

THE
WESTMINSTER
REVIEW.

JULY AND OCTOBER,
1868.

"Truth can never be confirm'd enough,
Though doubts did ever sleep."

SHAKESPEARE.

Wahrheitsliebe zeigt sich darin, daß man überall das Gute zu finden und zu schätzen weiß.
GÖTTE.

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THE
WESTMINSTER
AND
FOREIGN QUARTERLY
REVIEW.

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JULY 1, 1868.  
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ART. I.—THE CHARACTER OF BRITISH RULE IN INDIA.

The Annals of Rural Bengal. By W. W. HUNTER, B.A.,
M.R.A.S., Bengal Civil Service. Messrs. Smith, Elder, and
Co. London: 1868.

IT was the fortune of the present writer to leave England at an early age, and for many years his knowledge of his native land was drawn from the perusal of Parliamentary debates, the comments of newspaper critics, and other like sources. From these he gathered, that by an almost inevitable law, the English failed in everything they undertook. Their public buildings, their statues, their armies, navies, were the laughing stock of the civilized world. Hyde Park, in particular he remembers, was painted upon his imagination as a dreary walk, covered with meagre yellow grass, and planted with a few miserable trees. He remembers well the shock of admiration and surprise when, after the lapse of ten years, he stood for the first time in Kensington Gardens, on a lovely spring morning, and gazed at the noble avenues of trees, "clothed in a mist of green," and the bright verdant glades gleaming in the sunshine. Since then, he has learned that to abuse everything English, with or without reason, is a sort of mania with Englishmen. They will not permit anybody else to do it; very rarely, under any circumstances, will they themselves part with any shred of these much abused peculiarities. There is something quite touching to see the affectionate obstinacy with which, in the melting climate of [Vol. XC. No. CLXXVII.]—NEW SERIES, Vol. XXXIV. No. I. B

Calcutta, the Englishman clings to that instrument of torture—a black hat, and attends dinner parties in heavy cloth clothes. But he, as it were, recompenses himself for these sacrifices, by loading the causes of them with very liberal abuse. Remembering these habits, we were not surprised that many people should have given to Lord Cranborne's remarks on British rule in India, a far wider interpretation than the speaker intended; and should have drawn from them the conclusion that our whole system of Government was a failure.

The ready and uninquiring manner in which many people accepted this unsatisfactory conviction, is another trait eminently characteristic of the country. The Englishman is exceedingly proud of being the citizen of an empire on which the sun never sets. He regards himself with considerable complacency, on the score of this accident of his birth, as though it were a meritorious thing. He is an Englishman, and as such may possess, in a latent condition, all the courage, endurance, wisdom, and other heroic qualities, which have gone to the framing of this vast empire. But there his concern in the matter seems to cease. What these outlying possessions of the empire are like, what his countrymen and fellow subjects are doing and thinking there, he is for the most part profoundly ignorant of. Now, in the cases of those colonies which have their own Legislative Assemblies, this ignorance is of comparatively small importance. Not so with India. There the welfare of the people depends, in a very great degree, on the intelligent interest felt for them in England. If we do not rule in India by "the Divine right of good government," we have no business there at all. We are simply robbers and spoliators. We are far from saying that such is the case. On the contrary, we believe that British rule in India is accomplishing a great and beneficent revolution; and the obstacles which impede it are such as would quickly vanish, could the nation at large be stimulated to take such an interest in our Eastern Empire as the tremendous responsibilities of our position demand. For this reason we invite our readers to undertake with us a brief examination into the character of British Rule in India.

"All old times are golden," is a well-known saying of Lord Byron's, and one very germane to the matter we have in hand. In this propensity to glorify the past at the expense of the present lies, in a great measure, the secret of that dissatisfaction which the people of India express with our rule. The imagination of the average Hindustani is the most active faculty he has, and is allowed free scope, without the least check from the reason or the judgment. He receives anything that is told him with the unquestioning credulity of a child. A child never asks if it is possible for giants and castles to exist at the tops of bean-

stalks. He never reasons upon the matter at all. He simply accepts it. It is the same with the Hindustani. He never argues against a legend, on the score of its improbability. In the East, every tree is peopled with gods; every field is watched over by some departed spirit. That Krishna should lift up a whole range of hills on his little finger for the amusement of some milkmaids; that Hunooman should travel across India with the Himalaya mountains on his back, excite in the Hindu neither incredulity nor wonder. He knows nothing of the scientific principle of economy, or the necessity of estimating a miracle according to its *moral* value. Are not gods omnipotent? Why should they not do as they please?

This undisciplined imagination invests the past, almost while it can be called to-day, with a glory which never belonged to it.

Strength was gigantic, valour high,
And wisdom soared beyond the sky,
And beauty had such matchless beam,
As lights not now the poet's dream.

Thus, in 1836, Colonel Sleeman visiting Bhurtpore, found a plentiful crop of legends had grown up round the fortifications connected with the first siege under Lord Lake, in 1804. The old native who acted as guide thought that matters had changed very much for the worse since then. Natives and Europeans had alike degenerated. "Upon that very bastion," he said (pointing to the right point of Lord Lake's attack) "stood a large twenty-four pounder, which was loaded and discharged three times by supernatural agency during one of your attacks—not a living man was near it." Observing that Colonel Sleeman and his companions smiled incredulously, he at once offered to bring a score of witnesses of unquestionable veracity to testify to the fact. It would be easy to multiply indefinitely similar anecdotes. The native never looks to the future. Under the old native dynasties there never was any chance of amelioration, and the pleasures of hope having been so long denied to him, he has now apparently become incapable of feeling hope at all. British rule in India has many great defects, much which presses heavily upon the natives; but the yearning after old institutions, the backward glances directed towards the men and manners of a bygone age, decide nothing in favour of native governments. Discontent was certainly felt in far greater intensity when Mahrattas, Sikhs, Jhâts, and a dozen other marauding tribes swept over the country, marking their track with carnage and desolation. A very short return of these good old times would serve to invest our rule with all the splendours of a golden age.

Those who fancy that the people of India enjoyed any excep-

tional happiness under native rulers, can hardly be aware of the condition of the country before England became the paramount power. The aspect of any native state at the present time is no clue to the matter. We guarantee all such from external encroachments, we protect them from any flagrant oppression from within; in many instances it would be found that the foundation of their prosperity was laid years ago, by some English officer, to whom the superintendence had been entrusted, after some unusually protracted period of anarchy and dissension. On the decline of the Moghul Empire, India fell into a state of confusion very similar to that of Europe during the civil wars of the Middle Ages. The sole admitted right was the right of conquest. In the Koran no provision had been made for accession to sovereignty. At the demise of the reigning Moghul, all his sons conceived themselves equally entitled to ascend the throne if they had the power to do so; and public opinion never pronounced otherwise. In consequence, no sooner was an Emperor dead, than the various members of his family, and their adherents, mustered armies in every province, and the whole country became the theatre of a wide wasting civil war.

As soon as one of the competitors had carved his way to the throne, the instinct of self-preservation caused him to put to death, without mercy, every one who could be suspected of contesting his authority. Or, as was quite as frequently the case, some member of the Imperial family found himself in a condition to prosecute his claims while his father was still living. The opportunity might pass away; delays were dangerous, and he struck at once. This was of course the signal for all the others to take up arms, as much in self-defence as from any other motive. The peculiar constitution of the Moghul Empire might almost be said to have been constructed for the production of these convulsions. It was a military despotism pure and simple. Every ruler of a province, or governor of a city, held a military command as a matter of course. His troops, at the same time, were not portions of a standing army, receiving their pay from the central authority. They were entirely dependent upon their immediate superior, and followed him blindly, without inquiring into the cause of quarrels. These military governors, again, held their authority entirely at the whim and pleasure of the reigning sovereign, and were always ready to make common cause with the claimant who seemed most able to assist their own aggrandizement. Thus, Shah Jehan fought his way to the throne, and slaughtered all his brothers and nephews. While he was yet living, his four sons engaged in a sanguinary war, which ended in his own imprisonment, and the accession of Aurungzebe. The death of Aurungzebe was the signal for another fierce struggle for

the throne. Under the burden of these endless wars the Empire fast fell to pieces. An innumerable soldiery had been called into existence, who lived upon plunder. Their swords were ever at the service of any adventurer who had the skill and ambition to make use of them. By such means Sivajee, Scindia, Holkar, Hyder Ally, rose to eminence. They were simply robbers and murderers, whose superior abilities enabled them to become the founders of dynasties. Or the scene would be varied by the descent of some mighty conqueror from the North—a Nadir, or an Ahmed Shah, sweeping through the country like an army of locusts—the land as a Garden of Eden before him, and behind him a desolate wilderness. Thugs, poisoners, assassins, and other enemies of mankind flourished in these troublous times. Robbery, indeed, or as it was grandly called, “kingdom taking,” became a regularly recognised institution, which had its appointed seasons, just as shooting and foxhunting have with us. Every year, about the beginning of November, the kingdom takers of all grades took the field, from the sovereign at the head of his army, down to the small rascal who headed a band of Dacoits. All alike, previous to setting out on their expeditions, invoked the favour of the Deity, and confidently relied on his co-operation, if they, for their part, were careful to award him his due share of plunder in sacrifices to his shrines, and offerings to his priests. No nice scruples as to the rights of property ever disturbed the minds of these innumerable freebooters. “’Twas their vocation, Hal; ’twas no sin for a man to labour in his vocation.” But what this vocation inflicted upon the defenceless peasantry may be gathered from the following extract from Captain Grant Duff’s *History of the Mahrattas*. He is describing a marauding foray of the Pindharees :—

“Before the Pindharees set out on an expedition, a leader sent notice to the inferior chiefs, and hoisted his standard on a particular day after the cessation of the rains, generally about the Dusseyra. As soon as the rivers were fordable, and a sufficient number had assembled, they moved off by the most unfrequented routes towards their destination. Commencing with short marches of about ten miles, they gradually extended them to thirty or forty miles a day, until they reached some peaceful region against which their expedition was intended. Terror and dismay burst at once on the helpless population; villages were seen in flames, wounded and houseless peasants flying in all directions, fortified places shutting their gates, and keeping up a perpetual firing from their walls. The plunderers dispersed in small parties, and spread themselves over the whole face of the country; all acting on a concerted plan, they swept round in a half-circle, committing every sort of violence and excess, torturing to extort money, ravishing, murdering, and burning in the defenceless villages; but seldom venturing upon danger unless the prospect of booty was

very certain. . . . Whilst they continued their excesses, marauders of all descriptions sallied out to join them, or to profit by their presence, and whole districts became a scene of rapine and conflagration. The ordinary modes of torture inflicted by these miscreants, were heavy stones placed on the head or chest; red hot irons applied to the soles of the feet; tying the head of a person into a tobra, or bag for feeding horses filled with hot ashes; throwing oil on the clothes and setting fire to them; besides many others equally horrible. The awful consequences of a visitation from the Pindharees can scarcely be imagined by those who have not witnessed them."

In such a state of things there could have been no protection for the weak and defenceless. Crimes of the first magnitude must have been daily perpetrated with entire immunity. No clear steady light can be thrown upon the inner social life of the people; but now and then for a moment the curtain has been lifted for us by some old European traveller, and the scene disclosed is sufficiently ghastly. Take as an illustration the following anecdote which Tavernier relates in his travels, without any signs of astonishment:

"The Governor of Allahabad being sickly, had eleven physicians in attendance upon him. The chief favourite was, however, a Persian, who one day threw his wife from the top of a battlement to the ground in a fit of jealousy. He thought the fall would kill her, but she had only a few ribs broken; whereupon the kindred of the woman came and demanded justice at the feet of the governor. The governor, sending for the physician, commanded him to be gone, resolving to retain him no longer in his service. The physician obeyed, and putting his poor maimed wife in a palankeen, he set forward upon the road with all his family. But he had not gone above three or four days' journey from the city, when the governor, finding himself worse than was his wont to be, sent to recall him, which the physician perceiving, stabbed his wife, his four children, and thirteen female slaves, and returned again to the governor, who said not a word to him, but entertained him again in his service."

No Persian physician could now dispose of his whole establishment in this summary fashion without a very prompt retribution overtaking him. Indeed, it may be asserted, with perfect certainty, that no native would be rash enough to try the experiment. Here then at least is one solid advantage of English rule in India. Kingdom taking in all its varieties (including, we may hope, the milder form of annexation by a decree of the Governor General in Council) has been completely put a stop to. No invader can now carry fire and sword from one end of India to the other. The traveller may pass along with no fear of Thugs, poisoners, or assassins. Suttee and infanticide have well nigh vanished before the light of Western civilization. The Ryot sows his corn, with a certainty of gathering in the harvest.

Throughout this vast country we have eradicated the scourge of civil war, and mitigated the desolating power of the periodical famines. We have made roads, and dug canals, which have converted waste wildernesses into tracts of land rich with the labours of a thriving peasantry. We are knitting together the various interests of the empire by a rapidly progressing system of railway communication. We have established a plan of National Education, and given security to life, and supremacy to law. In so doing, we of course disgust those who flourished upon the disorders we have quelled. But the most censorious critic of British rule will hardly lament this want of congeniality on our part. Numbers still survive who yearly took the field, or who at least vividly remember the exciting times when "kingdom taking" was in vogue; and many a year must elapse before the half-civilized potentates of India find in the pursuits of peace an adequate compensation for the barbaric splendours of war and conquest.

Moreover, in estimating the value of these changes, it must be remembered that there was not the possibility of progress under the old regime. The native sovereign recognised no rights in his subjects, and acknowledged no duties towards them. They were the instruments to supply him with the means for gratifying his pleasures, and maintaining his army. As the fear of external encroachment subsided, the monarch became still more concentrated in self, more totally disregarding of the welfare of his people.

"In January, 1828," writes Colonel Sleeman, "I was passing with a party of gentlemen through the town of Bhilsa, which belongs to this chief (the Maharaja of Gwalior), and lies between Saugor and Bhopaul, when we found lying and bleeding in one of the streets, twelve men belonging to a merchant of Mirzapore, who had the day before been wounded and plundered by a gang of robbers close outside the walls of the town. Those who were able ran to the Amib, or chief of the district, who resides in the town, and begged him to send some horsemen after the banditti, and intercept them as they passed over the great plains. 'Send your own people,' said he, 'or hire men to send! Am I here to look after the private affairs of merchants and travellers, or to collect the revenues of the prince?' Neither he nor the prince himself, nor any other officer of the public establishments, ever dreamed that it was their duty to protect the life, property, or character of travellers, or indeed of any other human beings, save the members of their own families. . . . The native Governments of the present day (1836)," the Colonel goes on to say, "are fair specimens of what they have always been—grinding military despotisms—their whole history is that of 'Saul has killed his thousands, and David his tens of thousands,' as if the rulers were made merely to slay, and the ruled to be slain."*

As a companion picture to the above, we give the following as a good illustration of the native potentate's internal administration when he did condescend to take an *active* concern in the proceedings of his people. It is an extract from a letter of Mr., afterwards Lord, Metcalfe, while on a mission to the court of Runjeet Sing:—

“It happened that in taking the air one evening, I was fired upon from a village by mistake. This trivial circumstance was reported to the rajah and magnified. In consequence, he gave orders to the commanders of his infantry and guns, on detaching them from Sherhabad on their return to the Punjaub, to attend me, and wrote to me to desire that I would cause them to plunder and destroy any village that had behaved in a disrespectful manner. After thanking him for his kindness, I requested him to forgive a fault which had proceeded from inadvertency and the divided state of the country.”

This humane interference, however, had not at first the desired result. In a subsequent letter, Metcalfe wrote:—

“The rajah's infantry and guns have been at this place for some days. As they were sent by the rajah for the avowed purpose of destroying certain villages which had been represented to him as having behaved in a disrespectful manner to me, I endeavoured to prevent their advance, but did not succeed, as Kureem Sing, the possessor of the tents of Gongrona, had a strong interest in persuading them to come on. On their arrival, I had some difficulty in preventing their attacking the villages. The commanders informed me that they had positive orders to plunder the villages and put to death the inhabitants. I saw their instructions under the seal of Runjeet Sing, giving orders for their guidance, and even laying down the plan of attack, and giving intelligence of the force that they might expect to be opposed to them. Fortunately, the rajah had written other instructions, desiring them to obey my orders, which have enabled me by positive commands and written injunctions, to restrain them until the result of my reference to the rajah may be known.”*

There are few who will deny that our administration is an infinite improvement on the *laissez faire* of the first picture, and not less so on the rough and ready dealing of which the second is an illustration. The question, in all probability, which will occur to our readers as demanding solution, will take a shape somewhat similar to the following:—

“How is it,” they will think, “if our rule is superior to any which has preceded it, that the people continue to regard us with so little sympathy and regard? How is it that those who know India best are continually lamenting over the great gap which separates us from our subjects?”

* Kaye's “Life of Lord Metcalfe.”

These questions we will try to answer. It must, then, be remembered that British rule in India is an alien rule. The Moghuls were certainly strangers and conquerors, but they had much more in common with the people of the country than we have. A Moghul emperor, for example, whenever he wished to propitiate a Hindu feudatory, married his daughter, and we have not the smallest doubt that if an English viceroy followed that plan, it would be attended with the happiest results, so far as the loyalty of the empire was concerned. Then, again, under Moghul rule, there was free ingress for Hindus as well as Mahommedans to the highest offices both in the state and the army. This almost completely took the sting from a foreign ascendancy; whereas we have pursued a policy diametrically the reverse, and for many years treated the natives as though they had hardly attained to the dignity of vertebrate animals. On this subject we shall speak at length in another portion of this paper. Again, it must be remembered that we cannot be always putting down glaring and monstrous evil. Thuggism, dacoitee, suttee, infanticide, and so forth, once extinguished are extinguished for ever. A new generation springs up, who, not having suffered from these pests of former days, cannot feel very intense gratitude for being preserved from them. They have evils in their own life, which in all probability they consider far heavier than any which were experienced in bygone times. They sigh for the return of native rule; but not a native rule such as it really was. Their dreams picture the same order and security which they at present enjoy, with the single change of an entire abolition of the arrogant and unsympathetic Englishman, and the substitution of their own wealthy and influential countrymen in his place. Still there are several positive and severe penalties which accompany our rule, and which, whether removable or not, seem to us to justify in a great measure the dissatisfaction of the people.

1. The main cause of the unpopularity of English rule, the one most difficult to counteract, and at the same time the most extended in its operation, is the extreme antipathy which the English residents manifest for the people of the country. We touched upon this topic in the last January number of this journal, when discussing the "Land Tenures of British India," and its harmful consequences must be so readily imagined by every one, that there is no need to dilate upon it. This conduct would be less reprehensible if it was not so totally devoid of reason; but in nine cases out of ten this devouring hatred of "the nigger" will be found to have sprung up quite spontaneously in the bosom of the hater from the first day of his landing in the country; and so far as our own observation goes, it

always burns with the greatest intensity among those who are most profoundly ignorant of the people and their language. You may hear these haters raving about the enormities of the whole "nigger" race, as if the unfortunate Hindustani cultivated a peculiar set of horrible vices which were utterly unknown elsewhere. We remember upon one occasion being in the company of one of these gentlemen; he was poising a thick and nobly stick in his hand, which, after an admiring contemplation of some seconds, he pronounced to be "a capital stick to beat a nigger." This brief formula very fully summed up their philosophy of the human race as it exists in those latitudes. A "nigger" is a thing to be beaten with a stick. A stick is to be valued according to its capacity for beating a nigger. The swarms of Europeans, again, who have been let loose upon the country, without any official control or sense of responsibility, to aid in the construction of railways and other public works, are perhaps the most powerful agents which could be devised for bringing the English name into utter discredit. There was a few months ago a horrible story reported in the *Delhi Gazette* of an unfortunate native who had been compelled by some of these free and independent gentlemen to swallow a quantity of wasps; and this, whether true or not, is by no means incredible. The poorer natives have no idea of a government ("Sirkar" they call it) distinct from the Englishman they see before them. Be he what he may, he is to them the embodiment of the supreme authority, and they never speak or think of him by any other cognomen than that of the "Sirkar." If the exercise of a very severe sort of lynch law gives weight to this supposition on their part, the non-official European supplies it very liberally. Many of them seem to think that the native labourer merely feigns an ignorance of English for the purpose of annoying his European superior, and for such insolent contumacy what punishment can be too severe? "I tell him what he has to do," said one of these gentlemen, on being asked how he overcame the apparently serious obstacle of not knowing a word of any language save his mother-tongue—"I tell him what he has to do, and if he don't understand, I bang into him with a stick."

Now it is apparent at once how impossible it will be to bridge the gulf which separates British rule from the affections of the people so long as such a state of things prevails to any great extent. The difficulty is undeniable; but any method of removing it is beyond our ability to point out. You cannot attack the feeling logically, for it is a prejudice, pure and simple, existing quite independently of the reason, and consequently not amenable to the rules of logic. You cannot appeal to the justice or forbearance of the haters, for it is on the score of its extreme recti-

tude and propriety that they persevere in this line of conduct. The "nigger" is an animal so degraded that to live "in a perpetual rainy season of bootjacks and brushes" is his proper portion in this life, with (should they happen to think on the matter at all) everlasting torments in the next. To do these gentlemen justice, they generally hate all "niggers" with equal impartiality, even those they have never seen, such as the negroes of the Southern States and our West Indian colonies. It is the black skin which seems to rouse their anger, just as a red rag is said to irritate a bull. That a native, be he of what class he may, should have any feelings of honour which may be wounded, any self-respect, they apparently regard as an extraordinary piece of presumption on his part, and an additional reason on theirs for treating him with contumely. But this subject is not a pleasant one to dwell on. A great portion of the English community in India are, we conscientiously believe, doing more to retard the progress of culture and knowledge in that country than all the barbarism, ignorance, and indolence combined, which exist there indigenously, and this obstacle will be removed only when Englishmen are better educated and far more liberally-minded than there is any hope of their becoming for a long time to come.

2. We pass on to the second count against the British Government—the Administration of Justice. And here at the outset we disclaim any intention of criticising the system pursued in our courts, either in the regulation or the non-regulation provinces. In its origin, that system, as established in the regulation provinces, was a melancholy example of good intentions marred in their execution by over haste and extreme ignorance. We were too eager for innovation, and blinded by our admiration for the very imperfect institutions under which we had been accustomed to live. We did not introduce a representative government in India, rightly considering that the people were not sufficiently advanced or sufficiently homogeneous for such an experiment. But a uniform and highly complex administration of the law—which is one of the latest growths of civilization, and tolerable only in a country like England, where a high standard of public morality and the unrepressed play of public opinion ensure its purity. This we introduced in a lump, and without any preparation, among a variety of races, where no such conditions existed, and without any consideration for differences of language, character, and degrees of civilization; with what melancholy and disastrous results are known to every student of Indian history.*

The freaks of the Crown Courts at the three presidency capitals, and the various ingenious methods which they employed for extending their jurisdiction over the whole extent of India, and the dreadful injustices which for so many years they inflicted upon the country in the name of law, strike the non-legal mind as one of the most remarkable narratives to be found in the history of any country. But these courts were abolished in 1853; even in the regulation provinces, a great many reforms have been introduced since the time of Lord Cornwallis; and, in the judgment of the legal mind, we doubt not, that both civil and criminal law are now administered with as much expedition, and as few miscarriages of justice, as any reasonable man ought to expect.

Ours is a humbler task, namely, to state what we believe has been, and to a great extent still is, the feeling of the people with regard to these courts. It is in the administration of criminal justice—in the prosecution of crimes against society, that they think our system so entirely breaks down. To tell one story and stick to it through thick and thin, was considered among the natives a sure method of escaping detection, at least in any court where the regulations were in vogue.

Under native rulers, a criminal was rarely if ever imprisoned. As soon as he was taken, he was examined. If acquitted, he was permitted to go free at once; if found guilty, sentence was passed and executed at one and the same time. This prompt dealing suited the genius of the people, and from their character and peculiar institutions, there was much less fear of any such miscarriage of justice as at first sight appears almost inevitable.

Under native sovereigns there was, as we have already observed, no recognition of reciprocal duties between the ruler and the ruled. The village communities paid the revenue, because they knew that otherwise the supreme authority would compel them to do so by the unanswerable argument of superior strength. But they did not feel that these payments of theirs entailed upon him any duties of protection, or the like, towards them. Every year, as the harvest ripened, the defenceless districts were liable to be laid waste by bands of robbers, and the villagers accepted the occurrence as part of the normal state of things in this world, and looked for no other. In fact, almost every village community had its own private company of plunderers, who went out at the appointed season to prey upon others. So long as these did not devastate the fields, or plunder the property of the community to which they belonged, no stigma was affixed to the profession. Indeed, if they were fortunate in their expeditions, and spent their money freely in entertainments on their return, they became very popular characters. But this Ishmaelitish

condition of hostility to all the world knit the village itself in a closer bond of union. They must of necessity be true to each other, unless they wished to perish utterly. Every village community became, in short, a small republic, electing its own officers to administer the public business, having proprietary rights in the land which no disorders or convulsions have caused them to lose sight of, and endowed with an indestructible vitality which is one of the most remarkable phenomena that the annals of history can show.*

The imaginative superstition of the native mind, which peoples every part of space with supernatural beings, was of great service in preserving the ties of mutual fidelity. The peepul tree in every village, is supposed to be tenanted by one or other of the Hindoo triad—the God of Creation, Preservation, or Destruction. He sits among the branches, and his ear is soothed by the music of the rustling leaves. The large cotton tree is the abode of gods even more terrible. These are local deities, invested with a special superintendence over the particular village in whose neighbourhood their leafy habitation is located; and not having such extensive duties as any of the supreme triad, they can, of course, exercise a much more minute supervision over the thoughts and actions of the mortals around them. To one or other of these trees the suspected criminal is led by the heads of the village. The inhabitants stand round while he gathers a leaf and crushes it in his hand, saying—“May the god who sits in that tree so crush me and mine if I speak not the truth.” With the aid of these superstitions, the detection of crime under native rule became an easy and certain affair; and when we have come into the possession of a new country, the civil officers have invariably observed that the difficulty they experienced was to hinder a criminal from incriminating himself. “I have had,” says Colonel Sleeman, in his “Rambles and Recollections of an Indian Official”—“I have had before me hundreds of cases in which a man’s property, liberty, or life depended upon his telling a lie, and he has refused to tell it to save either.”

As a further proof how rooted this habit of telling truth is, or rather was, in the native mind, in cases of crimes against society, despite of the cruel and savage punishments to which their confessions exposed them, we quote an interesting passage from Tavernier’s travels, detailing an interview with Amir Jumla, the celebrated minister of Aurungzebe :

“The 15th, in the morning, we went to wait upon him again, and were immediately admitted into his tent, where he sat with his two

* For an account of the constitution of Village Communities, *vide* art. Land Tenures of British India, WEST. REV. January, 1868.

secretaries by him. The Nawab was sitting, according to the custom of the country, barefoot, like one of our tailors, with a great number of papers sticking between his toes, and others between the fingers of his left hand, which papers he drew sometimes from between his fingers, and sometimes from between his toes, and ordered what answers should be given to every one. After his secretaries had written the answers, he caused them to read them, and then took the letters and sealed them himself, giving some to foot messengers, others to horsemen—for you must know that all those letters which are sent by footposts all over India go with more speed than those which are carried by horsemen. While we stayed with the Nawab, certain officers came to tell him that they had brought certain offenders to the door of his tent. He was above half an hour before he returned them any answer, writing on, and giving instructions to his secretaries; but by and by, all of a sudden, he commanded the offenders to be brought in, *and after he had examined them and made them confess the crime of which they stood accused*, he was above an hour before he said a word, still writing on and employing his secretaries. In the meanwhile, several of the officers of the army came to tender their respects to him in a very submissive manner, all whom he answered only with a nod. There was one of the offenders which were brought before him had broken into a house and had killed the mother and three children. He was condemned upon the spot to have his hands and feet cut off, and to be cast out into the highway, there to end his days in misery. Another had robbed upon the highway; for which the Nawab ordered his belly to be ripped up, and himself to be cast upon the dunghill. I know not what crimes the other two had committed, but both their heads were cut off.”

There was no exalted love of truth for its own sake in these habits. To lie, in order to cheat the government out of revenue, was always regarded as a very meritorious action. But the dangers from without, which in these troublous times beset the village communities, compelled them to be utterly intolerant of crime within their limits. The criminal, if he escaped the penetration of the judge, could not escape from the hatred of those against whom he had sinned. If the due penalty were averted in this world, it would fall upon him with tenfold severity in the next. But with the introduction of our courts in any part of India, these desirable habits very soon cease. Instead of a decision upon the case, according to equity and common sense, the investigation wanders off, amid legal technicalities and refinements, whither the astonished criminal is totally unable to follow. But he also very soon discovers that in this labyrinth he may lie with perfect impunity; and if his perjuries involve any of the members of his village in trouble and disgrace, he can always escape the odium by attributing the issue to the rascality of the native officials, or the blindness of the English judge; and the angry gods he can hope to propitiate hereafter. Hence has ensued

throughout the country a fearful increase of perjury and moral depravity. And the hardships endured by witnesses, who are dragged off from their occupations to the judge's court—there to stand (as the saying is) "among two hundred and fifty pairs of shoes"—to testify to character or some other unimportant point, have led to a sort of tacit confederacy among the village populations to suppress all evidence of crime as soon as it is committed. On a comparison of evils, they find that they suffer less severely from the depredations of those who infringe the law than those who execute it.

In 1850, Colonel Sleeman, at the request of Lord Dalhousie, undertook a tour through Oude, for the purpose of ascertaining by personal examination, the condition of the country. He found it to be in a state of utter anarchy. Murder, robbery, torture, pillage, extortion, and almost every crime under Heaven, were perpetrated unchecked, nay, were fostered and encouraged by the selfishness of the ruler, and his immediate subordinates. In the midst of this chaos, he discovered a Brahmin community who had been lately invited back into Oude from British territory, and endowed with land. They spoke with enthusiasm of the district they had quitted. "The whole surface of the country," they said, "was under tillage; the district like a garden; and the poorest had as much protection as the highest." But, notwithstanding these and many other advantages which they enumerated, they preferred the uncertainties and extortions of an Oude Government to the heavy burden of our courts of justice (so called).

"Your Courts of Justice" (adawluts), these are their words as reported by the colonel, "are the things we most dread, sir; and we are glad to escape from them as soon as we can, in spite of all the evils we are exposed to on our return to the place of our birth. It is not the fault of the European gentlemen who preside over them, for they are anxious to do, and have, justice done to all; but in spite of all their efforts, the wrong-doer often escapes and the sufferer is often punished. . . . In your adawluts, sir, men do not tell the truth as often as they do among their own tribes or village communities—they perjure themselves in all manner of ways without shame or dread, and there are so many men about the courts who understand the 'rules and regulations,' and are so much interested in making truth appear to be falsehood and falsehood truth, that no man feels sure that right will prevail in them in any case. The guilty think they have just as good a chance of escape as the innocent. Our relations and friends told us, that all this confusion of right and wrong, which bewildered them, arose from the multiplicity of the 'rules and regulations,' which threw all power into the hands of bad men, and left the European gentlemen helpless."

But although it is undeniable that the ~~character~~ of the native

~~European gentlemen~~
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population are inimical to our courts, and the prospect of their introduction in any of the so-called independent territories regarded by the people with extreme fear and aversion (the strong dislike manifested by the Mysoreans to annexation was, indeed, mainly attributable to this deeply-rooted horror), there is no portion of Indian administration in which such thorough and beneficial changes have been effected during the past ten years. So far back as 1833, a commission, with Mr. Macaulay as president, commenced the difficult work of compiling a penal code for India. This code was passed by the Legislative Council in 1860, and is now in operation throughout the whole extent of British India. In 1859 and 1861 still more important reforms were carried into effect. The tedious and complicated forms of pleading which were practised in the Regulation provinces were discontinued, and revised codes of civil and criminal procedure introduced, by which a far greater simplicity and expedition in the dispatch of business were attained. In 1861 another Commission was appointed by Sir Charles Wood to prepare a code of civil law for India. The first part of this code came into operation in 1865, and comprises a law of succession and inheritance applicable to all classes resident in British India, other than Hindu and Mahomedan. These measures were followed up by the establishment of Small Cause Courts, with a simple mode of procedure, in various places in the three presidencies. These courts had jurisdiction extended to them to 100*l.*, and their decisions were to be final, with the power of granting immediate execution on the verbal application of the party in whose favour the decree was passed. They have been eminently successful. Beneficial as the operation of these reforms has been, they are still too recent to have eradicated the memory of old complaints; and a long period must elapse before the bulk of our Indian subjects will prefer them to the rude methods peculiar to themselves. They have, however, been instrumental in entrusting a larger portion of the administration of justice to native agency. A native judge now sits on the bench of the High Court of Calcutta; and, except in cases of unusual importance, nearly all original jurisdiction throughout the country is at present in their hands. In their discharge of these important duties they have shown themselves to be industrious, upright, and highly useful servants of the State. But laws which disregard differences of rank, and treat all men as standing on precisely the same footing, cannot but be exceedingly distasteful to a people where the feudal instincts are still as strong as in England or France during the Middle Ages.

3. Another very general cause of discontent is the enormous rise in the price of provisions, and of all the necessaries of life,

which has followed upon that very security and order we have introduced in India. In past times, the sword, scarcity, famine, and pestilence, did their work so effectually, that population never pressed against the limits of subsistence ; while the land itself, from lying frequently fallow, yielded superabundant harvests, whenever the decimated peasantry were so fortunate as to reap the fruit of their labours. Frequently, indeed, from the almost total want of any means of transit, prices fell so low, it was found difficult to raise the full amount of the revenue (if paid in coin) in those districts where a bounteous crop had been reaped ; and hence arose what appears to us the barbarous expedient of paying assessments in kind. But wherever our rule was established, positive and indirect checks alike diminished. Exportation commenced ; population increased with tremendous rapidity, and prices inevitably rose. The natives speculated with much surprise and perplexity on this unforeseen and disagreeable change. In those parts of Central India which were ceded to us after the Pindharee war, the change was, of course, very speedily felt. These wretched people had suffered all that the most unscrupulous barbarity could inflict, and were sorely at a loss to understand this particular result of the restoration of good order and security. At one time they attributed it to the operations of the trigonometrical survey, and the frequent measurement of the fields for the purpose of ascertaining their capabilities. The land they considered, as the mother of those who subsisted upon its fruits, yielded abundant harvests so long as she was properly treated, but resented these constant measurements, as unhandsome devices to screw a larger quantity out of her than she accorded of her own free will, and to mark her displeasure ceased to be fruitful. Others, again, were of opinion that the angry gods had punished the land on account of the great increase of adultery which resulted from the introduction of the mild English law ; but finally it was set down by general agreement to be due to the slaughter of cattle for beef so close to the sacred stream of the Nerbudda. Under Mahratta rule, it was argued, had calamities fallen upon the land, there would have been small cause to wonder ; but under British rule, when every effort was made to secure the well-being of all, speculation was perforce limited in its range. There were only these three things, which the most sensitive deity could find to cavil at, and of these, the continual murder of cows for the purpose of supplying food to the English, who (as far as could be seen) had no religion at all, good or bad, was decidedly the most heinous, and quite sufficient to arouse the divine anger. A petition, numerously signed, was accordingly presented to the Governor-General's representative, praying him to issue orders that the English

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soldier should abstain from the consumption of beef.* This was so long ago as 1833; the upward movement of prices has advanced far beyond what it was then, and grain which ten years ago sold in the Saugor and Jubbulpore districts for seventy and eighty seres the rupee, now sells for double that price.

In the Punjab the rise has been as great, and has been felt even more severely, because spread over a much shorter space of time. Runjeet Sing was the type of an Asiatic ruler, vigorous and aggressive towards his neighbours, but caring little or nothing for the well-being of his own people. The assessment, paid in kind, was excessive, internal communication there was little or none, and the country was covered by a network of preventive lines. Goods in transit, not merely those from Central Asia, but those passing from one part of the Punjab to another, were liable to be taxed a dozen times before reaching their place of delivery. When we add to this the universal prevalence of Dacoitee, it will be seen at once that the exportation of corn to any considerable distance was impossible. The centre of each Doab (*i.e.* land between two rivers) was a waste which only afforded in places a scanty pasturage for cattle; a fringe of cultivation ran along the banks of the rivers and in the vicinity of the canals, and, after paying the revenue, the crops were stored and eaten where they grew. Under this regime, if wheat sold at a maund (*i.e.* forty seres) the rupee, it was considered rather dear than otherwise.

Under English administration the face of the Punjab became entirely changed in a very few years. Dacoitee was completely suppressed, the network of preventive lines swept away, a careful survey of the land undertaken, and an uniform assessment in money, 25 per cent. less than any yet known in the Punjab, levied upon all cultivated lands. Under the superintendence of Colonel (now Sir Robert) Napier, public works of every description were pushed on with surprising energy. A grand highway was constructed connecting Lahore and Peshawur, and binding together the principal military cantonments.† Secondary roads,

* For a very pleasant account of these superstitions, we refer our readers to Colonel Sleeman's entertaining work, "Rambles and Recollections of an Indian Official." This, and another work by the same author, entitled "Tour through Oude," are a perfect treasure-house of information, drawn from life, of native manners and customs, and native habits of thought. They should be read by all who have dealings with the natives in any capacity whatsoever.

† This highway "measures, from Lahore to Peshawur, 264 miles. It passes upon 103 great bridges and 459 smaller ones, penetrates the heart of six mountain chains, and crosses on immense embankments the marais of two great rivers. It overcomes every kind of engineering obstacle that shifting soil or iron rock can offer, and the active opposition of sudden seasons and heavy floods. Groves of trees planted simultaneously with its completion shade its entire surface, and stations are erected along it for the residences of those charged with its repairs. Where the four great rivers are encountered floating bridges continued the passage, the Chenab and Jhelum being crossed

linking together the remaining stations, were pushed on simultaneously; direct roads for foreign commerce opened out; and in 1854, only five years after annexation, the Commissioner, reviewing the achievements of his government, could report that 3600 miles of road had been constructed, 7880 surveyed, and 3324 traced in the Punjab proper alone. Not less remarkable were the works of irrigation. Scattered through the Punjab, numerous canals, more or less out of repair, the works of former dynasties, attested that the Moghul rulers had been alive to the needs and capabilities of the province. These were first taken in hand. Major Napier called upon the landholders through whose fields they passed to supply labourers for the work of putting them in order. The requisition was cheerfully complied with. New canal heads, and other improvements of modern science, were constructed under the superintendence of English engineers. A water-rate was rarely taken; the increased cultivation amply repaying the state. In addition, money was liberally advanced for the construction of wells whenever applied for. Numerous villages, situated in the dry central wastes, took advantage of this offer, and the money thus lent was regarded by them as a sacred debt of honour, and invariably repaid with the utmost scrupulousness. In these various ways, many hundred miles of irrigation water were supplied to the country, and thousands of waste acres fertilized. To crown all, the great Barea Doab Canal, designed by Major Napier, received the sanction of Lord Dalhousie, and was advanced towards completion with the accustomed energy of the Punjab administration.*

by 100 boats each, the Indus by 55, and the Ravee by 70. In winter a smaller number suffices; in summer the melting snows of the Himalayas swell the streams into broad and rapid floods. The boats support a double roadway of 26 feet wide, which the heaviest artillery and most ponderous machinery may pass upon. The work was to bind together all the northern cantonments which lie along the Himalayan uplands, and assure communication with Peshawur.—*Arnold's Administration of the Marquis of Dalhousie.*

* Our readers will perhaps be interested to read a summary account of this stupendous work. Mr. Arnold, in the work already quoted from, describes it as follows:—

“The central line as laid down by Colonel Napier was 217 miles in length. Its left was to leave the Upper Ravee at Mahdopoor by cutting through the high ground, cross two of the wild and wide hill-torrents, and then strike away for the table lands near Goolpoor. At the thirteenth mile, not far from Goondaspoor, it gives off a branch, fertilizing the sandiest fields of the Doab, those namely about Kussoor. From this branch issues a branchlet to the eastward, running parallel with the Beas, and past its confluence with the Sutlej till it reaches that river close to the village of Sobraon—an honourable trophy of victory. The main line, meanwhile, has flowed along for twenty-five miles watering the country north of Botalla. A few koss to the westward of that place a branch to Lahore is given off, passing north of Umritsir and south of the capital, irrigating the circumjacent Sikh country. After a course of

It was not until the return of peace, after the great mutiny of 1857, that the full effect of these vigorous measures was felt in the country. The railway between Umritsir and Moulton was by that time completed, and the wealth of the province increased enormously.* But the same causes which enriched the country served also to raise the price of provisions and the necessaries of life to almost famine rates, so as to press very hardly on the poorer portion of the population. The products of the Punjab found their way in large quantities beyond the province, so that wheat, which (as we have already observed) was under Sikh rule considered dear if selling at a maund, or 40 seres the rupee, first rose to an average price of $1\frac{1}{2}$ rupees, and subsequently to 2 rupees; all other necessaries being in proportion. From the increasing difficulty of finding the means of subsistence, resulted also an increase of Dacoitee, and other crimes against property, naturally producing, among a people unacquainted with the operation of economical laws, considerable dissatisfaction.

In almost every part of British India the people are feeling this rise in prices with greater or less severity, and it presents one of the most difficult as well as most pressing problems which the Indian statesman of the present day is called upon to solve. Where that solution is to be found we are not altogether prepared to say, and it would be far too large a subject to discuss in the present paper; but it is clear that no government, however progressive and well-intentioned it may be, can hope to enjoy the affections of its subjects if its existence tends to improve them off the face of the earth, by starving them to death. At the same time, let no one comfort themselves with the delusion that this rise of prices is something which no human arrangements can control or diminish. Much—very much—can

seventy-four miles this branch strikes the Ondyara Nulla near Manga and falls through it into the Ravee River. Returning to the main channel it skirts Umritsir on its onward course, and passes along the spine of the Doab to Satghurrah through a country at present blank upon the map, but destined to spring into population and activity. At Tolumbah it has accomplished its trajet, and terminates in the Ravee, not long before that river joins the Chenab. Adding to the main line of 247 miles, the Kusoor, Sobraon, and Lahore branches, the entire length of Lord Dalhousie's gift to the Punjab—the famous Barea Doab Canal—will be reckoned at 466 miles."

* Some indication of the rapid increase of wealth and trade will be found in the following statistics:—

1. The value of the traffic from the Punjab passing over the Delhi Bridge increased from Rs. 75,65,189 in 1863 to Rs. 1,49,27,793 in 1865.

2. The aggregate income from ferries increased from Rs. 4,91,656 in 1863-64 to Rs. 5,72,710 in 1864-65.

3. The aggregate income from octroi and other duties levied in towns increased from Rs. 7,10,550 in 1863-64 to Rs. 9,31,142 in 1864-65.—*Report of the Punjab Administration for 1865-66.*

be done in India to relieve the pressure upon subsistence, by means of accurate statistics; by drawing off the superfluous population in crowded districts and settling them upon waste lands; by developing the powers of the soil by irrigation, and facilitating the supply of the various markets by the construction of internal lines of communication. In this last particular India is sadly defective. Until the completion of the railway which now unites—or nearly so—Allahabad with Bombay, the resources of Central India were almost entirely lost to the rest of the peninsula, owing to the want of a traffic-route, and even now, until cross-roads are cut through the jungles, they will be locked up far more than need be. The tremendous severity with which the famine of 1866 was felt in Orissa is attributable to the want of any land communications with that unhappy province. The drought extended throughout Lower Bengal, but in that province the English planters and merchants had raised up a number of intervening influences which mitigated to a great extent what they could not entirely avert. Wherever these go, as Mr. Hunter very truly observes, in his “Annals of Rural Bengal,”* “roads, railways, or canals are sure to follow them; and wherever these facilities for transport existed, the distribution of the general grain-stock took place to an extent that prevented scarcity from passing into famine.” In 1866 all these various means of transit were under requisition day and night for the carriage of grain from the Upper Provinces to Lower Bengal. To Orissa alone there was no access; there the wretched people, “in the condition of passengers in a ship without provisions,” perished by thousands, as we all know too well.†

* Criticism is foreign to the purpose of this paper, but we cannot mention this work without recommending it most earnestly to the attention of all who are interested in India. We consider it as one of the most important, as well as most interesting works which the records of Indian literature can show. It abounds in information which has never before been presented to the public, and its merits, from a purely literary point of view, are not less striking than its other qualities. Mr. Hunter furnishes us with a highly finished account of the different elements which make up the population of Bengal, and relates with great force and spirit the early efforts of the Company's servants in the administration of India. His sketches of Mr. Keating, the fiscal-minded collector, Mr. Cheape, the commercial resident, and Mr. Frushard, the adventurer of the old time, are in their several ways not unworthy to be classed with Mr. Carlyle's delineation of Abbot Sampson, although considerations of space cause them to lack the finish and completeness of that admirable representation.

† The following extract from Adam Smith states forcibly the advantages of free internal communication in a land subject to drought and famine:—

“In an extensive corn country, between all the different parts of which there is a free commerce and communication, the scarcity occasioned by the most unfavourable seasons can never be so great as to produce a famine, and the scantiest crop, if managed with frugality and economy, will maintain through the year the same number of people that are commonly fed in a more”

On the subject of the relation of population to subsistence, Mr. Hunter has some very judicious remarks, which we cannot do better than quote. He is speaking in reference to the causes which led to the insurrection of the Santals, but his remarks apply equally to almost every part of our Indian Empire :—

“In the old times, when war and pestilence constantly thinned them, the system of non-inquiry acted tolerably well; but now that peace is sternly imposed, when vaccination is introduced and everything is done that modern science can suggest to reduce the ravages of pestilence to a minimum, the people increase at a rate that threatens to render the struggle for life harder under British rule than under Musulman tyranny. At the same time we have taken away slavery, the last resource of the cultivator when he cannot earn a livelihood for his family. In short, we are attempting to govern according to the principles of Christian humanity and modern civilization, forgetful that under such a system the numbers of a people increase, while, in India, the means of subsistence stand still. Progress implies dangers unknown in stationary societies, and an imported civilization is a safe experiment only when the changes which it works are ascertained and provided for. In the absence of machinery for discovering the pressure of the population, we are liable at any moment to be rudely awakened to the fact that the blessings of British rule have been turned into curses; and as in the case of the Santals before their rising, that protection from the sword and pestilence has only intensified the difficulties of subsistence. Statistics form an indispensable complement of civilization; but at present we have no reliable means of ascertaining the population of a single district of rural Bengal, the quantity of food it produces, or any one of those items which, as a whole, render a people prosperous and loyal, or hungry and seditious. These are the problems which Indian statesmen during the next fifty years will be called upon to solve. Their predecessors have given civilization to India; it will be their duty to render that civilization at once beneficial to the natives and safe to ourselves.”

4. Another cause of complaint against our Indian administration is the indifference which we have hitherto manifested towards the just ambition and laudable desires of the subject people to share in the work of government. In our congratulations on the material prosperity we have been the means of conferring upon India, we have overlooked the fact that man does not live by bread alone. The various nations of India have among them thousands endowed with courage, enterprise, ambi-

affluent manner by one of moderate plenty. The seasons most unfavourable to the crop are those of excessive drought or excessive rain. But as corn grows equally upon high and low lands, upon grounds that are disposed to be too wet, and upon those that are disposed to be too dry, either the drought or the rain which is hurtful to one part of the country is favourable to another; and though both in the wet and in the dry season, the crop is a good deal less than in one more properly tempered, yet in both, what is lost in one part of the country is in some measure compensated by what is gained in the other.”

tion, and talents of the highest order. These are not content if the chief good and market of their time be but to feed and sleep. Their fathers—in many cases they too—have known a nobler life than this. In former times, talent, enterprise, and daring were allowed their full swing. The lowest in the land, if he felt the fire of genius within him, might hope to become the governor of a province, the famous leader of devoted armies, or even the founder of a dynasty. All that is over now. Our government passes like a huge steam-roller over the land, and crushes all classes into one indistinguishable mass. "Strong heart, high hand, are useless here." Lord Cornwallis was the originator of this policy, which has well nigh completely excluded the people of the country from every position of trust or emolument. For him there were many excuses. He assumed the reins of government when the broken fragments of the Moghul Empire exhibited in their worst form the political vices which invariably mark and hasten the dissolution of a perishing kingdom. A stranger to the country, and practically unacquainted with the native character, it is not wonderful that he should have conceived it impossible to have constructed a durable edifice of good government from such apparently worthless materials. But even at that time there were Englishmen in India who saw more clearly, who understood the capabilities of the native, and could make allowances for the irresistible temptations to evil which the universal disorder of the times offered to the talented and the powerful. They raised their voices against the injustice and impolicy of the act, but their remonstrances were not attended to. Lord Cornwallis made a clean sweep of native agency throughout the country; and Sir Thomas Munro, writing a few years after, declares, that immediately after his reforms, no man but a European was entrusted with so much authority as to order the punishment of a single stroke of a rattan. Well might he add, that "such an interdiction is to pass a sentence of degradation on a whole people, for which no benefit can ever compensate. There is no instance in the world of so humiliating a sentence having ever been passed upon any nation."

The decree, however, went forth. The government of the country was handed over entire to European officials; gradually this policy became accepted as an unquestionable axiom, so that previous to the mutiny, any proposal to confer independent authority upon a native would have caused a thrill of horror to have passed through the whole Anglo-Indian community from one end of India to the other.

Now, setting aside the injustice, we could not possibly have devised a policy more fatal to the purposes we profess to have in view with regard to our Indian Empire. We consider that it is

our mission to sow in India the seeds of order and good government; to watch over and nurture them until they have gained sufficient strength to flourish alone, and become the means in the ages to come of elevating the East to the level of the West. But it is not by making roads and canals, and, as it were, merely exhibiting our excellences before the eyes of a passive people, that we shall accomplish this. The spectators soon weary of an exhibition in which they are never called upon to take an active part, and bitterly resent an assumption of superiority which allows no freedom to competition. We must associate the people with ourselves in the work of government before they can acquire that training and education which can alone fit them for the duties of self-rule. When the Queen assumed the sovereignty of India, we are of course aware that the Civil Service appointments were thrown open to natives. Hitherto this privilege has been merely a dead letter. Few natives are either willing or able to encounter the expenses of a voyage and a long residence in England, on the *chance* of passing a competitive examination. This unforeseen difficulty, however, we cannot but hope will shortly be removed. But at the same time it must be remembered that the education of a nation in the practice of self-government is very little, if at all, assisted by the privilege of free ingress into the paid ranks of the governing body. In this way we only create a bureaucracy; and no policy is so certain as this to deaden, and, if persevered in, to destroy that healthy and vigorous life, which, animating all parts of the body politic, is the one infallible evidence of good government.

“One of the greatest disadvantages of our government in India” (we are quoting from a memorandum of Sir Thomas Munro’s) “is its tendency to lower or destroy the higher ranks of society—to bring them all too much to one level, and by depriving them of their former weight and influence, to render them less useful instruments in the internal administration of the country. The native governments had a class of richer gentry composed of Jagheerdars and Enamdars, and of all the higher civil and military officers. These, with the principal merchants and rayets, formed a large body, wealthy, or at least, easy in their circumstances. The Jagheers and Enams of one prince were often resumed by another, and the civil and military officers were liable to frequent removal; but as they were replaced by others, and as new Jagheers and Enams were granted to new claimants, these changes had the effect of continually throwing into the country a supply of men, whose wealth enabled them to encourage its cultivation and manufactories.”

They answered, in short, in India, to the large landholders and wealthy merchants and business men of England. They were not deficient in public spirit. In those parts of India which were not desolated by Mahratta rule, innumerable tanks, wells, and groves

of fruit-trees attest their disinterested liberality. These are all the creation of private munificence. In 1829, Colonel Sleeman caused an estimate to be made of the public works of ornament and utility contained in the single district of Jubbulpore. The population of the district amounted to about half a million, and there were in various parts of town and country, erected by private individuals for the public good, and *without any view whatever to return in profits*, 2286 tanks; 209 large wells, with flights of steps extending from the top down to the water when in its lowest stage; 1560 wells lined with brick and stone, cemented with lime, but without stairs; 360 Hindoo temples, and 22 Mahomedan mosques. The estimated cost of these works amounted to 866,604*l.* sterling. In addition to these, two-thirds of the towns and villages were imbedded in groves of mango and tamarind trees, mixed with the banyan and pæpul; all planted at the cost of private individuals, at an estimated cost of twelve lacs of rupees.

Now, instead of utilizing this public spirit, giving it free scope, and merely using our influence to guide it in the fittest channels, we have been at infinite trouble and expense to repress it altogether. In this we have failed. Instead of being, as it might have been made, a social force working in perfect harmony with the governing power, we have converted it into a revolutionary one, which is constantly seeking for opportunities to break forth and shatter the whole existing framework of society.

Whenever we came into possession of any new province, we laid it down as a sort of axiom, that all the influential natives to be found in it were tyrants and oppressors. Their pecuniary claims were liberally allowed for, but they were rigidly deprived of every fragment of authority. The social concerns of the people were made over to Government officials and Government police. This was a disastrous policy in every way. It involved the Government in heavy expenses for the support and maintenance of a police, which was, nevertheless, so inefficient and so ill-paid, that its existence was a curse to the whole country. It entailed a great deal of additional labour on the already-overburdened civil officials; and it disgusted and alienated from our rule a large and influential section of the community. For, strange as it may seem to English people, the native gentry were not satisfied with a money compensation for the deprivation of the other privileges of their position. They are so constituted, that they would rather exercise a reasonable control over one village than receive the revenues of a dozen. Hence, too, has proceeded that prime weakness in our hold upon the country, which Sir Robert Montgomery has indicated by a single phrase. We know nothing of "the current of native

feeling." Englishmen have not the aptitude, even if they had the leisure and opportunities, to mingle freely in the social life of the country. Natives in the receipt of stipends from Government are very generally regarded as "spies," towards whom it is advisable to maintain a guarded and defensive attitude, and they know but little of the thoughts and feelings of the great masses of the people. We must strive to raise up again that great middle class which we have so long depressed and tried to extinguish. If we treated them with a certain exceptional consideration, and invested them with something of the authority and influence which belong to wealth and rank at home, they would become a connecting link between us and the lower classes of the people—separated from them by no official bar, and at the same time attached to us by the strongest ties of affection and interest.

There is nothing, we assert with confidence, in the character of the people to deter us from entering upon such a policy. The inscrutability of the natives, the impossibility of divining their real opinions, are, we know, very generally received as unquestionable facts, and are by many considered a valid reason for treating them like madmen, and, as it were, keeping them bound hand and foot. We ourselves have heard the observation times out of number, made in an accent of surprise, that this or that gentleman passed twenty or thirty years in India, and never understood the natives to the last. Now, strange as this may seem, there is, in truth, nothing in it at all surprising. In all probability, if the gentleman had passed twenty or thirty years in any other country, he would have remained in equally profound ignorance of the feelings of the people; nay, had he never left England, we may be quite certain he would have been all his life unacquainted with the currents of thought in the class immediately below him, as well as of that immediately above him. To understand the thoughts and actions of those who have been brought up under circumstances totally diverse from our own, requires no common degree of penetration. It requires also some small capability for abstract thought, some knowledge of the history of mankind, and a great deal of meditation on the workings of our own minds. And these qualifications are exceedingly rare among Englishmen in India, as they are among human beings everywhere. To crown all, there is the difference of language. This is an obstacle which the English in the East very rarely overcome. Only here and there, at rare intervals, is it possible to find one or two diligent students who are capable of conversing freely upon general topics with the natives. Most of our countrymen advance no further than to order their dinner after a very ungrammatical fashion or to just

succeed in making themselves understood on the official matters which bring them in contact with the people of the country. Social intercourse between the two races does not exist, except to a very limited extent, in the presidency capitals. Under these circumstances, the alleged inscrutability of the native character may pass for nothing. With due allowances for the differences of birth, education, religion, and so forth, we shall be safe in acting upon the belief that the native is, in all essential points, a human being, "fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as the Christian is." For ourselves, we have always found the people of India courteous and obliging, exceedingly sensitive to kindness, acute and intelligent in no common degree, and in natural capabilities not a whit inferior to the European. It would be strange were they otherwise. The European and the Hindustani are alike sprung from

"That prolific race which, under the title of Aryan, literally noble, radiated from central Asia to the extremities of the ancient world. One branch established a powerful state and a highly spiritual creed on the borders of China; another founded the Persian dynasty; a third built Athens and Lacedemon; a fourth the city of the Seven Hills. A distant colony of the same race excavated silver ore in pre-historic Spain; and the earliest glimpses we get at our own England, disclose an Aryan settlement, fishing in its willow canoes and working in the mines of Cornwall. The Aryan speech has formed the basis of the languages of half of Asia, and of nearly the whole of Europe; it is now conquering for itself the forests of the New World, and carrying Indo-Germanic culture to the island empires in the southern ocean. The history of the ancient world, as understood by classical scholars, is the history of a few Aryan settlements on the shores of the Mediterranean; and that wide term, modern civilization, merely means the civilization of the western families of the same race."*

The causes which have wrought such different results in England and in Hindustan must be sought for in the moral and intellectual characteristics of the two nations; but there is one broad difference between them which seems to us to account for much. It is in the theory and practice of good government that the East has failed most notably. And here it is to be observed that in England, amid all manner of contradictions, there has always been a conviction struggling for expression, and enunciating itself with a constantly increasing force and clearness, that the general good of all mankind ought to be the root of all political and social action; whereas in the East, this spirit of

* The "Annals of Rural Bengal."

self-sacrifice—the essence of all religion and the source of all right action—has hardly ever striven to communicate itself to others. Assuming the form of asceticism, it has withdrawn from the world, and by so doing failed to leaven the convictions and the practice of the nations as a whole. They have been contented to live upon the dry husks of rites and ceremonies, and acted consistently upon

“The good old rule, the simple plan,
That they should take who have the power,
And they should keep who can.”

Hence the differences between England and India; but the notion that the Hindustani is by nature inferior to the Englishman is, we have no hesitation in saying, one of the many delusions in which our insular vanity is continually tempting us to indulge.

What we consider, then, should be one chief aim of our policy in India is the gradual resuscitation of an influential middle class, who, free from the embarrassments of a continual struggle for existence, may be educated to take an active part in imperial concerns. In many parts of our Eastern dominions this would be impossible, for it cannot be too often repeated, that the continent of India is peopled by a variety of races, varying greatly in manners, language, intelligence, and civilization. But whenever the general intelligence, wealth, and population of any district justified it, the civil authorities should select from town and country the most influential and best-esteemed of the gentry to act as justices of the peace, with certain limited and well defined powers. This would bring justice-home to every man's door, and obviate, in a great measure, the cruel necessity of dragging witnesses away from their homes and occupations, and detaining them at court, often upon frivolous pretences. Also, the wealthier natives might be entrusted with the charge of the roads, and the supervision of the villages in their neighbourhoods, seeing that in these last, attention was paid to cleanliness and other obvious sanitary arrangements. Above all, the officers of the educational department should, as much as possible, call them into their councils, and strive to enlist their active cooperation in the labour of educating the people. Such a proceeding, while it would stimulate the zeal and interest of the upper classes, would serve entirely to dissipate the undefined suspicions wherewith the ignorant population invariably regard whatever emanates from an official source—suspicions which the Government seems quite unable to overcome. But the most beneficial result of such efforts on our part would be the patriotism and public spirit which they would arouse from the torpor into

which they have fallen. A native of affluence is at present, by harsh necessity, in the most miserable condition in the world. He naturally dislikes to enter into official life, where he would often find himself subordinate to those of his own countrymen who are far inferior to him in social position. But unless he does so, he has absolutely no career before him, except to engage in intrigues against government, or surrender himself to a life of sensual pleasure. Consequently to one or other of these melancholy alternatives he flies in preference to a life of utter vacuity. We are continually talking of the want of moral stamina in the native character, and making this a plea for not entrusting his future destiny into his hands. But strength of character cannot spring up when there is nothing in the circumstances of a man's life to call it into existence. Great aims must be presented to the mind, a sense of duty kindled, and difficulties attacked and overcome, before a man, or nation, throws off the natural propensity to indolence and self-indulgence. It is not fair to condemn a whole class of men, for a long period of time, to the life of lotus eaters, and then abandon them to their fate because they are not full of energy and public spirit. But it is a groundless fear, a calumny, to suppose that the native gentry are so sunk in sluggish indifference that they are more likely to abuse than to justify any trust reposed in them. There must be of course among them numerous black sheep, just as there are among us a great many highly respectable scoundrels, who finance railways and do many other actions by no means calculated to convince the world that the English gentleman is a being above reproach. But the changes which we would introduce generally throughout India have been tried here and there on a limited scale, and all experience hitherto shows that the native gentry nobly respond to, and amply justify the confidence of the English Government.

In 1860 the Punjab Government took the first step in this direction. In that year, twenty-seven Sikh chiefs were invested with magisterial authority upon their own estates, with power to inflict fines up to two hundred rupees, and imprisonment not exceeding six months. In the following year a further advance was made. Honorary native magistrates were appointed in the larger cities to dispose of petty cases. These were residents of the city, selected for their rank and the good repute in which they were held by their fellow-townsmen. Both experiments have been signally successful. The native gentry, glad to be rescued from the inert obscurity in which they had languished, have been found to discharge their duties with the utmost diligence and probity; while their intimate knowledge of the means, character, and habits of those who come before them, enables

them to decide doubtful cases with a certainty of doing justice by all parties, such as English officials could rarely hope to attain to. The Punjab Government sums up the effect of these important innovations in the following terms:—

“It has undoubtedly given life and hope to the numerous members of the decayed Sikh aristocracy and gentry who had long mourned, in enforced seclusion, their fallen fortunes. Once accustomed to rule provinces—they found themselves on the advent of the British rule reduced to nonentity; and in the cities, where, perhaps, they had been accustomed to receive the homage of the inhabitants as they passed through the streets, they now found themselves passed by in silence, if not unfrequently treated by the Government officials with contempt. It was not because they were unfitted for the exercise of any powers, but because they could not bring themselves to adopt English habits and undertake the laborious ascent from the lowest step of the official ladder.

“A valuable agency capable of exercising a strong influence for good on the side of Government was thus left to waste away in useless retirement.

“The experiment of employing these native gentry in petty magisterial duties . . . has been most successful; justice is dispensed impartially and correctly; the people are pleased at having magistrates of their own kind, and easily accessible courts in the heart of their city. The magistrates are grateful for being rescued from the insignificance and despondency into which they had sunk, and promoted to a position of honour in the eyes of their fellow citizens.”

Encouraged by such results, the Punjab Government wisely resolved to give the experiment of self-government a wider scope. In 1862, Municipal Committees were established in forty-nine of the principal towns in the province. The number of members varied from five to fifteen. In the towns of Delhi and Simla, the numbers were composed of both European and native residents; in the remainder they were composed wholly of natives. In twenty-eight of the towns the members are elected by the people, and are generally the recognised representatives of the principal trades or castes; in others they are elected by those residents only who pay the income-tax; and in others again they are elected partly by the people and partly by the district authorities. This experiment likewise has been attended with marked success. Great improvements in the conservancy and other arrangements became speedily perceptible in the towns where the committees had been appointed. In Delhi, a system of registration of births and deaths was successfully organized through their instrumentality; and in Lahore, in addition to the ordinary arrangements for the improvement and embellishment of the city, what the Report of the Punjab Administration for 1863–64 terms “an unprecedented trans-

formation," was effected in the suburbs. The people of this city had suffered inconvenience for some years past, owing to the diversion of a stream in which they had been in the habit of bathing. The Municipal Committee resolved to rectify this grievance. They projected a cut from the Baree Doab Canal which should pass close under the walls of the city, and for this purpose raised among themselves a loan of forty thousand rupees. The work, enèrgetically pushed on, was completed in twelve months, and has ever since conduced greatly to the comfort and enjoyment of all classes of the townspeople. This done, they vigorously attacked another public nuisance. The ditch round the walled city had hitherto been a standing cause of dirt and unhealthiness. This the committee caused to be filled up. Gardens were then laid out, planted with trees and flowers, intersected with walks and drives, and extending over a circuit of two miles. These are now the favourite resort of vast numbers of the people of Lahore, and afford a park or boulevard in a most convenient locality, the advantages of which the city appreciates with the most lively satisfaction. Well might the Punjab Government assert in its reports that the Municipal Committees "transact business not only quite as efficiently as it has been done hitherto by official agency, but also with a zeal and spirit, and at the same time carrying the people with them in a manner before quite unknown."

The point which we wish to establish is, in our judgment, of such great importance—viz., that if we cease to treat the natives as children, we shall find them willing to give us the most hearty co-operation in our schemes for their improvement, and able to enter into such plans with a perfectly intelligent perception of their own wants—that at the risk of wearying our readers, we must record yet another instance of the great advantages attendant upon permitting the natives to think and act for themselves. The Government of the Punjab had made for many years strenuous efforts to induce the native population to subscribe for the establishment of dispensaries throughout the country, but the appeals of the district officers met with no adequate response. In the Syalkot district, by some happy accident, the natives had been allowed to take the initiative, and a different result was speedily apparent. There the inhabitants agreed to the imposition of a tax of one anna per house per annum for the establishment of a dispensary at each tahsil or fiscal subdivision of the district. The tax was collected by the head men of each village without government interference, and the expenditure controlled by local committees elected by the people, and subject to the general control of a district committee. The income for 1863 was sixteen thousand rupees; out of the proceeds four

dispensaries with suitable establishments were opened, one in each tahsil; and with the surplus funds seven young men—most of them sons of native practitioners—were sent to the Government Medical School at Lahore, for education.

In the face of these several instances of the notable advantages of deviation from our policy of centralisation, few of our readers will question the truth of the Punjab Government's remark, that—

“Hitherto the experiment of thus enfranchising a people full of energy and good feeling, has been attended with nought but the happiest result; and properly supervised and fostered, there is no reason to fear danger to the body politic, from this plan of leaving the people to manage their own affairs for themselves.”

Considerations of space forbid us, or we might supplement the foregoing, with equally striking illustrations, afforded by the success of municipal institutions in Bombay and the Central Provinces. Even in Bengal proper, where the people's want of public spirit is proverbial, the energetic efforts of Sir Cecil Beadon, to develop national life through the agency of self-government, have been attended with the most encouraging results.

To those who knew the Bengal Presidency in 1857, it seems as though amid the turmoil and confusion of the great mutiny, the quiet apathetic nature of the Hindustani had given place to one far more instinct with life and energy. Among the few, in whom centres the life of the whole nation, there is an inward stir—a newly kindled consciousness of being part of a living and moving world, as though the Indian mind had at length fairly awoken from its long sleep. “Night's candles are burnt out;” it is for us to say if their extinction shall be the herald of day upon the misty mountain tops, or only the commencement of a deeper gloom. The educated Hindustani, shut out from the active concerns of life, and with the foundations of his old faith falling into ruins beneath him, is in imminent peril of plunging into a reckless and profligate atheism, such as brought the Roman Empire to ruin. But at this juncture the Government can do much for him. It can give him work to do. It can draw him out of himself, by affording him another career than one of animal sensuality, and convincing him, by experience, of the happiness which attends upon life expended in the service of our fellow-men.

6. This paper has already grown to a greater length than we intended, but we are loth to leave the subject without adding a few words on the Indian army. This is an element in the difficulties of Indian administration which, in speculation as well as legislation, should never be forgotten for a moment. There are, we believe, some thinkers who indulge in Utopian dreams of an

Indian empire without a native army at all. A few English regiments will be scattered through the country to keep down armed insurrection, and the present native army exchanged for a police harmless, inexpensive, and equipped with staves. Hindrances to this millennium there are many, but at present we will mention only one. The people of India are, almost without exception, possessed of a strong military spirit. They love the pomp and circumstance of glorious war. At present, we disarm and utilize this spirit by attracting the young, enterprising, turbulent, and adventurous portions of the community to the ranks of our army, and making them amenable to habits of discipline, and duly submissive to established authority. Disband the native army, and all this educated strength and courage would be turned loose upon society, to be at the disposal of the first would-be conqueror who could afford to pay for them. However, as there is no present likelihood of our requesting the native army to beat their weapons into ploughshares and pruning-hooks, we need not discuss the probable consequences of such a proceeding. A far more important inquiry is to ascertain if the native army be at this moment contented and heartily loyal.

We believe the native army is, at present, thoroughly loyal, but, from various causes, a spirit of dissatisfaction is spreading through the ranks—not a mutinous spirit, but simply a dissatisfied one. The native army is fast losing its popularity as a profession among the people. The causes of this feeling are manifold, but most of them easy of removal, could attention be fairly drawn to them. That is the difficulty. Nothing is more surprising than the small, or rather the no part, which the native army takes in Indian discussions, although it has the power, at any moment, to shiver all our projects to pieces.

The following we believe to be the points most urgently demanding alteration and reform :—

1st. The pay of the army. Formerly, owing to the cheapness of everything, the soldier could, from his pay, send frequent remittances home to his family. Now it requires a mortal effort on the part of the best conducted man to keep himself out of debt. The price of grain, for example, has in some parts of the country risen so high, that we have known the whole pay of a trooper of irregular cavalry swallowed up in the keep of his horse. This, of course, was an exceptional case, but prices everywhere have increased so much that a re-adjustment of allowances is urgently required.

2nd. The constant shifting about of the English officers from one regiment to another. This destroys *esprit de corps* both in officers and men, and saps discipline. The officer cannot feel the interest in his men which he ought, with the prospect of removal

constantly before him, or the fear of a stranger from some other regiment quietly superseding him. The men are exposed to the worry of a constant change of masters, and the whole army is injured vitally under such a system, because it precludes the possibility of that mutual attachment between the English officers and the private soldiers, which is the very life and soul of a mercenary army such as ours in India.

3rd. To throw open a wider career to the native commissioned officers. It is of the utmost importance that the line of demarcation between the native officer and the native private should be broadly and clearly marked, and the authority and emoluments of the first sufficiently high to place his interests in obvious antagonism to anything like insubordination among the men. This was overlooked in the Sepoy army. Men were promoted, not for merit, but according to seniority. The pay of the commissioned ranks was so low, and their authority so trifling, that, in fact, a native officer of the old army never really was anything but a private soldier. Thus it was that, on the very eve of the great mutiny—often until the hour previous to an outbreak—the English officers had but the vaguest suspicions of the intentions of their men. We had made native officers to supply us with this information, but we had not raised them sufficiently to place their interests in direct antagonism to the mutinous desires of the men. They had little to lose and very much to gain by means of a successful revolution.

Promotion is no longer rigidly attached to length of service. Men are selected according to merit, and the consequence is that we have now in Bengal a native army officered and disciplined, as we have never had in times past. The commissioned grades—more especially in the cavalry—are many of them filled with men of high intelligence and considerable social position. The deferential element is strong in the Asiatic character, and such men exercise a great influence over the soldiers; an influence for good, be it understood, for there is no more cheering prognostication for the future of British India than the undoubted fact, that the most thorough loyalty to our rule is to be found among the best educated and most enlightened of our subjects. They stand more on a level intellectually with the dominant race, and the intercourse between the native officer of the present army and his English superior, is of a much franker and heartier character than was possible under the old régime. By granting a wider career to these men, or even by simply increasing their present pay, we should attract the gentry of India more largely into our ranks; and their family connections would be as hostages for their good behaviour. At present, the increasing expense of living, and the superior

emoluments of the civil services, threaten to fill the ranks of the army with only such men as have no stake in the country, and consequently with little to deter them from taking advantage for their own purposes of some unguarded moment, when the exigencies of an European war have denuded India of English troops.

We take for granted that the Government of India is to be conducted, not with a view to English profit, but the welding together of all the various peoples of that great continent, so that, in some future day, they may be enrolled in the commonwealth of free nations. We shall never accomplish this, if we strive to keep down and quench the military spirit of the people. In Asia a nation that knew not the science of self-defence, that had not strength, and courage, and patriotism, could not exist for a moment. It would become the prey of a dozen warlike and ambitious neighbours. Our withdrawal from the country would be the signal for a host of mountaineers from the ranges of the Hindu Kush, to pour into the fertile plains, and erect once again the standard of the prophet, and a Mahomedan despotism, or it might be (for who can say what might have occurred by that time?) a Russian one. Either the one or the other would be fatal to the progress of India, and the cause of freedom in Asia.

We cannot do without a native army; nor can we always afford sixty thousand men to keep that army in good order. The only escape from the last burden is to entrust the defence of the country to the people themselves. Let us in this particular derive confidence from the policy of the great Akbar—perhaps the wisest and noblest sovereign who ever sat upon a throne. Under him the Moghul empire attained its culminating period of splendour. He could not anticipate that material prosperity which modern science has enabled us to bestow upon India, but in all that reaches the affections and the happiness of a people, he anticipated all, and more than all, the benefits of English rule. He strictly enforced religious toleration, and threw open every office in the state to all his subjects alike. The consequences were that all his subjects were heartily loyal, and the most gallant, faithful, and enthusiastic soldiers in his army were the Rajpoots, whom his grandfather, Baber, had deprived of independence. Did space permit us, we should be glad to have said something here in vindication of the courage and fidelity of the native soldier. On these, as on every other part of the native character, the wildest assertions have been made and generally credited. Suffice it for the present to say, that the military annals of India, from the earliest historic times, abound with stories of chivalrous courage and devotion. There is surely no

Englishman who needs to be reminded of the heroic handful of Sikhs who assisted Mr. Wake and his companions in the defence of the house at Arrah, or the Sepoys who held so gallantly the crumbling defences of the Bailey Guard at Lucknow. In conclusion, we cannot better close an essay which, in the minds of some, may advocate changes in our Indian system of government of a rather alarming character, than in the wise and unanswerable language of Lord Metcalfe :—

“It is perhaps impossible to foresee all the remote effects of such a system ; and there may be those who would argue that it is injudicious to establish a system which, by exciting a free and independent character, may possibly lead at a future period to dangerous consequences.

“There does not appear to be sufficient reason to apprehend any evil consequences, even at a remote period, from the introduction of this system. It rather seems that the establishment of such advantages for the bulk of our subjects ought to attach them to the government which confers the benefit. But even supposing the remote possibility of the evil consequences which may be apprehended, that would not be a sufficient reason for withholding any advantages from our subjects. Similar objections have been urged against our attempting to promote the education of our native subjects ; but how unworthy it would be of a liberal government to give weight to such objections !

“The world is governed by an irresistible Power, which giveth and taketh away dominion ; and vain would be the impotent prudence of men against the operations of its almighty influence. All that rulers can do is to merit dominion by promoting the happiness of those under them. If we perform our duty in this respect, the gratitude of India, and the admiration of the world, will accompany our name through all ages, whatever may be the revolutions of futurity ; but if we withhold blessings from our subjects from a selfish apprehension of possible danger at a remote period, we shall not deserve to keep our dominion ; we shall merit that reverse which time has possibly in store for us, and shall fall with the mingled hatred and contempt, the hisses and execrations of mankind.”



ART. II.—DAVIDSON'S INTRODUCTION TO THE NEW TESTAMENT.

An Introduction to the New Testament, Critical, Exegetical, and Theological. By SAMUEL DAVIDSON, D.D., of the University of Halle, and LL.D. In two volumes. Longman, Green and Co. London : 1868.

SIX years ago Dr. Davidson's fearless and excellent work on the writings of the Old Testament was the subject of favourable appreciation in our pages. At the present time it is our

privilege to notice a more courageous and more important work from the pen of the same learned champion of free inquiry and free expression, his valuable "Introduction to the Study of the New Testament." A sound Hebraist, a competent Grecian, a diligent student, and an independent thinker, Dr. Davidson has pondered the ripe results of German critical investigation, has compared English divines with foreign divines, has weighed evidence and measured authority, and, without rash self-confidence or servile imitativeness, has pronounced, in our opinion, generally a true judgment, and always an honest one. We had, indeed, hardly looked for so satisfactory an embodiment of what we regard as the established results of critical inquiry into the origin, purpose, and chronology of the New Testament Books as that which is contained in Dr. Davidson's volumes. If we do not in every instance subscribe to the opinions of this theological expert, the divergence is no greater perhaps than what, in an age when men have so much to learn and so much to unlearn on a subject, when direct and absolutely conclusive evidence is often inaccessible, must be considered natural and even inevitable, though we by no means despair of a closer ultimate agreement, as a luminous generalization or a felicitous combination gradually resolves resisting doubts, or unravels confusing difficulties.

Noble as is the office of a scientific criticism, it is very unwelcome to that large majority that prefers to acquiesce in ready-made opinion, whether from intellectual indifference, theological apprehension, the love of repose, admiration for the sanctities of time and existing usage, or an antipathy to a minute and often tedious analysis. To timid, apathetic, quiet-loving men and women, it is superfluous to address a word; their pleas are apologies, not vindications. To the objecting admirers of the imposing or touching memories of the past, we can only reply that this disappearance of the old order is the condition of a new life, and that in this world there is nothing but what while it fades and suffers change, still surrounds us, even when no visible relic of the old form remains, with a spiritual influence—with an ethereal presence haunting us like an old reminiscence, or a dim and ancient melody. The antipathy to a mere destructive analysis is intelligible and even respectable, but the implication that analysis is only destructive is usually fallacious, and often unfair. However analytical in its immediate processes, a philosophical criticism is constructive in its final issues. For the dead, wooden, colourless theory of orthodox dogma it substitutes a vital natural development; for an unintelligible, mechanical unity of action and belief among the great agents of a religious revolution, it substitutes intelligible spontaneous individual faith and movement; for a broken historical kaleidoscope it substitutes

a really appreciable co-existence or succession of events, in which the great Biblical heroes speak with their own voice, act with their own energy—are men, and not machines—men with all the colour and conflict of individual passion, virtue, weakness, despondence, enthusiasm, grief and joy. Instead of a literature often rendered dull and inexplicable by a theory which omits the individualizing tints of time and country, it presents us with a literature glowing with the poetry or distinct with the reality of assignable periods or ascertained regions. In a word, it gives us history reflected in literature—literature illuminated by history. It is with the thorough recognition of this reanimating influence of philosophical criticism that Professor Zeller claims for the school of Tübingen the merit of inaugurating a constructive method of investigation—of aspiring to positive historical knowledge; of applying, within the theological or ecclesiastical circle, the principles which, since the time of Niebuhr and Ranke, have dominated the whole domain of historical research in Germany. Dr. Davidson, if no formal disciple of the Tübingen School, has yet profited largely by thoughtful and continued study in its library, and though a historical exposition of the growth of the Christian Church is naturally not to be looked for in his account of the sacred literature of that Church, the correspondence of the mental expression to the external phenomena is sufficiently traceable in the work before us to justify us in including the learned Nonconformist in the number of those to whom we are indebted for this double and reciprocal elucidation.

Looking now more closely at the volumes which are the vehicle of this twofold elucidation, we experience an initial shock of surprise at finding the customary order of the New Testament books set aside and replaced by an arrangement founded on the presumed order of succession in time. The chronological order thus adopted seems to require a preliminary explanation to justify it, and the general reader, it is to be feared, bewildered at this dislocation of the scriptural strata, will naturally wonder what has become of the four familiar gospels, when he finds the precedence in discussion accorded to two minor epistles attributed to St. Paul. We say attributed, because the Pauline authorship of the Thessalonian letters—the writings in question—admits of grave doubt, a consideration which supplies an additional reason against the adoption of the ingenious critic's present arrangement. This is a point, however, on which we shall not further dwell. Happily for the purposes of this paper, we are not compelled to follow either the established order of the canon or that preferred by Dr. Davidson, but are privileged to adopt any arrangement, in conformity to the exigencies of a presiding idea, or the caprices of occasional suggestion.

To the literature of the New Testament, thus reintroduced to us, we must revert for a solution of the great historical question—What is Christianity? Primitive Christianity was essentially the belief in Jesus as the Messiah. A Jew who acknowledged that the great Prophet of Nazareth was the promised Deliverer of Israel passed at once for a Christian, and was immediately admitted by baptism into the community of the faithful. If the spirit of the religion which Jesus proclaimed shivered the antique forms which would have arrested its growth, the great Master himself never broke with the Mosaic law. His mission was not to destroy, but to fulfil. The Son of Man was sent primarily to the lost sheep of the House of Israel; his apostles were instructed to limit their wanderings to the circle of the cities of the chosen people, and were promised thrones as the judges of the twelve tribes. To restore the kingdom to Israel was the dream and expectation of his most trusted followers, even after the death of their Master. The oldest traditions represent the Twelve worshipping in the temple, directing the early church at Jerusalem; not bearing the glad tidings over the world with missionary zeal, as the inaugurators of a universal religion, but remaining long years in the holy city, the characteristic apostles of the Jewish people. Thirty years after the crucifixion, James could speak of the Church at Jerusalem as containing thousands who were not only zealous upholders of the Mosaic law, but were hostile to the anti-legal universalism of Paul. Not long before this period the emissaries from James offered a strenuous opposition to the Gentile apostle in Syria, and Peter, one of the three pillars of the Church, was so undecided, so destitute of all clear conviction, that while under the influence of Paul he consented to live in social fellowship with the uncircumcised Christians of Antioch, he recoiled before the representations of the Jerusalem remonstrants, and insisted that the Gentile converts should adopt Jewish institutions, or, as Paul expresses it, compelled the Gentiles to live as do the Jews. The emancipation of Christianity from Judaism was principally the idea and the achievement of Paul. It was only after the most urgent importunity that James and John agreed to recognise the mission of the intruding apostle, and to permit him to exercise his functions among the pagan nations, while they limited their exertions to the conversion of the Jewish people. The resistance that Paul encountered, in a more or less qualified form, from the older apostles, in the shape of an open, undisguised, and implacable hostility from partizans whom they could not, or would not, restrain, is repeatedly attested in his epistles, or in the *Acts*, or in other canonical writings, while the hostility to the apostate Jew, who had trampled on the traditions of his fathers, and violated the laws of the great legislator of

Sinai, reappears in extra-canonical writings, and was apparently shared by Papias, by Hegesippus, and the author of that interesting and instructive religious romance, "The Clementine Homilies," in which Paul figures as Simon Magus, the wicked magician, the heretical antithesis of Simon Peter, the hateful preacher of a false gospel, pursued and at length unmasked in the capital of the empire by the genuine apostle and announcer of the true gospel. The old Christianity was thus a Jewish Christianity, ultimately degenerating into the Ebionitish sectarianism of the second century: there was at first opposition to Pauline universalism, then concession, compromise, conciliation. Christianity was a gradual development, not an instantaneous construction of doctrine. The existence of this personal opposition and doctrinal divergence is most conspicuously exhibited in two of the canonical books, both of apostolic origin—the Epistle to the Galatians by St. Paul, and the visionary work introduced by a letter addressed to the Churches of Asia by St. John, the Apocalypse or Revelation.

In appreciating the character of the former production, Dr. Davidson shows convincingly that the portrait of Paul, as drawn by himself, is very different from that drawn of him by the author of the Acts of the Apostles. He contends, and rightly contends, that the Paul of the Epistle is not the Paul of *Luke*. The Paul of the Acts, he submits, is an observer of the law, like Peter, James and John, regarding circumcision with leniency, and allowing it under the Gospel; while the Paul of the Epistle opposes it as contrary to the genius of Christianity:—

"The relation between Paul and the original apostles is also differently represented in the two works. In the Epistle, the antagonism between the apostle of the Gentiles and the Twelve, personal and doctrinal, is too palpable to be denied. They are men in the first phase of Christianity—Judaic Christians—with narrow conceptions: in the Acts, they are more liberal, allowing Gentile Christians exemption from the law of Moses."

In the Galatians, the evangelical independence of St. Paul is vigorously asserted: his conversion is referred immediately to God; his Gospel is declared to be not of human but of divine origin. Far from having been taught by the older Apostles, he did not so much as go to Jerusalem till three years after his conversion; far from recognising their paramount authority, he asserts his rights against them, intimates that he derived no advantage from their instruction, declares that he refused to circumcise Titus, though in the very presence of the Twelve, depreciates the extravagant claims of their adherents, and narrates his dissension with Peter, the Prince of the Apostles, and the reprimand which he administered to him for his vacillation

and want of thoroughness—that dubious twilight state of mind, drawing with it practical inconsistency, which Paul stigmatises as dissimulation. All this representation departs widely from that of the Acts, in which the Church at Jerusalem appears as a court of appeal, with the primitive Apostles at its head; in which Paul acknowledges the authority of its decisions, and in which he is made to circulate its edicts, and to circumcise Timothy in compliance with Jewish requisition.

Many other contradictions and discrepancies are indicated by Dr. Davidson, in his sagacious comments on the self-asserting letter of the Apostle and the conciliatory quasi-historical narrative attributed to St. Luke. In particular, the critic points out the discordance between the declarations of Paul and the allegations of the historian as to the decisions of the Congress at Jerusalem; the latter intimating that Paul consented that the Gentile Christians should be required to abstain from meats offered to idols, while Paul himself maintains that the eating or non-eating of such food is a matter of indifference, and so releases Christians from the obligation. (1 Cor. viii)

The juxtaposition of idolatry and fornication in the context (Acts x 20) implies, says Dr. Davidson, that all the objects of prohibition are placed in the same category; and as Paul permitted his converts to eat food offered to idols, it is easy to see that he would give a fair handle to his enemies for attributing to him the same opinions relative to fornication, in whatever sense this embarrassing word be used, whether as denoting actual libertinism, as Dr. Davidson appears to think, or violation of the Mosaic marriage law, as Professor Zeller contends. The less abstemious and laxer adherents of Paul, going further possibly than their master, seem to have been held in great detestation by the author of the Apocalypse, whom Dr. Davidson rightly identifies with the son of Zebedee. A comparison of various passages at least (Acts xv. 20, 29; xxi. 25; 1 Cor. vii.—x.; Rev. ii. 14, 20) gives a high degree of probability to the opinion that the Pauline Christians were the Balaamites or Nicolaitans of the Pillar Apostle St. John, while a sentence in Justin Martyr at once illustrates and confirms the belief, for in it he speaks approvingly of those who would endure even death itself rather than be guilty of the sin of idolatry, or eat anything that was offered in sacrifice unto idols.* We are therefore not surprised to find Dr. Davidson inferring from Rev. vii. 1, xiv. 1, that Jewish Christians are the only true root of the Christian theocracy, or reminding us that these primitive believers would not recognise Paul as a true Apostle, seeing, in the censure pronounced

* "Dialogue with Trypho," xxxv. xxxvi.

on the eating of meat connected with idols, a proof of the sharp antagonism of the two ecclesiastical parties in the Apostolic age. We may go still further in the same direction. It is certain that Paul is not included by the author of the Apocalypse among the foundations of the New Jerusalem, but only the twelve Apostles of the Lamb. Moreover, the Church of Ephesus is commended, Rev. ii. 2, because it had tried those who said they were apostles but were not. Now, it was precisely in Ephesus that the opposition against the Gentile Apostle was so formidable (1 Cor. xvi. 9), while, as we infer from Polycrates, the authority of Paul had been supplanted by that of Philip and John, and the first founder of the Ephesian Church had been forgotten in favour of his Judaic rivals. It is difficult, therefore, to avoid the conclusion that the son of Zebedee, in his love for the old usages of his religion and the revered customs of his fathers, regarded Paul, who had broken with Judaism, as no true apostle, and disparaged the Pauline Christians as the deluded followers of the mad prophet Balaam. It is true that Dr. Davidson, not very consistently with the admission in vol. ii., p. 283, considers it doubtful whether the Balaamites or Nicolaitans were the adherents of Pauline free grace, but he pronounces the colouring of the Apocalypse Judaic, and describes the writer as retaining some of his old Judaic prepossessions. In the distinction maintained between the elect Jews and the saved heathen admitted to the communion of the twelve tribes—in the identification of Jews with Christians—in the conception of the heavenly Jerusalem—in the Jewish representation of the doctrine of redemption, and in the Jewish character of its Messianic expectation, will be found abundant evidence for this opinion. As, in all probability, the only genuine production of an original apostle of Jesus, the Apocalypse is a most significant work. In it we see Christianity elevated indeed beyond the old rigidly Judaic type, yet betraying affinities with that type commonly known as Ebionitism. Its eschatology, its demonology, its kabbalistical arithmetic, its Hebraistic construction, its rabbinic mode of expression, its Christology, its doctrine of an immediate advent—the doctrine held by apostles, evangelists, and fathers for more than a century after the death of Jesus—all testify to its Jewish origin, or to the Jewish nature of its conceptions. So carefully executed is Dr. Davidson's study of this remarkable book, that we find scarcely a sentence in it that challenges our hostile criticism. His view of the Books of Enoch and Second Esdras, his notion of the identity of the Little and Great Book of the Apocalypse, his interpretation of difficult phrases and passages may be questioned, but there are some points on which a certain amount of disagreement may be allowed, without affecting the general accuracy of exposition.

In the statement of historical evidence for the genuineness of the Apocalypse, in the contrast between its peculiarities and those of the fourth Gospel, in the characteristics of its phraseology, its doctrine, and its purpose, Dr. Davidson has exhibited great sagacity and sound judgment. He rightly concludes that the true explanation of this mysterious book is to be found in contemporary history.

"The believers in Palestine," he observes, "and the Jewish Christians in general, looked for a great revolution, which, beginning with the purification of Jerusalem and the downfall of Rome, should issue in the return of Christ, the resurrection of the dead, the judgment of the world, and the establishment of a Messianic kingdom." The central idea of the book, he continues, is the Lord's Second Coming. The author announces its rapid approach, the destruction of the enemies of the Christians, and the triumph of the faithful. The book arose out of specific circumstances, and was meant to serve a definite object. The prophet designed to paint the overthrow of heathenism, which he identifies with the Roman empire. That empire again is symbolized by its head, Nero, who had recently fallen by his own hand. The story that Nero was not really dead, but had retired to the Euphrates, whence he would return with the Parthians, is here drawn by a Christian imagination. The Roman power is personified and embodied in Nero, who would reappear in the character of Antichrist. Accordingly, Dr. Davidson discovers the solution of the arithmetical riddle, the number of the Beast 666, in the numeral letters that form the name of the imperial monster, Nero Cæsar, a solution that the writer of this paper regarded as exceptionable, but every objection to which he is now persuaded can be satisfactorily met.* Dr. Davidson rightly calls attention to an ancient reading, 616, preserved by Irenæus. Now, as the shorter, or *Latin* form of the emperor's name may be numerically represented by these last figures, the presumption that the various readings originated in the substitution of the shorter Latin for the longer Greek form, and that the early Christians had resolved the riddle by identifying the Beast with Nero, is surely very strong. The composition of the Apocalypse, in conformity with the chronological indication in c. xvii. 10, Dr. Davidson refers to the brief reign of Galba, 68-9.

The Judaic glow of Apocalyptic prediction is reflected in the first and oldest of our gospels, that of St. Matthew. Thus, in the Latter Day Discourses of Jesus, Jewish ideas and expressions peculiar to the early disciples are reported; a natural exclusive-

* See an article on the Apocalypse in the "Westminster Review" for October, 1861.

ness is observable in the limitation of the mission of Jesus and the Twelve, in the genealogy which goes no farther back than Abraham, the forefather of the Jewish people; in the promise of twelve thrones on which the Apostles should sit while judging the twelve tribes; in the titles so frequently given to Jesus of the "King of the Jews" and "Son of David;" in the precedence accorded to Peter; in the designation of Jerusalem as the Holy City, and in the unqualified assertion of the indissoluble authority of the Mosaic Law. Along with these Jewish characteristics, however, the First Gospel combines the opposite elements of a comprehensive and universal religion. This inconsistency of view is explicable on the hypothesis that the document that formed the starting-point of the canonical Greek gospel proceeded from a writer, possibly Matthew, whose conceptions were tinged with Jewish colours, and so accounts for the presence of a strong national element in this gospel. As Christianity came to be better apprehended in its spirituality and extent, the phases through which the original document passed, took off from its Judaism by incorporating wider views of the new religion. Each successive addition to the original would give it greater breadth of view, because Christians were gradually arriving at the conviction that the new religion was a far-reaching one, intended to embrace Gentiles as well as Jews, and to leaven mankind with higher principles than those embodied in the Old Testament. It is possible that the author of the gospel drew on an original stock, which might, as Papias intimates, have proceeded from an apostle, and this not only as regards the speeches recorded by him, but as regards part of his alleged occurrences and facts. That this primitive personage wrote a little before the destruction of Jerusalem, as Dr. Davidson thinks, is not clear to us. The passages adduced by the learned critic are not conclusive, for the supposed references to the Jewish temple or ritual occur in hortatory addresses of Jesus, and necessarily imply their existence at the time only at which they were spoken. The famous Latter Day prediction, in c. xxiv. contains, as Dr. Davidson admits, marks of a time posterior to A.D. 70. It is interesting to compare, as Dr. Davidson does (vol. i, pp. 337, 364, 500) the eschatology of St. Matthew and other New Testament writers with that of the author of the Apocalypse, both for agreement and difference. The most notable case of divergence concerns the Holy City and the Temple, for whereas in the Evangelist's narrative, both are destroyed, in the prophecy of the Seer of Patmos the Jewish capital suffers only partially and temporarily, while the outer court only of the sacred edifice is profaned by the heathen for the term of three years and a half, a term borrowed from Daniel. In determining the date of

the present Greek Gospels, Dr. Davidson interprets the words of Papias to imply, that it was in circulation before he wrote, but that he preferred oral tradition to a text that had suppressed the authentic Matthew. The baptismal formula in the last chapter, the commission of the keys to Peter in the sixteenth, the appeal to church authority in the eighteenth, and the universal evangelization of the twenty-fourth, he rightly regards as decisive of a somewhat late date, and accordingly he refuses to refer its composition to an earlier period than A.D. 100. His general conclusion is that the entire gospel shows a Christianity in alliance with Judaism, not as represented by its sects, for their views and interpretations of it are combated, but as a divine system testifying to a future Messiah, who should redeem his people. Hence it has a theocratic stamp. It is plain that the work was not written in the interest of the Jewish-Christian party, when they came to be distinct from other Christians of a freer tendency, but in their interest when they were still an integral portion of the Church. It was meant for the use of the Jewish Christians generally, to satisfy their wants and promote their faith.

On the Gospel of St. Luke, Dr. Davidson has furnished an equally satisfactory dissertation. In the time of this evangelist, Christianity had overpassed the narrow limits of Judaism. If primitive Judaical elements are not effaced from his narrative, they are less numerous, and are in general subordination to its expansive spirituality. The genealogy of Jesus is carried up to Adam, the universal ancestor, indicating that the whole human race had an interest in Christ. The title of the outlying world to participation in a common deliverance, is formally acknowledged from the first, and is repeatedly asserted. In the prominence given to the Samaritans, in the appointment of the seventy disciples, representing the Gentile Apostleship, in the depreciation of the older Jewish Twelve, in the abridgement of the Galilæan mission, and the travelling ministry of Jesus, "prefiguring the characteristic activity of the Gentile Apostle in Christ," in the introduction of the Pauline Doctrine of Grace, and in the omission or modification of the Jewish statements in Matthew, is found more or less conspicuous evidence of the Anti-Jewish universalism of Luke. A striking instance of the ingenuity with which this writer could turn an anti-Pauline into a Pauline sentence is afforded by a comparison of xiii. 27, with Matthew vii. 23, where the doers of *lawlessness*—the antinomianism of St. Paul—are transformed into doers of *unrighteousness*, and their simple rejection in the earlier Gospel is accompanied by the acceptance of converts from every quarter of the earth in the latter. The remarkable coincidences in language and ideas existing between

the narrative of Luke and the Epistles of Paul are satisfactorily accounted for by Dr. Davidson. The writer of the Gospel, he maintains, must have known and read the Pauline literature. The institution of the Last Supper is avowedly Pauline, Luke, diverging from Matthew and Mark, and coinciding with Paul in the sacramental formula. Similarly, the command to the seventy to eat all that is set before them, is verbally identical with the advice of Paul to the Corinthian Christians (Luke x. 8; 1 Cor. x. 27). Compared with Matthew, observes Dr. Davidson, Luke has fewer original traditions. His representations are less historical. He handles the evangelical materials freely, and his own reflectiveness appears more prominently. The discourses and facts are given in a shape not so faithful and primitive as they are in his predecessor. In this opinion we coincide. We agree also with Dr. Davidson, that Luke was acquainted with and consulted the Gospel bearing Matthew's name. The resemblance between the two Gospels is so close, not only in narrative but in expression, that either Luke had Matthew before him, or, if with some we attempt to explain these approximations by the hypothesis of a common source, a record indistinguishably similar. That the Gospel of St. Luke was composed at a period later than that at which St. Matthew's was composed, is evident from the treatment of the eschatological passages in particular, from the direct contradiction given by the former to the assurance in the latter of the immediate appearance of the Son of Man by the counter assurance that the end is *not* immediately. The comparatively late date of the Gospel, too, is confirmed by the interesting preface, in which the author refers disparagingly to the numerous narratives already in existence, and interposes a circle of biographers between the Apostles and himself. That the Gospel was used by Justin and modified by Marcion, there ought we think to be no doubt, after the luminous investigation of Professor Zeller. Its date, according to the author of the *Introduction*, is A.D. 115. We are glad to find that Dr. Davidson has devoted a special section to the examination of the Census of Quirinus, for although threshing straw, already often threshed, is not heroic work, it is necessary to go through the irksome operation in order to convince others that the process *is* futile. Accordingly, Dr. Davidson shows the unsatisfactory character of Zumpt's hypothetical reasoning respecting the presidency of Syria at the birth of Christ, for even allowing its validity, it leaves the first census unexplained and improbable. In the Latin inscription on which Mommsen has commented, the name of Quirinus does not appear, but the historian thinks it probable that the inscription refers to Quirinus. Dr. Davidson replies, that, admitting the supposition, it by no

means follows that Quirinus was *twice Governor of Syria*. All that is implied is that Augustus appointed *him his lieutenant a second time*, and that in this capacity he went to Syria, but of his destination at the time of the prior appointment, no information is given. Had the word *iterum* been intended to testify of his twofold prætorship in Syria, it would have come immediately after *Syriam et Phœniciam*, instead of following *Divi Augusti*. This is the answer originally given by Strauss to his opponent Hengstenberg, and Professor Zeller told the writer of this paper, during his residence in Heidelberg last summer, that he concurred with Strauss in this interpretation.

The eminent writer, whose authority we have just cited, has shown that the Gospel of St. Luke has an intended sequel in the Acts of the Apostles—that the two works have the same author and the same object. After reading his magnificent critical essay, Dr. Davidson can have had little difficulty in the recognition of the often legendary character of the Acts. In the admission of its conciliating universalism, of its transformation of the original gift of tongues, of the artificial parallelism maintained between the acts and sufferings of Paul and the acts and sufferings of Peter, of the symbolical blindness of Paul, the subjective character of the vision which marked his conversion, the ideal description of the Primitive Church at Jerusalem, the free composition of the speeches, the cardinal contradiction between its narrative and that of the Galatian Epistle, and the presence throughout of a treatment of material betraying a conciliating intention, approaching Peter to Paul and Paul to Peter, ascribing to them a common interest, a common sentiment, a common action, till the writer attained his purpose by placing Paul in the metropolis of the heathen world, making him the proper founder of the Church in Rome, and thus imparting a universal aspect to Christianity; in all this admission Dr. Davidson shows how thoroughly he has understood the legendary character of the book, and how courageously he has appropriated the results of Professor Zeller's exhaustive criticism. This admission, of course, leads him with Zeller to identify the writer of the *Acts* with the third evangelist, while rejecting the current opinion respecting its authorship. The description of the voyage and shipwreck of Paul on his way to Rome he attributes to an eye-witness and companion, but declines to admit that it was the Gentile Luke; arguing that the Jewish indications of time used in the *We-record*, point to a Palestinian Christian. The traditional elements in the book consign it to a comparatively late period, bringing down the date, in our expositor's opinion, to about A.D. 125.

This neutral reconciling tendency, this policy of throwing a veil over the dissensions of the early Church, reappears in the

Gospel according to St. Mark, the second evangelist in canonical order, though placed by us, and we are glad to see by Dr. Davidson, the third in chronological order. In so placing him, we have the authority of critics of such sovereign faculty as Baur, Zeller, and Strauss. In our own country, too, this position has been accorded him by perhaps the most competent of lay students of theology, Mr. R. W. Mackay, the able author of *the Tübingen School and its Antecedents*, from whose volumes we have occasionally borrowed a happy or appropriate expression.* Of the secondary character of this gospel we are profoundly convinced. The testimony of Papias, or his informant the presbyter John, cannot be appealed to in favour of its originality, for it does not relate to our gospel, but to what Dr. Davidson calls a Mark-document, drawn up without arrangement and embodying the occasional oral deliverances of St. Peter, whose attendant disciple and interpreter (translator or secretary) he is said to have been. This description shows that Papias did not speak of our "Mark," which is an orderly consecutive narrative, and not a report of discourses suggested by actual circumstances. The original Mark-document seems to have been an ambiguous production representing the teachings of St. Peter, whose unconnected anecdotal notes were imperceptibly supplanted by the orderly digest embodied in our canonical gospel. At an early period, Augustine thought that Mark was a kind of attendant and abbreviator of St. Matthew. The more correct view is that which Griesbach was the first to recommend by good arguments—the derivation of *Mark* from *Matthew* and *Luke*, partly by abridgment and partly by combination. The hypothesis, adds Dr. Davidson, would have been impregnable if he had admitted a third source—the very document described by Papias and quoted by Justin as the *Memorabilia* of Peter. Against the originality of Mark we adduce his unauthorised revisions of undoubtedly primitive constituents of the evangelical narrative. What title to originality can a writer possess who is little anxious to record the discourses of the divine Instructor, but exhibits a manifest preference for portentous and legendary traits? In the oldest evangelical documents, the discourses of Jesus, according to Papias, had the prominent place, and Justin himself rarely particularises miraculous transactions. In Mark, the Sermon on the Mount—in which the essence of the oldest Christianity is distilled—is almost entirely omitted; and the narrative of the Centurion, which could hardly have been wanting in an original record, is altogether passed over. In the Temptation we have

* See "The Tübingen School and its Antecedents," and "The Rise and Progress of Christianity." By R. W. Mackay, M.A.

an incoherent memorandum, with the romantic trait superadded that Jesus was with the wild beasts, and an angelic ministration, which is only explicable when we refer to the fuller account of Matthew, who supplies the motive in the long fast of Jesus, which his epitomizer does not so much as mention. Again, can we doubt that the designations given to Jesus by Mark of the Son of *Mary* instead of the Son of *Joseph*, and the *Carpenter* instead of the Carpenter's son, betray a late date and a conscious purpose? If Mark be original, how can we explain such peculiarities as we find in many passages of his gospel? For instance, the cloud and voice of Matt. xvii. 6, precede and account for Peter's fear; but in Mark ix. 6, they are placed after the fear—the cause after the effect! In Matt. xviii. the humility of children is made the ideal of Christian dignity, but in Mark ix. the connection is broken, the subject, the rivalry among the apostles, is dropped, and an affectionate care for the young, or a kind of universal charity, is recommended. In another place, the reply to a previous question, *What I say unto you I say unto all*, is peculiar to Mark, and denotes accommodation suited to a later period than that of Matthew. For a personal return of Christ, Mark substitutes the establishment of the kingdom; in the Latter-day vaticination he omits all mention of the Sabbath; he omits also the word *immediately*—all indications of a time subsequent to that of Matthew. The secondary character of the gospel is also evinced by its startling textual combinations. In the verses quoted (c. i. 2, 3) to illustrate the mission of John the Baptist, we have a fragment of Malachi compounded with a fragment of Isaiah, as if it were a part of the same prediction, a singularity which Zeller explains by supposing that Mark took half his quotation from Matthew and the other half from Luke, who in distinct parts of their narratives apply the two passages to the Baptist, but who in one instance only assign the name of the author, so that Mark, inferring identity of authorship from identity of application, cites the two fragments as a continuous whole. Other examples of this textual dependence are found in the appointment of the Twelve, in Mark as in Luke, preceding the Sermon on the Mount, which, however, the former passes over; the ungrammatical construction in the list of the apostles' names, showing how the writer's eye wandered from Matthew to Luke; the alternation and repetition in Herod's speculations (Mark vi. 14), now resembling Matthew, now resembling Luke, and then resembling Matthew again, with such a mode and degree of similarity as can only be naturally accounted for on the hypothesis that Mark had these two evangelists before him. Other presumptions of the later and derivative character of this gospel may be found in Davidson, Zeller, and Strauss, but it would be tedious to enumerate them here. On [Vol. XC. No. CLXXVII.]—NEW SERIES, Vol. XXXIV. No. I. E

the whole, we may say with Strauss, that while Luke proposed to himself to open a door for the admission of Pauline ideas without offending Jewish Christianity, Mark undertook in as negative spirit to publish a gospel which could not hurt the feelings of either party. Hence he avoids all disputed questions, suppresses all offensive statements, such as that in which the Gentiles are called dogs, or that in which the Law is pronounced indestructible; omits the narrative of the birth and infancy of Jesus, and the genealogical table which had become repulsive to a section of Jewish Christians, and in which Gentile Christians had no interest, emphatically announcing in very significant words that his own introduction was the true "beginning of the gospel of Jesus Christ the Son of God." Admitting the presence of some original matter in *Mark*, derived from a third written source, Dr. Davidson staunchly, and we are persuaded wisely, contends, that the general character of this gospel remains the same, and that it is still a dependent composition. Its probable date is fixed by our critic at about A.D. 120. In our opinion, it cannot well have been earlier. Its Latinisms, not merely the equivalents of the names of common objects as in Matthew and Luke, but literal translations of Latin idioms, τὸ ἰκανὸν ποιῆσαι = satisfacere; ἐσχάτως ἔχειν = in extremis esse; συμβούλιον δίδόναι = consilium dare; and perhaps the mention of Simon as the father of Alexander (Romans xvi. 13), corroborate the external evidence which pronounces Rome the place of its composition.

As Mark, in our belief, is dependent on Matthew and Luke, so is John dependent on the gospel of this common friend of Peter and Paul—this reconciler of the two contending parties. In the narrative of the man sick of the palsy in Mark, and of the paralytic at the pool of Bethesda, we find under differing circumstances a similar address: *Take up thy bed and walk*. In the narrative of the miraculous feeding, only Mark and John have the two hundred pence, as in that of the anointing at Bethany they only have the three hundred pence in common. In this last story, a peculiar construction and an ambiguous word in Mark, ἀλά βαστρον μυρον νάρδου πιστικῆς πολυτελοῦς recurs in John, with but a slight alteration. From Mark iv. 36, John derives those other *little boats* which so unaccountably appear in his Gospel, (John iv. 23,) after the previous assurance that there was no boat on the spot but that in which the disciples of Jesus had embarked. The Gospels of St. Matthew and St. Luke also supplied the fourth evangelist with materials. Thus the singular exclamation of Christ in John: *Arise, let us go hence; the prince of this world cometh*, is explained as a transfer from Matthew—*Arise, let us be going; behold he is at hand that doth betray me*. Similarly, too, the relation of Jesus to the Samaritans, the nar-

rative of the family at Bethany, and the account of the resurrection of Lazarus in the Gospel of St. John, presuppose corresponding passages in the Gospel of St. Luke. These or similar marks of the fourth evangelist's acquaintance with the narratives of his three predecessors, Dr. Davidson willingly admits, while rightly denying that he wrote with a view of supplementing them. Far from intending to supply their omissions, the object of the fourth evangelist, if he had any purpose relating to them, was to supersede their contents. The author's real object, Dr. Davidson thinks, was to embody the fundamental idea that Christianity is the absolute religion. He insists on the present and permanent nature of Christianity in opposition to Mosaism and Polytheism. "Instead of presenting an opposing front to the conflicting elements of the spiritual world, he wished to supply what they seemed to lack, and to embrace them all within Christianity." We congratulate ourselves on Dr. Davidson's unqualified rejection of Johannine authorship, and on his uncompromising criticism on the contents of this Gospel. The religious conscientiousness of this ideal narrative he rightly regards as contemporaneous with Gnosticism, before it had become odious to the Church, and with Montanism in its earliest development. He characterises it as at once abstract and practical. It is the supreme blossom of Pauline or universal Christianity. In it Judaism is finally abandoned, and the speculative element of the Hellenic mind formally accepted. The Logos of Greek thought is embodied in a man, that the world looking to the revelation of the divine, might inquire, wonder, and adore. In his remarks on this spiritual gospel, there is little that we could wish to alter. All that is important to a general comprehension of its purpose and character is clearly and forcibly stated. There is no attempt to explain away the natural meaning of words, to reconcile radical antitheses, or propose preposterous expedients for evading unwelcome conclusions. The unhistorical character of its discourses, the presence of a dualism which accords with Alexandrian philosophy, the symbolical significance of its miracles, its speculative and practical divergencies from the synoptical narrative, its mystical treatment of the institution of the Last Supper, its transfer of the time of the paschal meal from the 14th Nisan to the 13th, and of the crucifixion day of Jesus from the 15th Nisan to the 14th, violating the synoptical tradition in order to represent Jesus, the true paschal lamb, as dying on the very day of the Passover, and so superseding the typical observance—all this, with other characteristics, equally illustrating its unapostolic origin, and the late date of its composition, are prominently set forth by Dr. Davidson. The several sections of this portion of the Introduction are excellent; but that in

which the relation of Justin Martyr to the fourth gospel is discussed, is especially meritorious. The conclusion at which the author arrives is, that the supposed allusions in Justin's writings do not show that he was acquainted with the Gospel, and that, in particular, his Christology harmonising with the synoptical Jesus, not with the Christ of the fourth gospel, indicates ignorance of its existence; for as it was especially adapted to his purpose, Justin would have surely used it as largely as he did the synoptical narratives, had the gospel been known to him. The same may be said of Marcion, who would hardly have divested the Pauline Luke of its Judaic sentences, if the spiritual, mystical, gnostic-like John had been available. For these and other reasons, the recognition of the fourth evangelist of the Paraclete doctrine, the appropriation of a Valentinian vocabulary—LIFE, GRACE, TRUTH, ONLY-BEGOTTEN, FULNESS, the emanations of that peculiar system of Gnosticism, we place the composition of this gospel far on in the second century. The date preferred by Dr. Davidson (A.D. 150) agrees with the character of the times. This is a startling conclusion of modern criticism, but it is the conclusion of such eminent theologians as Strauss, Baur, Zeller, Schwegler, Hilgenfeld, Volkmar, and Planck, among the Germans. In England, where true critical inquisition is discouraged as crime, the opinion has its adherents in Mr. Martineau, Mr. J. J. Tayler, Mr. Mackay, Dr. Davidson, and others of less note.* We take pleasure in concluding this paragraph with a citation from the able and eloquent Unitarian divine, whose name stands first in our list:—

“Though it may belong before theological feeling relaxes its passionate embrace of this gospel, and it will always retain an extraordinary interest, as illustrating the early development of special Christian ideas, yet the struggle against the inexorable patience of the historical critic must, we are convinced, in the end be vain; and the book will be tried, not by the inapplicable rules of authentic narrative, but as a reflection of retrospective sentiment and faith in the second century.”†

In this proclamation of a free and spiritual Christianity Paulinism regained and enlarged its influence. The old Jewish or Petrine type was superseded, and a religion complete, final, absolute, was announced, not to the lost sheep of the House of Israel, longing for a temporal deliverer and the restoration of the kingdom, but to the fold of a universal humanity, with its theosophical aspirations, its moral yearnings, its Hellenic culture. (John x. 16, xii. 20.)

The mystical exaltation of Christ's person, carried to a tran-

* See an article in the “Westminster Review,” April, 1865. See also an essay by a layman, “Was St. John the author of the Fourth Gospel?”

† “National Review,” November 1864.

scendent height in the Johannine gospel, began, however, with Paul, who, in emancipating Christianity from its Jewish restrictions, spiritualized and elevated the Messianic conception. In the view of St. Paul, Jesus was the heavenly man, the celestial Adam, the counterpart of the terrestrial, present with God, as his divine Son in a glorified form of light, and in an appropriate time sent upon earth in human shape. But the pre-existence of Christ was no part of the primitive gospel; the universalism of Paul was offensive to the bigotry of the Jewish zealots, and the conflict with even the milder prejudices of the primitive apostles may be traced in the letters of their rival, in Galatians, Romans, and Corinthians. These four great and undoubtedly genuine epistles, "possess," says Baur, "a marked character of individuality, of particular adaptation to persons and occasions; and the more we study them, the more we enter into the circumstances and feelings under which they were written, the more we feel convinced of their authenticity as living pictures of the time." Of these four typical letters, enriched with biographical incident and contemporaneous and circumstantial allusion, the earliest is the Epistle to the Galatians, written at least fourteen years after Paul's conversion. In this priceless letter, we have an artless, trustworthy, and instructive chronicle of the times. Contrasting St. Paul's narrative with that of Acts, we cannot fail to see, what even Mr. Jowett admits, the historical inaccuracy of the author of the latter book. St. Paul's assertion that he was personally unknown to the churches in Judea, that not till the expiration of three years did he enter Jerusalem, or see a single apostle; that his second visit to the holy city, "fourteen years after," was occasioned by his anxiety to avert a jealous opposition, sanctioned by the reputed pillars of the Church, James, Cephas, and John; his disclaimer of any obligation to the earlier apostles the mutual toleration of separate fields of labour, and separate types of gospel; the indecision of Peter, who, even twenty years after the death of Christ, could slide into Pauline comprehensiveness among the Gentile Christians of the Syrian capital, and recoil into the "regulation" pattern of Jerusalem Christianity, under pressure from the time-serving James of the *Acts*. Paul's vehement and fiery rebuke of the prince of the apostles, and his repudiation of the circumcision theory, upheld by Peter and those two other fancied pillars of the faith, from whom he had learned nothing, and to whom he owed nothing, establish clearly, when confronted with the corresponding passages in the *Acts*, not only the transformation of facts in the interest of the policy of reconciliation adopted in the latter book, but the fundamental difference of the free transcendental theology of Paul, and the stiff ceremonial religion of the older twelve. The antagonism

as Dr. Davidson observes, is too palpable to be denied. The Paul of the epistle is not the Paul of Luke. The twelve of *Galatians* are not the Twelve of *Acts*. In the epistle they are men in the first phase of Christianity, Judaic Christians with narrow conceptions; in the *Acts* they are liberal, indulgent, in sympathy with Paul, who recognises their authority from the first, and co-operates in the circulation of the Apostolical concordat. To us the argument seems unanswerable, that if such a concordat had existed, the altercation between Peter and Paul at Antioch would never have occurred, or if it had occurred would have been instantly extinguished. If by this very compact the Syrian Christians were exempted from the obligation of circumcision, how could Peter ever have insisted that the adoption of this Jewish usage was incumbent on them? If Paul, if Barnabas, if Peter, if James, if John were all parties to this solemn convention, as Luke's history asserts, how can we account for the contention, the compromise, the altercation described in the Pauline epistle? Peter had only to refer the emissaries of James to this compact, to vindicate his liberal compliances; Paul had only to cite it to convince Peter of his error. Barnabas, who shared in the misconception of Peter, would have escaped implication in his guilt, if he had only recalled the agreement which he deliberately subscribed. Yet Peter, Paul, Barnabas, and the partisans of James, all alike forgot it! The hypothesis is too absurd to be entertained. This is Schwegler's argument, and we believe it to be irrefutable.

In "*Galatians*" we have the first phase of the antagonism between Pauline and Petrine Christianity. In the Epistles to the Pauline converts at Corinth, the opposition has passed into another stage: the old ground of attack is abandoned; Mosaic formalism is no longer obtruded; the assault is directed against the person of the apostle. Allusion is made to letters of recommendation, necessarily from the chief representatives of the Jewish Church, indicating, it would seem, a second stage of the systematic interference with Paul. Baur accordingly places the four great Epistles in the same chronological order which they occupy in the canon of Marcion, to whom we are indebted for the oldest known list of the Pauline epistles. We prefer Baur's chronology to that of Dr. Davidson, who gives precedence to the two Corinthian epistles. The period of composition of the three letters lies between A.D. 54 and A.D. 57, during Paul's residence at Ephesus. The peculiar religious phenomena in the church at Corinth are highly interesting, and Dr. Davidson has exhibited them in their true aspect. The religious factions he rightly, though perhaps somewhat hesitatingly, describes, identifying the Christ party with the Petrine party as Jewish Christians, whose

object was to undermine Paul's authority and to engraft Judaism on Christianity. The Christ party was the more violent of the two homogeneous sub-divisions of one class, representing the extreme Judaism, as the Petrine or apostolic party represented the more moderate promoters of Judaism and less implacable opponents of Paul. Were the false apostles transforming themselves into apostles of Christ, the chiefs of the Christ party? and did this party give special prominence to the temporal and terrestrial elements to the Messianic dignity as embodied in Jesus, his lineage, his nationality, his earthly life, on visual and tactual and aural intercourse with him, thus exalting the Jewish type above the universal, Peter and his companions above Paul, Apollos, and Barnabas? The polemic of Paul, in his letter, favours this view, for he avers that he too had seen Jesus; and he admits, if we rightly interpret him, that though Jesus Christ had now passed into a higher and more glorious existence, he too had once recognised only a national Messiah—a Messiah who should be environed with associations of Jewish privileges, and endeared by the recollection of personal relations. In his remarks on the conceptions, opinions, and intimations of Paul in these letters, or on the ecstatic utterance of the early Christians—a phenomenon so strangely disguised in Acts ii.—on Paul's view of the resurrection, marriage, slavery, the conscientious scruples of Jewish Christians, Dr. Davidson's exegesis is intelligent and honest.

The fourth of the great genuine Epistles, that to the Romans, offers decisive evidence of the early introduction of Christianity into Rome, and makes it clear that the religion of Jesus was first promulgated there neither by Peter nor Paul. Dr. Davidson points out that the original adherents of it were Jewish Christians; that the name of Jesus was first heard in the synagogue; that the Church of Rome, at its first commencement, was a Jewish Christian one. A portion of the Church perhaps consisted of Gentile converts with Jewish feelings and tendencies, but the Church is defined by Dr. Davidson as having a substantial Jewish centre, to which a Gentile growth was added. Thus again we are brought into contact with Judaic Christianity. The argument in the letter is directed principally to the friends of Judaism. It is an apology for Christian universalism; it is intended to conciliate Jewish prepossession, "asserting in spite of appearances the real permanence of Jewish privilege." Dr. Davidson is, in our opinion, justified in rejecting the supposition of a general didactic purpose, and in maintaining that the letter was suggested by the relations of the whole community; yet, though the occasion was special, the object, he thinks, was general. Accordingly, he professes himself dissatisfied with the interesting

view of Baur, who contends that the origin of the letter is the controversial purpose apparent in chapters ix.—xi., the reconciliation of an accomplished fact (the admission of the Gentiles into the new theocracy in such increasing numbers as to alarm Jewish pride) with the antecedent assumptions of aristocratic Judaism. Still, while differing from Baur on this point, he admits that the design of the apostle was to explain and justify the gospel of universalism which he preached to the heathen. In any case, the object is to disarm prejudice, obviate difficulties in the way of reception of his liberal view of Christianity, and show how the two parties, dropping their rival pretensions, can be united in a higher and more comprehensive scheme. As to the integrity of this epistle, Dr. Davidson agrees with Baur in regarding the 16th chapter as spurious. The long list of acquaintances in a city where Paul had never been—a list which shows obvious desire on the part of the writer to bring the apostle into close friendship with many of the persons named, and to enumerate their meritorious services to him—denotes a Pauline Christian who took an interest in pointing out the close relation which subsisted between Paul and the best known members of the Roman Church. The 15th chapter, on the other hand, which Baur associates with the 16th, Davidson pronounces genuine. Yet the objections adduced by Baur were tolerably conclusive; and the absence of these chapters from Marcion's catalogue is not necessarily attributable to heretical caprice.

In the same ancient catalogue, the letter to the Romans is followed by the two letters to the Thessalonians, and the so-called letters of the imprisonment. In Baur's view, this arrangement indicates nothing less than the commencement of a new series of letters, each series, considered in itself and taken as a separate list, conforming to a chronological order, while the two series, if regarded as one list, unquestionably infringe that order. The two series, according to this explanation, constitute two distinct lists; the first being a list of the undoubted Pauline writings, the second a list of doubtful and post-Pauline compositions. The question then arises, are the letters contained in this second series really the production of St. Paul? With one exception, Dr. Davidson thinks they are. Believing that the Epistles to the Thessalonians are genuine Pauline writings, he is justified, apart from other considerations than those of chronology, in giving them precedence in his *Introduction*, for, on the supposition of their genuineness, they are indisputably the oldest of the canonical writings of the New Testament. Whether *First Thessalonians* was written before *Second Thessalonians*, as Mr. Jowett, in a defensive criticism, maintains, or *Second Thessalonians* before *First Thessalonians*, as Dr. Davidson, Ewald,

and Baur contend, is a point that we shall not now undertake to decide, though the ambiguity is but little favourable to the hypothesis of authenticity. Independently of any controlling historical theory, such as that of the Tübingen School, the balance of internal probabilities is against the genuineness of these writings. There is, first of all, the objection grounded on the startling contrast between the style, the manner, and the doctrine of the Thessalonian letters and the literary and dogmatic characters of the later writings of the great Gentile Apostle. The central themes of his other epistles—the antithesis between faith and works, circumcision and uncircumcision, Jew and Gentile—are wanting here. Elsewhere St. Paul is impassioned, abrupt, argumentative, interrogatory; here he is composed, regular, and generally categorical. Diverse in subject and diverse in style, two writings of the same author could not, Mr. Jowett admits, be more different than the Epistles to the Thessalonians and that which follows next in order, the Epistle to the Galatians. Between the date of the First Epistle to the Thessalonians, written from Athens or Corinth, and the Epistle to the Galatians, written probably during Paul's stay at Ephesus or the neighbourhood of Ephesus, an interval of not more than four or five years had elapsed. More than half of his ministry had already been completed before he penned the first of these Thessalonian Epistles, and yet, according to Mr. Jowett, the remarkable change discernible in the writer to the Thessalonian Christians as compared with the writer to the Galatians had not occurred. The dominant idea in the earlier period was that of the immediate advent of Christ, the revelation of the Man of Sin, the expectation of the writer's own ascent into the air, of his own personal elevation before his death into the celestial space to meet the returning Messiah. Then, again, if the first epistle was written from Corinth only a few months after the earliest Thessalonian conversions, how could the converts in so brief an interval have exhibited such conspicuous piety as to have become ensamples to all Macedonia and Achaia, nay, to the whole Christian world? How in so brief an interval can we find time for the mission and return of Timothy, for the reiterated desire of the apostle to revisit the converts of Thessalonica, for the growth of the disappointed expectations of the survivors of friends who had died since Paul's departure, and who had become anxious about the condition of the Christian dead, the nature of the Lord's Advent, and the uncertainty of times and seasons? In *Corinthians*, the Advent is quickly and speedily anticipated; in *Thessalonians*, by hypothesis the earliest composition, the Advent is postponed, a particular hindrance interposed, and an ideal person, corresponding to the Blasphemous Beast of the later Apocalypse, is

postulated as a necessary precursor of the expected Messiah. This expectation is surely confirmatory of the opinion which regards the Thessalonian correspondence as post-Pauline. There are other phenomena in these letters justifying the same inference. Thus the adversaries of Christianity are no longer Judaizing Christians, as in *Galatians* and *Corinthians*, but Jews, as in the doctrinal compromise pervading the unhistorical and apologetic *Acts*. The panegyric pronounced on the Thessalonians for close imitation of the Jewish Churches; the comparison between the persecutions sustained in the course of a few months only by the Thessalonian converts, and the afflictions endured by their co-religionists in Judæa; the vehement condemnation of the Jews, with the complaint that they persecuted him (Paul) who had himself been the supreme persecutor of the Christian Church, are features symptomatic of a non-Pauline authorship. The statement that the wrath is come upon this reprobate nation for consummation or final destruction, an expression which occurs in the Testament of the *Twelve Patriarchs*, and is there applied to the punishment which had overtaken Jacob's sons, is so hard to understand, except as a reference to the destruction of Jerusalem, that Ritschl evades the difficulty by arbitrary rejection of the passage as an interpolation. To strengthen this cumulative and converging argument, we have the significant intimation of Pauline forgery in the second, which, if the later of the two, in itself casts a doubt over the authenticity of the first epistle, and

“When at the close the writer speaks of the Apostle's signature as an ordinary token of genuineness, we are led to ask how could he have used such language as to his established practice in the very first epistle he ever wrote; how can precedent and habit be thought to exist antecedent to act; how could he have so early anticipated the rise of a spurious Pauline literature, or have thought it necessary to put his audience on their guard before any fictitious letters could have existed?”*

The second Thessalonian Epistle, with its singular eschatology, with its conception of the *Apocalypse* of Jesus Christ, and its contemporary allusions, points, as with index-finger, not to the period A.D. 52-56, but to the year A.D. 70, or later, when, as in the Revelation of St. John, the imperial Roman army was investing the doomed capital of Judea, and interpolation and omission were acknowledged literary practices to be guarded against and denounced—an inevitable inference from Rev. xxii. 19. For

* See “Mackay's Tübingen School,” p. 235. The argument is addressed mainly to those who hold that St. Paul's literary career did not commence previously to A.D. 52.

the reasons here assigned, and others corroborative of them, which may be found in Baur, and other critics of his school, we incline to the belief that the two Thessalonian Epistles are post-Pauline. Dr. Davidson is right in maintaining that "both must go together, either in adoption or rejection." In a second edition of his *Introduction* we do not despair of a recantation of an opinion which the learned critic appears to hold with an unsteady, tremulous prehension, as we conclude from the final admission that "in maintaining the authenticity of the Epistles we are far from thinking that they could not have been written soon after the Apostle's death by another in his name"!

We come now to the three related compositions, *Ephesians*, *Colossians*, and *Philippians*, the first of the group forming the spurious exception of Dr. Davidson, to which we but now alluded. The Ephesian letter was condemned by De Wette, as long ago as 1843, when he pronounced it to be a mere derivative amplification of that to the Colossians. Even a cursory examination suffices to show a deliberate transcription, a substantial, and in some instances even verbal, agreement between the two writings, so that, as we learn from Dr. Davidson, out of the 155 verses which we count in *Ephesians*, 78 contain expressions identical with those of the Colossian letter, a dependence so servile as to preclude the supposition of apostolic authorship. Dr. Davidson further admits that unapostolic ideas and phrases occur in it. The prophets, for instance, mentioned in the second chapter, in close connexion with the holy apostles, are not the Old Testament prophets, but the Christian prophets, of an advanced period of church development, while the eulogistic epithet given to the apostles, *holy*, is an appellation never used in apostolic times, and the comparative-superlative, copying and exaggerating the sedate expression in *Corinthians* (least of the apostles, less than the least of all saints) is surely not a Pauline self-depreciation. The want of specific purpose, the redundant style, the parenthetic structure, and the dæmonological doctrine, are particularized by Dr. Davidson as evidence of the un-Pauline origin of this epistle. The probable date is, he thinks, A.D. 75, but the gnostic character of the letter, its exaltation of Christ as the pre-existent source of all being, as the chief of a graduated celestial hierarchy, its speculative terminology, *fulness*, *mystery*, *wisdom*, *knowledge*, and its recognition, if not of an "Æon of this world," at least of the prince of the power of the air, carry us beyond the point of apostolic times, and land us in a period of incipient ecclesiasticism and universalising Christological theory.

The related epistle to the *Colossians* must necessarily be placed somewhat before the derivative letter which we have just characterised. The Christology of both is similar, and

that Christology is non-Pauline. Such, however, is not the opinion of Dr. Davidson, and therefore he includes this composition among the genuine epistles of Paul. He admits, however, that the extent of Christ's redemptive work does not appear in Paul's authentic epistles; he admits the singularity of the theological dialect; he admits an affinity between the doctrine of the fourth Gospel and that of the epistle; he admits the presidency of Christ over angels, who are divided into distinct classes, thrones, dominions, principalities, and powers, but he endeavours to invalidate the argument for a late origin of the epistle by giving prominence to subtle distinctions between the speculations of the Colossian letter and the theosophical refinements of a later than the Pauline period. But an exact resemblance, even allowing the reality of the distinctions, is not indispensable to the validity of Baur's view, at any rate, in a modified form. For instance, if the Valentinians did distinguish thrones from angels—and the writer of Colossians includes them in the angelic category—that is no argument against the assumption of an ultimate gnostic speculation, as supplying a resting-ground for the basis of a particular nomenclature or general conception of the epistle, the resemblance being more remarkable and more conclusive than the divergency. Dr. Davidson allows that the errors against which the epistle is directed had a Judaic character; he recognises in the "Rudiments of the World" the principles of the Mosaic-Jewish regulations respecting food, feasts, the Sabbath and circumcision, a mystical philosophy, a curious inquisitiveness into the world of spirits, an adoration of angels interfering with the prerogatives of Christ as the centre of spiritual existence, and a strict asceticism and rejection of marriage—all indicating the continuance of the conflict between Judaism and Paulinism, the effort to discard the primitive elements and maturer developments of Jewish Christianity, and the approach of a pacific period in which all varieties and oppositions should be absorbed or superseded in one all-including organization, one grand scheme of comprehension, in doctrine and in government. The two letters have a peculiar mutual relation, and a similar subject-matter. They illustrate the same tendencies, and belong to the same age. To ascertain the date is impossible, but they were hardly written before A.D. 120.

The third epistle in this fictitious correspondence, that to the Philippians, is also pronounced genuine by Dr. Davidson; yet the strange theory of the "self-inflicted emptiness" of Christ, suggesting the gnostic fulness, can only be satisfactorily interpreted by referring it to late theosophical speculations. The notion of robbery or grasping appropriation of deity by Christ has a certain affinity with the eager, presumptuous rush-of

Wisdom, the youngest of the Valentinian Æons, to unite herself with Eternal Perfection. In the application by the writer of gnostic imagery to Christ, the representation takes an air of incongruity and paradox, pointing, as Mr. Mackay infers, to a derivative appropriation of gnostic ideas by the author for his own peculiar purposes, similar to that occurring in Ephesians and Colossians, and indicating an epoch in Christian speculative development later certainly than St. Paul, but still before the time when these ideas began to be felt as heretically dangerous. An objection to the genuineness of the epistle arises from the contrast presented by the magnificent picture of St. Paul's palace-labours and the anticipations of Roman conversion on the one hand, and the despondent expressions of epistles assumed to be contemporaneous on the other. If Cæsar's household, which comprised so many converts, included Clement, the writer's fellow-labourer, it is natural to suppose that the Clement executed by Domitian, his near relative, for indolence and irreligion—the Roman mode of describing a Christian—the Clement whose execution was succeeded by alarming prodigies, is the Clement of the Colossian epistle, whose name was written in the Book of Life. In this case, Clement could not possibly be Paul's companion in travel, nor could the letter have been written till long after the apostle's death. In an age when the Clementine legend was current, the author of the letter discovered in the circumstances of the pious and murdered relative of Domitian the occasion for the introduction of the Gospel into Rome, and Clement, the friend alike of Paul and Peter, made a symbol of the prevailing amalgamation of the second century, and "amplified into plurality, as they of Cæsar's household salutes the Philippians in the name of the Metropolitan Church."

We come now to another group of letters, the authorship of which has been assigned to Paul, but which were either unknown to Marcion (A.D. 140), or were deliberately rejected by him, the three Pastorals, so called. Later in the second century, Tatian pronounced the two addressed to Timothy spurious, but excepted from condemnation the letter addressed to Titus. In modern times the genuineness of all three epistles was first denied by Eichhorn; Schleiermacher, in 1837, questioned the Pauline origin of 1 Timothy; Baur formally attacked them all in 1835, while De Wette, nearly twenty years before Baur, expressed doubts of their apostolic authorship. In his *Introduction* (1847) he distinctly denies that they were written by Paul. The same opinion is avowed without any qualification by Dr. Davidson, in the work now before us. The authenticity of these letters, he argues, is connected with two subjects, the historical credibility of a *second* imprisonment of St. Paul, and their time

of composition within the part of his life covered by the Acts. But no writer prior to the fourth century mentions the apostle's release from captivity. It is improbable, too, he adds, that Paul was permitted during two imprisonments to receive friends, write letters, and despatch messengers, "nor is it likely that the apostle should have survived the persecution of the Christians under Nero, which followed the burning of the city. In Rome, he was too conspicuous not to be seized at once." It appears, then, that an historical situation has been invented for the pastorals. The fictitious character of this situation, is established by internal evidence; for the journey of Paul to Crete, the residence of Titus in that island, that of the apostle at Nicopolis, the sickness of Trophimus left behind at Miletum, the despatch of Tychicus to Ephesus, and other incidents mentioned in one or other of these epistles, present exegetical difficulties which render its composition in the life of the apostle as known, in the highest degree improbable. In the tone, circumstances, and sentiments of the letters, too, Dr. Davidson sees a strong evidence of their unapostolic origin. In the directions to Timothy and Titus to retire from the spheres of labour in which they had been so recently placed, in the artificial personal descriptions of St. Paul, in the commonplace instructions respecting church officers and church management, in the institution of female presbyters or ecclesiastical widows, the discouragement of second marriages, the exaltation of the Doctrine of Works, the un-Pauline nature of the diction, the gnosticism of the Jewish heretics whom it combats, with their prohibition of marriage and abstinence from flesh, their denial of the resurrection of the body, their limitation of the redemptory efficacy of Christ's death, their rejection of his humanity, and their aversion to the birth of children, Dr. Davidson accumulates proof upon proof of the late date of these epistles; errors here denounced pointing to a gnosticism in a tolerably matured form. Thus, Saturninus and Marcion abstained from marriage and flesh. The "Antitheses of Gnosis," in 1 Tim. vi. 20, is an expression remarkably accordant with Marcion's view, for he set the law and the gospel opposite one another in a work so called. This singular phrase is far too marked to be accidental. It is found, with other collocations of words resembling phrases in the pastorals, in the Jewish Christian writer Hegesippus, A.D. 150. The question of priority thus arises, for the dependence of one on the other can hardly be denied. Dr. Davidson considers that Hegesippus borrowed them from the epistle, and argues that the pastorals must therefore have been written before the middle of the second century. Baur holds the opposite view, and assigns to the epistle a much later date. The conclusion in which Dr. Davidson rests is, that

the author was a Pauline Christian, who lived probably at Rome in the first part of the second century, and who, wishing to denounce the reigning gnostic views, chose the name of an apostle to gain currency for his sentiments. "The close of the second epistle to Timothy shows that the writer intended it to be the last, as he speaks of his approaching death in touching terms." The chronological order of the three pastorals is Titus, second Timothy, first Timothy. In our opinion, Dr. Davidson assigns to these epistles too early a date; they seem to touch on the days of a mature heresy, and the antitheses of science can only be explained, when referred to some system of Gnostic dualism like that of Marcion or Basilides, while the institute of ecclesiastical widows, especially of *titular* widows, as Baur, greatly to the improvement of the sense of the contest suggests, is illustrated in the writings of Tertullian, towards the close of the second century.

The next canonical writing which we shall briefly notice is the letter addressed to the Hebrews, and which in the general superscription is ascribed to St Paul. The opinion that Paul is the author, though very ancient, is not unaccompanied with expressions implying doubt. Origen, while giving the Gentile apostle credit for the subject-matter, admits that it was not written by him. In the Eastern Church it was recognised as of apostolic authority only after the middle of the third century. In the fourth the epistle obtained canonical acceptance also in the west. Many, says De Wette, not only in the second half of the fourth century, but even later, doubted the genuineness of the epistle and refrained from using it. It was known in Alexandria about A.D. 125, but was not regarded there as Pauline. It seems impossible to determine its date, but it probably belongs to the close of the first century. Indications of a comparatively advanced period of Christianity are the reproach of ignorance brought against the converts after their now long discipleship, the distinction drawn between the generation of the writer (ii. 3) and the original recipients of evangelical doctrine, and the allusion to those earlier days when they endured affliction. Dr. Davidson accumulates many instances of its unapostolical character. He repeats, after De Wette, that the writer is more dependent for his citations on the Septuagint than Paul, and remarks with a curiously minute critical observation, that the quotations in the epistle follow the Alexandrian copy of the Greek version, whereas it is the Vatican with which the Apostle's quotations agree. At the time of composition Timothy was no longer Paul's companion, so that the notice of his imprisonment alludes to a period after the Apostle's death. In its erroneous interpretation of passages in the Old Testament, in its introductory formulas, in its Her-

menuectical principles, in its view of the relation of Judaism to Christianity—in its doctrine, language, and style—Dr. Davidson sees convincing proof of its post-Pauline derivation. In the genuine letters of St. Paul, faith implies a living trust in Christ; in the Epistle to the Hebrews, faith means belief in the existence and promises of God. The Pauline ideas that Christ is the first member of a renewed humanity and a life-dispensing spirit are not found in *Hebrews*, while the position accorded to the Son by its author implies an advance beyond the Christology of Paul. Another presumption against its apostolicity is found in the ignorance it displays of Jewish ceremonial, as in ix. 19, "where it is a mistake to say that the blood of the sacrifices was mixed with water." So again, in vii. 27, the writer affirms that the high priest went *daily* into the temple to offer sacrifices, a mistake St. Paul could never have made, though Philo, describing what *did* occur in the temple of Onias, speaks of the high priest's daily ministrations. The epistle, in fact, shows an acquaintance with the ideas and language of Philo. It is coloured with the dim religious light of a Jewish Alexandrian philosophy. That God did not swear by another, but by himself, is found in Philo, as well as in this epistle. King of Salem is interpreted King of Peace by both writers. The rare Greek word translated "without mother" is found in both. So, too, the word rendered "brightness" (Heb. i. 3), is a favourite Philonian expression. The statement that Moses was faithful in all his house occurs verbatim in Philo. The phrase "high priest of our profession," and the description of the dividing power of the Word of God, are all in Philo. Indeed, observes Dr. Davidson after citing other instances, all the eleventh chapter is in Philo, often verbally. The letter is perhaps addressed to the Alexandrian Jewish Christians, who still adhered to their old temple observances and sacrificial worship, and were half inclined to apostatize. The Hebrews of the epistle were Ebionites, like the delinquents in the Colossians, addicted to angelological speculation, purifying observances, and alimentary regulations. Hence we find, at the commencement of the letter, an elaborate argument intended to show, in opposition, perhaps, to the Ebionitish conception that Christ was an archangel, his transcendent superiority to the angels—an end which the writer attempts in part to attain by mistranslating the word *Elohim* (Psalm viii). Exceeding the limitation of Judaical conception, the writer applies to Christ "the predicates, though not the name of the Alexandrian personification, the Word or Logos; the first hesitating attempt, according to Schwegler, to combine the Son of God in the synoptical narrative with the Word of God—to transfer, in short, the Alexandrian Logos-doctrine to Christology. The object of the writer is apologetic

and mediative. Baur points out that he finds in Judaism itself his principle of reconciliation. The essence of the old religion consisted in the idea of priesthood ; but Christ as the unchanging eternal high priest, the ideal Melchizedek, surpasses and supersedes the Levitical priests. The truly priestly Christianity is the majestic consummation of Mosaic sacerdotalism. Hence, as Dr. Davidson very properly puts it, Judaism and Christianity are contrasted as two worlds, the archetypal and the copy, the future and the present, type and prototype, intimation and realization, shadowy outline and completion. By thus representing Christianity as virtually preexisting in Judaism, as merely the perfect blossom of an imperfect germ, the author attains his purpose of reconciling opposing religious principles, and by the adoption of the Alexandrian symbolism intimates a position neither Jewish nor Pauline ; while the allusion to "our brother Timothy," the companion of Paul, at the close of the letter (though Dr. Davidson would hardly allow the inference) seems fairly explicable as a graceful token of mutual recognition between the approximating parties of Peter and Paul. This epistle, in its Christological conception related to Ephesians and Colossians, preceded those two post-Pauline letters. We differ from Dr. Davidson respecting the date of its composition. The descriptive present tenses on which he relies for his chronological determination do not necessarily imply the continued existence of the temple at Jerusalem. The first letter of Clemens Romanus exhibits a similar grammatical usage, but we presume Dr. Davidson does not believe that it was written before A.D. 70.

The letter attributed to St. James, the opponent of Paul, the Ebionite president of the Church at Jerusalem, as he appears in the traditional protraiture of Hegesippus, affords another illustration of the gradual approach of the two opposing parties which for more than a century represented the great Christian movement. In this epistle, writes Dr. Davidson, the true Ebionite position is abandoned or modified : gross Jewish characteristics do not appear ; but ideas of Christian freedom, like the Pauline, yet not identical with them, have intruded, carrying on the primitive Christianity a stage further. Condemning from his Jewish matter-of-fact point of view, the pure ideal faith of the Gentile Apostle, and ignorantly stigmatizing Paul or the Paulinist, as a vain Solifidian, the writer yet approximates to Pauline conception in the omission of legal obligations, the substitution for Mosaic prescriptions of ethical duties, and in the promulgation of a royal law of liberty. These modifications compel Dr. Davidson to recognise an advance in Jewish Christianity to which James the Just never attained. Accordingly, he rightly pronounces the letter post-apostolic, and assigns the authorship to a [Vol. CX, No. CLXXVII.]—NEW SERIES, Vol. XXXIV. No. 1. F

moderate Jewish Christian, who borrowed the name of the Lord's brother, the head of the Jerusalem Church, to strengthen his influence. In this we agree with Dr. Davidson, but we cannot accept his chronological determination. He believes it to have been written before the destruction of Jerusalem, and to our surprise finds in c. v. 7, 8, a presumption that the Holy City still remained inviolate. De Wette refers to the probable use of the Pauline letters by this author, and to the opposition to Paul's doctrine of justification which no longer turns on the observance of the Mosaic law, as indications of a later development of Jewish Christian views; and though he, too, seems to think Dr. Davidson's date a possible one, the whole character of the letter, its points of contact with the conception of the Clementine homilies, the attribution of a preternatural efficacy to oil in connexion with the prayers of the elders, its spiritualized Judaism, its familiarity with the Apocryphal books of the Old Testament, all, in our opinion, indicate a considerably later date than that claimed for it by Dr. Davidson. The letter is professedly addressed to all Jewish Christians out of Palestine. In the earliest Patristic period its genuineness was suspected. In the Greek Church it found acceptance only in the fourth century. In the Western Church it was received at the same time, but only, according to De Wette, because criticism had meanwhile fallen asleep. Compared with the writings of Paul and other apostles, Luther pronounced the letter of James an epistle of straw, rejecting the received opinion as to its authorship.

The First Epistle of St. Peter is a still more remarkable attestation to the progress of the reconciling policy in a still more advanced stage of Christian development. Dr. Davidson coincides in the opinion expressed by the most approved critics, in considering its dependence on the letters of Paul, and that attributed to James, as decisive of its supposititious character. Roughly estimated, the most conclusive argument is the adoption by Paul's chief opponent Peter, one of the Circumcision-Apostles, of Pauline conceptions, side by side with the ethical view of James. This sanction of Pauline doctrine by the Petrine party requires a later date than that which Dr. Davidson supports. Professor Zeller, in his excellent volume of "Essays," with greater probability refers its composition more nearly to the middle of the second century. Its peculiar characteristics, the proclamation of the Gospel to the imprisoned angels, the evangelization of the dead, the assumed place of Peter's residence, Rome, the mystical Babylon, the designation of Marcus as my son, the punishment of Christians as such, are to us satisfactory evidence, when combined with the argument derived from its advocacy of Paulinism by an impersonator of Peter, of second

century authorship. The letter is addressed to the Jews of the dispersion in Pontus, Galatia, and Bithynia, &c., communities with which the historical Peter is little likely to have had any connexion. Peter was, indeed, a married man, but we know nothing of Mark as his natural offspring, and must here regard him as Peter's son in a symbolical sense, as Babylon is rightly explicable as a symbol of Rome. Mark, in fact, as the common friend of Peter and Paul, is the representative of the movement of conciliation. In brief, the conclusion of Dr. Davidson, that it was the interest of the Jewish Christians to put their leader along with Paul in preaching to the Church of the Imperial City, and suffering death under the same Emperor, is unimpeachably sound.

Still more conspicuously is this literary purpose displayed in the second epistle attributed to the great chief of primitive Christianity, an undoubtedly spurious production, included by Eusebius in the *Antilegomena*, and, according to Jerome, rejected by a majority of the Christian world. Its spurious character is exhibited in its false copy of the Seducers in Jude, and its wholesale plagiarism from that epistle; in its citation of Paul's letters as Scripture, its assumption of a different relation to its readers from that indicated in the First Epistle of Peter, its efforts to combat the doubts respecting the return of Christ, and the artificial doctrine of the origin and destruction of the world. In the letter of Jude, which this writer has imitated, a letter which (17, 18) confesses its post-apostolic origin, the apocryphal Book of Enoch, and perhaps *Jonathan's* paraphrastic addition to the so-called Fifth Book of Moses, are cited as authoritative. The author of St. Peter, aware of the distinction between canonical and apocryphal works, omits all mention of the Book of Enoch, and passes over the archangel Michael's dispute with the devil, a sign of the post-Petrine period. The destruction of Jerusalem and the return of Christ, in the days of the real Peter were held to be synchronous events; no disappointment, therefore, could have been felt by Peter or a contemporary generation on account of the delay of Christ's appearance, as, according to the hypothesis, Jerusalem would not yet have fallen. Other indications of late date are the threefold allusion to the approaching death of the pretending Peter, the superstitious sentiment betrayed for places in Palestine in its local nomenclature, the mount of transfiguration being called the holy mount, the apparent assumption that Paul's Epistles were addressed to all believers, &c., and that in *all* his letters he had written to the Christians in Pontus and Galatia on the future advent of Christ. The bold unhesitating eulogium on "our beloved Paul" and acceptance of his letters as canonical, is a splendidly daring fabrication, in which Peter (*i.e.* the old

Jewish party), finally pronounces himself convinced of the truth of Paulinism, and with a tolerably good grace, and an apologetic representation, acknowledges that the long feud between the two parties of limited and universal Christianity is now happily and irrevocably terminated.

With the exception of the little epistle to Philemon, which Dr. Davidson believes genuine and historical, and Baur post-Pauline and ideal, and of the three epistles which bear the name of John, we have now traversed the entire domain of the New Testament canon. Of the four residuary compositions here noted, we shall appreciate only the scope and purpose of the first Johannine letter. In our judgment of this letter we are glad to be in accordance with Dr. Davidson. We think with him that internal evidence is not favourable to apostolic authorship, though the writer intimates his identity with an eyewitness of the word, as we presume, with the Apostle John, the writer of the Apocalypse. His doctrine of the manifestation or advent of Christ is not that of the evangelist, whose second coming is not a material or visible one, but is resolved into the mission of the Comforter or Paraclete. It is as little likely to proceed from the author of the *Revelation*, for with him Antichrist is a distinct historical personage, the resuscitated or reappearing Nero, the concrete embodiment and mysterious incarnation of the wicked, mundane, and imperial principle, whereas with the writer of the epistle there are many antichrists, a vague, flexible, anti-apocalyptic and anti-evangelical conception. In the gospel the Spirit that proceeds from the Father is termed Paraclete; but in the epistle our Paraclete or Advocate with the Father is Jesus himself, an idea which occurs in the Valentinian theology, and of which the germ may perhaps be traced to Philo, who gives the title of Paraclete to the Logos or Son of the Father of the World, and invests him with the office of procuring forgiveness of sin, an attribute which in a higher form is granted to Jesus in the epistle. In it, however, Jesus is not the Logos absolutely, but the Life, whereas in the gospel Jesus is, without any qualification, God the Word. The anti-docetic attitude of the author of the epistle, who combats the error of men like Basileides, that Jesus had not come in the flesh, does not harmonize with the conception of the gospel which hovers on the borders of docetism, and which does not confine the body of Jesus to the conditions of a material body, but allows it to sublimate and alter its form. The idea of the *propitiation* is sacerdotal, and not accordant with the conception of the atonement in the gospel: the allusion to the anointing is quasi-Gnostic, the distinction between venial and deadly sins (v. 16) is unknown to the gospels and suggests a post-apostolic age. The ascription to Jesus of the old Messianic

function of Judge is different from, and probably prior to, the conception of the fourth gospel, in which the judicial office is formally denied to Christ. For these reasons we are inclined, and the inclination is no new one with us, to side with Dr. Davidson against the Coryphæus of the Tübingen school, who sees in the epistle weak echoes of an original far surpassing it, and consequently places its composition later than that of the Johannine gospel, in the second half of the second century. Zeller, Hilgenfeld, and Huther adopt the view advocated by Dr. Davidson of the priority of the epistle. Perhaps we cannot come nearer the true date than A.D. 150.

"If the priority of the epistle be admitted," says the author of our Introduction, "the circumstance will help to lessen the surprise excited by the sudden appearance of a work like the fourth gospel, so far in advance of anything before it. An important link in the preparatory process which resulted in the fourth gospel is supplied. The wonderful development of Christian consciousness in the evangelist was materially aided by the epistle. The later author looked beyond and above the other, not merely because his inspiration was higher, but because he had the advantage of another's work."

This survey of the literature of the New Testament suggests a difficulty which Dr. Davidson has only partially dissipated, and on which our nearly exhausted space forbids us to dwell. That some of the books reputed to be the productions of apostles, were in reality the productions of post-apostolic men, is the inference to which we are driven by our critical investigations; and this inference is so repugnant to long-cherished prepossessions, that some explanation is required to disarm the unprepared mind of that antecedent hostility which refuses even to examine so unwelcome a conclusion. That explanation will be found in Köstlin's luminous essay on the pseudonymous literature of the New Testament,* to which we accordingly refer our readers, regretting that we can do no more, in the present paper, than indicate some considerations calculated to remove or mitigate objection. In the first place, it must be remembered that we have no contemporary evidence in support of the opinion that all our New Testament literature is apostolic or quasi-apostolic. No complete canon of the New Testament existed before the end of the second century; the genuineness of some of our canonical books was long doubted, and writings now excluded from the canon, such as the Shepherd of Hermas, were put on the same level with those of inspired men.

In the second place, we should reflect that it was a recognised practice among the ancients for authors to write under the name

* See "Zeller's Theological Annual," vol. 10.

of some influential person, as among the Jews the authors of the Maccabæan Book of Daniel and of the Book of Enoch assumed the names of those illustrious persons. This practice was even admired as evincing the self-renunciation of men, who, far from seeking their own glory, desired to crown with adventitious splendour the great men who had preceded them. In the third place, the assertion of the spurious character of some of the New Testament books is characteristic of no particular school. Luther denied the genuineness of the Epistle of St. James; Lücke, Neander, and Bleek give up the authenticity of the First Epistle to Timothy; and Eusebius and Grotius doubted or contested the apostolic origin of Second Peter. In the fourth place, we may remark that all the writings of the New Testament are not placed in the same pseudonymous category, and that their supposititious character differs both in kind and in degree. The letter to the Hebrews does not profess to be written by St. Paul. Two of the synoptic gospels are derived in part, it is probable, from documents ascribed to Matthew and Mark, and so the third, as being the introduction to the *Acts* in which the itinerary of Luke was thought to be incorporated, may be considered fairly entitled to the designations accorded them. Another variety of post-apostolic literature is that represented by the Fourth Gospel, in which the writer unquestionably appeals to the authority of the Apostle John as the author of the Apocalypse and possibly of the letters ascribed to him, but in which also he seems to avoid asserting, or even to disclaim, express identity with the son of Zebedee. Into this gospel the author, in right of that internal illumination which sometimes, at least, was held to render its possessor independent of extrinsic instruction, transferred a reflex of the speculative tendencies of his own time, replacing the more mundane narrative of his predecessors by the celestial intuitions of his own rapt yet meditative mind, and producing a spiritual evangel worthy of that superhuman being, who was not only the Messianic King of Jewish expectation, but that creative, indwelling Logos, that Word, that Reason, which was the corresponding ideal of the Hellenic world.

But finally, the assertion of the non-apostolical origin of a large portion of the New Testament writings, leaves the character of the founder and first emissaries of Christianity unaffected. The Epistle to the Ephesians may be supposititious; but the veracity of Paul is not impeached. The career of Jesus may be symbolically represented in the Gospel bearing the name of John, but neither the master nor the disciples are answerable for the representation. Christianity existed before it had a literature. To question the genuineness of a portion of that literature may destroy the creeds of churches, but will not destroy the

spirit of Christ, the spirit of love and patience, of an all embracing unity, of a purer, higher, more self-denying life. The martyrs of the Christian Church, no less than the wise men, or the heroes of the Greek or Roman state, have left their impress on the world; and the Cross of Jesus, and the death of Stephen, and the labours and sorrows of Paul, have widened thought, shaken prejudice, purified and elevated sentiment, and opened a way for a nobler universalism and a fairer humanity than ever Stephen dreamt of or Paul imagined.

Criticism, so acute, so profound, so far reaching in its grasp at historical truth, as that of the Tubingen School, or that modification of it which is presented by Dr. Davidson, has an eminently constructive as well as a decidedly negative side. It renders Christianity intelligible. On the old theory of a complete and homogeneous system of doctrine, a faith once and for all time delivered to the early Christian community, we find only contradiction, inconsistency, confusion. On the theory of a development of Christian activity and thought, all is intelligible. The life of Jesus is restored to daylight and reality. The founder of the new religion takes his stand in the cornfields of Judæa, or by the lake of Galilee, on the hills or in the plains of Palestine, with his serene cheerful piety, his belief in a kingdom when the glad tidings of a restored paradise should come true; his faith in an eternal goodness and love, in the spiritual riches which elevate the possessor above all finite cares and anxieties, in the self-recovering power of the human will; the ability to exhibit outwardly the promptings to a life of saintly well-doing, of meek forbearance and patient endurance. Exalting, refining, spiritualizing the law, raising it above all trivial restrictions of time and place, repelling all limiting prepossessions while respecting old sanctities, Jesus never thought of a direct and formal abrogation of the Mosaic law, but through the new, expansive, stimulating spirit of his teaching, he sanctioned a religion of the heart, an internal righteousness, irreconcilable with the prescriptions of positive law, or the limitations of traditional morality, unintentionally, though not always perhaps quite unconsciously, introducing into the world a principle which ended in abolishing what he professed to complete, till at length the pure and peaceful reformer, awakening the suspicions of the traditional party, perished, as the revolutionary opponent of conservative Judaism.

The work thus initiated by Jesus was continued by the older apostles, with their Jewish prejudices, their narrow conceptions, their inevitable *correction* of their great Master's vision of a kingdom of holy happiness. In the earliest stage of their career they seem to have been inveterate Jews, and they appear never to have entirely abandoned their Jewish prepossessions, thus proving

how impossible it was that Jesus could ever have given them definite and complete instructions respecting the nature and extent of their mission, or the ultimate abrogation of the Mosaic law. But the seed that the great Sower had flung broadcast on the fields of Palestine had fallen on good ground in the hearts of men like the Hellenist Stephen, and Greek culture and Jewish thought, and Roman unity, promoted the majestic march of religious universalism, till the grand work of emancipation was finally announced by the once persecuting Saul of Tarsus, and the blind exclusiveness of the Jew, and the sensuous idolatry of the Gentile, were overborne by the conquering spirit of self-abnegation, which reached its supreme height in the Cross of Jesus, revealed itself in the sustained labours of Paul, the Christian Aristotle, and was represented in the calm contemplativeness of him who in the fourth gospel appealed to the witness of the prisoner at Patmos, the Christian Plato.

Thus recognising the gradual evolution of Christianity, we can understand the exclusive attitude of the three imperial apostles, Peter, James, and John, even twenty years after the death of Jesus; we can understand the vacillation and inconsistency of the Prince of the Twelve, and his alternation of liberal and illiberal practice, grounded on the want of clear insight and resolute conviction; we can understand the conduct of James and his emissaries, and the countless zealots under his presidency at Jerusalem; we can understand how the ambitious son of Zebedee, with his patriotic yearnings and Jewish prejudices, could exclude Paul from the number of the glorious company of the apostles, and admit the Gentiles into the heavenly kingdom only as an appendix to the privileged tribes of Israel; so, too, we can understand the transformation of the old Messianic hope, the gradual dying out of the first bewildering anticipation of the speedy return of a once dead but still living Lord, the ultimate abandonment of the millennial expectation cherished by the earliest Christians, and unwillingly surrendered in the second century. The old Christian Church was slowly and gradually formed. It was a Church of growth and conflict. The two opposing sides, after mutual attrition, coalesced. The anti-Paulinism of Hegesippus, the moderate Ebionitism apparent in Justin Martyr, the identification of Paul with Simon Magus, the legend which made the two antagonistic apostles founders of the Roman Church—have all their natural explanations, and the literature of the Church, which reflects this movement, finds therein its adequate and appropriate appreciation. The presence of contradictory accounts in one gospel, the comparative universalism of another, the neutral-tinting of a third, the spiritual catholicity of a fourth, the reconciling presentment of the *Acts*, the conflicts in *Galatians*,

the condonation in the Petrine letters, the attenuated Judaism of the Shepherd of Hermas, the violent denunciation of Paul in the Clementine Homilies; the appropriation of gnostic ideas, or gnostic terminology, in the fourth gospel and some of the post-Pauline letters; the paschal controversy, the rise of episcopacy, the exaltation of the Founder of Christianity, and the appropriation of the Logos of Greek philosophy to the Messiah of Jewish theology, all receive a legitimate and satisfactory explanation in historical connexion and affiliation from the light of the philosophical criticism which the patient and laborious German investigators have, as it appears to us, conducted to a triumphant close.

In the same fruit-bearing field of critical exploration, Dr. Davidson has long been a zealous labourer. His immediate object, in the preparation of the admirable work which is the occasion of these remarks, is not indeed the solution of historical difficulties, but an exegetical and critical account of the New Testament writings. This, a work of no ignoble order, has been accomplished with a corresponding nobility of execution. Bringing to the performance of his high enterprise the results of long meditation, of competent learning and patient inquiry, with all the resources of a balanced and disciplined intellect, the author of this introduction has produced a work, which in courage avowal, maturity of criticism, and solidity of judgment, is entitled to a foremost rank on our theological book-shelf. On some minor points, indeed, we venture to differ from Dr. Davidson. The cardinal difference we should say, is that he is restrained by a kind of constitutional timidity, which makes him take the conservative view wherever the argument for the destructive view is not cogently demonstrated, whereas we are disposed to accept the balance of presumption as provisionally final, when positive proof is not to be had. We think, too, he occasionally errs in a subordinate order of opinion, as perhaps in an over-estimate of Mark's pictorial power, in his view of Paul's Christology, and in many of his chronological determinations. On the other hand we find ourselves often in happy accord with Dr. Davidson, can heartily sympathize with the spirit in which he works, and with some deduction for occasional obscurity of composition, or abruptness and curtness of style, can testify to the general excellence of his literary enterprise. Some of the dissertations in these volumes deserve very high commendation. The chapters on the "Revelation," the "Gospel of John," "The Acts of the Apostles," are for their compass and purpose proximately perfect. The notices of the Synoptists are also excellently done; while the observations on *Hebrews*, *Corinthians*, and the Pastorals, leave the critical student little to desire. The general arrangement of the canonical books seems

to us objectionable, but the distribution, under different heads of critical or exegetical matter, is useful and commendable. In conclusion, we congratulate Dr. Davidson on the position which he occupies as the first to embody in a popular and accessible form the results of the highest critical investigation on the books of the New Testament. His courage deserves grateful recognition from all advocates of free inquiry. To bring forward the views set forth in these volumes is a meritorious distinction. If true, they should be examined and confirmed; if false, they should equally be examined and confuted. To accuse theological dissentients of shallowness, is a common method of escaping the duty of inquiry, or apologizing for inability to answer objections. But among professed theologians, Dr. Davidson holds a distinguished place, as a well-read, hard-working, scholarly inquirer; and among laymen, whose conclusions in great degree coincide with his own, Mr R. W. Mackay is surely not a man against whom the charge of incompetency can be brought. Of his work on the Tübingen School both Strauss and Zeller have recorded their approval. Zeller himself, the most eminent of the living representatives of the school, takes the highest rank among the classical scholars of Europe. His magnificent work on Greek philosophy, important sections of which have been translated for the benefit of our countrymen, will probably satisfy the most sceptical as to the reality and extent of his erudition. A splendid Hellenist, a profound thinker, a patient inquirer, Professor Zeller has laboriously prosecuted the biblical and ecclesiastical researches which have given him a name among theologians, and has carefully and conscientiously reconsidered in mature manhood the conclusions to which those studies led him in earlier years. Any contemptuous treatment of opinions, therefore, which Dr. Davidson shares with this distinguished German historian and philosopher, will only demonstrate the critical incapacity or moral and intellectual cowardice of his orthodox assailants.

ART. III.—CO-OPERATION APPLIED TO THE DWELLINGS
OF THE PEOPLE.

1. *Happy Homes for Working Men, and How to Get Them.*
By JAMES BEGG, D.D. London : 1866.
2. *Correspondence with Her Majesty's Missions Abroad re-
garding Industrial Questions and Trades Unions.*
London : 1867.

DURING the past twenty years co-operation has been rapidly extending into almost every department of distribution. It is common to speak of "the movement" as having originated at Rochdale in 1844 ; but this is a fallacy. Long before the Equitable Pioneers gave it an impetus, which has been felt ever since with increasing potency, the seeds had been sown in good soil, both in this country and in France. Nearly half a century since a co-operative society, the first in Scotland, was formed in Edinburgh for the purpose of supplying provisions. This proposal to enable consumers to provide each other with the best articles at the lowest prices, and reap the profits accruing from the transaction, with countless social and intellectual benefits—this bringing in of a new and brighter era—was strange and unacceptable to the people. Opposed by those who were interested in maintaining monopoly, and under the guidance of men who had caught an idea, but lacked the opportunity or the aptitude to carry it into practice, the society soon languished and died. The "wild Utopia" fell into disrepute. From the tendencies of its first promoters, who were inspired with the visionary schemes of Robert Owen, and the apparent equality which it assumed, co-operation was, for the time, rejected as socialistic, revolutionary, and dangerous. It is the fate of every fresh assault on the citadel of monopoly and prejudice ; and too often the privileged minority, whose interests may be injuriously affected, see more clearly the defects of the agent than the many who are to be benefited perceive the good that it contains. The principle was not, however, doomed to extirpation ; it possessed the element of vitality ; it had been firmly planted in the minds of a few ; the attention of the people had been directed to its claims ; active thought and frequent discussion kept these claims alive ; and, taken up at a later period by another and more practical class of men, it re-appeared in new forms, and, to minds thus prepared for its reception, under more inviting auspices. The intelligent and observant began to examine its nature and capabilities ; and as ignorance was removed and accurate knowledge diffused, here and there co operative

stores for distributing the common necessities of life sprang up, and beneficial results, which, after all, constitute the most effective teacher, were largely experienced. Steadily and surely the principle gained ground, till almost every town of consequence had its society or societies; and it may now be fairly asserted that co-operation has established its claim, in Scotland as well as in England, to be a thoroughly-efficient and highly beneficial agent of distribution.

The application of the principle to production is a recent development of the co-operative movement; it is at present, in the strictest sense, on its trial, and every genuine experiment must possess an interest and throw light on a problem in social economy, the gradual solution of which is eagerly watched by thoughtful men.

In the following pages we shall trace the history and try to define the influence of an experiment in house building, which has taken deep root in one city, and is being extended to another—which has changed the aspect of industrial life in Edinburgh, and, if rightly applied and honestly worked out, may revolutionize the social condition of London. It is certain at least that the movement has in the course of seven years accomplished what seem, to those who are best acquainted with its history, great moral and economic results, and that it has taken possession of many of the most instructed minds among the working classes with the force of a new evangel.

Before proceeding with the special purpose of this paper, we will briefly notice what has been done by combinations among workmen, in different places and in various forms, in carrying on building operations.

Twenty years ago—in 1848—the “Association of Masons” was founded in France.* It numbers at present eighty-four members, two of whom are managers—one for the building department, and the other for the pecuniary administration, and a third is assistant-manager. The remaining eighty-one members are thus divided—two-thirds labour with the hod and trowel, and the others are superintendents and distributors of work, or merely holders of capital. The association has overcome the many difficulties which at first beset its path—particularly the want of confidence produced by the failure of kindred efforts at variance with sound economic laws; and it is now officially pronounced to be, among the multitude of co-operative societies of production in France, “remarkably prosperous.” In 1852 the business done amounted in value to 1800*l.*, with a profit of 40*l.*, and in 1858

* “Correspondence, &c.” pp. 51-2, and M. Villiaumé, quoted by J. S. Mill, “Political Economy,” people’s ed. p. 469.

the one had risen to 48,700*l.*, and the other to no less than 8000*l.* The dividend paid in the latter year on the capital was 56 per cent. The society's operations have been on an extensive scale. It has constructed some of the finest mansions in the metropolis, and last year it undertook the contract to build a new station in Paris for the Orleans Railway, the cost of which was estimated at 2,000,000 francs. It usually employs from 200 to 300 workmen, who, in addition to the regular rate of wages, received till lately a share of the profits irrespective of investment. "The system of admitting them to participation in the profits," says our representative in France, "was tried, but abandoned as impracticable, owing to the impossibility of reconciling them to a share of the losses when losses occurred." It is worthy of remark, that one of the most successful manufacturing societies of Rochdale has adopted a similar course, finding, as the French co-operators did, that the bonus system was unworkable. M. Villiaumé bears emphatic testimony to the moral and material influence of the movement in France. The men have saved money, are better dressed, and live in a higher state of comfort.

"I have been able to satisfy myself personally," he says, "of the ability of the managers and councils of the operative associations. The managers are far superior in intelligence, in zeal, and even in politeness, to most of the private masters in their respective trades. And among the associated workmen the fatal habit of intemperance is gradually disappearing, along with the coarseness and rudeness which are the consequence of the too imperfect education of the class."

The land and building societies of Birmingham, which have bought freehold estates to the value of 230,000*l.*, and erected 17,000 houses at a cost of more than half a million, afford a splendid illustration of what combination can do in providing good house accommodation and in improving the moral and social condition of the people; but on this branch of industrial enterprise, which lacks only co-operative system, we cannot at present enter. The little manufacturing town of Mulhouse, on the south-west frontier of France, supplies some facts which have a special interest, and a peculiar bearing on the question now under consideration. One who has made himself acquainted with the pathetic story in all its details says:*

"In the year 1835, of the 17,000 workmen in the cotton factories nearly one-third were compelled to lodge themselves in the adjacent villages, sometimes not less than five to six miles distant from the town, and at that time a working day consisted of fifteen hours, beginning at 5 A.M. and terminating at 8 P.M., all the year round, summer and winter. For the most part, too, these were the inferior class of

* "St. James's Magazine," New Series, No. 1. Edited by Mrs. Riddell.

operatives, and consequently the worst paid, consisting of whole families, half-naked and half-starved, who wearily splashed through mud and mire, dragging along their little ones, with no thought beyond the miserable pallet of straw on which they snatched a few hours of forgetfulness. To avoid the exhaustion of these long tramps through the slush in cold and darkness, the operatives were in the habit of pigging together in the most hideous hovels within the town, two and three families crowding in a single room of very limited dimensions. How extreme was the destitution of these poor creatures may be divined from the significant fact that, whereas in the families of the tradespeople one half of the children born in the town obtained the age of twenty-nine, in the families of these wretched operatives not one-half survived the second year from their birth. Happy these compared with the survivors, who at the tender age of seven, or even of six years, were kept standing at their work for fifteen hours a day, and for hours at a stretch without a moment's respite!

"Years passed on, bringing wealth to the employers, but adding little to the comfort of the employed. Something, indeed, was done to improve their miserable dwellings, but without much method, and decidedly on too small a scale to be of general use. The first strong impulse in the right direction was given, according to M. Eugene Vernon, by the model lodging-house exhibited by Prince Albert in 1851. The initiative was taken by the oldest and most eminent firm in Mulhouse. Four small houses were erected at the village of Dornach, by M. Jean Dollfus, by way of essay, which proved so entirely satisfactory that a company was shortly afterwards formed for the purpose of developing the experiment on a larger scale. The original capital consisted of 12,000*l.* (to which the government added 6000*l.*) in sixty shares of 200*l.* each, augmented in the following year by eleven additional shares of the same value, and by a second grant of 6000*l.* from the government. This is the only objectionable feature in the scheme, and, as the event has shown, could easily have been dispensed with. With this combined capital, however, of 26,200*l.*, the most important results have been achieved, the working men of Mulhouse being now as much objects of envy as they formerly were of compassion. In ten years the 'Société des Cités Ouvrières' constructed 692 houses, besides public baths, laundries, bakery, fountains and gardens, and by their example compelled house proprietors in general to pay greater attention to the comfort and welfare of their tenants.

"A *Cité Ouvrière* (says M. Venon) is one of the most pleasant sights in the world. The streets intersect each other at right angles, and are macadamized, and lighted with gas, those which run the length of the *cité* being nearly twenty-eight feet in width independently of the pathway for foot passengers, which is five feet in width; the cross streets are between seventeen and eighteen feet wide, with a pathway of the same width as the principal streets. Each group of houses, either two or four in number, is surrounded by a small garden carefully cultivated and abundantly stocked with fruits, flowers, and vegetables; each house occupies about forty-five square yards, and each

garden three times that space. Generally speaking, the houses are only one story high, though a fair proportion exhibit two stories, laid out in such a manner as to meet the most urgent wants of the working-classes. Every household has its own garden, the produce of which sensibly augments and improves the contents of the *pot-au-feu*. In addition to all this, there are, as already observed, public baths, laundries, and a bakery, accessible to the inhabitants for a very trifling sum.

"The most remarkable feature of these *cités*, however, is the fact that nearly every house is the actual property of its occupant. It was found that the only means of cultivating a taste for cleanliness, decency, and neatness, on the part of the artisans, was by raising them to the dignity of house proprietors. Upon this turned the success of the scheme.

"As it was out of the question to expect that even the best paid working man should be possessed of sufficient capital to purchase a house outright, however moderate the price, it became necessary to facilitate the operation by some happy combination. A very simple one suggested itself, and was adopted, to the satisfaction of all parties. The average cost-price of each house varying from 120*l.* to 160*l.*, it was deemed expedient to require the immediate payment in cash of 10*l.* to 12*l.*, upon which the property was made over absolutely and for ever. The balance was to be liquidated by monthly instalments of one pound each, so that in thirteen years from the first payment the purchaser became the owner of a freehold property, by that time worth double the amount he had paid for it, and which he could either occupy rent-free for the remainder of his days, and then bequeath it to his widow and children, or at once dispose of for 250*l.* to 300*l.*; no contemptible capital for an Alsatian weaver.

"So anxious, indeed, were the artisans to free their property from all incumbrance, that, before ten years had expired, 171 houses had been paid for in full. By the 30th August, 1865, of the 692 houses erected by the society, 414, in addition to the 171 mentioned above, were sold, of which a very considerable number were but slightly encumbered. At the same time it is worthy of notice, that at first the workmen exhibited great jealousy and distrust, and evidently suspected there was a serpent coiled beneath the bright green herbage. During the first year, indeed, 49 houses were sold, but in the second only 18 purchasers were forthcoming, and in the third no more than five. The tide then began to turn, and in the fourth year 50 houses passed into the hands of occupant proprietors, and in the fifth 109 were disposed of. From that period there has been a steady demand, very nearly equal to the supply; and in yet a few years it is probable that every prudent and sober-minded operative will sit literally under the shade of his own vine. It is needless to insist on the moral progress effected by means of these *cités ouvrières*."

We will now pass from the deeply interesting and more or less perfect examples of what combination can do in building operations, to trace the history and estimate the influence of one

of the most complete and best authenticated examples of co-operative effort specially applied to the dwellings of the people.

In the earlier part of 1861 a serious dispute occurred in the building trades of Edinburgh. The workmen, on the ground of requiring more leisure for individual improvement, wished a change in their hours of labour; and after much consultation, and with due notice given, they offered "nine hours work for nine hours pay,"—a diminution of wages in proportion to the reduction of time. The employers refused the offer; the men were in earnest; and there ensued a breach which lasted for three weary months. The combatants were well equipped for the contest. On the one side capital and partially organized association: on the other thorough unity, and sufficient resources to meet all pressing necessities,—seldom has a trade dispute been entered upon under more equitable conditions, or the relative strength of capital and labour been more fairly put to the test. Quietly and resolutely the workmen stood out for what they deemed to be their right; with the distinct avowal that the principle of controlling their own affairs was at stake, the masters maintained their resistance; conferences were held, and compromises proposed; no charge of intimidation or disturbance could be made against the one class; no uncharitable denunciations or desperate expedients were resorted to by the other. It was a fair fight, fairly fought. At the end of three months the masons received a note from the secretary of the masters' association, intimating that they did not consider it expedient to prolong the struggle; and thus the nine hours' movement was established in Edinburgh. But the victory was not complete; it had its qualifications, and the workmen had got a glimpse of another movement.

During the contest it had often been represented, and many had come to see, that they were not economising their resources or turning their strength to the most account; that the ten or fifteen shillings paid weekly to each man for upholding through idleness the common cause might have been more advantageously employed; that, in a word, the 4,000*l.* or 5,000*l.* expended might have done a twofold work—maintained the struggle for a desirable end and effected a social reform, which, by providing properly-constructed and healthfully-situated houses, would have rendered it possible for a portion of the newly-acquired leisure to be spent in a home-life, possessing essential elements of comfort and happiness. Years before, the men had been taught that they could, by uniting their small means, build houses for themselves, and restricted efforts in this direction had been made with a measure of success. Benevolence and speculation had done something, but the multitude of dwellings remained a disgrace to modern civilization and to a city of vaunted religious and philanthropic

effort. The principle of co-operation was *now* adduced as a remedy, as containing the elements of development and permanency which had been wanting in previous movements. The example of France, where the masons had combined and successfully engaged in house-building, was pointed to; the splendid results of co-operation in different departments of industry among English workmen were exhibited; and the industrial classes of Edinburgh were earnestly urged to apply this new power to the production of suitable dwellings for themselves. The protracted struggle for an indirect, and at first imperfectly conceived benefit, had awakened a spirit of inquiry, and, while demonstrating the need for instruction, had trained the mind to grasp historic facts and draw lessons of present utility from the experience of others. Interest was aroused; thought was quickened; and the minds of many were opened to the reception of higher economic and moral truths than they had hitherto perceived, except as vague and impracticable generalities. They had seen, too, in clear and tangible form, the power of combination, and the subtle yet indissoluble relationship of self-reliance and mutual help. The way was prepared for the messenger of peace and prosperity.

One evening in the month of April, 1861, six or seven masons, plain but clear-headed and earnest men, met with a friend in a dingy room, down a dingy close, not far from where Hugh Miller, the prince of masons, used to write his sagacious "leaders" and issue those chapters in his life-history which have inspired and directed many a lowly worker in Scotland. There was long and anxious consultation. The necessity of doing something to provide better house accommodation was fully realized; the difficulties in carrying out any comprehensive and complex scheme were perceived; the prospects of success and the chances of failure were put into the scales with deliberative impartiality. It was evident that, for purely commercial purposes, builders would not invest in workmen's houses, and too many of the common house-property class were interested in keeping up the monopoly which their wretched abodes had so long enjoyed. Trusting to charity was altogether out of the question: and this half-dozen humble but brave-hearted men determined that, with the assistance of their fellows in need and suffering, they would try a great, and, so far as this country was concerned, a new experiment in co-operative enterprise. In faith not unmingled with fear, they bade each other adieu that night—to meet, a few days hence, with clearer insight and firmer resolve.

At a general meeting of masons, held April 17th, 1861, which was not very largely attended, it was resolved to form a Co-operative Building Company, to be registered under the Limited Liability Act, with a capital of 10,000*l.* in shares of 1*l.* each.

It was a bold but not a reckless venture ; decision was needed to meet the old enemies—ignorance or indifference among the multitude, and the hostility of a privileged and powerful class. Based upon sound commercial principles, and entered upon by the originators with an intelligently-conceived and distinctly-avowed desire to elevate the general body by elevating themselves, the movement took root, and the first seven years of its history have proved the practical wisdom of these men, and realized the highest expectations of the few who helped them with an enlightened sympathy. From small beginnings great movements often spring. The Rochdale Pioneers, with over 6000 members, with a capital of 130,000*l.* and an annual business of 290,000*l.*, yielding a clear profit of over 40,000*l.*, commenced twenty-four years ago with 28*l.*—the accumulated result of the twopenny weekly payments of forty poor weavers. The amount actually subscribed at first by the Edinburgh co-operators was 25*l.*—certainly a small beginning. And the economic results are highly significant. By 1865 all the shares were taken up, and the number of members is now 836. The working capital has been turned over ten or twelve times at an average of fifteen per cent. ; and the process goes on and may go on indefinitely. About 400 houses, providing ample and healthful accommodation for at least 2000 individuals, have been erected and sold for 70,000*l.*—the dividends, which would go to augment the comforts of several thousand recipients, varying from seven-and-a-half to twelve and even fifty per cent., according to the nature and amount of work executed. Had nothing more been done, that would indisputably have been a great industrial triumph. But the work did not end here ; it is many-sided, and bears the impress of a high moral and social purpose. As a commercial undertaking—as a means of social amelioration and industrial advancement—as a practical demonstration of what unity, economy, and perseverance can accomplish, the Edinburgh Co-operative Building Company must be accepted as a signal success. It may not have solved the problem to which we alluded at the outset, but it has sensibly contributed towards a solution.

Edinburgh, beautiful for situation and rich in noble and historic buildings, has long been shamefully deficient in respect to the dwellings of the people. In course of years the old town mansions were deserted by their wealthy tenants, and converted by a process of partitioning into houses for the working classes. To make way for new streets, railway stations, and other improvements, whole blocks of building were swept away, and no adequate provision was made for those whose dwelling-place had been removed. While the demand for houses was increasing from the

natural growth of the population, the number of houses was being steadily diminished. The inevitable result, seeing that the erection of suitable buildings had not sufficient inducement for speculators, was, that houses already too small and overcrowded were still further subdivided; families and lodgers were crowded into lightless boxes; and the so-called "lands" became more like rabbit warrens in their accommodation and density of population than the abodes of human beings. High-street and the lanes and alleys which extend from it on either side like so many arteries, formed the chief centre for the working population; even the sober and industrious, able and willing to pay a reasonable rent for a comfortable house, were compelled to seek shelter in these dark and loathsome regions. It is so to a large extent still; it is the same in Glasgow and London, and many other large towns; and personal observation alone can reveal the full enormity of the evil which, it is earnestly believed, co-operation is destined to eradicate. Some conception may be thus conveyed:—An archway four or five feet wide, leads through the breadth of the first "land" into a close, not much wider, where the houses rise storey above storey till the light of heaven is almost excluded. Hundreds of men and women, many of them in the various stages of filth and degradation, pass through this archway. Enter one of the open porches:—A long, narrow, winding stair leads through darkness and dilapidation to what is meant for a door. Knock; the door, hingeless and broken perhaps, is opened, and you are admitted with ostentatious civility. Here, then, is a room ten feet by eight, with what seems but a hole in the wall, though it is dignified with the name of "a dark bedroom;" the roof is cracked; the walls bear traces of damp and rain; the window is small, and the light admitted scarcely sufficient to reveal the faces of seven inmates—a father, a mother, and five children, doomed to this living death. The rent paid is at the rate of 5*l.* 10*s.* per annum. In another apartment—or rather over the slender partition—four children and their parents, a son-in-law, and a lodger, who could find no other place, herd together. The rent is 4*l.* 10*s.* per annum. Through streets and lanes, it is the same weary round, differing only in perceptible degree, till you are appalled and sickened with the sight. The census of 1861 revealed the startling facts that in Edinburgh 121 families lived in one-roomed houses, without a window; and that 13,209 families—not less than 66,000 individuals—lived in houses of a single apartment, 1530 of which had from six to fifteen inhabitants living in each! Glasgow was worse; and were the same test applied to some English towns the condition would be found not less objectionable. It is a lamentable fact, to the removal of which co-operators are earnestly directing their efforts,

that thousands of working men and their families are dragging out a miserable existence in houses where comfort and refinement are unattainable. Small, without properly separated apartments, badly lighted and defectively ventilated, their internal conditions obstruct and discourage the pursuit of knowledge, and mar all domestic and intellectual enjoyments. This is not all, nor is it the worst. The houses are situated where the drunken and the impure congregate, and where it is often impossible for the sober and virtuous to escape the sound of their voices and the sight of their iniquities. Is it strange that the moral perceptions are blunted; that the power, nay, the very desire to resist temptation is weakened; and that vast numbers of those who are habitually subjected to such contaminating and debasing influences become the victims of disease, debauchery, or a revengeful discontent, even more to be dreaded?*

We have now endeavoured to define the special conditions, and to trace the local yet generally existing circumstances out of which arose the deeply interesting movement which after seven years' successful operation is surely entitled to put forward its claim to public recognition. The review is significant, as following out a clearly connected moral sequence; as evincing the

* Since these pages were written, an elaborate and carefully prepared report on the social and sanitary condition of Edinburgh has been published by the Town Council, but it adds little to the information long possessed by those who had taken any trouble to make themselves acquainted with the facts of the case; and the spasmodic outburst of indignation which the facts brought together with official sanction have produced, will end where many similar outbursts have ended—in nothing, unless indeed the practical sagacity of the present Lord Provost (Mr. William Chambers) direct the reawakened interest into some useful channel. The wholesale destruction of wretched tenements would only be increasing one evil by the removal of another. To make adequate provision for those who are "turned out" a great part of the old town must be rebuilt; and in the meantime the clear duty is to remove all obstructions to the development of the co-operative movement. Much could be done in this way, particularly in respect to obtaining suitable building sites, and setting aside antiquated feuing plans. On the very threshold of its existence the Co-operative Company has had a stern battle to fight.

The Artizans' and Labourers' Dwellings Bill which has been so long before Parliament, and was on the 24th of May referred to a Select Committee of the House of Lords, affords a striking proof of the difficulties which stand in the way of providing better houses for the industrial classes. The bill, if carried out in its entirety, will do good—especially in the metropolis, where the house accommodation is deplorably defective. But the province of legislation in this matter is mainly to remove barriers—to secure the condemnation of uninhabitable tenements and to make possible the obtainment of building sites in suitable parts of the town. However necessary it may be in some cases as a temporary expedient, the moral feeling of the community is against the State providing, as it does for paupers, houses for a class who are able to supply themselves. What we chiefly need is to remove barriers and teach workmen that they can build and buy their houses, and then all extrinsic aid can be dispensed with, and every man will be a self-elected inspector.

subtle action of a trade contest which introduced a vital change in the hours of labour; as revealing in the wretched dwellings described the condition of a vast number of workmen and their families in every large town; and as indicating the magnitude of the evil with which co operators have to combat, and the lofty aims by which they are animated. We have now to state more fully the process of obtaining the objects in view, and to show in what way the movement affects beneficially the condition and relationships of the workmen.

A writer in the *Edinburgh Review*,* after an appreciative but mistaken allusion to the Edinburgh Society, says truly, "No part of the co-operative programme would be more attractive to the public, or more encouraging to the working classes, than this, if a large and indisputable success should be the result." The society is not, however, composed exclusively of masons, as this writer assumed; all classes, especially members of the collateral trades, joiners, painters, slaters, &c., are represented in the membership. Nor has it, as the writer stated, only three years after its commencement, "long been in possession of a handsome house-property of its own." To have built the houses and let them at the high rents obtainable, would no doubt have ultimately been for the members of the society the most profitable course. But that was not the chief aim; as distinctly announced at the outset, and repeatedly declared in speeches and resolutions, and as now seen in actual results, the object was chiefly and essentially a moral one; and nothing could be allowed to stand in the way of its attainment. Nothing that tended to narrow it to a mere money-making system was admitted; although to be morally beneficial it had to be commercially sound; and it would obviously have required an enormous capital to erect and let a sufficient number of houses to affect in any perceptible degree the social condition of a whole community. Although there is no specific restriction to letting, and the time may come when this plan can be largely acted upon, the workmen had first to be enabled to purchase their houses, and hence it comes that the admittedly "handsome house-property" is owned exclusively by individuals. The society confined itself to production, and hitherto the demand has been in excess of the supply. The houses, it may be observed, vary considerably in size and internal arrangements, but for the most part they are two storeys high, and contain from three to six moderately sized apartments, with all necessary conveniences, the best sanitary arrangements, a plot of ground twenty feet square in front, and the use of an ample bleaching-green. Each family has a separate

* "Edinburgh Review," No. cclvi., art. Co-operative Societies in 1864.

entrance—a new and salutary arrangement in Edinburgh; and the prices range according to size and position from 130*l.* to 180*l.* If, then, anyone—though members of the society are naturally preferred, there are many exceptions—desires a house which costs 130*l.*, and has the command of 5*l.*, he can at once become a purchaser. The process is simple and safe. By mutual arrangement with the company, the property investment societies take a place analogous to that of the commissioners proposed for the purchase and sale of land in Ireland; they advance on the security of the title deeds the balance of 125*l.*, and the purchaser by an annual payment of 31*l.*—being scarcely 2*l.* more than the mere rent of a miserable hovel in some other part of the town—redeems the property in fourteen years. Of course many pay the whole purchase money at once, and others spread the payment over a brief period; but in any case they become possessed of a substantial and commodious dwelling-house for an actual outlay of 20*l.* or 30*l.* Four hundred families have already been provided for in this way, and, in the majority of cases, the owner is the occupier, so that, as was observed, it can be truly said that the houses have been planned, built, bought, and tenanted by working men. In sight of the huge mass of social wretchedness which exists this may only be as a drop in the bucket; but it is an unspeakable good for those directly concerned, and great in the promise it affords of what may yet be done. To the capital and capacity which have accomplished so much has been added an invaluable experience, and the rate of production may be increased indefinitely by employing a larger number of men, augmenting the capital for which provision has been made in the rules, or forming another company, till the whole working population of Edinburgh is suitably accommodated.* Nor is there any apparent reason why this productive agency should not be extended to other and larger centres of industrial activity to produce similar and, as the field is wider, vastly greater results. It contains the elements of easy and natural development, of permanency and adaptation; wherever men congregate and the need exists, there the remedy can be applied; and the minds of the people have been undergoing a visible preparation for its reception and successful application. It is clear, at least, that co-operation is overcoming

* Since the capital was all taken up the company has arranged to receive deposits on which interest at the rate of 5 per cent. is allowed, so that workmen who are not members find a good investment for their savings, and have a direct interest in the prosperity of the undertaking. But this can only be a temporary arrangement. The company has lately purchased in Edinburgh nearly twenty acres of land, and about six acres at the sea-port of Leith, where a number of houses have already been erected. At the seventh annual meeting on June 8th, a dividend of 12½ per cent. was declared.

the great difficulty which has hitherto defied the united wisdom and baffled the earnest efforts of social reformers, and that it has established the principle that houses embracing the modern requirements of health and comfort, at once cheap and profitable as investments, can be expeditiously provided for the great wage-receiving class. But it has done more: it has shown how workmen can do this for themselves, and at the same time become the owners of the houses, by a two-fold yet simple and accessible process, which, to those who have the means of judging and care to see it, gives the movement a moral character conspicuously real and systematic.

It is a clear moral gain when men unite successfully to raise themselves out of the socially debasing circumstances in which they have been forced to exist. That this has been done in Edinburgh will not be disputed. The facts we have already adduced sufficiently indicate this; and here is the testimony of one who can speak with the authority of intimate knowledge and large experience.

"We have no hesitation in saying," remarks Dr. Begg, "that one of the most pleasing moral spectacles in Edinburgh is to be found in the houses of the Co-operative Building Company, and in similar houses, the property of working men. I have repeatedly shown them to strangers, not only from different parts of Scotland, but of the world; and the impression has always been one of admiration and delight. Let a man only first spend half an hour amidst the awful closes, and dirty dingy staircases of the High Street or Canongate, where many of the working men of Edinburgh are forced to reside, and then let him go down to Stockbridge, and see the houses which the working men have so nobly erected for themselves. He will be struck at once by the substantial appearance of the buildings, by the trim gardens, the brass plates on many of the doors, and the general aspect of cleanliness and comfort. When he enters—which of course he will do very respectfully—he will be greatly pleased with the clean and tidy interior of the dwellings, the carpets, the curtains, sofas, arm-chairs, libraries, family bibles, and in a word, every appliance by which a man can make his house comfortable and happy,—above all, with the air of quiet satisfaction with which all these advantages are evidently possessed, as being the actual property of the occupants." *

Other and deeper effects are apparent. The standard of existence has been raised, and an important advance made towards

* Dr. Begg has done much for the advancement of the labouring classes in Scotland. He was the first to expose the wretched condition of their dwellings, and to teach them that the remedy was in their own hands. Others helped in awakening interest in the recently discovered agency of co-operation; but the chief worker has ever been the manager of the company, Mr. James Colville, whose tact and energy, backed by a singularly competent directorate, have contributed so largely to the success of the movement.

the state which Mr. John Stuart Mill desiderates :—a wholesome restraint has been supplied. Men who have taken a few shares, and purchased houses by loan, have a strong inducement to be temperate, economical, and industrious, in order that they may fulfil their obligations to the company, and become the actual owners of the houses in which they reside. A training in self-government is going on, the full value of which it must take years of experience to estimate.

Having united with a moral purpose distinctly avowed, the concentration of their thoughts on what was to them an exalted ideal, has in course of a gradual but increasingly certain attainment exercised on the minds of those engaged in the work a direct and elevating influence. The essential tendency of the movement to educate and develop, morally and intellectually, is indeed one of its most striking aspects. The experience in management, not merely in holding office and transacting business, but in the no less real and perceptible sense of watching the operation of the society—of instructing others in its principles and doings—of taking part in general meetings, voting, and deliberating on the working out of a grand scheme,—in this way the men have been taught to think, and to call into orderly exercise their administrative faculties, as well as to give rational play to their moral feelings and imagination. The talent for management which it has revealed is specially noteworthy, and calculated to inspire confidence in the future of the movement. Large and complicated transactions, requiring insight, caution, and decisive action, have been carried on with complete success. There have no doubt been mistakes and shortcomings—the division of 50 per cent. in one year was a glaring error ; collective management, even with a thoroughly reliable and competent central actor, will sometimes fail in the reckless race of competition ; but the conduct of the Edinburgh Co-operative Building Company will bear favourable comparison, so far as undertakings which differ so widely can be compared, with the huge bunglings of railway direction, and the incapacity displayed in many middle-class joint-stock concerns, and it ought to be remembered that the co-operators are new to their work. Necessarily, it has been theirs to obey—to perform after the manner of machines, the daily round of previously defined duties. The training in their unions, strictly protective in their aim, was of a totally different nature, although it no doubt brought into action some of the faculties required in the successful management of this new and directly productive agency. But with regard to scientific training, experience in collective deliberation, and the hardly acquired habit of acting decisively, with a full view of the circumstances and possible consequences, they were markedly and from their

position inevitably deficient. They knew this, and had often to walk warily. But were there once established, as there certainly will be, a system of elementary and technical instruction, which taking hold of the great body of the people, would lay the foundation of a thorough and practical education; and had working men enjoyed for some time a training in the responsible transaction of business, such as the Edinburgh Co-operators are undergoing with manifest benefit, the question of capacity of management would gradually be set at rest. As it is, with all the defects and drawbacks, there is no ground to say that co-operation has failed, or even come seriously short in this respect.

The educating tendency of the movement is comprehensive and manifold. We see here the labourer raised by his own efforts to the position of capitalist and employer, thereby enabling him to take a new and wider view of trade questions, to place himself at the standpoint of the ordinary employer, and obtain a clearer perception of the risks and responsibilities of business, and the qualifying conditions that often lie under the surface. How many disputes have arisen and ended disastrously to the workmen, precisely from the want of this experience, and the consequent inability to estimate aright the justice and probable issue of the contest about to be entered upon! We do not say that Co-operation will put an end to strikes, or that it is in itself antagonistic to Trades Unions; but it will certainly help to regulate both; and in the form of development which we see in the Edinburgh Co-operative Building Company, it obviously brings to the workmen an indirect but important gain. When threatened with being thrown out of employment, either through trade differences or other causes, the owner of a house has the assurance that he will not be readily turned into the street, and the shareholder knows that he may become his own employer—if not by supplanting a fellow-worker, by extending the operations of his society, or applying the same principle, as he is constantly doing, in other departments of production. In this way Co-operation has made him less dependent, and contributed towards what some—who look upon co-operation with suspicion because it seems to divert the attention from the protective organization—consider “the conditions most favourable to the welfare and elevation of the working man,”—namely, “regularity and security of position.”

It is brought as a charge against co-operation, that it is nothing more than a successful money-making system, and that it has not affected the all-important question of the elevation of labour, by giving it, in the shape of increased wages or a share of the profits without investment, any substantial advantage. Even earnest and able industrial economists like Mr. Frederick

Harrison have accepted this self-contradictory objection.* It is difficult to see in what way the "new conditions," which they desire for labour, differ from co-operation in respect to money-making, except in so far as the avowed and primary object is pecuniary gain. Of course these conditions, it is argued, would comprise other and higher benefits—the employment, as it is put, of labour on "juster and more favourable principles" than those of competition; but the same can be said of co-operation, and the higher benefits are more clearly defined and the means of attaining them more distinct and accessible. It is not at least the proper mode of estimating it, to take co-operation, strip it of its frame-work, eliminate its fundamental principles, and reducing it to a narrow, grinding, self-seeking element, declare that that is its true essence and out-come. No movement, however heroic; no system, however ennobling, could pass unscathed through an ordeal so exacting and unfair. Co-operation cannot be thus degraded; the exalted aims of its promoters, and the acknowledged results of its adoption, clearly demonstrate the fallacy of this estimate, and render impossible its general acceptance. But some of the foremost advocates of the system will miss in the Edinburgh scheme a feature which they seem to regard as the highest development of co-operation. The Scotch workmen felt, as many others feel, that the strongest inducement to well-doing, and the surest help to well-being, was to make the benefit dependent on some recognised and tangible condition. They looked upon the plan of giving a bonus to labour—a percentage in addition to wages,—which had often been propounded, and has in a few cases been adopted in this country, as partaking of the nature of a gratuity, and consequently verging on charity. It therefore appeared to them economically unsound and morally injurious; and that the greatest and most enduring good would be to pay the highest rate of wages, and divide the profits only among those who became shareholders, at the same time giving every possible facility for becoming so. To those who were in quest of employment, the company said:—"We offer you work and the full rate of wages; we will also give you a share in the profits of the united labour, on condition that you contribute one shilling or more weekly towards paying up what share you desire to have in the concern." Practically it is a combination of workmen, who agree to pay each other a stipulated sum weekly, and then divide the profits among those who have helped to create the capital necessary to carry on the movement, according to the amount contributed by each. Although mere money-making is not the leading characteristic, and could

* "The Fortnightly Review," No. xvi. o.s., art. Industrial Co-operation.

not as the chief motive power have produced the diversified results that we see, the fact that it has proved economically successful is surely no legitimate ground of complaint, and if it does not change the nominal position of labour, it vitally affects the position of the labourers, by giving them in the first place the highest rate of wages, and then dividing the entire profits amongst them. It may be very good and generous, the hard-headed and self-reliant workmen still feel, if they have not formally reasoned it out, for employers to take their workmen into a sort of partnership, without recognising their capacity for management, and after setting aside a fixed per centage for capital, devote the remaining profit to labour. But it is altogether different to launch or seek to extend a great enterprise upon this principle. Its equity could not be made apparent to those who are expected to invest and whose support is absolutely necessary; indeed to many it would simply be an inducement to refrain from investing; and adequate capital is of course a first consideration. It has been asked, and no conclusive answer has yet been given to the question—Why men who lack the intelligence or the self-denial to help should be encouraged to stand aside in the assurance that they may reap the fruits all the same, while others are sacrificing and working to create or extend the capital essential to make a participation in profits possible to the labourer. The bonus system, which has been adopted with laudable intentions and more or less beneficial results, is clearly defective, and can only be temporary. Co-operation may, as a visionary few believed it would, abolish working for wages and try to substitute some equitable mode of dividing the whole profits; it may greatly raise the rate of wages, as it has judiciously helped to do; but it is difficult to see how it can permanently and reliably benefit the whole body of producers by taking from the fruits of the thought and toil of one section to increase the gains of another. It is surely sounder, more equitable, and more likely to be permanent for all to contribute of their money and their labour, and be rewarded accordingly. As the way is opened up and productive co-operation extends, there will be no barrier to any competent workman becoming a participator in both the wages and the profits. Even if employment were made conditional on membership, no serious difficulty would exist, seeing that the employer—the company—in giving the highest rate of wages, affords the means of complying with the conditions.

The Edinburgh experiment has clearly shown that a large reduction in the hours of labour—the nine-hours' day, for which a vexatious and fruitless agitation has long been kept up in many parts of the country—is compatible with good wages and a fair return on capital; so that the workmen, being chiefly share-

holders, enjoy their extra leisure, are well paid weekly, and at more extended periods draw their share of the profits. Every man is directly interested in doing his duty and seeing that others do theirs; he feels that he is working for himself, and, it may be unconsciously, exercises a wholesome influence on his fellow-workmen. Thus materials are economized and the work is thoroughly efficient, for "scamping" is out of the question when the worker may be building a house for himself or his son, and when he knows that success depends in a peculiar sense on the quality of the workmanship. As it is the interest of all to see that no time is lost, the amount of production is increased, and the company is enabled to provide at a moderate cost, and with a reasonable return, a class of houses which as the product of ordinary competition and speculation, would have been higher in price, inferior in quality, and not unlikely badly situated. On the other hand, shareholders who are not in the employment of the company—do not work for themselves, are earning wages otherwise, and drawing their dividends, and above all conclusively learning that the whole field of industrial enterprise is open to them. Thus the movement has grown—and grows. The full development must take time; a social revolution so vital cannot be completed in a day; but the power is at work, and we had better prepare ourselves for the change. Perhaps no great movement has taken such rapid strides and planted its feet so firmly at each successive step. Figures cannot sum up its triumphs, although they tell of its vast and growing magnitude. The members of co-operative societies in this country number over 200,000; the total value of assets and property is nearly a million and a half; the business transacted each year exceeds 5,000,000*l.*, and the profit realized thereon is not less than 500,000*l.** Even the official and very defective returns exhibit an enormous enterprise, and there we but dimly see the splendid results which have been achieved. That a movement which has accomplished all this, or unmistakably entered on the path which leads to its accomplishment, is a great moral and economic triumph cannot reasonably be disputed. It cannot at least be put aside, or simply accepted, as a mere mercenary system, with its corrupting and debasing tendencies. It is far different in its spirit and influence, as indeed it could scarcely have failed to be. "Do men gather grapes of thorns, or figs of thistles?"

We do not wish to carry our argument beyond the limits with which we started. This brief history, the result of intimate knowledge and personal observation, of the Edinburgh move-

* "Co-operator" (Nos. 122 and 134)—a very instructive weekly record of co-operative progress, edited by Henry Pitman.

ment is adduced chiefly as an illustration of what co-operation is capable of doing in one department of production. As such it is an instructive study, and will help to throw light on a question which deeply affects the social condition of the people. It is not said that the experiment, compact and beautiful as it is, settles the great problem of the permanent advancement of the British labourer. Yet it seems to us to embody a principle the adoption of which strikes with life-giving and elevating effect at the roots of his moral being, domestic happiness, and material welfare; and as the light breaks through the cloud, to bespeak for him a juster, a purer, a more exalted future.

ART. IV.—NITRO-GLYCERINE : THE NEW EXPLOSIVE.

1. *Watts' Dictionary of Chemistry*. Longmans. Vol. ii. 1864.
2. *Chemical News*. Vols. xiii., xiv., xvi. London. 1866-7.
3. *British Association Reports*. 1856.
4. *Comptes Rendus*, tome lxiii. 1866.
5. *Berg und hüttenmännische Zeitung*. 1867.
6. *American Artizan*. 1866.
7. *Scientific American*. 1866.
8. *American Journal of Mining*. 1866.
9. Private communications, &c. &c.

IN the early part of the year 1866 the substance known as nitro-glycerine, or blasting oil, was for the first time ushered into very prominent notice to most ordinary people, and even to many scientific people, in a very unusual and decidedly unceremonious manner. An explosion then occurred which was attended with the burning and ultimate destruction of the steamer *European*, one of the West India mail packets, while she was lying at the port of Colon or Aspinwall, on the Atlantic side of the Isthmus of Panama. As nitro-glycerine was known to have been on board, under the name of "glonvine," or "glonvin oil," and as it was known also that it was on its way to the gold mining districts of the North American Pacific States as an explosive or blasting agent, it was immediately concluded that the explosion was due to this substance, and to it only—whether rightly or wrongly we do not take time to inquire. On the 17th of December last an explosion of extraordinary violence, and proving fatal to seven persons, happened much nearer home,

namely, on the Town Moor of Newcastle-on-Tyne; and in this instance there is no room for doubt, as it is absolutely certain that nitro-glycerine was the material which then and there exploded with such dreadfully fatal consequences. Much that has been spoken and written regarding this Newcastle explosion, and the substance concerned in it, has been so very incorrect, and so few people, comparatively, have anything but the very haziest notions regarding nitro-glycerine, that we deem it almost necessary—at all events desirable—to give such a sketch of its birth, history, nature, properties, and uses, as shall be tolerably in accordance with truth, and so devoid of technicalities that it shall interest in some degree all those persons who wish information on one of the “things not generally known.” At the same time it is not undesirable to mention thus early, that the writer is firmly convinced that nitro-glycerine is already a practical utility, and that it has an important future in store for itself. He is not a manufacturer of the substance, neither is he a manufacturer’s agent, and, consequently, he cannot be charged with having interested motives in saying a good word for this reviled substance, and asking for it that fair play of which we Englishmen consider ourselves the champions.

Nitro-glycerine had its birth in the chemical laboratory of the eminent French professor, M. Pelouze, now upwards of twenty years ago. The person who brought it into existence, and added to the already countless family of chemical compounds, was M. Ascagne Sobrero, a young Italian, who was then a student under Pelouze, and is now a professor in the Technical Institute of Turin. By bringing a mixture of strong nitric and sulphuric acids—that is, common aquafortis and oil of vitriol—into intimate contact with glycerine, he found that he had produced a new compound which proved to be the very antithesis of glycerine, a substance whose properties constitute it one of the best illustrations of neutral chemical bodies, a substance which has no positive chemical activity about it, but is one of the most sluggish and do-nothing bodies known to chemists. This new compound, on the other hand, proved to be possessed of explosive power of such extraordinary violence as to be almost incredible.

In a few words, the following is something like an outline of the process by means of which nitro-glycerine may be prepared for use:—A mixture is made of four parts or measures of oil of vitriol and two parts of strong fuming nitric acid, the specific gravity of which is as nearly as may be 1.52. When this acid mixture has thoroughly cooled down, one part or measure of glycerine in the dehydrated state—that is, free from water—is poured into it and the whole well stirred. Chemical action ensues, attended with considerable increase of temperature and

with the escape of ruddy brown fumes. To prevent the temperature becoming too great, the vessel is externally cooled by being surrounded with ice. When the chemical action ceases, it is found that a yellowish oily-looking fluid comes to the surface: this is impure nitro-glycerine. To obtain it in the pure state, free from contaminating acid, the whole liquid mass is thoroughly mixed with fifteen or twenty times its bulk of cold water, and then permitted to settle. The nitro-glycerine collects in the lower part of the vessel and is drawn off by means of a siphon, or separated by the process of decantation. It is afterwards washed so completely that not the slightest trace of acid is found in the washings. The great importance of this precaution will be seen shortly.

What we have now in imagination prepared is nitro-glycerine—a substance whose chemical nature is, in every sense of the term, both curious and interesting. Its scientific name has misled some of the ready writers on the newspaper press regarding its composition. Not possessing any profound knowledge of chemistry, it was almost natural that they should say—one or more of them—that it consists of nitrogen and glycerine, and that the statement when once made, and made with a show of learning, should readily get currency, as was the case immediately after the Newcastle explosion. Like ordinary cotton or cellulose, glycerine, the material started with, consists of the three elementary substances—carbon, hydrogen, and oxygen; but when treated in the manner already indicated, a *nitro-compound* results which contains the same three elements, the amount of hydrogen, however, having undergone a diminution, and a quantity of the nitric acid in a somewhat altered or reduced form having taken its place. Although prepared from glycerine, the nitro-glycerine obtained does not, strictly speaking, contain that substance either; it is a new product entirely, consisting of nitric acid that has parted with some of its oxygen, and glycerine that has been robbed of a portion of its hydrogen, as already mentioned. So much then for its name and its real composition; and now as to its properties.

Nitro-glycerine, when perfectly pure, is a colourless liquid, decidedly heavier than glycerine (the specific gravities being, respectively, about 1.600 and 1.260), perfectly inodorous, and possessed of a sweetish, aromatic, and pungent taste. It is powerfully poisonous, and even a small quantity placed on the tongue produces violent headache, and headache may also result from the absorption of nitro-glycerine through the skin into the blood. On this account it is very desirable that the hands should be gloved when working with vessels containing it. Notwithstanding what has frequently been said to the contrary,

since the Newcastle explosion, and in some instances said authoritatively by scientific men, nitro-glycerine *per se*, and when prepared in a pure state, is a very stable compound at ordinary temperatures ; if, however, it be impure, and contain any of the acid used in preparing it, there is a proneness to decomposition, and not only so, but decomposition even with explosive violence is almost certain to occur. When quite pure it will safely bear exposure to the temperature of boiling water, namely, 212° Fahr. It is not in the slightest degree volatile ; it is practically if not even absolutely insoluble in water, but in ether, alcohol, and especially wood-spirit or methyl-alcohol, it is freely dissolved. The property which especially characterizes this substance is its explosiveness, or, to be more exact, its great explosive power, for it is not exploded with any unusual degree of facility. Of this property more shortly.

Various persons have worked on nitro-glycerine since it was first discovered by Sobrero. Amongst others there may be mentioned Railton, Dr. J. H. Gladstone, De la Rue, Kapp, Dr. de Vrij, and beyond and above all others, Mr. Alfred Nobel, a Swedish gentleman of great scientific attainments. It was while acting in the capacity of a mining engineer that Mr. Nobel became acquainted with this wonderful substance, and he quickly saw that as a blasting agent it might become immensely useful. He instituted numerous experiments in order that he might become thoroughly acquainted with its properties, and in order, likewise, that he might be able to prepare it in a state of absolute purity, and of perfectly uniform quality, so that it might be secured against all that tendency to spontaneous decomposition which had been observed by some of the earlier experimenters with it, and which is still spoken of by very recent writers.

What the Austrian General Von Lenk did for gun-cotton or nitro-cellulose, the Swedish mining engineer did for nitro-glycerine ; he removed it from the laboratory and domain of the scientific and theoretical chemist, and made it, in the hands of the practical man, one of the realities of modern manufactures—one that could be carried out on a large scale, and still with that amount of rigidly scientific exactitude that is required in the circumstances of the case. Mr. Nobel patented his process in the principal countries of Europe, and in America, and shortly thereafter commenced to manufacture nitro-glycerine in the outskirts of the free city of Hamburg, whence it is sent to almost all parts of the world where a blasting agent is required.

To proceed now with the further consideration of the properties of this substance.

As an explosive agent, nitro-glycerine is almost unique amongst

chemical compounds. Almost all explosive and detonating substances are nitro-compounds, consisting, as they do, of two or more elementary ingredients of which one is the element nitrogen. Gunpowder—although it is not a definite chemical compound of its ingredients, saltpetre, sulphur, and charcoal, but rather a mechanical mixture of these ingredients very intimately and skilfully incorporated—is a sufficiently good illustration. Nitrogen is present in the nitre or nitrate of potash, in the form of nitric acid. Gun-cotton also contains fistic acid, although in a somewhat modified or deoxidized state ; and the same, in a sense, is true of fulminating mercury, the substance used for charging percussion caps, and fulminating silver. The elements chlorine, bromine, and iodine, form explosive compounds with nitrogen, known as the chloride, bromide, and iodide of nitrogen. The compound last mentioned is a solid body, and is probably the most sensitive explosive substance known, a touch with a feather being quite sufficient to cause its explosion ; but the nitro-compounds of chlorine and bromine are oily-looking liquids, and in the possession of this peculiarity, there is a close resemblance between them and nitro-glycerine. The explosive substance under notice is probably the only liquid compound of organic origin that possesses explosiveness, and in this sense it certainly is unique ; still more so is it unique in being the only liquid explosive that has yet been rendered serviceable to man.

It is a very curious explosive withal, inasmuch as heat alone will not explode it, unless the heat be raised to about 360° Fahr. It will not explode by simple contact with fire. To demonstrate this fact, a quantity of the nitro-glycerine may be put in a saucer or other shallow vessel, and then a burning match or splint of wood may be plunged into and employed in stirring the explosive liquid, but no explosion will occur ; the liquid will simply burn with a flame, which immediately goes out if the burning body be withdrawn. The nitro-glycerine may be burned from an ordinary cotton wick, just like common lamp oil. If a quantity of it be spread over a flat stone or a smith's anvil, and then a red-hot iron bar be drawn along the surface of the nitro-glycerine, the liquid will not catch fire ; if, however, the bar be allowed to lie in contact with the liquid for some time, till the latter gets heated, it will burn with flame, but without explosion ; and if the bar be removed, unconsumed nitro-glycerine may still be found remaining, providing that the whole of the wetted surface has not been actually covered by the hot iron bar. Now, gunpowder will explode with a simple spark, such as is produced by the sharp friction of a flint in contact with steel. Gun cotton will actually explode at a temperature of 277° Fahr., a heat which is not very much greater than [Vol. XC. No. CLXXVII.]—NEW SERIES, Vol. XXXIV. No. I. H

that of boiling water. It will explode by contact with a wire that has been exposed but for a very brief space of time in a candle or gas flame. Of the ease with which gun-cotton may be exploded, the following circumstance may be taken as an illustration :—A scientific lecturer was recently performing to an interested audience, the very beautiful and familiar experiment of burning a piece of watch-spring in a small glass jar of oxygen gas. The amount of burning steel was also very small, the amount of heat evolved could not, therefore, be very great ; but still it was great enough to act by radiation in such a way that a quantity of gun-cotton was ignited which was some inches away from the small point of combustion. A gentleman who has used tons of nitro-glycerine, and performed all sorts of experiments with it, says, in a letter to the lecturer sympathizing with him on account of the scorching which his face met with,—“Nitro-glycerine would not have played you such a trick.” The present writer has had a good deal of experience with nitro-glycerine, and can bear testimony to the truth of the remark just quoted. He has also been informed of another instance of the readiness with which gun-cotton ignites. It was proved by an incident that must have been painfully severe to the operator, yet it had a humorous aspect also :—A photographer, who had prepared some gun-cotton to be used in making collodion, was drying it upon a tray in front of the fire, and while engaged in turning it over very cautiously it flashed off in his face, without giving him any warning, and instantaneously disappeared. In course of time the injury was attended with the removal of the entire skin of his face. The photographer’s face was pock-marked before the accident, but after the injury was healed (although the writer does not vouch for the truth of the statement, still it deserves to be true), the pock-marks no longer existed to disfigure his face.

It is as a blasting agent that nitro-glycerine has been specially used during the last three or four years : how it is used as such falls now to be explained and illustrated. From what has been already stated, it may be concluded that some other agent than heat must be employed to effect its explosion : that agent is concussion. A very simple and perfectly harmless experiment may be performed in illustration in starting. A quantity of the explosive liquid is spread over the surface of an anvil or a plane-faced weight—say a fourteen-pound weight ; on striking the moistened surface sharply with a hammer, there will be a detonation or explosion ; but, remarkable to relate, however, only that portion of the liquid will explode which is actually struck, and there may be as many detonations produced as there are strokes made on the weight or anvil where it is wet with nitro-glycerine.

To explode the substance in mass, as in blasting operations, the mechanical disturbance must be effected in some other way. One is to have at the end of the fuse a small bag of gunpowder actually dipping into the blasting liquid; another is to use a percussion-cap, of extra strength, at the end of the fuse. There must be great mechanical violence comparatively, and yet, from the results of numerous experiments with this most curious and wonderful substance, that mechanical violence must be exerted in a peculiar way. Glass bottles filled with it have been experimented on times without number. They have been dashed against hard rocks, or from considerable heights, with as great force as could be exerted by the experimenters, and yet explosion of the nitro-glycerine has not resulted. It is needless to say that the bottles have been broken into a thousand fragments. In one case that has been recorded, a commission of five scientific gentlemen superintended some experiments of which the following is one:—Three glass bottles were filled with nitro-glycerine, and, in order to show the combined effort of heat and concussion, they were heated in hot water to a temperature of 120° Fahr., and then thrown violently against a stone; the bottles were smashed, but none of the blasting liquid exploded. In another experiment, two tin canisters, such as the nitro-glycerine is sold in, were filled with the liquid and packed in the usual way in a wooden box; the cover being tightly screwed on, the box was thrown down upon a rock at a depth some nine or ten feet, but no explosion took place.

When it is desired to employ this substance as a blasting agent, drill or bore holes are made in the usual way, just as if gun-cotton or gunpowder were to be used. They are filled up to a sufficient height with the liquid, and then rock-powder or sand, or even water, is introduced above the nitro-glycerine as the tamping material. Hard tamping or stemming is very objectionable; as just mentioned, water will suffice; for, as the nitro-glycerine is fully one and a half times the weight of water, and insoluble in it, the latter will rise to the surface, even though the drill-hole contain water when the nitro-glycerine is poured into it. From this circumstance, it will be seen that nitro-glycerine may be used in wet rocks or water-bearing strata with impunity, while gun-cotton and gunpowder would be useless. When the blasting liquid is in the drill-hole, the fuse, tipped with a tightly-fitting percussion-cap, is introduced into it, either before or after the tamping is done; but, whether before or after the tamping, it is in all cases absolutely necessary to see that the cap is actually *in* the blasting liquid.

When the explosion is effected there is no residue, neither is there any smoke, and the explosion is much quicker than that of

gunpowder, hence the blasting operations may be performed with greater than ordinary rapidity. When rocks are much fissured this rapidity of the explosion is of great consequence, as the force does not get time to spend itself through the fissures, but acts immediately in the vicinity of the place occupied by the blasting liquid. Perhaps the most striking circumstance in connexion with nitro-glycerine, as a blasting agent, is the fact of its being the most powerful explosive known ; it possesses most enormous power, and of this a single explosion removes all doubt where any doubt or unbelief exists. Dead weight, simply, is not a good standard of comparison to set up in point of economy ; but even suppose that to be taken, one pound of nitro-glycerine will do as much mechanical work as ten pounds of gunpowder, and some persons have affirmed that it is even equal to thirteen pounds of gunpowder. As regards the cost, it should be mentioned that, weight for weight, nitro-glycerine costs seven times as much as gunpowder ; yet still its use is attended with very great economy, of which evidence will shortly be adduced. When the extraordinary force of this new blasting material began to make itself known, about two and a half or three years ago, in various mining districts in Sweden, Switzerland, Belgium, France, and a number of German states, great enthusiasm was almost invariably created by it in the minds of quarrymen, miners, mining engineers, railway contractors, &c., and more especially when it was found that its storage, carriage, and use were attended with as great safety as was the case with gunpowder. Such statements regarding nitro-glycerine as the following were deliberately put in writing by men of a plain, practical, and prosaic turn of mind, not men with heated imaginations :—

“The enormous explosive power of this marvellous substance has proved of great value to me. The statement made as to its power I consider noways exaggerated.”

“Nitro-glycerine is a real conquest ; and all the persons present at the experiments we allude to unanimously declared that it will constitute one of the most important agents for industrial purposes.”

“It opens a new era in the mining business.”

“The trials with the blasting oil showed an effect so marvellous that we have resolved to use nothing else for our blastings.”

“This extraordinary power effects a valuable saving of time.”

“I have made use of nitro-glycerine for blasting limestone with the highest success, and found it extremely profitable, as well as more easy to use and less dangerous than gunpowder.”

“An invention destined to play an important part in our mining operations and construction of railways is nitro-glycerine. It has effected a complete revolution.”

“I have tried nitro-glycerine in the mines of Pehrsberg, and found

that, if the precautions prescribed are observed, it is less dangerous to carry, to store, and to use than gunpowder."

Such testimony could be continued at very much greater length.

The great explosive power of nitro-glycerine renders it much more economical than would appear to be the case at first sight. This greater economy is owing chiefly to the fact that the drilling or boring of the holes required for receiving the blasting agent, and which always forms a very large part of the expense of blasting, whether in mines, quarries, tunnel-driving, or railway-cutting, is reduced to an exceedingly small amount when nitro-glycerine is used, that substance being so remarkably powerful when compared with the bulk of it required to produce a certain given effect. Stated generally, it may be said that the average result as to economy hitherto, has been a saving of from 50 to 60 per cent. in quarries, and from 30 to 40 per cent. in mines, on the cost of blasting. The bore-holes required are so few in number that there is not only a saving of the workmen's time, but there is also a saving in the expense of boring tools and fuse for exploding the charges. A railway engineer who directed the construction of a tunnel on the Stockholm Central Railway, says, in reference to this question of economy: "The final result of three months' blasting with nitro-glycerine shows a saving, as compared to what it cost us to blast with gunpowder, of 23 per cent. on the cost of the blasting (materials included);" and that "the progress of the tunnel has been 87 per cent. quicker than when we made use of gunpowder, which has proved of great indirect benefit." Another railway contractor says: "Through the use of nitro-glycerine the blastings of the Great Northern Railway [of Sweden] have been contracted for at the reduced price of 75 per cent. of what we paid when gunpowder was used."

Testimony of this sort could also be given at great length, were it desirable to do so.

Most people who have read of explosions of nitro-glycerine have got some notion of the extraordinary power of that substance; and those who have used it practically, or have been present at experimental demonstrations of its great explosive effect, have notions of a very decided character. For the benefit of the former the results of two or three practical illustrations of its power may be mentioned:—

In a Swiss slate quarry one pound weight of nitro-glycerine, in a 6½ feet bore-hole, and with water-tamping, completely scattered 2000 cubic feet of rock.

In the red sandstone quarries in the vicinity of Eisleben, a town in Prussian Saxony, 3960 cubic feet of rock were removed

by a charge of two and a half pounds of nitro-glycerine in one bore-hole 12 feet backwards.

Under the inspection of judges appointed by the Royal Cornwall Polytechnic Society, to report on this substance, a charge of four pounds completely scattered from forty to fifty tons of rock, while the surrounding rock was rent in all directions. In this experiment it was computed, that had the hole been less in diameter, the same effect would have been produced with a much smaller charge.

From a mass of notes which have been kindly furnished to the present writer by the managing director of a large slate quarry in Wales, regarding actual operations performed under that gentleman's superintendence, the following case may be quoted:—A vertical hole, one inch in diameter, five feet deep, and eleven feet from the face of the rock, was charged with one pound of nitro-glycerine, the tamping being slate-dust. The jotting made in the note-book, immediately after the charge was exploded, was, "loosened all the rock in its immediate vicinity, say eleven feet by fifteen feet, by twenty feet." That would have given a mass of rock equal to 3300 cubic feet. After investigation, however, it was proved that the rock was loosened over a surface twelve yards wide, eleven feet thick, and to a depth of about eight yards, the cubic contents of the rock thus loosened being nearly three times the amount first supposed, or about 9504 cubic feet! Regarding the slate as having the greatest density which that mineral is found to possess (specific gravity 2.850), the mechanical effect exerted in this instance amounts to something like 755 tons, and that simply by one pound of the nitro-glycerine! Such a striking fact as that cannot fail to arrest the attention of people who have no practical or scientific acquaintance with nitro-glycerine.

Many people who have had no practical experience with this wonderful substance have talked loudly, or written in strong language, of the great danger attending its storage, conveyance, and use. In addition to the opinions to the contrary already given in an incidental manner—opinions, be it observed, of experienced and practical men—ample proof might be furnished to show that nitro-glycerine is not only as free from danger as gunpowder or gun-cotton, but that it is even less dangerous than either of them. There is no doubt that it is a dangerous substance to work with, but so also are all such materials as have been applied to blasting purposes with any effect. But Mr. Nobel has reduced the danger and risk to a minimum. To use the illustration of a recent writer, Mr. Nobel gave what some persons would call a *bane* when he introduced this nitro-glycerine into the arts, but he has since provided an *antidote*. He has actually fallen upon a plan

by means of which the blasting liquid may be protected and deprived of its explosive property for any length of time, and the plan is beautifully simple, and as thoroughly effective as it is simple. The plan is simply to mix it with from five to ten per cent. of methyl-alcohol or wood-spirit, in which substance it has already been stated that nitro-glycerine is soluble; and this spirituous solution, or protected nitro-glycerine, is always what is sent out now from Mr. Nobel's manufactory at Hamburg. In this state a rifle-bullet may be fired into it, or a percussion-cap may be exploded in it, without the nitro-glycerine showing the slightest tendency to explode. If the protected material be kept exposed to the air, in course of time it loses its alcoholic solvent by evaporation, but the time will vary with the amount of liquid surface so exposed. If a little of the protected nitro-glycerine be spread upon an anvil and then be struck with a hammer, it will not explode at first, and will only do so after the lapse of some time, as the wood-spirit volatilizes. Then, again, the protected material may be reduced or rendered explosive almost instantaneously. This is done by adding water to it, so as to dissolve out the wood-spirit or methyl-alcohol, the aqueous solution of which rises to the surface and can be drawn off with the greatest of ease, the explosive agent being then again ready for action. The acquisition of this power over nitro-glycerine was certainly a great scientific victory.

Nitro-glycerine has the property of freezing or crystallizing at a comparatively high temperature, from 43° to 45° Fahr. The nitro-glycerine which exploded on the Town Moor of Newcastle, was in the crystallized state, and that fact was chiefly concerned in causing the panic which immediately succeeded the explosion, and, as may be naturally inferred, the material was in the unprotected state. The conduct of the persons who had in their charge, in the centre of a large town, so large a quantity of this powerful explosive in the unprotected state, will not receive any defence at the hands of the present writer; he considers it highly culpable, and at the same time he considers the panic that arose to have been very senseless, and to be almost as little entitled to defence as the conduct which he has just reprobated. In the opinion of persons whose dictum on the subject is of far more value than that of any scientific expert who was examined at the coroner's inquest at Newcastle, the frozen nitro-glycerine is entitled to at least as good a character for safety as that which the liquid form of the explosive has already received. Ordinary precaution, and observance of the rules laid down by the manufacturer, will enable any person, however ignorant, to handle the nitro-glycerine, in either the liquid or solid form, without any untoward result happening to him.

Thousands of persons are now engaged in using nitro-glycerine for blasting purposes ; and its use is not limited to the Continent, or to America, or to both, but it has extended to our own country, into which it is regularly imported in tons at a time. In slate and granite quarries, in coal and ironstone mines, in railway-cuttings, &c., it has already gained such a hold that nothing but the most foolish and arbitrary stretch of authority can eradicate it. The authority of Parliament should not be sought to prohibit the carriage and storing of this valuable industrial agent, but rather to regulate them by such intelligent and liberal arrangements as are adopted in Prussia and Austria ; nor yet must the march of science and industrial progress be interrupted by panics which are begotten of fear, and are only to be classed amongst the absurdities of the ignorant.

ART. V.—THE MARRIAGE LAWS OF THE UNITED KINGDOM.

1. *A Practical Treatise on the Laws of Marriage, Divorce, and Legitimacy as administered in the Divorce Court and the House of Lords.* By JOHN FRASER MACQUEEN, Esq., of Lincoln's Inn, Barrister-at-Law. London : 1860.
2. *Notes on the Marriage Laws of England, Scotland, and Ireland, with Suggestions for their Amendment and Assimilation, in a Letter to the Right Honourable the Lord Chancellor.* By JAMES MUIRHEAD, Advocate, and of the Inner Temple, Barrister-at Law. London and Edinburgh : 1862.
3. *The Marriage Laws of England, Scotland, and Ireland, being a Paper read at the Meeting of the Social Science Association, at Edinburgh, on October 13th, 1863.* By CAMPBELL SMITH, M.A., Advocate. Edinburgh and London : 1864.

THE Laws of England, Ireland, and Scotland regard marriage itself from an essentially identical point of view ;—as an institution productive of the same rights, the same duties, and the same obligations. But the rules of civil conduct which they severally prescribe for the observance of those subject to them, for the purposes of creating and destroying the conjugal relation, are various and conflicting. The Law of England differs in many respects from the Law of Ireland, which is, however, mainly derived from it ; and the Law of Scotland is for the most part widely dissimilar to either and both of the others. A woman cohabiting

with a man in Scotland in such wise as to occupy the position of a wife would sink into that of a concubine on this side of the Border. A ceremony which in England would sufficiently establish a marriage would be a nullity across St. George's Channel. What would be taken as grounds for divorce in Scotland would be no grounds for divorce in Ireland or in Westminster Hall, and these, together with the appropriate procedure, are settled for England by statutes, which do not extend to the sister countries. The continuance of such inconsistencies in our Marriage Laws, which above all others ought to be plain and explicit in their provisions, is discreditable to the British Legislature, and frequently disastrous in its social consequences. It cannot be considered in any other light than in that of a reproach to the jurisprudence of a civilized state, that a mere change of place within its own proper territory should be permitted to taint with doubt and uncertainty both the commencement and termination of a legal connexion so solemn and important as that which is implied in marriage. If any one of the three systems now in force in the United Kingdom be perfect, it should be made to supersede the other two; and if all of them be more or less open to correction and amendment, that which is valuable in each of them ought to be selected to form the basis of an uniform and comprehensive body of law. There are no reasons, either political or religious, why the present state of things should be allowed to remain as it is. In France, in Austria, and in Prussia, populations as different in character and creed as those of these islands, are brought under the authority of a common matrimonial code, and we venture to say, that among no people less blindly and instinctively conservative than ourselves, would legal anomalies which are ever and anon causing miscarriage of justice and extraordinary hardship, have been allowed to last so long as they have done. The House of Lords, in its character of Supreme Court of Appeal from the various tribunals in which these heterogeneous laws are administered, has occasionally to entertain some monstrous, flagrant, and cruel case, which attracts general, but we fear as yet only passing, attention, to the subject. Such a case is reported in the *Times* newspaper of May 8th, 1868, and, as in it the facts were altogether undisputed, it seems to make the present disgraceful condition of the law the more conspicuously manifest. In 1828, a marriage was solemnized at Manchester, between one Buxton and a young lady under the age of seventeen, name Elizabeth Hickson. For procuring this marriage by fraudulent conspiracy, Buxton was prosecuted, convicted, and sentenced to a term of imprisonment. The marriage was never consummated, and ineffectual efforts were made to have it dissolved by Act of Parliament. In 1838, a deed of separation was executed

between the parties, by which it was provided that Elizabeth Hickson should be at liberty to live apart from her husband, as if she were sole and unmarried, and she was thenceforward, as indeed theretofore, called by her maiden name. In 1845, while living at Derby, she was offered marriage by a gentleman named Shaw, then studying for the English Bar. Such a marriage in the face of the former one was impossible in England. Shaw and Elizabeth Hickson, therefore, went to reside in Edinburgh, where they lived ever after, Shaw being called to the Scotch instead of to the English Bar. In the same year Buxton also went into Scotland, and, after he had resided there forty days, his wife, Elizabeth Hickson, brought an action for divorce against him, on the unquestioned ground that he was living in adultery with another woman. The Scotch courts decreed a divorce *a vinculo matrimonii*, in accordance with the law of Scotland, and Elizabeth Hickson was then duly married at Edinburgh to Shaw, and subsequently bore him three children. A sum of money was left in England to Elizabeth Hickson and her issue, and what the House of Lords had to decide was, whether or not these three children were legitimate. This depended upon the validity of the Scotch marriage, which again depended upon the validity of the Scotch divorce. If either the law of England or the law of Scotland could alone be consulted, there would be no room for hesitation in the matter. According to either of them, the conclusions would be clear, but opposite; by the first the divorce could not be obtained, the marriage would be invalid, and the children illegitimate; by the second the divorce was obtained, the marriage was valid, and the children legitimate. It is sufficiently shameful that the same facts should lead to consequences so different in different portions of the same realm; but the case is somewhat more complicated. The marriage between Buxton and Elizabeth Hickson was an English marriage; the divorce between them was a Scotch divorce; and the question therefore arose, could a Scotch divorce dissolve an English marriage? The jurisdiction of the Scotch courts is indisputable, because by the law of Scotland a residence of forty days in that country confers a domicile for all purposes of litigation, and accordingly, by residing in Scotland for that stipulated period, Buxton and Elizabeth Hickson rendered their marriage amenable to the provisions of Scotch law. The House of Lords decided that the law of England cannot recognise such a claim. Lord Cranworth, in delivering a judgment in which the other Law Lords present concurred, after expressing himself "painfully sensible" of the unsatisfactory state of the law, said—"The authorities seem to me to show clearly, that whatever might be the decision of the Scotch courts upon this subject of divorce according to Scotch law,

the English courts cannot admit any right in them to interfere with the inviolability of an English marriage, nor with any of its incidents." The result is, that sixteen years after the death of the father, and three years after that of the mother, a marriage which was good in Scotland is declared to be bad in England, and the children of it, who are legitimate by Scotch law, are stigmatized as bastards by English law. The imagination can scarcely picture to itself any instance of legal iniquity more patent and more gross. There is no doubt of the soundness of the view taken by Lord Cranworth in his judgment, if looked at by the dim light of law; there is equally no doubt of its utter rottenness, if looked at by the stronger lights of justice and common sense. In contrast with this decision of the House of Lords, may be placed a decision lately given in the United States; it is mentioned by Mr. Hepworth Dixon in his "Spiritual Wives," and is referred to in the paper on that work, published in the last number of this Review. A couple who had for some time cohabited together in Cincinnati died, leaving children and money. They had never been married in any way which the law directs; they had entered into no formal contract, and had preserved no written record of their engagement. They had merely gone to what is called their "circle," had taken each other's word, and then commenced to keep house. It was proved that they had in the presence of witnesses declared their intention of living together so long as it should mutually please them, and this being urged on behalf of the issue of their connexion, the Court of Ohio, after much deliberation, allowed their claim to the property which their parents had accumulated. We confess ourselves to be as far from admiring the too natural laxity of the one state of the law as the too artificial strictness of the other exhibited in these two cases, but it is impossible to doubt that it was under the former that more substantial right appears to have been done. There was doubtless legal reason for the principles enforced by Lord Cranworth, however deplorable their consequences. To admit, it was said, the claim of the Scotch Courts to deal with an English marriage, would be to attach a prejudice to English law "by the decisions of what for this purpose must be called a foreign law." It would, indeed, be to open the door to any English husband and wife who found their marriage irksome, to escape from it by taking a trip to Scotland for a couple of months, the husband then committing what in him is regarded by the unequal public opinion of the day the comparatively venial offence of adultery. A fraudulent consent would vitiate this course in England, but Lord Cranworth would not take upon himself to say whether or not "such a proceeding might be valid north of the Tweed, while it would be

invalid south of that river." The judgment, in the existing state of the law, is therefore in accordance with what is understood to be public policy, but it affords a striking example of the anomaly of such a state. Not only are the marriage laws different in integral portions of the same kingdom, but the common court of appeal in it absolutely refuses to recognise the law which prevails in one part of it as binding in respect of status and inheritance in another. According to Scotch law, Elizabeth Hickson was divorced, and was afterwards legally married. The judgment confesses so much, but determines that the Scotch law must be set aside with regard to England. A woman who has been fraudulently entrapped into a nominal marriage at an early age, is unable to escape from it in England. She is informed and believes that she can be set free in Scotland. The Courts of Scotland, subsequently to process, assure her that she is free, and she contracts what in that country is a valid marriage. After the deaths of the parties to this marriage it is set aside so far as England is concerned, and the children of it are deprived of their English heritage on the ground of illegitimacy. Thus are facilities given for fraud, and the greatest incertitude is introduced into questions of succession by natives of one division of the island to property situated in the other. We cannot help thinking, although Lord Cranworth quoted several unmistakeable cases to support his opinion and that of the Law Lords his coadjutors, that the peculiarities of this case would have justified the application, or at any rate some reference to the doctrine enunciated by Lord Stowell in the celebrated case of *Dalrymple v. Dalrymple*, fully cited in Macqueen "On the Law of Marriage, Divorce, and Legitimacy"—namely, that although the validity of all marriages must be determined by English Courts in accordance with the principles of English law, yet that the only principle of English law applicable in regard to foreign marriages, under which are included Scotch marriages, is that their validity must be tested by a reference to the *lex loci* where they have taken place. There is no question of the validity of the marriage between Elizabeth Hickson and Shaw by the *lex loci* of Scotland where it was contracted, and we do not clearly perceive how it escapes from the scope of the *dictum* of the great ecclesiastical judge. To criticise the judgment of the House of Lords is, however, foreign to our purpose. We have merely used it to illustrate a condition of the law loudly calling for immediate and radical reform.

In a paper on "The Laws of Marriage and Divorce," published in the *Westminster Review* for October, 1864, we fully exposed their scandalous confusion, and urged the necessity for their complete reconstruction. The further experience of four

years has only confirmed us in the opinions we expressed upon that occasion. In the present article, little else remains for us to do but to reiterate the observations and arguments we delivered in the former one.

The Roman Canon Law is the fountain whence the marriage laws of every independent state of Christendom have flowed in separate, and often divergent streams. The binding force of each particular code was derived, not from the general source from which they all arose, but from the special channel in which each ran, and to which each was confined. The canon law, although deeply influenced by the old civil jurisprudence, was chiefly compiled from the opinions of the Latin Fathers, the decrees of general and provincial councils, and the decisions and bulles of the Popes. The Church raised marriage from the position of a merely legal engagement into that of a religious sacrament, and holy rites and ceremonies were enjoined for its celebration. The canonists, however, reconciled the simple practice of consensual marriage, with the more ambitious terms of theological theory. Where a matrimonial pledge was deliberately exchanged between a man and woman, it was held that the sacrament was actually received by both of them, and the Church would not permit the mysterious tie thus formed to be trifled with or called in question. The impediments to a valid interchange of consent were multiplied; the forbidden degrees of consanguinity were extended, and the number of the pretexts for avoiding the efficacy of the contract was increased, beyond all reason. But when once a valid consent by both parties had taken place, *very matrimony* was the immediate consequence. The consent was either present, or future followed by cohabitation: *per verba de presenti* or *per verba de futuro subsequuta copula*, both of which resulted in *matrimonium ratum nondum solemnizatum*. In the fourth council of the Lateran, Innocent III., following the example of certain French and English bishops, enjoined the publication of matrimonial banns, as preliminary to marriage, and from this period no marriage could be celebrated by a priest until a definite time had elapsed after the announcement had been publicly made in church of such intended celebration. But non-conformity with this rule did not affect the validity of a marriage. In the case of consensual unions, as well as in this case, the parties could only, under pain of excommunication, be compelled to proceed to a regular solemnization of their nuptials *in facie ecclesie*. It was not until the twenty-fourth session of the Council of Trent, in 1563, that marriage was decreed to be necessarily a religious ceremony, a decree only binding on Catholics, and in no way affecting Protestants.

The law of England anciently allowed of three distinct methods of contracting marriage. The first was by public celebration in a church, of which the essential conditions were the publication of banns, or the obtaining a licence to dispense with banns; the performance of a religious ceremony in the parish church between the hours of eight and twelve in the forenoon; and, when the parties were under age, the consent of their parents or guardians. These were the stipulations of the canons, and formed the groundwork of our present ecclesiastical requirements. The second was by clandestine celebration by a clergyman episcopally ordained without the publication of banns or licence, without regard to place or time, and without the consent of parents or guardians. The third was by the mere mutual consent of the parties. The consent might be either by words, whether spoken or written, importing a present contract binding on both parties from the moment of the declaration, or it might be by words of future promise followed by cohabitation. By the Ecclesiastical Courts, consensual marriages were regarded as complete in substance, but wanting in ceremony. By the Common Law, no marriage was considered valid unless solemnized by a person in holy orders. But whenever a question as to the sufficiency of a marriage came before them, it was referred to the Ecclesiastical Courts, which alone were competent to decide it. The way in which the temporal courts guided their practice was this:—suppose A married B by verbal contract, and afterwards married C, in the face of the Church, they held the second marriage good, and took no notice of the first. But if B went to the spiritual court and compelled A to proceed to the regular solemnization of the first marriage, which could always be done, the temporal courts would then adopt the first marriage, which they had previously repudiated, and reject the second marriage, which they had previously recognised. There was always this distinction by the Common Law between the effects of consensual and the two other kinds of marriage—that while the existence of the latter rendered a subsequent marriage *void*, that of the former only rendered it *voidable*. In 1753, the 26th Geo. II. cap. 33, commonly known as “Lord Hardwicke’s Marriage Act,” provided that marriages by minors without the consent of their legal guardians should be absolutely void; and, to secure this consent, no marriage should be celebrated without publication of banns or licence and the presence of two witnesses, under the penalty of nullity and the transportation of the offending celebrator. It further provided, with regard to consensual marriages, that thereafter no suit should be instituted in the Ecclesiastical Courts to compel the regular solemnization of a matrimonial contract, whether *per verba de presenti* or *per*

verba de futuro. This statute controlled the English law of marriage until 1823, when, by the 4th Geo. IV. cap. 76, the penalty of nullity was restricted to cases where persons *wilfully consented* to the celebration of marriage before the publication of banns or obtaining a licence, or by anyone not in holy orders, or elsewhere than in a church or licensed chapel. The absence of the consent of the legal guardians of minors did not, under this Act, invalidate the marriage, but it provided that, in the event of fraud, the guilty party should forfeit all claim to property accruing under it. This, though it was an improvement on the illiberal spirit of the statute of George II., left the privilege of celebrating marriages entirely confined to clergymen episcopally ordained, and naturally pressed hardly upon Protestant Dissenters. It was not, however, until 1836 that the 6th and 7th Will. IV. cap. 85, enabled persons in this country to contract a legal marriage without a religious ceremony. By giving notice to the registrar of the district, and producing the certificates required by the Act, they may now be united in wedlock by mere verbal declaration, or may celebrate their nuptials in the registered places according to any forms they choose, between the hours of eight and twelve in the forenoon, and in the presence of two witnesses at the least.

The law of Ireland was exactly similar to that of England in the old time, and the provisions of the 26th Geo. II. cap. 33, were extended to that country by the 58th Geo. III. cap. 81. The special matrimonial legislation applied to Ireland has been on a par with the rest of the British law making, of which until lately that unhappy country has been the victim. It would be tedious and unprofitable specifically to enumerate the individual steps of folly and injustice through which her marriage laws have been advanced to their present condition. The marriages of Roman Catholics—that is, of three-fourths of the population—may be as hasty and clandestine as those in the Fleet Prison, or by hedge-parsons before the passing of “Lord Hardwicke’s Marriage Act;” and they are not recorded in any public register. The marriages of Protestant Dissenters are subjected to obscure, senseless, and offensive conditions. A marriage in a Presbyterian chapel is invalid unless both the parties are Presbyterians; and Baptists and Wesleyans are compelled to marry by means of a notice at the poorhouse. The marriages of members of the Established Church are exposed to the risk of all sorts of latent impediments: as, for example, a secret marriage by a Roman Catholic priest, if both the man and woman concerned can be shown to have been Roman Catholics, which marriage, again, would be void if it could be proved that either of them within the twelve calendar months next before the celebration had professed Protestantism. Mr.

O'Conner Maurice, in a passage quoted by Mr. Muirhead in his "Notes on the Marriage Laws," makes the following remarks :

"A code such as this, which divides itself into obscure *privilegia* according to sectarian distinctions, which gives a latitude to one class of marriages which are a serious evil in themselves, and places a fetter on other marriages from which they certainly should be free, which is so lax that it encourages seduction, and so intricate that it endangers matrimony, and which sets in hazard the greatest of contracts by reason of undiscoverable connections, of facts really collateral and imaterial, and of unintelligible and treacherous provisos, requires, if possible, a thorough amendment."

The law of Scotland is now, with regard to the contracting of marriages, governed by the principles common to the canon law prior to the decree of the Council of Trent, and the law of England prior to the 26th Geo. II. cap. 33. The regular mode of marrying is, after a due proclamation of banns, to proceed to a clerical celebration in the presence of witnesses. There is no religious ritual, and the proceeding takes place at any of the hours of the twenty-four in a private house, in the open air, or anywhere convenient, but never in kirk; and the consent of legal guardians, in the case of minors, is not necessary. The irregular modes of marrying are by clerical celebration without the publication of banns, and by consent of the parties, either by present declaration or by future promise, followed by cohabitation. The former kind is very rare; the latter, which is not unusual, differs from the form of consensual marriage once existing in England, in that while the second was cognizable in the temporal courts only after regular solemnization had been enforced by the spiritual courts, the first is legally complete, *ab initio*, and in itself. There is yet another kind of marriage known to the Scotch law, namely, that "by habit and repute;" if a man and woman deliberately and pertinaciously hold themselves out to the world as husband and wife, the law concludes the existence of a matrimonial contract between them, and the parties will not be allowed to repudiate it at the convenience or caprice of one or both of them.

In all societies in which marriage has been considered to be a connexion of a permanent nature, some artificial means have been devised for bringing it to a termination, on account either of the wishes or the offences of those concerned in it, or of one of them. The freedom of the Roman jurisprudence was transferred unabated to the Barbarian codes; and a form of divorce by mutual consent, in use in the seventh century, has been preserved in the work of Marculphius, a Frenchman and a Catholic. It was only in the eighth century

of the Christian era that the Church endowed marriage with supernatural attributes, and affirmed its sacramental character as an infallible doctrine. The conclusion was thenceforth drawn that the matrimonial bond could only be cancelled by the act of God—the death of the husband or the wife—and that it could not be cancelled for any cause by any human means. “*Sciendum est legitime contractum matrimonium dissolvi non posse: quippe a Deo conjuncti ab homine separari non debent nec valeat.*” The Church, however, has always had at its command a plenteous and lucrative reserve of divine power, by which the sovereign pontiffs were enabled, upon occasion and for a consideration, if not to sever, at least to untie, the conjugal knot. The spiritual courts in each separate state had the right to annul uncanonical unions, and to separate offending couples from the community of married life. The mere confession of one of the numerous obstacles which had been invented by the prurient industry of the canonists would serve to avoid a marriage, and the simple acknowledgment by an accused spouse of the delinquency attributed to him or her would at once procure the relief of a divorce *a mensâ et thoro*. The grounds for obtaining such a separation from bed and board were confined, however, to the sufficiently elastic categories of adultery, cruelty, and heresy. The Reformation in England did not immediately affect the system of canon law administered by the spiritual courts, and marriage was still held to be indissoluble, although degraded from the rank of a sacrament. Under the 3rd and 4th Edw. VI. cap. 11, commissioners were appointed “to order and appoint such ecclesiastical laws as might to them appear meet and convenient.” By the report of this commission the adoption of divorce *a vinculo matrimonii* is recommended in the two cases of adultery or obstinate desertion by either the husband or the wife, but the death of the king and the accession of a Roman Catholic sovereign rendered its labours abortive. As late as the 44th of Elizabeth, after the re-establishment of a Protestant government, it was believed that the Ecclesiastical Courts could finally dissolve marriages, and it was not authoritatively decided to the contrary until the case of Sir John Foljambe came before the Court of Star Chamber in that year. After this the practice grew up of applying to the legislature for private acts of parliament for the dissolution of marriages, and permission to parties to marry again; and in process of time their terms became settled upon a general plan, and, under the direction of the Chancellor and Law Lords, they were at last granted by the House of Peers, and sent down to the Commons, in a spirit rather judicial than legislative. In England the State assumed by the 20th and 21st Vict. cap. 85, the jurisdiction in all causes

matrimonial which had previously been delegated to the Church. The jurisdiction once vested in the Ecclesiastical Courts, and the parliamentary prerogative of granting divorces *a vinculo matrimonii*, were transferred to the Court for "Divorce and Matrimonial Causes." Successive statutes have modelled this branch of the law, and defined the powers and duties of the tribunal which administers it. These powers and duties are partly derivative and partly original. The court decrees judicial separations, restitutions of conjugal rights, and determines in cases of jactitation and nullity of marriage in its character of successor to the spiritual courts, and it entertains declaratory suits of marriage and legitimacy, and dissolves marriages in its peculiar capacity under the statutes. The only cause which the law of England in fact admits for divorce *a vinculo matrimonii* is adultery, either simple or complicated by circumstances of aggravation. The husband may obtain a dissolution of the marriage by proving the mere fact of his wife's adultery, but the wife cannot do so unless she has established incest, bigamy, or unnatural crimes against her husband, or that his adultery has been coupled with legal cruelty or with desertion of her for two years and upwards. The law of Ireland is now in the same condition in which the law of England was before the 20th and 21st Vict. cap. 85, and the law of Scotland is in that which it assumed shortly after the Reformation. The Court of Session then established by a judicial decision the principle that divorce *a vinculo matrimonii propter adulterium* was part of the Common Law of the land. From this time it was granted indiscriminately at the prayer of the husband or the wife, and a little later, by an act of the Scottish Parliament, Statute A.D. 1573, cap. 77, another ground of divorce was thrown open equally to both spouses, namely, desertion for four years, and contumacious neglect of sentence in a suit of adherence, equivalent to a petition for restitution of conjugal rights, before the Lord Ordinary of the Court of Session. The Scotch law, like that of England, as modified by the Divorce Acts, allows also of judicial separations by reason of cruelty and illtreatment by husband or wife.

The institution of marriage has an influence so obvious, direct, and important upon the welfare and happiness of mankind, whether as individual persons or as collected into communities, that it is right and politic that society should establish certain constituted modes of entering into and retiring from the engagements which it implies. The Legislature in each State is exercising a portion of its legitimate authority in requiring, and is, indeed, bound to require, that those of its citizens who desire to participate in, or abdicate from the civil consequences of, this peculiar species of association should indicate their intention to

do so by their compliance with some public and ascertained formalities. The effects of marriage do not end with the man and woman between whom it subsists : by it they assume a particular character in relation to the community of which they are members, and when they procreate children other interests are with them brought into being, of which it is the duty of the community to take care. The principle upon which matrimonial formalities should be chosen is that they be of such a nature that a neglect to comply with them would warrant the immediate conclusion that the parties did not contemplate the creation or termination of the conjugal relation. The legal validity of a connexion so momentous should never be allowed to rest upon facts essentially trivial and not absolutely necessary for the protection of the parties themselves and of society at large. With regard to the celebration of marriage, the objects to be attained by legislative control over it are, that the purpose of the parties should be announced for a certain time beforehand, in such manner that any proper objection may be taken, or legal impediment disclosed, to the proposed union ; that the contract should be so made that no doubt can arise as to what the co-contractors at the time intended, and that evidence of the contract should be perpetuated so that proof of its existence should be forthcoming on any subsequent occasion that may arise. The Registration Act, the 6th and 7th Will. IV. cap. 85, nearly approaches the achievement of these ends, and would fully reach them were its provisions slightly modified and extended to the United Kingdom. By notice to the registrar of a district, and publication by him of such notice for a fortnight or three weeks before the proposed celebration, the first condition of publicity would be fulfilled much more effectually than by the present plan of banns and licences. The second condition of certainty would be fulfilled by the interchange of matrimonial consent in the presence of the registrar and two witnesses ; and the third condition of testimony would be fulfilled by the making of a contemporaneous record of the marriage under the hand of the registrar, signed by him, the parties, and the witnesses. This proceeding should be made universally compulsory under pain of nullity, but it should be left open to any one either to accept it as a final celebration, or to take it as an analogous process is frequently taken on the Continent, as a merely civil preliminary to the religious solemnities recommended by particular creeds. This portion of the marriage laws might be completely codified in a bill of half-a-dozen clauses. With regard to the dissolution of marriage, nearly the same observations may be passed and similar provisions might be made. What society has a right to demand, and what society has a right to demand only, is a public, distinct, and easily

provable repudiation of the conjugal relation, and the preservation of the inviolability of those vested interests to which the union may have given rise. The law at present looks upon divorce in the mistaken light, if made exclusive, of a vindictive process for redress, instead of that in which it ought mainly to be contemplated, as merely the legal means for bringing a special kind of partnership to an end. The State, indeed, should make its authority available to the parties upon exactly equal terms, when either of them had violated the conditions of the partnership, and yet refused to retire from it, but this should be done only in such exceptional cases as of adultery, cruelty, and desertion, confirmed lunacy and idiocy, and we may add, the condemnation to a long and disgraceful punishment of the husband or the wife, which should be made grounds for a compulsory action of divorce. The objects for which marriage exists, is the comfort and happiness of the persons who are joined in it, and the production, support, and education of children. It is an union susceptible of every variety of form which consent can establish, provided it be not contrary to these ends. It is an association entered into between parties of the opposite sexes, and though the stipulations which may be made by the parties to it should be capable of being legally enforced, yet its terms, whether as to their intrinsic nature or duration, should be left as far as possible, consistently with a due regard to the general welfare of society, to the choice and determination of the parties to it themselves.

The legitimacy of children, where the formal marriage of their parents is doubtful and incapable of proof, is a matter germane to our present consideration. It may be questioned if there are not cases, in which it would be just and reasonable that the law should conclude of its own force the existence of valid matrimony, from the existence of certain preconstituted facts, when for example a man and woman have cohabited together for a series of years, with the uninterrupted reputation, sanctioned by themselves, of being husband and wife, or where cohabitation and the birth of children have followed upon a promise to marry. The legitimation of issue by the marriage of the father and mother after their births, *per subsequens matrimonium*, is a doctrine of the Roman law adopted in every country which has derived its legal system from that pure and prolific spring of public wisdom. It is established in Scotland, and in England and Ireland only a principle so consonant with the dictates of enlightened policy and humanity is rejected.

The laws are fixed and uniform rules of conduct, the societies to which they apply are in a constant state of flux and change, therefore between the two there must always be a varying amount of adaptation. The perpetual conflict of the new witu

the old, the present with the past, is ever being waged by a progressive community with its institutions, and these lagging more and more in the rear of the spirit of the age, can only be brought up to it by continual amendment. It was the mission of the Catholic Church, in the earlier period of its establishment, to reorganize the domestic relations of life among the nations of Europe; the spiritual usurped from the temporal power the whole superintendence of matrimony, and ecclesiastical constitutions gradually superseded all other authority in Christendom upon the subject. Marriage was made a sacrament, the holy and inviolable union of two persons into one flesh, which nothing in this world could terminate or destroy, but it was no sooner founded upon this firm and sacred basis, than a course of reform commenced to bring it into harmony with the thought and feeling of successive generations. The pious zeal, and obscene ingenuity of the canonists, devised all sorts of fictitious means and pretences for avoiding its permanent effects; the equitable influence of the dispensing power of the sovereign pontiffs, or the extraordinary action of the state, was exercised to afford relief in special cases, and at last direct and general legislation was resorted to for the purpose of modifying the laws of marriage. In all civilized countries, it is now brought within the scope of temporal jurisdiction, its spiritual aspect being merely an addition, by way as it were of ornament, to its strictly legal character. It is regarded by the law in all portions of the United Kingdom as a legal *status*, a relation, the nature and incidents of which are determined by the legislature, and not as a contract, in which they would be left to the determination of the individual citizens concerned in it. The gradual evolution of the doctrine of contract from that of status, is the essential principle in the development of the law of persons. In ancient law the tendency was to treat every social relation as of status, in modern law the tendency is to treat every social relation as of contract. In ancient law the relations of sovereign and subject, of master and servant, were of status; in modern law they are of contract; and in like manner the relation of husband and wife must pass, and is even now passing from the one condition into the other. The cold and rigid provisions of the law are utterly powerless to control the inclinations and affections of its subjects.

ART. VI.—THE INCAS.

1. *Antigüedades Peruanas*. Por MARIANO EDUARDO DE RIVERO y Dr. TSCHUDI. Vienna.
2. *Comentarios Reales de los Incas*. Por el Inca GARCILASO DE LA VEGA. Nueva Edición. Madrid.
3. *Memoria sobre las Antigüedades Neo-Granadinas*. Por EZEQUIEL URICOECHEA. Berlin.
4. *Diccionario Qquichua*. Por el R. P. Fr. HONORIO MOSSI. Sucre.
5. *Ancient Faiths embodied in Ancient Names*. By THOMAS INMAN, M.D. London.

THE publication of some of the biographies of the chief actors in the Spanish Conquest of America by Mr. Arthur Helps, extracted from his larger work, affords us an opportunity of reviewing some of the chief events in Peruvian history, as well as the character of the people whose kingdom the Spaniards overthrew. The recent appearance of another class of works amongst us, bearing on the undying truths which other ancient nations have worked out for themselves, also stimulate us to a study of the Children of the Sun from a different point of view to that from which they have hitherto been presented to us. Pre-eminent among these is that of Professor Ewald's "History of Israel to the Death of Moses," which not only throws a loving light on the origin of the People of God who are called by His name, but also on all those other nations, who, though they have received no official recognition of their services, and no "inspired" record chronicles the spirituality of their aim, or the divinity of their national life, yet did design and carry out one of the greatest objects which a nation can set itself to apprehend. The spirit in which Professor Ewald writes has resuscitated the patriarchs, has invested the "divine legation of Moses" with a new glory, and given to the history of Israel such a charm as will redeem it from the miserable uses to which it has hitherto been applied. The history of Israel stands in as much need of being delivered out of the hands of modern Christians as the ancient people themselves once needed a Samson to deliver them out of the hands of the Philistines.

Another work, of a very different character, has still more recently appeared, and which, some will say, sheds a new light indeed on ancient faiths, but not the light of heaven. At present, we have only one volume of this most laborious work, the

conclusion of which will be looked for by many with eagerness and curiosity. Dr. Inman's "Ancient Faiths as embodied in Ancient Names" is the opening of an entirely new vein in a very old mine, the skilful working of which will be a source of great delight to all who study the religions of mankind. It has already suggested some entirely new thoughts on the history of the ancient Peruvians, and will, we are persuaded, throw considerable light on many manners and customs of that people, which up to the present time have been very much misunderstood.

Of the numerous early traditions of the ancient Peruvians, the following, relating to the foundation of their sacred metropolis, has been generally adopted as being the more widely spread among, and believed by, that nation:—"And Manco Khapac cast forth the gold rod out of his hand, and the earth swallowed it up, and there, according to the will of the Holy Ones, he founded the kingdom of Tahauantisuyu." Such is the simple legend of the origin of Kcusco, the capital of ancient Peru. They first buried their gold and then built their city; and when afterwards they restored the precious metal, it was for sacred uses only. They ornamented their temple with gold inside and out, and the vessels of the altar, as well as the doors, cornices, and capitals, were of pure gold; the Inca's throne was of gold, and whatever gold was found, it was brought to the Inca, not as tribute which the people were obliged to pay, or which the Inca extorted, but solely for pleasure on account of its beauty and splendour, for the ornament and service of the palace as well as the temple, and the houses of the Virgins of the Sun. Gold to them was a token of the divine compassion—a symbol of the sympathy of heaven—and they called it "tears which the sun had shed."

The word Kcusco signifies navel; and, following a suggestion of Inman's, as *omphalos* in Greek signifies the navel, pure and simple, but as if we cut the word in two, we find that "om" signifies *maternity*, and "phallos" *paternity*, so by a similar process with the Quichuan word, we obtain a similar result, and find that Kcusco is compounded in like manner. The city itself was also divided, as we shall see, into two parts—one part, the upper, being dedicated to the man, and the lower part to the woman. The ancient Indian myth of Mahadeva and Sara-iswata (pp. 18—124 of Dr. Inman's work) will be consulted with great interest by all readers of Peruvian antiquities.

Manco Khapac was attended by a lovely woman, his sister-wife, whom they called Mama Ocllo, and she likewise ministered to the tribes of the Great Mountain Valley, and what Manco Khapac did for the men in teaching and training, she did for

women : he taught husbandry, and she spinning and weaving ; he gave laws, and she imparted the spirit in which they should be kept ; he renewed the fallen form of man by means of skilful labour, she gave grace and comeliness to woman, and was herself—

“ All beauty compassed in a female form,”

insomuch, that when she first appeared to those tribes, they fell down and worshipped her. The part which she played in the founding of our Ancient Kingdom was therefore cognate, but not subordinate, and hence Manco Khapac became not the founder of a mild despotism, or theocracy, or a paternal government, but he was rather we may say the author of a way of life. He was a son of God, and Mama Ocllo the Eve of a paradise regained.

Some obscurity attaches to the verbal signification of the founder's name, and the Inca historian declares that it is not Qquichuan ; but Fr. Honorio declares it to mean pre-eminently the *husbandman*, and secondarily, *man* ; whilst the name of Mama Ocllo is simply, in the most literal sense, *a hen sitting on eggs*.

These legends, with numerous others of equal pith, have survived the jeers and ridicule of more than three centuries, and the language which contains them has been scattered over far-off mountain valleys like the sand of the sea on a shore strewn with wreck and ruin and broken skulls ; yet, as time and the sun sweep the wreck away, the golden sand reappears in its old beauty—

“ These sands like Sibyl's leaves”

blown about the ruins of Kcusco, Titicaca, Quito, and Pachacamac, are every year becoming more precious as the events to which they point become better understood. And, as has been said* of another ancient people, and their legendary and traditional times, so may it be said of the Peruvians, there is nothing frivolous in such legends, or even immoderate, but there is in them a modesty mingled with dignity and sublimity, and a pastoral beauty associated with Supreme power which distinguished the kingdom in the more stirring times of its instructive history.

“ But the spirit of the event—the imperishable and permanent truth contained in it, which sinks deeper into the mind the more frequently it is repeated, and, through countless variations in its reproductions, always beams forth like a bright ray—that spirit gains even greater purity and freedom, like the sun rising out of the mists of the morning. We may, indeed, say that in this respect tradition, drop-

* “ History of Israel to the Death of Moses.” By Heinrich Ewald. Longmans.

ping or holding loosely the more evanescent parts, but preserving the permanent basis of the story more tenaciously, performs in its sphere the same purification which time works on all earthly things; and the venerable forms of history, so far from being disfigured or defaced by tradition, come forth from its laboratory born again in a purer light.

* * * * * A noble people which has already passed through a history pervaded by a certain elevation of purpose, will by this purifying influence of tradition have presented to it the great personages to whom it owes its elevation under even purer and more brilliant aspects, and find them a source of perpetual delight. But in cases where the memory of such lofty examples has, by the lapse of centuries and internal changes, lost much of its original circumstantiality and distinctness, and only survives in a few grand isolated traits, this memory will generally become all the more plastic, assimilating to itself the new great thoughts which now constitute the aspiring people's aim, and, when thus ingeniously modified through their influence, be born again into the beauty of a new life."

Much of the tradition of the Peruvians has been collected in the original works at the head of this article, more remains to be gathered, and we have no doubt but that the story of this ancient people will become a new and perennial source of knowledge—"profitable for doctrine, for reproof, for correction, and instruction in righteousness."

The history of the twelve Incas was written in the splendid public works of their kingdom; in their bridges, which crossed great rivers; their highways, which levelled mighty mountains and uplifted plains, which crossed great swamps and rivetted together a realm stretching north and south more than forty geographical degrees; in their matchless gardens, their aqueducts, their cultured lands of cotton and corn, their vast pastoral plains; in the beauty and splendour of the city of Keusco, and in their transcendent treasures of silver and gold. Thus written, the Spaniards could read that history, and they have even preserved numerous records of it in the unwilling testimony of soldiers and monks, who saw it with their own eyes, but the wonders of which they never failed to attribute to the power of the devil, assisted by the full force of his evil army. What they did not, and could not understand, was the spirit of the nation which they destroyed, its provident laws, its simple life, its happiness, and its view of the world. These we must discover for ourselves from independent sources, if we would know who the Incas were, and what the nature of their rule, what the conquest of Peru really was, and how accomplished.

The story of that conquest is one which has often stirred the hearts of Englishmen, from the times of Hawkins, Drake, and Raleigh to our own; and the histories of Robertson, Prescott, and Helps, testify to the increased and increasing interest taken

in the subject. As long as life continues to be "a tragedy to those who feel," so long will the conquest of Peru continue to be rewritten, as advancing thought and inquiry demand it.

For ourselves, we have no doubt but that at a time not far distant, we shall see an expedition organised to do for the antiquities of the western, what the recent expedition under Professor Agassiz has done for the natural history of the eastern shores of the same continent. Let us hope that the honour of such an enterprise will not be monopolized like the first, by one nation, but be shared by ourselves with our American brethren. The labours of Caldas, Joaquin Acosta, Rivero, Tschudi, Fray Honorio, and others, have produced such fruit as to leave no doubt what the result of such an expedition would be.

As the city of Kcusco, or Cuzco as it is commonly written, was a miniature of the entire Incarial kingdom, we shall endeavour to describe it, and catch such glimpses as we may, in passing, of its public and social life, as shall cast some light on the religion and civilisation which the ancient Peruvians worked out for themselves. The history of Kcusco may be written, that of the kingdom of Peru never, for it was made up of nations much older than itself, whose mythologies and customs were abolished long ago, when the worship of the white llama, the puma, the tiger, and the python, gave place to the purer worship and sublimer ritual of the Sun—when the Aymaraes, the Moxos, the Collas, the Chilians, the Araucans, the Chiriguanas, and the Quitanyians became merged in the unity of that one kingdom, which it was the pride and glory of the Incas to consolidate and extend. The peculiar languages of these people remain, and are now the sole reliques of their national existence, and that is no mean testimony to the justice and morality of the Incas' rule. The language of Kcusco was taught and learnt throughout the length and breadth of the kingdom, but each nation preserved its own endearing distinction of speech. So that when the Inca, on his accession to the throne, made the tour of his kingdom, as was the royal custom, he could speak with all his people in a language common to all. And when the happy time arrived for those elected to attend the great feasts in the sacred city, they were received not as strangers in a strange land, but as citizens of the same city, equally with those who were born and bred in it.

Kcusco is situated in a mountain valley nine miles long, at a height of more than eleven thousand feet above the level of the sea, and some three hundred miles from its shores, in south latitude $13^{\circ} 31'$, and west longitude $73^{\circ} 3'$. It is enclosed by great mountains, one of which, at the head of the valley, the Sacsahuaman, or Falcon's Nest, was the site of the palace of Manco Khapac. At the base of this mountain ran two small

streams, between which Hanan, or Upper Kcusco, was built, whilst farther down, and on the slope opposite, where these streams became one, was built Hurin, or Lower Kcusco, and dedicated to the memory of Mama Ocllo. In the reign of Huayna Khapac, the twelfth Inca, a dozen palaces occupied the principal heights, whose corner stones were laid in molten gold. The streets for the most part ran at right angles, projecting from the great central plaza with four principal streets, which stretched into and were continued by the royal roads, and ran east and west, north and south, two of them for more than two thousand miles each.

The climate of this noble city was part of its charms. It was neither extremely cold nor hot; or if cold prevailed for a day or so, it was only to make the return of warmth still more welcome; and if it became hot, it was yet bearable, for they still knew that the fresh, pure, bracing breath of the mountains would not fail them for long. We need only mention two things to convince us how delicious this climate was. They used no fire in their houses except for culinary purposes, and there was therefore little or no smoke from them, and absolutely none from shops and manufactories, since these and their smelting operations were always carried on at the mines in the mountains where the metal was extracted—and there were no flies, no mosquitos, no sand-flies, no gnats, and vermin could not live. They were a highly economical people, as well as strict observers of the laws of health. This is shown in many ways, but we may mention two which can be fully appreciated by us, namely, their family kitchens or cooking ovens made of clay, and so constructed as to boil or roast a given number of things with the smallest possible consumption of fuel; and their earth closets. By means of these latter, not only was thorough cleanliness preserved, their streams of water kept from pollution, their fields, orchards, and gardens, were likewise maintained in a high state of cultivation. Any citizen of Kcusco living in untidiness or filth, was held up to public execration. The apparitors of the temple were also guardians of the streets, and were responsible for their cleanliness and order.

The seasons had their full round and play, but the sun presided over them all in unsullied majesty and unconquerable glory. If it rained, the sun shone, filling the sky with rainbows; if it snowed or hailed, he still withheld not his light and warmth. So that whether it was spring, summer, autumn, or winter, the air was always dry, the sun never absent. No wonder they worshipped it. No wonder they represented it as having a human form, animated with God-like love. Thus, their temples were adorned not only with symbols of the moon, the planets, and the rainbow, but with the likeness of their sun God in gold. And here we are reminded of another object of heavenly beauty among

their art treasures worthy of notice, which has been a puzzle to many learned men, while some grave and silly persons have ascribed its origin, not to the love which the old Peruvians had for objects of natural beauty, but to nothing less than the spite and malignity of the Abaddon. This was a marble cross, of which there were several copies placed in various parts of the city. The original of this cross was older than any church on earth—its antiquity greater than that of any city or nation—and it had hung in the sky centuries of ages before Rome and its wooden crosses were ever heard of. This was the great Southern Cross of the stars, which they called *Catachillay*, the form of which they copied in marble, not for crucifixions—but for pleasure by day—as they had the bright starry original to gaze upon in the sapphire sky of the night. We are told by one* who has contemplated that seeming “rapture of repose” of the southern heavens—

“That about seven in the evening the southern cross, and the others surrounding it, remained, comparatively speaking, alone in their grandeur. Five of them, remarkable for their regularity, are formed chiefly by large stars, four of the first magnitude, including Canopus, being visible. In the centre of them, and upright for some time after sunset, is seen the cross, its lower stars elevated at an angle of 45°. There is a superior clearness in the atmosphere above this old capital of the Incas which seemed to me to bring the cross nearer to the earth than elsewhere.”

It is, however, difficult to escape from the conclusion drawn by Inman as to the symbol of the cross (pp. 150, 412), especially as by his aid we can now understand the triangular or delta-shaped doors and entrances to many of their tombs and temples (p. 145). Indeed, the only ground we have for the assertion that the Great Southern Cross was the original of the crosses carved in marble and stone is, that the Peruvians were worshippers of the heavenly bodies, and many of their ornamental designs were taken from figures formed by combinations of the stars. Dr. Inman's work will no doubt send the students of Peruvian antiquities back to their studies; but whether they will continue to regard those other objects of curiosity, the upright marble pillars in front of the temple of the sun, as formerly—namely, as means to determine the times of the solstices—or, according to this new light, as gigantic phalli—human emblems of male creative energy, connecting the mind of the worshipper through the high priest of the temple with the Almighty Creator of all things—may be questioned. But Garcilasso might have been guessing the use of these erections when he said they were to denote the precise day of the equinoctial. They were, he says, of the finest marble, in the open area before the temple of the sun, which, when the sun

* Vigne—“Travels,” ii. 92.

came near the time, the priests daily watched and attended to observe what shadow the pillars cast; and to make it more exact, they fixed on them a gnomon like the pin of a dial, so that so soon as the sun at its rising came to dart a direct shadow by it, and that at midday when in the zenith the pillar made no shade, they then concluded that the sun had entered the equinoctial line. At which time they adorned these pillars with garlands and odoriferous herbs, and placed upon them the seat or chair of the sun, saying that on that day he appeared in his most glittering pomp and glory. Then it was they made their offerings of gold and silver and precious stones to him with all the ceremonies of ostentation and joy. (See Inman, pp. 130, 154, 305.)

The great city was worthy of the sun which smiled upon it, and as the sun is the centre of the universe, sustaining the earth with its light and warmth, so did Kcusco make itself the very heart and soul, as it was the centre, of the kingdom. It was well paved, and a stream of water ran down the middle of the principal streets. These were called—"The Ladder," leading up to the palace of its founder; the *Cantutpata*, or Flower-walk; the Salt-ward, from the salt spring which was there; the *Rimac-pampa*, or Parliament plain, where the laws were proclaimed and explained; the *Pumapchupan*, the Lion's Tail; opposite to which was the *Huacupuncu*, or the Holy Gate. From which we gather that if the city was known for its religion and sacred memories, it was no less to be known for its courage and strength. There were numerous other streets, but their names, like the people who once inhabited them, have long since been forgotten, or, what is worse, misunderstood. The city was divided into four quarters—to the east, west, north, and south—corresponding to the four chief divisions of the empire, and which were severally called Antisuyu, east to the Andes; Cuntisuyu, west to the sea; Collasuyu, south to Chili; and Chinchasuyu, north to Quito; whilst, as we have said, the name of the kingdom itself was Tahuantisuyu, or the Four Quarters. As the natives of these different sections of the empire came up to the metropolis, they were located in the quarters corresponding to their geographical situation. Each province was divided into departments, not according to their territorial extent, but according to the number of their inhabitants, and each department was represented in its own quarter of the city. The various tribes had each an especial head-dress, which was discernible from all the rest in form or colour, or the material of which it was composed, feathers, sashes, and conical woollen caps prevailing.* "The Inca

* It is worthy of remark that the head-dress of the Incas was a pair of wings: symbolical of swiftness, and incubation, perfect freedom, and dutecous care.

in traversing this city was thus enabled to review every section of his empire, and to recognise the inhabitants of each district at a glance."* All these were on the east side of the river which runs through the city. On the western side was the *Cussi-pata*, or Hill of Joy, one of the most charming sites of the Incaial metropolis. It was devoted to the use of the poor—was their favourite resort, and the place where they held their fairs, or met to make their exchanges. The base of the hill was connected with the city by a bridge. The prospect from that terraced Hill of Joy was, as indeed it still is, grand and imposing. In the morning, or at evening, the surrounding hills are clothed in purple, and the air is so pure and transparent that one great snow-capped mountain, called by them the Villcanuta, or Holy Height, nearly a hundred miles off, may be clearly seen towering above those purple hills in empyrean glory, and seeming to be the guardian spirit of a place and people beloved of God and very dear to man. Below, the country is rich in waving corn fields, and stretching five miles to the south were the great pasturages of the Inca's flocks. A hundred thousand houses, as they would seem to the eye which gazed on that marvellous panorama, reflected back from their fronts of polished stone the light which streamed upon them. The rivulets of water which shone in the same light seemed like silver serpents (their own figure) winding their way harmlessly round the abodes of man; while the number of domestic large-eyed animals roaming about in undisturbed quiet, as well as unclipt gorgeous birds hovering near on terms of marked and loving intimacy, testified to the love which Manco Khapac had inspired in the hearts of his people, and the earnestness, simplicity, and beauty in which that love was offered back to God.

In strict relation to this, and in proof and illustration of this, and none other, being the mind which was in that nation, we may here mention two or three of their social customs, sprung from

“A deep story of a deeper love.”

Among the chief ladies of the court the memory of Mama Ocllo was kept alive by imitating her example. All the princesses wrought in needlework, not only tapestries and hangings in rainbow hues, but in clothing for the poor, as well as in weaving altar-cloths and robes for the priests. “Lovers of the poor” was one of the distinguishing names of the Incas; but they showed their love in taking upon them the form and doing the work of servants. In the Incas, this was the spontaneous act of a nature

* Garcilaso, “Coment. Real.” Helps, “Span. Conq.,” iv. 26. Tschudi, “Antigüedades,” 73-74.

fashioned thereto by a love which exerted itself without effort and without hope of reward. Again, they were eminently a social people; they built up their language not merely by a tender-loving observance of the works of the Creator, but by friendly intercourse with other nations and people, as well also by an active enjoyment of the social affections in their own most charming city. They were greatly given to hospitality, kindness, and courtesy towards each other. Not only did they labour together in great public works, they lived together in like harmony; their unbought industry and their wise frugality showing them to be a great and a free people. It was a custom among them, in visiting each others' houses, to carry some useful work with them. The women and young girls always took their spinning, the men and youths their fibre-twisting, slings to sort, or other tackle to shape and mend. But if any not of royal blood visited a princess, they carried no work with them, but asked for work to be given to them, and the princess would prove herself a real descendant of the Mama by giving them the same kind of work to do which she or her family were engaged in. This is a sort of co-operation which we have not heard of in these latter days. There were among them neither professed tailors, shoemakers, nor dressmakers, for it was among their virtues that each, from the Inca down to the meanest subject, should learn to make his clothes for himself, and no prince ever received their peculiar order of knighthood until he had learnt to make his own sandals. The aristocracy, the rulers, priests, and *amautas* had each his own tailor and shoemaker, but in the spirit of a truly paternal government, none else were allowed to have their clothing made for them. Again, they never patched their clothes. One of the first things which brought the Spaniards into contempt in their eyes was the patched condition of the clothing in which they first appeared. All their clothing was shaped and made in the loom; and if by any accident it was rent or torn, it was again put into the loom and mended, and that so cunningly that it could not be told where the rent had been. The Peruvians had grown into the belief that what was worth their doing was worthy of being done well. They had grown a thorough people, and it was this thoroughness in their work which made them what they were—quiet, patient, loving, and worshippers of nature. It was not only the source of their knowledge, it was the foundation of their religion and the fountain of their laws. These simple customs—which exist to this day among the Qquichua-speaking natives of the far interior of Bolivia and Peru—taken in connexion with their religious beliefs and ceremonies, and the larger growth of their national life, confirm us in the conviction that they held their own legends

felt by another faithful people when they saw the cross one day lifted to a level with the crescent on the banks of the Bosphorus.

The feast of summer, pre-eminently the feast of the sun, was celebrated in the royal city with wonderful pomp and magnificence. It was on this great day, called the Feast of Raymi, which is also December, that the chiefs and governors and princes of the kingdom assembled together in Kcusco for worship. And if any of these, by reason of extreme old age, infirmity, or sickness, or for being on service at a distance, could not attend to keep that feast, then they sent their sons, or some other near relative, to represent them. All came in splendid robes, bearing their arms, each one in his national costume, rivalling each other in the gorgeousness of their symbols and the bravery of their ornaments. The multitude was very great, of people as well as nobles—so great that there was no room in the houses to receive them all, and they encamped in the open spaces of the city, the great squares, the streets, on the hill sides, and in the meadows, under their own tents. The feast was preceded by three days of rigorous fasting, during which time no fire was allowed to be kindled in any house of the city, and their only food consisted of a little maize and an herb called *chucan*—husbands and wives slept apart. The Inca, with the whole of his court, presided at this feast. He set out early in the morning from his palace, barefoot, and walked to the great square, where the multitude assembled to salute the rising sun. Each noble, chief, or governor, was attended by a servant carrying a plume of feathers, called an *achihua*, or parasol, so that the great plaza, and the streets leading to it, seemed as if covered with one vast, many-coloured, feathery awning. As the sun rose, there rose one grand simultaneous shout of jubilee, drums beat, pipes played, and the voices of a hundred thousand men sent up one burst of praise. Summer had begun. The blessed sun had returned with his blessings. The mighty multitude lifted up their arms to embrace the heavenly rays which descended upon them, and they kissed the air as if it were the raiment of God. Two golden vessels filled with consecrated wine were then offered to the deity by the Inca. The one in his right hand was poured through a golden tube which passed from the plaza on to the altar of the temple, and with the one in his left hand he drank the health of his family, and then poured a little into the small gold cups brought for the purpose by the nobles, chiefs, and governors, who drank with the Inca. Then the Inca, his family, and the nobles proceeded to the temple, all barefooted, and there offered those small gold cups thus consecrated on the inner altar. Only these persons were allowed to enter the sacred edifice on this occasion—the people, also barefooted, remained without and worshipped.

Having made their offerings, all returned in the same order to assist the high priest in the sacrifices, which were offered on an altar richly adorned and placed in the centre of the great square. The first was of a llama lamb, black, without spot or blemish, in the entrails of which the priests searched for some sign by which to read the future. After this came the general sacrifice, which consisted of numerous llamas and alpacas. The entrails and heart were burnt to ashes, the flesh was distributed among the poor, and the wool made up into clothing for the army. After this came the drink-offerings. The Inca, seated on a throne of gold, drank to his family and then to certain principal chiefs, together with the warriors who had distinguished themselves in battle. Then the members of the royal family drank to each other. The chiefs followed their example. By-and-by, so much pledging produced its joyous effect, and greatly increased the general rejoicing. This was followed by dances, fancy balls, charades, plays, and all kinds of music and games, which lasted eight days. Thus they kept the feast of summer—the time, in their own language, when the earth is clothed with its principal beauty, when the flowers appear, and the trees bear their fruit, and the birds sing, and all nature dances for joy, made happy in the sacred radiance of the sun.

The sun received other offerings, as painted stones, gold in the form of bars or thin leaves, silver, and copper, and copper crystals, emeralds, opals, jasper, rubies, and amethysts; maize, prepared in various ways, coca, potatoes, fruits, spices, and perfumes, and beautiful shells of the sea. One could wish that this list might be closed with that last offering, but it is not to be concealed that, besides llamas and alpacas, they occasionally sacrificed human beings. This was done, however, only at very solemn times, as for example when the Inca fell sick. One of their number was then vicariously offered, when they implored their god to take the life so given for that of their king.

Mr. Helps* deprecates this charge of human sacrifices being brought against the Incas, and suggests† that the original worship of the Peruvians, or at least their worship at its best, was devoid of human sacrifices, although in places distant from the centres of civilization, Kcusco and Pachacamac, and in times long subsequent to those of the first Incas, when their rule may have become less beneficent and more despotic, human sacrifices were made on certain occasions connected with family events in the great families, and perhaps, periodically, in the remote districts—and Mr. Helps asks us to pause and ponder much before we take away

* "Spanish Conquest," iii. 499.—Note.

† Vol. iii. 556.

the character of a great people on such an important point as that of human sacrifices. Awful as were the consequences to them, as they must be to all from the possession of such a creed, yet they believed it—not as a figment of theology, but as an instinct of their religious conscience. Still, human sacrifices play an equally mysterious part in the history of the ancient “children of God,” and may, for aught we know, have had their origin in the same way among the ancient Peruvians. We read in the Book of Leviticus—

“Moreover, every devoted thing which a man shall devote unto the Lord out of all that he hath—out of man, and out of beast, and out of the field of his possession shall not be sold—and shall not be redeemed. Every devoted thing is *holy of holies* unto the Lord. Every devoted thing which shall be *devoted of men* shall not be redeemed, it shall surely *be put to death.*” *

The Peruvians not only devoted the firstlings of their flocks, but also their children on certain special occasions to God. As many as thirteen of the old historians, all of repute, would convince us that Garcilaso was simply mistaken in denying the custom; but at the same time they insist upon it that those sacrifices were offered, not in the same brutal and gross manner, nor anything approaching to the same extent, as prevailed among the Mexicans and others. Nor must we class these sacrifices with the dreadful, bloody rites of savage tribes, in ancient story, or in the clumsy statements of travellers of our own day. All that we have to say is, that in no nation do we read of human life being held in greater sanctity than among the ancient Peruvians, and it was because a human life was the most precious form of life that they offered it to their deity. It was the best they had to offer, and that it was not from cruelty nor a delight in blood and the agonies of torture, but because they considered that they had sinned, and could thus propitiate their God, or hope that he might be induced to accept the life of one for the lives of others, and we must not forget that the Inca did not spare his own son if the occasion seemed to demand it.

Connected with their religious ceremonies was a belief in the immortality of the soul, the resurrection of the body, and a scale of future punishments and rewards, and we must find room to mention two or three remarkable rites and ceremonies which will puzzle the Pan-Anglican Synod to explain, or explain away. One of these customs was a kind of infant baptism. The Peruvians gave their children a name which was to distinguish them from all others; so that the subjects

* And Jephthah, one of the judges of Israel, sacrificed his own daughter to the Lord.

of the Incas were not, as we have been told, like so many bricks in a pyramid, but individual entities of a great kingdom. In some districts the child was baptized immediately after its birth, and in others not till it was weaned, which was at the end of two years or so. The father of the family gave the name to his child, and all the relations were summoned to the ceremony, one of them being elected to be, as we should call him, the god-father. The god-father having received a sharp stone, cut off a portion of the child's hair, and pronounced its name. All the other relatives did the same, till the hair with which the child was born was entirely cut away. The godfather then made the child a present, and the rest also brought presents to the newly-born. The child was then washed in pure water, and afterwards this water was put into a hole which was dug in the ground by a priest, and certain prayers were said, that the child might thenceforth be preserved from all evil influences and all secret enemies of the unseen world. How far this had any connexion with "a mystical washing away of sin," we will leave any of our readers interested in the subject to determine for themselves.

The next remarkable ceremony we have to notice, was the second baptism, or initiation into the kingdom as subjects able to fulfil its obligations and share in its larger joys. At the age of fourteen, when the boy first put on the shirt, and the catamenia first appears in the girl, the candidates received another name, a name having some special meaning, and bearing special allusion to family history or national events. This was a time of great public rejoicing, and the chief of the tribe, or head of the department, presided at the feast, and bestowed this new and second name on the young people. It was the occasion of a strange suggestive ceremony. The finger-nails were pared, and the hair of the neophytes cut off in sight of all the people, and offered as a sacrifice to God. Was this meant to signify that their talents and their beauty were consecrated to heaven? that their hands, with all their cunning and power, were to serve God, and the graces of their persons were to be preserved to his honour and glory? Or did this cutting off of hair and nail point to the duties of personal mortification, and that their bodies, with their desires, their wills and inclinations, were to be kept in subjection to the higher powers?

And here we are reminded of the manner in which the manhood of Huascar, the last of the Incas, was celebrated by his father, Huayna Khapac, in our ancient city. The baptismal name which the young prince received, was that of Inti Cusi Huallpa, or the Prince of the Joyous Sun. Huascar, however, signifies a bond, a rope, or chain, and the chain dance on this

occasion was danced by the principal curacas, governors, and viceroys of the kingdom, some three or four hundred in number. The dance began by all forming in a straight line, and then slowly at first, taking one step backward and two steps forward, each (on ordinary celebrations) being provided with handfuls of beautiful blossoms, the dancers reached the opposite side of the plaza, where the feast was held, making streams of flowers in the air, sometimes with one hand, sometimes with both, over their heads, singing and chanting at the same time. As viewed from the front, this straight line of gracefully-moving figures had the appearance of a heaving sea whose waves were flowers, but seen from either end, in profile, the effect was that of a bower of bright and dancing colours. But on this occasion the effect was to be different, as there was a special object to be symbolised. Instead of a mimic surging sea, of flowers tossed in the air, a golden chain was provided by Huayna Khapac, which united those dancers together, as the Inca would have the whole kingdom united in the bonds of love and the golden virtues. This chain of pure gold, whose links were as large as bracelets, and whose length was more than seven hundred feet, is one of the many golden treasures still concealed in Peru, which no Spanish thief, by means of any of his catholic apostolic tortures, has ever been able to discover; but whether it is in safe keeping, or at the bottom of some lake, is not generally known.

We are not copying from buried documents in the archives of Simancas, much less from the pages of the monks and clerical soldiery of the sixteenth and seventeenth centuries, but we are quoting from the later works of travellers, who investigated these things in the country where they occurred, besides facts which we produce from independent sources. We give them as the best criticism we have to offer on our previous knowledge of the kingdom of ancient Peru.

“ And still as we proceed
 The mass swells more and more,
 Of volumes yet to read—
 Of secrets yet to explore.”

Empedocles on Etna.

The third of those singular rites to which we have alluded gives us an insight into the profession of “personal religion” as practised in Kcusco. We have mentioned the fasts which the Peruvians observed previous to holding their great festivals. These fasts were extremely rigorous, and lasted sometimes as long as seven or eight days, during which time the only fire allowed on the earth was the sacred flame on the altar of the temple. This was a time of general confession. Each penitent at the

beginning of his confession received from the priest a few of the ashes of the burnt offerings, which he blew reverently into the air. Afterwards he received a small white stone, and went to wash in a stream hard-by, set apart or made sacred for the purpose. Then returning, he called upon the heavens and the earth, the birds of the air, and the beasts of the field, to testify against him if he did not make a true confession. This done, it was customary to prove the confession by the penitent throwing a handful of maize into a basin. If the number of grains on being counted was even, the confession was good; if odd, then it was bad, and had to be made over again—a silly superstitious custom, showing the mark of a meddling hierarchy, and reminding us of the custom among some Protestant Christians of “pricking the Bible” to find out what they profanely called the “mind of God concerning them.” The chastisements imposed upon transgressors were not light, and consisted of separation from the society of women for a time, abstinence from salt and pepper, all pleasant food, and *azua* wine. Sometimes they lashed themselves with scourges, and sometimes they stripped themselves naked of the clothes in which they had transgressed, burnt them, and then procured new ones: a very singular penance, and a peculiar mode of showing that they had put off the old man with his deeds.

The ancient Peruvians believed in a resurrection of the body as well as a future state of the soul, and the effect of this belief was to produce in them habits of great personal cleanliness; * not a hair fell, nor was a nail pared, but all was preserved with a jealous care about their persons or their dwellings. But the manner in which they buried their dead and embalmed their corpses, especially those of their Incas, shows us that to them there was a glory of the body as well as a glory of the soul, inseparable perhaps the one from the other. The deceased Incas were deposited in the principal part of the Temple of the Sun in Kcusco, embalmed and covered with their gala dresses, each with a rich sceptre in his right hand. The Coyas, queens, or love-wives (always the sisters of the Incas), were also embalmed in like manner, and placed in that part of the temple dedicated to the Sun's bride, the Moon. The royal exequias were very imposing. They arranged the corpse with much pomp in the temple before

* If it is a universal law that the fall into corruption is deep in proportion as the stage previously reached in civilization was high, then this charm of personal cleanliness must have been great, for nothing can be more repulsively filthy than the manner in which the Peruvians of the present day live. They seldom or never wash themselves, and the only water which ever touches the face and head of young children for many years is that which they receive at baptism.

the image of the Sun : sacrificed to it for three days the best of all they had—of gold, silver, corn, and coca ; and during four moons the subjects daily mourned the death of their sovereign. Each quarter of the city went out to the fields with flags, arms, robes, and other royal insignia, singing the deeds, wisdom, and greatness of the royal dead, and this ceremony was repeated at each anniversary of his death, and at each full moon certain persons repeated, amid tears and sobs, mournful dirges and dithyrambic praises relative to their lost Inca. According to Fray Marcos de Miza, in his “ Rites and Ceremonies of the Indians,” the Scyris or kings of Quito were buried in a large sepulchre or family vault made of stones in a quadrangular and pyramidal form, so covered with pebbles and sand that it looked like a miniature hill. The door opened to the east, closed with a double wall, and was only opened on the death of one of their royal number. We find in them their embalmed corpses arranged in order with their royal insignia, and such treasure as the monarch had commanded to be interred with him. Over each was a cavity or small niche, where was found a vessel of clay, stone or metal, containing small stones of divers colours and shapes, which denoted his age and the years and months of his reign. The mode of burying the vassals was different in all the different provinces of the kingdom. In some parts they deposited them in the natural caves of the mountains—on terraces of rocks, or in the sand ; in oven-shaped tombs made of sun dried bricks, and tombs constructed of stones, square or oval, or in the form of obelisks, which some travellers have erroneously supposed to have been triumphal Incarial monuments. In whatever way they were buried, the Peruvians arranged their corpses always in a sitting posture, and in an attitude of intense repose, the face turned to the west, with provisions of azua wine, corn, and coca to be ready on their awaking. Whether the ancient Peruvians embalmed their corpses, or whether they owe their good preservation to the influence of a climate so conducive to natural mummification, is not difficult to answer by those who have had an opportunity of seeing the exhumed bodies in the rainless zones of the coast, or the embalmed bodies in the mountainous districts. There is no doubt that the art of embalming had reached a degree of perfection among the Peruvians which very much surpassed that of the Egyptians, since it is not known that among any other nation the fleshy parts of the body remained perfect, the skin soft and smooth, and the features of the face unaltered.

And with that final ceremony we may appropriately close this branch of our enquiries with an extract from the will of one of the Spanish *conquistadores*, which will serve as an epitaph for our departed Incas, which, although we know it to be not as

minutely true as it has led some to infer, yet shows how it was possible for an observer to be moved on the first acquaintance he made with these people :—

“ We found,” are the words of Captain Mancio Sierra de Leguizamo, “ these kingdoms governed in such wise as that throughout them there was not a thief, nor idler, nor a vicious man ; neither was there any adulterous or bad woman. The lands, the mountains, the mines, the pastures, the houses, the woods, were governed and divided in such manner as that each man knew and kept to his own estate. There were no law-suits about property. The affairs of war did not hinder those of commerce, nor those of commerce those of agriculture. In everything there was concert and arrangement, from the smallest to the greatest matter. The Incas were feared, obeyed, and loved, as a wise race of great ability in government.”*

As affording a clearer insight into the government of the Incas, we may adduce a few of the principal laws by which not only the city of Kcusco, but the whole kingdom from Quito to Arauco, and from Titicaca to the shores of the Pacific, was governed :—

I. *The municipal law* treated of the special duties belonging to each tribe and nation. It would not only have been the height of tyranny and cruelty, it would have been folly, leading to revolt, for one and the same law on all subjects to be issued to all tribes alike, without regard to their climate, their natural productions, their language and traditions. These latter the Incas were careful in preserving and guarding to the people, and it was this wise provision which obtained for the kingdom its widespread fame.

II. *The agrarian law* treated of the distribution of lands. These were divided into three principal portions—the first for the sun or divine worship, the second for the people, and the third for the Inca and the necessities of the state. The lands for the people were redivided every year.

III. *The common law*—not as we understand it, in contradistinction to written law—but the law which regulated the labour of the people when working in common together in building bridges, roads, aqueducts, fortresses, and palaces.

IV. *The law of brotherhood*, which treated of the mutual help each gave to his neighbour in the cultivation of his ground or the building of houses.

V. *The law of mitachanacuy*, which is difficult to explain in one word. It really means each one in his turn, and regulated the labour and the time when it was to be given by different

* Calancha, “ *Cronica Moralizada del Orden de S Augustin.*” Barcelona, 1638, in the British Museum.

provinces, tribes, lineages, and individuals in the construction of public works.

VI. *The law of economy*, which treated of ordinary personal expenses, and prescribed simplicity in dress and in food. This law also provided that two or three times each month the inhabitants of each town should dine together in public, and in presence of the chief officer of the department, who then put them through their military exercises and presided at their games, and that with the special object of reconciling enemies, extirpating all rancours, and securing neighbourly peace.

VII. *The Poor Law*.—Poverty was unknown in Kcusco and throughout the empire, and idleness was punished as a crime. This law provided that the lame, the deaf and dumb, as well as the infirm and decrepit, should be supported at the public expense, and also that two or three times a month these poor folk should be brought to join in the public festivals, so that in the midst of the public rejoicings they might for a while forget their individual miseries and privations, and at the same time be assured of the sympathy of their kind. An officer called the *Oncocamayoc* was specially appointed to carry out this law.

VIII. *The law of hospitality* provided that all strangers and travellers passing through a town or city should be accommodated at the public expense. For were they not all brethren, serving one king, and worshipping one and the same God?

IX. *The law of households* prescribed the amount of labour to each person. Even children above five years old were put to some kind of occupation, in what might be termed a sort of infant workshop. The infirm, also, according to their strength, had to be occupied in something which added to the general store. The people were also required to dine and sup with the doors of their houses open, so that the officers of the temple, in passing, might have free access to them, and see that everything was done decently and in order. If any were found living in dirt and laziness they were publicly whipped on the arms and feet, whilst those who were distinguished for their cleanliness and general excellence of character were publicly rewarded.

Besides those laws, they had also certain maxims repeated among them from time to time, and which remind us of the early days of the Israelites—such as “Abhor idleness and lying,”—“Do not steal,”—“Do not commit adultery,” and “*Ama pictapas truanuchinquinichu*”—“Thou shalt do no murder.” These laws and maxims are some of the evidence which prove the progress the Incas had made, and when they are added to that material progress in the industrial and fine arts which their monuments and the reliques of their past grandeur prove, our investigations into the origin of their civilization become highly

interesting, and we must seek for other solutions of the cause of their overthrow than those which have hitherto been given to us.

We have heard of the "conquests" of the Incas, as if the successors of Manco Khapac were to be included in the weary list of those who gloried in "the wild and dream-like trade of blood and guile,"—with even the Pizarros and Almagros, who forged the sword of Spain from the treasures stolen out of the palaces and temples of Peru. The Incas conquered great tribes and warlike races simply by subduing the earth—planting corn-fields, and building great granaries. Those of us who have seen some of these vast storehouses in the awful mountain ranges of the Cordilleras, or on the hot ribs of the desert of Atacama, where rain never falls, have had the conquest of that continent associated in their minds rather with the policy of Joseph in Egypt than with the plundering treacherous adventurers of the Emperor Charles V. A century after the death of Manco Khapac, the mountainous district of the lake of Titicaca, south of Kcusco, was added to the kingdom. It was the first of a series of conquests, continued down to the last great conquest the Incas made, which was that of the great rival kingdom of Quito. There is little doubt but that Titicaca, with its flocks and herds, its gold, silver, its mighty buildings, its wondrous statues, its architecture and agriculture, were all known to Manco Khapac, and that it was by his direction it was first added to the realm.* It was an old-established country, abounding with vast treasure, but the inhabitants had fallen into abominable idolatries and unnatural crimes. It was not a land of gentle sunshine, vines and olives, like that—

"Where the gold-orb'd orange grows ;"

but rather a land of storms, where everything is on the vastest scale, and most appalling aspect ; where bare rugged mountains, as if dragged up from the central fires of the earth, reach to the sky, whose snow-covered tops seem like far-off clouds ; where the winds rage like wild beasts, and the

"Useful trouble of the rain"

is there changed into and called "a torment ;" where the lightning like burning arrows split the rocks asunder, and the thunders, loud and awful, are never forgotten by those who have once heard them, and seen the desolation and death which occur in the region where they prevail. And the soil, as may be supposed, was not, excepting in the deep-sheltered valleys, very genial, for the earth,

* One of the early traditions of the Peruvians was that Manco Khapac and *Mana Ocllo* first came from the Lake of Titicaca.

for the most part, excepting its defiant mountains, looks like a poor distracted thing—bare, shrivelled, and hard; and yet this was the new land first added to our ancient kingdom. There were some fruitful valleys sheltered from the storms and heats, and rapid changes, to intense, deadly cold; but, for the most part, it was not a land of promise, or a place to sit down in and enjoy life. But it was thickly populated with a people further advanced in the industrial arts than the Peruvians; a people, however, whose moral degradation was such that it would pollute the very air to mention it. On that account they were of course easily overcome. It was not difficult to “conquer” such a people, in the restricted sense of conquering; but it was anything but easy to conquer the difficulties of the way from Kcusco to Titicaca: to bridge the great rents in the mountains, provide water in the hard barren plains, and shelter for many thousands of men and animals from the prevailing storms, and to maintain a constant communication with the imperial city. It was anything but easy to teach these people the laws of the Incas, establish their household customs, and teach the practice of household virtues, and the royal language as well; but all this that one man did in his own reign. This was a bloodless conquest, as were nearly all the early conquests of the first five or six Incas. In one case, a bog of considerable magnitude, greater than Chat Moss, intervened between the Inca and a warlike, numerous tribe, who held themselves secure against the reforming forces of these Children of the Sun; for many a fierce battle was fought for the right of enslaving as many women as possible, and robbing as many men as they pleased, by the Andian savages; but the Inca, anticipating the genius and practical skill of our own George Stephenson, prepared to carry a firm road over that bog, which he did, first by laying down a network of suckers, upon that a strong wicker-work of osiers, and then building on this a stone way some six feet broad, and a yard high. It was completed in an incredibly short time, notwithstanding its length, the Inca working at it with his own hands. And when the barbarous people on the other side saw the approach of those “royal beavers,” they gave themselves up for lost. But they were pardoned, and saved; and the “conquered” tribes kept that road in repair through three centuries, a symbol of their salvation, and a link which connected them with the city of their deliverance. The same result followed the bridging of the Apurimac, a river whose steep, precipitous banks are like walls, three hundred feet high. The dwellers on the opposite banks, in pure admiration and wonder, as at a miracle wrought by the sun, when they saw the Inca march across that river as if treading on the air, came and bowed down in adoration.

The conquests of the Incas were frequently consummated, and sometimes began, by a method altogether unique of exchanging one race with another from the respective territories occupied by each ; but always when the nature of the climate was in both instances the same. This was done when any symptom of revolt showed itself, or there was any difficulty in settling the country.

If we would appreciate the government of the Incas, and know how

“ By slow prudence to make mild
A rugged people, and thro' soft degrees
Subdue them to the useful and the good,”

and learn a few of the mighty things they did in the shortest possible time in bringing a given people into order, peace, quiet, and making them a wealth-producing people, we could not do better than propose to ourselves the imaginary peopling and governing of the Australias from Keusco instead of from London, and by the ancient Peruvians instead of by modern Europeans. The “conquest” of the colony of Victoria, for example—which has been trying to get itself governed for the last quarter of a century, and which is further from that desirable consummation at this moment than it has ever been—would have commenced, not with shooting down the aborigines, nor in stealing their lands, but in opening the hearts of those swarthy and repulsive-looking wretches, who, if not

“ The hairy eclipse of a manhood divine,”

were doubtless looked upon by us as only so many apes, and to be dealt with accordingly. They would have been treated by the Incas as men, and saved into men by a diviner nature stooping down to their level and raising them up to its own ; their lands would have been secured to them ; and if, from lack of numbers or intelligence, it was beyond their power to cultivate those lands and make them yield their natural increase, that lack would have been supplied, but always holding the claims of the original occupiers of the soil as pre-eminent, and calling it by their name. Under the beneficent rule of the Children of the Sun (the true Eliases of the West*), their numbers would have increased, their lands improved, and the peculiar nature of their wealth, whatever it might be, amplified a hundredfold. Their

* The mission of the Bapt'ist was to be as “Elias,” ἤλιος the Sun. John was therefore the personification of the Sun's power on earth, the idea being the same as that expressed subsequently by the Samaritans in regard to Peter (Acts viii. 10), “This man is the Great Power of God.”—*Inman's Ancient Faiths.*

very climate—if that were needed—would have been changed likewise. Indeed, a better country to illustrate the intelligence and power of the Incas could not be named than that of Australian Victoria—the Miss Kilmansegg of all our colonies. It is rich in rolling grass plains, on which millions of wool-bearing animals thrive wondrously, but half the year it is burnt up with the fervent heat of an almost tropical sun, whilst at other times it is bathed in deep-water floods. Its gold-fields are numerous and rich, but lack of water makes the working of many of them unproductive. It could grow corn and wine and oil enough to supply itself and the entire continent of “New Holland,” and yet oftentimes wheat has been 40*l.* a ton, and wine impossible to any but the rich. Many times have upland farms and stations been ravaged by spontaneous fires, and Melbourne its capital half sunk under irrepressible floods. The crumbs of gold which have fallen from rich diggers’ wash-pans, and left by them unsought in the soil, have been sought by thousands of a harmless, industrious race, who have been reviled and ill treated by a dominant people as those who might one day “be too many for them;” and at the time when Lord Elgin was hammering for the admission of Englishmen and English commerce at the gates of the Flowery Land, and forcing his way into it at the point of the sword, we were making each Chinaman who entered the golden gates of Victoria pay 10*l.* a-head for the privilege of helping to develop her riches. So that these four things—the preservation and increase of native races; the increase of arable and pastoral cultivation; the storing of and distribution of water; the encouragement given to the settlement of new races, accompanying that settlement with abundant means of protection—in every one of which instances we have signally failed, the Incas were supremely successful. In dealing with water, which may be either the obedient servant of man, or one of his direst despots, the Incas manifested a rare intelligence and a loving obedience to the common laws of nature and the dictates of common sense; wherever any waste of it occurred, there was danger to be provided against, as well as loss to be prevented; and so they set bounds to it, and put it under bolt and lock and key. With all the march of art and science, and nearly four centuries in advance of experience, we have not yet reached the Incas in this, and indecision and incapacity still prevail in the councils of the golden colony, where the water-flood continues, not the slave, but the master of man. These were the conquests of the Incas, and it was thus that Kcusco became the “joy of the whole earth”—a city of palaces.

All the works at the head of this article contain rich contributions to the study of the language of our ancient kingdom, and

as that language is collected, the past history of that wonderful people who have no written records of their own by which to vindicate themselves, will be collected, and that part of their history which we have at present will be better understood. Rivero, the only respectable and trustworthy antiquarian the modern republican Peruvians ever had, associated with Dr. J. J. von Tschudi, has given us the best analysis, and Fray Honorio Mossi the best collection of words and phrases, up to the present time. One of the best evidences we can produce of the scanty justice which has been done to the Incas and their rule, is to be found in the ignorance in which, comparatively speaking, we are still left of the language they employed. We are told in the *Antiquedades*—

“With respect to whatever analogy subsists between the words of the American languages and those of the old continent, that from between eight and nine thousand American words, *one only* could be found analogous in sense and sound to any word of any idiom of the old world, and that in two-fifths of those words it was necessary to violate the sound to find the same meaning.”

A startling statement, which in all probability will not now hold good, since the philological labours of Messrs. Turner and Rigg, published by the Smithsonian Institute, have appeared. Again, it is declared by our authors that the Inca word for the Sun, *Inti*, unquestionably derives its origin from the Sanscrit root *Indh*, to shine, to burn, to flame, and which is identical with the East India word *Indra*, the sun, which statement has been flatly contradicted by American philologists. Apart from these, and one or two other minor questions of dispute, the analysis of the Qquichua and Moxo grammars will be found highly instructive. We are told that in the continent of South America—that is, from the Isthmus of Panama to Cape Horn—there may be found from two hundred and eighty to three hundred and forty languages, of which four-fifths are composed of idioms radically different, which may be true; but the writer of this article has met with Indians at the equator, some of whose words and the construction of whose sentences were precisely identical with those of the desert of Atacama, the inland city of Chuquisaca, and the silver mountains of Potosi. The grammars of the Moxo and Qquichuan languages are not difficult of access, and copies are to be found in the British Museum. The people speaking those languages were adjacent to each other, but there is a striking difference in the sense and sound of the languages they spoke. Thus the Qquichuan has a complete declension formed by means of certain particles placed after the noun, while the Moxo has strictly no declension, and is obliged to form the cases by a periphrasis; as, for instance, in the dative, which is often formed by the aid of the future tense

of the substantive verb. Again, the Qquichua has primitive personal nouns, and also possessive pronouns quite distinct from the personal, and these are always inseparable from the noun, and always placed after it, or if used in the conjunction of a verb, they take the place of a personal pronoun to the verb. The Moxo has primitive personal pronouns identical with the possessives, and always placed before the word used. The Qquichua has a system of numbers so complete that any arithmetical quantity can be expressed by them; while the Moxo has but four numbers—*ete* one, *api* two, *mopo* three, *triahiri* four; for five and all beyond it, the number must be expressed by a periphrasis. The Qquichua language has a very perfect form of conjunction, and the moods and tenses are more complete than in many of the most cultivated languages of the Old World; while the Moxo has only a single mood, the indicative and two forms of tenses—one for the present and past, and the other for the future, which last is at times made to serve in place of an imperative also. These few but striking differences sufficiently show that these two neighbouring idioms are both primitive, and do not proceed from the same root.* We have mentioned thus prominently the Moxo in connexion with that of the language of Cuzco, because the people of Moxo were among some of the most advanced of the tribes conquered by the Incas, and whose works of art in modelling, carving, and hammering, were of exceeding beauty, and their grammar is one of the few which have been reduced to writing. With the mention of one or two other peculiarities of the Qquichua grammar, and a few of its striking words, we must close our allusions to the ancient language of Kcusco. In writing two verbs, they conjugated both through all their forms, so that one single word expressed three or four ideas at once. Then a double form of the first person plural exists in the personal and possessive pronouns. The first is used when a person includes in the discourse himself and all others present connected either casually or necessarily with the subject; the second is used when a certain number is excluded from the action of which the speaker treats. These two forms are called the inclusive and exclusive plural, and are repeated in the verb, if not also in the substantive. Besides these two plurals, there are a species of concrete duals, as well as of exact duals, formed by means of affixes, which, united to a substantive, signify the object or person designated by the substantive, with the part or member which most naturally belongs to it, or him; for example, *cosa* in Qquichua, is a husband, and the affix *ntin*, including the idea

* "Antigüedades Peruanas," cap. quinto.

of union. *Cosantin* means a husband with his wife; *Hacha* is a tree; *hachantin* a tree with its roots. Again, another singularity is found in that women use different pronouns to those used by men. A brother, speaking of his sister, says *panay*, my sister; while a sister, desirous of expressing the same thing, says *ñañay*, my sister; so a sister, speaking of a brother, says *huanquey*, my brother, while to indicate the same person, the brother says *uocsimasiy-huaquey*, my brother; a father says *churiy*, my son; and the mother says *karihuahuay*, my son; the father says to his daughter, *ususiy*, my daughter; the mother calls her *huarma-huahuay*, my daughter; and similar differences run through and distinguish all the social relations of life, and even distinguish if an uncle speaks according to his connexion on the paternal or maternal side.*

We may cite a few expressive words and phrases of common use in Kcusco, taken as they occur to our recollection. *Pacha*, the world or the universe, supplied them with many words significant of the beginning and end of time, the use and abuse of time, and the flight of time; the material and the spiritual world; man in his moral and physical state, and his relation to the universe. And they had three words in which *pacha* played the chief part, which signify "He that hath power to forgive sins." Gold, *ccori*, played as important a part in their proverbs and poetry as in our own, though with a vast increase of the power of inflections over our own, and with two notable exceptions: they had no word for false gold till after the Spanish conquest, nor could it by the aid of any fancy be made to stand for poison.† They also spoke of a golden age, a golden deed, a golden character, and one who was worth his weight in gold. The dog was expressive of similar attributes, as our own word "You speak of me," is one of their phrases, "and treat me as if I were a dog." The lion, *puma*, was noble and honoured; and they had an animating shout with which to cheer one another at work: "O brave and lion-hearted workman." Ripe fruit was associated with wisdom and wise men. The bloom of flowers expressed their admiration of fair and beautiful girls. The dawn of the day was the joy of hope, whilst the troubles of the heart were the clouds and darkness of night. The heavens as well as the earth supplied them with many and mighty words. The *acapaná*,

* "Antiq. Peruanas," cap. v.

† There is thy gold, worse poison to men's souls;
 Doing more murders in this loathsome world
 Than all these poor compounds thou mayst not sell.
 I sell thee poison: thou hast sold me none.

Rom. and Juliet, iv. 1.

or fleecy clouds of the morning, as well as the early dew, pictured for them the fleeting nature of all earthly and merely human joys, or human strengths; whilst high noon was the quiet power and perfection of a constant mind. Two words expressed a threat of some force: "I will give thee such a blow as shall make thee see stars in daylight." *Pampa*, the plain—the field; and the former gave rise to many words expressive of great humour, shrewdness, cleverness, and ability, as well as the lowest social degradation. They had also learnt from their hard work and constant industry, that which all true and great work teaches all true learners, and they had a saying, "That our faults choke our virtues as weeds choke the corn." This was the foundation of their patience, their indomitable perseverance, their perfect obedience, and their childlike trust; and they cultivated virtue as sedulously as they cultivated the soil, and knowing the one was as hard to clear, and as difficult to keep clean, as the other was to gain, and keep, and increase. We also come across *huamppar*, a triangle; *acllu*, learned in languages—*Kallu* (or *Kalyu*, rather, for all these words are spelt in Spanish by the Peruvian lexicographers), the sagacious inventive man. Many words were constructed out of certain common sounds, as *keatata-tani*, the chattering of the teeth; *sicciccicihini*, to tickle; *cunununan*, to thunder; *satca*, sharp; whilst to love was *munani*; a kiss, *muchani*; and a babbler was a *šimĩ sapa*.

Our own language has adopted a few of these words, as *quina*, or quinine, the famous Peruvian bark, which perhaps has cured more sick men than all the medicines of the royal pharmacopœia put together; *Inca*, *charqui*, or rather *chharqui*, sun-dried meat; which is also a malediction: "May you, or may I be consumed;" *pampa*, *puma*; *soroche*, air sickness; *paco*, or *alpuca*; *vicuña llama*, and *guanuco*, *huano*, or *guano*, and *coca*.

It remains to be asked,* and the question is one which cannot be answered with any satisfaction, except to those who have already attempted the answer for themselves; how it was that a people with such a national life, such natural defences, who were capable of such works as we have described, whose palaces were strongholds, and who had an army of more than fifty thousand men, that could be moved at a single call, fell, as water falls that is spilt on the ground, and which cannot be gathered up again, before a mere handful of men, not more than seventy in number,

* This article has exceeded its limits, or we had intended to refer to the collection of laws cited above, as also to more than one metropolitan police regulation, which would in themselves suffice to prove that a people so governed must have been a people easily conquered, as they were already a prey to those who ruled over them.

who having surprised the usurper Atahualpa, at Cassamarca, and despatched him with a bowstring, after a reasonable amount of Spanish treachery, seized upon the sacred city of Kcusco; possessed themselves in a few months of the national treasure, which had taken centuries to accumulate, made themselves masters of the empire, and turned all its subjects into slaves.

The simple truth will be found to be that the Spaniards, in obedience to the greatest of their Incas since Manco Khapac, were received as superior beings, whom that Inca, aware of their approach, commanded should be obeyed. When Huayna the Great, the twelfth Inca, heard of the navigation of the sea by those *Viracochas*, as they called the Spaniards, those sea gods, he believed in the happy fulfilment of a prophecy which up to that time he had affected to treat with disdain. It had been long given out among the Amautas—or magi, and the priests—that the twelfth Inca would be the last to sit on the throne of Manco Khapac, and that another and a greater people would come and take away their name and nation. We know that these prophets of evil, who during the later years of Huayna Khapac's reign, at every sacrifice, always found the kidneys in the wrong place, and the heart of the sacrificial lamb where the liver should be, greatly disapproved of the scepticism of Huayna, of his military conquests, of his marriage with a second love-wife, not his sister—the Queen of Quito—whilst his Queen in Kcusco yet lived, and, above all, his division of the kingdom between Atahualpa, the son of his Quito love, and Huascar, the legitimate heir to the realm; and that these priests of the Sun continued to fill the air with portents, and the kingdom with rumours, which were aimed at Huayna and his new court at the Equator. We also know how Huayna Khapac fulfilled his own prophecy, that he was in advance of all his predecessors in physical knowledge, and the great roads which he constructed attest his skill and power, and that, unhappily for him, he made the mistake of thousands of magnanimous minds, by inferring that the possession of superior knowledge is an evidence of superior goodness, and of a more exalted nature. He had spanned the mountains, and brought Quito as near to Kcusco as Kcusco was once to the Apurimac; but these white and bearded men of noble mien, who could control the elements, make pathways in the seas, and thunder leap from their hands, were, he knew, as superior to him as he was to the meanest of his vassals. So, when his end drew near, he called his chief men together, as was the royal custom, and gave them a valedictory address, which in this instance was more like that of Moses to the children of Israel (see Deut. xxxiii.) than anything else in history. And what Moses said of Joseph, so did Huayna the

Great speak of the Spaniards. The words are reported by Francisco Lopez de Gomara, cap. 115, who says that Prince Huascar told them to Hernando de Soto, one of the first of the *conquistadores*, and afterwards governor of Florida, and that the prince declared them to be his father's very words. They were these :—

“For many years I have known by revelation from our Father, that after the reign of twelve of his sons as Incas, there shall come a people new and unknown in these parts, who shall conquer this kingdom, and many other kingdoms, and subject them to their rule. I suspect that these are they of whom we have heard sailing on our seas. They will be a valiant people, and much better than ourselves. Now I know that in me is completed the number of the twelve Incas, and I tell you that in a few years after I have gone these people will come, and accomplish all that our Father has said; they will conquer our kingdom and become its kings. I command you, therefore, that you obey them in all things as being superior to yourselves. Their laws will be better than our laws, their arms more powerful than our arms. And now be at peace, I go to rest with my Father Sun, who calls me to himself.”

And after saying these words he died, in the year A.D. 1525, having reigned fifty years. He also commanded that his heart should be buried in Quito, and his body “they might carry to Kcusco.” He was the first of all the Incas whose last days were not ended in the holy city.

“I remember,” says the Inca historian, in his *Comentarios Reales*, cap. xxxii., very pathetically, “I remember one day hearing an old Inca speak of these things in the presence of my father, who asked him of the entrance of the Spaniards and how they had conquered the land so easily, and the Inca turned upon him in vexation, as if his people had been called cowards, and were only receiving the reward of their pusillanimity by being subjected to Spain, and after repeating the last words of Huayna Khapac, he said, ‘*Those words were our conquerors. They subjected us, and took from us our kingdom, and not the arms of the Spaniards;*’ giving us to understand that the last words of their kings were always held as binding upon them, but how much more those of a king like Huayna Khapac, whom they all so much adored.”

And the people mourned for Huayna a whole year, and many were the servants and friends, men and women, who, not caring for this life since he had departed it, went down voluntarily with him into the grave, and many there were afterwards who lived to repent that they did not follow their example.

There were other causes—apart from the unparalleled treachery of Pizarro and his followers—which helped the Peruvians in giving effect to the fatal words which had been pronounced, one of which was the growing jealousy subsisting between the rival courts of Quito and Kcusco; but that those words were the

primary cause of the overthrow of the Inca's kingdom there can be little doubt. Towards the close of the seven years which intervened between the death of Huayna and the last deed which doomed his race, the dark night in which the thief comes had fallen upon the kingdom.

Huascar, a weak and timid prince, moved by the court of Kcusco, demanded homage of Atahualpa, and that Quito, instead of remaining a separate and independent kingdom, should be merged in that of the ancient kingdom as founded by Manco Khapac. For five years these brothers by the same father, though having very different mothers, had lived and ruled in peace. But now, not to be subjected to the court of Kcusco, and doubtless urged on by the dowager-queen and the descendants of the ancient Scyri, Atahualpa determined upon carrying war into the imperial city, and, by a successful stratagem, made himself master of Kcusco, and took Inca Huascar prisoner. A dreadful and bloody slaughter ensued, and nearly the whole family of Huascar, root and branch, was put to death, a few only escaping by flight. Probably it was from that time that his name, which with the letter *u* in the first part of it signified *fortunate in war*, was changed to what he has ever since been called, Atahualpa, or a game cock, instead of Atahualpa. After that slaughter of the royal family, Atahualpa retired on Cassamarca, a mountain palace, midway between Kcusco and Quito, and a favourite resort of Huayna the Great. It was here that that strange interview occurred between Pizarro and his small band, and Atahualpa, and where, although the usurper's tents covered the slopes in thousands, not a single spear was lifted in his defence. Atahualpa, who was never recognised as Inca—and it is one of the mistakes which confuses this history to persist in calling him by that title—might yet have hurled back the Spaniards as though they had been real, instead of metaphorical, froth of the sea, at the time that his commands were being carried out in bringing in the gold which was to ransom him from an ignominious death, despatched secret instructions to his favourite general, Chilicuchima, to advance with an army of rescue. But the Curaca of Cassamarca, a strict royalist, and an Inca himself, betrayed the secret to Pizarro, and, as we now know, Atahualpa was condemned to be burnt alive for that meditated escape from the grasp of his kidnappers. He was considerably saved from so horrible a death by consenting to turn Christian; and, according to those terms, they having baptized him in the name of the Father, and of the Son, and of the Holy Ghost, put a bow-string round his neck and garrotted him. And they buried him in the little wooden church, which they hammered together on the plain of Cassamarca, and the Spaniards followed him to the grave, weeping with one eye, while they kept watch with

the other over the golden ransom which had come in for Atahualpa's life. And then they sat down and counted, and found it to be some nine millions one hundred and six thousand one hundred and fifty dollars; but that also included the plate found in the palace of Cassamarca.

It is given but to few to be able to write in a single sentence the history of a people which, at the same time, shall be true, graphic, and startling. It has been left to Mr. Helps to accomplish this, in words which none will forget who have travelled through the land they refer to, and who have mixed personally with the descendants of "the gentle, patient, delicate, people," which his chisel, rather than his pencil, has so faithfully described.

"When thinking of the different life they led before and after the conquest, it seems as if the fate of the whole race might be compared to that of some beautiful and graceful maidens, who, on some fatal festival day, had playfully ranged themselves in exquisite order to support on their heads, as living caryatides, a slight weight of fruit and flowers, which had all of a sudden hardened into marble, and crushed them under it." *

We have been told, with much circumstantiality, by recent travellers in Peru, that the descendants of the Children of the Sun are preparing to regain and re-establish their ancient kingdom. As well may we expect the dwellers in Houndsditch or those of the Jews' quarter in Rome and the purlieus of Madrid, to restore the dynasty of Solomon. The last stand they made, eighty years ago, was when the bravest of their number was pulled to pieces in the plaza of Keusco, and when he, and his wife and children, with many of their near relations, having first had their tongues cut out, and thrown to the dogs, and in the presence of the whole of "*Indiada*" gave themselves up as forsaken by gods and men. When the story of Tupac Amaru shall be told, it will then be seen how never again shall any of Inca race or blood "return to reign." You can still hire an Indian to run a message from Potosi to the Pacific coast, all the way on foot, a distance, there and back, as he would go, of more than fifteen hundred miles, for a few dollars. The native subjects of that singular government, calling itself the Republic of Bolivia, still pay the poll tax imposed by the Spanish monarchy, which it professes to have ignominiously expelled; while the native races of the regions of the Chinchona forests are still used as beasts of burden, to convey the quinine-yielding barks to market, a distance, in some cases, of more than two hundred miles. And it cannot be denied that the worship of the Sun and Pachacamac has altogether been superseded by that of the mother of Christ—that the Pope has taken the place of the Inca, and alien bishops, priests,

* "*Span. Conq.*" iii. 209.

and Levites that of the curacas, amautas, and quipucamayus, and the people love to have it so. And although the mark of the slave chain, which galled the limbs of the Peruvians for nearly three centuries, has more than skinned over, yet the iron entered too deeply into their souls, and in the language of the wise woman of Tekoah they are, as a nation, but so much "water spilt on the ground, which cannot be gathered up again."

ART. VII.—CHURCH AND STATE.

1. *An Address on the Connexion of Church and State.* Delivered at Sion College on February 15th, 1868. By ARTHUR PENRHYN STANLEY, D.D., Dean of Westminster. Second Edition. London: Macmillan & Co. 1868.
2. *The Social Influences of the State Church.* By EDWARD MIALL. London: Arthur Miall, 18, Bouverie Street. 1867.
3. *The Times*, Wednesday, May 6th, 1868. (Report of the Church and State Meeting at St. James's Hall.).
4. *Essays on Church Policy.* Edited by the Rev. W. S. CLAY, M.A. London: Macmillan & Co. 1868.

IT is a fact which does not admit of serious question, and one which presses itself every day with greater force on the attention of political observers, that the public mind, both in this country and in other countries, has been awakened at last to that ingenuous scepticism which in politics, as in every other pursuit, is the first condition of true philosophical inquiry. Doubt is the parent of certainty, the precursor of knowledge. Those who accept theories upon trust and as traditions, without doubting and testing and inquiring, can never attain to truth. And this is the case not only in physical science, but in morals, in politics, in religion. It is the most hopeful sign of our time that the sceptical and critical spirit, which has accomplished so much in the field of speculative labour, has begun to leaven the heavy inanimate irrational mass of political theory. We have worshipped constitutional fetishes too long; we are asked to give a reason for our faith; and so we are led first to doubt, then to test and examine, to prove, to reject, to modify, to recreate. Henceforward we shall take nothing upon trust in political science, no more than we do in physical science. We shall not maintain institutions merely because they are venerable or inoffensive; we shall not accept theories of government merely because they have the sanction of great

names. We place every institution and every theory upon trial. If they commend themselves to reason, they must be good, and we shall retain them ; if not—why, let them go, though they be sanctified with the dust of centuries, and though a whole Walthalla of statesmen had witnessed in their favour.

This seems to be, so far as we can discern it, the spirit of the time, which turns a keen impartial gaze upon political problems, and is the more likely to succeed in solving them in that it has no unreasoning faith in any common method. There are, to be sure, here and there, many Conservatives, and not a few Liberals, who still shift about in the old grooves of thought and action, and dimly hope to work wonders still with old constitutional spells out of which life and meaning have gone long ago. But the popular mind, in the main, is in the sceptical state : it is open to argument and evidence, and ready to be convinced. One by one the ancient institutions of England must come before this High Court without appeal and be judged there according to their fruits. Among the first, perhaps the very first, that will so be summoned to judgment is the Church of England. The Irish Branch of the Anglican Establishment, to borrow a phrase much affected by the champions of Protestant ascendancy in Ireland, is already at the bar of the great national tribunal—rather, we may say, the doom has already gone forth against it. And, however politicians may blink the fact, we cannot but regard the successful assault on the Irish Church monopoly as a pregnant omen of far wider changes. "It resembles," as Macaulay has remarked in a similar case, "an action of ejectment brought for a single farm with the view of trying the title to a large estate." Mr. Gladstone's Suspensory Bill has brought into court the entire case of religious Establishments, and the substantial issue cannot be long evaded. We are not desirous, indeed, to see the question of Establishment prematurely raised in Parliament. Popular opinion is ripening, but slowly ; and it would be rash to pluck the fruit before its time. It is, however, precisely at the present stage in the development of the question, when people have ceased to believe very fiercely in the worth of State Churches, and yet have not made up their minds to disturb the Church as it exists in England, that a temperate examination of the theory of the connexion between Church and State as it has been variously expounded, an impartial estimate of the value of the arguments for and against the union, and an attempt to apply to the relations between religion and the State the philosophical principles of government, seem likely to command attention, to arouse investigation, and to develop just views on this important subject.

The champions of the Irish Church, indeed, in opposing Mr.

Gladstone's policy, have taken such high ground, they have so boldly thrown down the gauntlet and challenged those who are inimical to the Irish Establishment to carry their principles to the logical conclusion, that we feel bound to meet them and to accept the challenge. What was called "a great Church-and-State meeting" took place at St. James's Hall on the 5th of May. The audience was chiefly composed of excited clergymen, and the speakers were mostly dignitaries of the Church. The doctrines that were there set forth were of a somewhat startling character:—

"If it is the duty of the nation," said the Bishop of Oxford,* "as a nation having a conscience, to select that which it believes to be the true form of worship, and the true teaching, and to provide them for her people, how can it be an insult to the people of Ireland that England provides that which she believes to be the truth and God's way of salvation?"

The hypothesis to which we are thus asked to assent, and which is made the foundation for the imposition on the Irish people of an alien Church, involves the whole question of religious Establishments. We cannot let it pass without scrutiny.

It is right that we should state, at the outset, that we are, and have ever been, hostile to the principles involved in the establishment of religious corporations in connexion with the State. Of all the theories of Establishment that have been proposed, not

* The same eminent and eloquent prelate indulged his audience with what he called a definition of Church Establishment and a statement of its case. Here it is. "It is important that you should remember what it is to have a Church established. It is not endowment that constitutes Establishment, for a religious body may be very richly endowed, and the State may most properly maintain those endowments without that body being in any sense established. The essence of Establishment I hold to be this, that the nation acknowledges that its subjects need religious teaching, and that, adopting a particular form of religion as that which it believes to be true, it authorizes the ministers of that particular form to teach in the name of the State as well as of the Church. Now, if so, it follows as a necessary corollary that no Christian State can have an established religion except it believes that that religion is taught in purity of doctrine and in conformity with the will of God, and that it is the best that can be got for the people. This puts altogether aside the establishing of two or three different kinds of religious teaching. (Hear.) It also puts aside the argument that because in a particular province of the common country those who are willing to use the services provided by the Church are in a local minority, it is therefore an injustice to maintain for the whole nation what the nation believes to be the depository of truth. (Hear, hear.) Now, I say that to maintain such an Establishment is of infinite importance to the State, because it tends to raise the whole department of government from the low Dogberry and Verges level up to the high ministration of the Almighty's will, and instead of its being an advance in civilization for an old Christian nation to throw off or weaken its Establishment, it is a piece of the simplest retrogression." Truly this is the spirit of the Scripture: "*Regnum meum non est de hoc mundo!*"

one has been supported by a cogent argument, and on our principles of civil government, it is impossible to frame a scheme for the union of Church and State that can bear the most cursory examination. There are indeed a few subsidiary arguments insisted upon by the advocates of a State Church which are not without their force; and in their proper place we shall assign to these whatever weight may be fairly claimed for them. But it is the part of the statesman and the political theorist to strike a balance of advantages and countervailing evils, and in the matter of religious Establishments we find it difficult to conceive how any intelligent and unprejudiced mind can ignore the alarming preponderance of the latter. While we are firmly convinced, however, of the inexpediency of the connexion between Church and State, we hope to be able to estimate impartially, and to exhibit clearly (though with necessary brevity), the skilful and elaborate processes of reasoning by which many eminent men have endeavoured to maintain the theory of Establishment, and to defend the practical application of that theory in our own country.

What the State is, what its sphere and its duties, are primary questions that must precede every political inquiry. In the pages of this Review the theory identified with the great name of Wilhelm von Humboldt has been recently enforced, and it is for this reason the less needful to dwell upon these definitions. It is enough to state concisely that the theory of Von Humboldt defines the function of the State to be simply the maintenance of security as the necessary condition of the free development of individual character. In determining, therefore, whether the interference of the State (that is, the executive body to which administration is delegated by the community) is in each particular instance justifiable, we must inquire how far the action of the State in the given direction is likely to promote security, and next how far individual freedom is likely to be curtailed by that action. When we have ascertained these results we shall be in a position to decide whether the freedom of the individual is or is not more shut in, on the one side, by the intervention of government, than it is enlarged, on the other side, by the increase of security. Wherever the State or the law interferes there is of necessity a restriction of liberty, and thus it is obvious that if the security aimed at by the action of the State is not, in any particular case, attained by that action, or if it may be attained by other means, in that case the intervention of government is mischievous. Such we regard as the proper limitations of the function of the State.

It is not so easy to define the nature and function of the Church. The word is used by orthodox writers generally in three senses. The religious body which is in exclusive con-

nexion with the State in any community is known sometimes as the church of that country: as the Church of England, the Church of Scotland, the Russian Church; sometimes again the word is used simply as a synonyme for sect, as the Roman Catholic Church, the Anglican Church, the Presbyterian Churches, the Unitarian Churches. The word is employed, lastly, within various limits, to denote the whole Christian community. Much confusion arises from the transmutation of these various senses of the word in the arguments of divines: it is only too easy to glide from the first interpretation to the last. Wherever we use the word church, without special reference to the Anglican Establishment, we mean simply a religious community with which the State can deal as an organized body.

We now come to those phrases which are employed especially in the question under discussion. What is Establishment? What is Endowment? What is the union between Church and State? Here we meet with almost endless diversity of definition. Without trenching upon an examination of the various theories of Establishment, we may notice in this place a few of the most conspicuous definitions of the current phrases we have named. According to Hooker, the Church is the embodiment of the national life, acting in the religious sphere, as the State is the same embodiment, acting in secular sphere. The clergy therefore are public servants, in the same sense as the judges and ministers of State. Establishment, or the control of the religious element by the political, and the influence of the former over the latter, and Endowment, or the maintenance of the clergy by public revenues, follow as a matter of course from this view. In Hooker's view, the connexion of Church and State is not an artificial institution, but a condition of the State's existence. That the national life should be embodied in its spiritual as well as its secular function, he did not for an instant presume to doubt. But the lapse of a century showed a singular change in ideas of public policy. When we pass from Hooker to Warburton, we discover that these transcendental conceptions of the State and the Church have disappeared, and have left a few plain notions of the eighteenth century type. Endowment is the payment of a body of public servants for the performance of certain duties. Establishment is the selection of the ministry of a particular sect to perform these duties under the control of the secular authority. The connexion of Church and State includes these three duties of government: the payment, the selection, and the control. From Warburton to Paley it is but a step. "A religious Establishment," says the latter philosophical divine, "comprehends three things: a clergy or an order of men secluded from other professions to attend upon the offices of religion; a legal provision for

the maintenance of the clergy; and the confining of that provision to the teachers of a particular sect of Christianity." The last point is one that has been much disputed. Sir G. C. Lewis agrees very closely with the general tenor of Paley's argument, but adds some qualifications to the foregoing definition.

"By the Establishment of a religion," he says, "we understand not merely that it is endowed, but that it has received from the State certain political privileges (*e.g.*, that its prelates have a seat in one of the Houses of Parliament; that its members have an exclusive right of admission to the Universities of Oxford and Cambridge, &c.), that it has a legal precedence of other persuasions, and that its clergy are raised above the clergy of any other denomination, not only by the endowment, but also by their civil position."

Dr. Chalmers seems to make Establishment a synonyme for endowment. "We should assume," he says "as the basis of our definition for a religious Establishment, or as the essential property by which to characterize it—a sure legal provision for its ministrations." More modern theologians run into quite the opposite extreme. According to Dean Stanley,* the essence of Establishment is not endowment, nor the secular power of the clergy, nor the constant interference of the State; it is made up of two principles: "The first is, that the State should recognise and support some religious expression of the community; the second, that this religious expression should be controlled and guided by the State. These two elements are inseparable, and must be attacked and defended together." Mr. Llewellyn Davies,† in like manner, contends that the fundamental principle of Establishment, and its greatest advantage, is the supremacy of the secular power.

Coleridge, as is well known, in defining an Establishment, left out of sight the religious element altogether. The word "Church" he rightly considered ambiguous and misleading. The essence of Establishment he held to be the setting apart of a certain portion of the property of the State as a common fund—a "nationalty," as he terms it—for the advancement of moral and intellectual culture. The administration of this fund is entrusted on certain conditions to a body of men set apart for that duty peculiarly, for a clergy, in fact, or *clerisy*, which may or may not be connected with a religious sect. The connexion between Church and State is therefore, according to Coleridge, merely the development of one of the essential functions of government.

The theory which Mr. Gladstone set out with, in his celebrated work, "The State in its Relations with the Church," published

* "Address at Sion College," page 4.

† "Essays on Church Policy," page 104.

thirty years ago, is still simpler than any of the former in its definition of Establishment. The State, possessing a moral personality, is bound like an individual to accept, and witness to, religious truth; and therefore the State, having chosen a creed according to its conscience, is bound to subordinate the laws to the interests and demands of that creed. This subordination is Establishment.

It is needless to cite further examples of the variety of definition which perplex the student of this question. In our view, the meaning of the phrases employed is very clear. Establishment signifies the countenance given by the State to one religious sect or many, and the consequent control exercised by the State over the internal affairs of the favoured community. Endowment is the payment of the clergy of a religious sect for the discharge of their ministerial functions, whether that payment take the shape of a direct stipend, or be secured by such a national reserve as has been set apart in the English tithes. The union of Church and State is complete, when the State thus selects, maintains, pays, and governs a religious community, as part of the system of government.

In recent debates upon the status of the Irish Church, and the changes proposed by Mr. Gladstone, some eminent persons have affected to find a difficulty in the common use of the words "Disestablishment" and "Disendowment." The Bishop of London at St. James's Hall, and the Dean of Westminster in the preface to his Sion College Address, have professed to be thus perplexed at the ambiguity and want of thoroughness in the language used with reference to the Liberal policy in the House of Commons. We can scarcely believe, we confess, in this bewilderment. These sagacious divines are quite right when they assert that the disendowment of the Church proposed by Mr. Gladstone is not an absolute disendowment; but they are scarcely justified in adding that the disestablishment urged by him is not an absolute disestablishment. Dr. Stanley protests that if any property be left to the Church of Ireland, if even it be allowed to retain the Church buildings, and the concession be ratified by a new statute, there is a re-establishment, not a disestablishment. How, we may ask, does this quibble agree with the dean's definition of Establishment, "that the State shall *recognise, support, and control* some religious expression of the community?"

Disestablishment, the removal of all direct support and favour and control from the Church, is an operation which the State can perform at once and finally. It would be desirable, no doubt, to be able to disendow with equal rapidity and completeness. But in practical politics it is usually difficult to advance

except by way of compromise, and it may be necessary to dismiss the Churches, that are now in any degree established, from their connexion with the State, leaving them at the same time considerable pecuniary advantages. If any one has a right to complain of a compromise like this, it is certainly not Dr. Stanley or Dr. Tait. And, as far as the advocates of disestablishment are concerned, they will no doubt be content to have emancipated the State from the trammels of a sectarian connexion which has been a fertile source of inequalities and favouritism, of arrogance on the one hand, and jealousy on the other. It is not the wealth of the Churches that we seek, but our own freedom.

On whatever grounds Church Establishments may be defended now, it is certain that they had their origin in the paternal theory of government. In ancient times society was organized exclusively in accordance with this theory. The speculations of philosophers, and the practice of statesmen alike tended to the same end. Everything was to be done for the people, nothing by the people. Whether the community possessed monarchical, or aristocratical, or democratical institutions, the State was elevated to a far-reaching supremacy over the individual. The Republic of Plato, in the speculative world, and the Spartan Commonwealth, in the practical world, represent the extreme type of paternal government. The State is deemed to be an omniscient, omnipotent, omnipresent power, that knows

“No high, no low, no great, no small:

It fills, it bounds, connects, and equals all.”

We cannot profess that even in our own time this dazzling theory has lost all its authority over susceptible imaginations. It is only thirty years since Mr. Gladstone, even at that time a conspicuous statesman, declared that “government occupies in moral, the place of *τὸ πᾶν* in physical science.” And there are many contemporary thinkers who assert for the State an almost boundless field of action. Few of these, however, include the cultivation of religion within the sphere of government; yet it would be easy to prove that on the paternal theory, the omission of the religious element from the duties of the executive cannot be justified. Wilhelm von Humboldt has shown very clearly how paternal government has always favoured Establishment.

“History shows us that all States have thought fit to avail themselves of this source of influence [the religious principle], but with very different designs and in very different degrees. In the ancient nations it was perfectly interwoven with the political constitution; it was, in fact, a grand guiding principle and essential pillar of the State organism, and hence all that I have observed of similar ancient institutions applies no less aptly to religion. When the Christian religion, instead of the earlier local deities of nations, taught men to believe in a

universal God of humanity, thereby throwing down one of the most dangerous barriers which sundered the different tribes of the great human family from each other, and when it thus succeeded in laying the foundation for all true human virtue, human development, and human union, without which enlightenment, and even science and learning, would have long and perhaps always remained the rare property of a few; it also directly operated to loosen the strong bond of connexion that of old existed between religion and the political constitution. But when afterwards the incursion of the barbarous tribes had scared enlightenment away, when a misconception of that very religion inspired a blind and intolerant rage for proselytism, and when at the same time the political form of States underwent such changes that citizens were transformed into subjects, and these not so much the subjects of the State as of the person in whom the government was vested; the solicitude for religion, its preservation and extension, was left to the conscientiousness of princes who believed it confided to their hands by God himself. In our times this prejudice has comparatively ceased to prevail, but the promotion of religion by laws and State institutions has been no less urgently recommended by considerations of internal security and of morality, its strongest bulwark. These then I regard as the principal distinctive epochs in the history of religion as a political element, although I am not prepared to deny that all these reasons, characteristic of each, and especially the last mentioned, have been co-operating throughout, while at each period doubtless one of them prevailed."

In England the connexion of Church and State commenced at the second stage, and originated in the second reason, indicated by Von Humboldt. The high pretensions of the Roman See in the Middle Ages modified the relation between religion and the State, and the religious awakening of the sixteenth century was used to transfer to the king the power of which the Pope had been deprived.

Much that is at first sight obscure in the present position of the Anglican Church, many of its vices and defects, may be explained by an examination of its origin and growth. "The Church of England (says Dr. Arnold) bears, and always has borne, the marks of her birth. The child of royal and aristocratic selfishness and unprincipled tyranny, she has never dared to speak boldly to the great, but has contented herself with lecturing the poor." This is only too true; yet there is a truth to be weighed and reckoned on the other side also. It is impossible for an institution wholly evil to have endured, or to have been tolerated, for centuries. There was a time to which we may look back with gratitude in the history of England, when the Church did a great and a holy work, when it fostered the light of learning in the midst of savagery and darkness, when it inspired slavery with hope, and curbed the brutality of tyrannic

feudalism, when it was the new birth of the democratic principle, and witnessed to the unity of the race. But Churchmen would do well to remember that the Church of those days was in a great measure a free Church, and that the good it accomplished was done in spite of, and not by means of the secular power. From the time that the State became supreme over the English Church, its power for good decayed, its influence declined, its adherents dwindled. No royal authority, exercised by Jameses and Charleses and Georges, whom honest men detested or despised, could maintain the exclusive privileges, and still less the moral predominance of a religion that was identified with a government practically immoral. One by one the legislative outworks of Anglican ascendancy were levelled, until now there remains only the imposing shell of the ancient fortress, mounted with dummy guns and manned with puppets.

The royal supremacy which was established by Henry VIII., and exercised in its plenitude by Edward VI. and Elizabeth, is extolled by modern defenders of Establishment as the highest advantage in the connexion between Church and State; and this not that they retain the least vestige of the old faith that God had directly and personally entered into a covenant with the king, and set him to defend and rule his Church. They know of course, as everybody else knows, that the supremacy of the sovereign in matters spiritual, as well as in matters temporal, is a purely constitutional fiction. They know, none better, that the real head of the Church in our day is the man that is also the head of the State, the Prime Minister, the creature of a Parliamentary vote, and the instrument of a Parliamentary majority. The First Minister of the Crown may be an "old heathen," or a schismatic of any sort; he is at least certain to be elected by a Legislature in which those whom the orthodox are wont to call heretics or infidels, Romanists, Jews, and indifferentists, are very powerful, perhaps even predominate. The Crown, that is to say the Minister who represents the will of a non-sectarian House of Commons, makes the bishops and nominees to a large proportion of the Church patronage of the kingdom. The bishops and archbishops themselves are hemmed in on every side by the secular power, by authorities who are not bound themselves to profess any form of Christianity, and who do in many instances repudiate the doctrines of the Anglican Communion. The Judicial Committee of the Privy Council, where the "careless Gallios" of the Bench decide on the most abstruse theological questions and the nicest points of discipline, has succeeded to the rights of Œcumenical Councils and Hierarchical Synods. In the Premier is now concentrated the highest administrative power in the Church, in the Privy Council the highest judicial

authority. The Episcopacy is but a costly pageant, impotent for good or evil; Convocation is but a cumbrous and offensive absurdity. Under these conditions, even the clergy can hardly continue to believe in the divine legation of the king as head of the Church on earth, so they fall back on utilitarian arguments, which we shall presently have to consider.

It was not always so. At one period in our history the clergy were a very powerful body in the State. In the House of Lords the bishops and mitred abbots outnumbered the secular peers; in the House of Commons the lower ranks of the clergy had a distinct and unquestioned right to representation. In the former case, however, the Reformation reversed the proportion of numbers between the spiritual and temporal lords. The mitred abbots disappeared, and their rich domains were partitioned among lucky courtiers, and went to found dukedoms and earldoms for the favourites of the Tudors. The temporal peerages multiplied, while only a third of the spiritual peerages were left untouched. Even at an earlier date, the political power of the clergy among the Commons had died out. From a selfish anxiety to avoid taking their share of the public burdens, they declined political duties altogether, and so were practically disfranchised. But the direct power that the Church thus lost or abandoned was more than compensated for by the strength it gained as a corporation in intimate union with the secular government.

The Tudor princes used the Church as a formidable instrument of government. The Acts of Supremacy and Uniformity were employed by Elizabeth to crush the democratic principles of civil polity, which were encouraged by the theology of Geneva, and for the time Puritanism in Church and State was held in check. But the popular temper was unfavourable to absolutism in Church or State. The Puritans struggled manfully against James I., and were victorious over his son. Church and king had allied themselves to crush the spirit of freedom,* and Church and king fell together. Charles and Laud went to the same scaffold.

The Restoration came and brought back episcopal and monarchical institutions, but the sceptical spirit became rife, and the royal authority was gradually weakened. Toleration, dimly comprehended even by such men as Milton and Locke, waxed mighty in the eighteenth century; and the ideas which Voltaire preached

* Not that the Puritans any more than their oppressors understood what freedom really was. "Both parties," says Neal, the Puritan historian, "agreed too well in asserting the necessity of a uniformity of public worship, and of calling in the sword of the magistrate for the support and defence of the several principles, which they made an ill use of in their turns, as they could grasp the power into their hands."

with a fervid zeal had a potent influence over the minds even of those who abhorred his very name. The Anglican Church at this period became latitudinarian, for the character of the First and Second Georges was not favourable to the development of a very ardent piety among their clerical sycophants. The well-born now flocked back to the Church, and the Venetian oligarchy partitioned out the ecclesiastical patronage on the same principles as the political spoils. The clergy themselves regarded this intrusion with bitter feelings. "Reckon upon it," wrote Warburton to Hurd, "that Durham goes to some noble ecclesiastic. 'Tis a morsel only for them." "Our Grandees," he added, "have at last found their way back into the Church. I only wonder they have been so long about it. But be assured that nothing but a new religious revolution, to sweep away the fragments that Henry VIII. left after banqueting his courtiers, will drive them out again. The inroad of the principle of toleration on the domain of the Church during the last century deprived the State of some of those specious arguments by which the connexion was long justified, and which we still occasionally hear from such men as the Bishop of Oxford. It became difficult, when once it was admitted that Nonconformists had a just claim to the rights of citizenship, to insist on the paternal doctrine very strongly, or to call the Church the expression of the religious conscience of the nation. Indeed, from the date of the union with Scotland, when the Kirk was established, it was apparent that the State had set up two expressions of the national conscience side by side, and was endeavouring to perform the acrobatic feat of riding on both horses at the same time. It was not surprising that some awkward tumbles ensued. The Treaty of Union had acknowledged the right, always claimed by the Scottish people, of the congregations to a voice in the appointment of parochial ministers. The Anglican Church, however, detested the Kirk, and used its power to procure the violation of the privileges which the Act of Union had conferred on the Presbyterian congregations. The old system of patronage was restored, and hence arose a series of secessions which have reduced the Kirk of Scotland to the position of the Church of a minority. In 1733 the first secession took place, and the Associate Synod was founded; twenty years after, there was a second secession, which founded the Relief Synod. These bodies were subsequently amalgamated and formed the United Presbyterian Church. Nearly a century later there occurred another and more disastrous schism. The great Disruption of 1843 founded the Free Church, which, with its synodical organization and its overflowing Sustentation Fund, is one of the greatest triumphs of voluntarism.

The Anglican Church looked on these Presbyterian troubles with indifference, if not complacency. But within its own domains a similar process of disintegration was working less openly but not less surely. The progress of Methodism was in itself a most remarkable phenomenon, and, when the influence of the emotional creed of Wesley and Whitfield began to wane, other sectarian organizations had their turn of success. The Independents (who were always opposed to the union of Church and State), the Baptists, and many smaller denominations, worked their way among the artisan class, and grew rapidly in the manufacturing towns. Later, the Rationalist ideas, which partly were propagated by the political influence of the French Revolution, and partly by the intellectual influence of German thought, undermined the empire of the orthodox faith. Little by little the fabric of Anglican predominance crumbled away. Warburton had felt so sure of the ascendancy of his Church, that he could appeal to it, he thought, as representing the religion of the majority. Where is the majority now?

The incautious acceptance of the principle that a Church Establishment should be only maintained where the State Religion was that of the numerical majority of the nation, is an error into which more than one of the defenders of Establishments have incidentally fallen. How serious a breach in the argument for State Churches this error opens will best be shown by a few statistics, published in a neat and compact form by the Liberation Society :

“ When the census of religious worship was taken in 1851, it was found that forty-eight per cent. of the worshipping population of *England and Wales* were connected with the Free Churches. The number attending the services of the Established Church was 3,773,474 ; the number attending the services of the Free Churches was 3,487,558.

“ It was ascertained that in *Scotland* only one-third of the people attended the services of the Established Church of that country. The number was 351,454 ; while the number attending the various Free Churches was 592,497.

“ In *Ireland*, out of every one hundred of the population, only *twelve* are members of the Established Church ! The census of 1861 showed that in that country there are but 678,661 Church people, and 5,085,082 Roman Catholics and Protestant Dissenters.”

Thus, it may be considered doubtful whether even in England the adherents of the State Church, at least those who may be reckoned legitimately among its congregations, outnumber the followers of other creeds. In Scotland and Ireland the State Churches are in a contemptible minority. Yet throughout the United Kingdom the State Churches enjoy not only vast national wealth, but important privileges of a political kind.

The sovereign is constituted by law the head of the Church :

the Act of Settlement limits the succession to the Crown to Protestants of the Established Creed : in the Crown is vested the patronage of all the Episcopal sees, and of a great part of the minor offices of the Church. This connexion between the monarch and the Church would in any case give the clergy a commanding social position and a formidable power ; but when we add to this the fact that the Anglican Establishment is the richest in the world ; that its prelates have the incomes of great nobles and ministers of State ; when we remember that the Anglican hierarchy is established by the Constitution as one of the estates of the realm ; that bishops exercise Legislative functions, and, if they do not often originate, can always obstruct ; that in the rural districts the clergyman is generally the most influential magistrate ; that the Church monopolizes all wealth and authority in the universities and public schools,—we shall not be surprised to find both that the power of the Church is a thing not to be easily shaken, and that by those who dissent from it it is detested as an intolerable yoke.

It would be a mistake very disastrous to our argument to assume that the connexion between Church and State must necessarily subsist in such a form as that with which we are most familiar, the Anglican Establishment. The Church may be subordinated to the State, or linked with the civil Government of a community under a variety of conditions ; and among the diversity of political systems which embrace as a part of their moral machinery a religious organization, the Church of England does not find anywhere a precise parallel. One political system alone, accepting and courageously carrying out the principles for which we contend, presents a firm logical front to the advocate of Church Establishments. The American ideal, as the position of neutrality and unconcern taken up by the government in regard to the religious opinions of the community may be termed, is realized in the United States and in most of our colonies ; and it is incontestable that wherever democratic principles prevail, an Established Church on the Anglican model, with its exclusive privileges and its feudal hierarchy, cannot continue to exist. But the idea of equality which lies at the root of the modern democratic theory may be satisfied, it has been supposed, by other methods as well as by that total isolation of the State from the national currents of religious feeling which we have called the American ideal. The French Revolution shook the fabric of State Establishments of religion throughout Europe, and it was found impossible, when the revolutionary tide had turned, to restore the ancient landmarks. The claim of equality for all sects in the sight of the law was admitted by the more progressive of the European governments, and thus, in a period

when constitutional charters were in fashion and civil liberty was slowly gaining ground, there grew up, what we shall call for convenience the Continental Ideal of Church-Establishment. This ideal professed to be founded on the principle of equality, and, in theory, while it made use of all sects, it favoured none. It was laid down, that it was expedient for the State to employ religion as an auxiliary sanction, affirming and invigorating law; and that to this end it was the duty of government to maintain all forms of religious worship, at least in part out of the national exchequer. This duty of maintenance brought with it, naturally and logically, a right inherent in the State to control and regulate the internal economy of the communities thus fostered at the charges of the nation. And though in no case have these principles been adopted unreservedly, it is in accordance with these that the relations between the State and the Churches in the greater part of Western Europe, in France and Belgium, and Holland and Prussia; have been established for many years past. In this direction, indeed, the current of liberal policy on the Continent continues steadily to flow, and the accession of Prussia to the hegemony of Germany has broadened and deepened the channel.

In France there is perfect toleration of all sects; so much we owe to the Revolution. There is also an attempt to place the State in relations of equality with all religious communities by a system of equal endowments. Catholics, Protestants, and Jews are alike paid by the State; but we find that this system breaks down in an essential part. The social superiority inevitably attaching to the religion of the sovereign, and of the majority of the nation, is augmented by many trifling acts of favour to the Catholic clergy, which violate the principle of equality. Cardinals, for example, sit in the Senate by virtue of their office. The French ideal of religious equality is thus scarcely carried out legitimately in France. It attains, singularly enough, its more perfect development in fiercely Catholic Belgium. There "the Pantheistic principle," as Mr. Disraeli once nicknamed it, flourishes in its mature form. The State, by the Constitution of 1832, and according to the programme of the liberal party, is separated altogether from the Churches; but the ministers of all sects are paid a trifling stipend. In Holland, for many years past, a similar policy has prevailed, for the House of Orange has ever favoured freedom of thought. In the Duchy of Nassau, lately annexed to Prussia by the Treaty of Prague, when the elder branch of the same family reigned, was to be noticed a singular attempt to connect religious equality with political power. The Evangelical Bishop of Wiesbaden and the Catholic Bishop of Limburg both sat, in virtue of their office, in the

Upper House of Parliament of the Duchy. In many others of the lesser German States similar principles are applied and analogous arrangements adopted. In Saxony, the clergy of all creeds are paid chiefly by a local rating system. In Bavaria the Catholic Church possesses rich endowments chiefly in landed property; but the State, besides makes an annual grant both to Catholics and Protestants to defray the expenses of public worship, and a Catholic bishop and a Protestant minister, chosen by the king, sit in the Upper Chamber. In Wurtemberg the king is the legal head of the Evangelical Church, which is thus in some sense the Established Church; but the Catholics and Jews also are controlled by Government Boards, and are directly represented in the Legislature. In Baden there is a very close approach to a Free-church system.

The principles on which the Italian Government propose to deal with the Church have been clearly laid down by Signor Scialoja:—

“The statutes of the Church” (he says), “cannot and ought not to be any longer in Italy the law of the State. The State will not interfere with the statutes of the Church any more than it would with the management of a private company. It regards the Church merely as it regards all other civil associations—never intervening in their affairs further than may be necessary to insure that their statutes do not violate existing laws, and are executed without prejudice to any right. This declaration, with its consequences, is enunciated in a bill which the Government will lay before the Chamber to consecrate a new right, and practically establish the principle, which is one of the most splendid results of modern civilization.”

It may be long before this principle can be fully carried out; but political events in Italy, as well as the temper of the Italian people, encourage us to hope that the practical difficulties which impede the realization of Cavour's conception, “*Libera chiesa in libero stato*,” will in the long run be overcome. Even in the Iberian peninsula the influence of the ideas of religious liberty have begun to penetrate. The sale of the Church lands in Spain, the suppression of conventual establishments and the encouragement of secular education in Portugal, are symptoms not to be disregarded of the danger that menaces the Church even in its ancient strongholds.

Where the Greek Church is the religion of the people, we find it connected with government in a very intimate union. In Russia the Czar is the head of the Church in matters temporal; and in the Hellenic kingdom a similar authority is given to the king. These States have scarcely begun to comprehend religious freedom. Austria, which used to lag behind even Russia, has awakened from her torpor, and the disruption of the Concordat

is probably the prelude to changes which will utterly break down the supremacy of the Church. At present, that supremacy is not questioned. The cardinals and prelates of princely rank sit in the Reichsrath, but they have made use of their powers so daringly to oppose the liberal measures of government, that we should not be surprised to see them very soon deprived of it. In the other European countries where Churches are established, there seems to be little movement of any kind. In Denmark, the Lutheran Church is established with all the privileges of the Anglican Church, except the political status of the prelate. In Sweden and Norway, as is well known, the electoral franchise is limited to adherents of Lutheranism, to which church the king also must belong.

In the United States the dissolution of the union between Church and State followed speedily, naturally, and inevitably upon the successful struggle for independence. In Virginia and one or two other States, a brief and futile conflict took place between the Established clergy and the new-born popular power. But the revolution, on the whole, was equally rapid and sweeping.

“The complete separation,” says Mr. Bancroft, “of the Church and State by the establishment of perfect religious equality, was followed by the wonderful result, that the separation was approved of everywhere, always, and by all. The old Anglican Church, which became known as the Protestant Episcopal, wished to preserve its endowments, and might complain of their impairment; but it preferred ever after to take care of itself, and was glad to share in that equality which dispelled the dread of Episcopal tyranny, and left it free to perfect its organization according to its own desires. The Roman Catholic eagerly accepted in America his place as an equal with Protestants, and soon found contentment and hope in his new relations. The rigid Presbyterians proved in America the supporters of religious freedom. They were true to the spirit of the great English Dissenter who hated all laws that were formed—

‘To stretch the conscience, and to bind
The native freedom of the mind.’”

It must be remembered, however, that this was not always so. The early colonists did not adopt in the foundation of their infant States the doctrines of toleration and religious liberty. The Puritans, who were in England the champions of freedom against Strafford and Laud, turned persecutors themselves in Massachusetts; and the men they persecuted were those who vindicated, before the world was ripe for it, that separation of religion from civil government which has now become the distinguishing feature in the polity of the United States. The first assertors of religious liberty in England were not the Puritans,

but the Separatists, or, as they were scornfully called, the Brownists, who were cruelly persecuted in England all through the reign of James I., and who, having assumed in their refuge at Leyden the name of Independents, sailed in the *Mayflower* in 1620 to seek a home in the New World. The spot where these men landed at Plymouth Rock, "the doorstep into a world unknown," became the seat of a little colony of Independents who held their ground for half a century, but were at last absorbed into the Puritan settlement of Massachusetts. Roger Williams, another Separatist expelled from Salem by the persecuting Puritans, who endeavoured to crush out the Quaker and Brownist heresies alike, founded a new settlement at Rhode Island, which proclaimed in its charter that in matters of creed "all men may walk as their consciences persuade them." From this germ grew the liberty that now distinguishes America.

In Mr. Jennings' work on "Republican Government in the United States," among much sharp criticism on the political institutions of the Republic—criticism inspired, it is clear, by a hearty dislike of democracy, and a strong preference for the English system of government—there is a remarkable testimony to the satisfactory operation of the secular scheme of government and the voluntary spirit in religion. The evidence of Mr. Jennings directly contradicts the assertions of those who insist that the political passions of the people would be roused to fury by the preaching of Free-Church ministers; or that intolerance is peculiarly the vice of the voluntary system. It is quite certain that in England where there is one State Church, or in Prussia where there are several, the clergy are more powerful for evil, for the disturbance of social order, and the disruption of the nation into jealously hostile sects, than in any part of the United States. To take one trifling circumstance, yet a somewhat significant one, as an example, we may fairly ask whether it would be possible to introduce into our public assemblies here, where the Church is supposed to keep down fanaticism, such an arrangement for the reading of public prayers as is in use in the United States' Congress? Would the spectacle of a succession of chaplains of different creeds all through the year be tolerated in our House of Commons? It certainly would not be objected to by the Nonconformist members, who are now supposed to profit by the chaplain's prayers; but how would our ardent Churchmen tolerate the presence and the words of Dr. Manning, Mr. Martineau, or Mr. Spurgeon?

Dean Stanley takes occasion more than once to sneer at the American system as unregulated and fanatical; but he adduces no proof of the evils which he pictures, and we have failed to find anywhere confirmation of his charges. His dislike of a

government which maintains a position of neutrality towards religious interests is the more remarkable because he goes out of his way to extol for similar impartiality the proconsul Annæus Gallio, who would not interfere in a doctrinal squabble between Paul and his brethren of the synagogue at Corinth. Gallio appears to us a real type of the American rule, and to deserve all Dean Stanley's praise.

We have now glanced at the three ideals which have been set up to regulate the relation in which the State should stand to the Church. To those who think equality between man and man an essential part of civil justice, the English ideal is altogether repugnant; and the only question is whether equality can be best attained through the French or the American ideal.

Von Humboldt has considered this question fully, and sums it up with his characteristic clearness.

"In the endeavour," says Von Humboldt, "to act upon morality through the medium of religious ideas, it is especially necessary to distinguish between the propagation of a particular form of religion and the diffusion of a spirit of religiousness in general. The former is undoubtedly more oppressive in its character and hurtful in its consequences; but without it the latter is hardly possible. For when the State believes morality and religion to be inseparably associated, and considers that it can and may avail itself of this method of influence, it is scarcely possible, so long as there are various forms of religious opinion corresponding differently with morality, whether true or constructed according to accepted notions, that it should not extend its protection to one of these forms of religion in preference to the others. . . . I would absolutely deny the possibility of any interference in religious affairs which should not be more or less chargeable with encouraging certain distinct opinions, and did not therefore admit the application of principles and arguments derivable from the supposition of such a partial tendency. Neither with any more reason can I grant the possibility of any such interference without the implication of some guiding and controlling influence, some drag and hindrance, as it were, upon the liberty of the individual. For, however widely certain kinds of influence may differ from coercion, as exhortation, or the mere procuring of facilities for the acceptance of ideas, there still exists even in the last of these a certain preponderance of the State's views which is calculated to repress and diminish freedom."

We see then clearly that the Continental ideal of the equal endowment of sects is no less adverse of real equality than the English ideal of our dominant Church favoured by the State, and maintaining an unquestioned social supremacy. The American ideal is the only one that secures to the fullest extent to the individual citizen that freedom from interference with matters of conscience which is necessary to promote originality of character, "individual vigour, and manifold diversity." These are the essentials of a

well-ordered society, for they tend to accomplish the end of man's existence, "the highest and most harmonious development of his power to a complete and consistent whole."

Established Churches in modern Europe all originated in variations of that Papal theory, which has been most ably defended by Bellarmine. In time, however, most of them have developed very wide differences from that theory, and the English Church in particular is now defended on grounds almost precisely opposed to the Papal doctrine. Bellarmine held that the State was the creature of the Church, that it was not only sanctified and endowed with life by the supremacy of religion, but absolutely depended for its stability on the aid of the Church. Up to the period of the Reformation, all ecclesiastics, and a great proportion of the secular world, accepted this doctrine. The Papacy attained a moral predominance, which it intruded by degrees into the field of politics. In Italy and Germany, in France and England, then, was fought out a battle which ended in establishing for the Pope a suzerainty over all European sovereigns and States. But when this power was at its height the Reformation burst in upon it. The Papacy was shorn at one blow of half its domain, and its hold on the remainder was weakened. The sceptical spirit of the sixteenth century grew more powerful in the seventeenth, when men began to turn from theological speculations to political controversy. The idea of a union of Church and State was still held, but on different grounds. A doctrine opposed essentially to that of Bellarmine was accepted in France and England; in the latter country it is identified with the name of Hobbes. In the "Leviathan" we meet with the first distinct advocacy of a Church, the creature of the State, employed as an organization of police.

There have always been in the Church of England many acute minds, who refused to adhere either to the theory of Bellarmine or the theory of Hobbes. Transcendental apologies for the Anglican Establishment have been skilfully wrought out by Hooker and Edmund Burke, by Coleridge, and by Gladstone. The illustrious author of the "Ecclesiastical Polity" adopts a theory to which we have already alluded. It is a fine conception, and were it not that it conflicts with the true doctrine of civil government, and has absolutely no foundation in fact, it might merit consideration. "The Church and the Commonwealth," says Hooker, "are therefore personally one society, which society is termed a commonwealth, as it liveth under whatsoever form of secular law and regiment; a Church, as it hath the spiritual law of Jesus Christ." There is a comprehensive *petitio principii* in the assumption that the Church and the Commonwealth are personally identical. The conception might have been defended, though sophistically, in Hooker's

time, by urging that Nonconformists were not entitled to the rights of citizens; but in our day, when Catholics and Jews, and Dissenters of every sort, sit in the House of Commons, the notion is obviously untenable.

The reign of the Long Parliament, the Protectorate, the Restoration, and the Revolution fixed a wide gulf between the ideas of Hooker and of the distinguished ecclesiastic who is usually named next to the author of the "Ecclesiastical Polity" as an advocate of Church Establishments. When Episcopacy was overthrown, the Presbyterians endeavoured to seize on all the power of the dethroned Church. "New presbyter was but old priest writ large." But the English people had not broken one yoke tamely to accept another. The Independents demanded complete and logical freedom of religion, and they had Cromwell and Milton on their side. This freedom was incompatible, as Milton recognised, with the interference of the State; "which two things," he said, "independence and State hire in religion, can never consist long and certainly together." It was in the struggles of the great English Revolution of 1641, and not in the French Revolution of 1789, that the voluntary principle originated as a political doctrine.

After the English Revolution of 1688, and the establishment of the Kirk in Scotland, it became a logical necessity for the defenders of the Anglican Church to seek a less exalted position than that which Hooker had taken, and to demonstrate, not only the sanctity, but the utility, of the institution for which they pleaded. Warburton understood the spirit of his age, and his defence of the State Church is a thoroughly eighteenth-century defence. The sphere of the State, he taught, was different from that of the Church. The former contemplated for its end the interests of the body; its general subject-matter was utility. The Church, on the other hand, had a distinct origin and aim. Its end was the salvation of souls; its subject-matter truth; its instrument persuasion; it regulated motives as well as acts, and promised eternal rewards. The State being defective in these latter points—the control of motives and the sanction of reward—called in the Church as an auxiliary; and the Church, needing protection, accepted the invitation, and entered into that contract which is the basis of every Establishment. This contract, Warburton adds, it would be wrong to ratify with any Church but that of the majority in the nation. On this ground he is able to maintain at once the pretensions of the Church of England and the Church of Scotland. Warburton's doctrine was developed further by Paley, who measured the value of the religious connexion simply by the utilitarian meteyard. The defect of these theories, in the view of uncompromising Churchmen, is what, in

our opinion,* constitutes their only merit, and that is that they can be readily brought to the test of facts.

It is otherwise with the interesting subtleties which Burke and Coleridge, and Mr. Gladstone in his younger day, wove around the ideal of a Church Establishment. The hot reek of prejudice and passion through which Burke looked at everything that he associated with revolutionary France dims all his later speculations. Through his attacks on French democracy there runs an extravagant strain of reverence for English institutions, and especially for the Church. Burke started from principles which, rightly interpreted, would be rejected by few. "We know," he says, "and, what is better, we feel inwardly, that religion is the basis of civil society, and the source of all good and of all comfort." From this premiss he bounds at once to the conclusion that it is necessary to sanctify civil government by an Established Church, by which the sense of mankind, he tells us, "hath solemnly and for ever consecrated the commonwealth, and all who officiate in it" And this consecration is to make us approach the State, for purposes of reformation, with due caution and awe. It is to extend its ægis over the abuses of the State as well as of the Church, over rotten boroughs as well as over pluralities and simony. This was the point in Burke's system that made it acceptable to the Tories of his day; it is the defect which deprives it of all power over the liberal thought of our time.

It is due to Burke, however, to add that even his hatred of the French Revolution could not blind his large and manly intellect to the demands of justice. In Ireland, Burke was in favour of endowing the Catholic Church, and so creating at least a semblance of equality; and he inspired Pitt with the desire to include a provision of this character in the Act of Union. The attempt failed through the insane folly of the king, and the Irish Church maintained its monopoly of wealth and power, destined at last to crumble away and to bring down with it in its fall the edifice of Church Establishments throughout the empire.

The theory of Establishment which Coleridge expounded, though made to fit, with some logical trimming, into the ordinary argument for the English Church, has really no necessary bearing on religion whatever. The State, according to the great Conservative philosopher, contains in itself certain elements which balance and complete each other. In the land and the classes connected with it, we have an element of permanency. In the distributive and productive classes, we have an element of progress. In the Crown "the cohesion by interdependence and the unity of the country were established." These are the material elements of government; but as the body needs a soul, so the State requires another element, to nourish, inform, and cor-

rect. This element is supplied by the Church, an organization for the spiritual culture of the people. It may or may not be identified with a particular form of religious worship, but its essence is a "nationality" or reserve of the public property, set apart to minister to the moral and intellectual wants of the community, and a "clerisy," or a body of men chosen to act as trustees of this fund, and to apply it to its proper uses. Mr. Mill has shown how aptly Coleridge's reasonings could be urged in favour of an appropriation of the Church property to purposes of public instruction. Applying the test, with which we set out, to Coleridge's doctrine, and being guided by the equitable rule of *cy-près* in dealing with the interests concerned, we shall find that there is nothing in a "nationality" and "clerisy" opposed to the true principles of government. Unquestionably, in some respects, a provision for the spiritual culture of the nation would contribute largely to public security. Equally beyond doubt it is that the interference of the State in matters of religion is calculated to produce inequalities and injustice most adverse to the interests of security and free individual development. But this is not the case in regard to education; and the conclusion which Mr. Mill draws from Coleridge's arguments seems to point to the proper disposal of the "nationality," when the religious element has been expunged.

When we speak of Mr. Gladstone's views on the subject of Church Establishment, we do not refer of course to his later opinions, which have hardly as yet, we should say, taken a definite shape. His early work was an elaborate, and in some respects an able performance; but it held too closely by the old paternal doctrine which the Bishop of Oxford has lately revived, that the State has a moral personality, and a conscience, and is bound by that conscience to accept a religion, and by every means in its power to propagate it. Macaulay's keen and forcible criticism battered the book to pieces as a logical defence, but it will always remain a literary and political curiosity. "Government the $\tau\omicron\ \pi\acute{\alpha}\nu$ of moral science;" "the propagation of religious truth, one of the principal ends of government;" "the nation a personality with a conscience;" these are a few of the *idola theatri*, the vicious brood of a false philosophy, which lured Mr. Gladstone into the labyrinth of fallacy where he became the captive of Macaulay's bow and spear. He has now, as we can see, abandoned all these, and fallen back on the crude test of Warburton, of which he once spoke with such undisguised contempt. That adoption of the religion of the majority to which Warburton appealed, and which Mr. Gladstone rejected as a base compromise, a penurious scrutiny of "nicely calculated less or more," is the only distinction which separates the case of the Irish Church from that of the English Church.

We may group together the arguments of Dr. Arnold, Dr. Chalmers, Dean Stanley, and the authors of the "Essays on Church Policy." Their main reasonings are, like the theory of Paley, directed to show that the Church, by civilizing the people, is a useful engine of government; and they urge that in rural districts and among impoverished populations, the clergy can only be brought into contact with the people through the medium of a State Church.

"It is hardly necessary" (says Dean Stanley) "to repeat at length the arguments of Chalmers and of Arnold as to the benefit of securing a clergy in those parts of the country where it is least likely that such a provision would be made by the people themselves; sometimes saved 'out of the scramble which no covetousness can appropriate and no folly waste; a provision made for public purposes in the most unattractive districts no less than in the most inviting—a man of education placed in every part of the country, in the most improving of all situations, that is, a life of constant intercourse with men, of which the direct and acknowledged business is to do them good physically and morally.'"

To this argument are added several subsidiary ones, some of which are a little startling. We are told, for example, that the connexion of Church and State is the nearest approach that we can make to the original idea of the Christian Church. Dr. Wilberforce, we suppose, and Dr. Longley are to be taken for the modern representatives of the fisherman of Galilee and the tentmaker of Tarsus. It is not less surprising to hear that there is a greater opportunity afforded in the Church of England than anywhere else for the full development of religious opinion. And most astounding of all, we learn that from the undogmatic and simple character of its formularies, the Church of England is better calculated than any other creed to attract childlike minds to its bosom. Is it impertinent to inquire whether Dean Stanley finds the Athanasian Creed in his Prayer-book? He avows a preference in another place for the Apostles' Creed, which he seems to think a miracle of simplicity. The Apostles' Creed demands assent to eighteen separate dogmas.

Dr. Stanley and the Broad Church School in general look with no favour upon a policy of universal endowment, except indeed in the case of Ireland, where it is evident the *status quo* cannot be tolerated. They would, however, liberalize as far as possible the Church of England, and to include as many opinions as possible within its fold. If this were practicable to any appreciable extent, would it differ from a general endowment? But is it practical while even Dean Stanley, liberal among liberal Churchmen, hold, to the Apostles' Creed, bristling with its eighteen dogmas, as a model of simplicity?

The arguments in defence of Establishments, though appearing in various forms, may be reduced to three broad and distinct theories, supported by one or two subsidiary reasons. The first theory we may call the *paternal* or *patriarchal*. It is a variety of the worn-out doctrine of government for the people, which government by the people has gradually supplanted. It takes for granted that the State, being an entity superior in intelligence and virtue to any individual citizen, has discovered, by divine revelation or otherwise, a religion which is pure truth, which men are bound to accept under penalty of eternal ruin, and which insures eternal happiness to its disciples. It is assumed, moreover, that the State, being in this case infallible, is bound to force the religion it has discovered on its subjects. The second theory may be called the *police* theory. According to this, the Church is to be maintained because it sanctifies authority and promotes morality. The interpretation of these fine phrases is that the clergy are to be supported by the State, and are in return to frighten men into obeying the laws by threatening them with hell, or to bribe to obedience by promising them heaven. The third theory, which is that of liberal Churchmen in general, is one not to be easily named. It is founded upon the calculation that a State Church of moderate views in theology, and kept well in hand by the law, is likely to be a barrier against the extremes of fanaticism, to hold Ultramontanism and Dissent alike in check. Religion, it is urged, is a necessity; is it not better for the State to supply a harmless inexplusive compound, than to let quacks vend their noxious stimulants at will? To these main arguments may be added certain others peculiar to the question of Church and State, as it arises in our own country and our own time. It is contended that it is not unjust to establish the religion of the majority, it is urged that it is dangerous to public security to touch the property of the Church. Neither of these last arguments would be worth much by itself, but they are both used with some effect to support one or other of the main theories.

On the other hand, in opposition to these arguments, it may be contended by the adversary of Church Establishments that the connexion between Church and State conflicts with the true principle of civil government, that it hinders individual freedom, and is hostile to security. This is the first and the highest reason against Churches Established; it has been finely demonstrated by Von Humboldt, in the concluding part of his chapter on religion:—

“The difference then appears to me to be this. The citizen who is wholly left to himself in matters of religion, will or will not interweave religious ideas with his inner life according to his individual character; but in either case his system of ideas will be more coherent

and his impressions deeper, there will be more perfect oneness in his being, and so he will be more uniformly disposed to morality and obedience to the laws. On the other hand, he who is fettered by various restrictive institutions will, despite of these, entertain different religious ideas or not, subject to the same modifying influences; but in either case he will possess less sequence of ideas, less depth and sincerity of feeling, less harmony and oneness of being; and so will have less regard for morality, and wish more frequently to evade the operation of the laws. Hence I may safely proceed to lay down the principle, by no means a novel one, that all which concerns religion lies beyond the sphere of the State's activity, and that the choice of ministers, as well as all that relates to religious worship in general, should be left to the free judgment of the communities, without any special supervision on the part of the State."

Closely touching upon this general argument from the principles of government, we meet with certain arguments from the obvious political consequences of State endowment of religion. The connexion of Church and State produces inequality and injustice. It is unfair on the face of it, that a man should be compelled to pay in any shape for the support of a creed which he believes to be false. The connexion tends also to produce inequality in another way, by making the clergy a class with interests separated from those of the nation. It trenches more or less on the common rights of citizenship, the rights of private judgment, of free speech and action. It is an organization that tends dangerously to increase the central power in the State, and its influence, experience warns us, has nearly always been exercised in a direction opposite to liberal thought and reformation. Its social evils, as we know them in England, have been dissected and indicated with admirable temper and acumen by Mr. Miall. It divides society into two strata: in the dominant caste, especially among the clerical section of it, it breeds insolence, and, among those whose position is debased by it, it generates bitter feelings. It restricts, by its monopoly of universities and public schools, the intellectual culture of half the nation. In small and poor communities it stimulates sectarianism, and paralyses "the mechanism of benevolence."

The doctrines laid down by Von Humboldt in a general form were deduced from different premises, and exhibited in a more practical application by an English statesman whose genius may be aptly compared with that of the Prussian minister. Sir George Cornwall Lewis, in his work on "The Influence of Authority in Matters of Opinion," in plain and emphatic language demonstrates the futility of the existing connexion between Church and State, considered as an instrument of civil government.

"The general result at which we arrive is, that although the pro-

motion of religious truth, and the repression of religious error, are universally admitted to be desirable objects, yet the State is not able, by the means at its disposal, to compass them effectually; and that not only will its attempts to attain them be wholly or in great part unsuccessful, but that they will be attended with serious incidental evils. For the fruitless efforts made by the State are not merely so much labour wasted; but the attempts to propagate its own religious creed disturb civil society; they aggravate the existing dissensions and animosities of the rival sects, and create new causes of discord, which would not otherwise have existed.

“There is nothing in the constitution or essence of a State which is inconsistent with its being a judge of religious truth, but it discharges this duty ill. It is capable of doing the work of the Church, but the work is better done by the Church without its assistance. The State ought to abstain from the assumption of a sectarian character, and from undertaking to decide on disputed questions of religious truth, for the same reasons that it ought to abstain from carrying on trade or manufactures. It is capable of trading, but it makes a bad trader; it is capable of manufacturing, but it makes a bad manufacturer. So the State is capable of acting the part of the theologian, but it makes a bad theologian. Hence it is a manifest sophism to infer that, because a person does not wish to see the State undertake the promotion of religious truth, he is indifferent or hostile to religion.

“As well might it be inferred that because he does not wish to see the State engage in trade, he is hostile to trade. If he thinks the promotion of religious truth a function unsuited to the State, and suited exclusively to the Church; if he thinks that it ought to be performed by an ecclesiastical, and not by a political agency; he cannot—supposing him to be friendly both to Church and State—desire to see it assumed by the latter.”

In fact, the burden of proof rests entirely upon those who advocate the connexion. We have seen what their arguments were, and how far they affect the reasons that have been adduced on the other side. The paternal theory can in effect be only maintained logically by the Papacy. If the State is the trustee of the truth, and bound above all things to promote the interests of the truth, it cannot stop short at the endowment of the true Church. It must go further, inflict disabilities on Dissenters, nay, persecute and eradicate Nonconformity. The Bishop of Oxford will not be allowed to be logical; he cannot even escape the apostacy of sanctioning the Presbyterian heresy in Scotland, of giving the Ulster Protestant Dissenters the *Regium Donum*, and, finally, of paying to educate Popish priests at Maynooth.

The police theory of the connexion affords equally uncertain ground. We have already quoted Von Humboldt's lucid argument to show that a State Church does not encourage a high [Vol. XC. No. CLXXVII.]—NEW SERIES, Vol. XXXIV. No. I. N

tone of morality. Certainly the ordinary sanctions to which the clergy appeal, the bribes they proffer, and the penalties they threaten with, do not tend to elevate man as a social being. Fortunately, a higher form of religious thought than the old theological type is ripening. The people that believe most firmly in hell are probably the least advanced in morals and civilization. The Calabrian brigands are in their way devout, and would not think of doubting the eternity of future punishment, but they are not the best models of citizens. The clergy are losing their hold over the laity, inside the Church and out of it. The words of St. Bernard are truer now than ever: "Non est jam dicere ut populus sic sacerdos; quia nec sic populus ut sacerdos." The laity now represent the intelligence of the community far more truly than the clergy. Among the latter we find more hatred of free thought, more bigotry, more superstition, than among any other class of educated men.

Many Churchmen have begun to see the insecurity of their present position, and to draw comparisons from the Free-trade struggle. The land monopoly, with all its advantages, was beaten in the end. Will the Church monopoly be more fortunate?

"It is true," says Mr. Goldwin Smith, "that on this, as on some other subjects, Englishmen have been sedulously and too successfully trained to believe that if they fairly embrace reason and discard what is irrational, they will fall into some terrible and immeasurable abyss. But in the case of Free-trade they have fathomed this abyss; and perhaps they will now shrink less from fathoming it in the case of free thought."

The influence of the Church in advancing morals when compared with the similar influence exerted by the voluntary sects, will leave no balance to the credit of the former. The indirect power which a religious organization possesses, the work which it is able to do by eliciting charitable and benevolent feelings among its adherents, afford a legitimate ground of comparison between the Church and Dissent. We cannot doubt that, making due allowance for the difference in wealth and position, the Dissenters do ten times as much for the civilization and advancement of the country as the Church people. How painfully many eminent men within the Church itself have experienced the effects of that paralysis of voluntary and individual effort for charitable and religious purposes which is produced by State aid and State control, has been attested publicly by themselves. Out of several written and spoken declarations of this character, it will be sufficient here to quote the testimony of the late Archbishop of Dublin.

"You will feel wonder," says Archbishop Whately, "I think, that so great an amount of good should have been effected with such scanty funds, scanty to a degree which, I must say, reflects discredit

on the members of our Church, especially when we compare ourselves with Roman Catholics and Protestant Dissenters, who are burdened with the entire support of their own ministers, and with the whole cost of their places of worship. I fear that they may reasonably plead, and do plead, in behalf of their own religion, against ours, that we are less in earnest about our own than they are; and that we are attached to our Church, in great measure, because it is an *endowed Church*, and its ministers are supported without calls on us for voluntary contributions.*

And yet the Church of England is called by its defenders the "poor man's church!" We are told that among the working men and the peasantry it does a noble work, not only for civilization but for religion. Are these statements consistent with well-known facts, or with admissions such as Archbishop Whately makes in the passage that we have quoted?

We are far from asserting that this apathy among Churchmen is absolutely mischievous. It is upon this torpid quietude that some Churchmen pride themselves; it is from this that the third argument in favour of Establishments is drawn. The Church, it seems, has a soporific influence; it deadens zeal; it curbs fanaticism; without it Ultramontanism or Antinomianism would swallow us up. Whether the voluntary system is likely to favour the spread of Romanism may be judged from the state of the Catholic Church in America, where with full freedom of action Popery has failed to win to its side any considerable section of the native population. We may pertinently inquire also whether the Oxford movement towards Rome was the work of Free Churchmen. As for the fanaticism and vulgarity of Dissent, these are but the outward signs of that social degradation with which Nonconformity has been branded by the State Church. In a free community fanaticism must expire before the light of education. The narrow jealousies of sects are their own bane.

This argument from expediency for the maintenance of a Church Establishment cannot have much practical force. It serves well enough to point a witticism like that of Charles Buller, "For Heaven's sake, don't meddle with the Church! it is the only thing that stands between us and religion." It gives force to the terrible sarcasm of Mr. Carlyle. But are the bishops and the St. James's Hall politicians prepared to speak to the free thought and the progress of the age in the language of a Latter-day pamphlet?

"You incendiary infidels, hold!" (say the orthodox). "You should be quiet infidels, and believe. Haven't we a Church? Don't we keep a Church this long while—best-behaved of Churches which

* Sermon for the Parochial Visitors' Society.

meddles with nobody, assiduously grinding its organs, reading its liturgies, homiletics, and excellent old moral horn-books, so patiently as never Church did? Can't we doff our hat to it; even look in upon it occasionally on a wet Sunday; and so, at the trifling charge of a few millions annually, serve *both* God and the devil? Fools, you should be quiet infidels, and believe!"

The fear that is sometimes expressed, that were the Church removed the mass of the community would at once fall under the baneful influence either of a fanatical Ultramontanism or a fanatical Protestantism, indicates merely a distrust in intellectual advancement which is not justified by any experience. The American example at once refutes this argument. Nowhere is there so much freedom and so little fanaticism. The question of religion is left rightly to be settled at the tribunal of a man's own conscience. The President may be Episcopalian, Presbyterian, or Unitarian; the public never ask to what sect he belongs any more than whether he smokes or not. What is the case in this country, where the State Church is supposed to form so strong a barrier against the violence of zeal? It is notorious that in every party conflict the religious views of the party leaders on either side are dragged into the open day to exacerbate discussion and inflame the fiercest passions. That Lord Palmerston favoured the Evangelical Clergy, and that Mr. Gladstone has Ritualistic tendencies, are charges which, truly or falsely, have been made against the eminent men referred to, and have been discussed with much temper in newspapers. Such charges would be looked on with utter astonishment and contempt in the United States.

We are told that it is a dangerous precedent to touch the property of the Church, and that the precedent thus created may be too soon applied to the interests of individuals. The question of property, vested in corporations such as the Church of England and the Universities, has been stated so clearly and forcibly by Mr. Mill, many years ago, that his argument still remains the most cogent and concise that can be referred to.*

"The like is true of the Church property; it is held in trust, for the spiritual culture of the people of England. The Clergy and the Universities are not proprietors, nor even partly trustees and partly proprietors: they are called so, we know, in law, and for legal purposes may be so called without impropriety; but moral right does not necessarily wait upon the convenience of technical classification. The trustees are indeed, at present, owing to the supineness of the Legislature, the sole tribunal empowered to judge of the performance of the trust; but it will scarcely be pretended that the money is made over to them for any other reason than because they are charged with the

* Mill's "Dissertations and Discussions," vol. i. page 12.

trust,—or that it is not an implied condition, that they shall pay every shilling of it with an exclusive regard to the performance of the duty entrusted to the collective body. Yet of persons thus situated, persons whose interest in the foundation is entirely subsidiary and subordinate, the whole of whose rights exist solely as the necessary means to enable them to perform certain duties—it is currently asserted, and in the tone in which men affirm a self-evident moral truth, that the endowments of the Church and the Universities are their property; to deprive them of which would be as much an act of confiscation as to rob a landowner of his estate. Their property! In what system of legislative ethics, or even of positive law, is an estate in the hands of trustees the property of the trustees? It is the property of the *cestui que trust*: of the person, of the body of persons, for whose benefit the trust is created. This, in the case of a national endowment, is the entire people."

That this doctrine is not one of recent or revolutionary origin may be proved by countless citations from the writings of eminent jurists.* It is now accepted almost as one of the common-places of jurisprudence. Nor is it alien to our constitutional practice. From the reign of Edward I. downwards, a long succession of Mortmain Acts—*invida fatorum series*—attest the vigilance with which the State has continued from time to time to assert its right to control and administer the property of the Church. And the plea of non-user cannot be advanced to hinder even more direct interference with the status and proprietary interests of the Clergy. Not to speak of the great and far-reaching change which at the date of the union with Scotland substituted Presbytery for Prelacy as the State religion north of the Tweed, we have had examples almost as striking at a later day. The Irish Church has been repeatedly experimented upon by the Legislature, and those who appeal with so much confidence to the sanctity of the Act of Union, find it convenient apparently to forget the Tithe Commutation which abstracted twenty-five per cent. of the Church revenues of Ireland from the parsons' pockets, and put the money in those of the landlords. The Church Temporalities Act, which abolished ten Irish bishops by a stroke of the pen, has been in the same way cleverly ignored.

The last argument used by the advocates of Establishment almost directly conflicts with that political method of reasoning which finds favour with Dean Stanley and the Broad-Church School. It is addressed chiefly to "the religious," and is peculiarly fitted to the calibre of the theological mind. We are asked

* "Les biens de l'église," remarks Vattel, "de l'aveu du clergé lui-même, sont en grande partie destinés aux pauvres. Quand l'état est dans le besoin, il est sans doute le premier pauvre et le plus digne de secours."—*Droit des Gens*, i. 177.

to believe that the abolition of the Anglican Establishment will be "a blow to religion." In the sense in which those who thus reason use the word, we should heartily rejoice did we see any clear hope that the fall of the State Church would diminish the force of "religion." In the mouths of bigots, "religion" reverts to the ancient meaning of it denounced by Lucretius—"tantum religio potuit suadere malorum"—to which it always has a tendency to go back, and becomes a debasing, paralysing superstition. We regret rather that, as we have already admitted, the emancipation of the State from the religious connexion is likely to emancipate sectarianism also in all its aggressive energy and dangerous power. The plea, such as it is, that religion must be weakened by the downfall of the Anglican ascendancy, is absolutely baseless. And those with whom it was intended to have a certain weight have in general recognised its futility.

The fact is that the separation of Church from State will set free a fund of energy which will reinforce superstition as well as enlightenment. False religion as well as true religion will gain by it, but the true will gain more than the false.

"But the religion of England" (asks Emerson) "is it in the Established Church? No. Is it in the sects? No. They are only perpetuations of some private man's dissent, and are to the Established Church as cabs are to a coach, cheaper and more convenient, but really the same thing. Where dwells the religion? Tell me first where dwells electricity, or motion, or thought, or gesture. They do not dwell or stay at all. Electricity cannot be made fast, mortared up and ended, like London Monument or the Tower, so that you shall know where to find it and keep it fixed, as the English do with their things for evermore; it is passing, glancing, gesticular: it is a traveller, a newness, a surprise, a secret, which perplexes them and puts them out. Yet if religion be the doing of all good, and for its sake the suffering of all evil, *souffrir de tout le monde et ne faire souffrir personne*, that divine secret has existed in England from the days of Alfred to those of Romilly, of Clarkson, and of Florence Nightingale, and in thousands who have no fame."

These are noble words and true. We know that there exists under the *débris* of sects and dogmas, in the heart of every great nation, a precious store of those warm sympathies, those lofty aspirations, that generous abnegation of selfish interests, which, more than any creeds or doctrines, are the essentials of Christian character and Christian faith. These things and not abstruse dogmas and metaphysical subtleties are the signs of true religion, the religion, that the Apostle set before him, "to visit the fatherless and the widows in their affliction, and to keep himself unspotted from the world," that the Prophet proclaimed, "to do justly, and to love mercy, and to walk humbly with thy God." This religion owes none of its majesty and power to the gold or

the guidance of the State. It is no exotic plant, to be nursed in hot unnatural air. It has flourished best in an ungenial soil, and under a bleak sky; "for prosperity doth best discover vice, but adversity doth best discover virtue." It is not for those who believe in a divine original of Christianity, no more than for those who think it to be a development of the better part of man's nature, to doubt of its inherent activity and independent vigour. Let the tree be known by its fruits. Whatever is worthless, extraneous, and transient in the manifestations of religion will surely perish, whether the secular authority support "a religious expression of the community," or not; whatever is true and good will abide, because truth and goodness are immortal. Therefore, we ask men, who are Christians in spirit as well as in name, not to be afraid of the change we have advocated. We urge that change, primarily because we believe that the emancipation of the State from the religious connexion will be a political benefit, but, in a secondary sense, we favour it, because, in the end, we are persuaded it will encourage the growth of higher forms of religious life. Neither let those be alarmed at the prospect of the severance of Church and State who fear and abhor the fanatic zeal of sectaries and love the quiet and kindly repose of Establishments. The revolution must, to be sure, set free at first energies that may be turned to ill account, but it will also give scope to forces of a better sort. The good will balance first, and finally overcome the evil. It is not by adopting a cumbrous and dangerous machinery of government that we should endeavour to war down falsehood, bigotry, and superstition. Let us trust to the might of truth; let us enlist on our side the noble army, never left without recruits, of thinkers and patriots; let us fight under the banners of education, free thought, and liberty; and the battle, though it may be long and weary, can have but one issue.



ART. VIII.—THE SPANISH GIPSY.

The Spanish Gipsy. A Poem. By GEORGE ELIOT. William Blackwood and Sons. Edinburgh and London. 1868.

WHEN two years ago we noticed "Felix Holt," we purposely abstained from commenting on the remarkable pieces of poetry which were prefixed to some of the chapters; we felt that it was dangerous to judge from such fragments. It is one thing to condense a thought into three or four lines of blank verse, another to write a poem. When we first read Lamb's extracts

from the Elizabethan dramatists, we are apt to fancy that the writers must be poets. We turn to the originals, Webster, Kyd, and Tourneur, and find here and there a gem, and all the rest a dunghill.

We felt too that it was excessively problematical whether a writer who had all her life been used to employ the large canvases and strong colours of prose could suddenly adapt herself to the more limited space and more delicate tints of poetry.

The gift of poetical expression is by no means rare, but it is the life-long cultivation of, and devotion to it which is rare. We would almost say that any one who has the gift of expression at all, has also, in degree, the gift of poetry. Long before "Felix Holt" appeared, we felt certain that George Eliot possessed that gift. But the question was whether she had cultivated it. On the other hand, we felt too that if George Eliot should ever write a poem, it would at least bear the marks of thought. In this we are not disappointed. The "Spanish Gipsy" is not so much philosophical poetry as poetical philosophy. We indeed wish that it had been written in prose. Prose would, we feel, have given greater freedom to the author for expounding her philosophy, and for solving the moral problems in the story, greater room for those strokes of description, and greater scope for those touches of humour, in which she stands out foremost of all living authors. Indeed so much has she apparently felt the necessity for prose, that we have a prose dialogue in the Third Book. But the prose coming in the midst of poetry which is intended for reading rather gives us a shock, as it even does in the acting plays of Shakspeare, where we are prepared for the transition. Let us, however, more in detail justify our preference for prose. We can best do this by giving examples from the poem itself. Here, for instance, is a description of Roldan the juggler:—

"Roldan gladly would never laugh again ;

Pensioned, he would be grave as any ox."—p. 16.

This, as it stands, is a mere commonplace. But mark how in "Adam Bede," when George Eliot has the full command of prose, which is so plastic in her hands, she gives a new turn to an old comparison by picturing a rustic "with a stupid bovine look." The prose makes us smile, the poetry inclines us to be like Roldan, and never smile again. So, too, George Eliot's love for what is painfully realistic finds but little place in poetry. Thus in the very next page we have this description of Roldan's son:—

"This little Pablo had his spangles too,
And large rosettes to hide his poor left foot
Rounded like any hoof (his mother thought
God willed it so to punish all her sins)."—p. 17.

In prose George Eliot would have made us sympathize with Pablo's misfortunes. But here the mention of his "hoof" jars upon us as the sore of Philoctetes does in that most dismal of plays. Again, the mingled pathos and irony of the last line, which would have been so effective in prose upon a larger canvas, especially when placed in the mouth of some of George Eliot's female characters, will, we venture to say, be lost on the majority of readers. We might multiply instances of this kind. It will be enough, however, to give one or two more examples:—

"Lopez, take physic, thou art getting ill,
Growing descriptive."—p. 35.

And

"Digest that, friend,
Or let it lie upon thee as a weight."—p. 36.

These two rather medical similes are certainly more fit to be expanded in prose than thus concentrated in poetry. Again, to take an instance of another kind:—

"JUAN. What news of the wars?
LOPEZ. Such news as is most bitter on my tongue.
JUAN. Then spit it forth."—p. 31.

Goethe has very rightly justified the use of coarse language when it is necessary to represent coarse characters; but our sense of niceness and propriety is shocked in poetry when it would not have been offended in prose. Further, one source of George Eliot's strength lies in depicting the humour of country rustics. Here she is without an equal. The scene at the public-house in "Silas Marner" is not unworthy of the great master who drew Falstaff and Pistol and Poms in the Boar's Head tavern in Eastcheap. But the scene in the "whitened tavern court of Moorish fashion," to which we are introduced at the beginning of the "Spanish Gipsy," is tame and dull compared with that in "Silas Marner," or even that at the Sugar Loaf in "Felix Holt." This is not George Eliot's fault. Poetry is not the vehicle for such scenes. Falstaff drinks and jokes in prose. George Eliot has attempted an impossibility, and has in our opinion failed. Again, our regret that the "Spanish Gipsy" was not written in prose is increased when we contrast the distinctness with which, as in "Romola," George Eliot invests her creations, with the shadowy personages in the "Spanish Gipsy." Every one will remember how by one stroke George Eliot brings Romola bodily before our eyes: "she has a way of walking like a procession." Now compare that description with the following one of Fedalma:—

"Maiden, crowned with glossy blackness,
Lithe as panther forest-roaming,

Long-armed naiad, when she dances
 On a stream of ether floating—
 Bright, O bright Fedalma!"

The comparison of a maiden to a panther conveys to the general reader no meaning. If it contains any, it is false, for Fedalma is certainly not meant to be stealthy and cat-like. When we rise to the still higher art of individuality, the failure of the personages in the "Spanish Gipsy," when compared with the sharp-drawn living human characters in "Romola," is still more apparent. This we need not insist upon. The haziness and want of firm drawing must be apparent to the most careless reader.

Once more, George Eliot's power of description is equal to that of her humour. She excels even Ruskin in what is commonly called word-painting, because she has learnt the great art of self-restraint. But her power often deserts her in the "Spanish Gipsy." For instance, here is a description of scenery which, as it is placed early in the poem, must be intended to challenge attention:—

"Now in the East the distance casts its veil
 And gazes with a deepening earnestness.
 The old rain-fretted mountains in their robes
 Of shadow-broken grey; the rounded hills
 Reddened with blood of Titans, whose huge limbs
 Entomb'd within, feed full the hardy flesh
 Of cactus green and blue broad-sworded aloes;
 The cypress soaring black above the lines
 Of white court-walls; the jointed sugar-canes
 Pale-golden with their feathers motionless
 In the warm quiet:—all thought-teaching form
 Utters itself in firm unshimmering hues."—p. 50.

Now the passage about "the rounded hills reddened with blood of Titans" falls far below George Eliot's usual standard. It shows not merely a want of self-restraint, but a straining after effect in the worst manner of the Spasmodic School. The metaphor of the "flesh of cactus green" is offensive in poetry, although natural enough in prose. Let any one turn from this description to the opening scene of the "Mill on the Floss"—that scene so full of quiet power and repose—or to that description of Warwickshire in the beginning of "Felix Holt," and we think that they will join in our regrets that George Eliot had not written the "Spanish Gipsy" in prose. Our regret too is heightened when we consider George Eliot's poetry simply as poetry, without reference to any other standard. To give an example of what we mean, let us take the opening lines:—

“Tis the warm South, where Europe spreads her lands
Like fretted leaflets, breathing on the deep :
Broad-breasted Spain, leaning with equal love
(A calm earth-goddess crowned with corn and vines)
On the Mid Sea that moans with memories,
And on the untravelled Ocean, whose vast tides
Pant dumbly passionate with dreams of youth.”—p. 3.

Now, this is very pretty, but it would be simply blinking the truth to say it was first-rate poetry. We might even praise it if written by Owen Meredith or Gerald Massey. But we expect something very different to mere prettiness from George Eliot. We do not, without a special reference to physical geography, see in what way the countries of Southern Europe are like “leaflets,” and still less like “fretted leaflets.” Again, the lines—

and— “ On the Mid Sea that moans with memories,”

“Vast tides
Pant dumbly passionate with dreams of youth,”

are examples of the mere “pathetic fallacy.” Only weak poets, like Professor Kingsley, talk alliteratively about “the cruel, crawling foam,” to which “moans with memories,” and “pant passionate,” bear too close a resemblance. This is not the way in which true poets have described the sea, from the Psalmist of Israel down to Wordsworth. We expect from George Eliot thought, not fancy. We expect her to see deeper, beneath the surface of things, and to sing more in character with that sea of which it has been so well said in a moral sense—

θάλασσα κλύζει πάντα τ' ἀνθρώπων κακά.

We notice also throughout the poem, what we have certainly never noticed in George Eliot's prose writings, a tendency to cheap metaphors. Thus such a phrase as—

“Europe is come to her majority”—p. 6,

may be classed among what we venture to call Bulwerian similes. So also the following lines smack strongly of the author of “Pelham :”—

“Fie, Lopez, thou a Spaniard with a sword
Dreamest a Spanish noble ever stoops
By doing honour to the maid he loves !
He stoops alone when he dishonours her.”—p. 34.

The sentiment is irreproachable, but it is a little bit too much like “the man who lifts his arm against a woman,” &c. &c., and would be sure to call down thunders of applause from the gallery

of the Victoria Theatre. But this is not the audience—"the barren groundlings," as Shakspeare calls them—for whom George Eliot writes. So too, again, the following line—

"This ruby glows with longing for your ear"—p. 97,

carries the true Bulwerian note of false sentiment. Other defects might be easily pointed out. That light which plays upon George Eliot's prose is lost. The lines are often loose without being flexible, and mazy without being harmonious. Many of them will not scan. Here, for instance, is a verse of six feet—

"And starry flashing steel and pale vermilion."—p. 10.

Here is another—

"Nature compacted with such fine selection."

Here is one of five feet and a half—

"Flashing the signals of his nearing swiftness."—p. 4.

Here is another in the same page—

"'Tis south a mile before the rays are Moorish."

These instances might be multiplied. One, indeed, of the greatest defects is that the individual lines do not, as in true poetry, affect us. They have none of that "beauty making beautiful old rhyme." They do not sink from their own force into our souls. They are poetical, but not poetry. We speak plainly. We wish to be reckoned not amongst George Eliot's enemies, but her friends. As, too, we have on more than one occasion warmly praised her prose without incurring the suspicion of flattery, we hope we may now criticise her poetry without incurring the suspicion of malice. George Eliot will find plenty of praise; but perhaps little criticism. We gladly welcome the "Spanish Gipsy," with all its wealth of thought, its keen insight, and its imagination; but our welcome is mingled with some misgivings. It would be the greatest loss to our literature if George Eliot, either through haste or bad advice, should fall short of her former power. She has ennobled the novel in a way in which it has never been ennobled, in any other country, or at any other period. She has raised it from being the mere amusement of the frivolous and the idle, to be the solace and the guide of scholars. If now she betakes herself to poetry, it is but real kindness to say when in our opinion it falls short of her prose. We are only judging George Eliot by her own standard.

We must now turn to the subject matter of the poem. The thoughts and problems which George Eliot sets before us in the "Spanish Gipsy" are essentially those of the nineteenth century. Now we have no more fault to find with her for placing in the mouths of her characters thoughts and sentiments and knowledge with which they must have been totally unacquainted in the

Spain of the fifteenth century, than with Shakspeare for placing English scenery in Sicily and Bohemia. We question, however, whether she has rightly solved the principal problem. We take it for granted that all our readers are acquainted with the story. The main problem is, as they know, whether Fedalma should marry Silva, or go with her father. Silva is one of those men whom George Eliot so delights to paint :—

“A nature o'er-endowed with opposites
 Making a self-alternate, where each hour
 Was critic of the last, each mood too strong
 For tolerance of its fellow in close yoke.”—p. 194.

He means well, but is weak. He never in his highest moments, even when inspired by love of Fedalma, approaches the ideal of the English cavalier—“I could not love thee, dear, so much, loved I not honour more.” Fedalma, on the other hand, is drawn as—

“One who sees
 A light serene and strong on one sole path.”

All our interest centres in her. Now the aim of all culture and all training should be to free us from the yoke of authority. But Fedalma yields—yields to authority, for it cannot be said to be affection—to a father whose love she had never felt, and whose very existence she had even forgotten. Her father had not the claims upon her which Silva had. There are ties nearer and stronger than those of blood. When she writes to Silva—

“I am the daughter of the Gipsy Chief
 Who means to be the Saviour of our tribe.
 He calls on me to live for his great end.
 To live? nay, die for it. Fedalma dies
 In leaving Silva: all that lives henceforth
 Is the Zinca!”—(p. 155).

we reply that, in our own opinion, the cultured Fedalma should live, and not the untutored Zinca who pays the mere barbarian's homage to authority. Submission is noble; but there is something nobler than mere blind submission. The doctrine of authority preached in this fashion is nothing higher than the unmeaning loyalty of a savage. The language which Zarca speaks, and the arguments which he brings to bear, are those of infallible authority,—of the kind which Loyola would have approved, and Prior Isidor might have used in this very poem.

Another ethical fault remains. The whole poem is lamed by the conclusion. Silva's fortress is taken, and Zarca is stabbed by Silva. All afterwards is unutterable woe. Silva goes to Romé to wipe away his sin by becoming a soldier of the cross; but no cup which he can ever taste will be without bitterness. Re-

bellion spreads amongst her people against Fedalma. So falls the curtain. We are left not comforted with hope, but burdened with pain. Amidst all the darkness there is not a gleam of light. We do not ask for what is vulgarly called "poetical justice." Virtue, as far as the world sees, is not always outwardly triumphant. But we do say that it is the office of fiction, and most especially of poetry, not merely to give us generous thoughts and to represent godlike actions, but to show us their results; blessed indeed not with worldly prosperity, but with the happiness which springs from the mind. In the "Spanish Gipsy," we feel, not the strong power of man, but the force of circumstances; not the freedom of the human soul, and the unspeakable blessings which flow from it, but only the crushing influence of fate.

Of the characters in the "Spanish Gipsy," we may briefly say that the lower personages are sketched with more freedom and ease than the higher. At all events they are, as in George Eliot's prose, more natural. Notwithstanding what we have said of Fedalma's decision, she stands out side by side with Romola as a type of noble womanhood. The romantic, if weak chivalry of Silva, the noble spirit and bearing of Zarca, help, too, to soften down some of the faults which we have just mentioned. With all its shortcomings, the "Spanish Gipsy" is one of the most remarkable poems of our age. There can be but little doubt that if, thirty years ago, George Eliot had devoted herself to poetry, she would have left a name amongst poets, as she will amongst novelists, second to none in our generation. It is from want of practice, rather than from not possessing the great gift of poetry, that George Eliot breaks down, more especially in the mechanism of verse. It is, too, because there is no acting drama existing, in which a field could be found for all her many gifts—her powers of delineation of character, of humour, of description, of passion, that George Eliot fails. From the very conditions of the modern poem she naturally breaks down. She has no room to move in the petty gilded cage in which the modern minstrel is confined. Tennyson, who so fairly represents modern life in its artificial and fashionable aspects, has room, but not George Eliot. Doubtless, therefore, hampered by the very conditions of the modern poem, George Eliot very rightly threw the "Spanish Gipsy" into its present form. By adopting a half dramatic and half narrative style of relation, she has been a great gainer. But still the limits have been too small for her. Poetry, except in the acting drama, cannot possibly bear the strain and tension which George Eliot calls upon it to bear. To these two causes then—want of practice and want of proper machinery—do we in a great measure attribute the failure of the "Spanish Gipsy." There are indeed

magnificent passages in it when taken by themselves, such as the description of Fedalma dancing, though that perhaps is a little too theatrical. Prior Isidor's speech to Silva, dissuading him from his marriage, and Silva's reply, are both of them thoroughly dramatic. The subtle analysis of Silva's feelings at page 69, the nobility of Zarca's speech commencing "Nay, never falter," and Fedalma's answer to her father immediately afterwards, are good examples of the rare power and nobility of George Eliot's mind. One, however, of the finest pieces is to be found in Sephardo's concluding speech:—

"Two angels guide
The path of man, both aged and yet young,
As angels are, ripening through endless years.
On one he leans: some call her Memory
And some, Tradition; and her voice is sweet,
With deep mysterious accords: the other,
Floating above, holds down a lamp which streams
A light divine and searching on the earth,
Compelling eye and footsteps. Memory yields,
Yet clings with loving cheek, and shines anew
Reflecting all the rays of that bright lamp
Our angel Reason holds. We had not walked
But for Tradition; we walk evermore
To higher paths, by brightening Reason's lamp."—p. 202.

Many lines, either full of meditation or of fancy, are scattered up and down through the Poem. Here is a subtle distinction between man's and woman's love:—

"Women know no perfect love:
Loving the strong, they can forsake the strong;
Man clings because the being whom he loves
Is weak and needs him."—p. 276.

Here, too, is a pretty fanciful description:—

"In the east
Emergent from the dark waves of the hills,
Seeming a little sister of the moon,
Glowed Venus all unquenched."—p. 159.

We may easily, too, pick out pieces of truthful description. Here, for instance, is a scene photographed:—

"A fountain near, vase-shapen and broad-lipped,
Where timorous birds alight with tiny feet,
And hesitate and bend wise listening ears,
And fly away again with undipped beak."—p. 18.

Here, too, is another piece of truthful observation—

"Nay, I endure nought worse than napping sheep,
When nimble birds uproot a fleecy lock
To line their nest with."—p. 243.

Though we think that, in the description of spring, at p. 70, the observation, now "vicious crawling things are pretty eggs," is hardly so correct. The snake, which is a crawling thing, though not vicious, lays eggs which are not pretty, whilst the viper, which is both crawling and vicious, does not lay eggs.

Nor are touches of delicate humour wanting. Thus, the faith of the landlord of the "whitened tavern court" is described as—

" Like his wine,
Of cheaper sort, a trifle over-new."—p. 12.

The speech of Blasco, the silversmith, is thus too happily hit off, as that of—

" Some great bell of slow but certain swing
That, if you only wait, will tell the hour
As well as flippant clocks that strike in haste
And set off chiming a superfluous tune."—p. 14.

The songs which are scattered up and down through the Poem are unequal. They often seem to us to lack, like the blank verse, that "full-throated ease" which is so essential to lyrical poetry. The following, however, has real pathos and lyrical sweetness :—

" Warm whispering through the slender olive leaves
Came to me a gentle sound,
Whispering of a secret fount
In the clear sunshine 'mid the golden sheaves :
Said it was sleeping for me in the morn,
Called it gladness, called it joy,
Drew me on—' Come hither, boy '—
To where the blue wings rested on the corn.
I thought the gentle sound had whispered true—
Thought the little heaven mine,
Leaned to clutch the thing divine,
And saw the blue wings melt within the blue."—p. 58.

These extracts will show the riches which the "Spanish Gipsy" contains. No one else could have written it but George Eliot. It must ever hold a high place in the literature of the nineteenth century. Its interest, however, lies in its philosophy rather than in its poetry, in the sentiments of its characters, rather than in the characters themselves. It will be read more for its speculative views, for its wise reflections and noble thoughts, than for its delineation of the passions or mystic beauty of verse. It will, in short, be always more prized by the students than the lovers of poetry.

CONTEMPORARY LITERATURE.

The Foreign Books noticed in the following sections are chiefly supplied by Messrs. WILLIAMS & NORGATE, Henrietta-street, Covent-garden, and Mr. NUTT, 270, Strand.

THEOLOGY AND PHILOSOPHY.

MR. ROCHFORD CLARKE'S protest against images in stained glass windows¹ is a very vigorous one, and certainly is in consistency with the original Reformation movement in England and with the general practice, subject to unimportant exceptions only, until within a comparatively very recent period. Mr. Clarke has the "Homily against Peril of Idolatry" unmistakeably on his side, as he urges. But unfortunately for him and those who feel with him, the opinions expressed in the Homilies, whatever their weight, have not of themselves any binding legal effect. Not without a certain sympathy for Mr. Clarke, as we should not be without sympathy for the scruples of an orthodox Mahometan or Jew if like innovations should ever invade their temples of worship, we would venture to point out the insufficiency of the ground on which he would take his stand. He thinks that inasmuch as belief in a supersensible doctrine is sufficient as well as necessary to the Christian, any attempt to represent it in material forms is to run peril of idolatry. Now without saying anything of pictorial presentations, which may be taken as symbols of perfectly abstract doctrines, or as embodiments of sentiment, some at least of the doctrines themselves which Mr. Clarke would undoubtedly confess to be essential, are founded upon, or intimately connected with, certain alleged facts or events, which he would equally acknowledge to be historically true. He certainly believes, for instance, not only that Jesus is now living in the celestial life, but that he departed visibly from the earth in the presence of his disciples, being "taken up into heaven, and a cloud received him out of their sight." Now, if such a thing did really ever take place, on what principle, apart from mere habit and practice of a particular Church or Association, can there be any impropriety in endeavouring to depict its occurrence? It is a window in St. Martin's, Mr. Clarke's parish church when he is in London, which especially arouses his indignation, wherein is represented this very scene of the Ascension, and which has replaced a window of merely ornamental glass surrounding the word "Deus." Now, Mr. Clarke would not be satisfied with simple "Deus" as an object of his Protestant worship, but connects the revelation which "Deus" has made of himself with a number of historic events. In fact, while Mr. Clarke may have

¹ "Images in the Windows of Churches: Protest against them." By George Rochfort Clarke, M.A., in Letters addressed to the Bishops of Oxford, London, and St. David's, and the Vicar of St. Martin's-in-the-Fields. London: Seeley, Jackson, and Halliday. 1868.

the best of the argument, supposing the Homily to expound fairly the original spirit of the Reformed Church of England, is he not forgetting that a more important question remains—namely, whether the gist of the idolatry may not consist in worshipping as divine a human person, compared with which the treating his image with even superstitious reverence must be a very minor affair? Mr. Clarke will understand the parallel if we ask with respect to the worship of the Virgin Mary—though she is not yet worshipped as divine—which is the greater error—to believe in her and to pray to her as seated at the right hand of God, whatever that may mean, or to represent her assumption into heaven in a stained glass window? “Either make the tree good and the fruit good, or make the tree corrupt and the fruit corrupt.” The modern Protestant, indeed, will be very rudely forced to reconsider his position, whether it be at all tenable—that is, if his Protestantism consists in a certain fixed set of doctrines, such as Original Sin, the Incarnation, the Atonement, Justification by Faith, supposed to be provable by what he calls the “Word of God.”

“Latitudinarianism and Catholicism have each an intelligible standing-ground in the world of thought,” as says Mr. S. Baring Gould in the last series of the “Church and the World.”² The extinction of Protestantism may in one sense of that word be safely prophesied. But we should remember that both Catholicism and Protestantism consist of two elements: of a principle, and of its application—the former, of the principle of authority and submission of reason applied to a complicated dogmatical and ecclesiastical system; the latter, of the principle of liberty and free action of reason and spirit, actually hampered with doctrines less gross indeed than those of Catholicism, but against which the same or like objections may be brought. The weakness of Protestantism consists in this wedding of a living principle of progress with a dogmatical system which, three hundred years ago, was, relatively to the Romish system, true; which, relatively to the more thoroughly Papal system of the present day, is even more strikingly true; but which, as claiming to set forth positive truths, has no foundation except that of authority which it repudiates. The Romish system is consistent with itself, but its very consistency condemns it to death sooner or later. Protestantism, as now existing, is inconsistent with itself, but in its very inconsistency there is a principle of life. For, if it be true to its principle, it will pass through the latitudinarian and critical phases into such form of theology as may be possible in the Christendom of the future. And since Catholicism and Protestantism make up Christendom, and sooner or later Catholicism must die, it depends upon Protestantism whether the Church of the future shall be called Christian. The volume of the “Church and the World” to which we have referred above, is perhaps more outspoken as to the tenets and projects of the party from which it issues than even either of its predecessors. We should rather think

² “The Church and the World: Essays on Questions of the Day, in 1868. By various Writers.” Edited by the Rev. Orby Shipley, M.A. London: Longmans. 1868.

that this development of so-called Catholicism has run up to its present height too rapidly, and the plans formed in connexion with it have been matured too soon. But we are only inclined to observe, strictly in the character of literary critics, that some of the essays in the present volume are distinguished by a coarseness unusual even in theological controversy—at least, when carried on in books issued by respectable publishers. We can hardly understand how some passages, as, for instance, the passage about the Protestant under the description of “poor Tom” (p. 147), should not have been pointed out to the author of the essay as a mere offence against ordinary good taste. The worst offender by far in the volume is Dr. J. Littledale, who writes upon the “Ritual Commission.” We can perfectly understand that these high-Churchmen should be made very angry by the “First Report;” they may perhaps be made still more angry by the second, and can have derived no consolation from the judgment of Sir Robert Phillimore³—a judge certainly as likely to be favourable to the Ritualists as they could have possibly hoped for. But whatever their hopes or whatever their discouragements, these partisans should bear in mind that no cause can be really advanced by an exhibition in the field of literature of brow-beating and vituperation of opponents.

A “tone” very different from that of some of these essays might be caught by the authors if they would peruse again the “Parochial Sermons”⁴ of the real originator of that movement which they are now endeavouring to push much further than he thought morally possible within the communion in which they still remain. Others of his works are learned or logical—these sermons are perhaps “tone,” and little else; but the tone is one which it would be well if some Anglo-Catholics would copy. The present re-issue of the “Parochial Sermons” is edited by the Rev. W. J. Copeland, and is without alteration, except in quite unimportant matters, from the original edition.

In Mr. Gladstone’s remarks on “*Ecce Homo*,”⁵ which he has reprinted from “*Good Words*,” he observes, “that which is loosely called society, and which is represented by the literature, if not of the age, yet of the moment, has been making of late much proud flesh”—by which we understand that society and the literature of the day have been permitting themselves to become too independent of orthodox teaching. Continuing the surgical metaphor, he tells us that into “this tissue of proud flesh” the work of “*Ecce Homo*” “cuts perhaps more deeply than any other production of recent years.” By which he explains himself to mean, that “*Ecce Homo*” brings home to the reader that there is “something or other called the Gospel” “which

³ “Judgment delivered by the Rt. Hon Sir Robert Phillimore, D.C.L., Official Principal of the Court of Arches, in the Cases of *Martin v. Macdonochie*, and *Flamank v. Simpson*.” Edited by W. G. F. Phillimore, B.A., of the Middle Temple. London: Butterworths. 1868.

⁴ “Parochial and Plain Sermons.” By John Henry Newman, B.D., formerly Vicar of St. Mary’s, Oxford. In Eight Volumes. Vol. I. New Edition. London: Rivingtons. 1868.

⁵ “*Ecce Homo*.” By the Rt. Hon. W. E. Gladstone. London: Strahan & Co. 1868.

has very strong, even formidable, claims on the loyal allegiance and humble obedience of mankind." Others have denounced "Ecce Homo" as itself, to adopt Mr. Gladstone's comparison, belonging to the morbid growth of infidelity. It is, however, in the present interest of orthodoxy to moderate alarm, and to represent a very popular book as rather incomplete than heretical. And this is what Mr. Gladstone has set himself to do. We are therefore reminded by our apologist, that the author may be pursuing in his inquiries the very same course which was followed, *under the guidance of Divine Providence*, by the Evangelists themselves: that there undoubtedly is a dogmatical growth in the presentation of the person of Jesus Christ within the compass of the New Testament—there was a time when the three Gospels were all which were given to believers, there was a time when the fourth Gospel was conceded to them. And the author of "Ecce Homo" may thus be led himself, and may be instrumental in leading others, from a reverent regard to the human person of Jesus to acknowledge his true and proper divinity. Beneath a slight varnish of fairness there is evident in this special pleading of Mr. Gladstone's a thorough contempt for the modern theology itself, and a bitter hostility to the principle of founding it on a gathered opinion, as distinguished from the principle of authority.

Of the maintainers of the historical character of the gospel history, Mr. C. A. Row is the fairest and the best worth reading, that we have met with for a long time.⁶ He does not denounce. He states candidly, if not always as we think completely, the hypothesis of his opponents; and he is not afraid to give up positions which have become untenable. The problem as presented to the defender of Christianity in the present age is different from that which occupied the writers on evidences of the last century. Arguments, therefore, which seemed most forcible to them may fail to meet some of the requirements of the present time. Mr. Row himself does not insist on four independent personal witnesses to the facts of the gospel history—he is content to acknowledge an oral origin to the gospels, and that the date of their written compilation or composition is, within limits, uncertain. But he contends for their fundamental truthfulness, inasmuch as they are, he thinks, consistent with each other, and, above all things, are consistent or reconcileable in their several presentations of the person of Christ (even when the synoptics are compared with the fourth gospel). And he addresses himself especially to combat the "mythical" hypothesis. But here he falls into a misconception as to what the mythical theory really is—a misconception more venial in his case than in that of Mr. Cranbrook. For he supposes first a difficulty to have presented itself to the followers of Jesus, and then that a set of persons, whom he calls the mythologers, deliberately applied themselves to its solution. The difficulty was how to reconcile the Jewish anticipations of a conquering Messiah, or of a divine Messiah, accord-

⁶ "The Jesus of the Evangelists: His Historical Character Vindicated; or, an Examination of the Internal Evidence for our Lord's Divine Mission, with Reference to Modern Controversy." By the Rev. C. A. Row, M.A., of Pembroke College, Oxford, Author of "The Nature and Extent of Divine Inspiration," &c. London: Williams and Norgate. 1868.

ing to the representation of the book of Enoch, with a suffering and dying one.

“The problem must have presented itself to the mythologists, if the divine is assumed as capable of being united to the human, and if it is necessary that the human should suffer and die, what is the correct form of conceiving and demonstrating the idea?”—p. 24.

The mythologists, in setting themselves to the elaboration of their myths, “could have had before them no model,” and “a Messiah who would not trample his enemies under his feet” would have been to the Jew the most difficult of all possible conceptions. The author’s error consists in supposing that the “mythical” theory implies a conspiracy of a number of mythologists deliberately concocting a representation of the person of Jesus Christ, and so contriving it as to comprehend certain divine and human attributes; it consists also in supposing that those who adopt the mythical theory as a solution of some parts of the gospel narratives, apply it as a universal solvent to them all; it consists, moreover, in ignoring the principle of design which, since the investigations of Baur and his coadjutors, has been recognised by the critical school as having presided over the formation of a large portion of the New Testament; notably so in the third gospel, and almost exclusively in the fourth. Nor, further, has Mr. Row noticed that mythical conceptions of the Messiah already prevailed at the time of the life and death of Christ, so that a lengthened period is not required for the growth of the myths after his crucifixion: the moulds were already there, and only required to be filled, which they might very well be with some suddenness and rapidity under the shock of the Roman war, and the destruction of the Jewish hopes of a Messianic deliverer “to trample down their enemies.” The old words were found to be capable of new senses, and in those new senses they were supposed to have received fulfilment in the person of Jesus.

Early in 1865, two editions appeared of Tischendorf’s “*Wann wurden unsere Evangelien verfasst.*” They were followed by a third and more popularized edition, from which was made the translation issued by the “Religious Tract Society.” In 1866, a fourth and much amplified edition was published, which is now translated into English by Mr. W. L. Gage, under the slightly varied title “*Origin of the Four Gospels.*”⁷ Tischendorf’s style, as his translator allows, is “heavy, hard, and disjointed,” to which we must add that the arrangement of his material is not made to follow any definite principle. Thus he commences his array of the historical evidence for the existence of the Gospels with Irenæus, followed by Tertullian and Clemens of Alexandria; he then goes back to the Canon of Muratori, and to the oldest Latin and Syriac translations, which belong, according to him, to the very middle of the second century. He then

⁷ “*Origin of the Four Gospels.*” By Constantine Tischendorf, Professor of Theology in the University of Leipzig. Translated, under the Author’s sanction, by William L. Gage, from the fourth German edition, revised and greatly enlarged. London: Jackson, Walford, and Hodder. 1868.

proceeds to work back with patristic authorities from Irenæus, Theophilus and Tatianus, Claudius Apollinaris and Athenagoras. Thence we leap to the very commencement of the second century to Clement of Rome, followed downwards again by Ignatius, Polycarp, and Justin. The supposed references to the gospels, and especially those to the fourth, which are to be met with in the remains of heretical writers of the second century, are then discussed, but neither are these treated in any chronological order. Basilides, for instance, is made to follow the Valentinians Ptolemæus and Heracleon: last of all, the evidence derivable from Papias, as reported by Eusebius, is treated of. The effect of this ill-arrangement of his material is to render the book very unpleasant reading, and to damage seriously an argument already sufficiently weak in itself. The most complete answer to Tischendorf, and at the same time in a moderate compass, is to be met with in the recent work of Scholten, of which we referred to a German translation in our last number, and which we may be pardoned for again indicating.⁸ In particular the groundlessness is there shown of Tischendorf's inferences, from loose references in the works of Origen and Hippolytus to Basilides, Valentinus, and their schools, as making use of the fourth Gospel, that Basilides and Valentinus themselves did so, and acknowledged it as the work of the Apostle: every fourth-form boy knows that *οὐ ἀμφ' Ἀϊάρρα* does not always necessarily include Ajax himself.⁹

Attention is, however, so effectually directed to the question of the fourth Gospel, that there need be no fear of the evidence as to its authorship, both internal and external, being now thoroughly sifted, even in England. A brief, but on the whole pertinent, treatment of the internal evidence will be found in the "Was St. John the Author of the Fourth Gospel?" The author starts from the ground that there is not at least the same amount of external evidence of authorship in the case of the fourth Gospel as in that of the other three; the decision may, therefore, be much assisted by a consideration of the internal evidence. In reference to which it is to be observed, at the outset, how totally the personal character, demeanour, and mode of speaking of Jesus Christ, as presented in the fourth Gospel, differ from those presented in the Synoptics.

"The main object of our Saviour's life, as set forth in the three Synoptic Gospels, appears to have been to instruct, exhort, and improve His hearers. The main object of His life, as exhibited in the fourth Gospel, appears to have been to exalt and glorify Himself."

The difference between the scenes of Christ's ministry generally in the Synoptic and Johannean Gospels is then pointed out, together with the incompatibility of their respective accounts of the local circumstances and occasions of events which each of them appear to describe in common. Special objection is taken to some of the miracles de-

⁸ "Die ältesten Zeugnisse betreffend die Schriften des Neuen Testaments." Historisch untersucht, von J. H. Scholten.

⁹ "Was St. John the Author of the Fourth Gospel?" By a Layman, formerly Fellow of Trinity College, Cambridge. London: Longmans. 1868.

scribed in the fourth Gospel, as, for instance, to that of Cana of Galilee, on account of the unworthiness of its end, and to that of the Pool of Bethesda, on account of its involving the credence of the legend of the angel. The well-known discrepancies observable in the several narratives of the Last Supper and of the Crucifixion are then insisted on; and in connexion with the conduct of the Disciples after the Crucifixion, who, according to the fourth Gospel, stay in Jerusalem instead of proceeding into Galilee (Matt. xxvi. 32; xxviii. 7, 10), the author says:—

“There is another objection to the account in the fourth Gospel of this occurrence, founded upon the language of Thomas in addressing our Saviour ‘My Lord and my God.’ Now, this latter appellation was not at that time, nor for many years afterwards, addressed to Christ. There may be one or two passages in St. Paul’s Epistles, written thirty years after the death of Christ, in which the name of ‘God’ appears to be used in reference to the Son. But in the early Apostolic times, this title was given to the Father only. St. Stephen’s dying words were, ‘Lord Jesus, receive my spirit.’ St. Paul, although he ascribed Divine powers to Christ, and associated Him with God the Father in the heavenly blessings bestowed upon Christians, invariably distinguished the one from the other in the titles attributed to them. Ascribing to the Apostle Thomas, therefore, the use of the title ‘God,’ as applied to our Saviour, was an anachronism which is sufficient of itself to cast discredit upon this passage in the fourth Gospel.”—p. 39.

Quite agreeing with the conclusion that the fourth Gospel is not the Apostle John’s, and that the putting the words “My Lord and my God,” as addressed to the Saviour, in the mouth of Thomas is an anachronism, we think that the author is here arguing in a circle. He must first prove, on independent grounds, the later date of the Gospel before it can be legitimate to aver that the first steps, as far as can be traced, towards the divinisation of Jesus Christ, were made by the Apostle Paul and his school. It is quite certain that the negation of the Apostolic authorship of this Gospel, while painful to some, will be felt as a relief by others; and we need be under no fear that true critical conclusions relative to the Biblical books will not in the end approve themselves to the truest Christian people. Nor can any exception be justly taken to a critical inquiry, if strictly conducted, because, in the first instance, it may have been suggested by a recoil from such a doctrine as that implied in John xx. 28, or in xx. 22, 23. Only the argument itself should be kept carefully disentangled from anything like a prejudice or prepossession. The present author has not, to our mind, carried himself altogether clear of this kind of entanglement; nevertheless, he has shown himself quite capable of prosecuting further investigations, into the origin of the books of the New Testament, and into the process of growth in Christian opinion and practice during the period over which their composition really appears to have been spread.

An evidence of the wide-spread of a new Reformation is to be found in a volume recently published at the Cape,¹⁰ under the following

¹⁰ “*De Moderne Theologie: Dertien Toespraken gehouden in de Mutual Hall, Kaapstad.*” Door D. P. Faure, S.S.M.C. Kaapstad: Juta. 1868.

circumstances. The Rev. D. P. Faure is a regularly educated and admitted minister of the Dutch Church, a pupil of the celebrated Professors Scholten and Kuenen, of Leyden. He purposed accepting a "call" in connexion with the Dutch Reformed Church at the Cape of Good Hope. But by a recent order of the local synod there, it would have been necessary for him to pass an ordeal called the *colloquium doctum*—in other words, to satisfy a committee of ministers of the soundness of his faith; previously it had been sufficient for a minister coming from the Netherlands, and so accepting a call, to bring testimonials from his last charge, and to sign the Regulations of the Cape Church. The object of the new Rule was well understood to be, the keeping out from the Cape Church the heterodoxy which had invaded the mother Church of Holland. Mr. Faure, therefore, not choosing to submit himself to this kind of inquisition, has for the past year been holding free religious services in a place called the "Mutual Hall," at Cape Town. The thirteen addresses now printed were delivered there, and they are intended, not as a mere exposition of modern theology, but as a vindication of the author and his friends from very gross misrepresentation. The teaching or preaching at the "Mutual Hall" has been described as "atheistic," and Mr. Kotzé and Mr. Burgers, who have already had their own quarrels with the synod, and have come out victors, have been stigmatized as libellers and blasphemers of Jesus Christ, for having taken part in the services at the Mutual Hall when they have visited Cape Town. In consequence of all this, there is a great controversy raging in the Cape Colony, in the Presbyterian as well as in the Episcopal Church. The principal combatants are Mr. Murray, the Moderator of the Synod, and Professor Hofmeyer, of the Stellenbosch Seminary, on the so-called Orthodox side; Mr. Burgers, Mr. Kotzé, Mr. Naudé, Mr. Faure, on the side of the Liberals. Of the newspapers published at the Cape, the *Volksvriend* (Dutch) is orthodox, the *Volksblad* (Dutch) not unfavourable to freedom, the *Advertiser and Mail*, inclined to the orthodox side; the *Cape Argus* keeps clear of the purely theological questions, but is steadily opposed to any overweening pretensions of the high party in the synod. There is besides an excellent organ of the Liberal party, entitled *De Onderzoeker*, which appears monthly (now established for seven or eight years), and which contains in a small compass a variety of carefully written and selected articles, not shrinking from the discussion of any questions raised in reference to the modern theology. It is well supported by the laity of the Dutch Church. There is also a "Church Defence Association," which assisted Mr. Kotzé and Mr. Burgers in their trials with the dominant party in the synod: the objects of that association are to resist the ecclesiastical tyranny of the synod, and to push the liberty of preaching and profession as far as may be possible under the existing constitution of the Church. This party is not without friends either in England or in the Netherlands. Of the "Addresses" now before us, the first is introductory, sketching the wide spread of the new religious movement; the second vindicates the fearless employment of human reason in the search after knowledge of divine things; the two next treat of the Old and New Testaments, not set-

ting forth the Bible as infallible, but not detracting from its value as a record of religious history, and as an instrument of religious improvement; then follow two excellent lectures on the subject of miracles, showing that a far higher conception of the Divine Being is presented by the modern teaching, which represents Him as a God of order and constant consistent operation than was that of the Biblical authors, and of the majority of Christians, who regard intermittent contradictory action as the best evidence of His existence and nature. The seventh lecture treats of the person of Jesus Christ, and shows that in regarding Him as purely human, His true honour is restored as the greatest of religious heroes, and it becomes possible to set Him forth as an exemplar. The capacities of the human nature, and the true meaning of reconciliation with God, are thus illustrated. In the tenth lecture the eternity of future punishment is controverted, but not as though sinners would be let go, being sinful still, after more or less suffering, but that they should be brought by wise and fatherly correction to a better mind. The eleventh address is concerned with the examination of various prophecies alleged to have been fulfilled in the person of Christ and otherwise, but does not undertake to treat perfectly the subject of Hebrew prophecy. The twelfth discourse discusses the origin of the fourth Gospel, and displays very clearly the preponderance of evidence against the apostolic authorship. The volume concludes with a justification of the course taken by the author and others in remaining members of a Christian Church.

“It is said to us, ‘You have no right to remain in the Christian Church, you have no right to assume the name of Christian, you have no right to call yourselves followers of Jesus.’ And why not? ‘Because,’ is the answer, ‘you do not believe in the infallibility of the Bible, you do not believe in the authority of the formularies, you have been unfaithful to the teaching of the Church. You do not believe in the supernatural birth of Jesus, nor in His miracles, nor in atonement through His blood, nor in His bodily resurrection, nor in His visible ascension,’ &c. &c. All these are, in their estimation, distinctive doctrines of the Christian Church, and they find it incongruous that we who set little value on, or entirely discard, these distinctive doctrines, should remain in the Christian Church, or call ourselves Christians. But they do not reflect that all these doctrines were of later introduction into the Christian Church; they forget that Jesus himself neither knew nor taught anything of all these absurdities; that if we are no Christians, neither was Jesus himself; that according to the prevalent Christian doctrine, Christ himself is a heretic, an unbeliever, and a place is refused Him in the Christian Church.”—pp. 287, 288.

And he goes on—

“According to Jesus, religion was not a belief in any doctrines whatsoever, but life: according to Him, religion was an affection of the heart, love to God and men. Jesus, as I think, has proclaimed this plainly, clearly, and simply enough. Our opponents are accustomed to make no distinction between the teaching of the Christian Church and the teaching of Jesus himself: this is their greatest fault. Moreover, they do not understand that one can remain true to the teaching and principles of Jesus while renouncing the speculations and doctrines concerning His person brought out in earlier or later times—that one can continue to follow and honour Jesus, while controverting and renouncing many doctrines of the Church.”—pp. 288, 289.

Appealing thus to the best ascertained teaching of Jesus himself, Mr. Faure maintains that those who with him reject the Christian doctrines as generally received, may yet adopt the words ascribed to Peter, "Lord, to whom shall we go? Thou hast the words of eternal life, and we believe and are sure that thou art the Christ, the Holy One of God." (John vi. 68, 69.) And he concludes thus—

"And as long as we retain this conviction, as long as Jesus remains to us the highest example in the field of religion, as long as the religion of Jesus is the best that we know, so long we remain true to Him, and ought to continue to call ourselves Christians. If there ever comes a time, when it shall seem to us that a better religion may be found than His,—if ever a man arises, who shall seem to be a greater hero in the domain of religion than He was,—then ought we to go forth and no longer walk with Jesus. If we left Him now, we should not know to whom to go. There exists no better religion than His. He has the words of eternal life, He is the Christ, the Holy One of God."

We believe Mr. Cranbrook to be perfectly correct when he asserts, in the preface to his volume entitled "The Founders of Christianity,"¹¹ that the men of this generation in the British isles have not even attempted to prove the supernatural origin of Christianity: they have reproduced arguments from Paley, Lardner, and others, and have also attempted to meet some objections to the supernatural theory. But they have not undertaken to demonstrate its miraculous origin relatively to modern modes of thought and modern knowledge and information. They have assumed the miraculous hypothesis to be in possession of the ground; whereas it cannot fairly be considered to be so. And Mr. Cranbrook will be held by a great number of persons entirely justified in disallowing this claim, and in laying the onus of proof upon the supernaturalists. Having cleared himself by means of this protest, he undertakes to indicate a way in which Christianity might have arisen, and probably did arise, without any miraculous intervention. In so doing, he shows both that the Gospel history fails from defect of authentication of its materials to establish the miraculous origin of Christianity, and also, in conjunction with other evidence, demonstrates that the religion did not issue in one gush from the single Founder from whom it has taken its name, but was a growth to which Jesus, Paul, and the author of the fourth Gospel severally contributed. Now, considering this to represent the skeleton, as it were, of Mr. Cranbrook's present work, we hardly understand in what sense he terms himself an "opponent of Christianity." For, if Christianity is, as he undertakes to show, a natural form or development of religion, it cannot be an object of hostility to a philosophical mind. It is already comprised in the history of humanity. What elements of belief or of morality which have heretofore been usually comprised under the designation of Christianity, Mr. Cranbrook would desire to see perpetuated, and what discarded—in other words, how much, in his opinion, belongs to the permanent and how much to the transitory, he has not enabled us to

¹¹ "The Founders of Christianity; or, Discourses upon the Origin of the Christian Religion." By the Rev. James Cranbrook, Edinburgh. London: Trübner & Co. 1868.

say. But in the absence of such intimation, unless Mr. Cranbrook had chosen to call himself an opponent of Christianity, we do not see that his opposition to received views concerning its miraculous origin, or his opinion that it has been founded upon an ideal conception of the person of Christ rather than upon a well-ascertained history of Jesus, would have justified others in so entitling him. In the course of a generation it is to be hoped that such missiles as "no-Christian," "infidel," "atheist," will lose all their sting; but in the meantime we see no advantage in any free inquirer ticketing himself, as it were, with a designation which for the present moment is invidious. Nevertheless, if Mr. Cranbrook has done so, it cannot affect the critical value of his work, whatever that may be. We think it to be very unequally executed in its several parts. The author treats in his first two chapters of the sources of information; in the next chapter on the supernatural generally and the Gospel miracles; then follows a lecture on the religious state of the Jews at the commencement of the present era, and one on the historical Jesus, so far as any inferences worthy of being termed historical can be drawn from the New Testament respecting him. The conclusion of this lecture states in brief the general argument of the work.

"For all that history tells of Him, had not other causes been at work, and had no other great men risen to take His place, Christianity would have died out among the hills of Galilee with the generation in which it was born; or have been now remembered as only one of the numerous Jewish sects which lived and perished in a day."—p. 146.

The two next chapters are on the "Development of Christian Mythology," and "The Mythological Jesus." The three following are concerned with the argument, properly so called, of the book, giving an account of the philosophical school of Alexandria, and of the Pauline and Johannean modifications of original Christianity. The eleventh and last lecture consists of a summary and review of the whole discussion. We have said that these lectures are unequal; the best appear to us to be the second, on the authorship of the fourth Gospel; the third, on miracles, which is very good; the eighth, ninth, and tenth, on the Alexandrine and Pauline developments. Exception may be taken to particular expressions in various parts of the volume not in character with the tone of a calm critical inquiry; but a more substantial objection may be made to the sixth, and especially to the seventh lecture. Here the author neither does justice to the old Greek and Roman mythologies, nor to the Christian myths, if myths they may best be called, which he compares with them. He says—"The essential principle which created them all is the same, and consists in the creation, by the fancy, of supernatural narratives, to explain or adorn historical persons and events." (p. 158) Now, the Aryan mythologies originated in a personification and deification of the powers and agencies of nature, and in their early stage had nothing whatever obscene in them. The grossness of the Hindu and Greek mythology was of much later date, when poets made tales out of the pure though rude theological representations of their ancestors. And even when in the Aryan mythologies the very grossest symbols were employed, the intention was

not originally immoral, although afterwards the stories of the amours of the gods and the ceremonies in which they were celebrated became provocative of sensuality. But there is nothing parallel to this in the Hebrew or Christian legends. The legend of the Incarnation presents not even the remotest analogy to the begetting of the heroes from mortal women by the gods of the heathen mythology. And it is not because our orthodoxy is pained by it, but because our critical sense is shocked, that we protest against the comparison drawn at page 178, in the following words. After reciting the "Annunciation"—

"In the course of time the promise was fulfilled, and just as Zeus visited Io or Leda, so the God of the Hebrew people visited the holy maid of Nazareth, and raised her to a glory which had never been conferred on Hebrew maid before."

In a note, Mr. Cranbrook adds that he wrote these words only after hesitation, and pained at the revulsion of feeling they would excite in orthodox minds.

"But," he says further, "faithfulness to the mythological narrative has prevailed over every other consideration. Luke says what I have suggested as distinctly as any one could say it. The idea is horrible and disgusting, but the horror and disgust are due to the Gospel, and not to my reproduction of it."—*Ibid.*

We are the more surprised at this passage, because previously Mr. Cranbrook had expressed himself as appreciating the superiority of the Christian "mythology" over that of the heathen. The Christian mythology, he thinks, is not different "in kind" from that of other nations; but then he says:—

"What of difference you find is readily accounted for by the spirit, the characteristics, beliefs, and tendencies of the people among whom it originated. It is distinguished in its morality from the sensualism of the Greek mythology, because the Hebrews were the more ethical and the Greeks the more sensuous people. It is distinguished in the sobriety of its representations of God from the vagaries of the Hindoo divine manifestations, because the Hebrews were monotheists and the Hindoos were pantheists."—p. 158.

But Mr. Cranbrook seems to be under the impression that the story of the "Incarnation" was, in fact, suggested by the Greek mythology—for he says, afterwards,—

"According to strictly Hebraistic ideas, when a great man had to be born into the world, whilst it required special divine interposition, the divine interposition took effect through the constituted powers of nature, as in the case of Isaac, of Samuel, and others. But the influence of the Grecian mythology had led the Galilean Jews not to be content with this. It seemed a greater, grander thing to be born by the direct paternity of a God than from human parents, although enjoying a special divine blessing. And therefore, when they sought an explanation of the greatness of Jesus, their minds naturally turned to such a divine paternity. But still the old Hebraistical, ethical spirit had too great a hold of them to allow them fully to indulge in the grossly sensual fancies which characterized the ancient Grecian myths, and compelled the story to be told, although in language we blush to refer to, yet with a reticence that makes it strongly contrast with similar stories in other mythologies."—p. 197.

Now we think here is a great mistake. The influence of the Greek mythology upon the Galilean authors of the myth is a mere assumption. We shall be excused for being plain. All of us are familiar enough with the Greek stories of the gods referred to: they assume the forms of men, or of beasts, in order to enjoy sexual intercourse with earth-horn women. And so demigods are born of the lusts of Olympus. Now, the total absence of anything of the sort from Matt. i. and Luke i. ii. is by no means owing to a "reticence," for the very object of those descriptions is to accentuate the fact that the "Emmanuel," the "Holy thing," was to be born without the usual instrumentality, by an immediate divine operation. And the parallel between the "power of the Highest overshadowing" is not to be found in the Eagle of Hebe or the Swan of Leda, but in the "brooding upon the face of the waters" (Gen. i. 2). There the divine fiat was "Let there be light;" here, "Let there be life." However worthless these passages in the Gospels, may be to prove any supernatural fact—and, moreover, however unsuitable to be publicly read before mixed congregations, we are not so prudish as to say that the language of them is such as we "blush to refer to." And we are sorry to feel that by overstatement, or mistatement, as to this narrative in particular, and by the want of critical discrimination, which Mr. Cranbrook has shown in throwing together, in the Sixth and Seventh Lectures, the four Gospels now recognised and the Apocryphal Gospels, he has detracted greatly from the value of what might otherwise have proved itself a very useful manual of information concerning important controversies touching primitive Christianity.

We recommend very highly the work of M. Huet, entitled "*La Révolution Religieuse*."¹² Like M. Renan, he is a product of the Romish Church, and some of the most interesting and instructive parts of his book are those in which he passes in review, very calmly and judiciously, as it seems to us, that which M. Renan has done and left undone in his recent works. M. Huet, with his deceased friend M. Bordas, endeavoured for a time to find a satisfactory standing-point in Gallicanism, as distinguished from Ultramontanism—they found themselves practically thrust into a schismatical position, and in the consequent enforced freedom which it implied, M. Huet has arrived at conclusions remarkably in unison with those of German, English, Dutch, and other French inquirers, who set forth originally from starting points very distant from his own. M. Huet would repudiate most energetically any imputation that a religious revolution implies an abnegation of religion, and he distinguishes at the outset the Voltairianism of the last century from the critical, scientific, and philosophic movement of our own day.

"Le sentiment religieux, dans ce qu'il a d'essentiel, ne périra pas; mais il est impossible désormais de séparer Dieu du monde, l'esprit de la matière, la force de l'étendue, la Providence des lois de la nature. C'est une révolution philosophique intimement liée à la révolution religieuse, et qu'il serait aussi

¹² "*La Révolution Religieuse au dix-neuvième Siècle*." PAR F. HUET. Paris, 1868.

important de développer. Devant les conquêtes de la science nouvelle, la polémique abstraite du xviii^e siècle tombe d'elle-même et n'agit plus sur l'opinion. C'est la seule pourtant qu'on agite dans nos séminaires."—p. 13.

The work is divided into four books. In the first is treated the Modern Criticism, and specially that of Strauss, Baur, and M. Renan, with a special application to the Gospels. The second book endeavours to represent the historical Jesus, or rather to show him first as he appears literally in the narratives, and secondly to "restore," as far as possible, the actual historical person. The third book treats of the founding of Christianity, of its destiny and influence; and the fourth of the revolution in religion within existing churches or communions—Judaism, Protestantism, Catholicism. In the third book the fourth Gospel is treated of, and we can only afford room to direct attention to the opinion of the author as to the intention which presided over its composition. Unless we misunderstand him, we think he has pushed his notion of its being a counter-history something too far. That there is a covert current of doctrinal purpose throughout, we perfectly accept; and that the narrative is, for the most part, invented, and has little foundation in fact. But although many contradictions between the Synoptical histories and the narrative of the fourth Gospel are found, upon a close examination, to be involved in their several statements, it is very remarkable that the fourth Gospel should have avoided, or nearly so, any direct contradiction of the preceding accounts. And this is the more remarkable, if the fourth Gospel was a product of the middle of the second century. We can more readily understand that Peter and Paul themselves would not allow their differences to appear too prominently before the Christian congregations—they would rather take different fields of work than be seen to contradict each other on the same field; but that an author who had no personal relations with the first founders of the religion, and who desired to give a new colour to Christianity, should have avoided any contradiction of previous authors, appears the more admirable. In any case, however, the observations of M. F. Huet on the fourth Gospel, whether or not they carry entire conviction, are especially well worthy of attention.

The Bishop of Natal said, in a short preface to the first volume of Sermons published by him after his return to his diocese, that circumstances had obliged him to render them more controversial than he should otherwise have judged suitable for his flock. As time has gone on, he has felt himself able to give more free play in his discourses to the religious sentiment; and we think those who desired to thrust him into an un-Christian position ought to be thoroughly ashamed of themselves when they read the second series now published in England.¹³ Not that he has withdrawn in the slightest degree any of the opinions, for the expression of which he has been so ruthlessly persecuted—as we shall proceed to point out, he in fact re-states them in the present volume. But he shows practically

¹³ "Natal Sermons. Second Series of Discourses preached in the Cathedral Church of St. Peter's, Maritzburg." By the Rt. Rev. John William Colenso, D.D., Bishop of Natal. London: Trübner & Co. 1868.

that so far from being thereby impeded in his ministerial appeals to the hearts of his hearers, he is enabled to urge them with greatly increased consistency and force. The subject of the first two Sermons in this collection is the "Personality of Evil," and we read:—

"Let us not for a moment be thought, in expressing doubts as to the personal existence of a devil, to be ready to 'make a mock of sin,' to trifle with that 'abominable thing that God hates.' It is one reason indeed for attacking the popular superstition about the devil, that the absurd and grotesque ideas which belong to it are too apt to be associated in the mind of the young and thoughtless with sin, with guilt, with temptation—things which should never be spoken of lightly. Whereas, if all from their childhood were taught to understand the Scripture phrases on this subject as *figures* for what is most real and most fearful, yet not *personal*, any more than death is personal, or time, or this present evil world—the Satan, the Tempter, the Enemy of Souls of the New-Testament-teaching would never suggest any but serious thoughts."—p. 18.

He has not devoted the like space in this volume to the question of future punishments: he rather takes for granted the new creed on that subject—

"Hence it is that the old notion of the almost universal perdition of the human race—rather of the everlasting torments in hell-fire of all but the inner circle of the Christian Church, whether described as baptized or as believers, falls out of our creed, as inconsistent with the free light of Gospel day, the light of the glory of God in the face of Jesus Christ—yea, as blasphemy against the God and Father of our Lord Jesus."—p. 266.

But he adds that "God's judgment will be—rather is—to every man according to his works, so that, not a correct belief, but a pure heart and life, is the essential to salvation." And so throughout the volume wherever the negative side of the new Creed, if we may so call it, is first put forward, it is balanced by its positive complement. And it will not be possible for critics of any fairness to represent henceforward that the liberal clergymen of the Church of England, so far as the Bishop of Natal may be considered competent to speak for them, have no positive religious beliefs. Thus, Bishop Colenso considers the Gospel accounts of the Resurrection to be irreconcilable with each other, and in various parts legendary. But,

"What we really believe, as Christians, is that Christ is risen—that death and the grave have not prevailed against Him—that He who died upon the cross still lives—and we, if we are faithful, if in heart and soul we have died with Christ, have also risen, shall even now live with Him, and live eternally."—p. 114.

So again as to the Resurrection and immortal life of individuals. "Our Fathers still live, though their place on earth knows them no more"—and we shall not be scattered to the winds, and extinguished like the flame of the taper, but be safely lodged, like precious grain in the treasury of God—a hope, he says, which cannot be mathematically demonstrated, but which is a "faith of the heart" (p. 69). There are good discourses also on Prophecy and Prognostication, in which he confesses the great doubt there is, whether in the whole range of Hebrew prophecy there can be identified a prediction given long before of future historical events, and points out that it is a superstition to look

upon prophecy in that light, and then acknowledges it to be true that there was among the Hebrews, and is among prophetic men in all ages, a certain power of foretelling the future, which consists in announcing the general principles by which the Divine Government of man is guided. These principles so announced are applicable to particular events, and are exemplified in particular events, although the particular events were not in the mind of the seer (p. 221-225). Perhaps the greatest curiosity will attach to the Sermon on 'Prayer to Christ.' We hardly think that it is one of the best discourses in the volume, either in a literary or polemical point of view. Nevertheless, if the Bishop finds it necessary to prosecute this particular controversy, he will be better able to push his adversaries into the heresy of "dividing the substance," in that they acknowledge three separate objects of proper divine worship, than they will be to force him into "confounding the persons" of the Trinity. It is between these two rocks that as far as the technical question goes, the Bishop and his opponents have to steer without being wrecked. He is probably right in saying that the Invocation at the commencement of the Litany is of the One God in, under, and through the three constituent "persons" of Father, Son, and Holy Spirit: so that in the doctrine of the English Church not even is "God the Son," or "God the Holy Ghost," a separate object of worship from "God the Father," much less is the "Son of God" or Christ such object of direct separate and ultimate worship.

A new edition of the "Hymn Book,"¹⁴ out of which the clamour arose concerning the worship of Christ, has also been issued by Bishop Colenso. The clamour itself was about as reasonable as if an old-fashioned clergyman had been assailed as a heretic for adhering obstinately to "Sternhold and Hopkins," or "Tate and Brady," in preference to "Collections" of unctuous productions, Ancient or Modern, either of the high or low Church Schools. In the Hymn Book as it originally appeared, there was that recognition of the Three in One as the object of worship which appears to be the deliberately-chosen standing ground of the author, and which will in all probability prove an unsailable position for him (Hymns 29, 59, 86); in the present edition, the 152 Hymns of the original book are reprinted; the Occasional Hymns from the end of the Prayer Book are added, and then 42 Additional Hymns from various sources, but chosen on the same principle as before.

Amidst all the occupations of controversy and the claims of a litigation which has been forced upon him, Bishop Colenso finds time to pursue his work of Christianizing and instructing the natives in his diocese, and has just published a translation into Zulu of the first part of Bunyan's "Pilgrim's Progress." It has been printed by native boys taught by the Bishop.¹⁵

¹⁴ "Psalms and Hymns for Use in the Cathedral Church of St. Peter's, Maritzburg, and in the Diocese of Natal." Pietermaritzburg: Davis, 1868.

¹⁵ "Innewadi Ka'Bunyane okutiwa Ukuhamba Kwesihambi." ("The Book of Bunyan, called the Progress of the Pilgrim," Part I.) Translated into Zulu by the Bishop of Natal. Pietermaritzburg: Davis. Durban: Adams & Co. 1868.

The fourth number or issue of Dr. C. Schwartz's *Sermons*¹⁶ has the same characteristics as those that have preceded it. He by no means surrenders the name of Christian, or the name of Protestant; but he by no means considers that his Christianity involves an acceptance of the miraculous events of the Gospel history, or that his Protestantism ties him down to the positions assumed by Luther. Nothing can be more distinct than the discourses ten, eleven, as to the author's ground of the non-finality of the Reformation of the sixteenth century. And with those who, like him, can idealize and symbolize the Gospel narratives, there may be little difficulty in passing on to a Reformation of which Luther could have dreamt nothing. The difficulty is in persuading the mass who judge according to sense, and sense merely, that such an idealistic and symbolical acceptance of the Gospel history is consistent with truthfulness and sincerity.

The Calvinistic theology is as ruthless and repulsive when clothed in the polished periods of a Candlish, as it was in the last century in the rough language of a Boston.¹⁷ The doctrines of divine law and divine sovereignty might, indeed, with perfect consistency, be held in conjunction with views of a benevolent order and constitution of things, and in some of the "Reformed" Churches a theology having those characters has taken its rise, as in Holland and France. Such has not, we fear, made much way in Scotland; certainly not in connexion with the so-called "Free Church." The true Church, the chosen people, have always, we are here told, been only a "nut or kernel" even in the visible or federal Church, as that has been a nut or kernel by reason of the privileges and helps it conveys to its members in the great outer world. We can quite believe Dr. Candlish when he says, that they who hold this doctrine do not exult in the dark side of it, but they certainly exult in the bright side of it—that is, in the promises they suppose it conveys to themselves; and they do not stay to consider, whether it be conceivable, or whether they have any adequate proof, that the eternal happiness of the "nut or kernel," however great that may be, can have been provided on condition of the horrible and everlasting damnation of the immense majority of the human race. If man, in the creed of these "Covenanters," be powerless and blind, God himself at least is omnipotent, foreseeing, and free; but unless he were, like the heathen Jupiter, subject to a destiny greater than himself, there could be no excuse for his having called into existence a state of things so lop-sided and disproportionate. Some ministers of religion, we believe, are convinced that such is a true statement of the method of the divine government of humanity, and we are astounded from time to time at their proclaiming it, for we should rather have expected that

¹⁶ "Predigten aus der Gegenwart." Von Dr. Carl Schwartz, Oberhofprediger und Oberconsistorialrath zu Gotha. Vierte Sammlung. Leipzig. 1868.

¹⁷ "The Book of Genesis, Expounded in a Series of Discourses." By Robert S. Candlish, D.D., Principal of the New College, and Minister of Free St. George's, Edinburgh. New Edition, carefully revised. Edinburgh: Adam and Charles Black. 1868.

if any one were really convinced of it, he would have kept the horrible secret pent up within his own breast.

Mr. Perowne's second volume completes his *New Translation of the Psalms with Notes*.¹⁸ It carries through the work on the principle of making a concession here and there, giving a colour of freedom to the author's treatment, but holding stringently—even excessively so—and with a gibing tone, to his orthodox standing-point. This is encouraging no doubt to his more timid clerical readers, who must be occasionally doubtful as to where he will land, and be naturally suspicious of a person who knows Hebrew points and accents, talks of *Keri* and *Ketib* and various readings and conjectural readings in a way entirely inconsistent with the sound "every jot and tittle" theory. For this class of persons it must be relieving to read concerning the ninetyeth Psalm, attributed in its "title" to Moses, and which, if it were the production of Moses, would furnish strong evidence against some Elohist and Jehovistic hypotheses, as follows:—

"The points of resemblance between the language of the Psalm and expressions occurring in parts of the Pentateuch, and more particularly in Deuteronomy, will be found mentioned in the notes. To those who believe, as I do, that Deuteronomy was written by Moses, they furnish an argument for the Mosaic authorship of the Psalm."—p. 139.

But the time may come for Mr. Perowne himself to disbelieve or doubt as to the Mosaic authorship of Deuteronomy; and what then as to the authorship of the Psalm? Like comfort, and equally treacherous, may be given to alarmed "Evangelicals" by Mr. Perowne's treatment of the 110th Psalm. In other places he has abandoned Messianic interpretation, or so limited its meaning as to render it worthless in the sense of prediction. Here he retains it:—

"If we were at liberty to adopt in this Psalm the same principles of interpretation which we have already adopted with regard to all the other Messianic Psalms, it would present no special difficulty. We might suppose it to have been written by some poet of David's time, who would naturally speak of David himself as his lord. But we seem to be precluded from this method of interpretation here by the argument which, according to all the Evangelists, our Lord, in disputing with the Pharisees, builds upon the first verse of the Psalm."—Matt. xxii. 41-45; Mark xii. 35-37; Luke xxi. 41-44.

But what an admission is here. If Mr. Perowne were to be consistent with himself as a critical expounder of the Old Testament, he acknowledges he should say one thing, but overborne by an extraneous authority, he is compelled to say another. Yet he must feel, as a critic of the Old Testament writings, that it is not competent to him to allege an authority from the New Testament. Let him put himself in the position of the mere Hebraist or the Jew—and unless he does so, his work itself is absolutely without value—and then, by his own confes-

¹⁸ "The Book of Psalms: a New Translation, with Introduction and Notes Explanatory and Critical." By J. J. Stewart Perowne, B.D., Vice-Principal and Professor of Hebrew in St. David's College, Lampeter, &c. &c. Vol. II. London: Bell and Daldy. 1868.

sion, there would be nothing Messianic, in the sense of prediction of Jesus Christ in the 110th Psalm. Mr. Perowne knows very well that whether the evidences of a supernatural origin of Christianity are approached from the side of the New Testament or of the Old, they must be approached in each case independently. The New Testament cannot be "critically" interpreted by the help of an assumption that the prophets of the Old Testament received a miraculous inspiration; nor the writings of the Old Testament, by means of the like assumption, that the words of Jesus Christ were infallible, and have been infallibly reported.

Messrs. Clark, of Edinburgh, issue to the subscribers to their series of Ante-Nicene Fathers one volume of Tertullian and one of Cyprian.¹⁹ The value of these works consists in the historical material which they supply. As to the various issues which arose between heretics and the orthodox in early times, it is likely enough that the preponderance of argument, based on premises which both parties equally accepted, may have lain with the orthodox; but the history of the controversies reveals to us a state of things enabling us to form our own conclusions respecting the probable origin and early growth of Christianity from natural causes.

The new edition of Dr. John Muir's "Sanskrit Texts,"²⁰ of which the first volume is before us, has received large additions, and many parts have been entirely re-written. The extracts which the learned Orientalist has brought together from all periods of Sanskrit literature thoroughly exhaust the illustration of his subject. He shows (chap. i.) that "the sacred books of the Hindus contain no uniform or consistent view of the origin of castes," and that "the separate origination of the four castes was far from being an article of belief universally received by Indian antiquity." In chapter ii. the tradition of the descent of the Indian race from Manu is illustrated, a tradition which was recognised even in later periods of the Hindu literature, although representations of the separate origination of the castes are found along with it, and finally supplanting it. The third chapter brings out in detail that not only the oldest Vedic hymns, but the great bulk of them, do not presuppose a defined caste-system at the time when they were composed. The fourth chapter traces the progress of the contests between the Brahmans and the Kshattriyas, which ended in the supremacy of the priestly order. These inquiries have not only an antiquarian and speculative interest; there is thus collected a great mass of material out of the sacred literature of India itself which, may

¹⁹ "The Five Books of Quintus Sept. Flor. Tertullianus against Marcion." Translated by Peter Holmes, D.D., F.R.A.S., Domestic Chaplain to the Rt. Hon. the Countess of Rothes. Edinburgh: T. and T. Clark. 1868.

"The Writings of Cyprian, Bishop of Carthage." Translated by Rev. Robert Ernest Wallis, Ph.D., Senior Priest-Vicar of Wells Cathedral, and Incumbent of Christ Church, Coxley, Somerset. Edinburgh: T. and T. Clark. 1868.

²⁰ "Original Sanskrit Texts on the Origin and History of the People of India, their Religion and Institutions." Collected, translated, and illustrated by J. Muir, D.C.L., LL.D. Volume First: Mythical and Legendary Accounts of the Origin of Caste, with an Inquiry into its Existence in the Vedic Age. Second Edition, rewritten and greatly enlarged. London: Trübner & Co. 1868.

be appealed to by Europeans and by enlightened Hindus in future attempts to modify the caste-system, and especially to diminish the dominant influence of the Brahmans.

There is curious matter to be found in Dr. Inman's work on "Ancient Faiths."²¹ He enters, however, too much into repulsive details: a great many of his etymologies are fanciful, and his analogies frequently far-fetched.

"O-kee-pa" is a detailed account of a remarkable religious ceremony of the now extinct tribe of the Mandans, by Mr. George Catlin.²² Some of our readers are doubtless acquainted in outline with the observances described in this volume. But Mr. Catlin deserves thanks for placing on record this elaborate description of what he himself witnessed. Mr. Catlin deemed it prudent to obtain in 1832 the confirmatory certificates of Mr. Kipp, the agent of the American Fur Company, and two others, of the fidelity of the representations given in his paintings of the ceremonies he now explains; and in 1866 he received from Prince Maximilian of Neuwied, himself a traveller in the same regions, a letter fully confirming the trustworthiness of the narrative. The original of this letter is in the possession of the publishers. There is thus collected satisfactory evidence of the truthfulness of the delineations here given of the religious ceremonies of this extinct people, which, from their extraordinary character, might otherwise in course of time come to be doubted.

The sincere thanks of English students of the history of philosophy are due to Mr. Reichel for his translation of that portion of Dr. Zeller's work, "Die Philosophie der Griechen," which treats of Socrates and the Socratic Schools.²³ This part has been chosen in the hope of supplying an introductory volume to the real philosophy of Greece, as it found expression in the complete systems of Plato and Aristotle. It may be true, as the translator says, that the person of Socrates is the Sphinx of Philosophy, and the interest attaching to him may fairly be used as a bait to draw attention to the philosophies with which his name at least has been connected, if they cannot be historically affiliated upon him. Zeller, who is thus introduced to the English reader, is thoroughly sensible.

In the volume entitled "Mental and Moral Science,"²⁴ Mr. Bain has

²¹ "Ancient Faiths embodied in Ancient Names; or, an Attempt to Trace the Religious Belief, Sacred Rites, and Holy Emblems of Certain Nations, by an Interpretation of the Names given to Children by Priestly Authority, or Assumed by Prophets, Kings, and Hierarchs." By Thomas Inman, M.D. Lond., Physician to the Royal Infirmary, Liverpool, &c. &c. Liverpool: Printed for the Author. 1868.

²² "O-kee-pa: a Religious Ceremony; and other Customs of the Mandana." By George Catlin. With Thirteen Coloured Illustrations. London: Trübner & Co. 1868.

²³ "Socrates and the Socratic Schools." Translated from the German of Dr. E. Zeller, Professor of the University of Heidelberg, by Oswald J. Reichel, B.C.L., M.A., Vice-Principal of Cuddesden College. London: Longmans. 1868.

²⁴ "Mental and Moral Science: a Compendium of Psychology and Ethics." By Alexander Bain, M.A., Professor of Logic in the University of Aberdeen. London: Longmans. 1868.

comprised an "Exposition of Mind" and an exhaustive dissertation on and history of Ethics. (It must be said that the book itself, consisting of 850 pages, is of most inconvenient shape to the hand.) Nothing can be fairer, we think, than the exposition here given of the various systems of mental and moral philosophy. Nevertheless, we must be allowed to say that in the very kernel of the book, in the discussion concerning the Moral Faculty, (pp. 448-459,) the author has left some facts out of his consideration. He has represented the question concerning the nature and origin of conscience to resolve itself into this—whether it be a simple and intuitive, or a complex fact of the mind. And he concludes, because the theory of intuition or of innate ideas will not account for all phenomena of the moral sentiment or conscience, that it must, therefore, be solely the product of our education under government or authority. But he has not answered the question as to how such government, authority, or social consent grew up, or can grow up, as a matter of fact, unless there be in the human being a tendency that its maxims should be on the side of that which we now call virtue, instead of on that which we call vice. It is true that each individual among us would not be what he is morally, if it were not for the influence of the authority parental, social, political, under which he has been educated. But whence did those laws and that authority themselves originate? If they were always recognised in humanity, we should fall back into the theory of innate moral ideas in another form. But it is conceded that in their concrete form they did not always exist—that in their concrete form or application they do not now prevail uniformly—that under the influence of authority and education *Thuggee* may be thought right. But we, whatever we may call ourselves—Christians, or European philosophers, or whatever else, feel ourselves justified in pronouncing *Thuggee* to be a morbid growth in humanity. We have no fear that the moral standard of the Thugs should ever become the accepted moral standard of humanity; but, on the other hand, we have some hope that the standard of benevolence may become so in a continually increasing degree. As in arts and æsthetics the standard of taste tends to elevation, so in morals what the *élite* of humanity have gained will never be lost to the race—but according to Mr. Bain, we do not see how there ever could be an *élite*—how any one individual could ever rise higher than his contemporaries or predecessors.

Few people in this country read Dutch, which at the present time is unfortunate, as the majority even of theological students are precluded from making themselves acquainted with the works of Professor Scholten,²⁵ who is at present exercising an influence on Reformed Christendom beyond that of any other living person. The treatise here noted as translated by Dr. Redepenning, had been already translated into French by Dr. Réville, of Amsterdam, under the title of

²⁵ "Geschichte der Religion und Philosophie." Ein Leitfaden von J. H. Scholten, Professor zu Leyden. Aus dem Holländischen nach der dritten Auflage mit Genehmigung des Verfassers übersetzt, von Dr. Ernst Rud. Redepenning. Eiberfeld. 1868.

"Manuel del' Histoire de Religion et de Philosophie." It was printed in an uninviting form, and we believe attracted no notice in this country. The object of the work is, after carrying the student through a history of philosophical systems, from the time philosophy and theology became severed, to show that their reconciliation belongs to the modern interpretation of Christianity.

POLITICS, SOCIOLOGY, VOYAGES, AND TRAVELS.

WE have had repeated occasion to cite the example of the Australian colonies by way of exemplifying some of the special dangers by which a democratic constitution is naturally beset. A most interesting, temperate, and searching investigation, into the real causes of democratic failures in Victoria has been made by Mr. Wrixon,¹ a member of the Legislature of Victoria. We believe that Mr. Wrixon's view is the only correct one, and presents, indeed, a very close parallel with the theories on the subject we ourselves have enunciated over and over again. The evils that have overgrown the Victoria constitution are due not to too much faith in the democratic principle, but to too little. The abortive attempt to interfere between the popular will and its Executive by the invention of a spurious House of Lords in the shape of the Legislative Council, representing as it does a single narrow class, alien in sympathies and habits from the bulk of the people, is the true source of the incessant irritation by which the colony has been distracted. It is by operating on the heart and mind of the people themselves, and not by vindictive hostility and dogged opposition to them, that the inherent perils of a popular constitution can be best guarded against. "Whoever is justly satisfied that to work democracy successfully and to splendid results, we only need to give it fair play, and to show to it something of that disinterested devotion so often rendered to kings and despots; whoever is animated by a noble faith in the destinies of man, and believes that we are progressing, not to confusion and misery, but to higher capabilities and a happier social state; and whoever is impressed with the conviction that we must seek to accomplish these great results by improving the masses, not by repressing them, by inducing them to choose what is right rather than by preventing them from doing wrong, by a policy of trust rather than of suspicion,—whoever is capable of such a belief has a plain and honourable duty before him."

Mr. Wrixon notices that it may become an important question whether democracies ought not to make provision for the representation, on democratic principles, of minorities, not (as he says) in order to assist class government, but to prevent class despotism. This topic of the representation of minorities is becoming a more and more pro-

¹ "Democracy in Australia." By Henry John Wrixon, B.A., Barrister-at-Law, and Member of the Legislature of Victoria. Melbourne: 1868.

minent one, even in the countries of the Old World, as England and Geneva.² Both M. Droop and the Director of the Reform Association at Geneva have clearly presented the inadequacy of the vote of a mere majority of electors to express the true attitude of the whole body of the electors towards a number of candidates, and in respect of a large number of very different questions. M. Droop's proposal is akin to that of Mr. Hare, and indeed forms a part of Mr. Hare's scheme, though, as it deranges the existing system less, it is practically more promising. By M. Droop's plan, called that of "successive voting," each voter is allowed to name, in addition to the candidate for whom he desires to vote in the first instance, one or more other actual local candidates to whom his vote may be given in case it should not be wanted to secure the election of the first-named candidate. This preserves the system of local constituencies, and yet dispenses with the excessive organization demanded by the method of single, limited, or cumulative voting in order to secure the return of as many candidates of one party as possible. According to the proposed Geneva scheme, a number of lists of candidates are proposed, each authenticated by the signatures of at least thirty electors, and each voter is entitled to vote for one list. The number of votes necessary to secure a list being chosen is obtained by dividing the total number of votes polled by the number of representatives to be chosen. The first candidate in the list is declared elected.

Nothing is more in demand at the present political juncture in England than a temperate and accurate account of the life of our neighbours, French and German, in town and country, such as is afforded in the light and pleasant memoranda of Dr. Ireland's³ travels on the Continent. Dr. Ireland possesses that happiest quality of a truly scientific observer, of knowing the real magnitude of what comes in his way, and of not being misled or dazzled by false proportions, as is the mere superficial tourist. Wages, prices, amusements, education, rotation of crops, population, temperament, intellectual tastes, religion and government, are all marshalled in their natural order and relation by Dr. Ireland, and the facts he gives us under each of these heads are extremely valuable. The three papers on the "Peasant Proprietors of the Drôme," "Town Life in the South of France," and "Rural Life on the Rhine," comprising as they do a survey of the main characteristics of French and German life in the more secluded districts of the country, will have an especial interest for the English reader. The subject of peasant proprietorship has been brought immediately home to us by recent speculations on the Irish land problem. As Dr. Ireland observes, conservative writers see nothing but evil in the French

² "On Methods of Electing Representatives." By H. A. Droop, M.A. London: Macmillan. 1868.

"La Patrie et les Partis." Par le Directeur Provisoire de l'Association Reformiste. Genève. 1865.

"Exposition et Extension de la Liste Libre." Publiées par le Bureau de l'Association Reformiste. Genève. 1867.

³ "Studies of a Wandering Observer." By William W. Ireland, M.D. London: Chapman and Hall. 1867.

system, politicians of a different school consider it superior to our own. Again, much of our knowledge of the working of this system is drawn from the writings of Arthur Young, whose travels were made before the beginning of the present century, and it is important to see how an experience of seventy years, and the operation of the revolutionary law of inheritance, has affected the condition of the proprietors. Dr. Ireland describes with precision the whole year's course of the peasant proprietor in the department of the Drôme, and also traces the main events of the proprietor's life from childhood to manhood. In the winter he employs himself by cutting faggots, which he carries on his mule to the nearest town to sell for firewood. He also repairs the hill-roads, and cuts down the bushes of boxwood out of which he makes manure. In the spring he takes the honey from the top of his wooden hives, plants his vegetables, and hatches his silk-worm eggs. The whole process of developing the silk-worm, and tending it till it reaches its chrysalis state, takes twenty-five days. It is a very anxious time for the people, as much of the local wealth depends upon the successful issue, and latterly a mysterious disease has been rife among the worms. With much trouble and great expense a new breed has been introduced from Japan, which has been found much less susceptible to the disease. The gain is considerable where there is no disease. The eggs of silk-worms cost from sixteen to twenty francs the ounce, and one ounce might produce from two to three hundred francs worth of silk. A hard-working family might thus expect to get from 32*l.* to 48*l.* sterling out of four ounces of silk-worm eggs. The cocoons are generally bought at the fairs by agents from Lyons, and are unwound by machinery. In July, the corn-crops are ripe, and the sheep have to be sheared, and the meadows watered. The irrigation is performed by turning the descending streams into little channels, and then causing them to overflow. The corn is cut with the sickle, and threshed with the flail or trodden out by oxen. In the great heats of summer, the sheep and goats will not feed during the day, and so have to be taken out towards evening by the shepherds, who spend the nights with their flocks on the sides of the mountains. It is only from the manure so obtained that cultivation can be carried on in the higher valleys. In August the peasant makes his hay, and pulls and steeps his flax. In September he begins to gather in the grapes. After this there is little to be done save to gather the walnuts which the autumn winds scatter in thousands over the fields. The manner of life of the peasant proprietor is simple enough. He rarely tastes any flesh save pork, which he eats twice a day, and with which he gives a flavour to his soup. He drinks wine, but seldom tea or coffee. Bread, potatoes, haricots, and other vegetables are his principal articles of diet. The indoor employments of women resemble those of farmers' wives at home during the last century—making butter or curd, rearing fowls, and spinning flax. At Die, a town of four thousand inhabitants, there are about five hundred proprietors of land, the properties being of all sizes, from two and a half acres upwards, but generally smaller. The peasant labourers have been steadily improving since the Revolution in wealth, comfort, and intelligence. They ate black bread, and now they eat brown,

they wore rags, and now everybody is decently clad. Their wages have doubled, while the price of corn has only risen by one-fifth, the price of wine remaining much the same. The peasant proprietors are gradually becoming richer. A frugal and sober family in fifteen or twenty years generally manages to put by six hundred pounds. Nobody is very rich, but nobody is miserably poor. The peasant's intelligence as well as his wealth and labour are invested in his land. "What interests the rest of the world does not interest him, nor does he desire to interest the rest of the world. He cares more about a flood which covers his vineyard with shingles than about a revolution which changes the tenant of the Tuileries, and regards the appearance of a fox in his pasture grounds as a greater calamity than 'the treachery of Emile Ollivier.'" The wages of a day-labourer are about 9*l.* a year for a farm-servant, and for an out-door worker from 1*s.* 10½*d.* to 2*s.* 1*d.* a day. A peasant's clothes, on the whole, are cheaper than in England. A day-labourer's house might cost him from 2*l.* to 3*l.* a year. It appears that in the Drôme, as all over France, the proprietors are fearful of their little estates becoming divided amongst many heirs, and it is rare to see more than two children in a family. As a general rule, small farms are found to give two to four times as much as large farms, in proportion to the area under cultivation, and high farming in France, though it has occasionally been tried, has not succeeded in maintaining its existence against the system of peasant proprietors, save in some parts around Paris. "People find that a man who puts his own work into his land, or employs his whole attention in directing a few workmen, can make a great deal more out of it than the scientific farmer who has to struggle with the weary negligence of bands of day-labourers." With this account of peasant proprietorship in the south of France it is important to compare Dr. Ireland's notices of the results and characteristics of a like town on the Rhine. There is the same laborious work, contented poverty, and complete absorption of body and mind in agricultural pursuits. We have no space to carry out the comparison into the detail we should wish, but we merely notice that in the country about Bonn there are no large proprietors. The general size of the properties is from ten to fourteen acres: a few possess from forty to sixty, and two or three have as much as 160 acres. The German peasant lives upon a much less palatable diet than would content any one in England who could possibly get a better fare. The Germans still live upon rye-bread, which has been entirely given up as food by the peasantry of France and England. The proprietors are not so poor as they appear to a superficial eye, being very parsimonious, and living very frugally. They may put by fifteen pounds a year, and at death they are often worth from seven hundred to one thousand pounds. The transfer of land is beset with no difficult formalities. "It is as easy to buy a field as to purchase a pig, the trouble of conveying being sometimes less harassing than that of driving the porker home." The same improvement is noticeable in the condition of the German peasantry during the last fifty years which is met with in most other civilized countries. Wages have more than doubled, while the price of corn has only increased by one-fifth or one-sixth.

In their system of agriculture the proprietors are generally averse to change, though they form themselves into agricultural societies, and discuss practical questions with considerable intelligence. Fifty years ago they often were obliged to leave the land fallow, but now the rotation of crops is well understood. We have confined ourselves in our notice of the contents of Dr. Ireland's interesting work to such matters as have a special bearing on existing political problems in Great Britain. Nobody can complain of Dr. Ireland's account as being coloured in the minutest degree by passion or prejudice, and it is a misfortune that such questions as the comparative value of large and small farming, of peasant proprietorship, and the landlord and tenant system, should ever have become confused and distorted by vehement political rancour. Such a calm and unbiassed narrative of actually existing tenures will, it is hoped, usher in a better habit of scientific discussion. For our own part, while we are quite alive to all the numerous advantages of peasant proprietorship, in the personal freedom, thorough cultivation of the soil, and diffused intelligence of a particular sort it brings in its train, we cannot look upon its general adoption as a satisfactory solution of the capital and labour problem. The peasant proprietor is certainly vastly higher in the social scale than the English farm-labourer, and perhaps as high as the English tenant-farmer. On the other hand, the labourer who works for the peasant proprietor is scarcely more degraded than the English farm-labourer, while he has always a reasonable prospect before him of becoming a proprietor himself. The true solution, however, we believe, is to be found in a higher morality regulating the relations of employer and employed, by which better wages, fewer hours' work, and an enlarged personal independence will secure to the agricultural labourer a fair share of the material comforts and intellectual pleasures of advancing civilization.

We have already in a previous number of this *Review* considered Mr. Mill's proposal in reference to the Irish question. While expressing our warm sympathy with his earnest treatment of the subject, and our ready acceptance of his general maxims bearing on the political relations of land, we felt ourselves compelled to dissent from his special recommendations. We are glad to have the controversy continued by Lord Dufferin,⁴ a writer who unites in himself the excellences appropriate to a sagacious thinker, a conscientious landlord, and a politician long versed in the attempted solution of these problems. Were all controversialists who write on such inflammatory topics possessed of equal temper and respect for their opponents, some satisfactory and conclusive result might be reasonably looked for in a future not very remote. There is something almost pathetic in Lord Dufferin's concluding words. Speaking of the freedom he has used in criticising Mr. Mill's opinions, he says, "I can only plead in mitigation of my offence that probably there is not one amongst them [Mr. Mill's friends] who has a more profound respect for the intellectual power and pure integrity of purpose displayed in every word that has

⁴ "Mr. Mill's Plan for the Pacification of Ireland, examined by Lord Dufferin." London: John Murray. 1868.

been ever said or written by one of the greatest thinkers of our times. If, in the opinion of others, I may be thought to have gained some little advantage in the present controversy, it will only be for the same reason that a handful of feeble savages are sometimes able to defend the defiles of their native mountains against a powerful European army—*because they know the country.*” Lord Dufferin contests, as we think with great force, the value of the restrictions upon subletting by which Mr. Mill would supplement his system of peasant proprietorship. The case is supposed of a widow being left with a young family, who though from ill-health or want of agricultural skill, feeling herself incompetent to conduct an agricultural enterprise, is not allowed to let her farm, as under ordinary circumstances she would do, while her son is growing up. She must advertise for a permanent tenant. A dozen competitors present themselves, and on the Government officer fixing the future rent, the widow has to choose between the candidates. She is naturally induced to choose the one of the dozen who will pay her down the largest premium for selecting him. “The sum total of the arrangement being the turning of the original occupants out of their property, the re-creation of a petty landlordism, and the imposition of a rack-rent, and of a rack-rent in its worst form—viz., that of a high rent fined down by the payment of a large sum on entry.” Lord Dufferin disputes two of Mr. Mill’s assumptions: (1), That *la petite culture* is peculiarly suitable to Ireland; and (2), that no agricultural improvements can be expected to take place except under fixity of tenure. It is said that the present landlords, in spite of the tendency of *la petite culture* to increase competition and so to raise rents, are inclined to discountenance the system because they conscientiously believe it is a bad one. Lord Dufferin’s tenantry are pretty equally divided into two classes—namely, those holding less than twenty-five acres, and those holding more than that amount. Of the total arrears and bad debts which have accumulated on the property during the last twenty years, two-thirds have fallen due on farms below twenty-five acres, and only one-third on farms of a larger size. Lord Dufferin is of opinion that it is the want of *certainty* and not of *fixity* in tenure that destroys energy in the cultivation of the soil. In Flanders the cultivation is superior to that of Normandy, while in Flanders the majority of cultivators are tenants under short leases of nine, five, or three years, whereas in the north of France most of the land is cultivated by peasants holding in perpetuity. In Scotland and the north of England, with short leases the culture is acknowledged to be better than that in the south of England, where the occupation of the tenant is frequently from generation to generation. In Ireland about one-thirteenth of the cultivated area is let in perpetuity, and it is generally admitted that no holdings are in a more miserable condition than those held under that tenure. “Though it be true that when a bit of land is a man’s own in perpetuity, he may be expected to lavish his very soul upon it, it is also true that if he can obtain a living out of it without much exertion, he will be apt to indulge his indolence at the expense of his ultimate profit. When, however, the land belongs to some one else

who has an interest in watching justice done to it, and when the occupier knows that unless he bestirs himself at once the opportunity of making money which the possession of the farm affords will have slipped away, the community at large has a double guarantee that it will be well cultivated." It is on this ground among others that we have elsewhere dissented from Mr. Mill's scheme of permanent tenancies without fresh valuations. The only alternative which avoids the vice of abandoning the land for ever to a more and more impoverished nation of squatters, is the one we have already advocated, that of making the Government the only proprietor in the country. There are no doubt potent objections to this scheme which are treated with great fairness and discrimination by Lord Dufferin, but there are objections as serious to all schemes, and most of all, to things as, in a large portion of Ireland, they are now. It is no doubt true that it is extremely difficult to carry out any equitable system of purchase from the existing landlords, by which system all the money invested for generations back without immediate remuneration might have to be taken into the estimate. We believe, however, that if there be a willing mind on both sides, many of these obstacles might be smoothed over. According to Mr. Bright's scheme, for instance, absentee landlords might be invited by a pecuniary premium to exchange their lands for a fair price, and the case of resident landlords might be deferred till their successors became absentees or impoverished, when they too would be disposed to close with the Government bargain. There is a further objection which is felt in some quarters with much strength, that the assumption of "landlordism" by Government in addition to its native functions would increase disaffection on the necessity arising of expelling non-paying tenants, and otherwise doing unpopular but essential acts of general management. "It must proceed to manage this enormous property just like any other absentee landlord. It must have its innumerable staff of agents, bailiffs, lawyers, and rent-collectors. If its tenants neglect to pay their rents, or exhaust the land by bad cultivation, it must resort to the usual processes for the recovery of rent and the prevention of waste now adopted by existing landlords." This no doubt is so, but we are reduced to a choice of evils. It is better that the odium of an unreasonable tenant be directed against an institution justified in reason and irreproachable in its claims to loyalty, than against isolated individuals who are performing no duties, and the ground of whose privileges is utterly unintelligible to those who have given no thought to the value of the institution of private property. The odium against Government for performing its recognised functions will be in the way of being mitigated every day with the progress of instruction and of regular habits of life. The sentiment entertained would be partly impersonal in its direction and partly consist of the same regulated forbearance or respect as that familiarly shown to the policeman and the tax-gatherer. No doubt a better state of things than this may be found when the landlord is a really good and intelligent man, as we have no hesitation in saying is Lord Dufferin himself. But the main fault of Lord Dufferin's reasoning is to over-rate

the probability of many such landlords being found at one time. The temptations to absenteeism presented by the proximity of England, are almost irresistible even to the most self-sacrificing. Lord Dufferin, indeed, thinks the love of land instinctive in all men, from the peer to the peasant, and that it is impossible to legislate without recognising that fact. We believe that such a sentiment of attachment to a particular portion of the national soil may be generated quite as widely and deeply where the universal tenure is a short leasehold with a sure prospect of renewal upon compliance with fixed conditions, as where the tenure is, or may be, indefeasible freehold. The holder of a college lease, or the tenant of chambers in an Inn of Court, has no practical insecurity in his tenure, and can leave to their favourite spot as fondly as they please, though either of them can abandon his holding at a longer or shorter notice; the advantages of the mode of holding remaining with them, the disadvantages (if any) with their landlords.

In a second letter to Mr. Fortescue,⁵ Lord Russell develops still further his views on the Irish Church, and the general subject of Church and State. He is strongly in favour of legislating without delay, and argues that "if there is time to suspend the Habeas Corpus Act, time to conduct protracted trials for high treason and political murder, there is also time to remove a gross injustice, time to give equality to Ireland with England and Scotland, time to disestablish the Church of the minority." A large part of this, as of the former pamphlet, is filled with matter which we regard as only interesting to amateur politicians; such as the attitude of Mr. Pitt and Sir Robert Peel towards the whole subject. Lord Russell, as he has also intimated in a speech in St. James's Hall, is now a convert to general disendowment, and is a vehement supporter of the existing system of secular education. As to the Church of England, he says "that it is not enough that the articles of belief and the form of worship adopted should be those of the sect which has a majority as compared to any other communion. They must be such as are not repugnant to the general sense of the community; such that the minority may be satisfied with their position, and unwilling to break in upon the general harmony, on account of the Church establishment."

The allegation that Ireland⁶ has been handled by the liberal party as a new field for English party strife is of course no novelty in itself. There is something, indeed, rather gratifying to our English instinctive attachment to judicial forms, in hearing the whole Conservative arguments in favour of all existing institutions in Ireland arrayed at length. For our own part, we are quite ready to admit that Ireland is a legitimate field for English party strife. If a party implies a body of men merging their smaller differences into a strong union of common animosities and beliefs, then they are right in joining together in order to fight their foes to the death wherever they find them.

A careful analysis of the expenses of our regimental organization, by

⁵ "A Second Letter to the Rt. Hon. Chichester Fortescue, M.P., on the State of Ireland." By John Earl Russell. London: Longmans. 1868.

⁶ "Ireland in 1868, the Battle-Field for English Party-Strife." By Gerald Fitzgibbon, Esq. London: Longmans. 1868.

Mr. O'Dowd,⁷ who is generally favourable to the purchase system; and a little tract on army marriages, by Brown Bess,⁸ show that internal reforms at home are not in danger of being overlooked. A like rational interest in a topic of growing importance is betrayed by a clergyman's account⁹ of the operation of country friendly societies.

In the reprint of Mr. Cracroft's Essays,¹⁰ he has boldly challenged the usual inquiry into the general value of such republications. Mr. Mill, on collecting his contributions to the *Westminster* and other Reviews into the original two volumes of Dissertations and Discussions, hailed the introduction of this practice as a good token, and as likely to react favourably on the permanence and solidity of what otherwise would only be written for the passing hour. We think no general rule can be laid down on the subject, and that for the most part it lies with the author to justify the step of republication. What is written for cursory readers or for special junctures, is not likely to be of much durable interest, and nothing, as a rule, is more repulsive reading than a batch of superficial disquisitions on a number of topics having no relation whatever with each other. The only grounds that may entitle an author to serve up a *crambe repetita*, are that the author has already attracted to himself a sufficient personal interest to make the progress of his thoughts matter of general concern; or that the old compositions have a special historical value as bearing on past events, or that they were really profound and exhaustive discussions of the subjects they purport to handle. We think it is on the second of these grounds, and possibly, with respect to some of the Essays in the second volume, on the third, that Mr. Cracroft is fairly entitled to be heard again by a new, and perhaps larger audience. His essays on the political and parliamentary events of the last year and a half are extremely valuable, both for the historical matter they incidentally secrete and the sagacious observations with which they abound. Mr. Cracroft writes as a Liberal, but he maintains a calm and determined independence of all the narrow systems in which it is, and has been of late, attempted to make Liberalism congeal. He is enthusiastic in his attachment to Mr. Gladstone, and in his encomiums on his consistent policy throughout the two Reform sessions; but he can afford none the less to look upon Mr. Disraeli in a judicial temper equally removed from sympathy and from exaggeration. Mr. Disraeli's inconsistency is demonstrated by quoting against him his speech in 1859, denouncing Mr. Bright's advocacy of household suffrage as a "flagrant policy" of American democracy.

"I cannot look," said Mr. Disraeli, "upon what is called the reduction of the franchise in boroughs without alarm, and I have never met any argument which fairly encounters the objections that are urged to it. You cannot encounter it by sentimental assertions of the good qualities of the working

⁷ "Army Reform." By J. C. O'Dowd. London: Ridgway. 1868.

⁸ "Army Marriages." By Brown Bess. Belfast: A. Mayne. 1868.

⁹ "Friendly Societies *versus* Beerhouse Clubs." By J. Y. Stratton. London: Ridgway. 1868.

¹⁰ "Essays, Political and Miscellaneous." By Bernard Cracroft, M. A. London: Trübner & Co. 1868.

classes. The greater their good qualities, the greater the danger. If you lay down as a principle that they are to enter the constituent body, not as individuals but as a multitude, they must be the predominant class from their number; and if you dwell on their intelligence, you only increase the power they will exercise."

Mr. Cracroft is of opinion that Mr. Disraeli's greatness does not lie in his being a sphinx and miracle of intellect, or in the success of his finance, or his oratorical power.

"It lies in his total and impassive independence of all external popularity, his total superiority of friend or foe. It is, we admit, a pagan greatness, but in a pagan view there is a grandeur of personality about Mr. Disraeli before which we incline ourselves. That is not a man at whom, even with a political crime on his head, we could find it in our hearts to cast a stone. It is something, in these relaxed and sentimental days, to look back upon Mr. Disraeli's parliamentary career, and see him from the beginning sufficient unto himself, pursuing the even tenour of his way, independent of the smile of favour or the frown of resentment."

This view of Mr. Disraeli, candid and courageous as it is in an opponent, is of too serious import to pass without comment. There have been some of the direst criminals of whom as much might have been said. There are scarcely any members of the brute creation which are destitute of the qualities of tenacity of purpose and entire indifference to the regard of their fellows. We deny that this is a pagan greatness, or allied to any quality which, by any possible perversion of speech, can be called greatness. It is easy to see how the mental characteristics alleged, and perhaps truly, to be those of Mr. Disraeli, get to possess a fascinating charm for some minds. Any person actuated by a genuine moral aim must necessarily cultivate and exhibit a certain rigidity of temper which will enable him to resist the smiles and frowns and trivial interruptions by which he is tempted to diverge from his straight course. Such rigidity, inasmuch as it is generally painful, and maintained in the face of a burning sympathy with others, has about it all the elements of everything that can be called truly great. But to predicate greatness of that false show of decision which rests on nothing but callousness and the narrowest selfishness, is simply to attach no fixed sense to the idea of greatness at all. Mr. Disraeli can scarcely be called "great" in any sense whatever, and is not likely to be esteemed so by the most imaginative and Conservative historian or biographer. Whatever merits he has are purely intellectual; and his intellect itself is far from being of the first order. He is above his immediate followers in talent just sufficiently to enable him to know the kind of stuff they are made of, and to turn it to the best account. Furthermore, he has a certain plasticity of intellectual force which is rare in English statesmen, and which, by lifting him out of the dreamy slough of logical forms in which his ablest rivals are wallowing, will often give him the appearance of an aerial magnanimity and heroism, which for a time is a complete disguise. These qualities taken together are all-sufficient to account for a sort of fugitive spluttering, misnamed success. Mr. Cracroft has some interesting remarks on Mr. Lowe, and is of opinion that Mr. Lowe has two claims

to gratitude at the hands of the Liberal party. In the first place, he displayed that absolute "personal liberty of parliamentary daring which, to every English politician who loves the traditions of the English Parliament, ought to endear him, apart from all other motives." Secondly, "by reviving the whole question of Parliamentary Reform, from the very root of the cry of '*No Reform*,' he not only brought to light the secret hostility of Parliament to Reform in-doors, and lent wings to agitation out of doors, but he elicited what was equally unsuspected, the existence of a strong feeling in favour of Reform on the part of the rising intellectual class." This is not an unfair view of the attitude of Mr. Lowe, though we are not disposed to applaud so highly the courage of a speaker who, by mere favouring of every ignorant prejudice and selfish antipathy present in his audience, secured for each period in his speeches the most rapturous and irrepressible acclamations. No doubt Mr. Lowe is courageous enough but courage was not in demand here. That Mr. Lowe did in fact raise distinctly for the whole country the issue as to whether representation was to be for ever limited or indefinitely extended, and that the result has been good, affords no ground for special gratitude to him. Had he foreseen the result, we can only suppose he would have held his tongue. We consider Mr. Lowe belongs to an order of politicians who are dangerous from their very virtue and strength. It is a mere accident on which side of the House they find themselves, and what side of a question they advocate. When once their colours are chosen, they are blinded to all excellence but that of their own views or party; they conduct themselves after the fashion of a bull preparing to toss an old woman in a scarlet cloak, and they are withheld by no considerations of time, place, circumstance, or good taste from every kind of unscrupulous invective and calumnious defamation. The important political essays of Mr. Cracroft have absorbed too much space to allow of our noticing the smaller and lighter disquisitions in these two interesting volumes.

Our true policy in relation to our public debt has seldom been more intelligently or more temperately investigated than by Mr. Sargent¹¹ in his "Apology for Sinking Funds." It is rare to meet in the field of political economy with a writer at once so deeply imbued with the facts and literature of his science, and so free from everything savouring of quackery or charlatanism. Mr. Sargent is straightforward and decided in his practical recommendations, but he is at the same time none the less thoroughly possessed of a just sense of the complexity of the problem before him, and disposed to attribute the utmost measure of their due to all his opponents. We have seldom read a book on a subject of this nature at once so lucid, forcible, exhaustive, and calm. Mr. Sargent's specific advice to the nation is, to create a sinking-fund which shall provide for the whole national debt being extinguished in a hundred years. Mr. Sargent enters upon a careful historical analysis of all previous schemes of this nature, especially that of Mr. Pitt in

¹¹ "Apology for Sinking Funds." By William Lucas Sargent, Author of "Social Innovators," &c. London: Williams and Norgate. 1868.

1786. The main objection to this scheme was that it was too complex to be readily intelligible to the nation, and therefore failed to carry with it the sanction of the public opinion. Furthermore, the breaking out of war and the perplexing arrangements entered into between the Commissioners of the Sinking Fund and the Exchequer, prevented the experiment being fairly tried. Openness, intelligibility, and simplicity are, in Mr. Sargant's opinion, of the very essence of any measure likely to be successful. With compound interest at three and a half per cent., a sum doubles itself in twenty years. Thus, if thirty millions sterling could be laid aside by the nation, and invested at three and a half per cent. compound interest, in a hundred years the principal would amount to nine hundred and sixty millions, an ample sum for the purpose of liquidating the debt. This sum of thirty millions, it is submitted, might be raised in seven or ten years by an income-tax, "so that no disturbance might be caused in our fiscal arrangements, and no hindrance offered to remission of taxation." Mr. Sargant discusses with great care and particularity each of the practical assumptions involved in this device. For instance, it may be asked why Government could hope on lending to obtain a greater interest than it pays on borrowing? The Government can borrow in any stock below the market value, "because its credit is of the highest, because its good faith is unquestionable, and its resources are unbounded: it can borrow still further under the market rate in three per cent stocks, because these are peculiarly marketable, and because large amounts are taken up by the Court of Chancery, and by trustees under the Court's jurisdiction." On the other hand, there is no reason why the Commissioners of the Sinking Fund should, on making an investment, be in a worse position than other large investors, and they may reasonably look for, at the least, after repaying all their expenses, a return of three and a half per cent. Mr. Sargant is generally opposed to the conversion of the existing permanent into terminable annuities. Waiving such objections as the amount of the loss necessarily incident to the conversion itself, and the inconvenience to the money-market of a public investment of which the value was daily diminishing, he "rests upon one permanent objection, that this and other similar schemes are complex, and to the many unintelligible; that, therefore, any Chancellor of the Exchequer, in preparing his annual budget, might trench on the provisions made without awakening any alarm outside the House; that, in short, the scheme would not be under the guarantee of public opinion." As to the previous question, whether, on the whole, it is expedient or right to attempt to liquidate the national debt at all, Mr. Sargant is no crude dogmatist. He appreciates fully all that has been said as to the comparative lightness with which the burden of taxation now falls, the increasing prosperity of the country, and the danger to be apprehended from any spasmodic action which might paralyse the energy and industry of the nation. In the face of all these objections, to which he does complete justice, he believes, however, that it can never be prudent or right for a nation to go on paying in interest over and over again, every generation, the whole amount of the national debt. To leave the extinction of the debt to another generation, when

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the national growth shall perhaps have ceased, "is to decline in prosperous times a duty to which stagnant and unprosperous times will prove unequal." We are certainly of Mr. Sargant's opinion, and we believe that the inauguration of an era of a higher national morality and a deeper sense of the inconveniences of continued taxation will be attended with the adoption of some such policy as that for which he calls. We especially commend to our readers Mr. Sargant's close and candid examination of Professor Jevons' argument with respect to the duration of our coal.

The topic of Bankruptcy¹² is a good instance of the large class of political matters of which the real importance can in no way be measured by the general interest they attract. We have already on repeated occasions indicated the true policy which we think ought to regulate bankruptcy legislation. To provide at once for the wealth and the general moral development of the nation, the true method is to stimulate in the highest degree commercial honour and integrity. This cannot be effected by rendering legal assistance to improvident creditors, or by throwing an unnatural shield round fraudulent traders. Were there no bankruptcy laws whatever, and all imprisonment for debt were abolished, we believe a new commercial morality would arise, just as such a morality became the *sine quâ non* of the conduct of all industrial or mercantile operations of what kind soever. Mr. Göschen shows in his interesting speech a better acquaintance with, and more refined appreciation of, the true issues that are here concerned, than is common with politicians in the House of Commons. Indeed, he alludes to "some most able men who hold the view, that bankruptcy laws might be dispensed with altogether;" though he goes on to say that he should look on such a proposal with the greatest alarm. He then points out that bankruptcy laws were originally enacted to protect the creditors against preferences amongst themselves, and generally to secure the just distribution of all assets among all claimants; and he argues that, to deal with bankrupts by the common law of the country, would be to introduce an infinitely worse state of things for the creditors than that under which they are suffering. No doubt such would be the immediate result; but it is the vice of all such hand-to-mouth politics, that it fails to think the matter fairly out. The result of creditors suffering in the way prognosticated, would be the demand for and the creation of a new class of traders, who would be compelled to make up in personal integrity and tried caution for what the creditors could no longer obtain from legal auxiliaries. However, as this policy is rather for the future than the present, and bankruptcy laws will still continue to exist for a time, it is as well they should be as much in the right direction as possible. Here, again, we are compelled to differ from Mr. Göschen. His view is that the fault of the existing laws is that they relieve the debtor from all further obligation to his creditors after his bankruptcy, and that it would be a

¹² "Speech on Bankruptcy Legislation and other Commercial Subjects." By the Rt. Hon. George J. Göschen, M.P., delivered before the Liverpool Chamber of Commerce. London: Effingham Wilson. 1868.

far wiser policy to render at least a percentage of after-acquired property liable for debts proved under the bankruptcy. This we hold to be combining the most noxious qualities of both systems,—of having a bankruptcy law and of not having one, without retaining the most characteristic advantages of either. The creditors have elected a special form of compounding for their debts, and in doing so have possibly damaged each other, and, by a precipitate act, ruined the trader. They have their reward. It is only just that the results of the composition should be fairly and fully enjoyed by both parties. To maintain that in any sense the debts continue by a kind of independent vitality of their own, is to nurse a legal fiction. It is the interest of the community that the effects of a severe legal interposition like bankruptcy, be narrowed and controlled as much as possible on all sides. To keep up a perpetual reminiscence of it through all the future industrial life of the bankrupt, is ruinous to the free spirit of complete moral and social regeneration: it should be the main aim of bankrupt laws (if they are to exist at all) to provide for and to invigorate.

We have so recently discussed, in this *Review*, in an article on "Modern Notions of Government," the general policy of State protection in the matter of banking, that it would be superfluous for us to state at length the grounds of our dissent from the views of Mr. Nicholson, conveyed in his pamphlet on "The Controversy on Free Banking."¹³ When he quotes with approval the principle of the existing law, that "it allows the public to have as many extra bank-notes as they please, *provided* they find bullion to enable the banks to issue such extra bank-notes," and that, "if you choose to employ more bank-notes, do so by all means; but the extra bank-notes, which represent the additional amount of currency needed, *must* be issued against bullion or gold and silver coin," the divergence of political spirit between him and ourselves is so great as to leave no common ground upon which to carry on the argument.

Major Bell's¹⁴ work on "Our Indian Policy" is an important historical contribution to a controversy which we hope is becoming one of ever greater interest. We must finally elect between a policy of selfish aggrandizement and one resting on nothing else but a sense of public obligation. No doubt the two policies may at times coincide. Major Bell is of opinion that a policy of annexation is at present an entire mistake with respect to India. "What we want is an imperial policy for India that shall be more than tolerant of native states; that shall recognise their corporate nature, and no longer consider their duration to be dependent on the talents and good behaviour of a prince, or the vitality of a particular family."

In a pamphlet on "Intercolonial Trade,"¹⁵ the commercial relation of Nova Scotia to the Canadian Confederation and the United States

¹³ "The Controversy on Free Banking." By N.A. Nicholson, M.A. London: Trübner & Co. 1868.

¹⁴ "Retrospects and Prospects of Indian Policy." By Major Evans Bell. London: Trübner. 1868.

¹⁵ "Intercolonial Trade." By R. G. Haliburton, M.A. Ottawa. 1868.

is carefully investigated. Here are some interesting statistics on the coal and fish trade, and a closer commercial communication between the East and West dominions of Canada is strongly advocated. Mr. Tupper's "Half-a-dozen Ballads"¹⁶ about a king for Canada sufficiently speak for themselves.

The kingdom of Karesin or Khiva, lying to the south-east of Russia and the north-east of Persia, has for some years back been the scene of repeated aggressions on the part of Russia in the direction of the outlying dominions of our Eastern Empire. Captain Abbott,¹⁷ in two very interesting volumes, has given a particular account of these operations, and has included numerous discursive speculations, founded on what he saw and heard on the internal and external policy of Russia. He is of opinion that her designs upon our Indian Empire are manifest, and ought to be sedulously watched and guarded against. The fear in itself, no doubt, is reasonable, though we trust the international policy of all nations is undergoing a moral change which will more and more render such selfish alarms an anachronism. As an index to the modifications in temper and tone that are gradually stealing over European diplomacy, Mr. Bernard's¹⁸ acute and stimulating lectures may well be cited. His patient investigation into the general history of Congresses and of "systems" of states, and into the true basis and character of international law, are of peculiar value at the present day.

The urgency with which such questions as those of Extradition¹⁹ and an International Coinage are being pressed forward, are symptoms of the unresting spirit of aggregation which is drawing together civilised states. Mr. Gibbs's review of the recent History of Extradition Treaties and his accompanying comments and suggestions, are in the highest degree important. We are, of course, in favour of every measure that can facilitate the most perfect intercommunion of nations, and we look with great hopefulness to the recommendation that England, in place of partial and capricious treaties, should make for herself a righteous and general statute governing her own subjects who have committed offences abroad, and leave it to the executive to apply it to the citizens of any other nation found in the English dominions, as circumstances and the wishes of such nation might from time to time dictate. Mr. Nicholson's pamphlet on "Coinage"²⁰ contains many facts as to the practice of mintage at home and in the colonies which will be unfamiliar to many, and contains a translation of the monetary convention concluded in 1865 between the Emperor of the French, the King of the Belgians, the King of Italy, and the Swiss Confederation. In taking

¹⁶ "Our Canadian Dominion." By Martin F. Tupper. London. 1868.

¹⁷ "Narrative of a Journey from Herat to Khiva, Moscow, and St. Petersburg." By Captain James Abbott. London: Smith and Elder. 1867.

¹⁸ "Four Lectures on Subjects connected with Diplomacy." By Montague Bernard, M.A. London: Macmillan. 1868.

¹⁹ "Extradition Treaties." By Frederick Waymouth Gibbs, C.B. London: Ridgway. 1868.

²⁰ "Observations on Coinage, Seignorage," &c. &c. By N. A. Nicholson, M.A. London: Trübner.

into account the situation of France in respect of European politics, her military organization is of course the prominent object of attention. In Mrs. Evans's "Last Winter in Algiers,"²¹ among a large mass of interesting detail as to the strange mixture of European and Eastern life there conspicuous, we are provided with an insight into the way the French treat their colonists and their soldiers in such a colony as that of Algeria. Mrs. Evans complains that the vital error in the administration of the colony, is the purely military character in which it is regarded. "If the political and social question be sacrificed to the military or even strategic advantage, it is not surprising in a Government thus constituted. An Algerian resident one day remarked to me 'What we want here in the Government is a few honest men.' I would rather say, 'A few whose interests are not diametrically opposed to those of the colony.' The army is but the servant of Government, and ought not to be its head."

At the present epoch of rapid internal constitutional changes, and what it is the fashion to call "reconstruction of the map" of Europe, Count Münster's²² precise account of the Congress of Vienna, accompanied with a publication of his father's despatches to the Prince Regent from that Congress, is likely to receive especial attention. This account is rendered more valuable by the addition of a general superficial resumé of the principal historical events that took place from 1815 to 1868. The political observations contained in the chapter on the "existing state of politics," read in the light of the German authorship, to which they are due, seem to us particularly valuable. England and France may there find the way in which they are mirrored to the German political mind. The position of Austria, which has been further illustrated by Mr. Oswald,²³ attracts the special attention of the reader. Both Count Münster and Mr. Oswald look with a sanguine hope upon this much-abused portion of Germany, and, almost pathetically, claim the indulgent forbearance of liberal critics. The political works of such writers as M. Jules Simon,²⁴ M. Emile de Girardin,²⁵ and le Comte de Gasparin,²⁶ while they present both in tone and lines of thought very striking contrasts with each other, are still more widely divergent, in all respects, from the same class of writings in this country. We have among us no such genuine and intelligent advocates of advanced liberalism as M. Jules Simon, no such courageous and comprehensive political speculator as M. Emile de Girardin, no such pious and graceful enthusiast for moral and religious freedom as M. de Gasparin. M. Jules Simon's speeches, and the interesting preface to them, demand the especial attention of Englishmen at this time. Most of the questions there discussed, such as the rela-

²¹ "Last Winter in Algiers." By Mrs. H. Lloyd Evans. London: Chapman and Hall. 1868.

²² Political Sketches of the State of Europe, from 1814-1867." By George Herbert Count Münster. Edinburgh: Edmonston and Douglas. 1868.

²³ "Austria in 1868." By Eugene Oswald. London: Trubner. 1868.

²⁴ "La Politique Radicale." Par Jules Simon. Paris. 1868.

²⁵ "Questions Philosophiques." Par Emile de Girardin. Paris. 1868.

²⁶ "La Liberté Morale." Par le Comte Agénor de Gasparin. Paris. 1868.

tions of Church and State, Trades Unions, Co-operative Associations, and Compulsory Education, are the very same ones now most prominent in England. The true attitude of a "political radical," uncompromising in principles, yet withal practical in the application of them, recognising the claims of order and the provisional utility of a just authority, but ever working up to an epoch when every man shall become a law to himself, may here be advantageously studied and laid to heart by our noisy and ignorant demagogues and fanatics. The writings of M. de Girardin and M. de Gasparin are a curious complement to each other. M. de Gasparin believes that the whole course of human history has been that of one continuous conspiracy against what he terms the "moral liberty of man," and which moral liberty he holds to be identical with true individuality. M. de Gasparin reviews the history of the main divisions of the human race, and scans the existing systems of "negative" philosophy, finding everywhere cramping moral systems and philosophical despotisms. In his final chapter on "Un Homme libre," he gives a fine picture of his true ideal:—"L'homme libre aime la liberté pour elle-même: il veut la liberté de ses ennemis autant que la sienne, la liberté des doctrines qu'il déteste autant que celle des doctrines qu'il chérit, la liberté du mal autant que celle du bien." In a very different temper M. de Girardin relies solely on intellectual influences for introducing a new political era, a fresh unity of the human race, a final enfranchisement from the servitude of fictitious sentiment and of positive law. The most original part of his work is that on "la liberté dans le mariage," in which he advocates, illustrates, and defends the repudiation of all interference in the matter of marriage on the part of the state. All children ought to bear the name and share the property of their mother. The "hypothèses" or fictitious cases in which the working of the present and the supposed new law are investigated, are very ingenious and interesting.

It is curious to lay side by side with these vigorous French works such sedate English speculation as that contained in Mr. Hopkins' "English Revolution,"²⁷ and such wild undisciplined ravings as the "Thoughts of a Life-time."²⁸ In Mr. Hopkins' work there are indeed some rather good suggestions and reflections, especially those upon the value of personal influence as a political engine, the falsity of the balance theory in constitutional politics, and the modes of utilizing the House of Lords.

We have seldom read so charming a little book on the education of women as that of the Bishop of Orleans on "Studious Women,"²⁹ of which we are presented with an excellent translation by Mr. R. M. Phillimore. This is a subject upon which public sentiment in this country is so delicately pitched that it is difficult for an Englishman or Eng-

²⁷ "The English Revolution." By John Baker Hopkins. London: Freeman, 1868.

²⁸ "Thoughts of a Life-time." By the Author of "Utopia at Home." London: Trübner, 1868.

²⁹ "Studious Women." From the French of Monseigneur Dupanloup, Bishop of Orleans. Translated by R. M. Phillimore. London: Virtue and Co. 1868.

lishwoman to write upon it without betraying a certain amount of animosity, or at least, vivacity of belief, which injures the chance of a fair hearing on the part of opponents. Hence, a Frenchman writing, not in view of our condition and wants, but of those of his own people, is likely to be listened to with a measure of patience and respect which an English writer can never succeed in conciliating. M. Dupanloup is also in the peculiar position of a Catholic bishop, which disposes him to throw a certain halo of religious sentiment round even his severest arguments, and which goes far to take off from their curt-ness and dryness and to propitiate unfriendly opposition. Nothing can be higher than M. Dupanloup's ideal of womanhood, and yet it is a strictly possible and earthly one, not savouring by ever so little of the romantic or fantastic. The quiet self-restrained tone of the whole book is not the least of its many beauties. The actual necessities of daily life, such as we all know them, are ever kept prominently in view, and a grave sense of the solemn responsibilities and practical difficulties surrounding the life of wife and mother, as well as the unmarried woman, underlies the whole. While it is confessed throughout that there are differences, possibly permanent, in the intellectual qualities of man and woman, it is at the same time intimated that such differences are very far from implying anything like inferiority of the one to the other. M. Dupanloup over and over again meets and resents the vulgar fear of "blue-stockings," and examines with severe but pitiless scorn the ignoble type of ideal womanhood upon which that fear is ultimately based:—

"For such a destiny the education of women cannot be too consecutive, too masculine, or too serious. The contrary system rests on a Pagan view of their destiny, and also, as has been truly said, on the idleness of men who wish to retain their superiority without effort." . . . "She is converted into the property of man, made only for him, who is her aim and end. In all these books, woman is only a fascinating creature, to be adored and not to be respected, and, in fact, an inferior being, whose existence has no other aim but the pleasure of man, or to be of use to him, in the most frivolous manner, depending, in the first place, on man, who alone is her master, her legislator, and her judge; considering her absolutely as if she had neither soul, nor conscience, nor moral liberty—as if God has nothing for her, and had not given her soul wants, faculties, aspirations; in one word, rights as well as duties."

M. Dupanloup has a very high idea of what education really is—an idea, we trust, becoming more familiar in this country. A want of conceiving such an idea has been at the root of all the desolation and havoc committed among women by the worship of accomplishments:

"An incomplete development, a smattering of sciences and accomplishments, are most dangerous for a woman; they show her a higher horizon, without giving her the strength to reach to it; they make her believe she knows what she is really ignorant of; and they thus entail a disturbance, a disorder, and an ostentation which often produce lamentable aberrations."

It is interesting to see what a lofty conception a Catholic bishop may have of the possibilities of happiness in married life. With this conception ever before him, he feels and vividly describes the abortive condition of those husbands and wives who are separated

from each other by a great intellectual gap. M. Dupanloup not merely extols education as a *sine quâ non* of happiness and usefulness in women, but he points out the way in which it may be attained. The three great foes to education are "dress, *going out*, and talking." Each of these enemies is tried and condemned in turn by a calm judicial process, and the great panacea is declared to be the having "a plan of life;" which will not make itself, but must be laid out as an unique whole, in the way the old architects conceived the general structure of a cathedral. They designed it as a whole, and the effect has never been reproduced by their successors, who can only imitate the details. "It is in vain they ornament and enrich it, the building is a failure: because the first design is faulty. That is the history of many lives, the often irreparable misfortune of many homes." In contrast with a French treatment of the subject of the situation of women, may be read a little work by Ninon Kingsford on "The Admission of Women to the Parliamentary Franchise."³⁰ It is written with all the indignant strength and almost scornful rationalism with which the topic is generally handled in England. Probably such writing and talking is the only mode in this country of bringing about any practical change. And that a great change is needed in the conception of what is intellectually potent and morally dignified in women is gradually getting confessed on all sides. We should at the same time hold it matter for regret if the imperious demand for specific civil advantages and ameliorations of woman's condition, at all withdrew the attention of her best friends from a sincere appreciation of that which is ever undeniably her own. The value of the material equality with man she is obtaining is only to be truly estimated as a mode of removing impediments in the way of exertion and recognition; not as any very precious and novel addition to herself.

It has been our unwelcome task on previous occasions to criticise, not altogether favourably, the utterances of Mr. Matthew Arnold. It is a more pleasant duty now to have to notice a work of his of which the conspicuous merits and value admit of scarcely any qualification. In giving an account of what it is the fashion to term secondary education on the Continent, Mr. Arnold is in a field for which he is eminently fitted, or rather in which he is without a rival. His native indisposition to evaluate properly all the facts of human life in which he has no personal interest, does not injure his reasoning here, where the matter of inquiry is entirely congenial to his tastes. Here, too, where statistics and dry materials are of the very essence of the subject handled, no sweet and soothing rhetoric can interfere to distract the logical faculties of the too credulous reader. We are even on this occasion disposed to be indulgent to Mr. Arnold in his implicit admiration of the Government supervision of schools practised to so vast

³⁰ "An Essay on the Admission of Women to the Parliamentary Franchise." By Ninon Kingsford.

³¹ "Schools and Universities on the Continent." By Matthew Arnold, M.A. London: Macmillan. 1868.

an extent in France and Prussia. No doubt in those countries, and with the existing rulers, that system works well; indeed (we are quite ready to confess), far better than the absence of all system or intelligent unity of plan does in England. That, however, even in so vital a matter as education, there are inherent perils in the universal use of State machinery, is candidly admitted by Mr. Arnold himself:—

“I cannot but think (says he) an Education Minister a necessity for modern States, yet I know that in the employment of such an agency there are inconveniences, and I do not wish to hide any of them from the English reader. I have said that in France political considerations are, in my opinion, too much suffered to influence the whole working of the system of public education. In Prussia the minister is armed with powers, and issues instructions showing how he interprets those powers, which in England would excite very great jealousy.”

Even with these concessions, we are prepared to admit that Mr. Arnold has made out conclusively that the French, and still more the Prussian, system is effectual in bringing a far larger proportion of the middle and higher classes under the influence of the best education than are brought in this country. The truth is, we regret to say, that, as Mr. Arnold himself intimates, in all matters “relating to the mind,” the French and Prussian nations are far more highly civilized than we are. Thus, inasmuch as the vast bulk of the populations in those two countries are of one mind in the matter of education, the intervention of Government is simply the organization of the true national will. It is not the despotism of a fluctuating majority or of a tyrannical monarch. To call recklessly for Government to do for the people what they have not, as a whole, any care or heart to do for themselves, is to precipitate moral changes without educating the people, and to obtain specious and dazzling results at the price of universal and permanent enervation. This is why we deprecate any hasty and premature mimicry of Government administration in other countries, albeit we feel as strongly as Mr. Arnold himself the need of an entire revolution in our modes of secondary no less than of primary instruction. Bearing thus in mind the true use of continental experience, we are inclined to attach the highest value to Mr. Arnold’s laborious and acute researches. The main questions to which he addressed himself were: (1) The mode in which the Government of each country conducted its interference, whether in founding, regulating, or assisting by grants in aid the chief schools of higher education in France, Italy, Prussia and Switzerland; (2) the kind of schools in existence, and the number of scholars in proportion to the population actually brought under the operation of each particular system; (3) the matters taught, method of teaching, and general discipline pursued in the several kinds of schools in each country; (4) the means provided for securing an efficient class of teachers of different orders in each country; and (5) lastly, the plan in use for completing the course of education by a final career of superior or academic instruction. The main public schools in France are the *lycées*. There are seven of them in Paris, all of which Mr. Arnold visited. The internal economy of such a *lycée* as that of Saint Louis

has especial interest for Englishmen who are busied with the problem of reorganizing their own great national foundations. There are 800 boys at Saint Louis. Everything is in the most perfect order,—“ the refectories with their show of table napkins and silver cups, and the large dormitories scrupulously neat and clean ; at one end the curtained bed of the usher in charge, in the door at the other end a window from which to overlook the room from without, and, near it, ingenious mechanical devices by which the visits of the functionary whose business it is to see, so often in the night, that all is well in each bedroom, are recorded, and the controller himself is controlled ; then the dispensary and infirmaries, the service done by the sisters of charity, with rooms for all stages of illness, and the eternal usher overlooking all the invalids who are up and together ; the linen stores and clothes room, everything beautifully kept, each boy's things ticketed and numbered with the greatest exactness. The bath-rooms, offices, kitchens ; the supplies of bread and wine, the soup, meat, vegetables, pastry, all in preparation on a grand scale, and all of them excellent.” The boys in a *lycée* have, Mr. Arnold tells us, a long and exhausting day ; they rise between five and six, and their allowance of school hours is more than that of our boys, their allowance of air and exercise less. The hours of class are but four a day, from eight to ten in the morning, and from two to four in the afternoon. But to this have to be added the hours passed at *conférences*, at examinations, and above all, at preparing the lessons in the *salle d'étude* under the eye of the *maître répétiteur*. Thus a French schoolboy is at lessons, on an average, ten or eleven hours a day, and his time for meals and recreation is not, on an average, more than two hours. Thursday is a half-holiday, and the only one. The boys, at their quarter-hours or half-hours of recreation, seemed to enjoy themselves with great spirit, but they did not look, in general, so fresh, happy, and healthy as our public school-boys. The want of more air and exercise for their schoolboys is a matter which is occupying the attention of the authorities of public secondary instruction in France. A fruit of this awakening solicitude, is a school for little boys at Vauves, called the *lycée du Prince Impérial*. Seven hundred little boarders, of from five to ten or eleven, may be seen here, and Mr. Arnold waxes quite warm and tender in describing the prettiness of the sight. The park and garden are said to be quite delightful, the high hill on which stand the school buildings commanding a magnificent view of Paris on one side, and of the country towards La Celle, St. Cloud, and St. Germain on the other. The buildings have been of late greatly enlarged, and every improvement in school construction and arrangement, according to French notions, introduced. The most characteristic, and, perhaps, for the English school reformer, the most interesting feature in the educational system of Prussia is the leaving examination or *abiturienten-examen*, conducted in the public schools, on which depends admission to the universities, to special schools, and to the civil and military service of the state. It was Wilhelm von Humboldt who took the most important step towards making this examination what it now is. The *abiturient* or leaving boy, must have been two years in the first class of a gymnasium of chief public school, at which alone the examinations are held, and the

examination work is to be of the same pitch as the regular work of this class, though it must not contain passages that have been actually done at school. It embraces the mother tongue—Latin, Greek, French, mathematics, and physics, geography, history, and divinity. The examination is both by writing and *vivâ voce*. The latter work lasts a week, and the candidate who fails in it is not tried *vivâ voce*. Each performance is marked *insufficient, sufficient, good, or excellent*, and no other terms and no qualifications of these are admitted. The examination papers are prepared by the directors and teachers, but several sets have to be in readiness, and the president of the examining commission, who represents the Provincial School Board and the State, chooses each paper as it is to be given out. We may here notice that the Prussian system of State administration, in which local authorities have considerable influence, seems far preferable to the French, where centralization is carried to its most extreme possible limit. A main feature in both the French and Prussian notions of education may well be deeply considered in this country, that is, the very small degree in which competition is encouraged, and the universal precautions taken against cramming, by insisting on residential and other tests quite independent of a mere crude and superficial intellectual estimate. Mr. Arnold is of opinion that up to a certain point both classics and mathematics or physical science are essential for all boys in order "to know themselves and the world." Beyond this point there should be in England as in France and Prussia a *bifurcation* determined by the tastes and future occupations of the student. Mr. Arnold would also multiply seats of "faculties" over the great towns in the country, though he would limit the power of conferring its degrees to Oxford, Cambridge, and London, as represented at the several seats of faculties.

While treating the subject of education, there is one side of it that is apt to be unduly slurred over, that is, the psychological history of the boy and girl. A pleasing contribution to this department is supplied by Mr. Hope³² in his "Book about Boys." We ourselves have always felt that a boy's life deserved a more attentive and patient study than it generally receives. If the present work sins at all, it is in the same direction as do all like works, namely, in sacrificing depth and concentration of thought to the necessity, or assumed necessity, of being light and amusing. The topic of National Education³³ in relation to the Church of Scotland is handled in a little pamphlet which calls attention to the main defects of the existing system, viz., (1) Deficiency in the number of schools; (2) want of a controlling power; (3) the constitution of the parish school; (4) attempting too much, in a limited time; (5) the carelessness, or need, or greed of parents and guardians. Under the head of special and professional education, Mr. Moseley gives us a convenient little text-book,³⁴ which must be a

³² "A Book about Boys." By H. R. Hope. Edinburgh: Nimmo. 1868.

³³ "National Education and the Church of Scotland." Edinburgh: Edmonston and Douglas. 1868.

³⁴ "Practical Handy-book of Elementary Law." By M. S. Moseley. London: Butterworths. 1868.

perfect god-send for the artful clerk just plunged into the bottomless chaos of English law.

There are many concurrent tokens of the true theory of education having taken hold, at the least, of the writers of pamphlets and the like unpretending works. Such a little work as that of "M. A. B."³⁵ on popular education betrays an eminently healthy and practical spirit, belonging, we should guess, to a woman who has seen much of the poor, and given much thought and love to them.

The "short lecture" on "What is, and what is not, meant by Teaching English"³⁶ is eminently sparkling and sound. We have always thought that the ignorance of the English language and literature unblushingly displayed by nearly all men and most women, is the most lamentable of all the depressing spectacles visible in our higher social life. M. Demarquay's³⁷ little treatise on teaching gymnastics throughout the whole of early life is probably adapted to French needs, and may not be without its use here, if it does not bolster up the vicious and absurd glorification of athletics, which is the current form of reaction against exploded errors of education in the other direction.

A work³⁸ on the ecclesiastical law of Massachusetts will not be unacceptable at the present day, when not only in Ireland but in our colonies the legal and political relations of religious corporations to the State are becoming matters of growing interest and perplexity.

The comedian³⁹ of social life and his German expounder are social and thereby political influences which are not beneath our notice in this place. Hermann Fritsche's preface to his *namen-buch* is peculiarly interesting, as showing a German view of the shortcomings of the French in the criticism of their own writers. With our growing population and our increased attention to minute physical agencies, a precise and exhaustive inquiry⁴⁰ into the culture of the different kinds of fish in this country may be cordially welcomed. In the region of books of reference, we have a valuable supplementary volume of Dr. Blackie's⁴¹ *Imperial Gazetteer*, an index to *The Times*'⁴² newspaper, without which, we are told, *The Times* "dies daily," and a very handsomely prepared edition of Debrett's⁴³ "House of Commons and Judicial Bench for 1868."

³⁵ "Popular Education: What it is, and what it is not. By M.A.B. London: Booth. 1868.

³⁶ "What Is, and May Be, Meant by Teaching English." By J. M. D. Meiklejohn, M.A. London: Simpkin, Marshall and Co. 1868.

³⁷ "Appareils et Ouvrages de Gymnastique." Par M. le Docteur Demarquay. Paris: 1868.

³⁸ "Massachusetts Ecclesiastical Law." By Edward Buck. Boston: 1866.

³⁹ "Molière-Studien." Von Hermann Fritsche. Dantzig: 1868.

⁴⁰ "Practical Water Farming." By Wm. Peard, M.D. Edinburgh: Edmonston and Douglas. 1868.

⁴¹ "Imperial Gazetteer (Supplement)." Edited by W. G. Blackie, LL.D. London: Blackie and Sons.

⁴² "Index to the *Times* Newspaper, 1867." London: S. Palmer. 1868.

⁴³ "Debrett's House of Commons and the Judicial Bench." London: Dean and Son. 1868.

SCIENCE.

[Our review of the *Contemporary Literature of Science* is, owing to the sudden illness of the writer, unavoidably omitted this quarter.
—EDITOR OF THE WEST. REV.]

Medicine.

THE fifth edition of Dr. Bennett's "Lectures on the Principles and Practice of Medicine"¹ stands in need of no further recommendation than the testimony of value furnished by the demand for new editions. No doubt the steady sale of the work has been due in some degree to the fact of its being used as a class-book by the students of the University of Edinburgh; but even if this cause had not operated, its solid merits could not fail to have secured for it an honourable scientific reputation. As a praiseworthy attempt to found the practice of medicine on a truly philosophical basis, it stands almost alone in this country. Dr. Bennett lays frequent and especial stress on the necessity of basing the principles of medical practice on the discoveries of physiology and pathology; the true principles which should guide our efforts to advance therapeutics being—

"1. That an empirical treatment derived from blind authority, and an expectant treatment originating in an equally blind faith in nature, are both wrong.

"2. That a knowledge of physiology and pathology is the real foundation and necessary introduction to a correct study of therapeutics.

"3. That a true experience can only have for its proper aim the determination of how far the laws evolved during the advance of these sciences can be made available for the cure of disease."

The way in which many medical authors ostentatiously affect to despise theory, taking every occasion to proclaim their reverence for facts, is really surprising, and certainly evinces a singular ignorance of the nature of those intellectual processes by which scientific knowledge is acquired. What are the facts observed by one whose senses have not been cultivated, though related with sincerity and good faith, but the worst sort of deceit? How many so-called facts of observation would never have seen the light, had their discoverers possessed insight as well as sight—had they realized the truth, that they saw not with the eye, but through it? In regard to this matter, certain observations made long ago by the author of the *Zoonomia* may be aptly quoted:—"There are some practitioners who declaim against medical theory in general, not considering that to think is to theorize; and that no one can direct a method of cure to a person labouring under disease without thinking, that is, without theorizing; and happy, therefore, is the patient whose physician possesses the best theory." Readers will not, however, be disposed to blame Dr. Bennett for an undue fear

¹ "Clinical Lectures on the Principles and Practice of Medicine." By John Hughes Bennett, M.D. Fifth edition. Edinburgh: Adam and Charles Black. 1868.

of theory; on the contrary, they will rather accuse him, and not altogether unjustly, of a too great passion for theorizing. This is, perhaps, the greatest fault in his well-written work, and the next is a too great love of his own theories. In reading the portion of his book devoted to illustrations of different diseases, and to brief comments thereupon, it is difficult to withstand a suspicion that his favourite theories sometimes vitiate his judgment concerning the results of pathological research and the effects of treatment. Moreover, the exactions of parental affection cause him now and then to do but scant justice to other eminent men who have worked in the same direction, and pursued similar lines of thought. For example, in his description of the phenomena of inflammation, he hardly appears to give an adequate representation of Mr. Lister's observations and opinions, while Virchow's labours and doctrines receive very small measure of justice throughout the book. Still, apart from defects of this sort, Dr. Bennett's lectures have a high scientific value; they contain an immense amount of information given in a condensed form, and in a clear and agreeable style. This edition has been carefully revised, in order to make such changes as the progress of medical knowledge has rendered necessary.

M. Marey's name is well-known in this country as that of the inventor of the Sphygmograph, which has been recently introduced into medical practice. The work which he has now published² consists of lectures delivered by him at the College of France, in which he describes the principles of the method, and the mechanism of the different ingenious contrivances, for measuring the various movements in the functions of life. His first lecture is devoted to a historical review of the evolution of the natural sciences, and brings prominently into view the similarity of their modes of development. In the second lecture, he discusses the important part which analysis plays in the evolution of the different sciences, pointing out how much the power of the senses has been increased by the construction of delicate instruments to aid their action, and how rapid is the progress which is being made towards an *exact* knowledge of the phenomena of life. The third lecture deals with experimental synthesis, and its important function in the development of the natural sciences. The remaining twenty lectures are occupied with descriptions of the ingenious contrivances invented for registering exactly the force and character of the different vital movements, and with the exposition of the principles and method of their application. M. Marey's mode of viewing vital phenomena will be sufficiently indicated by the following words—"For my part, I know nothing of vital phenomena: I only prove two sorts of vital manifestations; those which are intelligible to us, and which are all of a physical or chemical order, and those which are not intelligible. As to the last, it is better to confess our ignorance, than to disguise it behind the semblance of explanation." Those who desire to learn how much is now being done by the methods of physics and chemistry in

² "Du Mouvements dans les Fonctions de la Vie." Par E. J. Marey. Baillière, Paris. 1868.

attacking the complex problems of life, will find M. Marey's book a useful introduction.

As one of the Medical Inspectors of Vaccination appointed by the Privy Council, Dr. Seaton has had special opportunities of gaining experience concerning the practice and use of vaccination. He has now embodied the results of his large experience in a compact and carefully compiled handbook,³ which will be found very useful by all those who are engaged in the administration of the system of public vaccination. The author laughs to scorn the notion that vaccination has produced new and strange diseases, or caused any degeneracy of the race; argues concisely but lucidly against the allegation that it has led to an increase in the mortality from other diseases; and states confidently, as the result of careful examination of evidence and of personal experience, that the danger, *if, indeed, there be any at all*, of communicating through vaccine lymph (when vaccination is performed with proper care) any other infection than its own, is infinitesimally small. Speaking particularly of the possibility of communicating syphilis by vaccination, he says—"During the eight years in which there has been systematic inspection of public vaccination in England, some millions of vaccinations have been performed; but the inspectors have no knowledge of any such accident having occurred in any instance." Whether Dr. Seaton's confidence be quite so well warranted as he imagines, or not, future experience will decide. Meanwhile, we can speak in words of great praise of his truly excellent handbook; its method of arrangement is most lucid, its style clear, its matter full, and it is furthermore furnished with a very complete index.

There appears to be something like an epidemic of books about vaccination raging at the present time.⁴ Dr. Ballard's work is the essay to which the adjudicators appointed by a Committee of the Ladies' Sanitary Association awarded the prize of one hundred pounds. After some introductory remarks concerning the nature of small-pox and vaccinia, and the probable mode of action of the virus of each, he proceeds to discuss the actual value of vaccination as a preventive of small-pox; executing his task in a clear, systematic, and exhaustive manner. From a carefully weighed consideration of the results of the experience of individuals, of the experiments instituted to test the protective power of vaccination against the inoculation of small-pox, and of the statistics of disease, he concludes that there is incontestable testimony that active vaccination is capable of arresting the progress of small-pox. We think that no one who candidly studies his arguments, and whose mind is capable of following a just train of reasoning, will differ from his conclusions on that point. Dr. Ballard

³ "A Handbook of Vaccination." By Edward C. Seaton, M.D., Medical Inspector to the Privy Council. Macmillan and Co. 1868.

⁴ "On Vaccination: its Value and Alleged Dangers." A prize essay. By Edward Ballard, M.D. Longmans, Green and Co. 1868.

"Vaccination: its tested Effects on Health, Mortality, and Population." By Charles T. Pearce, M.D. Baillière. 1868.

"An Essay on Vaccination." By F. Smith Garlick, M.R.C.S. Simpkin, Marshall and Co. 1868.

has not, however, been content only to establish the positive benefits of vaccination by showing how much it has reduced the mortality from small-pox, but he has stated very fairly all the objections which have been urged against it, combating each of them in succession; and has set forth at length the conditions on which its protective power may be depended upon. The second part of his book is occupied with a discussion of the alleged dangers of vaccination, which he decides to be practically insignificant. Dr. Pearce, on the other hand, has been led from listening to the experience of "the widow of a tradesman," who had never any consumption in her family before vaccination was practised, and from like evidence more or less reliable, to the conviction that "*vaccination is a crime against nature*, and ought not to be enforced." How comes it, he asks, that half the present inmates of our orphan asylums have been made orphans by the death of one or both parents from consumption? The reply plainly lies in the evidence of "the widow of a tradesman:" there is too much reason to fear that the cause is to be found in vaccination. For assertions on the other side, we must refer Dr. Pearce to Mr. Garlick's pamphlet, in which the benefits of vaccination are popularly set forth in the form of a dialogue between mother and child. "Well, mother," says the latter, "I have only now to say, after this, that they who object to this simple protective process, must either be grossly ignorant, or irrecoverably self-willed, and that amounts, I suppose, to the term '*stupid*.'" "Yes, it does; and no '*turbine*' yet invented is powerful enough to pump out the stupidity and the vanity which are embedded in some people."

We have received the first volume of the third edition of Longet's excellent "Treatise on Physiology."⁵ It is a goodly-sized volume, dealing with the functions of digestion, absorption, and respiration. The work is conceived in a philosophical spirit, and each of the subjects is fully treated in a systematic and elaborate manner. We have in each case a description, not alone of the organ and its functions in man, but of its structure and relations in the different classes of animals, from its first appearance in a rudimentary form up to its highest and most complex development. Thus the student is furnished with a fundamental idea of the nature and relations of the particular function, which he would never obtain if his studies were confined to its most special and complex manifestations. The treatise may be confidently recommended as one of the best, if not the best, of its kind.

Dr. Morris's little work on "Irritability" is not written for the medical profession but for the public, and, accordingly, makes no claim to a systematic or truly scientific character.⁶ It consists chiefly of discursive reflections, adapted by nature and style of expression to popular taste,

⁵ "Traité de Physiologie." Par F. A. Longet. Tome I. Troisième édition. Baillière. 1868.

⁶ "Irritability: Popular and Practical Sketches of Common Morbid States, and Conditions bordering on Disease." By James Morris, M.D. Churchill and Sons. 1868.

on all sorts of bodily conditions bordering on disease, and contains a variety of practical suggestions founded on the author's experience. The vagueness of the title is no unfaithful index of the nature of the contents of the book; in fact, the word "irritability" has been, as may easily be imagined, sufficiently comprehensive and indefinite to embrace all that the author wished to say, in a discursive and easy way, about bodily states distressing enough, but not reaching actual disease. Though he has written for popular perusal, his remarks are sufficiently suggestive, and his mode of viewing things often sufficiently original, to render the volume not unworthy the notice of scientific readers. The style is fresh and rather lively, but suffers from an obvious striving after effect; and the sentences are now and then clumsy, and even faulty in construction. Moreover, there is considerable repetition, and poetical quotations are interpolated, apparently because of the author's familiarity with them rather than because of any special appropriateness. On the whole, a perusal of Dr. Morris's little volume leaves the impression that he is capable of more real scientific work than we have in this popular production.

Dr. Raciborski presents to the public, as the result of nearly thirty years' hard study, what he calls a complete treatise on the subject of menstruation.⁷ He begins by discussing at length the physiology of the function, giving information which, so far as we can judge, is contained in most physiological text-books; he then proceeds to set forth the hygienic precautions which ought to be taken at the time of puberty and at the climacteric period; next he considers menstruation from a pathological point of view in its relations to different diseases; and, lastly, he deals with its different disorders and their treatment. His work is characterized by a plain and, on the whole, practical treatment of the subject, but we fail to perceive anything so original in the matter of the book, or so profoundly scientific in its character, as to necessitate a gestation of thirty years, or even of a quarter of that time.

Judging from the many books on indigestion which have appeared during the last few years, the difficulties of the stomach would seem to be a fashionable study. Dr. Fenwick has devoted himself with much zeal to the investigation of the condition of the digestive canal in different diseases of the body, and to examining how far its affections tend to modify the course, or increase the gravity, of the original malady.⁸ Necessarily, this mode of procedure involves no little repetition in the description of the morbid appearances, and we do not think that such undoubted defect is counterbalanced by any advantage in the plan of the book. Indeed, it seems to us an extremely unphilosophical thing to isolate an organ like the stomach, and to make a separate study of the derangements of it which really constitute a part of the morbid phenomena of a particular disease. However, it

⁷ "Traité de la Menstruation." Par A. Raciborski, M.D. Paris: Baillière. 1868.

⁸ "The Morbid States of the Stomach and Duodenum, and their Relations to the Diseases of other Organs." By S. Fenwick, M.D. Churchill and Sons. 1868. [Vol. XC. No. CLXXVII.]—NEW SERIES, Vol. XXXIV. No. I. R

is only right to add that Dr. Fenwick's book contains the result of much painstaking and conscientious labour, and deserves more than a passing attention.

Dr. Waters' book on "Diseases of the Chest"⁹ makes no pretensions, except in its title, to being a systematic treatise on these diseases. It contains the results of his pathological and clinical observations of the phenomena of pneumonia, emphysema, and of some of the affections of the heart, and illustrates by details of cases the application of therapeutics. Dr. Waters has worked with patience and conscientious industry at some important points in the pathology of the lungs, and his opinions, differing as they do from those of many authors, deserve a candid and careful consideration. His book will be found instructive; for it is not a compilation of the views of other men, but a record of the experience of a painstaking physician on subjects which he has specially studied.

We have received the American translation of the third edition of Dr. Stellwag von Carion's "Treatise on the Diseases of the Eye."¹⁰ The translation is by Dr. Hackley and Dr. Roosa of New York, and appears to have been carefully executed. The treatise gives a faithful and comprehensive representation of the present position of ophthalmology, and may justly be recommended as a complete text-book. The matter is treated with extreme elaboration, but the style would be vastly improved by concentration, for it runs into a wearisome diffuseness.

HISTORY AND BIOGRAPHY.

IN Mr. W. W. Hunter's "Annals of Rural Bengal," we find evidence of careful research, clear intelligence, reflective power, and artistic skill.¹ It is difficult for one not versed in the subject to appreciate "the imperfections of a work which, though written in the jungle, eight thousand miles from European libraries," appears to the non-expert to possess such excellence of form as well as of substance. On the other hand, a fair estimate can be made of the value and judicious handling of the material placed at the accomplished writer's command. Yellow-stained volumes from each district treasury in Bengal, family archives from the stores of rajahs, local information collected by pandits specially employed for the purpose, folk-lore supplied by the laborious inquisition of native gentlemen, manuscripts in

⁹ "On Diseases of the Chest: being Contributions to their Clinical History, Pathology, and Treatment." By A. T. H. Waters, M.D. Churchill and Sons. 1868.

¹⁰ "Treatise on the Diseases of the Eye, including the Anatomy of the Organ." By Carl Stellwag von Carion, M.D. Translated from the third German edition, and edited by Charles E. Hackley, M.D., and D. B. St. John Roosa, M.D. London: R. Hardwicke. 1868.

¹ "The Annals of Rural Bengal." By W. W. Hunter, B.A., M.R.A.S., of the Bengal Civil Service. London: Smith, Elder and Co. 1868.

London, Calcutta, and Bengal, have all been laid under contribution, and as the initial result we have the first volume of what promises to be a delightful and valuable history. The portion before us contains seven chapters, besides an appendix of illustrative documents, such as Warren Hastings' description of Bengal in 1772, the Cook's Chronicle, Santal Traditions, &c. Commencing with the state of the country when it passed under British rule, the historian hastens to relate a tragical event involving "an aggregate of individual suffering which no European nation has been called on to contemplate within historic times." The failure of a single crop in 1770, traceable to the premature cessation of the autumnal rains, ended in a famine which swept away ten millions of human beings within nine months. This great national evil was aggravated by rapine and conflagration, the work of the destitute and depraved, and by ignorance of the laws of political economy. By interdicting the so-called monopoly of grain, the Government prevented that natural rise in prices which would have distributed the pressure over the whole period of the famine, instead of concentrating it upon the last six months. Mr. Hunter forcibly points the moral by contrasting the policy of 1866, when private enterprise was encouraged, and, as a consequence, stores of grain were supplied to the hunger-stricken provinces, with that of 1770, when respectable men, shrinking from legal liabilities, refused to traffic in cereals. An extremely interesting chapter on the ethnical elements of the lowland population of Bengal carries us back into the dim remote past of the Aryans and aborigines, to the civilized world of Manu, to the primitive children of the soil, to the religion and religious rites of their victorious invaders, the Aryans, and the interaction of the two races. The fourth chapter on the aboriginal hillmen of Beerbhoom contains a variety of matter extremely interesting, and in part at least, novel. In the black races of Bengal our author finds a new field of study. The old childlike beliefs of the Santals are curiously depicted in his pages. The religion of this people may be briefly defined as a household religion. Thus, particular trees are haunted by domestic Lares. Their worship is based upon the family-idea, each family having its own jealously secluded deity. Apparently the most conspicuous phenomenon in the early consciousness of the race was the vicinity of stupendous mountains. The Great Mountain became an overpowering ideal. Perception and action were attributed to it. It talked to itself in solitude; it became a perpetual providence, instituting marriage, supplying man with clothing and all the necessary comforts of life. This, however, it does in part, under the direction of the Lord of All. So that the Santals recognise the existence and interposition of a Supreme Ruler. The people holding this singular creed, however, are probably the descendants of the ancient Dasys, black-skinned, gluttonous savages, who seemed to their Aryan conquerors to have no conception of a God at all. It is remarkable that while the immortality of the Aryans recognised only the title of the good to happiness, without any distinct idea of a retributive hereafter, the future life of the Santals recognises only punishment for the wicked, without any compensating rewards for the good. Their religion is a religion of

terror. "What if the Strong One should eat me?" is the objection habitually brought against the missionary doctrine of divine omnipotence. It is impossible not to see in the case of the Santals "a striking proof of how a race takes its character from the country in which it lives." In the same portion of his book, the beneficent influence of the railway, in abolishing slavery, in creating a demand for work, is set in a clear light by Mr. Hunter, while the rebellion following the oppression of the Santal colonists by Hindoo traders, shows how the sense of growing prosperity generates the desire for freedom and independence, and warns alike the tyrant and the statesman. In narrating the circumstances of this rebellion, Mr. Hunter touches on the panics to which the Anglo-Indian community are liable. People, he remarks, who live in this situation (that of a small body of settlers surrounded by an alien and more numerous race) are prone to exaggerate danger, as the Jamaica white population exaggerated it, and to be carried into excesses such as the Jamaica troops committed, and he concludes that with the *Government* rests the heavy responsibility of counteracting the natural tendency to panic on the part of the public." On this occasion the Government erred at first from excess of official calmness, but afterwards took severer measures, so drastically carried out, that one of the officers engaged in the border warfare which ensued, declared that "it was not war, it was execution." In a separate chapter, the Company's first attempts at rural administration are described, and in another distinct section the Company is depicted in its capacity of rural manufacturers. After describing its efforts at administration, its fiscal, currency, and police system, and its industrial enterprise, Mr. Hunter thus estimates the spirit in which the Company discharged its functions:—

"Until 1790, its avowed principal business was commerce, and this it accomplished excellently well. Its secondary business was the collection of the revenue in order to yield a fund with which to trade, and in this too it displayed great energy and skill. Its third duty was the administration of justice; but seven years (1765-72) elapsed before it realized that this pertained to it at all, and during twenty-one years more its rural courts failed to bring justice home to the people. For the state of the criminal administration and the police it was not responsible, either according to treaty or in fact, until 1790."

Mr. Hunter has written so far in a calm equitable spirit, not thinking it unfair to delineate the old dark days, while at present forbidden to glimpse at the bright period which succeeded. Admitting the benefits, he thoroughly recognises the responsibility of British rule, and declares that while the rights of the governed are still unascertained, he has a much more urgent work to do than to sound the praises of English governors. To this task he proposes to address himself, and in his next volume will institute an inquiry into the rights and legal status, as disclosed in the rural records, of the various classes who owned or cultivated the soil. We look for the result of this inquiry, as well as for a delineation of the normal and permanent character of the Hindus, in correction of a possible misapprehension of Lord

Macaulay's graphic description of the Bengali as he emerged abject from Mussulman oppression, with a hopeful expectation that we feel sure Mr. Hunter's second instalment of his "Annals of Rural Bengal" will not disappoint.

In the concluding volume of a meritorious, if not always very accurate, "History of France," Mr. Eyre Evans Crowe joins issue with those critics who think that history should be philosophical or pictorial, or both.² That there is a certain sense in which he is right we acknowledge, but we cannot allow that a history must necessarily be a romance because there is a spirit of life animating all its pages, or that it must inevitably be useless or unfair, if its real significance is set forth by its expositor. Some of the best pages in Mr. Crowe's work are probably the reflective pages; and without cramping himself with a system, Mr. Hunter has written philosophically because he has sought to understand events in their origin and sequence, as, we may add, he has adopted for the most part a style which is commendable for its unpretending grace and quiet rhetoric. Mr. Crowe's ambition has been to give a clear yet succinct and well-studied and digested history of a great European country in a few volumes. In this he has, with some little deduction, fairly enough succeeded. In no sense of the word is his composition admirable; and an occasional phrase, such as "raving a republic," or "a breach of question," can only be regarded as very much the reverse of admirable. The first two or three chapters of the present bulky volume deal with the career of the great Napoleon, and tell the old story of that modern "god of clay," with a correct and rather inanimate brevity. In the middle of the volume, when we come to the period 1824-1830, the narrative, to our mind, grows more interesting, perhaps because Mr. Crowe is on ground where he has a firmer footing than on the rocking soil of Napoleon's war-time; perhaps, too, because he has in a manner been a part of what he relates, for during the reign of Charles X. and the greater part of the following reign he was a resident in Paris, a close observer of political events, and of the circle of contemporary statesmen and writers. In this commendation, though perhaps in a less degree, we ought to include the chapter on the reign of Louis XVIII. This monarch, notwithstanding his good intentions, really began the system which Charles X. completed. Giving himself up, towards the close of his career, to the ultra-royalists, and above all to the ecclesiastical party, he undermined the weak edifice which he had laboured to erect. Under his successor, the Martignac Ministry effected some good, but the opposition of the king to its moderate reforms was strenuous and persistent. Martignac, abandoned by the liberals, who were dissatisfied with his scheme of municipal councils, was dismissed by the king. The Polignac cabinet, incapable and weak, precipitated the catastrophe. The ordonnances of July constituted an infringement of the charter, the infringement was followed by revolution, the revolution by abdication and flight. Louis-Philippe had

² "The History of France." By Eyre Evans Crowe. In five volumes. Vol. V. London: Longmans, Green and Co. 1868.

ample warning; but though he could see and censure the fatuity of a predecessor, he could not profit by the example of his failure. In the remaining chapters Mr. Crowe has recounted the events of his reign, indicating the obstinate wilfulness of the king, the errors of his ministers, the corruption of official persons, and particularizing the various preliminaries of the third French Revolution. An eminent statesman (M. Guizot) supported the hereditary principle, to which Casimir Périer tried to give effect by proposing that the members of the Upper Chamber—men without any permanent influence—should be invested with hereditary honours, though even Wellington and Castlereagh had protested against the absurdity of such a measure when Louis XVIII. had conferred this distinction upon his senate. Châteaubriand, we are sorry to report, immediately after the days of July, proposed that Louis-Philippe should practise deceit, gain time, organize the National Guard, and force Henry V. upon an unwilling people; and set forth this precious project as the essence of rectitude and heroism. Later on we have the chapter of the Spanish marriages—a silly, discreditable business; then the financial crisis following the exhaustion of capital occasioned by the railway mania; then the flagrant exposure of corruptions which Mr. Crowe is of opinion were not more immoral than those of preceding or subsequent periods. In the almost universal loss of character the ministers themselves participated. M. Teste, who presided over the public works, was proved to have accepted 4000*l.* for sanctioning some scheme or other, and was condemned to restitution and three years' imprisonment. General Cubières, who had been minister of war, was equally incupated. M. Petit confessed that he had paid money for a place, and this implicated M. Génie, the chief man in Guizot's office. The remedy for all this was reform, but still, not unfavourable to reform on its own merits, M. Guizot declared against all reform, under the circumstances of the case, believing it to threaten the existence of his conservative majority, though Mr. Crowe considers it certain that had he adopted some measure of reform, he could have carried that majority with him. The determination to put down the reform demonstrations terminated in another royal flight. The stirring days of the Republic, of the Presidency, of the Empire, arrived; and Mr. Crowe has given us a very readable narrative of those years of vanquished hopes. The schism between the extreme and moderate republicans seems to be well brought out. Justice is done Louis Blanc, who has been so often assailed for that system of State employ which was really instituted by Marie, as Minister of Public Works. So Lamartine's brief and brilliant triumph is emphatically recognised, and the fiction that "the provocative shot," which brought about the collision of the people with the troops, was fired by the wild republican Lagrange, is conclusively set aside. The causes of the *coup d'état*, too, are simply and forcibly stated, and Mr. Crowe points out that the project announced by the President was an expurgated edition of the Consular Constitution of 1799, the acceptance of which had not the same excuse as that of its predecessor, since France was menaced in 1856 by no foreign war, but was secured by the terror of the proprietorial class

and the ignorance of the peasant voters, who knew the name of Buonaparte, but could not comprehend a *Constitution*. In the elevation of Louis Napoleon to the throne, Mr. Crowe sees the return of the monarchy of France to its starting-point, and often contrasts the kingship and nobility of modern Europe with the kingship and nobility of ancient times; he concludes his moral reflections and his volume with the remark: "That feudalism and territorial constitutions have seen their day there can be little doubt; as little that these are already to be succeeded by a return to the old division of patriciate and non-patriciate, the former not based, as was formerly the case, upon narrow or legal privileges, but upon the broad and various claims of wealth, birth [²], intelligence, esteem, and personal superiority;" a great improvement certainly on the old mediæval regime, though we are not quite sure that the prediction represents the ultimate or ideal state to which society is tending.

To undermine the French monarchy, or, if that were impracticable, to establish a rival and even superior power, was the enterprise attempted by Charles the Bold, and victoriously opposed by the great dictating of France, Louis XI. Mr. Kirk, who about four years ago gave to the world the first and second volumes of the "*History of the Valiant Duke of Burgundy*," has now completed that history by the composition of a third volume.³ The material for this last instalment of an estimable work has been gathered from manuscript sources, chiefly in the archives of Switzerland, and supplied by the kind agency of various official and literary persons, natives of that country. In the general character of the new volume Mr. Kirk sustains the credit which he has previously acquired. We do not think he has risen beyond the elevation which he has already obtained, but neither has he sunk below it. He recommences his narrative with an account of the war in the Jura, and carefully explains that the Swiss engaged in that war were not engaged as principals, but as auxiliaries, having neither aggression to resist nor provocation to resent. The war, he insists, was the result, not of recent complications, but of the old inveterate rivalry of France with Burgundy, was undertaken at the instigation of France for the interest of France, and in the pay of France, sympathy with German nationality on the part of the Swiss being, though a real, yet a very secondary influence. In the action of England under Edward the Fourth, the author traces the working of the same spirit of emulative antagonism, and discovers in the combination of England with Burgundy "treason and intrigue still busy for the overthrow of the French monarchy." The story of the silly invasion of France and its futile sequel is told in an early chapter of the new volume: the conquest of Lorraine is the subject of the following section. The Swiss conquest of the Pays de Vaud is narrated in the next. Then comes the heroic tale of the three grand defeats of Granson, Morat, and Nancy, terminating in the death of Mr. Kirk's hero, whom he will not allow to be pronounced rash or defi-

³ "*History of Charles the Bold, Duke of Burgundy.*" By John Foster Kirk. With Portraits. Vol. III. London: John Murray. 1868.

cient in sagacity, though he admits Charles's inferiority to his great competitor in foresight and resource. Charles the Bold is one of the many great men whose death popular sentiment so reluctantly accepts. On his fall, "wild rumours started up. He had hidden in the forest; retired to a hermitage; assumed the religious garb. Goods were bought and sold, to be paid for on his reappearance. Years afterwards there were those who still believed—still expected." In appreciating his career, his biographer maintains that the convulsions he had occasioned were slight in comparison with those which he had prevented, and asserts that the contests of "the sixteenth and seventeenth centuries would never have raged so fiercely if there had stood between the two chief parties, instead of a crowd of minor wranglers, all feeding the flame, a third of equal greatness holding the balance, interested in quenching the strife."

The political history of the two centuries which thus suffered from the want of a Charles the Bold to act as arbiter, has been illustrated, not inadequately, in a series of essays by Jules Van Praet, a translation of which, revised by Sir Edmund Head, is now offered to the English public.⁴ The history of the fifteenth century is also included, and an estimate of Louis XI. and his great rival appears in the introductory pages, not very different from the estimate of Mr. Kirk, but leaving perhaps a truer impression on the mind of the reader. Since while thoroughly recognising his personal heroism, and the grandeur of the conceptions of the great Duke, it gives prominence to the defects and deficiencies in his character,—his anger, obstinacy, selfwill, and impatience, and the disproportion apparent between the magnificence of his schemes and the means employed to insure their success. The period which the author has selected for elucidation is, in his view, divisible into three stages, characterized by the wars of families, such as the war for the public weal in France, and the Wars of the Roses in England; by the wars between States, as that between France and Spain, or that between France and Austria; and by the wars for supremacy, in which Charles V., Richelieu, Louis XIV., and William III. endeavoured to obtain European pre-eminence. The author considers that the end of the House of Burgundy coincides with the end of the Middle Ages, and pronounces Charles V. the founder of the political system of modern Europe. Philip II. and William the Silent are the chief representatives of opposing policies in the following period; and Cardinal Richelieu and William III. are the conspicuous men of the two succeeding periods. Numerous other figures are delineated by the historian's pencil: as Edward III., Van Artevelde, Henry V., Elizabeth, Henry IV. of France, Cromwell, and Charles I. The essays are thoughtful studies, characterized by a general sobriety of thought, decision of judgment without partisanship, and an attempted classification of the leading historical phenomena of the fifteenth, sixteenth, and seventeenth centuries. In writing these essays the author has

⁴ "Essays on the Political History of the Fifteenth, Sixteenth, and Seventeenth Centuries." By Jules Van Praet. Edited by Sir Edmund Head, Bart. London: Richard Bentley. 1868.

turned to account the contemporary literature and the illustrative documents heretofore unpublished, contained in important works of our own time.

The Anglo-Norman invasions of France were, according to Mr. Kirk, rippings of the great northern inundation, a current which washed the shore of England under William of Normandy. In this island the conquest was deprived of half its severity by the rapid amalgamation of the two races. In Ireland, we quote from Mr. Brewer's Introduction to the "Carew Calendar,"⁵ the efforts of the Tudor princes were directed, not merely to keeping the English and the Irish apart, but if possible to counteract all the natural tendencies to unity between the two races. "The English government, following the suggestion of persons high in office in Ireland, passed Acts from time to time disabling Irish chiefs, forbidding Irish labour, denouncing the least approach to Irish manners and customs, and levelling the whole force of indignation and disgrace against the very name of Irish. Hunted down like wild beasts, the Irish turned like wild beasts upon their pursuers; and as Englishmen associated with the name of Irish all that was vile, savage, and degrading, the Irishmen learned to connect all forms of oppression, cruelty, and wrong with the name of Englishman; to hate what his conqueror loved, and to love what he hated." This miserable picture of revenge and wrong is variously touched in Mr. Brewer's introductory essay to the "Carew Manuscripts," which he includes in a series of documents, which if containing no connected view of the times, are available as occasional papers filling up blanks in our information. Sir George Carew, the preserver of these documents, was President of Munster, and confidential adviser in all matters connected with Ireland during the reigns of Elizabeth and James I. The manuscripts calendared in this volume range over a period of about thirteen years (1575-1588). Some supplementary matter is contained in an appendix, and reference is facilitated by a copious index.

Of the "Itinerary," and "Description of Cambria" of Giraldus Cambrensis, Mr. Dimock, who has edited the calendar before us, and furnished it with an introduction, traces the history.⁶ The "Itinerary" was the first published of the two treatises. As it mentions Archbishop Baldwin's death before Acre, which took place in November, 1190, it was certainly not issued before the spring of 1191. The description of Wales did not make its first appearance until about three years after that of the "Itinerary." These two treatises Mr. Dimock pronounces the most valuable of all the treatises which Giraldus's

⁵ "Calendar of the Carew Manuscripts preserved in the Archbishopial Library at Lambeth, 1575-1588." Edited by J. S. Brewer, M.A., and William Bulleu, Esq. Published by the authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls. London: Longman, Green, Reader and Dyer. 1868.

⁶ "Giraldi Cambrensis Itinerarium Kambriæ et Descriptio Kambriæ." Edited by James F. Dimock, M.A., Rector of Barnburgh, Yorkshire. Published by the authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls. London: Longmans, Green, Reader, and Dyer. 1868.

prolific pen has transmitted to us. The Latin text is *not* accompanied by an English version. Glossaries and an index will be found in their appropriate place.

Our two next works are of a more general character. Johann Gustav Droysen, in his "Grundriss der Historik," has avowedly taken William von Humboldt for a pioneer through the pathless wild of history—allowing, however, that that accomplished thinker has no philosophical system.⁷ In an introduction he presents us with a sketch of his own historical first principles circumfused, as it appears to us, with the true German metaphysical haze, where Space and Time, and Form and Matter, and Free Will and Finite Spirit, are the *ignes fatui* which gleam through the nebulous envelope, not, however, to the exclusion of all rays of genuine light. One of the essays in the *brochure* before us was called forth by Ruge's German translation of Mr. Buckle's remarkable attempt to construct a history of philosophy, or perhaps we should rather say a philosophical history. While sympathizing with the "good intentions" of the English writer, Droysen considers that attempt a failure, declaring in a concluding paper entitled *Art and Method*, that the problem before us is to develop, not the laws of history, but the laws of historical investigation and cognition.

The second production of the German muse to which we allude is entitled "Grundsteine einer Allgemeinen Culturgeschichte der neuesten Zeit,"⁸ a work which appears to be not yet completed. The only volume in our hands rapidly traverses the political, social, industrial, scientific, æsthetic, and literary phenomena of the first empire. It contains ten sections, and notices briefly the career of Napoleon, estimates the work of Bentham, Alexander Humboldt, Schleiermacher, Kreutzer, the great German metaphysicians; political personages like Gentz, musical composers like Beethoven, men of letters like the Schlegels, Châteaubriand, Novalis, and Körner. The criticism on Jean Paul Richter is in the main just and discriminating; the elevation of Tom Moore into the representative of English literature of his time is a surprising promotion, while the account of the Lake School shows only the author's ignorance. Continentals in general seem unaware that Wordsworth and Shelley were Byron's rivals, and, as many Englishmen think, his superiors. Dr. Honegger's treatment is necessarily sketchy, but he is an author whose pages may be scanned with a pleased if rapid eye.

To this period belongs the acute, intellectual, cynical statesman Friedrich von Gentz, with whose "Diary" the world has already been refreshed and edified. The letters of this astute politician to his friend Pilat,⁹ the editor of the "Austrian Observer," have been

⁷ "Grundriss der Historik." Von Joh. Gustav Droysen. London: David Nutt. 1868.

⁸ "Grundsteine einer Allgemeinen Culturgeschichte der neuesten Zeit." Von J. J. Honegger. Erster Band. London: David Nutt. 1868.

⁹ "Briefe von Friedrich von Gentz an Pilat. Ein Beitrag zur Geschichte Deutschlands in XIX. Jahrhundert." Herausgegeben von Dr. Karl Mendelssohn-Bartholdy, Professor der Geschichte an der Universität zu Heidelberg. Leipzig. 1868.

recently published by Dr. Karl Mendelssohn-Bartholdy, Professor of History at Heidelberg, and are regarded by him as a contribution to a better knowledge of the national life of his country in the nineteenth century. As the intimate friend of Prince Metternich, Gentz was initiated into all the mysteries of Austrian politics, abroad and at home, and in these letters his opinions and sentiments may be read in their genuine, undisguised, and spontaneous expression. The death of Canning, the appointment of Polignac, the July ordinances, the Petersburg Protocol, the London Treaty, the Martignac Ministry, the French Revolution of 1830, are the subjects of unpremeditated comment. The editor infers from the later letters of Gentz that his views were undergoing modification, that the doctrinaire of absolutism had become a political eclectic, and was inclined to come to peaceable terms with the revolution. This singular man—a Sybarite loving perfumes, feasting, beautiful furniture—during the Congress of Vienna, showed his self-mastery, his power of endurance and capacity for work, toiling ceaselessly from morning till night, with scarce a thought for his physical comfort. In editing these letters Dr. Mendelssohn-Bartholdy appears to have done his best to give us an exact transcript of the original. It is interesting to read how he was assisted in his efforts to restore erased and discoloured passages by the chemical processes conducted or recommended by the celebrated Bunsen and his assistant Dr. Rose, and described in the preface from which we have drawn this notice.

A better known and still more influential character than Gentz was his countryman Friedrich Daniel Ernst Schleiermacher, the centenary of whose birth will occur on 21st November next. The events of his life are narrated with ample detail by the eloquent and liberal theologian, Dr. Schenkel, of Heidelberg, in the biographical work¹⁰ which he has prepared for the popular edification in Germany. A notice of the Life and Letters of Schleiermacher, as stated by Miss Frederica Rowan, which appeared in the volume of this *Review* for the year 1861, recapitulates the particulars of the external career of this eminent man. Professor Zeller, in his admirable *Vorträge*, has a brief essay appreciating the work and influence of Schleiermacher, which the thoughtful reader will do well to compare with the less philosophical estimate of the Heidelberg preacher. Both writers regard the subject of their comments as a man of conspicuous and various ability, whose influence has not ceased to be felt, though more than thirty years have elapsed since his death, on the 12th January, 1834. In the opinion of Dr. Zeller, Schleiermacher is the greatest theologian whom the Protestant Church has produced since the Reformation, and his latest biographer reiterates this verdict in different language, when he says that in Schleiermacher we may recognise a Luther enriched with the culture of the nineteenth century. Zeller describes him farther, as not merely a great theologian, but as a

¹⁰ "Friedrich Schleiermacher. Ein Lebens- und Characterbild zur Erinnerung an der 21 November, 1768, für das deutsche Volk bearbeitet." Von Dr. D. Schenkel. London: David Nutt. 1868.

Churchman whose noble thoughts on the union of the Protestant Confessions, a free ecclesiastical constitution, the claims of science and religious individuality, are at the present moment waking into fresh life, and are destined to have an ultimate realization. Schleiermacher's leading ideas may be rapidly indicated in this place. The universal or purely human character of his religion is very remarkable. According to him religion is pure feeling, the consciousness of deity; the sense of dependence being its essence, and all healthy feeling, all human action and incident, being reducible to the religious category. Schleiermacher was not a Spinozist absolutely, but his denial of a creation in time, his conception of God as the infinite essence of the world, his rejection of a plurality of divine attributes, perhaps even of the divine personality, show that his system can only be considered as a kind of idealized, vivified, poetical Pantheism, which, for all its Greek drapery and modern mysticism, is fundamentally the doctrine of Spinoza. While laying great stress on personal consciousness, Schleiermacher attenuated it in the end to a proximate annihilation, since in his view personality was only a phenomenon of the Infinite Spirit. To the doctrine of a purely personal immortality, associated as it usually is with an inordinately selfish craving, he entertained great repugnance, and contented himself with asserting that, though personal life was only phenomenal, the spirit or mind was indestructible. A Spinozist in his philosophy, in his dialectic Schleiermacher was a Kantist, distinguishing, with the author of the *Kritik*, between the organic and the intellectual functions in thought; but, unlike his master, who was cautious not to apply a positive predicate to the *thing in itself*, but to treat it only as a liminary conception, Schleiermacher endeavours to show that our highest conceptions do not correspond to our idea of God, thus presupposing that we have an idea of God, and herein again agreeing with Spinoza. Again, Schleiermacher's religion, though Spinozistic, or perhaps because Spinozistic, was pre-eminently Christian. To him Christianity was the perfect religion. Christ, in his belief, was the religious ideal, the creator of the religious life in the soul, the redeemer of man, but only by a species of natural redemption, excluding all notions of a fall, of punishment, of atonement. All else he denounces as magical. In miraculous agency he appears to have had no belief. Miracle, he says, in one of his *Reden*, is the religious name for an event. Everything, he affirms, is at once miraculous and natural. To accommodate his creed to Scripture was a difficult task, and his criticism is often defective, hesitating, even preposterous. His famous essay on St. Luke, translated by a young student of law, who subsequently became a bishop, exhibits the free procedure of the German critical school. Schleiermacher's theology, and we may add, that of his admiring biographer, Dr. Schenkel, is to us a little bewildering. Based on reconciliation and compromise, it looks like a system of accommodation, suggestive not indeed of intentional but of unconscious dissimulation—the effort of a man determined to believe, and willing to gloss over and explain away till, as we often feel is the case with some of our English Biblical critics, it requires a great deal of charity to give him credit for believing in his own interpreta-

tions. The systematic indulgence in reconciling criticism is certainly calculated to lead to an intellectual sleight of hand which is not favourable to the discernment of the truth; nevertheless, Schleiermacher appears to have been in the main an earnest, upright, and courageous man.

With Schleiermacher's free theological tendencies, and in particular with his favourite metaphysical notion of a "God-consciousness," his countryman, the late Baron Bunsen,¹¹ had great sympathy. Our admiration for Bunsen is a very qualified one; but we confess that we have read but a small portion of his writings. His logic, or method of inquiry and proof, seems to us radically false. If we reject the metaphysics of Germany, it is not out of prepossession, but out of conviction; and to begin with some imposing abstraction and reason downwards, which is apparently Bunsen's way of getting at truth, is in our judgment a complete inversion of the reasoning process, except of course where the deductive operation has a direct induction for its basis and justification. That Bunsen was, however, a man of rare intellectual activity and great breadth of mind, and a valuable pioneer, or rather middleman, in the domain of thought, we willingly admit. His theology, for instance, is far less ugly and irrational than the popular theology. His doctrine of redemption was little more than the attraction of man to God by the influence which the persuasion of God's love, as evidenced in the sacrifice of Jesus, naturally exerts over human feeling; for nothing, he tells us, is altered thereby in God's nature, but in our consciousness of him as the centre of our life. His independence of external symbols went so far as to censure the pre-eminence given in the "falsely so-called Apostles' Creed to the *mythical deposit* of the deep impression produced by the divine revelation in Christ which has become predominant in the Churches." His exercise of the right of free inquiry had been in many instances to accept the results of the critical investigation into the canon, which may be considered as pretty generally established in his own country. Thus, he says, the researches about Daniel, a book of the Maccabæan period, which he pronounces to be written "in the spirit of an ancient saint," seem to me conclusive. Again, he says, "we have in the book called Isaiah two prophets, one greater and more sublime than the other;" and condemning the Hengstenberg reaction in favour of orthodoxy, he declares that this champion of the stupid party in theology has yielded his critical conscience to an unsound, untenable criticism, to the point of denying, or at least doubting, the motion of the earth round the sun. Bunsen's researches in Egyptian archæology are well known. His "Hippolytus," with the "Philosophy of Universal History," his "God in History," &c., have been noticed in Dr. Rowland Williams's well-known and better-abused Essay. His views on life and art in the interesting volumes before us will be found to be those of a thoughtful, elevated mind. Some of his notions, how-

¹¹ "A Memoir of Baron Bunsen, late Minister Plenipotentiary and Envoy Extraordinary of his Majesty Frederick William IV., at the Court of St. James's." Drawn chiefly from family papers. By his Widow, Frances Baroness Bunsen. In two volumes. London: Longmans, Green, and Co. 1868.

ever, satisfactory as they were to himself, appear to be the reverse of the truth, as that the savage is a degraded man, not man a civilized savage; and the confidence with which he insists that he can prove that the race of man cannot be older than 25,000 years, nor younger than 20,000, is as amusing as it is extravagant. From the deplorable superstitions peculiar to our own age of enlightenment, Bunsen was by no means free, asserting the reality of second sight, and the existence of a healing power in the human system depending on the human will. Bunsen seems to have been a man, like Daniel, greatly beloved, and the kindly way in which he speaks of the good and eminent men and women whom he encountered in the tracts of life, or the tracts of thought, is always beautiful. We may refer to his notices of Prince Albert, the Queen, and the Royal children, of Kingsley and Froude, or rather of their books, of Lord Russell and of Mr. Gladstone, "the man who is some day to govern England, if his book is not in his way," and to whose noble reticence, lest in his earnest truth-speaking he should be led to exceed what he regarded as the bounds of Christian controversy, and utter words that might be construed into personalities, he bears significant witness. Of Bunsen's practical life the excellent commentary which accompanies his letters gives an ample outline. Christian Karl Josias Bunsen was born on the 25th August, 1791, at Corbach, in the principality of Waldeck, the child of parents advanced in life. He was educated partly in his native town, partly in the University of Marburg, and partly at Göttingen. Heyne early recognised Bunsen's great capacity, and procured him engagements as a teacher, and at last an introduction to Mr. Astor, the son of an American merchant, with whom he had board, lodging, and a salary. Travel in Holland and Denmark was succeeded by a journey to Florence, and then to Rome, with his friend Mr. Cathcart. At Rome Bunsen lived twenty-two years, acting during nearly the whole of that period as Counsellor of Legation in the Prussian service, as the illustrious Niebuhr had done before him. In 1841 he was appointed Envoy Extraordinary to the Court of St. James's, a position which he retained till his final departure from England in 1854. Two years previously, after long protesting against what Baroness Bunsen calls the fatal protocol, authorizing a change in the law of succession to the Duchies of Schleswig and Holstein, he appended his signature to that instrument against his convictions, and only at the king's express command, a step to which even his own family would have preferred resignation and retirement. Bunsen's closing years were spent first at Charlottenberg, on the Neckar, and then, with the exception of an interval in France, at Bonn. His death took place in the latter town on 28th November, 1860. In July, 1817, he married Miss Fanny Waddington, an English lady, and the authoress of this interesting and judiciously executed biography. There is little that it requires, except compression, to make it all that it ought to be. We have noticed only two (perhaps clerical) errors. In vol. ii. p. 268, occurs "the great Theodoric of the *Visigoths*," instead of the *Ostrogoths*, as the sense seems to require; and p. 290 of the same volume we are told that the sche in *Metu-sche-lach* is the ancient sign of the geni-

tive. Had the name cited been Methusael, the sibilant syllable would have been rightly described as the genitive sign, but the word in the text is made up of two Hebrew words, which mean *man of the missile*. Baron Bunsen must either have forgotten his Hebrew or the transcriber has miscopied the word.

In William Wilberforce we have another example of the religious politician. The Bishop of Oxford has condensed the life of this excellent and gifted man, published in five volumes in 1838, into one volume, and has done good service by this abridgment.¹² The book will not, we think, take a high place in biographical literature, with all its improvements, but it will have a lasting value as a true record of the career of the man whose name is identified with the history of that long struggle which ended first in the abolition of the slave trade, and at last in the abolition of slavery in the colonies of Great Britain. For twenty years the abolition of the slave trade was the noble task to which, like Athanasius contra mundum, William Wilberforce devoted himself. He had Burke, he had Pitt, he had Fox, and some others with him, but the opposition he encountered was immense. Private calumny, the established weapon of West Indian warfare, awoke in all its strength. For two years he was pursued with threats of personal violence by a West Indian captain, named Kimber. Kimber had been accused by Wilberforce of cruelty in the conduct of the trade, had been capitally indicted for the murder of a negro girl, and acquitted, as Mr. Wilberforce thought, through the shameful remissness of the crown lawyers, and the indecent behaviour of a high personage, who from the bench identified himself with the prisoner's cause. On his discharge from prison he applied to Mr. Wilberforce for "remuneration for his wrongs, beset, abused, and menaced him." To defend Wilberforce from violence, Lord Rokeby became his armed companion in a journey into Yorkshire, and Lord Sheffield, an honourable opponent, at last terminated the annoyance. Another great object that Wilberforce had in view was the reformation of morals. In his various applications for support, "he was, as may be supposed, no stranger to refusals. 'So you wish,' said a nobleman, whose house he visited, 'to be a reformer of men's morals. Look, then, and see there what is the end of such reformers,' pointing as he spoke to a picture of the Crucifixion;" a most original illustration of the value of Christianity in a Christian country, and a cogent demonstration of the transparent folly of a divinely led life. Wilberforce was associated politically with Pitt, but his opposition to the Revolution war showed his parliamentary independence. Intending to urge that the true policy of this country was to continue on the defensive, he was prevented from speaking in the debate on the King's Message, February 1, 1792, by a special message from Pitt, who promised him an opportunity of stating his sentiments before the declaration of war, an opportunity which never came. Wilberforce's judgment on Pitt's

¹² "Life of William Wilberforce." By his Son, Samuel Wilberforce, D.D., Lord Bishop of Oxford. Revised and condensed from the original edition. London: John Murray. 1868.

policy is worth recalling: "Though at the commencement of the war I could deliberately declare that we were not the assailants, and therefore that it was just and necessary; yet I had but too much reason to know that the ministry had not taken due pains to prevent its breaking out." Wilberforce was in general liberal in his views, advocating Catholic emancipation and parliamentary reform, and, though supporting the Seditious Meetings' Bill, abhorring spies and informers. In 1833, the Bill for the Abolition of Slavery in the British Colonies was read a second time in the House of Commons. The last public information he received was its success. Perhaps England's ethical sentiment never stood higher (indeed it seems since then to have descended lower), than in the hour when Wilberforce was enabled to exclaim, "Thank God that I should have lived to witness a day in which England is willing to give twenty millions sterling for the abolition of slavery." A day or two after, he died, July 29, 1833, aged seventy-three years and eleven months. The closing, like the opening pages of this record of his noble career are among the most interesting in the volume.

Lord Byron, who admired and eulogized Wilberforce as the moral Washington of Africa, is the subject of a long and not very wise anonymous disquisition, in which his character is vindicated, and a claim preferred for him to a place in the temple of all the virtues.¹³ This argument is derived, in great measure at least, from expressions in Byron's letters, conversations, and occasional acts, which indicate upright, honourable, or conscientious feeling. Divided into sections on the religion, the moral qualities, the friendships, the melancholy, the marriage, the personal appearance of Byron, the work embodies all the apologetic pleas that are to be found in generally accessible documents, and will sadly disappoint the expectation of those who have looked for information based on personal knowledge, or fresh disclosures of Byron's life. Undisciplined, ill-trained, constitutionally defiant, and exasperated by what seems an unreasonable and excessive social hostility, Byron no doubt often acted unworthily, and must always be classed with the soldiers who fight for truth and right in the "camp of the unconverted;" but he *did* fight for them, in some sort, and so deserves grateful, if qualified, recognition. The man, who in his last years of life woke up to the sense of something higher and better, who consecrated himself to the service of Greece, who, as Shelley attests, had many generous and exalted qualities, who wrote, after all critical deductions, poetry instinct with flaming energy and melodious aspiration, needs no other apology than that which is consistent with the grave but charitable statement of truth.

"Esther and Ahasuerus" is the title of a work by the Rev. Richard Edmund Tyrwhit, a retired Indian chaplain, the object of which is to identify the persons so named.¹⁴ The preliminary portion of the

¹³ "Lord Byron jugé par les Témoins de sa vie." In two volumes. Paris. 1868.

¹⁴ "Esther and Ahasuerus: An Identification of the Persons so named, &c. With Notes, and an Index to the two parts; also an Appendix. By Richard Edmund Tyrwhit, M.A., retired India Chaplain. In two half-volumes. Oxford and London: James Parker and Co. 1868.

treatise is followed by a history of the thirty-five years that ended at the marriage of the persons thus presumed to be identified. There seems to be a considerable amount of learning and ingenuity displayed in the execution of a task laborious in its discharge and precarious in its results. Persons especially interested in the question raised by Mr. Tyrwhit, and competent to weigh his philological and other arguments, are invited to pronounce judgment on the success of his literary enterprise. We are not among that number, and must content ourselves with this disinterested invitation, and with the warning that some of the most influential Biblical critics are of opinion that Xerxes, and not Darius Hystaspis, is the Ahasuerus of this improbable romance. To this we may add that, though the name often occurs, no Darius is ever called Ahasuerus in the Bible. Against this hypothesis it has been further argued by Dr. Davidson that neither the character nor conduct of Darius towards the Jews is in correspondence with what the book of Esther relates of Ahasuerus, and that the names of his counsellors, as enumerated by Herodotus, are not the same as the names assigned them in *Esther*. The strongest identifying mark in the narrative favourable to our author's view is the passage in which Ahasuerus is said to have laid a tribute on the land and the isles (c. x.), a proceeding attributed to Darius Hystaspis by Herodotus, though Strabo ascribes it to Darius Longimanus, unless the copyists have substituted this monarch's name for that of Artaxerxes, as has been suggested. On the other hand, Ahasuerus's empire, in its full extent, from India to Ethiopia, as described in *Esther*, is said by Herodotus to have belonged to Xerxes, and similarity of character favours the identification of Xerxes with Ahasuerus. This is the opinion of Herzfeld, Ewald, and others, and they are probably right, though in the settlement of the question we have no direct data to assist our decision. De Wette, touching on this difficulty, ironically, but perhaps wisely, observes: 'The question, *Who is the Ahasuerus of Esther?*' seems to belong to the large list of queries that can never be answered, and need not be asked! Ewald fixes the date of the book about 150 years after the reign of Xerxes, and has some interesting remarks on the relation of the feast of Purim to the Paschal feast. The opinion of Meier that this festival is no other than that of spring, in Persian *Behar*, the great redemptory feast of the nature-worshipping ancients, disguised under an etymology, is ingenious and plausible. The asserted origin from Haman's casting lots is, as Dr. Davidson observes, an unessential occurrence, and may be pronounced artificial and improbable.

In the "Past and Present of New Zealand," we have the production of another clergyman, who offers us a sketch of the Church mission, and of the twelve years' war which has raged in that fine colony of Great Britain.¹⁵ Its author, Mr. Richard Taylor, is of opinion that the

¹⁵ "The Past and Present of New Zealand, with its Prospects for the Future." With numerous illustrations. By the Rev. Richard Taylor, M.A., F.G.S., an old New Zealand missionary. Author of "Te Ika a Maui: or New Zealand and its Inhabitants." London: William Mackintosh. 1868.

Lord's hand is not shortened, that we are entering on another period of the Church, that it is now represented by the flying eagle, that oil to which prayer is added, or medicine and prayer, are salutary and sanatory practices, that Dr. Colenso has sunk himself below the Zulu he lives amongst, and the like. Besides the narrative of the mission and the war, the volume contains remarks on colonial government, surplus population, a chapter on the geography of New Zealand, with some statistical information and hints to emigrants.

A curious little essay, entitled "Historical Difficulties and Contested Events," by Octave Delepierre, discusses twelve disputable subjects: among them, Belisarius, the Alexandrian Library, Pope Joan, William Tell, Petrarch and Laura, the Inventor of the Steam-Engine, and Galileo Galilei.¹⁶ The writer's object is to elicit truth by criticism, which he rightly regards as one branch of the historical art. In general, he has chosen his contested events judiciously, and investigated them with care. In one instance alone do we detect an exception to the rule, that of Jeanne D'Arc, whose release from prison and rescue from the stake we do not regard as *most probable*. The myth of Pope Joan, too, is better explained by the learned Dr. Döllinger than by the author of the present volume. The discussion on "William Tell" is excellently done. A person of that name did exist, a Swiss by birth, and probably a man of mark, but having no right to the title of Deliverer of Switzerland. The story of the apple shot from the head is of Scandinavian origin.

Our catalogue of contemporary literature in this department closes with two attractive volumes, a reprint of Mrs. Jameson's "Lives of Italian Painters," fifty-eight in number, first published nearly a quarter of a century ago, and now reprinted from the edition of 1859;¹⁷ and "Tales of Ancient Greece," by the Rev. G. W. Cox, collected, with but one exception, from his previous writings, and ranged under the several divisions of "The Gods and Heroes," "Tales of the Trojan War," "Tales of Thebes," and "Miscellaneous Tales."¹⁸ To the tales thus brought together, sixty-five in number, a new introduction is prefixed, "tracing each story to its earliest form, and resolving it into its original elements." We shall content ourselves with praising this charming collection of stories, simple, graceful, and poetical, and with reminding our readers that while the narrator sees little in events, once supposed to be historical, that is not mythical, the legends that he tells are, in his opinion, tales and golden histories which "present to us a form of society and a condition of thought through which all mankind had to pass long before the dawn of history. Yet that state of things was as real as the time in which we live."

¹⁶ "Historical Difficulties and Contested Events." By Octave Delepierre, LL.D., F.S.A. Secretary of Legation to the King of the Belgians. London: John Murray. 1868.

¹⁷ "Memoirs of Early Italian Painters, and of the Progress of Painting in Italy:—Cimabue to Bassano." By Mrs. Jameson, author of "Sacred and Legendary Art," &c. &c. A new edition, with Portraits. London: John Murray. 1868.

¹⁸ "Tales of Ancient Greece." By the Rev. G. W. Cox, M.A., late Scholar of Trinity College, Oxford. London: Longmans, Green, and Co. 1868.

BELLES LETTRES.

THE manufacture of novels goes on with increasing activity. For the last two months novelists have been at work "full blast." We have, in consequence, some thirty volumes before us. Now, as each volume contains on the average about three hundred pages, and as we cannot possibly read more than one page a minute, especially when we have to cut the pages, it would take us, reading and cutting for five hours a day, a month to get through the pile. If, however, novelists write their tales by machinery, critics must review them by the same means. The same general criticism, with a slight change of epithets, would apply to most novels, just as the same general incidents form the staple of them all. The sensational novel has its bigamist, and the religious novel its curate. The Kingsleys deal in muscle, and the Woods in consumption. But when the type is once ascertained the general criticism is easy enough. The bully of the Guy Livingston school is always the same, whether he appears in penny numbers or in thirty shilling volumes. He changes only his price. We throw out these hints for the benefit of other reviewers, who may be similarly circumstanced as ourselves. Now and then, indeed, a story meets us which is not of the ordinary stamp. Such is "Stone-Edge."¹ It has already enjoyed a large circulation in the pages of our always readable contemporary, the "Cornhill Magazine." In some points, however, it resembles Miss Parr's novel, "Basil Godfrey's Caprice," which we reviewed last quarter. It deals with the same district, Derbyshire, or, more correctly, the High Peak of Derbyshire, which is just now becoming a favourite ground with novelists. But it is a stronger story than Miss Parr's. It gives a better idea both of the people and the district. Farmer Ashford is a thoroughly original character in a novel, though common enough in the Peak. The other characters, too, are all *ἀυτόχθονες*. Nathan Broom, and his wife and "Johnny," all smack of the soil, and talk like genuine Derbyshire rustics. The writer's power of drawing such characters reminds us in more ways than one of George Eliot's. As a picture of rustic Derbyshire life, "Stone-Edge" has all the value of an elaborate essay on the subject. Nor must its merits as a novel be passed over. The character-drawing is firm and strong. Perhaps, in places, the light and shade are a little overdone. But there are not wanting delicate strokes of pathos and real poetry. The descriptions of the High Peak scenery are excellent real photographs, whilst the dialect is characteristically preserved. Altogether, Stone Edge may be strongly recommended, not as a book merely to read once in a way, but to keep and turn to at leisure.

"The Lord of All"² is a most unequal story, if story it can be called, of which there is really none. The great fault is that of utter want of construction. We marked several passages in the first volume

¹ "Stone-Edge." London: Smith, Elder and Co. 1868.

² "The Lord of All." A Novel. London: Chapman and Hall. 1868.

full of good sense and shrewd observation, but the general effect produced by the book is that of dulness. Those, however, who want to know what life at Rome is like, may glean some information. Some of the sketches, too, are amusing. But it is a book for skimming and skipping rather than for reading.

"Grace's Fortune"³ is evidently a first attempt, and evidently also, we should say, by a lady. It is only in these first attempts that we meet with such eccentric godfathers, and only young ladies imagine such curious bequests as we also find in "Grace's Fortune," and write such funny French as *bête noir* (*sic*) vol. iii. p. 152. The tale is told well enough, but is like a hundred more which come out every spring. There is nothing which marks it out from the average novel. It may serve to beguile the weary hours of an invalid who has not strength to read anything but fiction.

Although there is no announcement of the fact on the title-page, one at least of the pieces in "Medusa and other Tales"⁴ has appeared in print. Most readers will, we think, remember a very striking little essay, "On Our Words best Left Unsaid," which, if we mistake not, appeared some time ago in the "Cornhill Magazine." The ease and grace of style which so conspicuously marked that paper are not wanting in the other contributions in the volume. A delicate, pathetic strain pervades most of them. The writer, however, is less at home when she endeavours to become humorous. She is always at her best when she touches upon music. Here she writes with knowledge and feeling. This is just the book to take to the sea-side.

"The Countess's Cross"⁵ is a wretched compound of "Ouida" and Miss Braddon. There are a great number of very fine names, but not a single character. The writer has not the faintest idea of individualizing a single person. She appears, however, to have picked up a fair smattering of the slang of the race-course, but this may easily be done by studying *Bell's Life* for a few days. Her model, however, is evidently "Ouida." She writes in the same grand style. There is not, however, the slightest occasion for us to condemn the book, for it carries its own condemnation. We had marked a variety of passages for comment, but on second thoughts shall spare ourselves that trouble. It is sometimes best *perituræ parcere chartæ*.

"Ethel's Romance"⁶ begins very fairly, and we contrived to read through the first volume without much greater trouble than we experience with the average novel. But in the second the writer breaks through all restraints. This is the way in which she commences it:—"Among the barren, bloomless rocks of existence, upon a crag that overhung a dark precipice, a soul had built for itself a soft, warm nest, lined with tender fancies and fond anticipations." What sort of nest

³ "Grace's Fortune." London: Strahan and Co. 1868.

⁴ "Medusa and other Tales." By the Author of a "Week in a French Country House." London: Smith, Eider and Co. 1868.

⁵ "The Countess's Cross." By Mrs. Egerton. London: Hurst and Blackett. 1868.

⁶ "Ethel's Romance." A Novel. By Matilda Homersham. London: Charles W. Wood. 1868.

this is vulgarly called the reader can decide. We never, however, met with a description of it before. Still, we contrived to get over this wonderful nest, but at page 10 we encountered the following: "Yes, it was Talbot, riding fast and furiously, his coat buttoned up to his throat, and his hat over his eyes." Now we can put up with extraordinary nests, but we cannot take any interest in people who ride with their hats over their eyes.

We like Mr. Tainsh far better as a novelist than an essayist. It is true that he is very "gushing" in "Crowned."⁷ But we can do better with that element in a novel than in an essay. He has, too, real poetical feeling, and a true love for nature. The following description, for instance, gives us a very good idea of the scenery of the banks of the Wye:—

"Bold bluffs facing out to the sky and tree-covered nooks where the sun scarcely ever entered; one sense of dear mysterious delight, and one tender 'tinkling waterfall;' trees that opened their arms to make delicious seats among the foliage—trees of such eccentric growth and strangely-marked features, that they were as individual as men or women—hollow trees, and one special tree that stood dead and gaunt, cleft in two by some immemorial lightning-flash; haunts of the cuckoo and the nightingale; spots where the birds built their nests, and learnt not to be afraid of human visitors; burrows into which the rabbit ran with the pretence of being alarmed, and ledges on which the squirrel perched without the pretence of being alarmed at all."

Now this is good, firm drawing, and plenty more of the same quality may be found in "Crowned." The most careless reader will, we think, perceive the difference between this and the flabby stuff which we are presented with in the ordinary novel under the name of description. We think, however, that the book would have been vastly improved by the omission of some of the theological discussions.

Not content with the home article, our publishers have lately taken to importing novels. Sweden was the last place where we should have expected to have found the genuine three-volume Mudie novel flourishing. But the "Man of Birth and the Woman of the People"⁸ tells the old story of love and sentiment in the good old stereotyped way. A noble lord marries a poor girl, whom he deserts. Ten years afterwards she reappears, learned and wealthy, before her faithless husband, bent upon his reformation. The book is written by the widow of the late Professor Schwartz, of Stockholm. The aristocracy of Sweden do not bear a very high character. And the authoress's aim has been both to expose and to amend their particular failings. We cannot, however, accept pictures in a novel, which are highly coloured for the development of the plot, or of an individual character, as strictly true. The authoress, it appears from the translator's preface, holds a high place amongst the novelists of her own country, and her works rank beside those of Frederika Bremer and Emilie Carlér. The present novel shows many

⁷ "Crowned." By Edward Cambell Tainsh. London: Smith, Elder and Co. 1868.

⁸ "The Man of Birth and the Woman of the People." By Maria Sophia Schwartz. London: Strahan and Co. 1868.

of the best traits of the Swedish character, to which we not long since alluded when noticing Mr. Lockwood's version of Tegnér's "Axel." A word of praise should also be given to the enterprising publishers for the handsome way in which the book is brought out.

But the most remarkable novel which we have lately had from any foreigner is Jokai's "New Landlord,"⁹ so admirably translated by Mr. Patterson. We say admirably translated, although we are not acquainted with a word of the Hungarian language, for it reads as if it had been written in English. If any one wishes to read powerful, nervous description, they should turn to Chapter VI., in the second volume. The principal character is Adam Garanvölgi, and the tale is principally taken up with his acts of passive resistance to the Austrian Government. These it is impossible for us, in our limited space, to describe. But they are all narrated with a mingled humour and pathos which give a real character to the book. The minor characters are equally well sketched, whilst the incidents give picturesqueness to the narrative. But the book's chief value is derived from the insight it gives us into Hungarian politics. It should be studied by every politician.

"The Sister's Story"¹⁰ is not a novel, as the name and the outward appearance of the work, in the three stereotyped octavo volumes of brown cloth and gilt lettering at the back, would indicate. It is indeed far better than any novel, being a translation of the well-known *Récit d'une Sœur*. It deals not with fictitious personages, but with some of the most illustrious names of modern France. It is, indeed, most difficult to convey any idea of the charm which pervades the book. We may, of course, some of us at least, doubt the value of its particular creed, whether it is suitable for the world at large, or only for a certain class of minds delicately constituted,—minds which have a natural leaning towards the æsthetics of religion, such as is developed in Montalembert's "Monks of the West" and the "Journal" of Eugénie de Guérin. Montalembert, indeed, actually appears upon the scene. And we should best convey to our readers some general impression of the book by saying that it resembles the "Journal" in its tone and spirit. There breathes, too, that same air of high-bred grace and refinement. No other books convey so valuable an account of the domestic life of a French family. Hence they both possess an interest above all novels. In the ordinary French novel, domestic and public profligacy is the rule. We would therefore entreat English readers to study the present work, where they will find not fictitious personages but real characters; not imaginary scenes, written by people who know nothing of what they attempt to describe, but real scenes and incidents painted by the actors themselves. We would gladly make some extracts, but they would not convey, unless given at a great length, that particular air of reality and truth which we have

⁹ "The New Landlord." Translated from the original Hungarian of Maurice Jókai, by Arthur J. Patterson. London: Macmillan and Co. 1868.

¹⁰ "A Sister's Story." By Mrs. Augustus Craven. Translated from the French by Emily Bowles. London: Richard Bentley. 1868.

indicated. It is rather spread over the whole work than found in isolated passages. We must, however, warn stanch Protestants that they will meet with much that may at first sight shock them, but a deeper acquaintance with the book will, we are sure, tend to enlarge their own views, and make them look, at least with charity, upon what they may consider the errors of others. Finally, we must bestow a word of praise upon the translator for her remarkably plastic English. It is colloquial when it should be so, and in the higher passages nervous, and charged with feeling.

In consequence, we suppose, of our remarks upon Mrs. Pender Cudlip and slang in our last number, Mr. Camden Hotten has thoughtfully sent us the last edition of his "Slang Dictionary."¹¹ It has, we perceive, by the date on the title-page, been published four years.

As it appears, however, that we did not notice the work on its publication, we are most happy, considering the circumstances, to supply that omission. We most cheerfully acknowledge that we are not so well versed in the lore of slang as Mrs. Pender Cudlip, Miss Braddon, "Ouida," and other ladies who write fast novels. Our studies in Billingsgate and St. Giles' Greek, we admit, are not so deep as theirs. The only thing which strikes us upon reading their works is, do they exactly comprehend the precise meaning of the words they are using? Are they not much in the same position as that religious journal, which not long ago, without the remotest idea of what it was saying, called some Marchioness a "Winchester Goose?" Be this as it may, we feel that we know quite as much of the subject as most men. The old authors on slang used to state that their intention in publishing their works was "to be useful for all sorts of people (especially foreigners), to secure their money and preserve their lives." Their object was practical; Mr. Camden Hotten's, however, is more theoretical. In his preface he talks about the philologist and the historian. His book is certainly of much interest to both. He has, with great industry, made a large collection of modern slang words. But it is by no means complete. There are many words both in the slang of low and high life omitted. The insertion of provincialisms in a book of slang is, we think, a decided mistake. Some of them are misinterpreted, and many too incompletely explained. Besides, we do not understand the principle upon which Mr. Hotten inserts some provincialisms and omits others. To justify these criticisms, let us notice in low life that such terms as "Abbess" (the same as mine "Aunt" in Shakespeare), "babes-in-the-wood" (dice), "fun" (the same as "slap" at p. 234), "lambs" (ruffians, as at recent Nottingham elections, a word which is historic); and many more are omitted. Amongst high-life slang, if it may be so called, we in vain look for "drum," "kettle-drum," "Sellenger," for the St. Leger race, and D. I. O. (which is read in two senses) for P. P. C. We often in vain look, too, for illustrations of terms by corresponding phrases in other languages. Thus, Mr. Hotten might have illustrated "to dance upon nothing" (that is, to

¹¹ "The Slang Dictionary; or, the Vulgar Words, Street Phrases, and Fast Expressions of High and Low Society." London: John Camden Hotten. 1864.

be hanged) by the old French phrase—*faire la bénédiction du pied en l'air*." Again, we think that by the simple method of giving a Latin definition of their meaning, Mr. Hotten might have introduced many words which he has omitted from motives of delicacy. This class of words is of the utmost value to the philologist. The portion, however, of the work which we should be most inclined to find fault with, if we had space to go into the subject, would be the provincialisms. Mr. Hotten, as we have said, had much better have omitted them altogether. Thus he is ignorant of one of the meanings of "moon-raker;" limits the range of "vinnied" to Devonshire; gives "ducks and drakes" without the rhyme, and "dig" without the proverb. Many of his derivations are by no means sound. His knowledge, too, of slang bibliography is sometimes deficient. Thus he mentions the edition of the "Triumph of Wit," in 1735, but says not one word about the excessively rare edition of 1688. We look in vain for certain books like "Mother Gin" (we do not mean the "Life of Mother Gin," but the eclogue of that name), in which cant words occur. Again, is Mr. Hotten quite correct in attributing the editorship of the *Lexicon Balatronicum* solely to Clarke? Badcock (John Bee) is, we suppose, Mr. Hotten's authority. We have, however, seen a statement that the book was edited by Disney. There are several other matters in this portion of his work on which we hope to see fuller information in subsequent editions. We might have enlarged much further on the defects of the book, but on the whole it is fairly compiled. It may be recommended, too, to others besides philologists. But if Mr. Hotten would really wish to be master of his subject, we should advise him not to live, as he proposes, for six months in the Seven Dials, and another six months in the "slums" of Westminster, but to give up his days and nights to the study of some of our fast lady novelists.

There is, we are glad to say, a complete revival of our ballad literature going on. What Percy, Jamieson, Ellis, Ritson, did for another generation, Mr. Halliwell, Mr. Furnivall, Mr. Hales, Dr. Rimbault, Mr. William Chappell, and above all, Professor Child of the United States, are now doing for ours, but on a larger scale, with far greater learning, and even greater zeal. A Ballad Society has recently been started for the express purpose of printing the numerous collections of ballads which are scattered here and there throughout England. Few people have any idea of the vast mass of our English ballad literature, and its vast importance to the historian, the philologist, and the lover of poetry. The ballad, in short, took the place of the daily newspaper with our ancestors. It was their great vehicle of information on every possible subject. The press, therefore, teemed with the productions of the ballad-maker. As Hall says, the press poured ballads forth by "threaves," that is, by sheaves, or, more correctly, by bundles of twenty-four sheaves. That often quoted, but never sufficiently understood saying of Fletcher of Saltoun, "Let me make the ballads of the people, and I care not who makes their laws," was in reality much as if a prime minister should now say, "Let me write all the leaders in the papers, and I care not who returns the members." We

therefore wish all success to the Ballad Society, whose promoters have already earned in other ways our hearty thanks. In the meantime we will notice two books which mark an era in our ballad literature.

The first¹² owes its existence to the liberality of Mr. Huth, and the enterprise of Lilly, the well-known bookseller, whose catalogues contain more genuine learning than most authors' books. Into the history of this remarkable volume we need not go. It is sufficient to say that it is a reprint of the celebrated Helmingham ballads, which were purchased at the late Mr. Daniel's sale by Mr. Huth for a larger sum than the British Museum gave for the Roxburgh collection. The Introduction and the notes are admirably written. If we mistake not, one of the writers is Mr. Halliwell. And we think that it is a pity that his name, as well as that of his fellow-editor, does not appear on the title-page as a guarantee to the public for the scrupulous care with which the book is brought out. We regret, however, that the wood-cuts which ornamented the originals have been omitted. For instance, we should have been glad of an opportunity of comparing the Designs of Death, which accompanied the ballad at page 173, commencing—

“From your gold and silver
To grave ye must dance,”

with the well-known Dance of Death of Hans Holbein. The ballad wood-cuts are as characteristic of the age as the ballads. The slight extra expense would not, we think, have interfered with the sale. It is the wood-cuts, although they do not belong to the pieces with which they are printed, that give so much additional value and interest to Mr. Collier's recent privately printed “Broadside Black Letter Ballads.” The notes are, as we have said, admirable. It is true that here and there we might wish for a little further explanation, and that we occasionally note the absence of illustrative quotations and matter. But we nowhere detect any blunders. We are, however, surprised to find no comment upon the following piece:—

• “THE FICKLENESS OF WOMEN.

Dust is lighter than a feather,
And the wind more light than either:
But a woman's fickle mind
More light than feather, dust, or wind.”

It is dangerous to enter the lists against Mr. Halliwell, but can this piece be looked upon as an original English ballad of the sixteenth century? Is it anything else than a free translation of the Latin epigram—

“Quid calamo levius? pulvis. Quid pulvere? ventus.
Quid vento? mulier. Quid muliere? nihil.”

¹² “A Collection of Seventy-Nine Black-letter Ballads and Broad-sides.” Printed in the Reign of Queen Elizabeth, between the years 1559 and 1597. Accompanied with an Introduction and Illustrative Notes. London: Joseph Lilly. 1867.

We are unfortunately writing at a distance from any library, and are unable to look into the matter. But whether we are right or wrong, some mention should have been made of the epigram. The value of the collection will be best seen by our simply mentioning some of its contents. Here will be found the popular ballad of "Mother Watkins's Ale," the first editions of "Patient Grissel," "The Merchant's Daughter of Bristow," and "The Faire Widow of Watling Street, and her Three Daughters." The last single ballad reminds us of the market value of the book. It was reprinted in 1860 by Mr. Halliwell; but as the impression was limited to thirty copies, this single ballad cannot be procured for more than double the sum which the present volume of three hundred pages costs. Further, we here meet with "The Twenty-five Orders of Fools," "The Wonders of England," and

"A prettie new ballad intytuled :
The crow sits upon the wall,
Please one and please all,"

which is alluded to by Shakespeare in "Twelfth Night." If this catalogue of titles does not send readers to the collection, no words of ours will. They carry their own recommendation.

But still more valuable than even this collection of ballads and broadsides is the publication of "Bishop Percy's Folio Manuscript."¹³ Percy's name, even when all his literary misdeeds are taken into consideration, will always be dear to the lover of English poetry. Few, however, have been aware till quite lately of his treatment of some of the most precious ballads in our literature. He, in fact, falsified them. The work, therefore, which the present editors have given to the public is simply inestimable. We now possess the poems as they were really written. The editors deserve the greatest praise. Their labour has been enormous. But the value of the work is doubly increased by the critical Introductions. They are good specimens of the best English scholarship of the day. Some are, of course, a great deal abler than others. The notes, too, vary in their value. An immense gulf separates scholars like Mr. Furnivall or Mr. Skeat from one or two of their coadjutors. Mr. Furnivall, indeed, seems to have been the ruling mind. To his indomitable energy and perseverance do we in a great measure owe the present publication. We wish, however, that he could contrive to keep his feelings a little bit more under self-control. He breaks out in the most violent way. Thus, after a quotation from Juliana Berners' "The Treatyse of Fysshinge wyth an Angle," he gives vent to the following: "Now this is all very well for a quiet man with no devil in him; but Crecy and Agincourt were not fought and won by men of this type. Nelson and Napier could hardly have been content to be fools at one end of a rod, with worms at the other." (Vol. iii. p. 368). Why Mr. Furnivall should sneer at the only field-sport which does not inflict pain is beyond us. His knowledge must, too,

¹³ "Bishop Percy's Folio Manuscript." Edited by John W. Hales, M.A., and Frederick J. Furnivall, M.A. (Assisted by Professor Child and W. Chappell, Esq.) London: Trübner and Co. 1868.

remind him of many an angler, who certainly cannot be classed amongst fools. With one or two exceptions of this kind, his share in the work is most ably carried out. We have nothing but praise to bestow upon him and Mr. Hales, Mr. Street, and Professor Child. The Glossary is good, and being the work of many hands, is very full. There is, however, a great deal more to be said about the "grain" of a tree than Mr. Peacock appears to imagine. In conclusion, we should advise all our readers to get rid of their old Percies, and to put the present edition in their places. Those who do not possess this edition do not know what some of the most remarkable of our old English ballads are like.

A similar revival of Scotch ballad literature is going on in the North. The Bannatyne and Roxburgh Clubs have already done good service. We are now, however, indebted to the labours of two zealous scholars. Mr. Laing has admirably edited a reprint of the "Gude and Godly Ballats,"¹⁴ and prefixed a most interesting preface, where the reader will find not only all about the book and the Wedderburns, but a great deal of information upon the Scottish Reformation. Mr. Laing quotes from Coverdale a passage where, anticipating Rowland Hill, he proposes not to allow the devil to have all the good tunes. Shakespearian readers will, therefore, after this not be so much surprised to find the "Hunt's-up" adapted to devotional purposes (p. 153). Some of the pieces, like "In dulci júbilo," remind us of the early German hymns. Altogether it is a volume full of interest. It needs no recommendation from us, as it carries its own.

An equally interesting work is the "Scotch Ballads and Songs."¹⁵ A more competent editor could not be found than Mr. Maidment. The work has evidently been with him a labour of love. Mr. Maidment's name is a guarantee for the genuineness and authenticity of the collection. The notes, too, for their learning, make the book at once take rank with the collection of Jamieson and Ritson. It deserves to be put on the same shelf.

And here let us call attention to Mr. Arber's Reprints.¹⁶ In a quiet, unostentatious way, Mr. Arber is doing a great deal of good. There are a great number of people who cannot afford a yearly subscription of a guinea or two guineas to a society, but who are glad of the opportunity of buying a single volume for a shilling or two. As far as we have been able to judge, Mr. Arber's reprints are quite as faithfully executed as some which are far more pretentious and higher priced. His selection is singularly judicious, and suited to the class of readers to whom he appeals for support. His reprints, which are now ready, consist of Milton's "Areopagitica," Latimer's "Sermon on the Ploughers," Stephen Gosson's "School of Abuse," and "An Apologie for the School of Abuse;" Sidney's "Apologie for Poetrie," and "Webbe's Travailes"

¹⁴ A Compendious Book of Psalms and Spiritual Songs, commonly known as the "Gude and Godlie Ballates." London: J. Russell Smith. 1868.

¹⁵ "Scottish Ballads and Songs: Historical and Traditional." Edited by James Maidment. Edinburgh: William Paterson. 1868.

¹⁶ "English Reprints." Edited by Edward Arber, London: Alexander Murray and Son. 1868.

(1590). The price of each of these is only sixpence. We feel it a duty to state this, and to give the fact as much circulation as we can. These reprints only require to be known to become popular. Amongst the books which Mr. Arber promises us in the course of the year, are Selden's "Table Talk," Ascham's "Toxophylus," and Earle's "Microcosmographie." We think, however, it would be as well if Mr. Arber would reprint some of the rarer poetry of the sixteenth and seventeenth centuries. Such books as Mennis's and Smith's "Musarum Deliciæ," Park's "Heliconia," and Collier's "English Poetical Miscellanies," are most delightful, but they are, unfortunately, rare and costly, and quite inaccessible to the public. By a judicious selection, Mr. Arber might edit a volume of poetry equal to any of these. It should be brought out in parts, each complete in itself, so that any one might be at liberty to purchase which he pleased. We feel sure that there is a large public who take a deep interest in the poetry of the sixteenth and seventeenth centuries, and to whom such a volume would be very welcome. A volume of poetry would, too, be a pleasant change amongst so much prose.

From ancient we pass to modern poetry. Whenever we take up any of the little thin octavo volumes of verse of the present day, we feel inclined to doubt whether the printing press does not do as much harm as good; such works can neither amuse nor instruct anybody. The curious part of the matter, however, is that the authors of these books always consider themselves as a set of hardly-used persons. Here is Mr. Sturges,¹⁷ who charitably calls a critic "a grinning ape," and "a loathsome skunk" (page 72). This, however, we are bound to say is the most amusing thing which we have found in his book.

Mr. Hosmer¹⁸ does not apply quite so strong language to critics, but he too, like the rest of his brethren, seems to labour under the delusion that critics are the enemies of the human race (p. 152). It would be well for all such people thoroughly to understand that critics neither make nor unmake poets. Time is the only true critic. Twenty years will better decide whether Mr. Hosmer is a poet than any words of ours. We therefore hand him over to that most impartial of judges.

Mr. Steggal's "Jeanne Darc and other Poems"¹⁹ are considerably above the average. A kindly feeling and pure sentiment pervades the first piece, and so far raises it above a well-known poem on the same subject by a great name. The other pieces are marked by the same characteristics, though less pains have been bestowed upon the setting. We much fear that, notwithstanding occasional beauties and a general elevation of tone, the volume is hardly likely to command success. Poetry, if not first-rate, is not worth reading. The same criticism would apply to "Alice Rushton."²⁰ The manner is better than the matter.

¹⁷ "The Solitary, and other Poems." By Richard Yates Sturges. Edinburgh. James Nichol. 1868.

¹⁸ "Poems." By Burr Griswold Hosmer. Riverside Press.

¹⁹ "Jeanne Darc and other Poems." By Robert Steggal. London: A. W. Bennet. 1868.

²⁰ "Alice Rushton and other Poems." By Francis Reynolds. London: Longmans, Green, and Co. 1868.

A great number of pretty bits might be picked out, especially from the sonnets, but these alone do not constitute poetry. Here and there, too, we meet with some good descriptions; but there is nothing which arrests us. As a first work, however, "Alice Rushton" shows considerable promise. But the difficulty in all such cases is to decide whether the lines flow spontaneously, or whether they are the result of a mere mimetic effort to copy some favourite author. Two little volumes²¹ of religious poetry may also be noticed. They are of the usual kind. The intentions of the writers are excellent, and we wish we could say the same of their poetry. Amongst reprints of poetry we give the first place to Blake's "Poetical Sketches."²² It is full of the same beauties, the same tenderness and pathos, and spiritualism, which characterize "The Songs of Innocence and Experience." In short, as the editor very rightly says, it forms a companion volume. Neither are complete without the other. The simple announcement of the republication of this very rare volume will be sufficient to attract the attention of all the admirers of Blake.

Mr. W. M. Rossetti has reprinted about one-half of Walt Whitman's poems,²³ and prefixed a most interesting preface. We can only here say that Mr. Rossetti's edition has one great value—it can be left about in a house where there are young people, which, certainly, one edition which we possessed could not. He has, too, we think, made a judicious selection. Our estimate, however, of the value of Walt Whitman's poetry differs very much from that of Mr. Rossetti.

We are also very glad to see new editions of Mr. Matthew Arnold's "New Poems,"²⁴ and "Burns."²⁵ The last is edited by the late Mr. Alexander Smith, who, as we learn from his memoir, by Mr. Alexander, which we shall presently notice, found no small difficulty with the glossary. Mr. Smith was not the man to make a good glossary. The present, however, is very convenient, but we should have been glad of one with a little illustrative matter. We cannot say very much for the "Biographical Memoir." It reads like so much taskwork. The edition, however, on the whole, is neat and compact, and of a handy, useful size.

Judging by the only two specimens which have reached us this quarter, German and French contemporary poetry is in much the same condition as English. Herr Kalisch's poems²⁶ never rise above our

²¹ "I. Songs of Joy: For the Age of Joy." By the Rev. John P. Wright, B.A. London, Oxford and Cambridge: Rivingtons. 1868.—"II. Harp Echoes: Songs in the Night." By John Poyer. London: Alfred W. Bennet. 1868.

²² "Poetical Sketches." By William Blake. Now first reprinted from the original edition of 1783. Edited and Prefaced by Richard Hems Shepherd. London: B. M. Pickering. 1868.

²³ "Poems." By Walt Whitman. Selected and Edited by William Michael Rossetti. London: John Camden Hotten. 1868.

²⁴ "New Poems." By Matthew Arnold. Second edition. London: Macmillan and Co. 1868.

²⁵ "The Gobe Edition: Poems, Songs, and Letters." Being the complete works of Robert Burns. Edited, with Glossarial Index and a Biographical Memoir, by Alexander Smith. London: Macmillan and Co. 1868.

²⁶ "Leben und Kunst. Gedichte in fünf Abtheilungen." Von M. M. Kalisch. Leipzig: Albert Fritsch. 1868.

own English standard of mediocrity. One of the five divisions of his work, "Parnass," is taken up with a series of pieces addressed to all the poets who have ever lived. As far as we can see, the lines which he has addressed to any one of them, might, with a few slight alterations, be addressed to any other. The French volume²⁷ is a great deal better. The title of the book is to be found in every page, but the melancholiness is not oppressive. Some of the shorter bits are not without a pensive beauty reminding us at times of Lamartine.

Satire, in Pope's and Dryden's style, is dead in England. Our shelves are indeed laden with Modern Dunciads, but they are perfectly harmless. Lord Lytton, who has tried his hand at every sort of composition, has in satire met with his usual signal failure. His "New Timon," and "St. Stephen's," although vehemently puffed by the organs of his political party, was forgotten as soon as they were published. The present work does not even possess the literary merits of Lord Lytton's attempts. Mr. Crawley's "Horse and Foot"²⁸ is a weak version of the "Pursuits of Literature," adapted to the present day. Mr. Crawley's idea of satire may be fairly gathered from the following lines:—

"Our souls are freighted with a heavier stuff,
Blank be the verse, it can't be blank enough;
Buchanan's blank, but let him blanker grow,
And Jean surpass the blankest that we know."—(p. 13.)

So novel and witty does Mr. Crawley think this joke, that he repeats it in page 25—

"Than Balder Woolner boasts no blanker stuff,
And yet, God knows that Woolner's blank enough."

Where Mr. Crawley is not absolutely imbecile, he is simply vulgar and impertinent. Thus he thinks it in good taste to call Mr. Congreve "mad" (page 23). "Mad Congreve" is the only way in which he can mention one whose accomplishments ranked him amongst the foremost men of his day at Oxford, and whose earnestness and sincerity extort praise from those who most differ from his views. After this, we think we have said quite enough to show Mr. Crawley's style of satire. It is but just, however, that we should allow Mr. Crawley the benefit of speaking for himself:—

"Yet to experience charity must bow,
And sadly wise I register a vow:
Curst be this hand, and blighted be this pen,
If I with Cluven nutting go again."—(p. 56.)

We can assure Mr. Crawley that his vow is a work of supererogation. His pen is already blighted, whatever his hand may be.

Amongst volumes of essays we may mention Mr. Tuckerman's

²⁷ "Melancholia." Paris: Alphonse Lemaire. 1868.

²⁸ "Horse and Foot; or, Pilgrims to Parnassus. By Richard Crawley. London: John Camden Hotten. 1868.

"Collector."²⁹ To it is prefixed an Introduction by that notorious book-maker, Dr. Doran. The Doctor writes in his old familiar way. His Introduction is simply a mass of gossip badly put together. He plasters his words with epithets. Taverns are "naughty," and wits are "wicked." We may remark that wits are always wicked with people-like Dr. Doran. Any old hackneyed story is good enough for the Doctor. He pulls it in by main force. "Some one" has said, or "some one" has compared, is good enough with him for an authority. But we think he might keep clear of downright blunders. After all that has been written and said on the subject, Dr. Doran quotes from one of the "Bridgewater-house Forgeries" (p. 21). He not only quotes from this precious document, without the slightest suspicion that it is a forgery, but quotes wrongly. Lord Southampton does not describe the players at the "Blackfriars" as "married men and of reputation," but only two of them. But what does a man like Dr. Doran, who draws in the very next page a general conclusion from a particular premise, care for accuracy? His style, too, is marked with his old vulgar literary slang. With him women are "the fair," an innkeeper is a "Boniface," and a doctor is a "medico." Dr. Doran quotes for us the old story about Congreve and "gentlemen." We beg to tell Dr. Doran that a gentleman not only eschews "slang" in his conversation, but in his writing.

As for Mr. Tuckerman's essays, they are pleasant reading enough. He does not aim at anything very high. They are full of anecdotes, some new and some old. To idle people, who do not want to be troubled with much reflection, to railway travellers, and invalids, the book may be recommended.

Mr. Tainsh's work³⁰ on Tennyson is not a criticism but a eulogy. He writes with all the fervour of a woman speaking of her favourite clergyman. No knowledge is gained by calling "Love and Duty" "a poem of wonderful power." The same might be said of the "Agamemnon," or "Paradise Lost." We are not much wiser for being told that "St. Agnes" is "altogether poetical and beautiful;" though we are certainly puzzled when we are informed that the "Two Voices" "is full of luscious poetry" (p. 121). But Mr. Tainsh appears to belong to that class of excellent people who admire most what they understand least. His criticism upon "In Memoriam" appears to us little more than a rhapsody of pretty sentences. We should, however, have preferred a little sober common sense. But then this would not suit thorough-going Tennyson admirers. "In Memoriam" opens up the vast question between science and religion. But the feminine mind ignores science, and likes to be told, as Mr. Tainsh tells it, that "In Memoriam" is "a sort of sacred book" (p. 140). Accordingly Mr. Tainsh treats it in the way in which

²⁹ "The Collector: Essays on Books, Newspapers, Pictures, Inns, Authors, Doctors, Holydays, Actors, Preachers." By Henry T. Tuckerman. With an Introduction by Dr. Doran. London: John Camden Hotten. 1868.

³⁰ "A Study of the Works of Alfred Tennyson, D.C.L., Poet Laureate." By Edward Cambell Tainsh. London: Chapman and Hall. 1868.

“sacred books” are treated. He keeps jumping down his own throat in the most approved fashion. Nor does Mr. Tainsh in any way make up for his metaphysical and spiritual speculations by any real literary knowledge. A literary critic writing upon “*In Memoriam*” would surely have had something to say about Howell. Probably Mr. Tainsh knows nothing of a piece commencing—

“If, of the smallest star in sky,
We know not the dimensity;
If those pure sparks that stars compose,
The highest human wit do pose:
How then, poor shallow man, canst thou
The Maker of these glories know?”

This little piece, which was written somewhere about the middle of the seventeenth century, is, in its general tone, singularly like that of “*In Memoriam*.” Instead, however, of criticism, Mr. Tainsh pours forth a quantity of adulation. The most valuable part of his book are some explanations of difficult passages. He however, we think, fails to make out “the sea blue bird of March.”

“*Last Leaves*”³¹ is a very sad book, not from its contents, but from the thoughts which the memoir of the author’s life, written by Mr. Alexander, suggests. Mr. Alexander Smith, the son of a pattern-drawer, was born at Kilnarnock in 1829. As a boy he had always shown a strong love for poetry. In an evil hour, as we think, he forwarded some pieces to the Rev. George Gilfillan, a man of whom it has been said, “he thinks himself a painter because he paints with a big brush.” On mature consideration we affirm that the Rev. George Gilfillan was the very worst person in all the world to whom poor Smith could have applied. The consequences may be easily foreseen. In 1852 Mr. Smith published his “*Life Drama*.” The critics of that day were even more cruel than Mr. Gilfillan. They spoke of the “*Life Drama*” in terms of admiration which would have been ridiculous if applied to “*Hamlet*” or “*Faust*.” We are not now going to criticise the poem. On the strength of it Mr. Smith fortunately obtained the appointment of Secretary to the University of Edinburgh, and entered upon his literary career, which was last year so prematurely closed. In 1857 Mr. Smith married. He now set up as an author in earnest. “*City Poems*” and “*Edwin of Deira*” appeared. The last was most unfortunate in a pecuniary point of view. For it he received on the half profit system, 15*l.* 5*s.* 3*d.* Mr. Alexander compares the sum with that which Milton received for “*Paradise Lost*.” As we hardly think that *Edwin of Deira* is on a level with “*Paradise Lost*,” we would rather compare the sum with the eight pounds which another Scotchman, Ruddiman, received for editing Gawin Douglas’s *Æneid*, and writing the admirable glossary of old Scotch words, which few but he could have written. As poetry did not pay, Mr. Smith turned his attention to prose. He in fact became what is commonly called “a literary

³¹ “*Last Leaves: Sketches and Criticisms*.” By Alexander Smith. Edited, with a Memoir, by Patrick Proctor Alexander. Edinburgh: William P. Nimmo. 1868.

man." On the whole, from our own experience, we believe that a crossing-sweeper's is a far happier life. Smith now contributed to numberless journals, reviews, magazines, and cyclopædias. He published books of essays, of travel, and novels. But like many another man who dies unknown, Mr. Smith soon overtaxed his brain. It is a sad story, but one which is of constant occurrence. At the last his illness developed itself into typhoid fever, and he from whom such great things were hoped and expected, passed away, happily without pain, on the 5th of January, 1867. Mr. Alexander has written his friend's life with both good taste and good judgment. Here and there, however, we have to complain of some misplaced jokes, which Scotchmen are so fond of obtruding, on purpose, we suppose, to show the untruth of Sydney Smith's celebrated saying, but which only go to prove its truth. We must also take exception to some of Mr. Alexander's philology. Here is a curious little bit. "For Banquo's issue have I filed my mind.—Macbeth. One of the constantly recurring instances in which Shakspeare writes excellent Scotch. Filed—dirtied, or, as we say in English, defiled. (p. cxix)." Now if Mr. Alexander had turned to Nares he would have found that "filed" was not merely used by Shakspeare, but by several of the Elizabethan dramatists, as well as by Spenser. The word, which comes from the Old English *fylen*, has to this day never gone out of use in several parts of England. It is to be found in Forby's "Vocabulary of East Anglia," where its form is rightly compared with that of "stroy;" and in Brockett's "North Country Glossary," where this very passage from Macbeth is quoted. In the Appendix Mr. Alexander defends his friend from the charge of plagiarism. Now there are two distinct kinds of plagiarism. The way in which Baron stole from Milton is very different from the way in which Milton copied from Sylvester's *Du Bartas*. And there can be no doubt, as in the case of the lines from Cyril Tourneur, that Smith, like Baron, did reproduce the thoughts of others without improving them. There is a curious instance of this in "Last Leaves." In a Spring Chanson (p. 302) we find the lark called a disembodied soul. Now nobody can fail to be struck with the resemblance of this phrase to Shelley's "embodied joy" as that poet calls the skylark, and Mr. Smith has certainly not improved upon the idea. Many of the charges of plagiarism brought against Smith were undoubtedly frivolous in the extreme. We are not, however, disposed to enter into the controversy. We will only here repeat "Sir John of Grantam's curse for the miller's eel's that were stolne."

" All you that stolen the miller's celés,
Laudate dominum de cœlis;
And all they that have consented thereto,
Benedicamus domino."

And we do not say this merely in reference to Smith, but to another writer whom the public has recently in some quarters been called upon to worship as a poet. With regard to Smith's writings a few years will better decide their place in contemporary literature than any elaborate criticism at the present moment. [Vol. XC. No. CLXXVII.]—New SERIES, Vol. XXXIV. No. I. T

ment. In our opinion, the great defect in his prose writings is his absolute want of knowledge. As Joubert said of a man of imagination without learning, Mr. Smith had wings, but no feet. He made description atone for information. He was simply picturesque. He wrote a book of essays in which pretty phrases do duty for thought. He wrote a book of travels, without having studied either botany or geology. The result is he is always thin. We are not blaming him for this want of knowledge. Circumstances in early life prevented his attaining it. But we blame him for attempting work for which he had no special qualification. This was, however, only one of the sad but inevitable results of becoming a "literary man." He should have remained true to his poetry. There he might perhaps have won a high place. Mr. Alexander's memoir leaves a pleasant impression of the gentleness and amiability of Mr. Smith's character in private life, the kind of character which we should have gathered from the volume of essays. He never appears, as far as we can learn, to have been moved, as so many of the younger minds of the present generation are, by the great religious or political questions of the day. It would have been better for him if he had. This would have given to his writings that earnestness and character which they so lamentably want.

Dr. Charnock's new work,³² like his "*Verba Nominalia*," is very disappointing. Dr. Charnock can lay no claim to the title of a scholar in the true sense of the term. He is a most industrious compiler, but that is all. He has none of the critical power, none of the nice discrimination of a scholar. In the very first place, why does he who sets up to be an English etymologist call his book by such an absurd title as "*Ludus Patronymicus*?" Cannot he find some appropriate term within the wide range of English literature? Why on earth too does he call his preface "*Avant-Courier*?" Such phrases do not so much reveal his knowledge of other languages as his ignorance of his own. Only the Ouidas and the Braddons of literature defile their own language with a motley of phrases which give a general air of Babel and Bedlam to their writings. Scholars, like Mr. Furnivall, are just now endeavouring, instead of "*Avant-Courier*," to restore the good old English term, "*fore-word*," or "*fore-speech*," as Ralph Lever, the Dean of Durham, uses it in 1573, in his "*Art of Reason, rightly termed Witcraft*." Why too does Dr. Charnock give us for his "*Avant-Courier*" five pages of detestable punning? A scholar would be ashamed to degrade his subject in this way. When we examine the contents of the book, this absence of the critical spirit and the tone of the scholar's mind is still more conspicuous. To give Dr. Charnock his due, he has been most industrious. He has consulted various authorities; but he unfortunately pours forth all his knowledge in a half undigested state. His book reads like so much cram. We are seldom certain about anything. He gives us plenty of derivations, but often leaves us to choose which we please. This can be satisfactory to no one. The man of fortune or of business, who has no time for etymo-

³² "*Ludus Patronymicus*; or, the Etymology of Curious Surnames." By Richard Stephen Charnock, Ph.D., F.S.A., F.R.G.S. London: Trübner and Co. 1868.

logy, requires something definite. The scholar is exasperated with meeting a quantity of derivations only one of which, and sometimes none, can be true. When we take up Wedgwood, we feel that we are in the hands of a master. If we disagree from him, Wedgwood can always give us good reasons for his own view of the case. This is precisely what we do not feel when we read Dr. Charnock. He goes mentally "yawing" about. As a sample of what we mean let us take the following:—"Belchamber, Bellchambers. A friend assures me he knows of a William Chambers, who changed his name to Billchambers, of which he says Bellchambers is a corruption." (p. 6.) We do not for a moment doubt the statement of Dr. Charnock's friend. But Dr. Charnock must adopt a very different style of reasoning in order to persuade us that this is the true derivation of Bellchambers. It was his business to show at what period the name first appeared, and to bring what evidence he could to prove that it was not in existence before his friend's time. We might point out other instances of this loose style of derivation. In conclusion, we repeat that the book displays much labour and research, but the absence of the true judicial tone of mind will prevent it from being regarded as an authority. On the other hand, the general reader will find much both to interest and amuse him. There are a great number of anecdotes and scraps of information collected from a multitude of sources.

Of a very different stamp and character are Professor Key's Essays.³³ No one who knows anything of the "Transactions of the Philological Society," can be ignorant of his remarkable contributions to philological science. Many of these papers are now republished, with some changes and additions, in the present volume. It does not require any vast amount of knowledge to give an opinion upon the value of the ordinary run of philological essays and dictionaries, and works like Dr. Charnock's. But there are probably not twenty men in England who are competent to criticise Professor Key's views, and we certainly do not count ourselves among them. A specialist is required in this case. Criticism from any other person is simply presumption. The book, however, is not merely for specialists. Every page is full of suggestive matter, which must interest every man of ordinary culture. Many people too who have paid any attention to some of the subjects, such as that of provincialisms, could probably throw fresh light upon some of the points, as upon such a word as the Lincolnshire "toner" at p. 175. It is obvious, however, that this is not the place for a discussion upon various forms of provincialisms. We must therefore content ourselves with the rather needless task of calling attention to Professor Key's new volume.

Amongst miscellaneous books we may particularly notice Madame Belloc's "La Belle France,"³⁴ which is as tastefully got up as it is written. She writes pleasantly and feelingly about a number of

³³ "Philological Essays." By T. Hewitt Key, M.A., F.R.S. London: Bell and Daldy. 1868.

³⁴ "La Belle France." By Bessie Parkes-Belloc. London: Strahan and Co. 1868.

French towns, like Fontainebleau, with which English people are more or less familiar. At this season of the year no better book can be recommended to any one who is going to France for a holiday trip, and has not made up his mind where to go. Madame Belloc will be found a most excellent guide.

Mr. Booth's collection of epitaphs³⁵ is of the usual order of such books. As a collection it is, of course, from its size very incomplete. The book is sure, however, to be popular. We should advise Mr. Booth to employ the interval between the first and second editions in collecting some more examples. As a contribution to his stock we will add to his long epitaph on Wordsworth (p. 207) a shorter and more amusing one.

"Here lies W. W.,
Who'll no more trouble you, trouble you."

Admirers of Leigh Hunt and William Hazlitt will gladly welcome Mr. Ireland's laborious compilation.³⁶ For the sake of book collectors, we may remark that only two hundred copies of this work have been printed. Its great value, however, lies in showing the utter worthlessness of party-criticism. The men who vituperated Hunt are now utterly forgotten, whilst the story of Rimini is still read and admired. "Salons de T. Thoré"³⁷ has of course lost much of its interest. But as a good specimen of French contemporary criticism upon art, the book is well worth reading.

Lastly we must call attention to new editions of various classics, in the excellent Catena Classicorum series.³⁸ The reputation and high standing of the editors are the best guarantees for the accuracy and scholarship of the notes.

³⁵ "Metrical Epitaphs: Ancient and Modern." Edited by the Rev. John Booth, B.A. London: Bickers and Son. 1868.

³⁶ "List of the Writings of William Hazlitt and Leigh Hunt." Chronologically arranged, with Notes, &c. By Alexander Ireland. London: John Russell Smith. 1868.

³⁷ "Salons de T. Thoré, 1844, 1845, 1846, 1847, 1848." Avec une Préface. Par W. Bürger. Paris: Librairie Internationale. 1868.

³⁸ I. "Aristophanes." Edited by W. C. Green, M.A. "The Clouds."—II. "The History of the War between the Peloponnesians and Athenians." By Thucydides. Books I., II. Edited, with Notes and Introduction, by Charles Bigg, M.A. Demosthenis Orationes Publicæ. Edited by G. H. Haslop, M.A. The Olynthiæ. The Philippicæ. London, Oxford, and Cambridge: Rivingtons. 1868.

THE
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OCTOBER 1, 1868.  
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ART. I.—LANDED TENURE IN THE HIGHLANDS.

1. *Report of Highland Emigration Committee.* 1841.
2. *Report to the Board of Supervision on the Western Highlands and Islands.* By SIR JOHN M'NEILL, G.C.B. Edin.: 1851.
3. *Political Economy and the Philosophy of Government.* By M. DE SISMONDI. London: 1848.
4. *Essays, Historical and Biographical.* By HUGH MILLER. Edin.: 1862.
5. *Our Deer Forests.* By ALEXANDER ROBERTSON, Esq. London: 1867.

A LITTLE reflection will enable one to perceive that an arrangement which placed a very large portion of the soil of a country in a few hands, though generally unfavourable to improvement, would act differently if the country were rich or poor. If there were plenty of capital seeking employment, a part of it would go to the improvement of the land, but if there were very little capital and few towns and manufactures, the monopoly would act most unfavourably. As the owners of entailed estates do not in general save anything out of their incomes, improvements would only come from the tenants, but then, if there were no markets near, and few or bad roads, the tenants would never venture on improvements, the fruits of [Vol. XC. No. CLXXVIII.]—NEW SERIES, Vol. XXXIV. No. II. U

which were distant and might be snatched away by the landlords. If the landlords were poor compared to those in wealthier districts, with whom they associated and wished to hold on a level, they would be watchful in keeping their rents so high that the tenant could save little. If the country on the other hand were wealthy, with good roads and a near market, the redundancy of capital and the rapid returns of sale would stimulate the activity of the farmer, even under the most unfavourable conditions. This is exactly what took place in the three kingdoms. The monopoly of land acted most unfavourably upon the poor and uncivilized districts of the North, and upon Ireland, but told much less heavily upon the richer, more populous, and more civilized parts of Great Britain. To illustrate this, let us take the case of the Highlands of Scotland, which form, at the same time, one of the most deplorable illustrations of the tendency of English jurists to favour the formation of large estates at the cost of justice and expediency.

Even after the Union, heritable jurisdictions, the right of pit and gallows, the privilege of putting men to death, as Buckle terms it, were retained by the larger proprietors of Scotland, not as an office conferred upon them by the Government or people for the maintenance of order, but as a right transmitted along with their land. The formidable insurrection of 1745 following that of 1715, convinced the Government that not only the powers, but the political opinions of the Scotch aristocracy might be dangerous to the public safety, and under the influence of this sentiment their powers were abolished, and a compensation voted for judicial privileges which had often been the occasion of atrocious cruelty. The people of the Lowlands had almost entirely escaped from military vassalage. At the battle of Sheriffmuir a troop of sixty Lowland noblemen, some of whose ancestors could have called out more men than were put in line that day, crossed sabres with the plebeian troopers of George II. But the Gaelic chiefs of the North had raised from their own clans bodies of men equal in strength to whole regiments. The English Government saw that it was necessary to break up the old Celtic system of landed tenure and government, in order to destroy the fidelity of the clansmen to their immediate superiors. The system of clanship was radically and totally different from that of feudal vassalage. The vassal owed service to his lord as a requital for being allowed to occupy a portion of the lands of which the lord was the legal proprietor. The relation between the serf and his lord was that of conqueror and bondsman. The Highland chief took his dignity as the nearest descendant of the common ancestor of the clan, which literally means family. The brother claimed the chieftom before the eldest son, and when the nearest

heir was an infant, he was kept out from his dignity during the whole of his life by the nearest relation most fitted from his age to lead the clan. The mutual tie of protection and fealty was not dissolved by the clansman leaving the territories of his clan. He still paid his *calpich* or dues to the chief when he resided on the lands of another, and held himself ready to follow his brethren into the field.*

It is difficult to state with certainty on what agreement the land was held between the clan and the chief; for it had never been reduced to writing. Still, some broad features of the contract can neither be misunderstood nor gainsayed. The territory of the clan was frequently enlarged by conquest or diminished by unsuccessful feud. In some cases the defeated clan was compelled to pay tribute; in others it was driven off the land or extirpated. The arable land in the North was not great; it was parcelled out to the different members of the clan according to their influence, descent, or valour. By the law of gavel, the property of the clan was divided in certain proportions among the whole male branches of the family. The chief could claim the principal seat of the family, with the lands around it, and the right of superiority over the possessions of the clan. As the country remained in possession of its original inhabitants there were no serfs. The waste land was held in common, and hunting and fishing were free. The chief was the supreme judge, and all were ready to follow him on his military excursions. Setting aside the idea of kindred, these chiefs were, as Macaulay describes them, so many little kings with their courts, their officers of justice, their bards, and their soldiers; but no error could be grosser than that of viewing them as the absolute and unlimited proprietors, not only of the arable land, but of the whole territory of the mountain, lake, river, and seashore, held and won during hundreds of years by the broadswords of the clansmen. Could any MacLean admit, even in a dream, that his chief could clear Mull of all the MacLeans and replace them with Campbells, or the MacIntosh people his lands with MacDonalds, and drive away his own race, any more than Louis Napoleon could evict all the population of France and supply their place with English and German colonists.

The English Government of that day, in its aristocratic selfishness, gave up the common property of hundreds of thousands of clansmen to two or three dozens of men of their own class—as Lord Cornwallis made over the entire breadth of Lower Bengal,

* In proof of the distinction between the landlord and chief, see the "Highlanders of Scotland," by William Skene, London, 1837, vol. i. part i. chap. vii.; and Browne's "History of the Highlands," Glasgow, 1838, vol. iv. p. 401.

the immemorial property of the ryots, to the zemindars, the hereditary farmers of the land-tax; or as Lord Canning gave away the ryots' villages to the talookdars of Oude. The proper course was either to have confirmed and fixed by a permanent settlement the dues payable to the chief from the holders of the land, or to have divided the property of the clan amongst the clansmen, in proportions corresponding to their rank and previous holdings, and to have assigned a larger share to the ancient chiefs as the due amount of the share they held in the original contract. But the claims of the clansmen were entirely left out of consideration, the chiefs declared the only proprietors, and even those estates which had been forfeited in the rebellion were, after a time, restored to the heirs of the rebel chieftains.

The injustice thus done to the body of the Gaelic inhabitants of the North has been the source of innumerable evils to the Highlanders themselves, and heavy concern and loss to the whole British people, and has done something to make other nations doubt the wisdom of our laws.

"If," says Sismondi, "the Counts of Kyburg, of Leutzburg, of Hapsburg, and Gruyères, had been protected by English laws, they would have been now precisely in the condition in which the Earls of Sutherland were twenty years ago; some of them, perhaps, might have had the same taste for improvements, and many republics would have been driven from the Alps to make room for flocks of sheep. But whatever might have been in its origin the right of the counts, the legislation of the whole of continental Europe has not ceased guaranteeing and ameliorating the condition of the feudatories, of the vassals, of the serfs, strengthening the independence of the peasant, covering him with the buckler of prescription, changing his customs into right, sheltering him from the exactions of his lord, and by degrees raising his tenures to the rank of properties. The law has given to the Swiss peasant this guarantee of perpetuity, whilst to the Scotch lord it has given this same guarantee in the British empire, and left the peasant in a precarious condition. Compare the two countries and judge of the two systems."

Truly it is unnecessary to go to a free country like Switzerland for an unfavourable comparison. Alexander of Russia, when he liberated his serfs, turned them into peasant proprietors, and Von Stein and Hardenberg, the ministers of the King of Prussia, rescued the country from French thralldom, military cowardice, and imbecility,—not by ruining the peasantry, but by assuring the tenures of the Bauer landholders, and by removing all restrictions on the sale of the estates.

The full force of this great change in the nature of the property of the clans was not at once felt in the Highlands. The sentiment of allegiance on the part of the clansmen, and paternal attachment on the part of the chief, were slow in disappearing.

The proprietor assigned large portions of land to the inferior gentlemen of the clan on the payment of a certain rent. These tenants, called tacksmen, sublet the land to the poorer Highlanders. It was found convenient still to allow the chief some judicial powers, and warrants were executed by his factor or agent in localities where a sheriff's officer dare not show himself.

To the evils of wholesale confiscation those of entails and primogeniture were added. Most of the large estates finally became entailed, and by marriage, inheritance, and purchase, passed into fewer and fewer hands. Some, indeed, were entailed with debt upon them, which could not be secured against by retrospective statute, and the debt became either the cause or the excuse for the breaking of the entail. Scotch entails, it may be noticed, were, as a rule, much stricter than English ones. Thus the injustice of the original confiscation was perpetuated by law, and the people deprived of all hope of ever regaining a hold upon the soil.

The traditions of the turbulent times before the rebellion of 1745 were slow in disappearing. The people were still half savages, proud and quarrelsome, prone to despise honest industry, unacquainted with the English tongue, speaking a language useless beyond their own valleys and mountains.

The population of the Highlands was small compared with the extent of the country, and as the arts of peace had been totally neglected, they had never emerged from a primeval poverty. According to Sir John Sinclair's "Statistical Account of Scotland," the population of the Highlands and islands in 1755 was 296,377.

The country was wild and mountainous, much of the soil buried under morasses, drift, and boulders. No species of corn could grow a thousand feet above the sea, but the mountain sides were covered with those hardy grasses which could support during a great part of the year innumerable herds of cattle and sheep. The people lived much on milk, cheese, fish, and flesh. They used to bleed their cattle, and mix the blood with their meal puddings. Small crops of oats and barley were raised around their huts. During the time the herring approached the shore to breed, they caught enough for their own use, but did not take advantage of this supply as a branch of trade.

The elder Pitt saw the advantage of employing the military spirit of the North in foreign wars, and recourse was had to the old chiefs to call out the clansmen, who were formed into regiments.

"I am above all local prejudices," said the great minister, "and care not whether a man had been rocked in a cradle on this or the other

side of the Tweed. I sought only for merit, and I found it on the mountains of the North.

"I there found a hardy race of men, able to do their country service, but labouring under a proscription. I called them forth to its aid, and sent them to fight her battles. They did not disappoint my expectations, for their fidelity could be equalled only by their valour, which signalled their own and their country's renown all over the world."

The Highland noblemen, finding this an agreeable way of keeping up their dignity, were anxious to raise recruits. In some cases the tacksmen paid their rent by the number of men they could raise; commissions were obtained for their relations; and land was promised on easy leases to retired soldiers. But when the Government would no longer allow the officers of these corps to be named by private noblemen, the Highland proprietors no longer regarded the soldiers in the light of men who indirectly advanced their own dignity and importance, refused them the leases they expected, and began to consider in what way they might make their estates yield the money necessary to maintain their rank and pretensions among the wealthy nobility of England. Formerly, they had portioned the land into the smallest patches which could support a family, with the design that the surplus male population should be drained into the army. Now, tempted by the large rents offered them by sheep-farmers from the South, they wished to get rid of the inhabitants of the country, in order to supply their place with sheep.

The Duke of Argyll has remarked that, until the introduction of sheep-farming a hundred years ago, the pasture on the higher mountains was entirely lost, and that this change "was as really an addition to the food-producing capabilities of the country, as if the tops of the mountains had been for the first time reclaimed from the ocean." But this only makes the wholesale evictions of the Highlanders the more inexcusable.

"In too many instances," to use the words of Sir Walter Scott, "the glens of the Highlands were drained, not of their superfluity of population, but of the whole mass of the inhabitants, dispossessed by an unrelenting avarice, which will be one day found to have been as shortsighted as it is unjust and selfish."

Just at the time when the Highlanders were in the fair way of becoming a worthy, industrious, and peaceable peasantry,*

* "The Days of the Fathers in Ross-shire," by the Rev. John Kennedy, Edinburgh, 1861, p 15. The article on the Highlands by Professor Leone Levi, in the "Journal of the Statistical Society," vol. xxviii., 1865, contains many useful facts and considerations, and gives some of the bibliography of the question. At a meeting of the Highland Agricultural Society, the Duke of

hundreds and thousands at a time of the occupiers of the soil were swept out of the country which they had preserved against so many invaders, and, as if to refute the calumny that they were an inferior race, many of them emigrated to America, or settled in the southern parts of Great Britain, and proved that under moderately favourable circumstances they could be the successful competitors of the Saxon in peaceful industry, as well as on the battle-field or the breach. The truth is, that in their own country they never had a chance. The measures taken by the powerful landlords were such as would have ruined any population struggling to raise itself from poverty and barbarism.

Mr. Loch, the agent as well as the apologist of the Marquis of Stafford, has in a work,* evidently printed at his patron's expense, given us an account of the improvements which converted the county of Sutherland into a desert. He acknowledges that "the unhappy system of encouraging and fostering a super-abundant population," was resorted to, in order to raise as many men as possible for a family regiment, now illustrious as the 93rd Highlanders, and this over-population was increased by tenants evicted from other districts taking refuge in Sutherlandshire. Mr. Loch accuses the tacksmen of subletting part of the land on exorbitant terms, and exacting services of an oppressive character. Arable land was let out in small patches, and the whole body of tenants was expected conjointly to pay a certain rent. (Loch, p. 50.) "In case default was made by any worthless fellow, he was left to do as he liked, and the industrious and hard-working sober man, who had already discharged his own rent,

Argyle, in the dress of a Highland chief, rose after dinner to defend these clearings, which have swept so many clansmen from their fathers' homes—to plead the cause of eviction, to palliate what he could not defend, and avoid what he could not palliate. He begged his audience to furnish him with facts "to be able more effectually to refute the erroneous statements made by Professor Levi in his paper." Naturally enough, these facts, when they came out, were all sharpened to cut one way; they are the pleadings of an advocate, not the summing up of a judge. In particular, the reader ought to be cautioned against admitting an increased rental as a proof of increased produce and larger exports, or of natural aptitude of soil put to better use. Very often this increased rental merely represents money passed from one man to another for the right of grouse and deer shooting over a tract of land swept of its inhabitants. It is the compensation paid to the owner for the loss of the produce of the soil, and, as Dr. Leone Levi correctly remarked, only indicates the prosperity of a few landed proprietors. In other cases, the greater return of rent comes from the new market for salmon and other fish, which can now be packed in ice and conveyed by steamboats and rail to the great towns of the South, or is simply the result of the increased price of mutton and beef from the greatly increased demand in the South.

* "Account of Improvements in the Estate of the Marquis of Stafford and the Estate of Sutherland." London: 1820.

was called upon and obliged to pay a portion of that due by the idle profligate." It is not surprising that under such influences the people should have fallen into indolent and listless habits. Without any market near, with no roads nor bridges, they were satisfied if they could raise enough of corn to feed themselves and a few extra head of cattle to send to the southern market.

It would be difficult, in the face of conflicting assertions, to determine the precise condition of these simple-minded people. Their own traditions paint the bygone day when they lived in the inland straths as one of peace, content, and plenty, the loss of which they still regret. Mr. Loch depicts nothing but their ignorance and their poverty, their arrears of rent, and the assistance they received from the great family of Sutherland. It may fairly be admitted that their method of agriculture was defective, that they were not sufficiently watchful in checking the growth of their own population, or sufficiently zealous to increase the productive resources of their country. They had no doubt several stages to go through ere they could reach the state of civilization and prosperity which was already the lot of populations who had sooner commenced the march of improvement.

It was perhaps in accordance with the Malthusian maxims of the day (1816), that the Marquis of Stafford, who had become by marriage lord of Sutherland, determined to transport the whole population on his estate of 800,000 acres from the interior to the seashore. In two or three years the work was complete. To make room for thirty-nine sheep-farmers and their five or six shepherds, fifteen thousand herdsmen or small farmers were either driven out of the country, or settled on the seashore, on lots of two acres of unreclaimed land, at 2s. 6d. the acre of rent, on seven years' lease. Though we are told this was alone sufficient for their comfortable support—a statement as evidently incorrect as the one that corn could not be advantageously grown in the interior—they were ordered to betake themselves to the herring fishing. The trade of a fisherman, especially in those northern seas, is uncertain, laborious, and peculiarly dangerous to a novice. Yet the people, poor, uninstructed, and ignorant of the English language, had little choice of their own destiny. In spite of their entreaties, protestations, and passive resistance, they were compelled to build their huts upon the shore and take the small lots provided for them. The other proprietors imitated the example of the "Lord of Sutherland," and chased out their tenants, without however assigning any provision for their future support. Almost the whole of the great county of Sutherland was reduced to a wilderness, tenanted only by sheep, with one shepherd to the square mile.

At the same time, the full rights of possession admitted by

English law had been assumed and insisted upon. The grazings on the hill-tops, the game on the moors, the wood in the forests, the salmon in the rivers—at last the very shellfish on the wild seashore, were declared the sole and exclusive property of one man. These important changes were carried out by agents ignorant of the language and peculiar feelings of the Highlanders; men who did not believe that the absolute “authority of proprietors over their property should be abandoned or sacrificed for the public interest, and from motives which concern the public only.”—(Loch, p. 41.)

Mr. Loch tells of the roads and bridges constructed by his noble patron, when the people that might have benefited by them had been driven away; of the comfortable inns built where the ruined huts of the crofters were overgrown with nettles; of the number of sheep which had displaced the old clans of Sutherland; and loudly proclaims a year after those changes the increased prosperity of the country, or at least of the remaining inhabitants. Time has spared evidence enough to refute his assertions, and has falsified most of his prophecies. The happy results which were to have taken place in the condition of the peasantry are only noticed by those whose credit or prejudices are on the side of the farmer.

Perplexed by the baffling contest of bold assertion and flat contradiction, the writer of this article travelled through the whole of the Highlands, in order to be able to judge for himself, and paid special attention to the state of Sutherlandshire. Impressed by the dismal descriptions of Mr. Loch, he was agreeably surprised by the beauty and varying capabilities of the county, by the forwardness of the crops where arable land existed, and could not help believing that the fine straths in the interior were fit for something better than feeding sheep, and that a happy and prosperous peasantry might have dwelt around these solitary lochs.

At the same time the condition of the people seemed to him very far from being a subject of congratulation. The houses of the peasantry, though looking better on the outside than those in the western Highlands, are poor hovels after all; the floor is the trodden earth, always moist away from the fire, and positively wet in a room where there is none; the walls are damp and cold; often there is no ceiling, or at best some newspapers pasted over a few sticks laid across the roof. Wages are lower than in any other part of the mainland of Scotland;* work is difficult to be

* In 1867 the wages of out-door labourers (the most numerous class in a country like the Highlands without large towns) were from 2s. 6d. a day in Argyle, Inverness, and Ross-shire; in Sutherlandshire not higher than 1s. 8d. Those who worked in the duke's forests got 10s. a week. Regular employment is very difficult to be had all over the Highlands, most of

had, especially in the winter, and the young men and young women have to leave the country to seek for employment far from their native hills. The duke, who is now the possessor of nearly the whole of Sutherland, and also of large estates in Ross and Cromarty, pays more in a year or two for poor-rates than the vaunted liberality of his ancestors gave to relieve a famine when there was no poor-law in Scotland. Parochial relief is generally insufficient; an application for aid can readily be parried by the offer of a ticket of admission to the poor-house, and there is much uncomplaining misery in Sutherlandshire.

The interior of this extensive county is a frightful desert; you can travel thirty miles without passing a living soul, crossing straths whence former chiefs drew hundreds of armed men in support of the Protestant succession, and where the grass-covered furrows of the plough and the half-effaced traces marking the space once covered by human dwellings, still tell the tale of the kind of improvement in which Highland chiefs delight, and for which they get monuments erected to themselves and their agents.

It would be unfair to deny that great improvements have been effected in some parts of Sutherland, especially near Golspie, a village adjoining the ducal castle of Dunrobin. Land has been reclaimed, drained, and embanked; and large surfaces covered with plantations. A considerable number of crofters are still allowed to exist on moderate rents, and there does not appear much chance of the present proprietor shocking public opinion by a resort to the wholesale evictions of his grandfather.

Unthinking people, who observe that all great improvements come from the proprietors, are apt to imagine that in the absence of great proprietors there would be no improvements whatever. But this is only because proprietors exist under a system which renders impossible all initiative save their own. The spirit of enterprise is so nearly associated with that of independence that the one will hardly appear without the other, and the tendency in Sutherland, as indeed all over the Highlands, seems to be to smother both alike. The power of the Dukes of Sutherland is becoming every day more absolute. Feus, for instance, are granted on the condition that after ninety-nine years the house shall belong to the proprietor of the soil; some of them are already lapsing into his hands, and, as might be expected, in a

the people being idle during the winter. In the Lowlands out-door labourers got from 2s. 6d. to 3s. a day, and much more regular employment. The amount raised for parochial relief in Sutherlandshire in 1867 was 5958l., half of which is paid by the proprietors; there were 1202 paupers and their dependents to a population of 24,157, being about 5 per cent.

neglected and ruinous condition. Placed by fortune, and the arrangement of our laws of entail and primogeniture, above the ordinary inducements which lead men to try to increase their incomes, the Dukes of Sutherland aim at power as well as profit, and had it not been for the large English estates of the Leveson Gower family, they would have been reduced to penury by their own improvements, and by the great cost and difficulty of getting them executed. Indeed, it is only within a few years that the rent has risen much above the outlay of their northern estates; and, if we are to trust the tradition of the inhabitants, the people are worse off than they were before the clearings. In Sutherland there are no towns, no newspapers, no political independence. Dornoch, the county "town," has only six hundred inhabitants; the county has only one hundred and eighty-one electors; and under the new Reform Bill, according to Mr. Laing, will only have one hundred and eighteen more. Everywhere are found proofs of the stagnant condition of a country the entire property of one single individual, who guards his fishings, his hunting-grounds, his pasturage, and even, it is said, his political supremacy, with the ever-ready penalty of eviction; who adds to the penalty of the law against the poacher arbitrary and ruinous sentences of fines or banishment from the county. And let it be well remembered that it is to no unfavourable instance reference has been made. The evictions in Sutherlandshire were perhaps carried out in a milder form than anywhere else; and the family of Leveson Gower has never betrayed the mean and grasping spirit of so many Highland proprietors. The present duke, though the heir of a bad system, is in many things a generous and liberal-minded man. He has entertained in his princely mansion the noble soldier of democracy, and does much both to improve the county and to help the poor on his estates. Still, the benumbing result of everything having to wait for the attention and determination of one man, the want of confidence following insecure and uncertain tenure and doubtful interests, leaves a blight which cannot be healed save by the removal of its cause.

Caithness is a county more level indeed than Sutherland, but more northerly and more exposed, with a soil which is often poor and peaty; nor is it free from the mischief of entails. But it is divided in a more equal manner amongst proprietors. With good farms of arable land, and supporting a considerable crofter tenantry, it is now in a much more flourishing condition than the duke's shire. Rent for land is from twice to four times higher; wages are better; work is easier to be had. There are considerable towns and villages, good farms of arable land, public enterprise, political independence, newspapers, and a spirit of progress and improvement not met with in the

great pastoral desert of Sutherland. It is even doubtful whether these cruel and arbitrary evictions have tended to increase in the long run the rental of the proprietors; and it is said that the family for whose exclusive benefit so many hearthstones were made cold, themselves regret the inconsiderate and precipitate changes which half a century ago caused such widespread and lasting misery.* Had the Marquis of Stafford, or the other great proprietors, who before him thought, or pretended to think, themselves justified in treating the Highlander as a noxious weed upon his own soil, visited Norway, they would have found amongst a people living even at a more northern latitude the prosperity and comfort which they seem to have believed impossible in the Highlands of Scotland, though directed by intelligent factors, the satraps of noble landlords. But, then, these Norwegian peasants had an interest in the soil, the right of proprietorship, which, in the words of Arthur Young, "turns sand into gold." They knew that they would reap the benefit of every change they made, and that if they reclaimed a piece of land, there was no one to raise the rent when the improvement

* This is confidently stated in a work of some authority, Anderson's "Guide to the Highlands." Edinburgh, 1751, pp. 20, 40, 459. See, also, the edition of 1863, p. 560. Dr. Norman Macleod, in his "Reminiscences of a Highland Parish" ("Good Words," 1863, since republished in a separate form. London, 1867), gives some striking facts illustrative of the loss and misery caused by these clearings. The article, "Tacksmen and Tenants" (May, 1863), is especially worthy of attention. The one small island of Skye, during the wars following the French Revolution, sent forth 10,000 soldiers, and 669 commissioned officers. "Now the Highlands furnish few soldiers or officers. The parish which once had a population of 2200 souls, and received only 11*l.* per annum from public (church) funds for the support of the poor, expends now under the poor-law upwards of 600*l.* annually, with a population diminished by one half, and with poverty increased in a greater ratio." The testimony of Hugh Miller is equally emphatic, and certainly goes to shake the credit of the Duke of Argyll. Let us give two extracts from his "Essay on the Highlands:"—"The Highlander was never wealthy—the inhabitants of a wild mountainous district formed of the primary rocks never are. But he possessed, on the average, his six, or eight, or ten head of cattle, and his small flock of sheep, and when—as sometimes happened in the high-lying districts—the corn crop turned out a failure, the sale of a few cattle or sheep more than served to clear scores with the landlord, and enabled him to purchase his winter and spring supply of meal in the Lowlands."

"In truth, the golden age of the Highlands was comprised in that period which extended from shortly after the suppression of the rebellion of 1745, and the abolition of the hereditary jurisdictions, down to the commencement of the clearance system."—p. 209.

"So far as we could see, the effects of recent emigration had not been favourable. The poor-rates were heaviest in the districts from which the greatest numbers had emigrated."—p. 215. See "Essays, Historical, Biographical," &c., by Hugh Miller. Edinburgh: 1862.

The inquiring reader will find much information in an able series of articles in the *Times*, June, 1845; and in the Letter to Sir John M'Neill on Highland Destitution, by W. P. Alison, M.D. Edinburgh: 1851.

was completed, or turn them out, to reap the fruits of their savings and labour. The truth is, the Highlanders could not improve, because a necessary element in the improvement of the country from its poor and barbarous condition was wanting. They had no capital, and could only acquire it by patient industry, either upon their own land or on very long leases; for nothing but certainty in the tenure could counterbalance the uncertainty of the climate. The crofts were too small to allow of their living with decency, or indeed to allow of their always paying their rent; and with the recklessness of misery they yielded to temptations held out to them, and increased population without a due regard to the means of subsistence, which, like most people dependent on the goodwill of others, they did not nicely calculate.

In considering whether the Highlands were over-peopled, we must distinguish two questions, which some have tried to mix into one. Were particular localities over-peopled? And was the whole country over-peopled?

It would be absurd to deny that in some places population had increased with astonishing rapidity. This was especially true of the Western Islands, where the condition of the people, cut off from communication with the rest of the world, has been, and still is, more miserable and degraded than in any other part of Great Britain, and where the number of births seemed to be promoted, not only by the thoughtlessness and ignorance of the people, but by an unusually high rate of fecundity. The introduction of the potato served for a time to feed a greater number of mouths, and the kelp trade giving employment to thousands during several months in the year, helped the islanders to live upon their tiny crofts; but it at last failed, owing to the substitution of Spanish barilla, and the discovery of a new process for converting the muriate of soda into the carbonate. As long as this trade was profitable, the landlords were willing enough to check the emigration which their own evictions had set a-going. In 1810 they got the Passenger Act through the legislature, in order to present a bar to emigration, which they never regarded as beneficial to their tenants till it began to appear advantageous to themselves. The potato disease in 1846, though its bad effects were at first exaggerated, undoubtedly caused much loss and misery amongst the people.

As the interior of the country became cleared of its inhabitants, the people in the districts on the sea-coasts, and the inhabitants of the valleys which had not yet been turned into sheep-farms, began to suffer from the consequences of what was going on in their neighbourhood. The price of labour fell, and crofts were more difficult to be had, from the competition of the evicted wanderers. A population too numerous at one point

naturally relieves itself by occupying less densely inhabited ground, and reclaiming and improving it; but this in the present case was impossible. The fact that there was much poverty in many of those localities where the old crofter population was, as it were, blockaded, has been absurdly used as an argument to justify their banishment from the ground they still occupy. Let the peasantry be expelled from the Highlands, and then poverty will cease. Clear the country of the crofters, and you have no names on the poor-roll. Kill the patient, and you check the advance of the disease. Such is the grand heroic treatment of the Duke of Argyle.

Whilst it is not denied that certain parts of the Highlands had become over-peopled, one ought to be very cautious in admitting that extreme misery on the part of the labouring classes is a sign that a country is in a state so hopeless as to justify their deportation, or that it is easy to estimate all the possible means of subsistence of which, under favourable circumstances, an industrious people might avail themselves. Those who take up such a view lay much stress upon the miserable condition of the Gaelic crofter, and yet there is every reason to believe that, at corresponding periods of the progress of society, the Lowland peasant was in a much more miserable condition than the Highland one.* We might even go further, and hold, with Hugh Miller,

* Read the picture traced by the celebrated Andrew Fletcher of Saltoun, of the condition of Scotland at the end of the seventeenth century:—

“There are at this day in Scotland (besides a great many poor families very meanly provided for by the church boxes, with others who by living on bad food fall into various diseases) 200,000 people begging from door to door. These are not only no way advantageous, but a very grievous burden to so poor a country. And although the number of them be, perhaps, double to what it was formerly, by reason of this present great distress, yet in all times there have been about 100,000 of those vagabonds who have lived without any regard or subjection either to the laws of the land, or even those of God and nature; fathers incestuously accompanying with their own daughters, the son with the mother, and the brother with the sister. No magistrate could ever discover or be informed which way one in a hundred died, or that ever they were baptized. Many murders have been discovered among them, and they are not only a most unspeakable oppression to poor tenants (who if they give not bread, or some kind of provision, to perhaps forty such villains in one day, are sure to be insulted by them), but they rob many poor people who live in houses distant from any neighbourhood.”

This estimate of 200,000 vagrants is surely too high. Fletcher calculated the population of Scotland in his time at one million and a half; it was probably no greater than a million. He remarks in another place:—“There have always been in Scotland such numbers of poor as by no regulations could ever be orderly provided for.”—“Two Discourses concerning the Affairs of Scotland.” Edinburgh: 1698. Discourse ii. p. 3.

Again he observes:—“Nevertheless, were I to assign the principal and original source of our poverty, I should place it in the letting of our lands at so excessive a rate as makes the tenant even poorer than his servant whose wages he cannot pay, and involves in the same misery day-labourers, trades-

that no later than the end of the last century the Highland peasant was much better off than his brother in the Lowlands. What would have happened if the same policy of wholesale evictions had been practised in Fife and the Lothians, as in Ross and Sutherland, or if the valley of the Clyde had been the entailed property of one man, fearful of losing his political power by granting feus? No doubt evictions have taken place to a certain extent all over Scotland, yet he would be a clever man who could trace the prosperity of the Lowland counties to any forced diminution in their rural population.

Had the Gaels not been stripped of their inheritance, had they not been prevented from gaining a secure hold on the land and spreading themselves over it, had their energies not been cramped by bad laws and foolish taskmasters, there is reason to believe that their country could have fed them all. Had the peasantry been the proprietors of the Highlands, the rents paid to maintain the profitless expenditure of absentee landlords would have been in great part expended in the improvement of the soil. Instead of the listlessness of discouragement and despair, we should have had the frugal and industrious character which everywhere marks the peasant proprietor, and some branch of manufacture might have been adopted which would have saved the idle days lost from bad weather; emigration would, no doubt, have taken place from different parts of the Highlands as from the rest of Great Britain, but it would have been resorted to by the people themselves from their own choice and convenience, and been thus narrowly measured by their real wants and necessities, and by the food-producing capabilities of the country, determined by fair experiment under favourable conditions.

Well, the depopulation remedy has been tried, not thoroughly enough, says the Duke of Argyle, but as most men think on a great scale, boldly and pitilessly; and has it effected a radical cure of the disease? The Gaels, rooted from the dawn of history on the slopes of the northern mountains, have been singled out and thrown away like young turnips too thickly planted. Noble gentlemen and noble ladies have shown a flintiness of heart and a meanness of detail in carrying out their clearings, upon which it is revolting to dwell; and after all, are the evils of overpopulation cured? Does not the disease still spring up under the very

men, and the lesser merchants who live in the country villages and towns, and thereby influence no less the great towns and wholesale merchants, makes the master have a troublesome and ill-paid rent, his lands not improved by enclosure or otherwise, but, for want of horses and oxen fit for labour, everywhere run out and abused."—p. 34.

See also "M'Culloch's Statistical Account of the British Empire." London: 1837. Vol. i. pp. 587—590.

torture of the knife? Are not the crofts slowly and silently taken at every opportunity out of the hands of the peasantry? The young men and young women are either forced by want of regular employment and of proper remuneration to leave their homes, or they are deported by the Malthusian watchfulness of "factors." When a Highlander has to leave his hut there is now no resting-place for him save the cellars or attics of the closes of Glasgow or some other large centre of employment; and it has been noticed that the poor simple Gael is even more liable than the Irishman to sink under the debasement into which he is then immersed.

Malthus regarded poverty and misery as the natural checks to overpopulation; and no doubt they are, amongst savage nations. But, even in a country like India, where thousands every year die of starvation, the prevalence of hopeless poverty instead of being a check is really an incentive to reckless marriages. In the very poorest families in India the desire of having children is much increased by the hope of their providing for their parents in their old age. This is well enough illustrated by a Hindustani story. A man being asked why he made ten loaves a day, answered, "I eat two, I give two, I pay back two, I lend two, and I throw two away." The two he gave were to his wife, the two he paid back were to his father, the two he lent were to his son, and the two he threw away were to his mother-in-law. It is by increasing, not by diminishing, the well-being of a people, that the mischief of imprudent marriages and too large families is to be avoided. Besides, we must remember that with the poor-law it has become almost impossible for any one in these islands to die of starvation, consequently the check upon which Malthusians would rely is wanting.

The remedies we are trying are eviction and emigration; where these are not sternly and steadily employed, they rather stimulate than keep down excess of population;* but they have been applied with sufficient vigour to cause the population of the Highlands to sink from 296,377, which it was in 1755, to 233,583 in 1801; in 1861 it had risen again to 275,264.

Yet, in spite of the reckless vivisections of bungling theorists upon the body politic, men are beginning to suspect that the selfish interests of the proprietors, as well as those of the state, might have been better served by milder remedial measures. Small

* As an example of this the population of Lewis, in 1851, was 19,694; during the next three years 1772 were sent away at the proprietor's expense, but in 1861 the population was 21,059. In Barra the population in 1851 was 1870; in 1852, 400 were removed, but the population was found in 1861 only to have diminished by 11.—See Article on the Progress of the Hebrides in "Edinburgh Journal of Agriculture," January, 1868.

tenants, each with a little arable land, and raising black cattle and sheep, might have paid a better rent than the great stock-farmers.* The Highlander, who rarely takes kindly to fishing, is frugal and industrious, if he gets a croft on anything like a sure tenure. We are well assured of instances in the northern Highlands, where mere tenants-at-will, who have been left undisturbed on their little crofts of seven or eight acres, with the right of cutting peat and grazing, have not only kept themselves and their families, but put four or five hundred pounds into the bank, which, under a different system of tenure, would have been devoted to the purchase of their farms; and even as far north as Caithness, families of crofters can be induced to reclaim the peat land by the promise of a nineteen years' lease, at the end of which they are generally dispossessed, and the reclaimed land added to the nearest large farm. One would scarcely think corn cultivation would pay in these northern regions, but there are large arable farms even in Orkney.

Were we disposed to take advantage of a statement, the correctness of which is more than doubtful, the assertion of the Duke of Argyle, that for *one* acre under tillage before the clearings there are now *ten*, might be easily turned against himself. There is no doubt, however, that a good deal of land has been reclaimed in some places on the coast by the simple and obvious process of draining the lower valleys into the neighbouring lochs. On the other hand, we have frequently noticed land which had once been under the plough, again bearing the rush and the water-flag; once more the retreat of the frog instead of the corn-crake. Wherever his grace's view is adopted, that leases ought not to be given to the smaller class of tenantry, it is easy to understand why drainage, even of the simplest kind, can only be attempted by the larger farmers or by the proprietors themselves. The duke admits the existence of "a thriving class of crofters" in Ross-shire, who have effected extensive improvements "generally under nineteen years' leases."

These small crofters are of great use both to the stock-farmers and the possessors of forests, in supplying the intermittent labour which they need. Far from small crofts and sheep-farming being incompatible, they seem to require one another. The present system of sheep-farming is wasteful and improvident, because it is planned so as to dispense with the necessity of

* Sir James Mathieson has been for eight years trying an experiment on his estate in Ross-shire. He has settled families, with good-sized crofts and grazing for black cattle and sheep, on the same strath whence the first clearings had been made. I believe the experiment has been successful. The people are sober and industrious and well-doing, and pay their rents.

human labour. It is a return towards barbarism. The number of sheep kept upon a tract of land is fixed, not by the number that could be maintained during the summer, but by the number which could survive the winter. The farmer does not attempt to grow turnips, or to make hay sufficient to feed his flocks over the cold season. The sheep browse upon the tops of heather which are left uncovered by the snow, or laid bare by the drifting winds; and if the snow be too deep or lie too long, they are driven into the Lowlands to seek for the provident supplies of the farmers of arable land. Sometimes the flocks are actually driven northwards from the great desert of Sutherland into the more populous county of Caithness, where turnips can be had to feed them.

No doubt some of the expatriated Highlanders were gainers by the rude wrench which tore them from their native soil; but the gain was to themselves, the loss to the country. A frugal and industrious population, living on its own produce, spending little, and carrying little to market, may be thought a useless encumbrance to a nation of manufacturers and merchants, but they furnish the best nursery for brave and hardy soldiers, as well as a reserve for labourers of all kinds, when wages rise to a tempting height. And as what they produce goes directly to feed themselves, they never derange the market by misplaced production or inordinate competition. We have to balance this against an increased money rent coming in to a few great noblemen; for there can scarcely be any increased overplus of food. On estimating by the best chemical and physiological data the alimentive value of the food produced by the sheep-farmers in the North, it appears that it would not nearly suffice to maintain the population of the country, though it might buy a great deal more wheat or oatmeal than they could consume. What the Highlanders want now, above all things, is room to extend themselves. The interior of the country, containing many rich and fertile straths, is almost unpeopled, and the population distributed along the coast. The land is in the fetters of entail, the property of a few monopolists.

It may be true, as the Duke of Argyle has pointed out, that there are still more middle-class tenants in the Highlands than in many parts of the Lowlands, where, however, there are many other sources of employment, and, as we do not believe the existence of very large farms an advantage to a country, we are glad to learn that the Duke of Argyle is disposed to maintain on his estates the existence of the small farmers, a worthy and useful class of men. But as a general rule, the tendency seems to be to increase the large farms at the expense of the small ones; and if the small ones keep up their existence at all, it will

be at the expense of the crofters. It is thus perfectly true that the Gaelic peasantry are still losing, as they have been losing, the occupancy of the land, and have no hope of bettering their condition save by leaving their country to the sheep and deer. We do not deny that improvements are going on here and there ; but taking it all in all, the Highlands do appear to be in a stagnant and backward condition, and that owing to causes already indicated the resources of the country are far from being properly worked out.

Of late years deer forests have to a great extent displaced the sheep walks ; and, though they scarcely make the country more desolate, they certainly render it more unproductive. After some discussion it has been fairly proved that deer on a given tract of land produce much less flesh than sheep, besides giving no wool. Wandering about guarded by keepers, and protected by trespass laws administered so as to act as game laws, these brutes render futile all attempts to cultivate the land on the places near their haunts. The very grouse are shot down lest their taking wing should alarm the timid quarry of the approach of the hunter.

The system of keeping immense tracts of land in the hands of a few proprietors, under the idea that they would make arrangements most conducive to the good of the whole community, has ended by reducing above two millions of acres* to the same desert state in which it was before man set his foot upon the country. This is the very *reductio ad absurdum* of what Sismondi has called the Chresmatistic school. Many of the deer forests include land reclaimed for the plough ; and a considerable portion of them are well fitted both for feeding sheep and growing timber. Large sums are paid by the monied men of the south for the right of hunting over these artificial wildernesses. We know an instance where four thousand pounds per annum were paid for the right of shooting in a forest. The spread of the fashion for hiring shooting-grounds in the North is regarded with dismay by the friends of the Highlanders. Vattel has remarked that the "sovereign ought to neglect no means of rendering the land under his obedience as well cultivated as pos-

* See a pamphlet styled "Our Deer Forests," by Alexander Robertson, Esq. London, 1867, pp. 18, 22, 23. Mr. Robertson calculates that one deer replaces four sheep ; and Captain Ross, the advocate of the deer-slayers, calculates each deer as equal to two sheep. The loss in food would thus be equal to that of 200,000 sheep. This, however, is assuming that a deer arrives at maturity as soon as a sheep, and that it is killed whenever it is fit for food. Besides, the deer bears no wool. But the truth is that deer forests do not repay the outlay expended on them in the shape of keepers, &c., and, as far as the rest of the nation is concerned, they might as well be submerged under the ocean.

sible ; he ought not to allow either communities or private persons to acquire large tracts of land in order to leave it uncultivated ;" then we may well call upon the legislature to check an evil which is becoming greater and greater every day.

It is pleasing to know that, under so many difficulties and hardships, there has been a great improvement in the habits, if not in the circumstances, of the people. Disposed to cling to Catholicism after it had been abandoned by the rest of our island, the Highlander is now almost fanatically attached to Calvinism. Open-air preachings, such as are now no longer to be met with in the south of Scotland, are still common in the north. The administration of the Lord's Supper is regarded with peculiar awe and solemnity, and attracts large numbers of people from distances of twenty and thirty miles. Many of these are not communicants. Scenes of frolic, and even of drunkenness and immorality, remind one of Burns' description of Holy Fair, a poem which satirizes disorders now no longer to be seen in the Lowlands.

The influence of the lay-catechists or preachers called the "men," though somewhat on the wane, still overshadows that of the regular clergy, just as the bone-setter is more in request among the lower orders than the country doctor. At the disruption the Highlanders showed the little love they bore for the landed proprietor by warmly espousing the cause of the Free Church, which everywhere has the ascendancy over the Establishment ; but so exclusively was the soil in the hands of the Tory nobility that in many parishes it required a parliamentary inquiry, with the prospect of parliamentary interference, to obtain for the people a few yards of barren ground on which to build a church to worship God after their own fashion.

The Highlander is still quarrelsome and pugnacious, but great crimes are rare, though from the thinness of the population and the distance of magistrates, small crimes frequently go unpunished. Though habitually sober, he occasionally gets drunk. Theft is rare, but want of veracity is noticed by observers who have had full opportunities of studying them as one of the besetting sins of the Highlander, though, owing to the depth of his religious feelings, he shrinks from perjury.

No one acquainted with the painful exigencies of their cause will be surprised if the advocates of the system, which holds the whole of the Highlands divided into estates, sometimes considerably larger than English counties, are ready to trace any improvement in the condition of the peasantry to the influence of the large proprietors ; nor is it necessary to deny that a certain amount of improvement may occasionally be met with in the Highlands, as everywhere else, under the all-penetrating influence of this

advancing age. With the aid of steam navigation, the great cities and flourishing manufactories of the Clyde afford a good market for the produce of the whole western Highlands, draw away thousands of workmen, and raise the reward of labour. Accordingly, wages are higher in the western side of Scotland. We have been assured by an old road-surveyor at Fort William that twenty years ago it was as easy to get a man for sixteen-pence a day as now to get one for two-and-sixpence. Work at the same time was still very difficult to be had during a great part of the year, and out-door labourers seldom made more at any time than ten shillings a week, on which they maintained their families. The old habit of going to the South to seek employment during part of the year is no longer so profitable, from the increased use of machinery in farming. The necessity of leaving the crofts comparatively uncared for during so many months led, as Sir John McNeill has remarked, to a bad system of cultivation.

A Highlander never voluntarily leaves his croft to become a day-labourer, and now-a-days he rarely enters the army. Retired officers and pensioners are dying out all over the North. The people generally live on meal, potatoes, milk, and herrings. In the winter time milk is scarce, and their dietary is almost exclusively vegetable. Tea is now much used everywhere. In many parts of the country, such as Ross-shire, part of Argyleshire, and the Hebrides, the people seem to have a dislike to pigs—at least they keep few or none.

Before the passing of the Scotch Poor-law in 1845, the condition of those reduced to apply for charity was most heartrending. The results of this well-framed and beneficent measure have fully justified the wisdom of Professor Alison, and so far from there being any waste of money, or over-indulgence to paupers, nothing would be easier to prove than that the sums allowed are generally insufficient, and that the evils complained of are inseparable not only from any poor-law, but from any system or practice of charitable relief whatever. The benefits to the poor of the Highlands have been particularly marked, as they had little to expect from the charity of the rich, and especially after bad seasons had little to share with one another.

It was the desire of the landlords, who moved the population from the interior to the coasts, that the Gael, leaving the land to the sheep and the deer, should live by pursuing the herring and cod fisheries; and it has been remarked that the Highlanders have been slow in availing themselves of the inexhaustible riches of the ocean. No doubt there is a certain amount of truth in this accusation, though it is surely going too far to assert that the Celt has an insuperable dislike to fishing. The Breton

navigators were the first who had explored the coasts of Newfoundland in search of the cod ere an English colonist set foot in Virginia.

When residing two or three days at Brora, in Sutherlandshire, the present writer saw a small village situated on the sandy downs, part of which were covered with fishing-nets stretched out to dry. There was neither garden nor field near the houses, but fishing-boats lay hauled upon the beach. So then he thought Mr. Loch must have been successful in forcing some of the people to change their mode of life; but, on inquiry, he found that, though Highlanders, they had almost all come from the opposite coast of Moray, or other parts of the North. The descendants of those expelled from the upland straths were still living on the little plots allowed to them, and rarely took to the sea at all.

Fishing, like everything else, is most successfully cultivated by those who make it the business of their lives, and no considerable part of a population can depend upon it for subsistence, unless they have a large and near market, which cannot be in a depopulated country. Large sums may no doubt be gained by the fishermen during a part of the year, but this seldom leads to any improvement in their habits. The inhabitants of those fishing villages which exist in the Highlands are almost always more ignorant and less moral than the crofters; they are dirty in their habits, and wasteful, reckless, and dissipated in their mode of life.

The Highlanders have, much to their credit, shown a lively desire to take advantage of the means of education afforded to them by the parish schools and various charitable societies. Much, it is true, remains to be done, but considering the poverty of the people, and the great distances which the children have often to go to schools, it is wonderful how much has been done. The number of people who can sign their own names is stated to be, in the Highlands, men 70 per cent., women 53 per cent.; in the Lowlands, it is men 90 per cent., women 80 per cent.; and in England, men 76 per cent., women 66 per cent. The Gaelic language, though still the mother-tongue of the great body of the Highlanders, is gradually falling into disuse. The people themselves have the sense to perceive, and the honesty to acknowledge, that it is one great obstacle to their improvement and advancement in life. The Gaelic never had any literature save a few songs and fragments of heroic poems, hence the poor Highlander has to learn a second language before he can acquire the means of instruction. Almost every one on the mainland can now speak English more or less correctly.

When all other arguments fail, the enemy of the Gael falls back upon an assertion, which it is easy to make, and equally difficult to prove or disprove, that the Celt is a member of an inferior race. This undefined inferiority, be it understood, logi-

cally demands that the Highlander should be set to work at a rack rent on an uncertain tenure, that he should be dependent on the will of a great proprietor, and, if he does not work sufficiently hard under these unfavourable conditions, that he should be mercilessly chased off the land, and sent away to America or Australia, where his race does not seem to keep him below the rest. Or if the Highlander work hard and improve his little croft, inferiority of race justifies the prompt raising of his rent. Insecurity of tenure seems to us to account for the indolence of the Gael, perpetual tutelage for his want of self-reliance.

Certes, a Highlander is a very different animal from an Irishman or a Welshman. And what is common between any and all of these, and the Cornishman, the Breton, the Auvergnat, or dweller in the Haute Saone? There may be something common to them all; something different from average Saxon, from average human nature; perhaps a certain clinging to old ideas and customs, combined with a greater sensibility and impulsiveness of character, a peculiar sacredness given to the claims of blood-relationship; greater fervour in religion, without any additional strictness in morals. But vague generalizations like this, mere wreaths of guess-work, must not be brought forth as an excuse for the results of unwise and unjust legislation.

Those easy philosophers, who account for everything by the peculiarities of race, ought to inquire whether the Lowland Scotch are not of the Celtic race as well as the Highlanders. Admitting a Saxon element in the population of the Lothians, is there not sufficient historical proof that the people of Galloway, Fife, and indeed all Scotland beyond the Forth, save Caithness-shire, are mainly derived from the great Celtic stock? And yet the people of Fife and Galloway are as industrious and prosperous as are those of Lothian or Berwickshire. Fife has been declared, both by Penant and Chambers, to be one of the most populous and flourishing counties of Scotland, and Dumfriesshire is also in a happier condition than most Scottish shires. No better reason can be assigned for the prosperity of their inhabitants than that the land is more equally divided than in the other parts of the kingdom.

It has been thought necessary to review the whole history of landed tenure in the North, from the abolition of heritable jurisdictions in 1746, not to pain the reader with useless regrets, much less to revive obsolete claims; but it is surely justice to the Gael, who has suffered a wrong from which history proves a people cannot quickly recover, that this original wrong should not be kept alive by those laws of entail and primogeniture which still hold the people as tenants on their own soil, and prevent their hoping to own the land they inhabit and cultivate. It is true, many of the estates are so enormous, that it would

require several generations ere they could be reduced by the natural process of inheritance to anything like reasonable proportion; but, if we count upon the effects of extravagance, and the exigencies of fashionable life, it seems probable that at least a moderate proportion of the Highlands would soon pass out of the hands of their present owners, and, as in the case of the sale of encumbered estates in Ireland, would come into the hands of smaller proprietors. This is merely proposing that the laws of political economy should be allowed to take their course. Much good may come from the subject being thoroughly discussed and public opinion being awakened; but we have neither leisure nor room to enter more deeply into this part of the inquiry. The only direct interference on the part of the legislature which appears absolutely necessary, is some law to prevent too large a proportion of the land in the North being turned into deer forests. Otherwise, a great part of the estates in the market would at once be bought by monied men from the South, and reduced to a wilderness, and so far from any benefit resulting from the abolition of entails, the case of the people would be made worse.



ART. II.—POEMS BY WILLIAM MORRIS.

The Defence of Guenevere: and Other Poems. By WILLIAM MORRIS. 1858.

The Life and Death of Jason: a Poem. By WILLIAM MORRIS. 1867.

The Earthly Paradise: a Poem. By WILLIAM MORRIS. 1868.

THIS poetry is neither a mere reproduction of Greek or mediæval life or poetry, nor a disguised reflex of modern sentiment. The atmosphere on which its effect depends belongs to no actual form of life or simple form of poetry. Greek poetry, mediæval or modern poetry, projects above the realities of its time a world in which the forms of things are transfigured. Of that world this new poetry takes possession, and sublimates beyond it another still fainter and more spectral, which is literally an artificial or "earthly paradise." It is a finer ideal, extracted from what in relation to any actual world is already an ideal. Like some strange second flowering after date, it renews on a more delicate type the poetry of a past age, but must not be confounded with it. The secret of the enjoyment of it is that inversion of home-sickness known to some, that incurable

thirst for the sense of escape, which no actual form of life satisfies, no poetry even, if it be merely simple and spontaneous. It is this which in these poems defines the temperament or personality of the workman.

The writings of the romantic school mark a transition not so much from the pagan to the mediæval ideal, as from a lower to a higher degree of passion in literature. The end of the eighteenth century, swept by vast disturbing currents, experienced an excitement of spirit of which one note was a reaction against an outworn classicism severed not more from nature than from the genuine motives of ancient art; and a return to true Hellenism was as much a part of this reaction as the sudden pre-occupation with things mediæval. The mediæval tendency is in Goethe's *Goetz von Berlichingen*, the Hellenic in his *Iphigenie*. At first this mediævalism was superficial. Adventure, romance in the poorest sense, grotesque individualism—that is one element in mediæval poetry, and with it alone Scott and Goethe dealt. Beyond them were the two other elements of the mediæval spirit; its mystic religion at its apex in Dante and Saint Louis, and its mystic passion, passing here and there into the great romantic loves of rebellious flesh, of Lancelot and Abelard. That stricter, imaginative mediævalism which recreates the mind of the middle age, so that the form, the presentment grows outward from within, came later with Victor Hugo in France, with Heine in Germany.

The *Defence of Guenevere: and Other Poems*, published ten years ago, are a refinement upon this later, profounder mediævalism. The poem which gives its name to the volume is a thing tormented and awry with passion, like the body of Guenevere defending herself from the charge of adultery, and the accent falls in strange, unwonted places with the effect of a great cry. These Arthurian legends, pre-Christian in their origin, yield all their sweetness only in a Christian atmosphere. What is characteristic in them is the strange suggestion of a deliberate choice between Christ and a rival lover. That religion shades into sensuous love, and sensuous love into religion, has been often seen; it is the experience of Rousseau as well as of the Christian mystics. The Christianity of the middle age made way among a people whose loss was in the life of the senses only by the possession of an idol, the beautiful idol of the Latin hymnwriters, who for one moral or spiritual sentiment have a hundred sensuous images. Only by the inflaming influence of such idols can any religion compete with the presence of the fleshly lover. And so in these imaginative loves, in their highest expression the Provençal poetry, it is a rival religion with a new rival cultus that we see. Coloured through and through with Christian sentiment, they are rebels against it. The rejection of

one idolatry for the other is never lost sight of. The jealousy of that other lover, for whom these words and images and strange ways of sentiment were first devised, is the secret here of a triumphant colour and heat. It is the mood of the cloister taking a new direction, and winning so a later space of life it never anticipated. Who knows whether, when the simple belief in them has faded away, the most cherished sacred writings may not for the first time exercise their highest influence as the most delicate amorous poetry in the world?

Hereon, as before in the cloister, so now in the chateau, the reign of reverie set in. The idolatry of the cloister knew that mood thoroughly, and had sounded all its stops. For in that idolatry the idol was absent or veiled, not limited to one supreme plastic form like Zeus at Olympia or Athena in the Acropolis, but distracted, as in a fever dream, into a thousand symbols and reflections. Quite in the way of one who handles the older sorceries, the Church has a thousand charms to make the absent near. Like the woman in the idyll of Theocritus—

. . . . ἔλκε τὸ τῆνον ἐμὸν ποτὶ δῶμα τὸν ἄνδρα,

is the cry of all her bizarre rites. Into this kingdom of reverie, and with it into a paradise of ambitious refinements, the earthly love enters, and becomes a prolonged somnambulism. Of religion it learns the art of directing towards an imaginary object sentiments whose natural direction is towards objects of sense. Hence a love defined by the absence of the beloved, choosing to be without hope, protesting against all lower uses of love, barren, extravagant, antinomian. It is the love which is incompatible with marriage, for the chevalier who never comes, of the serf for the chatelaine, the rose for the nightingale, of Rudel for the Lady of Tripoli. Another element of extravagance came in with the feudal spirit: Provençal love is full of the very forms of vassalage. To be the servant of love, to have offended, to taste the subtle luxury of chastisement, of reconciliation—the religious spirit, too, knows that, and meets just there, as in Rousseau, the delicacies of the earthly love. Here, under this strange complex of conditions, as in some medicated air, exotic flowers of sentiment expand, among people of a remote and unaccustomed beauty, somnambulist, frail, androgynous, the light almost shining through them, as the flame of a little taper shows through the Host. Such loves were too fragile and adventurous to last more than for a moment.

That whole religion of the middle age was but a beautiful disease or disorder of the senses; and a religion which is a disorder of the senses must always be subject to illusions. Reverie, illusion, delirium; they are the three stages of a fatal descent both in the religion and the loves of the middle age. Nowhere has

the impression of this delirium been conveyed as by Victor Hugo in *Notre Dame de Paris*. The strangest creations of sleep seem here, by some appalling licence, to cross the limit of the dawn. The English poet too has learned the secret. He has diffused through *King Arthur's Tomb* the maddening white glare of the sun, and tyranny of the moon, not tender and far-off, but close down—the sorcerer's moon, large and feverish. The colouring is intricate and delirious, as of "scarlet lilies." The influence of summer is like a poison in one's blood, with a sudden bewildered sickening of life and all things. In *Galahad: a Mystery*, the frost of Christmas night on the chapel stones acts as a strong narcotic; a sudden shrill ringing pierces through the numbness; a voice proclaims that the Grail has gone forth through the great forest. It is in the *Blue Closet* that this delirium reaches its height with a singular beauty, reserved perhaps for the enjoyment of the few:—

"How long ago was it, how long ago,
 He came to this tower with hands full of snow?
 'Kneel down, O love Louise, kneel down,' he said,
 And sprinkled the dusty snow over my head.
 He watch'd the snow melting, it ran through my hair,
 Ran over my shoulders, white shoulders, and bare.
 'I cannot weep for thee, poor love Louise,
 For my tears are all hidden deep under the seas.
 In a gold and blue casket she keeps all my tears;
 But my eyes are no longer blue, as in old years;
 For they grow grey with time, grow small and dry—
 I am so feeble now, would I might die.
 Will he come back again, or is he dead?
 O! is he sleeping, my scarf round his head?
 Or did they strangle him as he lay there,
 With the long scarlet scarf I used to wear?
 Only I pray thee, Lord, let him come here!
 Both his soul and his body to me are most dear.
 Dear Lord, that loves me, I wait to receive
 Either body or spirit this wild Christmas-eve."

A passion of which the outlets are sealed, begets a tension of nerve, in which the sensible world comes to one with a reinforced brilliance and relief—all redness is turned into blood, all water into tears. Hence a wild, convulsed sensuousness in the poetry of the middle age, in which the things of nature begin to play a strange delirious part. Of the things of nature the mediæval mind had a deep sense; but its sense of them was not objective, no real escape to the world without one. The aspects and motions of nature only reinforced its prevailing mood, and were in conspiracy with one's own brain against one. A single sentiment invaded the world; everything was infused with a

motive drawn from the soul. The amorous poetry of Provence, making the starling and the swallow its messengers, illustrates the whole attitude of nature in this electric atmosphere, bent as by miracle or magic to the service of human passion.

The most popular and gracious form of Provençal poetry was the *nocturn*, sung by the lover at night at the door or under the window of his mistress. These songs were of different kinds, according to the hour at which they were intended to be sung. Some were to be sung at midnight—songs inviting to sleep, the *serena*, or *serenade*; others at break of day—waking songs, the *aube*, or *aubade*.* This waking-song is put sometimes into the mouth of a comrade of the lover, who plays sentinel during the night, to watch for and announce the dawn; sometimes into the mouth of one of the lovers, who are about to separate. A modification of it is familiar to us all in *Romeo and Juliet*, where the lovers debate whether the song they hear is of the nightingale or the lark; the aubade, with the two other great forms of love-poetry then floating in the world, the sonnet and the epithalamium, being here refined, heightened, and inwoven into the structure of the play. Those, in whom what Rousseau calls *les frayeurs nocturnes* are constitutional, know what splendour they give to the things of the morning; and how there comes something of relief from physical pain with the first white film in the sky. The middle age knew those terrors in all their forms; and these songs of the morning win hence a strange tenderness and effect. The crown of the English poet's book is one of these songs of the dawn:—

“Pray but one prayer for me 'twixt thy closed lips,
 Think but one thought of me up in the stars.
 The summer-night waneth, the morning light slips,
 Faint and grey 'twixt the leaves of the aspen,
 betwixt the cloud-bars,
 That are patiently waiting there for the dawn:
 Patient and colourless, though Heaven's gold
 Waits to float through them along with the sun.
 Far out in the meadows, above the young corn,
 The heavy elms wait, and restless and cold
 The uneasy wind rises; the roses are dun;
 Through the long twilight they pray for the dawn,
 Round the lone house in the midst of the corn.
 Speak but one word to me over the corn,
 Over the tender, bow'd locks of the corn.”

It is the very soul of the bridegroom which goes forth to the bride; inanimate things are longing with him; all the sweetness

* Fauriel's "Histoire de la Poésie Provençal." Tome 2, ch. xviii.

of the imaginative loves of the middle age, with a superadded spirituality of touch all its own, is in that !

The *Defence of Guenevere* was published in 1858 ; the *Life and Death of Jason* in 1867 ; and the change of manner wrought in the interval is entire, it is almost a revolt. Here there is no delirium or illusion, no experiences of mere soul while the body and the bodily senses sleep or wake with convulsed intensity at the prompting of imaginative love ; but rather the great primary passions under broad daylight as of the pagan Veronese. This simplification interests us not merely for the sake of an individual poet—full of charm as he is—but chiefly because it explains through him a transition which, under many forms, is one law of the life of the human spirit, and of which what we call the Renaissance is only a supreme instance. Just so the monk in his cloister, through the “open vision,” open only to the spirit, divined, aspired to and at last apprehended a better daylight, but earthly, open only to the senses. Complex and subtle interests, which the mind spins for itself may occupy art and poetry or our own spirits for a time ; but sooner or later they come back with a sharp rebound to the simple elementary passions—anger, desire, regret, pity and fear—and what corresponds to them in the sensuous world—bare, abstract fire, water, air, tears, sleep, silence—and what De Quincey has called the “glory of motion.”

This reaction from dreamlight to daylight gives, as always happens, a strange power in dealing with morning and the things of the morning. Think of this most lovely waking with the rain on one's face—(Iris comes to Argus as he sleeps ; a rainbow, when he wakes, is to be the pledge she has been present :—)

“ Then he, awaking in the morning cold,
A sprinkle of fine rain felt on his face,
And leaping to his feet, in that wild place,
Looked round and saw the morning sunlight throw
Across the world the many-coloured bow,
And trembling knew that the high gods, indeed,
Had sent the messenger unto their need.”

Not less is this Hellenist of the middle age master of dreams, of sleep and the desire of sleep—sleep in which no one walks, restorer of childhood to men—dreams, not like Galahad's or Guenevere's, but full of happy, childish wonder as in the earlier world. It is a world in which the centaur and the ram with the fleece of gold are conceivable. The song sung always claims to be sung for the first time. There are hints at a language

common to birds and beasts and men. Everywhere there is an impression of surprise, as of people first waking from the golden age, at fire, snow, wine, the touch of water as one swims, the salt taste of the sea. And this simplicity at first hand is a strange contrast to the sought-out simplicity of Wordsworth. Desire here is towards the body of nature for its own sake, not because a soul is divined through it.

And yet it is one of the charming anachronisms of a poet, who, while he handles an ancient subject, never becomes an antiquarian, but vitalizes his subject by keeping it always close to himself, that betweenwhiles we have a sense of English scenery as from an eye well practised under Wordsworth's influence, in the song of the brown river-bird among the willows, the casement half opened on summer-nights, the

“Noise of bells, such as in moonlit lanes
Rings from the grey team on the market night.”

Nowhere but in England is there such a nation of birds, the fern-owl, the water-hen, the thrush in a hundred sweet variations, the ger-falcon, the kestrel, the starling, the pea-fowl; birds heard from the field by the townsman down in the streets at dawn; doves everywhere, pink-footed, grey-winged, flitting about the temple, troubled by the temple incense, trapped in the snow. The sea-touches are not less sharp and firm, surest of effect in places where river and sea, salt and fresh waves, conflict.

All this is in that wonderful fourteenth book, the book of the Syrens. The power of an artist will sometimes remain inactive over us, the spirit of his work, however much one sees of it, be veiled, till on a sudden we are *found* by one revealing example of it which makes all he did precious. It is so with this fourteenth book of *Jason*. There is a tranquil level of perfection in the poem, by which in certain moods, or for certain minds, the charm of it might escape. For such the book of the Syrens is a revealing example of the poet's work. The book opens with a glimpse of white bodies, crowned and girt with gold, moving far-off on the sand of a little bay. It comes to men nearing home, yet so longing for rest that they might well lie down before they reach it. So the wise Medea prompts Orpheus to plead with the Argonauts against the Syrens,—

“Sweetly they sang, and still the answer came
Piercing and clear from him, as bursts the flame
From out the furnace in the moonless night;
Yet, as their words are no more known aright
Through lapse of many ages, and no man
Can any more across the waters wan,

Behold those singing women of the sea,
Once more I pray you all to pardon me,
If with my feeble voice and harsh I sing
From what dim memories may chance to cling
About men's hearts, of lovely things once sung
Beside the sea, while yet the world was young."

Then literally like an echo from the Greek world, heard across so great a distance only as through some miraculous calm, subdued in colour and cadence, the ghosts of passionate song, come those matchless lyrics.

In handling a subject of Greek legend, anything in the way of an actual revival must always be impossible. Such vain antiquarianism is a waste of the poet's power. The composite experience of all the ages is part of each one of us; to deduct from that experience, to obliterate any part of it, to come face to face with the people of a past age, as if the middle age, the Renaissance, the eighteenth century had not been, is as impossible as to become a little child, or enter again into the womb and be born. But though it is not possible to repress a single phase of that humanity, which, because we live and move and have our being in the life of humanity, makes us what we are; it is possible to isolate such a phase, to throw it into relief, to be divided against ourselves in zeal for it, as we may hark back to some choice space of our own individual life. We cannot conceive the age; we can conceive the element it has contributed to our culture; we can treat the subjects of the age bringing that into relief. Such an attitude towards Greece, aspiring to but never actually reaching its way of conceiving life, is what is possible for art.

The modern poet or artist who treats in this way a classical story comes very near, if not to the Hellenism of Homer, yet to that of the middle age, the Hellenism of Chaucer. No writer on the Renaissance has hitherto cared much for this exquisite early light of it. Afterwards the Renaissance takes its side, becomes exaggerated and facile. But the choice life of the human spirit is always under mixed lights, and in mixed situations; when it is not too sure of itself, is still expectant, girt up to leap forward to the promise. Such a situation there was in that earliest return from the overwrought spiritualities of the middle age to the earlier, more ancient life of the senses; and for us the most attractive form of classical story is the monk's conception of it, when he escapes from the sombre legend of his cloister to that true light. The fruits of this mood, which, divining more than it understands, infuses into the figures of the Christian legend some subtle reminiscence of older gods, or into the story of Cupid

and Psyche that passionate stress of spirit which the world owes to Christianity, have still to be gathered up when the time comes.

And so, before we leave *Jason*, a word must be said about its mediævalisms, delicate inconsistencies which, coming in a Greek poem, bring into this white dawn thoughts of the delirious night just over and make one's sense of relief deeper. The opening of the fourth book describes the embarkation of the Argonauts; as in a dream the scene shifts and we go down from Iolchos to the sea through a pageant of the fourteenth century in some French or Italian town. The gilded vanes on the spires, the bells ringing in the towers, the trellis of roses at the window, the close planted with apple-trees, the grotesque undercroft with its close-set pillars, change by a single touch the air of these Greek cities and we are at Glastonbury by the tomb of Arthur. The nymph in furred raiment who seduces Hylas is conceived frankly in the spirit of Teutonic romance; her song is of a garden enclosed, such as that with which the glass-stainer of the middle ages surrounds the mystic bride of the song of songs. Medea herself has a hundred touches of the mediæval sorceress, the sorceress of the Streckelberg or the Blocksberg; her mystic changes are Christabel's. Here again is an incident straight out of the middle age,—

“ But, when all hushed and still the palace grew,
 She put her gold robes off, and on her drew
 A dusky gown, and with a wallet small
 And cutting wood-knife girt herself withal,
 And from her dainty chamber softly passed
 Through stairs and corridors, until at last
 She came down to a gilded watergate,
 Which with a golden key she opened straight,
 And swiftly stept into a little boat,
 And, pushing off from shore, began to float
 Adown the stream, and with her tender hands
 And half-bared arms, the wonder of all lands,
 Rowed strongly through the starlit gusty night.”

It is precisely this effect, this grace of Hellenism relieved against the sorrow of the middle age, which forms the chief motive of *The Earthly Paradise*, with an exquisite dexterity the two threads of sentiment are here interwoven and contrasted. A band of adventurers sets out from Norway, most northerly of northern lands, where the plague is raging, and the host-bell is continually ringing as they carry the sacrament to the sick. Even in Mr. Morris's earliest poems snatches of the sweet French tongue had always come with something of Hellenic blitheness and grace. And now it is below the very coast of France, through the fleet of Edward III., among the painted sails of the middle age, that

we pass to a reserved fragment of Greece, which by some *Θεία τύχη* lingers on in the Western Sea into the middle age. There the stories of *The Earthly Paradise* are told, Greek story and romantic alternating; and for the crew of the "Rose Garland" coming across the sins of the earlier world with the sign of the cross and drinking Rhine wine in Greece, the two worlds of sentiment are confronted.

We have become so used to austerity and concentration in some noble types of modern poetry, that it is easy to dislike the lengthiness of this new poem. Yet here mere mass is itself the first condition of an art which deals with broad atmospheric effects. The water is not less medicinal, not less gifted with virtues, because a few drops of it are without effect; it is water to bathe and swim in. The songs, *The Apology to the Reader*, the month-interludes, especially those of April and May, which are worthy of Shakespeare, detach themselves by their concentrated sweetness from the rest of the book. Partly because in perfect story-telling like this the manner rises and falls with the story itself, *Atalanti's Race*, *The Man born to be King*, *The Story of Cupid and Psyche*, and in *The Doom of King Acrisius*, the episode of Danae and the shower of gold, have in a pre-eminent degree what is characteristic of the whole book, the loveliness of things newly washed with fresh water; and this clarity and chasteness, mere qualities here of an exquisite art, remind one that the effectual preserver of all purity is perfect taste.

One characteristic of the pagan spirit these new poems have which is on their surface—the continual suggestion, pensive or passionate, of the shortness of life; this is contrasted with the bloom of the world and gives new seduction to it; the sense of death and the desire of beauty; the desire of beauty quickened by the sense of death. "*Arriôré!*" you say, "here in a tangible form we have the defect of all poetry like this. The modern world is in possession of truths; what but a passing smile can it have for a kind of poetry which, assuming artistic beauty of form to be an end in itself, passes by those truths and the living interests which are connected with them, to spend a thousand cares in telling once more these pagan fables as if it had but to choose between a more and a less beautiful shadow?" It is a strange transition from the earthly paradise to the sad-coloured world of abstract philosophy. But let us accept the challenge; let us see what modern philosophy, when it is sincere, really does say about human life and the truth we can attain in it, and the relation of this to the desire of beauty.

To regard all things and principles of things as inconstant modes or fashions has more and more become the tendency of [Vol. XC. No. CLXXVIII.]—NEW SERIES, Vol. XXXIV. No. II. Y

modern thought. Let us begin with that which is without,—our physical life. Fix upon it in one of its more exquisite intervals—the moment, for instance, of delicious recoil from the flood of water in summer heat. What is the whole physical life in that moment but a combination of natural elements to which science gives their names? But those elements, phosphorus and lime, and delicate fibres, are present not in the human body alone; we detect them in places most remote from it. Our physical life is a perpetual motion of them—the passage of the blood, the wasting and repairing of the lenses of the eye, the modification of the tissues of the brain by every ray of light and sound—processes which science reduces to simpler and more elementary forces. Like the elements of which we are composed, the action of these forces extends beyond us; it rusts iron and ripens corn. Far out on every side of us these elements are broadcast, driven by many forces; and birth and gesture and death and the springing of violets from the grave are but a few out of ten thousand resulting combinations. That clear, perpetual outline of face and limb is but an image of ours under which we group them—a design in a web the actual threads of which pass out beyond it. This at least of flame-like our life has, that it is but the concurrence renewed from moment to moment of forces parting sooner or later on their ways.

Or if we begin with the inward world of thought and feeling, the whirlpool is still more rapid, the flame more eager and devouring. There it is no longer the gradual darkening of the eye and fading of colour from the wall, the movement of the shore side, where the water flows down indeed, though in apparent rest, but the race of the midstream, a drift of momentary acts of sight and passion and thought. At first sight experience seems to bury us under a flood of external objects, pressing upon us with a sharp, importunate reality, calling us out of ourselves in a thousand forms of action. But when reflection begins to act upon those objects they are dissipated under its influence, the cohesive force is suspended like a trick of magic, each object is loosed into a group of impressions, colour, odour, texture, in the mind of the observer. And if we continue to dwell on this world, not of objects in the solidity with which language invests them, but of impressions unstable, flickering, inconsistent, which burn, and are extinguished with our consciousness of them, it contracts still further, the whole scope of observation is dwarfed to the narrow chamber of the individual mind. Experience, already reduced to a swarm of impressions, is ringed round for each one of us by that thick wall of personality through which no real voice has ever pierced on its way to us, or from us to that, which we can only conjecture to be without. Every one of those impressions is the impression of an individual in his isola-

tion, each mind keeping as a solitary prisoner its own dream of a world.

Analysis goes a step further still, and tells us that those impressions of the individual to which, for each one of us, experience dwindles down, are in perpetual flight; that each of them is limited by time, and that as time is infinitely divisible, each of them is infinitely divisible also, all that is actual in it being a single moment, gone while we try to apprehend it, of which it may ever be more truly said that it has ceased to be than that it is. To such a tremulous wisp constantly reforming itself on the stream, to a single sharp impression, with a sense in it, a relic more or less fleeting, of such moments gone by, what is real in our life fines itself down. It is with the movement, the passage and dissolution of impressions, images, sensations, that analysis leaves off, that continual vanishing away, that strange perpetual weaving and unweaving of ourselves.

Such thoughts seem desolate at first; at times all the bitterness of life seems concentrated in them. They bring the image of one washed out beyond the bar in a sea at ebb, losing even his personality, as the elements of which he is composed pass into new combinations. Struggling, as he must, to save himself, it is himself that he loses at every moment.

Philosophiren, says Novalis, *ist dephlegmatisiren, vivificiren*. The service of philosophy, and of religion and culture as well, to the human spirit, is to startle it into a sharp and eager observation. Every moment some form grows perfect in hand or face; some tone on the hills or sea is choicer than the rest; some mood of passion or insight or intellectual excitement is irresistibly real and attractive for us for that moment only. Not the fruit of experience but experience itself is the end. A counted number of pulses only is given to us of a variegated, dramatic life. How may we see in them all that is to be seen in them by the finest senses? How can we pass most swiftly from point to point, and be present always at the focus where the greatest number of vital forces unite in their purest energy?

To burn always with this hard gem-like flame, to maintain this ecstasy, is success in life. Failure is to form habits; for habit is relative to a stereotyped world; meantime it is only the roughness of the eye that makes any two things, persons, situations—seem alike. While all melts under our feet, we may well catch at any exquisite passion, or any contribution to knowledge that seems by a lifted horizon to set the spirit free for a moment, or any stirring of the senses, strange dyes, strange flowers and curious odours, or work of the artist's hands, or the face of one's friend. Not to discriminate every moment some passionate attitude in those about us and in the brilliance

of their gifts some tragic dividing of forces on their ways, is on this short day of frost and sun to sleep before evening. With this sense of the splendour of our experience and of its awful brevity, gathering all we are into one desperate effort to see and touch, we shall hardly have time to make theories about the things we see and touch. What we have to do is to be for ever curiously testing opinion and courting new impressions, never acquiescing in a facile orthodoxy of Comte or of Hegel or of our own. Theories, religious or philosophical ideas, as points of view, instruments of criticism, may help us to gather up what might otherwise pass unregarded by us. "*La philosophie*," says Victor Hugo, "*c'est le microscope de la pensée*." The theory or idea or system which requires of us the sacrifice of any part of this experience, in consideration of some interest into which we cannot enter, or some abstract morality we have not identified with ourselves, or what is only conventional, has no real claim upon us.

One of the most beautiful places in the writings of Rousseau is that in the sixth book of the *Confessions*, where he describes the awakening in him of the literary sense. An undefinable taint of death had always clung about him, and now in early manhood he believed himself stricken by mortal disease. He asked himself how he might make as much as possible of the interval that remained; and he was not biassed by anything in his previous life when he decided that it must be by intellectual excitement, which he found in the clear, fresh writings of Voltaire. Well, we are all *condamnés*, as Victor Hugo somewhere says: we have an interval and then we cease to be. Some spend this interval in listlessness, some in high passions, the wisest in art and song. For our one chance is in expanding that interval, in getting as many pulsations as possible into the given time. High passions give one this quickened sense of life, ecstasy and sorrow of love, political or religious enthusiasm, or the "enthusiasm of humanity." Only, be sure it is passion, that it does yield you this fruit of a quickened, multiplied consciousness. Of this wisdom, the poetic passion, the desire of beauty, the love of art for art's sake, has most; for art comes to you professing frankly to give nothing but the highest quality to your moments as they pass, and simply for those moments' sake.

ART. III.—REFORM OF OUR CIVIL PROCEDURE.

The Common Law Procedure Acts. Edited by W. F. Finlason, Esq., Barrister-at-Law. London: Stevens and Sons, Bell Yard.

The County Court Act of 1867. London: Queen's Printer.

PROCEDURE is the practical part of law. The administration of justice is one of the most important functions of civil government, and it practically depends upon procedure, for unless the procedure, or the course in which the law is enforced and justice administered, be effective, the best laws become comparatively valueless, and justice is but an empty name. It is the first necessity and the latest study of a people, and it is interesting to observe the stages of progress through which it runs. At the outset, at least in all free nations, the administration of justice takes the form of a kind of natural arbitration by a popular tribunal, such, for instance, as an old county court, of which, though the sheriff was the head, the "suitors" themselves, that is, the freeholders, were the judges. The Panchayats of ancient India, described by Mill, were probably somewhat similar. Next there comes a stage which we had reached in the reign of our Edward I., when the growth of wealth and the settlement of civilization suggest a desire for a more regular and scientific system. There then comes a period which Lord Coke himself confesses had been well nigh reached, even in his time, when this regular system is found to have been perverted by over-refinement and excessive subtlety, and we feel a mischief, though yet far from a remedy. Then there comes an era, which we had reached when Lord Somers, in the reign of Anne, framed and passed his "Act for the Amendment of the Law," and which may be called that of law reform, which extends perhaps over a century or two before it is thoroughly consummated. And it is curious to observe, (so true it is that the extremes of civilization and barbarism often seem to meet,) that the tendency of this age as to simplicity of procedure is, as far as possible to encourage the natural tribunal of arbitration.

There was a rude good sense in our Anglo-Saxon ancestors which, rough though it was, yet was extremely robust, and led them to sounder and simpler modes of proceeding than our conventional civilization conducts us to, until after generations of contest and discussion. We find it is doubtful whether we have not much to learn from them still in the matter of civil procedure. The forms are obsolete, but the ideas and principles,

the offspring of experience and practical good sense, are as excellent as ever.

Their fundamental idea was that justice should be prompt, convenient, and cheap, and they carried out this idea in the simplest and fullest manner. For their county courts determined all civil suits once a month, close to men's homes, and without formality, difficulty, or delay.

Probably few lawyers are now aware (and some might doubt the fact) that the county courts had jurisdiction in all personal suits to *any amount*. Yet it is beyond a doubt that this was so. The common notion is that these courts only had jurisdiction in suits to the value or amount of 40s.* Even if this were so, people have little idea what a sum this represents in our times, taking into consideration, not merely the change in the value of coin on the one hand, but in social circumstances on the other.

But this was only the amount to which the county courts not only lay after the Conquest, but after the reign of Edward I., when the King's Courts had greatly stretched their jurisdiction, could hold suits *without a writ out of one of the King's Courts*, which

* Forty shillings a year was the amount of income fixed by the legislature in the reign of Henry VI., as the qualification for knights of the shire. Twenty pounds a year was the salary of a judge in those days (Foss's "Lives of the Judges," vol. vi., pp. 3, 41, 54, 61"), so that 40s. was a tenth of it, which, as the salary of a judge is now 5000*l.*, would make the present equivalent of 40s. not less than 500*l.* It is difficult to get an accurate idea on the point, and the estimate may vary between 50*l.* and 500*l.*; one is the *minimum* the other the *maximum* amount of the present equivalent. At the time of Magna Charta 20s. was the sum due on every knight's fee, on the marriage of his daughter, and 2s. was an ordinary subsidy on a "plough land," *i. e.*, in modern language, a farm (Wade's "History of England," *temp.* Hen. III., p. 49). Madox says the king in that reign gave his poet 100s. salary, the salary of the poet laureate was 100*l.*, just twenty times as much in monies numbered, but how less in point of real effective value, a few data may help to show. In the reign of Edward III. the famine price of wheat was 20s. (Wade's "History of England," p. 50), and 40s. was the amount of the capitation tax of a baron (*ibid.* 58). A bailiff in husbandry received less than 40s. a year as his salary in the reign of Henry VII. (*ibid.* p. 104). Now he would receive at least 50*l.* In the same reign 40s. a year was all that was allowed for the whole washing in the household of a great peer like the Duke of Northumberland (*ibid.* 109). In the reign of Edward IV., as we learn from the old ballad "King Edward IV. and the Tanner of Tamworth," a wealthy tradesman boasted of a horse for which he paid 40s. Nowadays a rich tradesman would hardly boast of a horse for which he paid less than 50*l.* In the reign of Henry VIII. the pound of beef was a halfpenny, now it is 1s., just twenty-four times as much, which again makes 40s. equal to about the sum of 50*l.* Lord Coke, in commenting upon the limitation of 40s., remarks that this was equal to 6*l.* in his time. But the effect of the discovery of America was vastly to decrease the value of money, insomuch that it sank two-thirds in value, and hence Hume observes that a crown in Henry VII.'s time served the same purpose as a pound in his own time ("Essay on Money"). But the comparison of data shows that the difference was far greater, and the lowest possible estimate makes the present equivalent of the ancient 40s. at least 50*l.*

merely meant a *fee*, for the writ could be sued out as matter of course; just as a writ in the King's Court on payment of a fee (2nd Institute of Lord Coke, 243; Fitzherbert's "Natura Brevium," 119). The suitor, upon the same terms, could take a cause to any amount to the county court; whence, however, it could be *removed* into the King's Court for *any good cause*, as, if it were one of weight or difficulty. In process of time, the rough arbitrament of a popular assembly was deemed an unsatisfactory decision of any but trivial causes; and hence the courts of Westminster allowed causes to be removed, for that notorious reason, without any special or particular cause, but still the local courts had *jurisdiction* to any amount. So the law was recognised to be in the year 1831 (*Talbot v. Binns*, 8 Bingham's Reports), and it was declared to be by the Legislature in the original County Courts Act (9 & 10 Vict. c. 95), in the year 1846, for the Act recited in the preamble that "the county court was a court of ancient jurisdiction, having cognizance of personal suits to *any amount*." That Act improved and in fact remodelled the court, making it a legal instead of a lay tribunal, providing for the appointment of regular lawyers as judges. The natural and logical conclusion would have been to give the courts jurisdiction, like the old ones, in suits to *any* amount, the old power of removal for good cause remaining. Public opinion probably was not ripe for that, and, as a compromise, jurisdiction was given to an amount perhaps supposed to be equivalent to the ancient 40s.—viz., 20*l.* This was an error, however, for, as has been seen, the amount would at the lowest be equal to 50*l.*, and accordingly, in 1850 the jurisdiction was extended to "debts and demands" not exceeding 50*l.*, and a safeguard which might well have justified a far larger extension—viz., a power of appeal, was then provided. The course of legislation on the subject, however, has abundantly illustrated the absurdity of any limitation by mere amount. For by a later Act, that of 1851, the jurisdiction is enlarged to any amount reduced by set-off or payment to a balance of 50*l.* (though the case is obviously the same in its nature as if the original claim had not been reduced); and while the common law jurisdiction is limited to 50*l.*, more recent Acts, those of 1866 and 1867, have given an equitable jurisdiction up to 500*l.*, and the Merchant Shipping Act gives a jurisdiction in salvage cases up to 1000*l.* What can be more anomalous? It is obvious that a limitation of amount is absurd, for amount is no test of difficulty, nor even, in a true sense, of importance; *i.e.*, not of general importance; for a claim of a shilling may involve a great question of principle, and a claim of 20,000*l.* may be so simple and easy as to admit of no question; as in the common case of an action to recover a mortgage deed, which ordinarily admits of no defence. The common sense rule was that of our ancestors, who gave *jurisdiction*

in every case, with a power of removal for just cause and also power of appeal. So that on this question we have not yet got as far as our ancestors, although doubtless we shall do so before long.

In the meantime, suitors being driven into the superior court, however simple their claims, if they exceed the arbitrary limit of 50*l.*, it is of course of extreme importance that at all events the procedure of these courts should be as efficient as possible, and, above all, avoid needless *delay and expense*. But is it so? Since the time of Lord Somers, and the Act of Queen Anne, several Acts have passed for the amendment of procedure and the better administration of justice. The work began in the last reign, at the era of the Reform. One of the first fruits of the Reform Act was the Act of 1833, for the better advancement of justice, which did something for those objects, but not much. More than a century had elapsed since the Act of Anne, but it marks the progress of public opinion on the subject that not twenty years had elapsed since the Act of William IV., when a new Act for the improvement of our civil procedure, the Common Law Procedure Act of 1853 (the first of a series of three acts on the subject in 1852, 1854, 1860), was passed to carry out the great objects of the diminution in the delay and expense, and now a new consideration of the subject has been assured, and one of the first measures of the new Reformed Parliament will be for the further improvement of our civil procedure and judicature.

It may have been observed in the course of this review, that the old county court had in the course of ages and the changes of circumstances entirely disappeared, we mean the old popular tribunal. It had first become obsolete, and then was virtually abolished by the County Court Act, which made the county court a regular though inferior court of law, with a lawyer for its judge. That is very different indeed from the old County Court, which was an assembly of the inhabitants, who knew nothing about law save as to customs, either general or local. Indeed, the common law is but the "custom of the realm." Virtually it was an arbitral assembly of the *neighbours*, who determined matters more with reference to substantial justice than strict law, and rather as arbiters than judges. And this was all the more observable because "in ease of the people," as Lord Coke explains it, there were similar courts or assemblies in every hundred, the courts of the hundred being for convenience derived out of the county court. The court of the 'hundred' was of course still more thoroughly an assembly of the *neighbours*, who were a kind of rough arbiters. The tribunal was a little turbulent at times, we may well imagine, especially in cases which excited great local interest; and this led to the gradual substitution of trial by jury in the King's Courts, the rise of which is a subject of much historical interest. The

earliest instance of it on record is narrated by Speed, as occurring in the time of the Conqueror. The grand justiciary being present in the county court at the trial of some important suits for recovery of a large quantity of land, was so scandalized by the clamour that he ordered *twelve* of the freeholders to be impannelled into a jury, and they decided the suits, no doubt more satisfactorily than the large and turbulent assembly. This led to the substitution of the King's Court for the county courts in all suits as to real property, which were of necessity local and excited local interest; and by degrees led in a great measure to the resort of suitors to the King's Court in order, on the one hand to obtain strict law, and on the other hand to have the benefit of trial by jury, which no doubt in many cases was an advantage. This advantage, however, was limited to cases in which the question turned upon disputed facts, which could only be determined upon testimony of witnesses; the court of the freeholders determining, more as neighbours or arbiters, on the statements of the parties and their own knowledge of them, and of the subject matter;—in the great majority of cases, a far fairer mode of decision than upon strict legal proof. However that may be, this natural tribunal continued in vogue until the age of Elizabeth, and the benefit of local courts was so much appreciated that the instances are numerous in the law books of that time, of suits for considerable amounts in these courts, whether of the counties or the cities. Thus in Yelverton's Reports (*temp.* Elizabeth), we find frequent mention of suits in the courts of the county and city (pp 2, 70, 97, 103, 107, 120). Such was the advantage of a prompt and equitable adjudication by neighbours, that parties sometimes *stipulated* in their contracts that disputes should be so determined. Lord Coke, in his celebrated Commentary upon Littleton, mentions an instance of this, and also shows how these beneficial stipulations were thwarted by the corrupt perversity of the King's Courts. He says "that if a man made a lease and stipulated that if any waste or destruction should be done it should be redressed *by the neighbours*, and *not* by suit in the King's Courts; yet, notwithstanding, an action should lie in these courts; for that the premises could not be recovered except in such an action" (Coke upon Littleton, 53-6). Observe the reason—the absurdity and iniquity of which is manifest when it is borne in mind that the very object of the stipulation for an arbitrament by neighbours was to avoid the severity of forfeiture, and the reason given for allowing the man, in spite of his own stipulations, to sue in the King's Courts, is that he *might* be able to claim the premises as for a forfeiture, which might be grossly inequitable, as the mere repairs might be trifling, and the capital invested by a tenant in the premises very large. This illustrates

the distinction between strict law and real justice. It must never be lost sight of, upon this subject, that law is not always justice, and is very often an injustice, as in this instance; so that the power of suing in the King's Court and getting strict law is by no means to be deemed necessarily a benefit for either party; both sides getting strict law, and requiring strict proof. The people, therefore, as the county courts, the assemblies of the neighbours, become obsolete, sought refuge in another form of the same natural tribunal, viz: a reference to arbitrators. All the time from the age of Edward I. to that of Elizabeth, and from the time of Coke to the time of the Revolution, we find a growing tendency to have recourse to arbitration, and in the reign of William III., a few years before Lord Somers' Act for the amendment of the law, we find an Act passed (9 and 10 William III. c. 15), entitled an Act for determining differences by arbitration; reciting that it had been found by experience that references to arbitration had contributed much to the ease of the subject in the determining of controversies, and making further provision to facilitate such references. Before that Act, parties were actually obliged to go to law in order to get the benefit of arbitration, for it was only suits that could be referred to arbitration, at all events under the auspices of the courts, so as to secure the power of *enforcing* the awards. The Act gave parties the power of submitting disputes to arbitration *without* first going to law, and of course the great object of it was to avoid litigation. The perverse and corrupt ingenuity of the courts of law, however, set to work to rob the subject of the benefits conferred upon him by the Legislature, and they did so in this way:—They laid it down, as old Coke had done, that the dishonest party might sue at law, notwithstanding an award against him, so that arbitration proved only a prelude to litigation. This iniquitous doctrine, after prevailing in the courts of law for ages, and causing an infinite amount of vexation and litigation, came before the House of Lords in 1853, and the late Lord Campbell, in his plain blunt way, told the truth about it when he said that in old times, the judge's officers being paid by fees, they had a direct *interest* in keeping up litigation in the superior courts; and hence this monstrous doctrine that litigation might continue, notwithstanding arbitration.

The House of Lords, however, rather evaded the question, and the next year the Common Law Procedure Act of 1854 contained an evasive provision upon the subject, the result of a sort of compromise of opinions upon it: viz., that if the parties had agreed to refer their dispute to arbitration, the court might stay an action if there appeared no good reason why the action should proceed. But still the old controversy between the courts of law and the natural tribunals of arbitration is rather compro-

mised than determined, and it is curious to see, after the lapse of centuries, a highly civilized community returning to the preference for that simple and equitable arbitrament of their disputes, instead of recourse to strict law. Nor is it wonderful, for centuries of experience have taught people the delays—the expense—and what is of far more importance, the failure of justice, consequent upon strict law, which necessarily requires strict proof, and in which justice too often miscarries through failure of such proof, and even when it does not do so is involved in an expense and delay which are often tantamount to a sacrifice for justice of more than it is worth.

For, after all (setting aside such exceptional cases as involve great principles or important questions of public interest), there is a point beyond which justice is not worth pursuit. Speaking generally, one would say that it was never worth while to pay more for a thing than it was worth, or to wait longer for it than it was worth waiting for. And in the case of a suit at law, it is rarely worth the trouble and expense, when the subject matter in dispute does not exceed, or does not much exceed, the cost of litigation: that is to say, the amount the losing party will have to pay in costs, which includes costs on both sides. Now, speaking roughly, perhaps we may safely say that it is scarcely possible to carry a suit through to trial at a less expense (to *both* sides) than 50*l.* This may have been one reason for fixing 50*l.* as the limit of county court jurisdiction. It is a legislative declaration that in general it is not worth while to sue in the superior court for less than 50*l.* When we reckon up costs of writ and pleadings, and engrossing, and briefs, and counsels' fees, and expenses of witnesses, and fees in court, and last not least, the costs of the attorneys, the sum of 50*l.* will appear a small average estimate. And this is, of course, only in *common* jury cases (the fees for entering which for trial come to 3*l.*) for a special jury receive 12*l.* 12*s.* as their own fees for attendance, and the whole expense of a special jury will probably come at least to 20*l.*, while in special jury cases the fees to counsel are of course proportionably higher, and 100*l.* may be taken as the average expense of a special jury case, though it is usually much more. For most cases it will be 150*l.*, 200*l.*, or 300*l.* Yet, in a large proportion even of special jury cases (and excluding cases of an exceptional class in which amount may be no measure of importance) the verdicts are under 100*l.*, and in most common jury cases the verdicts do not exceed, or do not much exceed, 50*l.* "Then why are they brought in the superior courts?" it may be asked. Why? *Because of the attorneys*, who get costs in the superior courts on a far higher scale than in the county courts. To them it is a vital question. It is a difference between costs on a *minimum*, and costs on a *maximum*

scale : a question perhaps between 5*l.* and 25*l.*, for out of 50*l.* costs the attorney gets at least half, perhaps two-thirds. It is not to be wondered at that the attorneys persuade their clients they will not get good law in the county courts, and had better sue in the superior court. Of course every suitor expects to win, and the *losing* party pays costs on *both* sides. So the suitor thinks he shall not suffer, but in many cases both parties lose, and each has to pay their own costs; nay, perhaps the losing party cannot pay, and then the *winning* party has to pay his *own* attorney the costs of court. Everyone will see the Legislature were wise in saying that it is not worth while to sue in the superior courts unless the subject matter is at least worth 50*l.* But then the Legislature does not enforce this salutary view except to the limited extent of 20*l.* in contract, and 10*l.* in "tort." But the larger class of actions tried are cases of debts or contract under 100*l.*, and of "torts" under 50*l.*; in most cases of the plainest class of actions, for tradesmen's bills, trumpery slander cases, or trivial cases of assault or false imprisonment, with verdicts of 20*l.* or 30*l.*, or excessive distress cases, in which 20*l.* or 30*l.* worth too much goods have been taken, and the like. Such are the sort of cases which take up most of the time in the superior courts. Yet, if the jury give 21*l.* or 25*l.* in debt, or 12*l.* instead of 10*l.* in tort, the plaintiff gets the cost of suing in the superior court. Is not this absurd? It is the *nature* of the case, not the mere amount, which is the test of difficulty.

A dispute between a tradesman and his customer as to whether the price was to be 50*l.* or 60*l.*, or whether 30*l.* or 40*l.* has been paid on account; is it one whit more difficult, or more fit for the superior court because the sum claimed is 56*l.* instead of 50*l.*, or money has or has not been paid? And so of an accident or an assault, the question being simply which of two sets of witnesses is speaking the truth, and whether it was the plaintiff who was drunk, or the defendant who is lying, is it the less fit for the county court because the jury happen to give a trifle above 10*l.*? If it is not worth while (in general) to sue in the superior court for less than 50*l.*, why should parties be encouraged to do so? In a large proportion of the cases, the arbitrament of neighbours would be the fittest mode of determination, and it is sad to see poor foolish people half ruining each other by useless litigation merely for the profit of their attorneys. The expense of suing in the superior courts is itself too often a fatal obstacle in the way of an amicable settlement, for there arises the question there is no getting over, *who is to pay costs?* And hence it happens—though it may appear a paradox—that the most trifling cases are fought with the most obstinate, because a desperate tenacity.

No wonder that a new commission has been appointed on the subject, and that one of the first measures of the new Reformed Parliament will be a new measure for the further improvement of our civil procedure.

What is its present condition, and what are its practical results after so many measures of reform? Let us take the practical results as exhibited at a single assize. Take the last assizes for Surrey : at the spring assizes for this year, as stated in the *Times*, there were 86 causes entered for trial. [At the summer assizes—which the writer also attended—the case was still stronger. There were nearly double the number of causes, and the results—in proportion—the same.] Well, what were they, and what became of them? Six were *entered* as undefended ; that is, had to be taken down to trial with all the expense and delay which that involves, notwithstanding that they were so well known to be without defence, that the plaintiff in each case could take the risk of setting them down as “undefended,” the effect of which is that they are at once taken and disposed of as *ex-parte* and *prima facie* evidence. But many more cases were really without defence, although the plaintiffs could not or would not take the risk of taking this summary course. At least 25 turned out to be so, and in these cases so soon as the facts were disclosed, verdicts went for the plaintiffs, for sums generally under 50*l.* and rarely exceeding 100*l.* More than as many were either referred to arbitration ; or were withdrawn—whether for that reason, or as having been settled, could not be known.

In about 60 cases out of 86 it was seen by the judge so soon as they were stated, or it was found by the counsel on both sides, perhaps without going into court at all, and of course could have been seen by a judge at any time before the trial, that there was nothing to try, or nothing worth trying ; that there was no defence, or that the question was one of amount, or that the amount could be best determined by arbitration, or that the facts were not in dispute, and raised a point of law for the court (which could have been raised without coming to trial at all), or that there was an obvious mode of compromise or settlement which could have been seen by any sensible person in ten minutes ; in some way or other in 60 cases out of 86 it was found that the case was not fit for trial, or could be best disposed of without trial, and accordingly they were so disposed of after all the expense and delay of going down to that town to appear had been already incurred, and they were referred to arbitration or settled, or in some way or other disposed of without trial, perhaps by verdicts by consent. And in most of the cases in which the verdicts were above 50*l.* they were verdicts by consent, agreed to at the latest possible moment, after the utmost pos-

sible delay had been obtained, and so as to make it quite clear that the only object of defending the actions was delay.

And of the 26 cases tried, few were fit for trial in the superior courts. They were almost all of them cases of debt or contract under 100*l.*, or of tort under 50*l.*, cases quite clear and easy, without any difficulty at all events of cases turning entirely upon disputed facts, and chiefly on the credit to be given to witnesses on one side or the other on the most simple matters. Thus, for instance, the Lord Chief Justice of England was engaged for the greater part of two days in trying, with a jury, whether a stack of hay was worth 100*l.* or 120*l.*, and the jury gave a verdict for 20*l.* It was a sort of case a farm valuer could have easily settled in an hour. In another case 50*l.* was given for damage done to a baker's oven. In another case 50*l.* for an alleged distress. And so on. What is there in such cases fit for superior courts that is *not* fit for the county court? For if fit for the county court, or not unfit for it, they are not fit for the superior court. *Prima facie*, if a case is not unfit for the county court it should be tried there, for the advantages of trial there are so great that they ought not to be lost except for some good reason. And on the occasion in question—an ordinary Surrey assize—out of 86 cases most of the cases tried were of this character—fit for the county court. There were not more than 26 causes tried, and of these scarcely six were cases fit for the superior courts. Thus then out of 86 causes carried down to trial at the assizes scarcely the odd 6 were fit for trial in the superior courts, and the remainder, that is the whole number, with those few exceptions, were not fit for trial in these courts, or not fit for trial at all, and were found either fit for arbitration or settlement, or some other mode of determination, or were fitted for the county courts, and thus in 80 out of 86 cases the delay and expense of taking a case down to trial in the superior courts were needlessly and therefore injuriously incurred. If needlessly, then of necessity injuriously, for delay and expense are necessarily serious injuries to the honest suitor, and great gains to the *dishonest*, encouraging the defence of actions which are virtually defenceless, and driving honest suitors to a withdrawal or unjust compromise of their claims. Such are the practical results of the procedure in our superior courts; the delay of justice, and the discouragement of the honest suitor, and the encouragement of the dishonest. How is this?

First, because all actions are brought in the superior courts, except actions of contract for 20*l.* or of "tort" (*i.e.*, for wrong) for 10*l.*, to which, if the plaintiff sues in the superior courts and gets no more, he recovers no costs. That is the whole extent of the check upon petty litigation in the superior courts. Yet, in the

main, cases of contract, or debt, of 500*l.*, are not of any greater difficulty than cases of 50*l.*; and cases of "tort" are, as a rule, more simple than cases of contract, and in most cases the verdicts do not exceed 50*l.*, and turn upon questions of mere fact, which might just as well be tried in the county courts. The time of the superior courts is too much taken up with cases of this class, to the exclusion of cases of real importance.

Secondly, adequate provision is not made for clearing off, and promptly disposing of cases in which there is not really any defence. Sir Henry Keating's Act provided that in actions on bills or promissory notes, a party should not be allowed to defend without an affidavit of some matter of defence; and this is a principle which obviously requires an extended application, for there are numerous classes of cases in which the claims are as utterly defenceless as in cases of bills or notes.

Thirdly, supposing a case to admit of defence, there is no adequate provision for sending to the right mode of determination and adjudication, whether by arbitration, special case, or otherwise. There is a compulsory power of sending to arbitration matters of account, but that is all. There is no such general power to send to arbitration cases obviously fit for it, or of directing a special case to be stated when the matter is one of pure law, and there are no facts in dispute, so that to let the case go down to trial is a mere waste of money and time. The consequence is that, at the trial, these cases are found quite unfit for trial, and are sent to be dealt with, in some other way, after all the delay and expense of sending them down for trial have been already incurred. If the judge can see that this is the right course at the trial, the moment the nature of the case is stated, he could as easily see it *before* trial on a similar statement, and could see it as soon as the action is commenced, without waiting for the process of *pleading*, which is of no real use except when there is some question really in dispute, and the parties do not know, or cannot agree, as to what it is.

Fourthly, supposing a case fit for trial, and for trial in the superior courts (which cannot be unless there is some matter really in dispute between the parties, and of a nature fit for the determination by a supreme tribunal), there is no adequate provision to secure that there shall be a trial, and *only* a trial, of the real question in dispute between the parties. That is to say, on the one hand there is no power in the court, though satisfied as soon as the action is commenced that if there be *any* question in dispute it is such or such a question, of at once directing it to be tried without the delay and expense of *pleading*; or, on the other hand, if that cannot be done, and the parties are put to plead—in order to cause a question in issue—there is no ade-

quate power to secure that the issue raised shall be the real question in controversy between the parties.

In short, there is no effective procedure to secure that suitors shall not incur the delay and expense of these cases being sent down for trial in the superior courts, when not really fit for trial, or for trial in those courts.

Such being the mischief, the remedy is clear. I. Enlarge and enforce the jurisdiction of the county courts; that is to say (1), enlarge the jurisdiction, so as to include all cases of whatever amount subject as to power of removal into the superior court, as to power of appeal; (2), *enforce* the jurisdiction, either, say, by allowing power of removal in all cases from the superior court into the county court, except where there is good cause for suing in the superior court, or (3), at all events do this in all cases where the claim or cause of action does not appear really to exceed 50*l.* Logical consistency and practical convenience, as well as ancient authority, are in favour of the former of these two causes; but if popular or professional prejudices interfere to prevent its being carried out, at all events the latter proposal might be taken as a proposition for it in the latter case.

II. Extend the principle and provisions of Sir Henry Keating's Act (the Bill of Exchange Act) so as to make it applicable to all cases in which *primâ facie* the claim is not capable of dispute: as common money bonds, or covenants, or contracts for specific sums of money, or promises to pay or repay specific sums, or tacit acknowledgment of such claims, as in the common case of a tradesman's bills delivered and not disputed. In such cases the defendant might safely be called upon to swear, upon affidavit, to some matter of defence, before he was allowed to defend the action, and so delay the plaintiff.

III. Extend the principle of the power in the Common Law Procedure Act of 1854, allowing the court compulsorily to send to arbitration cases which involve matters of account, so as to empower the court to send cases to arbitration or any other proper mode of determination, immediately they are commenced, allowing such only to proceed to trial as appear fit for trial, because involving—or possibly involving—some important question.

In such cases, where the true question between the parties can be predicated, send them to trial upon it at once: where it cannot, put them to plead, so as to raise the real question between them, and restrict the issue as much as possible to that question.

Such are our views and our suggestions on the matter of civil procedure. It will be admitted, at all events, that they are clear, few, and simple. There is no mystery or difficulty here. The matter is clear enough, in the light, either of sound sense, legal principle, or practical experience.

Why should delay and expense be needlessly incurred in litigation when they may as easily be avoided ?

That the *results* of these alterations in our civil procedure, few and simple as they are, would be prodigious, can easily be shown. According to actual judicial statistics—as exemplified in the analysis of the civil business of an assize already given—the result would be to clear off *eighty out of eighty-six causes sent down to trial*. But as several of these which were really *worth* trial were withdrawn because there was not time to try them, or because the patience of the parties was overpowered by delay, it would be perhaps safe to add ten cases more, and say that out of eighty-six cases sent down for trial, sixteen only would be sent ; but, then, on the other hand, these cases would be really worth trying, and would be tried well, and tried fairly out. As things are at present, the cases worth trying are as a rule *not* tried ; and the time of the courts is, for the most part, taken up with cases which are not fit for trial at all, or at all events not fit for trial in the superior courts. The result of the alterations recommended would be that the proportion of seventy out of eighty-six cases—that is, about eighty out of every hundred—would be removed from trial in the superior courts, and disposed of *without* trial in those courts, far more satisfactorily and speedily, and the remainder, which would be worth trying in those courts, would be tried well, and tried far more quickly.

For be it observed that the effect of clearing the cause-lists of eighty out of every hundred cases, would be, of course, that the remaining twenty would be far more quickly tried, and there would be no arrears. This leads us to mention another and incidental reform which could be easily effected, by which a cause should be tried as soon as possible after it is at issue, which would be all the easier when the number of causes to be tried was reduced by four-fifths ; and might easily be effected, as by having continuous *nisi prius* sittings in London, by having assizes more frequently in the great centres of business, such as Leeds, Liverpool, Bristol, &c. To men of business, and to all men more or less, time is money ; and the saving of time and money involved in speedy trial of cases fit for trial would be enormous. Let us try to give an idea of the number of our suitors in the superior courts.

There are every year four great sittings in London, and four in Middlesex, in each of the three superior courts for the trial of causes ; and, twice or thrice a year assizes, at six or eight chief towns on six circuits ; and at each of the sittings there are, in each of the courts, from 100 to 150 causes for trial ; and at each of the assizes on each of the circuits, on an average, probably about as many. This gives us, reckoning roughly, at least 5000

causes brought for trial in the superior courts yearly. That means at the lowest 10,000 suitors. But as there are more than one person interested on each side in most of the cases, the number might be put perhaps at 15,000 or 20,000. Say ten thousand suitors yearly in the superior courts, whose cases are taken down to trial, each side with a number of witnesses. Now, at the rate already illustrated, more than four-fifths of the cases are *wrongly* taken there for trial, and only one-fifth are really fit to be tried there—that is to say, a great deal less than one-fourth. In other words, out of 5000 cases less than 1000 *ought* to be taken for trial in the superior courts; perhaps only a few hundreds.

The remainder might be disposed of far more promptly, cheaply, conveniently, and pleasantly in some other mode, without the expense, delay, vexation, excitement, and uncertainty of trial. For it is not *only* delay and expense, there are many other bad consequences of trial; there is always more or less of unpleasant excitement; often serious inconvenience; often disagreeable exposure of private circumstances; family disagreements; discreditable scenes, and the like; added to all this there is the great uncertainty of the result arising from all sorts of causes: the accidental absence or demeanour of a particular witness; the prejudices of the jury; a host of disturbing causes derange all one's calculations as to the prospect of a verdict, and reduce it often to a mere chance. And then, after the verdict there are points of law, which often hang "the case up" for a year or two, until the wretched suitor is ready to hang himself in vexation. Now it is obvious that it should be the great object of procedure to *economize* these inconveniences and annoyances as much as possible, and restrict them within the smallest possible compass. And of this number not more than a fourth or a third part *are* really tried; while on the other hand, above one-third of the whole number of causes are actually tried, that is to say from 1500 to 2000. So that it stands thus:—that four times as many causes as ought to be sent to trial are sent to trial; that three times as many causes as ought to be tried in the superior courts are tried there; while, on the other hand, a considerable number of the cases which are *not* tried are just the cases which *ought* to be tried, being really worth trying, and are *prevented* from being tried by the delay arising from the immense amount of comparative trivial but *tenacious* litigation, which blocks up the cause lists and exhausts the patience of judge, juries, and suitors. So that in every point of view the present system works *wrongly*: the causes which ought to be tried are not, and the causes which ought *not* to be tried *are*, and the whole are sent down carelessly, indiscriminately, to trial to take their chance, at an infinite loss of time, vexation, and inconvenience, and positive injury to the suitors, who are either needlessly

harassed by trials of cases which need never have been tried, or are vexed by not being able to get tried causes which ought to be tried.

There is a plain practical way of putting the working of the present system. As already mentioned, causes come on for trial either at the "sittings" in town or at the assizes in the country. A London cause list, or a Surrey or Liverpool cause list, will contain 120 to 150 causes. The sittings last twelve days at Westminster, and twelve days in London (by reason of an absurd statute thus restricting the duration of the sittings), but the causes left untried remain to be tried at the next sittings. The assizes at any place are *supposed* to last long enough to clear off *all* the causes entered for trial, as *ought* to be the case both at the sittings and the assizes. In point of fact they last, at such places as have been mentioned, about the same time as one of the sittings in term, or about a fortnight. But with what a different result! In town, at the sittings, half the causes will be left untried; at the assizes—the same number of causes—or perhaps even more will, somehow or other, be gone through, or *got rid of*. They are *gone* at the end of the second week. How are they gone? Not tried, as we have seen; that would be physically impossible. The far greater number of them are not tried, and of those which are tried most of them ought not to have been tried, while of those which are not tried many of them ought to be tried. So works the system.

It is obvious that the mischief is the utter absence of any process of sifting or classification of the cases, so as to see what was proper for one mode of determination and what for another *before* they go down to trial. It must and will be found out at some time, and is now found out for the most part *at* the trial, when, to a great extent, it is too late. The delay and expense have then been incurred. What is wanted is to find out before the trial, and as soon as possible. The sooner it is found out the better. There is no reason why it should not be found out as soon as the action is commenced. The parties know all about the case then, and the judge might know and put them in the right course at once, and indeed in one or two classes of cases he can as it is, and why not in all? Why should he not at once do what the judge does at the trial? tell the parties (if they do not indeed, by the aid of their counsel, find it out at once) that there is no defence, or that it is a case for settlement or arbitration, or what not, instead of letting them first half ruin each other for the profit of their attorneys.

What is wanted is some sort of sifting process as soon as actions are commenced; a summary simple process of rough sifting, weeding out first the cases in which it is obvious there can be no defence, sending to the county courts the cases fit for those

courts, or to arbitration such as are proper for that mode of determination, and so forth, and thus allowing to go on to trial only such cases as appear in the first place fit for the superior courts, and in the next place such as are fit for trial in those courts.

Of course, if the proposition for a general extension of county court jurisdiction were carried, so as to bring all cases within the jurisdiction, subject to removal for cause, then, to the extent to which the jurisdiction were enforced by a provision that suits shall be brought in the county court, subject to such removal for cause, there will be the opportunity for this sifting process; because, of course, when cases come before the judge of the superior court before a summons to remove them, he could easily exercise a power of remitting them to arbitration, or directing a special case to be stated for the opinion of the superior court, and as to all cases not thus brought before a judge, it might be assumed that they were fit for the county court. And in the absence of any such extension of county court jurisdiction, there would be no difficulty in providing that either party might, when the arbitration was commenced, bring it before a judge upon a summary application either to have it dealt with as undefended or sent to the county court, or submitted to arbitration, or determined upon special case, and thus the sifting process would be carried out.

Nothing could be easier or more simple when the parties came before the judge. He would ask what is the action about? If it were for debt or for a common money demand, it would be easily looked into. He would see it was a common tradesman's bill. Has the bill been delivered? How long ago? Has it ever been disputed? In four cases out of five it would appear that it had not, that the action was simply undefended; so that it would be defended only for delay. Why should he not have power to ask, "what is your defence?" If there were any dispute as to price, or quality, or the like, it could at once be referred to a respectable person, at once skilled and impartial, who could probably determine it, in many cases, in ten minutes.

Let us give an example. Sir Edwin Landseer was sued for the price of some clothes which he said did not fit him. When the case came on for trial, the simple test was applied of putting them on in the witness box. It was decisive; but it cost some one 100*l.* to bring that suit before a jury, after a delay of many months. Why should it not have been determined in ten minutes, as it might have been, either by any first class tailor, or any gentleman, or the judge himself, or even the judge's clerk? Take again the common case of a dispute as to the manner in which work has been done, or the value of an article built or made, it can only be satisfactorily decided by some skilled person by *inspection*; why should it not *at once* be so ordered? Probably it will be so

decided in the long run, after 100*l.* has been thrown away; or if it goes to a jury, then one of two things follows: that it will be decided in that way, or it will be decided unsatisfactorily. Either one of the jury happens to be skilled in the matter, and the jury have a "view," and he virtually decides the case, or several skilled witnesses who have inspected the subject matter are examined (at a great expense), and in a roundabout way the same result is with difficulty arrived at. Why should it not be arrived at promptly and effectually and economically? In most cases the matter might be settled in ten minutes, in the right way.

Take again common assault or slander cases, between persons in such a position of life that a judge can pretty well predicate that the damages cannot, if the jury are not perverse, exceed 50*l.*; these should be sent at once to the county court. So, cases of collision between vehicles, the whole value of the plaintiff's vehicle not being above that demand, so that the damages could not reasonably exceed it. Take again cases of disputed boundary or other claims of cases turning necessarily upon actual inspection of the property, which would be sent at once to some referee to go and examine the premises, just as cases which involve matter of account are now sent to arbitration. Cases again which it is manifest turn on some point of law, might at once be directed to be decided as special cases. And so the result would be that the greater number of the cases would be disposed of in a few days from the time the action was commenced, instead of a useless delay of many months, perhaps a year or two, it might be two or three years. For months may intervene before the cause is at issue, months more before it is at trial, and if any legal points are raised months and months—possibly more than a year—may elapse before they are determined. And in the meantime the parties are suffering all the vexation and injury of the "law's delays," to say nothing of its uncertainty.

The only objection which can possibly be made, we imagine, to the course thus suggested, is that there are many cases in which it would be difficult to follow it. No doubt it would be easy to suggest many. But is that any answer to the cases in which it would be easy to follow it? Of course, in cases where it was doubtful what was the proper course, the judge would leave the case to take its regular course. And it is not suggested that it would not be so in many cases. What is suggested is, not that *all* causes could be disposed of in the way proposed, but that a great many could easily be so dealt with. It is *believed* the majority might be so disposed of, but it is enough to say that a *great many* could be so. To the extent to which it could be done, these would be a great relief to the suitor, and a great relief to the courts. A number of cases not fit for the superior courts, or not fit for *trial*, would be got rid of; the cause lists would be

lightened: those which remained would be those most worth trial, and would be tried well, and without the delay which otherwise might prevent them from being tried at all. It is manifest that to the extent to which the trial of causes—except where trial is really necessary—is diminished, and in the degree to which they are remitted to the right and proper mode of determination, there must be a great gain to justice and the suitor. To the extent to which causes which need not be tried, are prevented from being tried, the suitor is spared time, trouble, excitement, vexation, anxiety, annoyance, inconvenience, and uncertainty. In the degree to which causes are determined in the right and proper way, they must, it is obvious, be determined rightly, and that is a great gain both to justice, while it is a great convenience and comfort to the suitor, that the cause should be adjudicated in the proper manner—that is, with the greatest promptness, convenience, and accuracy. The misery of litigation, in a great degree, is its suspense and uncertainty, and the consequent anxiety. Anybody who has ever had the misfortune of being engaged in a lawsuit knows that there is nothing like it under the sun for anxiety, vexation, and annoyance. And it is absolutely impossible to exaggerate the importance of causes being promptly remitted to the *right mode* of determination. The result would be that *all* would be determined promptly, most of them by being at once either put a stop to, if really undefended, or sent to some prompt and convenient tribunal, and the remainder allowed to go on to trial in the superior courts, would be of course tried and determined far more quickly, by reason of there being a much *smaller number* to be tried. *All* actions, therefore, would be more promptly determined, and *all* suitors would have the benefit of the change. And the benefit would not be *merely* the avoidance of delay, rather that would be an incalculable public advantage. The causes would all be determined in the right way, and there would be all the greater certainty that they were rightly determined; for to do a thing *rightly*, it is first of all necessary to do it in the *right way*: and at present it is painfully manifest that there is but very inadequate provision in our civil procedure to secure that causes shall be determined in the *right way*. This is left pretty much to chance, or the capricious choice of the suitor. There are sundry provisions as to a choice of jurisdiction by *consent*. That is, consent of *both parties*. Of course it is always *open* to parties to refer a case to arbitration, and provision is made in certain cases for reference of a case to the county court by *consent*. So the parties may have a special case, by *consent*, to determine a question of law, or they may, by *consent*, have the cause determined by trial of some simple issue of *fact*, without pleadings. And all these provisions plainly imply the opinion of the Legislature that these

various modes of proceedings may often be for the benefit of the parties. But they all require *consent*. And parties don't always see what is for their benefit, though any one else can see it easily enough. And the consent of *both sides* is required. Now without going so far as to say that in every suit each party is either fool or knave, it may fairly be said that in the great majority of cases in which none of these courses is taken by consent, one or other of the parties is, at least, wrong-headed if not dishonest. It is remarkable that in the majority of the better class of cases one or other of these cases *is* adopted by consent, if it is the proper course to adopt, showing that when there is anything worth dispute the parties are usually sensible enough to take the right course, and have it determined in the proper manner. It is in the worser class of cases, where there is *not* anything very serious in dispute, that as a general rule the parties, or both of them, are *not* so sensible. And it is to be observed that in order to adopt the proper course by consent, both parties must be sensible, and their attorneys also intelligent and disinterested, as the higher class of attorneys are to a great extent; but the majority can hardly be described as disinterested. Their *interest* is, at least, in a vulgar, tangible way, to protract and extend litigation, and therefore in order to get them to support or recommend to their clients, a course which will *stop* litigation, it is necessary that they should be high-minded enough to disregard their present tangible or apparent interest, which to say the least is not usually the case. As therefore the *permissive* provisions, which require consent, require that both parties should be sensible and their attorney disinterested, these provisions have comparatively small operation. Then the question arises, are suitors to be allowed to take the wrong course at their own choice or caprice, and protract or pervert litigation at their mere will and pleasure? So they might if the matter merely concerned themselves. But it does not. The administration of justice concerns the community at large, and whatever tends to obstruct or prevent it is a public mischief. It is for the interest of the *community* that litigation should be prompt, convenient, and economical, and it cannot be allowed to be rendered dilatory, inconvenient, and burdensome, merely to humour the obstinacy and self-will of foolish litigants. As Baron Alderson once said in the hearing of the writer when a blockhead of a plaintiff would not agree to refer a cause which it was manifest would not be tried, "One wrong-headed man is not to be permitted to block up the whole business of an assize." Suitors are usually—at all events on one side—more or less self-willed and wrong-headed (or there would not be so much litigation as there is)—and are apt to fancy, first that they are necessarily in the right, next that theirs is the most important case to be decided, and lastly, that they have a sacred right to

have their case determined by a jury. But that is not so. The administration of justice, as already mentioned, is a matter of public concern, and is to be carried on in the manner most conducive to the general interests of the community. So it is in reason; so it is in legal principle equally, according to ancient doctrine and modern legislation. The principle of our old law was that trial by jury was only for matters for which it was fit, and not for matters for which it was unfit; not, therefore, for matters of law, or for matters of account, or for matters of a nature not to require a trial, on evidence of disputed facts. And by various modes of procedure, some of them obsolete, but revived, in principle, in modern legislation, those matters unfit for trial by jury were withdrawn from it, and relegated to some other and prompter course of proceeding. So, as to modern legislation, its whole cause and tendency has been to remit matters to the *proper* mode of determination, whatever that may be. Hence, upon application of *either* of the parties, a judge can compulsorily *order* a cause to be referred to arbitration if it involve matter of account. We only advocate the extension of this principle. Upon that principle, when the parties have agreed that any disputes ensuing on a matter shall be referred to arbitration, and one of them brings an action upon the matter, a judge can compulsorily order it to be stayed. On the same principle, by the County Court Act of 1856, a judge may in a limited class of cases (where the demand or debt is reduced by payment or admitted set off, to a sum not exceeding 50*l.*) compulsorily *order* the case to be sent to the county court for trial. We repeat we only desire to *extend* the salutary provision, and carry out these admirable principles. Why, we ask, should they be so extremely limited in their operation? Why is the latter provision so strictly limited to cases of a balance of 50*l.*? What difference does it make if it is a plain, simple case, that the demand is 500*l.*? Again, why should an action in which there is no defence be summarily settled by judgment—*only* in the case of a bill of exchange? Why is it not equally so in the case of an IOU., or an admitted promise to pay, or a common bond debt? Again, why is an action to be ordered to arbitration *only* when the parties have *agreed* to that course beforehand, or where the matter is one of account? There are numerous other classes of cases just as fit for the application of such a provision, especially one atrocious class of cases in which the pain and publicity of a public exposure is used as a means to extort money not justly or really due. We only desire to extend the application of principles already laid down by the Legislature, and to extend the operation of its latest and most salutary provisions as to civil procedure. Nor have we any doubt that, in the result, and perhaps in the next session; these views will be more or less carried out.

It matters not who is in office. Happily, it is not a party question. It matters not who is Chancellor, whether Lord Cairns or Sir Roundell Palmer, these eminent men are upon this subject equally enlightened, and will each cordially co-operate with the other in the advancement of this great object—the improvement of our civil procedure. They will be aided also, to the utmost, by an eminent person who, happily, occupies the highest position in our common-law judicature, we mean Sir Alexander Cockburn, the Lord Chief Justice of England, whose enlarged and enlightened mind would lead him to adopt and advocate any practicable measure of legal reform, and whose authority would lend it great weight. He is the senior surviving member of the Common Law Commission of 1850, which did so much to improve our procedure, and recommended the salutary provisions to which we have adverted; and it was understood that his views were far more advanced than those of his coadjutors; nor can it be doubted that he would gladly lend his aid to *carry out* the principles then laid down. There are, moreover, still three more judges on the bench who were members of that commission: Baron Martin, Baron Bramwell, and Mr. Justice Willes, all men of sound sense, of great legal learning, and of great experience. And happily the Bench, as it is now constituted, is largely—one might say entirely—composed of men at once enlightened and experienced; such men, for instance, as Sir H. Keating, whose name has been already mentioned as that of a law reformer, and the author of a very valuable measure. Mr. Justice Montague Smith, a man of vast experience and cultured mind; Mr. Justice Mellor, a man of very sound judgment; and last, not least, Mr. Justice Blackburn, who combines in a rare degree deep learning with common sense: from such men law reform will meet with no objection or obstruction. Nor is this all: there has lately been added to the Bench a man of the same order of mind as Mr. Justice Willes, we mean Mr. Justice Hannen, a man eminently learned, liberal, and enlightened. Then there are men like that eminent judge Sir James Wilde, with minds at once philosophical and practical, who would lend all their aid to legal reform. In parliament, again, there are men like Mr. Ayrton and Mr. Torrens on one side, and Mr. Henley and Mr. Hardy on the other; to say nothing of able liberal lawyers like Coleridge, Mr. Denman, and Sir R. Collier, who would lend all their assistance. Anyhow, we rejoice to think, considering the construction of the Commission now sitting, and that it includes the honoured name of Sir William Erle—a man in whom liberal views are happily blended with matured experience—no doubt can be entertained that, next session we shall see a large and valuable reform of our civil procedure, and we are certain that it will embrace some of the suggestions we have ventured to submit.

ART. IV.—SPIELHAGEN'S NOVELS.

Friedrich Spielhagen's gesammelte Werke. Berlin : 1868.
The collected Works of Frederick Spielhagen, &c.

IT may be received as an axiom that the light literature of any country—particularly its novels and romances—not only reveals the individual talents and dispositions of the writers, but likewise affords indirectly an insight into the general character of the inhabitants. Indeed, it may be said to reflect to some extent the varying phases of national life. Could, for instance, such a work as “Don Quixote” have been written by any other than a Spaniard, and have appeared and at once become popular in any other country than Spain? We may say, too, that the time when this romance was launched into the world could not have been other than it was. Similar observations might be made respecting standard works of fiction in France, Germany, Italy, or our own country. And although much in light literature that is characteristic of an author's nationality and particularly pleasing to his countrymen in general, may be said to lie on the surface, and to consist of mere outward form and local colouring, yet in the best works of fiction of any country are to be found deeper-lying sources of power. It is above all to the insight of great writers into human nature, to their psychological truth, to the power with which they have seized and understood the general motives to human conduct and given them concrete embodiment, that their wide-spread, enduring reputation is due.

As regards the relative merits of works of fiction, we once heard Tieck, the German poet and critic, declare that our Fielding had produced, in “Tom Jones,” the very best novel in the world. This opinion is no doubt tinged with a subjective colouring; for if what we have said above be sound, there can be no absolute standard of perfection for a novel. Tieck's great admiration of “Tom Jones” was based, as we gathered, chiefly upon its truth to nature, on the thoroughly life-like pictures Fielding reflected in his mirror. Yet, despite these undoubted merits, despite its wit and humour, and lively plot, such has been the change of taste in little more than a century, that comparatively few persons nowadays even in this country care to read “Tom Jones.” Many indeed of those who have read it hold it to be both coarse and immoral. There is an absence no doubt in this and Fielding's other novels, of any ethical or æsthetical

purpose, of any aim at elevating the minds of his readers by placing before them higher standards of human nature than the average of human life displays. Yet, though Fielding shows us common human passions in their common modes of action, to his credit we may in passing say, he was never guilty of making vice alluring by presenting it to view, as is the case with many modern French Romance writers, through the medium of rose-coloured gauze, and with the fumes of an intoxicating incense to overpower the senses.

The foregoing observations on works of fiction in general have been called forth by studying those of the German author of whom we are about to speak. If they be true, as we believe, and also trite, as we know, we may quote in our own defence the words of Goethe:—

“Alles Gescheidte ist schon gesagt worden. Es kommt nur darauf an, dass man es noch einmal durchdenkt.”

The romances of Spielhagen (and here we may remark that in Germany for broadly-planned works of fiction in which poetical incidents and development of character are prominent features, the word *Roman* is used, whilst *Novelle* is applied to shorter, more descriptive works, like our tales), show their author to be a true child of his age and country. None but a German could have written as he has done; no one not well acquainted with recent social and political life in Germany can thoroughly understand and appreciate the characters he portrays and the scenes in which they act.

From biographical notices of Spielhagen in German periodicals,* we gather that he was born in Magdeburg, in 1829, and is the son of a Prussian functionary of considerable rank. (Regierungsrath). His youth was passed in the romantic old town of Stralsund, to which his father was removed in 1835, and the scenery of that neighbourhood, and of the near lying island Rügen, appears to have become so deeply impressed on the opening mind of the boy, that he subsequently painted it with enthusiasm in several of his romances. His course of “gymnasial” education in Stralsund having been completed in 1847, he went in that year to the University of Berlin, intending to study medicine. But his poetical nature soon caused him to give up all thoughts of the medical profession, and the following year he removed to Bonn to study philology. He remained at Bonn till 1850, when he returned to Berlin, continuing his studies partly at that university and partly at that of Greifswald. Whilst at these universities he appears to have studied a variety of subjects, but

* “Illustrirte Zeitung,” Leipzig, 9th February, 1867. “Bibliothek der deutschen Classiker.” Hildburghausen. Band xxiv. p. 683.

discursively rather than with reference to any regular profession—for which both his poetical vein and his thirst for observations of actual life seem to have disqualified him. After serving his allotted time in the Prussian army and occupying the post of tutor in the family of a Pomeranian nobleman, he went to Leipzig, in 1854, to devote himself to general literature, and he afterwards became a teacher (*Privat Dozent*) of modern literature and æsthetics.

His first romance, "Clara Vere," was published in 1857, and in the following year a short second romance, "Auf der Düne" ("On the Downs"), appeared, and attracted considerable attention. In the six years Spielhagen resided at Leipzig he wrote many critical essays for periodicals, translated a considerable number of French, English, and American works—particularly of American poets—and published there two more short romances, one of which, "Röschen vom Hofe," a charming idyl, rapidly passed through four editions. In 1860 he went to Hanover, where he married; and the following year he removed to Berlin, where he has since resided, displaying great activity in connexion with a leading periodical, and as romance writer. In 1861 his first large romance, "Problematische Naturen," appeared, and at once established for the writer a great reputation. It was followed the next year by a continuation, "Durch Nacht zum Lichte" ("Through Night to Light.") In 1864 another long romance, "Die von Hohenstein," was published, and lastly, in the autumn of 1866, "In Reih' und Glied" ("In the Ranks"), a romance in six volumes.*

The scenes of all Spielhagen's romances, with the exception of his first, "Clara Vere," are laid in the Baltic provinces or islands, in the Prussian capital, or on the Rhine. "Clara Vere" is an English tale which, though possessing psychological and poetical charms, is utterly un-English in tone and character. With this exception all the fictions of our author belong to the category of what the Germans call "Romances of the times." In the two last he has ventured on the hazardous ground of the so-called "Tendency romance." Yet we believe what may be called the purpose of the writer is not so much the result of a conscious desire to advocate particular political and social theories, as the natural outflow of his own individuality, and of the impressions made on his youthful mind in the revolutionary year of 1848, as well as in the reactionary period which followed. However warmly some of the characters in the two last romances take up politico-social

* Since the above was in type we have become acquainted with some charming "Novellen" by Spielhagen, but lately published, of which, however, we now cannot speak.

questions, and aim at revolutionary changes, yet on the whole no injury is done to the old-fashioned moral that domestic virtues and a conscientious fulfilment of the nearest-lying duties are most conducive to the happiness of individuals and the welfare of society in general. But the heroes in many of Spielhagen's romances are not made of common stuff. They are very unusual natures, gifted with more than the average of intellectual power, even for our intellectual age. A few have even Titanic qualities,—towering ambition, insatiable cravings, and overwhelming passions, which bring them to a miserable end. That the heroes in romances—which have been styled the modern epics—should stand at least a foot higher than ordinary men is but what we have a right to expect. It can interest none but the most unrefined minds to be occupied chiefly in works of fiction with commonplace, vulgar natures and their unpoetical surroundings, or with stilted heroes clothed in tinsel, and talking in highflown fashion amidst scenes of extravagant conception. In Spielhagen's heroes psychological truth is never violated. The principal personages in his romances live before us and fix our interest. Their dispositions are not described, but impressed upon our minds in action. The plots of his romances too, despite the great number of scenes and characters introduced, are nevertheless skilful, consistent, and artistic. He makes no extravagant use of improbable coincidences, nor is the reader kept on the tenter-hooks of suspense whilst the intricacies of a plot are unravelled. It was Schiller, we believe, who called the romancist the half-brother of the poet. To Spielhagen's glowing descriptions of nature, which are never tediously minute, and are invariably brought into harmony with, or made to enhance by contrast the moods and actions of his personages, a true poetical charm is given. In this respect they may be said to occupy a happy position between the vague and shadowy pictures formerly met with in German romances, and the photographic realism or word-painting, so wearisome to readers of taste in many of our modern English novels. With a skilful hand, too, he paints the tender emotions and longings of the heart, particularly in his female characters. Though the interest in his stories is generally well sustained, yet in many of them the *dénouements* are sad, a foreboding of which, as the consequence of vices, errors, or weaknesses in the actors, too soon perhaps arises in the reader's mind. As in the Greek tragedies, an inexorable fate seems to pursue its victims, and but few of this writer's romances can be put down when finished without feelings of pain mingling with admiration of his power. But the comic elements, satire, wit, and humour, are not wanting to afford amusement to the reader. Apart from the national colouring pertaining to his characters, their peculiar qualities are shown to have little to do with external circumstances. We see the hereditary influences

of temperament and other organic conditions indicated; and in descriptions of bodily gestures, and expressions of the countenance, much knowledge of human nature, in its morbid as well as healthy state, is displayed. But enough of general observation on this author. We have before us numerous criticisms of his works in well-accredited German periodicals, which could be cited in proof that we have not over-estimated his powers nor his popularity. Indeed, in Germany he is generally acknowledged to occupy the foremost rank amongst modern writers of fiction; an opinion, moreover, confirmed to some extent by the publication of his romances in a collected form.

In agreement with German critics, we consider "Problematical Natures" to be the most interesting and poetical of our author's productions. At the risk of conveying but a poor impression of its charms by stringing together the chief incidents of the story, with occasional extracts, the result of which may perhaps be compared to a faded bouquet devoid of colour and fragrance, we nevertheless think it necessary to adopt this course, as the work is untranslated, and as neither its psychological nor national character can otherwise be made intelligible to our readers.

Goethe says in his "Dichtung und Wahrheit:" "There are problematical natures who are not equal to any situation in which they are placed, and for whom no situation is good enough. A fearful conflict results therefrom, which consumes life without enjoyment." These pregnant words of the great German poet are placed as motto on the title-page of the work before us, and Spielhagen has built upon them a tale full of poetry and psychological interest. In the course of the romance the author, through one of his personages, more specifically characterizes problematical natures as "beings for the most part liberally endowed by nature with good qualities; whose feelings and endeavours in general are directed to what is good, yet who all, without exception, come to a sad end, because they understand, either never or too late, that the most enthusiastic efforts and the loftiest aims not only remain uncrowned by success, but at length destroy the struggler himself if he overlooks the conditions of our earthly existence. Such people are not satisfied with anything—with themselves least of all. Possessed of endless susceptibilities, they seize everything with avidity, cast it, however, away as soon as its limited nature becomes clear to them. The world does not satisfy them, and they do not satisfy the world. The world lets those who despise it fall, despair, die of hunger, as may be; and it is right it should be so, for naturally those only can be rewarded who, sacrificing their egotistical desires, strive to serve the world earnestly and diligently."

The scene of this romance is on an island of considerable size in the Baltic (meant no doubt to be the island of Rügen); and

the greater part of the action takes place at the seat of a nobleman of ancient family, though belonging to a collateral branch of the one which for many centuries had held the property. The last baron of direct lineage had died unmarried some twenty years before the opening of the story. The chateau, connected with strictly entailed estates, is in the midst of forests of pines; but in its immediate neighbourhood are oaks, beeches, and other trees with rich foliage, beautifully grouped. The building itself is of large size, "for the most part in the badly ornamented style of the end of the seventeenth century, joined on to another part, consisting of a remnant of an old castle with a large round tower, dating from the middle of the fourteenth century. The whole resembling a full-dress courtier of the age of Louis XIV., standing side by side with a mailed warrior of the days of Crecy and Poitiers."

The inmates of this chateau are Baron Grenwitz, an old, right-minded, amiable, yet weak man, and his wife, more than twenty years younger than he is. She is proud and energetic; full of aristocratic prejudices, fond of power, and unscrupulous in the choice of means to gain her ends, which are all of a selfish, worldly character. There are also a timid, discontented, and not over wise French *bonne*, now acting as housekeeper, and two boys. One of these is the feeble son of the noble couple; the other is an energetic youth, born in Sweden, a poor orphan related to the baron, and for whom he has, to his wife's annoyance, undertaken to provide.

The tale begins with the arrival, in the early part of the summer of 1847, of a new tutor at this chateau. Oswald Stein, who is the principal character answering to Goethe's definition of a problematical nature. He becomes known to the reader as an orphan of obscure origin, not yet twenty-three years of age, remarkably handsome, and with a frame combining elegance with strength. He has likewise rare gifts of intellect and imagination, and strong passions beneath a calm and self-possessed exterior. He has just finished his studies, and obtained his degree of doctor of philosophy at a North German university. It has been by the advice of a professor there, whom the baroness had consulted about a tutor, that Oswald had accepted the post. This professor, Dr. Berger, is another of the problematical natures. We know him only historically in this romance, chiefly through the letters of Oswald Stein to him and to a friend about him. He appears, however, on the scene in the sequel, "*Durch Nacht zum Lichte.*" He is a professor of philosophy, such as none but a German could have conceived, because only in Germany is the prototype to such a character to be found. We remember reading more than twenty years ago in a Berlin newspaper a clever article entitled "*The World's Poisoning through the Philosophy of*

Hegel," the moral of which was that over-speculation and dialectical reasoning weakened the capacity for practical life. The professor, as we know him in this romance, appears, indeed, to have imbibed more poison than nourishment from his philosophical speculations. He loses his senses whilst lecturing to his class, raves about the emptiness of his skull, about the "original nothingness of existence," and is removed to an asylum. The news of this occurrence has a disturbing effect on Oswald Stein.

The night of the arrival of the latter at Chateau Grenwitz, on retiring to his room, he cannot resist the temptation of looking at his pupils, as the apartment in which they sleep opens into his. With light in hand he quietly enters it.

"The beds of the boys were near to one another. Before the one a carpet was spread; before the other there was none. Above the bed without a carpet, hung a silver watch; above the other, one of gold. In the latter bed a boy, about fourteen years old, was lying, with delicate, oval face, light-coloured, thin hair, and to whom a half-open mouth lent a somewhat silly expression. In the bed beneath the silver watch was a boy who might be a year older than the other, though he looked at least three years older. Whilst the arms of the first lay languidly on the coverlet, those of the second were firmly crossed on his chest. His compressed lips and his dark eyebrows, at this moment gently drawn together, probably in consequence of a dream, gave to his pale face, with somewhat irregular, though not unhandsome features, an expression of pride and defiance which might well have suited for the captive son of a king. 'Poor boy,' thought Oswald, 'to thee the spring of life has brought tears, if, indeed, one may speak at all of a spring for thee.' He felt moved, and scarcely knew why. He bent over the slumberer and kissed his forehead. At this moment the boy seemed to be aroused from his sleep. His arms relaxed, and opening his large dark blue eyes, he looked up to Oswald through the mist of his dreams. All at once his face was lighted up as if by a gleam of sunshine cast suddenly upon it. The dark looks vanished, and a sweet smile played upon the animated features. 'I love you,' he murmured; 'and I you, too,' Oswald replied. Bruno (so the boy is named) now turned on his side, and soon the regularity of his breathing disclosed to Oswald that he was again fast asleep."

We have given this extract, not only as a specimen of the author's style, but because it strikes the key-note, as it were, to an enthusiastic attachment Bruno soon forms for his new tutor. On the character of this youth the author has bestowed great pains, displaying a fine apprehension of the fervent impulses of a proud, noble, highly poetical, and generous nature in the period of adolescence.

Another extract will serve to introduce one of the principal female characters.

"On a splendid summer's afternoon, a few weeks after the arrival

of Oswald, Baroness Grenwitz was seated in the garden saloon of the chateau with another lady who had ridden over from her seat in the neighbourhood to pay a visit. The glass door leading from the saloon into the garden was open, disclosing a lawn and flower beds, fringed with shrubs and lofty trees. A greater contrast than the two ladies afforded could not well be imagined. The baroness was scarcely forty, but the hardness of her features, and of their expression; her large, cold, observing grey eyes, the formality of her movements, her tall figure, far beyond the average height of her sex, and particularly her peculiar way of dressing, caused her to look at least ten years older than she was. Whether from innate love of simplicity, or, as some asserted, from a love of economy bordering on avarice, she preferred materials which, like the wedding gown of the worthy wife of the Vicar of Wakefield, were valuable more for their durability than for showy qualities, and she chose to have her clothes made in a way that could not be said to be out of fashion, because it had never agreed with any prevailing mode. The baroness is busy hemming napkins, or some such useful articles, one of which her visitor seems to be marking for her. This lady is dressed in a dark green velvet riding-habit, sufficiently drawn up not to be an impediment in walking, and not to hide well-shaped feet in elegant little boots. The tight-fitting dress displays to advantage a well-rounded, youthful form, and the small hat, which together with riding whip and gloves, are lying on a table near, may be thought well to become the beautifully-shaped head with its thick tresses of rich brown hair, drawn round the ears, and gathered into a wreath behind. The occupation, certainly, did not harmonize with her dress, nor did it seem to interest her particularly, for on the baroness rising from her seat to look for something at the back of the room, she suddenly threw up her head and displayed a lovely face, with soft, child-like features, and large brown, tender eyes. The expression of her face at that moment, however, resembled that of a pert schoolgirl when her mistress's back is turned."

The lady thus described is Melitta, daughter and only child of one of the local nobles. When she was but sixteen her father had given her in marriage to a neighbour, as equivalent for a ruinous sum he had lost to him at play. In addition to great disparity of years, the constitution of Melitta's husband had been ruined by debauchery; he became deranged two years after their marriage, and had to be placed in an asylum, where he had since remained. Melitta is now twenty-nine years of age, and has one boy, to whose education she devotes herself.

Leaning against the framework of the door, and looking into the garden, the baroness having been called away, Melitta sees Oswald and Bruno lovingly emerge from the shrubbery, and she is forthwith struck with the appearance of the former, so "utterly unlike the race of pedagogues," though she guessed he could be no other than the new domestic tutor. At the dinner, to which she remained, she became equally fascinated with his conversation, so

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full of "*Geist*" (to use a word which seems now to have received the rights of citizenship amongst us), as with his personal advantages. She asks him to come to her seat the following day, alleging, as ground for this invitation, a wish to consult him about the approaching removal of her son to the university town in which Oswald had lately resided. The following day, a Sunday, Oswald starts on foot to pay the promised visit, and to please the baroness, he has to call on the pastor of the parish on his way. As not connected with the plot we merely allude, in passing, to his joining the drowsy congregation at church, where he has to listen to a sermon full of doctrinal platitudes, uttered with hollow pathos, and to his detention to dinner by the pastor. The sketches of this thoroughly worldly-minded and sycophantic clergyman, and of his sentimental wife, full of æsthetical yearnings, belong to the satirically humorous and most amusing portions of the book. The lady reads to her guest her poetical contributions to a periodical—verses on corn-flowers, on moles, and other lowly creatures into whose souls she professes to have glanced. Her husband informs Oswald, in the tone of emphatic admiration for wealth, characteristic of vulgar natures, of the vast landed possessions of the Grenwitz family; and he likewise tells him of a clause in the will of the last baron of the direct line, which we must now relate, with the addition of other particulars, which transpire later in the story. This baron—Harold by name—a man of great physical strength and unbridled passions, had decoyed to his chateau, and, under promise of marriage, seduced a young orphan girl of French extraction. On becoming convinced in the course of a few months that she had been betrayed, she had fled, broken-hearted, from the chateau, having been encouraged to take this step and assisted by a man, likewise a descendant of a French refugee family, who had known and loved her from her childhood. After her flight, Baron Harold, who likewise had loved her after his selfish fashion, had sought her in every direction, scouring the country with such wild energy, and indulging in such excessive potations in lieu of food and sleep, that a fever had been the consequence, of which he had died. On his deathbed he had made a will leaving all his landed property not entailed—two considerable farms—to the expected child, boy or girl, of his victim, in case it should be discovered, and the property claimed before the expiration of twenty-five years. This will of Baron Harold hangs like a dark cloud over the head of the avaricious wife of the present possessor of the entailed estates. It is to these farms she looks as the main provision for her widowhood, as well as for a daughter a few years older than her sickly boy. The pious clergyman speaks with becoming horror of the possibility that a child of Baron Harold and a woman of citizen blood

may yet come forward to claim the unentailed land, with all arrears of rent and interest.

In continuing his tour to Melitta's chateau, Oswald loses his way in a wood, falls asleep under a tree to awaken and find a gipsy woman, fantastically attired, standing over him. She examines his hand, tells him he will be loved by many fair ladies, but will die young in consequence of inability to love any one with constancy. This gipsy woman, a Hungarian, and her child, a girl dressed as a boy, are mixed up with the story, though we must omit further mention of them as not connected with the character-development of the hero. On arriving at the place of his destination, much later than he had been expected, Oswald finds the hall door open, but no one to announce him, the domestics for the most part, and Melitta's son, with his tutor, having gone abroad this fine Sunday afternoon. A large sagacious dog, however, as if he understood the awkward position of the visitor, welcomes him after his fashion, and trots into the garden, where Oswald, following, finds Melitta on a raised mound, under the shade of trees. He is warmly received, and having told his adventures, and learned the history of the gipsy woman, a conversation between the lady and her visitor ensues, which tends to enhance their feelings of reciprocal admiration. She consults him about her son's education, telling him that she wishes her boy to study, amongst other reasons, that he may not resemble the young noblemen on the island.

“‘There are amongst them,’ she says, ‘good-looking, very good-looking men, who, in their Landwehr uniforms, with their blonde moustaches, well-bronzed faces and light blue eyes, cut an excellent figure. But in plain clothes they look stupid, and have the monotonous faces of animals. The only one of them who has studied looks as if he belonged to another world.’

“‘And who is this phoenix?’

“‘A Baron Oldenburg.’

“A shade passed over Melitta's expressive face, as when a cloud flits across a sunny landscape. For a moment or two her eyes were fixed on the ground, as if she had lost the thread of her discourse. Then, like one awakening from a dream, she added, ‘for this reason I am determined my Julius shall study. But I keep chattering on, and have not asked whether you are not hungry and thirsty. Come, we will go in and see if we cannot get some refreshment, and now I recollect that I have not dined to-day.’

“Melitta rises from her seat, and whilst she puts on her hat, Oswald looks at the title of a book on the table.

“‘For you doubtless everything has its own language,’ she said.

“‘Perhaps! This book, for instance, tells me Baroness Berkow had better leave me unread, as there are so many better books in the world.’” * *

Oswald expresses his disgust at again meeting with the *Mystères de Paris*, which he adds he had latterly found in every house he had entered.

“‘You may be right,’ replied Melitta, as they descended into the garden, after having listened to his unfavourable criticisms of the characters in Sue’s romance. ‘It is a misfortune that such books are written, and that they are sent to us country folks from the libraries to which we subscribe. But it is a greater misfortune that the education of us women is so neglected as to make it possible for us to derive pleasure from them. However, all that Sue says of the despicable creatures you have mentioned, we receive much as we do the accounts of strange monsters reported to have been met with by travellers in unknown regions. We may place some faith in the author perhaps, because we find there is truth in his descriptions of social life, of which we have had some experience.’

“‘Is, perhaps, Rudolphe, Grand Duc de Gerolstein, sketched after life?’

“‘That I cannot say, but so much I know: a history such as that of the Marquis d’Harville and his wife may be heard of nearly every day.’

“Oswald made no reply. All that he had been told of Melitta’s position to her husband, of his seven years’ insanity, flashed across his mind. His imagination painted the sad scenes which might have preceded the catastrophe, and it pained him to think that unwittingly he had touched with his rude hand the curtain which hung before this dark family drama. At the same time he felt deep sympathy for the interesting woman at his side, who, in this sylvan retreat, had to pass the best years of her life. Of what use to her were beauty, youth, and wealth, without love! And would she ever be loved as she deserved and longed to be? She, in whose soft, dreamy eyes, fathomless depths of tenderness and passion seemed to lurk! Pity is the first-born brother of the gentle sister love. In commiserating the lot of this beautiful woman, Oswald’s heart was moved by feelings sweet as well as painful. If from the foaming waves classical love was born, for our modern romantic love, the soft, fragrant atmosphere of a blooming garden is a fitter source. Voluptuous shades lay on the pleasant groves; dreamily the afternoon’s sunshine rested on the verdant lawns, in the thick crowns of trees birds rejoiced; butterflies hovered over the sun-surfeited flowers. Slowly the two graceful forms wandered through the grounds, now pausing to admire a rose-bush more lovely than its neighbours; now looking up at a squirrel, as it sprung from branch to branch. More and more a feeling came over Oswald as if he were wandering in a dream, as if he were dreaming only of all this sunshine, all this scent of flowers, all this singing of birds. As if likewise he were dreaming only of Melitta’s sweet voice; of her deep, love-revealing eyes. And Melitta! It seemed to her as if to-day she saw with other eyes, heard with other ears, so true it is that to us mortals man is not only the most interesting thing in creation, but also that which we can best understand. For one human soul we

thoroughly can sympathize with, we are ever ready to throw away all those things with which, in the absence of this supreme happiness, we fill up our monotonous hours. And if this be true as regards a man, for a woman it has a double, nay, threefold meaning. For her there is but one bliss in life, to love, and to be loved in return, and Melitta's heart, which hitherto had felt nothing beyond superficial inclinations, yearned for a deep and true passion. The half respectful, half bold, yet always admiring, soft glances of the young man at her side, like an invisible and magic net in whose meshes she became more and more entangled, caused her to feel too happy not to be grateful to him who gave her those new sensations.

"She felt unspeakably happy, yet more serious than usual. The storm of passion slowly approaching in her soul, already cast its dark shade over the sunshine of her spirits. Its first breath tore asunder the thin veil which time gradually had woven over many a bright picture of days that were passed. Whilst Oswald sketched to her the plan of education he thought best suited for her son, and in so doing spoke of his own experiences, and thus, as if to show his esteem and admiration for his beautiful companion, gave her an opportunity of glancing at the secrets of his soul, she felt more than once deeply moved. Many of the thoughts which the young man so vividly and eloquently expressed, she had heard before from a man who had been dear to her, but who, though his intellectual power had attracted and fascinated her receptive mind, had repelled and wounded her tender nature by the roughness of his manners. Here she found what there so painfully she had missed, beauty of form, graceful movements, charm of expression."

Melitta, though her attendants were mostly away, succeeds in placing a repast before her guest. But she has to humour a faithful old servant—a life-like and amusing figure—who had served with her father in the wars, and nursed her in her infancy, to procure anything she wants. She shows Oswald her drawings in an album, and a portrait on a leaf cut loose from the book attracts his attention. He hears, to his surprise, that it is a likeness of the Baron Oldenburg, whose name he had just before heard for the first time, and the lady makes some further remarks, which he finds enigmatical, about him. A sketch of a cottage in the Swiss style, but surrounded by woodland scenery, particularly pleases him, and Melitta tells him it is her "wood-chapel," not far from her chateau, and she offers to conduct him to the spot. They set off, despite threatening weather and the warnings of the old servant; are detained in the romantic summer house by a thunderstorm, and in the end vows of eternal love are exchanged.

Glowingly, to say the least, are this love scene and subsequent meetings of the lovers in the same spot described. Purists may find fault with our author for enduing a heroine with largeness

of heart and intellect, fully to enlist the sympathy of readers (her sweet temper, genuine kindness, and charity transpire in the course of the story), yet with so great a portion of the warmest of all human feelings, as to fall suddenly in love with a man much younger than herself, and of whom she knows but little. In a subsequent romance, "Die von Hohenstein," the author again introduces an aristocratic beauty—a widow who has been unhappily married—and she, too, loses her heart at first sight, and devotes herself to an unusually handsome, learned, and poetical citizen of obscure origin. Romantic women such as these, however, are *not* set up by our author as types of their sex, nor of their caste. They are simply shown as victims of the aristocratic custom of "*mariage de convenance*." We may further remark, that though Spielhagen paints love scenes with great vividness, yet it is always genuine passion he describes, and in no case does he introduce merely sensual characters, or heartless coquettes of the *demi-monde*, excepting to show them in all their ugliness.

Oswald's love for Melitta intoxicates and unsettles him, and gives cause to his young friend Bruno to think he has lost the affection of his mentor. The episodes in which this youth plays a prominent part belong to the most fascinating in the book. But as not directly connected with the plot, we refrain from giving extracts. Other episodes, too, we must omit in which interesting, though minor characters, are introduced, and though they are valuable as throwing light on the good qualities of Oswald, as also, by contrast, in bringing into stronger relief the vague and problematical side of his nature. His love causes him to dream of bliss, yet he has presentiments of misery, likewise, for it is in his nature to seize with ardour the new and beautiful, yet soon to experience a reaction when his exaggerated expectations are not fulfilled. It disturbs him to think that his Melitta belongs to an aristocracy he has been educated to hate, and feelings of jealousy soon are aroused on learning that Baron Oldenburg is returned to his property on the island. He soon sees him, too, on horseback, apparently returning from a visit to the seat of Melitta.

It is now time to say more of this personage. He is the third of the problematical natures, at least on one occasion he is thus designated. Yet his character differs in essential respects from that of Oswald. He likewise is an only child and had early lost his father. An intimate friendship between his mother and the aunt who had supplied the place of mother to Melitta, had led to his having been the almost constant companion of the latter in childhood, he being three years her senior. In boyhood he was self-willed and passionate, though not devoid of kind and honourable

feelings. As he grew up an intense love for his playmate took possession of his heart. But his proud, rugged character, and his tall, ungainly figure, not harmonizing with Melitta's early pronounced sense of beauty, had prevented her from responding to his feelings. It was during the period of Oldenburg's studies at a distant university that Melitta's marriage had taken place, and the news of this event had greatly affected and unsettled him. He had given up his studies in consequence, and taken to an irregular and wandering life. Two years after Melitta's union he had returned from distant travel to his native place. It was about the time that the insanity of Melitta's husband became unmistakably pronounced, and this had given Oldenburg an opportunity of showing the sincerity of his affection for the companion of his early youth. It was he who supported her by sympathy and acts, and also had placed her husband in an asylum.

Subsequently he and Melitta had met again in Italy, whither he had followed her, when she was travelling with relatives. Their renewed intercourse had led to a display of passion, and the employment of a stratagem on his part to test her feelings towards him, which, instead of forwarding his ends, had given great offence, and caused them again to separate. They had not seen each other since.

The character of Baron Oldenburg is well conceived and consistently developed. He belongs to those superior minds amongst the German aristocracy who, with too much wealth or love of independence, to enter the army or serve the state as bureaucratic functionaries—almost the only professions open to the nobility—have suffered from the want of a political field for their energies. He is a liberal in politics, and free from the orthodox prejudices of his class; despising the frivolous doings of the local nobles, by whom in return he is both feared and disliked. His aberrations—the indulgence of so-called “noble passions of German cavaliers”—have been chiefly owing to despair at unrequited love. But in the end, through energy of character, generosity, and constancy, he works his way to happiness.

We pass on to a ball of which we must give some details, as it brings out some prominent features in Oswald's character, and forms a turning-point in his history. The ball takes place at the chateau of one of the local magnates, Melitta's cousin, with whom and his wife she had travelled in Italy. A ball has been said to be as difficult of description as a battle. In sketching life-like figures, and painting in brilliant colours the exciting incidents of a German aristocratic country fête, Spielhagen has displayed no less talent than in depicting inward emotions amidst scenes of idyllic repose.

In consequence of the quarrel in Italy between Oldenburg and Melitta, of which her cousin was cognizant, he had made use

of a stratagem to get them both to this party. To her and her intimates he had sent a list of the guests invited, in which Oldenburg's name was not included; whilst to him he had sent another list omitting her name. Thus neither of the two expected to meet the other. In the invitation to the Grenwitz family Dr. Stein had been included. This invitation it was Oswald's wish to decline, because, as he told Melitta on one of his visits to her, of his hatred of the nobility generally, and his detestation of the way in which, whenever several of this class are assembled with a man of civilian blood in their midst, they make the latter feel the difference of rank. The conversation between Oswald and Melitta shortly before the ball to which we allude is highly characteristic of German social life, disclosing the chasm which in that country separates the nobles from people of citizen blood; the prejudices and contempt on the one side, the hatred, jealousies, and suspicions on the other. Melitta, possessed of head as well as heart, in trying to soften the asperity of Oswald's opinion of the class to which she belongs, acknowledges the truth of much that he advances, but gains his promise to go to the ball.

The giver of the fête, Von Barnewitz, is a stereotyped specimen of a jovial, sport and pleasure loving provincial nobleman. His wife is a pretty, vain, and heartless coquette. Oswald is well received, and soon gains the suffrages of the ladies. Some pistol-shooting takes place in the garden before the dancing begins, and Oswald carries away the palm from the crack shot of the party, a young, empty-headed, and conceited dandy. He, Von Cloten, is one of the characters who—unconsciously themselves—are highly comic. He is played upon by Oldenburg, who, in his dry, satirical manner mystifies him at pleasure. Oswald explains to one of the party his proficiency in pistol-shooting by stating that his father had practised him at a target from his boyhood; his father having himself with infinite pains become an unerring shot, from desire to avenge an injury he had received from a nobleman, whose early death, however, had prevented the fulfilment of his purpose. Baron Oldenburg is at once struck with Oswald's personal appearance. He had directly backed him in pistol-shooting, and he teases Cloten about his defeat. Several of the dance-loving young ladies find out the gentlemen in the grounds, and reproach them with their want of gallantry. Oswald hastens to acknowledge the fault, and offers his arm to Emilie Breesen, the youngest and prettiest of the party. Other young men follow his example, and lead away the rest of the young ladies.

“‘An elopement in *optima forma*,’ exclaims Oldenburg, to the defeated dandy.

“‘We had better follow at once,’ says the host, ‘for we should have long to wait if we fancy the ladies will fetch us away.’”

“ ‘Allons, enfants de la patrie,’ hummed Oldenburg, in a voice out of tune, and resembling that of a husky cock on a rainy day. ‘Cloten, mon brave,’ he adds, putting his arm into his, ‘we are getting old, and if we don’t make haste to get wives there will be small prospect for us of wedded bliss, the legitimate joys of fatherhood, and a happy end. Amen!’

“ ‘Ah, baron! a joke: you are at least five years older than I am.’

“ ‘That does not prevent the young ladies from treating both of us *en canaille*.’

“ ‘The little Emily is a d—d pretty miss in her teens.’

“ ‘Si, Signore! and what a pair of large grey, loving eyes she turned upon the doctor! Truly, with sixteen years of age that is all one can possibly expect.’

“ ‘Cursed puppet.’

“ ‘Who? the young lady?’

“ ‘Bah! The fellow; the doctor.’

“ ‘To be sure! Did I not tell you just now that he looks more distinguished than any one of us; that, moreover, he has about him the specific type of the nobility of this country. The girls, I said, would tear one another to pieces about him. And how the man shoots! Cloten, have no desire to stand up with him at ten paces.’

“ ‘Ah! should return thanks for such a duel with a low-born commoner. The game too unequal; are you not of opinion, baron?’

“ ‘Perhaps the man is the fruit of a *liaison* between a son of heaven and a daughter of earth.’

“ ‘What does that mean?’

“ ‘Do you not know that before Abraham the children of nobles and girls of low birth were thus styled?’

“ ‘Never! No, have never heard this! Son of heaven! famous! However, don’t believe in Scripture. Even you, baron, must allow this idea that all mankind—nobles as well as commoners—have come from one pair, to be horrible, absurd. Have always thought Scripture must have been cooked up by commoners in their own interests. Always felt angry when tutor explained to me ancient history.’

“ ‘Cloten,’ said Oldenburg, standing still and putting his hand on his shoulder; ‘Cloten, you are a great man. This thought places you on a line with the deepest thinkers of all centuries.’

“ ‘Ah! Bah! Do you speak in earnest, baron, or are you joking as usual?’ ” * * *

Baron Oldenburg had not only, as the above extract shows, noted the favourable impression Oswald had made on the young ladies in general, but he had likewise learnt something of the feelings in Melitta’s heart towards him. He determines to gain certainty on this point, and otherwise to gratify the love of fun in his nature, and to pay off his hostess for reports of his doings in Italy to Von Cloten. Not being a dancer, because, as he tells one of the young ladies, “his dancing-master had never been able to make him comprehend the difference between the first

and second positions, nor his music-master to teach him to distinguish between a waltz and a hymn," he is asked by his host to assist in arranging how his guests are to sit at the supper-tables, and in placing cards with the names of those who are to be together on the covers. Oldenburg uses the opportunity to bring Melitta and Oswald together, as also the wife of the host and Von Cloten, at that time her *cavaliere servente*. He subsequently excuses himself to the angry husband for the latter arrangement by reminding him of his instructions that the "most insignificant of the gentlemen was to lead his wife to table." He fixes himself opposite to these couples that he may direct the conversation and observe their behaviour. His suspicions regarding Melitta and Oswald are soon confirmed to his mind, whilst some ambiguous remarks he lets fall fan Oswald's jealousy of himself into full flame. The latter perceiving how he is watched ceases to pay attention to Melitta, and flirts desperately with the pretty Emilie, whom Oldenburg had placed on his other side.

Melitta's hopes of pleasure at the ball were wofully frustrated. She had looked forward to an enjoyment—well known to her sex—that of mixing in a pleasure-seeking crowd and feeling its stimulating influence, yet of thinking only of one beloved object, to whom she could show by a thousand little signs that he was the pivot on which all her happiness turned. Oswald displays towards her his jealousy of Oldenburg, says cutting things, and wounds her in the tenderest point. On her departure directly after supper, to blunt his sense of his foolish and cruel conduct, he drinks immoderately of the champagne which is freely handed about; dances with mad excitement and continues his love-making to Emilie, who takes it all in earnest. During a pause in the dancing he strolls into an apparently empty room, and drawing back a curtain before an open window to cool his burning brow, he discerns the passionately excited girl, who throws herself into his arms confessing that she returns his love. For a minute or two Oswald makes ineffectual efforts to undeceive her; then, yielding to the intoxication of the situation and the fascination of youthful charms, he returns her caresses with all the fervour of passion.

The proceedings of the young nobles in the ball-room attain a wild and Bacchanalian character, disclosing much coarseness and want of true culture, usually hidden beneath the varnish of conventional forms. A violent scene, however, between the intoxicated host and the Dandy Cloten—who had thrown off all restraint in his attentions to the mistress of the house, the fainting of the lady and her retiring to her room—bring the fête to a sudden close.

The noble couple Grenwitz had left long before, whilst Oswald was in the midst of his dancing, and as the carriage had not yet returned for him, he accepts an offer from Baron Oldenburg to convey him to his home.

“The horses started in gallop, and the light Holstein waggonette was soon beyond the precincts of the court. Scarcely a minute elapsed before the chateau, with its illuminated windows, its dark stables and outhouses, was far behind, and they found themselves in an open country, amidst waving cornfields, and meadows overhung with veils of mist. The short summer night was drawing to an end. In the east a streak of light announced the coming day, though the grey tones of twilight still equally were spread over all around. Exactly in front of them, in the north, now and then lightning flashed out of heavy masses of cloud. In the fields, on either side, deep silence prevailed. Even the lark, the day proclaimer, yet delayed his song. Oswald had thrown himself into his corner of the carriage, oppressed with conflicting feelings, and looking dreamily before him, excepting that now and then, when the smoke from the baron's cigar swept across his face, he cast a side-glance at his companion. The long legs of the latter were stretched out before him; his hat was thrust on the back part of his head; the collar of his coat turned up, and he seemed lost in thought. About a quarter of an hour the two may have sat thus in silence, when the baron suddenly remarked:—

“‘You do not smoke!’

“‘No.’

“‘May I offer you a cigar?’

“‘Thanks. I am no smoker.’

“‘That is strange.’

“‘Why?’

“‘Because I cannot understand how any one in the nineteenth century can get on without smoking tobacco or opium, chewing Hashesh, or in some other way weakening his sad sense of a miserable existence. And on your part, I comprehend it least of all.’

“‘Why on my part in particular?’

“‘Because, if I am not deceived, you are sick unto death from a longing after the blue flower, and some fine day you will die in consequence of non-gratification of this longing. You remember the blue flower in Novalis's tale—the flower a longing for which caused the heart of Henry of Ofterdingen to languish! The blue flower! do you know what that is? It is the flower which no mortal eye has seen, yet whose aroma fills the whole earth. Not every creature is finely enough organized to feel its influence. But the nightingale is intoxicated by it when in the moonlight, or at dawn of day, he sings, complains, and sobs. So likewise are all the foolish people who in prose and verse pour out their sorrows to heaven; and millions of others, to whom no God has been given to tell their sufferings to, and who unpitied, look up to heaven in mute misery. And alas! for this disease there is no cure—none but death. He who has once taken in the scent of the blue flower, for him there is no more repose in life.

As if he were an accursed murderer whom the Lord has thrust from him, he wanders further and further, however much his feet may pain him, and he may long for a resting-place for his weary head. Oppressed with thirst, often will he stop as he passes a door, and ask for drink; but he will return the empty pitcher without thanks, for a fly was in the water or the cup, and were it of purest crystal, will not have been clean. And thus, or thus, his draught has not refreshed him. Refreshed! Where is the eye into which we once have looked, never again to see another eye still more bright and captivating? Where is the bosom on which we have reposed, never again to feel the beating of another yet warmer, yet more love-glowing heart? Where, I ask you?

"The baron was silent. Oswald felt himself strangely moved by what he had heard. The words the remarkable man by his side had said in an almost plaintive tone, as if dreaming or talking to himself, and in such contrast to his usual abrupt and ironical way of speaking, had expressed his own thoughts—thoughts which had often, almost from boyhood, crossed his mind. A sort of awe of such a double came over him, and he found no reply to questions which seemed as if they had been put by himself." * * * *

Oswald, whose romantic, insatiable feelings unsuited him for happiness before the ball, becomes more than ever depressed after it, through loss of confidence in himself. "Confidence in ourselves," says the author, "is like a heavenly robe, enveloped in which we can face the dangers of life's conflicts uninjured; and if we fall, it is as heroes, with the death-wound on the proud brow, in the courageous breast. Doubt of ourselves is like the sudden giddiness which seizes us on a towering rock, causing our blood to curdle, robbing our sinews of their strength, and hurling us at last into the abyss beneath." It seemed to Oswald as if "a thick veil had fallen before his eyes, depriving all that he saw of colour and charm." He tries to argue himself into believing that the young impassioned girl whom he had clasped in his arms with protestations of love, will soon have learnt to look upon the little episode at the ball in the light of a dream, or of a flirtation with a man of low birth, to be forgotten as soon as possible. But his conscience is not at ease, and the consequences of his levity soon appear to add to his misery.

His conduct towards Melitta, too, he feels to have been childish and unjustifiable, yet false pride and doubt about her—still more about himself—prevent him from seeking a reconciliation.

To the chief circumstances yet necessary to mention, belong the arrival at the chateau of a young land-surveyor and geometer, Albert Timm, whom the baroness employs to re-measure the farms in the hope of raising the rents. He is a clever, witty, frivolous, merry, and thoroughly selfish person, who lives before us as something complete of his kind. German psychologists

attach much importance to the perception of unity of character amidst variety and opposition of qualities. Beings like Albert Timm present few difficulties to the student of human nature; for, being devoid of any moral elements opposed to self-indulgence, there is an unmistakeable oneness in their characters. He has no scruples about what is right and wrong, since for him nothing is bad in the world excepting that which cannot be made to minister to his sensual enjoyment. He is a practical philosopher, too; one who soon finds out the feasible side of things, can exercise some self-restraint, and resign himself to the inevitable. Thus, occasionally—though loving the *dolce far niente*—he can work hard, the better to provide for his pleasures. This clear-sighted fellow, on coming to Grenwitz, had left debts behind him which caused him some disquiet, so he makes love to the French *bonne*, and, by raising hopes within her of a union with him, induces her to hand over to him the few hundred thalers she had saved, that, as he tells her, he may procure her better interest.

The scenes in which Timm plays a prominent part—with the French girl and with Oswald, whose poetical, dreamy nature he despises—are full of sprightliness and humour. It would lead us too far to give extracts, nor should we have said so much of this amusing scoundrel were he not intimately connected with the development of the story.

Having to look for old maps of the estates in the spacious library of the castle, in which hang numerous family portraits, Timm is struck with the remarkable likeness of Oswald Stein to the portraits of the two last barons, particularly to that of Oscar, the last but one. He accidentally discovers too, in the drawer of a bookcase, a packet of letters from a Mademoiselle Montbert to Baron Harold, throwing light upon the history of their acquaintance, and upon the means he had employed to draw her to his castle. He gains a clue likewise to the man who had assisted her to fly from it. But more than all, a visit subsequently with Oswald to an old woman in the village, called Mother Clausen, where he feigns sleep, whilst she—whose acquaintance Oswald had previously made, having attracted her attention by his personal appearance, and gained her sympathy by acts of kindness—relates the history of Harold's love affair, treating Oswald the while as if he were a descendant of the family, and calling him Oscar and "Junker," set Timm's combining understanding at work till he becomes convinced that Oswald Stein—as the reader will already have guessed—is the son of Baron Harold and the girl he had seduced. The circumstances we have indicated made little or no impression on Oswald, who attributes Mother Clausen's interest in himself and her garrulity to the confusion of old age, and its vivid recollections of youthful scenes, she having been

born and brought up in the castle. To complete the history of Oswald, we will here add that the man who had protected his mother and found for her a refuge in the retired suburb of an old provincial town, had persuaded her to marry him for the sake of her child. On her death, four years afterwards, he had continued to reside in the same place, leading a retired life, yet bestowing great pains on the education of Oswald, who, however, experienced more indulgence than real affection at his hands. Oswald's putative father had died two years before the opening of the story.

Another circumstance of importance in the story, is the return to Grenwitz of the daughter of the house after a three years' absence in Hamburg, where she had been placed by her mother to have her education finished. Helena, now sixteen, is a pure and aristocratic nature, with clear perceptions of things, refined feelings, and much strength of character. Between her and her cold-hearted mother there is a complete absence of sympathy. Her arrival is soon followed by that of a nephew of the baron, Felix Grenwitz, an aristocratic Timm, equally selfish and unscrupulous, more vain, more dissipated, as well as more polished in manners. He is the next heir to the estates after the son of the present proprietor, and as the boy is weakly, the diplomatic mother, indifferent to all but worldly considerations, plans a marriage between this nephew and her daughter Helena. For this purpose she had induced Felix to retire from the army and take up his abode at Grenwitz, that under her supervision he may nurse his health and property, the one deranged by dissipation, the other by extravagance. She hopes thus to confirm her influence over him.

The advent of Helena and Felix produces a kind of revolution in Chateau Grenwitz. The influence of Helena, who is a beautiful brunette, with classical outlines of face and figure, has fine, dark, thoughtful eyes, and who plays and sings with unusual power, is felt by all around. By none more than by Bruno, whose youthful passion for his cousin soon borders on adoration. Oswald, occupied with himself, at first retires before the aristocratic beauty; but her mother, not dreaming of the possibility of danger to her daughter from intercourse with a plebeian, makes Oswald give her lessons in history, and in the end he too is not indifferent to her charms. Felix, though *blasé* and incapable of love, is flattered by the idea of possessing one so generally admired, and his vanity prevents him from having doubts about his success. As he cannot bear the tedium of country life, guests are frequently invited by the baroness. On one of these occasions, when most of the neighbouring families are assembled and dancing takes place, Oswald meets again with Emilie Breesen. This romantic,

warm-blooded girl had cherished her love for him, and was ready again to have fallen into his arms, and to give up rank and home for his sake. He avoids her, however, and treats her with marked reserve. She follows him into a solitary part of the garden, whither he had retreated, and demands of him categorically whether he loves her still, or now loves another, thinking of Helena. On his replying "no" to her first question, and "yes" to the second, she declares, in a storm of tears, that her love is now transformed into hate. In the despair of heart and recklessness of self which follow upon this scene, the disappointed girl accepts an offer from Von Cloten, who, acting on the advice of Oldenburg, that attentions to her would be the best means to dissipate Von Barnewitz's jealousy, had become enamoured of her beauty, and sought her hand in marriage. Oswald, already deep in the slough of despond, loses still more peace of mind on learning this result.

After an interval of some weeks, Oswald again sees Melitta, she having pardoned him his behaviour at the ball, and employed a little stratagem to draw him to her chateau. Whilst the two are together, and he again fascinated by her beauty and goodness, she suddenly receives a call to attend the deathbed of her husband in a distant part of Germany, which call her sense of duty immediately decides her to obey. Oldenburg, in a friendly spirit, had previously invited Oswald to his seaside villa, the better to study his character; and having become convinced of his incapacity for happiness himself, or for imparting it to another, he follows Melitta to be of service to her again if in his power, and to open her eyes to the hopelessness of her love for Oswald. Oldenburg's movements become known accidentally to the latter, and again he has distracting doubts of Melitta's faith. Her absence continues some time, and Oswald, beginning to feel attracted to Helena, thinks of flying her dangerous presence. But before he can carry out his purpose, incidents occur which bring the tale rapidly to an exciting close. The baroness having long been aware of her daughter's dislike to Felix, and wishing to find out the cause, intercepts a letter which Helena had written to an English young lady with whom she had formed a friendship in Hamburg. This letter reveals to the mother far from flattering sentiments in respect of herself, the almost hopelessness of her marriage project, and likewise the great interest Helena takes in Oswald Stein, the plebeian tutor. The antipathy the baroness had long felt to the latter is now increased to such a degree that only her penurious disposition prevents her from breaking the contract and parting with him at once.

To gratify Felix's love of pleasure, it has for some time been

settled to give a ball at Grenwitz, on which occasion the baroness had hoped to announce the engagement of her daughter. A few days before the fête, Bruno, seated aloft in the ruins of an old chapel in the grounds, is surprised by the entrance of the baroness beneath him, and is unable to get away unobserved. She, after looking around her, places herself on one of the moss-covered stones, and takes out Helena's letter to re-read, which she hastily hides on being joined by Felix. Bruno now overhears the two speak of Helena, and concert measures to bend her to their purpose. On their departure, Bruno sees Helena's letter, which the baroness in her hurry had let fall behind her seat, instead of returning it to her pocket. The knowledge of treachery towards the being he adores, and the thought of Helena being forced into an union with the man he has long detested and despised, inflame his soul with indignation. The evening succeeding his discovery, anxious to return to Helena her letter, and warn her of the plot against her happiness, Bruno steals into the garden when the others have retired to rest—the time Helena is accustomed, as he knows, to pour forth her feelings in song—hoping to gain her sitting-room which opens on the lawn. On his way in the dusk he runs against Felix, who, true to his dissipated habits, had an appointment in the shrubbery with a pretty female servant. Angry words ensue. Felix, about to chastise Bruno with his cane, is in turn attacked by the courageous youth. They wrestle and fall, and had it not been for the fitting past of a female form, believed by Bruno to be Helena, he would probably in his fury have strangled the object of his hate.

The following morning Bruno is found by Oswald in a violent fever, and unable to rise. The baroness, caring not for the boy, and occupied only with preparations for the ball, declines to follow Oswald's advise and send for a doctor; and two days pass without effectual aid. Bruno suffers great pain, and feels that he is seriously ill, but he disguises his condition as much as possible from his friend Oswald, confiding to him, however, the secrets of his heart, and urging him to restore to Helena her letter; which Oswald at length succeeds in doing.

Notwithstanding Bruno's serious illness, the ball takes place. On the morning of the day, the baroness has a humiliating interview with her daughter, whose calm resolve never to marry Felix she finds no threats can alter. Shortly afterwards she again sees the latter, and has to confess to him the failure of her plans, hinting to him, at the same time, that Stein is the cause. Felix, who had long hated the tutor, having often been made to feel the superiority of his intellect, now thirsts for vengeance, though he can scarce believe that Helena can have fallen so low as to love a plebeian.

Whilst the baroness and he are closeted together, a coincidence occurs which acts like the last feather that breaks the camel's back, and brings on a catastrophe. A letter is brought to the baroness from Albert Timm, now in his home, in which he informs her that he has discovered, in the person of Oswald Stein, the heir to the unentailed estates; that he has papers to establish the truth of his assertion; and urging the expediency of quickly making an arrangement with him to avoid unpleasant consequences. The papers to which Timm alludes, he had gained surreptitiously. Mother Clausen, on her deathbed, had sent for Oswald. Her messenger, a child, meets with Timm, and takes him for the person wanted. Timm, suspecting that Mother Clausen has important documents in her possession—she having been the confidant of Oswald's mother and the Frenchman, her friend—profits by the child's mistake, hastens to Mother Clausen's room, breaks open a chest, finds what he wants, and escapes just as Oswald approaches and the old woman dies. The scene, thus slightly indicated, forms one of the most graphic and exciting episodes in the tale. Believing Timm's communication to be part of a plot to extort money, to which Oswald is privy, the baroness authorizes Felix—who, however, advises great caution in dealing with Timm, whose character he well knows—to act in any way he may think proper to rid her immediately of the hated tutor's presence.

It had been Oswald's intention not to leave the bedside of his young friend; but Bruno, enthusiastically longing to see Helena once more, or at least to gain the latest tidings of her, so importunes Oswald to dress and join the party below, that, to calm the youth's great excitement, he yields at last to his request. In consequence of words which had fallen from Felix, and hints from Emilie Breesen to Von Clotau, a rumour had spread amongst the company that the non-declaration of the expected betrothment was in some way connected with Oswald Stein. The young noblemen learn too, from Felix, to their great satisfaction, that should the tutor venture again amongst them, he will be made to feel his position and treated with ignominy.

Oswald, in total ignorance of the feelings against him, and occupied only with thoughts of Bruno, sees Helena, who taking a rose from her bouquet—which act some of Oswald's enemies observe, and falsely interpret—begs him to convey it to her sick cousin, with the assurance that she will see him as soon as she possibly can. About to withdraw, Oswald pauses for a moment at the entrance to one of the rooms in which, to break the monotony of dancing—this evening devoid of all animation—most of the gentlemen had taken to gambling. Felix had been drinking to excess and played high, losing heavily. After losing a last

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large stake, he looks up from the table, and glancing around at his associates, his bloodshot eyes fall upon Oswald, whom he fixes with a look of passion.

“‘Ah! see there,’ he exclaims, ‘fetch me a glass of wine.’”

“Oswald only became aware, on seeing the eyes of all directed towards himself, that these rude words were intended for him.

“‘The fellow does not seem to hear,’ cried Felix. ‘You are to fetch me a glass of wine, do you understand?’”

“‘A glass of water would, I think, be better for you,’ replied Oswald, in a calm, firm voice, and without changing his position.

“A dead silence followed upon these words till Felix exclaimed, ‘How do you like this, gentlemen; my uncle keeps a pretty kind of servant in his house, do you not think so?’

“‘Teach him at least who is master,’ cries one.

“‘Lock him up for an hour,’ said another.

“‘Or better,’ exclaimed Von Cloten, ‘let him taste the rod he uses for his boys.’”

“‘Or punish him with the contempt he deserves,’ said Von Grieben.

Oswald turned his eyes from one speaker to the other, like a lion at bay, not knowing which of the barking hounds he shall pounce on first. He drew himself up to his full height. Perhaps the hand he placed upon the table may have trembled a little, though certainly not from fear.

“‘Will you go or not?’ cried Felix, springing on his legs, and standing close before Oswald.

“‘Do not go too far with your impertinence,’ replied the latter, putting the rose he had received in a button-hole of his coat, ‘or I shall have to make an example of you for the good of the others.’”

“A blow from Felix followed this remark. On this Oswald directly seized him in his strong arms, and hurled him with such violence on the floor, that the coins and glasses on the table rattled.

“In a voice of thunder he cries, ‘Who desires to be the second? come on, ye cowardly wolves, fit only to hunt in a pack.’”

“His eyes glared with lust of combat, his chest heaved, his fists were firmly clenched, and at that moment he cared not the value of a pin for his life.

“This was felt by all, and no one ventured to accept his challenge. Felix had raised himself up, and then fallen back into the arms of those nearest to him. He was stunned, and blood flowed from his mouth and nostrils. Murmurs loud and threatening filled the room. Voices were heard: ‘Shall we suffer this? Strike the scoundrel down; do not let him leave the room alive.’”

“Pressing on towards Oswald, incoherent cries broke from the crowd; Oswald’s eyes sought the one who was to come next. Suddenly Oldenburg stood at his side. ‘How now, gentlemen,’ he said, ‘twenty to one! the combat is rather too unequal. Will you not call a couple of men servants to your aid?’”

“These words acted like magic, and placed clearly before every one the disgraceful scene in its proper light. The more temperate felt

grateful to the baron for saving them from the disgrace the next moment would have brought upon all. A few only resented the interference.

“‘The business does not concern you,’ exclaimed Count Grieben, in defiant tone.

“‘Excuse me,’ Oldenburg replied, ‘the business does concern me for two reasons. Firstly, because I hold it to be the duty of every man to see that affairs of this nature should be conducted—I will not say merely in a becoming, but in an honourable manner; and secondly, because I have the honour to call Dr. Stein my friend. If you, count, or any one else demand satisfaction for what I have said, I am at your service. Meanwhile, allow me to bring to an end the affair of my friend Dr. Stein, in a proper manner. I will return in a few minutes to receive your commands. Allow me your arm, Dr. Stein.’”

The timely intervention of Oldenburg, Oswald owed to the generous heart with which he had so shamefully trifled. Emilie Breesen had overheard enough to show her that danger was impending over the man she still loved, and hurriedly calling Helena to her council, the two had requested Oldenburg to seek Oswald and beg him immediately to retire to his room.

On returning to it with Oldenburg, Oswald finds Bruno’s condition much worse. Mounted on the baron’s hunter, he gallops over to the nearest town to fetch a young physician, Dr. Braun, who returns with him, and finds Bruno’s case hopeless. An internal injury, too long neglected, had ended in mortification. As the two entered Bruno’s room, Baron Oldenburg moved from the bed over which he had been stooping.

“‘God be praised that you are come,’ he said; ‘I have watched at many sick beds, but have never known an hour so long as this.’

“He wiped his forehead; his earnest face was pale; he seemed deeply moved.

“Dr. Braun examined the patient and remained standing by the bed without looking at the other two.

“‘Is there no hope?’

“‘None.’

“Bruno raised himself up a little.

“‘Is it thou, mother? Thou comest for a lullaby. How is the tune?’

“And in wondrous sweet tones, softly, quite softly, like an Eolian harp, he began to sing a Swedish song, one that his mother years ago had probably sung to him. He sank back on his pillow. The dead silence in the room was broken only by Oswald’s sobs.

“The eyes of the other two were filled with tears.

“‘Is it you, Oswald? why do you weep?’

“‘Good evening, doctor, how do you come here? Is it coming to an end with me? Where is Baron Oldenburg? Give me your hand; you have been very good to me. Doctor, must I die? Yes? Tell

me, I am no coward; I have felt it since yesterday; must I die? Then, Oswald, I have a request. I will whisper it in your ears.'

"Oswald bent over him for a moment. On raising himself up, he went towards the door. Oldenburg followed him.

"'I know what he wants,' said the latter; 'a hundred times in his wanderings has he longed to see her. I will fetch her. It is the last wish of one who is dying!'

"He left the room, and Oswald returned to the bed.

"'Is she coming?'

"'Yes.'

"'Pull up my pillow a little higher, Oswald, and place the lamp there—that the light may shine over me and fall on her. Thank you, that is right.'

"'She does not come; yet, was not that her voice? Turn down the lamp a little, Oswald. It is so light in the room now. Helena!'

"A sweet smile played upon his face.

"'Helena! how pale you look, yet how beautiful! Give me the rose from your bosom. Oh! do not weep! Let me kiss your hand, Helena!'

"Helena bent over him and kissed his lips. Bruno entwined his arms round her neck.

"'I love thee, Helena!'

"His arms relaxed and fell on the coverlid.

"Dr. Braun drew Helena gently away. He bent over the bed and listened for a moment. As he raised himself up, he passed his hand softly over the eyes of the corpse."

A short time after this scene, a duel takes place between Oswald and Felix, in which the latter is shot through the body, though not mortally wounded.

"Bruno's death," said Oldenburg, relating the particulars of the duel to Melitta, "had saved Felix's life by unsteading somewhat Oswald's hand."

We come now to the last scene in the romance. Oswald with his friend, Dr. Braun, in whose house on quitting the chateau he had found an asylum, both in travelling costume, visit Bruno's grave. He sees from a distance Melitta leaving the churchyard, arm in arm with Oldenburg, who accompanies her to her carriage. She had been into the church to superintend the erection of a monument to her husband who shortly before had died.

As the baron kissed her hand on taking leave, an ironical smile came over Oswald's pale and haggard face. "Let us depart," he said, "the ground seems to burn under my feet." "I am ready," replied the physician. "Had it depended on me, you would have quitted this country long ago, to which I trust you will never return. The journey we have before us will, I hope, restore you to yourself. You have lost much, but nothing that you cannot regain. You have despised reason and science,

man's greatest powers, yet for you in these powers only is salvation to be found. You remember the words of your favourite poet:—

‘ Was Amor uns entwendet,
Kann Apoll nur Wiedergeben,
Ruhe, Lust und Harmonien,
Und ein kräftig, rein Bestreben.’

Let us leave the dead to bury their dead. For you a new life must begin.”

Whether on ending this long romance (three volumes) in this somewhat abrupt and inconclusive way, the author contemplated a continuation, to point his moral more distinctly, we do not know. The first part by itself became at once popular, and a second edition was soon called for. A cheap so-called “people’s edition” was likewise in a short time published. The following year a continuation, “Durch Nacht zum Lichte,” was launched into the world, which, like all continuations, is decidedly inferior to the first part. The same characters for the most part, appear in it, and several that are new, who have the full flesh of individuality about them. The hero, or non-hero, Oswald Stein, is a character somewhat difficult for English readers thoroughly to understand and realize, though Germans, or foreigners who have been intimately acquainted with German life before 1848, can fully appreciate the author’s creation. Such “problematical natures” may have been always rare in this practical country. But in the “land of dreamers,” as Germany has been called, vague, poetical, romantic, and over-theoretically educated young men have, as we know by experience, frequently been seen. It must be borne in mind that the action takes place just before the Revolution of 1848, at a time when in Germany the moral atmosphere was, as stifling as is a midsummer atmosphere just before thunder. Since that date a great change has taken place in Germany, and more fields are open to the energies of youth. The philosophy, psychology, and theology of the schools are no longer in the ascendant, whilst politics and physical sciences with their practical application to life chiefly command attention.

But now to say a few words on the second part of “Problematical Natures.”

For Oswald Stein sympathy diminishes. At war with himself, he loses all stability of purpose, and is swayed to and fro by the course of events. He meets again with Helena, on whose proud, yet love-requiring heart, he makes a further impression—showing to her, however, at last, that he is unworthy of her esteem. Through the pain of her disappointment and her mother’s manœuvres (a marriage of her daughter with Felix having be-

come impossible, as he drags on a miserable existence for some months after his wound and dies of consumption), she accepts the offer of a Russian prince, a man incapable of touching her heart. But she is saved in the end from a wretched union. The prince is a life-like picture; a narrow-minded aristocrat, he has neither inwardly nor outwardly signs of true nobility about him. And it transpires in the course of the story that he is the son of a roving Viennese athlete and conjuror, for whom a dissolute Polish Countess had conceived a violent fancy when he was exhibiting his skill in the capital of Russia. This portion of the fable may seem greatly to overstep those bounds of propriety and probability which even faith in the dictum of our great poet would warrant. Yet in days long past circumstances have come to our knowledge on the Continent which oblige us to believe, that even for this apparently extravagant incident in the romance a parallel case has actually existed. Granting the possibility of such a paternity for a man of rank, it must be conceded that the author of the work before us has sketched the external appearance and developed the character of the prince with great truth to nature, both in regard to hereditary qualities and the influences of a one-sided aristocratic education. In contrast to Oswald Stein, he has a large ungraceful figure, is dull, conventional, and vulgar, though haughty and full of the prejudices of high birth. Oswald, on the other hand, is elegant and refined, yet, although he has the blue blood of an ancient line in his veins, is from education a hater of an aristocracy. The father of the prince is a conceited, boastful, coarse, and cunning nature, but not devoid of redeeming qualities. His character is well sketched, though the episodes in which he, as well as the gipsy woman, mentioned in "Problematical Natures," are prominent actors are too numerous.

In the revolutionary combats of 1848, with which the latter part of this romance is greatly occupied, the athlete, on the liberal side, and his son the prince, an officer in the guards, are opposed to one another, and the latter loses his life. He had courted death on having learnt the secret of his descent. There is much pathos in the father's lament over the corpse of his son, known to him by sight, and of whom he was proud, though he had never made himself known to him. Professor Berger, who is restored to his senses, though he never quite shakes off his philosophical "Nirwāna-Nihilism," becomes a political enthusiast, finds relief in action, joins the revolutionary party, and fights for the power and freedom of Germany. Oswald joins him, and the two are combatants on the barricades in the capital (Berlin apparently). The former is shot dead, and the latter receives a mortal wound from which he dies after some days of suffering,

assuaged as much as possible by the sympathy and kindness of Melitta and Oldenburg. The latter had fought, too, on the popular side. Previous to these events, which are very graphically given, Oswald had again met Emilie, as the neglected, unhappy wife of Cloten. Without at first purposing to do wrong, the lady came through him into an equivocal and dangerous position, and he elopes with her to Paris. This step had involved him in new difficulties, added to his burthen of self-dissatisfaction, and rendered thoroughly miserable the woman who had loved him too fondly. She sees too late that she had never really possessed his heart, and is rescued at last from her false position by her brother.

Albert Timm, the self-worshipper, makes money as long as he can by his knowledge of Oswald's parentage. When he can get no more from the baroness he divulges his secret to Oswald himself, who likewise, from another quarter, learns the truth about his birth and rights. He renounces, however, to Timm's disgust, all claims to the estates for the sake of Helena. Timm acts the part of *agent provocateur* and spy in the Revolution, gets caught at last in a trap he had laid for others, and comes to a wretched end.

This mere outline of some of the characters and incidents in the continuation of "Problematical Natures" must suffice. There are many minor characters in the second part as well as in the first, of which we have omitted all notice, or made but briefest mention, though they are admirably delineated and true to nature. Some of them, as Mother Clausen, the tutor Bemperlein, who throws overboard theology, which he had painfully studied, and takes to medicine, and the physician Braun—the men of solid acquirements and firmness of purpose—have all the realism of Dutch pictures about them. The psychological truth in these and other characters must be apparent to every student of human nature; yet much in the circumstances in which they act, in their outward dress and habits, makes them—as we have said in reference to the hero Stein—thoroughly appreciable only by those who have resided long in Germany, and who especially were observers of life at the period of time when the action of the romances takes place. In the latter part of "Durch Nacht zum Lichte" one of the author's most appreciative German critics with truth remarks: "The fine psychological touches, or soul-painting, become rarer in proportion as the action grows more rapid and exciting, and the political tendency becomes more apparent."

That a novel, considered as a work of art, can be really good if altogether devoid of moral, æsthetical, or social purpose, we do not believe. But the purpose of the author must not override, so to speak, the characters; it should, in fact, like these, be

derived from, and in harmony with the experiences of life. We think this is the case in all Spielhagen's writings, though in the two romances which succeeded those of which we have been speaking—"Die von Hohenstein," and "In Reih' und Glied" ("In the Ranks")—one of his critics avers that he has ventured rather too much "on the hazardous ground of the tendency romance." The first-named of these works is, however, by some considered to be superior to "Problematical Natures"—not so romantic and poetic, but equally rich in psychological truth, and more concentrated in form, more crystallized. Although we have read it with deep interest, we cannot venture to speak of it in a few words, and the small space remaining to us we prefer to occupy with some notice of the last romance—"In the Ranks," which in several respects forms a more fitting and contrasting pendant to "Problematical Natures."

It is a broadly-planned work in six volumes, containing almost as much matter as half-a-dozen of modern English three-volumed novels. The two first volumes are full of charm, an idyllic atmosphere, so to speak, pervading all the situations.

We are introduced to the castle of a nobleman of an ancient line, situated in a mountainous, well-wooded region; and to the house of his head forester and bailiff, amidst sylvan scenes of surpassing beauty. The owner of the castle and property around is an amiable middle-aged man, of romantic disposition, whose intentions are always honourable and good, yet who, partly in consequence of aristocratic biases, and partly from want of sound, practical education, does not succeed in anything he undertakes. His wife has long been dead, but a maiden sister resides with him, and he has a daughter and a son, both young. The latter we must leave aside, with the mere notice that he turns out to be a heartless schemer and sensualist, who causes much misery to his father. But his daughter and his sister are charming characters, on whom the mind of the reader reposes in calm delight. In the sister a warm, affectionate heart—which has stood the test of sore trials—is allied to good sense, and that instinctive perception of what is good and recoiling from what is evil, which serves so many of her sex in lieu of practical insight into the nature of things. The forester is a widower, too, an unpretending, manly character, deeply attached to the family he serves, and to the house in which for a long period his forefathers, following the same profession, had resided. A kindly, housewifely, unmarried sister, and two children, a boy and girl, live with him, and to these a nephew soon is added. It is with the life of these children, and of the young baroness in the castle—their constant playmate (her brother being at school)—that the first

part of the work is chiefly occupied. Again Spielhagen displays a remarkable knowledge of youth, foreshadowing the results of inborn qualities and peculiar circumstances on the future history of his characters. The nephew of the forester, Leo Gutmann, becomes the chief hero of the romance. He has early lost his mother, and his father dies of a broken heart soon after his appearance on the scene, in consequence of repeated misfortunes and disappointments. To him considerable gifts of intellect, inventive powers, and great learning had brought neither outward nor inward welfare, owing to his overweening pride and susceptibility, and want of common sense in dealing with the world. The son has inherited his father's intellectual power, and much of his stubborn pride and ambition ; but he has a stronger, more consistent character. Walter Gutmann, the forester's son, is an amiable youth, in whom a strong sense of duty, desire to be useful to others, and to gain knowledge, make up for the absence of the more brilliant faculties in his cousin. The forester's daughter, Sylvia, is an original and very successful creation of the author. Her large heart and large intellect, craving extraordinary activity, combined with the fullest feminine power of devotion to the man she subsequently loves, fix the reader's interest in her from the moment she appears till her tragic end towards the conclusion of the work.

We shall not attempt more than the slightest sketch of the fable of this romance, nor to speak of more than a tithe of the actors in it, but confine ourselves mainly to those characters and incidents which decidedly reflect the spirit of our age, and confirm our views in respect to writers of fiction in general. The action takes place in 1847 and the early part of 1848, and—after an interval of seven years, in which the histories of the principal characters are but slightly indicated—in the reactionary period which followed the revolutionary rising in the last-named year. The cousins, Leo and Walter, become representatives of divergent political principles, and they meet again after their seven years' separation in the capital of a large German State, plainly intended to be Prussia. Leo may be called a Radical, Walter a Liberal. In the first part of the tale, to which we must return, the youth Leo, already enthusiastic, speculative, dreaming of extraordinary deeds and adventures as a missionary in foreign lands, meets with a young schoolmaster, named Tusky—a modern fanatic for the idea, that society requires a radical reorganization. This man soon obtains great influence over the boy, on whose brain he stamps his pictures of the misery of the lower classes, infusing into it his subversive doctrines. He carries back his teachings to the period of the peasants' war, painting in glowing

colours the oppression the poor have ever experienced at the hands of the rich and powerful. He is eager to gain proselytes and followers, and—

“To announce the new mission to those who hunger and thirst for justice, who will give to every one that which properly belongs to him, who will, however, not wait patiently till the cold-hearted rich may please to become beneficent, but will know how to seize with rude hand wherever and whenever the necessity is clear. This is the new bond, Leo,” he exclaimed, “the newest and last, for all mankind is included in it, the good because they will, the bad because they must. To promote this bond is the task of my life, for which I am ever ready to stake it.”

Tusky makes Leo swear to devote his life likewise to the suffering people. Through Tusky's influence over the workpeople—chiefly iron smelters—in the poor hamlets near the baron's castle, they rise in arms against him, although he has always been charitable, and an enemy of the bureaucratic rule, which is shown in reality to have oppressed them. The riots are quelled and the castle saved by military held in readiness by a government functionary, whose harsh doings had contributed to cause them. Leo and Tusky fly the country, the former, in his enthusiasm for his teacher, having been mixed up in proceedings aiming at the spoliation of the baron, who had educated him on the death of his father.

The interval of seven years, already mentioned, has been passed by Leo in England, France, and North America, and lastly, in Switzerland; and when he joins his cousin in the capital, it is as doctor of medicine and political socialist agitator. Walter has become a teacher at a gymnasium, and a writer of fiction, in which he advocates his political doctrines. In a lively conversation between the cousins on the first evening of their reunion, Walter, in disclosing his views, says—

“The time for heroes is past. The popular cry no longer is one for all, but on the contrary all for one. That is the great democratic idea, which old as it is, and sanctified by Christianity, now rises like a phoenix from the ashes of the Middle Ages. No one shall be called upon to carry more than he can bear; no saviour shall break down under the burthen of the cross; no Decius Mus again shall hurl his spear amongst his enemies, and in pursuit of bold aims court a hero's death. No, Leo, no: we now are convinced that good people are to be found in every country, and that these good people form a single great army. The individual is nothing but a soldier in the ranks. As individual, what is he? As a member of the body he is irresistible. A ball may lay him low, but the ranks close over him, and the column remains as it was. See, Leo, this is the power of discipline, from which no one, whosoever he may be, has the right to withdraw himself; for however strong he may be, in the ranks he is still stronger,

and however weak he may be, in the ranks he still can occupy a place. In this thought which I have developed in my mind more and more clearly, I have found consolation, repose, and joy."

To this Leo replies, that his cousin's "comparison is not devoid of beauty, but like all comparisons does not cover the case." He acknowledges "that the conflicts of mankind are now more than formerly conflicts of the masses; that the strong arm of the individual warrior has not the power it once possessed, still it does not follow that genius is superfluous. On the contrary," he adds—

"What is to become of your column without a leader to direct its movements, who surveys the whole situation, which the individual in the ranks is incapable of doing, and who orders an attack just at the right moment? Who, in one word, gives a meaning to what otherwise would be a meaningless affair? The mass of mankind is to-day what it always has been and ever will be. A leader is as necessary now as ever, for impulse-giving thought does not come from the mass. Because, however, the thought which issues from a powerful head now sooner than formerly becomes the common good of the many, is that thought less the property of such a head? The cause now being more rapidly transformed into its effect, and the effect in its breadth covering the concentrated cause, do we on that account stand less under the causal law? Who, to be sure, on seeing a complicated machine, thinks of him from whose brain all these wonders have sprung? Who at a public meeting, when, after a stormy debate, a resolution has been formed, thinks of him who had the whole business of the meeting in his pocket, brought with him, word for word, black on white?"

In this controversy, disclosing the divergence of opinion in the cousins, Leo plainly has the best of it, but he soon attempts to carry out his theory in a very unpractical manner. He aspires to be a hero of the Carlyle stamp, and despises the co operation of more timid and prudent minds. He tries in the first instance what he can do with the Liberals, but soon breaks with them in disgust at their narrow, money loving, shopkeeper spirit and want of sympathy for the working classes. He writes, with force and eloquence, pamphlets on social topics, which even the amiable baron, now settled in the "Residence," reads with admiration, excusing the juvenile errors of his former *protégé*, as arising from the fanaticism of an idea not worked out to clearness in his mind. Indeed, the power of a first strong impression on a tenacious mind and fervent will seems to pursue him to the end. Believing that history is in the hands of the powerful, that even those who do not desire to be free and healthy may have freedom and health forced upon them; that tutors, governors, and protectors are necessary for the mass of mankind; believing, further, that "he who wills the end must will the means," he gets involved in

all manner of intrigues and political conflicts, demanding almost superhuman energy to master. A chain of circumstances, too long to narrate, brings him into personal intercourse with the king, a man of speculative intellect, but characterless. Hamlet-like, a romantic sensualist wearing a pious mask, Leo gains great influence over this monarch, who is so fascinated with his intellectual powers that for a time he listens to his schemes and gives him assistance. Leo imagines that he can transform his protector into a king of the peasants and working classes; that through him he can break the power of the monied men, which he looks upon as the modern counterpart to the power of the strong in the Middle Ages; that by means of the king's influence "the different classes in the state may be so balanced, that no one class shall live at the expense of another; that no one shall mercilessly use another for selfish purposes; and that by destroying the so-called rights of capital—obtained from the flesh and blood of the poor—the last and most fearful form of slavery on earth shall vanish." As a beginning towards the realization of his dreams, Leo induces the king to purchase some manufactories, which he organizes on socialist principles. These manufactories were on the property until lately belonging to the baron, and have been his ruin. He had originally established them under the specious and self-interested advice of a brother-in-law, a scheming, wealthy, and ambitious banker of Jewish origin, who had advanced the money, and had now dispossessed the former proprietor of his old family estates. The motive which had mainly induced the latter to listen to his brother-in-law's schemes was the hope to benefit the poor in his neighbourhood. Instead of gaining this end, however, not only an increase of population, but of pauperism likewise, had been the result.

Leo's undertaking was not promising, as we see, at starting, and a commercial crisis, ignorance on the part of the work-people, their exaggerated expectations of wealth and ease, cause it entirely to fail. Leo's brain is overtaken by these and other demands upon it, particularly by the intrigues of his enemies in the capital, and he becomes at last weak and vacillating in his conduct. He neglects his cousin Sylvia—a girl of a bold and manly spirit, in many respects a congenial disposition—who loves him with enthusiastic devotion, and whom he both admires and loves. To forward his plans with the king, this girl does all but sacrifice her virtue. She goes to reside with an aunt in the palace, who is—as Sylvia knew from her father's reports, who had long broken with this sister, and as she finds out in the end—a vile compound of worldliness, sensuality, and cunning. She had been the mistress of a courtier, subsequently *bonne* to the king, over whom she retains an influence by ministering to his

sensual pleasures. The king gives Leo a patent of nobility, and he, thinking thereby to consolidate his power, allows himself to be drawn into the net of a heartless coquette, whom in a weak hour he engages to marry. A freethinker in matters of religion, he even does not disdain to assist in the formation of a pietistic-reactionary ministry, fancying that he will be able to cast it aside as soon as it shall have served his ends.

The king's interest in Leo and his plaus gradually diminishes, but before he actually falls, the king dies in a fit, and Leo's chief enemy, the crown-prince, ascends the throne. Leo's catastrophe comes on rapidly. The high-born coquette, on the death of the king, throws him overboard, and he is challenged and killed in a duel by a personal enemy. The man at whose hand he dies is a cleverly-drawn and prominent character in the romance. He turns out to be Leo's cousin, an unacknowledged son of the aunt in the palace. With much intellectual capacity, he is extremely sensual and inordinately vain; and to enable him to mix with people of rank, he stoops to play the part of buffoon to a dissipated circle of "Junker," chiefly officers of the guards and cavalry regiments in the "Residence," on whose doings and sayings our author expends much satirical force. Leo had brought on himself the enmity of this low fellow by unfairly using him to promote his ends, when he was secretary to the crown-prince. But the immediate cause of the duel is the man's hatred of Leo on finding out that he was loved by Sylvia, for whom he had himself conceived a violent passion. The baron, Leo's early benefactor, likewise loses his life in a duel with the government functionary, already alluded to, whom the baron had publicly accused of harsh and tyrannical treatment of the people on his estates. The worthy forester, Leo's uncle, also comes to a tragical end, being shot by the ringleader of riotous operatives when endeavouring to save a well-disposed workman from ill-usage. Sylvia, who at last flies from the palace, returns to her birth-place at this time, sees the bloody corpse of her father, and puts an end to her misery by drowning. Leo, whom the burning down of his manufactories has likewise hurriedly brought to the spot, is the one to discover her body. Walter is made happy by wedding the baron's amiable daughter, whom he had long loved, though forced to separate from her for a time in consequence of the aristocratic prejudices of her father.

Thus strung together and baldly told, these incidents may seem to give the work before us an extravagantly sensational character. But in the romance the reader's mind is so well prepared by fine psychological touches and the evolution of circumstances for the catastrophes, that they scarcely seem to overstep the bounds of probability. The tragical features in the

story we must pronounce, however, to be painfully prominent. We refrain from further comment on them, as it is the politico-social character of the book to which, in especial, we wish to call attention. At the forester's funeral, which crowds from the neighbourhood attend, a Dr. Paulus—an enlightened physician, political liberal, and friend of Walter—addresses the work-people.

“‘No one can help you,’ he says, ‘if you will not help yourselves. In the economy of nature each thing has to rely on its own powers, if it will not perish; and it is the same in the economy of man. Just as one man cannot long carry another without sinking under the burthen, neither can one man long preserve the life of another without exhausting his own strength. It is not your task to carry one another, but to afford to one another aid and support like as trees do in a forest, like as soldiers do in the ranks. When every one shall honestly endeavour to aid himself, the time will likewise have come when he will be able to aid his neighbour, should it be necessary. Then no one will break down under the burthen put upon him by others, as this good man has done. The worst that can be said of our fellow-creatures is that they want to have benefactors and saviours. Be pure yourselves, and you will want no saviours; do good, and you will not want benefactors to sacrifice their lives for you, as this good man has done!’”

This moralizing at a funeral, a German critic of the romance truly observes, gives no solution to the questions at issue between Leo and Walter. Leo, from his grave, the critic remarks, might have cried out to the mediating Dr. Paulus, “Help yourself when you are in fetters! Be benevolent, when poverty and hunger are your lot! March in the ranks when your arms and feet are tied!” We may add, that the simile of the forest is only partially apposite, since through the struggle for life in a forest the strong trees flourish at the expense of the weak. The author of the work before us is not only blamed for the indecisive way in which its politico-social purpose is treated, but likewise for the tragical end of one advocate of principles at issue, whilst the opposing advocate makes no effort to prove the truth of his principles in action. We cannot entirely agree with these criticisms. Granted the propriety of introducing politico-social questions into works of fiction—and in such as treat of the times in which an author has lived, of prominent events and ideas of which he has had experience, we think their introduction by a sympathetic writer both natural and justifiable—we nevertheless cannot desire in a romance-writer anything approaching to a dogmatical solution of problems which perplex the minds of his contemporaries. To the vexed questions of our times we must reckon the wretched condition of the lower classes in highly civilized states, and how to improve it. Pauperism, as a danger

and a disgrace, has now entered into the full consciousness of society in general. Even in Prussia, now so much the fashion in this country to laud as the best organized state on the Continent, "proletarianism" is rife, and socialist theories are much discussed. Many years ago Berlin was the theatre of a contest between Lassalle, the fiery advocate of socialist state-organization, and Schulze-Delitzsch, the teacher of "self-help by means of co-operative societies;" and this contest may have suggested to our author the ground-work of his romance. In the work which immediately preceded it—"Die von Hohenstein"—socialist theorists are likewise prominent figures, and one of them, a poor village schoolmaster, is a kind of prototype of Tusky, though of a nobler stamp. He is an amiable, self-denying enthusiast, who looks for a regeneration of society chiefly through the principle of love. He is opposed to the teaching of dogmas, and the expectation of rewards and punishments in a future life, declaring that we must fulfil our task in this by aiding one another, feeding the hungry and clothing the naked, that we may not offend and disgrace humanity. With ardent enthusiasm he speaks of the necessity of self-sacrifice, and appeals to the example of Christ, a man like ourselves, that love of our fellows is in our power.

In sentiments like these, put into the mouth of a socialist, the author may be said to point, at least, to a solution of the problem how to elevate the lower classes and increase human happiness, which, if it be sound, can be proved so only by experience in some far distant times. The problem we allude to is this: can it be possible for States to be organized on democratic-socialist principles so as to make pauperism impossible, without, at the same time, checking freedom of action in individuals to a degree injurious to their energies and requirements, to the general accumulation of wealth, and to the progress and higher development of the human race? The amiable schoolmaster just alluded to, answers this question in the affirmative, and he pictures to himself an Utopia to be brought about by the spirit of love and self-sacrifice, even without religion, without faith in a future life, and in rewards for innocent sufferers! Inconsistently he appeals to Christ, who had the faith he despises. Opposed to his enthusiasts for socialistic-communistic state organization, our author introduces other characters, advanced liberals and democrats, who emphatically protest against state interference and control, who speak of the "all exhausting state-guardianship," (*die alles aussaugende Staatliche Bevormundung*) as the greatest curse for humanity.

Now that the theory of the struggle for existence, in which the weak succumb, whilst the strong gradually attain higher development, has become so generally known through Darwin's

labours, we may perhaps expect some future character in a romance by Spielhagen, or some other writer, who introduces political and socialist doctrines, to take note of it, as being as applicable to human beings as to lower organisms. These reflections bear upon the point we have previously urged: that if the author of "In the Ranks" had attempted to carry out, in action, the socialist doctrines some of his characters believe in, he must have painted ideal circumstances, which, if they can ever obtain, must be far in advance of our times, and thus he would have ceased to be a reflector of actual life.

Not only in the last work we have spoken of, but in another ("On the Downs") by the same author, duels are introduced. Duelling, though now thoroughly discountenanced in this country, is still not unfrequent in Germany. Detestation of the aristocracy is likewise prominent in all Spielhagen's romances. The aristocracy in general—though there are several most favourable exceptions—is shown in them to be rotten, and out of date. In some of his romances, a very pandemonium of "Junker" arrogance, frivolity, and debauchery—particularly of the military "Junker,"—is painted, perhaps in colours somewhat too dark. In the people, including the Bürger class, healthy virtues and high intelligence are shown to dwell almost as prerogatives. Still as regards the citizen classes, he has guarded himself against the reproach of one-sidedness, for several of his low-born characters are innately weak and vicious, and amongst his political democrat she has sketched popularity-hunting demagogues, actuated likewise by motives entirely base and selfish. Amongst the distinguished and good personages our author introduces, young physicians and other students of science and nature occupy the foremost places. They are some of them evidently painted after life; and in his great appreciation of physical sciences, and the men who devote to them their energies, he does but give expression to sentiments now-a-days prevailing in Germany. And in his low estimate of the nobility, he forms no exception to modern writers of fiction in Germany. Indeed Immerman, in his village tales, and even Goethe in "Wilhelm Meister" and the "Wanderjahre," display anti-aristocratic sympathies. To these great writers of fiction the names of Gutzkow, Auerbach, Freitag, Schloenbach, and many others may be added.

One chief cause of the antipathy of the citizen classes in Germany to the nobility, we have already mentioned in speaking of "Problematical Natures." Another cause may be found in the circumstance that the nobility, since 1848, has in general used whatever political influence it possesses in a reactionary, ultra-conservative spirit. As a consequence, however, of the strict line of demarcation, based on pedigree, between nobles and

the citizen classes in Germany, the vulgar conceit and mean struggles for social position so well known in this country, and so fertile a theme with our satirical novelists, are but seldom experienced in that country. The characters in Spielhagen's romances most resembling our snobs, are worldly-minded, sycophantic clergymen, and the low-born *nouveaux riches*. It is noteworthy, too, that our author does not speak of the influence of religion on any of his characters, not even on his amiable women in their hours of tribulation. In respect to religious dogmas, he plainly belongs to the party which the Germans call the "extreme left." Government functionaries, too, are generally shown to be ambitious yet subservient, intriguing, and callous to the wants of the people. The high functionary in the last romance we have given some account of, habitually speaks of peasants as if they were not human beings, but simply belonging to the genus peasant.

Although in some respects, as we have pointed out, this popular German romance-writer displays subjective biases; yet, on the whole, he is objective, most decidedly reflects opinions now prevalent in his country. In fact, one of his critics avers, that "a psychological historian of the future may turn to his works for valuable data on many aspects of social life in the present times."* As a delineator of individual characters, many of them types of different classes of society; as a painter of various situations, scenic and social, he appears to us unequalled by any other modern German writer of fiction. Reflections, too, moral and philosophical, are strewn about his works, which, if they have not always for superior minds the charm of novelty, have at least that of diction to recommend them.

* "Bibliothek der Deutschen Klassiker," Band xxiv. p. 683. &c. Hildburghausen.



ART. V.—THE PROPERTY OF MARRIED WOMEN.

1. *An Exposition of the Laws relating to the Women of England.* By J. J. S. WHARTON, M.A. Oxon., of the Middle Temple, Barrister-at-Law. London. 1853.
2. *Report of the Personal Laws Committee of the Society for Promoting the Amendment of the Law, on the Law relating to the Property of Married Women.* London. 1856.
3. *Sessional Proceedings of the National Association for the Promotion of Social Science, with which is united the Society for Promoting the Amendment of the Law.* London. 1867-8.
4. *Report of the Standing Committee of Jurisprudence of the National Association for the Promotion of Social Science, on the Laws relating to the Property of Married Women.* London. 1868.
5. *Special Report from the Select Committee on "Married Women's Property Bill."* Ordered by the House of Commons to be Printed. 1868.
6. *The Social and Political Dependence of Women.* By CHARLES ANTHONY, Jun. London. 1868.

IN the course of the last Session of Parliament a Bill to amend the Law with respect to the Property of Married Women was prepared, at the request of the Council of the National Association for the Promotion of Social Science, and was brought into the House of Commons under the auspices of Mr. Shaw-Lefevre, Mr. Russell Gurney (the Recorder of London), and Mr. John Stuart Mill. The proposed measure was nearly identical in character and scope with one which having been drawn at the instance of a committee of the Law Amendment Society (now incorporated with the Social Science Association), of which Lord Stanley and Sir Lawrence Peel were members, was introduced into the House by Sir Erskine Perry in 1857. That Bill fell to the ground after it had been read a second time, in some degree on account of the peculiarities of the Session in which it was projected, but chiefly by reason of the very imperfect concessions made to the claims of married women by the Divorce and Matrimonial Causes Act, passed in the same year. The purpose of Mr. Shaw-Lefevre's Bill was, to use his own words in proposing it—

“To make a change in the law itself, so as to prevent in the future marriage operating as a transfer of the wife’s fortune to the husband. In the case of existing marriages it will secure to the wife any future earnings which she may make, or any property which she may hereafter become entitled to ; and in respect of such separate property the wife will be able to contract, and to sue and be sued in the law courts, as if she were a single woman.”

And he continued—

“The change may seem a startling one, but it will not really be very great. I believe it will make very little difference with the wealthy : it is not proposed to interfere with the power to make marriage settlements, but in those cases where no settlement is made the wife will have her own fortune, as certainly as if it had been settled to her separate use under a marriage settlement.”

The second reading of the Bill was carried in a house of two hundred and forty-six members by only the casting vote of the Speaker ; and it was then referred to the consideration of a Select Committee, by whom a Special Report has since been made. The advanced period in the political year at which the Committee began their labours rendered it impracticable for them to enter into the discussion of a variety of subsidiary questions connected with the leading object of their inquiries. As these will have to be settled before any legislation can take place in the matter, they recommend that another Select Committee be named next Session, to carry out more fully the investigation which they have commenced. The Report is therefore avowedly incomplete, but it may be taken, so far as it goes, to be wholly favourable to the principle, if not to all the details of the Bill ; and the general conclusion to which it gives expression, drawn from the evidence already collected, although not yet published *in extenso*, is sufficiently definite and important—namely, “that a change in the law of this country with reference both to the property and earnings of married women is necessary.”

It is in the nature of things that a progressive community should continually distance its institutions: the law is a fixed rule of civil conduct, and the circumstances of society to which it applies, are in perpetual movement. The methods by which the former is expanded, so as to meet the advancing demands of the latter, are fiction, equity, and legislation ;—the first, the initial ; the second, the transitional ; and the third, the final process of legal reform. By fictions, while the letter of the law is respected, its spirit is evaded ; by equity both its letter and spirit are partially supplanted by a supplementary body of principles, assumed to possess a superior ethical cogency and moral worth ; and by legislation the law itself is fundamentally altered by the direct and conscious action of the State, and deliberately

adapted in form and substance to the existing requirements and current thought and feeling of the age. The function discharged by legal fictions in the development of our law must be familiar to every one at all acquainted with its history; and the fact that the Court of Chancery still flourishes among us amply testifies to the influence which equity has had upon its growth. Within the memory of middle-aged men the feigned suits of Fines and Recoveries were resorted to for barring estates tail; still later, the imaginary beings Doe and Roe, the wondrous creations of judicial fancy, were playing their pranks all over the kingdom; and even now, by a mere figment of the lawyers, the ostensible owners of the greater part of the landed property in the country are quite other than the real owners, the legal estate therein being vested in trustees, while the beneficial estate is reserved to the *cestuis qui trust*. Lord St. Leonards, in one of his "Letters to a Man of Property," says that

"It is peculiar to the Constitution of this country that the law on the same case is frequently administered differently by different courts, and that not from a contrary exposition of the same rules. It must sound oddly to foreigners that on one side of Westminster Hall a man shall recover an estate without argument, on account of the clearness of his title, and that on the other side of the Hall his adversary shall with equal facility recover back the estate. In all other countries the law is tempered with equity, and the same grounds rule the same case in all the courts of justice. The division of our law into what is termed legal and equitable arose partly from necessity, and partly from the desire of the ecclesiastics of past times to usurp control over the Common Law Courts. Our legal judges heretofore adhered so strictly to technical rules, although frequently subversive of substantial justice, that the Chancellors interfered and moderated the rigour of the law, according, as it is termed, to equity and good conscience. The judges in Equity soon found it necessary, like the Common Law judges, to adhere to the decisions of their predecessors, whence it has inevitably happened that there are settled inviolable rules of equity, which require to be moderated by the rules of good conscience, as much as ever the most rigorous and inflexible rule of law did before the Chancellors interposed."

As the sole virtue of Equity, its elasticity, is exhausted, the time for legislation has arrived, and we must now look to the repeal of old laws and the making of new ones as the only means for the improvement, enlargement, and consolidation of our legal system. The conflict between Law and Equity, of which Lord St. Leonards speaks, is nowhere more clear and marked than in their several doctrines concerning the status of married women. While the matrimonial theory of Law might be accurately announced to an inquiring wife in the words of Shakspeare's repentant shrew—

“Thy husband is thy lord, thy life, thy keeper,
Thy head, thy sovereign,”

that of Equity seems to be rather that he should be contemplated in the light of an artful and unscrupulous antagonist, against whose wiles and machinations the weaker spouse is in an under-hand manner to be assisted to guard herself by all sorts of ingenious shifts and crafty devices.

“By marriage,” says Sir William Blackstone, in the fifteenth chapter of the first book of his ‘Commentaries,’ “the husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection, and *cover*, she performs everything, and is therefore called in our law-French a *feme covert*; is said to be *covert baron*, or under the protection and influence of her husband, her baron or lord; and her condition during her marriage is called her *coverture*. Upon this principle of an union of person in husband and wife depend almost all the legal rights, duties, and disabilities that either of them acquire by the marriage.”

Whence as corollaries it follows that a married woman cannot acquire, possess, or dispose of property independently of her husband; cannot enter into contracts on her own account, but only as his agent; and cannot sue or be sued in an action at law unless he be joined with her as plaintiff or defendant. The Special Report of the Select Committee on the Married Women’s Property Bill, however, informs us that—

“The Courts of Equity have been occupied from a very early period in elaborating a system under which the wife may, by ante-nuptial arrangement, escape from the severity of the common law. They began by recognising the separate existence of the wife, inventing a process by which, through the medium of trustees, a separate property could be secured to the wife free from the control of her husband. In respect of this separate property, they subsequently recognised that she could enjoy all the incidents of property, could contract and be made liable on her contracts, and indirectly sue and be sued in equity. A further step was made when they held that a husband could be a trustee for his wife, and could be called to account on her behalf; and also, with a view to a better protection of the wife, and to prevent her suffering from her own imprudence, or from the undue influence of her husband, they invented a process by which the wife could be restrained from anticipating the income of her separate property. They also devised means by which even after marriage, where the wife becomes entitled to property as next of kin or by will, and the same would otherwise go to her husband, a portion may be claimed on behalf of the wife and her children for a settlement, to secure her against the misfortunes or improvidence of her husband. At first they acknowledged this ‘equity to a settlement’ only in cases where the husband had

to seek the intervention of the courts on his own behalf, and where in return for their assistance they felt themselves in a position to insist upon his acting equitably on his part; but they subsequently enlarged their jurisdiction, and now in all cases in which property accrues to the wife after marriage, she is entitled on application to a share of it in settlement, if adequate provision has not been previously made, or if other circumstances warrant it. Under this judicial legislation of the Courts of Equity, developed by slow degrees and under legal fictions, a system has been arrived at by which persons able to afford the expense of a settlement, as a rule, avoid the consequences and effects of the common law; and, by arrangements before marriage and through trustees and contracts, create a wholly different relation between husband and wife from that contemplated by the common law."

The Committee further remark that— •

"The Courts of Equity, much as they have done to mitigate the common law, have failed in many respects, through fear of pushing their decisions to their legitimate conclusions. Thus, where they allow to the wife an equity to a settlement in respect of property coming to her after marriage, they generally refuse to give the whole sum to the wife, and allow a portion to go to the husband's creditors or assignees, or to the husband himself, even when he is living apart from his wife; and if the property has reached the hands of the husband, the courts are unable to deal with the case. In the case of a married woman's contracts, the Equity Courts recognise her right to contract with reference to her separate estate; but they do not recognise a general right to contract, because that would be contrary to the common law doctrine that a married woman cannot contract. The distinctions to which this reasoning has given rise are somewhat anomalous and unsatisfactory. Thus: where written contracts are made by a married woman, the courts presume that they are made with reference to her separate estate; but they do not make this presumption in the case of debts orally contracted, as by orders for goods, in which case, unless the separate estate is mentioned at the time of the contract, there is no remedy against it. It also appears that the means of recovering against the estate of a married woman through the process of equity are very expensive and unsatisfactory. It cannot be doubted that, even among persons able to afford the expense of a settlement, occasional cases of great hardship happen where, through remissness or accident, no settlement has been made, and where the property of the wife becomes subject to the misfortunes, improvidence, or bad conduct of the husband; or where after-acquired property of the wife goes to the creditors or assignees of the husband, instead of to the maintenance of herself or her children. Among persons of small means, to whom settlements are impossible on account of their expense, and the difficulty of procuring trustees, such cases are very common."

In the Report of the Personal Laws Committee of the Law Amendment Society, on the Law relating to the Property of Married Women, we are given the following summary of the

principal discordances in the provisions of the common law and of equity—

COMMON LAW.

“1. By the common law, the wife has no property of her own: her personal estate absolutely, and her real estate during coverture, are her husband’s.” *Per Lord Mansfield.*

“2. By the common law, the wife has no separate power of contracting: she can neither sue nor be sued.” *Per Lord Mansfield.*

“3. Marriage is an absolute gift to the husband of the goods, personal chattels and effects, and estate, of which the wife was actually and beneficially possessed at the time of marriage in her own right, and of such other goods and chattels as come to her during her marriage.” *Lord Coke.*

“4. If a husband obtains a judgment for a debt due to his wife at law, he is entitled to the whole fund.”

“5. So with respect to a legacy: the husband may appropriate the whole, if the executor pays it him.”

“6. A woman by law cannot dispose of her property, nor make a will, without the concurrence of her husband.”

“7. If a wife carries on a separate trade, even with her husband’s consent, he is entitled to all the profits.” 4 *B. and Ad.*
514.

EQUITY.

“1. Every kind of property, including estates in fee simple and chattels personal, may be subject to a trust for the wife’s separate use, which will be supported in equity. She may dispose of such property as if she were a *feme sole*. She may dispose of her savings as of the principal.”

“2. Equity allows a married woman to sue wherever she has a clear right. She may even sue her husband when there is no other way of asserting her right against him.” *Per Lord Loughborough.* “Being considered a *feme sole* in respect of her property, she may be sued on her own contracts with respect to such property.”

“3. If land or personalty be left to a married woman for her separate use, even without the intervention of trustees, equity secures such property for her separate use.”

“4. If it is necessary to have recourse to equity, equity will compel him to secure a provision for his wife out of the fund.”

“5. Equity will compel a settlement in such a case.”

“6. She may in equity.”

“7. Equity gives the profits to the wife, if the trade is carried on out of her separate estate.”

"8. Deeds of separation are not valid at law." *Marshall v. Rutton*.
8. *T. R.*

"9. A husband cannot give or grant any estate to his wife, either in possession, reversion, or remainder, though an exception under the Statute of Uses has been introduced."

"8. "In Equity," it may "be considered as at present settled that such deeds . . . are valid." *Bright's Husband and Wife*, ii. 307, 317.

"9. Although gifts of property by the husband and the wife to each other are . . . void in law, yet they will be supported in equity." *Ibid.*

It cannot be considered otherwise than as discreditable to the administration of justice in this country, that there should be two sets of courts, governed by diametrically opposed rules, in dealing with the incidents of the most important form of civil association that can be entered into by human beings. The impropriety of such a state of affairs is not made the less striking when we reflect that the practical result is, that the law of England is at present meted out with one measure to the rich and with another measure to the poor. The common law controls the proprietary rights of *ninety-five* per cent. of English wives—or rather, it determines that they shall have no proprietary rights at all; and the other *five* per cent. of them, because, as the Special Report shows us, they are able to afford the expense of marriage settlements and can procure trustees, are enabled to free themselves from its monstrous influence, and to enjoy, under the paternal care of the Court of Chancery, their possessions and acquisitions in security and freedom. Is such a condition of the law consonant to enlightenment or good policy? Is it consistent with humanity or common sense? It is not possible that the contradictory doctrines of Law and Equity should both be right; if either of them be so, then by all means let it be made to supersede the other; but if both of them be more or less wrong, and open to correction, then let both be superseded by one amended and comprehensive measure of public reason, framed upon sound and general principles, binding alike upon all ranks, and affording its protection equally to every member of the community. As Mr. Lowe said, in the House of Commons, during the debate on the second reading of Mr. Shaw-Lefevre's Bill—

"The question is simply this: Ought the common law with regard to the property of married women to stand or not? There is not the slightest necessity for going into minute details or technicalities. It is that large question which we have before us. Now the common law is this: that the personal property of a married woman, whether possessed before or acquired after her marriage, is not hers at all, but

is the absolute property of her husband; and that the land of a married woman is for the benefit of the husband during her life, and, in the event of his surviving her, is his property in case there are children of the marriage till his death. Is that right or not? The question is not that which was stated by the honourable and learned member for Colchester (Mr. Karlake, a Chancery barrister), whether this can be traced up to a long succession of ages in the most barbarous times of which history gives us any account, and whether it has been confirmed, and consolidated, and built into an edifice. The question is, On what is that edifice founded? Is it founded on justice and righteousness, equality and fairness, or is it founded on injustice, tyranny, and oppression? That, surely, is a very simple question; and there is no need to talk about disturbing social order in families, and about destroying the husband's influence over the wife, which is saying in so many words that, unless you put the whole property of a married couple into the hands of the husband, and give him, like this House, the power of stopping the supplies whenever he thinks proper, there is no chance of concord and harmony in the married state. Let us dismiss considerations of this kind, because we have to go to those which are much more elementary. The law holds that, when a man or woman has got property, they are not bound to show that they will make a good use of it, so as to make it conduce to social good or to anybody's good. They have got it, it is their possession, and it is respected as such, with the single exception of married women. If a woman possesses property and is married, the law, being no doubt afraid the husband might tyrannically take it from her, puts that temptation out of his reach by taking the property away and giving it to him all at once. That is the simple state of the law. Now show me what crime there is in matrimony that it should be visited with the same punishment as high treason—namely, confiscation. For that is really the fact. The property is as much confiscated and taken away from the woman and her children by the husband as if she had committed a capital offence: it is gone from her for ever. It is for those who uphold this not to talk about social strife, but to show how, on any principles of equity and justice, it can be justified."

The principle of the common law is condemned among ourselves, by implication, in the course adopted by the Court of Chancery in the interest of the wealthier and more influential orders of society—a course which is not only in violation of that principle, but is also inconsistent with one of the leading maxims of equity itself: *Æquitas paret legem*. If we compare it with the principles of the codes of almost every other civilized nation—of France, of Spain, of Prussia, of Austria, of Denmark, of the States of the American Union—we find that it stands alone in glaring unreason and iniquity. They all regard a married woman as a citizen capable of possessing property and of entering into contracts on more or less liberal terms, and they all allow of the possibility of the husband abusing his marital power to her pre-

judice, and arm her with legal means for her own protection. The common law of England only in the whole of Christendom treats the act of marriage as the annihilation of the legal personality of the woman, and the abdication of her civil rights.

"If," said Mr. Shaw-Lefevre, in introducing his Bill into the House of Commons, "I wanted further authority, I could quote from the recent reports of the Indian Law Commission, composed of the most able lawyers in the country:—Lord Romilly, Sir William Erle, Mr. Justice Willes, Sir Edward Ryan, the right honourable gentleman the member for Calne (Mr. Lowe), and others. They were instructed to frame a code of civil law framed on English principles, but with such alterations as they thought fit—a code which should form the general law of all classes in India, subject to the special customs of certain communities or sects. These Commissioners, after careful discussion, rejected the common law of England, and have given to married women their separate property and a right to contract. These recommendations have already passed into law. Can any one doubt, if it were referred to them what ought to be the law of England, that they would report to the same effect?"

The truth is, that the old bottles of the common law must have been broken to pieces long ago by the new wine of modern society which has been put into them, had not the Court of Chancery occasionally uncorked them in the interest of the governing classes. Its provisions have been handed down to us almost unaltered from a period when the great bulk of private wealth lay in land, and every other form of it except actual merchandize was wholly insignificant in amount and value. It is more than probable that, throughout the middle ages, the only goods and chattels possessed by women at and during marriage were their clothes and trinkets, and in some instances a little household furniture. Such trifles, under the pompous name of *paraphernalia* (perverted from its original meaning), were partially secured to them pending and subsequently to their coverture. The prodigious increase of personalty in the country, and the comprehension under that term of a vast variety of riches, the very species of which were unknown when the law was being formed, including, for the sake of example, what Mr. Disraeli has glibly designated that "fleabite" the National Debt, from which so many princely revenues are derived, could not have been contemplated by the barons, knights, and burgesses, who formed our Parliaments under the Henrys and the Edwards. Then also the earnings of women must have been quite unimportant: the mediæval guilds were closed against them, and the stage, the studio, and the republic of letters, had scarcely been invaded and adorned by their presence. In the reigns of the Plantagenets and Tudors our ancestresses dedicated themselves to what in

cant phrase is denominated "a purely domestic mission," and, content the while

"To suckle fools and chronicle small beer,"

they little dreamed that the day would dawn when their daughters should become illustrious in every walk of art, of literature, and of science, and that (as at the taking of the last Census) out of 3,200,000 English wives, upwards of 800,000 should be engaged in various trades and professions. Now, with regard to her landed property, the old law was comparatively fair to the wife. The management and income of her estate, indeed, devolved upon her husband during their joint lives, but he could neither alienate nor permanently charge it without her consent, and sooner or later it survived to her or her heirs. If a child were born to her capable of inheriting, the husband whose son or daughter such child, *ex hypothesi*, was, acquired a life interest in it. By what is termed "the curtesy of England," the right of the heir is postponed, and the father is rescued from the humiliating position of being perhaps a pensioner on his or her bounty. These privileges do not strike us as exorbitant when we bear in mind the era in which they became established. When feudalism was in force, it was the husband who fulfilled the feudal obligations, the military or other duties incidental to the tenure of the wife's fee, but the justification for them (except for tenancy by curtesy) gradually diminished with the decline of the ancient system, and was altogether extinguished by that iniquitous statute the 12 Car. II. c. 24, by which tenure by knight service was converted into common socage tenure, and the constitutional burdens of the landowners were, in the shape of the Excise, shifted on to the shoulders of the people, where they have ever since remained. In the old time the wife enjoyed certain correlative and compensatory advantages: she took, as a widow, however portionless she may have been, one-third of her late husband's personalty, if he left children, and a moiety if he died childless, of which he could not deprive her by will; and she was also entitled to her dower or freebench out of his freehold or copyhold land. The claim to dower was thought to be so sacred that when it had once attached, it could be defeated by no act of the husband, voluntary or involuntary, except his treason or felony, and it attached to all lands of which at any time during the coverture he had been seised in fee simple, fee tail general, or as heir in special tail. Of these the widow took, at common law, one-third, of gavel kind lands one-half, and of borough-English lands the whole. Freebench, or customary dower out of copyholds, varied according to the custom of different manors: it was ordinarily one-third, but was sometimes

more and sometimes less. Dower is held by the widow as an estate for life from and after the decease of the husband, and, unlike tenancy by curtesy, it depends not on the birth of issue. In course of time, however, husbands acquired, by means of judicial decisions, the power to disinherit their widows of their share in their personalty, although they could not do so as late as the reign of Charles I.; and after many legislative invasions, the claim to dower was also finally placed by the 3rd and 4th Wm. IV. c. 105 entirely at their mercy. By the Dower Act a husband may now bar his widow's dower, either by deed or will, without giving to her any equivalent, or may subject her right to it to any testamentary conditions, restrictions, or directions he may please to declare. It is true that jointures and separate estates have almost completely superseded this ancient provision in family settlements; but the fact remains that wives are with us, in the middle of the nineteenth century, in a legal position more unequal and dependent with respect both to goods and land, than they were with our remote ancestors in all the darkness and barbarism of the feudal ages. Well might Mr. Mill tell the House of Commons that "women can never hope that the laws and customs of society will do them full justice until they are admitted to participate in political rights."

If the provisions of the Common Law as to the realized property of married women are harsh and oppressive, they impress one as even more cruel and tyrannical as to their earnings, for these at any rate we might have hoped would have been secured to them. The exclusive right to the results of our own labour or skill is the very foundation of private property, and every other valid title to it flows either directly or indirectly from this just and rational source; but by the law of England the services of the wife belong to the husband, and therefore all the rewards gained by her industry, her talent, or her genius, are wholly and indefeasibly his. It is only in the event of actual desertion by him that, under the Divorce and Matrimonial Causes Act, she can apply for or receive any assistance against the undue exercise of his marital authority. By this statute (the 20th and 21st Vict., c. 85, s. 21) it is enacted that:—

"A wife deserted by her husband may at any time after such desertion, if resident within the metropolitan district, apply to a police magistrate; or, if resident in the country, to justices in petty sessions, or in either case to the Court, for an order to protect any money or property she may acquire by her own lawful industry, and property which she may become possessed of after such desertion, against her husband or his creditors, or any person claiming under him; and such magistrate, or justices, or court, if satisfied of the fact of such desertion, and that the same was without reasonable cause, and that the

wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and property acquired since the commencement of such desertion, from her husband, and all creditors and persons claiming under him; and such earnings and property shall belong to the wife as if she were a *feme sole*. Provided always that every such order, if made by a police magistrate or justices in petty sessions, shall, within ten days of the making thereof, be entered with the Registrar of the County Court within whose jurisdiction the wife shall be resident; and that it shall be lawful for the husband, and every creditor or other person claiming under him, to apply to the Court, or to the magistrate or justices by whom such order was made, for the discharge of the same. Provided also that, if the husband, or any creditor, or any person claiming under the husband, shall seize or continue to hold any property of the wife after notice of any such order, he shall be liable at the suit of the wife (which she is hereby empowered to bring) to restore the specific property, and also for a sum equal to double the value of the property so seized or held after such notice aforesaid. If any such order of protection be made, the wife shall during the continuance thereof be and be deemed to have been during such desertion of her in the like position with regard to property and contracts, and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation."

The penal clause appears to have been introduced by way of a flourish, to attract attention from the impotence and imbecility of the remainder of this section. In order to avail herself of the relief, such as it is, afforded by the Act, the wife must put herself in a position of open hostility to her husband, and must expose her private troubles and circumstances to public scrutiny and comment. Further, she must have been *deserted* by her husband, that is, he must have permanently withdrawn himself from cohabitation with her, and should he, as unhappily is too often the case, remain with her, living upon her, and probably maltreating her into the bargain, she has no remedy short of an expensive and prolonged suit in the Divorce Court. These considerations are in themselves sufficient to show the inadequacy of the provision, but its worthlessness more fully appears in that portion of it which empowers "the husband, and any creditor or other person claiming under him," on application, to have the order discharged. The context proves that such application is not to be confined to instances in which the order shall have been wrongfully granted or obtained. If the protection has once been properly afforded to an injured wife, can any subsequent facts or events be imagined which could justify its removal? If so, the section leaves us utterly in the dark as to what they may be, and as the law now stands it is always open to a delinquent husband, subject to the discretion of a Bow Street magistrate,

or, still worse, of a bench of country justices, to return to the wife he has neglected and left to indulge his rapacity or indolence at her cost, so that it is quite possible for any scoundrel to absent himself from his wife whenever it may be inconvenient for him to maintain her, to stay away until perhaps she has come in for a sum of money, or entered into a lucrative occupation, and then to reappear upon the scene to rob her of all the fruits of her good fortune or good conduct, and pervert them to his own selfish purposes. This miserable enactment, valueless as any real security to even deserted wives, has been perseveringly employed as an excuse for the legislative inaction of the last eleven years, and is still sometimes pointed to as a reason for its continuance.

“Evidence has also been given,” says the Special Report, “as to the effect of the law which gives the wife’s earnings to the husband. Very numerous cases of hardship occur: it is not uncommon for husbands to take their wives’ earnings to spend them in drinking and dissipation. The law at present gives protection for the wife’s earnings only in the case where the husband has deserted her. It has been stated that the extension of such orders to the case of women whose husbands are intemperate, reckless, idle, or cruel, would be a very insufficient remedy, inasmuch as few women, while continuing to live with their husbands, would come forward to claim in public a protection which would involve giving publicity to their domestic grievances, and an application adverse to their husbands. In many cases also the protection order would be too late, as it often is in the case of desertion. The small sum which the wife has saved before or after marriage is swept off before the application can be made. On behalf of the wives of labouring men it is urgently claimed, that the only proper course will be to give them an absolute property in and control over their own earnings and savings. The evidence of Mr. Ormerod, the president of a working man’s co-operative society at Rochdale, is of great interest on this point, as it shows what have been the steps taken by his society to secure the shares of married women who are shareholders in the society from the claims or control of their husbands. The means adopted are of doubtful legality, and it is stated that it would be a great disaster if it should turn out that the society is unable to prevent improvident husbands disposing of these shares or taking the interest of them.”

The mighty principle of co-operation is, we believe, destined in the future to work out the reorganization and regeneration of the industrial system of the civilized world. The gross transactions of the registered co-operative associations in England amounted during the last year to the sum of 6,000,000*l.*, figures speaking eloquently for the intelligence and administrative ability of that order of society which has had the wisdom to raise and the fortitude to support institutions so beneficial, in their moral as well as economical consequences. There are

numbers of wives who are investors in co-operative associations or depositors in the savings banks which are scattered throughout the country, and surely their small treasure is as worthy of protection as the consols or acres of their more fortunate sisters. They cannot regulate their matrimonial relations by marriage settlements, nor can they command the mediation of the Court of Chancery. But what is done for women of the wealthier classes by innumerable skins of parchment and a complicated judicial machinery, might be achieved for women of the poorer classes by a single Act of Parliament. Those only who have specially examined the subject can guess how pathetic a chapter in "the short and simple annals of the poor" such an Act would close for ever.

"In one case," said Mr. Shaw-Lefevre, "a wife who earned money by her own work had, unknown to her husband, put by a little store in the savings bank against a bad day; her husband, a dissipated, improvident man, suspecting the fact, tested his wife by suddenly saying to her—'Do you know the saving-bank has failed?' The poor woman fainted from the shock, and her husband immediately went off and drew out her money."

This is merely one instance out of many which have been cited, of the cruelties practised with impunity under our existing laws. There is no reason, indeed, why "the absolute property in and control over their earnings and savings," should be confined to the wives of labouring men. The species of husband of which Mr. Mantalini was a type is not yet quite extinct among us, and persons like the Honourable Mr. Norton and Mr. Glover are still to be found in the upper and middle ranks of life, apt and willing to assert their marital ownership of the copyrights and professional incomes of their (in every meaning of the word) *better* halves. We are anxious to believe that the majority of English husbands are good and prudent as the world goes, and that the minority only are bad and improvident, but it is against that bad and improvident minority that legislation must be directed, for laws are intended not to trust to what men will do, but to guard against what they may do.

The law determining the respective rights and obligations of husband and wife ought, we think, first to empower the parties to marriage to enter into any specific agreements or covenants they may think proper defining the effect which they intend their union to have upon their possession and enjoyment of property; and secondly, in the event of no such specific agreements or covenants being made between them, to place them in a position as nearly equal and independent in respect of such possession and enjoyment as the general interests of society will allow. There are two methods by which this latter object may

be attained, in a more or less satisfactory manner. The law may either allow the man and woman each to retain his or her own separate property, with joint and several liability for the charges rising out of the marriage, or it may throw the property of both of them into a common stock, reserving the responsible management to the man, subject to restraint by the woman in certain contingencies. The former principle is that sanctioned by the Roman Law, and the latter is that which prevailed in the Barbarian Codes, and was known to the Civilians by the name of *communio bonorum*.

Since the laws of the Twelve Tables recognised the validity of the *trinoctium*, the *conventio in manum* was not considered by the Romans to be a necessary condition of marriage. Where, indeed, matrimony was accompanied by the *conventio*, and the woman became subjected to the *patru potestas* of the husband, she assumed the strange character of his legal daughter, all her possessions passed by an universal succession to him, and thenceforth she could not acquire any for herself. But marriage *sine conventione* enabled the woman to remain a member of her own family: she bore the same relation to her husband as any other citizen, except that she owed fidelity to him as long as their cohabitation continued by mutual consent, and that she could become the mother of children who would be under his paternal power. The husband and the wife could each possess property, in whatever the one possessed the other could not participate without the assent of the former, and their several contracts could only be enforced against them severally, in person or estate.

“The mode in which the independence of a Roman wife as to property was maintained,” says the Report of the Committee of the Law Amendment Society, “was as follows:—Previous to marriage a portion of the wife’s property, called *dos*, or dowry, was set apart for the expenses of the wedded state. The administration of this settled property was committed to the husband, and if it were of a perishable nature (*res fungibiles*) he became absolute owner of it; but if of land, he had no power of alienation, not even with the wife’s consent, except under very special circumstances. All her other property, moveable and immovable, whether acquired before marriage or after, was entirely under her own authority and control, and was called *paraphernalia* (*bona parapherna*). Even with respect to the personal property of the wife, though it was always alienable, the husband was obliged to restore it to the wife in case of a dissolution of the marriage. In order to secure this restitution, he had to make a gift (*donatio*) to the wife antecedent to the marriage; and if, by the provision of the marriage settlement, the husband had any benefit by survivorship out of the *dos*, the wife had a proportionate benefit out of the *donatio*.”

Of the *communio bonorum* the Report further says—

“Under the German system a community of goods was created on marriage between husband and wife, by which the survivor succeeded either to the whole for life, or to one clear half absolutely, the custom varying among different tribes. Blackstone cites two remarkable passages from Tacitus and Cæsar on this subject, which clearly show the antiquity of the custom, as we still find it prevailing among the Teutonic nations of Europe—in Scotland, Germany, Scandinavia, and even in France. There can be no doubt that the old English laws recognised the same principles in early times.”

The French and New York Codes afford us the best modern examples of these two systems—the one adhering to that of a community of goods, and the other to that of separate property; both, however, with some variation of, and departure from, the pure and original plans.

We borrow the following from the Report to which we have just referred:—

“Marriages take place in France under the *Régime de Communauté* or *Régime Dotal*. 1. *Régime de Communauté* is either *légale* or *contractuelle*. By the first, which is by the operation of law without any contract, all the *moveable* property of the man and woman, both at marriage or acquired during marriage (except specific legacies specially tied up), and the immovable property acquired during marriage, form one mass called *communauté*, which is administered by the husband and may be alienated by him during marriage, but cannot be bequeathed except as to his share, and at the dissolution of the marriage a partition takes place between husband and wife or their representatives. The wife’s immovable property belongs to the wife alone, but the rents and profits and administration go to the husband. The *communauté*, and therefore the husband, is answerable for all debts (except those belonging to the real estate) of the wife, both before marriage or contracted during the marriage. The wife can obtain a *separation des biens*, that is, a division of the moveable property, and have the administration of her share committed to her, on application to a Court of Justice, if the husband is making away with the property. By the *communauté conventionnelle* any provisions modifying the community of law may be introduced in the ante-nuptial marriage contract. The usual modification is to give the wife a lesser share than half, according to the amount of moveable property she brings into the common stock. 2. *Régime Dotal*. Under this system the dowry is the sum brought to the husband to sustain the charges of the marriage, and is specified in the ante-nuptial contract. But the contract, like English marriage settlements, may introduce any provisions whatever. All property of the woman not specified in the contract is called *paraphernal*, and belongs absolutely to the wife, but she cannot alienate it without the authority of her husband.”

Baron Charles Dupin, quoted in the Report, states that—

“Ninety-nine per cent. of all marriages are made *en communauté*—
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all those of the industrial classes without exception, and also nearly all of the middle classes. The *dotal* is chiefly resorted to when the parents or guardians of the wife have a distrust of the prudence of the husband."

Count de Circourt is also cited to the like effect :—

"The *Dotal régime* is found very efficient for the protection of the wife's property against a spendthrift or inconsiderate husband, but impedes the freedom of operation to such a point, that among tradesmen of all ranks and denominations the régime dotal is either impossible or ruinous. Nor can it agree with the habits, and still less with the interests, of the middle class. The effects upon the good harmony of married persons are not decidedly bad, but on the whole it is disliked, and many gentlemen do positively object to its being made a part of their matrimonial contract."

In the Sessional Proceedings of the Social Science Association (for January 16, 1868, vol. i. No. 6.) the subjoined very valuable notes are given on the Legislation of New York affecting the Rights of Married Women :—

"The Act of 1848, c. 200, which first gave married women their property as if single, contains in section 2, as to the property of any woman then married, the restriction, 'except so far as the same may be liable for the debts of her husband heretofore contracted.' Section 3 of the same Act provides that 'any married female may take by inheritance or by gift, grant, devise, or bequest from any person other than her husband, and hold to her sole and separate use,' and this restriction of taking from her husband appears to be still in force. Indeed it is not designed to include any repealed matter in the present notes.

"By the Act of 1849, c. 375, s. 3, 'all contracts made between persons in contemplation of marriage shall remain in full force after such marriage takes effect.'

"By the Act of 1853, c. 576, s. 1, 'an action may be maintained against the husband and wife jointly for any debt contracted before marriage, but the execution on any judgment in such action shall issue against and such judgment shall bind the separate estate and property of the wife only, and not that of the husband.'

"By the same Act, section 2, it is provided that 'any husband who may hereafter acquire the separate property of his wife or any portion thereof by any ante-nuptial contract or otherwise, shall be liable for the debts of his wife contracted before marriage, to the extent only of the property so acquired, as if this Act had not been passed.'

"By the Act of 1858, c. 187, the life of a husband may be insured in the name of the wife for her benefit, or for that of his or her children, in case of her predeceasing him, 'free from the claims of the representatives of the husband or of any of his creditors; but such exemption shall not apply when the amount of premium annually

paid out of the funds or property of the husband shall exceed \$00 dollars.'

"The Act of 1860, c. 90, virtually replaced a good deal of the previous legislation on the subject, which accordingly has not been here noticed, and was in its turn amended and in part repealed by the Act of 1862, c. 172. The provisions of the former Act, so far as they are still in force, and as amended by the latter, are in substance these:—

"Section 1 gives a married woman her property as if single, with power to collect and invest in her own name, and declares that it shall not be liable for the debts of her husband, 'except such debts as may have been contracted for the support of herself or her children by her as his agent.'

"Section 2 gives her power to sell and transfer her property, 'and carry on any trade or business and perform any labour or services on her sole and separate account,' and declares her earnings so made shall be her property.

"Section 3 gives her express powers of contract and conveyance as to her real estate.

"By Section 7 any married woman may sue and be sued in all matters having relation to her property; 'and any married woman may bring and maintain an action in her own name for damages against any person or body corporate, for any injury to her person or character, the same as if she were sole,' the money thereby received to be her property. She may also enter into any bond or undertaking necessary in the prosecution or defence of any action.

"By Section 8 her contracts as to her property, or 'in or about the carrying on of any trade or business, under any statute of this State,' are not to bind her husband.

"The provisions of the Act of 1862, c. 172, other than those which amend or repeal any sections of the Act of 1860, c. 90, are as follows:

"Section 6. 'No man shall bind his child to apprenticeship or service, or part with the control of such child, or create any testamentary guardian therefor, unless the mother, if living, shall in writing signify her assent thereto.

"Section 7. A married woman may be sued in any of the courts of this State, and whenever a judgment shall be recovered against any married woman, the same may be enforced by execution against her sole and separate estate in the same manner as *if she were sole.*"*

In twenty-five of the older States of the American Union, in which our Common Law was established, either with or without the corrective of Equity, it has been modified to a greater or lesser degree, in obedience to the demands made on behalf of married women with small fortunes, or obtaining money by their own exertions. In some of the newer States such concessions have been esteemed to be of so much importance to public welfare, that the confirmation of them has not been left to the discretion

* This able summary is stated to have been compiled from Edwards' edition of the "Statutes of New York, 1863," and is signed, "John Westlake."

of the local legislatures, but has been made part and parcel of their original constitutions. In Upper Canada, nearly the same course has been pursued as in New York with respect to the property, but for some unexplained reason not to the earnings of wives. In Lower Canada the ancient French law permits a woman, by a simple declaration before a notary at the time of marriage, to secure a "*separation des biens*," and it is worthy of consideration if in this country, under an Act of Parliament, a similar declaration in writing, addressed to the Registrar, and recorded by him, could not in some cases be made available as a substitute for the more expensive and elaborate protection of a marriage settlement.

"The changes,' says the Special Report, 'are stated everywhere to have been beneficial.' Mr. Dudley Field says, 'Scarcely one of the great reforms effected in this state (New York) has given more entire satisfaction than this.' Mr. Washburn, formerly Governor of Massachusetts, and now Professor of Law at Harvard University, and who allows that he viewed the change with apprehension that it would cause angry and unkind feelings in families, and open the door for fraud, now admits that he is 'so far convinced to the contrary that he would not be one to restore the common law if he could: any attempt to go back to it would meet with little favour at this day.' The oral evidence we have received from members of the Vermont and Massachusetts bars, from Mr. Cyrus Field of New York, and from the Honourable J. Rose, Finance Minister in Canada, is to the same effect. They state that the change has given entire satisfaction, that it has not caused dissension in families, that it has not weakened the proper authority of husbands, that it has not given rise to frauds, beyond what were within the reach of persons who were so minded, with little more difficulty, under the old law. They further represent that it has not put an end to marriage settlements, though it has diminished their number in the case of small fortunes. Where there is a considerable amount of property belonging to a woman about to marry, it is generally conveyed to trustees for her benefit; and in devices by will careful fathers usually make a corresponding provision, and leave their daughters' portion in such a way as to prevent its being ever subject to a husband's control, or liable to his debts."

There is much to be said in the favour of both systems,—that of community of goods, and that of separate property in the married state. We believe that in the greater number of marriages there is an identity of interest between husband and wife; and we have seen that in France, where the two principles come into competition, the tendency is to adopt the former. Were we to inquire into the circumstances of many families of the middle class in England, we should probably discover that the wife had frequently given up to her husband, for the purpose of assisting him in his business, whatever fortune she had or may have received from

her friends at marriage ; and that in nine cases out of ten her confidence had been justified by the result. A community of goods between a married couple seems to harmonize well with the ideal picture of wedlock which some are wont to paint for themselves. But the exigencies of practical life require that the mutual stock should be under the control of the husband, and, wherever this plan has been established, it has been found requisite to open a road by which the wife may at any time have her share tied up to her separate use, and given up to her separate management. Where she avails herself of this expedient, or where the marriage is dissolved by the death of either party to it, a judicial or *quasi* judicial investigation must be made into the affairs of the partnership, which would but ill accord with our just impatience of unnecessary governmental interference. If also the earnings of the wife legally passed into the mutual stock under the control of the husband, there could be no protection for them so long as the community lasted. On the Continent there is much greater equality of fortune between men and women than here. The laws of primogeniture and entail are abolished, the testator's freedom of bequest is limited, and daughters and sons enjoy the same privileges of inheritance. A proposal that wives should have, in the actual state of English society, one half of their husbands' personalty in return for one half of their own, and, as to that half should be permitted, in the event of the misconduct of the former, to have it settled on themselves absolutely, would only excite surprise and meet with rejection. Besides, a system which requires to be kept in working order by an appeal to litigation, would confer little benefit upon those classes of the community for whose good an alteration in the law is now most urgently needed. The motives which prompted the Legislature of New York to the improvements which it has made, are the motives which inspire the advocates of the changes partially embodied in the "Married Women's Property Bill" of last session, and are enumerated in a letter written by Mr. Dudley Field, quoted in the Special Report :—

"A desire to give poor women the same protection which the rich ones have by means of marriage settlements and trustees, a process altogether unavailable to the wives of mechanics and small tradesmen; the desire to furnish mothers with the power to supply the wants of their children when the husband neglects to do so; the desire to protect a wife's separate estate from liability for her husband's debts; and the belief that the mutual affection of husbands and wives would be more promoted by their standing upon an equality than by either being made inferior to the other, except where it is absolutely necessary."

The legal reforms effected in the United States cannot fail to

be always instructive and encouraging to us. Their course commenced from the same starting-point as ours, and has almost reached the goal to which our efforts are directed. We have already learnt much from them, and we have still to learn much more, unless we would without a struggle yield up to them the permanent leadership of the Anglo-Saxon race, and rest content that the glorious destiny which Nature has fitted it to fulfil should be accomplished only on the further shores of the Atlantic. The principle of separate property to which the provisions of their codes approximate, is not open to any of the exceptions taken to that of a community of goods. It is already established in our theory of equity, and accepted in the universal practice of the richer and better instructed part of the English people. If it were to-morrow to be constituted the general law of the land, there is not a difficulty that could arise the solution of which would not be found in the voluminous collections of our Chancery Reports.

“A husband,” say the Committee of the Law Amendment Society, “retains his own property on marriage, why should not a wife? He is enabled to spend his earnings as he lists: is it likely that a wife and mother should be less solicitous for the well-being and well-doing of her household? We think probably the reverse is the case, and we feel certain that if the industrious factory woman was able to deposit in the savings bank a portion of her earnings in her own name, the school pence for her children would be very seldom withheld.”

The experiment has been tried for twenty years in the United States, and it has succeeded in every way.

“Your Committee,” says the Special Report, “attribute much weight to the evidence from these States, because where so great a change of law is proposed, the arguments as to the results must necessarily be of a theoretical character, unless they can be drawn from experience; and if in countries with populations so similar in every respect to that of this country, with the same law up to a recent period, and where the same complaints were made against the operation of it, the common law has been changed without difficulty and without causing those evils which were anticipated there and which are feared here, there is every reason to believe that those fears are groundless, and that the same good results will follow in this country. Among the working classes the number of women earning wages is so much greater in this country than in the United States, that there is good reason to believe the results of the change will be even more satisfactory, in so far as they will extend to so many more persons.”

The Married Women's Property Bill excited a good deal of opposition both in and out of Parliament. The second reading in the House of Commons was very nearly lost, and the criticisms

upon it in some of the leading periodicals and newspapers were decidedly adverse. The arguments, however, which have been used against it are for the most part of anything but a conclusive character. Many of them seem to have been borrowed, without acknowledgment, from the "Noodle's Oration" of Sydney Smith, and many more have been supplied from the vast store of commonplaces laid up and preserved by Divinity. It cannot be expected that in the present day the conservative formula of the Norman Barons, "*Nolumus leges Angliæ mutari*," or the lying platitude of Sir William Blackstone, "So great a favourite is the female sex of the laws of England," should command much respect; and antiquated homilies and worn-out texts could scarcely impose upon any one more enlightened than an old nurse, in the face of the crying evils arising under the present state of the law. It has been truly said by Mr. Mill, that "grievances of less magnitude than the law of the property of married women, when suffered by parties less inured to passive submission, have provoked revolutions." Among the reasons which have been brought forward for not redressing these grievances in the manner proposed by Mr. Shaw-Lefevre's Bill, and, we may now say, by the Special Committee of the House of Commons upon it, there are but two which appear really to require any serious notice. The one is, that marriage settlements are made as much with the object of protecting the wife's property against herself as against her husband; and if she could contract as a *feme sole*, it would be possible for her, in an indirect way, to defeat the intention of her settlement; and the other is, that the husband is responsible for the wife's contracts and wrongs, and for her maintenance, and that of the children of the marriage, and therefore all the resources for meeting such responsibilities should also be placed in his hands. The first objection does not properly apply to the desired alteration in the law at all, but rather to the forms employed by conveyancers and draughtsmen in limiting the separate estates of married women. At present, a woman may by marriage settlement bind herself not to sell or anticipate the income of the property which is subjected to a trust for her use, and like restrictions may be attached to a gift or bequest to a wife during coverture. When the separate estate is thus modified, it cannot be alienated or charged; but if a married woman could contract as if she were unmarried, she could execute bonds and covenants. These would not at once affect the settled capital, but they would fall upon the rent or interest as fast as it came in; and the restraints terminating on the decease of the husband (for separate estate implies *ex vi termini* the condition of coverture), the capital would then become subject to the debts which had been created by them. This could be spe-

cifically and easily provided for in a future "Married Women's Property Act;" but even if it were not so, "a gift over" in any settlement, conveyance, or will, in the event of an attempt to assign or encumber, would then be quite as effectual as the ordinary restrictions on alienation and anticipation now are. The second objection was partially removed by the Bill itself, the fifth section of which was to the intent that—

"A husband shall not be liable for the debts of his wife contracted before marriage, and shall not be liable in damages for any wrong committed by her."

The common law, which in most particulars is calculated to entail great hardship on the wife, is in this particular calculated to entail great hardship on the husband; but since two wrongs do not make a right, we fail to see how this can be accepted as any defence of it. The liability of the husband for the support of his wife, and the children of the marriage, is quite another matter. Neither the Bill nor the Select Committee have proposed to make any material alteration in it, and there are strong moral grounds for not doing so. The selfish policy of men has excluded women from almost every occupation in which it would be possible for them to gain a livelihood upon equal terms; and in all those occupations into which they are admitted, female labour is invariably more inadequately remunerated than male labour. The domestic duties, and the natural consequences resulting from marriage, unfit married women more or less completely from continuous employment. When the wife is cooking the dinner, minding the children, or lying-in, she cannot be earning her living, either by physical or intellectual exertion. Again, what does this "liability of the husband" actually mean?

"Unless," says the report of the Jurisprudence Committee of the Social Science Association, "the wife is left destitute of bare necessities, or through no fault of her own is living apart from her husband, she cannot make contracts binding on her husband against his will." (*See Jolly v. Rees*, 15 *C. B. N.S.* 628.) "So long as she lives with him," says Mr. Smith in his book on Contracts, "she is absolutely under his power and government, and must be content with what he provides" (p. 357). "However large may have been the property he received with his wife, the husband may deny her the most reasonable luxuries, so long as he does not carry his unkindness to the point of legal cruelty. If a husband carries his neglect of his wife to the extent of legal cruelty, it is true he may then be required to make permanent provision for her future maintenance, the amount of which is determined with regard both to his own means and to the fortune he acquired by his marriage. And if they are living apart, and he fails to make her an adequate allowance, he would seem to be liable

for necessities supplied to her, such necessities being relative to his means. But if by that time he has squandered both her fortune and his own, his wife has no redress. It is the same with regard to the children of the marriage, unless it be thought that the law in regard to them is still more unfavourable. Their father, however rich he may be, is under no liability to do more than provide them with the bare necessities of life. If he is squandering their mother's fortune, no one on their part any more than on hers, can interfere to restrain him. These considerations seem to show that the common law, which in the absence of an ante-nuptial contract, or of such words annexed to a gift as make it separate property, gives a wife's property to her husband, gives her in return no proportionate security or advantage. If a husband preserves for his children the property of his wife, and maintains her in a manner appropriate to the means at his command, she owes this not to the law, but to his forbearance and goodwill."

The general responsibility of the husband for the contracts of the wife is determined by the law of agency. The wife is presumed to be the agent of the husband when she is living apart from him on the ground of necessity, and when she is cohabiting with him on the ground of authority. Both these grounds may be removed, and the presumption based on them rebutted, in the event of litigation, by proper evidence, and as the Select Committee remark, "the courts will give due weight to such a fact as the possession of property by a married woman without any express statutable direction." The Court of Chancery at present will only enforce the satisfaction of written contracts, or verbal contracts where it is specially named, out of the separate estate of a wife, and therefore, where a contract has been made without writing and without reference to the separate estate, and the legal remedy against the husband fails, the equitable remedy against the wife cannot be employed, and the creditor loses his money. This would not be so if the contracts of the wife were valid in law, for then, when it was proved that she had not contracted as her husband's agent, it would be concluded that she had contracted on her own account, and the creditor would recover against her when he could not recover against him.

One of the problems which the Select Committee were, through lack of time, unable to solve, was whether the poor-law liability of the father for the maintenance of the children should be extended to the mother. The separate estate of a married woman is very jealously guarded by the Court of Chancery, and is ignored by the Courts of Law. A wife, however large her settled property may be, is not bound to support her husband, nor her children if the father be alive, nor to contribute in any measure to the common expenses of the family, and the case is not altered by the inability or even the actual destitution of the husband.

(*Hodgen v. Hodgen*, 4 Cl. and Fin. 323). We think with Mr. Mill and the Attorney-General, whose views he endorsed, that "if the rights of husband and wife are equal, their obligations ought also to be equal." With the qualifications which we have already noticed, and after an examination of the reasoning on both sides, we are more inclined to agree with the Committee of the Law Amendment Society, that a married woman "having separate property, ought to be liable for the maintenance of her children," than with the Committee of the Social Science Association, who express the opposite opinion. We may add that, in that case also, a husband who by reason of ill-health or other misfortune is incapable of assisting himself, appears to have some claim to assistance from his wife. But in both instances we would draw a broad line of distinction between the wife's liability on account of realized property and on account of earnings. It would indeed be shameful that a woman with an income of a thousand a year from the Funds should be allowed to leave her sick husband and helpless children to starve; and it would be equally shameful that a poor sempstress who by incessant toil gained a scanty subsistence, should be amenable to prosecution and imprisonment because her husband and children had become chargeable to the parish.

The other questions which the Select Committee suggest, but do not answer, are—whether the contemplated change in the law should be confined to future marriages only, or should be applied to existing marriages, where after-acquired property is concerned? whether any, and, if any, what restrictions should be imposed on the alienation of property by the wife? whether the wife's power to contract, convey, and take by conveyance, should be extended to contracts with and conveyances to or from her husband, or should be limited to third parties? and whether, at the death of the wife intestate, any part of her personalty should go to her next of kin, or the whole to her husband only? It may be doubted if a Parliamentary Committee be so well fitted for the performance of the necessary preliminary work for detailed legislation as a Royal Commission. A Commission could devote to it a much larger amount of undivided time and attention than a Committee could possibly afford, and in the nomination of the former there would be far freer scope for the selection of persons qualified by special theoretical and practical knowledge for the particular task they would have in hand. What we want is a complete and scientific statute, determining the whole operation of marriage upon property. In framing such a statute the utmost care and circumspection will be needed. Our law-givers can hardly be too often reminded that the technical part of legislation is quite as difficult and nearly as important as the ethical

part of it ; in truth it is frequently far easier to conceive accurately what would be useful law, than it is so to construct the law that it shall reach the end to the attainment of which it is designed. We cannot help believing that if the preparation of a Married Women's Property Bill were entrusted to a Commission judiciously chosen—such a Commission, for instance, as that which lately reported on Indian Law—there would be greater chance that its provisions would embody inductions from a wide range of information formulated with more consummate skill, than if its preparation were left to a Select Committee of the House of Commons, however collectively intelligent and individually conscientious.

We hail the movement which has brought us thus far a promising sign of the times, for it surely indicates the growth of a truer and wiser conception of the destiny of woman than has hitherto prevailed among us. As we know of a past in which she was destitute of any recognised right, so we may hope for a future in which she will be endowed with all the privileges justly pertaining to her as the equal counterpart of man in the social organism. The great and immediate work of our generation is to realize that future—to elevate Woman the Slave into Woman the Citizen, and to place her in a position of perfect freedom and independence, in which alone she can attain to the full and harmonious development of her essentially noble nature, as a moral, intellectual, and active being.

ART. VI.—CHINA. •

1. *The North China Herald*. Shanghai. 1866—1868.
2. *The Supreme Court and Consular Gazette*. Shanghai. 1867—1868.
3. *China Overland Trade Report*. Hong Kong. 1866—1868.
4. *International Policy. Essays on the Foreign Relations of England*. London. 1866.
5. *Secret Memorial of Tsen-Kwo-Fan, Governor of the Two Kiang, to the Emperor of China: on the Revision of the Treaty with the Foreign Powers*. 1868. (Unpublished.)

WE are now approaching the time fixed for the revision of the Treaty with China ; and the present is a fitting moment to review the aspect of our position in that empire, our interests, our requirements, and our prospects. It is scarcely to be ex-

pected that such a distant country should form a subject of accurate attention and study to others than those who have resided there for a period of years, or whose interests are closely bound up with its trade ; and yet this conspicuous ignorance of all classes is an immense drawback when a question such as the revision of the Treaty with China comes to be considered. The most that can be said is, that there are degrees of ignorance ; but of anything like intelligent public opinion in Great Britain on Chinese questions, there is none.

Even in China itself, foreigners engaged in mercantile pursuits are at best but sojourners ; a few hundreds planted down at a small number of points, and with no ties binding them to the soil. They have not even the slender thread of organization which a permanent collective aim would to some extent produce ; they are not colonists who have left the over-populated British Isles in search of prosperity and peace on some more propitious shore ; they are not rulers imposing laws and developing the powers and resources of a nation, with the grave responsibility of solving difficulties of government, and being held accountable for their judgments and their conduct. They are birds of passage, temporarily alighting on the coast of the Chinese empire to recruit their fortunes, and ready to leave as soon as this object is accomplished. Their interests are individual and momentary, the future can scarcely be regarded as entering into their calculations ; what aids their fortunes now is good, what diminishes or impedes them is bad, what may bring wealth to others in after years is supremely indifferent to them. In the immediate future of eight or ten years their concern is boundless, and even approaches the desperate.

But with the foreign consular officials, and the members of the various missionary agencies, the case is very different. Their interest in China and its people is much more permanent than that of the mercantile classes ; their minds are not disturbed and their imaginations are not excited by the speculations and vicissitudes of trade ; the career of their lives is to be passed in the midst of the Chinese people. Yet even to the best informed of these, and those best-qualified to pronounce an opinion on all questions affecting the intellectual, moral, and social condition of the Chinese, doubts perpetually arise as to whether any one has succeeded in arriving at an adequate estimate of the Chinese character. To an outside observer it would seem a comparatively easy task. The universal reign of custom, it might be thought, would enable those who chose to take sufficient trouble, to grasp comprehensively and accurately the fixed and unchangeable characteristics of this semi-civilized nation. To come, to see, to apprehend, would seem an easy matter indeed. But it is not so.

The Chinese character is still an enigma only partially solved, and baffles all our efforts to penetrate its hidden depths. Too few foreigners have devoted themselves to the elucidation of the subject for the establishment of any reliable body of critical opinion ; and those few who have, with much assiduity, acquired considerable knowledge of the Chinese and their literature, stand necessarily too much in the attitude of partisans. They have left the world of civilization, and betaken themselves to an aged empire in the remotest quarter of the globe, to live amongst semi-barbarians ; they have spent a large part of their lives in mastering the Chinese language, and have for years buried themselves in its peculiar literature, voluminous beyond comparison with that of any other ancient language, and unique in so far that with a few exceptions the outside world knows almost nothing of it. But their labours remain in great measure unappreciated and unregarded ; the world, necessarily ignorant, is in the highest degree sceptical of the opinions of men who are exclusively familiar with Chinese literature, and who are accused of having forfeited their claim to impartiality by having allowed their minds to be biassed in favour of Chinese modes of thought and feeling.

That the few who have acquired an extensive knowledge of Chinese literature should not be impartial authorities as to its value, or unprejudiced witnesses to Chinese character, must to a certain extent be admitted. They have generally taken to this study either because they were appointed to conduct missionary operations in China, or because they were in the Consular service: in the one case to acquire a knowledge of the language, and modes of thought and feeling, was their first and most pressing duty ; in the other a knowledge of Chinese was a certain passport to promotion. The study of this literature has not as yet passed into the hands of professional students, and the one or two apparent exceptions only go to strengthen the assertion that there is as yet no body of impartial critical opinion on its merits and demerits ; and we fear the time is still in the region of dim futurity when it will attract to its study the ardent and unbiassed minds of the West.

We may deplore the repulsion that practically exists between the European and the Chinaman, the apparent incapability of amalgamation between Western and Oriental civilization, but with every wish to mete out unstinted justice to the Chinese we are inevitably compelled to accept the fact, that between their life and ideas and those of Europe there is a dividing gulf wide and deep as the ocean on which they interchange their products. This is no partial or one-sided statement, the result of prejudiced views or sinister motives. Every one who has lived in China, whatever his rank or occupation, confesses its incontrovertibility.

To those whose ideas of the Flowery Land are the highly-coloured emanations of imagination, there is abundant scope for clothing everything Chinese in the sympathetic garb of romance ; and we are aware that to the vast majority of minds the incompatibility of Eastern and Western civilization is inconceivable. Yet, in truth, it is the main source of the difficulties that beset the question of our relations with China, and will continue to be so.

Incomprehensible as it may be, it is none the less true, that the haughty and deeply-prejudiced Chinese either cannot or will not see the superiority of European civilization. When writers in the public press in Great Britain confidently assure themselves and their readers that the spectacles of wealth, architecture, railways, telegraphs, and all the appliances and achievements of the industrial arts, which the Chinese may witness on visiting London and the principal manufacturing towns, will dazzle the Oriental mind, and at once point out the as yet comparatively untrodden path by which China is to emulate all this magnificent development, they assume a facility in throwing off prejudices deep and inveterate in proportion to their extreme age, which is in flagrant contradiction with the Chinese character ; and they assume an incontestible and unqualified superiority which the latter have certainly never admitted, and are not likely to admit without considerable reservation. On a European the evidences of wealth, the sight of grandeur and great enterprises, have an almost intoxicating effect, because they demonstrate one of the most prominent of the Western conceptions of civilization ; they are on a large scale the finished product of all the powers, attainments, and influences of which his age is capable, and they realize before his eyes those material embodiments of progress which the money-getting spirit of the times has stimulated him to endeavour to produce for himself on a more restricted scale. But while the European gazes with wonder, and is lost in unmingled raptures at these vast material results, the probability is that the imperturbable Chinaman also views these objects with admiration, but his enjoyment is not unalloyed. He will all the time be counting the cost, and in the recesses of his mind will have the definite conception that, though all this is very beautiful to look at, and is suitable for Europe, it costs too much money for China. After he has beheld all the grandeur of the West—its large cities, its splendid palaces, its magnificent parks, after he has stored his mind with images of picture-galleries, Corinthian pillars, and endless decorations of unrivalled beauty, after he has seen the most elegant and luxurious furniture that an extravagant age can produce, and the perfection and symmetry with which everything is arranged, so as not to offend the most fastidious eye, he will return to

China, and content himself with his wooden shed, where even cleanliness in the European sense is unknown, and comfort is not dreamt of; he will go on to the end of his days dining on a plain wooden table, sitting on a hard-bottomed chair, and admiring himself in a Canton mirror, which reproduces his countenance with distortions of which he seems to be proud. This perfect indifference to all the higher and more distinctive triumphs of our civilization, this impregnable Chinese point of view, which resists all external efforts to modify it, or even to penetrate to it, must be looked upon as permanent in the Chinese system. The standard of Europe, however unmistakeably superior, is not the standard of China, and will not be for probably a thousand years to come. The inaccessible national characteristics of the Chinese have taken such firm hold on their minds, that we are not aware during all the long years that foreigners have had intercourse with them, and during which the latter have filled all the offices of personal and domestic servants, of one single undoubted case of a Chinaman fully adopting the mode of life followed by foreigners. Many Chinese have been taken to England and America as servants, and they have been put to school, and for two or three years placed entirely under foreign influences; but as soon as they have returned to China, they have been led by the irresistible ideas and tendencies of their nation to fall back again into all the habits of their countrymen.

To a Chinaman, the glory of his country is in the past: to remote ancestors and authors and emperors he ascribes the highest attainable perfection, which he, their unworthy descendant, cannot hope to equal, much less to surpass. Though in some points he may recognise the advantages of foreign contrivances, as in steamers, yet this is accounted for because he has declined from the towering standard of antiquity, and the gods in their wrath have favoured the outside world. But the offended divinities may relent, and the greatness of former times may return; then the Chinese system will vindicate its claims to superiority. Keeping, however, steadily in view the wonderful persistency of the Chinese in adhering to their own ideas and mode of life, we must found our consideration of their relations with foreigners on the unfortunate but undoubted fact, that all our commerce and all our missionary labours will, for a very long time to come, leave the Chinese exactly where they are, a semi-civilized race, clinging to semi-civilization with a tenacity and stolid obstinacy for which we search the world in vain for a parallel. With a clear and accurate apprehension of the utter hopelessness of raising the Chinese nation within any period that it is of the least practical importance to name,

we can now proceed to discuss the position of foreigners in the Middle Kingdom.

It is of some importance to sketch briefly the conditions of commercial pursuits, and the point of view from which the mercantile classes regard their own interests. There are few countries in the world, if indeed any, which have excited more vague interest, or inspired more wide-spread ideas of romance and wondering curiosity, than the distant, secluded, and imperfectly known empire of China. Tracing our knowledge of it to ages when credulity was unbounded, and when the whole East was to Europeans the favoured land of wealth, civilization, luxury, and grandeur, the cradle of the human race, and the theatre on which nations had arisen whose numbers were as the sands of the sea-shore, it was only natural that, viewed through the magnifying glass of ignorance and unfettered imagination, the most distant, the best organized, the most civilized, and the most densely populated of all the Oriental countries should have made a deep, though indistinct impression on the minds of all classes. To the present day this undefined sway over the European imagination continues, and even for those who have spent a considerable portion of their lives in China, it is difficult to efface early impressions from their memories, notwithstanding the extremely adverse nature of their own experience. The idea that the Chinese peasant is in every respect a much more degraded being than the English agricultural labourer, with no notion of comfort or cleanliness, is rudely disenchanting to the popular conception born of credulous imagination.

The consequence of all these misconceptions and delusions has been, that something of this halo of romance has surrounded Europeans who have visited China, and the China trade itself has been the cynosure of merchants, and those engaged in it have been the envy of those less favoured individuals whose lot has been cast in less influential branches of commerce. Formerly, to spend a few years in China was to amass a fortune, and a merchant returning to England was a man of whom his friends and his country were proud. As a result of this, there are certain traditions of the former acquired fortunes, and of the extravagance of old times, still lingering at the open ports; but the abundance and rapidity of communication, and the easy and speedy diffusion of capital, have already in great measure assimilated the state of affairs in China to that prevailing at home. The hold of these traditions on people's imagination must gradually weaken, as evidence more and more convincing is offered that large fortunes are not made by residents in China. Even moderate fortunes are becoming rarer, and indeed we doubt if any part of the world devoted to commerce could show

such a large average of failures as has been witnessed in China during the last five years. The exigencies of trade now cause even the heads of houses to make London their head-quarters, while the conduct of their business in the East is entrusted to junior partners; so that those most largely interested in both the import and export business of China, are really merchants principally in London, Lancashire, and Yorkshire, doing their trade through their own houses or through agents in the East. Large fortunes, therefore, are not made in China, but under the genial influences of the salubrious climate of England.

We will now trace briefly the political position of British residents. The treaty provides that at the open ports foreigners shall be allowed to own land, and to build houses, warehouses, wharves, docks, &c.; and although there is always a larger or smaller extent of ground known as the foreign settlement, and on which most of the foreign community reside, still this is not imperative, and in the case of Shanghai, of which as being by far the largest and most important of the open ports we shall more particularly speak, there are a number of scattered houses outside the settlement as far perhaps as a radius of ten miles. In the foreign settlement the various consuls reside, and the peculiarity is that every foreigner is under the jurisdiction of his own consul. There is no territorial jurisdiction, so that every one is amenable to justice in his own consular court; there alone he can be prosecuted, and there alone can he be reached in civil matters. In Shanghai, where the commercial interests are on so much larger a scale than elsewhere, the British Government has established a supreme court for China and Japan; so that in addition to taking cognizance of all cases in which British subjects in Shanghai are the defendants, it forms a court of appeal from all the British consular tribunals in China and Japan. With the subjects of other countries it has no concern whatever, except in the cases where they may be plaintiffs against British subjects. From the consular courts of other countries an appeal lies to the respective foreign ministers at Peking. A further institution has arisen in Shanghai out of the necessities of its growth, increasing population, and vast commercial interests. We need scarcely say that a place of the size and wealth of Shanghai could not go on for any length of time satisfactorily without some organization, and circumstances have developed a municipal council for the regulation of all such matters as roads, bridges, wharves, street lighting, &c. It derives its authority from the land-renters and consuls, its code of regulations being approved by the foreign ministers at Peking, and ultimately by the respective governments. The British and American Governments are those most largely interested, while [Vol. XC. No. CLXXVIII.]—NEW SERIES, Vol. XXXIV. No. II. E E

the German consul has not as yet given his adhesion to the scheme ; although most of the important German houses cheerfully bear their share of the municipal taxation. The seven councillors for the current year are four of them British, two American, and one German ; so that Shanghai is a perfectly cosmopolitan city republic.

In the separate part known as the French settlement, a distinct municipal council exists under the control of the French consul ; but beyond the fact of the French Government refusing to co-operate with the other foreign governments in instituting a single municipality, and thus endeavouring to obtain some prestige from upholding a separate municipal organization, the scheme calls for no further notice.

The foreign settlement, it must be understood however, is not composed of foreigners alone. The spaces between the foreign houses are largely filled up with Chinese houses, and it has been computed that there are no less than a hundred thousand natives living within the limits of the foreign settlement. It is unnecessary here to dwell upon the contrast between the large and spacious houses of foreigners, and the mean and in most cases miserable abodes of the Chinese ; it is an index of a separation which does not admit of blending or gradation. In the government of this vast Chinese population another difficulty is encountered. Theoretically they cannot own land or houses within the limits of the foreign settlement ; but practically they do so, by getting the land or houses registered in the name of a friendly foreigner. The great mass, however, of Chinese houses are owned by foreigners, and they are all subjected to the municipal house-tax. Thus there naturally arise numerous cases between natives and foreigners, which must be adjudicated upon ; and while the Chinaman can sue the foreigner in the Supreme Court or the Consular Courts, the foreigner resorts to the Mixed Court, presided over by a Chinese mandarin and a Chinese-speaking foreigner, British or American according as the plaintiff is of either nationality. In the latter court, as the Chinese have no civil law, questions are decided on principles of equity.

Probably the most ambitious attempt to criticise our relations with the Chinese and our position in that empire which has appeared of late years, is that contained in an essay in "International Policy," entitled "England and China," from the pen of Dr. John Henry Bridges. It must always be an essential service to mankind, and conspicuously so in an inquiring age like the present, to have our thoughts led upwards to the highest ideas and canons of life and conduct which our most philosophical thinkers can produce. The practical turn of the times tends to perpetuate selfishness, and it is a valuable corrective to this ten-

dency to have our narrow hoard of every-day maxims compared and measured with those great and enduring principles which we are prone to neglect, and especially at those conjunctures when they most need to be borne in mind. Of the rigid theoretical rules upon which the Comtists would base international relations it does not here fall within our province to speak ; but with their strong desire to mete out something approaching universal justice to all nations we cannot but feel the strongest sympathy. There is, however, a wide step to be taken between the enunciation of theoretical principles and the bringing of the practical circumstances of life into complete accordance with them. In the present case we find ourselves in contact with a race deceitful in the extreme, and with whom social fellowship is virtually impossible ; moreover there are all the historical antecedents of our intercourse with China culminating in our present position, and these and their effects we must accept as we find them. Dr. Bridges may, with as perfect justice, turn and censure himself for the present condition of affairs in China, as the British community residing there. As an Englishman he has had as much to do with British policy in the far East as all but a few of his countrymen there ; and it is to be regretted that he has not elaborated some definite scheme so as to give us the benefit of his constructive powers. He abounds, however, in denunciation, of which the following is a sample :—

“ But there are not wanting publicists who, with many a hypocritical affectation of regret, prepare the public mind for what they profess to regard as the involuntary destiny of England ; and the breaches of our alleged neutrality in the recent rebellion, the pretension to defend an area of thirty miles radius from Shanghai, and the ominous hints we now and then receive about the Council of Rent-holders in that city, who appear disposed to regard themselves as constituting a sort of municipal government, are aggressive indications which it is highly important should not pass unnoticed. But the injuries we have inflicted on China are other than territorial. If it is ruinous to the self-respect, and therefore to the public order and well-being of a nation, to have foreign settlements forcibly implanted in its midst, it is even more fatal and pernicious that its own internal legislation, whether criminal or financial, should be at the mercy of a foreign power. If it is deeply wounding to the self-respect of Spain that we should occupy Gibraltar, how far more humiliating, how incomparably more fatal to its interests, how far more disgraceful to our honour, were we to assume the pretension of regulating its tariff for the sole benefit of English merchants and English labourers ! How small the difference between submitting to the rule of a foreign conqueror, and submitting to the monstrous claim of exterritoriality, by which a British subject who had robbed or murdered a Spaniard in a Spanish port should assert his right to be tried, not by Spanish but

by British law, and by a British judge! Yet forcible regulation of the commercial tariffs, and forcible assertion of the British criminal law in cases of injuries committed by British residents or sailors on Chinese subjects, have been two cardinal principles of our Chinese policy."*

By way of comment on this passage we must observe that the municipal council is not only an existing institution, it is an indispensable institution; and instead of having been ruinous to the self-respect, public order, and well-being of the Chinese nation, it has been in every respect conspicuously advantageous to them; and we shall be exonerated from exaggeration by all competent authorities when we assert that, but for the existence of the foreign settlement at Shanghai, the Taeping rebellion would never have been crushed, and it must have succeeded in splitting up the empire or overthrowing the dynasty. The case of Tientsin during the spring of the present year establishes our point; the Imperial troops having had to retreat thither from the rebels, and take shelter under the protection of the foreign gunboats stationed there.

As to the analogy of Spain, we deny its relevancy, and must add that nothing can be more damaging to the lofty pretensions of Comtism than the fact, that all the service it can render in the most anomalous commercial and political position on the globe is to declare that civilized and semi-civilized nations stand exactly on the same footing; and as the semi-civilized man has, in a civilized country, to submit to its laws and be tried according to them, so a civilized man must do likewise in a semi-civilized country. Such an argument may indicate the consistency of Dr. Bridges' theory, but it could never be accepted by any civilized nation having regard to its own self-respect; and instead of the essay being a contribution of principles for the guidance of foreigners in China, it simply evades the principal points at issue.

In elucidation of his theoretical views, Dr. Bridges further says:—

"In any case, however, the right of demanding passports to travel in the interior should be given up; and those who venture upon inland excursions should be considered to place themselves wholly beyond the pale of British protection. Above all, the settlement at Hanchow [Hankow], and the whole navigation of the Yang-tse-Kiang, should be abandoned; no clause in our treaties with China having, by the confession of almost every one of our political agents, produced greater disorder and confusion than this.

"2. Even at the treaty ports, the right of exterritoriality, the right,

* "International Policy," pp. 372, 373.

that is, of trying British offenders against Chinese subjects by British instead of by Chinese law, should be abandoned as wholly incompatible with the very foundations on which all international law rests. Besides its own inherent injustice, it involves of course the establishment by each Western nation of its own tribunal; a state of things which renders the repression of Western crime practically impossible. The difficulties which the abandonment of this right might raise, would be met in a spirit of conciliation on both sides; a spirit which Chinese statesmen would not be slow to exhibit, if initiated on our side by such measures as I have alluded to. Mixed tribunals of Chinese and Western officials might be formed; the rules of criminal procedure and the scale of punishments being settled by our ambassador at Peking, or by special plenipotentiaries.*

It will be difficult to convince the British people how entirely inapplicable these charges are to the present condition of affairs in China. It would be no greater injustice to reproduce a description of the manner in which Ireland was oppressed and misgoverned towards the end of the last century, and to pretend that such is the system now prevailing in that country, than to put forth the irregularities committed during a state of rebellion and a state of transition as the necessary and inevitable result of foreign policy in China. As to travelling in the interior, at least, say in the case of Shanghai, within a radius of three hundred miles, nothing is commoner, nothing simpler, nothing attended with less danger to the foreigner, or less offence to the Chinese. As to passports, foreigners take them when they are going on long excursions; but so entirely unobserved are they allowed to travel, and so entirely without interference, or the wish to interfere, on the part of the Chinese, that these are almost never asked for, except at some of the larger cities in the interior where foreigners have rarely been seen before. In central and northern China the civility and friendliness of the natives are really beyond all praise; and notwithstanding Dr. Bridges' gloomy picture of the "lawless character of Western traders," and of the imperative necessity of abandoning inland excursions, we do not hesitate to say that nothing could be further from the thoughts of the great mass of the Chinese themselves, or further from the intention of the most scrupulous-minded foreigner. There is no more call for travellers to "place themselves wholly beyond the pale of British protection" than for a Londoner to do so who spends his holiday in the Highlands. A foreigner can leave Shanghai in his own boat manned by Chinamen, travel three hundred miles into the interior, and make a circuit of seven or eight hundred miles, with less chance of molestation than if he were going into Wales or

* "International Policy," pp. 435, 436.

the Highlands ; and to abandon this boon as one of the crying injustices to China, would be an act of extreme folly in which foreigners are not likely to indulge.

The next thing we are called on to abandon is the navigation of the Yangtse to Hankow. To those who are cognizant of the facts, it must seem gratuitous to do more than quote Dr. Bridges' views. Unfortunately for his rhetorical indignation, few schemes have been of more conspicuous or unmingled advantage to the Chinese Government and people than the introduction on the Yangtse of a fleet of magnificent river steamers, sailing six hundred miles along its course, and giving facilities for the transit of produce and for passenger traffic, such as the Chinese never even dreamt of, and offering speed and safety such as have excited the unbounded admiration of all classes of the native population. There is perhaps no nation in the world more alive to the value of improvements which are a saving of money, after they have been once established and their utility clearly demonstrated. To the advantages that would arise from Western literature or religion they are insensible ; these do not appeal immediately to their lust for gain, and the remote advantages they are unable to estimate. But the navigation of the Yangtse is one of those accomplished facts, the vast importance of which is placed altogether beyond doubt ; and they not only avail themselves of the steamers, but are largely interested in them conjointly with foreigners.

We cannot dwell with too strong emphasis on the complete change which has taken place within the last few years. When we compare the times when the mandarins were actively hostile to foreigners, and used all their endeavours to inflame the native mind against them, with the tranquil and secure condition of life and property which now obtains in China, we see the striking contrast between the past and the present. China has now reached, so far as foreigners are concerned, its normal condition of peace and progressive concession. The days of disseminating hatred against foreigners and thirsting for their extermination are gone by, and a state of affairs has now been inaugurated in which outrage, vindictiveness, and cruelty are buried, and in which good faith, justice, and forbearance are the more prominent characteristics. For those who have not lived in China within the last few years it must be difficult to realize the fact that it has entered on a new path, but the change is none the less clear and unmistakeable.

We are aware that Dr. Bridges can point to certain occurrences several years ago which give a deceptive colouring to the view he advocates. But what were the accompanying circumstances ? A considerable portion of the empire was in the

possession of the Taeping rebels, and the native city of Shanghai, in the neighbourhood of which the irregularities were committed, was occupied by them. All the wealthy people of Soochow and the province of Kiangsu had flocked with their families into the foreign settlement to escape the rebels; and if at that time most tempting prospects of plunder had allured from different parts of the world many desperate characters who brought the foreign name into disgrace, we must not lose sight of the fact that in these same circumstances, when an effete government could no longer protect its own people, the existence of the foreign settlement was the sole safeguard of human life and property to a province of thirty millions of people at the absolute mercy of the rebels. Even the Chinese officials had no other protection than that afforded by foreigners, and the question of foreign settlements stands self-vindicated by the invaluable services conferred on the Chinese at Shanghai during the undisputed ascendancy of the rebellion.

That in the crisis of a civil war that cost the lives of twenty millions of human beings, as they are estimated by competent authorities, and in the complete disorganization of whole provinces, the few lawless acts of abandoned adventurers should be taken as the normal condition of foreign conduct in China, would be much more unjust than if it were to be asserted that the British Government rules the nation by martial law, because this has been a temporary necessity in Ireland. The rapid disappearance, however, of all those momentary circumstances on the permanency of which 'Dr. Bridges' essay is unfortunately based, shows the extreme difficulty with which an adequate knowledge of this subject is obtained by those who have not resided in China itself. Dr. Bridges, however, may rest assured that the interior creeks and rivers of China are as free from piracy as the Thames, the Mersey, or the Clyde; and a foreigner starting on an excursion into the country and committing himself to a crew of Chinamen takes really fewer precautions for his safety than if he were entering upon a similar excursion in Europe, and entrusting himself to a crew of his own countrymen. As to the foreign settlement at Shanghai, we may traverse it at all hours of the day or night with perfect security and unconcern, such as might be envied in London, and this state of things is chiefly owing to the efficiency of the administration of the municipal council.

The conclusion to which we are inevitably led is, therefore, that in the question of foreign settlements, of exterritoriality, of the navigation of the Yangtse, and of excursions into the interior, we have not a step to retrace, nor a single point which existing circumstances or prospects would warrant us in aban-

doing. To not one of these concessions have we heard of late years of any mandarin objecting, and the present arrangement works so satisfactorily, and is so indisputably a benefit to both foreigners and Chinese which neither would now willingly relinquish, that we assume it as the starting-point of any concessions which they may be inclined to make at the approaching revision of the treaty. If force has been resorted to, and unjustifiable means been used in former days to give foreigners a footing in China, it is none the less true that now the continuance of the main features of our position becomes eminently desirable, as an arrangement by which China and the West are equally benefited. The vested interests have assumed such magnitude that the question has ceased to be,—Did we obtain our position by means which the present foreign residents and foreign governments are prepared to justify? and now the question we need to ask is,—Whether the present condition of affairs is such that both Chinese and foreigners are tolerably well satisfied with it, and whether it is on the whole unobjectionable to either?

We now come to consider the question of the revision of the treaty, and the views which have been put forward by the persons more immediately interested. It is natural that amongst foreign residents in China we should look for a full discussion of the various questions to be considered, as they are the best judges of what they themselves desire; while the cause of the Chinese has been set forth in a secret memorial addressed to the emperor by Tseng-Kwo-Fan. The principal documents bearing on the question are memorials from Shanghai, Chefoo, Tientsin, Chinkiang, Kinkiang, Hankow, Foochow, and Amoy, to Sir Rutherford Alcock, British Minister at Peking; from Hong-Kong to the Duke of Buckingham, Secretary for the Colonies; and from Messrs. Jardine, Matheson, and Co., to Sir Richard M'Donnell, Governor of Hong-Kong. In the Shanghai and Hong-Kong newspapers the questions for revision have been the subject of intermittent controversy for the last eighteen months, and people are now on the tiptoe of expectation to see what alterations will be introduced into the forthcoming treaty.

Taking the increase of our trade as the great desideratum in our intercourse with China, by far the most important suggestion contained in these memorials is the admission of foreign goods into the interior, at certain fixed and invariable duties. It is recognised on all sides that the present system of transit dues at the rate of $2\frac{1}{2}$ per cent. *ad valorem* is a signal failure. In the Treaty of Nanking, the idea was embodied of commuting all internal and provincial taxation on foreign-owned goods by paying transit dues; in the Treaty of Tientsin these were fixed at

2½ per cent. *ad valorem*; and it remains for the forthcoming Treaty of Peking to elaborate some system on which the 2½ per cent., or perhaps a higher rate, will become a positive commutation for all inland taxation whatever. There is no doubt that in this question of exemption from all provincial taxation on paying a fixed sum, we confront the most difficult problem in the whole range of our relations with China; and it is clear that the Peking Government can only have yielded the point after considerable pressure. It is perfectly well known that the government of each province is carried on at the expense of the province itself, and that each sends to the capital a certain contribution for the support of the central government. An important part of the provincial funds is derived from levying imposts at numerous barriers on the rivers, canals, and highways; and it is this integral portion of the provincial revenue, so far as it is raised from foreign goods or native goods for foreign export, that is annihilated, at least on paper, over every province of the empire by a single sentence in the Treaty of Tientsin. But it may be that the mandarins at Peking were not so unwilling to concede the point as might seem at first sight, seeing that the transit dues would be collected at the open ports under authority of the foreign Commissioner of Customs, and would thus come under the direct control of the central government. In an empire organized on the Asiatic system of a greater or less degree of venality, peculation, and rapacity, it is not improbable that the Peking mandarins would only be too glad to grasp in such a convenient form at a further share of the legitimate taxation of the provinces, leaving the local mandarins to relinquish part of their own plunder or to wring it in some other way from those under their administration. But however that may be, we must not lose sight of the fact that this barrier taxation is, and has been from time immemorial, one of the recognised sources of provincial revenue; that to abolish it would be to cripple the strength of the Chinese authorities at every point, and thus to endanger the stability of an empire already weakened by perennial rebellion, and ready to fall to pieces at the advent of any power with an organization or energy which rises above contempt.

The nature and extent of these exactions, which are illegal in terms of the treaty, are thus set forth:—

“Together with the present communication your memorialists beg respectfully to forward to your Excellency a Chinese document, specifying the values upon which in the year 1860 the Chinese authorities levied illegal taxes upon manufactured goods, between the warehouse of the foreign seller and the native shops in the foreign settlement. The values placed upon the various goods are something like the market rates of the period, so that in 1860 more than half as

much again as the tariff duty was levied upon every kind of manufactured goods, *and these taxes are in force to the present day.* An idea of the magnitude of the taxation to which the foreign import trade is subjected may be formed, when it is borne in mind that this is but the beginning of a system of 'squeezing' which follows every bale of our manufactures on its way into the interior.

"Notwithstanding the payment by the foreign merchant to the Customs of $2\frac{1}{2}$ per cent. as transit dues, his goods are so heavily taxed at the various inland barriers, that, according to reliable authorities, it is impossible for a single bale of foreign manufactures to penetrate one hundred miles into the interior of the country. A piece of shirtings costing tls. 2·70, or 16s. 2d. in Shanghai, cannot be laid down in Soochow, only eighty miles distant, at less than tls. 3·06, or 18s. 4d., showing an inland charge of tls. 0·36, or 2s. 2d. The extent of the imposts laid upon it on its way may be conjectured, when it is borne in mind that five candareens, or $3\frac{1}{2}$ d., is on an average sufficient to pay all charges of freight, insurance, &c., upon a piece of shirtings conveyed by foreign steamer to Hankow, a distance of 600 miles.

"Similar imposts are placed upon export produce on its way down from the interior; and every effort is made by the Chinese officials to prevent the possibility of foreigners making purchases up country. For instances, we call your excellency's attention to the appendices; and to show the extent of the internal dues upon native produce, it is only necessary to refer to the Report upon Trade for the past year (1866), by the Commissioner of Customs for Shanghai, who states the levy on silk to be tls. 30 per picul, equal to three times the amount of the export duty."*

In presence of such a system we are comparatively powerless; to renounce our concessions is to retreat in an undignified manner from a position which has been unmistakeably yielded to us, to insist on our treaty rights has the appearance of robbing the provincial treasuries to fill the coffers at Peking, and of taking an important step towards the weakening of the empire. Yet in the interest both of the Chinese and ourselves, the inland exactions in their present form ought to be abolished; but the abolition must not take place without compensation. Instead of having the commutation for internal duties on foreign goods paid to the Customs authorities at the open ports, and thus placed under the direct control of the Peking Government, we do not see that there would be any insuperable difficulty in apportioning them amongst the respective provincial governments to whose revenues they properly belong. An extension of the foreign inspectorate of customs under the control of the native

* "Memorial of the Shanghai Chamber of Commerce to Sir Rutherford Alcock." November, 1867.

provincial authorities would go far to insure a fair distribution ; but we must not underrate the difficulty of establishing a satisfactory system, in the absence of any tangible method of bringing home extortions to the mandarins. It is so natural for them to go on exacting their usual imposts, and for their subjects to submit voluntarily and without a murmur to the proprieties of custom, that the system, however unsatisfactory, will not be suddenly abandoned by the Chinese, with the view of adopting a different system, however beneficial. It is nevertheless the duty of foreigners to endeavour to impress upon the Chinese authorities the incalculable advantages of well-considered fiscal laws and regulations, both for the foreign and native trade ; and the consular officials, in conjunction with the foreign inspectorate of customs, may be left to deal with the details of the question after it has been decided that the commutation is to be no longer a dead letter. It will probably be necessary to levy a higher *ad valorem* rate than $2\frac{1}{2}$ per cent., or a graduated scale for the various provinces may be needed to adjust their respective claims ; but this is of little moment. The important consideration is positive commutation at perfectly well-known rates, and as efficient supervision as possible against illegal imposts.

By such a policy we do not imperil the stability of the empire, such as it is. We introduce a neutral body of officials to collect and apportion a certain revenue derived from foreign goods to its present recipients ; and we hope to see the same system extended to native goods, as we would scarcely wish that by a differential duty in their favour, the present illegal exactions being larger than those that would be provided for by a judicious tariff, Manchester shirtings should be shielded from competition on equal terms with Shanghai cotton cloths in the internal markets of the empire.

The next important question that arises is that of residence in the interior, including the right of running small steamers on the rivers and canals, of building warehouses, &c., and of transacting business. The case is very fairly put in the following passages :—

“ We ask, therefore, that our right of residence up country be no longer withheld from us, but that British subjects be permitted to settle in the interior, to hire, own, and erect suitable dwellings and places of business, and to navigate the inland waters of China, from the ports already opened, by means of foreign-built craft, to be registered, or licensed, or obliged to carry sailing-letters, and not to exceed a certain size, whether propelled by steam or otherwise. If the policy which we are now advocating be adopted, we picture in the future many small foreign trading posts throughout the various provinces, whither foreign merchandize, in original packages as imported,

could be conveyed cheaply, safely, expeditiously, and then be parcelled out among the native dealers and shopkeepers. Foreigners should not on any account be allowed to open shops, or sell by retail; as the sole end immediately aimed at is the transmission, inexpensive, speedy, and untaxed, save as may be lawful, of foreign goods to the native consumer, and of produce to the shipping ports. Upon similar grounds likewise should foreign-owned craft be strictly prohibited and restrained from sharing in, or interfering with the purely native inland traffic. . . . The foregoing is the bright side of the question of the right of inland residence; on the other hand must be viewed weighty considerations of not so pleasant a character. Points of collision would be multiplied; official expenditure would naturally be increased; and we shall not be surprised to find that both Governments shrink from a policy apparently charged with much explosive material. . . . We shall be well satisfied if her Majesty's Government approach this delicate question in no more than a tentative spirit, so long as they do so with firmness and honesty of purpose. We would counsel their immediate obtainment of the largest measure of privilege, but their retention in their own hands of the extent to which, from time to time, such privilege should be accorded to the queen's subjects. Let the area of residence be no more than periodically enlarged. Let good conduct on the part of all engaged in this inland traffic be secured by strict and onerous bond, to be set in motion, if necessary, upon mere suspicion of misbehaviour, and there will, we believe, remain little room for apprehension that either the honour of the British flag will be tarnished, or the dignity of the Chinese one be insulted."*

This we may regard as a fair summary of the advantages and disadvantages of residence in the interior, and one which will be readily accepted by the mercantile classes in China. We must guard ourselves, however, against raising too high hopes of the field for foreign enterprise that would be opened up even if residence were permitted. Imagination and a spirit of exaggeration have played such an important part in falsifying the real condition of things in the far East, that it is necessary to scrutinize closely even the schemes regarding which the foreign residents are almost unanimous. The latter are, as we have already shown, a very fluctuating and unsettled body, eager to make money and to rush back to Europe or America; and naturally their all-absorbing anxieties occupy in their minds the place of principles, leading them to grasp at everything, substances and shadows, and causing them to have an intense desire to see everything tried and exhausted, in case that fortune may be lurking unknown in some odd corner. Residence in the in-

* "Memorial of Messrs. Jardine, Matheson, and Co. to the Governor of Hong-Kong." December, 1867.

terior is, if not a hopeful, at least an untried field for foreign energy; and therefore foreigners are anxious to know the best or the worst of it. We are perfectly well aware that they cannot compete against the natives on equal terms, and the cheap and economical modes of living of the latter, and their powers of combination, will always give them an advantage over foreigners. And if the complete abolition of all illegal exactions could be attained, the most advantageous centres of the foreign trade are at the open ports.

The unfavourable aspect of residence in the interior is described in the preceding extract with perfect candour; and in the precautions that are detailed as necessary there is sufficient indication that the permission is not only not such as we can expect the Chinese Government to yield unhesitatingly and without pressure, but is such as, in the event of its being conceded, we must only allow foreigners to take advantage of under very severe restrictions. We have been so accustomed to hear the opening-up of the empire treated of as one of the necessary measures which nothing but the perverse obstinacy and unreasoning prejudice of the mandarins prevented from being carried into full effect, that we welcome this judicious pause and re-consideration on the very threshold of an effort to obtain the concession. The mercantile classes in China are not actuated by any particularly tender regard for the native government, and yet the argument now put forth virtually amounts to this:—the opening-up of the empire is not perhaps altogether advisable; but if the Chinese will place this liberty to reside in the interior unreservedly in the hands of foreign ministers, the latter will endeavour to ascertain experimentally how far it can safely be made available.

While the question of the commutation of barrier exactions by the payment of fixed transit dues is of the most vital importance to the foreign export and import trade, that of residence in the interior sinks into comparatively insignificant dimensions, and is chiefly recommended as a measure which may bring some incidental advantage, and therefore may be entered upon within narrow limits as an experiment. It holds out but a slender prospect for merchants, and if false conceptions of the condition of the Chinese causes any idea to be entertained in Europe that China will offer in the future a vast field for the manual labour of the West, a greater error could scarcely be imagined. So far as the peaceful pursuit of commerce, industry, or agriculture in the interior of China is concerned, any body of European or American workmen would be unable to compete with the frugal natives, whose congenial sphere of existence is marked by an absence of comfort which is almost inconceivable, and by an

amount of squalor which is positively appalling, if not indeed revolting. The condition of the Chinese peasant has been graphically depicted in the following terms:—

“Instead of boards, mother earth usually serves them as a floor; a hole, or the open door, or paper frames, serve as windows instead of glass; paper instead of cotton or silk for umbrellas; chopsticks of bamboo instead of plated knives or forks; a few earthenware bowls instead of costly dinner, tea, and breakfast services; a rice pot, and a kettle for the kitchen; a brick range, with or without a chimney, for culinary purposes; no extra buildings for granaries, pigsties, or hen-houses, the family room sufficing for all; no expense of fires to warm the dwellings; no subscriptions to reading-rooms or newspapers; no nurse, housemaids, servants required; for the house keeps itself, the children need no washing, and the boiling of the rice, or the occasional piece of pork or fish, needs little attention.” *

To the political or social economist who looks upon this as the normal condition of, on a moderate estimate, 250,000,000 peasants, artisans, and labourers, the task of Chinese civilization must seem very hopeless indeed. The physical conditions of progress are not only wanting, they are practically incapable of being produced. Whatever the hopes or desires of the friends of China may be, there is an inexorable physical law, which can no more be got rid of than the cold of the Arctic regions, affecting China—namely, that its present population is so large as to be only capable of being kept alive by a mode of existence degraded, comfortless, and hopeless in the extreme. The most cursory glance at the social and economical condition of the class of Chinese labourers places the question of their future beyond a doubt. Nothing but a large reduction of population can be of the least avail in producing the conditions on which it is possible to found anything worthy of the name of civilization; and any material diminution of population arising from prudential motives is scarcely to be hoped for.

“The friends of humanity cannot but wish that in all countries the labouring classes should have a taste for comforts and enjoyments, and that they should be stimulated by all legal means in their exertions to procure them. There cannot be a better security against a superabundant population. In those countries where the labouring classes have the fewest wants, and are contented with the cheapest food, the people are exposed to the greatest vicissitudes and miseries. They have no place of refuge from calamity; they cannot seek safety in a lower station; they are already so low that they can fall no lower. On any deficiency of the chief article of their subsistence, there are

* “Lecture at Ningpo on the Population of China.” By the Rev. J. M. Knowlton. May, 1868.

few substitutes of which they can avail themselves, and dearth to them is attended with almost all the evils of famine.”*

This is the actual condition of China ; and, as we have already said, civilized manual labour cannot compete with the ill-paid though inefficient labour of the natives. As we see now, however, especially in the United States, the Chinese are gradually insinuating themselves into the labour-market of the world ; and instead of China promising to be a field where more than a few skilled artisans will find perhaps temporary occupation, the Chinese threaten ultimately to invade the European centres of industry.

But the mineral resources of China are still undeveloped ; and although the natives will readily supply all the mere mechanical labour for the extraction of coal and other minerals, it is argued that there is an element of grave danger in the probability of an invasion by an uncontrollable army of gold-seekers, who will set all law and order at defiance. The late discovery of gold in the immediate neighbourhood of Chefoo, and the knowledge of its existence in other parts of the empire, have given rise to fears of probable inroads into the interior of China by the most desperate and unscrupulous adventurers of California and Australia. But the probability of such a course, no less than its dangers, is largely exaggerated. In a time of comparative tranquillity like the present, when the rebels can scarcely be said to endanger the permanent adhesion to the central authority of any important portion of the empire, consular supervision will be sufficiently effective to deal with any reasonable influx of gold miners. Besides, in the event of important gold discoveries, foreign desperadoes would not have it all their own way. We must bear in mind that in China itself there are large numbers of Cantonese who have returned from the Californian and Australian gold-diggings, and that the first news of gold fields at home would be the signal for the return of many more. The consequence would be that the Chinese miners, most of them little less abandoned than those from abroad, would muster in such numbers as to counteract the lawless tendencies of foreign rowdism, and to keep it in check. But the gold-mines that are by their magnitude to attract the scum of Europe, America, and Australia, are still undiscovered, and it is unnecessary to combat further merely imaginary dangers.

But to this concession of residence in the interior we do not attach very serious importance, as we do not think it

* “The Works of David Ricardo.” Edited by J. R. McCulloch. London, 1852, page 54.

would yield any immediate results commensurate with the antagonistic feeling it might produce, if it were obtained only after considerable pressure on the part of the foreign ministers. It might lead to the employment in the interior of a small number of foreigners, and thus relieve the open ports of some of their surplus residents; but everything conspires to show that we shall be overmatched by the Chinese in the regular internal trade, and that for a considerable time to come any large number of foreigners will not be wanted. The permission to reside in the interior seems to us, however, a perfectly unobjectionable measure; and if conceded, will be a step towards satisfying the theoretical ideas of the foreign community. But the fears of the Chinese on the subject are perfectly natural, nay, we might almost say excusable, when we consider the fact that all their political experience is derived from a policy of strict seclusion, and is confined to their own empire. Every schoolboy in the West has before him an unlimited field of experience ready to his hand, of all nations and all ages; and however demonstrably apparent ideas may be to us,

“The heirs of all the ages, in the foremost files of time,”

we cannot but appreciate the disadvantages under which Chinese statesmen labour, in being bred to regulate all their actions and opinions by precedent; in being totally ignorant of the political teaching of history; and in being unexpectedly called on by foreigners to inaugurate a policy in strict conformity with the most enlightened political and economical theories of Europe, and in advance of the general practice prevailing, especially on the Continent, thus outstepping in an immeasurable degree all the limits of Chinese statesmanship.

Closely allied to this question of residence in the interior is that of navigating the internal waters of the empire in small steamers for purposes of trade. If the former demand is granted, the latter can scarcely be withheld; but here again we must accept the concession under considerable restrictions. The small steamers for which permission is wanted will only be allowed to navigate certain rivers, creeks, and canals; and in the first instance, are only intended to be used in the development of the strictly foreign trade. There is no doubt, however, that the Chinese authorities take a wider view of the scope, and not very remote result of such a concession. They see, as of course do foreigners, that it is but a preliminary step to the free and unimpeded navigation of the entire inland waters of China, and to the employment of steamers in the great bulk of the internal native traffic; and they are afraid of the consequences of such a measure. This intelligible alarm at the prospect of a state of

things which must seem fraught with grave peril to the empire, will doubtless yield to the reassuring influences of time, and to the gradual change in the point of view from which foreign intercourse is beginning to be regarded by intelligent Chinese.

But there are further grounds of objection on which the mandarins may take their stand, in doubting the expediency of allowing inland navigation by steamers; and these we shall consider in connexion with the question of the construction of railways, and the introduction of machinery for the purpose of economizing labour. It is a singular fact that the enormous population of China is supported on the soil without, we may fairly say, the aid of anything we can call machinery. A few rude wooden contrivances almost sum up the saving of labour in the empire by mechanical appliances.

It must be remembered that the Chinese are not in any sense an industrial people, as the term industrial is understood in Europe. China may be described as an enormous aggregation of villages, or perhaps more correctly of hamlets, and the occupation of the people as a whole is agriculture. There are no large workshops of disciplined artisans, no elaborate contrivances for multiplying products, no division of labour or complicated co-operation for the purpose of economising time. The large cities are few, because all the social and economical organization of the empire tends to agriculture; and agriculture carried on in minute patches demands hamlets at every few hundred yards. The reason of this is obvious. China has always been perhaps more than any country in the world self-supporting, and that from a period to which Europe can scarcely trace back its existence. The scenes that one witnesses there, the boats on the creeks and rivers, the face of the land, and the wooden huts of the body of the people, the style of garments in which they clothe themselves, the copper-coloured countenances darkened by the sun and begrimed with dirt, are probably all such as might have been seen in the same places about the time of the Deluge. It may be a considerable step from the nude and houseless savage to the Chinese peasant, and the latter may be the tardy product of ages of progressive effort; but to the modern mind which sympathizes not with earthen floors and miserable wooden sheds, the condition of this Oriental peasantry is that of hopeless degradation, removed indeed by wide degrees from the pure savage, yet seemingly not much nearer to the civilized man.

As a consequence of the absence of organization of labour, cities and towns are not wanted to any great extent; as what we would call industrial labour is in China simply a branch of agriculture. Then the comparatively small foreign trade, and the fewness of the wants of the people beyond the circle of their own

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production or that of their neighbourhood, tend to prevent the rise of large towns. In the West, moreover, the raw products are brought long distances, and manufactured by artisans in no way whatever concerned in their original production. In China the peasant sows the cotton seed, tends the plants, picks the pods, cleans the cotton, spins it into yarn, and weaves it into cloth. Within the limits of his hamlet, if not indeed of his household, all these operations are performed ; and, recalling an instance in which the Jesuits have followed the practice of the country, we have seen at the Orphanage for Chinese children at Sikaway, in the immediate neighbourhood of Shanghai, every operation done by the youthful inmates under the supervision of the Roman Catholic Fathers, from sowing the cotton seed to making and wearing the cotton clothes of their own production. It is evident that this is a most imperfect system of applying labour ; and yet the rough finished product turned out in this manner can compete successfully with Manchester cotton cloths, the outcome of the most minute subdivision of labour, and of the most complete mechanical inventions and appliances that the ingenuity of the age has been able to produce. The causes of this are apparent, and we will summarize the more prominent of them. If there is one point upon which public opinion in China is strong, nay perfectly irresistible, it is upon the duty of marriage, and of early marriage. This fact, coupled with the custom largely availed of by which a man can have one or more concubines in addition to a lawful wife, tends to the undue production of children. For a family to be without children, or rather without sons, is a grave misfortune ; as then there will be no one to perform the filial duties in old age ; and, above all, no one to attend to the sacred rites after death. So that the strongest feelings and associations of the Chinese nature regard the necessity of marrying and having children as paramount ; and, in default of the latter, adoption of the sons of near relations, or purchase of boys from entire strangers, is continually resorted to.

If by any possibility such a system could be suddenly introduced into Europe, political economists would, in spite of considerable emigration, abandon in despair the idea of being able to maintain Europe in a state of civilization. Under it China has remained in a condition of barbarism, and there is little hope for anything better. The wretched mode of living which is the lot of the mass of the Chinese offers the minimum of obstacles to the support of human beings ; and, in combining all the operations of agriculture and manufacturing, there is variety of employment, so that the peasant and the women and children of his household can generally find steady occupation. It is true the labour is very inefficient, but then instead of long

periods of idleness there is more regular work, and in toiling late and early, with few saints' days or holidays, there are longer hours than in the West; and the Chinese peasantry are undoubtedly industrious, although their labour is generally less effective than the better directed labour of the European peasantry. Then the Chinese peasant requires as it were only a single profit; whereas, in the case of foreign goods there is the cotton planter, the merchant, the shipowner, the Liverpool merchant, the spinner, the weaver, the merchant in London and China, the shipowner again, the native merchant at Shanghai, and finally the Chinese shopkeeper, besides a host of smaller intermediate agents, to profit by the sale of the finished fabric. The Chinese peasant starts with his own cotton seeds, and sells his manufactured cloth either to the native merchant or shopkeeper. Here, then, is a large economy of profits, which goes far to account for the Chinese being able to compete in certain kinds of coarser cloth with the best products of the European loom; and in the utilization of the labour of the women and children, and the long hours which independent labourers will work, there is another element of which highly organized industry could not take advantage. So that even cotton factories in China, with all the latest improvements in machinery, might not, as has already been the case in the manufacture of some of the textile fabrics of India, be able to compete successfully with the cloth produced in the native looms. Industry in China for a long time to come must accommodate itself to the social arrangements of the people; it must suit itself to the numbers and powers of the family.

In simply stating the fact of the existence of a numerous and indigent agricultural population in China, beyond anything to be found in Europe, we imply that all other occupations subservient to the few and scanty wants of the agriculturists are overstocked with labourers, so that wages for boatmen and coolies, and all engaged in transport of whatever kind, are also proportionately low. In offering opposition to internal navigation by small steamers, and to the introduction of railways, the Chinese authorities allege that it would be followed by the ruin and starvation of the vast number of persons they would throw out of employment. To the Chinese this must seem altogether inevitable, and if they take too gloomy a view of an issue which they have no means of estimating, except by the fears with which it inspires them, we can scarcely blame them, seeing that their notions are not more prejudiced or less well-grounded than were those prevailing in England thirty or forty years ago. As we have already pointed out, the organization of labour over the whole empire is the most removed from the highly complicated

system of which Lancashire and Yorkshire may be taken as the type; and therefore, if steamers, railways, and other mechanical appliances, are successfully introduced, they will alter the social relations of a great portion of the population. Manufactures must pass from the hut and hedgerow of the peasant into the spacious workshop, and thither the women and children, who are now productive labourers, cannot follow the men, at least until an entire revolution in manners is effected. There is every reason to believe that China, in its more settled districts, is peopled down to a point of precarious living never reached in any civilized country; and the economical consequences of any disturbance of the present equilibrium of poverty have never, at least so far as we are aware, been investigated. Competent writers have nowhere denied that the labouring classes of a country may suffer very severe injury from the introduction of machinery; but they have vindicated the policy of such introduction on the grounds that inventions and discoveries are gradual, and that if no restraint is placed on their adoption as they become known, the labouring classes will readily adapt themselves to every new invention, and to every fresh saving of labour, and the injurious effects will only be felt from time to time in those occupations in which successively an abridgment of labour has been achieved.

Now what is the condition of affairs under which this transformation could take place in China? Instead of invention and discovery proceeding with slow and measured step from within the empire itself, and giving ample time for the interests affected to attain to a certain amount of adjustment, we have before us an empire industrially quite undeveloped, and threatened with all the splendid mechanical appliances of Europe and America. We do not pretend to predict the future, but the inevitable preliminary injuries of any rapid introduction of machinery might be such that vast populations would starve before things adjusted themselves, and there might prove to be such a thing as faith in economical principles which had been elaborated solely with a view to the comparatively insignificant countries of the West, and which experience on a Chinese scale, a scale of enormous numbers and extreme poverty, might show to be grounded on a generalization of too narrow and local a character.

But in addition to the fact that China is infinitely worse prepared than was any European country to sustain the social and economical revolution that the introduction of machinery would produce, there is another exceptional consideration which would intensify the crisis, and add to the dangers to which the Chinese peasantry would be exposed. Western political economists have taken for granted that there is in man an innate taste for luxury

and comfort, and on many other points have assumed tendencies of human nature that do not obtain in the same degree in China as in Europe. Even as applied to the small communities of the West, economists have had to show some compensation to the labouring classes for the loss of work they have sustained by the introduction of machinery, and they have successfully demonstrated that the blow inflicted has been considerably mitigated by the rapidly developed taste for luxury, for the material comforts and elegances of life, which increased cheapness has fostered. But even with this large field for the absorption of the labour displaced by machinery, it has never been pretended that the labouring classes did not suffer a considerable amount of at least temporary injury.

The case of China shows the danger of extending to all countries the application of principles which obtain in a few, without regard to the important modifications which circumstances must render inevitable. It is a perfectly well known fact that custom and opinion in China are opposed to luxury as it exists in Europe; and we firmly believe that no amount of cheapness or elegance would tempt the Chinese to enter upon that eager consumption and use of articles of luxury which can be calculated on with certainty in the West. They are essentially a slow and unprogressive race, fast-rooted in the system and household surroundings which they have inherited; and we cannot expect Chinese human nature all at once to yield up its prejudices and engage in a race for comfort so foreign to its tendencies for unnumbered ages.

Any rapid development of steam navigation or of railway communication, if it were possible, would probably be productive of results much more confirmatory of the fears of the Chinese officials, than of the sanguine and interested hopes of many foreigners. It is the misfortune of the latter to realize with intense vividness and impatience the immediate benefits they would derive, if they were permitted to do in China everything they wish without restraint or hindrance; while a gradual policy of opening up the empire, and steadily and considerably obtaining and taking advantage of concessions, has for them only the vague, visionary, and useless recommendation that succeeding generations of foreigners will benefit by it. Nevertheless, although it would be unwise to press for large or unlimited concessions on the subject of steamers or railways in the interior, we think that, in the interest of the Chinese themselves, some limited concession ought to be obtained so as to extend steam navigation one step further, and to make an experiment in the establishment of railways.

If economical considerations point to the dangers of the rapid

introduction of labour-saving appliances among such a dense population as that of China, there are nevertheless certain peculiar influences in operation which, in spite of all that foreigners and the Peking Government can do, will prove an important corrective to any serious evil. It has been observed by several of the most competent critics of the politics of China, that it is in many respects one of the most democratic countries in the world. There is within its borders a silent power with which nothing can contend, and that is the unanimity of the Chinese in opposing or passively resisting anything that may seem injurious to their interests. It is undoubtedly a blemish in their character thus to endeavour to defeat the operation of treaties to which their own highest authorities have given their sanction ; but as many points have been conceded solely to foreign pressure, and without regard to the interests of the localities or individuals affected by particular changes, we can hardly wonder if the local mandarins insist on protecting their own interests and those of the people under their rule, even if it should be in violation of existing treaties. The system of transit dues is a case in point, the mandarins simply refusing to forego their usual imposts on foreign goods, although a commutation at the rate of $2\frac{1}{2}$ per cent. *ad valorem* is stipulated for by the treaty. But we would instance a case which exhibits more clearly the position of foreign as opposed to native interests ; and for this purpose we will quote a description from the foreign point of view.

“The committee of this Chamber are desirous of availing themselves of your Excellency’s visit to this port, to bring to your Excellency’s notice the existence of an evil that seriously affects the interests of British shipping in these waters, and arising, as it does, from direct *mala fides* on the part of the native authorities of this port and its surrounding districts, the committee entertain the hope that your Excellency’s personal interference in the proper quarter will prove the means of remedy.

“The committee refer to the restrictions imposed by the native authorities, or connived at by them in support of the junk owners, in the trade in peas and bean-cake, from Newchwang and Chefoo to this port.

“By the 4th clause of Rule 5 of the Treaty of Tientsin, the export of pulse and bean-cake from the ports of Tungchow and Newchwang, under the British flag was prohibited. This prohibition was subsequently rescinded, as intimated by a notification issued from the British Consulate at this port, bearing date the 24th March, 1862.

“A remunerative trade, in which British vessels freely shared, was by this means opened to foreign ships, which thus became the carriers, both in foreign and native accounts, of the enumerated articles of produce to this port, Ningpo, Amoy, and Swatow. In the trade to the more southern ports, foreign bottoms continue to be regularly

employed; but as regards the port of Shanghai, the privilege has become a dead letter, a formidable combination organized in the early part of the summer of 1865 by the junk-owners of this port, and connived at—if not substantially supported—by the highest native officials, having successfully thwarted every attempt on the part of foreign merchants or ship-owners to engage in the trade.

“Remonstrances have been repeatedly made by Her Britannic Majesty’s Consul to the Taotai, who denies all interference on the part of himself or his subordinates, defending this denial by the fact that, ‘by imperial rescript, in reply to a memorial by the foreign board, the conveyance has been authorized of pulse and bean-cake in foreign vessels from Newchwang and Tungchow.’ Notwithstanding this notification, the committee have reason to believe, from correspondence in the possession of this Chamber, that the local officials exert themselves steadily to maintain the monopoly of junk-owners, to the detriment of foreign interests, and in the face of conceded privileges; the chief means adopted being the exaction of such heavy imposts at the inland barriers on all produce imported in foreign bottoms, as practically to establish a prohibition of the trade.

* * * * *

“The above remarks are confined to the injury inflicted on the shipping interest; but your Excellency will readily observe that the business of foreign merchants generally is affected by a system that debars them from entering into a trade in which they are legally entitled to engage; while the interests of foreign residents at Newchwang and Chefoo are specially sacrificed in this respect.”*

In this manner the local mandarins endeavour to mitigate the results of concessions injurious to classes of the native populations, and this quiet but effective resistance is, in some measure, a guarantee that disastrous changes will not be permitted to proceed too rapidly. But, apart from exhibiting the system pursued by the Chinese authorities, this woeful tale of wrong and outrage suffered by British subjects at the hands of the Chinese shows another phase in our relations, which may be touched upon in passing. The trade is a strictly native one, not entering in any way into foreign commerce, although foreigners “are legally entitled to engage” in it. At the moment when the Committee of the Chamber of Commerce were beseeching Sir Rutherford Alcock to use his influence to obtain permission for these cargoes to be brought to Shanghai without interference, there were thirty-seven sailing ships in the harbour, half of which were loading for fixed destinations, and probably five hundred or more junks, the great majority of which had been rendered almost entirely useless by the sudden transference of the coast trade in native

* Letter from the Shanghai Chamber of Commerce to Sir Rutherford Alcock, dated June 11, 1867.

produce from junks to foreign vessels. Now it does sound somewhat strange, notwithstanding legal rights, to hear foreigners, who had been the means of bringing ruin upon a large body of junk-owners, appealing pathetically to their Minister to protect their interests at the expense of the interests of the junk-owners. That British merchants should, in face of the injury which they have inflicted on the junk trade by the competition of foreign ships, insist on the last shred of monopoly for the junks being given up to them, is a significant fact for unprejudiced observers. If we have rights in China, it is scarcely less certain that we have obligations; and it is to be regretted that while the former are asserted with all the power and influence that earnestness and unanimity can confer, the latter are too often left unheeded and uninvestigated.

Besides the more important questions to which we have adverted, there are local and minor subjects which will fall to be considered at the approaching revision of the treaty. One which will doubtless excite considerable interest in England is the equality of rights and privileges for missionaries of all denominations. Already conceded, this equality exists theoretically; but practically the Roman Catholics are more favoured than the Protestants; in the different systems pursued by these two classes of missionaries is undoubtedly to be found the reason of the superior liberty that the former enjoy. The further consideration of the length of time during which the Roman Catholics have been established in China, must be looked on as an additional reason in their favour; but we do not contemplate any difficulty in having the most perfect equality conceded, so that all grievances in respect of unequal privileges will be removed.

Having thus discussed the leading questions now forcing themselves on the attention of all foreigners in China, and perplexing the minds of those in Europe and America who have vague longings and insatiable desires to see China opened up, and its resources developed, we now pass to the illustration of these same questions from the purely Chinese point of view. At the time we write (June 1868) there has just been circulated privately a translation of a Secret Memorial which has lately been addressed by Tseng-kwo-fan, the Governor-general of the two Kiang, to the Emperor, on the subject of the revision of the Treaty. It is perhaps the most remarkable document on foreign affairs that has ever been penned by a Chinaman; and as Tseng-kwo-fan is one of the ablest and most powerful of Chinese statesmen, the opinions expressed will be read with interest. We must premise that the document was not intended to meet the eyes of foreigners, and although for reasons imperfectly explained it has

been brought to light, there is no doubt whatever of its authenticity. The objects of the Chinese he summarizes thus :—

“ He has carefully perused the confidential note from the Tsung-le-Yamen point by point. The Yamen has with great pains acted up to the true method of taking the time and circumstances into account—viz., to devise the most unanswerable and irresistible arguments, without at the same time damaging *the great interests at stake*; and to cherish the thought of wiping out our shame, without at the same time allowing the other parties to suspect it.”

He then goes on to announce what might seem a discovery in Chinese morality as to intercourse with foreigners, but what at least leaves no longer any uncertainty as to the altered views which time and circumstances have produced in the Chinese mind.

“ He conceives that in intercourse with foreign nations the great requisites are good faith and integrity, and still more decision. What we cannot accede to must be refused from the first, and this refusal must not be departed from; what we can accede to should be announced in the plainest and shortest terms.

“ There should not be alternate concession and refusal (*lit.* now spitting out, and now swallowing), or the slightest appearance of indecision, which would give the other party an opening for their sophistical arguments.”

He next informs the Emperor, or more correctly, perhaps, the Empress-mother, of the objects foreigners have had in coming to China; and to the Chinese the facts will be indisputable and the argument to be derived from them impregnable, while to foreigners the recital of their motives and conduct must seem original and interesting.

“ Foreigners in the East and West, for several hundred years, have been making and unmaking kingdoms, each kingdom wishing to deprive its neighbour's subjects of some advantage, with the hope that its own subjects might ultimately profit thereby.

“ Their object in coming to China, setting up places of business everywhere and trading largely in goods, is to follow out their nefarious devices of depriving others of advantages; and they wish to damage our merchants.”

Then follow the stereotyped sorrows and wrongs which in Chinese estimation foreigners have brought upon their country.

“ Ever since the commencement of the troubles (*i.e.*, the Taiping rebellion, &c.) the people of China have suffered long and severely (*lit.* have long suffered fire and water).

“ The additional opening of some (*lit.* of three or five) ports, and of the river (the Yangtse), has been contracting their means from day to day; they suffer in mute agony, and will be driven to extremity.

“If trade in salt is conceded to foreigners, salt merchants will suffer in business;* if the building of godowns (in the interior), the establishments already existing will suffer. If small steamers are allowed in the interior, native craft of every size, sailors and pilots, will suffer; if they are allowed to construct telegraphs and railroads, [owners of] carts, mules, chairs, and inns, and the coolies' livelihood, will suffer.”

We come now to a voluntary concession of a point which has been pressed upon the Chinese; and following the advice thus given, we understand that the Peking authorities will not wait for the revision, but will at once permit the working of coal mines under foreign supervision.

“The same may be said of all their demands, with the exception of the coal mines. It would enrich China to borrow foreign appliances for extracting coal, and it would appear to deserve a trial.”

The recommendation to introduce foreign appliances because they will enrich China exhibits the native character, or at least Tseng-kwo-fan's, in a new and highly creditable light, and we cannot but see in it a clear and unmistakable departure from the ancient customs and venerated traditions of the empire.

“As to the remainder—small steamers, railroads, &c.—if the foreigners are allowed to introduce them, they (the foreigners) will monopolize the whole of the profits of the country; if our people are allowed to join with foreigners in introducing them, the rich would get the profit at the expense of the poor; neither plan is practicable.”

The very fact that he condescends to reason at all on the subject, and to give us his motive for opposing these proposals, what he no doubt considers to be clear proof that there would in their adoption be a serious balance of injury against the native population, shows that he is not actuated by an irrevocable prejudice which will not yield to a well-considered and gradual policy.

The question that arises in the case of barrier taxation—namely, the unwillingness or inability of the provincial governors and other officials to act up to the concessions granted by the Peking Government—also comes under the notice of Tseng. This is the cardinal grievance of which we have to complain, and the solution of the question is really our principal object. He thus describes the difficulty:—

“Should foreigners press [for these concessions] with instance, it will be sufficient to intimate to them that even were [the authorities

* This refers to a proposal in the Shanghai Chamber of Commerce Memorial to Sir R. Alcock to have the prohibition of the import of foreign salt removed, and the salt itself sold only to the Chinese authorities by foreigners.

at] Peking to put so much force on themselves as to consent, there would still remain your ministers in the provinces who would strenuously oppose them; and even supposing these to have been gained over, the millions of China, in the depth of their poverty, would revolve thoughts of change [*novas res*], and bear such an enmity to the foreigners as would be beyond the power of the officials of China to check.

“The princes and high ministers of China can be at no loss for words in pleading for the lives of the people of China. There would be no empty *casus belli* were we to take up arms to defend the people, in the event of a catastrophe on these points. No fear or remorse can have place where [the principles actuating us] are in accord with everything from heaven and earth and our sainted emperors down to the inhabitants within every sea.”

In the following sentence the conceit of China undergoes deep humiliation in recognising the outer world on terms of equality:—

“For our sainted dynasty is beneficent and has a respect for [the rites of hospitality to] those from a distance, and has no wish to arrogate to itself the vast expanse of the outer ocean, or to treat [the powers there] as ministers doing homage.”

Notwithstanding the clearness and distinctness with which these expressions of opinion indicate the altered and altering views of Chinese statesmen, the following passage regarding an embassy to Europe and America exhibits almost an eagerness to enter into relations and rivalry with Western nations:—

“With respect to the question of an embassy, the terms of amity between us and other nations will necessarily bring about constant intercourse. There are, however, subjects of anxious consideration as to the possibility of disgrace accruing from the action of our envoys, and as to the expense. It would appear proper that the high ministers in the capital and provinces should from time to time recommend persons after careful investigation of their character and abilities, so as to keep in readiness a constant succession of men fit to serve the state, without reference to the rank or age (*scil.* youth) of the parties. It would be wholly within our option as to whether an embassy was sent or not, and the other powers should not consider it a *casus belli* if none were sent. . . . This is the initiative of a constant interchange of civilities. Subjects for negotiation (*lit.* the business of an envoy) will gradually accumulate, and though one or two persons may prove unfit for diplomatic work, how can we tell that such statesmen as *Su-wu*, *Pan-ch'ao*, *Fu-pi*, and *Hung-hao*, may not arise?”

“The duty of an envoy is to represent the dignity of the government, and to smooth over difficulties. On the whole, therefore, [the despatch of an envoy] may be conceded.”

The next important point that Tseng touches upon is the

question of religious propagandism in China, and his views on this subject will be perused with interest.

"As to the opening of the interior for the spread of religion, your minister would observe that the Roman Catholics began by attracting men by mercenary motives; but lately, through the poverty of the missionaries, this inducement has not been held out so much, and their arguments accordingly not so much believed. The Confucian doctrine was somewhat obscured after the Ts'in and Han dynasties, while Buddhism gained strength.

"Buddhism had its rise in India, and it is now supplanted in a great measure by Mohammedanism there. Roman Catholicism arose in the East and West. Now Protestantism has sprung up in the East and West, and opposes Roman Catholicism with much power.

"It is very evident that the different religions fluctuate from time to time in their vigour.

"Confucianism has not suffered by attrition through myriads of ages, and it has regenerated China in government, morals, manners, and doctrines.

"Whatever method they may take to spread [other religions], they will get but few converts. As there are many places of worship in the towns and cities of every province, there is no room for much greater extension; should, therefore, these powers reiterate strongly their demand, they will probably not press for more if a promise were made that a protective document should be issued for their religion whenever called for, and no further article would be needed in the treaty."

The closing passages of the Memorial exhibit singular clearness and fairness of vision as coming from a Chinaman; and the disinterested allusion to the peaceful and generous policy towards foreign nations which China will pursue if it ever comes again to be in the ascendant, is not without significance when we consider that the document was intended to be secret.

"With respect to the points that are not highly obnoxious, we not only should not contend over them much: we should grant them if asked. It is only as to railroads, steamers, salt, and residence (in the interior) for trade, as destructive to our people's interest, that a strenuous fight should be made. No decisive or hard words should be used; but the points should be discussed in a pleasing (or conciliatory) manner.

"Candid argument will move them, while we are firm against the changes. Let them know that the ancient policy of our rulers was to preserve the empire by showing consideration for the subjects; and it is also the traditional policy of our dynasty. [Let them know that] there are many considerations to be taken into account in China.

"Foreigners are now in the ascendant; but we cannot, to the neglect of the misery of our own people, follow all the windings to which complaisance would lead us.

"Should times ever alter, and China be in the ascendant while

foreigners are weak, we then shall wish to do no more than protect the Chinese, nor shall we seek for military glory beyond the seas.

“With all their perversions and wiles, they know that when logic is correct there is no escape from it, and that when the mass of the people are indignant we cannot work against (or molest) them. Should they (foreigners) be affected by our sincerity (or frankness), things will go smoothly (*lit.* according to rule).”

We have now endeavoured to give an impartial review of the present position and prospects of our relations with China, and to bring out in as clear and conclusive a manner as possible the principal circumstances which it behoves the British people to understand in view of the approaching revision of the treaty. The most important fact for them to grasp clearly is the altered attitude of the Chinese towards foreigners; and, as this point has hitherto been scarcely touched upon by writers, we have given what we think satisfactory and incontrovertible evidence of the change. The contrast between the mandarins subjecting foreigners to barbarous cruelty, and inciting their subjects to hatred of foreigners and to their extermination, and the gradual adoption of more humane and just views, culminating in Tseng-kwo-fan's liberal ideas and his utilitarian policy, is a measure of the broad line of demarcation which separates the past from the present. The last few years of peace, tranquillity, and friendly relations between foreigners and Chinese, mark a distinct era in the history of our intercourse with this vast oriental empire. For the first time, both at Peking and at the open ports, consular and other foreign officials have exercised a moral influence over the Chinese authorities, which has slowly led to a better appreciation than before of certain of the advantages which foreigners possess over them. Although we cannot point to any notable result of this altered state of feeling, we nevertheless discern the change with no uncertain eye. Tseng-kwo-fan's Memorial, instead of breathing hostility and vindictiveness towards foreigners according to the manner of former Chinese statesmen, is, in many respects, as liberal and reasonable in tone as if he had graduated in the ideas of Europe. The arrogance and exclusiveness of a power claiming universal sway over mankind have at length departed, and, in confidential tones amongst themselves, the proud mandarins admit the decline of the great Middle Kingdom.

If there have been since the Treaty of Tientsin few important points yielded, there has at least been a spirit of concession silently making itself felt; and, although the Chinese may refuse to grant all the privileges that we demand, we must nevertheless give them credit for having abandoned in some measure their unreasoning prejudices. Tseng counsels his government to permit foreigners to work coal mines, and to do so without waiting

for the treaty, because he is of opinion that his own countrymen would benefit by such a step. Now this single recommendation, embodied in a secret memorial containing the inmost thoughts of the writer, is one of the most hopeful signs that a rational policy will be gradually accepted by the Chinese; and shows that mere hostility to foreigners as such, and apart from the concessions they wish to extort, is no longer the ruling passion with the native authorities. But ignorance, inexperience, and incapacity for estimating the results of any particular concessions, cannot fail to produce in their minds serious doubts as to the probable consequences; and in the light of the history of Europe under similar threatened or contemplated changes, it would be expecting too much of the Chinese, if we could persuade ourselves to believe that under any circumstances they would yield up privileges involving the integrity and stability of the empire without a certain degree of hesitation. Upon the mandarins devolves the responsibility of governing the empire, and they naturally weigh the probabilities with a timorous and unsteady hand. They are called upon to inaugurate changes which no one can pretend to be unimportant; they are being pressed to grant concessions of a magnitude that few European statesmen would consent to except with misgiving; and, without receding a single step in the firmness of our attitude in China, or in any way regarding the Chinese as aught but deceitful and unscrupulous, we must nevertheless admit that even with the most honourable and enlightened governments the questions raised are such as might create perfectly honest objections. We cannot blind ourselves to the fact that dishonest governments may have as conclusive reasons for adopting, or refusing to adopt, a certain line of policy as the most exemplary governments; and we do not think we are asking too much when we claim to have the position of the Chinese Government in relation to foreigners considered on its own merits. It is too much the tendency to regard the Chinese as beyond the pale of the rights of civilized nations, beyond the domain where we ourselves are bound by any moral law; whereas it might justly be maintained that their semi-civilization raised in our nobler and higher-toned minds obligations that do not arise in our dealings with nations on an equal and independent footing with ourselves.

It may not be out of place to touch upon another tendency, which is in some measure a matter for regret. There is in the East a spirit of hostility to ministers and consuls, and we hear continual charges of indolence and neglect brought against them, because they do not obtain concessions, or bring about changes, or succeed in cases, in which foreigners are interested. For these accusations there are often only too strong grounds, and

it is a public benefit to have the shortcomings clearly exposed. But there are unreasonable accusations also, which place at the door of the foreign ministers the failures of individuals to achieve success in business, the absence of the large trade which they are convinced ought to be done between foreign countries and the vast empire of China. We cannot but think that the difficulties of the position of the foreign ministers are entirely underrated. We may fitly compare the foreigners at the open ports to the individuals who form the political associations of the English provincial towns. Both parties advocate strenuously the cause they have at heart, their own interests lead them to see in a peculiarly strong light exactly what would suit them best; but when, in the United Kingdom, the great subjects which affect the nation pass from the local atmosphere of the town halls, within the solemn precincts of the House of Commons, they pass from the hands of irresponsible men, whose opinions and convictions have only a very remote influence on the destinies of the nation, into the hands of those who wear the gravity of responsibility, whose every word and action has its immediate bearing on the weal or woe of the country. It would be strange indeed if foreigners at the open ports did not endeavour to obtain as wide concessions in their own interest as possible; but it is perfectly intelligible that the Minister at Peking should, in face of his responsibility to his own government, often take a different view of matters from his countrymen, without being guilty of either indolence or neglect. We must always bear in mind that it is the business of foreigners at the open ports to demand concessions; but it is for the minister to lay them before the mandarins at Peking, to discuss them, and to prove to the satisfaction of those in power that the measures are for the benefit of the Chinese themselves. It is the duty of the minister to meet the Peking officials face to face, to ask of them concessions which he cannot always himself feel confidence in recommending; and in this perpetually aggressive attitude there are difficulties which have rarely been recognised, and which have not been sufficiently taken into account, in the indiscriminate accusations with which ministers have been assailed.

Yet while we cannot point to any very important changes that have taken place since the Treaty of Tientsin, we are not without sufficient evidence of a spirit of concession and conciliation on the part of the Chinese, where they have been satisfied of the beneficial nature of the measures. The establishment of a foreign Inspectorate of Customs, of arsenals, of the College at Peking, of foreign methods of drilling troops; the adoption of Wheaton's work on international law as a standard of reference in case of differences arising, the purchase of gunboats, the

granting of permission to land and carry to the open ports the submarine telegraph projected between Canton and Tientsin, the embassy to Europe and America, and the permission to work coal mines now on the point of being accorded, all indicate a spirit of change and of progress.

The appointment of the embassy to the Western Powers, with Mr. Anson Burlingame at its head, is one of the most irrevocable steps that the Chinese Government have ever taken. The motives and intentions which have led to this will be variously estimated, and it is still in some measure an experiment; but the very fact of the Chinese mind altering so as to render an embassy possible, the uprooting of their inordinate conceit and pretensions, cannot be explained away except on the ground that contact with well-disposed foreigners in whom they had confidence has caused them to relax in their truculent hostility, and to become more amenable to reason. But the Chinese move slowly, their empire has glided in comparative silence through so many successive periods, that the rapid and enterprising spirit of the West is incomprehensible to them. This slowness in their movements, this reluctance to adopt sudden changes, is no character assumed for the occasion, no deception practised to baffle foreigners and to frustrate their intentions. It is the most prominent and deep-seated characteristic of the Chinese mind under all its phases; and, however much we may deplore it, we should certainly err in imputing it to malice. But we should take a statesman-like view of our position if we endeavoured by all the means in our power to modify this unprogressive characteristic, by winning the confidence of the Chinese; and this will be most rapidly and most satisfactorily accomplished by our showing them that we have their interests at heart, that our motto is China for the Chinese, and that our object is to have our own success and their prosperity and welfare go hand in hand.

ART. VII.—THE SUPPRESSED SEX.

1. *Life of Horace Mann*. By his WIFE. Boston: Walker, Fuller and Co. 1865.
2. *The College, the Market, and the Court; or, Woman's Relation to Education, Labour, and Law*. By CAROLINE H. DALL. Boston: Lee and Shepard. 1867.
3. *On some Supposed Differences in the Minds of Men and Women with Reference to Educational Necessities*. A Paper read in Section F of the British Association at Norwich, by Miss LYDIA BECKER. 1868.
4. *Macmillan's Magazine*. September, 1868. Art. I.—Women Physicians.

THE meeting of the British Association at Norwich is chiefly memorable on account of a Paper read there by a woman in defence of the equality of her own to what some journalists, unconscious of the satire, still call the "opposite" sex. The essay itself was mainly valuable for the vigour of its protest against an assumption by man of a superiority which he persistently declines to submit to the ordinary tests of truth. Withholding from her the keys of knowledge, he insists that she is mentally inferior; banishing her from age to age from political life, he claims of her an *à priori* admission of her unfitness for it. The earnest discussion which followed the Paper in the Association, and still more the comments of the press, showed its timeliness. It is plain that the public mind is ripening toward a radical change in the social and civil position of woman. The salient and impressive fact underlying and overlying the whole discussion—one which Conservatism cannot argue out of it—is this, that the most educated and intelligent women of the present day are profoundly dissatisfied with the present relations of law and society to their sex. All experience warns us that such dissatisfaction cannot continue unproductive.

The injustice of the laws relating to women has been repeatedly shown in this *Review*, and as one demand brought forward in Miss Becker's paper—the opening of all educational institutions to women on the same terms as to men—is worthy of a more careful consideration than it has yet received, we shall devote a few pages to its discussion. The *Times* has, of course, drawn the terrible picture of a university in which young men and young women are found freely associating and conversing, and shudderingly hints the dread moral results to be anticipated from such a state of things. So much was to be expected from the severe puri-
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tanism of Printing-house Square. But the silence of many of those who have supported the general position taken by Miss Becker on the particular point alluded to, indicates that many liberal minds are as yet unacquainted with the present position of the movement for the educational equality of women. It is important that it should be universally known that the co-education of men and women is no longer in the region of speculation to which the *Times* has relegated it, but that it has for a generation been tried in the United States, where no fewer than twenty-nine large collegiate institutions are at this day conducted on that principle. Before referring, however, to the important experiences of these institutions, it may be well to take a brief survey of the origin and character of the influences that have brought about those changes in the position of woman in America, which have already had a very potent effect upon public opinion in this country.

It is now a truism to say that the extremest degradation of woman has always been found among nations whose normal state is that of war. The severity of the struggle for existence which decided the habits and ideas of the human race amid the rocks and sands of Asia—where for every grain of corn there were many claimants—made fighting the chief end of man, physical strength the only virtue, physical weakness the only crime. This originated that social position of woman which is fairly represented by the saying in Vishnu Sarina—"A man of straw is worth a woman of gold." This cause was enhanced also by the fact that, already more numerous than men, women in the remote East grew in number out of all proportion with men, by reason of the great westward male migrations to the more fruitful soils formed by their rivers. The emigrant of that day, even more than of this, preferred to leave the women behind when starting on his untried way. And this, together with the decimation of men by constant wars, enormously increased the number of women, who consequently became cheap; a man could have as many wives as he pleased; and there was a competition which should become his favourite by being most his slave.

But it is certain that, with every step of man's migration westward, the position of woman was improved. For this there were two causes. The chief was that the emigrants, having left their women behind them, found few in the countries to which they went to take their places. Women were not cheap in Europe, but rare and valuable. Many men wished to marry each woman. The ancient chronicle of the Picts relates that they were originally six brothers who left Thrace with their adherents, because the king insisted on marrying their sister. They came to France,

bringing the lady with them, and built the city of Poitiers. But the king of France also pressed his suit for the sister, which led them to put to sea again. But before they landed on this island she died. When they came to Cornwall, or thereabout, they had reason to appreciate the feelings of the kings to whom they had refused their sister's hand; for the people they found here, whoever they were, absolutely refused to allow these Picts to take any wives among them. They then petitioned the king of Ireland for wives, and he consented, on certain conditions. The chronicle says—

“Three hundred women were given
To them, they were agreeable,
But they were most cunning,
Each woman with her brother.
There were oaths imposed on them
By the stars and by the Earth,
That from the nobility of the mother
Should always be the right of sovereignty.”

So they left Ireland with their wives and established their kingdom in Scotland. This tradition, whether mythical or not, is significant. The scarcity of women in these western lands had certainly raised their position, and affected the primitive governmental arrangements of this country. But there was a second cause why, in the west, the estimation of woman should be higher. When men had migrated to more fruitful lands their struggle for existence was not so hard; and as Nature became less cruel man became less so. Warlike he was, but not so warlike. When the cultivation of the earth began, it was discovered that soldiering was not the only important occupation; animal courage was no longer the only kind of courage; and it was found that woman might have her uses.

There are some indications (derived from Tacitus and other writers) that, in the early planting of Europe, woman rose under these influences to a higher relative position than she now occupies. If so, she sank from it through a repetition in Europe of some of those conditions by which she had been degraded in Asia. That is, Europe also became crowded; men emigrated and left a superfluity of women; warlike ages came to the West, and the comparative unimportance and bodily weakness of woman told against her. She was not reduced to be a domestic slave, but she was a domestic drudge. It must, however, be said that the decline of the influence of woman in Western Europe was in great part due to her own inadequacy to turn to good account the position to which circumstances had raised her. Ages of degradation had left her without education, and the re-

action from a servile condition turned her head. Her ambition was directed toward merely glittering in society. To be the idols of knights, to be the toys of the Court, was enough for those who had been held in contempt. Instead of being able to secure such educational and other permanent advantages as would have enabled her to maintain for ever the position gained, she frittered away in frivolity the opportunity that must close with the growth of Europe. The door was finally shut, and these foolish virgins left out. From that time she has been, not, as Blackstone says, "the favourite of the English law," but its favourite victim.

But with the early settlement of America those influences which had led to the improved position of woman in Europe were again set to work. Those who first emigrated to America took but few women. The Puritan pilgrims took twenty-eight; other English colonists took fewer; the Spaniards, French, and Dutch took none. Even now the number of female emigrants to America is far beneath that of the male; but in the time when America was thought of only as a wilderness full of savages, every woman who went voluntarily was a heroine. With the exception of those of the Spaniards in the south-west of America, the Indian squaws were not inclined to favour the advances of the European adventurers. So great inducements were offered to European women to go to Virginia and New England, and a system of importation something like that by which Miss Rye is supplying Australia was devised. Many of the women who followed the pilgrims to New England were moved to do so by their religious sympathies with them, and thus that region began with a somewhat superior class of women. Nevertheless, in all the early settlements of America, women were for several generations rare enough to be of great importance, and obtained a consideration in society far beyond that which they enjoyed in Europe. The reader of the early histories of the American colonies will find that women were mixed up with some of their most important public affairs. Indeed it is almost certain that women would have been enfranchised in New England—as they were for a time in New Jersey—but for something in Paul's writings about their keeping silence in the churches,—and the Puritan State was a kind of church. However, fortunately for women in America, the high value which the people of New England placed upon their mothers took a better form even than enfranchisement. It took the form of giving the girls a good and sound education. The Puritans placed reading the Bible above all other things; the school thus was to them a part of the plan of salvation; and since the hard soil and the Indians demanded all the energies of the men, it was necessary that the

women should be trained as educators of the young. And to this day two-thirds of the school-teachers throughout America are women. Under education women were shown to have as various and as valuable endowments as men. And thus it was that when the young men of the Eastern States began to settle in the far West—leaving the women behind them—the elevation of that sex had been secured beyond any serious reaction.

The people who settled New England were very peculiarly trained : they were people of refinement and education reduced to poverty, and compelled to do hard work. That work was an important part of their tuition, and the idea was handed down as a law that the thinker must work and the worker must think. It was thus from the earliest days held that women should unite the highest intellectual culture with domestic duties—which, in a land of few servants, are generally arduous. The Yankee girls have thus had real powers and practical qualities trained in them ; and they were much more ready to march westward by the side of man, than their sisters of the old world had ever been. Nevertheless, destiny was not to be swerved from its old method of elevating woman. The discovery of gold in California and other regions of the Pacific coast, and the wars attending the settlement of Texas and Kansas, led to another vast male emigration beyond the Mississippi. At one time a woman could hardly walk through the streets of San Francisco without having every one pause to gaze on her ; and a child was so rare that once at a theatre in the same city, where a woman had taken her infant, when it began to cry, just as the orchestra began to play, a man in the pit cried out—“ Stop those fiddles and let the baby cry. I haven't heard such a sound for ten years !” The audience applauded this sentiment ; the orchestra stopped ; and the baby continued its performance amid unbounded enthusiasm. Into such communities as these women are now following ; and in them they are finding a position and influence, enhanced by their scarcity, which is still very remarkable. In America men exceed women in number by a million ; and in the West the disproportion is extreme. In California there is one woman to three men ; in Nevada one to eight ; in Colorado one to twenty.* And if the women there had not gained in moral and intellectual power, we should see them again

* The *Daily News* has recently shown, by the corresponding statistics of the Eastern States, the error of the theory that the lowness of the birth-rate in some of those States is attributable to a growing aversion of their people from large families. It shows that the result is due to the vast disproportion which has been made by male emigration, leaving many thousands of women for whom no husbands are possible. As compared with the marriage-rate, the birth-rate of New England is as high as it is elsewhere.

having their heads turned and hearts corrupted by the poor ambition of outshining each other in society. But the various important movements in the West for securing equal educational and political privileges, show that they have the ability and virtue to seize this fresh opportunity for securing the emancipation of their sex from the thralldom of ages.

We cannot pause to particularize all the changes which have resulted from the influences described. We may sum them up in one direction by saying that, in 1829, the Western State of Illinois began the work of reforming the provisions of the common law which America inherited from England as it affects women—that work which Mr. Lefevre has recently begun in the House of Commons;—and since that young State took this step, the laws which give up a married woman, body, soul, and property to the absolute ownership of her husband, have been modified in nineteen of the American States, and in many of them entirely stricken out of the statute book. No one dreams that in any of the new States that are forming in the distant West any law will reappear that affects the equality of woman as regards property. And in none of these nineteen States has any man arisen to suggest that the home is less secure, or the domestic relations of men and women less happy, than before the household tyranny was overthrown; in not one has there been any reactionary movement towards its restoration.

The equality of woman has been idly called “an American idea;” but that is really to say it is the product of the ages of experience which have passed into man since first from the rocks of Asia he turned his face Westward. Every genuine American idea is a fruit in which has garnered the light and flush of every dawn that has arisen on mankind. We sometimes meet with people in Europe who fancy that beyond the Atlantic men are engaged in evolving reforms out of their inner consciousness, and carrying them out for the sake of experiment; but humanity is the same there as in all lands and ages, and what it does is rooted in the need of the hour. America took up arms against George III. not for democracy, but against heavy taxes; she took up arms lately not for humanity, but to save the Union. In these things Americans, like the people of other lands and ages, have “buildd better than they knew.” A great republic and the abolition of slavery were their unforeseen results. The Puritans established free schools to teach people to read the Bible, and so save them from hell; the result is a grand system of universal secular education.

Similarly, to return to the theme of Miss Becker’s memoir, the plan of educating men and women in the same universities and colleges is not at all eccentric—is not due to the whim of some

visionary—but originated in the economy of some Western farmers. They wished to have their daughters thoroughly educated, so that, in regions as yet too thinly settled to have many schools, the daughter might be qualified to teach the rest of the family. And of course they wished to have their sons educated, for—in America particularly—an uneducated man is hardly a man at all. These farmers were generally well-to-do but not wealthy, and they put to themselves the question, Why should we build two colleges—one for men, another for women—when one will answer? These boys and girls grow up together in their homes, in neighbourhoods, in children's schools, Sunday schools, churches; and when educated they will pass their lives in each other's society. Why should there be an interval of four years, when the boys and girls shall be separated into two educational monasteries? They saw a double expense in it, and no common sense. And to this primarily we owe it that there are now twenty-nine flourishing colleges in America where the youth of both sexes study together, recite together, and are in every respect upon an equality. These are not small institutions. Some of them have as many as a thousand pupils, and they are generally well-endowed. Again, it is important to consider that no American colleges or universities are conducted upon the principle of the English institutions. The students do not merely listen to lectures, and cram for annual examinations; they are examined from day to day. Consequently, in nearly all of the colleges mentioned, the students of both sexes are resident, the dormitories for the two being in separate buildings. In all other respects they mingle as freely as in the drawing-room. The professors are both men and women. American experience in this co-education of men and women stretches over forty years, so that we know something of what the general effects are. And what the public estimate of those effects is in America may be gathered from the fact that the great State of Kansas has passed a law that no school or college connected with its government shall refuse women on the same terms with men, or in any respect educate them differently. Indeed this experience of the Western colleges has so reacted upon the Eastern States, where the separate plan—inherited from England—prevailed, that some of the finest of its institutions have pulled down the ancient barriers. It is even reported that the Vassar Institute—the largest, wealthiest, and even most aristocratic female college of New York—has decided to admit young men hereafter; and the founder of the new State University of New York, the "Cornell University," has declared it to be his desire to have it opened to women equally with men. This then is the verdict on the subject after forty years of experience, marked by the critical

vigilance of people who have as much anxiety for the purity and welfare of their sons and daughters as any in the world. Indeed, so rapidly are transatlantic institutions falling into this line that co-education may already be called the American system.

But its advocates are not content that the matter should rest upon the mere supposition that the plan answers, without any drawback, the simple purpose of educating young men and women for which it was instituted. They distinctly declare that it has resulted in advantages far higher than any contemplated by the economical farmers who devised it. When it began the prophets of evil did not fail to shriek out their warnings that the system would produce horrible results. The girls would become coarse, the young men coarser, and the project end in licentiousness. It is remarkable how often things have turned out the exact reverse of what was theorized concerning them. Theory said the sun moved around the earth; the truth shows that the earth moves around the sun. It said the earth is flat; we know it is round. It said the sky is solid; we know it to be a vapour. This reversal of old beliefs has been too common for wise men to accept at once even obvious theories. The experience of the American plan has not only shown that the apprehensions amid which it began were unfounded, but just the reverse of all that was predicted or apprehended has really come to pass. It is the estimate of persons who have been intimately associated as patrons and professors with these co-educational colleges that in refinement and morals they are infinitely higher than others in which persons of either sex are exclusively educated. On this point the testimony of the Hon. Horace Mann, some time member of the United States Congress and the founder of the public school system of New England in its modern shape, is final. Mr. Mann was for many years by far the most eminent educator in America, and he had, in pursuance of his duties as superintendent of the schools of Massachusetts, travelled through Europe and made himself personally acquainted with all of its systems and seats of learning. In 1853 this able and accomplished man was induced to accept the position of president of Antioch College, which had just been established in Central Ohio on the co-educational plan. He was a severe moralist, and his wide acquaintance with schools and colleges inspired him with very serious misgivings as to the prudence of this new plan. But after he had been there about five years, devoting himself to a personal supervision over the college, President Mann wrote to his friend Mr. Combe of Edinburgh in these terms:—

“ We really have the most orderly, sober, diligent, and exemplary institution in the country. We passed through the last term, and are more than half through the present; and I have not had occasion to

make a single entry of any misdemeanour in our record book—not a case for any serious discipline. There is no rowdyism in the village, no nocturnal rambles, making night hideous. All is quiet, peaceful; and the women of the village feel the presence of our students, when met in the streets in the evening, to be a protection rather than an exposure. It is now almost five years since I came here, and as yet I have had no ‘practical joke’ or ‘college prank,’ as they are called, played upon me—not in a single instance.”

But in such a case the testimony of a woman is of equal importance; and this we have from Mrs. Mann, a lady of the highest culture, who shared her husband’s toils and triumphs. This lady was in fact partly President of the College, and gave her time and extraordinary talents to promoting its social welfare. She writes as follows:—

“No one conversant with the daily life and walk of Antioch College can deny that the purity and high tone of its morals and manners, in both departments, were unequalled by those of any other known institution. There are many colleges at the West, in whose neighbourhood schools for young ladies have sprung up, in order that the services of teachers and professors in the former may be made available in the latter; and in such cases there have always been regulations prohibiting any intercourse whatever between the two. But it is the universal testimony of those acquainted with the subject, that loss of reputation, and even of character, are not unfrequent in such places, growing out of clandestine correspondences and meetings. Mr. Mann thought the monkish error of repressing natural sentiments should be swept away with other errors of the same nature, and a generous culture should enlist them in the interests of purity. Young people are thoughtless rather than vicious; and it is cruel to put them into circumstances where they can learn wisdom only from a fatal experience. . . . At Antioch the dining-hall, which was the commons of both sexes, was a charming scene of social enjoyment and innocent hilarity—a scene which Mr. Mann specially enjoyed for its beneficent influences upon manners and happiness. . . . In American society the freedom of intercourse between the young has ever been found compatible with virtue, in striking contrast with the system of repression that exists in the older societies of the world, even of modern Europe.”

This was lately written, some years since President Mann’s death, and when his widow had ceased to have any personal connexion with the Institution.

Antioch College has been visited by Emerson, Theodore Parker, Oliver Wendell Holmes, Dr. Bellows, and other distinguished men. The testimonies as to its superior character have been uniform. A member of the Massachusetts Legislature who visited it said that he left it with a better opinion of human nature than he had when he entered it.

About twelve years ago the writer of this article, at that time very little interested in the subject of it, went to reside in the

neighbourhood of Antioch College under circumstances which furnished ample opportunities for forming an acquaintance with its plan, professors, and students. And although he is quite familiar with the University of Virginia, Harvard, and to some extent with English universities, he has an entire conviction that in none of those male institutions can there be found anything comparable to the moral elevation, the refinement, or the intellectual enthusiasm, which characterize the students of Antioch. In our estimates, male students were first called gentlemen at Antioch. The young men were none the less chivalrous because they did not drink or smoke; while their personal neatness, courtesy, and delicacy of behaviour, showed that under the refining influence around them a certain manliness, very rare in college students, had appeared in their characters. The college had the grace of a refined household. On the other hand, the finest and most womanly traits were visible in the young women. During the seven years of the present writer's intimacy with Antioch College, he at no time knew or heard of any scandal in connexion with any student in it. And in short, through personal observations of that and other co-educational institutions in the United States, we have become convinced that the purification and elevation of the educational systems of the world are to be wrought by carrying into them that influence which has never failed to civilize and refine wherever it has gone—the influence of woman. We are convinced that young men are never so animated to high endeavours, never so put upon their manliness, as when in the presence of women; and, equally, that women are never so inspired by womanly sentiment, or so raised to noble efforts, as by the presence of true gentlemen. The two sexes are meant to sustain and encourage each other, and their separation during the period in which principally each is forming its mind and character, is the relic of an age of monks and nuns—an age which branded all relations between the sexes as impure.

In a recent address the Bishop of Oxford, in maintaining the need of religious instruction in the universities, said:—"A college life is to be a house in which the family life of England is to be exhibited on a larger scale; where young men are brought together, exposed necessarily by that very circumstance to a multitude of temptations to expense, as to the indulgence of natural appetites, as to intercourse with one another, where they may make utter shipwreck of life, if there is not a wholesome influence brought to bear upon them." But how is the college to be the larger English home, with all the pure influences of the family pervading it, if that particular influence which has made the English home what it is, is carefully excluded from it?

It was prophesied in America that when young men and

women were brought together in colleges, there would be many love affairs ; and that these would be often imprudent, and lead to the neglect of studies. The experience of the American colleges shows that though there were fewer cases of this kind than had been anticipated, they rather incited those concerned to better conduct and more earnest study. Both man and maid aspire to make the best appearance in the eyes of those they love, and not to be surpassed by others. And why should such attachments be imprudent ? Where does society offer the young better opportunities for knowing each others' minds and characters, than is implied in studying side by side for years ? The chief source of domestic unhappiness is that the young, fresh from their monastic colleges, rush heedlessly into life-long relations with persons of whose minds and characters they know little or nothing, or else enter into heartless marriages of convenience. There is too much levity associated with this subject ; human happiness and welfare are more deeply involved in it than in any other ; and to a thoughtful man or woman it will be no disparagement of the co-educational plan that it may lead to attachments which, surviving the tests of years of associated study, may end in marriage.*

In none of these colleges has the standard of study been in the slightest degree lowered beneath that of those in which young men alone are taught. The girls have not asked or received any favour. And they have shown their entire competency to hold their own in the same field with the other sex, whether as pupils or professors. Miss Mitchell is as good an astronomer as any in America ; and the professor of mathematics at Antioch—a woman—taught without book the most abstruse portions of her science with a clearness which the best male professors acknowledged could not be surpassed. The writer has often been in the recitation-rooms, and can testify that the girls in nowise were inferior in their performances to the young men ; and at the commencement the public essays read by the female graduates dealt with subjects of general interest quite as ably as the orations of the male graduates. Indeed, the uniform testimony of these co-educational colleges confirms that of the examiners at Cambridge, England, that if there has been any difference between the examinations of the young men and young women, it has been in favour of the latter.

The undeniable facts reported from Cambridge have compelled the opponents of all such steps to shift their ground. Forced to admit that women can pursue with equal success the same studies with men, they now say—"Yes, but they are not

* None of the colleges to which we are referring permit students to marry while in college.

proper studies for woman; they do not fit her for her true sphere; and consequently they unsex her." Now it must be admitted that it would be a strange anomaly in Nature if this were true. Women daily sit at the same table with men, and partake of the same food; Nature has not provided one kind of beef and mutton for women and another kind for men; and yet the same meat and bread are converted by one sex into woman, by the other into man. The two are not unsexed by breathing the same air, or by the same sunshine; there is not a female and a male air or sunshine; and yet one frame converts these to long tresses, the other to long beards. It would be strange indeed if by the same mental diet, the same intellectual sun and atmosphere, women should be made too masculine or men effeminate. The fact is, this is absolutely a phantom. It ought to be at this date needless to affirm to English people that the broad culture and profound psychological penetration of George Eliot, the severe scholarship of Elizabeth Browning, the political insight of Harriet Martineau, and the science of Maria Mitchell, coexist with the utmost womanly feeling and refinement.

We are not, however, disposed to evade, but rather to rejoice in the fact, upon which is based much of the opposition to the education of women in directions hitherto reserved for men—namely, that it must tend to extend their occupations to employments hitherto monopolized by men. That there are occupations for which men and women are respectively endowed we have no doubt; as little do we doubt that Nature has in such cases set barriers which, though they may be overleaped by peculiar natures in long intervals, neither sex can destroy. Fortunately, however, we are not without the means of knowing the directions in which the larger education which some women have managed to secure has tended to widen their sphere of employment. The age in which we live has prevailed against our hereditary theories, and many women have gained strength to contend successfully with the prejudices and sentimentalisms which still imprison the majority of their sex. It is remarkable how little of reactionary defiance has attended the movements of those who have thus been liberated. They have not only not sought to become sea captains or military generals, but have not even tried to become lawyers or ambassadors. Politically they have been content to demand the franchise; while the only profession before monopolized by men which they have invaded is that of medicine.

The "female physician," in our judgment, represents so well the healthiness and the safety of the "woman's rights" movement, that we propose to devote some portion of our present article to reviewing the present relation of that sex to the medical profession, and the more recent steps by which it has been reached. Before

the female physician had made her appearance, it was a conservative platitude that woman's place was in the sick-room. Conservatism, however, meant that she should be there in the capacity of Mrs. Gamp, and had no idea that a Dr. Elizabeth Blackwell was disguised in the nurse who relieved the physician of the more disagreeable duties of the sick-room without sharing his fees. Nevertheless so it was : whether derived from long experience, or natural gift, or from both of these, woman has manifested a special inclination and ability for the study and practice of medicine. At various times within the past two centuries there had appeared women who gained eminence in special departments of medical knowledge ; and when seen in the lecture-rooms of Germany, Italy, or France, through the mist of intervening generations, they seemed not formidable, but somewhat imposing figures, even to the eye of medical conservatism. Even Mr. Hosea Biglow, though a defender of slavery in America, had a strong sympathy with liberty in other lands.

“ I du believe in Freedom's cause,
Ez fur away ez Paris is ;
I love tu see her stick her claws
In them infarnal Pharisees.”

He concludes, however, that Liberty's “ a kind o' thing that don't agree with niggers.” There are also many eyes which can recognise the heroes and heroines of the sixteenth century, but cannot perceive those of the nineteenth, though they meet them daily. Nothing can be more certain than that Hypatia and Olympia Morata are to-day struggling against every discouragement and prejudice to give their contribution to the welfare of mankind, and that some who find them romantic in the past sneer at them now as “ strong-minded.”

In this country Miss Elizabeth Garrett was the first to obtain a diploma from one of our recognised-institutions—Apothecaries' Hall. As we had no medical college for women, and the medical colleges for men did not favour the idea of being instrumental in qualifying women to compete with them in scholarship and practice, Miss Garrett's privileges were of a very limited character, and she could only obtain instruction in a very arduous and unsatisfactory way. Hospital advantages were hampered with so many annoyances, that she sought the London Dispensary, Spitalfields, as a *dernier ressort* for obtaining practical instruction. She was particularly fortunate in securing for this end the aid of two physicians connected with the establishment. After many unsuccessful efforts, she was at last permitted to come before the examining board of Apothecaries' Hall, and passed creditably. Her success in coming before the board was due to some technical informality in its constitution,

which has been since "doctored," so that she is the only female licensed apothecary likely to be made by that institution for some time to come. But even with the door thus accidentally left open before her, it was only through trials which would have baffled a less persevering person that she was able to enter it. She had limited and uncertain pecuniary resources—though the reverse was generally supposed to be the case—and yet, in order to obtain medical instruction, she was compelled virtually to establish a college of which she was to be the only pupil. That she was enabled to do this reflects great credit on her instructors, Drs. Aldis and Fraser. Since obtaining her diploma, she has been engaged in establishing a Dispensary for Women and Children, which we hear has a fair prospect of success.

Another step towards opening the medical profession in England to women was the establishment in 1864 of the "Female Medical Society," of which the Marquis of Townshend was President, and to which Drs. Edmunds, Aldis, Murphy, and Drysdale, have devoted their ability and energy. Immediately upon the opening of the institution established by this society, fourteen women presented themselves for instruction, and the number has steadily increased. The institution has, however, no charter, and its students can only work on in the hope that their cause will prevail, and with the certainty that the knowledge they gain cannot be taken away from them. It is the unanimous testimony of the medical gentlemen connected with this institution that the ladies in it are studious, earnest, and entirely capable of comprehending the subjects comprised in the departments of medicine to which they devote themselves, viz., obstetrics, and the diseases of children.

France and Germany have thus far given us only schools for midwives proper, who, though acting independently as accoucheurs in all normal cases of confinement, are not allowed to write any prescription or to interfere surgically. They are really adjuncts of the physicians, who gladly avail themselves of the services of the *sage-femme* when the work is heavy and the pay light, but set them aside when the hardship is nearly passed and the happy consummation of a fee near at hand. And yet the training at the Maternity Hospital in Paris produces such excellent physicians as Mesdames Boivin and Lachapelle! Last year a French woman having passed the Baccalaureate, requested permission to study medicine as a whole in France. The faculty at Montpellier refused. She then forwarded her request to the Minister of the Interior at Paris. He acceded on condition that she would only practise in Algeria, whence she came! But this year he has ennobled himself by acting the part of a Minister of 'Justice' as well as of the 'Interior.' By virtue of his decision, and "in spite of the opinion expressed by the professors, the American lady

who last year applied for a degree has been empowered to pass her first examination, which she achieved successfully; and as a natural consequence, a French lady has now entered her name upon the books, and may even now be seen dissecting with the other students at the *Ecole Pratique*.* In 1865 about twelve ladies applied for admission into a medical college for males at St. Petersburg, and were refused. Last year two Russian ladies were admitted into the medical university for men at Zurich, Switzerland,—an excellent institution, whose conversion to the faith in the admissibility of women to the profession has been a fruitful topic of discussion in the old world and the new.

America is likely to furnish the largest quota of medical women for some time to come. They have there fully chartered colleges for their instruction, one at least in each of the principal cities of the Eastern States—New York, Philadelphia, and Boston. Prior to their establishment, one or two of the medical colleges for men admitted a limited number of women to their lecture-rooms. The first to do this, and call upon itself the ire of the whole medical profession, was the college located at Geneva, New York. Elizabeth Blackwell, an Englishwoman, was received there for instruction in 1847, after having applied in vain to many other institutions. Various eminent physicians tried to persuade her that her idea was eccentric, utopian, and impracticable. The ladies of Geneva at first declared she must be crazy, and that they never would employ a female physician. After her graduation, in 1852, she had the utmost difficulty in finding in New York, where she had resolved to locate, a boarding-house willing to have her name and title displayed. She was refused a position in the department for women and children of a dispensary, although she presented high certificates of qualification. Her application to visit merely the female wards of a hospital was laid on the table as unworthy of notice. This was the attitude toward women-physicians in America so late as 1852. Since then, twelve medical schools established for men have admitted women and granted them degrees. These were chiefly in Cincinnati and Cleveland, large cities in the Western State of Ohio. In New York city many of the large hospitals have since allowed women to attend the physicians on their rounds through them. For the last five years the Bellevue Hospital has been compelled to admit female students who have matriculated in New York, because their charter does not refer to the sex of students. It does not seem so easy to take a backward step there as in Apothecaries' Hall, London. The women who insisted upon having their rights in the Bellevue Hospital were at first unhandsomely treated by both professors and

* *Medical Times and Gazette*, August 29, 1868.

students ; but annoyance from this source has now ceased. However there are many privileges—such, for instance, as the reception in advance of information as to the operations for the day—which the women have found themselves unable to obtain in institutions which have long been arranged for the use of men alone. There were some women also who shrank from prosecuting all the studies incidental to a medical education in the same room with young men. And so they resolved to have hospitals and operating-rooms of their own.

About twenty years ago, at Boston, Massachusetts, the first American Female Medical College was established. Like the English college, they began in a small way, with but two professors, and a course of instruction limited to the object of “qualifying women to become midwives, and treat the diseases of women and children.” In 1847, Mr. Samuel Gregory, of Boston, had lectured in Boston and its vicinity on the importance of educating women to practise medicine ; and at the close of one of his lectures a petition was signed praying the Legislature to license a college for that purpose. In November, 1848, twelve ladies met and formed a medical class. Drs. Cornell and Ralfs were engaged to give the lectures. About the same time a number of gentlemen formed a society to assist the movement. In 1850 an Act passed the Legislature of Massachusetts incorporating the “Female Education Society,” for “the purpose of providing for the education of midwives, nurses, and female physicians,” empowering it to hold property and to grant degrees. The society grew rapidly in numbers, and outgrew its former limitations of study, so that it has for many years had a full corps of professors teaching every branch of medicine and surgery. A few years ago the Legislature granted it ten thousand dollars for the erection of a building, and it has received about forty thousand dollars from bequests and donations. It has thus become self-supporting, and has supported a dispensary for several years, in which the ladies see practice daily under supervision of the female professors.

The Philadelphian institution was established about two years later than that of Boston, having received its charter in 1850. Dr. Joseph Langshore was its projector. The opposition to this college has been extremely bitter, the Pennsylvanian Medical Society having passed a resolution declaring their hostility to medical women, and their determination not to consult with them under any circumstances, or retain as members those who should do so. Since this, however, the American Medical Association has passed resolutions recognising “well-educated female physicians by the same laws that govern its own members ;” and it is very doubtful if the State Society will be able to maintain its resolution in the face of that of the National Associ-

ation.* The Philadelphian college has educated many women, and, although not quite so flourishing as some others, is steadily growing in the public confidence.

An energetic woman, Dr. Lozin, undertook to promote a Female Medical College in New York, and in 1861 the Legislature granted the charter for a Medical College, Hospital, and Dispensary for Women and Children. This college has been much injured by a struggle between Allopathy and Homœopathy for its control, and has not yet perhaps fulfilled the expectations of its friends; but its students have great advantages in the New York hospitals, and its ultimate success is unquestionable.

Drs. Elizabeth and Emily Blackwell are, however, not satisfied with the standard of education in these colleges, and have procured a charter for another college, in which four years of preparation and actual residence in a hospital will be required. From the three institutions we have mentioned more than three hundred graduates have issued, and nearly as many women practitioners perhaps have been graduated from the colleges that admit both men and women. Of the colleges which do this the great majority are those representing the various Reformed and Eclectic Schools of Medicine in America.

Among the graduates and instructors of the regular medical schools for women, a few—as the sisters Blackwell, Drs. Densmore, Zakrewska, Lozin, Langshore, Scarlett, Preston, Cooke, Sewall, Morton—have gained some practice and more reputation as instructors, even among the sceptical; and yet it must be admitted that we have not yet received such contributions to the medical world as we desire from the institutions we have named. This may be to a considerable extent due to outward opposition, and to internal divisions between “schools” of medicine; but we cannot affect a doubt that it is in a yet larger measure due to the separation of women from the colleges and studies of men. The public will naturally apprehend that this separation implies some expurgation of the usual studies; and where life and death are involved, while appreciating the modesty of the women, it will continue to employ the men. The condition of medical knowledge is not so satisfactory that any of it can be spared; and even if it were possible to build up a new set of schools, equal in arrangements for study to those already existing, it must be a slow work, and it must be a long time before such institutions or their graduates can receive the same amount of confidence as the old ones.

Nor can we regard the feeling which requires these separate

* The American Institute of Homœopathy has decided to admit well-educated medical women to membership.

medical colleges as otherwise than mistaken. Truth knows no sex. There may for some time be in the medical as in other professions, persons unworthy of them, who can annoy women in their efforts to obtain the knowledge and training necessary to combat disease and death; but among all whose opinion is of importance, the solemn importance of the work will be enough to suppress all petty conventionalities. What would have been thought of one who had suggested any impropriety in the labours of Florence Nightingale, or of the women who devoted themselves to the American hospitals during the late civil war? But the physician, male or female, is similarly devoted to the work of saving and healing sufferers in the perpetual conflict of man with disease and death; and they who in the presence of pain and anxiety can obtrude such considerations as those to which we have adverted, are not likely to be of a class whom women need consider in adjusting their standards of education or duty.

For similar reasons we must condemn the principle which has led the female colleges to impose limitations upon their range of study, and that of the practice of their graduates. With the utmost respect for the able physicians connected with those institutions both here and in America, and while rejoicing in their merited degree of success, we cannot believe that the want which has created those schools is to be satisfied by narrowing women to one class of studies, however important, or by confining their practice to patients of their own sex, and to children. If a woman has gifts which justly lead her to study medicine, there is no sex or age that should have the exclusive benefit of those gifts. The patient has a right to the best treatment that can be obtained. We must even more strongly condemn the grounds on which some of these institutions have sought to bring to their aid some of the lowest conventional prejudices. Whatever may be the temporary advantages of disseminating the idea that there is indelicacy in the employment of male physicians by women, its general acceptance would more than counterbalance any good that the female colleges can hope to achieve. Women have peculiar need of every aid that science or intelligence can furnish, and though the time may come when many female physicians may be as able to serve them as men, it can never be expected that every community will have its finest medical skill represented by a woman. Is the female sufferer, then, to be encouraged to think that modesty requires her to forego the help she requires? The suggestion is not only intrinsically base, but it is unwarranted by anything in the long history of the relation of the physician to his female patient. It is, we believe, far more likely, in an advanced state of social enlightenment, to be proved that each sex is peculiarly adapted to heal the other, than

that each is to attend its own; but however that may be, no permanent interest such as that which the female physicians have at heart can be served by appeals to false sentiment, nor can genuine progress worthily enlist prejudices which true refinement and culture must continually remove further into the past. It is well known that the sisters Blackwell in New York, and Miss Garrett in London, owe much of their acknowledged advantages over their sisters of the same profession to the fact that their studies were not confined to any one branch, and that they were educated by the regular instructors of men. The fact is significant, and plainly means that women who would successfully claim the right they feel to any profession hitherto monopolised by men, must fulfil the conditions which men have fulfilled, and not ask to have the standard lowered in order that they may reach it.

A temperate and timely article in *Macmillan's Magazine* for September, in dealing with the practical difficulties in the way of women in England who desire to become physicians, wisely animadverts on the partial course of study and practice which alone are attainable through any institutions in this country since the recent action of Apothecaries' Hall. "The principle," it justly maintains, "which we conceive no arguments either of benevolence or convenience should induce the leaders of the party to abandon, is that of professional equality—a common standing-ground, be it high or low, for men and women." We must, however, join issue with the practical method suggested in the same article, that women desiring to become physicians should be content to go to the universities in America or to that of Zurich, where women are admitted. The only advantage offered by this course, that of obtaining registration in England, is not, in our judgment, of sufficient importance to compensate for the inconvenience and expense which must in many cases attend such exile into foreign lands, or the suspicions that would be urged, however unjustly, as to the thoroughness of the studies and examinations in unknown institutions. Registration is in itself but a relic of that State interference with the natural development of medical science, the evil effects of which have been fully exposed in this *Review*.* If because of the non-registration of a diploma, the certificate or evidence of a physician may be objected to in a court of justice, it may be so much the worse for the State; but if the diploma itself were signed by duly qualified and eminent examiners, the professional competency of the person holding it could not be thereby lessened.

* See Articles—"Medical Despotism," April, 1856; "Medical Reform," April, 1858; "Medical Education," July, 1858.

Moreover, it is not in the rear but in the van of the medical profession that women who desire to enter it as equals must look for their allies. The medical reform in which women are now interesting themselves is, in principle, essentially the same as that for which nearly five thousand English medical men laboured together under the name of "The National Institute of Medicine, Surgery, and Midwifery," more than twenty years ago. They wanted to abolish the baneful monopolies and exclusive privileges of the London College of Surgeons, and to obtain for each of its members a voice in its government. But regarding the reform of that college as hopeless, they entertained the idea of organizing a board of Examiners for themselves, and sought legal power to confer diplomas on candidates for membership of their body. The judgment which, ten years ago, we pronounced on their attempt and failure is, *mutatis mutandis*, strictly applicable to the aims and efforts of the different parties who are now endeavouring to obtain for women facilities for medical education, and legal recognition as physicians—either in the form of a charter for a new medical college where they may study, and from which they may obtain diplomas, or in the form of admission for examination by the several medical bodies now established. We therefore quote here the words we made use of in 1858:—

"The problem of medical reform would have been completely solved in 1845 by the large association of general practitioners afterwards called the 'National Institute of Medicine, Surgery, and Midwifery,' if it had but freed itself of the general superstition regarding the necessity of securing the aid of the State in the form of a charter or Act of Parliament. This institute proposed that such of its members as should pursue their studies after its incorporation, should be admitted only after giving evidence to examiners of their fitness to practise as physicians, surgeons, or accoucheurs, and thus would have abolished the old and absurd system which involves the necessity that a candidate should be examined by two or three different bodies before he is competent to act as 'general practitioner.' It proposed to give its members a voice in its constitution and government, and to take care that its standard of professional education should be as high as possible, consistently with providing a sufficient number of medical men to supply the wants of the community. The one thing wanting to give efficiency and permanency to the 'National Institute' was a belief in its own self-sufficingness. Had it had this, it would also have had the courage to ignore the State, to exercise its own inherent power of judging of the fitness of candidates for admission into its body, to admit them accordingly, to give them a certificate of their admission, which in the estimate of the public would be an adequate testimonial of professional qualifications, and to honour them by the title learned, or teacher, in the shape of the Latin word doctor. The State is power-

less to determine whether a man be learned, unless by a commission of learned men; what need, then, is there, when a body of learned men has pronounced a favourable judgment concerning the qualifications of any given person, that they should abstain from styling that person learned until the State has authorized them to do so. It can neither supervise their examination nor correct their judgment, and it is equally powerless to add or to take from the essential qualifications of the person in question."

Our advice to women desirous of a reliable testimonial of their competency to practise medicine is to co-operate in establishing a Board of trustworthy Examiners, whose certificate of medical efficiency might constitute as good a diploma as any now conferred by authority of Parliament or the Crown. And with respect to the studies necessary to qualify candidates for such a diploma, we maintain that women have already within their reach in this country adequate means of acquiring the theoretical knowledge of medicine, and that it is quite within their power to create, if they cannot find, the necessary opportunities for both "practical anatomy" and "hospital practice." Miss Garrett may have exhausted the resources of Apothecaries' Hall so far as her sex is concerned, but women have not exhausted the independence and the ability of those physicians who are already willing to come forward to instruct them. It is, on the contrary, well known that almost in proportion to the advance of modern scientific research has been the disposition of its leaders to encourage the studies of women and their efforts to fulfil nobler tasks. They may certainly claim several eminent physicians in this country as friends in their new undertaking. The efforts that have been made to open the hospitals of London to the observation of female students have indeed failed, but not without revealing an amount of liberality on the part of the physicians connected with them which may prove of much value in the future. And though after an attendance for some time on the practice of Drs. Chapman and Drysdale in the Farringdon Dispensary, ladies were excluded from it, several of the members, including, if we understand rightly, the chairman of the committee, declared that they were personally in favour of the admission of women to the dispensary, and that they only voted for their exclusion because their presence might, by being an offence to many subscribers, lessen the funds of the institution. But there is ample room in London for new hospitals and dispensaries, where men and women shall be admitted on equal terms. We therefore submit that it were well for English women desiring to become physicians, to try thoroughly the resources near at hand before they conclude to cross the ocean, or even the Channel.

The possibility that women, if adequately educated, may develop powers adapted to employments monopolised by men, has led

to a jealousy for female delicacy and elevation above work which is a little suspicious: men have never made an outcry against women's entering upon any occupation however hard or "degrading," unless that occupation were one in which they would compete with men!

However, mingled with some selfishness, there is no doubt more of honest prejudice in the opposition to all that tends to widen the sphere of woman's interest and usefulness. Every system tends to produce men in its own image, who will defend it to the last; and the living ideas or needs, however urgent, must long be ruled by sceptres held in the hands of skeletons. We may yet study with profit, as we did in 1832, the history of the proud city of Old Sarum. On that hill stood the grand old cathedral and the castle from which Roman and Saxon and Dane and Norman had successively ruled south-western England. An age of incessant warfare, made by the struggles of races, had decided that the city should be built on that hill. But when the first days of comparative peace came, the people of Old Sarum looked upon the green and smiling valley of the Avon near them, and said, "Why should we be perched upon this hill?" The yearning for the valley increased, until about six centuries ago the whole city went down into the valley, and a single generation saw the first stone of Salisbury laid and the last inhabitant leave Old Sarum. For several centuries now not even the outlines of the ancient city could be traced in the dust. And yet up to 1832, Old Sarum continued to send two members to parliament, as in the reign of Edward III. The two members were elected under an old tree, where in the presence of the sheep and grass the bailiff read the Bribery Act, proclaimed the elections, and so on. Thus did Old Sarum continue to make laws for England centuries after it had utterly disappeared from the earth, with the military exigencies which had built it. Something has been done toward abolishing the rotten boroughs of politics; but how many moral and intellectual Old Sarums are there which have crumbled with the conditions that produced them, but still manage to wield power and make laws for the living? Are not our universities really the rotten boroughs of monkish ages?

An English journal, in a late article against the enfranchisement of woman, claimed that her inability to be a soldier was the seal of Nature to her present inferiority of position. The able editor was perhaps unconscious of the extreme antiquity of his opinion, which was the echo of that of the first savage who ever knocked his child on the head because it was a female, and therefore unfit for the one object of life—warfare. An age in which war was the one interest produced that editor's idea as it built Sarum on a hill; but what meaning has it for an age that has abandoned the fortified crags for the green valleys of peace-

ful life? Government is not now a War Council. It concerns the every-day relations and the homes of men, women, and children; of education, art, and religion.

Having referred again to the fact that the social degradation of woman is traceable to her physical weakness in ages of war, we take this place to affirm that she can be justly excluded from any other sphere of life only by a degree of natural incompetence similar to that which incapacitated her for war. A stone that is fit for the wall is not left in the way, says the proverb; and Nature is too cunning a builder to put into the wall the stone that is unfit. If women are unable to help men in the court, the college, the government, there need be no restrictive laws to keep them out of these. But these things cannot be decided by prejudice. Women must be permitted to unfold their faculties freely, and their level must be determined by their real abilities and disabilities—not those arbitrarily assigned them by man. And thus far, we claim, the only occupations for which she has been shown unfit are those which are doomed to pass away, and which intelligent and good men everywhere are seeking to abolish. Woman, it is granted, is unfit for war; but who does not hope that war is passing away for ever? We are anxious to keep women out of the region of the mob-violence, partizan rancours, and intrigues, attendant upon elections; but what good citizen does not wish to purge politics of these base accompaniments? A French writer, Madame Sirault, has said "Every career from which woman is steadily repulsed by man is, by this fact alone, marked with the seal of death. The very repulse stigmatizes it. Man may not be conscious of what he does; but the career which is too vile for a woman to enter has already outlived all chance of reform, and must perish with its abuses." Her statement is true. And our trade, laws, politics, will then alone be sufficiently ennobled in the eyes of just and wise men, when a pure woman may mingle with them without danger or shame. It is significant that reformers are glad to accept the aid of women in their organizations; she is not out of place in their ideal societies. Her equality refers to happier and purer eras, as her oppressions refer to ages of bloodshed, tainted trade, and corrupt politics.

"God said, It is not good that man should be alone: I will make him an help meet for him. Then made he a woman, and brought her unto the man." So spoke the human instinct in ancient times. But presently man concluded that he knew better; and said, in the market, in the college, in public affairs, man shall be alone. And even in the home he determined that woman should enter at first only as a slave, and to the last only as an inferior. Nevertheless, through her own ability and his needs, woman gradually obtained in fact, though never in law, a

preponderant power in the homes of civilized society. Now compare this one sphere in which her equality is practically recognised, and her influence most felt, with any of those in which man has resolved that it is good for him to be alone. Compare a refined English home with English politics, diplomacy, litigation, colleges, international relations; and who does not feel that the latter are some centuries behind the former in civility and beauty? There is a taint of grossness or barbarism upon every department of the world from which woman is excluded; and every home in England writes upon our public affairs, "It is not good for man to be alone."

For ourselves we are not, in this matter, so much concerned for "woman's rights" as for the rights of mankind. We believe that the enfranchisement of woman would be the greatest contribution toward carrying the civilization of the home into the rank wildernesses of Statecraft; that the laws would be more just, wars more rare, and the relations of nation with nation less snarling and selfish, if they were not so unmitigatedly male. We believe that those who come after us will regard us as having been very stupid in going on from age to age with our repulsive social routine, our hard selfish politics, with their venality and general ugliness, while all around us lay unutilized the vast resources of moral feeling and refining power in the heart and brain of woman. We believe that man is *only* half living in so much of his world as woman is excluded from; that he is only half seeing truth, only half discovering the laws and the beauty surrounding him, because one of his eyes with a subtle light of its own is closed in the ignorance of woman.

But whether this creed be true or not, it will never be recognised in the organization of society until women have shown their ability to help the world materially in all these directions. As it is the rule of the British Constitution to admit classes to power only when there is more danger in keeping them out than in admitting them, so it will for a long time be the rule with our commercial Anglo-Saxon man to make changes only when they improve the column of profits and diminish that of loss. We have not the least faith that our solid men will suffer a sentiment to come between them and a solid advantage. If the most conservative man in England had consumption or epilepsy, and really believed that a certain woman could completely cure him, he would very soon find a propriety in female physicians. And the most respectable merchant would be found citing Portia, if with a law-case involving 10,000*l.* he fully believed that a certain female barrister could infallibly gain his cause. Therefore, the thorough education of women,—their admission to every advantage for training possessed by man,—seems to us the parent of all other reforms. Let there be the river, it will not fail to

find its channel, and the right path to the sea. Let women be known to have faculties available for definite work, and the sentimental will have to sigh over her deserted "sphere" in vain. It was long before female physicians were heard of—about 1745—that a woman in good society in New York, a Mrs. Lester, was known to have great surgical skill and medical knowledge, and in the course of thirty-four years she was called to attend 1300 important cases. A woman became chief calculator of lunar tables at Washington, because when Congress made an appropriation for a Nautical Almanac, she offered the most accurate work. Neither of these women failed to receive due applause from society. Mrs. Dall's excellent work is a cyclopædia of facts which show that woman's sphere will always be widened enough to include anything she can actually contribute to society. But her credentials must be verified, to use Margaret Fuller's phrase, by good work. We believe, therefore, that the first thing of all to claim for her is the right of education,—the right, that is, to be put in possession of the implements for her work. And experience has shown that this will not be fairly done until women are admitted to the same studies, in the same universities, with men. In every female college in the world studies are expurgated, qualified, selected, accommodated, to suit some preconceived nonsensical theory about woman's mind or woman's sphere. Thus she is shackled to begin with, and then held up to illustrate her inability to keep step with man. If a thing be true, a woman has, in her ability to learn it, the right to learn it; and in depriving her of a particular study, man may be withholding the particular ray of heat or light under which her special ability would unfold. It is a deep wrong that ages which held that women had no souls,—or made them slaves,—or fashionable toys,—or consecrated them to nunneries,—should still be represented in our laws, institutions, and colleges; and it is adding insult to the injury, when the machinery into which we place her turns out "the girl of the period," to hold her up to the scorn of the world as the best thing that woman has become in the noon of the nineteenth century. It comes to this: having by force taken possession of the means of education, men turn to cast shame on women that they are left outside! The fact is, the Egyptians believe that woman has no soul; the English believe she has no reason;—the wretched Ailmehs on the Nile are produced by one theory, and female frivolity in some and ruin in other classes are the fatal leaf and blossom of the other.

These Roman and Salic laws upon which our modern society is based are really decrees of divorce between man and woman, between their mutually supplementary powers. As Mrs. Dall has well said:—"Impulse, tenderness, and moral promptings, grow into tawdry sentimentalism when shut out from their fit

arena, when untrained to emulate a brother's active life. Coolness, forethought, and strength, grow into cunning, rapacity, and tyranny, when uninfluenced by that gentler element of your nature which God has placed by your side."

In the home we have succeeded, in civilized communities, in overruling to some extent this horrible divorce. The next step is to overrule it in the larger home where human minds are nurtured and trained for life—the school. And from these the sacred reuniting influence shall surely extend through all the departments of human life.

ART. VIII.—SEA-SICKNESS.

1. *Sea Sickness, and How to Prevent it: an Explanation of its Nature, and Successful Treatment through the Agency of the Nervous System, by means of the Spinal Ice-Bag. With an Introduction on the General Principles of Neurotherapeutics.* By JOHN CHAPMAN, M.D. Second Edition. 8vo. London: 1868.
2. *A Treatise on Sea Sickness.* By M. C. NELKEN, Doctor Medicinæ in the Faculty of Medicine in Paris. New York: 1856.
3. *Dictionnaire des Sciences Médicales. Article—Mal-de-Mer.* Par le DOCTEUR KERAUDEREN.

WHEN Cicero heard that his name was included among the three hundred senators proscribed by Marc Antony, he took refuge in a vessel and put to sea. There, however, his sufferings were so great that he felt even the inevitable fate awaiting him would be preferable to the horrors of sea-sickness, and returning to Gaeta he suffered decapitation. "Cum jactatione in navis, caeco volente flatu, pati non posset, Caietam rediit, et moriar inquit, in patria saepe servata."

Something of the physical and mental prostration that prompted the great orator to his desperate resolve we most of us have experienced, and can sympathise to some extent with the wretchedness which he must have endured. Considering the amount of distress arising from sea sickness, and the yearly increasing number of those who, for business or pleasure, have to subject themselves to the risk of suffering from it, it is certainly somewhat surprising that the medical profession have done so little towards elucidating its nature and treatment. In many of the most popular and scientific treatises on medicine it

is either not mentioned at all, or passed over in the most cursory manner. Why this should be so it is not easy to say. Possibly the learned authors confine themselves to the study of diseases which they actually witness, and, not being much in the habit of making sea excursions on their own account, devote but little study to a malady which they never have occasion to prescribe for.

It is not too much to say that the man who can teach us a simple mode of preventing it would richly merit the title of a public benefactor. How delightful would be the prospect of our continental excursions, if we had but a reasonable hope of being able to leave our sea-girt home without paying the usual tribute to our insular position. How well we can all recall the fear and trembling with which, on such occasions, we have approached the coast, the anxious study of the wind and water, and the horrible feeling of nausea which the very act of going on board so often has produced, until at last we are vividly reminded of the lines of the Scottish humorist :—

“ But O, it’s ill to bear the thud
And pitching o’ the saut, saut sea.”

These are all sensations too familiar to require description, and too unpleasant to be dwelt upon. We purpose in the following article to sketch what is known on the subject, and to show how modern physiological discoveries, more especially as applied by the talented physician whose treatise is placed first on our list of authors, are capable of throwing much light on the true nature of the disease.

The fathers of medicine, whose works usually form so rich a storehouse of facts, scarcely allude to it. Galen and Hippocrates are silent on the subject, and Plutarch is the first author who describes its symptoms and treatment. He, like many of his successors, broaches a theory with regard to its cause, attributing its occurrence on the sea, and not on rivers, to the powerful smell of the salt water, and the fears of the patient. More elaborate, but scarcely more tenable, explanations have been since advanced, to which we shall presently have occasion to allude, but before doing so it will be well to consider the too-familiar phenomena which the malady presents.

Actual vomiting is by no means the worst symptom of sea-sickness, and very frequently, except in serious and prolonged attacks, the distress is alleviated when this has taken place. It is often preceded, for a longer or shorter time, by a most distressing sense of nausea and prostration, giddiness, faintness, and an utter indifference to all that is going on around. The vertigo is generally accompanied by symptoms indicating defective circulation of blood through the systemic capillaries ;

the skin being ghastly pale, of a deadly coldness, and frequently covered with profuse clammy perspiration. There is often severe headache, the forehead being at the same time remarkably cold. Respiration is embarrassed. Diarrhœa, to a greater or less extent, is not uncommon. The tongue is white and loaded, and the appetite so entirely gone that the mere sight or thought of food produces a horrible sense of loathing.

Such are the most frequent phenomena, but fortunately they are not necessarily always met with at once, and there is great variety both as to their extent and the sequence of their occurrence; sometimes the nausea and prostration being the most marked symptoms, at others the vomiting and retching continuing with little or no intermission. When once the stomach is evacuated the sense of nausea and prostration are for a time diminished, soon, however, to recur if the voyage is prolonged, and to continue, with longer and shorter intervals, until the patient becomes habituated to his unstable abode. The length of time required for this purpose varies of course greatly with the individual. As a rule, in long voyages, three or four days may be taken as the average. Perhaps the ability to enjoy the excellent fare provided in most of the large ocean steamers may be taken as the best criterion of the patient having got over his first troubles, and it is not until at least that time has elapsed, unless the weather is exceptionally calm, that the cabin tables are furnished with anything approaching their full complement of guests.

Comparatively few can boast of a complete immunity from sea-sickness, and even those who pride themselves on their power of resistance, and fancy they are exempt from the sufferings of their fellow mortals, not unfrequently succumb during an exceptionally stormy passage, or when their systems are from any cause below par. It is difficult to glean any accurate data as to the number of those who escape altogether on going to sea. From the fact that the few writers on the subject have been landsmen, and that no sea-going surgeons have published their experience, there is great want of information on this point. Dr. Nelken informs us that on his voyage to America, the weather being moderately severe, out of five hundred and sixty passengers, there were only one hundred and fourteen, or rather more than one in four, who remained entirely exempt. In a recent voyage between Newhaven and Dieppe, when the weather was more than ordinarily severe, seventy out of ninety passengers were ill, a proportion very nearly the same as that reported by Dr. Nelken. The patentee of a remarkable belt, which professes entirely to prevent all discomforts at sea, tells us that on one occasion he was the only passenger out of two hundred and

thirty who escaped ; but as he attributes this extraordinary occurrence entirely to the effects of his invention, we are naturally inclined to accept his figures with some little doubt.

The power of resistance depends to a great extent on the constitution of the patient ; the robust and healthy suffering least, while those who are weak, and of highly organized nervous constitutions, are the most affected. Hence, as a rule, women are more susceptible than men, and require a longer time to become accustomed to the sea. This is not, however, without exception. It is well known that many strong and otherwise healthy men, who spend their lives as sailors, never entirely get rid of the tendency to nausea, some suffering for the first week or ten days of every voyage, others always becoming ill in rough weather. It is said that Lord Nelson himself was of this unhappy class, and we have been assured by a distinguished admiral that he never once went to sea without being more or less ill for a week.

The sickness generally completely ceases on reaching shore or harbour. A curious instance of this came under our own observation in the course of the overland voyage to India. There happened to be among the passengers a lady, whose general health was by no means bad. From the moment of leaving Southampton until her arrival in India she was so severely and incessantly ill that she was confined to her cabin during the entire passage. No treatment adopted had the slightest effect in checking the constant nausea. The moment, however, the ship dropped anchor at the various places touched, her sickness entirely vanished, and she was not only able to come on deck, but to go on shore and enjoy herself with the rest of the passengers.

Cases so severe are fortunately rare, but by no means unknown. In this instance there was no actual vomiting, but an intolerable sense of nausea. Sometimes, however, the retching and consequent prostration have been so severe and protracted, as to prove seriously alarming, and even fatal. Young children are in general happily exempt from the malady, which seldom shows itself before two years of age, and even after that time it is comparatively rare and of less severity than in adults. The lower animals do not escape ; horses, dogs, and sheep, being as liable to it as men.

In most cases the patients are in no way the worse for the sufferings they have to endure. On recovery they feel an increase of appetite, and, if the voyage is protracted, the bracing influence of the sea air soon enables them to make up for their temporarily enforced abstinence. It is not difficult to understand how a short and stormy passage, such as is so frequently met with in crossing the channel, may prove actually beneficial to those who are in the habit of devoting themselves on land somewhat freely to the pleasures of the table. In some diseases

rough sea voyages have been recommended as a means of cure. Amongst these are consumption, asthma, and hooping-cough. For the latter, one authority, whose practice would scarcely commend itself to tender-hearted mothers, advises a residence by the sea side, with the object of sending the patient out in an open boat whenever the weather is rough, until vomiting is induced.

Turning now to the theories that have been propounded to explain these phenomena, we find considerable difference of opinion among the authors who have written on the subject. Many of these explanations are purely fanciful, while others, professing to be of a more strictly scientific character, are based on evidently erroneous physiological doctrine, incompatible with the advanced knowledge of the present day. Before referring to Dr. Chapman's interesting exposition of the causes of the malady, which to our mind affords the only complete explanation of all its symptoms as yet produced, it may be advisable to revert briefly to one or two of the more reasonable hypotheses that have been broached.

Barris, a French writer on the subject, attributes sea-sickness to the apparent instability of all surrounding objects. The sea, he says, being in constant motion, and ever changing in its aspect, and the deck of the vessel itself never being for many seconds in the same plane, a peculiar effect is produced on the optic nerves, the result of which is to cause giddiness and nausea. Independently of its being extremely doubtful, and quite incapable of proof, that the movements of surrounding objects can produce any such effects, or that any such impression on nerves of special sense, even if produced, could be propagated to the brain, the fallacy of the theory is susceptible of a very simple and practical refutation. It would suffice, were this view correct, to place a bandage over the eyes on first starting on the voyage entirely to prevent any unpleasant results. The blind, moreover, might face the roughest weather in safety. It is to be feared that in practice the very simple precaution here suggested would prove very ineffective.

A more plausible explanation was advanced by Dr. Woolaston, in the "Philosophical Transactions."* His theory is that the liquids and solids of the body are subject to the laws of gravity under the influence of the rising and falling of the vessel. When the ship is descending into the trough of the sea, and seems to sink under the feet of the passengers, he supposes that the effect is the same as on the column of mercury in the barometer under similar circumstances, and that the blood will rise in the vessels.

* Philosophical Transactions, 1810.

An opposite effect will result on the ship righting itself. The consequence would necessarily be that the blood would no longer reach the brain regularly as before, but in alternate waves. This varying state of the circulation in the vessels of the brain would necessarily give rise to considerable disturbance, sufficing to start the morbid impulses resulting in vomiting.

The objections to this view are very plain. The vessels and their contents must maintain their usual relation to the body whether the ship be rising or falling, and the supposition that the blood is subject to the action of external impulses in the manner suggested is purely hypothetical. Were it so, the life of every animal would be constantly endangered from shocks and impulses, far greater than those in a pitching ship, to which it is daily subjected. Nor will the comparison of the blood in its vessels to the column of mercury in the barometer hold good. In the latter case the mercury is under the influence of purely physical influences, while in the former vital laws are in operation, regulating and promoting the circulation, and placing it beyond the operation of the physical laws which might otherwise affect it.

The nearest approach to a correct theory of the malady, and one in some respects closely resembling that held by Dr. Chapman, is propounded by Dr. Kerauderen, in his article in the "Dictionnaire des Sciences Medicales." He refers the sickness to reflex action arising from the shocks and disturbances to which the abdominal viscera are subjected during the pitching of the vessel. There can be no doubt that in the great law of reflex action the key to the phenomena of the disease may be found. That the disturbances to which the viscera are exposed act in part as excitors Dr. Chapman himself holds; but, as we shall see, he does not consider them to be the only ones. In order to understand clearly his doctrines, both as to theory and treatment, it will be necessary to recall to the minds of our readers the ordinarily admitted views as to the physiology of vomiting in general, as elucidated more especially by the researches of Marshall Hall, from which Dr. Chapman dissents in some essential respects.

The act of vomiting is now pretty generally admitted to be partly the result of energetic contractions of the abdominal and thoracic muscles, and partly of contractions of the muscular coats of the stomach itself. In ordinary respiration the combined actions of the muscles are so harmoniously arranged that the abdominal viscera are but little subject to compression. In tranquil breathing, when the diaphragm (the muscular partition between the thorax and abdomen) contracts during inspiration, the abdominal muscles are relaxed, and when, during

expiration, these become tense, the diaphragm, on the other hand, ascends. By this arrangement the stomach is saved from undue pressure. When vomiting is about to take place the act is always preceded by a deep inspiration, at the end of which the glottis becomes tightly closed. The abdominal muscles then contract firmly, and it may be spasmodically. The diaphragm, in consequence of the expansion of the lungs and closure of the glottis, no longer recedes as in ordinary expiration, and the stomach is thus subjected to firm pressure which compels it to evacuate its contents through its cardiac orifice, which is in an open and patulous condition.

That this may suffice of itself to empty the stomach is proved by the interesting experiment of Majendie, who substituted a pig's bladder for the stomach, the contents of which were expelled by the action of the expiratory muscles alone. There is good reason to suppose, however, that in most cases of vomiting the process is aided by contraction of the stomach itself, and very possibly, as Dr. Chapman believes, the disposition to nausea is first felt in that viscus, which makes an effort to expel its contents, the contraction of the abdominal muscles subsequently following. Now Dr. Chapman dissents from the ordinarily received views with regard to the nervous agencies through which these complex and co-ordinate actions are called into play, and his opinion on this point is of cardinal importance, because upon it is based his whole theory of treatment. Marshall Hall, whose views have been almost universally accepted, believed that the medulla oblongata is the chief nervous centre concerned in the act. The channels through which the irritations resulting in vomiting are conveyed to it he conceived to be the facial branch of the Tri-facial nerve, the gastric, renal, and hepatic branches of the Pneumogastric, and the intestinal and uterine branches of the spinal nerves; the reflected impulses to contract being conveyed to the expiratory muscles by the spinal nerves distributed to them. Dr. Chapman, on the other hand, is of opinion that, in the majority of instances, the reflecting centre chiefly concerned is not the medulla oblongata, but the spinal cord itself. He holds that the excitor impulses are conveyed, not through the channel of the Pneumogastrics, but by the agency of the Sympathetic nerves distributed to the viscera, and their inter-communicating branches with the cord.

In corroboration of this view he cites the careful and apparently conclusive experiments of John Reid, which seem to prove that when the pneumogastric nerves are divided, so far from the tendency to vomit being destroyed or lessened, as it ought to be were they the principal exciters of the act, the stomach, on the contrary, is rendered far more excitable than before. He says "So readily is vomiting excited in dogs by substances taken into the stomach after

section of the vagi, that in injecting various substances, such as prussic acid, laudanum, alcohol, &c., for purposes to which I shall afterwards have occasion to refer, I found it necessary to tie the œsophagus with a ligature to prevent their rejection from the stomach.* Now that distinguished physiologist was much too careful and painstaking to have made a mistake on such a point, and his experiments seem to prove conclusively that the pneumogastrics cannot be the chief excitors in the act of vomiting, and the sole channel through which the irritation could have been conveyed from the stomach after their division must have been the solar plexus and the splanchnic nerves. It is certainly somewhat curious that these views, published so long ago as 1839, have not only been overlooked by Marshall Hall himself, but also by the numerous writers who have succeeded him.

What the precise action of the pneumogastrics may be remains, therefore, somewhat doubtful. Dr. Chapman believes that they probably exercise a controlling, or inhibitory action on the stomach during digestion in connexion with the cerebral nerve centres, analogous to the controlling power of the encephalic centres in the muscles employed in standing and walking. He maintains that the results of his peculiar method of treatment strongly corroborate his view that the afferent and efferent nerves concerned in vomiting are mainly related to the spinal centres, which at once receive the impressions and originate the motions productive of the act. This is a line of argument he is perfectly justified in using, and it is in strict accordance with the ordinarily received methods of physiological research. Until, however, we describe the ingenious and original mode by which he professes to be able to exercise a controlling influence over the spinal nervous centres, we shall scarcely be in a position to appreciate his arguments on this point.

Before attempting any description of what is after all the corner-stone of Dr. Chapman's theories, let us see how he accounts for the phenomena observed in the peculiar variety of vomiting we are considering.

The main *proximate* cause of this disorder is, in his opinion, an undue amount of blood in the spinal nervous centres, and especially in those parts of them directly related to the stomach and muscles concerned in vomiting. The result of this hyperæmia is that the nerves emanating from the affected nervous centres partake of the undue activity of the centres themselves, and convey to their ultimate distributions an excessive amount of nervous impulses, which have the effect of disturbing the ordinary action of the organs supplied. Dr. Chapman conceives

* "Reid's Researches," p. 233.

that the irritations producing this effect in sea-sickness arise from three chief sources.

1. From cerebral movements.
2. From spinal movements.
3. From visceral movements.

The influence of each of these varying in different persons.

In cases in which the disturbances chiefly originate in the brain it is probable that that organ is peculiarly liable to concussion, either from there being a less than usual amount of cerebro-spinal fluid between it and the bony walls of the cranium, or from its undue susceptibility to shocks which in others would have no appreciable effect. That the size of the brain, and the amount of blood contained in it, vary greatly under different circumstances is readily proved by observations made on men and animals in cases in which a portion of the skull has been accidentally or purposely removed. Thus, during states of mental excitement the vessels enlarge, the amount of blood circulating in the brain is greatly increased, and the whole organ occupies a larger space than before. During sleep, or in a condition of mental inactivity, the converse takes place, and the brain contracts. The possibility of such alteration in size proves, as Dr. Chapman thinks, that the brain is capable of sufficient movement under external impulses to induce great cerebral irritation. The pitching of a vessel in susceptible persons may induce this effect, the brain altering its form with every rise and fall of the ship. Thus he accounts for that severe headache, accompanied with great heat of the head, which is sometimes a prominent form of sea-sickness.

The irritation induced in this manner is propagated through the medium of the medulla oblongata to the spinal cord, resulting in an undue flow of blood to the whole spinal axis, and a consequent great increase of its functional activity. Hence arise morbid impulses which are largely conveyed to the stomach and abdominal muscles, which thus become excited to increased action, and eventually the nausea and retching of sea-sickness result.

The peculiar anatomical arrangements of the spinal cord will suffice to account for the manner in which irritation in some cases arises in itself. The cylinder of nervous substance of which it is composed is enclosed in a fibrous sheath, within which is a vascular membrane, the pia mater, the cord being surrounded with water—the cerebro-spinal fluid. Within this sheath the cord is suspended by a series of lateral ligaments, called collectively the *ligamentum denticulatum*, which are closely connected with the pia mater. From this arrangement it follows, that when the body

is in an upright position, and exposed to the shocks arising from the pitching of the vessel, the cord must be constantly subjected to a series of slight jerks along the whole line of origin and attachment of the suspensory ligaments, the results of which will be to produce a considerable amount of irritation, and therefore necessarily an increased flow of blood. The movements of the brain just described also directly affect the movements of the spinal cord to a slight extent in consequence of the continuity of tissue between the two. In this way also may originate morbid impulses from the segments of the spinal cord connected with the stomach and abdominal muscles sufficient to result in vomiting.

The third source of irritation, from visceral movements, is the one to which Kerauderen alone attributes the phenomena of the disease, and it is one the agency of which is probably of much importance. It is not difficult to understand how great must be the disturbance of all the abdominal viscera from the constant movements of a ship in rough weather. The shocks to which all the contents of the abdomen and thorax are exposed, as the vessel pitches and heaves in every direction, must be very great, especially when the body is upright. This constant movement and impetus will necessarily produce an abundance of nervous impressions, which will be conveyed to the spinal centres through various channels, partly through the sympathetic and its spinal connexions, partly through the pneumogastrics themselves, and the result will be, as in the other cases, an undue amount of centric irritation, followed by hyperæmia, and resulting in reflex motor impulses to the stomach and abdominal muscles.

Which of the three chief sources of irritation thus described is most effective it is not easy to say. Probably their influence varies in different cases according to the idiosyncrasies of the patient, and the special susceptibilities of the organs affected. That they may each of them act, however, in the manner Dr. Chapman suggests, by inducing a preternatural flow of blood to the spinal axis, very little consideration will suffice to show; and it is only, if his views be correct, when the irritation has been sufficient to induce this hyperæmic condition, that the motor impulses resulting in vomiting are originated.

There is one cause of sea-sickness, to which we observe Dr. Chapman makes no allusion, which we cannot help thinking goes a long way in the occasional production of the malady, and which is, moreover, a fertile originator of many nervous diseases. We allude to the effects of imagination. Every passenger between Dover and Calais must have been struck by the determined preparations many make for being ill. We have over and over again observed people arming themselves with basins, and lying down in a helpless manner, before the vessel has even left the harbour.

Those who know, as all physicians do, the extraordinary effects of the imagination over the bodily functions, will not hesitate to ascribe to this pre-determination to be ill, a very considerable influence in bringing on the result which so generally follows.

There are certain accessory phenomena, frequently occurring in cases of sea-sickness, which are not explicable on the principles above described, such as the deadly pallor of the skin, the great mental depression, and the physical prostration, all of which go so far towards increasing the sufferings of the patient. For these also Dr. Chapman proposes an explanation, based on the action of the great sympathetic or organic system of nerves. One of the main functions of these nerves, as has been abundantly proved by the most recent physiological researches, is the control of the circulation in the blood vessels. Minute ramifications of the nerves are spread over the arteries, and by these are formed communications with the numerous sympathetic ganglia, which place the vessels under the direct control of the nervous system. Through these ganglia, acting as nervous centres, reflex actions take place, in the same way as they do through the larger cerebro-spinal centres. It is to be remembered, moreover, that impressions reflected through these channels are not necessarily limited to the particular nerves and ganglia at first involved, but are reflected and spread over a much wider area, in consequence of the intimate inter-communication of the nerves themselves, this close communication or sympathy being expressed in the name by which the system of nerves is generally known. The irritations caused in various organs by the motion of the vessel, as already described, produce impressions which are not only carried to the spinal nervous centres, but to the sympathetic ganglia as well, which become hyperæmic in precisely the same manner as the spinal axis itself,—this state of hyperæmia being rapidly propagated from one ganglion to another. The consequence will be that they also transmit to the nerves proceeding from them an unusual amount of nervous impulses, which stimulate to contraction the vessels to which they are distributed, and thus diminish the circulation of the blood through them. Now the pallor, coldness, and physical and mental prostration are all symptoms distinctly referrible to a defective blood supply through the systemic capillaries.

“This diminution and arrest of the peripheral circulation involve impairment of the nourishing and oxygenating processes throughout the body; and as animal heat is a result of the chemical changes constituting a chief part of these processes, the temperature necessarily falls when their activity is lessened. The skin, as the blood retires from it, becomes pallid, the muscles supplied less copiously than before become feeble, and the brain, having its sanguineous supply so far cut off that the forehead generally becomes strikingly cold, is rendered

incapable of either vigorous thought or feeling, and, in extreme cases, patients evince utter indifference, both intellectual and emotional, respecting persons and events around them."

We have thus attempted to describe, to a great extent in Dr. Chapman's own words, the ingenious explanations he suggests as to the causes of this distressing malady. The treatment he proposes, which we must presently proceed to describe, is a direct corollary of his views as to the proximate cause of the disease. If it be a fact that hyperæmia of the nervous centres is at the root of the mischief, the evident desideratum is to obtain some means by which the circulation in the affected parts can be controlled. This he lays claim to have discovered in the direct application of heat and cold to the spine, and he has worked out with considerable ingenuity a simple mode by which they may be applied.

Much of the doctrine which we have been discussing is necessarily theoretical, and however closely it may accord with admitted physiological facts, and however completely it may account for all the phenomena of the disease, yet, in the very nature of things, it must be beyond the possibility of accurate proof. The treatment deduced from it, however, is placed on a very different basis. This, at least, is within the province of every qualified physician to put to the test. It is now some four years since Dr. Chapman's proposals were placed before the profession, and it certainly does not redound to its credit that so little has been done either to prove or disprove their value. Had they been the crude and self-evident absurdities which are too often broached in medicine, one could understand the coldness and indifference with which they have been received. But as the calm and well-considered proposals of an accomplished physician, based on the most advanced science, professing to accomplish what no other mode of treatment can do, and supported by a formidable array of well observed facts, they deserve a very different reception from that which they have received. They merit at least a fair trial, and we are very sure that Dr. Chapman writes in too philosophical a spirit to wish for anything less. We feel convinced that he would be the first to deprecate their reception without farther research, and it is impossible to deny that he has been persistent, in season and out of season, in calling on the profession to investigate his statements for themselves. It is equally certain that no such investigation has been made. We doubt whether half a dozen medical men in London have made any accurate experiments on the subject, and the few that have done so have expressed themselves as surprised and pleased at the results they have obtained. Very possibly the parental fondness which Dr. Chapman clearly has for his method of treatment may have induced him to take an exaggerated view of its usefulness, and to

extend its application unwarrantably. This may, and probably has been, one reason why the profession have looked on his claims with distrust. But if this be so let us have the proof, and do not let us discard untried a remedy, possibly of great value, because its author claims for it a wider field of application than we consider it can possibly merit. Dr. Chapman will at least have the satisfaction of knowing that there is nothing singular in the contumely and indifference with which his views have been received. It were to tell a twice told tale to relate how many of the chief improvements in medical science, the value of which are now admitted without cavil, have been coldly received and strongly opposed when first broached. Vaccination, the ligation of arteries, the induction of premature labour, the use of chloroform, acupuncture, the principles of antiseptic treatment, have all in their turn been the subject of the bitterest invective, and the most determined opposition. These thoughts are well expressed in the eloquent words of a physician, who in after ages will be venerated as one of the greatest benefactors of the human race, but whose own improvements in medical science have during his lifetime met with the common fate we are deprecating.

“From time to time, in the march of medicine and other allied sciences, some earnest and expanded mind conceives and elaborates a great and novel thought, destined in its application to ameliorate the condition and promote the happiness of mankind. But hitherto almost as often as the human intellect has been permitted to obtain a new light, or strike out a new discovery, human prejudices and passions have instantly sprung up to deny its truth, or doubt its utility, and thus its first advances are never welcomed as the approach of a friend to humanity and science, but contested and battled as if it were the attack of an enemy.”*

Time must show whether Dr. Chapman's more extended views as to the treatment of disease are as valuable as he believes them to be. Personally we, like most of our professional brethren, were at first prejudiced against them, and it is only because we have met with some striking results, both in private and in hospital practice, that we are now inclined to look on them with favour. And it appears that there is now a by no means inconsiderable number of physicians who have tried the system in many various diseases, and reported favourably of it.† It is to be hoped that

* Sir James Simpson's "Obstetric Works," vol. ii. p. 517.

† The annexed extract from the Introduction to Dr. Chapman's work on Sea-sickness shows the number of diseases in which his spine-bags have been tried, with the names of the medical men who have reported favourably of their use.

“The following is a list of diseases which, as I am able to certify, have already

before very long the question may be taken up and put to the test of careful and accurate experiment, as has already been done in the case of chloroform and other subjects requiring investigation, by a committee of one or other of the medical societies. We are certain that Dr. Chapman would gladly submit his theory to an impartially conducted ordeal of this description. If they stand the test of careful investigation they will gain for him an enviable position as the introducer of an original and simple therapeutical system. In this place we have only to consider them as applicable to the subject we are specially discussing. Before doing so, however, let us glance at the more common methods of treatment employed.

By the universal admission of all who have written on the subject there is no remedial agent on which much reliance is to be placed. Many have been tried, and some are doubtless of

been treated successfully either by myself, or by physicians known to me, by modifying the temperature of some part or the whole of the region of the spine. The diseases are named in the order in which they occur in Dr. Farr's classification; and in a parenthesis following the name of each disease I have stated by whom it was treated. My own name is denoted by my initials only:—*Mumps* (J. C.). *Ague* (J. C.). *Influenza* (J. C.). *Dysentery* (J. C.). *Diarrhœa* (J. C.); D. M. Williams, surgeon, Liverpool; Dr. Moorhead, Weymouth; Dr. Wilson, Philadelphia; Dr. Waring-Curran, Bexhill; Dr. Fitzgibbon, of the West Indian steamship "St. Thomas"; Dr. J. S. Hackett, New Amsterdam, Berbice, British Guiana. *Cholera* (J. C.); Mr. Bencroft, Dr. Griffin, and Dr. Lake, of Southampton; Dr. Carpenter, Croydon). *Diabetes Mellitus* (J. C.). *Asthma* (J. C.); Dr. de Faye). *Spitting of Blood* (J. C.; Professor Beneke, of Marburg). *Inflammation of the Spinal Cord* (J. C.; Professor Morgan). *Apoplexy* (J. C.). *Pulsy* (J. C.; F. Broughton, F.R.C.S., surgeon-major, Bombay army; Dr. H. Benson, and Dr. D. B. Hewitt, Dublin; Dr. Blake, Leamington; Dr. E. R. Townsend, jun., Cork). *St. Vitus' Dance* (J. C.; Wm. Cross, surgeon, Clifton; Dr. H. Benson). *Delirium Tremens* (J. C.; Dr. N. J. Butler, and Dr. D. B. Hewitt, Dublin). *Insanity* (J. C.; Dr. Brereton, Sydney; Wm. Cross, surgeon, Clifton; Dr. O'Ferrall, Dublin). *Epilepsy* (J. C.; Mr. Ernest Hart; Dr. de Faye, Brussels; Dr. Griffiths, Camberwell; Dr. Barber, Ulverstone; Dr. Bunts, Woodford). *Hysteria* (J. C.). *Lockjaw, and allied Affections* (Dr. Todd; J. C.; Dr. Edmunds; Dr. J. Ogle; Dr. Roberts, Northallerton; Mr. Hargrave, Dublin). *Convulsions* (J. C.; Dr. Routh; Dr. Rogers; Dr. Waring-Curran; Dr. de Faye). *Laryngismus Stridulus* (J. C.). *Neuralgia* (J. C.). *Amaurosis* (J. C.; Mr. Ernest Hart). *Fainting Fits* (J. C.; Dr. W. S. Playfair). *Bleeding at the Nose* (J. C.). *Inflammation of Windpipe* (Dr. Barber, Ulverstone). *Bronchitis* (J. C.). *Pleurisy* (J. C.). *Congestion of Lungs and Pulmonary Apoplexy* (J. C.). *Constipation of the Bowels* (J. C.; Dr. Barber; Dr. J. Williams, Macroom). *Lead Colic* (Dr. de Faye). *Indigestion* (J. C.). *Persistent Vomiting* (J. C.). *Hæmorrhoids* (J. C.); *Muscular Atrophy* (J. C.; Dr. E. R. Townsend, jun.). *Diseases of the Urinary Organs* (J. C.). *Nettle Rash* (J. C.). *Chilblains* (J. C.). *The Sickness of Pregnancy* (J. C.; Dr. Routh); *Diseases of the Reproductive System* (J. C.). Each of the following gentlemen has treated one or more of these diseases: Dr. Fuller; Dr. Drysdale; Dr. Goolden; Dr. de Faye; Professor McLean; Dr. Harper; Dr. Rayner; Mr. Hammerton; Dr. Edmunds; Dr. Hayle; Dr. J. H. Benson. *Disorders of the Nervous System incident to the Turn of Life* (J. C.).

occasional service. Stimulants in various forms, and opium in severe cases, are those which have been most frequently found useful. But stimulants often make matters worse, and when most needed they cannot be retained on the stomach. At best they can only be of very temporary service, and their effects soon pass off, leaving the patient in a worse plight than before. Opium again is too powerful an agent to be employed except in aggravated cases and in long voyages. In short passages there is not sufficient time for it to act, and its after effects are too unpleasant to permit of its being employed except in cases of urgent necessity. When, however, the patient is much prostrated by constant and long-continued retching, there can be no doubt that a full opiate will often be of considerable service, although its action will be uncertain at the best. This, we fear, is all that can be said in favour of direct remedies.

There are, however, two other plans of treatment which are recommended by all writers on the subject, and which have doubtless the effect of diminishing the tendency to sea-sickness, and probably of making it less severe when it has occurred. These are the horizontal position, and the application of a tight belt or bandage round the lower part of the abdomen. The evidence in their favour is too strong to admit of any doubt as to their benefit, and they are so simple as to commend themselves to all bad sailors. Their mode of action is quite clear, and in strict accordance with Dr. Chapman's theory as to the cause of the disease. They both doubtless act by restraining the shocks to which the brain, spinal cord, and viscera are subjected during the pitching of the vessel. Curiously enough, they both have been the subjects of patents. One is for a chair or couch which is so constructed as to remain perfectly horizontal whatever may be the position of the ship; the other is for an abdominal belt or bandage by which firm compression may be kept up. It is evident, however, that these plans are only palliative, and though they may diminish the tendency to sickness, they cannot entirely prevent it, and certainly can do nothing towards curing it when it has once commenced.

As we have alluded to patents we may make a passing mention of one or two very remarkable contrivances for which the inventors have thought it worth while to obtain legal protection. They are of a nature to make it probable that the risk of the rights of the patentees ever being infringed is but small. One consists of an elaborate apparatus by which the motion of the vessel is counteracted by placing between it and the body another medium which does not follow the movements of the ship, but communicates to the body a motion in an opposite direction. To effect this object the patient is placed on a plat-

form which is worked in various directions by a small steam engine. By most the remedy would probably be considered worse than the disease, and we are not given to understand that any one has yet been found sufficiently venturous to put it to the test of actual experiment. Another is, if possible, still more ingenious and formidable. It consists "in the use and application of balloons." These are attached to seats, which are supported beneath by a ball and socket joint, the seats being suspended in the air by means of the balloons. A Channel steamer in which all the passengers crossed in mid air by means of this remarkable contrivance would doubtless present a novel and curious appearance.

Dr. Chapman's remedy is certainly simpler, and, if the reports of those who have tried it can be believed, so effective as to merit the serious attention of all who dread the horrors of the sea. It consists in the application of ice, contained in peculiarly constructed caoutchouc bags, along the spine, with the view of counteracting the hyperæmic condition of the spine and nervous centres, to which Dr. Chapman attributes so important a part in the causation of the disease. He maintains that the action of the ice is directly sedative to the parts over which it is applied, and by this means the functional activity of the cord is diminished, and its automatic or excito-motor power much lessened. Amongst other effects a diminution of muscular tension, of sensibility, and secretion, and an increase of the peripheral circulation and of bodily heat, are produced, in a degree proportionate to the extent to which *previous to the application* there was an access of muscular tension, of sensibility, and of secretion, and a *deficiency* of bodily heat. If this be the case, its action on sea-sickness, which, according to the theories above described, so largely depends on the existence of the latter conditions, and of excessive reflex action, is abundantly evident.

As just stated, Dr. Chapman claims for his system of treatment a remarkable action in modifying the circulation in the vascular system. Its *modus operandi* in this respect is based on the power which recent physiological discoveries have shown that the sympathetic system of nerves exerts in controlling the contraction and dilatation of the blood vessels. By partially paralyzing the nerve-centres, through the agency of ice, the nervous currents emerging from them are lessened, and, as a consequence, the contractile power of the muscular coats of the arteries, to which these nerve currents pour, is diminished, while the arteries themselves are rendered more easily dilatible and the flow of blood through them facilitated. We have already shown how the pallor, coldness, and other accessory

phenomena of sea-sickness, very probably depend on contractions of and defective circulation through the systemic capillaries, and it follows that any agent which facilitates the dilatation of these vessels, and increases the flow of blood through them, will of necessity tend to remove the morbid phenomena resulting from the opposite condition.

Dr. Chapman professes to be able to produce exactly the opposite effects by the application of heat to the nervous centres, by which means the circulation in them is increased, the activity of the nerve currents issuing from them heightened, and as a consequence, the contractive power of the systemic capillaries also increased, and the flow of blood through them lessened. In fact, as he states, a very good imitation of the disease, and comprising all its elements, may be artificially produced by heat thus applied. And as this disease pervades the whole body, disordering alike the functions of the nervous, muscular, glandular, and circulatory systems, the only efficacious remedy for it must be one the power of which is co-extensive with and equal to that of the disease itself, and must be at the same time capable of influencing each of those systems in a manner precisely opposite to that in which heat as well as the cause of sea-sickness operates.

If these results be really procurable, their therapeutical application in a large number of cases must be great; and indeed Dr. Chapman applies his system to many diseases besides the special complaint we are considering. Into a consideration of these, however, the scope of this article prevents us following him, and we must content ourselves with enquiring whether the results of the application of his remedy bear out the pretensions he advances on its behalf. By this test, indeed, the truth of his theory must stand or fall, for it is impossible to prove its correctness in any other way. Let us see what those who have used it have to say on its behalf.

In an appendix to his work Dr. Chapman relates thirty-seven cases in which the ice-bags have been used in voyages of various duration, in all of which the results have proved highly satisfactory. Space will not admit of more than one or two extracts, but these will suffice to show the action of the remedy. One of the most remarkable cases is that of Mrs. H.,* which is the more trustworthy as we have the results of the treatment recorded in her own words. This lady suffered extremely at sea from sickness and intense headache, and on two occasions had a series of epileptic fits, induced by the ship's motion. On one occasion she was

* *Op. Cit.*, Case II.

carried from the vessel in a condition described by the medical attendant as that of a person "at the point of death."

As she was so extreme a sufferer, Dr. Chapman determined to cross the Channel with her himself, and the results of his experiment may be given partly in his, and partly in her own words.

"May 12, 1864. We left London by the tidal train for Boulogne. While in the train Mrs. H. had headache and felt sick. As soon as we reached Folkstone, and before going on board the steamer, I applied an ice-bag to her back; it extended along the lumbar, dorsal, and the lower half of the cervical region, and was outside her thin dress. She wore no stays. She remarked that the sensation caused by the cold was very agreeable. The steamer left Folkstone at 1 p.m. The day was clear, warm, and fine; there was a tolerable breeze, but the sea was so far smooth that only three of the passengers, whom I observed, vomited. I did not feel the least nausea.

"Soon after the steamer started Mrs. H.'s head became hot and very painful, and her cheeks flushed. She said her headache was of a kind peculiarly intense (a sense of extreme pressure), and never felt by her except when at sea. I therefore placed a silk handkerchief between her neck and the bag, extending it downwards between the shoulders. Her head then became gradually better, and before long quite clear and free from pain.

"She felt the cold to the back peculiarly grateful, but wished it more intense; the bag was therefore placed next her skin. This change delighted her; but she said the bag did not extend low enough down. I then applied a second bag in the lumbar region outside her dress; this addition was felt to be a great improvement. Before the bag was placed next the skin she felt fearful she should be sick, but afterwards this fear soon passed away, and she reached Boulogne without any sign of sickness.

"At one part of the passage she said, 'There is a strange contest going on within me, one force against another: the body seems to say "I will be sick," the ice, "But you shan't."'

"Ordinarily she could not have borne the ice two hours without becoming ill; but during the passage she thoroughly enjoyed it, and craved for it still colder. After the ice had been placed next the skin, she felt so well that she wanted a beefsteak on board the boat. She bore the whole journey to Paris immediately afterwards remarkably well, eating a hearty dinner at Amiens. Being, however, without ice, which, applied to her back, would have prevented the sickness caused by her travelling by rail, she felt sick before reaching Paris, and threw up her dinner on arriving at the station.

"After reaching Paris she wrote me the following letter:—

"Hôtel de Londres, 5, Rue de Castiglione,
"Paris, 14 May, 1864.

"DEAR DOCTOR,

"At your request I write you my impression of the value of the

experiment, made on the 12th instant, in order to test in my case the power of ice in preventing sea-sickness.

“Merely to say that I crossed the Channel without being sick and without feeling nausea, and that I ascribe this fact to the ice applied to my back during the passage, would in no sense convey to you my estimate of the value of your discovery. You must know what a victim I have been on all previous occasions when on the sea before you can understand the inexpressible relief I now feel in thinking of having to cross the Channel or to make a sea voyage.

“In the first place, I so easily become sick that I often am made so by the movement of a railway carriage. Previous to my passage from Folkstone to Boulogne on the 12th instant, I had crossed the English Channel fourteen times, and the Irish Channel twice. I have been to the Isle of Man, and I have been in steamers between Liverpool and various parts of the Welsh coast at least two hundred different times. On all these occasions, excepting three or four, I suffered fearfully from sickness; during the three or four times when I escaped sickness the sea was as smooth as glass, but even then, after I got on shore, I either vomited or was ill. I am so prostrated by the effect of the movement, that on two occasions it has been necessary, when the vessel arrived in port, to carry me on shore. Once in Liverpool I was so deadly cold and stiff that it was deemed expedient to put me in a warm bath, just as I was taken out of the vessel, and the two physicians attending me expressed their belief that I was on the point of death. On this occasion I was a prisoner in the hotel, confined to bed six days, and even when sufficiently recovered to leave the hotel I was obliged to be carried from the room to the carriage in which I left. This is the only time when I have suffered so severely, but on almost every occasion I was ill for several days after landing from the vessel.

“You will now be able to form some idea of the horror with which I have always contemplated the prospect of a sea passage, and of the unspeakable blessing which your discovery has conferred upon me as all who suffer like me. Indeed, such have been my usual feelings about crossing the Channel, that even when I had reached the French coast, saved from all suffering, it seemed almost impossible for me to realize the fact, and I could not help relapsing unconsciously from time to time into the old feeling of terror at what I used then to suffer.’”

The following cases are not so aggravated, but they may be taken as fair average examples of the action of the remedy :—

“CASES XIX., XX., and XXI.—Early in the month of August, 1865, a lady, accompanied by her son and daughter (whose ages were probably between fifteen and eighteen), called upon me to tell me of and to express her thanks for the benefit they had received from my remedy for sea-sickness. She stated that her children as well as herself were great sufferers from sea-sickness; that, therefore, learning of my discovery in Paris, they resolved to have recourse to it when returning to England. They crossed from Calais to Dover on Sunday,

July 30, 1865, and at starting ice was applied along the whole spine of each of them. They lay upon the ice, and all three were quickly asleep, and continued sleeping until the ice was melted, when they found themselves within ten minutes steaming of Dover pier.

"CASE XXII.—In the latter part of 1865, Mrs. Charles Darwin wrote to me, that her son had recently experienced the benefit of the spinal ice-bag, while passing from Holyhead to Ireland, 'on a rough morning.' She said, 'He is very subject to sea-sickness, and is convinced that, without the ice, he would, on this occasion, have been very bad. He put on the bag soon after starting, when already disordered, and at once felt relief.'

"CASE XXIII.—Mrs. N., who when at sea, unless it is as calm as a lake, always suffers from violent sickness and extreme prostration; often also from cramps and diarrhœa, crossed from Boulogne to Folkstone.

"During the previous day there had been such a strong gale that no steamer ventured out from either of those ports; and although when she crossed the wind had abated, the sea was still running very high. Immediately she got on board the steamer an ice-bag was applied, next the skin, along the whole spine. She lay upon the bag all the time during the passage. Meanwhile great care was taken to keep her warm. A hot-water bag was applied to her feet, and her head, which, during sea-sickness, is liable to become remarkably cold—as is the case with many other sufferers—was surrounded by a woollen shawl. She fell asleep about ten minutes after the vessel started, and notwithstanding the great roughness of the sea, she continued sleeping until woke up by the noise caused by the steam which was let off when the vessel reached the Folkstone pier.

"This lady, who had been residing some time on the Continent, was only just recovering from a very severe illness when she crossed the Channel. She was so feeble that her medical attendants strongly disapproved of her intention to go to England, and one of them, a very distinguished physician, thought her resolve so recklessly imprudent that he not only refused to sanction it, but requested to be absolved from all responsibility in connexion with it. And he seemed to be justified, for she fainted from sheer weakness while being transferred from one vehicle to another before she was got on board the steamer. Nevertheless, she crossed the Channel when it was extraordinarily rough, without sickness, lay in tranquil sleep nearly the whole way, and on arriving at the Folkstone Hotel was enabled to enjoy her dinner much better than she had done for several weeks previously."

To the medical mind the most satisfactory evidence would be that of medical men who had tried the remedy on their patients. Reports of this kind are at least free from the supposition of being coloured by imagination or undue predilection for the treatment. Unfortunately, seafaring surgeons share the prejudices of their brethren on shore, and very few of them have thought it worth while to give the remedy a fair trial.

The following letter is published in the "Philadelphia Medical and Surgical Reporter":—

"The case which I am about to relate is as conclusive as a single case can be, in regard to the great practical value of Dr. Chapman's discovery:—

"Early in the present spring I was consulted by a young married lady, as to the best means of preventing sea-sickness during a proposed voyage to Havannah. She was a person of excitable nervous temperament, and delicate organization; during the winter had been subject to constant attacks of coryza and bronchial catarrh, and was then in the third month of pregnancy. I procured an eighteen-inch ice-bag, and gave her husband full instructions as to its use. It was first to be applied from the nape of the neck directly down the spine, as far as it would reach, all three compartments being filled. If severe headache, with flushed face and throbbing of the temporal arteries came on, the upper section was to be emptied of its ice—the others remaining full: and if pain in the chest supervened, the middle, or even the middle and lower ones were to be emptied, the upper one being full.

"The outward voyage was extremely calm, and our patient suffered only from slight nausea, which, however, was always relieved by the ice-bag. Emboldened by her seamanship and experience, and greatly benefited by her open-air life in Cuba, she determined on her return to make no use of the ice, but by remaining constantly in the fresh air on deck, to bid defiance to the enemy. Unfortunately for her resolution, but fortunately for the reputation of the treatment, the homeward trip was very different from the outward.

"No sooner did the steamer reach the mouth of the harbour than she struck a heavy cross sea, and from that time until they came into port, four days and a half, they were in very rough water.

"Mrs. — took occasion, as they steamed down the quiet bay, to fortify herself with a good dinner, and on the strength of it went up on deck just as the vessel began to feel the waves.

"She soon became nauseated, and in half an hour was obliged to walk to the side of the vessel and relinquish the meal upon which so much dependence had been placed. This she was able to do unaided. In about fifteen minutes, however, being again called in the same direction, she could not walk without assistance. Violent and distressing retching now set in, with scarce a moment's intermission. She rapidly became prostrate, the blood leaving the head and extremities, which were very pallid and cold, and what was still more alarming, severe spasmodic contractions of the muscles of the extremities, with intense pain in the lower part of the abdomen, set in. I had warned her husband of the danger of abortion from the violent action of the abdominal muscles, and the ordinary remedies for sea-sickness having been exhausted in vain, he now became alarmed, and resolved to apply the ice without further delay.

"Obtaining assistance, he carried his wife, more dead than alive, and conscious of but one desire, as far as her anæmic brain was

capable of consciousness—namely, that of being thrown overboard—down to the state-room, and had the ice-bag filled in all its compartments.

“The effects of its application were little short of miraculous. In three minutes the retching ceased and the spasms were calmed. In a quarter of an hour she had fallen into a quiet sleep; and in half an hour her hands and feet were of natural warmth, and her face had regained its wonted colour. In two hours she awoke, greatly refreshed, and ate two slices of toast with a cup of tea, and from that time did not miss a single meal. At eleven o'clock that night, slight symptoms of disturbance returning, the ice was at once re-applied, with most satisfactory results. She slept peacefully all night, although the sea was very rough, finding no inconvenience from the cold poultice, *except when it happened to be pushed off the spine.*”

“It was applied again before breakfast the following morning, and after this, about five minutes before each meal, being allowed to remain on until the ice was melted, usually about two hours. On the third day she began to experience some pain in the chest, and her husband removed the ice from the middle partition, with the result of its disappearance. A few times it was necessary to apply it between meals, or on going to bed, but generally the three applications daily proved sufficient. I have seen as yet no history of a case in which this method of treatment has been tried on a long voyage, as across the Atlantic. Dr. Chapman's cases were only during the few hours required to cross the Channel. Mine, I think, covers a greater length of time than any yet published; and I can see no reason why the process may not be successfully extended over twelve days as well as four, with proper care and management.

“BENJAMIN LEE, M.D.,

“109, South Broad-street, Philadelphia.”

“May 25th, 1866.”

Mr. S. M. Bradley, one of the surgeons on the Cunard line, reports as follows:—

“*In severe cases, where other remedies have failed, I have very generally found it (the spinal ice-bag) do great good. I have applied it to young children, delicate women, and old people. In no case does it do harm; but in the great majority of instances it soothes the nervous irritability which so commonly accompanies sea-sickness, induces sleep, and so enables the stomach to receive light food, and consequently relieves exhaustion. . . . I order it to be kept on a couple of hours; though, if the patient sleeps, as is often the case, I never remove it until after waking.*”

These extracts may be allowed to speak for themselves. They at least are sufficiently striking to make it the duty of all sea-going surgeons to give a fair and unprejudiced trial to a method of treatment so simple and apparently so efficacious. Were this done we should soon be able to know whether more extended

experience bears out Dr. Chapman's anticipations. When we consider that several years have elapsed since the treatment was first proposed, and that hundreds of passengers are daily leaving our shores who would only be too rejoiced to resort to any measure which promises a chance of relief, it is really quite surprising that it has not been more generally tried. When we hear, however, that even the proprietors of one of our principal steam-boat companies have threatened with dismissal a surgeon who applied spinal ice-bags, on the plea that he was making unjustifiable experiments on the passengers, we can scarcely be surprised that it takes some time to overcome the prejudices of the many who are always ready to look with suspicion on all that is novel and opposed to their former views.

Possibly an unfounded dread that the long-continued application of ice may be dangerous, has stood in the way of the remedy being fairly tested. It certainly has been the doctrine of the schools that ice applied for a length of time to the spine, as in cases of tetanus, had a powerful influence in diminishing the force of the circulation, and was a remedy to be used with the greatest caution. So far from this being the case, our author holds that it produces directly opposite effects, and stimulates the heart's action, and increases the circulation, except under very rare and exceptional circumstances, when, from causes described in his work, but into which space will not allow us to enter, the contrary effect may be produced. We have ourselves repeatedly used it in the treatment of various affections in women and young children, without ever observing the slightest unpleasant consequences, and often with decided benefit. So far from being disagreeable, patients have generally expressed themselves as finding it a comfortable and pleasant application.

Undoubtedly the chief obstacle in the way of resorting to it in sea-sickness is the difficulty of obtaining the necessary apparatus. For passages of short duration, such as between Dover and Calais, those who wish to make use of the remedy can readily enough take it with them from London by filling a bag before starting, and carrying it down either wrapped up in shawls or surrounded with sawdust. One bag usually lasts for two hours, and suffices for the Channel passage. But even this involves more trouble than most people will be inclined to take, and it is certain that the remedy can never come into general use until the managers of passenger ships are prevailed upon to keep a supply of bags and ice for the use of passengers. One can see no reason why steamers should not be regularly supplied with ice-bags to be lent or hired out to the sick, and they would certainly be a pleasant substitute for the basins which are now so freely distributed.

As some of our readers may possibly desire to test the efficacy

of Dr. Chapman's views for themselves, it may be of some assistance to them briefly to describe the mode in which the ice is to be applied.

I. The bag in which the ice is placed is made of india-rubber,* and, for convenience sake, is divided into three compartments by india-rubber septa, its mouth being closed with a brass clamp. At its upper part is an elastic band to pass round the head, by which it is kept in position.

II. The three divisions are respectively filled with small pieces of ice about the size of a walnut, taking care that it is not packed too closely, or it will not touch the back in its whole extent.

III. The bag is best applied by lying on it, the elastic strap being passed over the forehead. It may, however, be kept in position by fastening the dress over it.

IV. In cases of sea-sickness it is to be applied from the top of the neck to the lower part of the hollow of the back. It will generally be sufficient if it is placed outside the shirt or chemise, but it will be more certain in its action if the bag is placed in direct contact with the skin. It may readily be pushed into position without much derangement of the dress.

V. The part on which it is most important to keep it closely applied is that portion of the spine extending from the lower angles of the shoulder-blades to the lower part of the hollow of the back. Great care should be taken to prevent the bag slipping up to the back of the head. If headache be produced, and if the forehead be at the same time distinctly warmer than usual, a folded handkerchief should be placed between the upper part of the bag and the skin.

VI. Persons naturally liable to sea-sickness should not only apply the bag directly to the skin, but also for half an hour or an hour before they go on board.

VII. The ice should be applied uninterruptedly, without even the intermission of a few minutes, and for this purpose it is advisable, on long voyages, to be supplied with more than one bag to prevent delay in changing.

VIII. Persons with delicate chests and subject to coughs should use the remedy with caution, and under medical advice, as Dr. Chapman believes that it is likely to produce congestion of the lungs and increase of cough in people with phthisical tendencies, if applied along the dorsal vertebræ *when they are not sea-sick*.

This, then, is the remedy and its mode of use. Let us hear Dr. Chapman himself as to the results he anticipates from it:—

“As a general rule, liable to few exceptions, the effect of this simple

* The bags may be had of any respectable chemist.

expedient will be the annihilation of all unpleasant symptoms; the sickness will stop; if diarrhoea is present, it will be subdued; if the patient is only threatened with it, the attack will be averted; if there be headache, with coldness of the forehead, the pain will vanish; the cold, clammy sweat will cease to be exuded; the cold skin will become warm again; the muscular system will regain its usual strength; the mind will recover its energy and pleasurable interest in surrounding objects; and the sickly, pallid features will resume their expressive energy and healthy hue."

If experience establishes only a tith of this promising programme, the discoverer may well congratulate himself in having imagined and worked out a means of alleviating one of the most distressing maladies which flesh is heir to.



ART. IX.—MIDDLE CLASS SCHOOLS.

THE general awakening on the subject of Education has brought nearly all its branches prominently before the public mind. All kinds of education are now under discussion; and while more exciting topics may for the moment place them in the shade, these educational problems are recognised as the great social questions of the day. They are the questions upon which it is acknowledged that the best wisdom of Parliament must be employed at the earliest opportunity. Primary education, secondary education, superior education, technical education, are all before the public mind. It is agreed on all hands that it is the duty of the State to provide more efficient means for the primary education of the people, and many hold that increased facilities for acquiring superior education ought to be provided by throwing open the ancient universities to non-resident students.

Second in importance only to the question of primary education is that which deals with the sort of education provided for the middle classes of the country. Those middle classes are only less numerous than the great masses for whom sufficient means of obtaining elementary education have yet to be provided, and their position in the community is one of yearly increasing importance. The position of the middle classes of England is such, indeed, that their intellectual condition may be said to fix the intellectual condition of the country. It is from their ranks that the energy, the judgment, the scientific skill, and everything that most powerfully affects the material interests of a nation,

have mainly to come; and it is therefore a question of high national importance how the best means can be devised for securing to those classes efficient means of secondary education.

The issue of a Royal Commission to inquire into the condition of endowed schools was therefore fully justified by the importance of the subject. The public knew that there existed in England a large body of endowed schools designed to give secondary education, but while there was obvious a great want of confidence in them, very little was positively known as to their actual state. The conditions of their existence placed them altogether beyond public control, and made them independent of public opinion. They derived their funds from foundations established in ages long past, and the only duty incumbent upon those conducting them was to observe the written instructions of the founders. Whether or not these schools were doing good educational work no one knew, for no one had the right to ask anything about them.

In December, 1864, a royal commission was issued authorizing Lord Taunton, Lord Stanley, Lord Lyttelton, Sir Stafford H. Northcote, Dr. Hook, Dr. Temple, the Rev. Anthony Thorold, Mr. Thomas Dyke Acland, Mr. Edward Baines, Mr. W. E. Forster, Mr. Peter Erle, Q.C., and Dr. Stonor, to inquire into the state of the schools for secondary education. Their province was bounded on the one hand by the scope of the commission issued in 1858 for inquiry into the state of the primary schools of the country, and on the other by the scope of the commission of 1861 for inquiry into the state of the nine great schools of Eton, Winchester, Westminster, Charterhouse, St. Paul's, Merchant Taylors', Harrow, Rugby, and Shrewsbury. All the schools between these two categories fell under the new commission; and besides being required to report upon the actual condition of the schools, the commissioners were enjoined to "consider and report what measures, if any, are required for the improvement of such education, having especial regard to all endowments applicable or which can rightfully be made applicable thereto."

This commission opened up so vast a field of inquiry that we need not wonder that the work has taken three years in the doing, or that its results fill twenty thick volumes of reports. Over eight hundred schools had to be separately inspected and reported on; a vast number of witnesses had to be examined; a great mass of documentary evidence had to be obtained; and in order to bring the experience of foreign countries to bear, assistant commissioners had to be sent to New England, Canada, France, Italy, Prussia, and Switzerland, as well as to Scotland; and the valuable evidence so obtained had to be thoroughly

classified and considered. The work was worth doing well, and the only regret we have about the voluminous character of the Report is, that it will frighten away all readers but those who take a very special interest in education.

The work of the commissioners was divided into two parts, one of which followed as a consequence of the other. They had first to ascertain the present condition of middle class schools, and next to suggest means for their improvement.

The middle class schools of England are of three distinct orders,—endowed grammar schools, proprietary schools, and private schools. All these fall under the terms of the commission, but as the endowed schools form the only class with which the State has an equitable right to interfere, the question of middle class education as determinable by the State will mainly depend upon their condition. The proprietary and private schools are the property of individuals, and it would require a very strong case of public necessity to justify State interference with them ; but the endowed grammar schools are public schools, held in trust for the public good, and the right of the public to see that they are conducted so as to secure the greatest amount of public good obviously stands upon a very different footing in their case.

These three orders of schools have severally the distinctive features that naturally grow out of their different conditions of existence. The grammar schools, subsisting upon funds appropriated to their use generations ago, have little inducement to accommodate themselves to the wants of the times. The masters are appointed under the ancient statutes of the school, and unless he be a pushing man who wishes to keep up with modern progress, he is entirely beyond any kind of control exercised by public authority or public opinion. So long as he teaches, in any manner, the subjects enjoined by the founder, he is secure in his position, whether his school be empty or full ; and so it generally happens that grammar schools give little or no instruction save that teaching in the dead languages which the will of the founders and the interpretation of the law courts make obligatory.

The private school is the converse of the endowed school. It exists only by meeting the educational wants of the hour. Parents who cannot get what they want at grammar schools, go to these private schools, and there they find masters willing to teach anything they please. Good schools of this kind give parents both the choice of subjects and a good quality of teaching ; but the general characteristic of private schools is the choice of subjects which they offer. Often this choice of subjects is given at the sacrifice of solid advantages, for while the grammar school pur-

sues a system of education that is not altogether to the mind of the modern parent, the private school often pursues no system at all. A parent is not always the best judge of the details of his son's education, and the excessive influence which parents cannot fail to exercise over the management of a school established for the personal profit of the master must always be a serious defect of the private school system.

The proprietary school stands between, and above, the private and the endowed schools. It is established for the express purpose of avoiding the defects that we have seen attach to the private and endowed school systems. Being free from the domination of founders' statutes, the proprietors can change the curriculum according to the changing requirements of the age; and having none of the commercial spirit that must make itself felt in the private school, it is free from the tendency to give as little real education as possible in return for as large a fee as can be got. The multiplication of such schools might be the best mode of meeting the demand for better secondary education, but unfortunately there is no prospect of such a multiplication taking place. The number of people who take such an interest in the education of their children as to make them willing to erect proprietary schools is very small, and we cannot look to any large increase in the numbers of scholars enjoying the advantage of the education they provide.

There are in England and Wales 782 endowed schools which in whole or in part devote themselves to the work of secondary education. They have a net income of 195,184*l.*, and 14,264*l.* per annum in the shape of exhibitions. They educate a total of 36,874 boys—9279 boarders and 27,595 day scholars. Some of these scholars are really only receiving elementary instruction; but for the purpose of the calculation we are about to make, we shall regard them all as scholars in secondary education. The nine great public schools educate 2956 boys, and the proprietary schools 12,000. This gives a total of less than 52,000 boys receiving secondary education in the endowed and proprietary schools of the country. As it is calculated by Dr. Farr that there are in England and Wales 255,000 boys of the age and social status to require secondary education, it appears that the public and proprietary schools educate less than 20 per cent. of our middle class youth. Over 200,000 boys must, so far as they get secondary education at all, be educated at private schools.

The largeness of the proportion of scholars educated in private schools arises from a variety of reasons. It is, of course, clear that the existence of private schools is of itself a proof that the endowed schools of the country are insufficient to meet the educational demands of the community, since parents would not

select a private school in which the full price must be paid for the education given, if they could get what they require in a school enjoying the advantage of an endowment. The total number of endowments for secondary education does not appear to be sufficient to meet more than a small portion of the demand. The manner of their distribution greatly aggravates this insufficiency, for while many important towns and districts are altogether unprovided with endowments, there are other places in which educational endowments are so rich and numerous that the population is not great enough to take the full advantage of them. In at least two-thirds of the towns of England there is no public school above the rank of a primary school, and in the remaining third the school is often insufficient in size and quality. Another important deduction has to be made from the sufficiency of the endowed schools, on the ground of the unsuitableness of the education given by them to the requirements of the general public of our day. When all these deductions are made from the efficiency of a system of schools at best much too limited to meet the demand for secondary education, we can well understand how it is that four-fifths of the middle class community are obliged to send their boys to private schools.

The condition of those private schools is not such as to make this fact an agreeable one. In a set of establishments so numerous and so varied, so entirely free from any kind of organization and control, there must necessarily be every degree of goodness and badness. The pictures drawn of them by the assistant commissioners vary from "good" to "exceedingly bad." In some cases the masters were found to be intelligent and conscientious men, and in such cases the faults of the school were mainly attributable to the fact that the masters were obliged to conform to the caprices of less intelligent parents. In others the assistant commissioner reports an alternation of "honest incompetence" and "successful charlatanism," with good and solid work. There is evidence of great improvement in the character of these schools of late years; but on the whole their condition is found to be "lamentably unsatisfactory." Among the more expensive sort of private schools there is a minority of good and a majority of bad ones.

The cheaper class of private schools seem to be almost all bad. Bad premises, unqualified teachers, utter confusion, form the principal features of most of the pictures of this class of school painted for us by the official inspectors; and there seems every reason for supposing that the education they give is much under that given by the National and British Schools, which only profess to give primary instruction.

These facts show that the secondary education of the country

is in a most unsatisfactory state. The endowed and proprietary schools only educate a fifth part of those who require secondary education, and the remaining four-fifths have to resort to private schools, the great majority of which are utterly unable to discharge the duty they undertake.

Any attempt to remedy this state of matters must begin with the endowed schools—partly because the public has a certain right to interfere with their management, and partly because the state of the endowed schools must, to a great extent, control the character of the private schools. With the pecuniary advantages of endowment, and with the social advantages that belong to permanence, the endowed school ought always to be able to offer superior attractions to those possessed by private schools. If the endowed schools can be so improved in character, and made so extensively available, as to meet in any considerable degree the educational demands of the public, the private schools will necessarily be raised in character. The mere force of competition will do it. These private schools exist now because they can successfully compete with the public schools, and if the public schools be improved, it will become a necessary condition of continued existence that the private schools should be improved in a corresponding degree.

The most striking feature in the present condition of endowed grammar schools is the entire want of organization among them. Each school is independent of all the others, and, indeed, of everybody and everything, save the statutes by which it is governed. There is no subordination of one school to another, no classification, no arrangement of work among them. They each give the sort of education that it pleased the founder to ordain, and that it suits the master to give, without any regard to the wants of the present population.

The most serious evils arise from this want of organization. Schools left to choose their own position naturally choose a high one. To have a particular establishment regarded as a first-class school pleases the governors and enhances the dignity of the head master, while it rather lessens than increases his labours. Nearly all the grammar schools, therefore, call themselves first-class schools, and proudly give out that they prepare boys for the universities. They teach Latin and Greek almost, or quite, exclusively, and teach it in the manner that is supposed to be best fitted to qualify for the universities. Now, the proportion of scholars at grammar schools who desire to be prepared for the universities is exceedingly small. The great majority desire to get as good an education as they can get up to the age of fourteen or fifteen or sixteen, when they must begin remunerative employment. Yet these boys, an immense majority of the whole

number, are compelled to begin a course of classical learning that cannot possibly be finished during their school time, instead of beginning a curriculum suited to their opportunities, simply because the master wishes it to be said that he has sent a dozen boys to the universities during his mastership.

The governors and masters say, and say with perfect truth, that they are fulfilling the expressed intentions of the founders in thus aiming at preparing boys for the universities. In many of the deeds the masters are expressly enjoined to do so, and in other cases it is a perfectly fair inference that it was the founder's intention to give that kind of education. There was, in the days when most of the foundations were made, no conception of what we now call middle class education. There was no bridge over the gulf that divides learning from ignorance. Men of education were a class apart, learning was a profession, and it was presumed that those who sought more than the common elements of education would seek to enter that profession, of which the universities were the gates. No one then contemplated that the great body of the middle classes would desire to acquire as much of superior education as their opportunities would admit, and then betake themselves to the ordinary business of life. The object of many of the founders was to "raise up godly ministers for the Church," by preparing boys for the universities.

It would be easy to show that the great change in the condition of the population entitles us to set aside this intention, on the perfectly fair presumption that the founder would himself have changed it, had he been alive to see the altered circumstances. But it is not necessary to do so. The altered circumstances are themselves so powerful that the grammar schools cannot, with any success, devote themselves to preparation for the universities. They may, and too many of them do, neglect all other duties under the pretence of preparing for the universities; but they do not so prepare, for the simple reason that the boys don't want to be prepared, and don't remain to be prepared.

There are more than 700 endowed grammar schools whose curricula are more or less directly framed with a view to sending boys to the universities. Let us see to what extent they accomplish this work. Excluding the nine great public schools, there are 153 endowed grammar schools that send scholars to Oxford and Cambridge. Of these 23 send an average of 19 scholars each in three years, 47 send an average of 5 each, and 83 an average of $1\frac{1}{2}$ each. The schools that send less than one scholar a year can hardly be said to prepare for the universities. Cutting off these, we find that only between 80 and 90 of all the endowed schools are university schools, and that even of that number 40 are sending less than three students every year.

The commissioners have ascertained that of the total number of grammar schools sending scholars every year to the universities, only thirty-two have a majority of scholars destined for the universities. It therefore results, that all the other grammar schools that follow a preparatory curriculum are forcing the majority of their scholars into a course of education that is not best suited for them, for the sake of sending to the universities a minority of boys that in most of the schools tapers down to an incalculable fraction.

The evils arising out of this system are twofold. In the first place, it is very bad for the boys who are destined for the universities. In the schools that send one or less than one in the year, the solitary university students, scattered singly over the country, are deprived of all the advantages of association with equals. They are surrounded by a succession of young boys who never get beyond the rudiments of the dead languages; they do not breathe an intellectual atmosphere, or feel the bracing effects of competition. A still greater evil, because it affects a much larger number, is, that the interests of the other scholars are sacrificed to those of the few university students. The curriculum is formed for the benefit of those who intend to remain in school till an advanced age, with the view of going to the university; and moreover, the masters incline to neglect the younger boys in order to devote more attention to the elder. It is naturally more congenial to a man of education to read Virgil or Homer with an advanced student than to grind grammar with young boys; besides, a desire to beat other masters in the number and success of his university students is the only kind of rivalry by which an endowed grammar schoolmaster is influenced. The distinction acquired by the few boys it has sent to the universities is the only thing of which a grammar school cares to boast; and it does not much mind what sacrifices it makes to enable it to say that so many of its boys have distinguished themselves during so many years. One of the assistant commissioners supplies a very good instance of this kind of school. "There is one school which, though destined for two hundred, has for several years past had an average attendance of less than sixty, which is not popular in the town, and does not rank high in any respect, but which puts forth statements showing that within the last five years six boys have distinguished themselves at college, of whom three are the master's sons."

An analysis of the attendance books of the public schools shows that the pupils may be classified into three grades, roughly corresponding with the three sections of the middle class of society. There is a small proportion of scholars who remain at school until the age of eighteen or nineteen, a larger proportion

who remain until sixteen or seventeen, and a majority who leave school at the age of fourteen or fifteen. These classes of scholars obviously require different courses of study. The boy who is to remain at school till eighteen or nineteen may aim at acquiring a high classical education, but it is clear that the boy who is to leave at fourteen or fifteen cannot hope to acquire anything of the kind. He has sufficient time to obtain the elements of a sound English education, and perhaps the rudiments of Latin, but any attempt to teach such a boy Greek is obviously to waste his own time and his master's labour. Yet grammar schools have but one course of study for all kinds of scholars; and what is still more unfortunate is, that that course is specially selected to suit the smallest class. Parents who wish their sons to get a classical education protracted to manhood find an abundant supply of schools; the larger class, who can only afford to keep their sons at school till sixteen or seventeen years of age, find a smaller supply; and the largest class of all, those who must take them away at the age of fourteen, can hardly find an endowed school with a suitable curriculum.

Here we have a large number of schools with an endowment income approaching a quarter of a million, doing a minimum amount of good, simply through want of organization. Left to their own ambition, they all aim at giving that high classical education that is desired only by a few, and refuse to give that modern education that is desired by the many. Obviously the best way of utilizing so much wasted force is to bring order out of this chaos. If some authority were created with power to organize these schools into a system—to fix what proportion of their total number should give a high classical education, and what proportion should be required to adopt new courses of study more suitable to scholars who have not the opportunity of acquiring a classical education, a vast saving of teaching and learning power would be effected. And this is what the commissioners propose to do.

The kind of classification most desirable for our grammar schools is suggested by the classification of scholars in order of age. As there are three classes of scholars, so it is desirable that there should be three classes of schools. It is obviously a great waste of the funds of a school in which the scholars mostly finish their education at an early age, to keep masters to teach subjects which the boys do not remain long enough to learn. On the other hand, it is a great waste of the learning power of such boys to have to go through the first half of a curriculum suited for boys whose school life will last twice the time of their own.

The commissioners' proposal is to divide the whole number of endowed grammar schools into three grades, to correspond with

the three classes of scholars we have spoken of. The first grade schools will have a curriculum expressly adapted for boys intended to stay till eighteen years of age; the programme of the second grade will only extend to sixteen years of age; and that of the third grade will end at fourteen years of age. By this means a parent will be able, by simply calculating the probable age to which his boy's education will extend, to choose the sort of school best suited for him. If the boy will have to go to business at fourteen, he can be put into a school where, instead of having to spend his time uselessly over a Greek grammar, he will be taught such things as it is possible to teach effectively in the time; and so with those who can remain to sixteen and eighteen respectively. The proportion of the several grades will vary according to the demands of the neighbourhood, as shown by the attendance of scholars. If twenty per cent. of the scholars of a district stay till they are eighteen years of age, that will indicate that one school in five should be a first grade school, and so with the other grades.

The same principle can be applied to point out the future position of individual schools. If the majority of the pupils attending a school leave at the age of fourteen to go into business, it is clear that such a school will best subserve the public interest by giving an education adapted for scholars of that class; and so with schools the majority of whose scholars continue their education to the age of sixteen or eighteen. Instead of wasting their energies in teaching boys whose opportunities will not permit them to go beyond the outer gates of superior education, the masters of such schools will only be called on to educate boys who have a fair prospect of being able to prosecute a superior education to a useful issue.

The question of what sorts of education should be given in schools of the various grades is not a matter that can be so easily decided. There is no definite principle to settle it off-hand, such as that which the commissioners apply to regulate the gradation of schools; and the question is purely one of discretion. Nothing can be more certain, however, than that the present system of grammar school education is utterly unsuited to boys of the third grade. Say that a boy enters a grammar-school at the age of ten or eleven, with the prospect of having to leave at the age of fourteen. He can just read and write a little, and has all his other education to acquire. To set him to learn Latin and Greek thoroughly is to set him to journey upon a road the further end of which cannot be reached under eight or ten years at the least. The result must be that at the end of his brief school life the boy will have acquired nothing that is really useful to him. His acquisitions in Latin and Greek are simply

useless to him, because he has no opportunity of raising the superstructure of which they are the necessary foundation. On the other hand, it is possible to learn a great deal that is useful in the three or four years that such a boy can devote to secondary education. He can in that time get a very fair knowledge of English subjects, with such a smattering of Latin and French as would set him on the road towards becoming better acquainted with those languages if so inclined. Parents belonging to this class are principally anxious that their boys should be taught reading, writing, and arithmetic well; and if we consider the circumstances with which they have to deal, we can hardly deny that they in this follow a true instinct. These subjects are precisely those that are most useful to boys of that class, and also those that can be really well learnt during a short school-time. But there is no reason to doubt that this plain English education could be advantageously supplemented by some instruction in Latin and French; and this the commissioners propose should be done.

Some experienced persons hold that Latin should be banished from this class of schools altogether, since the instruction in it must necessarily be superficial and unreal; but there are strong reasons why efforts should be made to preserve the elements of Latin in the curriculum of every secondary school. The disciplinary effect of learning Latin is itself very valuable, and any knowledge of that language must necessarily give the pupil an insight into the structure of the English language that he could not otherwise obtain. Then it is desirable that some bond of connexion should be maintained between this and the other grades of secondary education. To say that Latin shall be taught in first and second grade schools, and not at all in third grade ones, would be to place a gulf between the third grade schools and those above them which it is desirable should be at least bridged over. The advantages of French are numerous. Its study also is an excellent educational exercise, and it is to the majority of people the most useful of modern languages. The scheme of the commissioners for the education of boys who must leave school at the age of fourteen is to give them, in any case, sound instruction in English subjects, and, if possible, to add to that, instruction in the elements of Latin and French.

In the case of boys who can carry on their studies to the age of sixteen, the arguments against attempting a thorough classical education become less self-evident, although they still have great force. It is scarcely possible to bring a classical education to fruition at that early age; but even if it were, the majority of those who keep boys at school to that age desire another sort of education. They see that Greek is quite useless to boys going

mostly into trade, and they are strongly inclined to think that the time spent in the study of Latin might be better employed. Not that they cannot see the advantages of learning Latin, but the school time is short and Latin is a long study; and when the boy goes into trade it will not be classical Latin, but modern French and German, that he will find most useful to him. It is useless to inquire whether this desire be founded upon an appreciation of what is really best for the future of the boys. People have a right to choose the kind of education they will give their boys, and schools that are to be useful must meet the reasonable demands of those who are expected to use them. The grammar-school trustees have hitherto sought to dictate to middle-class parents on the question of the best curriculum, and the consequence is that grammar schools are deserted in favour of private schools that are willing to teach the subjects required by parents. In conformity with the wishes of parents of this class, and indeed with their own convictions of what is desirable, the commissioners propose to exclude Greek from the curriculum of schools of the second grade, and to teach Latin side by side with French and German, and other subjects of modern education.

Pupils who are able to remain at school to the age of eighteen may enter upon the present curriculum of high-class grammar schools, with every prospect of being able to go through with it. A large proportion of these pupils will no doubt be intended for the Universities, and they will require classical instruction at least as full as any now given by grammar-schools. But there is a very general desire among the parents of such boys to widen the scope of a high class education. While they wish to retain classics in the forefront, they desire to add modern languages and natural science, and to pay more attention than heretofore to mathematics. Furthermore, there is no inconsiderable number of those who can afford to keep their boys at school till eighteen years of age, who do not wish classical instruction to have the first place in their education. Their boys are intended for professions that are not entered through the universities, such as the army and the civil service; and while desiring that a certain amount of classical instruction should be given them, it is essential for their success that more attention should be given to modern languages, natural science, and mathematics, than is required for a university career. This involves a division of schools of the first grade into classical and semi-classical. The classical schools will continue as heretofore to make the study of Latin and Greek their principal work, while the semi-classical schools will replace the study of Greek with more instruction in the modern subjects required for examinations at Sandhurst or Somerset House.

There is every reason to hope that such a classification of schools will of itself do a great deal of good. Order will be brought out of chaos, and funds that are now frittered away in ill-directed efforts will be used to carry out a comprehensive system of middle class education.

There is another barrier to the usefulness of endowed grammar schools that must be dealt with. It is a rule that the religious instruction given in all grammar schools whose deeds do not fix its character expressly, should be in accordance with the doctrines of the Church of England. This was a reasonable rule at a time when the number of those who differed from those doctrines formed but a trifling minority of the nation; but in these days, when the dissenting body is so numerous, and when the variety of opinion on doctrinal matters is so great, it is clearly a barrier to the usefulness of the schools. There is a very large proportion of parents who must either allow their boys to receive religious instruction of which they do not approve, or sacrifice the privilege of sending them to the grammar schools. It is very doubtful whether the rule of law which assumes that whenever the contrary is not plainly specified, the religious instruction is to be of the Church of England, can be regarded as a faithful interpretation of the wishes of the founders; and it is quite certain, that as a rule of policy, it is unsuited to the present day. The proposal of the commissioners to abolish this rule will probably be approved by all except those who desire the Church to retain in her hands every instrument of power, whether held justly or unjustly.

It is necessary, moreover, that in schools clearly intended by the founders to give religious instruction in accordance with the doctrines of the Church of England, some provision should be made for allowing parents to withdraw their children from that part of the teaching. The founders, in most cases, fixed the religious instruction to be in conformity with the doctrines of the Church of England, because of the almost universal acceptance of those doctrines in their times, and it was never their intention to limit the advantages of their schools to a sect. Unless such a conscience clause were allowed, the public character of the schools would be destroyed, and a reorganization on the basis of that public character would be impossible. But while the commissioners propose to allow a conscience clause in schools that have been attached to the National Church in this way, they do not propose to interfere with purely denominational schools. Grammar schools that have been founded *for the purpose* of giving a denominational education, whether Church, Catholic, or otherwise, and that have maintained a living connexion with the denominational body, are to be permitted to continue to do as they are

now doing. Catholic schools founded since the reign of Queen Mary I., and that have remained under Roman Catholic management ever since, and cathedral schools, will be included in this exception; but the commissioners think that the cathedral authorities would act wisely were they to permit a conscience clause to be included by law in the regulations by which their schools are governed.

The rule limiting the choice of trustees to members of the Church of England is justly regarded as a stigma upon half the community, and it is essential for the working of so liberal a scheme as that proposed by the commissioners that it should be abolished. Even more injurious are the regulations that limit the choice of masters to fill the most important positions to persons in Holy Orders. This limitation also touches upon the question of religious equality, but the main question involved is its effect upon the schools and upon the teaching profession. The effect upon the schools is to narrow the field of choice, and frequently to compel trustees to pass over the better man who is not in orders. The effect upon the teaching profession is very disastrous. It takes away from those who devote themselves to teaching as a profession all the greatest prizes belonging to it, and gives them to clergymen who, in many instances, have taken to the school simply because they have been unsuccessful in the church. Some clergymen make excellent teachers, it is true, but, as a rule, an efficient teacher has to be made by a long course of technical instruction and training: and men of good abilities will certainly not be found to go through that course of special training so long as it is known that all the prizes are to be given to men who have not gone through it. We have been long of recognising the fact that a learned man and an efficient teacher are two very different persons—that far more depends upon the ability of a man to direct the studies of his boys than upon the depth of his own learning. But having found this out, it is only an act of common sense to encourage men to apply themselves to the pursuit of the teaching profession, as the business of their lives, by leaving the prizes at least open to their competition.

Having thus dealt with the classification of schools, and the courses of study to be pursued in each grade, the next most important point is the mode in which scholars are to be admitted to the benefit of the endowments. At present, free scholars are admitted in three ways. They are either admitted indiscriminately, as many as choose to apply, or they are selected on the nomination of individual governors, or they are elected by a body of governors. All the three modes have worked ill.

* Indiscriminate gratuitous education is found to lower the

character of a grammar school, and in fact to reduce it below the level of a good elementary school. People who can get a free education for their children will not pay for elementary instruction; and free schools that were intended to give a high class education, beginning after primary education had ended, are obliged to perform the drudgery of teaching the first elements. There is a "grammar school" at Tadcaster, for instance, of which the head-master is a graduate of Cambridge. He has sixty boys, but of these only one pupil of the upper division could, when the assistant-commissioner visited it, write from dictation a sentence of words of one syllable without mistakes. No boy in the school was learning Latin. This is a type of an immense number of grammar schools that have been degraded by the system of indiscriminate admission of free scholars. Privileges that are so easily obtained are valued lightly. Parents can hardly be induced to supply the necessary books, or to insure the regular attendance of their children: in fact, they treat the education of the children as a matter with which they have no concern.

The state of matters existing among middle-class parents in England who get gratuitous education for their children, presents a striking contrast with that existing among the same class of parents in Scotland who have to pay highly for the teaching of their boys. In the one case we find the greatest apathy and carelessness about the school interests of the children, in the other a keen interest in every detail of what is going on in school. Mr. Fearon, who visited the burgh schools of Scotland, reports what he saw in the homes of middle-class people there. On father and son meeting in the evening, the first question would be "What place in the class to-day?" and if the boy had lost or gained ground in the class, the father would ask the reason why, and urge him to greater exertions. The whole family seemed to attach great importance to the success of the boy, and he was consequently encouraged and assisted to prepare his lessons thoroughly and to go well armed to school. This no doubt partly arises from the higher value attached to education by the middle classes in Scotland, but it also arises in no inconsiderable degree from the fact that the Scotch pay for the education their boys get, and that the ordinary motives of economy impel them to see that a commodity so expensive as good teaching is wasted as little as possible.

Neither of the two methods of selection seems to work much better. When the governors elect to the foundation, they choose rather the poorest boys than those most likely to make a good use of its educational advantages. Now, this meets neither the intentions of the founder's nor the interests of the public. While it is desirable that high education should be thrown open to poor boys

who show a special aptitude for learning, it is not desirable that poor boys should be placed in grammar schools merely *because they are poor*, and such a mode of selection in effect diverts the funds from their educational purposes. When governors nominate boys in rotation, they are very often guided by personal or political considerations, and it is seldom indeed that a boy is nominated to a free school simply because his natural aptitude fits him for superior education. Often the parents or relations of these boys are perfectly well able to pay for education, and would do so did free schools not exist. In fact, it has been found that the existence of great free schools, such as Christ's Hospital and King Edward's School at Birmingham, has done a great deal of harm to boys of this class. Parents believe that sooner or later they will get a nomination to the school, and in the meantime they do not feel inclined to pay for the teaching which they expect ultimately to get for nothing. The result is that boys are allowed to grow up without education; and that even should the expectation of getting a nomination be realized, the boy enters the school in a state of dense ignorance. There is an instance mentioned in connexion with the Birmingham school of a boy sixteen years of age, the son of parents rich enough to keep a carriage, who was not able to pass the very easy examination in reading and writing required on entrance to the free school. He had simply been allowed to run wild in the expectation that the free school would ultimately do for nothing what the parents were perfectly able to do at their own charges.

Endowments applied in this way seem indeed to do more harm than good. They do not, in fact, give the superior education to clever but poor boys, but rather to boys whose parents have influence, and that without any regard to their fitness to profit by the advantages of the school. It seems to the commissioners, as it certainly seems to us, that the greater portion of the money so used would do more good if applied to lessen the cost and raise the standard of education to paying scholars. Thus, instead of a day school having half its scholars paying nothing and the other half paying very high fees, it would be better and fairer to make all, except a few, pay a moderate scale of charges.

But public policy, as well as regard for the intentions of founders, require that we should continue to have a certain number of free scholarships. There are boys of excellent parts whose parents might be unable to pay even the moderate scale of fees, and the door to superior education should be kept open for them. But how are they to be selected? The entire failure of the systems now in operation compels us to look about for some other principle of selection, and that recommended by the [Vol. XC. No. CLXXVIII.]—NEW SERIES, Vol. XXXIV. No. II. L L

commissioners seems to be the fairest and most natural. The founders desired that the "boy of pregnant wit" should have the means of acquiring a good education, and a system of competition among boys of the age of thirteen or so will pick out those best qualified to benefit by a free education. It was a serious question for the commissioners to decide whether poverty should or should not be made an element in selection—whether only poor boys should be allowed to compete for free scholarships at the superior schools; but they have acted wisely in deciding to throw the competition open to all classes. This will make a free scholarship what it ought to be—an honourable prize, so that the free scholar, instead of entering the school with the badge of poverty, will enter it with the badge of success in an honourable competition.

The proposal of the commissioners is, that all these free scholarships should henceforth be competed for by the junior scholars in all the public and *registered* private schools in the district; and that the number of such free scholarships should be limited by the amount of spare funds belonging to each school, and also by the number of candidates. They would not allow a scholarship to be filled up unless there were at least three candidates for it.

The position occupied by the masters of grammar schools in relation to their work, is a matter of vital importance. The whole character of a school depends upon its master. He can make or mar its usefulness just as he is efficient and energetic or inefficient and apathetic, and it is of the greatest importance that the relation of masters to the schools should be such as to offer a fair prospect of securing efficiency and energy. At present the law seems expressly framed to secure the opposite qualities. Grammar school masters have, or claim to have, a freehold tenure in their offices. Once appointed, they cannot be dismissed; and whatever the state of the school, they are entitled to the incomes that arise out of the endowment. It is not wonderful that, thus deprived of all stimulus to exertion, many should become idle and careless. It is no advantage to them to have full and flourishing schools. Every additional pupil only brings increased duties and responsibilities to them, and their mere personal interests would be better served by having an empty than a full school.

A good many of them have indeed taken very effectual means to empty their schools. A considerable proportion of the grammar school masters are at this moment only pretending to conduct schools. They have six, four, or two boys, whom they profess to teach according to the school statutes, and that entitles them to draw their salaries. One contented old gentleman, who is assisted

by an usher, was found with only one scholar in his school, and he coolly told the assistant-commissioner that he did not want any more. "Why should I?" said he. And the question was unanswerable. He had his house and garden and income, and being troubled with no enthusiastic energy in the cause of education, it was quite unnecessary that he should disturb the repose of his old age by making his school too attractive. A case is reported that even beats this—a case of a master who filled his office and drew his salary for more than thirty years without ever having had a single scholar. Besides these cases of lazy and incompetent masters, there are the old and infirm masters who continue to fill their offices long after they have ceased to be fit for the work. More than a fourth of the grammar schools in one county are now suffering because their masters are blind, or deaf, or past work.

The remedy for this state of matters is obviously to be found in changing the tenure of office, and the mode of payment of masters. There is no good reason why the masters in grammar schools any more than any other public officer should be absolutely irremovable from office. The commissioners propose that masters shall be liable to dismissal by a vote of two-thirds of the governors, given at a meeting at which a representative of the educational authorities shall be present. This regulation promises to give a master a very strong hold on his position, since the tendency of governors is rather to take too little interest than too much in the affairs of the schools; but it will still leave him liable to dismissal in the case of gross misconduct or incompetence.

The most important remedial measure is, however, contained in the proposal to alter entirely the mode of remunerating masters. At present, the master has a fixed salary that is in no way regulated by the number of boys in the school, and it is from that circumstance that the carelessness and incompetence of masters mainly arise. Mr. Fearon did not find in the Scotch schools any of the apathy and incompetence so often to be met with in English schools. The reason is obvious. The Scotch schoolmasters are paid in such a manner that a lazy or incompetent man cannot live in the office. Their salaries are the mere nuclei of incomes mainly derived from fees paid by the scholars. If they teach well, and gain the confidence of parents, their scholars and their fees will be numerous; but if they do not, their schools will be left empty; and as their official incomes will not maintain them, it becomes to them a matter of necessity to transfer their services into some more suitable occupation, and thus to vacate the offices in favour of more competent teachers. It is impossible to over-estimate the importance of this arrange-

ment in securing energetic teachers. It introduces into the school-room the great stimulus of personal interest that everywhere else keeps the wheels of society moving. It makes the income of the master depend upon his practical success as a teacher, and it compels him to keep himself *en rapport* with the public who are his patrons.

This system has also an important effect upon the parents of scholars. As we have seen, Scotch parents take a much deeper interest in their sons' education than the majority of English parents of the same classes do. This no doubt arises in a great degree from the fact, that in Scotland the master and the parent stand to each other in the relation of contracting parties. The master agrees to sell the parent education in return for certain fees, and the parent keeps a sharp look-out that this contract is fairly performed.

The commissioners have resolved upon importing this main principle of the Scotch system into the management of English grammar schools. Besides being liable to dismissal, the masters are in future to be paid in such a manner that it can never again be to the interest of a master with one pupil or none to cling to office for the sake of the income. It is proposed that masters shall be paid by capitation fees, so that the amount of their incomes will vary according to the number of scholars in the schools; but in order to give a master time to try his powers, he may be guaranteed a small minimum income for the first three years. Thus, a master appointed to a school in which the capitation fee is 5*l.*, may be guaranteed 50*l.* a year, whether he has ten scholars or not, during the first three years. If he can raise the number to fifty, his income will rise to 250*l.*, but if after his three years are over he proves so unsuited to the post that he can only attract six boys to his school, he will either have to starve on 30*l.* a year or resign. This check will, as a rule, prevent any necessity for using the ungracious power of dismissal.

It is part of the scheme recommended by the Schools Inquiry Commissioners, that educational endowments too small to be of any practical use by themselves should be thrown together so as to form a respectable fund. There are many foundations of a few pounds a year, that were perhaps large enough to be useful in their day, but which have been reduced by the altered value of money to mere trifles. They are quite useless to serve any good purpose by themselves, but thrown together they might do excellent service. Then there are endowments established for the benefit of secondary education that have been appropriated for the purposes of elementary teaching, and the commissioners wish to bring these back to their original purpose. Under the clause of their commission which gives them authority to re-

port on the endowments that might rightfully be applied to the purposes of secondary education, the commissioners have recommended that a number of useless charities should be appropriated to that purpose. These useless charities are foundations for doles of bread or money, for apprenticeship fees, for marriage portions, for the redemption of prisoners and captives, &c. &c. These are quite out of harmony with the spirit of the times, and if the commissioners can persuade Parliament that this is the most suitable use to which they can be converted, the money will no doubt do a great deal more good in furthering middle class education than in pauperizing the community through being applied in these objectionable manners.

In order to carry out this plan for the reorganization of our grammar schools, new educational authorities will have to be created. The schools will not of their own accord carry out the classification that is the foundation of the new system, and governing authorities with rather despotic powers will have to be set over them. The machinery proposed is this. A central authority, composed probably of the Charity Commissioners and others, is to be appointed to take a general charge of middle class schools. The country will be divided into districts—the commissioners propose, in the first instance, the eleven registration divisions—and the central authority will appoint an officer for each. This officer will associate with himself six or eight unpaid commissioners, and the board so formed will constitute the provincial authority. It will be the duty of this provincial authority to fix the grade of all schools within the district according to its educational wants and the capacity of the particular school, and to see that the prescribed courses of study are observed by schools of the respective grades.

When all this has been done with the public schools, the private schools will remain untouched. The provincial authorities will have no power to inspect them, or to regulate the course of study pursued by them. The commissioners, however, propose to admit these private schools to the benefits of the new system of government, if they choose to apply for the privilege. They calculate that the reorganization of the public schools will so raise the character of those establishments, and increase the confidence of the public in them, that private schools will require to do something more than they are now doing to retain their present patronage. If the grade system works as well as the commissioners expect, parents will generally prefer schools in which a well-chosen curriculum is gone through under the supervision of competent inspectors, to schools that are under no inspection, and can give no satisfactory guarantee. Private schools desiring to give their patrons the guarantees of inspection will

be allowed to register themselves in any grade they choose. They will then be required to pursue the curriculum of that grade and to submit to inspection, and in return their scholars will be admitted to compete for the scholarships open to boys in the public schools.

But even if these private schools avail themselves very largely of this offer, and if public and private schools are very much improved by the proposed scheme, there will still be a great need of good middle class schools. The total supply of such schools is much too small for the demand, and the irregularity of their distribution over the country greatly aggravates the deficiency. While some districts are amply supplied with what ought to be good endowed schools, there are many towns and districts that are almost or entirely destitute of them, and there are a great many places in which no school for secondary education, public or private, exists. Any comprehensive scheme must provide for this want, and the commissioners propose to allow the inhabitants of such places to rate themselves for the erection of middle class schools. Every parish is to be allowed to rate itself for the erection of a third grade school; every town of over 5000 inhabitants for a school of the second grade; and every town of over 20,000 inhabitants for a school of the first grade. The rates would only be for the erection and repair of the buildings, and for the endowment of exhibitions; and the schools would be expected to be made otherwise self-supporting.

We have now given an outline of what it is proposed to do in this important matter of middle class education. The principal points of the scheme are these:—To classify the schools according to the average length of school life in each; to abolish gratuitous education except as the reward of superior merit; to make the masters liable to dismissal, and to pay them by capitation fees instead of salaries; to induce private schools to register themselves for inspection by the new educational authorities; and to authorize towns and parishes to rate themselves for the erection of new schools, according to their size and requirements.

CONTEMPORARY LITERATURE.

The Foreign Books noticed in the following sections are chiefly supplied by Messrs. WILLIAMS & NOBGATE, Henrietta-street, Covent-garden, and Mr. NUTT, 270, Strand.

THEOLOGY AND PHILOSOPHY.

A PAMPHLET by the highly-respected ex-Bishop of Norwich,¹ Dr. Hinds, treats in a few clear pages the religious question which is agitating the Church of England. This question is not ritualism, nor the doctrines which underlie ritualism, nor the truth of any doctrine, nor even the truth of the Christian religion, but the question, Are religious doctrines matters for free discussion? A very large class of sensible and thinking men are apt to accept a tacit compromise in their own minds on the point, and to consider that such discussion is permitted to laymen, but prohibited to the class usually designated in the *Saturday Review* as "ladies and clergymen." Such a compromise, founded on the intelligible principle that a clergyman has entered into a contract to receive certain benefits on the one hand, and to preach certain doctrines on the other, recommends itself too readily to common sense not to be very popular. Dr. Hinds undertakes to remove this prejudice by arguments which are no less practical and intelligible than the prejudice itself. Without any taint of casuistical refinements or legal distinctions, his pamphlet argues that the Church of England involves in its constitution the principle of free discussion; that this privilege belongs to all members of the community by virtue of their membership; and that it can only be restricted by the legislature, from time to time, from motives of State policy. It would seem that on all those points on which he is not so restricted by legislation, or by judicial decision, his inalienable birthright may be exercised by the clergyman. Dr. Hinds does not attempt to define the effect of subscription, but thinks it clearly not incompatible with disapproval or desire for alteration.

"When the Archbishop of Canterbury, in 1863, avowed in the House of Lords his objection to that portion of the Burial Service which expresses a hope that the deceased rests in Christ, without any reference to the life he may have led, declaring that nothing could induce him to use the words in all cases, did any one dispute his right to hold this language, on the ground that he had declared his unfeigned assent to all and everything contained in and prescribed by the Book of Common Prayer?"—(p. 29.)

Dr. Hinds examines in detail the various declarations required of the clergy, and finds (if we understand him rightly) that they do not bind him to more than his conviction at the time as to what "God's word," which he is to preach, may be. The sixth Article of the Church of England determines that Scripture is the test to which any of its

¹ "Free Discussion of Religious Topics." By Samuel Hinds, D.D., late Lord Bishop of Norwich. 12mo, pp. 73. Longmans. 1868.

doctrines may be brought. So far from prohibiting discussion, this Article assumes in its very language a process of "proof" and discussion. For it expressly forbids that any member of the Church should be required to believe any doctrine that cannot be *proved* from Scripture. No interpretation can fairly be put upon the sixth Article which should prevent the freest discussion on the nature and extent of Scriptural inspiration, on the authorship or date of the individual books, on the purity of the text, &c. The first generation of the reformed Church of England had no right to restrain future generations from doing what they did themselves, and they have not assumed any such right. It is very desirable that the practical prejudices of matter-of-fact men should be assailed by practical arguments such as those which Bishop Hinds brings to bear in these pages. But it must be confessed that his argument is more successful as a piece of polemic than satisfactory to a reflecting mind. Dr. Hinds' pamphlet has the characteristic common to all the productions of the Whateleian school, that its plain sense is very convincing as far as it goes, but it does not go to the bottom of the question with which it is dealing. Dr. Hinds leaves the matter at the point at which a more philosophic writer would have begun. He never seems to have asked himself the question, "Can a Church be established on any common basis which shall not include a common creed as one of its conditions?" If he has any reply to offer to this question it would probably be that, discussion left free, the result would be greater harmony, if not agreement of opinion, than at present. Men would agree to differ.

"Are there any who would anticipate a spread of discordant teaching which would ultimately leave the Church without any fixed doctrine? Such anticipations of mischievous results take place on every relaxation of religious restraint. Its efficacy is always overrated, until its abolition proves how little difference it made in respect of that for which its advocates desired it should be retained. In the present instance, the probable result would be to bring to bear on innovations in doctrine the full force of that free discussion which is the Church's constitutional weapon, and which would strengthen adherence to all that is defensible, if it should lead to a surrender of some things which may prove indefensible. As intellectual activity increases—and no one can doubt that it is rapidly increasing—there will be an increased difficulty in bringing men to to be of one mind within the Church. Leave discussion free to all, clergy as well as laity,—tolerate differences as far as may be practicable, and if the result be not closer agreement, it will be harmony. Employ restriction, and the result will be discontent within the Church, and fresh secessions from it. Enough will be achieved if by loosening the bond of legislative restraint all may be enabled to keep the unity of the Spirit in the bond of peace."—p. 41.

There is something very peculiar in the republication of Father Newman's Anglican Sermons,² in his lifetime, by an intimate friend of his, an Anglican clergyman, and it may be presumed, with the consent, if not the approbation, of the author. The title-page discloses

² "Parochial and Plain Sermons." By John Henry Newman, B.D., formerly Vicar of St. Mary's, Oxford. In eight volumes. Vols. 2 and 3. Rivingtons. 1868.

a determination to ignore the change that has passed over the author since these discourses were delivered. Father Newman, Priest of the Oratory, and D.D. in a Faculty of Catholic Theology, stands before us as John Henry Newman, B.D., formerly Vicar of St. Mary's, Oxford. It is impossible that these sermons can ever be read with anything like the emotions with which they were originally listened to. To the audience which they then attracted round St. Mary's pulpit they seemed like revelations of a new and glorious world that was to be. They read like faint murmurs from a dreamy past, which never came into existence. They may have a mournful interest for the few who can recal thirty years since, but they will not speak to the mind of the new generation. This is perhaps in part to be ascribed to mere change of taste. In the tone of pulpit addresses, as in the tone of poetry, there is a fashion, which when it is out of date creates a barrier between the sense and the reader. But it is also, in part, due to the prevailing sentiment of Dr. Newman's sermons. His chief interest and favourite topic is the external organization of the ecclesiastical system, or Christ's kingdom, as he calls it, its glories, and the spread of its dominion. Not, indeed, that there is any want of moral depth in Dr. Newman. We have but to contrast him with the average preacher, Anglican or Presbyterian, to feel how superior is his moral insight. There are sermons in these two volumes—*e.g.*, Sermon ii. in vol. iii., "On Bodily Suffering,"—which range in a high, if not the highest, sphere of the conscience. But such topics are not habitual to the preacher. He touches them, but leaves them soon. He delights in topics of external order: "The Christian Ministry;" "The Kingdom of the Saints;" "Rebuking Sin;" "The Glory of the Christian Church;" "Submission to Church Authority;" "The Visible Church an Encouragement to Faith;" "Contest between Truth and Falsehood in the Church," &c. From this choice of subjects he can meet but an imperfect response from the modern mind, which is working with intense subjectivity upon the problems of religion, and the hopes and fears suggested by the question, "Whence and Whither?" The following passage has an interest when read by the light of the subsequent career of the author. The dates of composition are unfortunately wanting in the present edition, but the sermon may have been preached about 1833:—

"The Latin ecclesiastical system of the Middle Ages may anyhow be the fulfilment of that gracious design which would have been even more exactly accomplished, had Christians possessed faith enough to keep closely to God's revealed will. For what we know, it was intended that all the kingdoms of the earth should have been made subject to the spiritual rule of the Church. The infirmity of man defeated this purpose; but it would not so far defeat it, but some sort of fulfilment took place. The mustard-plant, stopped in its natural growth, shot out irregular branches. . . . Had it not been for this falling away in divers times and places, surely Christendom would not be in its present miserable state of disunion and feebleness. . . . As for ourselves, what was the exact measure of the offences of our forefathers in the faith, when they tired of the Christian theocracy, and clothed the Church with the purple robe of Cæsar, it avails not to determine. Not denying their sin, still after contemplating the glories of the temple which were contempora-

neous with it, we may well bewail our present fallen state; the priests and Levites, and chiefs of the fathers, all of us weeping with a loud voice, not undervaluing the blessings we have, yet humbling ourselves as the sinful offspring of sinful parents, who from the first have resisted and frustrated the grace of God, and seeing in the present feebleness and blindness of the Church the tokens of His righteous judgments upon us."—(Vol. ii. *Serm.* 21, p. 253.)

We are not surprised to meet Mr. Liddon's "Bampton Lectures" in a second edition.³ As a scientific treatment of the subject, indeed, the book has no value. The writer's want of critical knowledge of antiquity, and the absence of any true philosophic power, make it impossible for him to deal in any real way with the subject he selected for his thesis. But then Mr. Liddon's genuine sincerity, his poetic feeling, and truly religious mind, invest what he writes with a charm of sentiment, which must be, and is in fact, confessed by all who hear him in the pulpit. He says in the preface to this edition—

"No one who hears what goes on in daily conversation, and who is moderately conversant with the tone of some of the leading organs of public opinion, can doubt the existence of a wide-spread unsettlement of religious belief. People have a notion that the present is, in the hackneyed phrase, 'a transitional period,' and that they ought to be keeping pace with the general movement. Whither indeed they are going they probably cannot say, and have never very seriously asked themselves. Their most definite impression is, that the age is turning its back on dogmas and creeds, and is moving in a negative direction under the banner of 'freedom.' . . . The general tendency is to avoid speculations, whether hopeful or discouraging, about the future, yet to acquiesce in the theory so constantly suggested, that there is some sort of necessary opposition between dogma and goodness, and to recognise the consequent duty of promoting goodness by the depreciation and destruction of dogma. . . . Church formularies appear to it simply in the light of an incubus upon true religious thought and feeling. Hence, as its aims and action become more defined, it tends with increasing decision to become Humanitarian. Its dislike of the language of Nicæa hardens into an explicit denial of the truth which that language guards. Yet if it exults in being unorthodox, and therefore is hostile to the creed, it is ambitious to be pre-eminently moral, and therefore it lays especial emphasis upon the beauty and perfection of Christ's human character. It aspires to analyse, to study, to imitate that character in a degree which was, it thinks, impossible, during those ages of dogma which it professes to have closed. . . . It is to this general habit of mind that this book as a whole, and the argument from our Lord's self-assertion in particular, ventures to address itself."—(*Preface to the Second Edition*, p. xvi.)

The reason why the influence of dogma is fading before the advance of knowledge, is because theologians in this country have gone back to the catholic groundwork of dogma, viz. "church authority." Thinking men easily perceive that the authority of the Church is no more than the opinions of other men. It is not from a defect of religious instinct, but from the desire to satisfy it, that thinking men shrink from resting their hopes on so insecure a basis as that of other men's

³ "The Divinity of our Lord and Saviour Jesus Christ." Eight Lectures preached before the University of Oxford in the year 1866, on the foundation of the late Rev. John Bampton, M.A. By Henry Parry Liddon, M.A., Student of Ch. Ch., Prebendary of Salisbury, and Chaplain to the Lord Bishop of Salisbury. 2nd edition. London: Rivingtons. 1868.

opinions. If Mr. Liddon wishes to meet the habit of thought, which he so well describes in the passage we have cited, let him advance the rational proof of the Christian dogma, and show himself superior to the figment of "church authority." How impossible Mr. Liddon's position of "church authority" is, outside the pale of the Roman Catholic communion, becomes apparent when he attempts to draw a distinct line which shall claim authority for the imposition of the Homousion by the council of Nice, and deny authority to the recent definition of the immaculate conception. Notwithstanding Mr. Liddon's explanatory note, added to this edition, p. 433, we must agree with the writer in "The Month" (Nov. 1867), that the two cases are exactly parallel. Authority for authority, St. Thomas Aquinas cannot be set up as an "authority" on dogma comparable to that of a Pope's bull accepted by catholic christendom.

Messrs. Rivington send us a real, and assuming the correctness of the translation, a most valuable contribution to ecclesiastical history.⁴ Of the many Gregories who attained honour and renown in the Church, one, surnamed the Illuminator, is commemorated on the 30th September. He lived at the time of the Council of Nice, and is considered as the apostle of Armenia, though Christian churches are claimed to have been planted in the country as early as the apostolic age. A life of him was written by an Armenian, and published in that language at Venice in 1749. This is the life of which Mr. Malan now offers a version. The only thing we do not quite understand, is why he should have chosen for translation a compilation of the 18th century, when the original lives by Agathangelus and Simeon Metaphrastes, from which the Armenian is derived, are still extant. However, Mr. Malan's book is extremely interesting as reading, the translation having been made upon the sound principle of a grammatical rendering, "purposely leaving the idiom such as to remind the reader that both the original and the translation of it give other men's thoughts and not my own." Mr. Malan's object has not been to sever truth from fiction, or probable facts from mere legends, but to put into English the history of the first Patriarch, and patron saint of Armenia, as it is commonly received in his church, without any comment by the translator, beyond an occasional word by way of explanation always enclosed between brackets. His volume therefore has a documentary value which a life of the saint, compiled by Mr. Malan, would not have had. Two other pieces are judiciously included in the same volume. "The Acts and Martyrdom of the apostles Thaddeus and Bartholomew," is a modern volume, issued by the fathers of St. Lazzaro in 1853-4, which, though without historical authenticity, shows what is the state of historical knowledge at the present day in the Armenian church. More important is "A short Summary of the Armenian Church and Nation." This is a reprint in a separate form of the minutes of the home-administration in Russia for the year 1843. The Armenian

⁴ "The Life and Times of St. Gregory the Illuminator, the Founder and Patron Saint of the Armenian Church." Translated from the Armenian by the Rev. S. C. Malan, M.A., Vicar of Broadwindsor. London: Rivingtons. 1868.

Church is an independent community recognising neither the Greek Church, nor the Pope. It is a monument of the original and purely oriental development of Christianity. Its isolation from other churches has had the effect of petrifying in her the forms she had received in the first centuries of Christianity. Its creed is that of the Orthodox church of the East, knowing nothing of the interpolated "filioque." The stubborn constancy and exclusiveness which mark the Armenian Church seem to be characteristics of race. The Haiks, or Haikans, are one of the oldest stocks, or types, of the human race. It is a race which retains its peculiar features, not only where it is scattered over the whole earth, but at home, among the ruins of its ancient cities, and the crumbling monuments of its great men. There are said to be still lingering about Ararat oral traditions of the Ark, and traces of the Deluge. Mr. Malan has a learned note discussing the probability of the mountain on which the Ark rested, being the hills of Cardu, rather than Mount Ararat. The hills of Cardu, which rise to the north of the plain of Mesopotamia, are the Cordyæni montes of the Roman geographers. Solemn trifling of this kind tends to throw a suspicion, which is ill-deserved, over the translator's work.

Mr. Malan has prepared translations of other documents illustrative of Armenian history—viz., of Schrœder's *Confessio Fidei Armenicæ Ecclesiæ*;" the "Offices of Baptism, and the Eucharist;" "An Instruction in the Christian Faith;" &c. But he complains pathetically that the publishers would not be justified in printing them. The ecclesiastical agitation which is in progress has no sympathies for knowledge of any kind. He promises, however, that should any encouragement be given to the publication of the treatises now omitted, they may see the light at some future day.

M. Renouf has written a dissertation on the subject of Pope Honorius.⁵ This fertile topic of the Gallican controversialists of the last century has fallen into neglect in the present. But the extravagant pretensions of ultramontanism seem likely to revive this and similar discussions. The point sought to be established against the claims of Papal infallibility is that Honorius was anathematized by the sixth Council (of Constantinople) for participating in the monothelite heresy. For maintaining this argument, M. Renouf has been virulently attacked by ultramontane writers. M. Renouf has the misfortune to be too learned for the religious party to which he has unhappily attached himself. It is a mistake to use argument or to produce evidence to a sect to which it is not open to think that a Pope was ever condemned for heresy, even if the fact were so. M. Renouf, who knows what historical evidence is, should not waste his powers in controversy with the party of ignorance. Such is the attitude which the Catholic party in Europe are now taking up. They can only preserve themselves by isolation in literature and education from the progress of knowledge in the rest of Europe. In that isolation it is wise to leave them. Time will then do the rest.

⁵ "The Condemnation of Pope Honorius." By P. Le Page Renouf. London: Longman & Co. 1868.

Father Bottalla's book is, in substance, if not in form, an answer to Dr. Pusey's "Eirenicon," on the subject of the Papal supremacy.⁶ All the original authorities are quoted, and in a manner which evinces the reading of a student, and not of a borrower at second-hand from German compilations. Of course a Jesuit Father could not read critically, as he is bound before he reads to find certain conclusions in his books. Such a polemic can have no intrinsic value, and can only be regarded as an *argumentum ad hominem*. The High Church party have the difficult task of maintaining on one hand the authority of the Church, and on the other repudiating the authority of the Roman See. To meet their position, the authority of the Church must be shown to be matter of divine law, while the authority of the Papal See must be distinguished from it as only an ecclesiastical arrangement. Father Paul Bottalla exerts himself not altogether unsuccessfully to show that the same grounds of argument which establish the first principle, lead by necessary consequence to the admission of the second. The "Achilles of the Protestant argument," he says, is the refusal of St. Gregory to assume the title of œcumenical pastor, after having condemned the assumption of it by the Patriarch of Constantinople. He invests this stronghold of the enemy with great preparation, and carries it by storm in overwhelming force. He shows that St. Gregory's predecessors, from Pope Siricius downwards, including Leo the Great (440—461) not only claimed, but assumed as matter of course, this supremacy over the Church universal. If a long line of preceding Pontiffs had publicly proclaimed the doctrine of the divine supremacy of the See of Peter, can it be possible that Gregory the Great should have come forward to repudiate it? Father Bottalla then examines the expressions employed by St. Gregory, on which stress is laid by Dr. Pusey as constituting such a repudiation. In these expressions, Dr. Pusey sees a denial of Papal supremacy as a divine institution. Father Bottalla only sees in them the doctrine of all antiquity and of the whole Catholic world. Christ is emphatically said by St. Gregory to be the invisible head of the Church, the primary foundation, whereon Peter was set to be a secondary foundation. From Christ it is that Apostle receives his strength and his stability. Peter, with respect to Christ, is the secondary head; with respect to the Church, he is its head and its foundation. As to the renunciation of supremacy in the letter of St. Gregory to the Patriarch Eulogius, on which so much stress has been laid, it has been entirely misunderstood by Dr. Pusey. St. Gregory does not, of course, deny the patriarchal authority of the metropolitan Churches of Constantinople, Alexandria, and Antioch over the churches submitted to their respective jurisdiction. But he knew very well that though each of the patriarchal sees was the *ἀρχή* of the inferior churches comprehended within the limits of its jurisdiction, yet, as regards the Church universal, Rome only, the Apostolic See, not the United Patriarchal Churches, was the

⁶ "The Pope and the Church considered in their mutual relations with reference to the errors of the High Church Party in England." By the Rev. Paul Bottalla, S.G., Professor of Theology in St. Beuno's College, North Wales. Part I. The Supreme Authority of the Pope. London: Burns, Oates, & Co.

ἀρχή of all other Churches, to which all other patriarchs were subject. When again St. Gregory denied the title of "universal bishop" to the Patriarch of Constantinople, and refused it equally for himself, he was holding strictly Catholic, and not Protestant, language. "If one is universal," says St. Gregory, "it remains that you are not bishop." No Pope had ever assumed the title of "universal bishop," though it had been offered them by the Council of Chalcedon. St. Gregory means that if the Pope should become universal bishop, all other bishops would be deprived of their dignity. By that title he would absorb all the power of the other bishops, and concentrate episcopacy in his one person. This would be a subversion of the constitution of the Church, and the overthrow of the primacy itself. For the Pope is a bishop, and as such, the equal merely of every other bishop, his primacy being one of jurisdiction, not of order. The Popes refused the title of "universal bishop," and adopted that of *Servi servorum Dei*, in order to follow the Divine counsel by making themselves the least of all. By that mark of humility alone, could the Popes have checked the ambition of the Bishops of Constantinople, who had usurped the title of "universal bishop." As a question of historical criticism, the animus of Gregory the Great in his dispute with the Patriarch is interesting to the student. But it will be observed that the Anglican and the Catholic controvertists before us regard it as matter of present moment, and as involving existing interests. History is no remedy for such hallucination. Historians come, like lawyers, to regard their books as authorities. The only safeguard against such narrowness of mind seems to be the study of creation and its laws on the widest scale.

Every one must recollect Gibbon's note, to the effect that "sixty-six lives of St. Patrick which were extant in the ninth century, must have contained as many thousand lies." They were all destroyed by the Norwegians and Danes in their incursions except four, which still remain. Dr. Todd has recently replaced the legendary lives by one founded on such authentic materials as remain. The chief of these materials are two Latin documents, called the "Confession of St. Patrick," and his "Epistle to Coroticus." The authenticity of the "Confession" has been questioned, but, it would seem, upon insufficient grounds. Dr. Todd's "Life" was written on the supposition that St. Patrick's mission and labours belonged to the fifth century, A.D., his birth being placed by the biographer between A.D. 395 and 415. There must be a great vagueness about the facts when it is possible to write another "Life" of the saint on the supposition that he lived in the third century. This is what Mr. Nicholson has now done.⁷ And, more still, Mr. Nicholson has not only "grounds for believing," but "abundant evidence to prove the certainty," that the saint came to Ireland, and that the Christian religion had obtained an extensive footing there, long before A.D. 432. According to Mr. Nicholson, St.

⁷ "St. Patrick: Apostle of Ireland in the Third Century." With an Appendix containing his Confession and Epistle to Coroticus, translated into English by R. Steele Nicholson, M.A., T.C.D. Dublin: M'Glashan and Gill. London: J. Russell Smith. 1868.

Patrick was contemporary with King Cormac, who is supposed to have died A.D. 277. The coming of St. Patrick to Ireland he conjectures to have been about A.D. 254. A discrepancy of a few years would have had nothing surprising in it. But an uncertainty which extends to nearly two centuries is indeed astonishing. One would think that if any authentic documents relating to St. Patrick remain, the historical antiquary could have had no hesitation as to which century he should refer them to, the third or the fifth. It seems impossible to mistake Latin writers so late as Theodosius for Latin of the third century; that Arnobius, *e.g.*, should be imagined contemporary with Sidonius Apollinaris. Indeed, one of Mr. Nicholson's best arguments appears to be the internal argument from the contents of St. Patrick's letter to the Irish, commonly called his "Confession." The summary of faith which this contains is, he argues, ante-Nicene. Again, Dr. Todd affirms that St. Patrick used the ante-Hieronymian version of the Scriptures—itself an extraordinary fact, if, as Dr. Todd assumes, the saint wrote after A.D. 432. But Mr. Nicholson shows, both by examination of the passages and from express words of St. Patrick, that he used the LXX, and translated his quotations from the Greek into his own Latin. Of external testimony, the greater part is in favour of the vulgarly received date adopted by Dr. Todd. But besides that the chroniclers mostly copy each other without reflection, there is some, not unimportant, evidence in favour of the earlier date. The silence of Bede is significant. If Bede had taken no notice of ecclesiastical affairs in Ireland, no inference could have been drawn from his not noticing St. Patrick. But he has referred again and again to the Church in Ireland, and has recorded the, comparatively speaking, unimportant mission of Palladius. It seems incredible that he should have never referred to the mission of St. Patrick, if so remarkable an event had taken place little more than two centuries before his own time. The "Legenda Aurea" which, among so much that is fabulous, often preserve grains of historical fact, place St. Patrick's mission in A.D. 280. And Mr. Nicholson draws attention to the fact that Bobbio, founded by Columban, and where he ended his days, is only thirty miles from Genoa, where Jacobus a Voragine, compiled his legend. Mr. Nicholson's other authority is of a more dubious nature. Among the poems of Ossian, it seems, is one composed in the form of a dialogue between the poet and St. Patrick. Now Oisín (Ossian) the son of Finn MacCumhal, lived about A.D. 280. The weight of this argument must depend upon the evidence that the dialogues in question are of the early date of A.D. 280—evidence which Mr. Nicholson does not produce, though he asserts it to be "utterly impossible that there should be any reasonable doubt that they are the genuine work of the poet Ossian" (p. 95). If they are so, the date of St. Patrick is placed beyond dispute. Suspicion may attach to Mr. Nicholson's investigations from indications here and there in his pages that he writes, not in the interest of historical science, but in order to make a party point. St. Patrick was a Roman emissary, and he wishes to show that Irish Christianity did not come from Rome. This, if it does not invalidate his argument, depreciates the value of his book. Nothing, it seems, can

grow in Ireland that has not this theological taint about it. The sacred spell of tradition which binds the Catholic is powerful enough to throw its shadow even over the Protestant. An Irish Protestant can think it of practical importance to his own creed to show that the Pope had nothing to do with it *in the fifth century!* What chance has rational self-government in a country where tradition has such deep roots?

H. C. Romanoff is an English lady, the wife of a Russian officer. She has used the opportunity of quarters in a remote province to collect information about the Russian Church.⁸ This she now presents in the form of sketches and tales, which serve at the same time as illustrations of that middle-class life of Russia which is so little known to us. The book contains a great variety of curious and original information.

A barrister-at-law writes on the "Authenticity of the English Bible," in the interests of biblicism, not of science.⁹ The book, of 190 pages, is partly historical, partly controversial. The historical part contains the ordinary facts as they may be found in a score of manuals. The controversial part is spoken from a very low indignation platform. The critical capacity of the writer may be measured by the following extract:—

"We have traced *the sources* of the original biblical text from which the translators of 1604-10 made their version, to the wells from which it flowed, and have followed its course, never broken, never lost, in any age, however dark—until it has come down to ourselves pure and undefiled. We have noted how, from time to time, there have branched out from the main channel collateral streams of versions resorted to and recognised in quotations by writers of all ages, as issuing originally from the same sacred source, and we have seen how *the examination of the collateral texts confirms the claim of the original texts to a divine authority*. We have seen how there still exist, stored in among the treasures of our great libraries, *ancient exemplars containing the original sacred text*, and enabling learned critics to test the purity and accuracy of our translated text."—(p. 186.)

Mr. Philip Dixon Hardy thinks it inexpedient to attempt to introduce a new version of the New Testament,¹⁰ yet believes that changes in the language since the time of King James make emendations in the authorized Bible necessary. Instead of side-notes, which are seldom referred to, he has placed his emendations in brackets, in smaller type, reprinting the authorized version verbatim. In his emendations

⁸ "Sketches of the Rites and Customs of the Greco-Russian Church." By H. C. Romanoff. Post 8vo, pp. 429. London: Rivingtons. 1868.

⁹ "The English Bible, and the Evidence relating to its History and Authenticity considered." By a Barrister-at-Law, A.M. Cantab. London: Bartlett & Co. 1868.

¹⁰ "Matthew and Romans, being Part I. of the New Testament [The New Covenant] of Our Lord and Saviour Jesus Christ, as Translated (in the Authorized Version) out of the Original Greek. With Notes and References, Critical and Explanatory, suggesting Emendations in many Words and Phrases in the English Translation. The Emendations placed within [brackets]." Edited by Philip Dixon Hardy, M.R.I.A. Dublin: Moffatt & Co. London: Hamilton, Adams, & Co.

he has been guided not solely by the meaning of the original, but by the resolution "not to change the plain and simple meaning of a single doctrine or duty laid down or inculcated in the authorized version." It would be superfluous to examine emendations which are governed by such a canon of criticism. Glancing at the "Introductory Observations," we find that "the Gospel according to Matthew is universally admitted to have been the first written record of the sayings and doings of the Lord Jesus Christ." It may have been the first, but it is very far from being "universally admitted" as such. Again, "the name Matthew, by which he designates himself," &c. Where, we ask, does the writer of the first Gospel name himself? Again, "Lucan, who wrote his *Pharsalia* in the reign of Nero, informs his readers that, in consequence of the spread of the Christian religion, the Delphic Oracle had become silent." Lucan puts poetically into the mouth of the priestess a variety of reasons for the silence of the oracle, but does not, even poetically, suggest Christianity as one of them.

The somewhat trite subject of "Faith and Works" is treated by Mr. O'Connor in a sensible way.¹¹ The idea that faith is wholly mysterious in its origin and nature, and cannot be explained or accounted for in a way that is intelligible to an unbeliever, seems to him to proceed from a confusion between faith and its objects, belief and the things believed. The act of the mind when it assents to things believed may be contemplated and comprehended, while the things so believed lie beyond the range of observation and comprehension. The relation of Faith to Works he states as follows:—

"Every truth has a certain inherent moral direction belonging to it, which it communicates to the mind that is identified with it. This direction the mind, by its living power, transmutes into motion. There are some truths whose direction is more in agreement with the structural and constitutional tendencies of the mind than that of others. These, as they fall in with and recreate the original disposition, will strengthen it, bring it forth into action, and increase their influence by repetition. . . . The deep-rooted, eternal, practical principles of Christianity, of which all its facts are instances, of which its most awful central fact is the imprinting afresh its original nobleness on human nature by God's own hand, of which all its precepts are imperfect utterances—the principles of judgment, mercy, and faith—constitute the mind that receives and keeps them perpetually and prominently in its consciousness, a mind of strong faith or of much faith. The mind that seldom contemplates them is a mind of inert faith, or of little faith. Weak faith or little faith means true Christian doctrine little or seldom thought about. True Christian doctrine much or continually thought about, is strong faith. This is the faith that is the actual medium of salvation."—(p. 25.)

The Dean of Norwich has published four Sermons, with a Preface of 26 pages written in an excellent spirit.¹² The Dean would not maintain that the Anglican Lectionary is faultless, but he argues

¹¹ "Faith and Works." By the Rev. W. A. O'Connor, M.A. of Trinity College, Dublin, Rector of SS. Simon and Jude, Manchester. London: Saunders and Otley. 1868.

¹² "Popular Objections to the Book of Common Prayer considered. In Four Sermons on the Sunday Lessons in Lent, the Communion Service, and the Athanasian Creed." By Edward Meyrick Goulburn, D.D., Dean of Norwich.

against its revision from the great danger of opening questions of reconstruction. "From the alteration of the Lectionary to that of Rubrics there is but one step; and from the alteration of the Rubrics we shall pass by an easy transition to the re-arrangement of prayers, the cancelling, or bracketing, of some, and the insertion of others. The Prayer-book would become an arena of fierce and furious controversy; and the reconstruction of it in an improved form would be the dismemberment of the Church of England." (p. 19). At the same time the Dean urges that the somewhat stiff framework of the Prayer-book has not sufficient elasticity. But instead of meeting this defect by revision, he would allow a license of selection to the officiating minister. What is now done, in violation of the law, on certain occasions, such as harvest-homes or church-openings, should be permissible at other times. "Why," he asks, "because no fixed standard of faith and devotion can adapt itself easily to all classes of minds, are we to fly to the alternative of pulling about, perhaps infinitely to its detriment, our fixed standard? Why should we not, in our church system, strive to maintain, simultaneously with our old and fixed standards, a certain variety and versatility of administration, which shall have a fresh resource for every fresh want of the population?" (p. 25).

Under the title of "Satan's Devices Exposed,"¹³ the Rev. Samuel Weir repeats some familiar truths which cannot be too often repeated, on the emptiness of the pursuits by which happiness is too often sought. In stating what pursuits he would substitute for the ordinary and unsatisfying aims of life, Mr. Weir is not very distinct. He is indignant at the superstition of the Irish pilgrims, who on the summit of Croagh-Patrick creep on their bare knees over half an acre of sharp stones, repeating Paternosters and Aves. But we cannot discover in what consists the superiority of the mental condition which Mr. Weir offers us over the mental condition of these poor pilgrims. In a very vigorous passage quoted from some anonymous preacher, Mr. Weir denounces dancing and balls. This certainly suggests a view of life which is quite as narrow in its way, as that indicated by the penances of the Croagh-Patrick pilgrims.

Mr. Gilbert Tait has translated the Danish hymnal, or a selection from it, into English verse.¹⁴ "As writers of hymns the Danes have done little more than cultivate a small spot of the mighty(?) Lutheran vineyard. But they have not been servile copyists; they have burned with inspirations of their own, have manifested a marked individuality, as if the northern breath were still blowing on them, which made them in the remote past the bravest of the brave." (Pref. p. vii.). In the "Hymns of Sweden," which are advertised as in preparation by the same translator, we would suggest that a short preface should give some account of the composition of the hymnal and its authorship.

The concluding part of Director Schenkel's "Twenty Contempla-

¹³ "Satan's Devices Exposed." By the Rev. Samuel Weir. Dublin: Moffat & Co. London: Hamilton, Adams & Co. 1868.

¹⁴ "The Hymns of Denmark." Translated by Gilbert Tait. London: Strahan & Co. 1868.

tions," bears the title of "The Christianity of the Past and of the Present."¹⁵ It is impossible in our space to give even the briefest account of the rich variety of considerations which are presented to the reader in this thoughtful volume. All the phases of Christianity, from the simple moral reform inculcated in the sayings of Christ down to the modern phase of ultramontanism, are passed in review. This, however, with no parade of professional erudition, but with the practical object of aiding thinking and religious minds to form some conception of what Christianity can be for us—for men of the modern era. Dr. Schenkel is profoundly penetrated by Christian ideas, and feels accordingly not that Christianity must, as is sometimes said, be made to harmonize with modern ideas, but that it does really, and most truly, do so when it is detached from the superfetation of doctrinal theology which is like to have stifled it. The Christianity of the churches, Catholic or Protestant, is in a fair way to be abandoned by all persons of education and mental cultivation, and to sink into a peasant's superstition. But if transplanted from the conventicle and the pulpit, it is able to bear the fres hair of modern intellectual life and thought. Dr. Schenkel finds his hopes of such a purification not on any apostleship of special individual teachers making it their mission, but on the tendencies of modern culture itself to take up into itself all the light which is extant in the world. Since the birth of the sciences the course of European history has shown such a continuous filtration of pure Christianity. So far from the "apostolic age" exhibiting the Christian idea in its normal purity, we see it already in the teaching of the apostles, adulterated with notions derived from the traditions of the Jewish synagogue. The Christianity of the apostolic age was a state of high religious ecstasy, but morally of little development. The all-enduring power of "charity"—love, is indeed painted in inimitable colours by Paul; but mixed with this is an impatience against "sinners," against the non-Christian world of Jews and Heathens, and the expectation of a speedy vengeance upon them. The great drama of "the regeneration" was to have a speedy dénouement in the second coming of Christ. How these foreign accretions formed themselves round the simple morality of the Gospel from age to age, how they took more and more decidedly the form of dogmatic assumption, is the subject of the 12th and 13th "Study." The Reformation was originally a protest against dogma. But it was soon untrue to its principle, and the churches which issued from it became no less imbued with the poison of compulsory creeds than the Church of the Middle Ages itself. With this inherited poison they have been struggling ever since the 16th century. The time is now come when the "consciousness" of the Christian communities is aware of the mischief which is working within them. The idea of a Church fenced round by a theological confession is become intolerable. The Church of the present

¹⁵ "Christenthum und Kirche im Einklange mit der Culturentwicklung. Zwanzig Betrachtungen." Von Dr. Daniel Schenkel, Grossherzogl. Bad. Kirchenrath, und Professor der Theologie. 2^{te} Abth. Das Christenthum der Vergangenheit und der Gegenwart. Wiesbaden: Kreidel. 1867.

can only know convictions. Creeds belong to the Church of the priestly caste. The impatience of creeds now felt is not due to "religion." On the contrary, the progress of inquiry into the origin of Christianity has made it apparent that Christ himself prescribed no dogmatic formula as a condition of adhesion to himself. Christianity rests upon a moral experience; upon the experience that God is present in man, and that man then only fulfils his destiny when he is entirely obedient to the impulses of the Divine Spirit. The consciousness of this union with God was first unfolded by Christ. Not in the shape of a dogmatic proposition, but in that of a new life. Director Schenkel exposes, with the knowledge of one who has stood close to what he describes, the insincerity and hollowness of the theological teaching which now goes on in the universities. For the last thirty years the theological chairs have been restored to orthodoxy. The results to be arrived at by investigation have been first fixed, and then a sham process of learned inquiry has been gone into to bring out these results. A melancholy contrast this with the first thirty years of this century, when the theological teacher regarded himself as the servant of science, and followed truth unconditionally and unhesitatingly. There are now few traces of a scientific Protestant theology. The little that still lingers among us we owe to the fact that our universities are State institutions, and do not belong to the Church. Dr. Schenkel concludes with an examination of the attitude assumed by the confessional churches towards the problems social and intellectual of our age. Theology has been made impossible. Historical criticism is not more favourably regarded. Philosophy is under a ban. Physical science is, to say the least, under suspicion. With art orthodoxy has no sympathy. The classical works of the masters of the German language are all but prohibited in the schools which are managed by the clergy. Gellert's hymns were not thought correctly orthodox enough to be admissible into the new "Gesangbuch." The drama is altogether under excommunication. In most places it would be impossible for the minister to be seen in the theatre. The pressing social difficulties connected with the relations of capital and labour, &c., have had much attention and endeavour from Governments, while the Church has attempted nothing. Lastly, what has the Church done for "unity?" The union of Lutheran and Reformed was brought about fifty years ago by the State and the joyful consent of the congregations, but in spite of the resistance of the Church, and is at this day incessantly being undermined by the orthodox clergy. These and other problems are proposed by Director Schenkel as for solution by the free Church of the future—free, because not bound down to dogmatic engagements. He thinks such a community equal to the task of solution. A mere summary, even if much more full than the one we can give, would convey no idea of the variety of topic brought up in these "considerations." A unity of tone and feeling is given to the whole by the leading idea which occupies the author's mind—viz., the antagonism which exists between the Christian life and dogmatic Churches. His solution is very simple: Abolish dogmatic decisions as conditions of membership. Nothing is more easily said. But we confess we

cannot be so sanguine as Dr. Schenkel seems to be that such a happy solution of the religious difficulty is near at hand.

Director Schenkel's defence of his position against the reactionary Church party has reached us in a second edition.¹⁶

Three public lectures delivered by Dr. Ullhorn before the Evangelical Union of Hanover, treat of the never-exhausted subject of Luther under three heads. 1. Luther and Rome; 2. Luther and the Fanatics; 3. Luther and the Swiss.¹⁷

We notice the next volume, not only in order that we may congratulate the Editor on the completion of a truly national work, but because the volume before us is itself an astonishing specimen of labour and accuracy.¹⁸ It is a bulky royal 8vo. of 540 pages, and consists entirely of indexes. Herzog's Encyclopædia of Theology is itself arranged in alphabetical order, and each of the 20 volumes contained, at the end, an index alphabet of the articles in the volume. Who in England would have thought of a further index to the whole work? Or what publisher would have submitted to the expense? Dr. Herzog and his enterprising publishers have not shrunk from this gigantic undertaking. The present volume, the 21st, is not a mere alphabet-index of articles, but an analytic index of the whole contents of the encyclopædia. The vast range of personal names, and of matters not considerable enough to have an article to themselves, but necessarily treated of under more comprehensive denominations, may now be referred to directly. Those who have to use indexes much, know how greatly one index can be better than another, and that an index is of little use unless it is made by a person not only of intelligence, but of some acquaintance with the subject of the book. Our publishers are very faulty in this respect, and too apt to employ mere illiterate copyists. Hence the waste of time and worry attending the use of many of our books—*e.g.*, the index to Hallam's "Literature of Europe," in which Zeno, the Greek philosopher of Elea will be found referred to under the head of Apostolo Zeno. In the present compilation, skill and knowledge have seconded industry. Under all the more comprehensive headings, the compiler has not been content to accumulate the references indiscriminately, but has classified them; *e.g.*, under the head "Augustinus," we have 1stly. The References to his Life and Actions; 2ndly. References to his doctrinal decisions, classified under Apologetic, Polemic, Dogmatic, Homiletic; 3rdly. References to his writings; 4thly. The literature of Augustine. Luther, Calvin, Melancthon and all the principal names are arranged on the same principle, so that an alphabetical index becomes to all intents and purposes a classified one. A monumental

¹⁶ "Die Protestantische Freiheit in ihrem gegenwärtigen Kampfe mit der kirklichen Reaction;" eine Schutzschrift von Dr. Daniel Schenkel, grossherzogl. Bad. Kirchenrath, &c. 2^{te} Aufl. Wiesbaden: Kreidel.

¹⁷ "Die Reformation. Drei Vorträge im Evangelischen Verein zu Hannover gehalten," von Gerhard Ullhorn, Dr. Theol. Consistorialrath. Hannover: Meyer. 1866.

¹⁸ "Real-Encyclopädie für protestantische Theologie und Kirche." Herausgegeben von Dr. Herzog, ord. Professor der Theologie in Erlangen. Generalregisterband. Gotha: Rudolf Besser.

work of learning is nobly crowned by this final volume. A Bible dictionary in this country is a synonym for charlatanism and quackery, for second-hand facts and cooked results. The materials borrowed from German books; the inferences adapted to the opinions of the readers and purchasers! The "Encyclopädie" of Herzog is indispensable to the student. And the cost, about 10*l.*, without binding, is very moderate for the mass of information presented in the most convenient form.

Dr. Ceriani's publication of "Anecdota" from the Ambrosian Library, was an immediate sign of the mental awakening of the Italian mind after the expulsion of the Austrians from Lombardy.¹⁹ We only refer to it at present with the view of drawing attention to what one of the fragments thus brought to light, is capable of producing when submitted to the crucible of German learning. It was the merit of the Italians to have detected the palimpsest, recognised it as valuable, and as inedited, and to have printed it, with some, not very successful, attempts to restore the many hiatus. Beyond this, Italian philology could not go. But no sooner did Ceriani's attempt fall into the hands of the Germans, than they immediately recognised in the half-deciphered jargon of the *vetus Itala*, a precious document of early Christian literature. The "Ascension of Moses" is indeed the most curious discovery bearing on Christian antiquity, which our age has seen. The palimpsest, which exhibits the fragments, came originally from the same abbey, that of Bobbio, in which the Muratorian fragment of the Canon was found in the last century. The code is parchment, in uncial letters, without division between the words. Its date is of the 6th century, and was probably brought to Bobbio by Columban himself, the founder of the monastery. To judge from the fragments which have found their way into the Ambrosian library, it originally contained a complete collection of apocryphal books. Popular in the 6th century, as books of edification, this kind of literature fell into disrepute in later times, and was either neglected as worthless, or destroyed as dangerous. Of the "Assumption of Moses," about a third part has been recovered. But this part is, fortunately, the most important portion. It is the commencement of the book, and contains the "Prophecy of Moses" complete, with the exception of a few passages which have been destroyed by the chemicals employed.

The book thus partially recovered after a disappearance of 1200 years, was a favourite in Christian antiquity. The "Assumption of Moses" was known to the Council of Nice, and to Origen, and at a still earlier period to the compiler of the canonical epistle, which goes under the name of "Jude." "Jude," indeed, cites the book (v. 9) without naming it. But the title is supplied by Origen ("De Principiis," 3, 2, 1) by Didymus of Alexandria, and by the Acts of the

¹⁹ "Monumenta sacra et profana ex codicibus præsertim Bibliothecæ Ambrosianæ. Opera collegii doctorum ejusdem." Ed. Anton. Mar. Ceriani. Tom. 1. Fasc. Mediolani.

"Mose Prophetie und Himmelfahrt. Eine Quelle für das Neue Testament, zum ersten Male Deutsch herausgegeben." Von Dr. Gustav Volkmar, ord. Professor der Theologie an der Universität Zürich. Leipz. : 1867.

Synod of Nice. Clement of Alexandria quotes it, but without giving the title. We need not wonder that the German scholars pounced upon such a discovery with eagerness. Various conjectures as to its date and interpretation were hazarded, some with more haste than discretion. Ewald pronounced it a translation from the Aramaic, and fixed its date somewhere between A.D. 54 and 64. Lange placed it a little after 70, while Hilgenfeld thought it was written at Rome in the year 44. Volkmar has edited the original latin text verbatim from the Ambrosian palimpsest, has endeavoured to supply the gaps, and given a translation and an ample commentary and introduction. He has proved that the original language was Greek. As to its date, he is inclined to refer it to the close of the Bar-Cocheba persecution, A.D. 137-8. If this conjecture of Volkmar should prove correct, the Epistle of "Jude" could not have been written before the middle of the second century, consequently the 2nd Epistle of "Peter" in our Canon, which is a *rifacimento* of that of Jude, must be of still later date. The "Prophecy of Enoch," also used by "Jude," is referred by Volkmar to A.D. 132. Both these apocalyptic books, of monotheistic character, vindicating the One eternal God of Israel, though of anti-Christian origin, were useful to the Christian author of Jude as a weapon against the Carpocratians.

Ægyptology is a special science, and we cannot venture any criticism on Dr. Ebers' "Egypt and the Books of Moses."²⁰ It has the appearance of labour and thorough examination of the extant material. How rapidly this material accumulates, the author reminds us in his preface, where he compares what Hengstenberg had at his command in 1841 for his "Die Bücher Mose's und Ägypten" with what Dr. Ebers himself can now employ. His title, "Ägypten und die Bücher Mose's" is intended at once to challenge comparison with Hengstenberg's volume, and to intimate the change in the relations of the biblical and the extra-biblical sources of our knowledge. Even during the composition of the present volume fresh matter has come to hand. Chabas has published his "Voyage d'un Egyptien," with a valuable analysis of the papyrus of Anastasi i; Dusuichen has brought out his "Flotte einer Ägyptischen Königen;" Unger, Maspero, Pleyte, have made contributions to our knowledge; the sources of the Nile have been discovered, and the causes of its annual rise, and the Suez canal has opened up the eastern border-land.

Dr. Hausrath has proposed to himself the task of writing the history of the New Testament time,²¹ *i.e.*, we presume, of the first century, or more narrowly, of the Roman dominion in Palestine, in immediate connexion with the great religious facts of the Gospel.

"Christianity is the work of Christ, not of circumstances. The personal life and character of Christ is the thread through which things are in immediate contact with God. Of this no further explanation or deduction is pos-

²⁰ "Ägypten und die Bücher Mose's Sachlicher Commentar zu den Ägyptischen Stellen in Genesis und Exodus." Von Dr. Georg Ebers, Privatdocent an der Universität Jena. 1^{or} Band, mit 56 Holzschnitten. Leipzig. 1868.

²¹ "Neutestamentliche Zeitgeschichte." Von A. Hausrath, Prof. an d. Universität Heidelberg. 1^{or} Theil. Die Zeit Jesu. Heidelberg: Bassermann. 1868.

sible. But yet this sacred history is also a portion of contemporary history. It is not a phantasmagoria exhibited from heaven or a background of actual history, but a real portion of that history, and in reciprocal action and reaction with it."—(*Preface*, p. viii.)

The second part of Weill's *History of Judaism* treats of the Law, or Revealed Religion, as the first had treated of "Theodicée," or Natural Religion.²² It is not so much a history as an analysis of principle and a vindication.

Alfred von Kremer has submitted the history of the dominant ideas of Islam to a searching analysis, with a view to determine their moral value, and the causes of their prevalence.²³ His materials have been derived from a wide reading of Arabic books, and from study of the people in their own country. In his preface he gives a very interesting account of the circumstances under which he was led into the line of inquiry of which this volume is the result. In the spring of 1849 he found himself in the capacity of a traveller, in Constantinople. Here he resolved to discard the European costume and to set out on a journey of exploration. Convinced that the East could never be properly seen by tourists in the English style, with dragoman and French cook, and a costly equipage, he left the Austrian Lloyd steamer at Beirut, and put himself on board a Syrian coasting vessel for Latakija. From this he proceeded to Aleppo, the first city he had seen in which Eastern life, unadulterated by European admixture, was presented to his observation. Here he found himself among a people whose social organization, whose ideas and feelings, were totally different from anything we are accustomed to see. The unconditional, unhesitating faith of the Mahomedan which rules all his actions, makes him a different being from the restless, sceptical European, always fluctuating between two different views of everything. The conviction was gradually brought home to our traveller that this old, traditional, fixed civilization had a value of its own, quite distinct from the ostentatious and demonstrative civilization of the West, and not so far behind it as it is usually conceited to be. In the pursuit of this idea Herr von Kremer sought out people of every condition in the remote towns, the hills, and the desert. As interpreter to the Austrian consulate in Alexandria, he had opportunities of seeing a vast variety of native character in all classes, high and low. His official duties left him time for the study of Arabic literature, the circuit of which is enormous. He found himself gradually unriddling what had seemed to him at first a confused and unmeaning medley of facts. Three writers stand out pre-eminent among the moderns who have treated of Mahomedan history, through their knowledge of its detail, and insight into its connexion—Weil, Sprenger, and Dozy. Thanks to the labours of these three writers, we now understand the Arabic history in a very different way from that in which it was possible for the last generation to do.

²² "Le Judaïsme, ses Dogmes and sa Mission. 2^{me} Partie. La Révélation." Par Michel A. Weill, Grand Rabbin. Paris: Franck. 1868.

²³ "Geschichte der herrschenden Ideen des Islams. Der Gottesbegriff, die Prophetie und Staatsidee," von Alfred von Kremer; pp. 470. Leipzig: Brockhaus. 1868.

Herr von Kremer hopes to have contributed something to the stock of Oriental knowledge in the present volume. It is a history, not of facts, but of the ideas which have guided and determined the facts. These ideas he has classified under three heads—the Idea of God, the Idea of the State, and the Idea of Revelation. These and their influence are traced to the end of the Caliphate. The existing phase of Islam, in which Persia, Turkey, &c., are at present found, requires a distinct treatment.

Dr. Travis' short treatise is intended partly as supplementary to, partly as an abridgment of, the author's fuller work—"Moral Freedom reconciled with Causation."²⁴ The practical inferences are excellent. The more strictly metaphysical part suffers from a defective power of language. Dr. Travis underrates what has been said and known by others on the subject, and consequently overrates what is said and known by himself.

"The Laws of Thought," by Mr. Alexander Robertson, have reached a third edition.²⁵

No reproach is more commonly brought against philosophy, and with damaging effect, than that while the history of Science is the history of a steady progress from truth to truth, the history of Philosophy is only the record of an incessant clash of irreconcilable opinion. It requires a much deeper acquaintance with the history of Philosophy than is usually attained to be aware of the fallacy of this plausible objection. Professor George fairly copes with it.²⁶ He offers his "Theory of Science," not as a new view, deduced from special axioms of his own, but as the whole result of the logical effort of preceding ages. There is a continuous thread of advance in the history of Philosophy which may be detected by looking for it underneath the apparent discord of opinion. Kant effected a combination of the idealist and realist views which had been pushed in a mutually exclusive spirit by previous schools, and set the example of recognising what was true in all. There can be no Logic of Science but that which follows the course of the history of Science, tracing the law of the development of knowledge in the facts of that development. Professor George's elaborate treatise is divided into three books. Of these the first analyses the psychological states of belief in all its degrees from conjecture up to certainty. The second book treats of the strictly logical forms and processes of thought. The third examines the methods and conditions of Science, viz., discovery, observation, experience, hypothesis, experiment, analogy, &c. The concluding chapter of the third part, "On Philosophical Knowledge," endeavours to clear up the relation of Philosophy to Science, and to vindicate the right of the former to be considered a body of ascertained truth.

With the volume now before us Zeller closes the second, entirely rewritten, edition of his "History of Greek Philosophy," a work which

²⁴ "Free Will and Perfect Law in Harmony." By Henry Travis, M.D. 8° pp. 67. Longmans. 1868.

²⁵ "The Laws of Thought." By Alexander Robertson. 3rd edit. 8° pp. 278. Longmans. 1868.

²⁶ "Die Logik als Wissenschaftslehre dargestellt." Von Dr. Leopold George, ord. Professor an der Universität zu Greifswald. Berlin: Reimer. 1868.

has occupied him five-and-twenty years.²⁷ The sections in this volume which have received most of his attention are those of Neopythagorism, Plutarch, the Essenes, Iamblichus, and Neo-Platonism after Proclus. A comparison of any of these sections with the corresponding portions of the first edition, will show the conscientious labour which the author has bestowed on his subject. It consists not merely in the accumulation of new material, but in the deeper insight and complete view which a constantly expanding learning brings with it. The first draft of his "Plutarch" occupied fifteen pages in the original edition. It is now expanded to forty pages. But that is little to say of it. The full, exhaustive presentation of the philosopher of Chæronea which is now offered us, makes the original sketch look a very bare and juvenile essay. It is unnecessary to say that Zeller has diligently availed himself of all the corrections and criticisms which have been heaped upon his work since 1852. The chapter on the Essenes, in particular, assumes an entirely new form with reference to the discussions raised by Frankel and the other Jewish writers, and the views of Ewald, A. Ritschl, and Hilgenfeld. To Essaisimus Zeller has judged it advisable to devote a larger space than its strictly scientific worth would justify, on account of its historical importance as a religious phenomenon. Zeller's vindication of Philo's authorship of the treatise, "De Vita Contemplativa," is a dissertation of itself in the form of a note. Grätz ("Geschichte d. Judenth.") had denied its genuineness, and attributed it to a Christian author, who wished to recommend the monastic life by the authority of Philo. His principal argument was, that the Therapeutæ of the Philonic book were, to all intents, Christians. This Zeller denies, but his reasons do not seem to us very satisfactory. The use of the word *μοναστήρια* of the cells of the Therapeutæ is certainly a suspicious circumstance. Zeller, however, points out that whereas in the Christian use of the word it always (?) means a collective home of a monastic community, in Philo it is used of the single cell of the individual anchorite. Zeller's analysis of Plotinus' writings is most minute. It occupies more than 150 pages, and is probably the most complete résumé of them that has ever been made. Zeller might have improved his notice of Porphyrius De Abstinencia by a study of Bernays' wonderful essay on Theophrastus, to which a bare reference is made in the note to p. 597.

In the fourteenth volume of his "Etudes," M. Laurent arrives at the French Revolution.²⁸ He examines this event as a religious convulsion. There is first the preparation of opinion laboured at by the Free-thinkers and the Philosophers. Secondly, the preparation of the political soil by the oppressiveness of the government and the ecclesiastical law which made reaction and revolution welcome. The saying of Spinoza, "La fin de l'Etat c'est donc véritablement la liberté,"

²⁷ "Die Philosophie der Griechen in ihrer geschichtlichen Entwicklung dargestellt." Von Dr. Eduard Zeller. Dritter Theil. Die nach-aristotelische Philosophie. 2^e Auflage. Leipz. Fues's Verlag. 1868.

²⁸ "Etudes sur l'Histoire de l'Humanité. La Révolution Française." Par T. Laurent, Professeur à l'Université de Gand. 2^{me} Partie. Paris: Librairie Internationale. 1868.

contains the germ of the revolution of '89. The English Deists belong to a different class from the French philosophers. The Deists were really Christians whose point of departure was Protestantism, but a Protestantism modified more or less by reason. The French philosophers did not profess to call themselves Christians. They threw it off entirely; but the freedom they obtained by breaking with tradition was checked on another side by the want of political liberty. They could not speak out. They wrote with the sword of Damocles overhead. Voltaire was obliged to keep terms with the Church, and veiled his feelings in sneers and irony. The writings of Voltaire had spread free thought through all the upper and educated classes; but the clergy and the country were still Catholic. The States General brought the two classes (1789) into direct collision. The *cahier* of the clergy demanded "que la nation conserve inviolablement sa religion nationale, laquelle *doit avoir seule* l'exercice public de son culte." They were soon undeceived. A profound hatred of catholicism had penetrated the "tiers état." Quinet indeed has maintained that even in the *Assemblée Nationale* there remained a Christian sentiment, and that he can distinguish the accent of religion in the declaration of Mirabeau. But this is a mistake. The managers of the first *Assemblée*, Dupont, Chapelier, Barnave, Mirabeau himself, nourished a class hatred for catholicism. Mirabeau would say, "Il fallait décatholiciser la France." In 1790 things had advanced so far that it was no longer Catholicism but Christianity which was made the butt of public ridicule. Historians are fond of representing the excesses of '93 as the work of a handful of men. It was not so. The hatred of Catholicism was universal. Hébert and the Père Duchêne are not to be taken as types of the period. Too much honour would be done them in attributing to them any doctrine whatever, even materialism. The philosophers, Diderot, Helvétius, d'Holbach, would have repudiated such allies with disgust. Camille Desmoulins perished on the scaffold for the crime of moderation; yet Camille Desmoulins is far more bitter against the Church than Voltaire. The Christian religion was to be replaced by a kind of State religion. The Directory associated themselves with the anti-Christian movement. In their State documents they speak of those who believe in the divinity of Christ as "imbeciles." But the reaction came, and from the very violence of the revolution itself. The horrors of the Terror, the incessant spectacle of death, awoke the sentiment of religion, which was not extinct, but only dormant in the infidels by profession. The *Catechisme de la Nature* of the year ii., by Citizen Platon Blanchard, indicates the turn of the tide. In Volney's *Catechisme du citoyen*, the name of religion had not been mentioned. In the *Catechisme* of Platon Blanchard, it is laid down that morality is not sufficient without a sanction. The sanction is not merely the punishment of the offender, or God would exist only for the criminal. Virtue has equal need of a divinity. "Human law," says the Catechism of the year ii., "has its source in the Divinity." So penetrated is Blanchard with the idea of a God, that he denies the possibility of atheism. He will not believe that there ever existed an atheist. Robespierre declaimed against atheism as an

aristocratical vice. "The monsters," cries Couthon in the Convention, "who preached atheism and materialism, knew that there was no means of upsetting the Revolution so sure as to take away from men the idea of a future life. They would have made of the French people, a people of brigands, that they might become in the end a nation of slaves." The whole course of the religious revolution, till the restoration of catholicism by Napoleon, is drawn out by M. Laurent with great fulness. It is an unwritten page of history; for though Catholic historians have detailed the fall of the Church, and the negotiations for its restoration, they have seen in the ideas of the Revolution nothing but a blaspheming frenzy. M. Laurent now enables us to see a method in the madness of the destroyers. The only regret we have to express is, that M. Laurent does not write, as he is so well entitled to do, more as the historian and less as the pamphleteer. There is in every page a tacit reference to the political situation of his own country. We can easily understand the keen anxiety with which an enlightened Belgian must regard the political horizon in his own country, in which the ascendancy of a clerical party—most ultramontane, and therefore most ignorant—is certain, if not imminent. This anxiety must necessarily quicken his perceptions in studying the past of catholicism. But though his patriotic interests may be allowed to inspire his studies, they cannot dominate the pen of the writer without corrupting the character and disfiguring the propriety which belongs to each age, and which it is the first business of the historian to preserve.

The exhausting effect of original effort of mind upon the nervous system is being examined by M. Théodore Wechniakoff.²⁹ His second number is before us, in which he is occupied with the group of philosophers. Original philosophic effort is very destructive of the vital powers. His cases amount to 27, of whom 14 died under 60, and of the remaining 13, only two attained the age of 66. Of course, cases where death was due to extraneous causes, *e.g.*, Hegel, who died of cholera, are excluded. His exceptions, however, are as numerous as his cases. But in all the instances of exceptional longevity which he brings forward, he finds explanatory circumstances. Kant lived to be 80, and Schopenhauer to be 72. But Kant knew not passion; and both had their sentimental nervous system feebly developed in comparison with their other nervous powers. Leibnitz again, who died at 70, lived under social conditions which constantly checked the free elaboration of philosophical conceptions. Others again, Buffon, Lamark, Hutton, Geoffroy St-Hilaire, did not begin their scientific efforts till late in life, and were protected by having in their youth had to exercise only the functions of physical life. Another curious observation upon philosophic activity is, that the co-ordination of all the functions which constitute the whole intellectual energy of philosophic minds is preserved in its plenitude for only a short portion of their whole duration

²⁹ "De l'Economie des Travaux Scientifiques et Esthétiques, par Théodore Wechniakoff." 2^e Fascicule; Groupe Philosophique. Paris: Victor Masson. 1868.

of life. There occurs, and generally at an early point in middle life, an epoch when the assimilation of scientific material, and its ulterior elaboration, proceeds with a synergy more vigorous and more continuous than is ever afterwards attained by the same mind. This phase of philosophical superactivity is always succeeded by an intellectual phase characterized by a less expenditure of simultaneous powers.

POLITICS, SOCIOLOGY, VOYAGES AND TRAVELS.

THERE is no lack in the present day of theories as to the best mode of regenerating Ireland. There are also a sufficient number of notorious facts to satisfy even the staunchest Conservative that regeneration of some sort or other is called for in that country. The chief want has been throughout the controversy an exact and detailed knowledge of the minute circumstances of current Irish life and Irish feeling, as well as of the working of Irish institutions. The "Journals, Conversations, and Essays" of the late Mr. Senior¹ in a great measure supply this want in a way likely to be acceptable to disputants the farthest removed from each other. It is scarcely possible to exaggerate the value of the evidence supplied by the investigations reported in the second volume of this work. These investigations were conducted on the spot, and with the help of residents possessed of the largest information as well as intelligence and sobriety of view—such as Archbishop Whately, Lord Monteagle, Lord Rosse, Mr. Francis Trench, Mr. Stephen Spring Rice, and a number of landlords, agents, ministers of religion, and persons engaged in education or the administration of the poor laws. The period embraced by these volumes does not reach down later than 1862, but the value of the matter is none the less permanent and relevant to the present situation. The topics discussed are the position and mutual relation of the rival Churches, the attitude of the Irish peasants and landlords in respect of the land, the prospects of education, the operation of different modes of poor-law relief, and such narrower matters as penal procedure, and the office of Lord Lieutenant. We shall give the reader a taste of what will be found in Mr. Senior's volumes on some of these heads, as it would be a great misfortune if, at a critical moment of liberal but tentative legislation such as we have now reached, any reliable facts ready to our hands should chance to be neglected. We may premise that the spontaneous form in which the opinions of the different persons who engaged in conversation emerged add much to their value. It was generally *apropos* of some special drive, walk, or visit to a farm, a school, a workhouse, or of entertaining a distinguished guest at dinner, that the discussions arose; and the reported opinions were in all important cases revised by those who had announced them. In treating of the position and

¹ "Journals, Conversations, and Essays relating to Ireland." By Nassau William Senior. In two volumes. London: Longmans. 1868.

mutual relation of the Irish Churches, Mr. Senior, in the opening essay, written in 1844, draws a distinction between the *injury* to the Catholic inflicted by the absence of a public provision for his spiritual wants and the *insult* involved in the transfer of what was originally a Catholic endowment to a Protestant minority. Much of the interest attaching to this distinction has now passed away, as there seems to be no desire in any quarter to endow the Catholic body, or rather the amount of opposition to be looked for in different quarters to any such proposal would endanger the prospect of disestablishing and disendowing the Protestant Church. At the same time we believe that the evils pointed out by Mr. Senior of having a poor clergy entirely dependent on their people are not at all exaggerated. In the case of an injudicious mode of reconstructing the Protestant Church after disendowment such evils will be further extended. It is not our purpose to discuss the question in this place. In a recent article on the Irish Church we hinted at a mode of employing the present revenue of the Protestant Church in a way likely to place both the Protestant and Catholic clergy in a far more independent and honourable position than the Catholic clergy occupy now. The opposition of the Catholic priests to the Registration Bill of 1849, as likely to diminish the fees on marriages and as recognising marriages as a civil act, is properly noted as characteristic of the depressed state of the Catholic priests both as to material wealth and political morality and intelligence. The great misfortune, however, of the present state of things is described to be the restless and fanatical proselytism on the part of Protestants. One speaker says, "Proselytism poisons all our social relations. And the evil which it does is pure evil, for it does not alter the relative numbers of the two parties. There are as many converts to the one faith as to the other. It is a war which produces nothing but wounds." Mr. Stephen de Vere observed (speaking in 1862), that there was incomparably more proselytism among Protestants than among Catholics. "I scarcely ever heard a controversial sermon from a Catholic pulpit. The Catholics (at least in Ireland) desire to keep their own people, not to seduce those of other persuasions. Among the Protestants, proselytism is the road to notoriety, often to preferment; and it is carried on at a comparatively small expense to those who manage it." As to the attitude of the Irish peasant and landlords in respect of the land, both the observations and arguments reported by Mr. Senior are of the highest value, if only it be to enforce the view of the subject which is now pretty widely accepted. Part of the evils affecting Ireland are denoted as *material*, and part *moral*. The material evils are the want of capital and the want of small proprietors: the moral evils are insecurity, ignorance, and indolence. Nothing could be more vivid than Mr. Senior's representation of the Irish peasant, such as he is in his own country, conducting as he does a systematic opposition to law, "at the constant risk to liberty and life, of which tremendous risks and frightful suffering are the means and general misery the result:" living in cabins or farm-houses deformed by accumulations of filth which the least exertion would remove, and allowing in field after field weeds to cover as much space as the crops:

without motive for industry or economy, the competition for land having raised rents to an amount which can be paid only under favourable circumstances, and if any accident throw the tenant into arrears, the arrears being kept a subsisting charge, to be enforced if he should appear capable of paying them. The state of a country like Ireland, where there is little capital and there are few small proprietors, and society is divided between the very rich and very poor, with scarcely any intermediate class, is portrayed with equal scientific truthfulness and artistic power. We shall extract the concluding part of the sketch, and could wish it to sink deep into the minds and hearts of English statesmen:—

“In a country in which every one who can find a landlord to accept him can be a farmer, and scarcely any one can be a labourer; where the three only alternatives are the occupation of land, beggary, or famine; where there is nothing to repress competition and everything to inflame it—the treaty between landlord and tenant is not a calm bargain, in which the tenant, having offered what he thinks the land worth to him, cares little whether his offer be accepted: it is a struggle like the struggle to buy bread in a besieged town, or to buy water in an African caravan. It is a struggle in which the landlord is tempted by an extravagant rent; the agent, by fees or by bribes; the person in possession, by a premium to take him to another country; and rivals are scared away by threats or punished by torture, mutilation, or murder. The successful competitor knows that he has engaged to pay a rent which will swallow the surplus beyond the poorest maintenance for his family, that with his trifling stock he can force the land to produce. He knows that if he fails to pay he must expect ejection, and that ejection is beggary.”

This is emphatically “the Irish question,” and for the truth of the facts here alluded to we can only refer the reader to the journal of Mr. Senior, and to the report of the Devon Commission, as well as to the accounts of every honest and competent observer who has travelled in Ireland. We think Mr. Senior’s remarks on the operation of successive poor laws in Ireland extremely valuable, not only from their bearing on the special political problem presented by that country, but because of their larger significance in respect of the whole perplexities involved in modern pauperism. That any system of relief which proposes to tax the landlord for the support of an able-bodied workman under any circumstances whatever short of his suffering such actual distress as renders the confinement of the workhouse an acceptable alternative to starvation, will fail of its real purpose, will multiply pauperism indefinitely, lead to the relinquishment of land, the destitution of rate-payers, and universal prostration, material and moral, was sufficiently well proved in England under the old poor law, and has had many partial proofs at different periods in Ireland. Mr. Senior’s volumes are full of important conversations on this topic. The results seem to be invariable and uniform. Where only in-door relief, under the sternest conditions, has been granted, there the amount of pauperism is at the lowest, and in some districts can hardly be said to exist: where out-door relief has been granted, even accompanied with the imposition of work, destitution and demoralization have infallibly and universally followed. We have not space to follow Mr. Senior into

his inquiries into the system of mixed education in Ireland, which at the times he visited that country seems to have worked more satisfactorily than it is said to do now.

In Mr. O'Neill's² little volume on "Ireland for the Irish," we have what is called a "practical, peaceable, and just solution" of the Irish land question. Though there is much in the treatment of the subject that will be irritating, if not justly offensive, to many readers whose feelings are not undeserving of consideration, we think the main suggestions conveyed in the chapter headed "Associated Proprietary" and in the following one very valuable, and accordant partly with what we ourselves have elsewhere indicated, and partly with the more modified scheme of Mr. Bright. Mr. O'Neill conceives that the rooted sorrow of Ireland is what he calls "landlordism." He takes great pains to trace how the present Irish landlords acquired their property, and how the original clan system was changed into a system of feudal tenures. He then points out the divers modes in which the Irish landlords have (as he holds) grossly abused their rights, how the English press, and the English nation generally, have supported them in such abuses, and he notes the material loss to the whole country involved in the very nature of personal and individual ownership. We cannot call Mr. O'Neill's mode of stating and investigating these charges as either philosophically correct, or politically sagacious. The real nature of the problem as to the true use of land, and the nature of its qualities, both productive and (if we may use the term) moral, is entirely overlooked by him. So long as the land of a country, limited in extent, continues to bear more food than is sufficient for the sustenance of tillers of it, landlords and tenants, or owners and occupiers of some sort or other, must sooner or later necessarily be both found there. Every conceivable scheme of co-operation, or associated proprietary, must necessarily involve the existence of these two mutual relationships, though the fact may be dissimulated under strange names. It is of course of the highest importance who the landlords are; what the ascertained legal rights and duties of the landlords and tenants are as between themselves; and, above all, what current sense of social obligation regulates the actual exercise of such rights and the performance of such duties. Mr. O'Neill, like Mr. Bright, suggests that the Government should invite, by every legitimate means (short, it would appear, of compulsion), landlords to sell their estates to itself. The distinctive feature of Mr. O'Neill's scheme is, that a certain kind of village proprietorship, or tenure, is to be recognised in such a way that the ostensible authorities managing the land on behalf of the Government will form a body exactly similar to, if not identical with, the Poor-law guardians in each union. Land commissioners are to be appointed by the Government, to serve as checks on the "local land guardians." The duties of the guardians are "to purchase land offered for sale, either in town or country; to purchase lands, either in cultivation or lying now uncultivated, but which are susceptible of

² "Ireland for the Irish." By Henry O'Neill, Artist. London: Trübner. 1868.

planting or being otherwise rendered useful; to let such lands or farms, or otherwise to have them cultivated; and to account for the expenditures and receipts to the land-commissioners." The purchase money is to be advanced by the Bank of Ireland, for which advances the Government shall be security. Mr. O'Neill is very sanguine as to the freedom from local and general taxation which the proper employment of the national revenues to be derived from the lands will bring about. But he has scarcely made sufficient provision in his scheme for paying the interest and, gradually, the principal of the money borrowed by Government wherewith to purchase the land from its present proprietors. Some such scheme, however, is doubtless the term to which most wise men are gravitating.

With a view to such legislation as is looked for, with too much sanguineness we fear, from the new Parliament in the matters affecting the lowest classes of society, any reliable description of what is really the existing state of those classes, what are their wants, and what is the working of such institutions as already are operating for their improvement, is extremely acceptable. Mr. Bosanquet's³ book on "London" is a good specimen of such works, and it contains besides a good deal of extraneous matter in the way of suggestions, accounts of personal experience among the poor, and notices of the modes of poor-relief in Glasgow under Dr. Chalmers, in Elberfeld, Paris, New York, and among the Jews of London, which add much to its value. The treatment of the question as to how to improve the dwellings of the poor, and a particular account of existing associations devoted to this object, are particularly worthy of attention. For a photographic picture of the actual life of the poorest inhabitants of a most densely populated district on the south of the Thames, we could wish for no more interesting reading than "Seven Years in Kent Street."⁴ The whole daily life of the people, and the nature of their intercourse with such as try to do them good, stand out before us in grim and almost, were it not for a certain generous sensitiveness to the latent humanity in the people described which pervades the story, ghastly reality.

"Dreadful tales of violent death, of brutal violence, of licentiousness, and intemperance, might be given; but I wish to place before you (says the clergyman of the district) that street as a whole, and I should say that the attribute into which the people as a whole fall, is that of a people thoroughly absorbed in making both ends meet. It seems nothing less than a stand up fight for life of every man, woman, and child. It is this state of things which gives almost an unnatural penetration, quickness, and vivacity to the people, rather difficult perhaps to cope with, but which, if properly directed, is suggestive perhaps of great results."

There is a certain quaint humour in some of the descriptions which relieves the deep shades of the general picture. Thus: "Then there is the parish church; it does not follow, however, that the parish goes into it: it is about the very last thing it is disposed to do." The

³ "London: some Account of its Growth, Charitable Agencies, and Wants," By Charles B. P. Bosanquet, M.A., Barrister-at-Law. London: Hatchard. 1868.

⁴ "Seven Years in Kent Street," London: Hatchard. 1867.

following is another specimen which points to a source of danger probably underlying much sickness and misery:—

“The way of supplying water to us has a good deal to answer for. Let there be one good-sized tub in the back yard, filled early in the morning; this has to furnish water for all the families in the same house. One pipe will come in between two houses; a piece of lead, branching out either way, directs the water into the twin tubs of the two houses. If your next-door neighbour’s wife is an early bird, and has a wash on, it must not surprise you if the piece of lead, on which your house depends for supply, is bent round to fill her own pails and pans, and turned back again as before just as the water is all turned off, when, of course, you have none. Sometimes, for days together the water is not turned on at all: but let it be, and let it be good, the top of the tub, alas! has been stolen; and what may not come into it from without? You have, moreover, not cleared out your tub, perhaps, for many a long day, and what may not come into it from within?”

On the whole it would seem that the most hopeful directions in which to look for an elevation of the lowest classes in London, and for the diminution of pauperism, is wise sanitary legislation directed to assisting, not cramping, independent and local efforts, the improvement of dwelling houses, the equalization of metropolitan poor-rates, and some scheme of united and harmonious action on the part of poor-law officials, and benevolent persons or societies.*

Every light that can be thrown upon the topic of education in its bearing on the destitution and demoralization of the lowest section of the English population is to be warmly greeted, and the more so when it is reflected from the daily experiences of a thoughtful physician.⁵ The author of the work on Education and Training is in favour of a severely compulsory scheme. Assuming the propriety of such a scheme, which we have not space here to discuss, but which we think involves many other and more complex considerations than those treated here or quoted from Mr. Mill, the physician’s actual view of a general system of education seems to us practical, and founded on a deep view of what popular education might be, and ought to be. He would have all children whatever registered for education at six years of age, the school adopted being stated, and at fourteen years of age registered a second time, the result of the examination by the Government Inspector being stated. The last examination would consist of four parts, of which only one would be in the “instruments of learning, reading, writing, and arithmetic.” For each part of the examination successfully passed by each child, the school would be paid the Government premium of 20s. All existing machinery could thus be turned to account, and the scruples of the fewest possible persons offended.

We are always ready to welcome intelligent discussion of the relations of the Government and the Bank of England.⁶ Mr. Warwick,

⁵ “Education and Training, considered as a Subject for State Legislation.” By a Physician. London: Churchill. 1868.

⁶ “The Government, the Bank of England, and the Public: their Relations Briefly Discussed, and Important Alterations Suggested, in a recent Correspondence with the Right Hon. W. E. Gladstone M.P.” London: Effingham Wilson. 1868.

indeed, is far too staunch an adherent of the doctrine of State Banking to secure our sympathies. Some of his observations, however, and his suggestions deserve much attention. For instance, while he wishes to place "practically and completely the power and control of issue in the hands of the Government," by means of guaranteeing the payment of all notes not drawn against bullion, and determining (as now by the Act of 1844,) the amount of those notes by Act of Parliament, thereby riveting the present connexion between the Government and the Bank, he puts forward another suggestion which probably would have a different tendency. This is to pay the Bank a definite sum for all the Government work done by that establishment, and to constitute the Bank a "mint storehouse," where any one could get his gold exchanged at once for coin or notes at its standard value. The arguments in favour of encouraging the importation of gold, and steadying the rate of discount by means of charging the importer nothing whatever for the coinage of gold, are put with great skill and precision, and well deserve consideration.

There is something peculiarly attractive in continental speculations upon democracy,⁷ and other radical topics. Having had no progressive constitutional history to prepare them for the present phases of politics, and having on every side of them the rival forces of "demagoguery" and "Cæsarism" standing in sharp contrast over against each other, and each hourly threatening to become the other, the attitude of foreigners towards such questions is as different as possible from that of Englishmen. This difference is enhanced by the weakening in nearly all foreign countries of aristocratical influences, the limitations on the free expression of opinion through a daily press, and the anti-secular front assumed by churches both Catholic and Protestant. On all these accounts the prospects of democracy possess for liberal writers abroad an unqualified and romantic charm which displays itself in a sanguine rhetoric, a sentimental earnestness, a buoyant and almost juvenile alacrity of hopefulness, at which graver and deeper thinkers in this country rather profanely smile. M. Barni's work is rather a highly-pitched specimen of this class of writing. It consists of a series of popular lectures, delivered at Geneva, on the relation of Morals to Democracy. Morality is assumed as a constituent element of human nature, independently of all problems as to the basis on which moral notions rest. All society is tending to a democratic form, and all government to democratic government. It is impossible, even were it desirable, to arrest this tendency, and the only hope lies in inaugurating a sound system of morals which shall be effectually binding upon all individual persons composing the State. M. Barni then treats successively the duties of every man in respect of himself, in respect of his family, and in respect of the State of which he is a member. His later lectures discuss the moral duties that devolve on a Democratic Government with respect to the sphere of its activity,⁸ the nature of its penalties, and especially the penalty of death, and [the

⁷ "La Morale dans la Democratie." Par Jules Barni. Paris: Germer Baillière. 1868.

conduct of international relations with foreign states. The opinions and views of M. Barni, though not very original, being based largely on Kant's political works, from which copious extracts are made throughout, and on other works of like celebrity, are, we believe, taken by themselves, sound and irresistible. He points out the misery that results from the debased habits of the lower classes, especially drunkenness and unchastity, and how this misery again, particularly in the case of women, reacts upon its causes. He points to the need of general and compulsory education, the improvement of the laws regulating the employment of labourers, the substitution of voluntary and associated efforts in the place of poor-laws, the elevation of woman to full civil, if not even to political capacity, and a desistance on the part of numerical majorities to make an unjust use of their actual power. With respect to the duties of Government, M. Barni quite accords with the doctrine of William von Humboldt as to the dangers of interference by over-legislation. He quotes from Turgot the formula "Dans la société, chaque individu et chaque groupe hiérarchique doit, autant que cela n'est pas impossible, pourvoir à ses propres besoins par les propres forces." We think, however, the most interesting of these lectures are those on international relations, in which the causes of wars are investigated, and Kant's proposal of an international federation expounded and advocated. The usual pleas for wars in the present day are the interests of civilization, the claims of nationalities, and the principle of "natural frontiers." These pleas are examined and rejected in turn, and the principle of "non-intervention" is explained to mean not international egoism and indifference to the manifest interests of public justice, but an honest determination never to resort to war for any merely selfish purpose, however remote. This sketch of the matter to be found in M. Barni's volume will serve to show the general nature of the reasoning and line of thought. Much, however, as we sympathize with the glowing liberalism and intelligence with which M. Barni has portrayed a democratic state of society, we cannot think he has grappled closely with some of the most complex problems it presents. In the first place, we protest against the popular lines of demarcation drawn between a man's duty in respect to himself and in respect of his family and of the State. A man is a member of a family, thinking for others, or, it may be, alas! in our present impoverished modes of life, becoming averse to others, long before he can be said to have any duties in respect of what is, in a special way, himself. We protest against the possibility being conceived—even for the purposes of provisional classification—of a man being good in relation to himself, but bad as a member of a family, and bad as a citizen. Yet according to the popular distribution, all this would be quite possible. Again, the question involved in the democratic theory of society must not be begged by saying it can only work if people are very good and very wise. Surely, the object of all political constructions is to make people good and wise, and therefore happy. The true problem is how, as intelligence spreads, and an equality of mental, moral, and material conditions is being brought about by what seems to be the irresistible progress of events, the

highest life and noblest sentiments attainable by a nation may be in the least degree endangered. We have shown repeatedly on other occasions, and agree with M. Barni, that this result cannot be secured by excessive legislation. We think, however, in a democratic state of society a prevalent idea of government, of law, of property, of organic unity represented by permanent instruments, is essential to the very vitality of the nation. The victory of the North in the American war in some way symbolized this truth.

In looking about, not without anxiety, for some firm standing-ground on which a political regeneration may rest amid the heat of party struggles and the wild expectations of sanguine demagogues, we in England have almost entirely neglected a region of knowledge which perhaps, when properly estimated, is one of the fairest promise. We allude to the science of speculative jurisprudence. Such a comprehensive, profound, and sagacious work as that of Herr Trendelenburg⁸ may well remind us of our own national deficiencies in this great department. Beyond working round and round in the mill-wheel erected by Bentham and re-constructed by Austin, we have, with the exception of Mr. Maine's valuable quasi-antiquarian speculations, produced absolutely nothing calculated to throw any light upon the moral, political, and (if we may be allowed the use of the term) metaphysical aspects of every system of positive law. We believe that, did a knowledge of such matters enter into our general education, we should have ready to our hand the best real conservative force that could be devised, resting not on ignorance but on the best scientific enlightenment, and which, while steady and fixing all that was valuable in our institutions, would go far to simplify the course of judicious and even revolutionary change. The English jurist starts at a disadvantage in trying to keep pace with continental thought from his want of familiarity with, not to say his rooted distaste to, the language of modern German philosophy in which all the brightest conceptions of Germans are now habitually cast, and also from his ignorance of Roman law, which, in the case of all other European students, is as familiar in their mouths as the English common law is in the mouth of the English lawyer. We trust that a wider professional education in England, accompanied with enlarged philosophical sympathies, will go far to bring Englishmen up to the Continental level. We may then look for a beneficial scheme of codification in this country and also hope to make accessible to the lay public the leading principles of our own and of all other legal systems, thereby giving to all classes the best lesson of caution and sobriety in fabricating new political constructions, as well as imbuing them with a due sense of the nobility of the purposes all such constructions have to serve. Herr Trendelenburg treats with the greatest precision and learning that large indefinite world of morality that encompasses around, and at the same time supplies with incessant fuel all particular systems of positive law. While he carefully abstains from tainting his speculations with the

⁸ "Natur-recht auf dem Grunde der Ethik, von Adolf Trendelenburg." Leipzig: Verlag von S. Herzel. 1868.

customary confusion of law and morality, he has a keen and sensitive perception of what they have to do with each other. The most general idea underlying "Recht," which is neither co-extensive with the Roman "jus" or the English "right" or "law," is the constant preservation of the true mutual relations that ought to exist between the moral whole and the moral parts of that whole. This is eminently a moral definition. The word "ought" implies as much. A very little change will convert it into the severest legal one. "Recht" then becomes the empirical rule which regulates the determinate action of the moral whole and of the moral parts of that whole, with the view of preserving unimpaired the mutual relations. What are these true mutual relations, it is the part of the political moralist to investigate, the statesman to define in the presence of the special circumstances of time and place, and the jurist to assist the politician in converting into formal law. Formal law has three sides to it, an ethical, a physical, a logical side. We have already touched upon the ethical side, that is, the aspect of every law in respect of the wants of the nation for which it is made and the general purposes of human culture. But a law must have a physical support in order to effect its ends. It obtains this not only from the actual punishment threatened in case of transgression, but from current moral sentiments co-operating in the same direction; from direct physical consequences, as in the case of immature or irregular marriages, contempt of the laws of guardianship, infancy, lunacy, and the like; from habits of obedience and the influence of former laws; finally, from religion or superstition. It is the object of a wise law-giver to secure that these forces work rather with him than against him. Though Herr Trendelenburg writes more in the spirit of a moral and political philosopher than of a pure jurist, yet we have been much pleased with the clearness and correctness of the strictly legal parts of his work. While he illustrates his conception of "Recht," embodying itself in the positive laws which regulate property, contract, marriage, the constitution of the state, and, as far as may be as yet, international relations, nothing could be more luminous and interesting than the analysis of these several notions. He truly notes that all rights are rights of persons and all pre-suppose duties, as all duties pre-suppose rights if it be only the right of freely discharging them. Thus the end of law is to determine and therefore maintain the limits of individual freedom. Property, contract, marriage, the organization of the state, all multiply the objects over which individuals have control, extend in time and space the realm of that control, and secure the persons exercising such control against all interference on the part of others. The historical annotations and comments in the smaller print are of much value.

It is unfortunate that the important legal and constitutional questions raised in the case of "The Queen v. Eyre"⁹ should have been left undecided by any competent judicial authority. In default of such decision, it is well that the true amount and nature of the complexity

⁹ "Report of the Case of the Queen v. Edward John Eyre." By W. F. Finlason, Esq., Barrister-at-Law. London: Chapman and Hall. 1868.

attaching to these questions should be clearly ascertained. In this way the laborious and yet compendious and interesting works of Mr. Finlason deserve our warmest thanks.¹⁰ An extra-official view of the state of the law by a private lawyer, however eminent, carries indeed, in England, no weight of its own, further than is due to its logical strength. We should be glad, however, if the discussion were carried on by an answer to Mr. Finlason's review of authorities. For there is something dangerously seductive in reading authorities culled for the sole purpose of supporting one side of an argument. The question mainly at stake is whether "martial law" is or is not an expression recognised in the English constitution, as implying the introduction of a special kind of law, which may be brought into operation during the time that the common law is suspended. This is a question which it is not for us to determine.

A very interesting and instructive chapter in the history of liberalism in Europe is supplied by the story of the progressive concessions of complete civil freedom to the Protestants of France. M. Anquerz¹¹ gives the whole account of the long struggle between the rival ecclesiastical parties from the time of the Edict of Nantes. It is curious thus to watch the stages of the fluctuating contest between religious intolerance and sound political ideas. The individual misery that was caused by the uncertainties attending the due recognition of Protestant marriages, births, and deaths, as well as the religious and political fictions which were from time to time invented to relieve such misery, are described with much spirit and intelligence by M. Anquerz. It is noticeable that the final blow to civil inequalities was dealt during the reign of Louis XVI, and two years before the outbreak of the French Revolution.

The progress of the French language,¹² under the auspices of the Academy, contains a further lesson of a more equivocal nature for other countries. M. Didot's specific suggestions for the forthcoming new edition of the "Academy Dictionary" are, no doubt, deserving of great consideration by the members of the Academy. For foreigners, the most interesting part of his work will be the history of the several editions of the dictionary, of which the first appeared in 1694. Between the fourth and the sixth edition, occurred all the events included in the strictly revolutionary and Napoleonic period. M. Didot describes the difficulty that then occurred in fixing the meaning of such terms as *Liberté*, *Droit*, *Constitution*, as well as with respect to the mode of incorporating new scientific terms. We quite agree with M. Didot that the main danger of the work of the Academy is that of arresting the spontaneous growth of language, as determined by new necessities of daily life, and real changes in thought or feeling.

In the region of lower education in England, we are glad to call at-

¹⁰ "A Review of the Authorities as to Repression of Riot and Rebellion." By W. F. Finlason, Esq., Barrister-at-Law. London: Stevens and Sons. 1868.

¹¹ "De l'Etat Civil des Reformés de France." Par L. Anquerz. Paris: Grassart. 1868.

¹² "Observations sur l'Orthographe Française." Par Ambroise Firmin Didot. Paris: Ambroise F. Didot. 1868.

tion to what seems to be a truly useful school-book on Arithmetic.¹³ Mr. Wurmell's treatise is not only full of well-chosen examples, but, though very small in bulk, it comprises such subjects as logarithms, probabilities, and the properties of numbers.

The propriety of extending the professional education of a medical student to what is called "State Medicine" scarcely admits of dispute. A truly good general education, such as ought to be given (on far more economical terms than at present) at our universities, would, of itself, naturally bring an ambitious student into contact with the political and judicial duties he may have to fill. We think Dr. Rumsey's¹⁴ suggestions in this direction, if they do not lead to increased restrictions on the freedom of practice, deserving of much attention.

Another important topic, not less interesting to our own overflowing population than to the natives of India, is brought to our notice by an interesting pamphlet by Dr. Graham¹⁵ on the possibility of colonizing, to a large extent, some of the hill districts of India, especially the region of the Khasia hills. It is alleged that they are very salubrious, scant in population, most productive of all kinds of fruits and useful animals, and that the political results of such intercourse between the natives and Englishmen are likely to be most beneficial.

It is pleasant, in the midst of discussing graver political problems, to have the mind diverted to a scene of quiet rural progress going on in a remote and isolated part of the British Isles. Mr. Gorrie's¹⁶ work on the Orkneys contains some pleasant pictures of improving manners, the introduction of new methods of farming, and of more advantageous modes of leasing, together with the gradual abandonment of ignorant and superstitious practices amongst the least advanced section of the population.

A different picture of British habits, but also one which it is very agreeable to be able to explore close at hand, is supplied by M. Esquiros¹⁷ little book on "English Seamen and Divers." An immense quantity of curious information is gathered together under such heads as the History of the Greenwich Observatory, an account of the Admiralty, of the Coast-guard Service, the Docks, "Lloyd's," Woolwich Dockyard, and the different improvements in the modes of diving. For those readers who love facts, there is an abundance here of all kinds.

Without seeking for any exact or fictitious parallelism between the existing relations of Iceland and Denmark, and those of Ireland and England, there are certainly some features in the present condition of

¹³ "Arithmetic for Schools and Colleges." By Richard Wurmell, M.A. London: Thomas Murby.

¹⁴ "Some of the Educational Aspects of State Medicine." By Henry W. Rumsey, M.D., F.R.C.S. London: Ridgway. 1868.

¹⁵ "The Industrial Improvement, by European Settlers, of the Resources of India." By Archibald Graham, M.D. London: Smith, Elder, and Co. 1868.

¹⁶ "Summers and Winters in the Orkneys." By Daniel Gorrie. London: Hodder and Stoughton. 1868.

¹⁷ "English Seamen and Divers." By Alphonse Esquiros. London: Chapman and Hall. 1868.

Iceland which forcibly call to mind the familiar problems nearer home. The account by Professor Pajkull¹⁸ of a summer passed in Iceland in the year 1865, replete as it is with facts of scientific and geographical interest, contains also much that has an important bearing on general questions of current European politics. The modern political history of Iceland commences at the date of the "Act of Union" with Norway in 1262 A.D. This Act concluded with the remarkable words, "We and our heirs will observe fidelity towards you so long as you and your heirs keep your promises to us, and adhere to the above-named resolutions; but we declare ourselves to be released from our engagements if, in the opinion of the most honourable men, you break faith with us." From that time to this there has been an assiduous constitutional struggle on the part of a national party in Iceland against the assumptions first of the Norwegian and then of the Danish Government. The Icelanders will not acknowledge that they are either a "colony" or a "dependency," and they have succeeded in retaining a national representative body called the "Althing," though possessed of very limited powers, as well as in securing representation in the Danish "Rigsdag." The effect, however, of Danish tyranny has been very ruinous to commerce, especially to the trade in fish; a monopoly of which trade was for many years secured to private companies in Copenhagen. We are told that the object of the prohibitive enactments, to the effect that all fish caught off the Icelandic coast should first pass through the hands of these companies, has not been attained, inasmuch as the French, who are the greatest consumers, have been reduced to fishing in the Icelandic waters for themselves, and in doing so have been able and substantially supported by their own government. In the year 1864 the value of the fish taken by them amounted to no less than sixteen millions of francs, while the entire exports of Iceland in the same year scarcely reached in value the sum of one and a half million of francs. This is a wholesome lesson to protectionists; but the story of Iceland has further instruction for us than this. The zenith of Iceland's glory was from the twelfth to the middle of the fourteenth century. The Reformation is popularly, and no doubt rightly, held to have been injurious to the civilization of the country, as the only counterpoise which then existed to kingly authority was thereby done away with, while the wealth which heretofore, at least ostensibly, had been devoted to national purposes, was dispersed and education neglected. Almost all education in Iceland is now conducted at home, and everybody can read and even write. Other causes of the national decadence are the terrible volcanic eruptions, and the sickness and distress thereby entailed, as well as the oppressive system of commerce, by which the resources of the country have long been petrified. It is Professor Pajkull's opinion, who writes as a liberal Swede, that the main hope for the country, as well as for the interest of Northern Europe, lies in the justice and wisdom of Denmark. Unless the constitutional aspirations of Iceland are fully recognised, she will sooner

¹⁸ "A Summer in Iceland." By C. W. Pajkull. Translated by Rev. M. R. Barnard, M.A. London: Chapman and Hall. 1868.

or later become divided in sentiment and co-operation from her natural Scandinavian associates, and fall into the hands of a Southern power.

It is interesting to find Austrian writers and travellers keeping in view the future destiny of their country in its relation to the general progress of civilization in Europe. Herr von Hahn's¹⁹ account of his journey, commenced on the 11th of September 1858, from Belgrade to Salonica, is full of interesting information on the state of the countries through which he passed. He also contemplates a very important mode of developing European commerce and general intercourse by means of improved lines of transit. It is suggested that the south-east of Europe needs a natural centre of locomotion as much as the west, and that this centre is obviously Vienna. A line of railway starting from this centre and proceeding in the path of Von Hahn's own journey would connect the rest of Europe immediately with Salonica, Constantinople, Alexandria, and the Red Sea. It is pointed out in a spirit of great enlightenment that any jealousy of the position Austria would thus assume is as ludicrous as the revolt of one member of the human body against the other.

It is a graceful conception of M. Rey's²⁰ to illustrate modern European history by a topographical account of the district of Geneva, and by successive sketches of all the political, religious, and literary heroes who have made that district famous. There is a strange interest in thus unfolding the long muster-roll containing such names as Calvin, Voltaire, Rousseau, Necker, Sismondi, and Madame de Staël. The execution of the work is good, and the delineation of characters, if occasionally rhapsodical, is none the less penetrating and acute. The picture of Rousseau, "Protestant et Catholique, Genevoise et Savoyard, philosophe stoicien, et romancier voluptueux," is especially vigorous.

In such an expedition as that to Abyssinia,²¹ there are always likely to be many facts brought to light having permanent interest for the political student as well as gratifying to the natural curiosity of the general public. The character of Theodore and the geography of the country, as well as the exact circumstances of the captivity of the prisoners from first to last, are described by Dr. Blanc (one of the prisoners) with great but not excessive minuteness, and with a degree of intelligence which renders the work valuable as a book of travels.

Mr. Wilson's²² work on the "Ever-Victorious Army," under Lieut.-Col. Gordon, which rendered such material assistance in suppressing the Tai-ping Rebellion, is a really good book, and has many distinct sources of interest. English people have absurdly crude notions about Oriental, and especially Chinese ways, and are culpably inatten-

¹⁹ "Reise von Belgrad nach Salonick." Von J. G. V. Hahn. Wien: Verlag von Jendler und Comp. 1868.

²⁰ "Généve et des Rives du Leman." Par Rodolph Rey. Paris: Gênéve. 1868.

²¹ "A Narrative of Captivity in Abyssinia." By Henry Blanc, M.D. London: Smith, Elder, and Co. 1868.

²² The "Ever-Victorious Army." A history of the Chinese Campaign, under Lieut.-Col. C. G. Gordon, C.B., R.E., and of the Suppression of the Tai-ping Rebellion. By Andrew Wilson. London: Blackwood. 1868.

tive to the military operations of even their own countrymen in a distant part of the world. They listen to the account of rebellions, battles, and wars even on an enormous scale, so long as their own relations and friends are not directly concerned, as to a "tale of little meaning," though the words are strong. The vivid and stirring narrative of the operations of Col. Gordon's force, accompanied as it is with a precise investigation into the real nature, extent, and causes of the rebellion, ought to serve as a wholesome stimulus to a wider political sympathy. The rebellion is described to have been of a class which has constantly recurred at long intervals in the history of China. It is (we are told) out of the country people, the innumerable owners of the land, that the ruling power has arisen, and it is their wants that must be attended to. So long as they are well off, they are contented with the existing dynasty; but when they suffer greatly, then it is held that Heaven appoints some one to exterminate them. Such was the period just preceding the Tai-ping rebellion, when Hung Sen-tsuen, the Tai-ping chief, arose. The British war with China of 1841-42 was most injurious to the peace of the country, because the power of the Government had for long depended greatly on prestige; because large districts had been brought to ruin; and because the calling out the bands of local militia had taught the people their power. The indemnity of 21,000,000 dollars exacted by Britain on account of the war, brought on a financial crisis, while trade was suffering from the operations which had taken place. Great inundations of the Yellow River and of the Yantzee occurred inopportunistically to increase the distress and decrease the land-tax, the only great source of revenue. In these circumstances the Government fell upon the fatal expedient of commuting punishments for money, and putting civil offices up for sale, thereby increasing the number of criminals at large, holding out inducements to crime, and exciting against itself the animosity of the powerful literary and official classes, who thus saw themselves defrauded of their just privileges. The history of the origin and early career of Hung Sen-tsuen himself is full of interest. Possessed of an absorbing egoism, into which the "poor superstitions of the Chinese peasant were elevated and the doctrines of Christianity degraded," afflicted with fits of madness and trances and visions, secluding himself within the walls of a large palace at Nanking, beyond the outer court of which no male attendants were allowed to enter, he affords a strange psychological study, upon which we should much like to linger. The organization of Col. Gordon's force, and the circumstances attending the final subjugation of the rebels at Nanking, together with the political bearings of English interference in China, may be advantageously studied in Mr. Wilson's pages.

The importance of a trade route from India to Western China, *via* Burmah, and the possibility of providing one, is dwelt upon by Mr. Williams,²³ in a work in which he gives a precise account of his own personal explorations, and a vindication of his own scheme against the

²³ "Through Burmah to Western China." By Clement Williams. London: Blackwood. 1868.

unfair representations of opponents. The book is full of curious observations, social and political, made in the course of travel.

The history of the British Loan to the Republic of Venezuela in 1864,²⁴ opens out some important questions as to the international rights and duties of governments which arise on the repudiation of debts due to their subjects from a foreign state. In July 1863 General Falcon gained a complete victory over the so-called oligarchs of Venezuela, and overthrew the government of Pedro José Rejos, who at that time, before having obtained a loan of a million sterling through the house of the Barings, had fled to Europe, leaving Venezuela under the absolute sway of Falcon and his army. The treasury was empty, and the revenue was weighed down by debts, of which some were owed to private individuals, and others were loans contracted by former governments. Besides these liabilities there were the arrears of pay due to the Federal army. General Falcon finally decided on obtaining a loan from the merchants of London, and General Guzman Blanco was solemnly appointed by General Falcon in his capacity of provisional president of the confederacy of Venezuela, agent or commissioner for the purpose of negotiating the loan. General Guzman Blanco was accredited as envoy to the court of St. James's, and finally the General Credit and Finance Company of London, being willing to negotiate the loan, entered upon an agreement for that purpose on the 3rd of October, 1863. The result of the negotiations in the end was that two millions and a half were lent by British subjects to the Venezuelan Government on the faith of contracts, by which specified portions of the proceeds of the Venezuelan custom-houses were hypothecated for the payment of the debt. The collection of the customs was made over under a distinct agreement to the agents of the bondholders, those agents being British subjects. In 1865, under various pretences, the Venezuelan government stopped paying the interest on Messrs. Baring's loan. That loan had been contracted by the party opposed to General Falcon, and the party then in power naturally, though inexcusably, endeavoured to impugn its validity. In the early part of 1866 it became known to the General Credit Company that the Venezuelan Government were anxious to unify their debt, pay a small interest on it, and apply the balance of the revenue to the construction of railroads and other public works. On the 2nd of July, 1866, payment of interest on the loan of 1864 was suspended, and though renewed in the beginning of December in that year, was finally stopped in March, 1867. The object of Mr. Eastwick's work (which is also full of interesting matter on the social and political condition of Venezuela), is to call the attention of Englishmen to this scandalous breach of public faith, and to the probable consequences if such breaches become common. He gives interesting extracts from speeches and despatches of Lord Palmerston bearing on the subject, and investigates the recognised principles of international law. Whether or

²⁴ "Venezuela, or Sketches of Life in a South American Republic; with the History of the Loan of 1864." By Edward B. Eastwick, C.B., F.R.S. London: Chapman and Hall. 1868.

not it be politic to make a public act of repudiation a *casus belli*, we are quite prepared to go so far with Mr. Eastwick as to admit that, when the subjects of one State have lent money to the ostensible government of another State, and the debt is repudiated by the true representatives of the original debtors, the government of the State of which the debtors are subjects, ought to treat the act as one of the gravest political misconduct, and visit it with the severest social, if not military, penalties.

On their own showing the people of Nova Scotia²⁵ have good ground for complaint against the British Government for the haste with which the Canadian Confederation Bill was hustled through the two Houses of Parliament. This undue regard for the interests of so important and loyal a province is, of course, quite independent of the actual merits of the theory of Canadian Confederation. The Nova Scotians speak in almost pathetic terms of the misrepresentations to which they have been subjected, the diplomatic artifices practised upon them, and the reluctance they feel to join in "perilous association with a few millions of people who offer no markets for their productions, who have no capital to spare, who have a long defenceless frontier, without a war-ship upon the ocean or an arsenal upon the seaboard."

A curious medley of violent declamation and crude political theorizing is contributed on the "Roman Question" by "A Friend of Italy."²⁶ We are cautioned against the anarchical tendencies of patriots, our sympathies are enlisted for the Emperor of the French, and we are at the same time, no doubt judiciously, warned against being unduly impressed by the author's reasoning, by being candidly told that his subject "is not politics, for which he feels as little aptitude as taste or inclination."

The "Disentanglement of Ideas, or the Mystery of the Cross,"²⁷ is a book to which it is scarcely possible to do justice without reproducing the diagrams of which it is solely composed. Though we are not sanguine as to the value of the "outcoming Doctrine in regard to the Nature and Destiny of Man" or to the unapproachable value of the new Method, still the central idea deserves something better than mere ridicule. It might no doubt be serviceable to political language thus to represent, under the form of an assemblage of crossed lines, each leading department of human life and interests. The opposite poles of the lines would represent in every case correlative ideas. This is no doubt the conception Mr. Young is striving after, though his actual work rests on a series of mere nominal oppositions, and seems to us destitute of all practical value.

A valuable result of the recent Prussian expedition to east Asia has been the collection of sea-weeds, of which an accurate catalogue is given by Dr. G. von Martens.²⁸

²⁵ "Nova Scotia's Protest."

²⁶ "The Roman Question." By a Friend of Italy. London: Hodgson and Son. 1867.

²⁷ "The Disentanglement of Ideas, or the Mystery of the Cross." By Arthur Young. London and New York: Sampson Low, Son, and Marston.

²⁸ "Die Preussische Expedition nach Ost-Asien." Botanischer Theil. Berlin: 1866.

SCIENCE.

SOME pupils of the late Professor Verdet are furnishing one of the best possible proofs of their appreciation of his merits and affection for his memory, by publishing, from notes of his courses of lectures, a series of works on the various subjects on which he was in the habit of treating. The first volume contained a life of the author, from the pen of Professor De la Rive, together with reprints of the various memoirs published by M. Verdet. We have now before us the second volume,¹ constituting the first volume of a "Cours de Physique" founded upon the lithographed analyses of his lectures, which Professor Verdet was in the habit of distributing among his pupils. The editor, M. É. Fernet, describes these as consisting of brief notes of the general subjects of the lectures, with fuller details as to definitions in which precision of terms is necessary, and as to difficult theoretical points. Taking these materials, the editor has endeavoured to fill up the outline thus furnished, as much as possible in accordance with the well-remembered teachings of the distinguished author, and the result is a treatise on physics, which, although not quite equal in its execution, seems to furnish a most condensed view of the various sciences included under that general denomination. The subjects treated of in the present volume are heat, magnetism, and dynamic electricity.

It is hardly to be wondered at that the right to be regarded as the inventor of so mighty an engine in modern life and civilization as the electric telegraph² should be an object of ambition on the part of any one possessing even a shadow of a claim to it; we cannot therefore feel surprised, considering the facts of the case, that Mr. W. Fothergill Cooke is by no means inclined to sit down contentedly leaving the glory of this invention in the hands of his great coadjutor, Professor Wheatstone. The series of letters and other documents, recently edited by Mr. Cooke's brother in support of his claim, certainly show indisputably that Mr. Cooke had at least an equal share with Professor Wheatstone in bringing this grand invention to bear; and the language adopted by Sir M. I. Brunel and Professor Daniell in their award, after careful inquiry into the facts of the case, although evidently very guarded, certainly goes far to indicate their conviction that it is to Mr. Cooke "alone" that we are indebted for the great boon thereby conferred upon the human race. It appears certain, from the facts here adduced, that Mr. Cooke had perfected apparatus for the purpose of electrical telegraphic communication before his acquaintance with Professor Wheatstone in 1837, and, if this be the case, although improvements suggested by the latter may have been necessary for the practical working of the invention, no such modifications can suffice to transfer the whole merit of the invention from his co-patentee to himself. The award above-mentioned

¹ "Cours de Physique professé à l'École Polytechnique." Par É. Verdet. Publié par M. Émile Fernet. Tome I. 8vo. Paris: V. Masson. 1868.

² "Authorship of the Practical Electric Telegraph of Great Britain; or the Brunel Award Vindicated, &c." Edited, in assertion of his Brother's rights, by the Rev. T. Fothergill Cooke, M.A. 8vo. Bath: Peach; London: Simpkins. 1868.

does not even go so far as this,—the only merit which it ascribes to Professor Wheatstone being that his “profound and successful researches had already prepared the public to receive it (the telegraph) as a project capable of practical application,”—whilst it attributes to the united labours of the two partners the rapid progress made by the invention during the five years in which they were associated. On the whole, the award is decidedly in favour of Mr. Cooke’s claim, and we can hardly hope that a renewed investigation can lead to a more positive result in the present day, considering that in 1841 the facts were fresh in the memory of all parties concerned.

Of meteorology,³ the importance of which has of late years been more and more recognised both from a scientific and practical point of view, we have hitherto in this country possessed no very satisfactory manual for the guidance of those who may wish to observe with their own eyes the local meteorological conditions which immediately surround them, and at the same time comprehend the connexion of these limited phenomena with the general system by which the climatic conditions of the world are regulated. Such a work is now, however, offered to the student in the second edition of Mr. Buchan’s “Handy Book of Meteorology,” which has been in great part reconstructed by the author, as regards the system of general meteorology, in accordance with the results (especially barometric) obtained within the last few years, and, although literally what it professes to be, a “Handy Book,” contains an admirable summary of the information extant upon the varied and often intricate phenomena of which it treats. This work is also especially valuable, because the author has condescended to furnish his readers with exceedingly clear and intelligible descriptions of the various instruments used in meteorological researches; and of the methods of making and reducing observations—information which we in general look for in vain in works on meteorology, or which, if given, is generally so maimed by the assumption of a knowledge on the part of the reader which he may not possess, that as far as the beginner, at any rate, is concerned, it might as well be altogether omitted. The work is illustrated with numerous well-executed woodcuts, and with a series of rather rough charts of isobarometric and isothermal lines.

A new attack upon the theory of universal gravitation, having the title of “Levity and Gravity,”⁴ is, as far as its style goes, a wonderful illustration of the first-mentioned quality. In other respects the less said about it the better.

Messrs. Wanklyn and Chapman have published a valuable little treatise on one of the most difficult branches of analytical chemistry, namely, the Analysis of Water.⁵ In their process, which they say

³ “Handy Book of Meteorology.” By Alexander Buchan, M.A. Second edition, 8vo. Edinburgh and London: Blackwood. 1868.

⁴ “Levity and Gravity: a Contribution to Human Progress and Happiness.” By George Bemister. 12mo. London: Baillière. No date.

⁵ “Water Analysis; a Practical Treatise on the Examination of Potable Water.” By J. A. Wanklyn and E. T. Chapman. 12mo. London: Trübner. 1868.

is particularly adapted to practical purposes, as yielding very good results with a comparatively small expenditure of time, the degree of hardness of the water is ascertained by means of the soap-test, and the amount of chlorine by volumetric treatment with nitrate of silver, but the quantity of nitrogen is determined by a new process, which really constitutes the distinctive feature of their analysis, and to which they give the name of the "Ammonia Method." This method consists in converting all the nitrogen present in the water, whether as nitrates and nitrites or in organic matters into ammonia, and then determining the amount of the latter by means of Nessler's reagent, which is an aqueous solution of iodide of potassium, saturated with biniodide of mercury, and rendered strongly alkaline by means of soda or potash. When this fluid is added to one containing ammonia, a yellow or brown coloration is produced, increasing into a precipitate if much ammonia is present; and so delicate is the action of this test, that it will betray the presence of one part of ammonia in 20,000,000 parts of water. It will be unnecessary for us to attempt an analysis of this little book, which is full of new and suggestive facts, rendering it not merely a work of great practical utility, but also an important contribution to the literature of scientific chemistry.

Between the exertions of the Canadian Geological Survey, under the able superintendence of Sir William Logan, on the one hand, and the unremitting investigations of Mr. Dawson, on the other, we are likely to possess, with regard to the geology of the northern part of North America, a body of information far superior to that which is available for some districts much nearer home. In the second edition of his "Acadian Geology,"⁶ Mr. Dawson gives a most valuable account of the geological structure of Nova Scotia, New Brunswick, and Prince Edward's Island—a district which exhibits many most striking phenomena in connexion with the older sedimentary rocks. The strata presented by the region to which Mr. Dawson gives the old French name of Acadia, extend from the lower Silurian to the Trias, all the formations being represented in a most interesting and instructive manner, with the exception of the Permian, which is entirely wanting. Above the Trias none of the true Secondary or Tertiary rocks occur, the surface being occupied by Post Pliocene and recent deposits, with abundant traces of glacial action, upon which the author has some valuable observations.—The most important parts of the work are those relating to the Devonian and carboniferous formations, which attain a great development in this district, and, as is well known to geologists, present many points of special interest. The former have furnished to the researches of Mr. Dawson traces of several species of insects, the earliest known representatives of that class. These all belong, as far as the structure of the wings enables one to judge, to the great order of Neuroptera, as established by Linnæus, in which, according to Hæckel's

⁶ "Acadian Geology: The Geological Structure, Organic Remains, and Mineral Resources of Nova Scotia, New Brunswick, and Prince Edward Island." By John William Dawson, M.A., &c. Second edition, 8vo. London: Macmillan; Edinburgh: Oliver and Boyd; Halifax: Mackinlay; Montreal: Dawson. 1868.

views, we ought, upon Darwinian principles, to seek the primitive types of winged insects. Mr. Dawson's work, which forms a stout volume of some seven hundred pages, is profusely illustrated with good woodcuts, and accompanied by a coloured geological map of the district under consideration.

The value of Sir Charles Lyell's "Principles of Geology" is too well known to render it necessary for us to give more than a passing notice of the appearance of a tenth revised and enlarged edition⁷ of it, forming two handsome octavo volumes. A mere indication of the chief additions and alterations which appear in this edition would occupy a considerable space, but there is one change to which we must briefly advert. From the first appearance of this work its distinguished author declared himself opposed to the doctrine of the evolution of new species from pre-existing forms, and his arguments against Lamarck have always been quoted triumphantly by the opponents of the theory of evolution; but in this new edition Sir Charles Lyell accepts the Darwinian hypothesis of natural selection, and develops his views upon it at considerable length. The advantage of this change of opinion to an author who has always maintained the theory of continuity in geological matters can hardly be overrated.

Among scientific men, and especially among naturalists, there are always some who, devoting great talents throughout a long life to the persevering pursuit of their favourite studies, acquire an immense fund of knowledge, and come to be regarded by their contemporaries as great authorities, although from various restraining causes they may perhaps publish very little of the information which they have obtained by long and patient researches. Such men not only leave little behind them to justify the esteem in which they were held during life by their fellow-labourers, but, what is a far greater misfortune, all their painfully-acquired knowledge dies with them and is irrevocably lost. To a great extent this applies to the late Dr. Falconer; for although he had certainly published some valuable papers when he was so untimely and unexpectedly cut off in the midst of his labours, these are as nothing to what might have been expected from him when in the leisure of his European retirement he found time to work up and apply the results obtained during more than thirty years of original investigation. For the last few years of his life, while resident in Europe, Dr. Falconer was actively engaged in the investigation of the palæontology of the Pliocene and Post Pliocene deposits, especially the bones found in caves, and the geological evidence with regard to the antiquity of man. Upon these subjects he published various papers, reprints of which, with additional illustrations, occupy the second volume of the Palæontological Memoirs of Hugh Falconer, recently published by Dr. Murchison.⁸ The most important of these memoirs

⁷ "Principles of Geology; or the Modern Changes of the Earth and its Inhabitants considered as Illustrative of Geology." By Sir Charles Lyell, Bart., M.A., F.R.S. 10th edition. 2 volumes 8vo. London: Murray. 1867, 1868.

⁸ "Palæontological Memoirs and Notes of the late Hugh Falconer, A.M., M.D., with a Biographical Sketch of the Author." Compiled and Edited by Charles Murchison, M.D., F.R.S. 2 vols. 8vo. London: Hardwicke. 1868.

are undoubtedly those relating to the fossil species of Elephant, Mastodon, and Rhinoceros. The greater part of the first volume of this work is occupied by the descriptive letter-press relating to the important investigation of the Fossil Fauna of the Siwalik Hills, the plates of which were published more than twenty years ago, under the title of *Fauna Antiqua Sivalensis*. The fossils described and figured in this great work were collected by the joint exertions of Dr. Falconer and Captain (now Colonel) Sir Proby T. Cautley from the sub-Himalayan tertiary range of hills. They included many new and remarkable forms, such as the *Sivatherium*, which appears to have resembled a gigantic giraffe, and a colossal tortoise (*Colossochelys Atlas*), which was so large that it may not improbably have given rise to the Indian notion of the tortoise upon which the world-bearing elephant takes his stand. The publication of this elaborate memoir, which, as already stated, forms, with the description of the published plates, the chief part of the first volume of these memoirs, will be regarded as a great boon by geologists. It is preceded by a short biography of the distinguished author.

Five years ago there appeared from the well-known establishment of W. Engelmann of Leipzig, the second volume of a new Manual of Zoology under the authorship of Professors Gerstäcker and Carus. This volume included the lower divisions of the animal kingdom, from the annulosa to the protozoa, the arthropod forms being treated by Professor Gerstäcker and the remainder by his colleague. In the treatment adopted the classification was carried as far as the generic divisions, and these were given pretty fully by the second of the above-mentioned authors, whilst from the immense multitude of genera admitted amongst the arthropoda, and especially in the class of insects, Professor Gerstäcker was compelled to limit himself to the citation of a certain number of characteristic genera in each family. Notwithstanding this defect the volume was welcomed by students as a very admirable guide, and the appearance of the first volume, containing the classification of the vertebrata and mollusca, the former under the authorship of Professor Peters, was anxiously looked for. For some reason the original design has not been carried out; Professor Peters seems to have withdrawn himself from the undertaking, and after considerable delay the first half of the first volume containing the Vertebrata as far as the Reptiles, has been prepared and published by Professor Carus.⁹ In this nearly all the genera admitted by the author are briefly characterized, with indications of typical species, and although from the very nature and scope of the work we may regard it as certain that students of special groups will find in it both errors and omissions, it is equally certain that it constitutes the most useful and convenient manual of the groups of which it treats that has been published in modern times. Throughout the work a list of the most important publications is given under each group, serving as a guide to the student in his further researches. From his introduction it appears that Professor Carus regards the animal kingdom from a de-

⁹ "Handbuch der Zoologie." Von J. V. Carus und C. E. A. Gerstäcker, Erster Band, I. Hälfte. 8vo. Leipzig. 1868. W. Engelmann.

cidedly Darwinian point of view; and accordingly we find that he places the human species only as the highest family of his order primates, from which, however, he excludes the Lemurs and their allies, forming with these a distinct order placed between the Rodents and the Carnivora.

M. Louis Figuiet, some of whose popular scientific writings have already been noticed in this *Review*, has lately published a history of insects, of which a translation into English is now before us.¹⁰ Although not an entomologist, M. Figuiet has produced a tolerably satisfactory account of the general phenomena of insect life, a little behind the age in some respects, but on the whole well and correctly compiled, and including a good deal of the most recent results of entomological research. The anonymous translator seems to have done his work very well, and the translation is illustrated with the numerous beautiful woodcuts of the original French work. The translator, or rather the reviser of the translation, has added a chapter on the Strepsiptera, a group of parasites on Bees and Wasps, all notice of which was omitted by M. Figuiet; upon this we cannot compliment him, as it is exceedingly imperfect.

Besides this translation of M. Figuiet's work on insects, we have another book to notice,¹¹ which is chiefly derived from two of his previously published volumes—namely, “*La Terre et les Mers*,” and “*La Vie et les Mœurs des Animaux*.” The portion derived from these works is, however, said by the editor of the “*Ocean World*,” to be served up in the form of a free translation, and intermixed with them are certain other chapters compiled, as the editor tells us, from various sources. We have not M. Figuiet's original text to refer to, but the greater part of the work, which is evidently derived from his books, and illustrated with the beautiful woodcuts which always adorn them, is for the most part of good quality, although superficial, and here and there either incorrect or out of date. We may, however, judge from one of his acknowledged chapters (that on the Crustacea), that the editor has been rather overbold in intercalating his own work with M. Figuiet's. From this we learn with some little surprise that the Annelides are not worms—that the Cirripedes are not Crustacea, and that the Crustacea are vertebrate animals! The sea-spiders (or spider-crabs) are said to “have no neck (*cephalo-thorax*)”; and others “have neither neck nor shape.” Immediately after this intelligible statement comes another, which is so elegant as to be worth quoting. “Many of these animals have a powerful tail, consisting of a certain number of ciliated paddles, which it uses in swimming to beat the water, and to confuse its enemies.” After these specimens of his unaided efforts, we should be inclined to accept the editor's claim to be

¹⁰ “*The Insect World*; being a popular account of the Orders of Insects, together with a description of the habits and economy of some of the most interesting species. From the French of Louis Figuiet. 56 woodcuts. 8vo. London: Chapman and Hall. 1868.

¹¹ “*The Ocean World*: being a descriptive History of the Sea and its Living Inhabitants; chiefly translated from ‘*La Vie et les Mœurs des Animaux*.’” By Louis Figuiet. 8vo. London: Chapman and Hall. 1868.

able to make a free translation of M. Figuier's works, as he advises us to take the description of the gigantic squid nearly captured by the corvette *Alecto*—cum granum salis!

For some unknown reason French horticulture is far more scientific than that commonly adopted in this country. The French gardener follows a system in what he does, and generally a system which has its foundation in a recognition of the conditions of existence of the plants which he cultivates; whilst his English rival, for the most part, follows that rule of thumb which has been handed down to him through generation after generation, and which, though often leading to fair results, is liable at any time to have its objects defeated by circumstances which a more intelligent treatment would overcome. Cultivators of the soil, whether on a small or on a large scale, are generally obstinate in adhering to the principles in which they have been brought up; but of late years this prejudice in favour of the old ways has been very much weakened, and we doubt not that many horticulturists will welcome Mr. Robinson's "Gleanings from French Gardens,"¹² as furnishing them with valuable hints by which to increase either the pleasure or the profit that they derive from their pursuit. The earlier chapters of Mr. Robinson's book are devoted to a subject which has lately attracted much attention on both sides of the Channel—namely, the cultivation in the open air of large tropical or subtropical plants. The author also notices several other matters connected with ornamental horticulture, but by far the most important portion of his book, in our opinion, is to be found in the chapters relating to the management of fruit-trees, which ought to be studied by every gardener. Mr. Robinson shows that we are at this moment paying large prices to French gardeners for first-rate apples and other fruit, which by the adoption of the plans pointed out by him we might grow just as well for ourselves; and he indicates a variety of contrivances and processes which may with great advantage be introduced into our English practice of gardening.

Dr. Hillier's "Treatise on Diseases of Children" contains the materials of clinical lectures delivered at the Children's Hospital, together with the results of his more recent experience.¹³ It has the form of a series of short monographs on the more important diseases of childhood, and we are of opinion that it will prove a useful contribution to the study of these diseases. The author's method of dealing with his subject is clinical, each disease being illustrated by the histories of instructive cases which have been under his care, and by practical commentaries. If we had any fault to point out in a book which carries the evidence of painstaking and conscientious labour, and communicates much useful information, it would be a certain want of method in the exposition and discussion of a disease. It is true that the cli-

¹² "Gleanings from French Gardens: comprising an account of such features of French Horticulture as are most worthy of adoption in British Gardens." By W. Robinson, F.L.S. 8vo. London: Warne. 1868.

¹³ "Diseases of Children: a Clinical Treatise based on Lectures delivered at the Hospital for Sick Children." By Thomas Hillier, M.D. James Walton. 1868.

nical plan of the work does not easily accord with a systematic treatment of each disease; still a more methodical arrangement of the matter, and a more systematic adaptation of the cases to the illustration of particular points in regard to the disease, would have furnished the reader with clearer and more exact ideas, and have done fuller justice to the valuable information actually given. Again, we notice occasionally a certain carelessness of expression. For example, one chapter is headed "Tuberculosis," and the author begins thus:—"This pathological product, so common amongst adults, is even more so amongst children." Now, is it correct to describe tuberculosis as a pathological product? Is it not strictly that constitutional state in which the organs are peculiarly prone to become the seat of a pathological product which is called tubercle? Again, towards the end of the same chapter occurs the following expression:—"The colouring matter of the blood is found, but not unaltered blood discs." Notwithstanding these minor defects, however, the genuine merits of Dr. Hillier's book justly entitle it to a hearty recommendation.

Dr. E. Henoch publishes a second series of contributions to the treatment of diseases of children, the first having appeared in 1861.¹⁴ The present volume contains the results of a large experience since that time, and consists chiefly of the records of numerous cases illustrating different diseases, and of somewhat rambling commentaries thereupon. The notes of not a few of the cases, which he gives in considerable detail, hardly seem of sufficient interest or importance to deserve the space which they occupy, while the treatment adopted generally is certainly not of a character to accord with English ideas. Thus, we read of the application of leeches, the frequent administration of calomel, the energetic rubbing in of mercurial ointment, and of other heroic measures, in such a disease as tubercular meningitis. The book must indeed be regarded as a somewhat desultory record of the author's personal experience; it cannot be considered as a complete and scientific treatise on the diseases of children.

We have before us two prize essays¹⁵ on medical education and on the interests of the medical profession. They are the essays which gained, respectively, the first and second Carmichael prize. Dr. Mapother's essay, which gained the first prize, and plainly deserved it, deals very fully with all matters concerning the medical profession—with medical ethics, state medicine, medical societies, medical education, and medical examinations. It contains a variety of useful information, much sound criticism, and many valuable suggestions; but it would have been considerably improved by concentration, by the omission of hasty opinions on merely temporary questions, and by a more sober method of treating its subjects. Indeed, it bears the evi-

¹⁴ "Beiträge zur Kinderheilkunde." Von Professor Dr. E. Henoch. Hirschwald, Berlin. 1868.

¹⁵ "First Carmichael Prize. The Medical Profession and its Educational and Licensing Bodies." By E. D. Mapother, M.D.

"Medical Education and Medical Interests," being the Essay to which the Carmichael Prize of 100*l.* was awarded. By Isaac Ashe, M.B. Fannin and Co., Dublin. 1868.

dence of hasty production, and reads more like a series of articles rapidly written for a journal than a well digested essay. Mr. Ashe's essay, which gained the second prize, would have been more readable had it been divided into chapters or sections, and had the sentences been of a moderate length. From the beginning to the end of the essay, which occupies one hundred and sixty-four printed pages, there appears to be no division of any sort, though the author writes of widely different subjects, while the sentences sometimes grow to a length which makes the sense fall to pieces.

Dr. Edward Reich, who is singularly prolific of big books on big subjects, has now published a large work treating of the causes of human degeneracy, and of the means of preventing it.¹⁶ His book is compounded mainly of quotations from the works of all kinds of authors of all countries, which he makes a merit of having personally consulted. It is a pity, we think, that he has not exercised a better discrimination in the selection of the books which he set himself to read and to make extracts from; for, as matters stand, the opinions of persons whose authority, if they ever had any, has long since expired, are appealed to with the same confidence as the best substantiated results of the most recent inquirers. There is no digestion of the materials thus indiscriminately heaped together; and the consequence is that, notwithstanding a vast amount of industry on the author's part, he merely succeeds in indicating, in a vague and general way, certain probable causes of human degeneracy. In the absence of exact information and well-digested results, it is impossible to accept his book as a satisfactory treatise on the vastly important subject with which it deals. The execution would apparently have been much better if the design had been less ambitious.

Dr. Johannes Ranke's investigations,¹⁷ which are a continuation of his physiological studies of the condition of muscle in tetanus, are directed to the discovery of the chemical changes in nerve substance which bear the most intimate relation to, or are the conditions of, its functional activity. They belong to a class of genuine scientific researches, which, utterly neglected in this country, are pursued in Germany with a praiseworthy zeal, and are already bearing promise of the most fruitful results. Dr. Ranke's experiments confirm, in a positive manner, the statement of Funke that the chemical reaction of a nerve after tetanus becomes acid, the normal reaction of the nerve during life, when quiet, being weakly alkaline or neutral. Furthermore, he maintains that his experiments prove a *respiration by nerve* analogous to the *respiration of muscle*, which has been proved to occur—namely, an absorption of oxygen and the giving off of carbonic acid. We cannot here enumerate the different experiments of Dr. Ranke, and the conclusions which he draws from them; suffice it to say, that the general result is to establish the intimate dependence of

¹⁶ "Ueber die Entartung des Menschen: ihre Ursachen und Verhütung." Von Eduard Reich, M.D. Erlangen. 1868.

¹⁷ "Die Lebensbedingungen der Nerven, als Fortsetzung der Studien über Tetanus." Von Dr. Johannes Ranke. Engelmann. Leipzig. 1868.

the vital qualities of nerve element on the chemical changes which take place in it. It is in the alternation of different chemical reactions of tissue that he finds the source of the regular electro-motor properties of animal tissues.

The third issue of Dr. Ludimar Hermann's "Researches into the Physiology of Muscles and of Nerves," is occupied with experiments made for the purpose of ascertaining the cause of the electro-motor phenomena in these tissues.¹⁸ The principal conclusion which he labours to establish, in opposition to the theory of Du Bois-Reymond, is that there is no electrical current in uninjured muscle or nerve during a state of rest, but that the currents detectible in those structures when quiet, are derived from the contact between living and dying or dead elements of the structure, the death of minute portions being caused by the exposure or injury of the muscle or nerve. Further investigation must settle the question at issue.

For a remarkably full and strictly scientific account of the whole subject of electricity, and especially of the electrical phenomena exhibited by living organized structures, we heartily commend Dr. Morgan's conscientiously executed work.¹⁹ Unfortunately the author's death prevented the careful revisal of the treatise before publication; a circumstance which may account for some occasional obscurities of expression. Apart from petty defects of this sort, however, the treatise merits all praise. It is the only work in the English language which contains a complete and accurate account of the latest discoveries in electro physiology which have been made in Germany, and it will, therefore, be a great boon to those who undertake, as every medical man should, the study of the phenomena of animal electricity.

The second edition of Dr. Hyde Salter's work on "Asthma," contains some additional therapeutical matter, and an increase in the number of tabulated cases.²⁰ It is a pleasantly written book, well suited to give the student a lively and faithful picture of the disease. No small part of the volume is occupied with an appendix, which contains lengthy histories of their diseases by the patients themselves. The author believes that these stories will be useful in illustrating the clinical history of asthma, but they have the disadvantage of occupying much space and of giving the book a popular, rather than a scientific, character. In some of the most important of his views concerning the disease, Dr. Salter has been anticipated, as he duly acknowledges, by Dr. Gairdner of Glasgow.

Mr. Barwell having felt very dissatisfied with the theory in vogue respecting the conditions which produce lateral curvature of the spine, and with the plan of treatment pursued, set himself diligently to an

¹⁸ "Untersuchungen zur Physiologie der Muskeln und Nerven." Von Dr. Ludimar Hermann. Drittes Heft. Berlin: Hirschwald. 1868.

¹⁹ "Electro-Physiology and Therapeutics; being a study of the Electrical and other Physical Phenomena of the Muscular and other Systems during Health and Disease." By Charles E. Morgan, M.D. William Wood and Co., New York. 1868.

²⁰ "On Asthma: its Pathology and Treatment." By H. Hyde Salter, M.D. 2nd edition. London: Churchill and Sons. 1868.

independent study of the whole subject. The small volume which he has now published²¹ contains the results of his researches. He attacks vigorously, and not without the appearance of success, the prevalent mode of treating, or, as he would say, *mistreating*, lateral curvature. The so-called "spinal support," in which the unfortunate patient is screwed up, and which requires adjustment day after day by the orthopædic practitioner who keeps the key, he pronounces to be utterly useless for good, but not equally harmless; the instrument, he says, "absolutely increases the root of the evil." Mr. Barwell goes on to describe what he believes to be a far more simple, scientific, and successful plan of treatment.

The fourth edition of Dr. Winslow's "Obscure Diseases of the Brain and Mind"²² proves the interest which the public feel in sensational anecdotes of madness, and in a medley of quotations from all sorts of authors concerning it. The reader is not unlikely to finish the perusal of the book with a conviction that any confusion which its incoherent character may naturally have produced, is an indication of some obscure disease of the brain or mind requiring instant medical advice. In that case, the book may possibly have answered its purpose.

We gladly welcome the second and enlarged edition of Dr. Maudsley's admirable work which has just appeared.²³ Its value is now greatly enhanced by the addition of a copious index.

A book on the "Principles of Organic Life," which lies before us, is about as insane a book as ever found a publisher.²⁴ The author is evidently a monomaniac, possessed with the strange and unsavoury idea that the function of the colon is the retention of the *fæces* in it, in order that the foul gases may, by a wise law of exosmose, permeate the porous structure of the intestines, find their way throughout the whole body, and become the means of producing the most important fluid element of the body. Hence he derives all the virtues of man from his *fæces*, on which he dilates enthusiastically:—

"Viewing all these matters from first to last, the only conclusion physiology can come to, debasing as it may appear, yet nevertheless true, is—that he owes all his thoughts and aspirations, and all the wonderful efforts of his great and exalted mind, to his *FÆCES*."

Dr. Morell Mackenzie, who is well known to have given much attention to the study and treatment of diseases of the throat, has published a second edition of a pamphlet on "Hoarseness, Loss of Voice, &c."²⁵ He relates several cases of Aphonia and Dysphonia, in which the most successful results followed the direct application of electricity to the vocal cords.

²¹ "The Causes and Treatment of Lateral Curvature of the Spine." By R. Barwell, F.R.C.S. London: R. Hardwicke. 1868.

²² "The Obscure Diseases of the Brain and Disorders of the Mind." By Forbes Winslow, M.D. 4th Edition. London: Churchill and Sons. 1868.

²³ "The Physiology and Pathology of Mind." By Henry Maudsley, M.D. Lond. 2nd Edition, revised. London: Macmillan & Co. 1868.

²⁴ "Principles of Organic Life." London: Robert Hardwicke. 1868.

²⁵ "Hoarseness, Loss of Voice, and Stridulous Breathing, in relation to Nervous-muscular Affections of the Larynx." By Morell Mackenzie, M.D. London: Churchill and Sons. 1868.

HISTORY AND BIOGRAPHY.

IN the second volume of Mr. Edward Freeman's remarkable History of the Norman Conquest, we have a noble sequel to the introductory portion published about a year ago.¹ The somewhat essay-like character of that portion contrasts agreeably with the more vivid recital of the new instalment. Narrative has here succeeded to discussion, and, while Mr. Freeman's style is almost uniformly sedate and punctual, his history is necessarily more lifelike, more personal, and often more eloquent. In the three chapters in which the tale of England's ancient strength and weakness is unfolded, we have an account of the election and coronation of Edward, of the condition of the country during his early years, of the relations between Edward and his mother, of Scandinavian affairs, of England's connexion with the Continent, of the progress of foreign influence, and the banishment of Earl Godwin; of the birth, character, and early career of William the Conqueror, of his first victory and visit to England; of the return and death of Godwin; of Harold's campaign and ecclesiastical administration, the Welsh war, the revolt of Northumberland, and the closing days of the Confessor-King. In this period is included the first stage of the actual struggle between Normans and Englishmen, when as yet it was not an open warfare, but a political contest within the kingdom of England. The third volume Mr. Freeman intends to devote to the single year 1066, tracing along with the history of that great year the later events of William's Norman reign. The fourth volume will be occupied with William's reign in England. The fifth volume "will be supplementary, as the first was preliminary. It will be devoted to the results of the Conquest, as the first was devoted to its causes." Thus in its breadth, its importance, its conception, Mr. Freeman's work has a title to a high and permanent rank in our libraries; or, at least, gives promise, that when complete, it will possess this title. The minute and seemingly exhaustive research, the patient labour of collecting and arranging materials, the diligent substitution of fact for fiction, which the finished portion exhibits, justify the belief that the author will win for himself an enduring reputation. If in his judgment of the great actors of the time he exaggerates merit or extenuates demerit, we must make allowance for the patriotic admiration which invests his heroes with a splendour not their own. We have not the intention, and we have certainly not the right, to pronounce a decided opinion on such controverted subjects as the character of the three principal men in this history, but we may at least intimate a doubt of the correctness of Mr. Freeman's panegyric estimate of Harold and Godwin. The objections specified by Mr. Pearson, whom our author not long since so savagely assailed in the pages of the *Fortnightly Review*, are not easily set aside; and when, among the historians whose view differs from that of Mr. Freeman, we

¹ "The History of the Norman Conquest of England: its causes and its results." By Edward A. Freeman, M.A., late Fellow of Trinity College. Vol. II. "The Reign of Edward the Confessor." Oxford: at the Clarendon Press. 1868.

reflect that Palgrave, Lingard, and Lappenberg are included, we hesitate to believe that Godwin was the supremely great man portrayed by his latest biographer. The family of which he was the conspicuous representative, seems to have been self-seeking, unscrupulous, and even ferocious. The adroitness and general ability of Earl Godwin must, undoubtedly, be admitted, but our author himself acknowledges that the English earl knew how to practise the baser as well as the nobler arts of statesmanship; and on one occasion, at least, he contrived, through the influence of a personal and family ambition, to forfeit the national favour. Harold, too, was able and dexterous, but what lofty conception, what great measure affecting national interests, originated with him? It was in his victorious opponent, with Mr. Freeman's estimate of whom we more nearly agree, that the organizing genius, the talent for governing men and creating a national life beyond even his own dreams, was embodied. We anticipate a biography worthy of the great Norman Duke, and a masterly review of the work he did and the results of that work, from the future labours of Mr. Freeman, whose magnificent performance justifies all but extravagant expectation.

We have referred to Mr. Freeman's severe strictures on Mr. Pearson's "History of the Early and Middle Ages of England." The defence which the author of that meritorious summary of the "last results of inquiry" into the early history of this country makes, may be read in Mr. Pearson's *Short Answer to Mr. Freeman*. Our reason for again referring to it is, that it serves to introduce the work that comes next to hand, *The Pedigree of the English People*, by Thomas Nicholas.² Mr. Pearson contends that Mr. Freeman's real quarrel with his book is directed against his want of appreciation for "old Teutonic roughness or simplicity;" that, an enthusiast for Saxon institutions, his critic dates the History of England from Hengist and Horsa, while he follows Sir Francis Palgrave in tracing it back to the Roman Occupation. The exaggerated notion of the permanence of a Celtic element in Britain after the English Conquest, which Mr. Freeman censures in a brother historian, is shared by the author of the comprehensive and often cogent dissertation which now engages our attention. Mr. Nicholas, rejecting the popular theory supported by the authority of the untrustworthy Gildas, that the English nation is the proper descendant of the Anglo-Saxons, contends that the moiety—perhaps the greater part of the subjects of the early Anglian and Saxon kingdoms—must have been of the British race, and not men who had come over in small open boats from the barren shores of the Baltic. His arguments are derived from history, philology, topographical and personal nomenclature, and ethnology. Additional evidence is supplied by the development of early English law, of the influence of the ancient British race upon the Anglo-Saxons. The value of the testimony thus accumulated varies, graduating from a slight presumption to what,

² "The Pedigree of the English People: an Argument Historical and Scientific on English Ethnology, showing the Progress of Race-amalgamation in Britain from the earliest times to the Incorporation of the Celtic Aborigines. By Thomas Nicholas, M.A., Ph.D., F.G.S., &c. Second Edition. London: Longmans, Green, Reader, and Co. 1868.

to us, at least, appears forcible evidence. If we look to the historical evidence, we find abundant proof, not only of the continued existence of a native population, but of the formidable efforts with which they opposed and harassed their conquerors. We will mention two instances only, both of late date. In A.D. 800 Egbert of Wessex, finding the Britons numerous and troublesome, harried the land from east to west, and though he failed in extending his authority beyond the *Tamar*, he extorted a promise of tribute from the British princes. In the reign of Athelstan, who died A.D. 940, the ancient Britons were expelled from the city of Exeter, which, according to William of Malmesbury, till that time they had inhabited with equal privileges with the Angles. Mr. Nicholas adduces many other facts in support of his opinion of the permanence of the British race, and insists strongly that it was not extinguished, but gradually absorbed into the English-speaking population. For instance, he points to the Gavel-kind of Kent as a proof of the influence of ancient British law, to the conformity between the British and English laws, indicated in the law of vassalage, and regulations respecting the privileges accorded to ceorls under certain specified conditions. As regards the other half of the contention, that the Roman occupation left permanent traces, Mr. Nicholas is chiefly interested in showing, or attempting to show, that the Roman Conquest was influential in rendering permanent the Celtic character of the western side of Britain; but he assigns reasons to justify the presumption that amalgamation took place between Romans and Britons; that the Latin language spoken in the *Municipia*, *Coloniæ*, and Roman towns became an instrument in the fusion of the two peoples. He insists also that the vocabulary of the *Cymraeg* is intermixed with Roman words. The object which Mr. Nicholas has in view is not entirely identical with that of Mr. Pearson, but he lends support to one half of that gentleman's historical theory by showing the continued existence of a strong and compact British population, such as could hardly have failed to have modified the *Teutonic Constitution*. The precise point which Mr. Nicholas endeavours to establish is, that the English people embraces a much larger infusion of ancient British blood than English historians have been accustomed to recognise, and that some of the most valuable attributes, physical, intellectual, and moral of the "true Briton" are owing to this fact. In advocating the opinion he has, we think, advanced reasons which entitle it to respectful consideration.

We will allow the question of Roman Occupation to introduce the audacious little essay of Mr. Scott Surtees, on the passage of Julius Cæsar when he invaded Britain.³ Mr. Surtees contends that there are few points of history more self-evident and precise than that Cæsar sailed from at, or near, the mouths of the Rhine, and landed upon the coast of Norfolk. "Probably his passage was from Walcheren to Cromer, Wells, or Hunstanton; it was certainly not across the Channel. Above all, he did not sail from Boulogne, as the present Emperor of

³ "Julius Cæsar. Did he cross the Channel?" By the Rev. Scott F. Surtees, Rector of Sprotburgh, Yorkshire. London: John Russell Smith. 1866.

the French maintains." In this last position we agree with Mr. Surtees, and differ from Mr. Nicholas, who ought to know better than to identify Portus Itius with Boulogne; but in his Walcheren-Cromer theory we cannot agree with him. We will specify some of the considerations which induce us to reject it. According to Mela, the first Roman author who composed a formal treatise on geography, the Morini were the remotest of the Gallic nations; and, according to Ptolemy, the two cities of Gesoriacum or Bononia, and Taruenna (Th rouenne), were situated in their country. Now if we identify Gesoriacum or Bononia with Boulogne, as we cannot well help doing, the geographical position of Itius, the port from which C sar sailed, cannot be that assigned it by Mr. Surtees. But Ictium, says Mr. Surtees, was also called Gesoriacum. We are aware some critics favourable to the Boulogne hypothesis have hazarded the guess that Itius was Gesoriacum or Boulogne, but we are not aware that either the promontory (Itium) or the port (Itius) ever bore that name. As to the *Ictis*, which Mr. Surtees says was situated on the German Ocean, and which may have shared the fate of other submerged places, we do not know what he means by it. In one place in his Commentaries, C sar says that he marched with all his forces into the country of the Morini because the passage from that coast to Britannia was the shortest. The distance however from Cromer to Walcheren, or some such opposing point, is admitted by Mr. Surtees to be eighty or ninety miles (English). C sar says his passage was about thirty Roman miles, and to meet the difficulty arising from the excessive distance, Mr. Surtees has again recourse to encroachments of the sea, to make it approximate with what he calls Pliny's guess of fifty or sixty miles, and finally resorts to the arbitrary assertion that C sar no doubt wrote LXXX., but when the Channel theory was broached, the transcribers, knowing that could not be, struck out the L and left the XXX., justifying this critical *coup d'etat* by citing a Napolionic precedent. For the reasons here advanced or implied, we are of opinion that Mr. Surtees has not made out his case, but those who are interested in the inquiry will find it so briefly stated in his neat little book, that they can without much expenditure of labour or loss of time test this geographical paradox for themselves.

The Northumbrian School of Historians is the subject of panegyric in the informing and discriminating preface prefixed by the Regius Professor of Modern History in the University of Oxford, to the *Chronica* of Roger de Hoveden,⁴ a work wherein we have the full harvest of the labours of the Northumbrian historians. "Roger of Hoveden, the compiler or editor of these Chronicles, was either a native of Hoveden or a member of a family which had taken its name from the place." He was, perhaps, the son of a well-to-do tenant of the monastery, and most likely received his education at the monastic

⁴ "Chronica Magistri Rogeri de Hovedene." Edited by William Stubbs, M.A., Regius Professor of Modern History in the University of Oxford, Fellow of Oriol College, and sometime Librarian to the Archbishop of Canterbury. Vol. I. Published by the authority of the Lords Commissioners of Her Majesty's Treasury, &c. London: Longmans. 1868.

school of Durham. Afterwards he became one of the clerks of Henry II., "the most business-like prince of his time." In 1174 he attended the king in France, where he was engaged in the pacification of the revolted provinces. In the following year he was employed in business connected with the monastic elections. In the last year of King Henry he was employed as Justice Itinerant for the forests in the counties of Northumberland, Cumberland, and Yorkshire. Mr. Stubbs is of opinion that Roger retired from public life at his master's death; that Hoveden, not improbably, was the place of his retirement, and that there he lived while he drew up the latter portion of the Chronicle before us. This Chronicle is divided into four parts; the first ends with the year 1148, the second with 1169, the third extends from 1170 to 1192, the fourth from 1192 to 1201. "Of these, the second and fourth alone have any claim to be regarded as the genuine composition of Hoveden himself." The first being an exact transcript, and the third an annotated copy of older originals. The second part contains a narrative of the great contest between Becket and the King, perhaps from Roger's own pen. That Hoveden's sympathies, says the editor, as a lawyer and a straightforward man, were with the King, is evinced by the story of the original quarrel and of the Council of Clarendon, while "in the latter part admiration for the martyr seems to have prevailed." There is no doubt as to the writer's sympathies being with Thomas towards the end of his career, but it is not so clear to us, as to the learned editor, that Hoveden's sympathies were with the king, when the quarrel broke out, "de ecclesiasticis dignitatibus quas idem rex Anglorum turbare et minuire conabatur," expressions which rather imply sympathy with the Chancellor.

Of a different character, yet belonging to the same series of Record Publications, is the collection of documents entitled *Munimenta Academica*, in two parts, edited by Rev. Henry Anstey.⁵ The collection is introduced by an ample expository essay; the oldest manuscript contained therein may, perhaps, be referred to the year 1350. The last notice but one, dated Dec. 4, 1467, set forth that two sureties undertake that Agnes Pettyface shall not beat her servant immoderately. Other entries, equally singular, illustrating the academical and social life of the period, are registered in these volumes. For instance we read of fine and imprisonment for shooting at the proctor, and banishment for carrying weapons and resisting the bedel; of vicars and priests punished for violence, accused of robbery, or convicted of poaching; of one Master T. Estlake convicted of wounding with a dagger, and resisting the authority of the Chancellor; of Master Pikman, who apologizes for having slandered that functionary; of two poor scholars who received permission to beg for alms; of two Welsh scholars who stole a horse and rode off with it into Wales; of a

⁵ "Munimenta Academica, or Documents illustrative of Academical Life and Studies at Oxford. In two Parts." By Rev. Henry Anstey, M.A., Vicar of St. Wendron, Cornwall, and lately Vice-Principal of St. Mary Hall, in the University of Oxford. Published by the authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls. London: Longmans, Green, Reader, and Dyer. 1868.

scholar imprisoned for threatening a tailor, and a tailor fined for insulting the scholar while imprisoned. The Latin text, as in the case of Hoveden's *Chronica*, has no English version accompanying it. An index facilitates investigation.

Some remarkable notices illustrating the social condition of the period will be found in Mr. Bruce's new volume of the "Domestic Papers of the Reign of Charles the First."⁶ It is strange, however, and as the editor intimates, disappointing, to find that there is but one paper relating to the troubles at Edinburgh, occasioned by the attempt to introduce the new Scottish Liturgy on the 23rd July, 1637. The present volume offers us, however, many papers which describe the brutal treatment of Prynne, Burton, and Bastwick, and the popular favour with which they were regarded; statements respecting the population and sanitary condition of London during the plague of 1637; notes of the suit against Bishop Willams, showing him to be rash, vehement, impetuous, and yet cunning; information about Captain Rainsborough's expedition to Salee; the Queen of Bohemia's disastrous fortunes; a certificate of the penance of Sir Edward Bellingham, when arrayed in a white linen sheet and with a long white wand, standing near the minister's desk, he confessed his sin in sight and hearing of the congregation; a singular account of cures supposed to be effected by a boy Gilbert, a seventh son, and Bishop Pierce's report thereon; a paper of articles against the Churchwardens of Knotting, Bedfordshire, charging those officers, the parson of the parish, and many other persons, with laughing and sporting, and using "other gestures and carriages belonging to cock-fighting;" for "cocks were brought into the chancel of the Church of Knotting, and cock-fighting was there held in front of the communion table, in the presence of many persons assembled as spectators of the sport, who betted and laid wagers, and performed the other offices ordinarily used by cock-fighters." The papers comprised in the volume carry on the history during the greater part of the year 1637.

A review of public events at home and abroad is to be found in the pages of the "Annual Register for the year 1867."⁷ The section entitled "English History," and written in eight chapters, contains interesting abstracts of the great debates on Parliamentary Reform and the Irish Church and Land Tenure questions. In its "Foreign History" section, France, Spain, Italy, Russia, Austria, Mexico, Canada, and the United States receive their share of comment. A retrospect of Literature, Art, and Science, is followed by a Chronicle of remarkable occurrences, an obituary of eminent persons, and important trials. Under the head of "Jamaica Insurrection" we find a reprint of the Lord Chief Justice Cockburn's charge. An appendix contains various public documents and state papers.

⁶ "Calendar of State Papers: Domestic Series of the Reign of Charles I. Preserved in Her Majesty's Public Record Office." Edited by John Bruce, Esq., F.S.A. Under the direction of the Master of the Rolls, and with the sanction of Her Majesty's Secretary of State for the Home Department. London: Longmans, Green, Reader, and Dyer. 1868.

⁷ "The Annual Register. A Review of Public Events at Home and Abroad for the year 1867." New Series. London: Rivingtons. 1868.

The third volume of the new series of the Duke of Wellington's Despatches, &c., commences with an elaborate memorandum on the war in Russia in 1812 (suggested apparently by Ségur's *Histoire de Napoleon et de la Grande Armée pendant l'année 1812*).⁸ Currency, the abdication of the Grand Duke Constantine, the Insurrection in Greece, the conduct and projects of Ibrahim Pasha, the Duke of York's debts, the British and Anglo-Indian Armies, are among the numerous topics treated in the volume. The events referred to in its pages are comprised between December, 1825, and May, 1827.

In Mr. Kinglake's History of the Invasion of the Crimea,⁹ his estimate of one of the companions in arms of the great Duke is an important element in his theory or interpretation of the war. The new instalment of this strange and remarkable book, after a brief introductory account of the general situation following the battle of the Alma, proceeds with a review of the strategical question, dilating on the differences of opinion that existed between the two generalissimos, St. Arnaud and Lord Raglan. According to Mr. Kinglake, Lord Raglan urged immediate advance, with a view to attack the North Fort, and urged this advance more than once, but invariably met with resolute opposition from the French commander. *Subsequent* knowledge has shown, beyond all doubt, "that the victory of the 20th September would have given Sebastopol to the allies on condition that they would lay instant hands on the prize." The refusal of Marshal St. Arnaud to go against the northern defences of the place, was the first of the "lost occasions" which Mr. Kinglake particularizes. A second lost occasion was the avoidance of the Star Fort, in consequence of St. Arnaud's illness. A third lost occasion was marked by a similar recusancy on the part of General Canrobert, the successor of St. Arnaud. Now, the French policy throughout was supported by Sir John Burgoyne, who has always considered an immediate assault on Sebastopol unjustifiable, but who has recently declared that Lord Raglan never consulted him on the subject—embarrassing contradictions to the statements of Mr. Kinglake—and who, moreover, intimates strong doubts as to this gentleman's allegation that Lord Lyons proffered similar advice to the general commanding-in-chief—a procedure "in their relative positions which would have been very unbecoming." It is an unfortunate circumstance that when we search these volumes for evidence on this subject, we find only meagre detail or disappointing inference. Mr. Kinglake tells us that on the third occasion Lord Raglan, in eliciting Burgoyne's opinion, did not disclose his own; that he probably did no more than utter the few syllables which were necessary for inducing the French general to declare *his* opinion; that he negatived a proposal made to him for

⁸ "Despatches, Correspondence, and Memoranda of Field-Marshal Arthur Duke of Wellington, K.G." Edited by his son the Duke of Wellington, K.G. [In continuation of the former series.] Volume III. December, 1825, to May, 1827. London: John Murray. 1868.

⁹ "The Invasion of the Crimea: its origin, and an account of its progress down to the Death of Lord Raglan." By Alexander William Kinglake. Vols. III. and IV. Edinburgh and London: Blackwood and Sons. 1868.

recording in manuscript the purport of the conferences between the French and English; that far from wishing to record, he sought to obliterate all trace of, the differences elicited by interchange of opinion, and he confesses that this determination tended after a small lapse of time to throw some obscurity over the proceedings. In addition to all this we must bear in mind that the French conclusion was supported by a great weight of "legitimate authority," and that the subsequent knowledge that proves that a bold assault would have been successful supplies no argument for the justification of such a policy before the event. These considerations make Mr. Kinglake's representation unsatisfactory. How far was Lord Raglan's opinion a deliberate conviction, and on what arguments was it grounded? How far, having this deliberate conviction, was he warranted in abandoning it and adopting a course that he did not approve? In page 67, we find Lord Raglan (Mr. Kinglake says as an alternative) weighing the advantage of an attack upon the south side of Sebastopol, and requesting Sir John to put his own opinion, which was favourable to his movement, into writing, and a page or two further on we find our historian qualifying his interpretation of the French Marshal's acceptance of the plan of the flank march by an unsatisfactory "at all events." Before the battle of Balaclava information of the enemy's march obtained by the Turks was laid before Lord Raglan, but he gave no fresh orders in consequence. The enemy's advance was not detected, and after storming Canrobert's Hill, the Russians established themselves in three redoubts, which are known to have been utterly unsupported and untenable. Again, while Lord Raglan committed a decided error in following Lyons' advice, and for the sake of retaining Balaclava electing to take the right in the allied line with all its burthens and perils, this voluntary choice is allowed to acquit the French of all selfishness, while giving them the advantage of convenient ports and comparative security, and throwing on the English the double duty of covering the siege, and taking part in its labours. In hazarding these remarks we have no intention of sustaining any argument, adverse to Mr. Kinglake, in a peremptory or dogmatic spirit, but only of indicating deficiencies in the evidence for his conclusions, which dispose us to doubt whether these conclusions are as accurate and well founded as a patriotic anti-Gallican Englishman might desire. For the rest, we believe it is generally agreed that the true cause of miscarriage lay in a divided command, and it is highly probable, to borrow the language of an intelligent reviewer* of General Todleben's *Défense de Sebastopol*, that "had the invading host been in the hands of one chief with full control over both the land and sea forces, that chief would have carried out the original design and have stood master of Sebastopol, its ships and stores, forts and guns, by the middle of October." In passing to a more general survey of Mr. Kinglake's new volumes we naturally call attention to the splendid materials placed at his disposal, to the opportunities of knowledge afforded him by his personal acquaintance with distin-

* In the *National Review*, November, 1864.

guished actors in the great military drama, and to his own sagacity, acumen, insight into motives, and extraordinary power of analysis. Notwithstanding the strong prepossessions which occasionally betray the author into rhetorical modifications diverging from actual fact, he on the whole impresses us as actuated by an anxious wish to get at the truth, and to do justice to every man,—as in his lucid and cogent setting forth, even to tediousness, of the evidence bearing on the causes of the fatal mistake which led to the immortal charge of the Light Brigade, and awarding to all that took a prominent part in it the praise or the blame to which they were fairly entitled; wholly exculpating Lord Raglan, fixing the responsibility of error on Lord Lucan, while urging all that can be fairly urged in extenuation of his blunder—blaming poor Nolan for his intemperate language and contemptuous gesture, yet showing that he very possibly never intended to point to the Russian field artillery, but did all he could to indicate to the leader of the brigade the true and intended line of advance by his diagonal ride in the direction of the Causeway Heights, and *not* of the North Valley, and commending Lord Cardigan for “that great act of military obedience which is enshrined in the memory of his fellow-countrymen,” and while ascribing his infelicitous exit from that fearful mêlée to mischance or want of “swift competence in emergency,” yet admitting that his leadership of this singular charge “still keeps its heroic proportions.” Such a verdict is in the main satisfactory. Perhaps, however, the qualifying terms applied to Lord Cardigan’s retirement would themselves bear qualification. It is argued that Lord Cardigan was the first to retire because his section, of the three into which the column had divided in the race, was the first in among the guns, and the other two should not have gone when they met him returning,—points, which a friend who served in the Crimea assures us were proved on Lord Cardigan’s prosecution of Calthorpe for libel, but on which we offer no opinion ourselves. Throughout the greater part of Mr. Kinglake’s fourth volume occur passages of noble action nobly told by the historian; the story of the wild Balaclava charge itself; the adventures and escape of Morris; the exploit of Scarlett’s brigade, and the brilliant and opportune achievement of the Chasseurs d’Afrique. Among the most impressive and discriminating of the portraits in these volumes are the wonderful descriptions of Korniloff, Lord Cardigan, and Lord Lucan. In characterising this new instalment of the History of the Invasion generally we must confess that in our judgment the first half of it is sometimes unattractive and even tedious. The author becomes wearisome from a too impartial inclusion of material, from superfluous discussion, and a kind of “imaginary conversation” effusiveness that we could well spare. His exquisite polish is sometimes obtrusive, and his marvellous irony seems often misplaced in historical narrative. With all his fine faculty of language he occasionally worries us with affected words like *formulated* two or three times over. Both Korniloff and William Peel are said, with artificial repetition, to have been distinguished by a preternatural radiance or brightness. Recording only the events of a few weeks, the volumes before us seem unjustifiably bulky. The rule of proportion [Vol. XC. No. CLXXVIII.]—NEW SERIES, Vol. XXXIV. No. II. P P

is not observed, and the emphasis of impression that a concentrated history should make is weakened by the absence of unity, cohesion, and selection.

Not long after the suspension of the bombardment of Sebastopol General de Lamarmora left Genoa for the Crimea, and Italians thus had their part in the great military movement then in progress. Lamarmora, an excellent organizer, had been placed at the head of the war-office by d'Azeglio. It was d'Azeglio too, who, with praiseworthy self-abnegation offered Cavour a share in the government, jokingly saying to a friend, "With this little man at my side I am like Louis Philippe—I reign, but do not govern." Within two years after Cavour's accession to the premiership, Cavour, by devising the Sardinian participation in the Crimean war, prepared the way for his consequent admission to the exciting discussions on the Italian question at an European Congress. The scheme was at first opposed by Massimo d'Azeglio, but soon seeing the true meaning of this ingenious contrivance for winning a prominence for the Piedmontese monarchy, he withdrew his early disapproval. All this, and much more than this, may be learned from the admirable introduction to the "Recollections of d'Azeglio,"¹⁰ so popular in Italy, and likely, we trust, to be popular in England, through the masterly translation of the author's friend, Count Maffei. It is true that in so characterizing it we write without any knowledge of the original, but we can hardly be mistaken in our opinion of its merits, since the English is at once pure, intelligible, and racy, and has every appearance of reflecting the general character which d'Azeglio intended this unaffected autobiography to bear. This autobiography, unhappily interrupted by his premature death at his favourite villa on the Lago Maggiore, on the 15th January, 1866, brings the story of his life down to the year in which, after a political tour through the Papal States, just twenty years before, he requested an audience of Charles Albert, and held that conversation in which he told him that he had counselled Italians to look, on the Pope's death, for guidance to the king. From this interview his political life may be properly dated. Before this period d'Azeglio was a soldier, a painter, and a novelist. His earlier days were marked by romantic adventures. He had, as a wandering artist, travelled over the whole of Italy, resting in woods or on mountains, or "chatting with a brigand band in some dark primeval forest, where he was bent on snatching from nature her secret wonders of light and shade." After 1846 his days were spent in political pamphlet-writing, in giving note of preparation for the war of independence, in negotiations, in administration, in legislation, till d'Azeglio, patriotic, but not ambitious, weary with work and suffering from an old wound, relinquished power towards the close of the year 1852, satisfied that he had found in Cavour a worthy and competent successor. Count Maffei shows in his introduction how different were the characters of the two statesmen, and explains that the qualities which fitted

¹⁰ "Recollections of Massimo d'Azeglio." Translated, with Notes, and an Introduction. By Count Maffei. In two volumes. London: Chapman and Hall. 1868.

d'Azeglio for his important position when he first assumed power, were not sufficient to cope with the difficult complications of the new period. Maffei indeed goes so far as to express a sort of conditional satisfaction at the omission of all contemporary history from "My Recollections," on the ground that divergence of ideas often made d'Azeglio unjust to Cavour and other Italian statesmen. With his chivalrous feeling, his genuine patriotism, his honourable, straightforward nature and conduct, he was not free from a "kind of overstrained fastidiousness" in his judgment of the initiatory phases of political regeneration through which a young nation must unavoidably pass. D'Azeglio, while ever strenuously defending the rights of the Crown against the clerical party, and personally introducing the religious conflict, differed wholly from Cavour on the Roman question. Respect for the Pope, old prepossessions and special reasons, combined to dispose him to thwart Italian aspirations, and pronounce against Rome as the political capital of Italy. On the other hand, his opinion of the government in the Papal States was far from flattering; he disapproved of the September Convention, partly on the ground that the treaty contained no proviso for the rights of the Roman population, and he intimated suspicion of the Emperor's idea in thus silently passing over their rights. In commenting, though with reserve, on this transaction, Maffei very properly remarks that this important safeguard (the cessation of foreign intervention secured by the Convention) "was virtually done away almost from the first by the formation of the Antibes legion, composed of French soldiers wearing the Pontifical uniform." Describing d'Azeglio's resistance to the general outcry for Rome as chiefly one of form, the translator insists not only on the necessity of separating the temporal from the spiritual power, but on the reasonableness of "the present craving for the Eternal City." Scornfully rejecting the notion that classical tradition or scholastic splendours are the origin of this great hunger of the Italian people, he insists that "Rome is the natural metropolis of the country, lying between the two seas, and bounded by the Alps, and the symbol of the completion of its unity." He argues also that the unity cannot be secured while a foreign and hostile power like the Papacy is established in its midst; and that the appropriation of Rome as the Italian capital, the natural centre of gravity to which all Italy converges, is the effectual expedient for extinguishing the municipal rivalries of its numerous capitals in which opponents have seen an impediment to lasting unity, and in preventing complications brought about, not by internal divisions, but by endeavours to enforce the natural rights of the nation, which might jeopardize—though but temporarily—that unity. The rich and multifarious nature of these "Recollections" can only be discovered by actual perusal. Pictures of Italian life, anecdotes, reflections, conversations, sketches of old times and usages, portraits of persons that mingle with every day's experience, or of rare and eminent men and women, give grace and interest to the pages on which they are recorded. Massimo describes his own early days at great length, going back to his home education, its priest-ridden nature, and the defiance it called out; but doing full justice to the moral and intellectual qualities of his parents. His race, which was noble, was

of Breton origin. He was born on the 24th of October, 1798, at Turin. Following the profession of his ancestors, he became a soldier before he was sixteen years of age, but, after a course of dissipation, retired from active service, became a student, an artist, and finally a novelist. So diligent a painter was he that besides pictures which were not shown in public, he exhibited at Brera, in a period of ten years, ending in 1843, no fewer than sixty products of his art. It was while painting the "Challenge of Barletta," in 1831, that he first conceived the idea of authorship. A few chapters of his novel, *Ettore Fieramosca*, based on this episode of Italian history at the commencement of the sixteenth century, was soon composed. It was not completed, however, till some years after. Intended as a contribution to the regeneration of national character, it succeeded in electrifying the public mind. "Niccolo de' Lapi," which was also commenced in 1831 or 1832, was not published till April, 1841. It had likewise a prosperous issue. After his father's death, d'Azeglio married and settled at Milan. As Manzoni's son-in-law he became intimate with all the literary and scientific celebrities in that city. With the publication of his pamphlet, "Gli Ultimi Casi di Romagna," which was not allowed to be printed in Piedmont, he renounced his home at Milan. And with this passage in his history his memoirs terminate.

We have another series of recollections¹¹ to which a melancholy interest attaches, though the work itself, except on the principle of a latent contrast, has nothing melancholy about it. These "Recollections" by the Archduke Maximilian, consist of the records of travels, pencillings by the way, semi-poetical descriptions of scenery, works of art, picturesque incident and costume, and sometimes sketches of life and manners, all compressed within the period 1851-1860. If the rhetoric tires, if the want of purpose disconcerts, if some of the scene painting or the picture-cataloguing exhausts, there is yet a grace, a spirit, a cleverness about the book which entitle it to a conspicuous place in that class of works to which it claims affinity. Travel in Italy, travel in Spain, life in Portugal, a voyage to Madeira, a residence in Algiers, the passage across the line, a visit to Eastern Brazil, and a sojourn in Bahia, one of its main divisions, supply material for composition, and suggest endless reflection, such as will, some of it at least, possess attractions for many a reader. The illustrious author sometimes amuses us, as where he laughs at English art, and describes the grotesque statue of the brave Elliott, the stubborn defender of Gibraltar, with an immense old-fashioned hat on his large head, the hair of which ended in a pigtail, with legs like a broomstick, and the gilt keys of the fortress in his right hand. At other times he gives us sketches of men and manners remote from our own social circumstances, as when he paints modern Greeks or gitanos, or shows us a religious procession in Madeira undertaken in the hope of averting the grape disease, or speculates on the origin of the Guanches, the ancient inhabitants of Teneriffe, or describes the brilliant vegetation and the gorgeous

¹¹ "Recollections of My Life." By Maximilian I., Emperor of Mexico. In three Volumes. London: Richard Bentley. 1868.

animal life of South America. A great traveller, the Archduke occasionally refers to reminiscences of earlier expeditions. He had seen the mysterious Pyramids, had visited the Holy Land, and then had wandered over the mountains of Judah, a pilgrim to the Sepulchre of the Redeemer. In Teneriffe the scenery of Palestine was recalled by a mountain at the extremity of Tacoronto, "which to a poetic imagination resembles Mount Calvary, covered with purely southern plants, and overshadowed by large palms." We know not what the poetic imagination of the legend-loving traveller may allow to be palmed off on it at Jerusalem, but we have no knowledge of any such place as Mount Calvary. We know only of a place called "Skull," where Jesus was crucified. The Greek word for which is translated in the gospel of St. Luke, the only book in our New Testament in which the expression occurs, by Calvary, the English form of the Latin word used in the vulgate.

The cruel Idumean Herod, to whom M. de Sauley¹² refuses to accord the title of "Great," is associated in a contrastingly bad pre-eminence with the holy places and persons of Judea. An ample and carefully prepared biography of the tyrant, of his achievements in war, his architectural exploits, his ferocious crimes, is offered to the public by the well-known writer whose name we have just mentioned, who wishes us to regard his new book as one of a series, the first, already published, describing the last days of Jerusalem, the second, now before us, dealing with the reign of the Romanizing usurper, and the third is the preface to the present volume intended to relate the memorable struggles of the Maccabees against Greek despotism.

A French estimate of Milton,¹³ in whose imaginative soul the great Hebrew and Biblical past re-embodies itself, may be read both for instruction and entertainment. M. de Guerle has consulted Masson, Keightley, and other authorities, and relates the incidents of the great poet's life, with correctness and intelligence. One or two proper names indeed are misprinted, and *Couper* instead of *Cowley*, as we suppose, is in one passage described as a contemporary poet. But this, too, is probably an error of the press. The prose works of Milton are noticed in terms that argue conscientious study of their contents, and the remarks on the poems show an independent and original critical faculty. In particular we may observe that the present writer dissents from and condemns the burlesque exhibition of *Paradise Lost* which M. Taine has attempted to impose on us. In a separate section the theology of Milton is carefully examined, and his vindication as against the charge of Unitarianism or Socinianism in some aspects successfully undertaken. But though not a Socinian, Milton was an Arian, and so can be claimed by Channing and his school as Anti-Trinitarian; and though Milton maintained firmly the pre-existence of Christ, yet if he believed, as he is understood to have believed, that the divine essence would have been as perfect if the Son had never been begotten, though Anti-socinian he was yet in a very true sense Unitarian.

¹² "Histoire d'Hérode Roi des Juifs." Par F. de Sauley, Membre de l'Institut. Librairie de J. Hachette et Cie. Paris. 1867.

¹³ "Milton: sa vie et ses Œuvres." Par Edmond de Guerle. Paris. 1868.

The noble Italian poetess Vittoria Colonna preceded the illustrious English poet by more than a century.¹⁴ Born in the year 1490, at the Castle of Marino on the Lago d'Albano, she was married in 1509 to the Marchese de Pescara. In Pescara she found all that an ardent but reasonable affection could require. The first three years of their married life were passed in the beautiful island of Ischia, where men noted for literary attainments or renowned for exploits in war were assembled. Heroic duties constantly demanded Pescara's presence in the field. During his absence we find Vittoria by study, by thought, by retirement and the gradual ripening of her powers, preparing to take that place in the world of letters which after times have unanimously accorded to her. On the death of her husband, in 1525, who survived the battle of Pavia in which he had been severely wounded but a few months, she left Naples for Rome. There her first impulse was to immure herself in a cloister for life, but by a papal injunction she was prevented from taking the oaths. In the seclusion of the Castle of San Marino, to which her brother induced her to remove, faithful to the memory of her husband, and deeply sorrowing for his loss, she wrote to assuage her inward grief. Her early poems, says her recent biographer, form the history of her heart, her later ones portray her religious aspirations. Her life was one in which tender friendships, the society of the great and good, protection accorded to those whose opinions exposed them to danger, and devotion to the art of song, are the characteristics. The figures that pass before us, in the pleasantly written biography by Mrs. Henry Roscoe, are those of Veronica Gambera, Countess of Correggio, who resembled her in her sorrows and her poetical talents, Michael Angelo, Cardinal Pole, the Pope, Renée, Duchess de Ferrara, Olympia Morata, Ochisio, the eloquent preacher of the Italian Reform, and many others. During this period the reformed opinions were widely spread in Italy. Berni, it appears, was an early proselyte to the Reformation. The friends of Vittoria ranged themselves on the side of Church Reform, and Mrs. Roscoe argues that her friendship with them sufficiently proves that her opinions coincided with theirs. As unimpeachable evidence that this was so she refers to Vittoria's own writings for illustrations of her religious faith; and quotes Mr. Trollope, who says that it is wonderful how Tiraboschi and her biographers can deem it possible to maintain her orthodoxy. The history of the last four years of her life is blotted out. She appears to have died at Rome in 1547. Eminently beautiful and good, the highborn Colonna lady has been also admired as a poetess. Mr. Trollope indeed speaks of her poems as tuneful wailings, but Mrs. Roscoe rejects his satirical sentence, and ascribes to her an impressible and imaginative nature. A selection of these poems in the present volume will help the reader to form an independent judgment of them. In most cases prose translations are attached, which are not always successful. *The eye which never slumbers, but is always open*, is a poor rendering of "non vede nè vedra, ma sempre vede;"

¹⁴ "Vittoria Colonna. Her Life and Poems." By Mrs. Henry Roscoe. London: Macmillan. 1868.

and "che ancor lieto ne trema ardendo il core" is incorrectly translated, *joyfully and without fear glows my heart.*

From Rome, which claims to be the seat of the Prince of the Apostles, we pass to Westminster, with its kindred memories of St. Peter. The revised edition of the Historical Memorials of the Abbey, written in the attractive style of which the present Dean is a master, is a presumption of the popularity of the book.¹⁵ Intended to do honour to the eight hundredth anniversary of the dedication of the Abbey, it appears to be an adequate expression of affectionate reverence. At first we thought that the omission of a complete though compendious history of the Monastery and its rebuilding was an oversight, but as Dr. Stanley has described its foundation in the introductory pages, and its reconstruction in due chronological sequence, and expressly designs the work for general readers, the initial sketch of the foundation and the occasional information afterwards given, perhaps are all we are entitled to require. As a collection of legendary and historical reminiscences, a register of sometimes serious, sometimes playful gossip, this volume of memorials is one that we could turn to constantly for instruction, or entertainment, dipping into it here and there, when graver reading would be oppressive and fictitious narrative unwelcome. The foundation of the Abbey, the coronations of sovereigns; the burials of kings, abbots, and deans; the interments of eminent men, of courtiers, warriors, statesmen, poets, artists, savants, &c., are all recorded in appropriate wise in the picturesque pages of the eloquent ecclesiastic who now holds the deanery of the time-honoured Abbey of Westminster.

The antiquity of the monastery, founded in honour of St. Peter, even if we carry its origin up to the days of Sigeberht, the first Christian King of the East Saxons, is far exceeded by that of Benares, the sacred city of the Hindus,¹⁶ which a competent annalist, the Rev. M. A. Sherring, affirms was famous at least twenty-five centuries ago. Regarding Benares as a sort of representative city, a kind of religious and intellectual Oriental Paris, the author depicts it as it was in the past, and as it is in the present. He has treated, with more or less detail, such topics as her early condition (we borrow his own account of the book), her connection with Buddhism, her architectural remains, her famous temples, holy wells and tanks, and numerous *ghats* or stairs leading down to the Ganges; the legends concerning them, the peculiar customs at the temples, the ceremonies of the idolater, the modes of worship, the religious festivals, &c. In the latter part of the volume occur observations on the influence which education, European civilization, and Christianity, are now exerting in the city. Among the agencies favourable to social improvement Mr. Sherring enumerates the influence of the society called *Brahmo Samáj*, which has now

¹⁵ "Historical Memorials of Westminster Abbey." By Arthur Penrhyn Stanley, D.D., Dean of Westminster, Corresponding Member of the Institute of France. Second and revised Edition. London: John Murray. 1868.

¹⁶ "The Sacred City of the Hindoos. An Account of Benares in Ancient and Modern Times." By the Rev. M. A. Sherring, M.A., LL.B. London: Trübner and Co. 1868.

several thousands of adherents, and has branches not only in Calcutta but in various other cities and towns. We regret that he has not told us the origin or explained the character of this association. Dissatisfied with its theology, which is deistical and not Christian, he yet candidly acknowledges its services, in uprooting error and superstition, and in elevating the people generally. Our author predicts a "future for India of unparalleled glory and lustre, and believes that the ancient city of which he has related so much that is interesting, may still hold a foremost place in history. In an introduction contributed by a Sanscrit scholar, Mr. Fitzedward Hall of the University of Oxford, a protest is entered against the heedless hyperbole of encomium with which Professor Max Müller, in his judgment, has characterized the method of M. Julien, when he says that "with M. Julien's method mathematical certainty seems to have taken the place of learned conjecture."

Ascending the stream of Time, we approach that period when, in the language of Professor Piazza Smyth, man had not yet begun to acquire a knowledge of nature by his own observations and measures.¹⁷ Believing that the principle of investigation adopted in his book, called "Life and Work on the Great Pyramid of Egypt," might be profitably carried further, Mr. C. Piazza Smyth has published a sequel to his former volumes on that bewildering monument. In this sequel he considers first the architectural, and then archæological data relating to the subject. The "intellectuality of the Great Pyramid" is then discussed under various relations; the "Babylonish example" is unfavourably contrasted therewith, and Mr. George Rawlinson's white-washing operations reproved. All other architectural competitors are similarly disposed of, and the Great Pyramid, a standing protest against human misbelief, is pronounced to be "solemnly alone." Its isolating characteristic, as we gather from page 199, is an *enormous amount of five-ness*, and whoever speaks lightly of this protestant Pyramid, or of Professor Smyth's speculations respecting the primal dignity and exalted functions of the highest building in the world, incurs grave responsibilities. Of these pyramidal blasphemers Sir J. Y. Simpson is the worst. Accordingly he is warned by the Professor that he occupies no enviable position; and a young lady who admires the Pyramid, and "may always be heard with advantage and pleasure" (p. 362), has administered a severe rebuke to the misguided man who speaks evil of dignities, borrowing from Scripture some of those apposite remarks so much to Professor Snyth's taste, in order to convey to him the civil assurance that "he is proud knowing nothing"; and to offer him the graceful advice to "study to be quiet, and to do his own business, and to work with his own hands." Sir Charles Lyell is made almost as bad an example of as the Babylonish buildings, which Mr. P. Smyth abuses as "a thorn in the side of honest philosophy, and which seem to be

¹⁷ "On the Antiquity of Intellectual Man, from a practical and astronomical point of view." By C. Piazza Smyth, F.R.SS. L.E., etc., Professor of Practical Astronomy in the University of Edinburgh, and Astronomer-Royal for Scotland. Edinburgh: Edmonston and Douglas. 1868.

impiously hostile to "astronomical emplacement." Sir John Lubbock has also much to answer for. But we leave the three blasphemous baronets as well as the reverend *white-washer of Babylon*, to vindicate their own characters. Mr. Huxley can also, if he see good, say a word for his broken chronological crockery on the Nile. If we, too, have spoken disrespectfully of the Pyramid, as Sydney Smith declared Jeffrey did of the Equator, we have no regret to express and no apology to make. Regarding the speculations of the Astronomer of Scotland on the capacities of that intellectual bully as the baseless fabric of a dream, to us there is nothing sacred, but much that is highly diverting in this preposterous inspiration theory. In an earlier number of the *Westminster Review* the theory has been already briefly noticed. For the sake of those who may not have read the Professor's former work there described, we repeat that his leading idea is that the Pyramid was constructed under divine inspiration, to exhibit a correct standard of weight and measure, and that it anticipates and embodies results of modern science, and thus attests its supernatural origin. For those who believe the Bible, we are told the enigma presented by this metrological character has a solution, "but to those who do not believe in that book's inspiration-words, and trust only to Darwinian and Crawfordian theories of human development by innate powers out of an aton, or an ape, or a bestial savage—the great Pyramid, a silent but majestic spectator of the whole historic period of man as yet—is constantly giving forth a witness which they cannot explain." The Biblical exegesis of the volume does not predispose us in favour of the sacred pretensions of the Pyramid. There is a note on the seventh appendix on Zech. iv. 7, a strange, wild perversion of a passage that has no very great difficulty. The Septuagint translation is appealed to, to confirm the interpretation thus insisted on, and the Greek infinitive *καροθῶσαι*, though with the definite article before it, is translated, *Thou shalt be thoroughly corrected or adjusted*.* This note, we should perhaps add, is not the composition of Mr. Smyth, though we presume he agrees with the writer's views. The author's own critical method is, however, illustrated in a passage in this work, where he draws the distinction between the non-intellectual Preadamite, whose existence at a remote period he is willing to concede, and the inspired man or intellectual Adam, the man that "became a living soul," not more than between six and seven thousand years ago.

To lovers of genuinely good book-gossip, we can recommend Mr. Macray's "Annals of the Bodleian Library," annals ranging over the period included between A.D. 1598—A.D. 1867.¹⁸ It professes only to be an attempt to tell the tale which has never yet been told in its completeness, but if an attempt only, it is still an at-

* "Who art thou, the great mountain, before Zorobabel that thou shouldest prosper." Zech. iv. 7. Translated by Sir L. C. Lee Brenton.

¹⁸ "Annals of the Bodleian Library, Oxford, A.D. 1598—A.D. 1867. With a Preliminary Notice of the earlier Library founded in the fourteenth century." By the Rev. William Dunn Macray, M.A., Chaplain of St. Mary Magdalene, &c. Editor of the "Chronicon Abbatice Eveshamensis." London, Oxford and Cambridge: Rivingtons. 1868.

tempt better than many an accomplishment. The first University Library claims for founder G. Thomas Cobham, Bishop of Worcester. At least he made preparations for the building of a book-room, A.D. 1320, though the library was not actually begun till A.D. 1367. In A.D. 1444, Duke Humphrey of Gloucester, the patron of all learning, and a recognised benefactor of the university, which now proposed to erect a more suitable building, was formally offered the title of Founder. In 1550 the commissioners of that pious little prig, Edward VI., destroyed all ornamented MSS. as eminently Popish, and left the rest exposed to injury and robbery. As a natural consequence the books of the public library all disappeared, and certain venerables viri, Master Morwent, Master Wright and others, "made a timber yard of Duke Humphrey's treasure house." Four years after this act of spoliation, Thomas Bodley was entered an undergraduate at Magdalen College, and on February 23rd, 1597-8, he wrote to the Vice-Chancellor offering to take the charge and cost upon him of the reconstruction of the library. The particulars of this erection of the new building are briefly reported by Mr. Macray, and the benefactors in books and MSS. are specified in chronological succession, under their respective years. Notices in which the names of Sir Walter Raleigh, Queen Elizabeth, Charles I., that Vice-Deus (as the public orator of the time called him), Cromwell, Milton, Selden—and Dr. Constantine Simonides, whose *ancient* and valuable manuscript belongs to the latter half of the nineteenth century. A fac-simile of the Shakespeare autograph in Ovid's *Metamorphoses*, which is probably genuine, with an account of the same, are among the interesting things found in these annals.

The history of the Forest of Rossendale, by Thomas Newbiggin, will attract local antiquarians.¹⁹ Previous to the Norman Conquest this forest, with those of Pendle, Trawden, and Accrington, were embraced in the general name of the Forest of Blackburnshire, then covering a poorly-cultivated and sparsely-inhabited district in Lancashire, of seventy-six and a half square miles. The historical, biographical, and sociological portions are the contributions of Mr. Thomas Newbiggin; a chapter on the Geology of Rossendale is furnished by Captain Aitkin; and Mr. Stansfield completes the survey, with observations on the botany of the district.

Our last volume, also dealing with local history, does honour to the Lowells, the founders of American manufactures, who emigrated from Cleveland, near Bristol, in 1639.²⁰ Professing to gather and embalm all that seemed most valuable in this heritage of memoirs and traditions this little volume, by Mr. Charles Cowley, which has attained to the distinction of a second edition, "covers the whole period, from the discovery of the Merrimack River by De Monti in 1605, to the year of grace 1868."

¹⁹ "History of the Forest of Rossendale." By Thomas Newbiggin, Member of the Historic Society of Lancashire and Cheshire, &c. London: Simpkin, Marshall, and Co. 1868.

²⁰ "History of Lowell." Second revised edition. By Charles Cowley. Bristol and Lowell. 1868.

BELLES LETTRES.

NOVEL-WRITING has of late years taken a notable step, and one which secures it a vastly wider outlook and sphere of operation than were attained by the previous generation. Now-a-days it devolves upon the artist of life and manners to depict not merely the difficulties which have to be surmounted before a loving couple can be brought together and morally fused in a homogeneous mass, but also the difficulties which are perpetually interfering to rend them asunder again after they have been united. We know not whether agreement in married life is a thing harder of attainment now than with our forefathers and foremothers, or whether the present generation aims at a higher pitch of harmony than has hitherto been deemed practicable or necessary, but we certainly hear and see much more of the interior thorns which beset the path of wedlock than of old. Thus the novelist of our days who assumes to be also a moralist, has a more important field of action than his predecessors, in so far as it is of more importance to keep husbands and wives living together in peace and happiness, than to bring together young people who might very possibly be happy apart. Many of the novels which have recently come under our notice even transcend all of these functions, and seem to aim at realizing a condition that is neither marriage nor celibacy. Under this class may be placed the clever novel entitled "Love or Marriage,"¹ the author of which seems to have scarcely made up his own mind on the subject in respect to his own creations. The well-drawn character of noble old James Glencairn is certainly deserving of a better fate than to be tied for life to such an odious woman as his second wife turns out, and thus seems to belong to the category of those who are too good for marriage, while the woman who torments him is altogether unworthy to have a husband at all, being sure to victimize any man to whom she might be fastened. In Fanny we have one of those women who are good or bad according as they are used. Why the author converts her into a perfect brute towards her poor old father, at the same time that he is describing her as happily settled with the man she loves, does not appear clearly enough to justify the disagreeable scene in question. Neither is it made sufficiently apparent why Christian Helstone, who is the anti-Christian of the book, quarrels with his employer. The reader is left in doubt whether the quarrel was premeditated and planned with a view to getting free from his engagement as editor of the *Daily Scorpion*, or whether it was a genuine outburst of indignation. Again, there seems to us to be a violation of the natural in the utter indifference which Fanny shows to the feelings of her father, whom she is represented as loving, when she runs away for a week without giving any clue to her movements, if the author intends her to be a girl of heart, swayed by her affections rather than by her intellect. These are two notable exceptions which we

¹ "Love or Marriage : a Novel." By William Black. London : Tinsley. 1868.

have pointed out to the consistency of his portraiture. Christian Helstone is the real hero of the story, and the author deserves credit for the boldness and yet delicacy with which he makes him broach his unorthodox theories respecting marriage. The question considered from Helstone's point of view is not so familiar to the public but that we should have preferred more elaboration of the arguments on either side. The author has erred on the side of brevity. He has power, originality, and independence of tone, a genuine love of rural scenes, and high appreciation of natural and moral beauty. But he is so afraid of wearying his readers, that he fails oftentimes to give them an insight into the motives that actuate his characters, or even to indicate whether their motives and their actions are intended as models to be copied, or examples to be shunned.

It is in quite a different direction that Miss Legh Knight falls short of the requirements of the novelist's art. Her pleasantly written tale² also illustrates the remarks we commenced with, in that it describes a cold, heartless, selfish woman, bound to a man who is worthy of a better fate, and whose life she embitters, until the authoress in her pity for him, makes her the subject of a conversion, altogether impossible to such material in real life. No, Jessie Young surely committed the unpardonable sin when she insulted her husband and her sister in the way related in pages 47 and 48 of vol. 2, and no reconciliation could be real with such a nature as she then proved herself to possess. But while the married sister and her husband are illustrating the difficulties that beset the path of an ill-matched married pair, the unmarried sister and the husband's brother are busied in exhibiting the difficulties that have to be surmounted before a noble and steadfast woman will sacrifice herself to a weak and volatile man. Such, in the eyes of the amiable authoress, is the transforming power of a good woman's love, that even Effie Garnock is made happy at last by being enabled to esteem her inconstant lover before she finally marries him. How the cure is effected, and how cleverly the heroine keeps herself and her readers in suspense to the last, not only as to which of her lovers she will marry, but as to which she ought to marry, our readers must learn from the book itself; the hydropathic portion of them especially will be interested in seeing their favourite agent successfully applied to the correction of moral disorders. The authoress may be congratulated on being the first to utilize the new treatment of ice on the spine for literary purposes. Altogether we can cordially recommend "Tonic Bitters" for family use. It is at once well and vivaciously written, interesting as a story, and healthy in tone. For the promising authoress's sake we will point out the main fault into which she has fallen, believing that she is one to value and profit by a hint. There is a certain quality that is essential to all really good art, which may be called Subordination or Proportion. One of the characters introduced into "Tonic Bitters" is put conspicuously forward, her peculiar style of conversation is elaborately detailed, and yet she

² "Tonic Bitters: a Novel." In Two Volumes. By Legh Knight. London: Chapman and Hall.

exercises no influence whatever upon the course of the story. If it was worth while to paint Mrs. Mortlake at all, it was worth while to give her an excuse for being in the picture. As it is she is simply an intruder, and an intruder, no matter how well dressed, or how clever or eccentric, means just one who has no business there. There is such a thing as crowding one's canvas to the detriment of the general effect. Again, when at page 169, vol. ii., it is found necessary for some of the party to go into a lodging, there is no call to describe the peculiar vulgarities of the landlady. She appears but once, has no influence on the narrative, and in real life would be so much a matter of course as to attract no notice whatever. In art it is a mistake to obtrude upon the reader or the spectator whatever would pass unperceived in reality. True drawing does not magnify the insignificant simply because it is there. Even charity must subordinate itself to this law. We may like the authoress herself for the wide mercifulness that willeth not the death of any sinner of her own creation; but it is too much to find even the odious "oily widow" rehabilitated at last, and sent to live an honest woman in the same parish with the man she had cajoled. He had had his trials, and came well through them, and surely might have been spared this one.

Mrs. C. Jenkin crosses the Channel to find illustrations for the prevailing theme. Her "Two French Marriages,"³ form a charming addition to the works by which she is already well known. The heroine of the first story, a charming, natural, warmhearted girl, has a hard time of it with the man who, an artist by profession, married her because she touched his fancy rather than his heart. After sundry sad passages between them, in the course of which she is fairly driven beside herself by his selfishness and indifference, the reader is left to hope that the realities of life and feeling are at length beginning to develop whatever good may be latent in his nature, and that a happy future is in store for them. The second story has given us unfeigned pleasure. Rarely out of the writings of Madame George Sand have we found a better representation of provincial life in a second-rate French town. Perhaps of the two writers, Mrs. Jenkin is the truer to facts as they are, for she does not idealize her favourites or ignore her aversions, but details their failings and their meannesses with scrupulous fidelity. Her book might as well have been called, "Three French Marriages," for Madame Beaupré was married twice, and if all widows were as unaffectedly simple and genuinely charming there would be but a poor chance for the single young ladies. This story forms a capital illustration of the motto which is prefixed to it,—Nothing so much resembles a French country town as an English one. And the likeness may be extended to America, Germany, or any other country, without losing any of its truth. It affords at once a clue to the mysterious tendency that all capitals have to increase at the expense of the rural districts. Nothing but absolute necessity can compel people to endure the petty, prying, carping spirit that animates and rules all small coteries and cliques of society. It has been said that liberty is

³ "Two French Marriages." London: Smith, Elder, & Co. 1868.

only to be found in two places, the desert and the large city. Add to the social littleness of a country town the religious bigotry of sects, and we have at once the full-length portrait of a thousand centres of population, all vying with each other in depressing humanity to its lowest range compatible with civilization. All these conditions existing together with the life-like sketches of the individuals that fulfil them, are put before us by Mrs. Jenkin in an easy and spirited picture, of which the harsher tones are relieved by her own evident catholic charity and benignant humour. It is a hopeful sign of the times when a writer can administer rebuke to the mutual ignorance and bitterness of religious antagonists, and yet retain a wide popularity. The happy termination of the little widow's troubles, is but an example how many theological or ecclesiastical differences might be solved in the crucible of a loving spirit.

Mr. Wedmore has affixed to his tale⁴ a title that seems to promise more than is given. It is a slight superficial sketch of a life of the present day, with a catastrophe altogether superfluous, inasmuch as after her mother's death no such agency was requisite to overcome the young lady's scruples. It is to be hoped that his readers will not lay down the book with the idea that success in any line they may choose to turn to is so easy of attainment as Wilfred Harris found it. The author seems to have aimed at turning his Bath belle into a milk-and-water imitation of *Jane Eyre*. If he would succeed in artistic literature, he must not be afraid of letting himself go. The country is sufficiently stocked with boarding-school inculcators of the lukewarm propriety in which everything is right except strong feeling.

"Time, Faith, and Energy"⁵ compose a trinity mighty enough to account for the universe, but it is difficult to see how they constitute a fitting motto for the career of Geoffrey Waller. This young gentleman, aspiring to become a poet, leaves his sweetheart and his country home to make a reputation and fortune in London. He there manages to get into higher society than he has any claim to, and abets Lady Olivia Beauvale in getting up a scratch volume of elegant trifles in the shape of ballads and stories. Young Waller is selected as reader of these productions to the lady and her friends. The importance attached to them by the author may be estimated by the fact that they are dispersed over some 280 of the 422 pages that constitute the whole book. We are inclined to suspect that they consist of his rejected contributions to various periodicals, and are now woven into a story in the hope of enhancing their interest. However this may be, the young pretender is early rescued from his inappropriate condition. He imperils the fortunes of himself and his beloved by attention to anything rather than to business, gets himself half killed by being run over, and returns home a sadder and a wiser man, to devote himself to a felicity that is at once domestic and childless. So far as the author is concerned, we think the introduction a mistake. Few people who read that will be inclined to venture farther.

⁴ "The Two Lives of Wilfred Harris." London: Newby. 1868.

⁵ "Time, Faith, and Energy: a Novel." London: Skeet. 1868.

We fancy that it was a labour of love to Mr. Wynch to sketch the character of Margie Glyde.⁶ She is a charming young lady, with a remarkable musical faculty, which extends even to that most odious of propensities, whether in man or woman, whistling. Such, however, is the purity and nobility of her character, that she insists on loving to distraction a weak and selfish libertine, even after she knows his true character, and on regarding a constitutionally bad wife as a model of good nature. If the author intended to show what fools women can be, he has succeeded pretty well. The most useful moral to be deduced from his story, is one affecting our villanous laws of inheritance. Margie is brought up as the heiress of a noble estate, but her father dying intestate, the estate being in land passes to a male relative, and she is left destitute.

Many a tale of life is agreeably written, having its characters well defined, and its incidents interesting, but yet lacks a *motif* which the reader can comprehend and seize, and without which he inevitably fails to get *en rapport* with the author. Such a tale is "Alice Graeme."⁷ With many of the characteristics that go towards making a good novel, we yet fail to see why it was written. The author's music has no key-note. It is, as it were, a sermon on no particular text. The ease of style and consciousness of power that pervade it, induce us to point out the author's deficiency, in the hope that his (or her) next endeavour may be thoroughly successful. The prevalence of religion without theology reminds us of Mr. Macdonald's novels, but is such a phenomenon yet naturalized in Scotland?

Mr. de Liefde has done well in opening a new vein to the lovers of historical fiction.⁸ Near as we are in position and interests to the other side of the German Channel, there are few countries so persistently ignored in the historical teaching of our schools. Mr. Motley has done much towards removing the stigma of this ignorance from the present generation, and "The Beggars" will help to arouse an interest among its younger members for a kindred people who, in the endeavour to obtain that which Englishmen hold most precious, political and religious liberty, have suffered far more bitterly than ever Englishmen suffered. The narrative turns upon the execution by Alva of the Counts Egmont and Horn; the story of whom is told with a sufficient minuteness for the author's purpose, which seems to be to utilize the atrocities of the Spaniards in Flanders into an attack on the Jesuits. The book has thus a strongly Protestant, or rather Evangelical bias, leading the reader to suspect that it was a hatred of popery, rather than a love of liberty, that impelled the author to his task. The history of the sects which have superseded Romanism shows that all priesthoods, when invested with political power, are animated by the same spirit, and are ready to enforce their religious tenets by statute and penalty. We are not sorry, however, to see the healthy

⁶ "Margie Glyde: a Sketch." By L. Maling Wynch. London: Chapman and Hall. 1868.

⁷ "Alice Graeme: a Novel." London: Chapman and Hall. 1868.

⁸ "The Beggars: a Tale." By J. B. de Liefde. London: Hodder and Stoughton. 1868.

horror of persecution that pervades this well-written and interesting tale. The Dutch Republic has exercised a great influence upon the modern history of the world, and the outlawed Brotherhood that so well, and at such fearful risks, served the cause of their country and of the Orange family, is well worthy of celebration in our literature.

There may be localities in these isles where nearly the entire population is so devoted to drunkenness that the mere sight of "something to drink" exercises an irresistible attraction over them, until, like the giddy-gazer over a precipice, their whole longing is to indulge the fatal weakness. The lady who writes under the initials N.J.N. seems to have discovered, and unhappily, dwelt in such a locality, until the prevailing propensity has produced in her mind a reaction which has manifested itself in an attack upon Temperance as irrational as the conduct of the drunkards around her. We say her book⁹ is an attack upon Temperance, because the term is applicable only to the right use of things, whereas the total abstinence which she inculcates as the only path to heaven, is simply an intemperate excess in the other direction. We are unable to judge how far the pictures of life in the west of Ireland may be faithful to nature, but we cannot be far wrong in estimating the accuracy of the author's drawing by the parts that we can verify. Thus the crew of a life-boat toiling and plunging through a heavy sea, are represented as employing their breath in singing a hymn of eight lines with repeated choruses; an impromptu hymn, too, composed by the steerer on the spur of the moment. This gentleman's dog swims out to the boat; "in a moment one huge paw was laid upon the side of the 'Sea Bird;' in another he had sprung into the boat," a feat of gymnastics that could only have occurred to one utterly inexperienced in such matters to have related as a possibility. The author takes the opportunity of bowling over another pet aversion in addition to that of the use of alcoholic beverages. The hero of her tale is a bit of a geologist, and being a man of observation and veracity declines to deny the evidences afforded by certain strata of the world's vast age. Unfortunately he is overheard by the young lady to whom he is attached, and she at once "felt sick and giddy: a dull weight seemed to press upon her heart. Could it be possible? Had the brave, noble-hearted Sidney Martyn become a sceptic, a freethinker? Fallen, fallen indeed!" The young lady in question is one of those morbid, self-conscious beings who are always thinking of the influence of their example upon others, and consequently becomes a teetotaller rather than set an example to others of how they may use without abusing. We have no desire to depreciate the endeavours of those who aim at elevating their fellow creatures above the reach of a dangerous vice, but there is such a thing as substituting one evil for another, and the danger that the enthusiasts of the pledge run headlong into, is that of depriving men of that freedom of action by which alone true virtue can be exercised, and of setting up a mere negation as the noblest of human excellences. One of the vilest of Phari-

⁹ "Time will Tell: a Novel." By the Author of "Mark Fleming." Dublin: Moffat and Co.; London: Hamilton and Adams. 1868.

saisms, and at the same time one of the most morally enfeebling of practices, is the habit of restraining oneself by vows from doing that which is common and customary. The teetotaller soon learns to consider strong drink as the only demon, and the keeping of his pledge as the only virtue. The odious, self-complacent intolerance pervading the whole of this book induces us to devote more space to it than is justified by its intrinsic worth. Written for the young, it is one of the last books we should wish to see placed in a child's hands. It could have but one of two results: either it would provoke to the use of stimulants by a natural reaction, or it would foster such a priggish disposition as that which animates the model little girl mentioned on page 105, who, on being casually asked by a stranger whose little girl she was, replied "I am Jesus' little girl;" or the little boy a few pages further on, who had been told so much about the evils of drunkenness, that he could not read the story of the man in the iron shroud without drawing a comparison between the habit of drinking and the room that closed gradually round the victim until it destroyed him. Of course, in a story of this kind it is easy for the author to enact the part of a Providence either retributive or remunerative to the characters. It is therefore not surprising to find that everybody who touches anything stronger than tea comes to grief, while all the sugar-plums of life both here and hereafter are reserved for the total abstainers. Some of the vagaries which the drinkers are made to enact show a certain amount of ingenuity: as when the doctor gets tipsy at an evening party, and proposes to the wrong girl, mistaking her for another with whom he is in love. Of course he is bound to marry her all the same as if he meant it, but, abjuring liquor, he lives very happily with her, so that his punishment is turned into a reward. However, he relapses once, and his unsteady hand pushes a lancet too far into a patient whom he is called upon to bleed, and nearly kills him. Of course after this he takes the pledge. The hero, who was sufficiently intelligent to believe that the world is not so young as it might be, is, of course, unsound on the great liquor question. But it all comes right at last. He takes the pledge, goes about the country persuading others to do the same, and so at last the young lady of his love takes him. It would be a funny world if all men went on the principle of never shaving because some people cut their throats: of handcuffing everybody because a few steal. Yet this is the principle of teetotalism as advocated in "Time will Tell." By the by, this title signifies only that the book will tell if anyone will read enough of it to know what it contains.

It is very pleasant to see the heart and intellect remaining fresh and green in spite of the advancing years which stiffen the limbs and arrest the currents of physical life. Would that old folk and old fogies were less frequently convertible terms. The croakers whose hoarse vaticinations are now daily being evoked by the endeavours of this generation to reform existing abuses, may learn a useful lesson from the kindly Octogenarian who reminds us¹⁰ of the baselessness of similar anticipations in the past.

¹⁰ "The Old Times and the New." London: Chapman and Hall. 1868.
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"It was well for Lord Eldon that he was snatched away from the evils to come. Roman Catholic emancipation was to destroy the Church. The Reform Bill was to revolutionize the State; and now by the abolition of the Corn Laws those great landed investments of his, the labour of so many years, would have been of no value, and inadequate to contribute the meanest living! But our empire is still great and glorious."

In this little volume we find pleasant chatty comparisons between the country as it was "then and now;" the now bringing us down to the time when Samuel Wilberforce was still "the new Bishop of Oxford," and Sir Robert Peel "fronted the minister" in the House; when "Mr. Hume owed his position to his perseverance," and "Thomas Babington Macaulay holds high office:" that is, some twenty years ago. Anecdotes of Churches and Parsons, of Friends, Neighbours, and Celebrities, of Social Customs and Changes, of National and Political Progress, &c., altogether form a simple and unpretending volume which it is pleasant to take up for an hour in order to refresh one's memory with the things of our youth.

A druggist expatiating on the virtues of creosote to some of his customers, finished by warning them that it should be used *con amore*, and added, on seeing their puzzled looks, "I mean with discretion." We fear that persons opening Mr. McCarthy's volume of essays¹¹ will charge him with being guilty of almost as nice a "derangement of epitaphs" as our friend the druggist, in depriving the novelist of so charming a title, and affixing it to his "Critical Chapters." We earnestly trust, however, that no readers will be found to deem it an act of discretion to abstain from this book on account of its title, for by so doing they will incur a decided loss. It was a happy thought of the author to republish these papers in a separate form, for he has shown himself to be capable, above most men living, of comprehending and analyzing the characters of the writings and writers to which these essays are devoted. Not merely are his criticisms thoroughly conscientious and penetrating, and almost unexceptionably sound, but he has, with a rare and laudable courage, applied the critic's office to the expulsion of certain historical misapprehensions which have come to be regarded almost as matters of faith. The article on Voltaire should be read by all who value historic truth above conventional prejudices, and wish to understand the secret of the vast effect he produced on his age. Animated by an impatient, sarcastic spirit, and possessing a far higher ideal of God and the world than was recognised by the society existing around him, it is not surprising that those who had a vested interest in abuses should charge him with blasphemy, because he held up to ridicule and contempt them and their contrivances for subjugating the human intellect, or that their successors should maintain the same hostility towards his memory. But as Mr. McCarthy very truly remarks, "Much that was stigmatized as blasphemy a century ago, most people regard as plain truth now." We agree with Mr. McCarthy in commending the Luther-like courage shown by Voltaire, in braving the ecclesiastical authorities who had

¹¹ "Con Amore; or, Critical Chapters." By Justin McCarthy, Author
"The Waterdale Neighbour," &c. London: Tinsley. 1868.

both the will and the power to do so much to injure him, but we must take exception to the remarks on pages 31 and 32. Even though no legal penalties are now attached to nonconformity to the Established Church, yet a social ban not less oppressive or less painful to bear is imposed upon those who dare to hold opinions different to those of the world around them. The vast bulk of British society is still dominated by the canker of orthodoxy, and instead of denouncing assaults upon the fetich which tyrannizes over it as "impertinence and vulgarity," we would accord to the assailants the same credit for courage which Mr. McCarthy grants to Voltaire. The papers on Goethe and Schiller indicate a wide and subtle sympathy with, and insight into the likenesses and differences of those giant twin brethren. Mr. McCarthy fairly proves his point that the versions by Messrs. Martin and Aytoun of Goethe's poems consist of paraphrases rather than of translations, but we are hardly prepared to coincide in the comparison drawn between Schiller and Shakspeare in their representations of the character of Joan of Arc. The standpoint and purpose of the two poets are so radically and utterly different as to render any attempt at a comparison between them vain. Schiller aims at drawing the portrait of a pure and ecstatic enthusiast as imagined by him at the end of the 18th century: and Shakspeare is describing the actual English history of the period, and the popular conceptions held by ordinary Englishmen of the character of their female antagonist. Our limits forbid us to notice as fully as we could wish the remaining essays that make up this very charming volume. Our opinion of two of them may be gathered from the fact that they originally appeared in our pages. One of them, "The Bohemia of Henri Mürger" will open to the great majority of readers the gates of a region of literature known to few except by name, and the other, "Novels with a Purpose," concludes with some remarks that will encourage those who would turn the most influential class of the literature of the age to the highest and widest purposes. In the critique on the poems of Freiligrath, Mr. McCarthy shows himself to be also a poet, and no one can read his papers on Béranger and Victor Hugo without perceiving that he owes his insight into the characters of his subjects to his possession, in no mean degree, of the faculty which has made them famous. By the publication of this collection, the author of "The Waterdale Neighbours" has vindicated his right to be looked up to as one of the literary teachers of the people, and we trust that we may have yet many more of the graceful productions of his pen to enjoy and to describe.

Mr. Steinmetz has shown much industry in the collection of materials for his horrible task,¹² and he has performed it well, inasmuch as he has succeeded in suppressing his own indignation while compiling narratives that must unavoidably excite that of his readers. It is possible that repulsive as it is, this catalogue of human devilries may be useful in preventing any recurrence of the sanguinary spirit which pervaded the social relations of our forefathers. It is a morbid subject, but Mr.

¹² "The Romance of Duelling." By Andrew Steinmetz. London: Chapman and Hall. 1868.

Steinmetz has treated it healthily. It is well to preserve records of past horrors, both to make us thankful for our advance to something better, and to warn us of the latent possibilities of human nature; we therefore endure the recital of many things we would otherwise gladly forget. Mr. Leckie lately did us much good by recalling to mind the atrocities connected with the belief in witchcraft. Mr. Buckle in the same spirit recounted the theologic abominations of the Calvinistic pulpit. And had the compiler of "The Romance of Duelling" taken any other than a sensational title we should have equally welcomed him as a philosopher who feared not to hold the mirror up to nature and show us by how small a space of time we are removed from the presence of a mania more horrible in its effects than any of those grotesquer ones which marked and disfigured the middle ages. In the amount of misery inflicted upon society, surely the dancing mania, the flagellation mania, and all the other epidemics of those times, except perhaps the crusade mania and the witch mania, must yield the palm to the duelling mania. In spite of the repulsiveness of the subject, the author has contrived his arrangement so as to vary the reader's emotion with an occasional smile, as in the encounter with swords between Doctors Mead and Woodward, when the latter slipped and fell: "Take your life," exclaimed Mead, and the prostrate rival replied, "Anything but your physic;" or the story of Lord Norbury *shooting* his way up into preferment. The book, however, is not a romance, but a somewhat dry catalogue of terrible facts.

Mr. Whyte Melville is desirous of being esteemed as a thinker of deeper and more sombre cast than his previous works would indicate: he therefore summons from its closet the proverbial domestic skeleton, to hold colloquies with him *de rerum naturâ*. This personage, whom he somewhat irreverently and in a negro-minstrel fashion styles "Bones,"¹³ is but a "harmless necessary" sort of ghost after all, and proves, like the celebrated irrepressible "sperrits" of the period, to have little more acquaintance with the things of the unseen world than other folk. Between them they discuss the "waste" of Nature, and come to the conclusion that tears are the most fertilizing of rains—the gourds of life, and like Jonah get angry and quit the discussion—the Vampires of the world, and here is the best story of the book. In short the range of subjects discussed between Mr. Melville and his dead other self, is a wide one, reaching even unto the "Idylls of the King" and Queen Guinevere. The volume is of the pleasant chatty sort that one may spend an hour in not unprofitable company with. And this is all, we fancy, that the writer intended.

The authoress of "Le Récit d'une Sœur" has favoured the admirers of the Catholic school with another tale.¹⁴ "Anna Séverin" commences in the beginning of the present century with the failure of an attempt, ascribed to some French emigrés, to subvert the power of the First Consul, and carries on the complicated and somewhat sensational history of their descendants until a recent period, when

¹³ "Bones and I." By Whyte Melville. London: Chapman and Hall. 1868.

¹⁴ "Anna Séverin." Par Mde. Augustus Craven. Paris: Didier & Cie. 1868.

they meet in Rome, and pray on the steps of St. Peter's for the unity of something more than all Christendom. At least, this is all the "brin de paille" and "direction qu'il indiqu " referred to in the preface, that we have been able to discern during our perusal of this somewhat heavy romance. The book is beautifully printed, and by its typographical charms will probably induce many to continue their perusal of its pages even after they become somewhat wearied with the story. The peculiar style of its composition is such as to induce us to protest against the growing tendency to anglicize the French language, which Mde. Craven has carried to a pitch beyond all previous experience. It may be difficult for a foreigner, married to an Englishman and habituated to English society, to avoid occasional lapses into the idiom of her adopted country; but in preparing a book for publication every effort should be used, every means employed to purge the composition of the foreign idioms that have crept in unawares, even to submitting the manuscript to the revision of a competent linguist. The constant and peculiarly English use of the adverb notably pervades the whole book in such sentences as, "la table est brillamment servie," "Charlotte semblait m me  tre v ritablement heureuse," "mais ce qui est exactement vrai," "mais elle parlait aussi pour soulager son c ur nerveusement oppress ," "il l'avait ardemment desir ." The genius of the French language is altogether opposed to the use of long paragraphs, composed of sentences strung together by the conjunction "et." Its terseness, brilliancy, and clearness, vanish in presence of such sentences as—

"Pierre S verin et Louise Percival  taient fianc s depuis un mois, et leur mariage devait avoir lieu dans un peu de jours, lorsque le marquis entra un matin gaiement dans le salon o  ils se trouvaient avec Charlotte."
 . . . "On a dit mille fois qu'il  tait (for *est*) plus facile de ne pas jouer du tout que de jouer avec mod ration, et la v rit  absolue de cet adage nous semble  tre tous les jours d mentie par les faits. Mais ce qui est exactement vrai c'est qu'il serait impossible de jouer longtemps en s'interdisant l'esp rance de gagner jamais."

The page that contains this choice bit of writing affords also the following enigma: "Ce n' tait pas l  un reproche que Pierre S verin lui-m me semblait se mettre en devoir d'encourir jamais;" and on the next we find an instance frequently repeated of the severance of the adjective from its noun, "ce premier et profond amour d'un c ur si fier." Our space allows us to quote farther only the following instances of the slipshod writing with which the volume abounds,—"*le jeta avec violence   terre,*" as if he were on the water; "*mais cependant tellement,*" "*sans une vive  motion,*" omitting the indispensable *ressentir*, "*que va-t-il faire, croyez vous?  videmment partir, n'est-ce pas?*" "*elles n'en portent plus quelquefois,*" "*vous n'avez exactement rien mang ,*" "*lorsqu'il voulut prendre ses r nes,*" as if the rider had the bridle on his own head; "*dans un tel accablement,*" "*le troublait tellement qu' videmment.*" Surely it has not of late become the custom to apply the word "chambre" to dining and ball rooms, or for the mothers of French families to leave their daughters

alone with their lovers, as on p. 371. And whose is the ignorance that selects from Handel's opera "Rinaldo y Armida" the charming

"Lascia ch'io pianga la dura sorte!"

as a fitting Sunday song for a Sabbatarian young lady?

We commend "Two or Three Weddings,"¹⁵ to the perusal of gentility struggling with poverty, and ashamed to give up and come down into the arena of honest labour. This little unpretending volume but too truly photographs, we fear, the scenes that are being daily enacted in very many a household. The so-called respectability that affects to despise manual work is the curse of England, and this book is a timely protest against it.

Professor Max Müller has published his recent "Rede Lecture"¹⁶ in a separate form. It is interesting and suggestive, as his writings always are. We are glad to see the promise which it holds out, of an early publication of his translation of the "Rig-Veda," upon which he has been engaged for twenty years.

Mr. Harding does not claim too much credit in calling his translations¹⁷ from the best poets in various languages "exact." It has given us real pleasure to look through his little collection of studies, and compare his renderings with the originals, which he has considerably placed on the opposite pages. His English is elegant, clear, and rhythmical, and we leave the perusal with regret that his powers have not been devoted to the completion of something beyond mere models. Neither Homer, Virgil, or Dante, seem to be beyond him.

Mr. Moon continues¹⁸ his useful onslaught on the murderers of the Queen's English, and in addition to his amusing controversy with Mr. Gould and Dean Alford, supplies several most important rules for the guidance of both writers and speakers. Among these we will only refer to the rule on page 56, for determining when *a* or *an* ought to be used before aspirated words. Mr. Moon recommends students of language to play chess in order to acquire the habit of analysing position.

"One who knew the Colleen Bawn" has deemed it worth while to publish her real history.¹⁹ It appears that the Irish heroine's name was Ellen Hanley. As a tract, it is far less dull and offensive than most productions of the kind.

The result of the labours of the late Mr. Huntley have been published in the form of "A Glossary of the Cotswold Dialect,"²⁰ which will doubtless prove acceptable to the antiquarians of language, as well as to dwellers in Gloucestershire.

Mr. Atkinson has shown enormous industry in his compilation, and much ingenuity in suggesting etymological derivations and alliances

¹⁵ "Two or Three Weddings." London: Bennett. 1868.

¹⁶ "On the Stratification of Language." By Max Müller, M.A. London: Longmans & Co. 1868.

¹⁷ "Flosculi Literarum." By J. G. Harding. London: E. Wilson. 1868.

¹⁸ "Bad English." By G. Washington Moon. London: Hatchard. 1868.

¹⁹ "Ellen Hanley." Dublin: Moffat & Co. 1868.

²⁰ "A Glossary of the Cotswold Dialect." By Rev. R. W. Huntley. London: J. R. Smith; Gloucester: E. Nest. 1868.

for the peculiar sounds that compose the special dialect of that part of ancient Northumbria which is known as the Cleveland district.²¹ His admirably arranged and well-printed volume will be valued by all students of philology who may select the Scandinavian language for the subject of their investigation. The book is not restricted to such terms as are traceable to foreign derivations, but contains many which are mere corruptions through ages of provincial mispronunciation of ordinary English words. We are glad to see that the great cost of bringing out this book has been shared by a fair list of subscribers. It is hard upon the laborious student and investigator when he has to pursue his researches and make known their results at the expenditure of both brain and money.

Mr. Thomas Arnold deserves well of all who desire but a slight acquaintance with English literature, for his sketches of and quotations from all the principal writers from Chaucer to Wordsworth.²² In one respect Mr. Arnold's performance is even better than his promise, for he gives in addition a notice of our literature in the Anglo-Saxon and Norman periods. Though it contains so much that is both useful and delightful reading, the volume is so small and handy that we could wish the compiler had been even more liberal of his quotations. What there are, however, have been selected with a great deal of judgment. We cannot refrain from calling attention to one in particular—an epitaph by Crashaw. It is impossible to read it without at once feeling that here is the real author of the newly-discovered poem, lately attributed to Milton.

In No. 4 of the *Théâtre Français Moderne*,²³ Messrs. Trübner have issued George Sand's admirable drama, "Molière." The little volume is enriched by a nice biographical notice of the author, and copious notes for the use of elementary scholars, from the pen of M. Theodore Karcher, of the London University.

We have received from Naples two most valuable volumes²⁴ of choice extracts from the best writers in eight principal languages of Europe, including the Greek and Latin, containing thirteen hundred large and well-filled pages of gems, with copious and well-considered notes in Italian, by the Marchese Giuseppe Pulce. These two volumes should be in the library of every cosmopolitan. A mere glance at the contents is sufficient to excite a desire to become good linguist enough to read them.

Everything that tends to enable the very dissimilar peoples of France and Germany to have a better understanding of each other, is a boon to the world at large. There is no avenue to a nation's heart like sympathy with its intellectual products. If regarded only from

²¹ "A Glossary of the Cleveland Dialect." London: John Russell Smith, 1868.

²² "Chaucer to Wordsworth." By Thomas Arnold, M.A. London: Thomas Murby. 1868.

²³ "Molière." By George Sand. Edited by J. Karcher, LL.B. London: Trübner. 1868.

²⁴ *Saggio Storico di Letteratura Poetica, dal secolo di Pericle fino al nostro.* Pel Marchese Giuseppe Pulce. Napoli: Stamperia del Fibreno. 1867.

this point of view the thanks of mankind are due to Mons. Schuré for his timely endeavour to make his countrymen intimate with the significance and words of the popular songs and ballads of Germany.²⁶ But the author deserves more than this. He deserves the thanks of the lovers of literature for the admirable manner in which he has performed his task. His volume of essays on the history and character of German song is enriched by translation into French, in their identical metres, of something like a hundred favourite songs and ballads. Considering these as constituting the really valuable portion of the work, we are pleased to be able to commend the manner in which they have been executed. The scholar blest with leisure will find it a pleasant task to take, for example, Goethe's Ode to the Moon, and compare it word for word with the French rendering in page 388. He will be puzzled, we fancy, to amend it. The first verses of the *Meditations in the Mountain Hut* are so charmingly given as to make us wish for the rest: while his "Fisher" might be an original. The last verse is even better, if possible, than in the German.

Le flot mugit, le flot s'élève,
Lui baise le pied nu,
Son cœur se gonfle et se soulève
Comme au plus doux salut.
Ce fut un chant, un long sourire . . .
Il tressaille éperdu ! . . .
Et cède . . . il tombe . . . elle l'attire,
Et nul ne l'a revu.

"La Violette," "le Chant de l'épée," and Heine's "Lorelei," are specimens of translation to be placed in the hands of students as models, so well have both the spirit and the phraseology been transferred.

It is difficult to account for the number of little volumes of verse that annually make their appearance. Doubtless their writers derive much pleasure from their composition, but the fact of their publishing them shows, either that they are willing to spend a little money for the sake of being regarded as authors and poets, or that they expect to find sympathetic readers in a class, possibly a large one, that is unable to rise to an appreciation of the higher poets. We have no fault to find with any of the volumes²⁷ that are before us. They are invariably pure, often smooth in their versification, and sometimes forcible: but never rising to any great height, or sinking to any great depth.

We specially welcome any relics of Sir Edmund Head's²⁷ graceful

²⁵ "Histoire du Lied." Par Edouard Schuré. Paris: Lacroix & Cie. 1868.

²⁶ "Vasco: a Tragedy." London: Longmans. 1868.

"Village Bells." By John Brent. Second Edition. London: Simpkin and Marshall. 1868.

"The Siege of Derry." By Thomas Young, M.A. Dublin: Moffat; London: Hamilton and Adams. 1868.

"The Minister." By R. T. Fisher. London: Pickering. 1868.

²⁷ "Ballads." By the late Sir Edmund Head. London: Smith and Elder. 1868.

genius. In his hands Propertius lives again, and the old ballads of Spain and of Iceland are transmuted into most charming English, and become our own. Alas, that the relics of such a scholar should be so few!

Mr. Meikle quotes Lord Byron upon his title-page, to the effect that "Cervantes smiled Spain's chivalry away," and sets to work to resuscitate it, in order to copy his example.²⁸

We prefer the fun of Mr. Barney Bradey's comic rendering²⁹ of the late royal visit to Ireland, and commend it to the lovers of the "raie Oirish." But for serious comedy we may turn to a little volume of French³⁰ poems by O. Justice, author of six volumes past, present, or future. The author's wealth of imagination may be gauged by the fact that in this little volume, containing about sixty short pieces, the following repetitions of himself occur:

"Son front riant et sidéral."
 "J'aime de ton front pur la paleur sidérale."
 "Et l'infini répand sur son front sidéral."
 "Son front a pris aux cieus leur clarté sidérale."

Not the stars only, but also certain odours seem to particularly affect Mons. Justice, if the following curious repetitions are to be taken as confessions of his own idiosyncrasy:

"C'est cet arôme exquis, senteur psychique et fine,
 Qu'avec trouble on respire, ou plutôt on divine,
 C'est ce je ne sais quoi, pur, *vanillé*, câlin,
 Qui voile ta beauté d'une tendre innocence," &c.
 "De suaves senteurs tombaient de sa mantille,
 La *vanillé*, le lis, l'églantine, le *thé*." (!)
 "Son âme est un parfum qui n'a rien de la terre,
 Plus fin que l'églantine et plus doux que le *thé*,"
 "Mollement vanillés, ils enivrent l'amant."

We are glad to find the taste for tea taking such hold of Frenchmen, unless, indeed, the *tea rose* is signified. These poems, however, smack a good deal more of *absinthe*. The volume contains at least two pieces which are really pretty, "Hoc erat in votis," inscribed to George Sand, and the "Dernière Etape."

Poor Adah Menken,³¹ who can it be that is *exploité*-ing the crude effusions of your hapless spirit, and by dint of exquisite printing, tiny illustrations, and Charles Dickens' autograph, trying to make profit by the contortions of your mind, as you did by exhibiting those of your body. Fancy a combination of Ossian, Walt Whitman, and Martin F. Tupper, mounted Mazeppa-wise on a wild Pegasus, and we have a fair idea of the effects of American education upon this poor impulsive girl. Peace to her ashes!

²⁸ "Don Roderick." By William Meikle. Dublin: Moffat & Co. 1868.

²⁹ "St. Patrick's Ruction." By Barney Bradey. Dublin: Moffat & Co. 1868.

³⁰ "Ame et Nature." Par O. Justice. Paris: A Lacroix & Cie. 1868.

³¹ "Infelicia." By Adah Isaacs Menken. London; Paris; New York. 1868.

All hail to "My Queen" and "Verses by Three!"³³ Would that we could quote entire the charming initial poem of this little volume. One verse must serve as a specimen of what it is that wakes our enthusiasm:—

"I will not dream of her tall and stately;
 She that I love may be fairy light;
 I will not say she must speak sedately,
 Whatever she does it will then be right.
 She may be proud or humble, my lady—
 Or that sweet calm which is just between—
 And whenever she comes she will find me ready
 To do her homage—my Queen—my Queen!"

To the British tourist we specially commend the verses entitled "My Murray." But the admirer of "My Queen" will find more to please him by the same hand in "A Flirtation." "Reaping" is also a charming and suggestive little poem.

Mr. Vance does not state whether he is the author or translator of other works; we are under the impression, however, that the curious old Chronicle³⁴ which he has now placed within the reach of English readers is not the first that he has rescued from oblivion. In his needlessly long and eccentric introduction he selects "Waverley" as the modern imitation of the semi-romantic, semi-historical chronicle written by Antoine de la Salles in 1459. It refers to a period in the history of France about a century previous to that date, and altogether forms a singularly vivid picture of the mingled simplicity and bombast that prevailed in those chivalric times. The translator has succeeded admirably in imparting a medieval tone to his work, even going to the length of inventing a few possible old English words in order to avoid using undoubted modern ones. The idea is not a bad one if old English be the best vehicle for rendering old French. But it has had the effect of impressing us with the notion that the whole composition might be but a clever invention, suggested perhaps by the antique style of Thackeray's "Esmond."

We can assure our readers that they will find much amusement in following the little knight from his early pagehood at court under the fostering but secret care of his anonymous lady patroness, to his subsequent knightly triumphs, and in seeing how utterly unworthy a noble dame could even in those belauded days prove of the devotion it was the custom to lavish upon their mistresses by the champions of the holy cross. The Chronicle is a fair supplement to Don Quixote, ridiculing the institution of chivalry, from its feminine, as Cervantes did from its masculine side. It is marked by the same licence in vilifying the persons of the clergy, while respecting their office and doctrines, that seems to have prevailed throughout Christendom since a time long anterior to the days of Dante.

In his interesting introduction to his English rendering of Less-

³³ "Trefoil: Verses by Three." London: Longmans. 1868.

³⁴ "Little Jehan de Saintré." Dublin: Moffat & Co.; London: Hamilton and Adams. 1868.

ing's poetical drama, "Nathan the Wise,"³⁴ the translator remarks that,

"The Nathan may indeed be fitly spoken of as the great religious and moral poem of the age that produced it. In contrast with the 'Faust' it stands at one of the two poles of German literature; 'Nathan' representative of the Religious and Ethical, 'Faust' of the Social and Imaginative in the nature of man."

Other English translations exist of this poem, which have failed to attract the attention due to its great excellence, and while Faust is familiar as a household word, the loftier and purer theme of Lessing is scarcely known but to the student. One reason, and perhaps a sufficient one, to account for the fact is to be found in the very spirit of the composition. While all the rest of the world is sectarian, the "Nathan" is intended to exhibit an idea of faith and charity far beyond that of sects. Its principal characters are a Jew and his foster-daughter, and in their mouths are placed the sentiments of which Catholics and Protestants alike claim the almost exclusive possession. The Mohammedan Saladin is distinguished by piety and toleration, while the Christian Patriarch and the Knight Templar exhibit a cold-hearted cruelty and indifference. And therefore while banished to the *Index* at Vienna, it found no greater favour with the reformed churches of the North. Lessing, however, having derived the tale which forms the nucleus of his piece from Boccaccio, had this arrangement made to his hand. The story in both turns upon the apologue of the Three Rings which the Jew relates to Saladin; but where Boccaccio makes Nathan's life and treasure dependent upon the issue of his narration, Lessing turns it to nobler account, representing Saladin like Pilate asking what is Truth, but not like Pilate declining to wait for the answer. We must refer our readers to the book itself, where at page 106 they will find this beautiful allegory admirably rendered. Indeed the anonymous translator has done all his work well. It has evidently been a labour of love with him, and he is right in saying that the spirit of the "Nathan," is such that it will not pass away with the mode of thought that gave it birth. We would only ask why, in a volume of good catholic English he should go to Northumbria for such a provincialism as "fadge," p. 178.

While welcoming Mr. Arthur Duke Coleridge's translation of Goethe's "Egmont,"³⁵ we cannot with him style it a "great play." We can hardly think that the illustrious author himself ever intended it as an acting drama, or to be considered much more than a dramatic sketch of the last days of Count Egmont, and the manners of his times. It is true that the countrymen of Goethe are capable of enduring a vast amount of long-winded sententiousness upon the stage, and the absence from the English of the rhythm of Goethe's original, immensely aggravates the difficulties of imparting to it any dramatic elocution for delivering aloud. Still the sentences are too long and disquisitional, and the

³⁴ "Nathan the Wise: A Dramatic Poem. Translated from the German of G. E. Lessing. London: Trübner & Co. 1868.

³⁵ "Egmont, a Tragedy." By Goethe. Translated by A. D. Coleridge, M.A. London: Chapman and Hall. 1868.

intervals of such feeble action as there is, are too great to allow "Egmont" ever to be a successful acting drama, which, to merit the appellation of "a great play," that is, great as a play, it ought to be. Mr. Coleridge has generally succeeded in rendering the untranslatable German into very perspicuous and readable English, with the exception of two or three short sentences which are not English at all, as on page 89, when Egmont, in giving up his sword at the king's command, exclaims, "Take it then. It has far oftener been unsheathed in the king's cause *than my own life.*" And again, on page 107, Ferdinand says, "Let my *passion me rave*, let me give vent to my great sorrow." Good German cannot be expressed by bad English. Idioms may have their equivalents, but must not be translated literally.

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