of Monmouth's rebellion. Due in no small measure to his selfseeking, that let nothing in heaven or earth interfere with his schemes of avarice, were the blighted countrysides of Somerset, fetid with slaughter, where ghastly figures clanked on wayside gibbets. In thousands of homes in the west of England voices linked together that unholy trinity-Sunderland, Kirke and Jeffreys-in curses deep though inarticulate from fear.

For to Kirke he gave warm encouragement in the harrying of the western counties. Jeffreys he egged on in his bloodthirsty career. We even find the Lord President busying himself about the little perquisites of the Queen's maids-of-honour. For those highborn maidens, their loyalty outraged that the little girls of Taunton should have welcomed the rebellious Duke, clamoured that heavy fines should be extorted from the parents for the benefit of their own privy purse.

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In this ferocious course Sunderland was urged on by fear, for Monmouth he well knew could incriminate him if he chose. But Monmouth's lips he closed by assuring him that he could obtain him free pardon from the King if only he would promise to confess nothing. Too late the unfortunate Prince found that he had been befooled. Execution was a surer way than pardon to seal his lips.

Secure from this quarter the Earl now set himself to ingratiate himself firmly with the Queen. He represented to her that the King's first wife's relatives, the Clarendons. Dartmouths and Rochesters, were more highly honoured at Court than her own. A whispered message to Barillon set afoot the story that Rochester was intriguing with the Prince of Orange. His rival fell, leaving Sunderland supreme. His position was the stronger in that he had already taken the step, first of securing his son's conversion to Catholicism, and secondly of being himself received back into the fold of Mother Church, for whose forgiveness no sinner of exalted rank has ever been found too bad. It had seemed to the Earl that that way lay not only royal favour but also substantial emoluments, for James was purposing to reinstitute the office of Vicar-General. In this direction the Lord President cast covetous eyes, for the ordinary sources of income at the Court, even when helped out by a substantial pension from Louis XIV., could not altogether repair the inroads his incessant gaming was making on his private fortune. This ambition, however, had to be modi-

## Second Earl of Sunderland

fied; the office was not established and the Earl had to content himself with being named a member of the ecclesiastical commission appointed the following year. The disappointment was mitigated by his admission to the Order of the Garter in the April of 1687.

James was now entering on that ill-advised Catholic crusade that, thwarting as it did the dearest prejudices of the whole country, was in a very short space of time to alienate from him every class of the community. Mass was openly celebrated at Court; priests were lodged in St James's Palace, the dark robes of the different religious orders were constantly seen in the streets, flitting about among the gay attire of the world of fashion. Four Catholic lords had been admitted to the Cabinet; their fellow-religionists filled scores of important posts about the King and Oueen. Compton, the Bishop of London, had been himself suspended because he had refused to suspend his subordinate, Dr Sharp, the Rector of St Giles-inthe-Fields, for preaching a sermon that contained an attack upon the King's religion. In this year James turned his attention to the universities, resolved to attack the very training-ground of the Church of England. The case of Magdalen College in particular aroused storms of indignation throughout the country. The headship of this college had fallen vacant. James named Farmer, a Catholic of infamous life, to fill the post. His appointment the Fellows refused to acknowledge, and elected unanimously one Hough, their own nominee. James declared the election

void, but, abandoning the loose-living Farmer, appointed in his stead Parker, the sycophantic Bishop of Oxford, one of his own most trusted servants. The Fellows remained obstinate even in face of the King's personal visit to the University. Finally a special commission established Parker in the master's house by force. As the Fellows still refused to recognise him, they were one and all expelled from their fellowships, which were bestowed on trustworthy followers of the King.

The story of the Trial of the Seven Bishops, and the joy that thrilled through the country on their acquittal-and how James raised a standing army of twenty thousand men whom he had established at Hounslow, to ensure the servility of the capital-is too well known to those brought up in English schools to need, or even to bear, a repetition, The part that the Earl of Sunderland played in this drama is infinitely blacker than that of his royal master. James was a religious fanatic, who believed devoutly that faith in the Holy Catholic Church was the one thing needful for his own salvation, and that of the nation over which he ruled. Finding that the laws of previous parliaments interfered with the attainment of this (to him) Supreme Good, he was ready to sacrifice the less to the greater, to override the liberties of his subjects in the interests of what he wholeheartedly believed to be the triumph of truth over falsehood, of good over evil. This is the attitude of the great law-makers and the great lawbreakers alike, who recognise law as a good instrument but in no wise sacrosanct. It is the principle that has animated all revolutionaries, enthusiasts and reformers from the very beginning of time, that links together Moses and the militant suffragist.

That James is not reckoned with the saints must be set down as due to his failure to accomplish what he had set out to do. He differed from them in capacity, not in kind. His attack on Protestantism struck not only at a religion but at a vested interest. Since the country had changed its faith at the bidding of one king it might conceivably change back again at the bidding of another. But in the first case, there had been wealth and plunder and rich abbey-lands for needy courtiers to gain, while under James, powerful noblemen found themselves turned out of lucrative office, and already in the imagination of the people the chink of English gold was heard at Rome.

Thus, according to his lights, the King was only doing his duty in that station of life to which it had pleased God to call him. That his light was but a parish lantern that fancied itself the sun was his and England's misfortune. But Sunderland was in no wise dazzled by the prospect of eternal happiness for his fellow-countrymen. Temporal happiness and prosperity for himself were the summit of his desires. Towards these his every act was directed. In later times he protested that he had fought hard to dissuade his Majesty from his most disastrous and un-

## Tarnished Coronets

popular actions. But a heavy charge of treachery lies at his door undisproved.

With all his faults, the King was not afraid of his own actions : he was not the man to follow his father's example of sacrificing his ministers to save his own skin. Yet James specifically charged Sunderland with having not only furthered but initiated some of his wild and arbitrary measures, in the hope of bringing about his downfall, his own future being assured meanwhile by intrigues across the water. There is much in the known facts of the Earl's career to support the accusation. His demeanour at the time of the proposed repeal of the Test Acts has not the look of unwilling submission to an imperious master. There was stern opposition in the Lords against the measure. The Lord President threatened that he would create a majority large enough to pass the Bill by calling up the eldest sons of those peers who were ready to support the King; according to Halifax, he exclaimed that he would rather make every trooper in Lord Feversham's regiment a peer than lose the vote. He signed the order for the committal of the Bishops. He supported the King in the suspension of Compton and the expulsion of the Magdalen Fellows.

It is true that later he advised the King to reverse the two latter measures, but that was not until the very eve of the Revolution, when the concessions were utterly inadequate to soothe the angry Protestants, and could only serve to enhance his own

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character for reasonableness. Though he was keeping the Prince of Orange *au courant* with the weightiest secrets of the English Court through the medium of his uncle, Henry Sidney, he persistently scouted the idea of a possible invasion from that quarter, and persuaded James to refuse the offer of King Louis of a squadron of French men-of-war.

That all this was part of a deliberate and carefully planned policy seems to have been suspected by the Princess Anne, who, excluded from active participation in Court intrigues, was an interested and not unintelligent spectator. "Everybody knows," she wrote to her sister in March 1687 or 1688, "how often this man turned backwards and forwards in the late King's reign, and now to complete all his virtues, he is working with all his might to bring in popery. ... He is perpetually with the priests, and stirs up the King to do things faster than, I believe, he would do them of himself."

But whether Sunderland's cynical self-interest was promoted by clear-sighted schemes or by sheer opportunism is of small importance, for one instance of treachery more or less can make little difference to the ultimate estimate of his career and character. He had betrayed the Duke of Monmouth; he had betrayed William of Orange; he had betrayed the Protestants as he was to desert the Catholics; he had betrayed the King of France even when jingling French *louis* in his pocket; and the pension he received from France, together with occasional irregular grants, was the price he was paid for selling his country to Versailles.

In spite, however, of the excellent precautions Sunderland had taken for securing his interests all round, there were signs that his supremacy at Court might be attacked. To have turned Catholic was not enough. For already at St James's there were factions in the camp. It is usually the convert to Rome who insists on dragging the rest of the world with him willy-nilly post-haste to heaven. Those who have been born within the fold are ready to wait, to proceed cautiously, to sacrifice a small present gain to a great one later on. So it was with the old Catholic aristocracy at Court, with whom was associated the Spanish ambassador Ronquillo, backed up by the authority of the Pope. They saw that, by forcing the pace so inordinately, James was seriously imperilling a permanent Catholic supremacy. The second faction, headed by the Queen, was jealous of the power of France, while the third, the most powerful and dangerous of all, was backed up by all the influence of Versailles, was led by Father Petre and smiled on by Barillon.

Sunderland, whose appetite for office was by no means yet satisfied, was intriguing for the post of Lord Treasurer. Owing either to the Queen or to Petre it slipped through his hands. At the same time the King began to pay an ever-increasing deference to the Jesuit, and admitted him to the deliberations of the Privy Council. The Earl be-

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came alarmed lest his Majesty's reliance on the priest should mean that his own importance to Louis was waning, that his pension might be stopped. For a time he seems to have deliberated whether openly to join the Prince of Orange or whether to make a last attempt to recover his influence with James and Louis before he finally threw them overboard. He finally decided for the second alternative. Obtaining the King's consent to a reconstruction of the Cabinet, he arranged that all foreign affairs should be settled by a secret inner cabinet, of which Petre had not the entrée. Then approaching Barillon he offered to obtain the withdrawal of the three English regiments that, in the pay of the Dutch, were helping the Prince of Orange in his confederation against the aggressions of Louis. "Such a service," he added, "deserves a reward in proportion to the danger that the man incurs who performs it. In important matters terms must be clearly stated, and a man must know exactly where he stands." Barillon was astonished, but closed with the offer, though it seems that the regiments were never withdrawn. Indeed it was the same troops that a little later formed the nucleus of William's invading army. With payment secured in advance, however, the Lord President felt that he could hold out a little longer.

But avenues of retreat had still to be kept open. Many of the English lords were in close communication with The Hague. Indeed in the June of 1688 a letter, signed by the Earls of Shrewsbury and Devonshire, Lord Lumley, Compton, Bishop of London, Admiral Russel and Henry Sidney, had been forwarded to William, begging him to land in England with a sufficient number of troops to secure a "free Parliament and the Protestant religion." In August of the same year Russel was writing to the Prince concerning "a Mr Roberts, whose reign at Court can hardly last a month, and who has grown so warm in your interests that I can hardly prevail on him to stay for his being turned out. . . . He has desired me to assure your highness of his utmost service." There is little difficulty in guessing the identity of Mr Roberts.

While Sunderland was busy reversing the King's policy of the last few years, and minimising the possibility of the danger of invasion, it was suddenly discovered that the draft of a secret treaty, which James had negotiated with France, was missing. The use that the Lord President had made of it could not but be suspected even by James. Thoroughly weary of his minister's treachery he granted the pardon that the supposedly repentant Earl had begged. At the same time he dismissed him from his office. "You have your pardon," Bramston tells us that he said, "much good may it do you. I hope you will be more faithful to your next master than you have been to me." The discarded minister retired to his country seat at Althorpe, after informing his subordinates that he deemed it inadvisable

in the King's interest that a Papist should remain in office at the moment.

By this time William of Orange had landed at Torbay and was making his way to Windsor. The nobles of the west country had rallied to his standard; the people were indulging in anti-Popery riots, burning down Catholic chapels, attacking the houses of Catholic peers. The north country and the Midlands declared for a "free Parliament and the Protestant religion"; Lord Churchill went over with the army. Finally, James himself fled to France. It was high time, Sunderland felt, that he also should be up and doing. On the security of the King's pardon he had already raised a large sum of money; in anticipation of some months, at least, of exile he "borrowed" eight thousand ounces of bullion from the Jewel Office. Then disguising himself in woman's dress he fled to Rotterdam, where, in February 1689, he was arrested by some over-zealous Dutch officials.

His durance seems to have been but short. William was probably finding an astonishing lack of brains in the counsellors who had welcomed him in England. Ability, even when triple dyed with treachery, could not be recklessly outlawed. At anyrate he ordered Sunderland's release, and in return received a letter of thanks from that volatile lord, in which he plumes himself on having "served the public so importantly in contributing what lay in me towards the advancing of your glorious undertaking." The chief regret that poisons his exile is that he was unable in person to give his "vote for your Majesty on the throne, as I would have done with as much joy and zeal as any man alive, and do now most heartily wish you all the greatness and prosperity you deserve, which is to wish you more than any man had."

Having squared up matters with the King, the next thing was to try and win back some measure of favour from the people. Sunderland repaired to Amsterdam, where his flexible faith was once more transformed into Protestant formulas. Moreover, with unblushing impudence, he asserted that he never had quitted the Church of his fathers, that those who had accused him of it had been trying to discredit him with the people.

The same month we find him writing a letter to a friend in England, which he took care should be widely published, one of the most horrible pieces of humbug in our language.

"I have been" (he begins), "in a station of great noise, without power or advantage whilst I was in it, and to my ruin now I am out of it. I know I cannot justify myself by saying, though it is true, that I thought to have prevented much mischief; for when first I found I could not, I ought to have quitted the service; neither is it an excuse that I have got none of those things which usually engage men in public affairs. My quality is the same as it ever was, and my estate much worse, even ruined, though I was born to a very considerable one, which I am ashamed to

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have spoiled though not so much as if I had increased it by indirect means." (O pure-hearted patriot! What of the Order of the Garter, and the goodly French guineas that comfortably lined your pockets, and those eight thousand ounces "borrowed" from the Jewel Office when you fled?)

"The pretence to a dispensing power . . . I never heard spoke of till the time of Monmouth's rebellion. . . . I think everybody advised him [*i.e.* the King] against it, but with little effect, as was soon seen. That party [*i.e.* the Catholics] was so pleased . . . that they persuaded him to mention it in his speech at the next meeting of Parliament; . . . in all which I opposed it, as is known to very considerable persons. . . .

"... Then the Ecclesiastical Court was set up, in which there being so many considerable men of several kinds, I could have but a small part, and that after lawyers had told the King it was legal, and nothing like the High Commission Court. ... I have hundreds of times begged the King never ... to change anything in the regular course of Ecclesiastical affairs. ... These things drew on me the anger and ill-will of many about the King. ...

"I often said to the King that if the present Parliament continued, he might be sure of all the help and service he could wish; but, in case he dissolved it, he must give over all thoughts of foreign affairs, for no other would assist him but on such terms as would ruin the monarchy: . . . but [I] being overpowered, the Parliament was broke, the closeting went on, and a new one was to be chosen. . . .

"In the midst of all the preparations, the King thought fit to order his Declarations to be read in all the Churches, of which I most solemnly protest I never heard one word till the King directed it in Council. That drew on the petition of the Archbishop of Canterbury, and of the other Lords and Bishops, and their prosecutions, which I was so violently and so openly against, that . . . I brought the fury of the Roman Catholics upon me to such a degree, that I was just sinking, and I wish I had then sunk. But, whatever I did foolishly to preserve myself, . . . I resolved to serve the public as well as I could. . . .

"I cannot omit saying something of France, there having been so much talk of a League between the two Kings; I do protest that I never knew of any. Last summer, indeed, French ships were offered to join with ours, and they were refused. Since the noise of the Prince's designs more ships were offered. . . I opposed to the death the accepting of them. . . If the report is true of those ships and money intended lately for England out of France, it was agreed upon since I was out of business, or without my knowledge. . . . My greatest misfortune has been to be thought the promoter of things I opposed and detested. . . .

"I lie under many other misfortunes and afflictions

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extremely heavy: but I hope they have brought me to reflect on the occasion of them; the loose negligent unthinking life I have hitherto led; having been perpetually hurried away from all good thoughts, by pleasure, idleness, the vanities of the court, or by business. I hope that I shall overcome all the disorders my former life had brought upon me; and that I shall spend the remaining part of it in begging of Almighty God that he will please either to put an end to my sufferings, or give me strength to bear them. . . .

"I would enlarge on this subject, but that I fear you might think something else to be the reason of it, besides a true sense of my faults, and that obliges me to refrain myself at present."

Splendid! if only there had been some grain of truth in it. Injured innocence, persecuted patriotism and Christian humility! Could such a combination leave unmoved an ungrateful nation? Industrious churchgoing pointed the moral and adorned his new simplicity of life. A clever fellow was Sunderland, able to judge his countrymen. The private virtues in England will excuse any amount of political immorality, but the highest administrative genius, the noblest public spirit are alike powerless to condone one lapse—one obtrusive lapse, that is—from the moral standards of seventeen and seventy. Si jeunesse savait, si vieillesse pouvait! But extreme youth knows not, extreme age cannot, and mankind sub-

Then Lord and Lady Sunderland slipped quietly home, though he had been especially exempted by name from the Act of Indemnity. To live quietly in the country was all they craved—they had felt the pulse of the times! At Althorpe, whither they retired, they were visited by Evelyn, who placed on record his unstinted admiration both of house and hostess. He had been, indeed, for some years Lady Sunderland's devoted friend and correspondent. To him she poured out all her troubles. To the end he believed her a woman of extraordinary piety and devotion.

By April 1691 Sunderland was again in town. On the 24th Evelyn notes in his diary: "I visited the Earl and Countess of Sunderland, now come to kiss the King's hand. This is a mystery."

It is indeed a mystery how Parliament allowed itself to be flouted in this matter. The ex-Minister had audience with the King and ere long was in high favour. On "December 1st," says Evelyn again, "I dined at Lord Sunderland's, now the great favourite and underhand politician, but not adventuring on any character, being obnoxious to the people for having twice changed his religion."

That was the rub. William, well knowing all his courtiers to be turncoats and time-servers, found in Sunderland a really able man, only one degree worse than the rest. But his reformation had come a little

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too late in life for the populace, his repentance had fallen flat. Nevertheless he had again taken his seat in the House of Lords. It was skilfully managed. The Earl waited for a day when the House was to meet only to adjourn. Few members were present when he slipped in and signed the oath. A few months later, in February 1693, Sunderland was seen publicly in attendance on the King in chapel. The news was quietly received, for few of those at Court were anxious to stir up the past. In Parliament he began to appear regularly in his place, but discreetly resisted any temptation to take part in the debates.

Signs of royal favour began to reappear. William granted the Earl a pension of two thousand pounds a year. In August of 1692 the King passed at least one night at his country seat of Althorpe. The debt that the Jewel Office had involuntarily loaned him was remitted, though that we may be sure was kept dark at headquarters. Henry Sidney was made Chief Secretary; Trevor, Bridgeman and others of Sunderland's old subordinates were appointed to important offices about the King. It is probable that Sidney's influence greatly helped him in winning back to power, for William had been devoted to the English Envoy at The Hague, having even named him head of the English troops in Holland, when King Charles had specially recommended the Earl of Albemarle.

But, however he managed it, the chameleon Earl c 33

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was soon again, in fact if not in name, Prime Minister. His influence has strangely moulded the subsequent course of politics in this country, for from his deliberate policy has directly resulted the party system, which everyone unites to condemn in theory to support in practice at the present day.

In his first Parliament William had followed the custom of his predecessors in choosing as his ministers representatives of both parties, those whom he thought would serve him best and assure him the support of the majority of both sides of the Commons. The result had been a complete lack of unity in the Cabinet, inconsistency in its policy, and the constant caballing and intriguing of one minister against another. William's hold on the throne was still precarious; some of the Tories were open and avowed Jacobites, others, though they had rallied round William's standard, had opposed his becoming King; they had wished him only to set James's house in order, and to bring pressure on that headstrong monarch to restore the Anglican peers to their former place in Church and State, and once more to slam the door upon the Catholics. Among both these sections, as among those of the Whigs who had not too deeply compromised themselves at the Revolution, were many who were intriguing with the King over the water. Whereas no one could be trusted, these men, suggested Sunderland, would be the most dangerous of all. William would be wise to attach to himself

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that party which predominated in the House of Commons, at that time the Whigs.

And William did, though not without demur, for he would have much preferred to play off one party against the other. That Sunderland's policy was the wisest at the time it would be idle to deny, but whether in the long run its results have been good is at least an open question. In the eighteenth century the party system, with the violent hatreds it engendered, nearly succeeded in once again establishing a despotic monarchy in these islands. At a later day, when monarchy itself has dwindled to a shadow and has become a pretty toy to amuse the people and divert their attention from the serious business of government, this same party system, carried to an extreme, has debauched the House of Commons, by making private members answerable, not to their constituents but to the party whip; while in the Upper House, now that social legislation is being tentatively formulated, the permanence of one party is assured through its offensive and defensive alliance with a single class.

Slowly but surely Sunderland managed to translate his theories into practice. A coalition was effected between the Whig leaders; one by one, Nottingham, Trevor, Leeds and Seymour, the leaders of the Tories, dropped out. Finally Godolphin also was ejected, or rather was persuaded to resign, through a masterly exercise of diplomacy on Sunderland's part, that excited the admiration of his fellow-

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conspirators. It was at this time that Sunderland achieved another, rather more important, diplomatic triumph, by bringing about a reconciliation between the sovereign and the Princess Anne, the heirapparent to the throne.

To mark his approbation, William honoured the Earl in the autumn of this year (1695) by a visit of a week's duration at Althorpe. He had become indispensable, and could even dare in the next session of Parliament to set at naught his master's wishes by voting for the formation of a parliamentary council of trade. For the Whigs were growing stronger, and bitterly they hated him. His vote was in the nature of a sop to Cerberus.

So prominent had the returned exile now become in the popular eye that it was at last thought safe to promote him to actual office. On 19th April 1697 the Earl of Dorset resigned the seals of Lord Chamberlain. Sunderland succeeded him. Then the tempest began to growl. William's presence was urgent on the Continent if France was ever to be held in check. But the kingdom must be governed in his absence. In April a Commission of Lords Justices was formed to act as regent. Amongst them was the new Lord Chamberlain. But, though there was general murmuring at this appointment, it was not until December of the same year that matters came to a head.

The King had petitioned Parliament for a "strong peace establishment," a request that savoured too much of a standing army to obtain support from The debate was animated the faithful Commons. and feeling ran high. "No person," cried one member, "well acquainted with the disastrous history of the last two reigns can doubt who the Minister is who is now whispering evil counsel into the ear of a third master." The torrent of hatred with which the favourite was universally regarded could no longer be held in check. The minister was like a fireship, declared Montague, dangerous at all times but most dangerous as a consort. Sunderland was left to face the onslaught alone. His colleagues were wild because he had preferred Vernon to Tom Wharton as Secretary of State. "God knows," wrote the piteous Vernon, "I have little joy of it." But the heart of the Cabinet remained unsoftened. Probably there was none who did not secretly rejoice at the downfall of the favourite now seen to be inevitable. In the country of the blind the one-eyed man is king. Those who had betrayed only one master felt themselves decidedly superior to one who had been false to three. And though Sunderland might be forgiven his treachery, his continued success took him beyond the bounds of pardon.

The only men whose interest was sufficiently bound up with the favourite's to force them to stand by him were his satellites, Trevor, Guy and Duncombe. But these men were too insignificant to withstand the tide of popular opinion. Trevor was Speaker of the Commons, but did not long enjoy the confidence of the House; Guy had been Secretary to the Treasury, but had been dismissed for dishonesty, while Duncombe was only a humble if honest goldsmith. An address was threatened in Parliament to beg the King to remove his treacherous minister; all the efforts of Trevor and his crew were powerless to ward it off. William appealed despairingly to the Whig Junto to save his favourite, but like a malignant Fate the Whigs stood by and smiled. It was true that Sunderland had led them into office, but the time had come for Sunderland to be brought to book for being in a position to do them so much favour.

The game was up, and the Lord Chamberlain knew it. His nerve gave way. Post-haste he fled to Kensington, and throwing himself on his knees before his Majesty implored him to take back the badge of office. William expostulated but acquiesced. Lord Sunderland's friends met him as he returned. Their faces were anxious in the moonlight, his was radiant. With misery they learnt what he had done. Why had he not waited till to-morrow? The crisis might even yet have been tided over. For the devoted satellites saw their own stars falling with their patron's. "To-morrow?" cried his lordship dramatically. "To-morrow would have ruined me; to-night has saved me." No wonder the Lord Chamberlain was satisfied, for complaisant Majesty had arranged that, though the favourite had resigned, the emoluments of office should still stream into his pockets. William's favour was unshaken, so Sunderland might look forward to a retreat of pleasant and profitable wire-pulling.

Meantime, his heaven-sent gifts of treachery were not allowed to rust. Early in 1698 they found an outlet in his own domestic circle, in the betrayal of his son-in-law, Clancarty.

Donough Maccarthy, fourth Earl of Clancarty, when barely aged sixteen, had been married to Elizabeth, Sunderland's second daughter, in the haphazard manner of the times. He had been carefully brought up in the Protestant faith, but, returning to Ireland immediately after his marriage, turned Catholic, to the unbounded annovance of his relatives. He espoused the cause of James II., and henceforward became an incorrigible Jacobite, being placed in command of a troop of horse and seeing some service in his native country. He was a breathless, buoyant, dissolute sort of person, headstrong and courageous, with an ugly streak of cruelty in his nature, that showed itself on one occasion by tossing a butcher in a blanket until he died-a fitting sport for supermen and peers! During the attack on Cork in 1690 Clancarty was made prisoner, and his ardour subjected to the chastening restraint of the Tower. Before long, however, he contrived to make his escape, by carefully dressing up his periwig block in his night clothes (a paternal government seems to have allowed its prisoners all the luxuries of the toilet), and leaving it in his bed with the inscription,

"This block must answer for me." He escaped to France, and fought in the wars until the Peace of Ryswick. Then, determined to visit his wife, who was living in London at her father's house in St James's Square, the young Earl put his head once more into the lion's jaws. His wife's waitingwoman betrayed him to Lord Spencer, who, with the consent and approval of Sunderland, raced off to give information to the Government. The same night Maccarthy was arrested as a traitor, present in England without a licence, and was lodged informally in Newgate.

Burning with rage against her father and brother, Elizabeth sought out King William and begged permission to join her husband in his prison. Clancarty's mother added her prayers for his release, and the influential and kind-hearted Lady Russell, moved by the romance of the story, threw herself on the side of mercy. An open enemy was in William's opinion perhaps less dangerous than a professing friend. He felt that without much risk he might be generous. Clancarty received his pardon and was dismissed the kingdom with a pension of three hundred pounds a year out of his forfeited estates, on condition that he no more meddled actively in politics.

Sunderland's passing annoyance at this episode was soon removed by the brilliant match he managed to arrange for this same son, who had inherited so much of his father's disposition. The lady was no other than Anne Churchill, Marlborough's second and favourite daughter. He promised that his son should be guided in all things by the Duke. Sunderland would have promised anything if he saw it promised worldly advantage!

On William's death Sunderland was graciously received by the new queen, Anne, but he was destined to take no further part in matters political. In September 1702, at his country seat at Althorpe, which had been so magnificently adorned out of the public purse, the Earl was taken dangerously ill. On the 28th he quitted for ever the intrigues and factions of the world.

There is little to add about his character that has not already appeared. He was called by a contemporary satirist

> "A second Machiavel, who soar'd above The little ties of gratitude and love."

But the comparison is hardly flattering to the Italian statesman, who was a much greater man than Sunderland, able though the Earl undoubtedly was. He was the very incarnation of the Restoration spirit. Teased by restless ambitions into feverish activity, plotting, intriguing, betraying, without principle or honour, hypocritical, cynical, rapacious, no spark of generosity touched him with any human interest. He was foppish and affected, and is credited with having made fashionable a curious pronunciation that reads like a modern Lancashire dialect with every long

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vowel metamorphosed into a double "a." "Whaat, my laard, if his maajesty taarns out faarty of us, may he not have faarty others to saarve him as well?" In their anxiety, however, to make themselves thorough courtiers, Titus Oates and his crew adopted this pronunciation, and Sunderland dropped it in disgust. Gaming was the chief passion of his life, until life itself became a persistent gamble. But his sound commercial instincts saved him from ruin, as they enabled him to crowd Althorpe with the spoils of palaces, and he took care when he was venturing office and emoluments always to play with loaded dice.

#### JOHN CHURCHILL, FIRST DUKE OF MARLBOROUGH (1650-1722)

IT was amid the sordid brilliancy of the Restoration Court that the name of Churchill first emerged from obscurity into the full flare of social and political activity. Among the crowd of needy cavaliers who thronged Whitehall hoping for the reward of their devotion was one Sir Winston Churchill, who had proved his loyalty by a long and tedious treatise on monarchy and monarchs. But his most religious Majesty could endure a traitor rather than a bore. Preferment and distinctions never came Sir Winston's way. Royal gratitude, however, agreed to launch his children on the stormy seas of Court intrigue. Arabella, his eldest daughter, was appointed maidof-honour to the Duchess of York; her brother, John, was made a page in the household of the Duke.

No one guessed that the stars in their courses were urging Arabella towards a brilliant destiny; she was "an ugly skeleton," says Grammont, "a tall creature, pale-faced, nothing but skin and bone," and this in a Court where Barbara Palmer, Nell Gwyn and Louise de Querouaille were acknowledged queens. But plainness, unredeemed by brains, exercised a strong fascination over the Duke of York, as it did over his Hanoverian successors. His witty brother was wont to insist that James's mistresses were chosen for him by his confessors by way of penance. However that may be, the Duke's glances sought out his Duchess's maid-of-honour; he fell violently in love with her, and she became his mistress.

Great was the rejoicing in the Churchill family over this unlooked-for luck. Since "virtue" on the lips of the exponents of conventional morality signifies merely the driving of a hard bargain by a woman, whereby she secures a permanent annuity in exchange for her caresses, why should the virtuous talk of dishonour in this connection? Arabella had made the most advantageous terms possible for herself. Hardly could the most eligible marriage offer her more. Henceforward she could render invaluable aid in the upbuilding of the family fortunes.

John Churchill, at anyrate, was prepared to regard his sister's peccadilloes in a practical manner, and turn them to his own advantage. Avarice and the desire for military glory were the two ruling passions of his life. He was courageous, and a man of great gifts and ability. He was shrewd enough to see that in a Court where everything went by favour there was now no real barrier to the achievement of his desires.

Accordingly Churchill obtained from the Duke of York his appointment to be an ensign in the Foot Guards. His rise was rapid. He fleshed his sword at Tangier and next saw service in Flanders. He had the good fortune to be singled out for special praise at the siege of Nymegen by the great



SARAH, DUCHESS OF MARLBOROUGH.

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Turenne himself. By the time of his return to England the "handsome Englishman" (to give him his common nickname) had obtained his captaincy, and had been appointed by Louis XIV. colonel of one of that monarch's English regiments.

The faint flavour of romance that hung about his military exploits, his handsome person and ingratiating manners soon made the young officer the darling of the Court. Frail beauties sighed for him, and he, provided that the liaison promised advantage to himself, was well pleased to return their passion. For Churchill was not of those scrupulous fools who disdain the benefits that woman's fondness can bestow. Chief among his lovers was Barbara Palmer, Lady Castlemaine, the voluptuous beauty whom King Charles II. created Duchess of Cleveland. What his Majesty would have thought of Barbara's kindness one can only conjecture; on one occasion he nearly stumbled upon the pair, but Churchill, to save his own skin and the lady's reputation, took a flying leap from her bedroom window. Out of gratitude and admiration for his courage, Lady Castlemaine presented her lover with five thousand pounds, which he, with admirable thrift and foresight, invested in an annuity of five hundred pounds on Lord Halifax's estate. So great was his avarice that it has even been asserted by Mrs Manley, and repeated by Pope, that John Churchill "lived to refuse his mistress half-a-crown." This was the foundation of the fortune with which a penniless adventurer built Blenheim Palace. All through his life he kept locked in a secret drawer "forty broad pieces" which, he once said proudly to Cadogan, were "the first sum he ever got in his life."

This life of intrigue and amorous adventure was soon cut short. Another woman came into Churchill's life, who even more than his sister or his mistresses helped him to gratify his ruling passion of avarice. This was beautiful, bad-tempered Sarah Jennings, the confidential attendant of the Princess Anne in the household of Mary of Modena, the second Duchess After a two years' courtship the pair were of York. married, in spite of the opposition of their respective Never was there such a man as the future families. victor of Malplaquet to make his affections and his fortunes march hand-in-hand. Sarah now exerted all her influence over the feeble-minded Princess to obtain grants and pensions for her husband and herself out of the ample revenue of thirty thousand pounds which had been allotted to James's daughter. Anne herself was of a careful nature; the management of her household was economical, verging even on stinginess; but she could deny her imperious favourite nothing. Time after time her perplexed and grumbling father was called on to pay enormous debts, occasioned by his daughter's generosity, which, of course, in the long run were made good by the nation.

Meantime Churchill was making himself every day more necessary to the Duke of York. His tact, his charm, above all his venality and complete lack of moral scruple, recommended him as an invaluable agent in those delicate, secret missions which were

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of such importance in the diplomacy of the two royal brothers. The traditions of the English crown have seldom been particularly glorious, but never have they sunk so low as under the later Stuarts. Quartering themselves at enormous expense upon the nation, Charles II. and James II. deliberately sold the national welfare into the hands of Louis XIV., willing for the military laurels achieved by Cromwell to wither, for the commercial prosperity of the nation to decline, so long as they could obtain a sufficient supply of *louis d'or* to make them independent of their Parliaments, to reduce the country to one vast personal estate. When Louis's largess fell below the requirements of the royal cormorants, there was an unfailing method of opening his pockets. The Prince of Orange, at the head of a federation of small states, was opposing the ambitions of the King of France on the Continent. The Prince was married to Mary, the elder daughter of the Duke of York. In 1678 Churchill was sent to negotiate with William as to the renewal of the Triple Alliance. In the autumn of the same year regiments were even sent to his support under the command of Churchill, who had recently been appointed a colonel of infantry. But the signing of the Peace of Nymegen almost immediately brought that officer back home again. Together with his wife he was in close attendance on the Duke of York during his exile at The Hague and his residence in Scotland, for James at this time was in bad odour with the people, who were in the heat of an antipapist reaction. On one occasion he was sent on a

mission to the King, urging him to make a closer alliance with the French, so that he might dispense altogether with a Parliament, and recall the heirpresumptive to the capital. Secrecy was specially enjoined—the reason is not far to seek. Though this counsel failed in its immediate effect the ambassador gave such satisfaction by his diplomacy that James was as pleased with him as if success had crowned his efforts. By his appreciative master Churchill was shortly afterwards raised to the Scottish peerage as Baron Churchill of Evemouth, and was appointed Colonel of the newly-formed Royal Regiment of Dragoons. His wife became one of the ladies of the bedchamber to the Princess Anne, recently married to Prince George of Denmark.

Obviously no better person could be chosen to announce to the King of France James's accession to the throne of England than this suave and accommodating diplomat. The English Crown was, as usual, just then in want of money. But the English Crown could not stoop directly to ask for it. It was felt, however, that Louis should be thanked for his past subsidies, and that this might be done in such a manner that he would of his own accord suggest a continuance. Churchill brought this delicate negotiation to a satisfactory issue and the French King payed up handsomely. This time a peerage of the United Kingdom rewarded the faithful servitor of needy royalty, who thereupon became Baron Churchill of Sandridge in Hertfordshire, and ensconced himself in the House of Lords as the progenitor of

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yet another family of hereditary rulers. It is an interesting point for those who defend our patriarchal government that Churchill's descendants do not sit in the Upper Chamber because their ancestor was a great general who made the name of England feared abroad, but because he was an unprincipled sycophant who did not scruple to exploit his royal master's treachery for his own private ends.

The arduous labours of fortune-building seem to have been fairly evenly divided between husband and wife. Lady Churchill had by this time brought the meek and stupid Princess Anne into a state of servile acquiescence in her own desires. The formal methods of address had been entirely dropped, and the well-known names of Mrs Morley and Mrs Freeman adopted. To Sarah belonged the glory of strengthening their position at the Court. Churchill, on the other hand, realising that there was likely to be trouble ahead with a professedly Papist King on the throne and bigoted anti-Catholic prejudice the country, steadily nursed his influence and in popularity in the army. At the time of Monmouth's rebellion he had reached the rank of Major-General. He retrieved Lord Feversham's blunders at the battle of Sedgemoor, for which he took care to be rewarded with the colonelcy of the third troop of the Horse Guards.

During the remainder of James's reign, Churchill took no part in public or political affairs. He has been held up to admiration by certain apologists for disinterested devotion to his religion, which, it is

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insinuated, made him forgo the sweets of office rather than humour his sovereign by joining the Catholic Church. Unfortunately human nature is suspicious of the disinterestedness of such a man. It is difficult to see what substantial benefits apostasy could have brought him. He was too useful for the monarch to quarrel with him, and his political inactivity gave him leisure for the consolidation of his fortune, which was the chief thing he cared about. As early as 1685 Churchill remarked to Ruvigny that if the new King attempted to change the "religion and constitution" of the country he would unhesitatingly quit his service-a pious-sounding phrase that hid a surprising deal of worldly wisdom. For though the King's desire to do without the Commons was in no way distasteful to Churchill, he had no mind that James should become independent of the nobility. The position of the great lords under the despotic Tudors was not yet forgotten by their descendants. For mere continued existence they had to creep and cringe before the sovereign: their tenure of office, of their estates, even of life itself was precarious and insecure. It would have been sheer suicidal folly for the seventeenth-century aristocracy, that had ceased to be in tutelage to the Crown, to acquiesce in the restoration of these old conditions. Their interest clearly was to consolidate their power, to form themselves into a strong oligarchy, alike independent of Crown and populace. The estates and vast revenues of the King attracted their greedy eyes. They began to dream of a foreign

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monarch who, owing his throne to the action of the peers, would know that the men who brought him in could turn him out again. Would not such a one be a better, a more generous, master to serve?

At the right moment there came among the discontented courtiers Dykvelt, the emissary of the Prince of Orange, particularly charged to pay attention to Lord Churchill. His mission was successful. Among the letters that he carried back to William was one containing a declaration from the Princess Anne that she "would suffer death rather than change her religion," a sentiment reiterated by Churchill on his own behalf. The following August his lordship wrote again to William that he "placed his honour absolutely in the hands of the Prince." Having thus got rid of that most uncomfortable companion of the self-seeker, he felt quite free to return to James with oaths of fidelity on his lips.

At this time, when the folly of trusting any of the courtiers around him had been made evident by the first batch of desertions to the Prince of Orange, James seems still to have clung to a belief in the integrity of this devoted subject. He assembled the chief officers of the army, among whom were the Duke of Grafton, Trelawney and the ferocious Kirke. He begged them as gentlemen and soldiers not to desert their sovereign. All assured him of their allegiance, and Churchill, more fervent than the rest, vowed that he would shed the last drop of his blood to defend his Majesty's sacred person.

William by this time had landed at Torbay. The

royal troops, largely composed of regiments hastily brought together from Ireland and Scotland, were mustered at Salisbury, waiting to oppose his inevitable march on London. Churchill was placed in command. Meanwhile the west country with loud cries of "No Popery and a Free Parliament!" was rallying round the invader. Devonshire and Delamere had raised his standard in the north. A slight skirmish with the insurgents was magnified by the tongue of rumour into a great battle, in which the army that had come to settle the affairs of England had annihilated some regiments of Irish Papists. "The Protestant religion and no Popery!" But still James hesitated and wavered. Churchill tried to get him to review the troops at Warminster, but a violent attack of bleeding at the nose held the monarch for three days longer at Salisbury. Strange stories began to fly about that James was to have been entrapped at Warminster, murdered some said! The King was advised to place Churchill and Grafton under a guard, and send them to Portsmouth. He decided to ignore these whispers. A council of war was called. Churchill advised an immediate advance, but James decided on a precipitate retreat. The General was discomfited. He felt himself suspected, discredited. That night Churchill and Grafton fled and joined the Prince of Orange. "He was a Protestant : he could not draw his sword against the Protestant cause," so his lordship urged in a letter he left behind him. It is a pity that his Protestantism did not inculcate some principle of personal honour. Lady Churchill has tried to explain her husband's conduct by vindicating her own, for their policy was dictated throughout by their joint interests.

"It was evident to all the world," she writes, "that as things were carried on by King James, everybody sooner or later must be ruined, who would not become a Roman Catholic. This made me very well pleased at the Prince of Orange undertaking to rescue us from such slavery. But I do solemnly protest, that, if there be truth in any mortal, I was so very simple a creature that I never once dreamt of his being King. . . . Having no ambition myself, I imagined that the Prince of Orange's sole design was to provide for the safety of his country, by obliging King James to keep the laws of ours, and that he would go back as soon as he had made us all happy. . . . However as I was perfectly convinced that a Roman Catholic is not to be trusted with the liberties of England I never once repined at the change of the government, no not in all the time of that long persecution I went through. . . ."

Indeed neither Lady Sarah nor her husband had any reason to repine at the change of government, for, on the flight of her father, the Princess Anne had become a much more important personage than she was before. Her favourites stood nearer to the throne.

Contrary, however, to Lady Churchill's naïve belief (or profession of belief), William's motive in the invasion of England was not merely to "make us all happy." Continental politics meant much more to him than did the prospect of English domestic bliss. He would not be regent, he would not be suffered merely on his wife's account. He would be king or nothing. The English people had an absolute right to choose their own sovereign; but if they did not choose him he would return to Holland and his European wars. Churchill and his wife therefore persuaded Anne to waive her claim to the crown in favour of her sister's husband—no difficult task, for William was not likely long to outlive his wife. The crown was settled on William and Mary jointly, and the administrative function was vested in him. Failing issue of their marriage, the crown was to pass to Anne and to her heirs.

Anne's acquiescence made all plain sailing, and Churchill's services were not forgotten. He was admitted to the Privy Council, made a gentleman of the bedchamber, and on 9th April 1689 was created Earl of Marlborough. Two months later, at the head of a brigade of English troops, he was sent to the help of the Prince of Waldeck, and once again his military genius achieved a brilliant victory. But the slime of avarice soiled everything he touched. The Jacobites made great capital out of his petty but lucrative peculations, and even the Whigs began to murmur. The names of soldiers who had died were left on the military registers, and their pay found its way into Marlborough's capacious pockets. Names were reduplicated, though, needless to say. troopers of the most manifold personality received no more than their single brethren. A large grant was made to him for the upkeep of a public table, yet, it was said, hardly ever had an officer been asked to dine with him.

While Marlborough was growing rich abroad, his wife was equally well occupied at home. It had been suggested to the Princess Anne that she should demand to have her revenue increased and secured to her by Act of Parliament. This the King opposed, and a sharp struggle ensued, which ended in a victory for Anne. She was voted an annual income of fifty thousand pounds, largely owing, it was generally thought, to the exertions and influence of the Churchills. Gratefully Anne determined to secure a pension of one thousand pounds a year out of this sum to her favourite. According to her own account, Lady Marlborough was astonished beyond measure, and only reluctantly accepted her mistress's bounty after much consultation with her friends.

To some men treachery is as essential as the air they breathe. No sooner had Marlborough helped to set William securely on the throne than he began plotting and intriguing with the exiled James. During his absence on the Continent the King had made Churchill one of the Advisory Council of nine, and had placed him in supreme command of the army. The prestige thus given him the Earl had strengthened by a vigorous and successful campaign in Ireland. Now he began to dream of a sort of military dictatorship.

The time was not unfavourable for a counter-

revolution. The Dutch King was unpopular, being morose and unsociable in his habits. He chose to live at Hampton, and not all the arguments of his courtiers could bring him nearer than Kensington. Whitehall was chill and deserted. Moreover, William was self-willed and not so amenable to persuasion as the Parliament could have wished. His Court was crowded with his old friends and fellow-countrymen, for whom he found lucrative offices and posts in every department of the Government. This was his greatest sin, for, in spite of similarity of religion and character, the English hated the Dutch with a deadly hatred born of unforgiven defeats, nurtured by naval and commercial rivalry. James's crimes had been many, but he had never achieved the crowning blunder of being born a foreigner. Popular opinion was swerving back, in its usual rudderless fashion, in favour of the Stuart King.

After the shameful desertion at Salisbury camp, no one imagined that proposals from Churchill could ever again be entertained by the exiled King. Loudly had James declared that never, never would he pardon the arch-traitor. But there was nothing from which the brazen impudence of Marlborough shrank. He sought out the Jacobite agent, Colonel Sackville, and with tears in his eyes, and his tongue in his cheek, went through paroxysms of penitence. "Will you," he implored, "be my intercessor with the King? Will you tell him what I suffer? My crimes now appear to me in their true light; and I shrink with horror from the contemplation. The thought of them is with me day and night. I sit down to table, but I cannot eat. I throw myself on my bed, but I cannot sleep. I am ready to sacrifice everything, to brave everything, to bring utter ruin on my fortunes, if only I may be free from the misery of a wounded spirit."

The last sentence alone should have been enough to impugn his sincerity, but Sackville and his friends were no match for the histrionic Churchill. Thev put him to the test. He revealed to them important military secrets, the strength and organisation of the army, and the details of the campaign so carefully planned by William and himself. He told which of the Jacobites were under suspicion of the Government, and by due warning saved many from arrest. Great joy was in the Jacobite camp over this repentant and powerful sinner; willingly James sent him a written promise of pardon for his past offences. A hero and a renegade are not seldom the same person looked at from different points of view. It seemed to the ardent followers of James that Churchill was making glorious reparation for his misdeeds. Never once did it strike them that, if sincere, he was merely trying to wipe out one despicable treachery by another blacker still. He promised to bring over the army to the side of the exiled monarch. Meantime, through his wife, he obtained from the Princess Anne a letter in which she deplored her desertion of her father and begged for his forgiveness.

Marlborough knew well that nothing but the most absolute success would ever justify this second desertion in the eyes of his countrymen. He dared not run the risk of failure. So when James sent him a peremptory command to desert with the army in Flanders, Churchill discreetly misunderstood the order. His plan was deep-laid and subtle, calculated to put William in the wrong whatever happened. He undertook to introduce a Bill into the House of Lords demanding the dismissal of all foreigners from the royal service. If the King agreed he would be virtually in the hands of his powerful subject; if he refused he would find himself at loggerheads, not only with the Parliament but with the whole nation, so widespread had the dissatisfaction become. In anticipation of this measure Marlborough took care to sow discontent broadcast in the army. Wrote Burnett, in September 1693, in the first draft of his history, "He set himself to decry the King's conduct and to lessen him in all his discourses, and to possess the English with an aversion to the Dutch, who, as he pretended, had a much larger share of the King's favour than they had. . . . It grew to be the universal subject of discourse, and was the constant entertainment at Marleburrough's, where there was a constant randivous of the English officers." James himself has left a clear account of the plot. "If the Prince of Orange . . . had refused, he would have forced Parliament to declare against him; and at the same time Lord Churchill with the army was to declare for the Parliament; and the fleet was to do the same; and I was to be recalled."

But two desertions, one accomplished and one pro-

posed, cannot leave a man's reputation scathless. Marlborough had earned such a name for duplicity that some of his accomplices could in no way bring themselves to trust him. They could not see what the noble Earl hoped to gain from James that William was not prepared to give him. Might there not be another alternative? Perhaps, after all, he was fooling them all round.

Perhaps he was. It is unlikely that we shall ever know. At anyrate the third scheme for which he was supposed to be working is plausible enough. It was no less than this. Having by the help of the army and the Parliament driven out William, instead of bringing over James, he was to place the crown on the head of the Princess Anne. Then he and his wife would have been de facto rulers of the kingdom, with a degree of power to which they could never hope to attain under either of the rival monarchs. It is probable that the people, who on the whole were supremely indifferent to the change of dynasty that has been since magnified into a "glorious revolution," would have acquiesced. Anne had the advantage of her father in being a Protestant, and of Dutch William in being an Englishwoman. With the army under Churchill's thumb, two royal exiles might have impotently gnashed their teeth with rage, while Marlborough snapped his fingers at them both.

So the Jacobite plotters went to Portland and laid bare the scheme. William was alarmed. The cowardly double-dealers who thronged his Court

# Tarnished Coronets

could be trusted to slip between the rival stools to which they clung. Their perfidy might be ignored. But Marlborough was a man of different calibre. So the would-be king-maker found himself in disgrace, stripped of all his offices and pensions. But Anne refused to give up the companionship of her dear Lady Marlborough, who even had the audacity to appear at one of the Oueen's drawing-rooms. Recriminations followed. Anne retired from the royal palace, carrying her favourite with her. Their Majesties pursued her with impolitic vindictiveness. Her guard of honour was taken away. The Mayor of Bath when she visited that city, the very clergyman of the church in which she worshipped, were forbidden to treat her with the deference accorded to royal rank. But the cause of the quarrel and Marlborough's treachery were not made public. A thousand rumours were abroad as to the cause of his disgrace. He was able to assume the pose of injured innocence. Odium which should rightly have attached to him clung to the King and Oueen; Anne and her favourites had the sympathy of the populace.

In the last decade of the seventeenth century the trade of professional plot-discoverer was beginning to decay. It still, however, attracted a certain number of men. In May 1692 a thieving rascal named Robert Young laid information against some of the best-known Jacobites. As a result, Marlborough found himself suddenly and without warning lodged in the Tower. The forgery, however, was exposed, and the Earl was released on bail. But a few weeks later he was dismissed from the Privy Council, and along with him Halifax and Shrewsbury, who had been his sureties.

Marlborough's disgrace had touched him on the raw, for the offices of which he was deprived carried with them the most handsome emoluments. At one blow he had been stripped of honours, and of the one thing which might have consoled him for their loss. Casting about for some means of revenging himself on the King, and at the same time of reinstating himself in power, he devised a piece of treachery baser by far than any of the base deeds with which he had hitherto stained his honour.

The long war with France was still dragging on. By the concentration of his forces in the Mediterranean Louis was hoping with one final effort to effect the reduction of Spain. An English squadron had been prepared by William to frustrate this attempt and simultaneously an attacking expedition under General Talmash was to be sent to Brest. It was not difficult for Marlborough to worm out the full details of this campaign, and post-haste he sent to Saint Germains full particulars. "This," he wrote to James, "would be a great advantage to England. But no consideration can, or ever shall hinder me from letting you know what I think may be for your service." It is difficult to see what Churchill could hope to gain at the moment from the dethroned King by this display of treacherous zeal, but his own interests are clear enough. Talmash was his only rival, the only officer in the English army on whom his own mantle could possibly fall. If Talmash ignominiously failed, to whom but himself could the nation look to guide their arms to victory? Necessity would force William to swallow down his anger, and take back his one capable officer into favour.

The plan succeeded admirably. The expedition sailed. Where they had looked to find an insufficiently protected harbour the commanders discovered a solid wall of batteries, and a disciplined army drawn up for their defeat. The English troops were beaten back with terrible loss, and Talmash fell, struck by a cannon-ball in the thigh. Not less than seven hundred soldiers and four hundred seamen fell victims to Churchill's perfidy.

But no one knew. Though it was clear that treachery had been at work no one even suspected the suave and gracious courtier. Marlborough hastened to the Court, with expressions of concern and sorrow on his lips. He begged that at this unfortunate juncture he might once more be permitted to give his services to his country. He came, says Shrewsbury, "with all imaginable expressions of duty and fidelity." Ministers were anxious to accept his offer. The country clamoured for his reinstatement, but William, who saw further and clearer than most of those around him, sent a curt refusal from the Netherlands. Marlborough therefore for some years longer continued a desultory correspondence with Saint Germains, ready, if at any time it should seem advantageous, to plunge the country once again into the horrors of civil war.

Hitherto Anne's chances of succeeding to the crown had been regarded as more than doubtful. The Queen was a vigorous, robust woman, and though it was now not likely that she would have a child by William, the King had for some time been considered by the doctors as good as dead. It was unlikely that Mary would remain long a widow. Before many years she would probably have heirs by another husband. But suddenly and unexpectedly, on 26th December 1694, the Queen died. Matters immediately took on a new complexion. Nothing now stood between the Princess and the throne but the feeble life of William.

Away with all thoughts of Saint Germains! Fortune had dashed down Marlborough only to raise him again to a loftier pinnacle of fortune. The quarrel that for so long had separated Anne from their Majesties was settled by the good offices of Sunderland and Somers. Once again the Princess was lodged in St James's; her guard of honour was restored, and everywhere she was treated with the respect due to the heir-presumptive to the crown. But not all at once could Churchill win back to royal favour. William still excluded him from office, but in 1695 he unbent sufficiently to allow the Earl once more to kiss his hand. The following year there came another painful crisis. A Jacobite plot had been afoot. Sir John Fenwick was denounced as implicated. He was arrested in 1696 and urged to save his neck by making a full confession. Fearing death, yet determined not to betray his friends,

Fenwick made a spurious confession. Instead of evidence of the actual plot, in which he had been concerned, he spun a long story, based on hearsay only, of the perfidies of those lukewarm friends of James who, constantly failing at the critical moment, were almost more harmful to the Stuart King than his open foes. Marlborough was one of these. Russell, Shrewsbury, Godolphin-all were named. William dared not risk the *débâcle* that would have followed a close inquiry into the conduct of these ministers, who for the time being were the chief supporters of his throne. A Bill of Attainder against Fenwick passed after stormy debates in both houses. Marlborough, calm, unruffled to the outward view, tepidly interested, slightly contemptuous, sat through the discussions, speaking and voting for the Bill. Fenwick was executed. Churchill breathed again.

Two years later he was perforce received back into full favour with the King, on being appointed governor to Anne's son, the Duke of Gloucester, now raised to the dignity of a household of his own. William had probably decided that the Earl's interests were at last fixed on the side of the Act of Settlement too securely for treachery. He was reinvested with his military rank and honours, and again admitted to the Privy Council. For three successive years he was made one of the rural lord justices during the King's absence on the Continent. Another trump card still remained to play. Marlborough, who had built up his fortune on the favours of women—of his sister, his mistresses, his wife—now discovered that his

daughters could be used still further to strengthen his position. He married Henrietta, the eldest, to Lord Godolphin's son, and Anne, the second, to Lord Spencer, Sunderland's only son and heir. Spencer's political views were a drawback, but these her father consented to overlook when the Princess Anne insisted on providing the sum of five thousand pounds as a dowry, as she had done in Henrietta's case. His two remaining daughters Marlborough contrived to establish equally well a year or two later, marrying one to the Earl of Bridgewater and Mary, the youngest, to the son of the Earl of Montague, whom he persuaded the Queen to raise to a Dukedom.

The succession of Anne to the throne raised the fortunes of the Churchills to their greatest height. Wealth and honours were showered upon them. In succession to the Earl of Portland, Lady Marlborough was made ranger of Windsor Forest, with a comfortable salary and the use of Windsor Lodge. She became Mistress of the Robes, Keeper of the Privy Purse and Groom of the Stole. Her husband received the coveted distinction of the Garter, which William had persistently refused him, and was made in quick succession Captain-General of the Forces and Master-General of the Ordnance. Further preferments awaited him, for it was decided by a large majority in the Cabinet to continue the Continental war. Accordingly, Marlborough set sail for Holland, where he was appointed Commander-in-Chief of the Forces, with a salary of ten thousand pounds a year.

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#### Tarnished Coronets

The recklessness with which the governments of the eighteenth century plunged the country into the vortex of extravagantly wasteful European war has been shamefully glossed over by historians. In most cases the pretext for hostilities was ridiculously trivial, and smaller still the benefit that England received from even her most glorious campaigns. But there was a rich harvest to be gleaned by the rulers of the country. In the old feudal days land had its burdens as well as its privileges. Personal service must be rendered in times of war. Gradually for body service had been substituted money payments, which until the middle of the seventeenth century had formed about one half of the Crown revenues. But refusing any longer to tolerate this imposition the nobles of the Restoration had unanimously removed the burden on to the shoulders of the general public. The land-tax had given place to Customs and Excise. There was no reason, therefore, for the aristocracy to dread a war. When foreign ports were closed the price of English wheat was up, when wheat went up rents rose, and the landlord's heart grew merry. There were fine pickings to be had in times of war at the public offices-large sums of money to be handled of which no very strict account need be rendered. There were military and naval appointments to be had for the asking, that provided for the horde of poor relations and sycophants who always clung to the skirts of a great nobleman. Decidedly war was a great game!

It is not my purpose here to follow Marlborough through his various campaigns, to show his military

genius, to dilate on the glory of his victories. To do so would require a whole volume. And, indeed, all these things are a matter of common knowledge to the whole English-speaking world. But armies, battles and the lives of men were to this brilliant general but as so many pawns, to be marched and counter-marched, to be lost and won, just as they served his interests and his unparalleled ambitions. Though men by thousands were laying down their lives, though the vitality of the country was being sapped by the constant drain upon its resources, though the great masses of the population were sunk in a social misery and degradation almost inconceivable, largely through the evil influence of the war, Marlborough did not hesitate to drag out operations for his own personal advantage, until matters were suddenly and peremptorily taken out of his hands by ministers in London.

His gains from the war indeed were enormous. For some years before the first campaign in the Netherlands England had cut a poor figure in arms, and gratefully Parliament welcomed his successes, declaring that he "had signally retrieved the ancient honour of this nation." The enthusiastic Queen raised him to a dukedom, overcoming his scruples on the score of necessarily increased expenditure by an annual grant of five thousand pounds for her lifetime out of the revenues of the post office. Eagerly she begged the Commons to secure this pension to the Duke and his heirs for ever. But for the moment Parliament refused, with an eye on

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the Civil List, for the late King had alienated the major part of the Crown revenues in pensions to greedy favourites. Burning with indignation, Anne thereupon offered the Duchess an additional pension of two thousand pounds a year from her own private purse. But charges of grasping avarice were being freely circulated, and reluctantly the Marlboroughs recognised it would be politic to refuse.

England has frequently allowed her poets, her artists and scientists to starve, but never can she be accused of not rewarding her great generals. After the victory of Blenheim the Commons passed an Act to enable the Queen to bestow upon the conqueror the royal manor of Woodstock with the hundred of Wotton. Anne, herself rejoicing that the opposition to her favourites had been so effectually silenced, accompanied this gift with an order to the Board of Works for the building of Blenheim Palace at the public expense. Plans were drawn out by Vanbrugh, and the work began forthwith. Ramillies again was the occasion of further favours. Parliament now consented to the Queen's request, and secured the five thousand pounds' pension from the post office to Marlborough's heirs for ever, at the same time, owing to the death of his only son, entailing all his titles and estates in the female line. But not only to his own country did Marlborough look for reward. On the reduction of Brabant the Emperor immediately assigned the administration of the Belgic province to the great general. This would have brought him no less than sixty thousand pounds a year. The

protests of the Dutch, however, who had been fighting to get some fixed barrier of their own, forced Marlborough to relinquish the much-coveted prize. In later years, when his influence at home was broken, he claimed the fulfilment of this promise, but the imperial gratitude was moderated by time and distance. The Dutch could not easily be offended, and the province vanished like Sancho Panza's Island.

Already, even before the storming of the Schellenberg, the Emperor had expressed his desire of making Marlborough a Prince of the Holy Roman Empire, an offer which at first the general seemed disposed to regard slightingly. "What is offered," he wrote to his wife, "will in history ever remain an honour to my family. But I wish myself so well that I hope I shall never want the income of the land, which no doubt will be but little, not enjoying the privilege of German assemblies. However this is the utmost expression that they can make, and therefore ought to be taken as it is meant." After Blenheim the proposal was repeated, but was ultimately suspended till the following year, as the Duke was unwilling to accept an empty title not backed by a gift of lands and revenues. By November 1705 this difficulty had been overcome, and, by favour of the Emperor Joseph, Marlborough was duly installed in his principality of Mindelheim, and entitled to a seat and vote among the German princes. The title of Prince was made transmissible in the female line and is borne by his descendants at the present day; but the more substantial honours, the fief itself with its revenue of from fifteen to twenty thousand German crowns, was entailed strictly on his heirs male, a provision which the Duke bitterly resented.

So much for the legitimate if disproportionate spoils that the long war brought to Marlborough. Towards the end his influence declined, owing to the intrigues of politicians at home, and his wife's constant bickerings, deepening to a deadly guarrel, with the Queen. In September 1711 the preliminaries of peace were signed, military operations were suspended and Marlborough returned home to find himself grievously out of favour and accused of peculation. Unfortunately the charges against him were only too well founded. Of patriotism we find not a trace in Marlborough's character. He coquetted with the enemy, and corresponded with Saint Germains even while in the field at the head of the English forces. He ran the war as a merchant runs a private business -for his own personal profit and glory.

The late South African War taught us a little about the ways of modern army contractors. The War of the Succession showed our forefathers the Commander-in-Chief of the British army indulging in the same disgraceful commerce. The first charge against Lord Marlborough was based on the deposition of Sir Soloman de Medina, who held the contract for supplying the armies in the Netherlands with bread and bread-waggons. Sir Soloman was in the habit, he affirmed on oath, of paying to his Grace of Marlborough a large gratuity every year in respect of the said contract, which, for the years from 1707 to

1711 inclusive, amounted to the enormous sum of over three hundred and thirty-two thousand, four hundred and twenty-five gilders. From Soloman's predecessor the Duke had received a very similar amount. making altogether a grand total of over six hundred and sixty-four thousand, eight hundred and fifty-one gilders, a sum equal in English money to over sixtythree thousand, three hundred and nineteen pounds. That he had received this money was not denied by Marlborough. He pleaded that such a commission always had been, both before and since the Revolution, the perquisite of the commanding officer in the field. To which the Commissioners appointed to investigate the matter retorted that they could find no precedent for the custom, and that in any case precedent would be no justification. There have been other instances of such jobbery since the days of Marlborough. The conclusion is forced upon every impartial student of history that the English aristocracy in matters of business have shown all the instincts of the bargain counter and the pedlar's booth, without even the small measure of honesty necessary for the upkeep of these institutions.

The second charge against the Duke was equally serious. During the war, many thousands of foreign soldiers had been taken into the pay of England. Certain sums had been voted yearly by Parliament for their maintenance, from all of which sums a deduction of two and a half per cent. was to be made, to provide against extra expenses that could not be foreseen by Parliament. The expenditure of this percentage was to be

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left to the discretion of the Duke, to be fully accounted for in his records. But from the very beginning of the war, while sums amounting to two hundred and eighty-two thousand, three hundred and sixty-six pounds nine shillings and sevenpence, and one hundred and seventy-seven thousand, six hundred and ninety-five pounds seventeen shillings had been handed over, Marlborough had steadily refused to account for a single penny. This he appropriated to his own use and denied that it was public money. But on the publication of the Commissioners' Report, perceiving that this attitude could scarcely be maintained, he drew up a lame and tedious defence in the tone of injured innocence. He protested that every shilling had heen used as secret service money for the advancement of the country's interests, and ingeniously urged that rendering an account of these disbursements would have made them unavailing. With an audacity that takes the reader's breath, he claimed great credit to himself for the economy with which he had conducted the campaigns, for the disinterestedness with which he had applied these sums to the country's service. But the secret service had already been provided for by special parliamentary grants. The royal warrant had expressly declared that the two and a half per cent. was to be expended on the foreign regiments. Marlborough had already declared that he did not look on this as public money. If the secret service money was so inadequate it was his duty to have made representations to the House of Commons. The nobility of character which would have made him sacrifice over four hundred and fifty thousand pounds to the public weal, in direct disobedience to his orders, has yet to be discovered by an apologist of Churchill.

The Commissioners' Report was laid before the House of Commons, and pending investigations the Duke was stripped of all his offices. A prosecution was ordered by the Attorney-General. But Marlborough put his private affairs in order and quietly went abroad. In 1713 he was joined by the Duchess, who, having successfully claimed twenty-two thousand pounds as arrears on account of the pension of two thousand pounds refused by her after her husband's first campaign, had shaken off the dust of the palace from her feet, and had departed, a picture of indignation made articulate, laden with the locks and carvings of her apartments at St James's. New charges were brought against the Duke, of having pocketed dead men's pay. It is difficult to substantiate their truth, but the ultimate estimate of his character is not much affected one way or another.

It was not to be expected that Marlborough, who had betrayed one king with protestations of devotion on his lips; who had plotted against another, loaded meantime with his favours; who for ambition's sake had sent hundreds of gallant soldiers to certain death at Brest; who had intrigued with the enemy on the field of battle—it was not to be expected that he should be content to vanish altogether from public affairs, though disgraced and dismissed the royal favour. His life on the Continent was one of petty intrigue and treachery; intrigues with the Whigs and intrigues with the Tories; intrigues with Saint Germains and intrigues with Hanover; alternately helping the Pretender and spying upon him, selling his information to the German Court. It is a sordid story, too tedious to be followed in detail. He was always stretching out his hand to the wires that made the royal puppets dance.

In spite of the cabal of his enemies and the prosecution that Parliament had ordered to proceed against him, Marlborough returned to England in the train of George I. Before long he managed to get back his old offices of Captain-General and Master of the Ordnance. But his powers were failing, both bodily and mental. In 1716 paralysis struck him down. He occupied himself more and more with private and domestic matters, with his cards, his horses and his grandchildren. The thrift of his youth, the avarice of his manhood, grew into the miserliness of old age; we read how he cavilled at paying sixpence for a chair when he was too ill to walk. He lingered on till June 1722, when another paralytic stroke caused his death. At his funeral only his glorious achievements were remembered : he received the respectful homage of multitudes due to Marlborough the victor of Blenheim and Ramillies, not to Marlborough the man. In this charitable homage alas! posterity cannot acquiesce, since claims are made to-day that invite inquiry into the character of the founders of every family whose head sits in the House of Peers.

The Duchess survived her husband for three and twenty years, which time she occupied in finishing Blenheim, building houses, acquiring landed property, fighting lawsuits and quarrelling with her family. All of this she seems to have accomplished with the usual combination of capacity and bluster. Walpole she hated with a bitter hatred, Cadogan she accused of misappropriating funds entrusted to him by her husband; with Vanbrugh she quarrelled about Blenheim, with the Duke of St Albans about the rangership of Windsor Forest. Her will, under which she left ten thousand pounds to William Pitt, bears witness to the ability with which she managed her worldly affairs. The "Vindication of her Conduct" was first drawn up in 1711, but by Bishop Burnet's counsel was held over until 1742, when party feelings had quietened down. But even then the audacious and mendacious narrative provoked a storm of controversy.

The duchy of Marlborough passed to Henrietta, Countess of Godolphin, who was succeeded by her nephew, Charles Spencer, eldest son of the Earl of Sunderland. Five dukes have borne the title since his death, but, though all have enjoyed the highest honours the state can bestow, not one has distinguished himself by any signal service to his country. One indeed obtained the rangership of Wychwood Forest, where, contrary to the terms of the royal grant, he converted the timber to his own uses. "The greatest part of the timber has been cut at much waste, and there is now very little left." Thus

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ran the report of the Land Revenue Commissioners. on their visit to the forest. Of the sixth Duke the Dictionary of National Biography speaks fervently. "He is best known as the author of an Act that bears his name for strengthening the Church of England in large towns, by the subdivision of extensive parishes, and the erection of smaller vicarages and incumbencies." And again "he made an able speech in opposition to the third reading of the Deceased Wife's Sister's Marriage Bill." Non omnis morietur ! But more especially did this nobleman show his devotion to the commonweal by agreeing to the commutation, for the sum of one hundred and seven thousand pounds, of the pension of five thousand pounds granted to the victor of Blenheim and his heirs for ever.

The rise of the house of Churchill is not a glorious history; or rather its glory is dimmed and tarnished by treachery and greed. Money is not without its romance. The impassioned imagination of Elizabethan days could invest heaps of metal with a magic glamour. The Jew of Malta is cast by Marlowe in half-heroic mould; the figure of Shylock is touched with tragic dignity. But about the eighteenth century was nothing of passion or imagination. Its emotions were small, its ambitions sordid, its sins were mean and petty. And smaller than all were its great men. Marlborough was typical of his century. Of infinite capacity and great abilities, he lacked the touch of generous fire essential to genius. All the finer elements were absent from his character.

Honour, glory, love and patriotism—he brought all into the market-place and bartered them for money. He fought his country's battles, but he fought for Blenheim Palace, his perpetual pension of five thousand pounds, and for the sixty-two thousand pounds a year that he and his Duchess held in offices about the Court.

#### SIMON FRAZER THIRTEENTH LORD LOVAT (1676(?)-1747)

WHILE Sunderland and Marlborough in England were playing their double game between St James's and Saint Germains, there were not lacking north of the Tweed greedy self-seekers to do the same. The winning side had no monopoly of tractors. Many of the great Highland chiefs it is true were still capable of a self-sacrificing loyalty unknown to the English nobility, for the organisation of society beyond the Grampians contained elements foreign to southern civilisation. The chieftains plundered more violently, more openly than did their more polished brethren, who preferred to give their pilfering a show of legality; they held the lives of their followers in their hands; but the welfare of the chief was bound up with the welfare of his clan, and the warm personal feeling that existed between him and his clansmen encouraged him to tender to his sovereign the same unquestioning devotion. But this feeling of responsibility towards his tenants was not shared by the great Lowland lords, any more than by the nobles of the English Court. Their own aggrandisement was the only rule of life they knew.

A strange mixture of the Highland and the Lowland was Simon Frazer, thirteenth Lord Lovat. History has painted him in colours darker than any of his



SIMON FRAZER, LORD LOVAT.

contemporaries. He was, says Macaulay, a "desperate shuffler and paltry traitor who tried to blow hot and cold: to fawn on Hanover with one hand, and to beckon on the Stuarts with the other. . . . History hardly recalls a baser figure than that of Simon Frazer." He was the chief of a great Highland clan; he bore a Norman name, and a Lowland title. He was half imbued with the notions of the English nobles, but he was devoted passionately to his pedigree and the proud position of his clan, and this devotion led him to draggle both in the mire of intrigue and treachery, in order that he might make good his claim to the chieftainship and win back his forfeited estates. He could insinuate himself as easily into the favour of a monarch as of a woman, and would toss the one aside as lightly as the other, when his caprice or interest changed. His public and private life was equally notorious.

Simon was not born directly in the aristocratic purple, for he was only the second son of his father, who in turn was the fourth out of the six sons of Hugh, the ninth Lord Frazer of Lovat. His mother belonged to the ancient family of the Macleods of Macleod. In his Memoirs he gives 1676 as the year of his birth, though the date is usually placed by historians some ten years earlier. It is true that at his trial Simon declared himself a patriarch of eighty, but there is little doubt that this was only a stage device designed to move the pity of the judges. Of his boyhood we have but scanty records. Probably it was troublous, to match the times, but the truth of the story in the Memoirs is doubtful, which asserts that he was thrice 'imprisoned by hereditary enemies before the age of sixteen.

The education of the "wild highlanders" was often at this period more thorough than that of the English nobles. Simon went to the Grammar School at Inverness, and in 1691 we find him entered at King's College, Aberdeen. He was a "lad o' pairts" and fond of reading, at which he managed to put in ten hours a day. He acquired a good knowledge of the classics and, in his own words, "a little taste of Logics and Philosophy"; after the regulation four years' course he graduated M.A. in 1695.

Death, meanwhile, had been busy in his family. Alexander, his elder brother, was dead, and Simon was now his father's heir. The Lovat title was borne by Lord Hugh Frazer, his cousin, a man of "contracted understanding," who had married into the powerful Atholl family. His wife, the Lady Amelia Murray, had brought him three sons, all of whom had succumbed in infancy to the conditions of life imposed at that time on unfortunate childhood. Amelia, his eldest daughter, was now his heiress, provided she married a husband of the Frazer clan. But the nearest male heir to the title and estates was Thomas Frazer, Simon's father.

And the Lovat estates might well tempt covetous eyes. There were stretches of loch and moorland, with bleak mountain heights. There was wild Stratherrick and the Falls of Foyers; but there was also the *Aird MacShimi* on the Beauly Firth, which, compared with the lands of neighbouring chiefs, was rich and fruitful. And with these lands went the chieftainship of a great clan, the devotion of hundreds of warlike men, with all the power and influence that attached to the person of the Frazer.

No wonder that other interests began to push the "logics and philosophy" from Simon's scheming head. A woman could not lead the clan to battle; the head of the Frazers should be valiant, warlike. So Simon justified himself to himself.

Meantime, Lord Tullibardine, son of the Marquis of Atholl, and therefore uncle of the heiress, unconscious of the workings of Simon's mind, obtained for his young kinsman a company of Grenadiers. Simon was a Jacobite, but swallowed down his scruples against entering King William's service with a resolve to betray his master if he could. In 1696 he was in London with Lord Lovat, his friend and boon companion, whom he persuaded to draw up a deed against his own daughter, in favour of Simon's father, Thomas Frazer. Later there were found two bonds each for fifty thousand merks made out by Lovat to "My cousin, Master Simon Frazer," both of them, alas! impudent forgeries of the needy adventurer.

In the September following Lord Hugh died at Perth. Then the war began. Immediately Thomas Frazer styled himself Lord Lovat; his son, after the Scottish manner, the Master of Lovat. This the Atholls had to endure, but determined to keep the estates in their own family.

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But Amelia was an heiress, therefore to be wooed, she was feminine, and therefore might be won, and presumably would have no will or inclinations of her own. So Simon argued. He planned the abduction of the young lady, then at the tender age of ten, but the design fell through. Tullibardine countermoved with further matrimonial plans. Lord Frazer of Saltoun and his son were invited to visit the Dowager Lady Lovat at Castle Downie. On their return journey, however, they were attacked near Inverness by Simon at the head of a band of clansmen, and made close prisoners. Saltoun's life was spared on a written undertaking that he, the perfidious Lowlander, never would again harbour designs upon the heiress of the estates. And now it was war to the knife. Simon had placed himself outside the law; but he never doubted that in his Highland fastnesses, surrounded by devoted followers, he could defy the Government until he could wring good terms from them.

But, thwarted in his abduction of the heiress, Simon still had other cards to play. The daughter was beyond his grasp, the mother might be made to serve his turn. With a band of armed Stratherrick men, he swooped down on Castle Downie; made the Dowager prisoner in her room, and forced her through a form of marriage. Fiercely she resisted: Simon ordered the bagpipes to strike up to drown her shrieking. For two days afterwards she lay almost dying; then Simon, hearing that the Murrays were setting all the engines of the Government in motion against him, dragged away the poor woman to a barren island in the Beauly River, where he prepared to defend himself against reprisals. An attack was made upon him under Lord Mungo and Lord James Murray, but the island of Eilean Arjas was rocky and well adapted to defence, and Simon's friends had been able to send him warning beforehand.

Rumour was busy speculating what course the Scottish courts would adopt with regard to this audacious rebel. One morning Simon found in the cleft of a tree a citation to appear at Edinburgh for trial. Then he heard that letters of intercommuning were out against him and his followers. That meant that he was to be treated as an outcast by the clan. Further, a price was set on the heads of both the selfstyled Lord and Master of Lovat.

There was bad faith on the side of the Murrays, as on that of the Frazers. By a ruse Simon's newly wedded wife was enticed to Castle Downie, and then escorted by a band of armed men to her father's house, where she was kept close prisoner. She never saw her captor again, and he in after years was accustomed to laugh contemptuously over the whole affair, declaring that never for one moment had he looked on her as his wife. Indeed in that chivalrous age a woman of thirty-one was a fitting object of scorn to a man of the world. No wonder the poor creatures died young !

But at every turn of his life this first act of ruffianism turned up to hamper him. And first a military expedition was sent into the Frazer country to harry and lay waste. But Simon, knowing every cleft in the rocks, and every hiding-place in the mountains, was able for some time to keep his enemies at bay. More troops poured in under Atholl. Pursuit became too hot. The two outlawed Frazers fled to the island of Skye, where at Dunvegan Castle, under the roof-tree of the Macleod, they enjoyed security for some time. Here in May 1699 the elder Frazer died. Simon assumed the style of Lord Lovat.

While the outlaws were living peaceably in Skye a curious drama was being played out, down in Edinburgh. Simon, his father, with twenty of the chief men of his clan were put on their trial for high treason, and in Simon's case there was an additional charge of "excessive barbarity" against the Dowager Lady Lovat. According to Scottish law this proceeding was quite irregular, for treason cases must be tried in the presence of the accused. However, irregular or not, one and all were convicted, and sentenced to death as traitors, though without the horrible accompaniments that the English law prescribed in similar cases.

Young Frazer meantime, in the west, had tired of inactivity. Never lacking in courage, he returned to his own country, to find the Murrays in occupation. With fifty men he retired to the wilds of Stratherrick, and summoning reinforcements made a bold attack on his enemies, who surrendered at discretion. Lovat (to call him such for convenience sake) would have put all the prisoners to the sword, but was held back from so savage a breach of the rules of war by his more civilised companions. His vanity however devised another way. His men were drawn up in the Roman manner, and the Atholl men, with James and Mungo Murray, were forced to pass under the yoke. At the same time they must swear upon a naked dirk that they "renounced their claims in Jesus Christ, and their hopes of heaven, and devoted themselves to the devil and all the torments of hell, if they ever returned into the territories of Lovat, or occasioned him directly or indirectly the smallest mischief."

At this point in his affairs Simon began to see that Atholl's enemies might yield him more assistance than his own friends. Chief of those was the Earl of Argyll, whose father Atholl had hastened to the block, and who was more completely in King William's confidence than any other nobleman. Argyll decided to befriend the outlaw. He persuaded his Majesty that, after all, Simon's offences had not been great; that the sentence of the Scottish courts was unjust; that the time had come for clemency. So Simon, whose life was forfeit, was summoned to London to make his submission and to receive the royal pardon. But while in the presence of kings, Frazer's Jacobite sympathies again came uppermost. He crossed over to Saint Germains, where he insinuated himself into the good graces of the ex-King James, and managed so successfully to defame the house of Atholl that it would assuredly

have gone ill with the Marquis if the King had ever been destined to enjoy his own again.

Having set himself right with both dynasties, Lovat now hastened back home to hold the estates of which he had taken possession. He set on foot an action against the Murrays for damages to the value of "four hundred thousand livres," to which Atholl replied by once again indicting Simon on a charge of rape, now modified to what in Scottish law was known as "rapt." At first he intended to go to Edinburgh for the trial, but Argyll, fearing that the capital might prove unhealthy for one who had so many enemies, furnished him with money and a horse. So while Lovat's name was being cried by the heralds at the Parliament House, he himself was o'er the border and away to London. By the court his marriage was declared illegal, a decision that fitted in rather well with the plans which Simon was now forming for himself. There was an heiress in the wind with a fortune of twenty thousand pounds which Simon thought would go far to setting him up on his debt-encumbered estate. But heiresses fought shy of Simon : his third marriage project fell to the ground, and at last he was forced to face the unpleasant fact that money, since it could be won by neither lawsuit nor marriage, must perforce be earned.

It was at this point that he definitely became a political adventurer.

Principles were the chief traffic of our aristocracy in the eighteenth century. They were a marketable commodity, and the owners took great care to retain the copyright, so that they might be bid for by each party alternately. In this manner a very respectable livelihood might be obtained.

King William was still abroad. Beyond the limited pardon already granted he seemed unwilling to help. So Simon turned his thoughts towards the exiled Stuarts. But having once served the usurping monarch, Saint Germains would not receive him empty-handed. Simon borrowed a sum of money from Carstares and journeyed to the Highlands. The clansmen received him with rejoicing, and willingly filled his empty pockets, for Lovat's personal fascination, combined with the Atholls' haughtiness, had secured to him the great majority of the Frazers. Simon has given us two distinct accounts of his reasons for this Highland visit. On the one hand he represents himself as sent on a mission by the King to increase the Government influence among the clans -which is, to say the least of it, unlikely. Again he pretended to Louis XIV. and Mary of Modena that he was working actively in the Jacobite cause, which seems equally impossible. But it is quite certain that he was laying his plans, deciding how he could best work the two opposing parties in his own interests, and putting his own affairs in order.

This occupation suddenly suffered interruption. Atholl had got wind of his presence. Infuriated by Simon's calm appropriation of the rents which belonged of right to the Dowager Lady Lovat, Murray again set the law in motion; a commission of fire and sword was again issued against him, and in 1702 he was denounced as a rebel at Inverness. Simon judged it wiser to depart for London.

Meanwhile the King was dead. Queen Anne had been proclaimed, and the hopes of the Jacobites ran high. Indiscreetly Frazer let his sympathies appear. But for the time being Anne was dominated by Sarah Jennings, and the Marlboroughs, in spite of their intrigues with the Pretender, were openly supporting the Protestant succession, while Simon's Whig protector, Argyll, had lost his influence at Court. So, regretfully leaving the dissipations of London and the amorous adventures in which he was whiling away the time, Lovat set sail and made the best of his way to Saint Germains.

Here were feuds and factions as bitter as any he had left. The Jacobites were divided under the Duke of Perth—who favoured the restoration of the Stuarts by the help of France and a Scottish rebellion—and the Earl of Middleton, who looked to the traitors at the English Court, Marlborough, Godolphin and their like, to carry over the army and the courtiers, and to declare for James III. on the death of Queen Anne. For Middleton, Lovat had no use. A restoration worked from London would bring him neither prestige nor power. He joined the party of the Duke of Perth, of which his own cousin, Sir John Maclean, was already a staunch upholder.

Two things however stood in the way of Simon's advancement in the Court of the bigoted Mary Beatrix—he was a Protestant, and, more serious still, there was the scandal of his forced marriage with the Dowager Lady Lovat. But to a determined neither obstacle was insurmountable. man With statesmanlike diplomacy Simon turned his attention to his immortal soul, and discovered that only in the Roman Catholic religion could he find salvation. The way was now easy. Mary Beatrix smiled upon the repentant convert. With Perth he was already on very good terms; he also ingratiated himself with Gualterio the Papal Nuncio, with the Marquis de Torq, the Cardinal de Noailles and Madame de Maintenon. Before long he was actually in the presence of the great Louis himself, where he was said to be so overcome by the honour done him that he completely forgot the elaborate speech he had prepared, but recovered himself sufficiently to delight the Grand Monarch by his native wit.

At this momentous interview Simon gave his imagination full play. He had, he declared, been deputed to bear a message from certain powerful Highland chiefs to the Prince over the water; a likely story considering he was an outlaw with a price upon his head! The Scottish Jacobites were anxious to rise in arms, and only waited for the help of France. He produced a list of names of well-affected chiefs, with the number of men that each was prepared to put into the field. The total number he estimated at sixteen thousand—twice the men whom the whole Highlands at the time could muster, but, as he afterwards explained to Sir John Maclean, Louis would never have entertained his scheme had he not

been able to make a good show on paper! For the same reason he included the names of chiefs whom he had never even interviewed. Briefly he suggested to Louis that if five thousand French troops could be landed near Dundee, and five hundred near Fort William, then in co-operation with the Highlanders the whole country would lie at their mercy.

The plan was approved by Louis and his generals, and even Middleton was brought to see that it contained the possibilities of success. But Lovat had brought no written word from the Highland chiefs. Louis would take no risks. So the airy castles that Simon had been building of leading the expedition as Commander-in-Chief fell abruptly to the ground. However Louis decided to send back the ambitious Highlander to Scotland, to gather more definite assurances. And with him, to check his actions, was sent Captain John Murray, a naturalised Frenchman, on whose integrity Louis felt he could rely.

But Simon's intentions when at last he found himself in Scotland were by no means those of Saint Germains or Versailles. To get back the estates to which he laid claim was the chief aim of his life. If this was to be done at all he felt he must force the pace. He meant, if possible, to organise a rising of the Highland chiefs, and then force Louis in selfdefence to come to their assistance. The scheme was practicable, for the memory of Glencoe and of the Darien failure still rankled in the breasts of patriotic Scots, while the Scottish Parliament had not yet

### Thirteenth Lord Lovat

agreed to confirm the Hanoverian succession in the northern kingdom.

Still the Highlanders might not care for such great risks. Frazer decided to secure himself on the other side. He had learnt to his dismay that the heiress with whom he had disputed his succession had married a nephew of the Earl of Cromartie, Alexander Mackenzie, whose father was a Lord of the Court of Session. Her right to the title and estates had been upheld by the Scottish courts. The situation was truly desperate. Frazer, with a great pretence of anonymity, wrote to the Duke of Queensberry, the Government's chief supporter in Scotland, and offered in return for a safe conduct, a pardon and the promise of a pension to discover the details of a dangerous conspiracy. The passport and a sum of money were provided, but Queensberry was unable definitely to guarantee a pardon.

For an intercommuned rebel to have gained this much from the Queen's High Commissioner for Scotland was something. Simon determined to spin a story to Queensberry—a glib mixture of truth and falsehood. His morality has been praised by his apologists because he hid from the Government the names of his real accomplices, and the vital parts of the Jacobite design. But policy inspired this morality. For Simon was not yet clear which side was to have the honour of restoring him to fortune. He would not commit himself too deeply. However nothing but good could come of discrediting Atholl in the eyes of the Government. So Simon produced a letter in the handwriting of Mary Beatrix, addressed to L. M. Y., which letters, he explained, signified "Lord Murray," the title that Atholl used at the Pretender's Court. The exiled Queen affirmed her belief in her correspondent: to no one would she turn more readily than to him. This document, said Simon, he "had found the way to be master of." Queensberry hated Atholl, and eagerly seized on the story, without inquiring too closely into its innate improbabilities. It is likely that the letter, couched throughout in general terms, was genuine enough, and that the direction, written in a different hand, was a forgery of Frazer's.

After this interview Simon proceeded on his mission to the clans, whom he found far less favourable than he had boasted. John Murray meanwhile had been equally unsuccessful in the Lowlands. A council of Jacobites met at Drummond Castle, but there was little enthusiasm displayed; and all that Lovat could wring from the chiefs and gentlemen who attended was a unanimous demand that the landing of French troops should precede a rising of the Highlanders.

Armed with supplies of money from Queensberry, Argyll and Leven, Simon rode south again to London. Fearing discovery he laid before the Commissioner an account of his visitation of the Highland chiefs, which he said he had undertaken hoping to find out further useful information for the Government. But news of Simon's manœuvres was beginning to leak out : his negotiations with Queensberry had been discovered by Robert Ferguson, the spy, who had given information against him. At the same time Sir John Maclean arrived from France, and surrendered himself. What his cousin might reveal, Lovat could only conjecture. He felt that the atmosphere of London was getting dangerous, so, equipped with Queensberry's passport, he fled with his companions to Rotterdam. A wise proceeding, as events turned out! For Maclean betrayed him without compunction, and others of his associates in England came forward and gave evidence of his dealings with the Jacobites.

Meantime, after many adventures --- for Marlborough's campaign on the Continent was now in full swing-Lovat found his way back to Paris, and laid his report before King Louis. He tried to make the best of his communications with Oueensberry, who he asserted had offered him pardon, restoration of his estates, payment of debts, a regiment and a pension if he would come over to the Government. This, of course, the devoted follower of Prince James Francis Edward had refused, but was forced to use "very fair language" to get a passport. This seemed plausible at first, and Lovat was received with every mark of favour. But letters began to arrive from London containing statements "to his positive disadvantage," said Mary Beatrix to Gualterio. Middleton saw through Simon's treachery, and, rejoicing that chance had thrown his enemy into his hands, set himself to undermine the confidence of Louis and de Torq in their messenger. This was a task not over easy, for Simon had brought back excellent credentials

with him from Scotland. Moreover he had convinced the Grand Monarque that it would be infinitely better for his Majesty if the Stuarts were restored by France and Scotland acting, as of old, in concert than if England herself should bring about the change -for the enmity between France and England was still keen. A Stuart kingdom again harassing England on the north would effectually cut the lion's claws, or at least keep them fully engaged. The English armies under Marlborough must be withdrawn, and the confederation organised by King William would collapse before the arms of France. Simon, indeed, cared nothing for the Stuarts or the independence of his country. A Stuart, a Guelph or a Bourbon on the throne would have been all the same to him, provided he got back his forfeited estates

For several months Lovat held his ground, intriguing and intrigued against. It is certain that Lord Middleton, his enemy, was at least as self-seeking and unscrupulous as himself. The King was impressed with the plan of sending a French expedition to the Highlands, but Mary Beatrix, under the influence of Middleton, refused to have anything to say to the scheme, which indeed promised better for Versailles than for Saint Germains. Enraged at the blasting of his plans a second time, Lovat wrote an insulting letter to her majesty, swearing that, so long as she was Regent, never again would he raise his hand to help the royal house. Clearly this was treason. Mary Beatrix implored Louis to send Lovat to the Bastille. The King refused, but constantly renewed entreaties at length prevailed on him. In May 1704 Simon was ordered to quit Paris for Bourges.

The Memoirs of the martyr give us a harrowing account of the treatment he received, in foul, dark dungeons, which is realistic and dramatic, but hardly justified by facts.

At first the prisoner lived as a guest in the house of the Intendant of Police, indulged with an allowance of a hundred crowns a month. Poverty always brought Lovat grovelling to his knees. He wrote a whining letter to the Regent begging forgiveness for his letter, which went unanswered. He deluged the Nuncio Gualterio with begging letters, and on receiving three hundred livres from Louis squandered that, and then proposed that the King should pay his debts. During this time he gave a magnificent fête to celebrate the birthday of the Duc de Bretagne, which cost him, he declares, nearly four hundred pounds sterling. There were fireworks, and fountains running wine-all the usual extravagances of eighteenthcentury festivities. It is not surprising, after this, that Louis was annoyed at the impudent proposal that he should settle Simon's debts. To teach the spendthrift a lesson, Louis ordered him to the Castle of Angoulême, where for some time he was confined within a dungeon. By bribing his jailer's wife, Simon got through a letter to his friends, who obtained for him the liberty of the castle. It was said that his first confinement was unintentional, due only to the

misunderstanding of his orders of an official. For three years Lovat remained at Angoulême. Then Louis ordered his removal to Saumur, where he lived with a fair degree of comfort, his pension being increased in 1705 to the sum of four thousand francs a year.

Meantime Scotland was in a ferment. In 1707 the Union was carried through by bribery, corruption and intimidation. From the material point of view this was the beginning of national prosperity, but feeling, particularly in the Highlands, was bitter against it, and most bitter against the manner in which it had been brought about. The ancient liberties of the Scottish people, for which Wallace and Bruce had fought, had been betrayed and sold by greedy timeservers, in whose hands the government of the country had been placed. The Highlands seethed with hatred of England; but the Lowland lords had mostly allowed themselves to be bought.

In 1708 King Louis took advantage of the unsettled state of Scotland to send out a fleet from Dunkirk that was to land an army in the neighbourhood of Edinburgh. Lovat chafed in his captivity, longing to be up and doing, but all the efforts of his friends could not bring Louis to agree to allow him to bear a part.

The expedition proved a failure. The vessels anchored at the mouth of the Firth of Forth, but an English fleet was discovered in the neighbourhood. It was the admiral's object to land his men, not to force on an engagement with the English, so he put

### Thirteenth Lord Lovat

about, and sailed to effect a landing farther north. The elements, however, have always stood the friends of England. Bad weather prevented the French troops landing. The Highlanders waited in vain for their allies. The French fleet returned to Dunkirk, and for a time the hopes of the Jacobites were extinguished.

But hope was never quenched in Lovat's breast. His name was anathema at Saint Germains; King Louis evidently could be no further use. Well, there was still St James's left! Men more deeply immersed (if possible) in treason than he had been had before now made their peace with the Government. By means of certain of his fellow-prisoners he got letters through to Queen Anne's ministers, including the Earl of Leven, but they received his overtures coldly. It was unfortunate for Simon, just at this moment, while his friends in France were still straining every nerve to obtain his release, that Leven should definitely have entered into communication with Saint Germains. As a proof of his sincerity the Jacobite convert sent to the Pretender a letter he had just received from Lovat, in which his kinsman had outlined the plans which Louis was preparing for future action. Another letter equally incriminating followed, and Lovat's credit at Saint Germains and Versailles was gone, it seemed, for ever.

But behind these darkest frowns of Fortune there lurked a smile. In the early part of July, in 1714, a welcome visitor appeared to Simon, in the shape of his cousin, Major Frazer of Castle Leathers, an emissary

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from the clan, who came to see "if Simon could be stolen out of France." For stirring times were anticipated in Scotland when Queen Anne should dic, and she was lying ill. But first, to do all things properly and in order, the Major, whose exploits savour of the miraculous, seeing that he "had but three words of French," journeyed to the Courts of Louis and the Pretender, to beg his cousin's release. The fatal letter to Leven, however, could not be explained away. Though Louis would have let the offender go, Prince James and Mary Beatrix were obdurate. Never while they could help it should Lovat leave French soil.

There was nothing left, therefore, but to disappear, which the two cousins accordingly did; for luckily, though he was a prisoner, Simon's movements were but little questioned by his guardians at Saumur. For some weeks they hid in the south-west of France, prevented from risking the Channel by an illness which for many days laid Simon low. At length they reached the northern coast, only to find that orders had been given for their arrest at every seaport in the kingdom. From town to town they passed at dead of night, Lovat riding on his cousin's horse, the Major running by his side, until at Boulogne they managed to hire an open fishing-boat. The seas ran high, and rain was sweeping up the Channel, when on a raw November night Lovat said farewell to the land where for the last eleven years he had lived a prisoner.

But in going to England it seemed at first that he

had fallen from bad to worse. He had hoped to capture the Argyll interest he had formerly enjoyed, but the Duke and his brother Islay were suspicious of Simon's good faith. His old enemy got on his track. Before many days Simon and the Major were seized and clapped into a spunging-house.

But Fate at last was working in his lordship's interests. The Chevalier de St George had landed, and the '15 rebellion had broken out in Scotland. Many of the clans had gathered round the Stuart standard that the Earl of Mar had set up at Braemar. The Government was face to face with the first serious Jacobite rising since the Revolution.

Then the impression began to gain ground that Lovat could be of service in the Highlands. The Earls of Sutherland and Islay urged on his release. Simon himself had laid his plans, for two of his guards he had discovered to be Frazers, and these men had promised to carry out the rescue of their chief. But the order came for his release and this dramatic *coup* was found unnecessary.

Blithely, therefore, Lovat hied him to the north, to fight against his ancient comrades. Frazerdale, the husband of the heiress, had declared for the Chevalier, but three hundred of the Frazer men had refused sulkily to follow their pseudo-chief. Round Simon they rallied, with cries of joy and welcome, and ranged themselves under his banner, to fight on whichever side he chose. This time Simon was for the Government. He sent a messenger to summon back those clansmen who had followed Frazerdale, threatening

to burn their houses and goods unless they returned. Thus, on the eve of Sheriffmuir, the Jacobite army was deserted by a band of three hundred Frazersno inconsiderable loss. "The whole county and his men dote on him," said Mar bitterly; he was "the life and soul" of the Whigs. Lovat was largely instrumental in the taking of Inverness; so widespread was his influence that the Chevalier began bitterly to regret the hatred with which Saint Germains had regarded him. Overtures of repentance and conciliation were made; Simon's vanity was flattered to see the Prince who had treated him so haughtily begging for his aid. Even while in the field fighting for King George the incorrigible intriguer began again to bargain with the Jacobites, and might possibly have deserted had not the rebellion suddenly collapsed.

Meantime Simon, whose amorous adventures always took place at inopportune moments, determined to make another bid for matrimony. There had been vague references to his "wife" in his correspondence of some few years ago in Paris. But this lady, whoever she might have been, had disappeared more completely than the Dowager. Now his choice fell on Margaret, sister of Brigadier Grant of Grant, and the marriage was celebrated with great rejoicings in December 1716, under the benediction of Argyll and Islay, whose interests it secured in the north.

Meantime for his services the Government was pleased to grant to Frazer a full pardon for his past offences, and to secure him the life-rent of the Lovat estate, together with the Frazerdale escheat. He was often present at the King's table, and his ancient enemy Atholl was in disgrace. Lovat was appointed Governor of Inverness. Surely this was the end of all his troubles!

It seemed impossible, however, for the Frazer chieftain to keep out of intrigue, which had become the very breath of his nostrils. The abortive Jacobite attempt of 1719 roused all his Stuart sympathies. He was in close communication with Seaforth, the chief rebel, to whom, as was his custom, he wrote a letter particularly indiscreet—more than enough, a candid friend afterwards remarked, "to condemn thirty lords." So deeply indeed had he pledged himself that two years later a pardon was granted by "King" James, "on his returning to his duty." To add to his hypocrisy, but two months afterwards Simon spoke bitterly of the "Tory Jacobites of Inverness" and the favour in which they were held by the Government.

For the present, however, Lovat's intrigues were only to "amuse" the Chevalier. Having at length got back to the fat days of prosperity he had no intention of jeopardising himself for any mortal living. With great gusto he threw himself into lawsuits and territorial disputes with his neighbours, and succeeded in 1730 in getting his full rights allowed to the title and estates of Lovat. For years he led a life at Castle Downie fit only for a state of savage barbarism. Debauchery reigned unchecked in the midst of pompous show. He loved to gather his clansmen round him in a kind of court and exercise all the cruelties that were possible to a Highland chief in the days of heritable jurisdiction. James Fergusen, in King's Munimenta Antiqua, tells us that not infrequently he had seen "four or even six men hung up by the heels for hours on the few trees round the house." Lovat prided himself on his hospitality and frequently gave great feasts, but the servants were forced to live on the scraps that were left on the plates of the guests.

In 1733 Lovat married a third time, Primrose Campbell, the daughter of Campbell of Mamore. Forced marriages seem to have been his hobby. It is said that Primrose was unwilling and that he forced her consent by inveigling her into a house of illfame in Edinburgh, and threatening to blacken her reputation should she still refuse. A marriage so begun was not likely to be happy, and five years later the couple separated, she being unable to bear his cruelty any longer. He is said to have kept her "a naked half-starved" prisoner; it is certain that her life was very wretched. At the same time Lovat had borne a prominent share in the scandalous abduction of Lady Grave, whose husband had carried her forcibly away, and imprisoned her on the barren island of St Kilda, where she had been left to die. Violent quarrels, and desertions of his friends and patrons, make up the total of these dark and sordid years.

To the scandal of Lovat's private life began now to be added rumours of his renewed intrigues with the Chevalier. Again he fell into disgrace with the Government. His pension and his sheriffship were taken from him; the company he had for years commanded in the Highlands was broken up. But the Pretender was willing to make a heavy bid for his support. Under the Great Seal the patent for a dukedom was made out in 1740, and three years later James created for him the appointment of "Lord Lieutenant north of the Spey and to the head of the Spey to the north side of Loch Lochy." Avarice and lust of power and dignities were Simon's predominant weaknesses, the motive principles of his life. These promised honours decided the part he was to play in the rebellion of '45.

The history of his actual conduct when Prince Charles Edward suddenly raised his banner in the Highlands is a contemptible record of hypocrisy and vacillation. He used extravagant expressions of loyalty and devotion to King George and Prince Charlie in turn and simultaneously, and sat securely on the fence, until the victory of Prestonpans seemed to augur success for the Stuart arms. Even then, though his son had openly thrown off his authority, and the clansmen could no longer be kept quiet, he tried to temporise. But it was too late. There was sufficient against him on either side to hang the whole clan, as his son bitterly remarked. After an exciting chase-for Lovat had lost none of his old slipperiness, though most of his daring and intelligence-he was run to earth by Cumberland's troops on his own estate of the Aird, hiding in a

hollow tree, and was discovered by the flannel in which he always swathed his legs.

The story of Lovat's final trial and execution is too well known for full repetition. His trial may have been bad in law, much of the evidence was certainly suspect; but of his guilt there could be no doubt. For forty years he had stirred up strife and rebellion wherever he appeared. He had power and influence that was used only for his own personal aggrandisement, never for the good of his country. He betraved everyone whom he had served, or who had served him. Immediately kings or ministers had ceased to serve his turn he deserted them without compunction. Judging the Government from his own standpoint, he can hardly have expected to receive more merciful treatment at their hands than they had received at his. Dangerous people must be removed-that had been his own maxim. He was dangerous, and the Government decided to remove him.

Simon made a good fight for his life at the bar of the House of Lords, though he condescended to add ten years to his age to strengthen his appeal for pity. He was ready to grovel at the feet of Cumberland —or of anyone who would save him. But no one would lift a finger. Abandoning hope, he decided to die with dignity on the pretence that he was suffering patriotic martyrdom. On the scaffold he bore himself with calmness, without fear or hesitation, for cowardice was not one of Lovat's faults. At the last his scholarship came in useful, and his head fell from the

#### Thirteenth Lord Lovat

block with the words "Dulce et decorum est pro patria mori" still clinging to his lips. Thus ended the career of one of the most callous traitors of the Scottish peerage, to whom war and human lives were but pawns to be played in the game of self-advancement. His country owes him a heavy debt of misery; he never did a good turn to any single soul; historians are all agreed on his infamy; yet so strangely constituted is human nature that the personal fascination that deceived his friends and wheedled his enemies has been allowed to throw round the life of Simon Frazer, Lord Lovat, the halo of romance.

#### PHILIP WHARTON FIRST DUKE OF WHARTON

PHILIP WHARTON was one of those wayward phenomena that flash at times across the historian's path, glowing and sparkling in their passage through life, fizzling off into the darkness of insignificance. A strange futile sort of being he was, brilliant, hesitating, vain to insanity, living in spasms, up like a rocket, falling like the stick. He was shifty, dissolute, openhanded, devoted to his own interests, utterly incapable of pursuing them steadfastly. Like his character, his life was incoherent, and shipwrecked on the rock of divided purposes. By Pope he was hailed as "the scorn and wonder of our days." The satirist continues,

> " Thus with each gift of nature and of art, And wanting nothing but an honest heart; Grown all to all; from no one vice exempt And most contemptible to shun contempt, His passion still, to covet general praise, His life to forfeit it a thousand ways; A constant bounty which no friend has made; An angel tongue which no man can persuade, A fool with more of wit than half mankind; Too rash for thought; for action too refined; A tyrant to the wife his heart approves; A rebel to the very king he loves : He dies, sad outcast of each church and state, And, harder still, flagitious yet not great, Ask you why Wharton broke through every rule? "Twas all for fear the knaves should call him fool."



PHILIP, DUKE OF WHARTON.

But it was not entirely this. Though moved at times by that most bourgeois of motives, the desire to "*épater les bourgeois*," Philip was quite incapable of directing his life by sustained effort of any sort. His career was a patchwork of impulses, a few good, mostly bad, all unguided, unrestrained.

"Honest Tom" Wharton was his father, that sturdy pillar of the Convention Parliament and the Revolution, who had helped to overturn the Stuart dynasty by the strains of "Lillibullero." He was honest and straightforward, as statesmen went at that time, being chained to the side of the Protestant succession by a clear perception of where his interests "Prudence" was the great virtue of the lay. eighteenth and early nineteenth centuries, which meant the subduing of every generous emotion to the supreme end of piling up guineas and adding field to field. So Wharton may be reckoned a highly virtuous man, whose merits won that most estimable of haloes, a marquis's coronet. His talent for lying was notorious; he was pretty generally recognised as the greatest rake in England. But notwithstanding this, honest Tom was thrice married to virtuous women who asked no questions. In 1698 Lucy, his second wife, presented him with a son and heir. She was Lord Lisburn's daughter, and an amiable cypher, as all good mothers should be according to the doctrines of the Pauline church.

All Thomas Wharton's sins have been forgiven him because he was a good Protestant. He had been brought up, Macaulay tells us, among "Geneva bands, lank hair, upturned eyes, nasal psalmody and sermons three hours long." But as he grew in years and wisdom he perceived that only the Establishment could give him the power for which he longed. So the conventicles were deserted and, to make up for this apostasy, he drew up laws peculiarly severe against the Roman Catholics, while he was Lord-Lieutenant of Ireland.

Young Philip Wharton therefore was brought up in the strictest tenets of the Anglican Church. He early showed unusual talents, which were cultivated assiduously by his father. At the age of thirteen, we read, he had by heart the best part of Horace and Virgil, with long extracts from Shakespeare and the English dramatists. He was immersed in metaphysics and mathematics, and was accustomed to declaim long and rhetorical speeches with great gusto. Kept closely at his tasks, he was a model of "prudence" and virtue. Tom Wharton had little doubt that his son, following in his own footsteps, would by marriage, and obsequious courtier arts, increase the family possessions and add lustre to the family name.

Expectations doomed to disappointment! Philip's precocity was not confined to learning. When sixteen years of age he fancied himself in love with Martha Holmes, the daughter of a penniless major-general. In those days marriage was easier than in these. The two children sought out the Fleet Prison, where without trouble they found a broken-down clergyman to marry them for half-a-crown and a bottle of wine. Martha is said to have been beautiful and "of extraordinary education." But Wharton's parents were blind to all charms save those of money. And Philip, feather-headed, feather-hearted, deserted his young wife after a few weeks of marriage. Only a year later we find him writing sentimental poems and carrying on a sordid intrigue with another woman.

Meantime Tom Wharton and his wife had both died, and Philip found himself second Marquis of Wharton, owner of vast estates and a rent-roll of twelve thousand pounds. His father in his will had left instructions that he should finish his education at Geneva, the hot-bed of Protestantism, in charge of an austere tutor of Huguenot principles. Gleefully the young Marquis turned his back on England and his wife, and set out through Holland and the German states. His handsome face, his fascinating manner, his wealth and rank assured him a hearty welcome at every town at which he stopped. Sycophants and flatterers gathered round him; a German princeling gave him a decoration, Wharton's head was completely turned. Study became distasteful, his tutor's stern gravity intolerable; the Calvinistic discipline of Geneva was no longer to be borne. One morning he fled, leaving behind him a small Pyrenean bear which he had tamed and made a pet, to console his Huguenot mentor in case the pedagogue should grieve over the young scapegrace's departure.

At last he was free from school-room trammels! The whole world lay before him with its forbidden fruits. The glitter of France allured him, as it

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allures all young people strictly brought up. Wharton made for Lyons. Then in a spirit of daring doggishness he sent a letter to the Pretender at Avignon, together with the gift of a magnificent horse. James was delighted. A compliment from the son of his most bitter enemy might mean all or it might mean nothing, but here was an opportunity not to be lost. A courteous invitation was sent to Wharton to visit the Prince's Court. He was entertained and flattered up to his desire; vaguely the Pretender offered him the dukedom of Northumberland and in a moment his father's principles, religious and political, were thrown to the winds of heaven.

Pleased with the world, but more pleased with himself, the Marquis rode on to Paris, and plunged into a life of gaiety. But Paris, with its glitter and glamour, its balls and its follies, its lovely women and gambling men, melts the gold in a young nobleman's pockets with alarming rapidity, and Wharton's trustees, bent on improving his estates, were not too generous. Moneylenders were ready to advance him sums at fabulous interest, but still his pockets were empty. Something clearly must be done.

Mary Beatrix, James II.'s widow, had already received him kindly. To her now the Marquis went. He was burning with zeal for the Jacobite cause; he meant to use all his influence in England in favour of the Prince. But, alas !—and the handsome youth was disconsolate—his estates were tied up for some years longer, he was crippled by niggardly trustees. The trusting Princess was deceived. She was living on the bounty of the King of France, but some of her jewels remained to her. These she pawned, and pressed on her son's supporter a loan of two thousand pounds, which he swore should be used to promote her cause in England.

But his Jacobite enthusiasm caused great anxiety to his English friends. Remonstrances poured in on him. He laughed and equably answered that "he had pawned his principles to Gordon, the Pretender's banker, for a considerable sum of money, and till he could repay him he must be a Jacobite; but when this was done he would again return to the Whigs." Lord Stair, the English ambassador, tried to make him see the error of his ways; he only repaid the Earl's hospitality by drinking at his table the Pretender's health. The ambassador begged him to keep his father's example before his eyes; the youth insolently replied that since "his Excellency had also so worthy and deserving a parent, he hoped he would likewise copy so bright an original, and tread in his steps," for his Excellency's father was not untainted with the treachery of the Revolution peers.

Wearying at length of Paris, Wharton returned to England in December. At once he began to realise that his recent conduct had been treason, and his enthusiasm for the exiled monarchy cooled down, though the debt to Mary Beatrix was still uncancelled. Crossing over to Ireland, the Marquis persuaded the Irish House of Lords to allow him, though only nineteen years of age, to take his seat as Marquis of Catherlough, and threw himself fervently into politics

under the ægis of the Government. The reasons of this were twofold. First, he managed to conciliate the Whigs and persuade them that his performances abroad had been but the indiscretions of unthinking youth. Secondly, and not less important for himself, he now demanded the rents of his Irish estates "since the Parliament had allowed him" to be of age.

For some time the young Marquis led the strenuous life, distinguishing himself as a brilliant debater on the Government side. He attended the House regularly; he sat on uninteresting committees, until all the world political was prophesying that a splendid future lay before him. Then suddenly the King resolved to raise him to the highest rank in the English peerage. At the age of nineteen Philip became the first Duke of Wharton, surely the most extraordinary creation in the pages of Debrett! It is not easy to understand the motives that lay behind this action. The preamble to the patent speaks of Wharton as having "distinguished himself by his personal merit," but even an Admirable Crichton can hardly, if honours have any value whatever, have deserved at so early an age the highest dignity that Majesty can bestow. The preamble goes on to speak of how much the "invincible King William" owed to Wharton's father. "The same extraordinary person deserved so well of us in having supported our interests by the weight of his counsels, the force of his wit, and the firmness of his mind, at a time when our title to the succession of this realm was endangered." But Tom Wharton had been paid, and well paid, for his services; there

had been no suggestion of raising him to a dukedom.

The Government must have curiously overestimated young Wharton's weight. It is true the Pretender had offered him the dukedom of Northumberland. But dukedoms for James were very much birds still in the bush. And Wharton had shown himself erratic, unstable, a breaker of debts of honour. Most titles have been the reward of services (however dishonourable) rendered. This was probably the first bestowed for services hoped for and to come.

It was not long before ministers began to regret their precipitancy. Philip had already tired of the restraints and hardships of political life. He retired to the country for a time and rejoined his wife, devoting himself heart and soul to horse-racing, and the usual country occupations of his kind. Not indeed that he was shaking off the butterfly follies of his youth. On the contrary, it was about this time that he began to win a reputation for drunkenness and profligacy. One of the most unlovely characteristics of the eighteenth century was the artificiality of its vices : it sinned not as the Elizabethans sinned. through joyous over-vitality, but in order to add to the limited sensations of life the sensation of being wicked. For the desire to excel in vice is always the last hope of those who cannot excel in any other thing. The youth of the period organised themselves into clubs, in which licentiousness was accompanied by mock religious ceremonies, and altogether rendered intolerably tedious and disgusting. They thought

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themselves fine fellows of dare-devil courage, after the manner of youth all the world over. The Hell Fire Club was one of the most notorious of these societies, so that when Wharton rose to be its President he was deemed to have established a reputation as one of the leading roués of his time. But, alas for human greatness! A decree of King George I. extinguished the Hell Fire Club in 1721, and that field of distinction was closed to the adventurous youth.

He had spared time from these dissipations however to take his seat in the House of Lords on attaining his majority two years earlier. The Dukes of Bolton and Kingston had been his sponsors, and the Whigs congratulated themselves on having so brilliant a supporter entering into English politics. But Wharton had tired of the Whigs. Immediately he threw himself into opposition, and brought the whole question of the South Sea Company before the House. This speech is one of the very few preserved to us, and it is surprising that it should have made so deep an impression on his hearers. The South Sea Bubble had burst, spreading ruin far and wide. Violently Wharton attacked the Stanhope ministry for the support they had given to the scheme, and pressed for a full investigation. Stanhope, he thundered, was a second Sejanus, who lived by stirring up strife in the Royal Family, for at that time the quarrel between the King and Prince of Wales was the scandal of all the Courts of Europe. Quivering with rage the minister rose to clear himself,

and to match his assailant's classical allusions. But the effort was too much for him. In his passion he over-strained himself and broke a blood-vessel, and the following day he died.

The next time Wharton distinguished himself in the Lords was on the introduction of the Bill to suppress profligate societies. One might suppose that shame would have kept the Hell Fire President from the House. But Wharton was a stranger to that emotion. With disgusting hypocrisy he took his place in the Upper Chamber. "He declared," says Lord Mahon, "he was not, as was thought, a patron of blasphemy, and pulling out an old family bible, proceeded with a sanctified air to quote several texts." A strange farce, indeed, only paralleled by Lord Sandwich's indictment of Wilkes for immorality later in the century.

The pleasantest episode in Wharton's life is his admiration for, and championing of, Atterbury, the Jacobite Bishop of Rochester. But even this is marred by a contemptible act of treachery. The night before the Bill of Pains and Penalties against his friend was to be laid before the House of Lords, Wharton called on Sir Robert Walpole at Chelsea. He professed penitence for his previous attacks on the Government. He desired above all things to be reconciled. He meant to speak the following day in Parliament. Could Sir Robert tell him exactly what position the Government intended to take up? Delighted to receive back the erring sheep, Walpole unfolded all the details of the case, dwelling especially

on the weak points in the evidence of the Crown. The Bill was laid before the House. Then Wharton, armed with the confidence of the Prime Minister, rose and delivered a brilliant and eloquent defence, and not indictment, of the suspected Bishop. But not even the Duke could save Rochester. The Government carried their Bill; Atterbury was stripped of all his benefices and preferments and banished from the country. Wharton lamented his friend's fall in an ode, "On the Banishment of Cicero," that does more credit to his affection for this one man than to his poetic powers. It contains a naive reference to himself:

> "What though the noblest patriots stood Firm to thy sacred cause,
> What though thou could'st display the force Of rhetoric and the laws;
> No eloquence, no reason could repel The united strength of Clodius <sup>1</sup> and of hell."

Is it possible that Wharton really imagined himself a public-spirited man?

By this effusion, and his new betrayal of the Whigs, the Duke had practically slammed the door of political preferment in his own face. He never spoke again in Parliament. But the same year he started an anti-Government bi-weekly paper, *The True Briton*, in which he boldly championed the cause of Atterbury, and threw himself ardently into the quarrel of the city of London with the ministry regarding the free election of sheriffs. To identify himself more

> <sup>1</sup> George I. 116

thoroughly with city life, he became an enthusiastic member (for a few months) of the Wax Chandlers' Company.

In his new capacity of journalist and upholder of the oppressed, Wharton soon became more formidable to the Government than ever before. A prosecution for libel was instituted against the publisher of *The*. *True Briton*. The printer, Samuel Richardson (a delightfully piquant contrast that between printer and proprietor!), escaped, as his name had not appeared, but promptly washed his timorous hands of his daugerous ally. Wharton himself went for the time untouched, for the ministry still hoped, so grateful was his father's memory, to lure him back to respectable Whiggism once again.

Encouraged by the immunity granted him, the Duke became bolder in his attacks. He no longer troubled to veil his satire. The King, the constitution, the Government, and especially Walpole, became the subjects of constant and scathing sarcasms. Rochester he defended openly; the Oaths Bill and the corruption of the Government be denounced with contempt. Then suddenly a hitch occurred. No. 73 was delayed for nearly a week; and, when it appeared, announced that "the author of The True Briton" was "determined to lay down the work." The final number ended on a note of unexpected loyalty and meekness. It is probable that the Government had at last decided to put down its foot, and Wharton, with his usual instability of purpose, had quietly consented to eat his own opinions.

Meantime the Duke's private life had been going from bad to worse. His attack of domesticity had lasted but a month or two, though in March 1719 his wife had borne him a son and heir. His drinking habits had become confirmed, and the ballad that he wrote at this period in imitation of Chevy Chase, entitled "The Drinking Match," is but little exaggerated. Wharton was now so conspicuously in the public eye that stories of his profligacy, as well as of the popularity and distinction he was enjoying in London, came to his wife's ears in the depths of Buckinghamshire. The Duke had commanded her, under pain of his displeasure, to remain in the country until he should send for her. But after much hesitation Lady Wharton set out for London with her infant son. Almost immediately the child sickened of the smallpox and died. The Duchess was distracted, the Duke furious. He accused his wife of murdering the child by bringing him to London in the winter weather. He reproached her with disobeying his orders in following him to town-the real cause of his anger. Finally he cast off his wife entirely, refusing to see her again. She went back to the country and before long followed her baby to the grave.

The Duke's estate was steadily dwindling. During the brief career of *The True Briton* his extravagance brought him into a hopeless muddle of debt and mortgage. One by one he was forced to sell his different properties; his library and pictures fell under the hammer to his enemy Walpole. Finally, to discharge his debts, the Court of Chancery was forced to vest his estates in trustees, who would only allow the young spendthrift what seemed to him the miserable pittance of twelve hundred pounds a year.

Wharton decided then to go abroad till his estate should clear itself. He set out for Vienna, hugging himself over "important diplomatic business," and at the Austrian Court he openly proclaimed himself a follower of "King James III." As envoy from that Prince he proceeded to Madrid, where he soon succeeded in stirring up a tremendous storm. The Court was scandalised by his profligate ways, "he was," we are told, "hardly ever sober." But his wit and brilliance obtained for him a certain measure of popularity.

But the mock ambassador was a source of much embarrassment and alarm to the English minister, whom he delighted especially to ridicule. Wharton did his utmost to oust him from the position of ambassador in the eyes of the Spanish Court. The outraged diplomatist sent post-haste to London, begging that the impudent youngster might be restrained, following up his appeal by a second messenger a short time afterwards. Something clearly must be done, and at once. A letter was sent on behalf of the Government commanding the Duke to return to England and his allegiance under pain of outlawry. Contemptuously he ignored the summons. "I had rather," he wrote to the Duke of Gordon's son, "carry a musket in an old Muscovite

regiment than wallow in riches by the favour of the usurper." So red-hot a Jacobite had he now become! We have a lively account of this puresouled patriot in a letter from Benjamin Keene in which he describes a visit which Wharton paid him. "I did not think myself," he writes, "obliged to turn him out because, as he is an everlasting talker and tippler, in all probability he would lavish out something that might be of use to know. . . . The evening he was with me, he declared himself the Pretender's Prime Minister, and Duke of Wharton and Northumberland. 'Hitherto,' says he, 'my master's interests have been managed by the Duchess of Perth, and three or four other old women, who meet under the portal of St Germains, he wanted a Whig, and a brisk one, to put them in the right train, and I am the man. You may now look upon me, Sir Philip Wharton, Knight of the Garter, and Sir Robert Walpole, Knight of the Bath, running a course, and by God, he shall be hard pressed.'... I used him very cavalièrement; upon which he was affronted-sword and pistol next day-but before I slept a gentleman was sent to desire everything might be forgot." But the youthful braggadocio forgot his boast when a little later he was suing for favours at Walpole's hands. During the summer of 1726 Wharton was elaborating an ingenious scheme for restoring the Stuarts to the English throne, by means of an alliance between Spain, the Emperor and Czar-a wild-goose project which never could have come to anything.

Meantime his wife had died, and for a time the

Duke had thoughts of re-establishing his fortunes through a second marriage. A certain "great" duchess had a daughter to dispose of who was willing to condone his dissolute life and political treachery on account of his high titles. But at twenty-seven the Duke was more commercially minded than at seventeen: he stipulated that the lady's money should be unreservedly at his disposal. In face of his past record the duchess firmly refused the terms, and the proposed marriage dropped.

"Nothing shall ever tempt me to forsake that religion wherein I was educated," Wharton had written to his sister the year before. But now he publicly announced his conversion to Roman Catholicism. The reason is not far to seek. He had fallen in love with a beautiful Irish girl, Maria Teresa O'Neill, who was maid-of-honour to the Queen of Spain. She was as penniless as he, and for long her Spanish Majesty refused firmly to hear of the match. But Wharton had all the romantic arts. He fell ill of a fever, and declared that nothing could cure his malady but the Queen's consent. Her Majesty was touched; she wavered, and at last consented, though reluctantly. Wharton recovered almost on the spot, and within two months of his first wife's death a second Duchess of Wharton had stepped into her place.

But poverty is one of the few things that cannot be lessened by sharing it. A few weeks were enough to reduce the bride and bridegroom almost to extremities. For a time ruin was staved off by generous subsidies from the Spanish Court, which the Duke dissipated at his usual speed. Then with his wife he moved to Rome, to seek the assistance of his "dear master." But he soon outraged the decorum of the Vatican : he could not, we are told, "keep within the bounds of Italian gravity," and quietly he was hurried back to Spain.

The following year Wharton gave himself the coup de grâce. Preparations were being made by Philip IV. for the siege of Gibraltar. When this came to the ears of the now desperate Duke he wrote to his Spanish Majesty that "he designed to take up arms in his Majesty's service," and offered himself as a volunteer. Immediately he set out with his wife for the theatre of action. The King appointed him his aide-de-camp, and he exposed himself in the trenches with purposeless foolhardiness. One evening he wandered out towards the English lines and, when within speaking distance, greeted his fellow-countrymen with threats and insults. The English were taken by surprise, but finally an officer asked him who he was. He replied : "The Duke of Wharton," and walked back unmolested to the Spanish camp. Shortly afterwards he was wounded in the foot by the explosion of a shell. Warfare palled upon him, and back again he drifted to the Spanish capital, there to be made much of for his exploits. He was raised to the peculiar rank of "Colonel Aggregate" in the Hibernia, one of the Irish regiments then in the service of the King of Spain.

To be actually in arms against his country was

a crime for which not all his father's virtues could atone. The House of Lords indignantly indicted their absent member for high treason, and in April 1729 an informal resolution of outlawry was passed against him. Wharton was again in a pretty mess, for though the income allowed him by his trustees was not cut off, he was again living far beyond his means. Again he applied to "King James III." for help, but James was learning wisdom in regard to his zealous servant. He wrote coldly reproving the Duke for his late foolish defiance of his country. He advised him to return to England to set his private affairs in order. James was realising that so imprudent and foolish a supporter would do his cause little good.

And now it began to enter into Wharton's head that perhaps after all he had been a little foolish in his treatment of the Whigs. Was it altogether too late to accept the olive branch held out? At any rate he would try. The Pretender's letter had given him an excuse for quitting the Spanish capital. With all his family and belongings he now set out for Paris. At the end of June, Horace Walpole, Ambassador to the Court of France, received a letter that both startled and embarrassed him. It was from Wharton, begging him to intercede with the King on his behalf. George II. had succeeded his father less than a year before. "Since his present Majesty's accession to the throne," wrote the plausible sophist, "I have absolutely refused to be concerned with the Pretender or any of his affairs, and during my stay in Italy have behaved myself in a manner that Doctor Peters,

Mr Godolphin and Mr Mills, can declare to be consistent with my duty to the present King. . . . I do not intend," he adds, "in case of the King allowing me to pass the evening of my days under the shadow of his royal protection, to see England for some years, but shall remain in France or Germany-till all former stories are buried in oblivion." So the humble -and needy-penitent! Walpole forwarded this letter to his brother, but though Wharton was prepared to swallow down his pride, Sir Robert was not disposed entirely to overlook the insults and sarcasms that had been levelled against him by the noble suppliant. The Duke's easily excited hopes were dashed to the ground by a curt message from the Duke of Newcastle, for he had forgotten that some of his treasonable correspondence with the Pretender had fallen into the hands of the English ambassador at Madrid. "His Majesty did not think fit to receive any application from him." So Wharton promptly threw himself more ardently than ever into the arms of the Jacobites, his new-found repentance and desire to amend his life vanishing like dew before the sunshine. In August, Walpole writes to Newcastle that the Jacobites had a design of printing a manifesto in favour of the Pretender, and that Wharton is "at Dieppe in company with Mist the printer; and it is not impossible but that they may be forming some design to print this piece, either there or at Rouen."

Wharton and this new-found friend were certainly plotting mischief. Mist was the proprietor of a Tory paper that had distinguished itself by employing Defoe as a writer of political articles for a considerable time before the proprietor discovered that he was actively propagating the doctrines of the Whigs. But in spite of this he had offended the Government. In 1720 Mist was fined, pilloried and imprisoned, and the Commons voted an article in his paper to be "libellous and treasonable." Another libel action, some three years later, caused him to fly the country. At Dieppe he fell in with Wharton, and the two decided to make common cause against the enemy.

On 24th August 1728 there appeared in Mist's Journal a satiric and scurrilous attack on his Majesty George II. and Sir Robert Walpole. The signature was "Amos Dudge," but the style was too well known to deceive the public. London was tremendously excited, and ministers decided to press forward the regular indictment for high treason against the Duke of Wharton, which for some time had been hanging But some little time must elapse before it fire. was possible to obtain sentence of outlawry against the Duke, on account of the approach of the Long Vacation, and meantime, for some unexplainable reason, the Government began to make further unofficial overtures to this rebellious subject. Wharton was visited at Rouen by two gentlemen of the Court, who once again besought him, almost with tears in their eyes, to make his submission to the King. For even at this eleventh hour, and they spoke as those having authority, the sentence of the Lords might be averted; nay more, if only his Grace would return to England, and keep from meddling in politics, he might be

re-established in his estate, which had now grown in value, under careful nursing, to some six thousand pounds a year.

Entreaties all were useless. His Grace's inordinate vanity had been touched by the previous refusal of Walpole and the King to accept the olive branch he had before held out. And when he saw the Government almost grovelling at his feet he could not resist the temptation of snubbing them in return, posing as injured innocence meanwhile.

Wharton's crimes, treacheries and follies had hitherto been condoned by the Crown with the most extraordinary lenity. But this final snub at length decided them really to take action. The income that hitherto had been allowed him from his estates was now cut off. Wharton was indeed in a sad plight. The establishment he had set up at Rouen was far beyond his means, creditors threatened him from every quarter. Seriously he began to think of seeking security from pursuit within the walls of a monastery. To tide him temporarily over his difficulties, a begging letter was again despatched to the Pretender; but as his creditors became more importunate, and even insolent in their behaviour, the Duke fled one night to Paris.

For some time he lived as he could, in a private family, begging, sponging, dodging creditors, leaving his wife to the hospitality of one of her relations. An answer came from the Pretender, cold and dignified, in which the Prince remarked that "his past conduct had not merited favour, it must be his future behaviour only that could recommend him." But just as Wharton was at his wits' end there came another letter from the over-generous Prince, enclosing a substantial sum of money. Indeed, during the Duke's residence in Paris, the Pretender sent him in all no less a sum than two thousand pounds.

All these remittances were squandered as soon as received. Wharton was nothing but a leech, who sucked money out of all his friends-and at times his enemies-without ever contemplating a return. He never intended to work for Prince James Edward, any more than he had meant to advance Jacobitism in England when Mary Beatrix had pawned her jewels. Once again the Duke began his career of drinking, gambling and extravagance, until he was reduced to live by tricks that would disgrace a gutter urchin. We read how he hired singers from the opera to serenade some ladies, and tricked a brother peer into paying the bill, which amounted to the respectable total of twenty-five louis d'or. On another occasion, being very much out at elbows, he lamented to an Irish gentleman of his acquaintance that he knew no tailor to whom he could entrust the making of an elaborate black velvet suit. "I will send you mine," said his friend, "he is a very honest fellow, and will use you well." Which is more than can be said for his Grace of Wharton, for when the tailor called later with his bill the Duke referred him to Sir Peter. "Whenever," he said, "I put on another man's livery, my master always pays for the clothes!"

But a record of his sordid and trivial life in Paris

is hardly worth preserving. It was diversified only by a brief stay in a monastery, which for a time pleased his jaded senses, and then palled. Another plunge into the lowest depths of dissipation, and Wharton was brought face to face with absolute destitution. Suddenly he resolved to return to his regiment in Spain, and live on his pay, which amounted to eighteen pistoles a month. He was provided by a generous friend with "one shirt and a cravat, with which and 500 livres, his whole stock, he and his Duchess, attended by one servant, set out for Spain." The dismal cavalcade travelled in the utmost discomfort; at Nantes they found themselves held up for lack of funds. Another friend, taking pity on them, enabled them to continue on their way, and at length the Duke and Duchess entered Spain without a penny in their pockets.

Wharton now proceeded to Catalonia to join his regiment. By the charity of the exiled Duke of Ormonde his wife was able to travel to Madrid to join her family. Before long her mother died, and with her the pension she had enjoyed from the Spanish Court. But the Queen of Spain took pity on the girl who had wrecked her life by insisting on marriage with the profligate Duke. Maria Teresa was taken back into her Majesty's service, and never again beheld her husband.

Away in Catalonia, Philip Wharton was busy driving fresh nails into his coffin. As far as possible in his military life, with an income of eighteen pistoles a month, he renewed his previous excesses. His

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unenviable reputation had already preceded him; insults or indirect contempt were poured on him from every side. One night, in the company of some ladies, he was insulted by a masked gallant, who turned out to be the lacquey of the Marquis of Risburgh, Governor of Catalonia. This was too much for the Duke's vanity. Technically he was still a "gentleman": he could not therefore challenge one of such mean rank. But his gentlemanliness did not prevent him administering to the fellow a brutal thrashing. The lacquey took his grievance to his master, and the Marquis, deeming that Wharton had insulted him in attacking one of his servants, ordered the Duke to consider himself under arrest. Wharton had no choice but to obey, for Risburgh was his military chief. Foaming with rage he shut himself up in the fortress of Montjuich. Before long the Marquis ordered him to return to Barcelona. Wharton refused, but a sharp message from the Court backed up the governor's command. Sulkily the Duke had to return to the garrison, and the further galling restriction was laid on him that on no account might he enter into the town.

At this time the King of Spain was preparing an expedition into Italy to recover the ancient Spanish possessions. Wharton got his marching orders and, full of joy, sent to a relative in England begging for money to equip himself according to his rank. This was provided, and for a time Wharton lived with some show of decency and dignity. Once again he devoted himself to letters, attempting a translation

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of Telemachus, which he soon abandoned for a tragedy on Mary "Queen of Hearts." But he was not destined again to take leave of Spain. In the winter of 1730 his health gave way, chiefly owing to the effect of his ceaseless excesses. A visit to some medicinal waters in Catalonia restored him partially. At Tarragona he rejoined his regiment, but a second outbreak of the disease caused him to seek again the mineral springs. In May 1731 the Duke set out. But the journey was beyond his strength. Painfully he toiled away until a fit seized him and he fell from his horse.

Wharton was found unconscious by some Benedictine fathers. All their care and medical experience was lavished on him, but without effect. His constitution was hopelessly impaired as the result of debauchery. And so in the surroundings for which he had sometimes longed, but which in health he had been unable to endure, Philip the first Duke of Wharton died, at the age of thirty-two. His life had been squandered : he had insulted and outraged all his friends. There was not a soul to mourn him, as the fathers laid him under the aisle of the Westminster Abbey of Aragon-Poblet. His titles descended with him to the grave, except that of Baron Wharton, the revival of which was attempted unsuccessfully in 1844.

To combine the qualities of Rochester and Cicero, says Pope, was Philip Wharton's aim. Undoubtedly he was gifted both with wit and eloquence, but both were drowned in his cups. In his younger days he

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had known Richardson, and had been the patron of the poet Young. Both used him to point the moral of their tales: Lorenzo of the "Night Thoughts" and Lovelace of "Clarissa" are claimed to be authentic portraits. He was intimate with Lady Wortley Montagu—Worldly Montagu, he called her not inaptly—between whom and Pope he tried out of petty malice to sow lasting dissension. Wharton realised the shipwreck he had made of his life. Writing from Catalonia shortly before his death he begs a friend:

> "Be kind to my remains, and O defend, Against your judgement, your departed friend!"

It would be hard for the most charitable to defend him. He threw away his opportunities of doing actual harm to England, but he represented the large parasite class who drain away the country's resources without giving anything in return. His immorality towards individuals was of a more positive kind. But his life can be best summed up in the one word—waste.

#### HENRY FOX, FIRST BARON HOLLAND (1705-1774)

THE best that any of his friends could do for the first Lord Holland was to avoid all mention of his name. By eighteenth-century England he was accounted a paragon of infamy, and eighteenth-century England ought to have known! He showed a contempt for all moral laws whole-hearted enough to entitle him to a place among the supermen dreamed of by our philosophers. He was in fact the ideal wicked nobleman doomed to execration by transpontine audiences.

Except that he was not born in the purple! Nor, alas! was it thrust upon him by a grateful country. Fleet Street makes it a constant source of reproach to the *nouveau riche* that he pays large sums to the Herald Office to dig out the roots of his family tree. But how many of our noble families can face so searching a scrutiny into their origin? Henry Fox at any rate haggled and bargained for his coronet, like any Jew pedlar of them all!

He was the son of Sir Stephen Fox, who had raised himself from obscurity to organise the finances of Charles II. during that Prince's wanderings abroad. After the Restoration Sir Stephen's economic genius was turned towards the building of his own fortunes, with complete success. But at the advanced age of seventy-six, seeing that his sons were likely to re-



HENRY FOX, FIRST BARON HOLLAND.



main all childless, he married a second wife, Christian Hopes, a clergyman's daughter, by whom he had four children. The second son, Henry, inherited more of his father's talent for money-making than of his mother's eponymous virtues.

But before turning to this serious business, Henry Fox set to work to dissipate his inherited fortune. Gaming was one of his leading passions, and he indulged it to the very end of his life. He was a member of the Medmenham Brotherhood, and the dissoluteness of his early life, together with the means by which he scrambled back into the fashionable and political world, are better left untold. It was his public not his private life that made him a menace to the country.

Like most bankrupts Fox went abroad, and on his return with replenished pockets secured the representation of the borough of Hindon in Wiltshire. This was in February 1735. He made his debut in Parliament under the ægis of Sir Robert Walpole, whose political philosophy he assimilated with amazing readiness, and to whom he gave a devoted allegiance which amazed that cynical statesman. From the very first he seemed destined for success. He had, said Lord Melcombe, "something very frank and open about him." He possessed the art of entertaining, and was popular in society. Soon he became one of the keenest debaters in the House, distinguished for his courage, readiness and memory, for his tact in dealing with men, for his capacity in matters of plain, everyday politics that made no

appeal to passion or imagination. To add to this he was utterly untroubled by any scruples or principles; patriotism meant nothing to him. Money, power and title were the trinity he worshipped, and when any two of them came into collision it was always avarice that triumphed.

Political advancement came quickly to Walpole's protégé, for in June 1737 he was made Surveyor-General of Works, an office which he resigned when his leader fell in 1742. The following year, at Walpole's request, he accepted the post of a Lord of the Treasury under Pelham, and three years later was advanced to be Secretary at War and admitted a member of the Privy Council. Meantime he had married Lady Caroline Lennox, the Duke of Richmond's beautiful daughter. The wedding was clandestine, for the young minister had been scornfully rejected by Lady Caroline's parents. There was a great furore in society; Fox's relations stood aghast at his temerity: the bride's parents retired to mourn in private, and for four years refused to be reconciled to their erring child. This incident lent piquancy to Fox's opposition to Lord Hardwicke's Marriage Bill, which was indeed a sufficiently scandalous measure. For, while doing away with the abuses of the old "Fleet" weddings, the measure declared illegal all marriage ceremonies except that of the Anglican Church. Unfortunately, however, the idea of toleration never once entered the head of any of the Bill's opponents. Fox opposed it, as Sir George Trevelyan remarks, as "the hero of the most famous runaway match of the generation," and partly from an ingrained antipathy to Hardwicke its promoter.

With the death of Pelham in 1754 began three years of confusion, almost of anarchy, in English politics, filled with the wrangling of great nobles over the prostrate body of the state, a greedy scramble for place and power. The helm of state passed immediately into the hands of the Duke of Newcastle, an amiable but incapable nobleman of enormous family influence. Though incorruptible as regards money, the new minister had an insatiable thirst for power, regarding government as his hereditary right. Pelham had been leader in the Commons and, though debarred from sitting in the Lower House, his brother wished to retain in his own hands the power and prestige of that position. The King's hostility to Pitt placed the Paymaster of the Forces out of the running. Murray, the Attorney-General, refused to abandon the law for politics. Newcastle's choice therefore fell on Henry Fox, who eagerly grasped at the offer. Discovering, however, that the First Lord of the Treasury had reserved to himself the disposal of the secret service money without any reference to his colleague, and designed other encroachments on the rights of the leader of the Commons, he thought better of his decision and stuck to his office of Secretary at War.

But doubts of his wisdom began immediately to assail him, and Fox cast about for some means of securing the reality of power. Pitt, smarting under

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his exclusion, was ready to join him, so these two most remarkable men in the Commons formed an alliance. offensive and defensive, and hurled their thunderbolts against the aristocratic domination. Newcastle's deputy in the Commons was one Sir Thomas Robinson, whose general dullness and stupidity form a common basis of agreement for rival historians. As the Duke was safely sheltered in the Upper House poor Sir Thomas was made the butt of the two rebels. The position became intolerable. In January of the following year the Duke again opened negotiations with Fox, who, to the general astonishment, agreed to serve under the man he had so mercilessly ridiculed. and threw Pitt calmly overboard. This treachery was never forgiven or forgotten by the Great Commoner; an intense hatred sprang up between the two conspirators, which was later to interfere with Fox's political advancement.

Fox, however, had not been so short-sighted as many people thought. Newcastle had learnt how ineffective was the puppet leader he had erected. Before a twelvemonth was out poor Robinson found himself banished to the Wardrobe, with a fat pension to soothe his wounded vanity. The new recruit was Secretary of State and Leader of the House of Commons, without the troublesome restrictions that Newcastle had formerly tried to impose.

In ordinary humdrum times the Government might have muddled through for some years longer, backed as it was by enormous majorities in both Houses of Parliament. But the times were not humdrum. The

balance of nations was disturbed. It was difficult to say what part of Europe would suddenly flare up in conflagration. The disputes between French and English that had brought national feeling to a head in Canada suddenly broke out into active warfare. Uncertain whether to declare war on France or not. the Cabinet halted and vacillated, split up into opposing factions by personal animosities. Finally they agreed on a policy practically amounting to piracy and robbery, that made honest patriots ashamed of their country. The whole nation was panicstricken. The navy was unprepared. There were, it was said, but three regiments fit for active service. There was wild talk of invasion. Disaster overtook the English arms both in Europe and America. Said Lord Waldegrave: "We first engaged in war and then began to prepare ourselves." Braddock was defeated and killed in Canada. Minorca, our finest harbour on the Mediterranean, fell into the hands of the French. For the ill-fitted, ill-manned expedition under Byng, that had set out tardily to its relief, was no match for the French squadron.

In the Far East a serious crisis had arisen. Surajah Dowlah, the Viceroy of Bengal, after quarrelling with the English, who for a few years had held indisputed possession of the Carnatic, moved to attack Calcutta. After a short, sharp siege the town fell, and there occurred the terrible massacre of the "black hole" of Calcutta.

And in Europe war had broken out between Austria and Prussia.

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Small wonder that the English nation was becoming exasperated with the persistent mismanagement and criminal incapacity of those at the head of affairs. The credit of the ministry sank rapidly. Fox, ever shrewd to forecast the changing of the wind, and suspecting that Newcastle was preparing to make him the scapegoat of the Government, threw overboard his chief, as he had before deserted Pitt, and obtained his Majesty's permission to resign in October 1756. Frantically Newcastle sought some prop for his crumbling administration. Pitt, Murray, Egmont, Granville-all were appealed to, but none would trust his credit to the chances of office. In desperation Newcastle resigned. Fox was summoned by his Majesty and directed to form a Government with Pitt. But Pitt refused to serve with the man who had so recently betraved him. Finally he agreed to an alliance with the Duke of Devonshire, and together they formed a short-lived ministry from which Fox was excluded

But though the Newcastle faction had fallen, from sheer inability to stand upright, they were still most influential in Parliament. A powerful weapon was given into their hands, which Fox wielded with the most unscrupulous ability, to the discomfiture of Pitt.

The nation was clamouring for the life of Admiral Byng, whom they chose to imagine wholly responsible for the disaster of Minorca. With tearful eagerness Newcastle hastened to deliver him over to popular fury. "Oh, indeed he shall be tried immediately,"

he cried piteously to a deputation from the city of London who demanded an inquiry, "he shall be hanged directly." A court-martial was ordered which fully acquitted Byng of all cowardice and disaffection, but most reluctantly pronounced him guilty of neglect of duty, which proceeded, they hastened to add, only from an error of judgment. A recommendation to mercy, couched in the strongest terms, was added -for neglect of duty was by the revised Articles of War a capital offence. Pitt pleaded hard in Parliament for the Admiral's life and begged King George to intervene. His Majesty refused. Byng explated his error with his life. Pitt's generous but unpopular defence was the weapon which Fox with grim satisfaction turned against his one-time colleague. Popular displeasure turned for a time from the dead Admiral to his living advocate. Pitt was shortly afterwards dismissed from office.

For eleven weeks in the middle of a disastrous war England was left without a government and chaos reigned supreme. A series of cabals, combinations and intrigues fell abortive to the ground. Fox and Newcastle could not stand alone, Fox and Pitt would not act together. At length it became clear that only by the unnatural coalition of Newcastle and Pitt could any durable ministry be formed at all. So in June 1757 the Duke placed his influence at the disposal of the Commoner's genius, and the fortunes of the country began steadily to improve.

Meantime a crisis had occurred in the affairs of Henry Fox. For the second time he had gambled away his fortune. Bankruptcy stared him in the face. He had accepted the post of Chancellor of the Exchequer, with Lord Waldegrave as First Lord of the Treasury, while Newcastle was still declining to serve with Pitt. But when that nobleman suddenly decided to swallow down his resentment at the insults previously heaped upon him, Fox found himself dispossessed of the Exchequer. Casting round for some other means of mending his desperate fortunes, Fox decided to give up the struggle with Pitt and to accept in this strange Government the comparatively unimportant post of Paymaster of the Forces.

Once again there was method in his madness. In time of war the Paymaster had enormous sums of public money constantly in his hands. Without deliberate embezzlement there was an ample field for a daring financier to employ these funds in speculation for his own private profit. Pitt, it was true, had quitted the office as poor a man as when he entered upon it. But then Pitt had a conscience, and preferred to keep his hands clean whenever possible. Such scruples had no weight with Fox. He practically retired from political activity, and while Pitt was retrieving the fortunes of the country Fox set himself steadily to work to amass a fortune of his own. And right well he succeeded. "Half the brokers in Lombard Street," says Sir G. O. Trevelyan, "were discounting bills at a war rate of interest with cash supplied to them out of the public balances, at a time when those balances had been swollen to an unprecedented amount by the loans and taxes that

## First Baron Holland

went to feed a contest which embraced the world. Every new regiment that was mustered; every fresh ship that was in commission; every additional ally who applied for a subsidy; every captured province or colony which had to be provided with a staff of salaried administrators - brought grist to the mill of the Paymaster. Intent upon heaping up a colossal fortune, which his sons were to dissipate even more quickly than he had amassed it, he tamely consented to abandon everything which makes ambition honourable, and self-seeking respectable. He sank from a Cabinet Minister into an underling, and from the spokesman of a government into the mute occupant of a remote corner of the Treasury bench. Rich and inglorious, he played Crassus to his rival's Cæsar, until an unexpected turn in politics tempted him to guit that comfortable obscurity from which it would have been well for his memory if he had never emerged."

This unexpected turn was the death of George II. and the accession of his grandson. The simple and stupid George III., taught from his infancy to consider himself as a heaven-born ruler, was bent on concentrating the government of the country in his own hands. He hated Pitt with all the bitterness that ignorance feels towards genius, and this antagonism had been sedulously fostered by the Princess of Wales and her favourite, Bute. He disliked the policy his minister was advocating of declaring war on Spain. There was jealousy in the Cabinet, and also a certain amount of sincere opposition to Pitt's latest proposals. In three successive meetings of the Council Lord Temple was his only supporter. Pitt indignantly tendered his resignation, and retired to the Lords as Earl of Chatham.

But the triumph of his enemies in the Cabinet was of short duration. By May 1762 Newcastle had been persistently slighted into resignation. Bute took office and hurried on the Peace for which he and the King had for some time been pressing.

This Peace, however, was not popular, nor were the terms it secured to England, though advantageous, anything like commensurate with the victories our arms had won. Bute was detested by the English chiefly because he hailed from north of the Tweed. It was reported, and commonly believed, that he had sold the national interest to the French, in return for a handsome pension. Never, it was felt by his Majesty and his faithful henchman, would the latter secure the ratification of the Peace of Paris in the House of Commons.

In this extremity the King turned once more to Fox, who had the courage if it suited him to fly directly in the face of an outraged nation. Fox had nothing to lose by a sudden change of front : his unpopularity was already sufficiently well established. On the contrary he saw that the political crisis might well be made to further one of his most cherished ambitions. He struck a bargain with the King. Though refusing to become Secretary of State, he consented to enter Bute's Cabinet, and to take back the leadership of the House of Commons until, by fraud and bribery, he should have succeeded in forcing that bulwark of popular liberty to act in accordance with his Majesty's desire. The reward of his apostasy was to be a peerage, which would at once gratify his ambition and relieve him of the irksome routine of the Lower House. He was, however, he stipulated, to retain his lucrative office of Paymaster, and in addition secured for himself a handsome sinecure, the Writership of the Tallies and Clerkship of the Polls in Ireland.

With these securities Fox took office. The whole political history of the eighteenth century is one long story of corruption, but never perhaps were bribes lavished with quite so free a hand as during the five short months when the "saviour" of his King sat in the cabinet of Lord Bute. The swarm of officeholders in the House of Commons were quietly given to understand that their votes were expected by the Government; that hundreds of men were waiting to step into their shoes. To the aspirant after honours it was hinted that there would be a liberal distribution if the verdict of the House should go in the King's favour. Banknotes passed from hand to hand in the glare of an indecent publicity; no vote was estimated at a less value than two hundred pounds. Nor was this bribery confined to the inmates of St Stephen's. It was deemed advisable by Bute and his worthy aide-de-camp that large numbers of petitions in favour of the Peace should be laid before the House. The lord lieutenants of the counties were urged to use all their efforts to secure long lists of signatures, and

# Tarnished Coronets

the corporations of many of the towns received enormous sums for the same purpose. Ten new Lords of the Bedchamber were created, with salaries of five hundred pounds a year. The royal wire-pulling had also been greatly facilitated by the creation of sixteen new peerages within the last two years. The history of one of the most delicate of these transactions has been preserved for us in Walpole's letters. Horace was informed that Fox, though ignorant of Lord Orford's politics, was willing to use his influence to obtain for him the Rangership of the London Parks, a snug little post worth an annual two thousand pounds. "This is offering you a bribe," ends up this ingenuous letter, "but 'tis such a one as one honest good-natured man may without offence offer to another." The money for these transactions was provided partly by means of lotteries, partly by a loan which, says Lecky, "was issued on terms so shamefully improvident that the shares at once rose ten per cent. A very large proportion of these shares were distributed among the friends of the Government, and thus a new and wasteful form of bribery was introduced into English politics."

The immediate results of this activity were highly gratifying to the King and his friends. The preliminaries of the Peace were passed by the House of Lords without a division, though Chatham, too ill to stand on his feet, spoke against it for three and a half hours. In the Commons there was a majority of three hundred and nineteen to sixty-five. "Now," cried the Princess Augusta, "my son is King of England." Those who had opposed the royal will were treated with the most vindictive severity. Every place, every office, every pension was stripped from them. And first Fox turned against his old colleague and chief. "Strip Newcastle of his three lieutenancies immediately. I'll answer for the good effect of it," he wrote to Bute in November. And again : "The impertinence of our conquered enemies last night was great, but will not continue so if his Majesty shows no lenity. But, my Lord, with regard to their numerous dependants in Crown employments, it behoves your Lordship in particular to have none of them. Their connections spread very wide, and every one of their relatives and friends is in his heart your enemy. . . . Turn the tables and you will immediately have thousands who will think the safety of themselves depends upon your Lordship, and will therefore be sincere and active friends."

In this spirit of insane and purposeless malice were all the Whig politicians, with their relations, friends, dependants and supporters, no matter how humble, to the third and fourth generation, driven from all part in the government of the country. Grafton and Rockingham were relieved like Newcastle of their lieutenancies; Devonshire, with a dignity almost unknown in that century, placed his at the disposal of the King. Had not the Chancellor declared that it was like asking the judges to decide on "the validity of Magna Charta," Fox would have attempted to annul the patents held by the Opposition. Even the very clerks and excisemen who held their places from

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the Whigs were turned adrift. This was the farce to which Fox, to gratify his own personal avarice and ambition, had reduced the liberty for which Englishmen had so much suffered in the past. In opposition the Tories had posed as champions of parliamentary purity; in office under Fox and Bute they carried government to a depth of immorality never touched before. The House of Commons was corrupt as never since has it been corrupt; all principle, all patriotism, all public spirit, all common honesty thrown overboard, utterly subservient to the monarch's lightest whim. And the great mass of the people, like Milton's beasts, their hinder parts still wallowing in the mire, saw themselves forced into crime by ferocious penal laws, reduced to poverty through the plunder and robbery of a horde of greedy, dissolute parasites. So ignorant were they that they could not realise that the evils from which they suffered were bound up with a system of privileged aristocratic government. The character of our eighteenth-century peers was the effect, and not the cause, of the vicious system of which they were the central figures. It is a disquieting reflection to the defenders of a hereditary legislature that every stride which democracy has made in England has been followed by a corresponding rise in the morality of our aristocracy.

The Peace of Paris was signed in 1763. But Fox was soon to find that no commodity depreciates in value so soon after purchase as a man's honour. Their votes once given, his place-holders felt themselves bound to him by no further obligations. He became about the worst-hated man in the House of Commons. His wife had already the previous year been created, in her own right, Baroness Holland of Holland in Lincolnshire. He resolved to retire from the Lower House and claim the peerage he had bargained for.

Then came a great surprise. The King and Bute declared he must resign his office of Paymaster of the Forces, which never yet had been held by a peer. Fox indignantly declared that his retention of this had been a condition of his championship of the monarch's cause. A virulent and sordid quarrel arose between Fox and Shelburne, through whom the delicate matter had been negotiated, for even a seat in the House of Lords could barely compensate for a clear loss of twenty-five thousand pounds a year. In the end Fox triumphed. He retired to the Upper House as Baron Holland of Foxley, Wiltshire, taking with him all the emoluments of the Paymaster's office. His brief career of five months in Lord Bute's Cabinet had cost the nation, so Horace Walpole estimated, a good fifty-two thousand pounds a year in reversions, apart from his own and his family's gains.

But life in the Upper House was not to be a bed of roses. By his last tenure of office Lord Holland had alienated every party in the state. His enemies and mercenaries hated him with bitter hatred; he who had twice deserted his friends now found himself deserted by his friends. He cast covetous eyes on the embassy in Paris. He hoped and planned and intrigued for an earldom. Neither came his way. In high dudgeon he retired into private life, and refused to take part in the Lords' debates. In 1765 the office of Paymaster was taken from him, and four years later definite charges of peculation were preferred against him in a petition from the livery of London : he was, said the petition, "a public defaulter of uncounted millions." For during all the years in which he had enjoyed that office, never once had he published any statement of his accounts. Proceedings were taken against him in the Court of Exchequer, but on the King's intervention were stopped to give him time to draw up some statement.

His lordship's defence was miserable. His accounts, he complained, were too extensive to be settled in a short time-and so at the end of twelve years he had not accounted for a single penny! He had delayed referring his books to the auditor "for fear of giving him too much trouble and perplexing him with the length and intricacy of them," and so on in the same vein. However, at length, Lord Holland condescended to publish a statement, in which he claimed that his delay had been neither "unusual nor illegal"-a defence which condemns indeed the custom and law of those days but without exonerating him. For, as the writer of "The Fox Unkennelled" justly observes, "the accounts of the Earls of Chatham, Darlington and Kinnoul, and Mr Potter were made up regularly, and in due course delivered to the auditors."

## First Baron Holland

This was Fox's last appearance in public life. The next few years he spent in travelling, in paying his sons' debts and building an imitation Roman dwelling at Kingsgate near the North Foreland. On 1st July 1774 he died at Holland House. His last recorded word was a *bon mot*. George Selwyn had come to see him, whose curious taste for death scenes and execution was matter for common jesting. "If Mr Selwyn calls again," said Holland, "show him up; if I am alive I shall be delighted to see him; and if I am dead he would like to see me!"

Holland's will is an excellent comment on his political life. He left to his wife one hundred and twenty thousand pounds in Government securities, Holland House and an income of two thousand pounds a year; to his son Charles his Kentish property, with an annual income of nine hundred pounds; to Henry another estate, and five hundred pounds a year. To his eldest son he had already handed over property that produced from four thousand to five thousand pounds annually.

Such were the prizes that fell to the lot of the political adventurer in the eighteenth century.

The believer in hereditary government might seek to justify Lord Holland by his son. But Charles James Fox was unfortunately a younger son, who fought his way by his own talents in the Commons, and never graced the House of Lords. Henry Fox must be judged on his own merits, and the twentieth century will be inclined to agree with the plain-spoken satirists of the eighteenth :

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"Whilst nobles act without one touch of shame What men of humble rank would blush to name; Whilst Honour's placed in highest point of view, Worshipped by those, who justice never knew; Whilst bubbles of distinction waste in play The hours of rest, and blunder through the day, With dice and cards opprobrious vigils keep

Then turn to ruin empires in their sleep; Whilst titles serve to hush a villain's fears; Whilst peers are agents made and agents peers;

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Whilst Bute remains in power, whilst Holland lives; Can Satire want a subject where Disdain, By virtue fired, may point her sharpest strain?"<sup>1</sup>

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<sup>1</sup> Churchill, Epistle to William Hogarth.

#### JOHN MONTAGUE, FOURTH EARL OF SANDWICH (1718-1792)

ON a bleak November day of the year 1718 John Montague, destined by a wonderful and benevolent system of primogeniture to become the fourth Earl of Sandwich, first opened his eyes on the world, at a certain house in the parish of St Martin's-in-the= Fields, London. He was the son of Edward Richard Montague, Viscount Hinchinbrook, and of Elizabeth, daughter of Alexander Popham of Littlecote, in Wiltshire. Moreover he was grandson to Edward, third Earl of Sandwich, to whose title and estates he succeeded in the year 1729, at the tender age of eleven.

The doings of children in the eighteenth century were deemed of small importance, since passivity and servility were the only virtues required of them. Consequently we know little of young Montague's boyhood. He went to Eton at an early age, and, if we are to believe the over-laudatory memoir of the Rev. Mr Cook, his schooldays were a model of childish propriety. His submission to authority was remarkable, and he seems to have burned with a noble longing to suffer the full punishment of his small infractions of school discipline.

Whom the gods love, however, do not always die young-Montague lived to a green old age, and died

full of years and honours. It is true that he was execrated by a whole population, that his memory is darkly stained with treachery to a friend, that his public career was as infamous and corrupt as any in our annals. His position remained untouched; his titles and virtues were handed down to later generations of hereditary legislators. In matters of vice alone do the workings of heredity become suspended!

On leaving school, in 1735, young Montague, now Lord Sandwich, proceeded to Cambridge, where he was entered at Trinity College. He is said to have had good natural parts, and to have been a proficient classicist, but after a two years' residence he quitted the University without taking a degree. The Grand Tour claimed him, and after a twelvemonth passed in France he wandered further afield in search of amusement and of art. The usual tour extended itself: the Greek Islands, Constantinople, even Egypt, had been visited before he returned to London to take his seat in the House of Lords. There is a book in existence, of little merit, entitled "A Voyage round the Mediterranean," that claims Sandwich as author, but it is probable that the young lord's share in it was small, and that it was practically the work of his tutor. It was fashionable in those days for peers and gentlemen to dabble in the arts. Sandwich was one of the first to practise that spoliation that has given us ancient statues ticketed and labelled in our museums, and has left only a crumbling group of stones where many a fair temple once gave itself to the sun and winds of Greece. From his travels he



JOHN MONTAGUE, FOURTH EARL OF SANDWICH.

brought back many treasures, including quantities of coins and medals, a marble vase from Athens, "two mummies and eight embalmed ibises from the catacombs of Memphis," and a large slab of marble inscribed on both sides in Greek characters, which latter he presented to the library of Trinity College, Cambridge. Probably in recognition of this patronage of art, the Earl was elected in 1739 a Fellow of the Royal Society.

Two years later he married Judith, third daughter of Charles, first Viscount Fane. She brought him one thousand pounds a year and six children, but after the wedding day her name disappears from history.

The early part of Sandwich's public life is of little interest, being largely a record of his appointment to subordinate posts in the Government, and of his rapid rise, without corresponding services, in military rank. From his first entry into politics, he had attached himself to the Duke of Bedford, who was in violent opposition to Sir Robert Walpole. The Duke's party made spirited attacks on the corruption of the Whig ministry, and stood forward as stalwart champions of Parliamentary purity—until they themselves chanced to come into office. Sandwich seems very soon to have made his mark as an eloquent debater, and Bedford came to look on him as his second-in-command.

In December 1744 Sandwich accepted the post of Junior Lord of the Admiralty, in which department he was a few years later to become notorious. The following year it was proposed to send him as Plenipotentiary to the Conference of Breda, a proposition that evoked the unbounded astonishment of his cousin George Montague, and of the ubiquitous Horace Walpole. So small indeed was his equipment for diplomacy that Walpole suggests in all seriousness that the mission was entrusted to him to prevent him from exercising his functions at the Admiralty. But during this first experience of office, it is only fair to say that the Earl seems really to have been anxious for efficiency in his service, though this laudable desire was never allowed to clash with his bitter partisan feelings.

On the promotion of the Duke of Bedford to be Secretary of State in February 1747-1748, Sandwich stepped into his place as First Lord of the Admiralty. This position he occupied until June 1751, when, owing to Newcastle's intense and increasing jealousy of Bedford, it became impossible for the two dukes any longer to form part of the same ministry. Sandwich's dismissal was accordingly handed him, and Bedford, furious at the slight to his henchman, resigned, as Newcastle had foreseen. During his tenure of office the Earl had initiated little that was remarkable on his own account, though he had supported Anson with the prestige of his name when the latter had formulated a scheme for the visitation of the dockyards and the remedying of some of the grossest abuses that there prevailed.

Not until 1755did Lord Sandwich re-enter public life, but from December of that year until February 1763

### Fourth Earl of Sandwich

he held the office of joint Vice-Treasurer and Receiver of the Revenues of Ireland. Then another diplomatic appointment fell to his lot, that of Ambassador to the Court of Madrid, but before he could leave England he was once again appointed First Lord of the Admiralty, and the embassy fell into other hands. Four months later one of the principal secretaryships of state was offered him, an office which he held for ten consecutive years. It was during this period, in the year 1763, that his name, that had hitherto been familiar only in Government circles, came to be bandied about by the lips of the mob with hatred and The part he took in the prosecution of disgust. John Wilkes, the editor of The North Briton, was the starting point of his notoriety.

Some years before, Sir Francis Dashwood, one of the most accomplished roués and blackguards of a particularly dissolute and blackguardly age, had established a new order of Franciscan monks. Medmenham Abbey, an old Cistercian foundation, lies now for a second time in ruins in the midst of a richly wooded country on the bank of the Thames, in just such a spot as the religious orders alone in the Middle Ages knew how to appreciate. About the middle of the eighteenth century the original place was rented and rebuilt by Dashwood, as a fitting home for the choice spirits that he had gathered into his new brotherhood. In this retired spot they met to celebrate orgies of organised immorality. Venus and Bacchus were the gods of their adoration : profanity was called in to whet the jaded appetite of sensuality and beastliness; and piquancy was supposed to be added by a close parody of the rites and sacraments of the Christian Church. The administration of the Eucharist by a mock priest to a monkey was deemed the very height of dare-devil wit and courage. To the modern mind it is all very weary and dreary, and but another testimony to the stupendous dullness and stupidity into which the Englishman always falls when he sets out in pursuit of wickedness. Sandwich was one of this Comus crew, and Wilkes another, and Potter, son of the Archbishop of Canterbury, along with the poets Churchill, Lloyd and Whitehead, and others to the number of about fourteen. It has puzzled Wilkes' apologists how a person of real intellect could have endured the freaks of so witless a company. But a man who, having deserted his wife and squandered her fortune, could seek by force and trickery to get from her the small annuity secured to her by Parliament can hardly be credited with very finely pointed sensibilities. While honouring Wilkes' public defence of liberty it is unnecessary to attempt to whitewash his private life.

The breach between Wilkes and Sandwich seems to have begun with a practical joke played off by Wilkes at his lordship's expense. During the celebration of the *messe noire*, Sandwich had to speak an invocation to the devil. At the psychic moment, we are told by the author of "Chrysal," Wilkes let loose a black baboon adorned with all the traditional insignia of horns and hoofs. The animal vaulted on the table, and then, gibbering with fright, took refuge on Sandwich's shoulders. That worthy monk, who of course had a superstitious belief in the powers he was flouting, rolled on the ground in a paroxysm of craven fear, imagining that, like a second Faustus, he would be carried off to the infernal regions. With frenzy he implored the "gracious devil" to return whence he had come, until a roar of laughter from a fellow-reveller discovered the intruder to be only a baboon.

Such was the underworld of profane nastiness in which the English aristocracy of the eighteenth century was accustomed to pass its leisure hours. The Government sat by and winked. Dashwood, the founder of the brotherhood, was made by Lord Bute Chancellor of the Exchequer, and after making a hari-kari of the national finances was retired to the Upper House with the title of Lord le Despencer. Fox, the founder of the Holland family and one of the vilest of the crew, held from time to time important positions in the administration, while Sandwich, in addition to his post in Ireland, was Postmaster-General and twice the head of the Admiralty. It is certain that no official notice would have been taken of the society had not one of the members chanced to arrogate to himself the rights of free speech and public criticism. Wilkes started The North Briton in opposition to Smollet's Government rag The Briton, and in its pages he severely lashed the policy of Bute. This drew the eye of outraged authority upon him. When in the famous No. 45

he violently attacked the King's speech, though clearly stating that he regarded it as the sole production of the King's ministers, the wrath of George III. could be restrained no longer. A general warrant was issued to arrest all concerned in the printing and publication of the treasonable journal. Wilkes was seized and committed to the Tower, his house was ransacked and his private papers illegally confiscated. He was closely confined for many weeks before Lord Chief Justice Pratt decided that his privilege as member of Parliament exempted him from imprisonment. Actions were set afoot against the Secretaries of State who had been responsible for his arrest; heavy damages were awarded in one case and Lord Halifax only saved his purse (though not his face) through prolonging the case by legal trickeries for six years, until the plaintiff had been formally outlawed by the House. Meantime Wilkes became the popular idol.

King George's Government, which was always led by a spirit of blind perversity where its own interests were concerned, had not the wit to gauge the temper of the town. When the new Parliament assembled the prosecution of Wilkes was pushed on with vindictive haste. The House of Commons voted the offending No. 45 to be a seditious libel, and ordered it to be burnt by the common hangman. But the House of Lords, then as now solicitous for the spiritual welfare of the commonalty, took its stand on the loftier ground of the *haute morale*. Sandwich stood forth as the champion of decency and the Christian Church! Even Dashwood rocked with delighted laughter at "hearing the devil preach."

Some years before, for the delectation of the Medmenham Brotherhood, a parody of Pope's "Essay on Man" had been perpetrated. It was entitled an "Essay on Woman," was dedicated to a lady of easy virtue well known at the time, and was fathered on Bishop Warburton, the learned editor and annotator of Pope's poem. It seems to have been a foul enough production; no genuine copy is in existence to-day. Potter was probably the author. The poem was never published, but fourteen copies were printed by Wilkes at his private printing-press, and distributed among the members of the brotherhood. There is no doubt that Sandwich had seen the parody and chuckled over its indecencies. Bethinking himself that this would be an admirable stick with which to beat the refractory Wilkes, he set himself by bribery, trickery and deceit to secure a copy. This he insisted on reading before the House of Lords, in spite of the protests of several members, and, without any reasonable evidence, charged Wilkes with being not only the printer but the author of the poem. Warburton, spluttering with rage, rose to support him. Forgetful of his cloth, and ignoring the treachery of this public indictment of a man for a private offence which in no way offended against the public good (since the "Essay" had never been published); ignoring too that the Government was fraudulently in possession of this evidence, the Bishop made a most violent speech, at the end of which he

apologised to the devil for having even suggested a comparison with Wilkes. Aristocratic treachery and episcopal ferocity won the day. The poem was voted "obscene, libellous and a breach of privilege." Two days later the Lords drew up an address calling on the King to prosecute John Wilkes for blasphemy.

Little did Sandwich realise the hornet's nest he had brought about his own ears and those of the Government. The people of London, less abject slaves to authority in those days than in our own, were furious with indignation against those responsible for the anti-Wilkes campaign. The night of the debate, during the production of Gay's *Beggar's Opera*, when Macheath spoke the words "That Jemmy Twitcher should peach on me I own surprises me," the whole audience saw the application, and applauded to the echo. The name of "Jemmy Twitcher" fastened itself on to the Earl until it nearly obscured his hereditary name and title.

Universal execration was heaped upon the man who for party purposes had betrayed his friend. Churchill, the friend of Wilkes, poured forth all the bitterness of his genius upon him in the poems "The Candidate" and "The Duellist." He is described as having a "half-hanged look"; from his language you would have thought "he had been bred at Billingsgate."

> "Untainted with one deed of real worth Lothario holding honour at no price Folly to folly added, vice to vice;

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Wrought sin with greediness, and sought for shame With greater zeal than good men work for fame."

And again, he was

"Too infamous to have a friend, Too bad for bad men to commend."

Even Horace Walpole, who was by no means an enemy of Sandwich, describes him as having "an inveteracy, a darkness, a design and cunning in his character, that stamp him for a very unamiable young man." Johnstone in his novel "Chrysal" paints him under the thinnest disguise. A small book was published (now extremely rare) with the title "The Life, Adventures, Intrigues and Amours of the celebrated Jemmy Twitcher, exhibiting many striking proofs to what baseness the human heart is capable of descending." The incidents related therein cannot be accepted, chapter and verse, but they give an accurate enough idea of the atmosphere he created round him. Squibs and lampoons by the score assailed the unpopular minister, and truly did Walpole remark that "the blasphemous book has fallen ten times heavier on Sandwich's own head than on Wilkes'. It has brought forth," he adds, "such a catalogue of anecdotes as is incredible."

The popular outburst, however, seems to have had little effect upon its object. Passed over during the Rockingham administration, he returned to office in 1768, as Postmaster-General, under the Duke of Grafton, in which position he is constantly accused by

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Walpole, and lesser writers, of tampering with letters in the post. Grafton's successor, Lord North, made him a Secretary of State in 1770, and the following year restored him to his old office at the Admiralty.

Any desire for efficiency which the Earl had manifested during his former tenure of this office had now disappeared. He openly prostituted the great powers entrusted to him to greed of gold and votes. The different departments of the Admiralty were leased out to irresponsible persons with votes to sell and axes to grind, and into the manner in which they discharged their functions the First Lord never troubled to inquire. Even Sir Nathaniel Wraxall, his lordship's staunch apologist, admits that he "distributed among his chief adherents in Leadenhall Street the minor honours of the Crown," so that he made the Admiralty the strongest position in the Cabinet, and even Lord Macartney, the Governor of Madras, could get no attention paid to his complaints until "the Admiralty lent co-operation." In what manner this "co-operation" was obtained it is not difficult to guess.

It was generally asserted at the time that Sandwich received payment for his favours not only in votes but in hard cash. In February 1773 *The Evening Post* printed a rumour, that had been going the rounds, that a certain Captain Luttrell, of the Royal Navy, had been definitely offered a seat at the Navy Board for the sum of two thousand pounds. As no official denial was forthcoming, the audacious journal repeated the statement, remarking that it

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remained uncontradicted. Whereupon Sandwich brought an action for libel, in true twentieth-century manner, against Millar, the printer.

If it were not for the elongated "s" of the printed contemporary accounts of the trial, the reader might almost imagine himself reading the reports of a modern law-court. Counsel for the plaintiff pleaded injured innocence, and assured the jury that, though ten thousand pounds were the damages asked for, that sum bore no manner of proportion to the enormity of the offence. The defendant asserted the liberty of the Press. The evidence was inconclusive. There was no doubt that the offer had been made to Captain Luttrell by one Mr Corte-that officer was in court to prove it—but it was asserted that the emissary was guite unknown to the prosecuting nobleman. Mr Corte, so the evidence ran, was employed by the Rev. Mr Parrot, who stated that "Mrs Brooke, wife to a clergyman at Norwich, told him that she had interest to procure places, and that if he knew any person capable of presenting her with a handsome douceur, she would use that interest in his favour." The clerical lady was not called as evidence, but after much hesitation the Rev. Mr Parrot said that he believed her friend at Court was a Mr Friedenburgh, one of the Oueen's German attendants. The whole of the evidence offered is chiefly remarkable for the questions which the judge would not allow to be put to the witnesses-procedure not unknown at a later date. It seems probable that the first point of departure of this tempting offer was a Miss Ray, who

at that time and for many years was Lord Sandwich's mistress. Before leaving the trial it is interesting to note the judge's (Lord Mansfield) address to the jury.

"You will therefore, gentlemen," he concludes, "find for the plaintiff: but I will not say one word about the damages, as you are perfect masters of the case, and will no doubt maturely weigh every circumstance of private and public character." So much for the impartiality of the Bench! The jury, as London juries do when wealth or title is involved, followed the leading of the learned judge, and awarded the plaintiff two thousand pounds damages. Twelve good men and true, two lawyers and one judge had asserted his lordship's innocence; he left the court with the same unblemished character with which he entered it.

Clad now in a brilliant mantle of legal whitewash, Sandwich seems to have thought himself above suspicion. Five years later we find him again engineering an indictment of *scandalum magnatum*. This time it was against a Captain Thomas Baillie, who through the interest of Lord Bute had been made Lieutenant Governor of the Royal Hospital for Seamen at Greenwich. Though Baillie had no claim whatsoever to the benefits of the hospital, yet being appointed he employed himself well. In March 1778 he published a book of complaints about the management of the institution, of which the title gives a valuable précis. It is as follows:—

"The Case of the Royal Hospital for Seamen at Greenwich, containing a comprehensive view of the internal government, in which are stated the several abuses that have been introduced into that great national establishment, wherein landsmen have been appointed to offices contrary to charter; the ample revenues wasted in useless works, and money obtained by petition to Parliament to make good deficiencies; the wards torn down and converted into elegant apartments for clerks and their deputies; the pensioners fed with bull-beef and sour small-beer mixed with water, and the contractors, after having been convicted of the most enormous frauds, suffered to compound their penalties and renew their contract."

Sandwich, who had been both directly and indirectly attacked in this pamphlet, did not prosecute in person, but persuaded the lower officials of the hospital to pull the chestnuts out of the fire for him. At the same time he dismissed the governor from his post. But Baillie was able to prove his allegations up to the hilt. The hospital had been converted into "an engine of corruption and a den of Borough Jobbers," Sandwich had looked upon it as "an appendage to his private fortune." The defendant was triumphantly cleared of the charge of libel, by Erskine, a brilliant young advocate who afterwards became Lord Chancellor. But Baillie's career was at an end. Sandwich, who had already dismissed him from his post, now refused to appoint him to a ship. He was allowed to remain without employment until 1782 when the Duke of Richmond made him Clerk of the Deliveries. Meantime the whole guestion was opened up in the House of Lords, and Sandwich made an elaborate but utterly

inadequate defence. Caste, however, is stronger than justice. The committee appointed to inquire into the matter reported on 7th June 1779 that the pamphlet contained "a groundless and malicious misrepresentation of the conduct of the Earl of Sandwich, and others the Commissioners, etc., of Greenwich Hospital." The peer is tender to his peers.

Interesting revelations, however, were made some four years later, when Pitt attacked those strongholds of corruption, the public offices. The Navy Office had indignantly denied that fees were taken; but, says Pitt, "on closer examination of the matter it afterwards came out . . . that money, to a very considerable amount, was received by some of the officers under the name of gifts." He goes on to instance the Chief Clerk of the Navy, who, receiving the modest salary of two hundred and fifty pounds a year, was discovered to be fingering no less than ten times that amount in gifts. An inquiry was instituted, when a scandalous system of wholesale and organised robbery was disclosed. Probably Lord Sandwich had no direct knowledge of the fact; if that be pleaded, it is one of the severest indictments that can be made against a public official. It was his duty to know the workings of his department. Moreover it was through his habit, already noticed, of appointing officials not for their capacity but in return for their votes that affairs had sunk into such a deplorable state. Stores supplied to the army and navy have a queer little knack of being above the market price and below the market value. But

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probably the deficit of three hundred thousand pounds of bread, besides beef and other provisions, that was revealed by the accounts of 1780 is a record. Moreover the bread that was supplied cost four shillings a hundredweight more, and was worth four shillings a hundredweight less, than that obtainable elsewhere. Good biscuit supplied for the use of the men was appropriated by the caretakers of the storehouse for the feeding of their hogs. And when officials desired to turn an honest penny they would unblushingly remove a quantity of the stores and sell them for their own private profit; it was the undoubted right and perquisite of their position. But lest a closefisted and suspicious public should not see matters in this light, privilege was guarded not only by general complicity but by intimidation.

Such was the state of affairs prevailing at the Navy Board while the country was engaged in a fierce struggle with the American colonies, forced on it by the prejudice and stupidity of the monarch and his aristocratic ministers. But other and more disastrous causes were at work to make the nation clamour for the deposition of the First Lord of the Admiralty.

As far back as 1777, when war with France was anticipated but had not yet broken out, Chatham at the opening of Parliament made a vigorous indictment of Lord Sandwich. "What," he said, "what, my lords, is the present state of this nation? It is big with difficulty and danger; it is full of the most destructive circumstances. . . What is the condition of your formidable and inveterate enemies, the two

leading branches of the House of Bourbon? They have a formidable navy. . . Their coasts are lined with troops. . . What have you to oppose them? Not five thousand men in this island nor more in Ireland; nor above twenty ships of the line, fully and sufficiently manned, that any Admiral's reputation would permit to take command of."

Up rose Sandwich, quivering with righteous indignation. The noble lord had been grossly deceived. There were forty-two ships of the line in commission, thirty-five of which were completely manned and fit for sea at a moment's notice. Moreover Admiral Keppel, "as brave, gallant and experienced an officer -as respectably connected and as nobly allied as any in the service," was willing to stake his reputation on the present fleet. The latter assertion was fiercely combated by Lord Shelburne, and rightly so, for Keppel had only been vaguely asked if he were prepared to command the fleet, and he had answered that he was ready to serve his country when and as he could. But in private letters he betrays grave doubts as to the efficiency of the navy, and is still more dubious that his professed enemy should entrust him with the supreme command, if great victories were confidently anticipated.

For a long time Keppel was kept in ignorance as to whether his services would be required, but at length summary orders came to him. On 22nd March 1778 he proceeded to Portsmouth to take charge of the fleet. In spite of Sandwich's pompous boasting in the House of Lords, there were only six ships of the line awaiting him that were fit for service. Nothing had been done towards provisioning the fleet. There were scarcely sufficient seamen to man the few ships there were. Returning to town he took his complaints to the Admiralty, and finally succeeded in making the First Lord realise the gravity of the situation. Preparations were pushed furiously forward, and by the 6th June a fleet of twenty ships of the line, and three frigates, were ready to sail with the Admiral.

Hostilities started with the capture of two French frigates, the *Belle Poule*, and the *Licorne*. From papers that were on board, Keppel discovered that a fleet of no less than thirty-two ships of the line, along with ten or twelve frigates, were lying in the harbour at Brest. Finding himself thus outnumbered, and following the secret orders he had received from the Admiralty, he returned to England. This action was received with a torrent of foul abuse from the Government's hired Press, and Keppel was threatened with the fate of Byng. From an exceptional, though perhaps misjudged, devotion he forbore to breathe a word of censure against the Admiralty, and set himself to gather together a really efficient fleet.

By 9th July he was at sea again, with a fleet of thirty sail, ready to try conclusions with the French. An indecisive action was fought off Brest that might have ended in victory for our fleet but for the persistent disobedience to signalled orders of Vice-Admiral Sir Hugh Palliser. During the action both fleets had suffered greatly in their masts and rigging.

Keppel put into Plymouth for repairs; neither ropes nor spars nor masts were to be had, and at length he was forced to ask for permission from the Admiralty to dismantle the *Blenheim* in order to fit out his other ships.

Meantime rumours of similar unfitness came drifting across the Atlantic. The vessels that had been sent over to America under Admiral John Byron were unseaworthy and rigged with twice-laid rope. Matters grew steadily worse when Spain allied her forces with France. From every side came news of English squadrons, hopelessly outnumbered, forced to choose between annihilation and retreat. St Lucia, Granada and St Kitts had a sinister sound for Englishmen. Battleships are not built in a day. The Admiralty, in a panic to redeem its criminal negligence, seized on anything that would float, and sent it to contend with the navies of France and Spain. Retreats and defeats were bad enough, but when vessels foundered, untouched by the enemy, a horrible dread took hold of England. After the Northumberland and the Terrible came the loss of the Royal George. In the calm waters off Spithead, while her commander Kempenfeldt was writing despatches in his cabin, according to one account, a greatp iece fell out of her bottom. She went down with every soul on board.

Meantime, though Keppel had decided, for the honour of the service, not to make public Palliser's defection in the Brest engagement, a newspaper, *The Morning Intelligence*, had got hold of the story,

which was published at the end of October. Keppel indignantly refused Palliser's request to deny the statement officially. Palliser, thereupon, went hotfoot to The Morning Post, whose editor was one of Sandwich's sycophants. Here he related his version of the story, and accused Keppel of neglect of duty and conduct in the face of the enemy unbefitting an officer and gentleman. The matter was taken up in the House of Lords. Lord Bristol demanded a full inquiry, which Sandwich not unnaturally most vigorously opposed. Ultimately it was decided that a court-martial should be held. Twelve Admirals of the Fleet sent a memorial to the King protesting against the treatment meted out to a gallant officer, and in the House of Commons equally emphatic protests were registered.

Sandwich was fighting with his back to the wall to cast the stigma that had attached to him on to his political enemy. The court-martial was opened on the 2nd January 1779. On the 11th February it came to an end, and Keppel was triumphantly acquitted.

The whole country went mad with joy. Bonfires, illuminations, balls and banquets were the order of the day. London, of course, exercised her ancient and undoubted privilege of rioting. Roused to fury by the waters in which they had been drinking long life to Keppel and confusion to his enemies, the mob attacked the Admiralty offices, tore down the gates, smashed the windows of the First Lord, made a holocaust of Palliser's furniture, and committed that admiral in effigy to the flames on Tower Hill. Nor

were these excessive rejoicings confined to the roughs who are ready to destroy on any and every occasion. At least one noble wearer of the strawberry leaves was recognised in the tumult, and had the unaccustomed experience of passing the night in the watch-house. The streets for several days and nights were handed over to the military. Finally Keppel and his friends had publicly to beg that rejoicings should be discontinued. Yet it is extremely doubtful if this outburst of popular feeling was prompted so much by enthusiasm for the slandered Admiral as by hatred for the Government, and for Lord Sandwich in particular.

That someone should be sacrificed to his revenge that nobleman was determined. An obsolete Act of Parliament was resurrected by the ministry that made the breaking of windows a capital act. A youth called Mackay, who had been caught attacking the house of Sir Hugh Palliser, was vindictively prosecuted. "Because the ministry," thundered Fox in the House of Commons, "had failed in their designs to murder Admiral Keppel, the life of an unhappy youth was to be pitifully sacrificed to their resentment."

An even severer blow than the breaking of his windows was destined, however, to fall on the First Lord of the Admiralty. Sir Robert Harland, Howe and Barrington, with the majority of the most eminent officers of the navy, expressed their censure by refusing to remain in the service if Sandwich were not removed from office. Corruption through and through disgraced the navy; the country was being dragged through the lowest depths of shame, dishonour

### Fourth Earl of Sandwich

and defeat; no one could expect that gallant officers should leave their honour in the hands of so unscrupulous a chief.

It seemed, however, that nothing could pierce his lordship's rhinoceros hide. Limpet-like, he still clung on to office. And then domestic tragedy followed on political war.

Many years before, the Earl's fancy had been taken by the pretty face of Margaret or Martha Ray, the daughter of a staymaker in Covent Garden. She had a natural talent for music, his lordship's favourite art, which talent he had had cultivated under the best known masters of the day with great success. She became his mistress, and proved the great attraction of the musical evenings for which his house became famous in society. In person, Martha Ray was singularly attractive. She must have also been a past mistress in all the arts that please, for it is related in Craddock's Memoirs that several fine ladies of unimpeachable virtue, meeting her in her protector's house, would have shown themselves exceedingly friendly towards her, had it not been for Sandwich's strict regard for the proprieties. "There is a boundary line in my family," quoth the chivalrous Earl, "that I do not wish to see exceeded"! The Medmenham monk might be a minister of the Crown, and might "star" his mistress in his Christmas oratorios, but it was an outrage on decorum that a woman of rank should address even three words of friendship to the gentle and accomplished girl who had devoted her whole life to her elderly lover!

Like most of his kind, Sandwich had neither doubled Cape Turk nor even rounded Seraglio Point.

In 1770 Martha gave birth to a son whom the Earl acknowledged and educated. Thereby he has won much commendation from our moral historians. who seem to regard it as extremely meritorious in a man to assume responsibility for his children when not forced to do so by the law. If the sons of hereditary legislators were all men like Basil Montague we would willingly overlook the folly of the system in the humaneness of their legislation. But Basil was "illegitimate"-word beloved of the journalist and of the Surrey side! So though he had had the tongues of men and of angels, and the qualities of Solomon, Achilles and Mohammed, all in one person, morality has laid a ban on him; the English constitution forbids him to darken the doors of the Upper Chamber. And the English law did more. For by a technical flaw in wording young Montague, because of the accident of his birth, was swindled of the provision which his father had made for him by will. The son of the monk of Medmenham became the friend of Coleridge, Wordsworth and William Godwin, sharing their humane and revolutionary sympathies. He was called to the Bar in 1798 and rose rapidly, until his great abilities secured for him the post of Accountant-General in Bankruptcy. Within his own courts, and much against his private interests, he secured many excellent reforms in the position of the bankrupt and the debtor. But the greatest debt which civilisation owes him is for his untiring efforts

in setting before the country the barbarity, stupidity and ineffectiveness of the penalty of death. Once he offered to help Carlyle by obtaining for him a clerkship of the annual value of two hundred pounds, but so offended was that great man's dignity that he could only show his gratitude by scathing attacks on Montague in his Reminiscences.

His mother Martha's beauty and talents, and the unfortunate circumstances of her life, called forth much sympathy and admiration from the men as well as from the women who frequented his lordship's house. Among these was a young army officer, Captain James Hackman, who fell violently in love with his hostess. She repulsed his advances but he persisted, and, feeling sure that at length he would be able to persuade her to leave Lord Sandwich and to marry him, he resigned his commission in the army. The Church seemed to Hackman to offer the shortest road, if not to fortune, at least to a competence. Accordingly he took orders and continued his courtship. Martha began to listen more readily to the young clergyman's protestations, but Sandwich grew suspicious and decided to put her under the protection of a duenna. Hackman was exasperated, and thinking that his lady-love had submitted too readily to this protection was seized by a violent fit of jealousy. And then one morning all London was ringing with the news that Martha Ray had been treacherously murdered.

The evening before, Miss Ray, in company with her duenna, had visited Covent Garden Theatre to see

the play of *Love in a Village*. Hackman as he sat brooding in a coffee-house saw the carriage pass without Lord Sandwich. An insane fit of jealousy seized upon him : he followed the ladies to the play, where they were joined by three men connected with the Admiralty. The unfortunate man felt his suspicions confirmed. Martha was tired of his attentions : there was another lover in the field! He waited till the play was over, then, as Miss Ray left the theatre escorted by her cavalier, and stepped into her carriage, Hackman rushed forward, placed a pistol at her head and fired, and then attempted to shoot himself.

Martha fell dead at once, but her lover was only wounded. He was carried into the Shakespeare Tavern, and next morning was taken to the Bridewell at Tothill Fields. At his trial Hackman swore that he had meant to kill himself, and that his murder of Miss Ray was the frantic impulse of the moment. But the fact that two pistols were found in his possession went strongly against him at the trial. He was convicted of wilful murder, and was hanged at Tyburn.

Sandwich was overwhelmed by this catastrophe. His love for Martha Ray had been the only genuine passion of his life, curiously as it had expressed itself. A thrill of horror ran through London. Collectively the mob, like the House of Lords, is a stern censor of other people's morals. Sandwich's latest crime filled his cup to overflowing; what the disasters of the American War had failed to accomplish, domestic



MARTHA RAY.

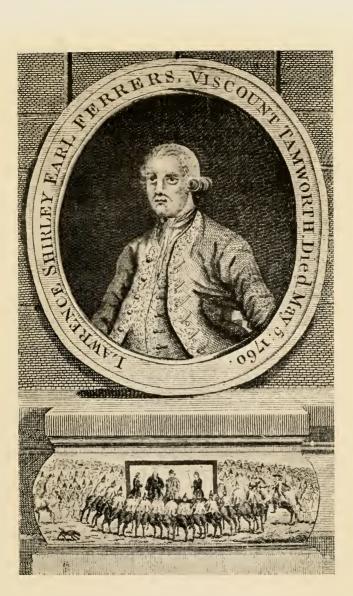
tragedy brought about, though in this case his lordship had suffered rather than sinned. Still he had kept a mistress at the Admiralty and—he had been found out. English decency rose in revolt. Sandwich must positively go.

And Sandwich went. On the collapse of the North ministry in 1782 he practically retired from public life. He went to live at Hinchinbrook, and passed the remainder of his life with his books and music. At length, on 30th April 1792, he died. He bequeathed his estates and titles to his eldest legitimate son, his name to the Sandwich Islands, and his memory to be a nail in the coffin of aristocratic government.

#### LAURENCE SHIRLEY, FOURTH EARL FERRERS (1720-1760)

In the north-eastern corner of Leicester county, almost bordering on the highlands of Derbyshire, lies the little village of Staunton Harold. Deriving its name from the last of the Saxon monarchs, it has from an early date acknowledged the lordship of the family of Shirley. The ancient manor-house has gone, and an eighteenth-century mansion stands in its place, surrounded by a stately park. The smiling countryside sleeps in the sunshine. You would never guess that, just one hundred and fifty years ago, England was ringing from end to end with the name of this tiny hamlet, that a great crime had been committed in its precincts-a crime that forced an English earl to answer to his peers on a charge of wilful murder, that for the first time in history brought a lord to Tyburn gallows.

For many centuries the Shirleys were prosperous country gentlemen, blessed with the happiness of obscurity. Then one of their number married Dorothy, youngest daughter of Robert Devereux, Earl of Essex. The earldom of Ferrers and barony of Chartly, which had been held by that nobleman, had become extinct on his death, but were revived in 1711 in favour of his great-grandson, Robert Shirley.



LAWRENCE SHIRLEY, FOURTH EARL FERRERS.

The ill-luck that waited on Queen Bess's one-time favourite seems to have clung to his title, for before long the shadow of madness was brooding over the house of the Shirleys; there was a dark blot on its 'scutcheon.

Laurence Shirley, the subject of this study, was the eldest son of the Hon. Laurence Shirley and of Anne, fourth daughter of Sir Walter Clarges, Bart. He was born in 1720, and matriculated from Christ Church at Oxford in April 1737, but left the University without taking his degree. On his uncle's death, in August of the celebrated '45, he succeeded to the family title as fourth Earl Ferrers, and took his seat in the House of Lords in October of the same year. For though commoners are rarely under thirty when they enter Parliament, it is one of the advantages the peer enjoys that at the age of twenty-one he is deemed to have wisdom and experience enough to direct the fortunes of his fellow-men. But never once during his fifteen years' career as a legislator did Ferrers open his mouth in the Upper House, and only on two occasions did he trouble to register his vote. But one of these is significant. The Government had laid a Bill before Parliament to abolish hereditary jurisdictions in the Highlands of Scotland, where the chief of every clan dealt out justice to his followers quite independent of the common law of the land. Against this Bill, which proposed to take away the right of life and death from the Highland aristocracy, Ferrers protested with all his might. His later actions seem to prove that he would, if he could, have extended the chieftains' privileges to the nobility of the sister country.

There are but scant records of the Earl's life before the crime and tragedy of 1760. At the age of twenty, like most young men of his position, he made the Grand Tour, during which, he confesses, he acquired all the most disgusting vices of the time. Before that date he declares he was innocent, and indeed contemporary reports speak of him as a pleasing and well-mannered youth. However that may be, the licentiousness, the drunkenness and brutality that the young lord picked up on his European travels seem to have found in him a congenial soil where they grew up thick and fast.

Even in quite early manhood, Ferrers must have been a remarkably unpleasant house companion. The insanity that had darkened his uncle's last hours, that had claimed as a victim his aunt, the Lady Barbara Shirley, seems to have hung heavily over him, without, however, rendering him irresponsible for his actions. His own relations describe his peculiar habits of "walking hastily about the room, clenching his fists, grinning, biting his lips and talking to himself." He would make hideous distortions before the looking-glass, spitting at his own reflection, and "using strange gestures." He would conceive groundless suspicions of all his friends, and went about constantly armed with daggers and a brace of pistols.

From time to time the Earl was subject to the most violent outbursts of passion, during which it was unsafe for anyone to approach him. His humours were usually vented on his servants by "exercising the horsewhip, kicking them, and throwing anything at their heads that came in his way." We are not surprised to learn that they did not stay with him very long, but often fled without even waiting for their wages. Great was the satisfaction of the young blackguard when he drove them to this pitch, for meanness was another of his amiable characteristics. "After regaling himself at an inn," we are told, "he would frequently step into his chariot and ride away without paying."

Several other anecdotes have come down to us illustrating the ungovernable violence of his lordship's temper, which was wont to break out on the very slightest provocation. Mr Craddock, in his "Literary and Miscellaneous Memoirs," remembers him at one of the Leicester race balls, when, after "obtaining liquor privately," he "became outrageous, and threw a large silver tankard of scalding negus among the ladies." On another occasion, being displeased about a barrel of oysters, he accused the carman of having changed them on the road, and called on one of his servants for support. The man refused deliberately to tell a lie. The Earl flew into a violent rage, struck at him with a knife, felled him with a blow on the head from a heavy candlestick, and otherwise maltreated him. Walpole also remarks that Ferrers "was believed to have killed a groom who died a year after receiving a cruel beating from him."

Like most bullies, Ferrers was also an arrant

coward. In an age when duelling was the general rule it is inconceivable that a man of his aggressive and cantankerous disposition should not have received a challenge at some time or another, but there is no record that he ever defended himself against an *armed* opponent. And so society, that would hardly have been irritated at his brutality or coarseness, ostracised him for poltroonery. But the Earl was quite unmoved; he chose his boon-companions from among the scum of the town, and hired a lodging in a tavern at Muswell Hill.

One curious episode is constantly referred to by contemporary writers. The Earl was one day stopped by a highwayman called Page, and ordered in the orthodox way to stand and deliver. With a theatrical flourish he drew a pistol from his pocket and pointed it at his assailant's head, making as though he would shoot, but seeing that the highwayman stood firm "a cold sweat of fear broke out over him, and his limbs trembled, so that he was quickly disarmed by his opponent." Then meekly he handed over one by one the armoury with which he always went equipped. Later Page was arrested and brought to trial. He made the curious plea that Ferrers could not legally give evidence against him as he was an excommunicated man. The plea was allowed, and the highwayman went free. What particular outrage occasioned the Earl's excommunication I have been unable to discover. but it is likely enough that the charge was true, since it was allowed in a court where the bias

#### Fourth Earl Ferrers

would be distinctly against the man who brought it forward.

A delightful candidate this for matrimony! But yet in 1737 Ferrers married Mary, the youngest daughter of Amos Meredith, belonging to an ancient Cheshire family. We are not told if he broke off his connection with his former mistress, Mrs Clifford, who had borne him four daughters. If so, he resumed it again ere long. His bride brought him no fortune, but was "a very pretty woman" according to Horace Walpole, admittedly a connoisseur in such matters. Also she was of a kind and gentle disposition. Marriage is the bully's paradise. The noble lord was not slow to take advantage of the power thus placed in his hands by the English law. Before long his treatment of his wife was the talk of the town. The invaluable gossip already so often quoted writes that "a frantic Earl Ferrers has for this twelvemonth supplied conversation by attempting to murder his wife, a pretty, harmless young woman, and everybody that took her part." It was his cheerful habit to take pistols to bed with him, and constantly to threaten to kill his wife before morning. He would swear at her, beat her, kick her on the slightest provocation, professing for her all the time the sincerest affection.

It is pleasing, if surprising, to find that there were limits to the submissiveness of even the eighteenthcentury woman. After six years of this peculiar affection the Countess applied for relief to the House of Lords. Faced with the not unnatural result of their own marriage laws, inspired by eighteen centuries of Christian morality, the Lords acted with a greater degree of common-sense than might have been expected. Divorce was not to be hoped for. The "sacrament" of marriage, even when complicated with brutality, unfaithfulness and attempted murder, was still in the eyes of English society something sacrosanct, indissoluble. But even the English law could not refuse to protect a woman in hourly danger of her life. A decree of separation was pronounced, and the revenues of the Ferrers estate were ordered to be vested in trustees, so that the Countess might receive her allotted income freed from her husband's interference. To him, however, was left the appointment of a receiver of the rents. His choice fell upon one John Johnston, who for many years had been his steward

Ferrers had reckoned on Johnston's devotion being great enough to outweigh his honesty and his regard for the Countess. Events proved him mistaken, for the steward carried out his duties in a thoroughly honourable and conscientious manner. Commands, entreaties, objurgations alike fell on deaf ears. Ferrers was furious. In revenge he tried to eject the man from a particularly fertile farm, that had been previously granted to him on lease. The production of the title-deeds, however, in order and duly signed, frustrated this pious intention. The Earl began to meditate a more sinister scheme of revenge.

This was in January 1760. Ferrers was in residence at Staunton Harold. His household was small in number. Mrs Clifford had returned to him, nominally in the capacity of housekeeper. She had with her her four daughters, and she held sway further over five domestics—three maid-servants, one old man and a boy. Johnson was living at his farmhouse, "The Lount," about a mile distant. Here he was visited on Sunday, 18th January, by the Earl, who, with a suavity of manner which he knew well how to assume when it pleased him, bade the steward attend with his accounts at the manor-house, at three o'clock the following Friday afternoon.

This visit was carefully prepared for. The two male servants were sent on distant errands. Mrs Clifford with her daughters was despatched on a visit to her father, with permission, amounting to a command, not to return before five o'clock. The maids were too terrified of their master to dare interfere with any of his plans.

The unfortunate Johnson arrived all unsuspecting, punctual to the hour, and was ushered into the private sitting-room. He lived long enough to authenticate this version of an extraordinary interview.

Immediately he entered the room Ferrers rose and turned the key in the lock. Then he turned to business, but after a few words produced a paper, which he ordered the steward to sign. The document confessed him a rogue and rascal who had dealt dishonestly by his master. Johnson refused to swear away his honour. The Earl whipped out a loaded pistol, and holding it at the steward's head bade him go down on his knees and make his peace with heaven, for his last hour had come. The old man begged piteously for life. "I have grown grey in your lordship's family; I have rendered services that merit a better reward!" But Ferrers only swore and raved, calling on him more loudly to say his prayers; then without warning discharged the pistol full at the steward's body.

Johnson fell, but staggered to his feet again, and for the first time the probable consequences of this treacherous murder seem to have entered Ferrers' mind. In a frenzy of terror and remorse he sent post-haste to the village for a surgeon, and for the daughter of the man he had tried to kill. Meantime he endeavoured to stanch the wound he had inflicted, and at frequent intervals called for great jugs of porter to drown his fears and stiffen his courage.

It was five o'clock before the surgeon came. The Earl met him with bribes and threats. He even offered to pay on the spot a large sum of money which he owed the surgeon if Johnson should recover (the payment of his debts Ferrers always regarded as an act of generosity); he swore to shoot him like a dog if Johnson died, or if the doctor so much as breathed a word of what he had seen that day. Kirkland meant to keep his skin whole at all costs. He temporised, vowing that his lordship's victim would be sound and well within four and twenty hours. For the moment Ferrers' fears were calmed, but torn between hatred, terror and remorse he passed the evening drinking hard. At one moment, savagely attacking Johnson as he lay in bed, he called him rogue and scoundrel and tore the very dressings from his wounds; the next he was dissolved in tears, promising reparation to his steward's children, protesting his innocence of all thought of murder. But always he cowered in abject fear lest the arm of the law should seize him.

At length the Earl fell into a drunken sleep and, fearing furthur violation of his patient, Kirkland profited to remove the wounded man. A sedan chair was hastily improvised, and through the cold January night Johnson was borne, groaning and tortured, to his own house. At nine o'clock the next morning the unfortunate man was dead.

Ferrers awoke to find his house besieged by the enraged inhabitants of the countryside, determined that he should answer for his crime. Hidden in the attics, he held the house for two hours against the howling mob. Then he tried to slip away unseen across a bowling green. But one Curtis, a collier, espied him and gave chase. The Earl was overtaken. Though armed with a blunderbuss, a dagger, and two or three pistols, with his usual pusillanimity, he surrendered meekly to the unarmed miner. "The moment he was in custody," says the contemporary account in *The Gentleman's Magazine*, "he declared that he had killed a villain and that he gloried in the deed."

A verdict of willful murder was returned by the jury at the inquest, and Ferrers was haled off to the Leicester county gaol to await his trial. A fortnight later he was sent to London, travelling well guarded

in his own landau and six. On 14th February the cortège entered the city, the Earl attired like a jockey "in a close riding frock, jockey boots and cap, and a plain shirt." A buzz of excitement and curiosity ran through society in London. It was seldom, indeed, that a peer of the realm stood trial of his life for a criminal offence. The Government, feeling that the credit of the peerage was in jeopardy, did all in their power to dignify this squalid crime. After his arraignment before the Lords, Ferrers was committed to the Tower, and placed under a military guard, "Two sentinels," we read, "were posted on the stairs, and one upon the drawbridge, with their bayonets fixed, and the gates were ordered to be shut an hour sooner than usual." "Earl Ferrers is in the Tower," writes Walpole at this time, "so the goodnatured people of England will not want their favourite amusement-executions."

Two months went by. Then on 16th April the Earl was formally brought to trial before the bar of the House of Lords. London was agog with curiosity, and for three days the streets in the neighbourhood of Westminster were thronged with worthy citizens jostling one another to get a glimpse of the coroneted murderer. But, as the chroniclers notice with surprise, there was no disturbance.

Within the great hall at Westminster was being enacted a scene without precedent or parallel in English history. There was a strained uneasy feeling among the noble lords assembled on their crimson benches, and it was remarked by Walpole that many

#### Fourth Earl Ferrers

were absent from their places. For the peers could hardly be expected to take pleasure in the sight of one of their number on trial for a sordid crime. But among the spectators of the scene was no such feeling of delicacy; competition for admission had been as keen as at a modern trial for sensational murder or divorce. The Lord Keeper, Lord Henly, assumed the function of High Steward. Then, amid tense excitement, the door opened to admit Lord Ferrers attended by the Deputy Governor of the Tower. On the prisoner's left walked the gentleman gaoler bearing the sinister axe, with its edge turned away from him, to signify that sentence had not yet been passed. On reaching the bar, the Earl bowed deeply to the High Steward and the peers, who with grave and embarrassed courtesy returned his salutation.

Then up rose the High Steward, embodying the majesty of the law and of the Lords. He reminded the prisoner that owing to his high birth, and the constitution of this country, he was to have the happiness of being tried by his peers in full Parliament assembled. "What greater consolation," he continued, "can be suggested to a person in your unhappy circumstances than that you are to be tried by a set of judges whose sagacity and penetration no material circumstances in evidence can escape, and whose justice nothing can influence or prevent?"—a reflection which in the peculiar circumstances must have been of doubtful comfort to his lordship.

The Attorney-General, Charles Pratt, who after-

wards became Lord Camden, Chief Justice of the Common Pleas and Lord Chancellor, opened the case for the prosecution. His speech has been held up as a model for prosecuting counsel, and inasmuch as he confined himself to a simple narrative of facts he might well be imitated by certain of our modern advocates. The Crown evidence ran on the lines already indicated. Kirkland the surgeon repeated the confession which Ferrers, in terror at the possibility of arrest, had made to him. He declared emphatically that the Earl was sober at the time, and fully responsible for his actions.

This was exactly the point challenged by the opposite side. The main facts were not denied; it was too evident that Ferrers had killed his steward. The only defence offered was on the score of the prisoner's alleged insanity. It must, as Walpole notes, have been a painful sight to see the Earl's two brothers obliged to accuse him publicly of madness in order to save him from the consequences of his crime. Evidence of previous violence and eccentricity was brought forward. His landlady at Muswell Hill told how when she made him a dish of coffee he would drink it from the spout, of the fearful oaths he swore and his strange gesticulations; how he had knocked down and nearly murdered both herself and her husband once when he wanted his mare from the stable and the key could not be found.

The general trend of the evidence, as of his life, seems to prove that the Earl was subject to fits of insanity. Such would be the ruling of a modern jury. But the eighteenth century would have nothing to say to such a childish plea. Ferrers, according to the custom of the time, had to make his own defence, assisted by counsel only on points of law, and the very merit of this defence proved its ruin. He conducted his cross-examinations with the utmost skill. Moreover the deliberation with which the murder had been planned, and the minute details of his later confession, told heavily against him.

The peers' verdict was unanimous. Rising one by one, and beginning at the youngest, "each laying his right hand on his breast and solemnly bowing cried 'Guilty, upon my honour.'" Asked if he had anything to say why the death sentence should not be passed upon him, the prisoner, to the amazement of the court, repudiated the defence he had made before. The plea of madness was one, he said, that he "was much averse to; but was prevailed on by his family to attempt it." He commended himself to the mercy of the court, but mercy was not often found in the eighteenth century.

With the sickening cant that still clings round this ghastly business, the Lord High Steward congratulated the prisoner that he was soon to appear before another judge "whose unfathomable wisdom is able to reconcile justice with mercy," and that the law allowed him to enjoy the company of the ablest Protestant divines. Then he pronounced sentence. "You must be led to the place of execution on Monday next, being the 21st day of this instant April; when you come there you must be hanged by

the neck till you are dead, and your body must be dissected and anatomised, and God Almighty be merciful to your soul!"

We can imagine the thrill of voluptuous pleasure that passed through the judge and his audience, and all the "good-natured citizens" outside, while this disgusting sentence was pronounced. London smacked its lips in anticipation of a forthcoming festival. The prisoner was conveyed back to the Tower.

The execution, at Ferrers' own request, and in accordance with the recent Murder Bill, was delayed until the 5th of May. Meantime two petitions were presented to the King by members of the prisoner's family, but George refused to interfere.

The better side of the Earl's character seems to have come to the surface during his confinement. Contemporaries were scandalised that on the night of the sentence he played piquet for money with the warders, and that having wheedled his clergyman brother into obtaining for him a larger allowance of his favourite drink, porter, he thereupon refused to see him afterwards. But there seems nothing here to merit all the horror poured forth on his callousness. On the other hand he carefully made provision for the children of the murdered man, for his own illegitimate children and their mother. Mrs Clifford, of whom at least he was sincerely fond. The will was not strictly legal, as the Earl was a convicted prisoner when he made it, but it seems to have been allowed to stand.

The ministrations of the "ablest Protestant divines"

### Fourth Earl Ferrers

Ferrers rejected firmly, but his aunt, Selina, Countess of Huntingdon, was a frequent and welcome visitor. This lady, who was one of the pioneers and staunchest supporters of the Methodist movement, exerted all her powers to bring him to what she thought a proper frame of mind. She got Whitfield to pray for him, until it came to the prisoner's ears that the worthy preacher was accustomed to tell his congregation that "my lord's heart was of stone," when my lord and her ladyship quarrelled.

During the last scene of all the anger that we feel against the murderer Earl is apt to turn against the people among whom he suffered. He ceases to be an individual marked off by excessive brutality from his age : he becomes the product of a rotten system and a bestial century. If only this system of aristocratic government, based on plunder, oppression and spoliation, of which he was at once a cause and an effect, could have been buried with him in his grave, or swept away some thirty years later, by the real, not the sham, revolution !

Early on the morning of Monday, 5th May 1760, the streets of London were thronged with crowds in high holiday humour. Fine ladies flirted in the shadow of the gallows, their dainty silks and satins jostling evil-smelling roughs from the lower quarters of the town in their eagerness to obtain a favourable place from which to view the execution. It would have been a thousand pities to miss one of the varied shades of expression that would be sure to cross the prisoner's face—the change of colour, the slight hesitation; or

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to fail to hear if he made his peace with heaven before the end! St George's and St Giles's come very close together when blood is to be shed, The gentlemen of the Court were there, and respectable burgesses with family parties, their apprentices all given holiday to see the show. For, as Ferrers himself remarked, it was the first time they had seen a lord hanged, and 'twas like to be the last.

The cortège that proceeded from the Tower to Tyburn might almost have been a Lord Mayor's Show. The central figure was calm and unconcerned. "His courage rose," wrote Walpole to Sir Horace Mann, "when it was most likely to fail. . . . Even an awful procession of above two hours, with that mixture of pageantry, shame, ignominy, nay, and of delay, could not discount his resolution." And Walpole was not inclined to pity. There was a large contingent of the Middlesex Constabulary preceded by a High Constable. There were Horse Grenadiers and a company of infantry. There were the Sheriffs and Undersheriffs of the City of London clad in robes of office riding in their chariots. In the middle of the procession came the prisoner in his landau and six, with the blinds drawn up. He wore a suit of light satin embroidered in silver-his wedding suit, as useful for this occasion, he remarked, as that other for which it had first been purchased. And on every side was a sea of jeering callous faces. Last of all in the procession came a great mourning coach, with a funeral hearse destined to hold the Earl's body when next it passed that way.

Owing to the press of people, and small accidents by the way, the unnecessary torture of this public parade was prolonged for nearly three hours. "The apparatus of death," exclaimed the Earl, for one moment shaken out of his composure, "and the passing through such crowds of people, is ten times worse than death itself." So much for the "horrible insensibility" for which one lady witness afterwards censured him.

In the landau beside his lordship rode Mr Sheriff Vaillant, a French bookseller from the Strand-a democratic juxtaposition that aroused Walpole's feelings far more than the horrible business itself. A desultory conversation on indifferent topics was kept up for some time until Mr Humphries, the Chaplain of the Tower, suddenly bethought him of his special duties. He conjured the prisoner to make some sort of religious statement. The world, he said, would expect it; would naturally be curious about his lordship's religion. It would be a shame to leave the spectacle incomplete. Ferrers, stung by the insults of a religion whose exponents have always smugly countenanced barbarity, replied that "he did not think himself accountable to the world for his sentiments on religion," and, doubtless thinking of his Aunt Huntingdon's proselytising zeal, "that he had never attempted to propagate his opinions whatever they were." Ultimately however he professed a belief in "one God, the maker of all things," and gave the chaplain permission to repeat the Lord's Prayer at the gallows foot, so that the "good-natured people of England" might not lose any part of their favourite sensation.

Ferrers had purposed to say farewell to his children on the scaffold, and to read them a long statement regarding the enormities of his wife and of the House of Lords. But Lady Huntingdon had dissuaded him, and he had taken leave of his daughters the day before. But Mrs Clifford he had not seen. That, declared the pious Methodist lady, "would be letting him die in adultery!" So he had begged her to meet him near the gallows where he might say good-bye. As the carriage neared the place of execution a letter was thrown in at the window, which proved to be from his mistress, saying that the throng of people prevented her being at the place appointed, but that she was in a hackney coach of such a number. Ferrers begged that his landau might be driven near the hackney coach. But the worthy Vaillant had been congratulating himself on the organisation of so fine a spectacle, and terrified lest the Earl should spoil the effect by some untoward outburst begged him not to risk the danger. "My Lord," he implored, "you have behaved so well hitherto, that I think it is a pity to venture unmanning yourself."

The procession passed on. Ferrers handed over his watch to Vaillant, and five guineas to the chaplain, and prepared the same gratuity for the executioner. Then he entrusted his pocket-book and the rest of the money in his purse to the sheriff, to be passed on to Mrs Clifford.

At last Tyburn was reached and the Earl mounted the black-draped scaffold. The chaplain bustled about with unctuous solemnity and the usual formula of prayer was gone through. Accidentally Ferrers handed the five guineas to the assistant executioner, and a quarrel arose, to which the indignant Vaillant immediately put a stop. The execution was attended with double interest in the eyes of the crowd, for the new "drop" had just been adopted in place of the cart, ladder and three-cornered gibbet, and Ferrers was the first to enjoy so doubtful a benefit. Horace Walpole gives an account of the scene which he received from Sheriff Vaillant.

"He had come pinioned with a black sash, and was unwilling to have his hands tied or his face covered, but was persuaded to both. When the rope was put round his neck, he turned pale, but recovered his countenance instantly, and was but seven minutes from leaving the coach, to the signal given for striking the stage. As the machine was new they were not ready at it, and he suffered a little, having had time by their bungling to raise his cap; but the executioner pulled it down again, and they pulled his legs, so that he was soon out of pain, and quite dead in four minutes. He desired not to be stripped and exposed, and Vaillant promised him, though his clothes must be taken off that his shirt should not. This decency ended with him; the sheriffs fell to eating and drinking on the scaffold, and helped up one of their friends to drink with them, as he was still hanging, which he did above an hour, and then was conveyed back with the same pomp to Surgeon's Hall, to be dissected. The executioners fought for the rope and the one who lost it cried. The mob tore off the black cloth as relics."

The Earl had given no instructions to his coachman, who, unwilling perhaps to witness his master's execution, drove on the landau to an inn at Acton and there abandoned it. No one liked to use the vehicle and it lay in the yard till about sixty years ago when it fell to pieces.

Walpole's plain eighteenth-century narrative, in its naked brutality, is its own best commentary. The Earl's four minutes' death agony, the vindictive indecency with which the law pursued him after death, the revelry in the shadow of the gallows can only raise a shuddering horror in a civilised mind. But to Walpole and his contemporaries they were matters for interested comment—Horace expressly disclaims all sentiment of pity, and goes on to discuss the works of the philosopher of Sans Souci with equal interest.

In this short study we have touched society on many sides, and in every case when the varnish is scratched off it is a sordid, dark and revolting picture that meets our eyes. The "good-natured people" of England show up as ugly as the Lords who governed But every system of government must be them. judged by its results, must stand or fall by the state of society which it produces. The system which produced eighteenth-century England was the purest aristocracy this country has ever known. By its own actions that aristocracy stands condemned. But it still lingers among us, asserting its right to direct the nation's destinies because its fathers ruled the country. By its own deeds and those of its fathers we are content that it should be judged.

#### JOHN FITZGIBBON, FIRST EARL OF CLARE (1749-1802)

THE condition to which aristocratic government, acting through the "Glorious Revolution," reduced the great bulk of the English people in the eighteenth century was lamentable enough, but the full horrors of the system can only be savoured in the pages of Irish history. And even here, eloquent as is the printed page, the most damning indictment of English administration must be read between the lines, for Irish historians have united with their English brothers to set up a double standard of morality when judging the affairs of the sister island; a standard of indulgence for the English rulers, of narrow virtue for native rebels.

It was indeed a strange and eventful century for the fortunes of Ireland. For the first fifty years the country lay crushed and quiescent beneath the load of a grinding agrarian system and a ferocious penal code that had been hung round its neck by William III. and his renegade statesmen. Then suddenly a freshening wind, whispering strange messages of liberty, swept over the sea from France. The people awoke, and under the leadership of Flood and Grattan extorted from England a free constitution and a greater measure of liberty than they had enjoyed since the days when Ireland was the centre of civilisation and culture in Western Europe. For England was crippled, disabled, fighting almost for existence, in the struggle into which the stupidity and cupidity of her rulers had forced her. But time went by. Though shorn of her colonies, England recovered her balance. No longer able to coerce America, she bitterly regretted that she had given up her chances of coerciug Ireland. Craft and corruption, however, won back what weakness had yielded. Ireland's brief career of independence came to an untimely end, submerged in a Union that was devoid of union.

As Grattan was the hero of his country's sudden rise so Fitzgibbon, Earl of Clare, was the chief instrument of its fall. An Irishman himself, he sold his first convictions for place and power. He was a lawyer, and it is difficult for any man to meddle with that blotchy mass of injustice and contradictions which we dignify with the name of English Jurisprudence without losing his sense of equity. For almost alone, of civilised nations, we English are distinguished by an extraordinary idolatry of laws, combined with a marvellous ignorance of the nature and principles of law. Fitzgibbon became Lord Chancellor of Ireland and used his position strenuously to oppose all reform and progress. The grandson of a Catholic, he bitterly opposed the emancipation of the great mass of his fellow-countrymen. To bring about the Union he worked hand-in-glove with Pitt ; yet even Pitt was moved to exclaim to Wilberforce, when listening to Lord Clare's strictures on



JOHN FITZGIBBON, FIRST EARL OF CLARE.



his own country: "Good God! Did you ever hear in all your life so great a rascal as that?"

John Fitzgibbon was born in 1749 at Donnybrook in County Limerick. His grandfather had been a farmer in the same county, who, because he belonged to the Roman communion, was not allowed to educate his children in Ireland. His son John, therefore, was sent to the Irish College in Paris, where he distinguished himself, the first day of his stay in that city, by getting locked in the Cathedral of Notre Dame. At dead of night the whole city was alarmed by the pealing of the bells and the booming of the sinister tocsin. Crowds hurried to the church, to discover young Fitzgibbon and a companion, newly awakened, clamouring for liberation! On his return to Ireland the young bellringer became a barrister. His success was rapid: he acquired a fortune of one hundred thousand pounds, and bought a country estate, Mount Shannon, in his paternal county.

Fitzgibbon was forced to abandon his father's religion in order to enter his profession, so that there was no need for his son—also called John—to go abroad for education. The youth was sent to school in Dublin, where he had as classmate Henry Grattan, and passed from school to Trinity College. His accomplishments were such as might be expected from one destined to become an eminent lawyer. Classics were the field in which he excelled, but his learning was that of a scholar rather then of a man of originality and taste. In 1767 he took his degree of B.A., and proceeded to Oxford, where he graduated

M.A. three years later. After a further two years of study young Fitzgibbon was called to the Irish Bar, where his own abilities, coupled with his father's reputation, secured him immediately a flourishing practice. Within five years his annual professional income ran into four figures. In 1778 his skilful conduct of the College Election Petition against Hely Hutchinson caused the electors to offer him the vacant seat in Parliament. He began his political career as member for Dublin University in 1780.

In order to estimate the full importance of the proceedings in the Irish Parliament during the last twenty years of the century, its fight for its attainment and loss of liberty, it is necessary to take a brief retrospect of the social, industrial and policital conditions that obtained in Ireland at the time when Fitzgibbon entered the House of Commons. The country was seething with discontent, that broke out at times into violent and formidable rebellion, like that of the Whiteboys in Munster and Leinster, or the Oakboys and the Steelboys in the north. But this lawlessness was engendered by the hopeless misery and degradation in which millions of the inhabitants were sunk. Even left to itself, with full freedom to expand and to develop all its resources, Ireland would never have been rich as England was rich; but in every way the life of the island was crippled and restricted, through an iniquitous land system and the commercial jealousy of its larger neighbour.

In the reign of the seventh Henry, Sir Edward Poynings, the English deputy, anxious to restrain the

### First Earl of Clare

Yorkist enthusiasm of the Anglo-Irish colonists, had got passed by a parliament at Drogheda a Bill afterwards known by his name. This Act secured that laws which were passed by the English Parliament should be binding in Ireland. It also took away from the Irish Parliament the right of initiating legislation. Gradually, however, the native assembly got into the habit of drawing up "heads of Bills" which differed from actual Bills only in their first line, which ran, "We pray that it may be enacted," instead of the customary "Be it enacted." But even this was of little actual value, for these motions must first be submitted to the Chief Governor and Council of Ireland, who would forward them to the King. Then after being affirmed by his Majesty, and the English Privy Council under the Great Seal, the Act might be laid before the Irish Parliament, which had the power only of accepting or rejecting it in entirety. By this means the Irish legislature had become utterly dependent on, and subservient to, the English sovereign and his ministers, and the Irish were powerless to remedy any of the grievances under which they suffered.

Thus it was that the evils of the land system had become so acute. "I know," said Lord Clare himself, "that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province [*i.e.* Munster]. I know that the unhappy tenantry are ground to powder by the relentless landlords." The chief curses of the country were absenteeism and subletting. The great landowners preferred to

live in England rather than face the inconvenience and the dangers of life on their own estates. So the custom grew up of subletting their land to large tenants, who in turn looked to make their profits by subletting land in smaller portions to under-tenants. Often as many as four or five middlemen stood between the owner of the land and the actual occupier, and though farms might in the first instance be leased at moderate rents, the profits of all these intermediary vampires had to be wrung out of the actual tillers of the soil. The labouring classes were paid not in money but in kind, with small potato plots, and grazing for one or two cows. Few of the occupiers owned a plough, which usually was rented at exorbitant rates from the chief tenant. The peasants. says Chesterfield, one of the few lord lieutenants who sincerely did his utmost for the people, "were used worse than negroes by their lords and masters, and their deputies, of deputies of deputies." Potatoes were almost the only means of subsistence of the majority of the people, and in the month of July and August, between the crops, starvation and vagrancy were the two alternatives that stared them in the face. The slightest variation of climate, the slightest decrease in the amount of agricultural land available, was sufficient to send thousands of the population below starvation-level.

Towards the middle of the century a plague amongst the cattle of Europe had caused a demand far exceeding the supply. The duty on Irish cattle exported to England was removed for five years. Irish landlords eagerly seized the opportunity, and acre after acre of arable land was turned into pasturage. The commons were ruthlessly enclosed; the grazing which had been allotted to cotters in lieu of wages was remorselessly resumed by the owners. Everywhere labourers were driven out of their holdings and their cottages. The people were reduced to depths of misery hitherto undreamed of.

For they had no manufactures on which they might fall back for support. The English Parliament had seen to that. Ruthless and vindictive laws, inspired by the greed and terror of English manufacturers, had been passed, forbidding the exportation of Irish woollen or linen goods to England or any other country. What were becoming flourishing industries had been utterly stamped out. The people grew too disheartened and spiritless even to attempt the building up of other trades.

And as if the horrors of landlordism, poverty and political slavery were not sufficient to crush the proudest of nations in the dust, Ireland was cursed with a penal code exceeding in ferocity anything that the modern world has known. The bulk of the population clung to the Roman Catholic religion, but the laws which oppressed the Catholics in England were, from this very fact, as nothing compared with the severities inflicted on their Irish co-religionists. All the enactments of this shameful code would need a whole chapter to relate, but briefly they may be summarised as follows :—

Had the Roman Catholic Church clung to her

doctrine of Apostolic poverty she would never have aroused that bitter hatred with which Protestants have always regarded her. It was because her followers dowered her with riches, because she braided her hair and tired herself with jewels and fine raiment, that she has always met with less tolerance than heathendom itself. Just as greed was one of the chief factors in the English Reformation, so it was the ruling motive of the Revolution. And after that outburst of "liberty" it was greed and rapacity that settled the affairs of the Irish nation. The state was determined to divert all the revenues of Ireland into its own coffers. To this end the national religion was to be stamped out, and its adherents to be reduced to the state of outcasts. A Papist was acknowledged to have no political or social rights. He might neither sit in Parliament nor vote. He might not acquire any landed property nor own even a horse above five pounds' value. He might not carry arms. The army and navy and the liberal professions were closed to him. Education was denied him. It was even contrary to law to send his children abroad to be educated. If any member of a family turned Protestant, the convert might immediately claim possession of the family property. A Protestant woman landowner who married a Catholic was ipso facto dispossessed of her property, which passed to the nearest Protestant relation. And the class against whom these injustices were perpetrated formed more than three-fourths of the whole population of the country.

Against the priests themselves ferocious penalties were threatened. Along with all members of the religious orders they were forbidden the country, except a bare handful, who submitted to stringent regulations. As these died, their places might not be taken under pain of death. Over the heads of unlicensed priests hung the same penalty, and others even more disgraceful were threatened. Those who harboured the hunted and unfortunate men were liable to vindictive fines, amounting on the third offence to confiscation of all their goods. Protestant clergymen were appointed to every parish, but so small was the supply forthcoming that commonly one man would hold thirty or forty livings in his hands. The absentee clergy were as much hated as absentee landlords. But to all of them, in spite of the non-performance of their duties, tithes had to be paid by the unfortunate peasantry. These were ground out of them in the same manner as their rents by unscrupulous middlemen.

Such was the state of the country when Fitzgibbon entered Parliament as member for Dublin University. But the people had at last become articulate, and a leader had been raised up for them in the person of Henry Grattan. It was this same year that Grattan laid before the House his declaration of the legislative rights of Ireland. Violent opposition was aroused, particularly among the nominees of the "Undertakers," a handful of influential men in whose hands lay a great part of the representation in the Lower Chamber. These seats they were accustomed to

barter with the Government against pensions and such dignities as at the time seemed to them most desirable.

Among the opponents of this measure Fitzgibbon at first ranged himself, but being called upon by his electors to support Grattan, or show some reason why, he modified his opinions and crossed over to the other side. "I have always been of opinion," he wrote, in a conciliatory letter to his constituents, "that the claims of the British Parliament to make laws for this country is a daring usurpation on the rights of a free people, and have uniformly asserted the opinion in public and in private." Yet twenty years later, when his interests had all shifted to the other side, this champion of "a free nation" was the prime agent in reducing his country to the condition of a province! Even on this occasion our belief in his sturdy nationalism is sadly shaken when we discover that at the time of writing this letter he knew that the English Government had instructed the viceroy to yield.

That this important concession was not due to amiability on the part of George III. or his ministers may easily be guessed. Affairs had taken a critical turn. England was embarrassed by wars with her American colonies, with France and Spain. Five thousand troops had been drawn from the military establishment in Ireland for American service; the country was left undefended, at the mercy of the French fleet, which at any moment might effect a leading. In this crisis the Irish had come to their own rescue by banding themselves together, to the number of forty-two thousand, as volunteers. Unable from motives of policy to suppress these troops, the Government regarded with anxiety and apprehension the presence of so large a body of armed and determined men in the sister island. At present their loyalty was unimpeachable, but what might not happen in the future? So when the volunteers declared for legislative independence for their country, when they supported the demand of Daly and Grattan for free trading rights, the King and his Cabinet could only tremble and consent.

And so the Irish Parliament came at length into its own. The vexatious restrictions that had paralysed trade were removed. The Perpetual Mutiny Bill, that had placed the army in the hollow of the Government's hand, was repealed. The independence of Irish judges was secured, and a certain measure of relief was granted to Roman Catholics. It seemed that deliverance at last had come to a long-suffering country.

In the moment of its success Fitzgibbon supported the Nationalist party, though he was careful at the same time not to antagonise the Government. His abilities, both legal and political, were recognised, his ambitions were unbounded. The office of Attorney-General for Ireland had fallen vacant; a strong and capable man was wanted. Fitzgibbon was suggested, and Grattan in an evil hour agreed to his appointment, thus by one false estimate of character undermining the fabric of national independence it had been his

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life-work to raise. A chorus of disapprobation greeted this promotion. "You are quite mistaken," wrote Daly despairingly, "that little fellow will deceive you all." Fox was equally pessimistic. "Take care," he wrote to Lord Northington, "that you do not strengthen an enemy instead of gaining a friend." It was not long indeed before these prophecies began to be fulfilled. The new Attorney-General, who had climbed to his position by championing liberty, had no use for his old convictions when once in office. And like most renegades he raged with peculiar bitterness against the man whom he had deserted, to whom he owed so heavy a debt. "I made him Attorney-General," said Grattan, in later years; "the force of the constitution made him Chancellor; and his country and myself were the two peculiar objects of his calumny."

In 1784 the suspicions of the friends of progress were aroused by Fitzgibbon's determined opposition to Flood's Bill of Parliamentary Reform, which had been petitioned for by twenty-six out of the thirtytwo Irish counties. The country had secured independence for the national Parliament; it was now necessary that that assembly should show itself worthy of liberty by reforming itself, and freeing the great bulk of the population. The Attorney-General thought otherwise. He stigmatised reform as "certain abstract ideas of irrational system-mongers." The Bill he denounced as "a farrago of nonsense, a compound of constitutional absurdities." Through his influence the measure was thrown out, and though introduced a second time, the same year, was again rejected. The presentation of a petition by the Leinster volunteers gave him occasion for an insulting outburst against the Nationalists. Day by day he grew in favour with the Government, and soon, to quote the "Note Book of an Irish Barrister," he was "the pivot on which all the movements of the Castle turned; the centre from which all its schemes radiated . . . his words were strong as written laws with successive administrations. . . . His will was the law of seven governments."

But Flood and his fellow-reformers were not content to let their project drop so easily. A meeting was held in Dublin presided over by the High Sheriff, Stephen Reilly, at which it was decided to summon a national convention where the Reform Bill might be discussed. The Attorney-General was furious. He penned a peremptory letter to the sheriffs, threatening criminal prosecution if the proposed meeting should be held. But the freeholders had been summoned. The meeting assembled, and down came Mr Attorney fuming and spluttering with wrath to threaten unheard-of penalties to the hooting and yelling crowd. Reilly was overawed, and the freeholders dispersed. Fitzgibbon received a letter of praise from the Viceroy, the Duke of Rutland, complimenting him on this undignified infraction of the liberty of the citizens.

Intoxicated by the flattery of his aristocratic patrons, Fitzgibbon cast about for some means of establishing himself more firmly in their favour. The way was clear. The Government had granted a free constitution to Ireland grudgingly, at a time of extreme pressure. Nothing could be more grateful to them than the undermining of this act of privilege, than the concentration of power in the hands of their own paid followers. Such a proceeding would be in the true spirit of English jurisprudence, which, having placed a measure on the Statute-Book, never rests until it has found a thousand expedients by which those learned in the law may evade it. For in these fortunate islands the ruling of a judge is honoured more highly than all the wisdom of Justinian and the Pandects.

To increase the power of his office then at the expense of the Irish constitution would be a service as acceptable to the Government as pleasing to himself. The Attorney-General issued a writ of attachment against Reilly for contempt of the Court of King's Bench in summoning an illegal meeting. The High Sheriff, being thus deprived of the right of trial by jury, was found guilty and sentenced to pay a fine of one mark, or to undergo a week's imprisonment. The penalty was trifling, the principle important. For as Comitatus of the county, the sheriff derived his power from the people rather than from the King, and was duly entitled to summon a meeting on his own authority at the request of a number of citizens. A motion of censure was introduced into Parliament which was only lost owing to the exertions of the crowd of Government place-holders.

During this debate the Attorney-General for the first time came into violent personal collision with Curran, the brilliant advocate of the Nationalists.

# First Earl of Clare

It was one of the most unamiable traits in Fitzgibbon's unamiable character that he would conceive the most vindictive hatred against his political opponents, whom he would pursue in their private lives or professional careers with relentless and unscrupulous animosity. Curran he deliberately set out to ruin. He let slip no opportunity of injuring him in the Court of Chancery, of insulting him in the House of Commons. At length an open breach occurred. Curran had attacked the attitude of Mr Attorney on the question of Orde's discreditable propositions. Fitzgibbon essayed to crush his assailant by sneers instead of argument. "The politically insane gentleman has asserted much, but he only emitted some effusions of the witticisms of fancy. His declamation, indeed, was better calculated for the stage of Sadler's Wells than the floor of the House of Commons. . . . But perhaps the honourable gentleman imagines he may talk himself into consequence." Curran's passions were aroused, and with sharpened tongue he retorted that, had he been guilty of his adversary's crimes, he would have thanked the man who charged him with insanity. A challenge passed and in the grey morning light they met to cool the evening's heat. But Fitzgibbon's insults were premeditated. He fought not to avenge his honour but to rid himself of an enemy. "I never saw anyone," said Curran afterwards, in relating the anecdote, "whose determination seemed more malignant than Fitzgibbon's. After I had fired, he took aim at me for nearly half a minute; and on its proving ineffectual.

I could not help exclaiming 'It was not your fault, Mr Attorney; you were deliberate enough.'"

Thwarted by the badness of his aim, Fitzgibbon set out to accomplish his rival's ruin in other ways. As Lord Chancellor, his bias against the unfortunate advocate became a scandal. Curran's suits were foredoomed to failure, and clients were driven to find a more successful pleader. Before long Curran found his occupation in the Court of Chancery gone, and his practice forcibly restricted to Nisi Prius. Persecution inside his profession was supplemented by systematic slander from without. Writing to Grattan some twenty years later he estimates that Fitzgibbon's causeless enmity had cost him no less than twenty thousand pounds in professional losses. Whenever opportunity offered, Curran was wont to take his revenge in pointed or witty repartee. On one occasion the Lord Chancellor brought into court a large Newfoundland dog, with which he played, his back turned to counsel, while Curran argued a knotty point in Chancery. Irritated beyond endurance the advocate stopped short. "Go on, go on, Mr Curran," said the Chancellor. "Oh! I beg a thousand pardons, my Lord," retorted Curran blandly, "I took it for granted that your Lordship was already in consultation!"

Reaction and repression were the keynote of Fitzgibbon's political actions. Determined to worm himself deeply into favour at the English Court, he adopted the policy of emulating its pig-headed monarch. A sort of impassioned stupidity became his creed. Ireland was at a supreme crisis of her history. She was pregnant with potentialities of peace and war. Wise and far-seeing statesmanship might at this time have laid the foundations of a happy and prosperous society. But it has always been that country's curse that capacity and goodwill, though at times found separately, have never been united in her rulers.

With the Whiteboys Act of 1787 Fitzgibbon's name is especially associated. The disorders which earlier in the century had convulsed the southern province had broken out again with renewed severity. The agitation was purely agrarian in character, entirely unconnected with religion. It was directed against the grinding conditions of agricultural labour, against the absenteeism of landlords, and the rapacity of middlemen tenants. It was fanned into flame by the continued extortion of tithes from the wretched Catholic peasants for the support of absentee Protestant clergy. The Whiteboys were no mere disorderly rabble. In their white-linen smocks, wearing white cockades, they were a body of secretly and efficiently organised men. Their proceedings were regulated with method, and considering the misery of their lives, and the chronic injustice from which they suffered, were disgraced by few crimes of brutality and unprovoked violence. Their worst atrocities were less ferocious than those commonly practised by the troops at the order of the Government in the repression of the disorder.

So deeply rooted, so widely spread, was the Whiteboy agitation, that in many districts of Munster

its edicts were more unquestioningly obeyed than was the law of the land. Temporarily the insurgents brought about a new system of land tenure. They waged unceasing warfare against tithe-procters and tithe-farmers, against Kerry bonds and canters. They issued proclamations forbidding men to pay beyond a certain rate of tithe. Enclosures were thrown open and fences levelled; property that had been seized by landlords in lieu of rent was rescued; grass-lands were ploughed to force the proprietor back to agriculture; and, alas! for one's sympathy with the rebels, cattle were everywhere maimed or killed. Tenants were forbidden to lease a farm that was put up to auction until it had lain waste for five years, and a thousand other local or general grievances were righted with more or less rough and ready justice.

No one will quarrel with Fitzgibbon for insisting that these periodic outbursts must be suppressed, that their worst atrocities must be punished. But it is hard to say which is the more criminal, the crass stupidity of those good people to whom all violence is but the outward and visible sign of original sin, or the knavery of those who, gifted with brains to discern the causes of disorder, for their own personal advancement deliberately range themselves on the side of an authority they know to be vicious. The Attorney-General realised the evils that scourged his own province of Munster. "If landlords," he had the audacity to say in Parliament, "would not . . . leave their tenants in the hands of rapacious agents and middlemen, we should hear no more of dis-

#### First Earl of Clare

contents. The great source of all these miseries arises from the neglect of those whose duty and interest it is to protect them." Yet every effort made, whether by Pitt in the English Parliament or by Grattan in the Irish assembly, towards reform of their iniquitous land system was fiercely resisted by the mercenary Attorney-General. His Whiteboys Act was merely punitive and vindictive, devised, to quote his own words, "more effectually to punish persons guilty of outrage, riot, illegal combinations, and administering and taking unlawful oaths." A host of new capital offences was added to the already overweighted Statute-Book, including all the customary Whiteboy procedure from the seizure of arms to the "publication of notices tending to produce riots." The taking of illegal oaths was to be punished by seven years' transportation, the administering of such oaths by transportation for life. With an anti-Catholic bigotry quite Hanoverian in its puerility, Fitzgibbon would have insisted on the destruction of any Popish chapel in or near which such an oath had ever been administered. Grattan, however, saved the country from the bitter religious war that such a measure would certainly have provoked. But on to the Bill the English Riot Act was tacked, though it had been found necessary in the English Parliament to limit the power thus given to the Crown, by half-adozen other statutes, from the Bill of Rights onwards. So determined was the Irish Parliament, under the guidance of Fitzgibbon, to sign away the birthright it had so lately won !

Two years after this achievement Fitzgibbon succeeded Lifford as Lord Chancellor of Ireland. With a feeling of rewarded merit he entered the peerage as Baron Fitzgibbon of Lower Connello. Four years later he was made a viscount, and in 1795 became the Earl of Clare. In 1799 his ambitions were gratified by a seat in the English House of Lords as a peer of Great Britain, with the title of Lord Fitzgibbon of Sidbury, Devonshire.

In the House of Commons Fitzgibbon had been mischievous enough, where he had had to contend against men like Grattan, Flood and Foster. In the House of Lords he proved a positive curse. He was unfortunately the ablest man of his generation and he stands out head and shoulders above all his colleagues in the Government, who, like himself, were anxious to see Ireland and her national assembly once more reduced to complete dependence on the English Parliament. To achieve his ends there was nothing to which he would not stoop, neither violence nor fraud. Corruption was his chief weapon of government. While his more honourable contemporaries were seeking to reduce the scandals of the enormous pension list, absentee officeholders, and the number of placemen in the House, the Earl of Clare was secretly bargaining for boroughs, selling peerages and reducing both Houses of Parliament to a condition of corruption hitherto unparalleled in the history of Ireland.

The character of the Irish Lord Chancellor is one not uncommon among British statesmen. It explains our success as colonists and administrators and our shortsightedness as legislators. Not to know when one is beaten is a splendid quality in the private soldier, but fatal in a minister. Deaf to all arguments of humanity and reason, Fitzgibbon would recognise no rights but those of the class whom it was to his interest to keep in power. To hold by force what had been snatched by force was his only political principle. Those who rebelled against oppression, whether Catholic, Dissenter or agricultural labourer, he would have met only with the gallows and the sword. He was of those of whom Tacitus speaks, who "make a desert and call it peace."

In few countries has religious dissension been so long-lived, or the cause of so much unhappiness, as in Ireland. Few men have contributed so largely to this condition as Fitzgibbon. Though his father had been a Catholic who had abandoned his religion for law, the Chancellor was the bitterest and most weighty opponent of emancipation. His speech on the second reading of the Government measure for the relief of Roman Catholics in the session of 1793 was a masterpiece of rhetorical cynicism. The Bill proposed to extend the franchise to forty-shilling Catholic freeholders, but at the same time rigidly to exclude all followers of the faith from Parliament. For many years the Chancellor had been urging the Government against any conciliation measure. To the savage disappointment he felt on finding his counsels overlooked he now gave full rein, flinging bitter insults against the supporters of the Bill, and

against his countrymen. He cited every act of oppression, every act of rebellion on the part of the Irish Catholics, carefully avoiding all reference to the cruelty, violence and robbery of the English settlers, and the inquisition of the Protestants under the early Stuarts, under the Commonwealth, and the Orange and early Hanoverian dominion. He recalled the good times of the Penal Code with envious approval. The Protestants, he said, were "an English colony settled in an enemy's country" against whom "the natives had contracted a rooted and incurable aversion." It was necessary for Great Britain to maintain her connection with Ireland, which could only be done by "maintaining and supporting the old English interest here. . . . The descendants of the old Irish, who constitute the Catholic interest of Ireland, know and feel that they can never recover the situation which their ancestors held but by separation from Great Britain, and therefore if any man is so wild as to hope that, by communicating political power also to the Catholics in Ireland, they are to be conciliated to British interests, he will find himself bitterly mistaken." But worst of all, the Bill seemed to the timorous Chancellor to threaten democracy. The whole country was clamouring for it, therefore at all costs it must be refused. The aristocratic oligarchy was at stake. The Bill seemed to foreshadow the opening of the right of representation to the mass of the people of all descriptions. . . . 'If the principle is once yielded in my opinion it goes directly to the subversion of all civilised government.' It must

lead to pure anarchy, or, terrible alternative! to democratic government. If this popular infatuation be not checked, we shall," he cried, "be driven to sue for a union with the Parliament of England, as the last resource for the preservation of Ireland!"

Hugging the opinion that Catholic relief meant ruin to his country, if Fitzgibbon had voted against the measure he might have been at least credited with the virtue of sincerity. But no. The Bill had been brought in by the Government. To keep the favour of the powers that were, was ever the guiding principle of this lawyer's life. When a division was taken the Chancellor voted for the Bill he had first so ruthlessly condemned. Rather than give up his lucrative appointment he was prepared to violate all his principles.

This contemptible conduct was fraught with disastrous results. The Catholics were infuriated that a man who had spoken so insultingly of them and their religion should continue to hold the reins of office. The Government's tentative efforts towards conciliation were at once discredited. Burke, to whom this new policy of toleration was largely owing, was distracted. "I confess," he wrote to Grattan, "I tremble for the conduct of the Chancellor, who seems desirous of putting himself at the head of whatever discontents may arise from concessions to the Catholics, when things are on the very edge of a precipice or, indeed, between two precipices; he appears resolved that they shall be tumbled headlong down one of them." And again he remarks: "A

Papist can reason as well as a Protestant, and he can argue with infallible conclusion that if he is, of necessity, dangerous to a Protestant government, a Protestant government can by no possibility be salutary to him." The bitterness that was beginning to slumber between the rival sects leaped once more into flame. The Chancellor had too freely admitted that the government of Ireland was directed solely in the interests of England, while the welfare of the governed was regarded as a purely secondary and accidental issue. The new moral principles of government set forth by modern German philosophers in scores of bulky volumes, and hailed as startling discoveries, are after all only dragged from the scrap-heaps of the eighteenth century. The lisping prophets of aristocratic supermen beyond good and evil, belong to an ancient if disreputable company.

Fearful of the effects of Fitzgibbon's imprudent bigotry, and determined to make further efforts to conciliate the angry nation, the English Government sent over Lord Fitzwilliam the following year as Viceroy. For a few months he was allowed to follow the dictates of wisdom and humanity. But the Lord Chancellor resented his appointment as a personal slight, for Fitzwilliam's whole policy was violently opposed to his own, and he realised that the introduction of a Catholic element into Parliament, or even into the electorate, would be fatal to his influence. Moreover he was in close political alliance with the family of Beresford, which, without ever having

rendered any conspicuous service to their country, had managed to build up a controlling interest in the government through wealth and bribery. To carry out his policy Fitzwilliam found himself forced to make changes among his subordinates. One of those to go was John Beresford, who held a lucrative but inconspicuous post in the Customs. Beresford was allowed to retain the income of his post; none of his relations were removed, but he vowed to make the position of the new Viceroy intolerable. Rallying their forces, he and Fitzgibbon began a series of backstairs' intrigues that resulted in a peremptory message to Fitzwilliam from the Home Government to stop the passage of the Catholic Bill. The Earl's honour was pledged. The English Government had given him full authority to carry through the measure. They had been warned of the disasters they might expect if it were lost. The Prime Minister, wrote Fitzwilliam, must choose between the stopping of the Bill and the Viceroy. Pitt was cowed at the thought of being turned out of office by the Beresfords and their English connection. Fitzwilliam was dismissed. "Mr Pitt," wrote Grattan indignantly, "abandoned his principles, his promises, his professions. He first deceived, then he recalled Lord Fitzwilliam, and committed the basest breach of public faith that had occurred since the days of Lord Strafford. . . . His measures were fatal for British character, and the Irish people henceforth lost all faith in the British Government."

Fitzgibbon might chuckle gleefully over the result

of his machinations. But a sullen blight of discontent and disloyalty settled down over the land. The day of Fitzwilliam's departure was observed in Dublin as a day of mourning. The arrival of Lord Camden, his successor, was the signal for an outbreak of riot and outrage. Popular fury turned against those responsible for the betrayal of the country, and the Lord Chancellor was the chief object of attack. His house was surrounded by a hostile mob, yelling and howling for his blood; windows were broken, doors all but smashed in. Had it not been for the courage and address of his sister, who, mingling with the crowd unrecognised, led off the rioters on a false scent, Fitzgibbon could hardly have lived to bring about the disastrous Union.

Unfortunately for Ireland Fitzgibbon did live. On his advice extraordinary severity was employed to crush the rioters—for the moment it succeeded and Dublin was reduced to tranquillity. But the sword of rebellion had turned uneasily in its scabbard. A flame had been lighted in Ireland that not even bloodshed could put out.

The failure of the Irish Parliament, through the corruption and intrigues of the Lord Chancellor to retain that liberty and independence won for it by Flood and Grattan, had already deepened the discontent that was surging through the island. The voice of France had rung through Europe proclaiming liberty, equality, fraternity. A king had fallen, and the heavens seemed undismayed. Across the Atlantic the American colonists had flung off the yoke of England. Irishmen, ejected from their homes by Lord Donegal and his brethren, had fought beneath their banners in the armies of Washington and Franklyn. And Ireland had suffered more from England than had America. Republican sentiment had taken root and was spreading rapidly among all classes of the Irish.

In 1791 a young Belfast lawyer named Theobald Wolfe Tone had founded the Society of United Irishmen. Realising that English influence was the enemy of Irish prosperity, and that this influence had been maintained only through the sectarian quarrel that had torn the country in sunder, Tone was convinced that England could only be successfully combated by a close union of Irishmen of every class and creed. To obtain a really representative Government was his original aim, a Government in which Catholic and Protestant should sit side by side. While Grattan wished to tinker with the constitution, as something that could be reformed by the addition of a member here, by the expulsion of a placeman there, Tone realised that the whole system was fundamentally rotten, and would, if he could, have destroyed it root and branch. For the "revolution" of 1783 he had a profound contempt. Only the property-owners had benefited by it; three-fourths of the people had been unaffected, or had been sunk more deeply in English influence than before. Under the stimulus of the great happenings in France, the tone of the society became even more revolutionary. Separation from England was discussed as not only desirable but

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even possible. Dreams of a free and prosperous Irish Republic haunted their minds, when Ireland should resume her old proud place among the nations. From quite early days the heads of the society were in correspondence with France, the fountain-head of liberty.

The rejection of the Catholic Relief Bill and the recall of Fitzwilliam gave an enormous fillip to the spread of the society. United Irishmen were found in every town, and Presbyterians composed their feuds with Catholics. Terror seized the Government. Lord Camden sailed for Ireland with orders to stir up as far as in him lay all the old dissensions between the rival sects. A powerful ally awaited him in the person of the Lord Chancellor.

The new nationalist ideals had found a ready home among the students and Fellows of Dublin University. A few years previous Fitzgibbon had been made Vice-Chancellor of his alma mater, who had given him his first seat in Parliament. He determined to use this authority to crush out all disaffection, and to discover if possible to what lengths sedition had spread in the capital. Accordingly, early in 1798, the Vice-Chancellor descended in all his magnificence upon the University. A rebellious publication, he thundered, had been issued by the scholars and students of the University. Secret societies had been formed, in one of which systematic assassination had been recommended, and a proposal put forward to gather together arms. He was determined, he said, looking round on the throng of Fellows and scholars, of graduates and undergraduates, who crowded round the great dining-hall, to punish severely the encouragers of treason and sedition, and more especially the miscreant authors of that wicked paper, which was not only thrown into every letter-box in college, but was flung at his own head, in his own house, by way of menace and defiance.

One by one every member of the University passed before the Vice-Chancellor and was forced to submit to searching interrogations. The Chancellor found out all the details he wanted, though the trouble was less widely spread than he had feared. As a result, nineteen students were expelled. But on the whole Dublin University showed less courage and independence than might have been expected. There was much contrition among the scholars but not too much self-respect.

Meantime definite measures had been taken by the leaders of the United Irishmen. Napoleon had agreed to send an expedition to Ireland, it being clearly understood that no claims of French supremacy were to be set up. A fleet set sail with the passionate patriot Wolfe Tone on board. The gods seemed propitious; the Government was totally unprepared to resist invasion; the most complete ignorance prevailed at Dublin Castle. Then once again England was saved by her old allies the winds. A storm sprang up and as the Armada had been scattered two hundred years before, so the French fleet was dispersed.

Panic seized on the English nation, and Pitt, to his

lasting disgrace, set out on one of the most infamous projects that have ever disgraced British statesmanship. Deliberately he set to work, not to conciliate the Irish by granting them tardy measures of justice, but to coerce them into premature rebellion. If the disaffected were cut to pieces, England might at last be free of the millstone of Irish discontent that her own ferocity had hanged about her neck. But Pitt disregarded the precept of Machiavelli that persecution to be effective must be thorough. Nothing less than extermination of five-sixths of the population of Ireland could have solved the problem along his lines.

"Coercion" is a euphemism for the treatment to which all suspected persons were subjected, in order to make them give information concerning the storage of arms and the names of rebels. Levies of halftrained regiments of English Protestant militia were quartered on the Catholic countryside, and given carteblanche by their officers as to the methods they might employ. It is only fair to say that many highly placed English officers point-blank refused the butcher work the Home Government set them to do. But enough were found to carry out atrocities too sickening to write about. Picketing, half-hanging and merciless flogging were the chief means employed to extort confession. Hundreds died as the result of ill-usage. Others were shot down out of pure wantonness. Young girls quite ignorant of politics, wearing from innocent coquetry a knot of green ribbon, were everywhere insulted and brutally outraged. It is little

wonder that bitter memories still dwell to-day among the Irish people. But while we condemn the Government of a hundred years ago it is well to remember that their traditions linger with us yet. Those sickly sentimentalists who are always bewailing the decline of manliness in our nation dearly love to see a fox torn to pieces by a pack of hounds in the name of sport, or a woman suffragist mobbed by a horde of foul-minded youths.

Even in the Irish Parliament voices were raised in indignation. Lord Moira sharply criticised the Government, and the Lord Chancellor (created Earl of Clare for his services against the Catholics) defended their policy on the ground that it had led to the discovery of quantities of hidden arms. From the point of view of the Government indeed the policy had been entirely successful for the moment. The rebellion was precipitated, and, the winds and weather remaining stubborn, the movement which, by concerted action from within and without, might have shorn away Ireland from Great Britain, inevitably fell to pieces, after the massacre of Vinegar Hill.

But while Wolfe Tone, Lord Edward Fitzgerald and other Irish patriots had been dreaming of setting free their country from the curse of English misgovernment, other projects had been maturing in the brain of the Earl of Clare. It seemed to him impossible that an altogether reactionary policy could be maintained so long as any vestige of independence remained to the Irish Parliament. By some strange freak the reforming party might capture enough seats in the legislature to give them the prestige of fear. Catholic emancipation might be brought about, his own dismissal would certainly follow close on the heels of such a change. From 1793 onwards the secret correspondence of the times shows him urging on Pitt the advisability of a legislative union between England and Ireland, by which Irish self-government should be at one blow removed, and the settlement of the country left in the safe hands of Protestant England.

The rebellion brought matters to a head. It was obvious even to George III.'s. ministers that something must be done; that some very sweeping changes must transform the government of Ireland. Pitt brought forward a scheme of union, and post-haste the Lord Chancellor set out for England to urge his views and prejudices on the Prime Minister. It was Lord Cornwallis's opinion that a union would only be possible which at the same time gave emancipation to the Catholics, otherwise the unhappy country would only be thrown into fresh confusions and convulsions. Pitt was believed to acquiesce. But Clare was determined that, come what might, the union should extinguish even more effectually all claims of the Papists to toleration. His interview with the Prime Minister was satisfactory. Once again Pitt deserted his convictions. A plan for the union of the two Parliaments was suddenly thrown before the startled island, from which all mention of Catholic emancipation was omitted. Once again the Lord Chancellor had triumphed.

Throughout the whole of Ireland furious opposition was aroused against the measure. The feeling of the country was almost solid against the surrender of national independence. But Clare and Pitt were determined that the union should be carried. And carried it was. But even those who uphold the Union, and most violently oppose Home Rule for Ireland, must blush at the manner in which the present co-operative legislature was called into being.

In Lord Clare the English ministry had an able coadjutor, who would stop short at nothing that seemed to make for success. Force, fraud and corruption were weapons with which he had already proved himself familiar, and these he determined should once again serve his turn. So, though it was now some two years since the rebellion had been broken, measures were hastily passed through Parliament proclaiming martial law wherever it should be necessary to repress or "prevent" a rising. The intention was obvious. The Government meant to cow and intimidate the country into acquiescence. The old tortures of the gallows and the lash were once again called into action. Men were butchered and flogged without a form of trial. Innocence or guilt were questions quite irrelevant to the issue, indeed one of the Chancellor's creatures, Judkin Fitzgerald, actually dared to boast that he had flogged a man called Wells, "and two more men, though they were all innocent!" And when innocent men attempted to bring actions against their persecutors, Toler introduced an Indemnity Bill into the House of Commons which secured, all persons who had been guilty of illegality or torture, in "suppressing the Rebellion." Clare was ably fulfilling his promise that he would "make the Irish people sick of their constitution."

For the Government at the same time had managed to pack the Irish Parliament as though it were a jury. The national purse was opened, and the Irish were forced to pay enormous sums to members of Parliament to sell them to the Government. All officers of the Crown who opposed the Union were dismissed. and their places taken by creatures of Lord Clare. Among those expelled was James Fitzgerald, the Prime Serjeant, roundwhom the Irish Bar rallied almost to a man in spite of the bullying of the Lord Chancellor. Colonel Cole, a well-known anti-Unionist, was ordered to join his regiment at Malta, and when he applied for the escheatorship of Munster (the Irish Chiltern Hundreds), so that his constituents might choose a successor, permission was curtly refused by the Government, as his nominated successor shared his political convictions. Places with handsome salaries attached were created almost by the score for those prepared to vote as Clare directed. For others, who preferred to sell themselves for a lump sum down, drafts were written on the Treasury, rising as high as five thousand guineas. On Grattan's estimation, of those who voted for the Government there were but seven who had not soiled their hands with bribes. Attempts were made to buy the Catholic Church, and though emancipation was refused a

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tempting offer of state-paid stipends was held out to the hitherto down-trodden priesthood, and whispers were sent abroad that even emancipation might in a year or two follow on the heels of union.

But in spite of all these precautions the national spirit of Ireland was not so easily extinguished. In the Lords, indeed, the browbeating of Clare had reduced the members to a tepid acquiescence, but in the House of Commons the opposition still raged fast and furious. A master-stroke was decreed by Government, and no less a sum than a million and a half was appropriated out of the Irish exchequer to purchase the Lower Chamber wholesale, fifteen thousand pounds being the estimated price of each seat. At the same time the Press was corrupted and intimidated, and the Irish militia was drafted abroad, its place being taken by English regiments.

Outside Parliament a war of pamphlets broke out, to which the Lord Chancellor made his contribution. "No Union! or Unite and Fall! by Paddy Whack, in a loving letter to his dear mother Sheelah of Dame Street, Dublin," is the title he chose. He attempted humour and pathos, but achieved only a gross and tedious vulgarity that can hardly have advanced his opinions very far.

At length, all the Government preparations being made, the Union Bill came before the Irish House of Commons for the third reading on the 6th June 1800. The Opposition had done all that lay in human power. They retired "with safe consciences," said Grattan, "but with breaking hearts." Fitzgibbon had been too much for them. Grattan had well prophesied many years before that if the country did not overpower that minister he would kill the country. The Bill went to the House of Lords, where it was passed by a majority of seventy-six to seventeen. After a swift passage through the Parliament at Westminster the King's signature was affixed on 2nd July. Ireland ceased to have a corporate political existence.

Fitzgibbon's work was done. He had sold, betrayed and oppressed his country. He had prostituted her Parliament soul and body. Triumphantly he left the stage, and applied himself once more to the pursuit of his profession. He took his seat in the House of Lords of the United Parliament, but his arrogance and ugly temper brought him into constant collision with his brother peers. He guarrelled in the House with the English Chancellor, but Lord Eldon was not the man to suffer quietly any aspersion on his legal knowledge. Now that the Union had been accomplished Lord Clare's denunciations of his fellowcountrymen were deemed a trifle indecent by the fastidious English Lords. His continued philippics against perfidious Roman Catholics were irritating when Government felt itself obliged to conciliate the followers of that religion. Clare's usefulness to the English ministry was past. In high dudgeon he returned to Ireland.

Froude has hailed Clare as a true-hearted patriot, but though pious sentiments were often on his lips his actions are too eloquent to go unheeded. All the Christian virtues have been claimed for him, but the Christian virtues seem generally to wither in the atmosphere of public life. No doubt he was generous; he extended this principle to the nation's money. No doubt he was faithful to his wife; he condoned the savage licence of his soldiery. No doubt he was, as Plowden says, "the best of landlords"; he upheld the land system that was the curse of Ireland. He was hard-working, industrious—all these virtues are we content to allow him.

Clare did not long survive the Union he had brought about. In January 1802, at the age of fifty-four, he died after a short illness. His funeral as it passed through the streets of Dublin was followed by the curses and execrations of assembled thousands. His line was not long-lived. He was succeeded in turn by his two sons. But Viscount Fitzgibbon, the heir of the third Earl, wiped out at the same time the family title and all the dishonour that clung around it in the charge of the Light Brigade at Balaclava.

## JOHN SCOTT, FIRST EARL OF ELDON (1751-1838)

It is not too sweeping an assertion to say that in the eighteenth century the aristocracy only tolerated the monarchy as a matter of expediency. There was no Royalist sentiment clinging around the house of Hanover: the four Georges excited not one spark of genuine devotion. Moreover in the time of James II. a sharp cleavage had taken place between the King and the nobility. It is not surprising therefore that the sovereign should at times have sought for allies among the Commoners he had himself ennobled, who were bound to him by that gratitude which is largely the expectation of further benefits to come.

Lord Chancellor Eldon was a favourite of this kind. By birth a plebeian, his great abilities enabled him to rise to the top of his profession. In private life not ungenerous, and of exemplary morality in the common sense of that misapplied term, he was lacking in the public virtues. He used his power and influence against the abolition of slavery, against the emancipation of Roman Catholics and debtors, against all proposals of Parliamentary reform—in short, against every measure that made for humanity and progress. This endeared him to the heart of George III. The principle that underlay his system of patronage in the law-courts was dubious; of international morality he



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knew nothing. Though he espoused the cause of the hapless Princess Caroline he did not hesitate to desert her on the accession of George IV. He acquired a barony, then an earldom, and a fortune of nearly a million pounds. He lived to take the oath to Queen Victoria, and died the idol of the Church and the Tory party; honoured by the University of Oxford, a Fellow of the Royal Society, a governor of the Charterhouse, and a Trustee of the British Museum.

Plain John Scott was the baptismal name of the future Earl of Eldon. He was born on 4th June 1751, the third son of William Scott and his second wife, in Love Lane, Newcastle-upon-Tyne. In later years he assumed the arms of the Scotts of Balwearie, Fifeshire, and his biographer, Twiss, assumes that his family was an offshoot of that ancient house. But the family pedigree loses itself two generations back, so reluctantly we must abandon the theory that the famous lawyer was descended from

> "the wondrous Michael Scott, A wizard of such dreadful fame, That when to Salamanca's cave Him listed his magic wand to wave The bells would ring in Notre Dame." <sup>1</sup>

Nothing but the vaguest tradition authenticates the theory of Scottish ancestry. John Scott's father and

<sup>1</sup> "The Lay of the Last Minstrel," canto ii. Sir Michael Scott of Balwearie is also mentioned by Dante:

"Quell' altro che ne' fianchi è così poco Michele Scotto fu, che veramente Delle magiche frode seppe il giuoco."

Inferno, canto xx.

# Tarnished Coronets

grandfather alike started life as apprentice to a coalfactor, and both in time came to own "Keels," or barges, of their own on coaly Tyne. John's father indeed prospered well. He was a member of the "Hoastman Company," and was presented with the freedom of his native town in 1724. He acquired a large rambling house and came to employ so many men that he found it profitable to open a public-house of his own on the quay, in order partly to pay wages in truck—a practice that in no way damaged the reputation of an honest citizen in the eighteenth century.

Though William Scott destined his sons for the coal-factor's trade he determined to give them both a sound education. We are told that John was taught his letters by a certain Dominie Warden whose method was that, at one time common in Scotland, of "muffling his consonants"-i.e. teaching the alphabet by placing a vowel before instead of after the consonant. A little later he joined his elder brother William at the Newcastle Free Grammar School, where he was thoroughly grounded in classics and English literature, and had as class-mate the future Lord Collingwood. He seems to have been a quiet, hard-working lad, though in his "Anecdote Book," written to amuse his grandson, he makes himself out a sad young scamp. But the youthful roguishness of grandfathers is as a rule as universal as the exemplary conduct of fathers.

A lucky chance for William Scott had carried his mother into Durham just before his birth. This enabled him to take a scholarship at Corpus Christi College, Oxford, limited to youths born in that county. He made astonishing progress, gained a Durham fellowship at University College, and before the age of twenty became a college tutor. In 1766 John was sent off to join his brother. He studied hard, though without much enthusiasm for learning, and at the age of sixteen was appointed to a fellowship, more through his brother's influence, he candidly admits, than through his own outstanding scholarship.

The bachelor's degree at Oxford was but little of an ordeal in those days. Eldon has left us the following account of his examination :--- "I was examined in Hebrew and History. 'What is the Hebrew for the place of a skull?' I replied 'Golgotha.' 'Who founded University College?' I stated (though by the way the point is sometimes doubted) that King Alfred founded it. 'Very well, sir,' said the examiner, 'you are competent for your degree.'" On the 20th February 1770, therefore, John Scott graduated B.A., and proceeded M.A. on 13th February 1773. He was appointed High Steward of the University on 18th September 1801. A year later the degree of D.C.L. was conferred on him by his alma mater. It is a curious fact that while Continental universities are generally centres of progressive, often revolutionary, thought, the men whom the English schools delight to honour are commonly the apostles of reaction.

While studying for his master's degree Scott won the Chancellor's Prize for the best English essay. His success is interesting as a criticism of the literary capacity of Oxford one hundred and forty years ago. For the prize composition is a heavy imitation of Dr Johnson's ponderous dullness, which was much in fashion at the time. The language lumbers along unredeemed by one flash of genuine thought or feeling, by nervousness, vividness, beauty or imagination. The essay is entitled : "The Advantages and Disadvantages of Travelling into Foreign Countries." It was published (heaven knows why!) in 1836 in the first volume of Oxford English Prize Essays.

Circumstances seem to have destined Scott for holy orders, and he acquiesced quite contentedly in such a fate, looking forward with pleasurable anticipations to life in some retired but comfortable country vicarage. But in 1772 an event occurred that completely changed his prospects in life.

In Newcastle there lived a prosperous banker, Aubone Surtees, whose daughter Elizabeth was justly famed in the northern counties for her beauty. During one of his vacations Scott had met her, and the young people fell violently in love with each other. Elizabeth was sent away to the house of wealthy relatives at Taplow, where needless to say her young Oxford lover contrived to see her pretty frequently. On her return to the north her parents tried to hurry her into a match with a neighbouring landowner. This provoked a crisis. One morning the houses of Surtees and Scott woke up to find that John and Elizabeth had fled "o'er the border and awa'," aided by the usual rope-ladder and chaise. They were married at the village of Blackshiels, near Edinburgh, by the Rev. Mr Buchanan, the Episcopal minister at Haddington. Then, their funds exhausted, they returned to brave parental storms.

Both Scott and Surtees senior had been violently opposed to the marriage, but when once the deed was done the coal-dealer, not blind to the fact that his son had made a connection considerably above his own in social rank, extended his hand in token of forgiveness. The young couple went to live in the Love Lane house. But Scott's public-house was a bitter pill for Elizabeth's father to swallow, for the banker considers himself the very aristocrat of traders.

For a time matters looked black enough. Lugubrious head-shakings reproved the youth wherever he went. Marriage of course had voided his fellowship. William Scott regarded him as completely ruined. But at that time society was not quite so firmly leagued against those who commit the crowning folly of taking upon themselves responsibilities as it is to-day. For even the eighteenth century guarded (probably by accident) a few faint sparks of romance which the twentieth has ruthlessly extinguished. Men still had a sneaking fondness for human nature.

A wealthy but childless provision merchant of Newcastle came to the rescue, offering, "because he took compassion on the destitute condition of John," to take him into partnership and settle one half of his flourishing business on him. Perhaps it had been better for this country if John had passed the

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remainder of his life in weighing out raisins and cutting hams rather than in strengthening reaction in the House of Lords. But it was not to be. Oxford pride jibbed. The offer was refused.

However the improvident marriage turned out better than anyone could have dreamed. Before long Elizabeth's father, resigning himself to stern necessity, forgave his daughter and her husband. Then, jointly with William Scott, he settled the sum of three thousand pounds upon them. John remained passionately fond of his wife all his life, for which some will doubtless forgive him his political crimes. "There never," says Lord Campbell, his biographer, "was a more faithful or affectionate pair; and they afforded a beautiful example of the consortium vita, which constitutes the essence of the married state. She conformed to his tastes. . . ." We need proceed no further. Have not generations of masculine moralists proclaimed this the ideal marriage? To prevent any ambiguity that might arise, the wedding was resolemnised in St Nicholas' Church, Newcastle-upon-Tyne, on 19th January 1773, in the presence, this time, and with the blessings, of both parents.

The door of the Church being now closed on him as a profession, it behoved the youthful bridegroom to begin the carving out of a new career. He decided on the law, and on 28th January of the same year was admitted to the Middle Temple. His wife and he removed to Oxford, where her beauty and graciousness seem to have conciliated those who before had blamed his folly. "She was extremely beautiful,"

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we read in a letter written by a lady who had met her at a friend's house, "and so very young as to give the impression of childhood, especially as her dress corresponded with that idea, the white frock and sash being in those days the distinguishing mark of a child, as well as the flowing ringlets which hung around her shoulders." It more than once fell to the lot of the child-wife to entertain the great Dr Johnson himself, whom, so she afterwards related with great glee, she one night helped to no less than fifteen cups of tea.

Soon after the removal to Oxford, Scott obtained the post of deputy to Sir Robert Chambers, Principal of New Inn Hall and Vinerian Professor of Law, who had been appointed to a judgeship in the East Indies without resigning his duties at the University. Scott's promotion at first sounds a little startling for a law student in his first year, but his duties consisted only in reading before his class the lectures which Sir Robert sent him. The first time he faced his students the lecture dealt with the statute : "Of young men running away with maidens." "Fancy me," exclaims the embarrassed lecturer (whose story of course was quite well known), "reading with about one hundred and forty boys and young men all giggling at the professor! Such a tittering audience no one ever had!"

The emoluments of this position were not great sixty pounds a year, together with rooms in the college. His brother generously sent him a present every quarter, and a few private pupils made it possible to live in some degree of comfort. Meantime the future Lord Chancellor was turning his fine powers of concentration and perseverance upon the intricacies of Coke upon Littleton. He began his studies at four o'clock in the morning, and late at night was still to be found doggedly pushing on towards fame and fortune. That this told seriously on his health is not surprising; at the same time his letters indicate how youthful high spirits were being ground out of him by work and anxiety.

During the Long Vacation of 1775 the Scotts moved to London and settled themselves in a small house in Cursitor Street, Chancery Lane, for which even at that time he was forced to pay in rent and taxes, the (to him) crippling rent of sixty pounds a year. "There," he would often say in later years to friends, as they passed the one-time familiar dwelling, "there was my first perch: many a time have I ran down from Cursitor Street to Fleet Market to buy sixpenn'orth of sprats for our supper."

Now began the wearisome routine of daily attendance at the law-courts in Westminster Hall. John Scott at first took his place in the Court of King's Bench, but noticing the unfavourable bias with which Lord Mansfield seemed to regard men who did not hail from Westminster School and Christ Church College he soon crossed over to the Court of Equity. The good fortune that so far had attended him did not desert him now. The doors that poverty closed to him were opened by his natural good graces. His pictures show him, even in later life, a well-proportioned

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man of middle height, entirely lacking the grossness that disfigured most of his contemporaries. His features were handsome and well modelled. In addition the young lawyer had keen sparkling eyes, and black luxuriant hair, of which he was extremely proud. In later years he begged permission of King George III. that he might not be forced to hide his hair under a hideous perruque, but that conservative monarch refused. "I will have no innovations in my courts!" To good looks was added extraordinary personal fascination and attractiveness of manner. Perhaps this explains why Matthew Duane, an eminent Catholic conveyancer, gave him the run of his chamber for six months without fee. He must have deeply impressed Duane by his capacity, for that great lawyer was not in the habit of receiving pupils. The premium usually paid by students under such conditions was not less than a hundred guineas.

Young Scott made the most of his opportunities, acting fully up to his maxim, that a lawyer should live like a hermit and work like a horse. He thoroughly mastered the intricacies of Real Property Law, in addition to a deep study of common law and equity, making a copy of all the manuscript forms he could come upon. Thus he compiled several valuable books of precedents, the loss of which he never ceased to regret. He devoured numberless reports, and hardly ever forgot in after life the name of a single case, or the page and volume in which it was to be found. "Before he ever pleaded a cause," says Lord Campbell,

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whose opinion the layman dare not challenge," he was fit to preside on the bench, and there he would have given more satisfaction than most other members of the profession, who could boast of their 'lucubrationes viginti annorum.' . . . He had by nature an admirable head for law, and seemed, almost by an intuitive glance, to penetrate into its most obscure mysteries."

The period of preparation lasted nearly a year. Then on 9th February 1776 Scott was called to the Bar by the Honourable Society of the Middle Temple, he being then twenty-five years of age. His ambitions were still moderate, never rising above the building up of a practice in his native town. Towards the honours that were in store for him he had never even cast a longing glance.

From his own account, the opening of his legal career was starred by continuous misfortune. Nine shillings he declares to be the limit of his earnings in the first twelve months, and that fell in after the eleventh month was passed. It is possible, though highly improbable, considering the valuable friends he had made, that this represented the sum total of his gains in London during that time, but we know from independent sources that he was very successful when he went on the Northern Circuit. In October 1776 his brother (now Sir William Scott) writes to Henry Scott in Newcastle. "My brother Jack seems highly pleased with his circuit success. I hope it is only the beginning of future triumphs." With the not unnatural tendency of age to embellish its own youth, Eldon seems constantly to have painted his early life in gloomy colours, to throw up by contrast the brilliance of his later achievements.

Indeed Newcastle, that had been so excited over his Oxford Essay Prize, was watching with kindly eyes the career of its citizen, whose father had died in November 1776, leaving him a legacy of a thousand pounds. The following year he loomed large in the eyes of this fellow-townsmen. His old friend Stony Bowes had married the Countess of Strathmore, by whom he had become possessed of important estates in Durham. Bowes came forward as candidate in a contested election on the death of Sir Walter Blackett, but being absent on his honeymoon retained John Scott as counsel to protect his interests and even to speak for him in public. For these services Bowes presented his friend with a fee of two hundred guineas, that can hardly have altogether slipped his memory afterwards. The election was followed by a petition, for which the young barrister was again retained. "I am very happy to find," writes Sir William, a few weeks later, "that my brother John acquitted himself so much to the satisfaction of his friends." Presumably the friends were not ungrateful.

The same year his father-in-law obtained for him a general retainer from the corporation of Newcastle, together with a brief to support the Duke of Northumberland in a claim against Lord Gwydir, which he later said to be "only a handsome way of giving me twenty guineas a day for walking

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down to the House of Lords." His first year was not, after all, so unfortunate for Mr John Scott, barrister-at-law.

I have dealt at such length with Eldon's early history because these years bring out all his better qualities. The historian who is attacking the principle of a hereditary legislature can well afford to deal generously with the virtues of the eighteenth-century peer.

Fame and fortune now came rapidly to the young lawyer. His handling of the case of Ackroyd v. Smithson in March 1780, and of the Clitheroe election petition the following year, placed him in the very front rank of his profession. On 4th June 1783 he took silk, and with higher fees continued to attend to the great tide of business that flowed in upon him to the very end.

Scott now for the first time turned his attention to politics. George III. was anxious to secure to his own interests a brilliant lawyer amongst the factions of opposing parties. Lord Thurlow was sent to sound him, and Scott consented not unwillingly to enter Parliament as a "King's friend." A seat was found for him, Weobly in Herefordshire, in the gift of Lord Weymouth. At the cost of one speech, which was all his constitutents demanded, he found himself seated among the legislators at Westminster.

Legal eloquence is not always successful when translated into the sphere of politics. Scott's maiden speech upon the introduction of Fox's Indian Bill bored a restless House. He could not make up his

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mind, the Bill seemed to have a dangerous tendency, he needed time to examine into the matter. Meantime, as Fox himself sarcastically pointed out, the honourable member filled the intervals of making up his mind by voting against the measure. His second venture was even less successful. Resolving to be revenged on Fox, to out-Sheridan Sheridan, to force the House into ecstatic enthusiasm, he rose to annihilate the Bill on its third reading. He made his impression, the House sat open-mouthed, then rocked with laughter, but alas! at, not with, the orator. He seemed to have ransacked the Scriptures, the classics and the ancient jest-books. Quotations, allusions, puns and rhetoric, appeals to his conscience, vindications of his integrity, jostled each other in a very riot of elephantine airiness, of the polysyllabic playful. The question of the Westminster Scrutiny however, that came up for discussion on 9th March 1785, redeemed his reputation as a sober debater. Brilliance he forswore for ever.

But though Pitt became Prime Minister on the break-up of the Coalition ministry that followed the defeat of the India Bill, it was another five years before legal preferment came to his young follower. During this time Scott remained a loyal servant of the Premier, except on the occasion of the Westminster Scrutiny, when he revolted. But having in this friendly manner warned Pitt that he might become an enemy to be feared he returned to his allegiance. The next two years were quiet and lacking in interest. Then, Sir Archibald Macdonald being promoted to be

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Attorney-General, the post of Solicitor-General was offered to and accepted by Scott. The post carried with it a knighthood, for King George held strong views on the occupation of high judicial offices by commoners. Scott was accustomed to protest that he accepted this honour much against his will. Why is not very clear. There is nothing in his life to show that he despised either rank or wealth. Indeed he had in the same year gratefully accepted from Thurlow's brother the chancellorship of the county palatine of Durham, while in 1790 his well-known fondness for money gave colour to the accusation, very widely believed, that his argument in the Warren Hastings case-viz. that the dissolution of Parliament abated the impeachment-was conditioned by discreet bribery. For this charge there seems little or no foundation. According to his lights, Scott was usually a fairly moral man.

The trouble is that we have got into the habit of thinking that whatever is legal is moral. A man might uphold the slavery of negroes or debtors, or the law which inflicted the death penalty for a theft of five shillings' value, and still be considered in the eighteenth century a worthy and virtuous citizen. And historians are apt to judge him by the standard of his own time.

But even in his own day Scott won an unenviable reputation, becoming for a time the best-hated man in London. In February 1793 he had succeeded Sir Archibald Macdonald as Attorney-General. His hand was now felt in all the repressive and retrogressive legislation that followed the outbreak of the French Revolution. It is not surprising that ministers should have been panic-stricken in the early nineties, and have lost their heads, when they got news of the success of the popular party in France, and heard from the trembling lips of Royalist refugees of the complete bouleversement of aristocratic government across the channel. For in spite of the farce of general elections the Government of England was in the hands of a close confederation of aristocratic families. And if ever an outsider managed to penetrate into this all-powerful circle, in order to secure his own position he was forced to become more aristocratic than the aristocracy itself. Moreover the war had been long and not altogether successful; the industrial revolution was turning the screw of poverty even tighter for the poor. While the fashionable world was tossing about fortunes at the gaming-tables, bread wasgetting dearer, commons were being enclosed, and rents were rising. The shadow of the landlord fell darker over the land. The only gleam of hope that brightened by fitful glimpses the lives of the labouring folk in town and country was the fragments of strange talk that drifted to their ears of the rights of man and the social contract. Revolutionary ideas spread rapidly among the lower classes; societies were established in large numbers, some of which were in direct communication with France. There were the "Friends of the People," who urged Parliamentary reform. There was the Revolution Society, the Society for Constitutional Information, and the London Correspondence Society. We are not surprised that the strongholds of Government trembled, that those who could give no satisfactory account of their possessions grew faint at the thought of a possible day of reckoning !

And then of course came violent repression. Gallic doctrines, cried Pitt and his followers, were subversive of English liberty as achieved in the glorious revolution. (They were indeed!) Sedition must be cut off at the roots; the poison must be isolated. By no other means could the safety of the English crown be secured. How devoted they were to their German princelings, these eighteenthcentury aristocrats! Loyalty indeed is a handsomer word then self-interest.

So the Traitorous Correspondence Act was drawn up by Scott, was introduced by Pitt, and passed by Lords and Commons. All correspondence with France was forbidden. It was also forbidden to invest money in French stocks or to supply commodities of any kind to that nation. The crosschannel mercantile trade was thereby almost ruined, but the Government did not care. The breach of any one of the provisions of the Act was declared to be treason, liable to be punished by "hanging, beheading, quartering, forfeiture and corruption of blood."

The "reign of terror," as it has been called, was continued the next year by a Bill for the suspension of Habeas Corpus, a preposterous violation of the constitution, in which again we recognise Scott's handiwork. Pitt, the one-time advocate of reform, recognising the "urgency" of the measure, caused it to be passed at a special sitting of the House on Saturday, 17th May 1794, the day after its introduction in the Commons, notwithstanding Fox's spirited protests.

The year 1795 saw the further disgrace of the ministry in the passing of the "Treasonable Attempts" and "Seditious Meeting" Bills, for which once again the Attorney-General was responsible. The latter forbade the holding of public meetings except with the licence of a magistrate, and seriously limited the right of petition. The Newspaper Proprietors' Registration Act of 1798 is generally included in Scott's penal code. For this measure, however, there is a little more to be said, for though under corrupt judges and partisan juries it has been seriously abused, yet on the other hand it tended greatly to suppress the scurrility of irresponsible political journalists. The English press has not proved itself altogether deserving of untrammelled liberty.

But almost worse than the enactments that stained the statute-books were the series of prosecutions for treason initiated by the Attorney-General. The Treasonable Attempts Bill had supplemented the statute of Edward III. against high treason by bringing under that leading the "*imagining* to do any bodily harm tending to the wounding, imprisonment, or restraint of the person of the King, or to depose him from the style, honour or kingly name of the imperial Crown of this realm, or imagining to levy war against him, or imagining to put any form of

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constraint upon or to intimidate or overcome both or either Houses of Parliament—such imagining being expressed by publishing any writing or by any overt act or deed." This statute was an impudent attempt to re-establish the doctrine of constructive treason, which had been repeatedly repudiated. It still remains on the Statute-Book, and under it the present writer might be brought to the gallows on a thousand separate indictments. For any person who by spoken or written words ventures to criticise any part of the constitution—the monarchy, the Lords or Commons —or to express an abstract opinion in favour of universal suffrage, or any other political reform, is technically guilty of high treason.

It might be imagined that this net was close enough to draw in even the most insignificant of fishes. The panic-stricken Government thought otherwise. Spies and informers were employed who eagerly caught up drunken words spoken in coffeehouses, and listened at keyholes to private conversations. Scores of arrests were made. A series of "State Trials" was initiated.

The ball was set rolling by the prosecution of Muir, a young Scottish advocate, for sedition. As the trial took place before the Court of Justiciary in Edinburgh Scott did not actually appear, but it had his full approval, and that of Lord Chancellor Loughborough. The evidence against Muir was that, though attached to the monarchy and advocating obedience to the laws, he had had the temerity to agitate for those measures of Parliamentary reform to which the Prime Minister had been previously attached. There was talk of a petition to Parliament. Lord Chief Justice Braxfield poured scorn on the idea. "Mr Muir might have known that no attention would be paid to such a rabble" (*i.e.* Muir's friends who also desired reform). "What right had they to representation? A government in every country should be just like a corporation; and in this country it was made up of the landed interest, which alone had a right to be represented." An illuminating doctrine that has a familiar ring to modern ears, though in these more wary times our phrases are less vulgar, less crude.

A selected jury affirmed the guilt of Muir. The court sentenced him to transportation for fourteen years, "taking great credit for their humanity," says Lord Campbell, "in not having pronounced sentence that he should be hanged or exposed to wild beasts" punishments which for such an offence they claimed the power to inflict, "appealing to Roman Law, Paulus, 38 Dig., 'de Poenis': 'Actores seditionis et tumultûs, populo concitato, pro qualitate dignitatis, aut in furcum tolluntur, aut bestiis obiiciuntur.'"<sup>1</sup>

While Scotland was perpetrating justice of this kind, England was no better employed. John Frost, a disreputable attorney, had been overheard to say in a drunken coffee-house brawl, "I am for equality and no King." Scott immediately prosecuted him.

<sup>1</sup> "He who shall cause a crowd to assemble and shall incite them to sedition and riot, shall, according to his rank, either be hanged or thrown to the wild beasts."

He was sentenced to six months' imprisonment in Newgate, to stand one hour in the pillory at Charing Cross, and to be struck off the roll of attorneys.

The following year information was laid against three members of the Correspondence Societies-Hardy, Horne Tooke and Thelwall. Their prosecution was at once entered upon. Pitt, Lord Chancellor Loughborough and the Attorney-General are the three men who must bear the odium of the proceedings. The stain on the two former was the deeper inasmuch as they were giving up to "justice" their former associates, but to Scott belongs the merit of a deliberate perversion of the law. He chose to prosecute for treason, an offence punishable with death, whereas the harangues and publications, seditious though they might be, with which the defendants were charged, could, according to English jurisprudence, be treated only under the heading of misdemeanours. Nor was this all. In order that public opinion might be thoroughly prejudiced against the unfortunate men, an Act was passed through Parliament before the trial, affirming that a traitorous conspiracy had been discovered, which as yet was to be proved. The prisoners were examined by the Privy Council, and the judges who were to hear the cases assisted at their commitment. With the exception of Jeffreys' Bloody Assizes this amazing malversation of justice cannot be paralleled in English judicial history.

Ministers, however, had overshot themselves. Public opinion would not even nibble at the bait. Hardy was acquitted, and the jurymen who had found him "Not Guilty" were hailed by the London populace as the "saviours of their country." We are glad to learn, on Scott's own authority, that upon his leaving the court "a signal was given that I was coming out, for a general hissing and hooting of the Attorney-General."

But strong in the hope that "some day it must happen that a victim would be found," the Government pushed forward the prosecution of John Horne Tooke the more vindictively for their first defeat. The result was the same. Tooke on acquittal remarked that "if he should again have the misfortune to be indicted for high treason he would immediately plead guilty, as he considered hanging and beheading preferable to the long speeches of Sir John Scott." The trial brought forth another bon mot from the witty revolutionary. Scott had finished his speech on the high pathetic note, applauding his own integrity: "My children will be able to say of their father, that he endeavoured to give them an inheritance, by attempting to give them an example of public probity . . . etc., etc." The Attorney-General was moved to tears at his own eloquence, and the Solicitor-General mingled his with those of his superior. "Just look at Mitford; what on earth is he crying for ?" queried an unsympathetic onlooker. Quick as lightning came the answer from the prisoner : "At the thought of the little inheritance that poor Scott is likely to leave to his children !"

Prosecutions for treason and libel continued to

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spring up in the footsteps of Mr Attorney with a rapidity that it would be tedious to follow. His fondness for libel in particular was as marked as that of the Conservative politician of to-day. He was accustomed to boast that in two years he had initiated more prosecutions of this offence than there had been "in any twenty years before."

Sir James Eyre, Lord Chief Justice of the Common Pleas, died in the year 1799. Scott succeeded to his post, being created Baron Eldon of Eldon in the county of Durham. His title was taken from a fine estate which, in spite of his oft-lamented poverty, he had managed to buy a few years previously. Thus was the prop of aristocracy rewarded by admission to the House of Lords.

Scott's first appearance in his new rôle was characteristically in support of a further suspension of Habeas Corpus. His second, to speak for Lord Auckland's Bill to prohibit the marriage of a divorced woman with her lover. For aristocratic tradition is strong on a dual standard of morality. The full equality of men and women once admitted, where would your system of primogeniture be by which the good qualities of the father are transmitted only to the eldest son born after the repetition of the marriage formula, qualifying him for a seat in the legislature?

And as it was with woman so also was it with all other classes of humanity that suffered under legal disabilities. Roman Catholics, debtors, slaves, and the unhappy wretches who, when famine stalked over the land, were convicted of petty thefts—his hand was against them all. The latter half of the eighteenth century, that in some respects was the most sordid, brutalised and vicious period in the history of England, saw the first faint flutterings of the human spirit struggling for air and sunlight; the birth-pangs of the social conscience; the first gropings of the state towards responsibility for the welfare of its citizens. Gray and Thompson rediscovered inanimate nature; Blake and Cowper the rights of animals; Tom Paine upheld the rights of Englishmen; Howard the rights of prisoners; Wilberforce the rights of slaves. The influence of Eldon as Lord Chancellor retarded all humane legislation for years.

For some time the conviction had been growing that the infliction of the death penalty in punishment of petty thefts was both disproportionate and vindictive. Although we read constantly of batches of twenty prisoners being led to execution, yet the practice was growing among juries either of finding the accused not guilty when all the evidence pointed the other way, or of assessing the value of the stolen property (though its real value might be as much as fifty pounds) at less than five shillings, and so avoiding the capital sentence. The ultimate result of this barbarous law had been, not to put down theft, but to encourage violence and murder. For the value of punishment as a deterrent from crime lies in its certainty rather than in its severity. In 1810 Sir Samuel Romilly brought in a Bill to abolish the punishment of death for stealing to the value of five

shillings. It was violently opposed by Lord Eldonon high moral grounds of course. His lordship had always an unlimited supply of high-flown sentiments at hand when there was any measure of justice or progress to be opposed. The Bill was thrown out. The Chancellor breathed again. But his peace of mind was once more shattered the following year when a still more preposterous Bill was brought forward-to abolish capital punishment for the offence of stealing in a dwelling house to the value of forty shillings. It had powerful advocates in Lord Holland and Erskine, but once again the Chancellor triumphed. The Bill was defeated by a majority of twenty-seven to ten-an illuminating sidelight on the attention paid to business by the Upper House. A fitting pendant to this ferocity was Eldon's conduct of the trial of the assassin of Mr Perceval in 1812. Though the prisoner was thought by many to be mad, though his counsel petitioned for delay in order to bring witnesses from Liverpool for the defence, the trial was hurried on so that the unfortunate man had actually perished on the scaffold in less than a week from the firing of the shot; the witnesses could not arrive in time to be heard.

It was not likely that the man who held human life so cheap should be much troubled in mind about the slave trade. Eldon stood for vested interests in every department of life; for the sanctity of property as against that of human life. That hundreds of thousands of negroes should be subjected from birth to death to every species of brutality and indignity left him, good orthodox Christian that he was, unmoved; but that a handful of men carrying on a shameful and lucrative trade should suffer pecuniary loss as the result of the stoppage of that trade roused his indignation to boiling point. Every motion that reformers like Wilberforce managed to bring before the House, Eldon strained every nerve to render abortive. He was successful until 1807, when at last the House of Lords was forced to bow to public opinion, and the slave trade was definitely abolished.

The factory owner also, among the oppressed, found in the Lord Chancellor a doughty champion, when, in 1815, Sir Robert Peel's Bill for limiting the labour of children was handed up from the Commons to the Lords. He hoped he should not be suspected of hard-heartedness if he confessed himself one of those who really thought that philanthropy had not taken its right course in modern times. Varied and conflicting interests should be well balanced before a man of discretion and honesty would pronounce a fair decision." We can picture him, the soft-hearted philanthropist, in his favourite attitude, like the walrus, "holding his pocket-handkerchief before his streaming eyes," while he balanced up the "varied and conflicting interests" involved, deciding of course according to his conscience to use his influence on behalf of the ill-treated and threatened manufacturers.

But the chief plank in Eldon's platform was his unflinching opposition to religious toleration whether extended to Dissenters or Roman Catholics. The unimpaired supremacy of that mass of contradictions and inconsistencies, the Anglican Church, seemed to him vital to the continued existence of the state as it then was. Possibly he was right. But the further we drift away from the ideals of government that animated the eighteenth century the better for humanity at large. Twice did Eldon obtain the defeat of a Bill to allow Dissenters to be married in their own chapels according to the rites of their own religions, although the Archbishop of Canterbury with half the bench of bishops were ranged against him. "On account of the Dissenters themselves," he said, "he should oppose it, as there could not be enlightened toleration without the Established Church," an argument similar to that of certain country squires of to-day who defend fox-hunting on the ground that the fox enjoys the sport !

The Roman Catholics, however, were the foe against whom Scott (created Earl of Eldon in 1821, in anticipation of the coronation of George IV.) waged the most strenuous warfare. It was in Ireland, where six out of every seven inhabitants were Catholics, that the question of emancipation was most acute. Pitt had held out hopes that the Union of the two countries might be followed by this measure of justice. But to the stern bigotry of George III. that statesman had bowed. Eldon's uncompromising prejudices greatly endeared him to the house of Hanover.

In June 1816 a motion was brought forward for the relief of the Irish Roman Catholics. In spite of the Lord Chancellor's efforts the Bill was only rejected by a majority of four. The same year Canning returned to office, but in order to retain Eldon in the Cabinet a pledge was given by the Regent and Lord Liverpool that Catholic Emancipation should not be made part of the Government programme. In 1821, 1822 and 1824, however, further Bills for removing Catholic disabilities came up from the Commons, in all cases to meet with defeat at the hands of their inveterate enemy, though on the second occasion Lord Liverpool himself spoke in favour of toleration. Yet curiously enough, within a month of his latest exploit, the Lord Chancellor was voting in favour of a Bill to allow the Duke of Norfolk, a hereditary Roman Catholic, to exercise his office of Earl Marshal. It is impossible to reconcile or explain this action; there must have been some very urgent and private reason in the background, for once again in the same year we find him opposing the appointment of Roman Catholic noblemen on the Commission of Peace.

Meantime a crisis was threatening in Ireland. The Catholic Association were wearying of the fruitless and half-hearted measures which were being taken in Parliament to push forward their reform. On the reopening of Parliament in 1825 Brougham took the opportunity of raising the question of this unrest, and made a violent attack on Eldon. Of what, he asked, were the pro-Catholic members of the Cabinet afraid? That one of their colleagues would desert them? That he would quit the Great Seal? "Many things," he continued, "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." The sneer was well justified, for while lamenting on every possible occasion the hardships of his position, for nearly twenty years Eldon had clutched with limpet-like tenacity at the emoluments of office. And at the end his resignation was forced upon him, for he had long outlived his popularity with even the most reactionary of his colleagues. For the moment, however, Brougham failed. Once again justice lay beaten at the feet of the chief law officer of the Crown.

The 1st May 1827 was a red-letter day in English domestic history, since it marked the final withdrawal of Lord Eldon from the Government. Henceforward he was dangerous only as a private member of the House of Peers. The question of Roman Catholic Emancipation now entered upon its final stage.

The Test Act, that had been passed in the anti-Papist fervour of the early Restoration, was still in force, bearing equally on Dissenters and Catholics. Its rigours were in practice much softened by the passing of the Annual Indemnity Acts, but the statute still stood as a monument of injustice. In the early part of 1828 a Bill was introduced by Lord John Russell to repeal the obnoxious Act. The ex-Chancellor was immediately up in arms, dragging out once again his batteries of sophisticated arguments, appealing as of old to his God and his conscience, vindicating his own good faith. But the fire had passed out of his thunderbolts. The House was merely irritated, and the Bill was passed. The same year another Emancipation Bill was introduced. Eldon enjoyed a brief reflowering of his glory; for the last time the measure was thrown out.

For two anti-Catholic vicerovs had seen that open rebellion in Ireland could only be averted by tardy concessions of justice. Peel had come round to this view and had brought the Duke of Wellington with him. These two together, with Lord Lyndhurst, had urged the necessity of speedy action on King George. His Majesty at first vowed he would sooner give up the crown of England and return to Hanover than act against his conscience; serenely he accepted the resignation of his three ministers, and saluted them on the cheek in farewell benediction. But quickly discovering that he could form no other Government, except from among the hated Whigs, the royal scruples were cast overboard: the three sinners were once again taken to the royal bosom; his Majesty gave way; his Majesty did not return to Hanover.

Another Roman Catholic Relief Bill was at once brought in, fathered by the Government. While it was pending in the House of Commons the Peers were besieged with petitions and counter-petitions. To no less than a thousand of these last, it is said, the ex-Chancellor stood sponsor, improving every possible occasion with ultra-Protestant speeches. One petition, signed exclusively by women, provoked much mirth in the grave assembly. "Will the noble and learned Earl inform the House whether this petition expresses the sentiments of *young* or old ladies?" demanded one member facetiously. It is a curious point in the psychology of the English legislature that the other sex should always be regarded in the light of comic relief, a frivolous and rather risqué jest. However the success of the measure was never for one moment doubtful. The third reading in the Lower House was carried by a majority of three hundred and twenty votes to one hundred and forty-two; in the Lords by two hundred and thirteen to one hundred and nine. When the Bill was handed up to the Peers the ex-Chancellor attempted and achieved pathos, though not exactly in the way he wished. Handsome and animated, though exhausted with the gout, the old man stood, the representative of a passing mode of thought, deserted by those who had been his colleagues, vainly fighting a last fight against the tide of progress. Though the hated measure had passed both Houses, he refused to own himself beaten. He entered a solemn protest in the journals of the House of Lords; he went to the King and besought him with impassioned vehemence to assert the royal prerogative, to refuse his assent: to dismiss his ministers, dissolve Parliament-anything rather than let the Bill get upon the Statute-Book. King George hesitated. The Bill was equally obnoxious to himself; it was, he fancied, inconsistent with his coronation oath. But he had delivered himself into his ministers' hands, he dared not face the possibility of being forced to attempt a despotic monarchy. Unwillingly he wrote the words: "Le Roi le veut."

"The fatal bill received the royal assent yesterday," writes Eldon to his daughter on 14th April. "After all I had heard in my visits, not a day's delay! God bless us and his Church!" In his opposition to Catholicism at least he was sincere, but the most admirable moral qualities in a minister can become a curse to the nation when harnessed to the service of inhumanity and repression. This is the danger of aristocratic government, not that peers  $qu\hat{a}$  peers are necessarily immoral, not that title and public spirit are incompatible, but that our hereditary rulers are suckled in a creed outworn, that while change is the universal law of states, as of individuals, their interests alone are deep-rooted in the traditions of a bygone age.

But in his relations with Queen Caroline, Eldon showed himself a time-server of the very worst type. The story of that unfortunate princess, a queen yet no queen, whose unconventionality was punished as a heinous crime, is too well known to need full repetition.

The hopes of a prolonged tenure of office entertained by Eldon when, in 1804, he had intrigued to supplant Addington by Pitt, were cut short by the untimely death of his chief after the battle of Austerlitz, in January 1806. Reluctantly the Chancellor gave up the seals, feeling that his pension of four thousand pounds was small compensation for his loss. How to get back to office as soon as possible was now his one consideration. It struck him that the Princess of Wales might be as useful a pawn as

any for his game, since George III. was believed to favour her against his son. Accordingly after the "delicate investigation" he took up the cause of the Princess. He was frequently entertained at her house, he gave a grand dinner-party in her honour. On his advice she wrote such letters to the King as inclined his Majesty to believe her much maligned. Then in company with Perceval, and probably Plumer, the Master of the Rolls, Eldon composed and got printed the celebrated "Book," which made some startling revelations about the heir to the Throne. The threat of publication immediately brought a message from George III, that the Princess need no longer be excluded from the Court. The Prince of Wales and Lord Chancellor Erskine interposed, however, and succeeded in delaying her restoration to the royal favour. Further threats were whispered by her defenders, and the nation would have certainly been thrown into a ferment by the publication of the "Book," when suddenly the cry was started, that re-echoed from every corner of the country, that the Church was in danger. A motion had been introduced to allow Roman Catholics to hold commissions in the army. That was all. Eldon as usual spoke violently against it. The outcry in the country caused the Bill to be abandoned. The King demanded a pledge from the Whig ministers that they would never again advise him to take any measures for the relief of the Catholics. Indignantly they refused, and George, delighted at having found a pretext, dismissed them from office. The task of forming a new Cabinet was



QUEEN CAROLINE OF BRUNSWICK.

entrusted to the Duke of Portland, who requested Eldon to take back the Great Seal. With inward joy and the usual manifestation of outward sorrow the offer was accepted.

Having now achieved his real end, the Lord Chancellor allowed himself to be convinced that no useful purpose could be served by the publication of the document he had helped to draft. His intimacy with the Princess cooled off. As it became more and more apparent that the King's illness could only have one ending, it was borne in upon Eldon that it would be wise to overcome the enmity between himself and the Prince of Wales. The Princess, therefore, was dropped. Before long the Earl was deep in the confidence of his new master; he upheld his paternal authority against the unhappy Princess Charlotte even to the length of downright bullying and threats. Soon the Prince was calling him with affectionate familiarity "Old Bags."

With the Prince of Wales' accession to the throne, in 1820, as George IV., a fresh persecution was initiated against his unfortunate wife. Her name was excluded from the Liturgy; she was refused coronation. Refusing to take these insults quietly she returned to England to assert her rights. She was denied admission to Westminster Abbey. A secret committee of the House of Lords was appointed to examine into her case. The Queen intimated to Eldon that she would come in person to the House when the question was being discussed. He answered, he would refuse to admit her. She sent a message.

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He refused to deliver it. She gave him a petition to lay before the House. He refused to present it.

In July the Bill of Pains and Penalties was introduced by Lord Liverpool, accusing her Majesty in general terms of "having carried on an adulterous intercourse with Bergami, her menial servant." It proposed that "she should be degraded from the title and station of Queen, and that her marriage with the King should be dissolved." Eldon refused to allow the Queen a list of the witnesses to be called against her, and on the ground that "there was no analogy between the common law of this country and a proceeding before Parliament" refused also to allow any statement to be made of the times and places when and where she was charged with misconduct. So that virtually, to prove her innocence, Queen Caroline would have had to bring forward witnesses to account for her manner of spending her every hour, during all the years covered by the preamble of the Bill. But Eldon's actions were more than unjust, they were illegal, for, as Lord Campbell well points out, Caroline was Queen of Scotland as well as England, and in that country no criminal whatsoever can be brought to trial without being supplied with the information she had demanded. Further, says Eldon's biographer, "by the standing orders of the House of Peers, a Bill to dissolve a marriage for adultery cannot be introduced till there has been a sentence of divorce à mensa et thoro in the Ecclesiastical Court, after such specific allegations established by evidence." It is difficult to write with moderation

of a man who, after having betrayed a woman who believed him to be her friend, deliberately used his position as head of the English law and Speaker of the House of Lords to prostitute justice and by a despicable quibble evade the law, in order to curry favour with a dissolute prince.

His conduct of the trial made Eldon an object of odium to the London populace. A plan was formed by some of the Queen's friends to buy the house next to his, in Hamilton Place, for her residence, so that he might be continually annoyed by the proximity of his enemies. This scheme, however, he forestalled by purchasing the house in question for himself.

At the end of the prosecution the ministers, well acquainted with the King's private life, began to fear what effect the Queen's threatened revelations would have on the nation. Eldon began seriously to consider whether "recrimination" could be refused her. In a miserable effusion to his brother he puts forward the wretched quibble that the Bill was not brought in by the King personally but by a lord on his own responsibility. The Bill was carried through to the committee stage by a small majority, when some of the lords spiritual became fractious, doubting whether on religious grounds they could support the divorce clause. In terror lest the whole Bill might be lost, Eldon hastily proposed to drop this part of the proceedings, and confine the matter to the proving of the Queen's guilt. The motion, however, was defeated in committee. Meantime such strong opposition was threatened in the Commons that Lord Liverpool, afraid that the whole

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administration might be wrecked, abruptly decided to abandon the Bill, which had been carried through its third reading in the Lords by the slender majority of nine.

Eldon, who feared the loss of royal favour, was disgusted. But his smooth tongue stood him in good stead. He was able to persuade his master that more had been gained than he ever judged to be possible. Once again he had triumphed over circumstances.

With Lord Eldon's conduct of his legal business we have little to do. Here as in the sphere of politics he was always vehemently opposed to any innovation or moderation of the laws, while his interminable delays —eighteen years' arrears accumulated in the Court of Chancery—were made the object of severe criticism and condemnation in Parliament. His second tenure of the Great Seal lasted for twenty years. The later part of his political career was occupied in even greater measure than his earlier years in trying to put out a raging fire with tumblers of water.

During the Corn Law Riots of 1814 popular hatred vented itself on the Lord Chancellor by attacking his house in Bedford Square, smashing the windows, tearing up railings, with all the other methods in favour at the beginning of the nineteenth century. These riots were followed by disturbances all over the country. Blind to the stark forces of hunger and misery that underlay this turbulent unrest, the ostrich politician could think of no other antidote than brute force backed by legal sanction. The Acts against treason, seditious meetings and the like were, on his initiative, re-enacted in 1817 with redoubled ferocity, only, of course, to fail miserably. Those were dark days that followed the meretricious glory of the Napoleonic Wars. In 1819 came Peterloo, name of sinister omen, of which the responsibility rests on Eldon more than on any other statesman. Strenuously he resisted an inquiry into the conduct of the Lancashire magistrates, backing them up through thick and thin, though privately he expressed the opinion that it would be hard to justify them unless the holding of the meeting were looked upon as treason.

Two years later Eldon reluctantly resigned the Great Seal, and retired into private life, hoping against hope at each change in the administration that the King would recall him to his counsels. But, as the old Greek philosopher discovered, all things move—even the Tory party. Concessions had to be made by the Government as the price of its existence. Wellington and Peel fully realised that Eldon would be the dead man aboard who would sink the ship.

His sudden incursion into active life to strike a final blow at the Catholics has already been noticed. He was destined to receive an even greater shock when, on 1st March 1831, Earl Grey brought in his Reform Bill. The second reading only being carried by a majority of one in the House of Commons, it was thought the measure might be dropped. Eldon was frantic at the enthusiasm of its supporters, at the apathy of its opponents. But William IV. was in favour, and eagerly his Majesty agreed to dissolve

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Parliament and refer the whole matter to the people at the polls. "The proposed Bill must be fatal to the aristocracy," cried the Earl, distraught, at a meeting of the Pitt Club, "and the aristocracy once destroyed the best supporters of the lower classes would be swept away!" Unfortunately for the country the aristocracy had a stronger hold on life than his lordship imagined.

A new House of Commons was elected ready and eager to deal with the measure. The Bill passed triumphantly and came up to the Lords, where it was thrown out on the second reading. Lord Eldon of course was to the fore, indulging in an enormous amount of rhetoric, cheap sentiment and pitiful quibbling. He referred to his boyhood's days, his education at the Free Grammar School in Newcastle. In some occult manner, not explained by his lordship, the children of poor parents would henceforth have no chance of rising to eminence in the state if the Bill should get upon the Statute-Book. Moreover the proposed disfranchisement of "rotten" boroughs was an unwarranted attack on private property-a brilliant sidelight on the theories of government current among the aristocracy. Again the extinction of the House of Lords was predicted, and the threat of Universal Suffrage, Annual Parliaments and Vote by Ballot held over his colleagues' heads. Once again the ex-Chancellor triumphed.

But only for a year. For in 1832 the Reform Bill, with very slight modifications, reappeared in the Lower House, where its progress was watched with anxious eyes by more than Eldon. The trying interval of waiting before it could again be laid before the Lords was employed by that statesman in opposing the commutation of tithes in Ireland, which had been for a long time a great cause of friction between Catholics and Protestants in that country. Also insinuations were made that he had presented many fat sinecures to his son. Indignantly he repudiated the charge, according to his own account with complete success, though Hansard does not altogether warrant that assertion.

But on 26th March the new Reform Bill made its appearance in the Lords. Eldon reserved himself for the second reading, and meantime absented himself in search of health to support him in the coming ordeal. When the day arrived the Earl spoke as he had always spoken, but this time the Bill was carried by a majority of nine. A further attack was made on it in committee, and the Government resigned. The moderate Conservatives began to think that after all they might grant a certain measure of reform, so great is the power of expediency over principle! But the people expressed their opinion of these turncoats in no uncertain manner, and the more obdurate Tories would have none of it. William was obliged to recall Earl Grey within forty-eight hours of his resignation, and give a pledge to create if necessary enough new peers to ensure the final passing of the Bill.

Placed now between the devil and the deep sea, and thinking one evil preferable to two, Eldon and his followers gave up the fight. They absented themselves from the house; the Bill passed quietly through, and received the royal assent.

Little remained for the ex-Chancellor to do in Parliament, except to speak against railways, vote against the Municipal Reform Bill, and oppose the suggested Repeal of the Corn Laws. All these he did, and retired from public life. He lived to see the accession of Queen Victoria in 1837 and died of old age and cold on 13th January the following year.

There is no need to sum up the aged Earl's character. It revealed itself plainly in his actions. The best that was ever said of him was said by a man in the crowd when his son received the degree of LL.D. at Oxford. "Cheer old Eldon," cried his unknown admirer as he left the theatre, "for he never ratted!"

And even this statement of qualified approval is not entirely true, for he deserted the hapless Princess Caroline. But on the whole his one virtue was consistency (if indeed consistency be a virtue and not merely the strait-jacket of the mind that keeps it from developing). But he was consistent always on the wrong side. Such is the quarrel of history with John Scott, first Earl of Eldon.

### THE END

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