

THE
WESTMINSTER REVIEW.

VOLUME XIX.

JULY—OCTOBER, 1833.



LONDON.

PRINTED FOR THE PROPRIETORS, AND PUBLISHED BY
ROBERT HEWARD, AT THE OFFICE OF THE WESTMINSTER REVIEW,
NO. 5, WELLINGTON STREET, STRAND.

1833.

Uttarpara Jalpa Public Library
Acq. No. 5337 Date 20.12.74

CONTENTS

OF

No. XXXVII.

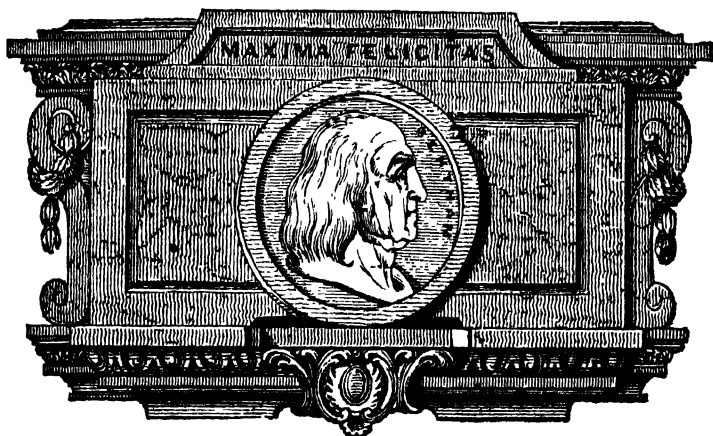
For July 1, 1833.

	<i>Page</i>
ART. I. PROPERTY TAX	1
1. An Attempt to show the Justice and Expediency of substituting an Income or Property Tax for the present Taxes, or a part of them.	
2. Observations occasioned by the Motion in the House of Commons, on the 26th of March, 1833, by Geo. R. Robinson, Esquire, for a Select Committee, "To consider and revise our existing taxation, &c."	
II. THAMES TUNNEL	10
1. The Origin, Progress, and present State of the Thames Tunnel.	
2. Letter to G. H. Wollaston, Esq. &c.	
3. The Thames Tunnel. The Letter addressed to &c.	
III. LIFE OF PYM	22
1. Journals of the House of Commons.	
2. Pym's Speeches. Mus. Brit.	
IV. WHITE'S SELBORNE	39
The Natural History of Selborne, &c. By the late Rev. Gilbert White.	
V. PROGRESS OF LAW REFORM	42
1. A Bill intituled an Act for the further Amendment of the Law, and the better Advancement of Justice. Parliamentary Papers, 1833.	
2. A Bill intituled an Act for the better Administration of Justice in His Majesty's Privy Council. P. P. 1833,	
3. A Bill intituled an Act for the Establishment of Courts of Local Jurisdiction. P. P. 1833.	
VI. FAIRY MYTHOLOGY	74
VII. LAURIE ON GRAND JURIES	88
An Inquiry into the use and abuse of Grand Juries. By Peter Laurie, Esq. B.C.L.	
VIII. OTTERBOURNE	104
A Historical Novel. By the Author of Derwentwater.	
IX. FUTURE GOVERNMENT OF BRITISH INDIA	107
Report from the Select Committee on the Affairs of the East India Company, 1832.	
2. Correspondence between the President of the Board of Control and the Court of Directors of the East India Company, 1833.	

CONTENTS.

	<i>Page</i>
X. WHEWELL'S FIRST PRINCIPLES OF MECHANICS	146
The First Principles of Mechanics, with Historical and Practical Illustrations. By William Whewell, M.A. (A Postscript to the Article, at the end of the No.)	
XI. TURKISH EMPIRE	163
1. Constantinople in 1828. By Charles Macfarlane, Esq.	
2. Narrative of a Journey from Constantinople to England. By the Rev. R. Walsh, LL D.	
3. Narrative of a Journey across the Balkan in 1829-30. By the Hon. Major Keppel.	
XII. WESLEY FAMILY	179
A Biographical History of the Wesley Family; more particularly its earlier branches. By John Dove.	
XIII. LAW OF DEBTOR AND CREDITOR	198
XIV. EMANCIPATION OF THE JEWS	215
1. A Letter to Henry Warburton, Esq. M.P. upon the Emancipation of the Jews. By Basil Montagu, Esq.	
2. Remarks on the Civil Disabilities of British Jews. By Francis Henry Goldsmid.	
3. The Arguments advanced against the Enfranchisement of the Jews considered. By Francis Henry Goldsmid.	
4. A few Words respecting the Enfranchisement of British Jews, addressed to the New Parliament. By Francis Henry Goldsmid.	
5. An Appeal to the British Nation on behalf of the Jews. By Barnard Van Aven, M.D.	
XV. ALGIERS	231
1. Proclamations distributed by the French Government in the regency of Algiers in 1830.	
2. Quelques mots sur le Trésor d'Alger.	
3. De la domination française en Afrique, et des principales questions que fait naître l'occupation de ce pays. Par M. Raynal.	
4. Alger sous la domination française, son état présent et son avenir. Par M. le Baron Pichon, Conseiller d'Etat, Ancien Intendant Civil d'Alger.	
5. Appel en faveur d'Alger et de l'Afrique du Nord. Par un Anglais.	
6. Rapport de la Commission de la Chambre des Députés sur le Budget du Ministre de la Guerre pour l'année 1834.	
7. Observations du général Clausel sur quelques actes de son gouvernement.	
8. Précis sur la Politique Anglaise à Tripoli.	
XVI. NATHAN'S ESSAY ON THE HISTORY AND THEORY OF MUSIC	242
XVII. SUGAR WITHOUT SLAVERY	247
• Postscript to Article on Mechanics. Corrections in preceding Numbers	263

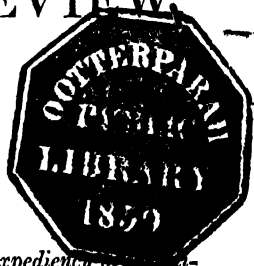




THE
WESTMINSTER REVIEW

No. XXXVII.

FOR JULY, 1833.



ART. I.—1. *An Attempt to show the Justice and Expediency of substituting an Income or Property Tax for the present Taxes, or a part of them; as affording the most equitable, the least injurious, and (under the modified procedure suggested therein,) the most obnoxious Mode of Taxation: also, the most fair, advantageous, and effectual Plans of reducing the National Debt.*—London. Hatchard. 1833. 8vo. pp. 428.

2. *Observations occasioned by the Motion in the House of Commons, on the 26th of March, 1833, by Geo. R. Robinson, Esquire, for a Select Committee, "To consider and revise our existing taxation, with a view to the repeal of those burthens which press most heavily on productive industry, and the substitution of an equitable property tax in lieu thereof."* Addressed to the Landed Proprietors of the United Kingdom. By Richard Heathfield, Accountant. Author of "Elements of a Plan for the Liquidation of the Public Debt."—London. Longman. 1833. pp. 20.

IF there should alight some day from another sphere, a being intelligent but unacquainted with the ways of men,—a Martial or Mercurial Telemachus, voyaging for the future benefit of
VOL. XIX.—Westminster Review.

some planetary Ithaca,—he would be superhumanly amused and edified with the way in which the ‘earthies, of the earth,’ contrived to levy the contributions the sublunary tongue calls taxes. A few turns with his Mentor through the nearest custom-houses and manufactories, would convince him that according to the constitutions of this world an extra tax on any incorporation of use or pleasure whether of foreign or domestic origin, had the effect of inducing the use of some substitute instead,—with the loss in the first place to the users, of all the convenience in price or otherwise, which in the natural state of things would have led them to take the other, and with the loss in the second place to the makers of the thing displaced, of all the traffic and employment which would be transferred to their sorrow from themselves to some rival craftsmen. If, therefore, there was algebra in the traveller’s father land,—and who shall say there is not,—it would be as plain to him as anything in what men call Wood and Simson, that the result was *minus 2a* in the shape of losses to some, and *plus a* in the shape of gain to anybody else,—leaving the total result of *minus a* as the *pretium artis* to the inventors. And on looking abroad through at least one country not the lowest in its own esteem for wise, he would discover that the entire system was of this mystery compact;—that the Whole Duty of Man as a tax-layer, was supposed to consist in effecting the greatest public loss and injury, which the combined efforts of each of the members of the society to secure their own share of the wrong should make it practicable to attain. He would see all orders of the race he had fallen among, engaged in full pursuit of this worthy object; and if he had come sooner by as many revolutions of his planet as would make some two of ours, he might have seen a government maintaining itself principally by holding out for sale the scraps and portions of this public injury, for the substantial currency of support and comfort in return.

If he asked whether the two-legged creatures who acted thus, carried the same principle into their other concerns;—whether the rule of the country encouraged the cultivation of food by stipulating that the raiser should try to destroy a double quantity in the hands of somebody else, or if every man that filled up a puddle was obliged to make two elsewhere;—he would find to his surprise that they did not; the wonder being that people who did it in one case should have sense to avoid it in the other, or having the last, should adhere to the primitive practice in the remainder. And much would be the interest among his region’s learned, when he laid the fact before its newest Institute as

proof that mental power was abstracted by the moon; and with many an unearthly shrug, and shaking of the head perhaps beneath their shoulders, would they compare it with the customs in their own limpid atmosphere, where doubtless taxes, if such there be, are levied either on what the payer has, or on consumption of all kinds by one single *ad valorem* rate;—with as much certainty as burthens, if the climate affords what seems a horse, are attached to his back and shoulders in preference to his heels, his nostrils, or his gullet.

In this state however *we are*; and can no more cure it by taking thought, than change the position of our planet or alter the dimensions of the year. Man was born to folly, as the sparks fly upward;—to suffer by other's un wisdom or his own, and most of all by the joint-stock foolishness where each clubs his own in aid of the common mass. If resistance were attempted, great would be the army of the defenders; first and foremost, the tenth of the concerned who really gain upon the final dividend of wrong; next, eight-tenths out of the other nine, who have a clear conception of the little savoury bit of fraud they roll under their tongues, but none of the price which on a conclusive estimate they pay for it; and on the other side would appear the scanty band of brothers, the minute church, who think a stolen pint not worth a quart;—who dream that governments were meant to secure the general interest by checking private wrong, and will do so when wise men get to the top of them. But till this last happens, it is not to be expected that governments should be zealous to abandon the position which they hold as Grand Carvers of the public mischief. There is considerable temptation in holding the key to every man's pocket, and in receiving the courtship of all who desire to insinuate themselves therein, with the homage which each is obliged to pay for something like revenge. It would be a weak head that did not foresee fierce opposition to any radical amendment,—horrid debates, and Tiber frothing with sophisms small and great. It will be a *pièce de résistance*, whenever the time comes; where the toughness of the meat is only evidence of the necessity there is for getting through it, and for putting on the whole armour of hungry men determined not to starve for other men's satisfaction. When, therefore, the rich and the interested endeavour to keep things as they are, reply that all this only proves that they are well and you are not; and set it all down as reason why you should go on to your mark with that perseverance which either brings the mountain to the ministers or ministers to the mountain, and makes modern history one record of the conquests of the emp-

munity's interest over the glazes of the wise and the bluster of the brave.

The real objection to a tax on Property or Income,—the operative source of the practical hostility to either,—is the conviction that it would remove the chances of dishonest gain from the existing modes. The outcry is like an outcry against the abolition of lotteries; consisting of the lamentations partly of the contractors who make an assured gain thereby, and partly of the ignorant or feeble speculators who see in the fact of paying 200,000*l.* to divide 100,000*l.*, an open source of profit to themselves. Every man calculates upon his luck; there is a pleasure in the possibility of gaining without desert, which overbalances greatly superior probabilities of loss; but it does not follow that a sane government, acting in behalf of a community the whole of whom at all events have not eaten of the insane root, is bound to act upon the motive. The thing really at stake in the question of a Property Tax, is an amount equal to what Blackwood put upon his page as the aggregate of the interests concerned against free trade;—including the results of the Corn Laws, if not there before. No man supposes or believes, that a Property Tax will ever be permanently co-existent with other forms of taxation; like the serpent in the Jewish hierophant, it will end by devouring the rest. It is perhaps in some sense fortunate, that a property tax involves certain peculiar sources of unpleasantness, which as being equally felt on the most modified application of it as on the most universal, will always end in a demand that it shall be co-existent with none else. Let once a property tax introduce its toe or little finger, and all the jobber taxes must move off the scene with as much velocity as is consistent with moderate warning to the dishonest interests involved. Men will never pay a property tax in part, and be plagued with excise and customs and imposts upon everything by which it is possible for individuals to make gain by the plunder of the community, for the remainder. They will as soon go to the trouble and expense of juries and judges of assize, and bargain that these shall extend only to alternate hundreds, while the rest shall lie open in *quincunx* order, for perpetuation of the needful crop of felonies throughout the land. The opponents of a Property Tax know they are fighting for a great stake; and the other side know it too. It may be not yet, but it will be. All that is to be done now, is for the people to put it into the things that are to be; and as surely as chopping fells the tree, the time will come.

The arguments against a property tax, as collected from one

of the publications at the head of the Article, and attributed to men in the situation of whiggish ministers, are

‘That a commutation of taxes would be attended with much partial inconvenience.’

‘That consumption would not increase, as a consequence, because the incomes of the opulent classes would be reduced in such manner as to leave consumption, as to those classes, unaltered.’

‘That by taxing the opulent, the employment of the poor would be less.’

‘That a property-tax would drive property from the country, and must be considered, exclusively, as a war tax;—and—’

‘That the graduation of such a tax, upon an ascending scale, would tend to and terminate in the equalisation of all property.’—*Observations &c.* p. 4.

The fragment in the way of a tail, attributed to Mr. Poulett Thomson, may be omitted as only the repetition of portions of the rest.

The first, or ‘that commutation will be attended with inconvenience,’ is like announcing that to quit an inn where there are fleas, will be attended with the trouble of going across the street. The fact will be admitted on all hands; but what the majority of inquirers will desire to know, will be what was the total magnitude of the insect persecution to be escaped from, what the precise importance of the effort to be incurred, and which way and what the final balance of the whole. Nobody ever wanted to change the mode of taxation in pure *gaieté de cœur*; the statement was, that men paid the necessary taxes two or three times over, and thought it worth while to go to some trouble to save the difference.

Next, that ‘consumption would not increase;’ the *quare*, ‘because the incomes of the opulent classes would be reduced in such manner as to leave consumption, as to those classes, unaltered.’ This is the argument which tells the community ‘consumption would not increase’ by putting down highway robberies on Hounslow. Who cares whether it does or not? the petition to the wisdom of the ministry, was that they would take measures for causing the consumption to be for the benefit of the right man. The complaint of the people is, that the honourable classes cheat, to millions of times the amount they cause the vulgar classes to hang for; and the answer attributed to government is, that what is stolen is ‘consumed,’—that as sure as the Sixteen-string-Jack of the higher orders lays his hands on a purse he spends it,—and that for what they so receive, the herd are to pray to be made thankful. This is the trick negative; the trick positive comes next.

‘That by taxing the opulent, the employment of the poor would be less,’ is the vulgar fraud of telling the ignorant they are interested in the dishonest expenditure of the rich. As if it was not before every man’s eyes, that the expenditure and employment must be of the same amount, if the money was left in the hands of the right owners. Why are men to be put down for talking nonsense in Cold-Bath Fields, if ministers utter such *bassesses* as these? A most thinking people are to be told, that their interest is in paying the taxes for the rich, that the rich may spend the difference;—that their well-being depends on getting their share of what has passed through the bowels of the wealthy, as Portuguese mendicants fight at the door of a convent for their portion of soup meagre. This is what is found charged on the Whigs, as their political economy in the middle of the nineteenth century.

‘That a property tax would drive capital from the country,’ amounts to the assertion that it is for the interest of the community at large to retain in the country that portion of capital *which must be coaxed to stay there by paying the taxes for the owners*. This is evidently another edition of the ‘Sixteen-string-Jack’ delusion. ‘Pay the taxes for the rich, and see how you will be benefited by their vouchsafing to spend their money among you.’ Whether there may or may not be a portion of capital, which would remove if forced to pay a fair share of the taxes, is of small importance so long as there are people to fill up the place. Fancy a shopkeeper in one of the great streets of the metropolis, threatening his brethren of the street that unless they promised to pay his parish rates for him, there should be one grocer less in the row. Imagine a man bullying upon this point; and think how the parish would laugh, at an argument thought so fitting for the atmosphere of the House of Commons. Are there not twenty aspiring young grocers in the Ward, whose hereditary capital is dwindling away for want of the good-will of a shop to put it in? What a lout it would be, that should bring forward a proposition for such payment at a vestry meeting.

• But the thing may be viewed on another side yet. *Is there any chance for such openings for capital being made at all?* The proposition is, that paying twenty per cent in the aggregate instead of forty, is to drive away capital;—that getting rid of a system which causes two, if not two dozen, talents to be thrown into the sea for every one that finds its way into the legitimate expenditure of the public purse, is to cause wealth to flock abroad to escape the consumption. There might be capital which fled to the Continent on the establishment of the Horse Patrole; but it is presumable that something more than

the mere fact is necessary to prove the removal of the capital or capitalists an evil.

The last and grossest fallacy of all, is the one which declares that the graduation of a tax would be 'the equalisation of all property.' Look on and see how hard the rich will die, when they are brought to the post to make them do justice to the poor. What particular meaning might be in the minds of the propounders of this proposition, is not easily determined. If they meant that to tax a man of 1,000*l.* a year one-tenth, of 2,000*l.* two-tenths, of 3,000*l.* three-tenths and so, would leave a man of 10,000*l.* a-year nothing at all,—they stooped to the meanness of trying to deceive the imperfectly informed by affecting to reply to a proposal they knew nobody had ever dreamed of making. And if they meant anything else, they ran in the face not only of visible justice, but of acknowledged and experimental principle. In the worst taxes ventured on in civilized countries, recognitions may be discovered of the principle that taxes are to be laid not upon what a man has, but what he has to spare; else why the agreement to tax what are called luxuries, in preference to the necessaries of life. When Mr. Pitt taxed windows above seven, no man discovered that this was confiscation; nor any curator of the public welfare threatened that the Dukes of Northumberland and Bedford would be found splitting their family mansions into domiciles with six windows each, or that properties would be subdivided to assume the appearance of a voluntary poverty set forth in the exclusion of the light of heaven. This caution was for the Whigs. The Edinburgh Review trembles at the idea of men who have not the blessing of being poor to their hands, counterfeiting poverty, and riding dog-horses that the public may say 'there goes a miserable devil it would be vain to think of assessing to the property-tax.' As if the desire of men, in the first place to be well carried, and in the next to be gallant and trim in the eyes of their neighbours and their neighbours wives and daughters, was not nature's sufficient bulwark against any defalcation in the public welfare from such a source.

The simple principle of a graduated scale of taxation, is that he who has little can with less propriety be asked to live upon nine-tenths of it, than he who has much. At the same time let it be diligently kept in mind, that all attempt to argue the case as if any extreme or violent principle had been urged on the acceptance of the government, is premeditated fraud. The strongest proposals that have taken a tangible form, were in truth scarcely sensibly removed from the limits indicated by the comparative unprofitableness of levying taxes on the lower in-

comes. Take, for example, the Westminster Review of nine years ago, when it was the organ of at least as high-flying radicals as is possible since, and was checked by no consideration or likelihood of immediate applicability;—and what was the raving of the wildest of its imaginations? Truly that a man of a hundred and fifty pounds a-year should be exempted from taxation, and other incomes pay at a fixed rate upon the excess above 150*l.* This was the confiscation which was running in the heads of the Radicals, and against which the Whigs were born to protest*.

The questions of a Property Tax or Income Tax have been here put throughout without distinction, because they really appear to be in the main only modifications of the same principle, and as such susceptible of debate and comparison after the other is acknowledged. Some men's income is from their property, and some men's property is in their income. A strong *prima facie* impression may be indulged in, that, tricks apart, the difference between them is very much like haggling whether a man shall pay a half per cent annually upon the hundred pounds which is his principal, or ten per cent upon the five pounds which is his interest. The plea set up against taxing temporary incomes, may, if all was otherwise conducted with fairness, be suspected of being either a mistake or a quibble; and as the statement has the appearance of being on the popular side, it is the business of a popular work to disavow it. Whether the annual income of a land proprietor should not be subjected to a higher rate of taxation than the same annual income from temporary industry, as, to take the favourite example, the income of a surgeon,—is matter of serious consideration; *but solely upon the ground that the smaller total value ought not to be charged the same percentage as the great.* If the landed proprietor and his successors are seized of 1,000*l.* a-year for ever, and the surgeon and his successors for at the utmost fifteen years,—it is nevertheless true that the one is charged for ever, and the other only for fifteen years. One possesses a property intrinsically worth, it may be, 20,000*l.*, and the other 10 or 11,000*l.*; and the value of their total payments is in precisely the same proportion. The injustice is in submitting two properties of different total values to the same rate of taxation generally; but the injustice is *there*, and not in the fact that the smaller property has not the due allowance for time on the supposition that an equable rate is fair. The opponents of a graduated scale, therefore, advance the very fact

* Westminster Review No. I. for Jan. 1824, Art. *Instrument of Exchange*. p. 204.

which goes against their own case. It may be true enough that the surgeon ought not to be charged at the same rate as the land proprietor; but it is simply because it is universally unjust that the small property should be charged the same percentage as the great,—which is the very point the propounders of the objection have undertaken to deny. They can see that the uniform rate is unfair where the inferiority of value arises from time; but they cannot see that the unfairness is the same, when it arises from any other cause.

The two points principally played upon in support of the existing system, are that men have an unconquerable aversion to making direct payments to the tax-gatherer, and that the popularity of a Property or Income tax is founded on the expectation of throwing the burthens of the state on the rich. The first of these, when stripped of its feathers, is reducible to the fact that *ceteris paribus* men had rather pay a tax without knowing it than with. But it does not follow that men had rather pay forty pounds without knowing it, than twenty with; still less that the difference may be carried to any imaginable extent. The general feeling is, that taxes are a mystery and a kind of congenite evil, which it is for a man's happiness to try to know and think as little about as possible, as he would do with a scrophulous tendency in his family. But once make him comprehend that there is balm in Gilead, and that he may reduce the evil by a half or two-thirds by looking it boldly in the face,—and what was apathy before will be changed into eagerness, and not a word more be heard of the unconquerable aversion to submit to any direct curation of the mischief. The second point thrown out, is a mere false light. There is no evidence that the idea of throwing the burthens on the rich, either is or has been any large ingredient in the desire for a tax of the nature proposed. That to a certain extent it should have entered, is the natural consequence of the zeal and ability the rich have shown to take care of themselves, and the unflinching cruelty with which large classes of them live, and will persist in living till driven from it by bodily fear, on the life's blood of the industrious classes. But the great, splendid, and rational object, has been and is, the desire of putting an end to the system of taxation, which has held up the public loss for sale, to anybody who would bid half the value and the remainder in corrupt support to general misgovernment. It is with this conviction the industrious portions of the community ought to imbue themselves; cherishing always a lively faith that the non-industrious are their born enemies, and will stick at no fraud, violence, or misrepresentation, that shall hold forth a probability of continuing their wrongs.

- ART. II.—1. *The Origin, Progress, and present State of the Thames Tunnel, and the Advantages likely to accrue from it, both to the Proprietors and the Public.*—London, 1827. 28 pp. 4th Edition.
2. *A Letter to G. H. Wollaston, Esq., Deputy Chairman of the Committee of the Thames Tunnel Company, on the present state of the Affairs of the Company.* By a Shareholder.—London, 1828. 18 pp. Ridgway.
3. *The Thames Tunnel. The Letter addressed by the Directors of the Thames Tunnel Company to the Commissioners for the Issue of Exchequer Bills for carrying on Public Works, applying for a Loan to complete the Body of the Tunnel, &c. &c.*—1832. 12mo. 20 pp.

OF all the public works of which the genius and industry of man have been employed in the construction and improvement, none have tended more generally to better the condition of his species, than roads, bridges, canals, and other means for facilitating internal intercourse. By such means the population of a country, though spread widely over its surface, is drawn as it were more closely together; by such means, the advantages of particular districts are extended with facility, which, without this aid, would remain local and confined; the results tend equally to the promotion of individual comfort, to the increase of wealth, and to the extension of the prosperity and happiness of nations. Look at England only fifty years ago;—compare the number and condition of the roads of that day with those of the present time;—contrast the state of the towns, the manner of living, the degree of intelligence of the people;—mark the extent of manufacturing industry, and the value of the local trade of the two periods;—in all, the advantages of the present over the past, are preponderating, clear, and satisfactory; and to the construction of new channels of internal communication, and the improvement of old ones, most of this great and striking increase of prosperity is attributable. To what do Sheffield, Birmingham, Manchester, and all the other towns which have risen into manufacturing eminence, owe more than to the facility of receipt and transmission of produce, afforded by the numerous roads which diverge from them in every direction, and through the agency of which their skill and industry are made available to the remotest villages of the kingdom? Such works therefore, the advantages from which are felt by every member of the community in an immediate or in a remote degree, if viewed in their true light will be regarded as a sort of common property, a general instrument for the acquisition and increase of wealth, independence, and power.

Commercial and manufacturing interests of every description and of every degree of magnitude, are to be found on each bank of the river which divides the metropolis, far below the lowest of the bridges; and which from their connexion with the largest class of shipping, would be destroyed and not assisted by the construction of any possible bridge. Every great sea-port within the mouth of a river, must feel the same want; an underground bridge below the limit of the deep-sea business, is or soon will be as much a necessary of life in similar situations, as a bridge is at the point where the water grows too deep for the primitive method of wading through the stream. Independently of personal safety and convenience, the increased ease of communication between the great dépôts of colonial produce, of wine and oil on the north side of the Thames, and of timber and grain on the south side, would be productive of vast pecuniary gains; the merchant would proceed from one great dépôt to another, although on the opposite side of the river, without risk, inconvenience, or loss of time; and many a cargo that now lies in the warehouses of the different dock companies, would, if the facility of inspection became greater, find a ready customer. Indeed the commercial interest, satisfied of the numerous benefits which must flow from the opening of such a communication, has expressed itself favourable to the completion; and petitions to Parliament, praying the aid of the government, have been prepared by the West India Dock, the London Dock, the Commercial Dock, the East Country Dock, and the Grand Surrey Canal Companies. Nor are the public in its immediate vicinage less sensible of the value of this safe and commodious sub-way; affording them the means of pursuing their various avocations on either side the river, without exposure to the increased risk of crossing the water in a ferry-boat, or to the loss of time which necessarily ensues if they proceed by London Bridge. Following in the steps of the great commercial companies just named, the parishes of St. George in the East, Limehouse, Poplar, Wapping, Bermondsey, and Rotherhithe, have proposed petitions to Parliament, praying public aid for the same purpose. There is also another advantage which would follow the completion of such a work, that must make it an object greatly desirable not only to the public, but to the government; and that is, the consequent improvement of the neighbouring parishes, not only of those situate at each of the entrances, but also of all those that lie adjacent to them. Such an expectation is not speculative; it is a natural consequence which always has, and always will follow the provision of means for the passage of a wide river; and when the wretched and dilapidated

state of the parishes in the immediate vicinity on both sides is considered, particularly that of Wapping, with its narrow dirty streets, and still more filthy lanes, courts, and alleys, which have long made it a proverb and a bye-word, it may fairly be inferred that any measure which should tend to their improvement, and consequently promote the cleanliness, comfort, and the health of the population, would have claims on the support of the statesman and the philanthropist. If proofs are wanted, they may be adduced in the beneficial consequences that have followed the erection of Blackfriars, Waterloo, and Vauxhall Bridges. At the period when the first of these bridges was built, the parish of Christ Church, and all that part of Lambeth which lies adjoining to it, were garden grounds; now teeming with a large and industrious population. The same may be affirmed of Waterloo bridge; after the building of which, the old bleaching grounds and narrow dirty lanes disappeared, and were succeeded by valuable wharfs, extensive manufactories, and well-built streets; by which the comfort and cleanliness of the people have been extended and promoted, and the value of property greatly enhanced. Similar advantages followed the erection of Vauxhall bridge; to which alone are attributable the improvements that have been effected in the part of Pimlico lying near the line of road from the bridge, and also the good roads with which the public have been accommodated both on the Middlesex and the Surrey sides of the Thames. Only establish the proposed communication, and the intercourse will increase rapidly, and to an extent not within the range of calculation. New roads will be formed, in various parts of Middlesex and Essex, as well as in the counties on the opposite side of the river, for the purpose of taking advantage of the Tunnel, and shortening the distance between them. The power of avoiding the crowded streets of the city will induce most persons passing from the eastern part of Middlesex, and Essex, into Kent and Surrey, to avail themselves of the shorter and quieter road which the Tunnel will offer for their accommodation. These advantages, great and salutary as they are, will certainly follow the completion of the work; and so will many others of a minor description; but as they are more collateral and dependent, as well as of a more speculative nature, their enumeration may be omitted, as being less capable of proof.

The first work placed at the head of this article, though professing to detail the origin of the Thames Tunnel, carries its account no farther back than the year 1823, the date of the commencement of the undertaking in its present form and size; but the attempt was first made in 1802, twenty-one years earlier than the time stated in that account.

At that time the want of a communication from shore to shore of the Thames, was greatly felt ; and as many insurmountable obstacles presented themselves to the erection of a bridge, some individuals of spirit and enterprize conceived the idea of excavating a sub-way beneath the bed of the river. The engineer was a person who had had considerable experience as a miner ; he made borings on each side of the stream ; pronounced the undertaking practicable, and that the expense would be much smaller than had been at first imagined. On this favourable report, proper surveys, plans, and estimates were made ; and an Act of Parliament was obtained, incorporating the ' Thames Archway Company.' The first operation of the engineer was to commence sinking a shaft of eleven feet diameter to the depth where the archway was to begin ; but the obstacles which presented themselves to his progress were so numerous and unexpected, that he was obliged to relinquish the attempt after reaching forty-two feet in depth. In consequence of this failure it was determined to make fresh borings ; and these presented results sufficiently favourable to induce one of the proprietors to engage to finish the shaft to the depth of seventy-six feet, below which it was considered dangerous to attempt the excavation ; and the shaft was proposed to be reduced from a diameter of eleven to one of eight feet. The proposal met with the approbation of the Company, who engaged a second engineer, also experienced in mining operations ; and the two engineers agreed to reduce the size of the drift-way to three feet at the bottom, and two feet six inches at the top. They proceeded to the depth of seventy-six feet, where they found a bed of firm sand, and there they opened the drift-way, which they carried forward on a very gentle and gradual ascent, and after completing 394 feet of excavation, the Company discharged their first engineer. This was in November 1807, and after much deliberation on the best means of insuring the fullest efforts of the remaining engineer, the Directors agreed to present him with the sum of 1,000*l.*, if he succeeded in reaching the opposite shore. Liberality in such cases insures exertion ; and in the instance under notice it gave rise to the greatest activity. Four hundred and twenty feet more of drift-way were carried forward, and planked, through firm and dry ground ; and 138 feet more were cut through a stratum of calcareous rock, eight feet in thickness, making 962 feet of excavation, completed by the middle of December of the same year. The exertions deserved success ; the reverse was, however, in store for them. Misfortunes after this attended their labours, baffled their efforts, and finally destroyed their hopes. After cutting through the stratum of rock, the head of

the drift-way entered the stratum lying immediately above it, and composed of looser ground than any through which they had yet bored; the consequence was, that after penetrating two or three feet into this stratum, the roof broke down, by which an opening or cavity of considerable size was left; and although there were thirty feet of ground between the roof of the excavation and the bed of the river, the greatest danger was to be apprehended from the weight of the superincumbent water, and the force and rapidity of the tide. The experience, skill, and promptitude of the engineer overcame this formidable danger, and with such apparent ease and success, that no doubt as to the power of completing the work arose from the accident. After excavating a short distance farther, the head of the drift-way entered another body of quicksand, and a second irruption took place, which completely filled the body of it. This event occurred on the 26th January 1808, and is attributable in some measure to the high tide which happened on that day; a tide so powerful, that it destroyed the bridges at Lewisham and Deptford, besides doing a great deal of mischief in other places; but it was owing in a great degree also, to the want of other and better means than those at that time known, for subduing obstacles of the nature concerned. Had the tide been as low and as feeble as it was high and powerful, the irruption would have equally happened when the head of the excavation reached the quicksand; the height and force of the tide only caused the irruption to be earlier and more uncontrollable. The truth is, that at that time no method of carrying on a work, in a horizontal direction, through a quicksand, was known. These disasters caused the engineer to examine the bed of the river, for the purpose of ascertaining its quality more correctly; and feeling convinced on examination that 'the two fractures communicated underneath,' he gave a decided opinion that it was not possible to proceed farther without the use of caissons, or a coffer-dam. This suggestion however, was not adopted by the Directors, who in order to secure the best information, publicly offered a reward for the plan that would effect the completion of the work. Such a course was seeking talent, without favour or prejudice, wherever it might be found, and showed that the Directors had no private interests to serve. Fifty-four plans were the result of this public application, which were submitted to the consideration of eminent scientific individuals, and although the opinion given was unfavourable to the practicability of the required archway being effected by any of them, still the Directors by calling for public assistance had done all in their power to attain aid. That their call was unheeded,

was a circumstance to be regretted, as the Directors, for want of a suitable plan, determined on the abandonment of the undertaking. So ended this first attempt to excavate a passage under the bed of a navigable river; in which a considerable sum of money was expended by the Company, and some useful information, founded on experience, was left to guide the efforts of future operators.

Attempts which are unsuccessful are ordinarily treated with derision. If the string of Franklin's paper-kite had broken, and he had been without the funds to procure another,—he would have been laughed at, and the world would have been without the knowledge of the nature of lightning. The project of the Thames Archway came in for its full share of vituperation; its object was pronounced to be wild and visionary; the motives of some persons engaged were impugned; and the proceedings of the engineer were declared to be those of ignorance and incapacity. In fact, from this time may be dated a kind of prejudice which took possession of the public mind against the undertaking. But if the science of that day was inadequate to the ends required, the possibility of effecting the object was not in consequence disproved.

Although the attempt was abandoned, yet many of the proprietors continued to hope that it would be revived at some future period, when additional information should have been obtained, and the chance of a successful issue made less problematical. They exerted themselves therefore in forwarding these views, by calling the attention of eminent scientific persons to the subject; and in 1824 Mr. Brunel produced the new method of tunnelling, by which the present structure has been formed. The plan evinces a deep consideration of the dangers to be provided against; and, like Mr. Watt's flexible water-main*, originated in observation of the mechanism of nature. In an account drawn up by Mr. Brunel and printed for private circulation, he says, 'the new plan of tunnelling is founded on the operations of the Tereido, a testaceous worm, covered with a cylindrical shell, which eats its way through the hardest wood, and has, on this account, been called by Linnæus *calamitas navium*.' The plans of Mr. Brunel were inspected by many who were competent to judge of their aptitude to meet the known difficulties of the undertaking, the most dreaded of which was an irruption of the river into the works. Some doubts were entertained as to the power of the shield to resist so formidable

* The flexible water-main or pipe invented by the late Mr. Watt, was suggested by observing the construction of the tail of the lobster.

an assault ; but the engineer succeeded in dispelling them. An Act of Parliament was obtained ; the work was begun in 1825, and continued through various difficulties and varieties of fortune till 1828, during which period 600 feet of tunnelling have been finished in a safe and substantial manner, thus furnishing a guarantee for the practicability of the undertaking. The disasters occasioned by two irruptions of the river, and the exhaustion of the funds of the Company, which obliged the directors to suspend the progress, are fresh in the recollection of most persons. The fear which pervaded the public mind as to the safety of the construction, has now worn away, and been replaced by a desire for its completion. Such a fear was natural ; it was equally strong against steam navigation ; but after repeated trials disappeared, and steam voyages are now as fashionable as they were only a few years since the object of dread and terror. Six hundred feet of work standing uninjured for several years, has silenced clamour and put timidity to flight ; no doubt therefore can now exist, that it will be as freely and fearlessly used as a thoroughfare, as any of the bridges across the Thames.

Two estimates have been furnished by Mr. Brunel, for the completion of the work ; one to make it available for foot passengers, amounting to 146,000*l.* ; and the other, which includes the sum required for the purchase of the ground for making the approaches, descents into the Tunnel, on both sides of the river, for carriages, amounting to 248,000*l.* ; and from the experience gained during the construction of the part now finished, there is just ground for concluding that either object is attainable for the sum specified.

The excess of expenditure above the original estimate, though considerable, will not, on examination, be found to detract from the character of the conductors ; as it neither arose from ignorance, carelessness, nor any invidious feeling and motives ; but from circumstances, both natural and local, which they could neither foresee nor controul. This part of the subject being one of considerable importance, as it respects the propriety of granting public aid to the company, it will be advisable to state the causes of excess, as detailed in the letter of the Directors.

‘The causes of the excess of expenditure beyond the first estimate are as follow : 1st. The various speculations which were suddenly set on foot in 1825, for operations at home, as well as for foreign countries, prevented the completion of the necessary machinery ordered for the Tunnel works, and had likewise the effect of increasing considerably the state of wages, which was an object of just importance to our works, and the want of the steam engine and other machinery for excavating the ground to effect the descent of the shaft,

obliged the company to resort to the expedient of doing the whole of that work by manual labour, which of course very much increased the expense.—pp. 16—19.

Who does not remember the speculations of the year 1825? that year in which John Bull took leave of his senses, and gambolled in a knight-errantry of his own, not, certainly, in the search after acts of prowess and chivalry, but after mines of gold and fisheries of pearl, and various other lucre-amassing dreams of his imagination. This was the grand æra of joint-stock companies; and at this unfortunate period the Thames Tunnel Company was incorporated. The mining bubbles burst, one after the other, as might have been expected, because they were only bubbles; and left many a wreck behind. The Tunnel Company, having expended its resources, was obliged to stop the progress of its work; this coincidence with the speculations of the day was unfortunate, but the causes were widely different. The mining adventures failed, because their ostensible objects were visionary; but the objects of the Tunnel Company were retarded from misfortunes. The project was, however, prejudiced in the public mind; it had unfortunately fallen into bad company; and its character suffered, in consequence of disasters and untoward events which it was impossible to avert.

The second cause of excess named in the pamphlet, is the extension of the Tunnel in height, width, substance, and length.

3dly. 'The proposed formation, in 1825 and 1826, of extensive docks; and other commercial establishments on the south side of the river, and in the vicinity of the Tunnel, occasioned an excessive rise in the value of property of every description, and the company had occasion to experience its effects, when they treated for the purchase of premises at Rotherhithe.'

4thly. 'The nature and character of the ground below the bed of the river, differed essentially from what had been known by previous information, and from the bed of blue clay which the persons employed at the instance of the Committee of Proprietors by Messrs. Jolliffe and Banks, (after thirty-nine borings made on two parallel lines) reported that they had ascertained to exist.'

In an undertaking like the Thames Tunnel, the nature and quality of the different strata through which the excavation was to be made were considerations of vital importance, on which the entire arrangement and preparation for the work depended; and as the information obtained by boring furnishes only an approximation to the truth, many of the disasters and unexpected difficulties encountered in the progress of the work arose from disappointments under this head.

5thly. 'The shield, which had been designed for working through the substantial bed of blue clay, had to proceed unexpectedly through ground of a loose nature, to carry the constant weight of the superincumbent earth, and of the river, and to resist the pressure of the surrounding earth, added to which, the tide by its incessant varying pressure kneaded the ground, and converted the less adhesive substances into mud, which was impelled against the shield with a greatly increased and almost irresistible force; some of these unforeseen causes very frequently fractured and strained some parts of the frames of the shield, and made many repairs necessary, which could only be done within the Tunnel, and consequently at great expense. This will account for a great proportion of extra expenditure under the head of materials, and also under the head of wages.'

6thly. 'But of all the causes of interruption to the progress of the works, which have considerably increased the expense, none has been more extensively felt than the influx of water, which rendered it necessary to increase the number of men from 220 to upwards of 400 and even 450 men, the greater number of whom were employed merely in pumping. An adit, or drain, was originally intended to be made, for obviating this inconvenience, (incident it is well known to all mining operations); but no inconvenience having been experienced from land-springs after the first 30 feet, and for nearly 220 feet beyond it; the opening of the adit, which had been put off from a notion of economy at first, could not, when the urgency of it became manifest, be brought up without retarding the progress of the work: no alternative was therefore left, but that of continuing without the adit, with the intention, however, of bringing it up from the opposite shore, to meet the lowest level of the Tunnel.'

7thly. 'The great increase in the consumption of Roman cement, timber, wrought and cast iron, and other materials, chiefly arising from the loose and disturbed state of the ground.'

8thly. 'The expense of the two irruptions of the river, and the restoration of the works. These irruptions, with all attendant circumstances, have afforded the best guide in this novel undertaking for working them in future, and serve at the same time to show that the work done is proof against any accident, and that the shield has not only afforded protection against those disasters which have been considered insurmountable, but has enabled the engineer to recover the work, and resume his operations; indeed the irruptions and the resumption of the work really offer a guarantee of the ultimate success of the enterprize.'

Notwithstanding that two irruptions of the river actually happened, it may still be maintained that the shield is capable of answering the purpose for which it has been constructed; for had the quality of the ground through which it had to pass, been accurately known, it would have been greatly increased both in the strength of the materials, and in the firmness with which they were put together. It was in fact made of sufficient

strength for passing through a bed of clay, which would have been a protection and a support to it in every direction; but it was not strong enough to encounter the assaults of loose ground, composed of sand and mud, charged with gravel and stones, and driven against it with immense power by the action of the tide. It was from the insufficient construction of the shield, that the two irruptions of the river occurred, and not from the general incompetence of the plan to afford the necessary protection to the work and the workmen.

Such are the causes of the excess of expenditure that has devoured the resources of the Company, and created a timidity in the minds of capitalists so powerful as to make them withhold support to the undertaking. Viewing the subject, however, in all its bearings;—judging of the practicability of its completion, both scientifically, and with the aids afforded by experience of the past, there is substantial evidence to show that it may be accomplished. The difficulties to be encountered and overcome are now all known, and from the nature of the ground through which the remaining portion of the excavation is to be made, there is reason to conclude that the impediments will not be so numerous or so formidable as those which were encountered in the part of the work already finished. But should they, contrary to expectation, prove equally numerous and formidable, their nature and causes are now so perfectly understood, that the engineer, armed by experience, is prepared to resist and subdue them. He proposes to effect this purpose by opening a drain on the north side of the river; through which the water will be carried from the head of the work to the shaft, and the Tunnel thereby be kept perfectly dry. The shield is also to be improved, by increasing the strength of the frames,—causing a greater facility and uniformity of action,—preventing any contact or any separation of the frames,—adjusting in a better manner the parts,—and providing for a more equal division of the labour in propelling the shield, and carrying on the other operations. — *Letter of the Directors*, p. 20.

A shield, so improved, may be expected to be adequate to protect the Tunnel and the workmen against every danger by which they may be assailed by the river; and by the precaution of inspecting the bed of the river frequently by means of a diving-bell, the situation of doubtful and dangerous ground will be ascertained, its position marked, and every defence prepared to meet the threatened danger, before the shield is moved forward into it.

The engineer is therefore prepared to recommence the work;

but to what quarter can the Directors look for pecuniary aid in order to enable him to do so? By introducing into the present Bill before Parliament, a clause empowering the government to advance them a sum of money by way of loan for the completion of the work, they in fact appeal to the assistance of the community. There can be no doubt of the goodness of the general principle, that public works should be effected by the combination of individuals. But circumstances may arise to create an exception to the rule. No views of help from the public Treasury were entertained by this Company at the time of its formation;—no idea ever crossed the minds of its members that such help could ever become necessary;—the subscriptions, except in a few instances, were paid up;—they took all the necessary and usual precautions before commencing operations;—and they looked forward to a speedy and a prosperous termination of the work in which they had engaged. To misfortunes, unforeseen, and beyond the power of man to avert, the Company owes its present necessity of help. There is no man who ever engaged in the most trifling construction not founded upon precedent, — were it the fabrication, for instance, of the most trifling musical instrument, or morsel of machinery,—that has not had practical conviction of the way in which difficulties overrun calculation. The only wonder is, that misfortunes are not more frequent;—that more theatres do not fall on the heads of the performers, and more Tunnels wash the unhappy miners into eternity. If there is to be effort, there must be risk; and as there is a degree of misadventure which it is politic to leave at the hazard of the speculators, so there may also be a degree in which it is politic to assist them.

No apprehension can now be reasonably entertained on the subject of the practicability of completing the remainder of the Tunnel. The great, in fact the only difficulty has been surmounted by the invention of the working apparatus or shield, now admitted by scientific men to be competent to enable the workmen to carry on an excavation through all the kinds of dangerous ground which offer themselves as obstacles to such undertakings, and even through quicksands, which was the great desideratum in this branch of engineering. The power of completion is no longer problematical; and the adit, the improved and strengthened shield, and the frequent use of the diving-bell, may be expected to afford all the means which can be required both to ascertain the dangers which lie in the way, and afterwards to overcome them.

Of the future prospects of the Company in case the Tunnel should be completed; and the probable chances of repay-

ment, the Letter of the Directors will supply all the evidence which from the nature of the subject could be obtained on this head.

‘ In the event of the work being completed, the Company calculate upon a revenue of 22,800*l.* a year, and they ground their expectations upon the following data.—’

The first portion of these data, depends on the extensive commercial interests on both sides of the river below London Bridge; the coasting trade, chiefly confined to Tooley Street; and the dense population, all of whom require constant means of intercourse. The facts that no land communication exists on the west side of the Tunnel within two miles, and none at all on the east side, have been already detailed; the following statements have however been made in addition by the Directors.—

‘ A correct account has been taken during several days, of the vehicles as well as foot passengers over London bridge, by which it has been ascertained, that if tolls were taken (at the rates taken on Waterloo bridge, and which may under the Tunnel Act be taken) they would amount to at least 22,000*l.* annually; and that if the tolls of the Tunnel amounted only to the tolls which have been received in one year at Waterloo bridge, they would amount to 13,000*l.*: but although great pains have been taken to ascertain what portion of the traffic passing over London bridge goes to Bermondsey, Rotherhithe, and the neighbourhood, and is therefore likely to pass through the Tunnel, no precise calculation can be made; but considering the amount of tolls collected on some bridges, and the traffic over them all, the Proprietors do think they are warranted in expecting to collect a revenue of 22,000*l.* per annum, upon the opening a new source of traffic in that commercial and very populous neighbourhood, by the completion of the Tunnel. It appears that the articles of Foreign Importation, destined for the Coasting Trade, are almost entirely transferred by land carriage to the coasting vessels. In 1829, persons were stationed on London bridge, who ascertained that 3241 carts, and 887 waggons, passed daily over the bridge; of which 1700 carts and 480 waggons turned down Tooley Street.’

‘ It is certain that a large portion of these were engaged in supplying the coasting trade, but it is impossible to say what portion: setting aside, however, what may have come from St. Katherine’s Docks, and other parts of the City, and supposing one half may come from the three eastern Docks, there would still remain as likely to pass through the Tunnel,—850 carts at 6*d.*; 240 waggons at 1*s.*; and reckoning 300 working-days in the year, the annual receipts from carts and waggons alone, would amount to 10,000*l.*’

In addition to this source of revenue, the Company expect to obtain 5,000*l.* per annum, out of the sum of 8,000*l.* which they have ascertained is collected at ferries; and when the increased

risk of crossing the river in boats is considered, the probability is, that the amount would exceed rather than fall short of that sum. The remaining sources of revenue on which the Company rely, are the passage of carriages of all descriptions, from the eastern part of Middlesex, Essex, and the counties of Kent, Surrey, and Sussex; and the support they should receive from the great dock establishments, and the population of the adjacent parishes, all of which have shown great anxiety for the completion of the Tunnel; as likely to be very advantageous to them. All these circumstances go to form the basis of a reasonable expectation, that a competent advance from the public would not even in a pecuniary view be a losing concern. Despotical governments build pyramids; a reformed parliament would do itself no wrong by attaching its memory to the more useful glories of a Tunnel.

ART. III.—1. *Journals of the House of Commons.*

2. *Pym's Speeches.* Mus. Brit.

NOTWITHSTANDING the auspicious and important part acted by Pym in a drama which must be intensely interesting to all generations of mankind, few particulars respecting his private life have come down to us. These however, such as they are, it behoves the biographer to collect with care, and record with fidelity, as the memorials of a man whose services in the great cause of the emancipation and enlightenment of his species ought to be held in everlasting remembrance, and whose character belongs not to his country alone, but to every country,—to all climes, and all ages.

John Pym was descended from a good family in Somersetshire, where he was born in the year 1584. In the beginning of the year 1599, the fifteenth year of his age, he became a gentleman-commoner of Broadgates Hall, now Pembroke College, Oxford. But he left the University without taking a degree, and went, as Wood* supposes, to one of the Inns of Court. It would not appear that his leaving Oxford without a degree was produced by any cause discreditable to him,—by irregularity of conduct, or by want of capacity or inclination for learning†.

It seems indeed, at that period to have been a usual practice

* Ath. Ox vol II. art. Pym.

† 'He was admired,' says Anthony à Wood in his quaint manner, 'for his pregnant parts,' by Charles Fitz-Geffery the poet, who styled the said Pym in 1601, *Ræbi deliciae, Lepos puelli*, &c. Ath. Ox. II.

to leave the university without taking a degree. Hampden and Vane, as well as Pym, appear to have done so. Nor is this to be wondered at; for if those universities are at present little fitted to give men the education necessary to prepare them to become legislators and statesmen, they were at that time much less so. Even Milton, of his university at once 'the glory and the shame,' though he resided there till he took both his degrees (B. A. and M. A.), invariably expressed his dissatisfaction with the system pursued. The fact is, those universities, though extremely well adapted for the purpose which was the exclusive object of their original institution, the education namely of a Catholic priesthood, have never completely undergone the reformation, or change, if the word is preferred, which the change of circumstances required. Many other men besides priests are now educated there; and priests, if they wish to be in any degree useful, must receive a very different education from that bestowed upon the Catholic priesthood of the dark ages.

At an early age Pym appears to have been placed in the office of the Exchequer*; and the knowledge of business which he there acquired was no doubt of great use both to himself and others in the course of his parliamentary career.

Pym was early distinguished for his eloquence and knowledge of the common law; and it may be allowed to suppose that those useful acquirements had some influence in his introduction into parliament. He served in several parliaments towards the end of the reign of James I, and in all those held in the reign of Charles I, as member for Tavistock in Devonshire. He soon distinguished himself in the House by his abilities and zeal in opposing the measures of the court; which latter circumstance procured him the honour of being esteemed by James I. 'a man of an ill-tempered spirit.'

In 1626, he was one of the managers of the articles of impeachment against the Duke of Buckingham. To this business he applied with unwearied zeal, and brought to bear upon it all the energies of his active and sagacious mind. The bold, eloquent, and uncompromising conductor of impeachments against such powerful and dangerous men as Buckingham and Stafford, Pym will ever stand pre-eminent among those who have asserted the inalienable rights of mankind against the tools and the minions of kings.

In 1628 he brought in the House of Commons a charge against Dr. Roger Mainwaring, 'that he by his doctrines en-

deavoured to subvert the King and Kingdom.' He protested likewise against the increase of Arminians and Papists, being himself attached to Calvinistic principles; and several times made a motion in the House 'that all persons take a covenant to maintain their religion and rights, &c.' At length, observes Wood, 'to mollify and sweeten the nature of this forward person, he was made Lieutenant of the Ordnance, which is an office of good trust and gain.' It ought however to be observed that Anthony à Wood labours under a slight mistake respecting the period when Pym was made Lieutenant of the Ordnance, as well as respecting the parties by whom that appointment was conferred upon him. Pym was appointed Lieutenant of the Ordnance in 1643, and he received that appointment not from the court, but the parliament.—*Whitelock's Memorials*, p. 77.

He is found in 1639, together with several other Commoners and some Lords, John Hampden, William Lord Say, Robert Earl of Essex, and others, holding a close correspondence with the covenanters in Scotland, and with their commissioners in London. He then rode about the country to promote elections of the puritanical party to serve in parliament; and in the short parliament which met on the 13th of April 1640, was one of the most active and leading members.—*Wood. Birch's Lives. Clarendon.*

Pym appears, like Oliver Cromwell, John Hampden, and others, at one time to have despaired of his country. He was one of those that had embarked for America, in the ships which when ready to sail were detained by order of council.

As the day appointed for the assembling of Parliament drew on, many things seemed to portend the near approach of some mighty crisis. Among other portents, may be mentioned a letter sent to Laud, apprising him that the Parliament of 20 Henry VIII,—which began in the fall of Cardinal Wolsey, continued in the diminution of the power and privileges of the clergy, and ended in the dissolution of the abbeyes and religious houses,—*began on the 3rd of November*; and therefore, 'for good luck's sake' entreating him to move the King 'to respite the first sitting a day or two*.'

Lord Clarendon relates that "there was observed a marvellous elated countenance in most of the members of Parliament before they met together in the House.' He likewise informs us that he (then Mr. Hyde) having been returned for a borough in Cornwall, met Mr. Pym in Westminster-hall some days before the meeting of Parliament, and that, 'entering into conversation

* Heylyn's Life of Laud, p. 458. Fol.

upon the state of affairs, Pym told him, 'that they must now be of another temper than they were the last Parliament; that they must not only sweep the house clean below, but must pull down all the cobwebs which hung in the top and corners, that they might not breed dust, and so make a foul house hereafter; that they had now an opportunity to make their country happy, by removing all grievances, and pulling up the causes of them by the roots, if all men would do their duties;' and used, adds Clarendon, 'much other sharp discourse to the same purpose*.'

The 3rd of November arrived, and the parliament met. The value of Pym's knowledge and experience, as well as of his talents and courage, was now fully felt. He was one of the few veteran members of parliament who survived; 'the long intermission of parliament,' says Clarendon, 'having worn out most of those who had been acquainted with the rules and orders observed in those conventions †.' And what a gap in the lines of his early friends Pym must have perceived when he looked around him. The venerable Coke, by whose side he sat when he first entered that house, was no more. Two others of his early friends who had stood most intrepidly by his side in defence of the liberties of their country, had also fallen; but how different their fall! Sir John Elliott had died in a prison, a martyr to the cause he had so eloquently advocated. Sir Thomas Wentworth had become an apostate, and was to be looked upon in the light of a fallen spirit, and as the deadliest and most powerful enemy of those who had been the friends of his youth.

On the 7th, the first day on which the House entered upon business, Pym made a long and elaborate speech concerning the grievances under which the nation suffered. He classed the grievances under three Heads, which were,

I. Privilege of Parliament.

II. Religion.

III. Liberty of the subject.

Each of these Heads was, according to the custom of that time both in regard to speeches and sermons, again separated into a great number of subdivisions ‡. .

There is a passage in the exordium of this speech which possesses the gracefulness and far more than the modesty of Cicero. He said, 'the things which he was to propound, were

* Clarendon, Vol. I. pp. 298-9. Oxford 1826.

† Clarendon Vol. IV. p. 437. Oxford 1826.

‡ Whitelock's Memorials, p. 38. Rushworth. Pt. III. Vol. 1.

of a various nature, many of them such as required a very tender and exquisite consideration; in handling of which, as he would be bold to use the liberty of the place and relation wherein he stood, so he would be careful to express that modesty and humility, which might be expected by those, of whose actions he was to speak. And if his judgment or his tongue should slip into any particular mistake, he would not think it so great a shame to fail by his own weakness, as he should esteem it an honour and advantage to be corrected by the wisdom of that House, to which he submitted himself with this protestation, that he desired *no reformation so much as to reform himself**.

The following passage in it respecting the privileges of parliament may be recommended with advantage at the present day. 'The privileges of parliament were not given for the ornament or advantage of those, who are the members of parliament; they have a real use and efficacy, towards that which is the end of parliaments. We are free from suits, that we may the more entirely addict ourselves to the public services; we have therefore liberty of speech that our counsels may not be corrupted with fear, or our judgments prevented with false respects. Those three great faculties and functions of parliament, the legislative, judiciary, and conciliary powers, cannot be well exercised without such privileges as these. The wisdom of our laws, the faithfulness of our councils, the righteousness of our judgments can hardly be kept pure and untainted, if they proceed from distracted and restrained minds.'

Upon the 11th of November, a motion was suddenly made by Mr. Pym, who declared that he had something of importance to make known to the House, and desired that the outward room should be cleared of strangers, and the outer doors upon the stairs locked. This being done, Pym began. He alluded by way of exordium to the grievances under which the nation laboured, and which had formed the subject of discussion on a former occasion. He inferred from them that a deliberate plan had been formed of entirely changing the frame of government, and subverting the ancient laws and liberties of the kingdom. Then entering into some commendation of the nature and goodness of the King, he thus continued:

'We must inquire, from what fountain these waters of bitterness flow, what persons they are who have so far insinuated themselves into his royal affections, as to be able to pervert his excellent judgment, to abuse his name, and wickedly apply his authority to countenance and support their own corrupt designs. Though he doubted not

* A Speech delivered in Parliament by J. Pym, Esq. London. 4to 1641.

there would be many found of their class, who had contributed their joint endeavours to bring this misery upon the nation; yet there was one who both by his capacity and inclination to do evil, enjoyed an infamous pre-eminence; a man, who in the memory of many present, had sat in that House an earnest vindicator of the laws, and a most zealous assertor and champion of the liberties of the people; but he had long since turned apostate from those good affections, and, according to the custom and nature of apostates, was become the greatest enemy to the liberties of his country; the greatest promoter of tyranny that any age had produced.'

He then named

'the Earl of Strafford, Lord Lieutenant of Ireland, and Lord President of the Council of York; who, he said, had in both places, and in all other provinces wherein his services had been used by the King, raised ample monuments of his tyrannical nature; and that he believed if they took a short survey of his actions and behaviour, they would find him the principal author and promoter of all those counsels which had exposed the kingdom to so much ruin.'—Clarendon, Vol. I. pp. 300-1. 8vo Edit. Oxford 1826.

He then instanced some high and imperious actions done by him in England and Ireland, some proud and over-confident expressions in discourse, and certain passionate advices he had given in the most secret councils of State; adding, says Clarendon, 'some lighter passages of his vanity and amours, that they whose patriotism did not arouse in them alarm and indignation at the actions of the violent and despotic minister, might at least be moved to aversion and contempt towards the bold and unprincipled libertine;' thus, by the skilful exertion of all the orator's mighty art, enlisting on his side at once the interest and the passions of his audience. And so concluded, 'that they would well consider how to provide a remedy proportionable to the disease, and to prevent the farther mischief they were to expect from the continuance of this great man's power and credit with the King, and his influence upon his counsels*.'

While the Debate still continued respecting the Earl of Strafford, a message came from the Lords concerning a Treaty with the Scots, and desiring a meeting by a committee of both Houses that afternoon. Pym and some other members, suspecting that the Lords surprised and perhaps alarmed at hearing of the extraordinary precautions just taken to exclude strangers, had sent these messengers with an object very different from their professed one, quickly despatched them with the following answer,—'That the House hath taken into consideration the

* Clarendon, Vol. I. pp. 300-1. 8vo Edit. Oxford 1826.

message from the Lords, but that at this time the House is in agitation of very weighty and important business, and therefore they doubt they shall not be ready to give them a meeting this afternoon as they desire; but as soon as they can, they will send an answer by messengers of their own.' They then resumed the consideration of the 'weighty and important business' to which they had alluded*.

In conclusion, it was moved and carried with the consent of the whole House, that the Earl of Strafford might be forthwith impeached of high treason. Lord Falkland alone modestly desiring the House to consider, 'whether it would not suit better with the gravity of their proceedings, first to digest many of those particulars which had been mentioned by a committee, before they sent up to accuse him; declaring himself to be abundantly satisfied that there was enough to charge him.' Which, says Clarendon, was very ingenuously and frankly answered by Mr. Pym,

'That such a delay might probably blast all their hopes, and put it out of their power to proceed farther than they had done already; that the Earl's power and credit with the King, and with all those who had most credit with King or Queen, was so great, that when he should come to know that so much of his wickedness was discovered, his own conscience would tell him what he was to expect; and therefore he would undoubtedly procure the parliament to be dissolved, rather than undergo the justice of it, or take some other desperate course to preserve himself, though with the hazard of the kingdom's ruin; whereas, if they presently sent up to impeach him of high treason before the House of Peers, in the name and on the behalf of all the Commons of England, who were represented by them, the Lords would be obliged in justice to commit him into safe custody, and so sequester him from resorting to Council, or having access to his Majesty: and then they should proceed against him in the usual form with all necessary expedition.'

These reasons for haste being by all considered satisfactory, it was voted unanimously, 'that they should forthwith send up to the Lords, and accuse the Earl of Strafford of high treason, and several other crimes and misdemeanours, and desire that he might be presently sequestered from the Council, and committed to safe custody.' Mr. Pym was chosen the messenger to perform that office, and, the doors being opened, most of the House accompanied him on the errand †.

Accordingly, at the bar of the House of Lords, and in the name of all the Commons of England, he impeached Thomas Earl of Strafford (with the addition of all his other titles) of

* Rushworth, Part III, Vol. I. p. 43. Fol. 1721.

† Clarendon, Vol. I, pp. 303-4-5. 8vo Edit. Oxford 1826.

high treason, and other heinous crimes and misdemeanours, of which he said the Commons would in due time make proof in form; and in the mean time he desired in their name, that he might be sequestered from all Council, and be put into safe custody. Whereupon the Earl was with more clamour, to use the words of Clarendon, than was suitable to the gravity of that superior court, called upon to withdraw, hardly obtaining leave to be first heard in his place, which could not be denied him*.

Lord Clarendon (and after him Hume) has represented Pym's indignant attack upon Strafford as if it had arisen out of the debate upon grievances, and been made the same day. Whereas it is expressly stated by Rushworth, that the debate on grievances took place on the 7th, and the impeachment of Strafford on the 11th of November. Clarendon must have taken his story, either from a very imperfect conception of the duty of a trustworthy historian, or for the purpose of dramatic effect. And if the latter was his object, his conception of the best mode of producing that effect appears to have been erroneous. The scene, as it really occurred, is much more dramatic than it has become under the operation of his inventive mind and plastic hand. When there is a discrepancy in the accounts, it appears always safer to adopt that of Rushworth, who took large notes, and had no ambition or object, save to relate things as they happened. At the same time, although it certainly appears too great a liberty in a historian to throw the transactions of two distinct days into one, there appears no reason to doubt the accuracy of Clarendon's general report of the proceedings relating to Strafford's impeachment.

When Wentworth had determined to accept the advances made to him by the court and desert his party, he had requested a private interview with Pym. Pym went to the place of meeting according to the desire of his friend. Wentworth attempted to sound him as to the present state of affairs, and even went so far as to hint at the advantage of listening to the court. But the inflexible patriot interrupted him with these words; 'You need not use all this art to tell me, that you are going to be undone: But remember, that though you leave us now, I will never leave you while your head is upon your shoulders †,' So saying, Pym bade adieu to the man

— Whom mutual league,
United thoughts and councils, equal hope,
And hazard in the glorious enterprize,
Join'd with him once—

* Clarendon, *Ibid.*

† Echard's *History of England*. B. I. Ch. 2. p. 62. Folio 1718. Welwood's *Memoirs*, pp. 52-3. London. 8vo 1700.

but whom he was to behold no more, till he should confront him as his public accuser, in the name of their common country and at the bar of its highest tribunal.

On the 25th a conference took place between the two Houses, at which Mr. Pym spoke in support of the articles of the charge.

On the 31st of December, Mr. Pym again addressed the Lords on the occasion of the articles of the charge against Sir George Ratcliffe, the confederate of Strafford in Ireland. He called upon their Lordships to observe what a near conjunction there was between this case and that of the Earl of Strafford; the materials being the same in both, only the offences of the Earl being more comprehensive. The Earl, he said, 'is charged as an author, Sir George Ratcliffe as an instrumental and subordinate actor. In the crimes committed by the Earl, there appears more haughtiness and fierceness, being acted by his own principles. In those of Sir George Ratcliffe there seems to be more baseness and servility, having resigned and subjected himself to be acted on by the corrupt will of another. The Earl of Strafford hath not been bred in the study and practice of the law, and having stronger lusts and passions to incite, and less knowledge to restrain him, might more easily be transported from the rule. Sir George Ratcliffe in his natural temper and disposition more moderate, and by his education and profession better acquainted with the grounds and directions of the law, was carried into his offences by a more immediate concurrence of will, and a more corrupt suppression of his own reason and judgment *.'

The House of Commons, having engaged to present to the Lords particular articles of their charge of high treason against the Earl of Strafford, appointed a select committee to prepare and draw up those articles, and to manage the evidence against the Earl at his trial. Of this committee Pym was named one, and Whitelock, who has written an account of these transactions, was chosen chairman of it. On the 30th of January, Mr. Pym presented to the Lords the particular articles of the charge against the Earl of Strafford, being twenty-eight in number.

About this time there was a plan in agitation to promote the restoration of the Earl of Strafford to his former favour and honour, by conferring the principal offices of state upon the leaders of the popular party. According to this scheme, Pym was to have been Chancellor of the Exchequer. It was not, however, carried into effect; and the great man, says Whitelock †,

* Mr. Pym's Speech, made the 31st of December, 1640.—London, 1641.

† Memorials of English Affairs, p. 41. Folio Edit. 1732.

baffled thereby, became the more incensed and violent against the Earl, joining with the Scots Commissioners, who were implacable against him.

The history of Strafford's Trial does not properly fall within the scope of the present article, belonging more strictly to the life of Strafford, although it may seem to demand some notice from the very conspicuous part which Pym took in it,—a part nearly similar to that which Burke afterwards took in the trial of Warren Hastings. And it is worthy of remark that these two trials are the most important, as well as the most imposing from the dignity of the place, the judges, and the spectators, that have ever come before a court of judicature in England.

It is probable, from the vehemence in which Pym indulged towards the close of his harangue, that something of personal rancour may have mingled in and stimulated the torrent of his indignant eloquence. 'The forfeitures inflicted for treason,' he said, 'by our law, are of life, honour, and estate, even all that can be forfeited; and this prisoner, having committed so many treasons, although he should pay all these forfeitures, will be still a debtor to the commonwealth: nothing can be more equal, than that he should perish by the justice of that law, which he would have subverted; neither will this be a new way of blood. There are marks enough to trace this law to the very original of this kingdom: and if it hath not been put in execution, as he alledgeth, these 240 years, it was not for want of law, but that all that time hath not been bred a man, bold enough to commit such crimes as these; which is a circumstance much aggravating his offence, and making him no whit less liable to punishment, because he is the only man that in so long a time hath ventured upon such a treason as this.' It is given on the evidence of several witnesses, that somewhere in this part of his speech, Pym lost his recollection and self-command. Baillie, after saying that Pym 'to the confusion of all, in half an hour, made one of the most eloquent, wise, fine speeches, that ever we heard, or I think shall ever hear,' adds, 'to humble the man, God let his memory fail him a little before the end.' A circumstance so extraordinary as that of a speaker so practised as Pym losing his memory and self-command, may seem to demand some explanation. It is not improbable, (and the supposition has been supported by more than one writer on the subject*), that, while it was the recollection of his friend's apostacy that added vehemence to Pym's stern invective, it was likewise the memory of his early and warm though insulted

* Baillie's Journals and Letters, p. 291. Edinburgh, 8vo 1785. Nalson's Collection of State Affairs, Vol. II. p. 145. fol. London 1682.

friendship, called up by the sight of the fallen but still haughty Earl regarding him fixedly with his cold proud look, that suddenly, for a moment, overcame the fortitude, even of the inflexible patriot. 'His papers he looked on; but they could not help him to a point or two, so he behaved to pass them*.'

One thing more, connected with this trial, is 'at the present hour particularly deserving of remark. Strafford, although his crime did not strictly fall within the statute, suffered the punishment of death. His judges and his accusers, though of their day by far the foremost men of all this world, had not elevated their minds to the height that should enable them so to temper their vengeance with mercy, perhaps it should be said justice, as to allow the apostate statesman to remain upon earth, a living monument of evil but baffled ambition. Polignac and his accomplices are, in the strictest sense, guilty of treason against their country, of the blood of their fellow-citizens. The enlightened justice of the age in which they live, disdains to take from them their forfeit lives.

On the 26th of February, when the articles against Laud had been read, Pym made a powerful speech against him, containing some passages of great eloquence. It is a curious and somewhat quaint ingenuity by which he applies to Laud the expression 'spiritual wickednesses in high places.' 'My Lords, there is an expression in the Scripture, which I will not presume either to understand or to interpret; yet to a vulgar eye, it seems to have an aspect something suitable to the person and cause before you. It is a description of the evil spirits, wherein they are said to be "Spiritual Wickednesses in high places." Crimes acted by the spiritual faculties of the soul the will and understanding, exercised about spiritual matters, concerning God's worship and the salvation of man, seconded with power, authority, learning, and many other advantages, do make the party who commits them very suitable to that description, "spiritual wickednesses in high places †."

Soon after this, Charles, as is well known, ordered articles of high treason and other misdemeanours to be drawn up against Pym and four other members of the House of Commons, and came in person to seize them there. The king however was unsuccessful in his attempt; and Mr. Pym continued firm to the interests of the Parliameht.

* Baillie, *Ibid.*

† Rushworth, Part III. Vol. I. p. 199. fol. 1721. Speech, &c. of John Pym, Esquire, 1641.

At the conference held between the two Houses on the 25th of January 1641, on presenting to the Lords certain petitions which the Commons had received from various parts of the kingdom, London, Essex, &c., Mr. Pym made the celebrated speech concluding with the following remarkable peroration.

‘ I am now come to a conclusion, and I have nothing to propound to your Lordships by way of request or desire from the House of Commons. I doubt not but your judgments will tell you what is to be done; your consciences, your honours, your interests will call upon you for the doing of it; the Commons will be glad to have your help and concurrence in saving of the Kingdom, but if they should fail of it, it should not discourage them in doing their duty. And whether the Kingdom be lost or saved (as through God’s blessing I hope it will be), they shall be sorry that the story of this present parliament should tell posterity, that in so great a danger and extremity, the House of Commons should have been forced to save the Kingdom alone, and that the House of Peers should have no part in the honour of the preservation of it, you having so great an interest in the good success of those endeavours in respect of your great estates and high degrees of nobility.’

‘ My Lords, consider what the present necessities and dangers of the Commonwealth require, what the Commons have reason to expect, to what endeavours and counsels the concurrent desires of all the people do invite you; so that applying yourselves to the preservation of King and Kingdom, I may be bold to assure you in the name of all the Commons of England, that you shall be bravely seconded.—*Rushworth, Part II. Vol. i. p. 511. Fol. 1721. A speech delivered at a conference with the Lords, January 25th, 1641. 4to. 1641.*

‘ Die martis 25th January, 1641.

‘ It is this day ordered by the Commons House of Parliament, that Mr. Speaker, in the name of the House, shall give thanks unto Mr. Pym for his so well performing the service he was employed in by the Commons of this House, at this Conference. And it is further ordered, that Mr. Pym be desired to put the Speech he made at this Conference into writing, and to deliver it into the House, to the end it may be printed.—*H. Eleynge, Cler. Parl. D. Com.*

In the above-mentioned speech at the conference with the Lords, Pym had said, ‘ That since the stop put upon the ports against all Irish Papists, many of the chief commanders now at the head of the rebels, had been suffered to pass by his Majesty’s immediate warrant.’ When the King saw this passage in the speech printed by the orders of the Commons, in a letter to the Speaker he desired reparation for what he called this unjust assertion. The Commons declared in their reply, that ‘ it contained nothing but what was agreeable to the sense of the

'House*.' It will convey some idea of the effect of Pym's eloquence, to state, that when he made his celebrated speech at Guildhall, the acclamations were so loud at the end of every period, that he was frequently compelled to remain silent for some minutes. In conclusion, addressing the multitude he said, 'Worthy citizens, you see what the Parliament will do for your Lord-Mayor and you.' Upon which they exclaimed, 'We will live and die with them! we will live and die with them! †'

When the Commons adopted the bold measure of impeaching the Queen of high treason, Pym was the person appointed to carry up the impeachment to the bar of the House of Lords ‡. When the female tumult arose, and a crowd of about 5,000 women, with some men in women's clothes among them, surrounded the House of Commons and laid siege to the door; their cry was, 'give us these traitors that are against peace, that we may tear them in pieces; give us that dog Pym! §' But this was only a momentary ebullition of popular emotion; and so great were Pym's power and popularity,—greater probably than those of any subject, unassisted by either title or wealth, or the terror of military force, or the glare of military renown, have ever been in England,—that he received the appellation of 'King Pym||.' And though the name may have been conferred in mockery, there is no doubt but it was accompanied by as much of the real substance of power as a wise, virtuous, and truly great man would ever desire to possess upon earth. The power of Pym was that of understanding over understanding; the natural and legitimate power which the vigorous, independent, and laborious character exercises over the feeble, indolent, and luxurious.

The authority and influence of Pym in determining the counsels of the parliament, having exposed him to the chief odium of the opposite party, he, some time before his death, in 1643, published a vindication of his conduct, in answer to the reproaches of having been the promoter and patronizer of all the innovations which had been obruded upon the government of the Church of England, and the person who had produced and fostered all the lamentable distractions which then tore to pieces the kingdom. In this paper he declared, that he was,

* Echard's History of England, B. C. Ch. 2. p. 293. Fol. 1718. Rushworth, Part III. vol. i. p. 512.

† Echard, B. II. Ch. 3. p. 381.

‡ Ibid, B. II. Ch. 3. p. 408.

§ Ibid. p. 429.

|| Ibid. p. 463.

and ever had been, and would die a faithful son of the Protestant religion, without having the least tincture of Anabaptism, Brownism, and the like errors; and justified his consenting to the abolishment of episcopacy. But the greatest concern which he expressed, was with regard to the reports of his being the author of the differences then subsisting between the King and his parliament. With regard to them, he affirmed, that he never had a single thought tending to the least disobedience or disloyalty to his Majesty, whom he acknowledged for his lawful sovereign, and would spend his blood as soon in his service, as any other subject in the kingdom. That it was true, when he perceived his life aimed at, and heard himself proscribed as a traitor, he had fled for protection to the parliament, who justly acquitted him, and the other gentlemen accused with him, of the guilt of high treason. If this, therefore, had been the occasion of his Majesty's withdrawing from the parliament, the fault could not in any measure be imputed to him, or to any proceeding of his, which had never gone farther, either since his Majesty's departure or before, than was warranted by the known laws of the kingdom and the indisputable powers of the parliament*.

In November 1643, Pym was appointed Lieutenant of the Ordnance. He died at Derby House, on the 8th of December of the same year†; and on the 13th of that month he was buried with great solemnity in Westminster Abbey, his body being carried to the grave by six members of the House of Commons. He left several children by his wife, a woman of singular accomplishments, who died about the year 1620.

'As his life, such was his death,' says one who stood by him when he lay on his death bed‡. 'He enjoyed all the time of his illness the same evenness of spirit, which he possessed in health, with an addition of a more clear evidence of God's love in Jesus Christ, and a most ready subjection to God's will; declaring to Marshall, that "it was to him a most indifferent thing to live or die; if he lived, he would do what service he could; if he died, he should go to that God whom he had served, and who would carry on his work by some others." A little before his end, having recovered out of a swoon, and seeing his friends weeping around him, he cheerfully told them, "he had looked death in the face, and knew, and therefore feared not, the worst it could do; assuring them, his heart was filled

* Rushworth's Collections, Part III. vol. ii. p. 376.

† Rushworth, *Ibid.* Clarendon. Wood.

‡ Stephen Marshall's Sermon at Pym's funeral, p. 29.

with more comfort and joy, which he found and felt from God, than his tongue was able to utter*.”

The honours with which Pym was attended to his grave did not find favour in the sight of Anthony à Wood. ‘All impartial men have held,’ he says, ‘(let those of Pym’s persuasion say what they please) that he the said Pym was the author of much bloodshed, and those many calamities under which the kingdom several years after groaned; and therefore he deserved not only to have his death with the transgressors and wicked, but to be buried with the burial of an ass, drawn and cast forth beyond the gates of the city †.’

It is affirmed by Lord Clarendon and others, and repeated by the sapient Wood, that Pym died in great torment of the loathsome disease called *morbus pediculosus*. The mentioning such a report as disparaging to an individual, is a signal proof of the superstition of that age; since, as the continuation of the *Athenæ Oxonienses** justly remarks, even had it been the case, it would have inflicted no stigma on his memory, seeing it was a visitation to which, under providence, the best as well as the vilest of mankind are subject. There exists however very conclusive evidence on this point in a document attested by seven physicians, two surgeons, and an apothecary; which sets forth that the disease of which he died, was an imposthume in the bowels. Ludlow also relates in his Memoirs that Pym’s ‘body was for several days exposed to public view in Derby House before it was interred, in confutation of those who reported it to be eaten with lice ‡.’ Such prejudices were however not confined to Anthony à Wood and his party. Mrs. Hutchinson mentions several circumstances in her interesting Memoirs, which prove that even she, noble-minded and enlightened as she was for her age, was not altogether superior to them.

It may be said of Pym, as Elijah Fenton has said of Milton, that though the spoils of his country lay at his feet, neither his conscience nor his honour could stoop to gather them. So incessant and disinterested had been his labours for the welfare of his country, and such was the honourable poverty in which he died, that the parliament considered themselves bound in justice as well as gratitude, to pay the debts which he had contracted.

Pym did not escape the fate of most men who have been politically famous; he died as much hated by one party as

* Stephen Marshall’s Sermon at Pym’s funeral. p. 30.

† Ath. Ox. Art. Pym.

‡ Ludlow, p. 31. Folio edit. London. 1751.

respected by the other. By the latter he was considered the victim to national liberty, as having abridged his life by his vast and incessant labours. By the former he was believed to have sunk under a loathsome disease, a mark of divine vengeance for his manifold treasons and crimes.

To avoid the charge of partiality, his character will here be given as delineated by the opposite party. Lord Clarendon declares,

‘ That his parts were rather acquired by industry, than supplied by nature, or adorned by art ; but that, besides his exact knowledge of the forms and orders of the House of Commons, he had a very comely and grave way of puffing himself, with great volubility of words, natural and proper. He understood likewise the temper and affections of the Kingdom as well as any man, and had observed the errors and mistakes in Government, and knew well how to make them appear greater than they were. At the first opening of the Long Parliament, though he was much governed in private designing by Mr. Hampden and Mr. St. John, yet he seemed of all men to have the greatest influence upon the House of Commons, and was at that time, and for some months after, the most popular man and the most able to do hurt, that hath lived in any time. Upon the first design of softening and obliging the most powerful persons in both Houses, when he received the King’s promise for the Chancellorship of the Exchequer, he made in return a suitable profession of his service to his Majesty ; and therefore, the other being no secret, declined from that sharpness in the House, which was more popular than any man’s, and made some overtures to provide for the glory and splendour of the Crown ; in which he had so ill success, that his interest and reputation there visibly abated, and he found, that he was much more able to do hurt than good ; which wrought very much upon him to melancholy and complaint of the violence and discomposure of the people’s affections and inclinations. In the prosecution of the Earl of Strafford his carriage and language were such, as expressed much personal animosity ; and he was accused of having practised some acts in it unworthy of a good man ; which, if true, must make many other things, that were confidently reported afterwards of him, to be believed.’—Ed. Ox. 1826. Vol. iv. p. 437.

‘ From the time of his being accused of high treason by the King, he opposed all overtures of peace and accommodation ; and when the Earl of Essex was disposed, in the summer of the year 1643, to a treaty, his power and dexterity wholly changed the Earl’s inclination in that point. He was also wonderfully solicitous for the Scots coming in to the assistance of the Parliament. In short, his power of doing shrewd turns was extraordinary, and no less in doing good offices for particular persons, whom he preserved from censure, when they were under the severe displeasure of the Houses of Parliament, and looked upon as eminent delinquents.’—*Ib.*

Some of Anthony à Wood's remarks on Pym may afford amusement to the admirers of that species of panegyric. 'His usual orations,' says Wood, 'were so invective, that he did not only poison the greater part of the House, but also the seditious vulgar with an ill conceit against the good King, and all those that he loved and favoured, particularly Strafford.' Again, 'he became an indefatigable enemy against the most eminent and noble Thomas, Earl of Strafford; was the man that carried from the House of Commons to the Lords the impeachment of the said Earl of high treason, was so bitter and invective in his malice towards him, that knowing how much he was beloved of the King, he did purposely therefore rake up all he could conceive against him; and in expressing his conceptions, he would reflect on his sacred Majesty. I shall here desire the reader to take notice, that though in the trial of the said Strafford, he the said Strafford behaved himself exceedingly graceful, and that his speech was esteemed full of weight, reason, and pleasingness, and so affectionate it was, that it obtained pity and remorse in the generality (nay tears from some) then present, yet in this and in another violent baiter of him called Joh. Glynn, there was nothing of remorse at all, but they went doughtily on till they had brought that immortal person to the block.'

When Pym and his fellows the rest of that noble band of patriot-statesmen arose, anything like the freedom of eloquence (which, as hath been well observed, can only exist in *liberâ civitate*), had not been known in the world for near two thousand years. But the genius of the eloquence of Greece and Rome, awoke once more with a vigour proportioned to the length of the period during which it had slept. The nerve and fire and condensation of the Greek, joined to the Roman's honest and enlightened views and to the courage and inflexible firmness of purpose which unhappily for the world both the Greek and Roman wanted, appeared upon earth to disenthral and revive and humanize the oppressed and brutalized tribes of men. If there was one thing more than another remarkable about the eloquence of Pym, it was its boldness. He was of all others the man to impeach a great public delinquent. On many occasions it became his part to do so, and well and nobly did he perform that part.

But if, in the many and rare qualities required in an orator, the title of the English Worthies to rank with the great men of antiquity may be questioned; in some of those which are demanded in a statesman, they will yield to none. So far was Pym above that meanness of narrow minds which sacrifices

their country's good to the interests of relatives or personal friends, that, to use the language of his contemporaries*, 'he knew neither brother, kinsman, nor friend, superior nor inferior, when they stood in the way to hinder his pursuit of the public good.' It was a saying of his, 'Such-a-one is my entire friend, to whom I am much obliged, but I must not pay my private debts out of the public stock †.' To such a degree, and with such sincerity did he act upon this principle, that when his friends frequently put him in mind of his children, and pressed upon his consideration, that although he regarded not himself, yet he ought to provide that it might be well with them; his usual answer was, 'If it were well with the public, his family was well enough ‡.'

Perhaps it is by comparing Pym with the men of our own day that we shall be enabled best to appreciate the variety and rarity of the many great and useful qualities he possessed. Take a view of the present Members of that House of which Pym was so bright an ornament. In none will be found that union of qualities which appeared in him. In one, perhaps, may be discovered his eloquence,—in another his indefatigable industry, joined to his knowledge of and aptitude for business,—in a third his undaunted courage,—in a fourth his inflexible integrity. But where in the same individual shall you find all these united?

ART. IV.—*The Natural History of Selborne; Observations on various parts of Nature and the Naturalist's Calendar.* By the late Rev. Gilbert White, A.M. Fellow of Oriel College, Oxford. With Notes by Captain Thomas Brown, F.L.S. &c. Edinburgh. Chambers. (No. 1. British Library.)

THIS is a new series of cheap works under the general title of a Library. In quality it is likely to excel some others, for instead of getting up hastily compilations by writers of the day, the proprietors propose to include reprints of established

* Stephen Marshall. Sermon preached before the Parliament at the funeral of Mr. Pym, 4to, 1644. p. 28.

† Ibid.

‡ 'All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine.' —Burke. *Speech on Conciliation with America.*

writers, or such at least as may be comprised in a small compass and adapted for popular instruction.

White's *Selborne* is now a general favourite; it has been edited in a variety of forms, and by several distinguished persons. It was prepared lately for Constable's Miscellany by Sir William Jardine, an eminent Scottish naturalist. It is now taken up by an observer of the same country, Captain Brown, who has previously published some very amusing anecdotes of the Horse, the Dog, and other animals. His notes to this book prove him to be a more original inquirer than might be imagined from a perusal of the volumes alluded to. Many of them are very curious, and whether his own or collected from other sources, they altogether form the best commentary that has yet been appended to the original.

The beauty of White's Letters from *Selborne* does not consist in the curiosity or the remarkableness of his observations. There are many other works far richer in the wonders of the animal creation; and though the author never would have turned away from a *lusus naturæ*, his interest evidently lay in searching into her ordinary operations, in discovering those secrets which though hid from the vulgar eye, are easily unravelled by an observer who puts his heart into the task of finding them out. Gilbert White was a man of simple tastes and quiet disposition, with a quick eye for natural appearances, and that sympathy with all that has life, and curiosity about the ways of every creature about him, which frequently distinguish persons of his amiable unambitious turn of mind. For a man with his tastes and pursuits, no one's lot was ever more fortunately cast. He was a clergyman without having any duties to perform; his fellowship, combined probably with some private fortune, sufficed to supply competency; and he early retired to indulge his love of nature in his native village of *Selborne*, which from its variety of soil and elevation and position, was peculiarly suited to such a purpose. Here he remained studying nature for upwards of forty years. Several occasions were presented of his taking a college living, but he never would consent to quit this beloved spot; and here he died in the year 1793, in the very house in which he had been born seventy-three years before. He was never married; and no idle passions of any kind appear to have disturbed his tranquillity in the whole of this long course of years. He was learned, pious, and benevolent. In the village which he so illustrated, and where he dwelt so long, but few traces of him are preserved. An enthusiastic admirer who lately visited *Selborne* in honour of his memory, could collect but few personal reminiscences of

him. One old dame, who had nursed several of the family, had nothing more to tell of this true lover of nature, than that 'he was a still, quiet body, and there was'nt a bit of harm in him, I'll assure ye Sir, there was'nt indeed.' The character of White is, however, abundantly apparent through his works. Stillness and quiet are the most decided characteristics of the watcher of the ways of nature; she never shows her operations to a man in a bustle. Patience, perseverance, anxious but undemonstrated solicitude, assiduity amounting to zeal, but never showing itself in hurry or fretfulness, these are the qualities that win access to her most secret wonders. White, it is clear was always watching and speculating; still as his body might be, his mind was alive to the slightest animated movement; his interest was not confined to animal nature, for he marked as acutely all the vegetable productions of nature, the composition of the earth, the fluctuations of the temperature,—he watched rain and clouds, and all the changes of the weather,—in his quiet village, in its upland walks, its hanging woods, its moors and meres, its arable lands and wild fells, he thoroughly identified himself with the spirit of nature, and his mind received intelligence of all her proceedings. His whole day for many years was one series of quiet observation of natural phenomena. Not a bird could come or go, that he did not detect. Not a creature came forth to feed, or retired to construct its retreat, that he did not trace. His ear imbibed all sounds, from the shriek of the hawk to the buzz of the insect. With a punctuality and accuracy worthy of all imitation, he registered such changes and appearances as contributed to the general stock of information; exaggeration was unknown to him, for he had no purpose of effect to answer, was careless of fame, but so true a lover of his pursuit, that he would have held any deviation from exactness as something shocking and revolting. Men of pure and simple minds are usually remarkable for accuracy. In this manner his long life was spent. As he was drawn to his pursuit by a natural aptitude for it, and not with any view of distinction, nor yet with any design of teaching, publication was of course a late idea. He seems to have been drawn into the composition of these letters by Mr. Pennant and Mr. Daines Barrington, who were naturally glad of the correspondence of so accurate and original an observer. The letters now comprised in one three shilling volume, are the result of the observations of a long life. The phenomena he describes, are not so curious in themselves,—though there are a multitude of new remarks, and many of them have become the germs of subsequent knowledge,—as the spirit in which

they are described is graceful and engaging. This is the charm of the work ; it is this which has made it the favourite of every one in whose way it has fallen. A philosopher whose mind was never disturbed, whose memory was well stored, whose taste was pure and simple, and who was perfect master of his subject, naturally expressed himself in an elegant style. He had too a gentle fancy, which combined with a benevolent complaisance, lent a sort of glow to his composition. His sentences flow as placidly as did the days of his life, and like them, each has its little incident, its remark or inference interesting in itself, lively in the manner of conception, and agreeable in the mode of communication. His registers and his letters were, in fact, the mere reflection of his life.

The study of Natural History has made great progress of late ; and much of the impetus it has received is to be attributed to the History of Selborne. This has been followed by some similar works ; none, however, of comparable excellence. Mr. Knapp's Journal of a Naturalist has merit, but it wants the charm of individuality. The Magazine of Natural History has several correspondents who tread closely in the footsteps of the Selborne naturalist.

ART. V.—1. *A Bill intituled an Act for the further Amendment of the Law, and the better Advancement of Justice.* Parliamentary Papers, 1833.

2. *A Bill intituled an Act for the better Administration of Justice in His Majesty's Privy Council.* P. P. 1833.

3. *A Bill intituled an Act for the Establishment of Courts of Local Jurisdiction.* P. P. 1833.

IF a man found himself in possession of a house, in arrangement inconvenient, in roof, walls, flooring, windows, doors, ill-constructed, worn out, or defective ; if no alterations of a part or parts of the house, could remove, or much mend its defects, the dry rot running through the whole ; if in short a new house must be had, would the owner of that house build up one side, while the other remained as it was ; restore the doors, the windows, slightly modified, but occupying the same place ? Would he rest his new floors upon old walls, which must, by-and-by, make way for stronger walls ? Would he proceed in this joint work of propping up some old parts and amending others, or would it not be wiser to pull down the whole edifice and clear the ground, and having constructed the plan of a new super-structure, convenient and compact, to lay the foundations anew,

and proceed in a regular and workmanlike manner to erect his new building? But if he could not spare his old dwelling, would he not pick out a convenient site for the erection of the new edifice, and pending its progress, employ the old for its old uses; and it may be, rather than encumber his new works with old rubbish, finish in the former all that had there commenced, and begin afresh all his new arrangements in the new building.

When the new edifice was built up, roofed in, dry, and fairly at work, the old arrangements abandoned and the new ones in full operation, then he would pull down the old building, and confine himself to the new.

The wisdom, that is called common-sense, which would be wise in such a case, would not be less wise with our legal architects.

How have they proceeded in their Law Reform? Content to mend each part; to preserve the old arrangement, however inconvenient; they have tasked themselves to mend, not to make. The fabric of Government, of which the institutions for the administration of justice are not the smaller part, will be a sad motley image from their hands. But that it may not be supposed these objections are groundless, let a history of the Judicial Reforms already made and in progress, tell its own tale.

When Reform was a promise, such measures were not inappropriate; to obtain all that the enemy would concede, was a maxim of especial merit; but since Reform is realized, and all the power of doing aright is in the hands of him who calls himself Reformer, shall not the latter will to do aright, or else the people denounce him as a faithless promiser, or incapable, or unsteady, all-attempting but successful?

This question is important above all important things; for to say that good laws exist, implies good machinery for the enforcement of such laws. Without good machinery, a well sounding law is but a mocking curse, cheating into misery the people who bless themselves as the subjects of beneficent law,—an instrument of tyranny concealed under a pleasant garb, or name, or pretence. The absence of such machinery puts law at a distance, makes it dear, and in proportion to its distance and dearness, uncertain; for it leaves to the rich man the power to use it for his own benefit and to another's wrong, to employ the aids of skill, of delay, and by wearing out his opponent to win the battle in the fashion of Fabius of old.

To talk of a Government where law is not cheap; where it is not prompt; where it is not certain; is to speak of a Govern-^T

mént without government ; the shadow, and not the substance of the thing.

Law is government,—one of its chief essentials, without which government is not ; and as government is, so should law be all-pervading,—like the nerves of the human body stretch from extremity to extremity, branching out through every part of the frame. Emanate whence it may, its influence should be everywhere felt ; on the springing up of a wrong, the remedy should arise. But of the English law and its system of judicature, can this be said ?

If the object were revenue, not redress ; every corner of the land would be inhabited by a fiscal functionary. Look at the Excise and the Customs ; no place is thought unworthy of an officer ; either to secure or prevent the doing of what the law permits or prohibits. Every dealer is beset ; and the all-seeing eye of the Tax-gatherer looks in upon every hearth, careful of the dues.

Is revenue the end, or the means of government ? Practical men, judging from what is, would declare, that if the government could but collect its food, the virtual end of its existence was accomplished.

The people require the same zealous superintendence in the protection of their rights, as is given to the protection of the revenue. Is the national credit of greater importance than the aggregate of national individual rights ? Shall the government be permitted to secure the dividends of the debt, and deny the dividends of justice ? Is the army of soldiers of more value to the people than the army of justices ? Shall laws be made, like the card castles of children, for the amusement of the legislators ; or for the benefit of the people ? At least it might be required that wherever a man is found sitting in the receipt of Custom, another should be found in the seat of Justice ; then would justice be at every man's door in very truth.

But let the mockeries of Law Reform be catalogued. What is the system unreformed ; what the reforms proposed ; and what the course of reform as it should be ; shall be separately and in order considered.

Our present system of judicature exhibits all the varieties of an ancient Gothic structure ; built at a remote period, and added to, and altered with increasing wants, and changing conveniences, till in the modern day it is too scattered and inconvenient, and aged and worn out, to suit the enlightened views and fresh hopes of the intelligent community.

There are courts of Law and Equity, Ecclesiastical courts, Criminal courts, courts of Bankruptcy, Insolvent Debtor's

courts, Small Debt courts, County courts, courts of Quarter Sessions, courts of Conscience, courts of *piepoudre*, courts Leet, and courts Baron, Mayor's courts, Coroner's courts, and two hundred and fifty others, with their separate customs and laws, and modes of procedure, and practice, all devised in olden times for the administration of justice.

Of these courts and their respective jurisdictions, some account is necessary to prepare the way for the account of reforms which have been proposed.

Four great distinctions obtain in the administration of the English law. These are Law, Equity, Ecclesiastical, and Criminal courts. The distinction between the law applicable to civil rights, and to crimes, is intelligible; but not so plain between Equity, or Ecclesiastical, and Law, technically so distinguished. Common men would suppose, that all Law should be administered in Equity; that if a man had been guilty of a breach of the law unintentionally, or under circumstances that mitigated the guilt, such law should not be applied in the case, or be applied with reference to the mitigating circumstances. And this is so in some cases, but not in others. We have laws construed strictly, and laws construed leniently;—equitable considerations obtain in some cases, and not in others. The Judges sometimes defy the decisions of their predecessors, to take part with sound sense, and the more enlightened views of a more enlightened age; at other times they bow down before the decisions of former Judges, sacrificing to a confessedly narrow and inapplicable view, their own conscientious convictions. This contrariety or vacillation in our legal system is the result, partly of the separation of the equitable from the legal judicature, and partly of the pressure of necessity, which forces the Judges at one time to rescue the courts from contempt by adapting their decisions, to the general feeling of the times, while at others they study to preserve the verbal consistency of the decisions by a servile adherence to precedent.

But the Equitable system is not Equity. It is only another kind of Law called Equity; for, notwithstanding its more generous appellation, it is governed by rules of equal strictness. It may be worth while to point out the origin of this equitable jurisdiction, and herein of the distinction between the several Courts of Justice.

In very ancient periods, the Courts of Justice were local. The laws were administered by the County courts, the King being, as now, by the theory of our constitutional writers, held to be the fountain of Justice.

The Normans, with the feudal customs, brought over the

Feudal Judicature. Each Feudality had its courts;—the courts Leet, and courts Baron; the lord having power of life and death. But the County, or Local courts, were suffered to continue.

The King, as superior lord of all, had a paramount jurisdiction over all courts, to which disputes between parties having separate minor jurisdictions were brought, as well as appeals from their respective jurisdictions. After a time, out of the Court of the Great Justiciary, which used to follow the king, grew the stationary Courts of Westminster;—the Court of King's Bench, the Court of Common Pleas, the Court of Exchequer. The Court of Chancery was originally a part of the House of Lords;—as sovereign paramount the King used to preside in the House of Lords, his Court Baron answering to the Courts of the inferior feudal lords. Matters presented to that Court were frequently referred by the Lords to the Lord Chancellor, acting as secretary to the king, who was, and is supposed to preside in the Lords; and it finally grew into a practice to refer all matters to the Lord Chancellor. The matters which came before the House of Lords were original, or by way of appeal; in the latter case, as the court superior to the other courts; in the former, as the great court in which the king presided. Out of the Chancery, that is, from the King, issued all writs or commissions to the inferior courts, to try the cases of grievance presented to the King.

When fees were first exacted for these writs, all writs were probably issued thence; but when the fees came to be discontinued, the writs were discontinued also; and those matters which had been customarily entertained by the other courts under the authority of such writs, were afterwards entertained by them without such formality. To the Court of King's Bench all matters criminal were referred; to the Barons of the Exchequer, now the Court of Exchequer, then answering to the Lords of the Treasury, all matters relating to the revenue; and to the Court of Common Pleas, all pleas between subject and subject.

By sundry fictitious contrivances, the justices of these courts gradually usurped the jurisdictions of each other, with a view to the profits of the proceedings. It is probable, that the Court of Chancery owes to this cause the retention of the judicial functions to which chancellors have clung for so many centuries. Instead of sending new writs to be tried in the respective courts cognizant of the matters, the court determined the cases upon its own judgment, only so referring to those courts when a matter of fact was to be tried which required the intervention of a jury.

At very early periods all the courts were filled by ecclesiastics or *clerks*, who were the only lettered persons in the country. Hence the similarity of garb, and some other points of resemblance. But after a while, when other classes had obtained a share of literary knowledge, the clerks were ousted from the general courts, and confined to their own or the ecclesiastical courts.

Thus has arisen the law, and with it the different procedures of our courts; so that we have one law and one form of procedure in our courts of Common Law; another law and another form of procedure in our courts of Equity; and another law and another form of procedure in our Ecclesiastical courts.

It would be endless to detail, even in short hints, the differences of law, custom, and procedure obtaining in all the other courts of justice scattered here and there in different parts of the land; some the creatures of statute; others of the ancient Saxon law; others of the Feudal law; and others of mere custom or usurpation, springing up no one knows how or whence;—at one time in abeyance; again, revived; to be again in abeyance, and to be revived again.

These courts bear no relation to the growing prosperity and extent of population, in the different districts where they were originally placed. They have been suffered to remain, or to die; though the population, once numerous and thriving, may have sunk into the few inhabitants of a petty hamlet or village, or on the other hand, great towns, cities in extent and importance, have arisen, and are without the first elementary conditions of government, the means of readily enforcing the law.

The Reforms contemplated and proposed, and the reports already made, though they form a very unsatisfactory beginning of politic Law Reform, are yet valuable testimonies of the incongruous, rude, and unworkable nature of the existing machinery of English judicature.

The Justice of the Peace, who would be regarded by many as presenting in his individual capacity a functionary for the administration of smaller matters of justice in the country, answers in a very slight degree to this supposed useful capacity.

His appointment is in the Crown; and it has been usual to appoint none, who were opposed to the government, or to the politics of the ruling party.

His qualification is property, and local influence arising from property; not personal merit, intelligence, or learning.

He is unpaid, and therefore does his duty only when and how he pleases. His business, or his pleasures, may call him

to the metropolis, to the county-town, or to field sports, and the seat of justice is vacant.

Many districts do not furnish a person who is not a clergyman; and this functionary in accepting the office, quits his higher character of peace-maker.

In the Petty Sessions, the matter is hardly better; there may be a court or none. The suitors who have wended their weary way to the hall of justice at the summons or by the appointment of the magistrates, may find nobody to do the bidding of justice.

At the Quarter Sessions, a chairman is usually appointed, of sedate habits, and whose early pursuits as a barrister have given him some qualifications; but not unfrequently the voice of the clerk governs the court; and in the most favourable case, the chairman is associated with many who are unfitted for the office of judges, and whose votes will overrule his learning.

On the justices of the peace, the legislature for want of better instruments has devolved the administration of many laws, totally unconnected with the preservation of the peace; such, for instance, as the allowance of poor-rates.

The Coroners are charged with the duty of presiding at inquests; and have some of the functions of the sheriff, in the absence of that officer.

The Sheriff is charged with the execution of the decrees of the courts; it is his duty to serve writs, to arrest offenders, to take cognizance of the gaols; and on some occasions he presides in courts of inquiry. Thus, when a defendant suffers judgment to go by default, that is, admits the claim, but the amount of the damages is to be ascertained; it is his duty to execute the writ of inquiry with the aid of a jury.

The courts of Conscience, courts of Requests, and small debt courts, are courts of the same description for the adjudication of questions of small amount.

Of the minor ecclesiastical courts, there are the provincial courts in the jurisdiction of the bishops of the diocese and the archdeacons.

Manorial courts, in which the steward of the manor presides; but these have grown into disuse.

The fault of all these jurisdictions is the absence of unity;—the want of subordination to one pervading principle. The clashing, the limitation of jurisdictions; a gradation of appeal in some cases through many courts, and the total want of it in others. This last defect seems to have been produced in our legislature, through dread of the other, the gradation of appeals;

as it is sometimes made a special provision that there shall be no appeal; a specimen of legislative wisdom befitting an unreformed parliament. For the manifest inference is, not that the right of appeal should be taken away, but that its cost and delay should be removed by an amendment of the machinery of the appelland jurisdiction.

The superintending or appelland jurisdiction of these courts rests in the House of Lords above all; in the court of King's Bench over the judicial acts of the magistracy; and in the Home Secretary over the police. The Lord Chancellor has the appointment of the provincial magistracy.

The story is an old one; that the House of Lords practically surrenders its powers to the Chancellor and one or two law lords who take an interest in the business, and are amenable to no control, being irremovable by any manner of means. In this respect they differ from the Judges, who may be removed on an address from both Houses of Parliament.

It is true that the Chancellor is assisted according to a rotation rule by two lords; perhaps a bishop, with a gambler and prosecutor of turf pleasures; a youth of twenty-one, with a debauchee of fifty.

To this court all the discussions of the learned judges of the courts of Westminster, of Edinburgh, and of Dublin are brought in the last resort; and submitted to the final determination of men, who are ignorant of the very principles of their decision.

The Privy Council is the court of Appeal, to which are brought the decisions of the colonial courts. This too is a nondescript court, composed of all and sundry, legal and laymen, who for political or any purpose may be constituted members of the Council. Irresponsible like the Lords, their works are of the same likelihood. By the Bill now before parliament, very important ameliorations in the working of the judicial functions of the Privy Council will be introduced. This regards our foreign possessions, and not the home judicature.

There are inferior courts of Appeal; for instance, the courts of King's Bench, Exchequer, and Common Pleas form courts of Appeal, from the decisions of each other; the two courts whose decisions are not in question, being the judges of the questioned decision of the other. Every court of Common Law may be said to be a court of Appeal from the decisions of the juries; and the appelland jurisdiction is exercised by granting new trials.

In every, appeals are carried from the vice-chancellor or
VOL. XIX.—*Westminster Review*.

master of the Rolls to the lord chancellor. The origin of this is, that as the lord chancellor was the secretary of the king, the master of the Rolls was the secretary of the chancellor; and the matters first referred to the Chancellor by the Lords for his decision, came, as the custom ever has been, to be transferred by the great man to *his* great man.

The vice-chancellor's is a court of very recent appointment by Statute; and the wisdom of our legislators, with a view to assist the presiding judge, in Chancery, ordained that the Assistant should be subordinate, and his decisions reversible by his superior. The consequence has been, that the inferior judge has only assisted in increasing the labours of his superior, whom it was the object of the legislature by this oblique measure to relieve.

In the court of Chancery there is an inferior class of functionaries, who were a species of under-clerk under the Master of the Rolls. To these men many matters came to be referred, and by long usage *are* referred, and from them appeals are given to the courts; thus a Master decides upon a matter referred, this is carried by appeal to the Rolls or the Vice-Chancellor, and from them to the Chancellor.

These are illustrations of the system; if system it may be called, which has no symmetry,—is composed of the most incongruous materials, clashing with each other, and producing endless contradictions of principle and practice.

This is the system by which our legislators seek to make the machinery of justice—prompt—certain—cheap. The whole is so beautiful,—and like unmatched ware in a collection of china, so *recherché* by very reason of its petty contrasts and discordancies,—that our learned legislators propose to continue it in all the richness of its confusion. It is true, to continue the figure, there is a saucer here and a cup there, broken, or one too large for the other; but it is enough if the cracks are patched, or another is procured which will stand in the other, without jeopardising the ware by its insecure position. Let us rub on,—mend this little fragment and the other, and put them together so that the rude carelessness of a man of no *virtù* may not throw them down;—it is enough if they are kept for the present free from curious molestation. Thus do our legislators rub on, only just fast enough not to be thrown down by the throng of energy pressing behind them; sufficient for the day it is with them the good thereof. They seek to satisfy by a little bit of concession, and a little bit beside; as they dispose of duns by part payment, with the certain knowledge that in a little while their faces will again be at the door.

Let the following extract from the copy of the Commission prefixed to the Fourth Report of the Commissioners to inquire into the practice of the superior courts of Common Law, witness the truth of these allegations.

After the usual greeting from His Majesty the King to the Commissioners by name mentioned, it proceeds to describe and limit the object of the Commission;—which in terms is, thus:—

‘ Inquiry into the course of Proceeding in Actions and other Civil Remedies established or used in Our Superior Courts of Common Law in England and Wales, from the first process and commencement to the termination thereof; and into the Process, Practice, Pleading, and other Matters connected therewith, and whether any or what parts of the proceedings aforesaid, or any of them, may be conveniently and beneficially discontinued, extended, altered, or improved, and what if any extension, alterations, amendments or improvements may be beneficially made therein, and how the same may be carried into effect; and whether and in what manner the despatch of the General Business in Our said Courts may be expedited, and also to make a diligent and full Inquiry into the present Law of Arrest or Imprisonment on Mesne or Final process in Civil Suits between Subject and Subject, and the effect thereof, and also into the Law of Evidence in such Suits, and whether any alterations or improvement may be beneficially made therein, and in what manner.’

The commission prefixed to the report of the Ecclesiastical Commissioners runs nearly in the same terms; terminating, however, with the direction to inquire how the proposed beneficial alterations may be best carried into effect.

Similar Commissions have been issued for inquiry into the court of Chancery, the courts of the Duchy of Lancaster, and the Law of Real Property.

Each of these Commissions is directed to the particular subject of them exclusively, and without relation to the general principles of jurisprudence and to each other. There has not been appointed a Commission whose object should be to execute this enlarged and manifestly first object of inquiry. As subordinate branches of such paramount Commission, acting with a view to its general object, such particular Commissions would doubtless be useful, and even necessary. But the object of all of them appears to have been, not to correct the general machinery of our jurisprudence, but to preserve each branch of it in its existing state of anomaly as regarded the other branches. The Reports are valuable, but only as materials for the labours of enlightened jurists. With one exception, they seem not to have had regard to the labours of those who have written on Law Reform. Acting on the prejudices of practical men, they have occupied themselves with deviations from small rules of practice,

without the aid of large views of what should be the scope and prime object of the legal machinery.

But if the men appointed to these important labours had been charged, or charged themselves with this higher task, it would have been a vain thing. Men in the active prosecution of great professional practice could not bestow the labour on the undertaking which its full performance involves. The leisure moments of such men are few and hurried. Wanting opportunities to study and digest what the labours of many minds have sought out, exhibited, and anatomized in the course of long lives, they must either take up bodily the suggestions of such men without understanding them, or without an effort to understand, report them *en masse*.

This necessity, which by any foresight might have been predicted, has been shown in the result of the labours of these Commissions. They have reported, but their suggestions rest not upon principle; or if here and there principle is appealed to and relied upon, in other parts of the same work there is found a constant effort to reconcile themselves to fictitious practices and mere usage by a strained reference to expediency, or by a mere pleader-like torturing of the principle.

These Commissions instead of popularising the subjects submitted to them, have overwhelmed them; and their suggestions made years ago are tardily adopted or postponed indefinitely, because the public mind which is the sanction of general law has not been made to comprehend and appreciate the objects of such suggestions.

This ignorance on the part of the public, produces or suffers to exist similar ignorance in the Representative. Indeed while men are chosen merely from their local influence, their presumed wealth, their gallantry to wives and daughters, or because they promise much and everything which has a seeming to be advantageous to the voters own petty interests in opposition to those of the community;—it is not to be expected that the wisdom of philosophers shall shine in the legislature.

But again it may be said, it is for those who have the power to do aright, to propose the means whereby these defects in the legislature may be cured.

The slow and partial progress of Law Reform gives no prominent immediate advantage to the public, while it consumes the man whose trade is law. Hence opposition; which would be avoided or overborne by a prompt change that gave the promise of immediate good. For though the public have not that minute and technical knowledge which should show them the advantage of each of the microscopic changes which now make the mea-

sure of Law Reform; yet they have the intelligence which would enable them to understand a great, simple, and comprehensive measure, applicable to all alike without distinction of place, or person, or subject matter, or occasion.

The Reform Bill, restricted as it was, yet through the largeness of its features was recognized in all its virtues by most of the community. The only parts which at all puzzled them, were those in which fanciful and irrational distinctions and qualifications were created.

The ministers of this day have the power;—Lord Brougham who has taken the highest seat of justice has the power to propose and to carry into effect the largest and soundest system of judicature; if the ministers, if Lord Brougham have the will.

If the want of machinery in the legislature,—such as an appropriate division of labour among portions of the House of Commons under the name of committees,—obstruct the progress of improvement, then have ministers the power to remove this obstruction by proposing its removal. The majorities which from long habit have leaned on the leadership of government, have not yet acquired self-dependence. However they may be secretly opposed to good, they have not yet acquired courage openly to thwart it.

If the ministers dare not or will not remove the obstruction within the House or honestly attempt it, they have it in their power to remove, out of the House, another obstruction to Law Reform,—the want of a regular superintendence over all the branches of judicature, and the employment of law officers who draw their incomes from general practice, and whose public duties are therefore neglected. The great law officers are the Lord Chancellor, and the Attorney and Solicitor General. The first is engaged throughout the day in the courts of Chancery or the House of Lords, and in the evening in the House of Lords. In the latter part of the evening, as the house rises early, he is probably engaged in preparing his decisions on the cases which he has heard in the course of some past days. The Attorney General and the Solicitor General are usually fully employed in the courts. Their rank in the profession, and above all their political importance, draw to them a great mass of business. Besides their engagements in the courts, their time must consequently be otherwise much occupied in reading their papers and in consultations. In addition, they are referred to by the government in its several departments for their opinion in cases of doubt. Out of all this occupation they have to contrive to give attendance in their places in the House of Commons.

The Solicitor General some little time ago expressed his alarm at the number of proposed changes in the law announced; as if the changes were to be postponed for the convenience of the government. If these functionaries find it impossible to discharge their duties with a due attention to their private interest, they ought to show this to the country, and claim a separate salary, proportioned to the emoluments of other offices of equal rank, or at least to the labours of their own. The Lord Advocate of Scotland is placed in the same dilemma as the English law officers. Instead of attending to his public duties, he is obliged to eke out his subsistence by attending upon appeals in the House of Lords. The plain consequence is, that Scotch Reforms progress with the same tortoise-like speed as the English.

It is necessary that these officers should be exclusively devoted to their public duties; and the arrangements would be more economical than at present. Nothing is so injurious to the jurisprudence of a country, as that its law should be in a state of doubt. If a change is fit to be made, it should be at once considered and determined upon; and not the accumulations of years allowed to rise in testimony against the inefficiency or neglect of the public functionaries. There are grievances in the law confessed for a hundred years, which remain unaltered. Some power should exist in the state, whose duty it should be to take note of them as they arise, and on their being clearly ascertained to suggest an appropriate remedy. All this is now done by the grumbling process. The public feel and grieve, and after feeling and grieving without hope of remedy, the growl and threat of resistance arises, and then the governors yield through fear, what in their wisdom they had denied when the storm did not hang over them. Success to grumbling! It is the staff of life,—the thing to which

‘man owes

His portion of the good that heaven bestows.’

In what have the elaborate reports of the Commissions issued, and what has been done upon the subject that was promised? The amendments of general law, the General Registry Bill, the Limitations of Action Bill, the Fines and Recoveries Bill, the Curtesy of England Bill, the Dower Bill, the Inheritance Bill introduced into the House of Commons by the present Attorney General Sir John Campbell pursuant to the suggestions of the Real Property Commission three or four years ago, are still before Parliament. The government which ought to have lent its utmost aid to give weight to these measures,

has held back, and these improvements have had to struggle with all the ignorance, and the repugnant selfishness or apathy, which characterise the English gentry.

For the amendment of the proceedings in the courts of Common Law, the Judges have made sundry regulations, abolishing the most glaring absurdities in practice, and an Act was passed in the last session to establish a 'Uniformity of Process' at the commencement of actions in the different courts. A Bill was also introduced to facilitate the reference of causes to arbitration, but the Bill failed.

In the present session Lord Brougham has introduced a Bill to carry into effect many useful suggestions of the Common Law Commissioners, in the practice of the Common Law courts. The principal fault in this Bill is in the provision which confides to the Judges the power of legislating as to pleading. Have they not enough to do? Will men without motive, of little energy of will or intellect, task themselves to invent the remedy, or can they find the leisure and the quiet of mind which shall qualify them to dwell and reflect upon their subject? Will simplicity gain by entrusting the relief to such keeping?

Some time ago an additional Judge was appointed to each of these courts, and measures were taken to give the court of Exchequer, which had been distinguished by the small quantity of its business, a higher character, that it might draw a greater share of employment. This was done by appointing Lord Lyndhurst and Baron Bayley, both skilled lawyers, and the latter an experienced Judge of unswerving integrity, to the bench of that court. The arrangement has had the desired effect.

Still, however, the courts of King's Bench and of the Exchequer are charged with full occupation, while the court of Common Pleas is comparatively idle. An arrear of several hundred causes remains in the court of King's Bench. Why should not the Common Pleas be called upon as often as the emergency arises, to aid the overburthened court? The only reason to be assigned is that the system continues these courts with separate and distinct jurisdictions: The whole Common Law judicature should at least form an entire court acting together.

In the Chancery division Lord Brougham has separated the Bankruptcy jurisdiction to a great extent from that of Chancery; and, with exclusion of the absurdity of the numerous bench of Judges to do nothing, and the gradation of appeal, the court has been of great service. Under the system of anomalies, it may lay claim to be classed with the most excellent parts of it.

Some years ago the Lord Chancellor Lyndhurst made sundry orders regulating Chancery practice, conformably with the Report of the Chancery Commissioners. They produced some good, but were in general trivial and troublesome reforms, not going far enough, and yet perplexing old matters.

The greatest improvements about that time were the sitting of the Master of the Rolls daily in the morning, and compelling counsel to practise in different courts instead of running from court to court, disappointing both judge and suitor by being out of the way when the cause came on to be heard, or doing that hurriedly and by halves, which required both patience and full attention.

The Lord Chancellor still kept alive the confusion. His duties in the Lords, in the Cabinet, and in Chancery, could never be completely reconciled; and many barristers were put to great difficulty in fixing upon their court, for they could not afford to practise in a court which only sat half its days.

It was suggested at the time, and Lord Brougham's new Chancery Bill proposes a somewhat modified plan, that three out of the four Judges, supposing an increase of one Judge for the Bankruptcy jurisdiction, should sit together during three days of the week on appeals from the decisions of the fourth Judge, while the fourth Judge was employed on mere motions of practice relating to matters in the province of their courts. In this manner the counsel would always be fully employed; those of the court, appealed from, in the Appeal court; and the others, before the fourth Judge. On three days the Lord Chancellor would sit in the House of Lords.

Lord Brougham's reforms, as far as they go to reform the Chancery court, are full and ample. The abolition of copy-money in the Masters' offices, and the payment of those functionaries by salaries instead of fees, will lead to larger practical improvements than meet the eye. The constituting a certain number of them a court determining by way of instant appeal from the decisions of single Masters, will keep the rules and practice of these capricious personages that have been, in some uniformity, and save a great deal of time. But it is a question which should never cease to be pressed, whether the court of Chancery should not be restored to its original position, and the distinctions between courts of Law and Equity, as they exist, abolished. All that is fixed and certain in the courts of Equity,—which is determined by rules as unyielding as those which prevail in what are technically called the courts of Law,—should at once be transferred to the latter. The court of Chancery should exist only for the purpose of

administering relief where the law has provided no remedy. This rule is still preserved as a fiction in its pleadings. There is not a single matter brought under the cognizance of the courts of Equity, which might not be adjudicated upon by the courts of Law, if they had a similar subordinate machinery.

This is no freak of fancy. The absurd distinctions which obtain, lead often to great injustice. It is certain that the procedure is most costly, and often unnecessary. In short the law reforms should have begun with an inquiry into the real differences between law and equity; and whether both law and equity might not, and ought not to be, administered by the same judicature. All the minor law reforms will be inconclusive and inconvenient, until the bases of the system are founded on the truth. There wants not experience now, to show of what materials the system should be composed. Ages, and the examples of other countries, supply the materials; and the patient thought of men whose lives were spent in the study of the subject, have unravelled the mystery, and displayed the plain principles on which the system should be rested.

Leaving the court of Chancery and the other law reforms,—amendments of things as they are,—let the Local Court Bill be considered. This is a great stride; but does it rest upon principle, and is it likely to be found to be the thing desired, on the experiment to which it is proposed to be subjected?

It is limited to matters of 20*l.* value, and excludes half the subjects of litigation. It is to be confined to a few counties. Its machinery is not very different from such as prevails in the higher courts; and as regards those ministerial functions which it is proposed shall be executed by the local Judges, will manifestly be governed by the rules of those courts.

As this Bill is the nearest approach to the establishment of a common-sense, universal system, it should be considered at greater length. In the above description, however, the most important principles of the measure are indicated.

1. As to the Value.
2. As to the Extent of Jurisdiction.
3. As to Policy of the Experiment.
4. As to the Procedure.
5. As to its Subordinate Ministerial Character.

It has been customary to make a distinction of cases;—courts for 40*s.*; for 5*l.*; for 10*l.*; for 50*l.*; and so on. If distinction be made at all, it should be that the aids of skill should be provided without expense to the parties, in cases of small amount. All counsel of a given standing, should be required to give their gratuitous services in these cases; and in the case of

a rich opponent, he should not be allowed to have counsel of a higher grade than his poor antagonist. The selection of these counsel might be left to the suitor, that the merits of the counsel should be declared, and this gratuitous service become the means of his elevation. The unsuccessful party should be made to pay a trifling fee whenever his suit was wrongful, which should go to form a fund applicable to the purposes of the court. To the junior members of the bar, who live in despair of advancing from want of the opportunity of displaying their powers, and lose what they know by want of practice, an arrangement of this kind would be a blessing. Lord Eldon was thirteen years before he got a brief which gave him an opportunity of showing his powers; and such were his prospects at the time, that he seriously thought of going into the church for the sake of a living of 100*l.* a year. The accident of his leader suddenly falling sick, made way for him, and he profited by the occasion. How many men at the bar have sunk in utter hopelessness from this cause.

But the Bar are not the parties to be principally considered. The community must be provided with the means of just judgment, wherever and whenever wrong is done. To the poor man, the money value of whose suit is 1*l.*, the object may have the highest value,—it may be his all. This then is the measure;—the all of the poor man is equal to the all of the rich. It is manifest that both have a similar interest in justice.

Then as to the skill required. The complexity of facts does not proportion itself to amounts of value, but is the result of circumstances. May not, in this view, the poor man's suit require as much skill as the rich man's?

Liability of temptation to wrong judgment,—to bribery, and purchasing of partial judgment,—is assigned also as a reason why a better man, a more learned man, should be the judge in the large suit, and the inferior, the less learned man, in the small. But is there not risk of equal bias. May not the rich man be the defendant oppressor, in the suit whose amount is small? His love of power, his eagerness for success, would prompt him to use the same influence as if his suit were with an equal.

Then it will be said, more learning is necessary to try the larger suit. But how so? does subtle law only concern large amounts? And if it be so, should not the legislature remove the subtlety?

Practice is the means of Judge-making. Give a man causes of all dimensions to try; and his skill will soon rise to the highest, and not be above the smallest. Dignity of the courts,

forsooth, that cannot determine matters beneath 40*s.* value! Justice has no dignity but itself, Justice; and is competent to all things that are just.

There is a cause which makes Judges dear and hard to find; and that is, the monopoly of the bar, of which more shall be said hereafter.

As to the Jurisdiction,—it is provided by the Bill, that it shall not extend to any cause 'wherein the title to land whether freehold, copyhold, leasehold, or other tenure whatsoever, or to any tithe, toll, market, fair, or other franchise, shall be a question, unless both parties shall sign a memorandum stating that they believe such title to be in question, and are willing to have it tried by the Judge of the Local Court.'

Subject to the above limits, the jurisdiction of the court is to be extended to actions of debt, trespass, and trover for 20*l.* (the poor man whose debt rises to 21*l.* or 30*l.*, is to be doomed to the more costly mercies of the superior courts,) and actions of assault, false imprisonment, slander, libel, seduction, crim. con., and all torts to person or personal property, where the damages laid do not exceed 50*l.*

It proposes to establish a Reconciliation court; and constitutes the local Judge, Commissioner of the Bankruptcy court, and Examiner of the Court of Chancery, and of the Equity side of the Exchequer.

The Bill introduced originally in the House of Commons and afterwards in 1830 in the Lords, proposed that these courts should try actions, where the debt did not exceed 100*l.* Questions regarding legacies to the amount of 100*l.* also came within their jurisdiction, and an Arbitration court was annexed. Lord Brougham has changed his mind on these points since he came into office.

Many words more need not be said on the absurdity of limiting the jurisdiction. If the Judges are competent to the decision of one class of cases, their competence will be equal to others. At all events, it is the duty of the Executive, selecting the Judges, to appoint men nowise deficient. The sure effect, however, of confining their decision to matters of small amount, is to render the Judges, in the eye of the public and of the profession, inferior and incompetent. The provision as to the trial of those cases which both parties shall consent to be submitted to this tribunal, will seldom be taken advantage of. Men litigating with each other can be seldom brought to agree on the most reasonable suggestion; and assuredly, the litigious and rich oppressor, or fraudulent debtor who whatever may be the event of the trial cannot pay, will not hesitate to carry the

cause to the tribunal of superior costs. Litigants ought to have no choice. The state is bound to supply fit functionaries. These being supplied, the freaks of caprice should not have room for play to the hinderance of justice.

The next point. The experimental part does not fall short of the rest in absurdity. Why experimentalise? Is the concoctor of the Bill so ignorant of the objects of jurisprudence, as to feel himself incompetent to the correction of the system? When the experiment of this portion of amendment has been tried, is the next to undergo its term of probation? But what shall be the duration of the experiment? Is it to be one, two, or three years, or ten, or a quarter of a century? And if a war break out, or Lord Brougham be driven from office, or new topics and new interests occupy the public mind, when, and by whom shall the beginning of Lord Brougham's work be carried on to completion? From the reign of Edward VI. and earlier, the history of the country furnishes examples of attempts to mend the system, which the accident of a king's death, or other cause, has frustrated or postponed for centuries.

But the experiment is an absurdity. It is to be tried here and there. Now it may be shown that the very value of a universal system is the aid which one part can render to the rest, that all may contribute to the administration of prompt and cheap, and certain justice. This may be illustrated by the provisions for the examination of witnesses and of parties; where there is a strong manifestation of disregard of principle. In ~~trials~~ before the Judges in ordinary, the presence of the witness is required upon the trial. But where the matter is part of the proceedings in the courts of Equity, his presence in the courts of Equity is not required, but his examination by the Judges of these new courts will be sufficient. The absolute rules in both cases, cannot well be correct in principle.

In all trials at law, the cost of witnesses is one of the chief oppressions; and there is an injustice and substantial injury often committed towards the witnesses. It is a grievance of great magnitude, to be carried an immense distance from home, at whatever cost of time, or injury to private concerns, for another man's good. If it be necessary, therefore, that justice be brought to every man's door, it is also necessary that he be not carried from it. One reason for the great metropolitan monopoly of justice is, that the merchants of London having dealings with persons in all parts of the country, ought not to be required to carry themselves, their clerks, their books, to a distant province, whenever it is necessary to recover a debt from a man residing there; which, besides the inconve-

nience and more than pecuniary loss which it would cause to the business of the creditor, might also call upon him to have clerks, and books, and himself, at two places at once.

Common honesty will find a remedy for the grievance. Why should not the local Judge, having examined the parties to the suit, and come to an understanding of the case, require the party who wants the presence of the witness, to give interrogatories to the points which he expects the party to prove. These interrogatories might be forwarded to the Judge of the district where the witness resides, who should forthwith summon the witness, put the interrogatories, inspect his books and documents, and add such other interrogatories as would occur to himself. The examination would of course take place in the presence of agents of the parties, who should also have the advantage of examining and cross-examining the witness.

The same course should be pursued where the parties to a cause reside at a great distance,—beyond a day's journey, and within another district.

The Judges accustomed to examinations of this sort, would soon prosecute them effectually. But in especial cases, where the party equivocated, or the evidence was of that nature that the personal attendance of the witness at the trial could not be dispensed with,—the party requiring the attendance should be compelled to pay, not only the travelling expenses and the expenses of maintenance, but a fee for the inconvenience resulting to the affairs of the witness by his being torn from them.

At the very moment that Lord Brougham is introducing his Local Courts Bill, he is bringing in a Bill for 'the further amendment of the law, and the better advancement of justice,' which though it contains many excellent bits of reform, sanctions and perpetuates many of the existing absurdities of the Common Law courts. If the procedure of those local courts be adequate to the objects of their jurisdiction, it would require all Lord Brougham's skill in explaining a compromise, to show why the same procedure should not be extended to what are facetiously termed the Superior courts, or courts where justice is placed so high, as to be beyond the reach of the poor man, and not easily obtained by the rich.

To a mind conversant with the subject, and bent on the attainment of good and having withal the power, it would not be difficult to settle the procedure in a cheap and practical form. The simple plan would be to consider what is the process for trying any case, or every class of cases; and having determined upon that, then to fix upon a district and establish there a court, and simultaneously in another district another; and so through.

out the country. The plan sufficing in one place, would not be of less efficacy elsewhere. Having established in all districts the same species of courts, governed by the same rules, proceeding in the same forms, restricted only in the local limits of jurisdiction, and even acting when the case should require as the agent of other jurisdictions; there would remain to establish the superintending jurisdiction,—the court of Appeal. This should be one over-riding the whole; to which all subordinate jurisdictions should conform in rule, in form, in principle.

It is manifest that the first condition is not difficult to be complied with. There is a party complaining, a party complained against; there is the matter of complaint, a thing done, or not done; there is the place at which it was done, or ought to have been done; and there is the time. All these things should be stated as the facts were, in the declaration; and the plaintiff should be bound by it substantially and in terms,—that is, the court should read it as the language employed in it ought to be read according to the common usages of society and the plain meaning of the words. The plaintiff, whether sworn or not, should be examined and cross-examined. His declaration should be his testimony. The defendant would deny all these matters,—the thing done,—the place, time, and every particular; and he too should be bound substantially and in terms by his plea, and if not sworn, should be examined and cross-examined, and his plea should be his testimony. So of the reply and rejoinder. Then comes the evidence; all this is plain. Every sort of witness should be admitted without restriction. The jury should have all the opportunity of forming their opinion, which the circumstances will admit; and to promote this, should have a copy of the pleadings in the box, and should consider the evidence in reference to the allegations in the pleadings.

Such a procedure would be applicable to all cases, actions for debt, for breach of promise, for trespass, for recovery of property wrongfully withheld, to libel, to divorce cases. The after process, this being accomplished, is simple, and such as has been described.

Does the plan adopted in the proposed Local Courts Bill answer to this description? Will it have more simplicity than the other courts, or even as much? In some respects it will; in others it will have all the vices of the present motley jurisdictions. What can be more absurd than the endless discussions about jurisdiction. A court of justice should be enabled to entertain every class of case; and if it have not been shown already, there would not be much difficulty in the task of

showing that it is not possible to instance the subject matter for adjudication, which is not capable of, and does not require the same method of investigation. . Even matters of account,—the bugbears of our clumsy jury system,—might be mastered if lawyers would bethink themselves of the means most fit for an end; which cannot be expected if they will not or cannot understand the end. In these cases the jury might, by taking the proof on each item separately, go regularly forward as a man of business would do; but this would not be the lawyers method; all the proofs of all and sundry the items, must be produced by the plaintiff; and then all the proofs by the defendant against all and sundry the items, gone through; mass of proof against mass of proof; confusion against confusion. There is not a question which comes before a Master in Chancery which might not be disposed of in the same way; the work of months in one or two days.

Besides the judicial functions given to the judges of the Local courts by this bill, they are constituted ministerial officers of the courts of Equity, and of the Bankruptcy court. This is probably the great defect of the bill. It should be its object to establish a practice as simple as may be; but these new functionaries will be burthened with the different systems of practice of those different courts. Moreover, the district must be very small, or the amount of business inconsiderable, which shall permit these judges to perform such minor ministerial duties; requiring as they will, to be promptly executed, and with very close and continued attention.

This arrangement is a jumble of a better idea. What is wanted is, that each district should be supplied with its commissioners of justice, acting under the orders of the courts, to whom all persons might resort to perform legal acts, of which the law as in the hands of justices of the peace furnishes abundant instances. These officers might execute examinations, perform the duties of commissioners, receive oaths, and authenticate, as used to be the practice with notaries, public and private acts. They might supersede the coroner, who travels at great expense from one end of the county to the other; and they might be the keepers of the registers of births, baptisms, marriages, deaths, and other legal records. Moreover they should perform the duties of public prosecutor; and when statistical returns are required, they would be the intelligent parties to whom to apply for returns having some chance of accuracy.

These are only a small portion of the duties which such officers might be entrusted with. Almost every Act of Parlia-

ment connected either with the local administration of justice or local government, evidences the necessity of the presence of some legal functionary competent to put in execution its machinery.

Without such subordinate machinery, Lord Brougham's Bill will create an unmanageable, over-crowded, and unsatisfactory set of courts, vying after a little while with their superiors in all the inconveniences of delay, and its consequent irregularity, and cost, and obstruction to justice.

Why should not the registry of deeds be connected with these courts? Why should not wills be proved in them? The wisdom of our ancestors consigned the latter to ecclesiastics, and though all the provincial ecclesiastical courts are to be abolished, yet one huge monopoly is to be created in London for this class of business; and the same veritable scheme is proposed for the general registry?

To anybody who has accustomed himself to look at one thing in its connexion with another, it is plain that these reforms might be made mutually subservient to effect their purposes.

Again, why should divorces be open to the rich, and practically denied to the poor? Why should not this class of litigation be open to them, if there is any propriety in its being open to their betters? Are all things to be measured by money?

It is impossible to enumerate all the incongruous absurdities which grow out of the establishment of different schemes of justice for the rich and the poor, and the establishment of jurisdictions limited in anything but locality. And yet all these things are passing with the people for grand ameliorations; and their radical champions suffer them to go by as dead and dry matter to them. It is a fact known to all who watch the doings of parliamentary men, that these bills and such as these, are not even read by the loudest talkers, before they become by their sanction or connivance the law of the land. In a recent debate on the 'Law Amendment' Bill, forty-two members formed the House present. Yet they who are busy in taking note of divisions,—of the present and the absent,—took none of this, as important as any other matter, involving as it did the first element of government, the administration of justice.

It would be wiser to give one year more to thought, and digesting plans, than to hurry forward rash measures. Simplicity and universal applicability are the rules by which all plans of jurisprudence should be tested; and only *one plan* should be adopted; a plan comprehending one jurisdiction; a jurisdiction including all things; one jurisdiction acting by the agency of subordinate machinery and superintending and controlling the whole. One

method of procedure applicable to all things litigated; the knowledge of which should be the least of all the learning to be acquired by the lawyer.

In addition to obstructions to Law Reform incidentally mentioned in the foregoing remarks, there are a few more which have grown up to an important degree of mischief; and, whether cause or consequence of others, have outstripped their parentage, and contribute so largely to foster other abuses, that it is worth while to consider them separately. Such for instance are the monopoly of the inns of court, and the consequent monopoly of the London bar; the monopoly of the London attorneys, and the tax upon them; and the mode of remunerating all classes of the profession; the want of a sound legal education among lawyers, inasmuch as it is founded upon an ignorance of jurisprudence except so far as it is taught by our own laws.

In a legislative view the backwardness of Reform may be traced to the ignorance of our gentry in matters of law, and the want of regular returns in judicial statistics.

The neglect or unconsciousness of the writings of Law Reformers and of the laws of other countries and their practical effects, are but fruits of the indifference resulting from such ignorance. It was but the other day, that 'a legislator' asked in the House of Commons, what use there could be in referring to the effect of laws in other countries.

At this day, when all monopolies are arraigned, on what pretence is the monopoly of the Inns of Court continued? The public derives no benefit from the perpetuated abuse of these societies. They have no regard to the instruction or discipline of their members; and nobody pretends that they are of service to them, except as they preserve the *gentility* of the profession. It is a sort of rank, which men seek after in order to gain a position above their fellows. But how is it attained? By study? By scholarship? By eating mutton? Not even by that, but by the mere payment of fees. Anciently, the dinner was the refecton of the wearied spirit after study in the schools, and precluded a lecture by a reader. Now, a man may reach the honour of a membership of an Inn, by keeping so many terms, that is, paying 40*l.* or 50*l.* a year for three or five years, besides depositing 100*l.* as security, for which he receives no interest.

Much outcry used deservedly to be raised against the granting of the diplomas of the Scottish University of St. Andrews; but was that worse than this cherished system of buying admission to the bar?

A man who receives high rents, or a high salary, or shares in the contributions the nation makes to keep up slavery, or divides

the profits of the China trade, or any other man who is well to do, may ask what is the importance of 40*l.* or 50*l.* for three years or even five, with the addition of 100*l.* besides; the whole does not amount at most to 400*l.* But to this must be added the cost of a man's living for the same period, which will be 600*l.* or 1,000*l.* more, with perhaps premiums to men at the bar to teach what the inn neglects to teach though it keeps the fee.

This is not the whole grievance. It will be said, there are already more men at the bar, than can there pick up crumbs to eat. True. This is the natural result of monopoly. Its cherished condition draws many to it; until the temptation has brought together so thick a throng that the advantage is all too small for division among the craving competitors. The only final result of the monopoly is, that there are ten lawyers where there ought to have been five. The bar is thronged; but not by men of the right sort. This will be understood by considering that the bar is, as regards those already admitted, an open competition of talent; not of the mere vivacity of a lively intellect; but of that talent which implies research and great personal labour. Now the gentry who throng the bar begin with habits not the best fitted for studious exertion. Their talent is not of a high order; it is the common average talent of men educated at the great schools and the universities. The deficiency of power is sought to be supplied by technical skill, and the acquirement of a tolerable knowledge of mere English law. Imagination, vigour of intellect, eloquence, large views of jurisprudence, or bare knowledge of civil law and the laws of other countries,—even the customs of their own country, and the laws of Scotland and Ireland,—are a dead letter to the greater number of English lawyers. They are mere technical hacks.

Whence is this? The youth who has passed from the great schools to the universities, proceeds at once to the chambers of a pleader or a draftsman, and there drudges for a year or two, and is called to the bar.

His time and talents are then devoted to patient listening to the discussions of the courts, until the time comes when a friendly attorney shall risk his client's case, by entrusting it to a man whose powers have rusted by want of employment, or been warped by disappointment, or by dissipation, or by misdirected studies. The courses of the Inns of Court provide no means of calling out and exhibiting the powers of the student. He may be learned amongst the learned, eloquent and skilled in all the powers of an advocat , yet is he unknown to the public because

he knows no attorney; his father is not, it may be, a rich landed proprietor, who has a country steward to speak his merits to his town agent, and try his young efforts at the Assizes or the Sessions.

Hence it is unsafe for the man of talent to put himself, under the present system, to the bar. Hence mediocrity of talent finds its way there on the strength of its connexions.

But it will be said, why open the monopoly, if the chances are so precarious? Precisely because the monopoly creates the circumstances that render the bar a chance. Why should the five Inns now in existence be the only societies authorizing a person to be admitted to the bar? If the bar were open to all, would not methods be fallen upon to give the student, first, the opportunity of developing his talent; secondly, of displaying what he possessed or acquired. If the Inns of courts were schools subject to the competition of other legal schools, would not they find it necessary, with a view to revenue, to attract young men by the greater advantages which they offered towards obtaining the objects of desire?

Nothing need be said of the absurdity of forbidding attornies to come to the bar; who have probably found their talents suited to the higher position, or have earned their fitness for it by a diligent and successful prosecution of the subordinate pursuit.

The truth is that the Bar, by dint of its monopoly, is a century behind all others that call themselves liberal professions. Its members are directed in what vehicles they shall ride, with what women they shall dance; and they have an ill-sounding name from the attempt to attract business by attention to subordinates, which bears on its front the effort of a majority of incapables to control the minority of able men. In no other vocation are similar precautions held necessary to keep the members up to the mark of conducting themselves with credit; even the convivial societies which enacted a fine for 'spitting in a neighbour's pot,' may be considered as superseded by the progress of good manners. The monopoly in short, creates a narrowness of feeling; a want of that generosity and vigour which would distinguish a bar open to the competition of all. The constant influx of the fresh feeling of youthful enthusiasm, would preserve the profession from that technical littleness which now distinguishes it.

Why should men whose lives have been spent in literary pursuits, in philosophical study, in foreign travel, who have gathered their knowledge from mixing among people under different laws;—why should any of these who had earned a reputation, but was without wealth, be doomed to five years servitude before he could employ his well known talents in the field of

law? To a man of well trained habits of application, it would not require many years, not two, nor one, to acquire a knowledge of law as profound as that which many men called to the bar can boast of. And such men would soon explode the technicalities and jargon, which their free minds could not brook. Not trained to narrowness after the present Chinese fashion of intellect-cramping, rules obstructive of justice would be scattered to the winds. With such advocates, and juries every day growing more and more enlightened, the law must be drawn down to popular apprehension,—the sublimity of the *summa ratio* brought to the plain level of common sense. In the popular character of the bar, concentrating in itself the highest talent of the country, would be found a constant spring of national intelligence. If, moreover spread abroad throughout the land by means of the local courts, they would become leaders of the popular mind; and men who now seek the bar for mere rank's sake, must then resort to it as the arena where they might best gather learning and skill, and strength to fill the higher posts. No blight ever covered a land producing a greater physical pestilence, than does a bigoted, narrow-minded, technical mass of lawyers produce a moral pestilence. Their influence probably exceeds that of any other class. In the legislature, in the administration of justice, in the conduct of private affairs, in the conflicts of local politics, the lawyers are the men of business without whom it seems nothing can be done. To purify this class by the wholesome corrective of the most unrestricted competition;—unrestricted by anything but the meed of public approbation bestowed on skill and scholarship approved in practice;—is a matter of national and individual concernment. Without purification, it were as wise to expect the West-Indian slave-owner to give effect to the laws which humanity should enact in behalf of his slave, as that good laws should be enacted by the legislature, or being enacted, should be kept free from the tortuous judgments of a technical and monopolizing bar. Without purification, the expressive distinction which now prevails in describing the British judicature will be everlasting; it will be always necessary to describe it as courts of law distinguished from courts of justice.

If the legal monopoly were confined to the bar, some mitigation of the effects producible and produced by the monopoly might be counted upon. But the same trammels are thrown round the lower grades of the profession. An attorney must serve five years; and, besides a premium of some two or three hundred pounds, is taxed at the outset with a duty of 120*l.* upon the Articles of Clerkship for the maintenance of the

respectability of the profession. Compute his cost of living at 100*l.* a year. The charge falls very little short of 1,000*l.* He is also charged, on admission to the profession, another 20*l.*, and 8*l.* a year for the first three years, and then 12*l.* a year afterwards. Has not such a man *paid* for a license to extort from others ?

But the folly of the notion of keeping the profession respectable is shown herein. A man who has made money, may pay a premium for an untalented son, who whiles away as he likes the term of his apprenticeship, or, if he has a strict master, is made a bag-carrier to the courts ; and at the end of his clerkship, purchases a share of a concern which he manages by the skill and learning of his clerk, whose parents, though creditable, were possibly too poor to pay the charges for apprenticeship. The respectability is of the 'gig' order. Talent, skill, learning, are not the requisites, but money. The pretence of examination which the Judges used to require is now abandoned, and many men enter the profession ignorant of the commonest principles and practices of the law. The government, attentive to its revenue, takes the fee, but neglects the duty. Thus this branch is crammed, like the other, with incompetence and folly. The clergyman, the widow, the officer in the army and navy, the artist, the numerous class of men who receive as little through life as can maintain themselves and families, and save nothing, are denied the advantages of the profession for their children ; and are doomed to see them fall into other ranks, where their peculiar talents perhaps can find no scope, and there is no hope of ever rising. This is depressing and painful to the ambitious, and injurious to the nation, whose interest is best found in nurturing the interests of the people.

The cost of educating the attorney has been computed at 1,000*l.* ; that of a barrister at 1,000*l.* also ; but should the attorney who has paid one 1,000*l.*, pay the other too ? Yet this is the effect of the monopoly. Thanks to the wisdom of kind nature, the canker is eating up the friends of the rotten system, and like Rome of old, they are falling by their own weight. But they will not see, until they have found their ruin in the desertion of the public. The causes which have made everything but law cheap, require that it should fall to the same level ; and it would do so, but for high paid Judges, and monopolizing leading counsel, who absorb the greater part of the profits, and persuade the gaping expectants that they shall all have the few prizes, which the lottery offers amidst a multitude of blanks.

Akin to the monopoly of the law, and probably the offspring

of it, is the mode of paying the profession, and its intercourse with the public.

The *honorarium*, as the profession in their love of fiction call the fee of the barrister, is often fixed by himself, and generally by a received and established rule of the profession; and there have been occasions when the bar have refused to receive as little as the case would afford. Recently, half-a-guinea was offered to a leading barrister at the Sessions, and then successively to each of the counsel, all of whom refused the proffered fee; it is believed, upon an understanding come to by a general consultation of the lawyers on that circuit. The magistrates wisely permitted the attorney to plead the case for his client; and there is little doubt he did it well enough. It would be well if this was all; but only a few years ago, a barrister whose education and habits made it unlikely he should enter into any baseness, bought a patent place, and though the class of litigants commonly in court were such as to make it in some sort hard that they should be forced in all cases to pay the fees of a single barrister, he was invited to become a party to a conspiracy, by which no suitor was to have the services of one barrister, unless he would *employ and pay for two*. And these are the men who turn up their noses at a respectable attorney. To dance with an attorney's daughter (if the rule be jocular, it is almost equally indicative of the spirit) is understood to be a crime the society takes cognizance of. A cold-blooded conspiracy for swindling deserving of the cart's tail, was what the monopoly, it seems, took no charge of. Some of the provincial attorneys display a talent of eloquence, as well as legal skill, which many men at the bar cannot pretend to. The attorneys should every where offer the lowest fee, until they drive the bar to admit them readily to their rank; or better still, have established the practice of attorneys pleading as barristers do. Nothing can be more reasonable. The attorney understands the case thoroughly, his knowledge has grown up with it; he knows all the disputed points, all the possible tactics to which his antagonist may have recourse, the evidence that can be produced; he has seen the parties, and is enabled to see how far the probabilities are on one side or the other, notwithstanding the statements of his own client; and he has examined the witnesses, and discovered their biases. By all this process gone through in the previous investigation of the case, he has obtained the key to many points that will suddenly arise on the trial, and baffle all the acumen of the barrister. Why then should he be compelled to give up the helm to a man, who can only know the case from what is told in the brief, and must almost inevitably receive an incorrect or a weak impres-

sion, and, as a story usually departs farther from truth as it passes through many channels, must necessarily fail to convey a correct or forcible impression to the minds of the jury? As well might the pilot who has sounded the same seas again and again, be required to give the helm to one who has merely traced its rocks and shallows upon a chart. Most cruelly is the poor attorney tortured, who sits in writhing agony while his counsel plunges into error deeper and deeper at every stride, and cannot, or will not receive a hint, or makes the blunder worse by a captious and perhaps loud notice of it, thus exposing client, cause, and himself, before the jury and the court. All this would be mended if the attorney stated the case and pleaded the cause, or stood in the same relation to the advocate that the junior counsel now bears, so uselessly, and even dangerously. This matter of the fee plainly shows that the bar is one powerful obstacle to Reform. If its members were clear-sighted, they would discern that the greater number cannot thrive upon the present pittance, and might win greater gains in the other branch of the profession. At all events, many of them would escape from a dignity profitless and degrading. There can be no honour or gratification in starving, and briefless disgrace.

The mode of paying the attorneys is the worst and the most fruitful engine of mischief. It causes and continues the lengthiness of pleadings. The attorney is paid for copies; it is manifest therefore that his profits must depend on the length of the originals. If the art of printing, or lithography,—but better printing, on account of its compactness,—were converted to such uses in legal practice as it might be, this obnoxious practice might be generally done away with in the profession, as it is proposed to be in the offices of the Masters in the Chancery court. If the plaintiff on filing his bill or his declaration were to print it, and then deliver to his opponent as many copies as he was likely to want in the cause,—the extreme number of which might be discovered without difficulty,—and the attorney, instead of being paid on the length, was paid a fixed fee for the transaction, there would be saved, first, one half of the pleader's fee, and next, all the costs of copying, besides a weight of paper which must considerably enhance the duty; and above all, the documents would be brought in a compact and legible shape before the eyes of court, of counsel, and of jury; for in such a case, the addition of twelve copies would be so slight an expense, that the grand desideratum might be effected without difficulty. What the plaintiff did with his declaration, the defendant might do with his plea; that is, hand over to his opponent the appointed number of copies, having retained a sufficient number for him-

self. The same thing would be done in each stage. On the trial, notes of the evidence might be taken, and of the Judge's summing up, by a short-hand writer, with the verdict of the jury. Here the whole case would be wrapped in a compact and handy size, not occupying more paper than a pretty large brief. It would be ready for the court of Appeal, and might afterwards be deposited in the archives of the court, at less expense of warehouse room than the present records, which promise to fill the country if they increase at their present rate, or are not providentially destroyed.

There are many collateral advantages connected with this plan, but the chief is the abolition of copy-money among solicitors, and the substitution of certain fixed fees adequate to the transaction. It is in vain to talk of simple pleading, as long as the lawyers are paid by the length or breadth of the jargon. Let them be paid so much and no more on every declaration, and for every plea, long or short. The client will have to pay less, and the pleadings will be intelligible to the jury as they ought to be.

The whole system of law costs requires revisal; but this is the most important part. There is, however, one point of great importance, as leading to great expense to the client at small advantage to anybody but the counsel; viz. the practice of allowing a fee on every payment of a fee to counsel, which induces many attorneys to pay the large fee to counsel, in order that they may have the small fee for themselves; two guineas or more to the barrister, that they may have their 6s. 8d. or 13s. 4d. To obviate this, the attorney should only be allowed common interest on all monies advanced from the time of advancing it, and one general fee on the whole suit or stage of a suit.

Both these practices contain the root of the evil. Suffer them to remain, and many abominations will continue, one knows not how or wherefore. If these were abolished, attorneys would come to be more nearly the honest legal Mentors of their clients; though not quite so. That will never be accomplished till the public discovers it to be their interest to pay their man of business an annual salary, not dependent on each transaction, though governed by the general amount. Paid in this way, he would cease to have a counter interest to his client. This is with the public; the rest is with those who pretend to lead the public aright, and have the power to act aright. Placed above the profession,—addressing a public which though lawyer-ridden is yet not much given to sympathize with lawyers,—everything might be done by them to correct the evil, without fear of effectual resistance.

Looking to the confused mass of evil now to be reformed,

the first step would manifestly be, to establish an official functionary, in whom should reside the power and responsibility of suggesting and forwarding the requisite measures of reform.

Besides this functionary, who may be called, as the like officer in other countries, the Minister of Justice, the Houses of Parliament, especially the House of Commons, should constitute a committee of its members, to examine and watch the law Reforms. Reform being effected, the same machinery should watch its working, and promptly supply deficiencies, in spite of the fallacy which exists in the House, that it is bad to change laws rapidly though the laws are bad,—and that, until the grievance has become intolerable, no case can be made out for attempting the remedy. What men do in their private business, is to remove a difficulty or obstruction as soon as they find it out and have discovered a remedy. But men wise in their own concerns, have an incalculable obliquity of understanding, when the same rules are to be brought into application in public matters.

The next thing appears to be, to abolish the monopoly of the bar, *i. e.* to create cheap lawyers and an open trade. Till that is done, Judges will be dear, and the monopolists will have an interest in opposing every reform.

On the first point,—the Judges salaries. First a monopoly is created, whereby a few men are allowed to reap great gains. It is then said, that these will not become Judges on moderate salaries, because they quit large practices. By whom are the large practices created? By the public, which suffers the monopoly to continue.

Break down the monopoly, and the salaries of the fifteen Common Law Judges will pay well twice as many. Bring the Equity and other Judges into the same crucible, and half the salaries of the local courts would be provided.

Upon the same rule, and for the same end, the monopoly and the heavy taxes upon attorneys, which the public pays ultimately, should be also abolished.

These are preliminaries which a wise reformer would first settle, if he would not create obstructions to his views that must thwart, retard, or overthrow them.

The preliminaries being settled, the local courts should be everywhere established, supported by an active inferior machinery of Commissioners of Justice. And they should have cognizance of every matter litigated within their local jurisdictions.

All matters actually pending in the higher courts should proceed, but not be added to by fresh matters; and the Judges of

those courts should form at once a Court of Appeal, to which all matters from the inferior courts should be submitted, and their decision should be final; thus, and for ever, abolishing the mightiest absurdity in the land, the judicial jurisdiction of the Lords.

By dividing their time into alternate periods,—one to be devoted to the existing business, and the other to sittings in the court of Appeal,—the former would gradually be struck off, and the appeals might be heard almost as soon as the original cause was heard. This is a plain method of proceeding, to which no objection in principle can be taken; though a world of objections would be made by those who understand not principle, by compromisers, by monopolists, by the timid, by the ignorant.

When the Reformed Parliament was not,—a little, or a compromise, might be offered to those who would concede little, or only compromise. But now that Parliament is the representative of the nation, shall less be offered or taken than that which is good?

ART. VI.—*The Fairy Mythology.* In Two Volumes.—London.

William Harrison Ainsworth. 1828. 12mo.

TO ascertain, as nearly as may be practicable, the number of combinations in which during so many ages human imagination has disposed the materials at its command, is at all times an interesting inquiry; and when at the same time light may be thrown on the affinities of nations, or the degree of intercourse that may be inferred to have existed among them at remote æras, increased anxiety is created to examine a field that promises such gratification to rational curiosity. These are the attractions held out by the subject treated in the book at the head of this article. To the speculators also on human nature it presents matter for consideration, in that general uniformity of external impressions and of important inferences from them, which, notwithstanding some local diversities, will be found to pervade the world. The last, and with many the strongest recommendation, is that it throws us back into the Fairy Tales, and the Arabian Nights. Childhood returns with its delights; on all sides wonders start up. The earth, the waters, and the skies, are peopled again with life, as when the world spread out its carpet of novelty and splendour before the boy, and each day was a scene from the

magic lantern of an enchanter, full of the grand, the beautiful, and the grotesque.

‘Largior hic campos æther et lumine vestit
Purpureo : solemque suum, sua sidera nôrunt.’

Does not the air, even this solemn firmament of London, feel light,—do not the winds blow softer about Russel-Square, through

‘The sullen East be all the region knows,’

as recollection comes of the days, when the school-boy stole into the country to gloat over Jack the Giantkiller? When in

‘—close covert by some brook,
Where no profaner eye might look,’

he saw the bean-stalk in the morning grown up to the skies, mounted it in delight and terror with his hero, and accompanied him through all his dangers, never however declaring decidedly for either party, until the cutting of the bean-stalk, and the giant tumbling from the clouds, sent him dancing in open extasies of triumph. Who can recall without pleasure the time when, half serious, half doubting, he thought how pleasant it would be if he could get into the Valley of Diamonds, and bring away its treasures with a safe skin? Or the days when a true history of a magnificent chamber—

‘A feasting presence full of light,’

contained in a horse’s hoof, made him and his pocket-money the absolute slaves of the storer who could relate it; when firm faith was put in fairies, and the voyages of Sinbad were the first seven articles of his creed? Who can look back without ‘a gentle horror,’ and think of the fear that fell on him when the dreadful words announced that the monster had smelt the blood ‘of an English man?’ Or who recall without interest the time when reason began to call imagination to her bar, and, comparing the fable with his own experience, the child took courage to ask, at what precise epoch it was that beasts ceased to speak as in the days of Æsop?

If the pleasure of the man on reading these stories is on the whole far inferior to that he experienced in his childhood, to compensate for this a new and more permanent spring of interest is opened. Reason, which destroyed the religion of the boy, has merely substituted for worship profound admiration. As Mohammed Ghizni was amply rewarded for the destruction of the Indian idol by the heap of diamonds, rubies, emeralds, inclosed within it; so reason having dashed in pieces the gods of the fancy, is fully repaid by the stores of intellectual wealth revealed to her, by the prodigal beauty, novelty, and wildness of

those enchanting fictions. Nor is this feeling at all diminished by the consciousness that they are the creations of quite another faculty, and wholly out of her province. Independently of the pleasure still furnished to the imagination, reason is further occupied by a variety of interesting speculations upon the origin of a system so widely diffused, and the cause of the general resemblance that appears through so many peculiar diversities. It is not less attractive to examine why these '*speciosa miracula*' were produced in ages of profound ignorance, while the mind seems to have forgotten its cunning in ages of enlightened literature. Persons have doubted whether the greatest effort of genius be the Iliad, or a fable of Æsop's. After grave reflection perhaps the balance may be allowed to incline towards Homer; but there can be no question that the third place is due to Sinbad. The books of the Odyssey, though they justly drew from Horace the well-known expression of admiration, seem in rapid succession of incident, and an out-of-this-world tone (if such a word may be excused) unequal to the Voyages. Polyphemus is fine, but the circumstance that most charms the reader in him is a stroke of human character; while on the contrary it is felt that the eastern writer commands by the wildness and fertility of his imagination alone. He cultivates the 'pure sciences' of the fancy. His dominion lies in the conception of unmixed novelty, limited only by the necessity of preserving a human interest, and a certain consistency in extravagance. In a wild orbit he touches the earth, but it is only an osculation. He presents a *Fata Morgana* image of this world, where the objects are magnified to so gigantic a size, and glazed over with so romantic an illustration, that, notwithstanding some feelings of recognition, the mind acknowledges the whole to be a new and more splendid existence. Indeed the whole tide of fiction diminished in strength and brilliancy as it proceeded westward. The tales, speaking generally, bear a decided stamp of European thought, and the actors come nearer to every-day life. Imagination was declining. It had lost the spring and freshness of youth. There was neither the same boldness of incident,—the same grand outline of supernatural agency,—the same elevated theatre upon which to place those beings,—nor—what was as important as any—the same twilight of the mind through which they loomed out in such gigantic proportions. The confident furious belief of men was much shaken. All was not right; there was a screw loose somewhere, in the system of giants and genii. The fairies shrunk not only in attributes, but size; and instead of the great original conflict between mighty powers of good and evil, were introduced

as personifications of the minute beauties of nature,—inhabitants of flowers,—and at the same time possessed by the fretfulness, vanity, and petty malice of mere human nature. The Genius of the east, who is enslaved, not to the individual he serves, but to the talisman of Solomon,—degenerates into the Brownie and Kobold, mere able-bodied foolish good-natured savages. The Germans in particular have striven to make him ludicrous. Their good spirit is only a male ‘fat scullion;’ he rubs the horses, cleans the plates, in short is a servant of all work, and a great favourite with the cook. But in the North where the terrors of the natural world disposed the mind to daring personifications, and where the propensity was cherished by the simple ignorance of the people, the mythology approaches the irregular greatness of the East. There is evident power in the creations; which are cast in a bolder mould, and at once remove the story from reality. Surprise and pleasure are therefore produced by the supernatural figures that move through the stories, in a degree which is not to be expected either from the fairies of southern Europe, or even—unless it be ‘custom that has sated their variety,’—from the Grecian Gods. The true marvellous is contained in them; and will be surely distinguished by its effects on the feelings, from the fictions at which reason plods with so much labour and so little success. The latter are marked by a hard, heavy, hammered manner. They have no leaven in them, and never rise well. They always recal the story of the young German Baron, who envied the high spirits of his French companions, and spent two or three hours a day in leaping over chairs and tables, ‘studying,’ as he said, ‘to be lively.’ But a genuine imagination creates, combines, and colours with equal quickness and felicity. It seems as if the artist’s hand were unconsciously guided by a superior power, and thus the giddy eye glides, unable to stop, over successive pictures of new dignity and grace.

A question naturally suggests itself, why the easterns, with so decided a superiority in imaginative power, have yet been woefully inferior to the westerns in the fine arts, which depend on the same quality. To put their monstrous statues into competition with Grecian sculpture, provokes immediate laughter. In order that the cause be understood, it must be recollected that imagination divides itself into two kinds, the invention of the probable and improbable. It was in the latter the easterns excelled. In the former, which requires accurate observation, great experience of men, and searching intellect to analyse the springs of conduct, they hear no comparison with Europeans. In varied conception of great characters, touching but never

outstepping the limits of humanity; in invention of incidents to display those characters; in fertility of probable situations and sentiments, Homer by himself throws the East into completest shade. His marvellous, though generally full of interest, and sometimes exhibiting sublimity, yields in power to the human part of the Iliad. Still it is of great beauty; and the spectator is astonished that so much power of imagination should have been joined to such strength of mind and justness of observation. The distinction however became still more strongly marked in the fine arts, because the limits of invention in literature are much wider than those of the same quality exerted in sculpture or painting. In these the imagination is rigidly controlled by the law of imitation; and while the mind demands dignity and beauty the world never saw, yet these must be produced within limits of which a new and severe principle, taste, is the judge. Thus a deadly war existed between the rules of art, and the extravagance of the popular fictions in which the orientals delighted. The shrewdness of the Greeks soon caught the distinction; and the wonders of Phidias arose, while the easterns were seeking to express greatness by the height of a statue, wisdom by a mob of heads, and benevolence by more than the teats of a sow. On the other hand, in architecture, where the limits of imitation—if it really apply at all—presented a wide field of license, and where magnitude has its own distinct greatness, the gigantic scale of their works brings them on a level with Europeans. The temples of the hundred-gated Thebes affect the mind as deeply as any other existing ruins. Carnak, with its wilderness of porticoes, obelisks, columns, and halls, forms an object as sublime as the Parthenon, and awes the spectator into at least equal astonishment.

The two great sources from which all systems of mythology must be deduced, are the conviction of an overruling mind, and the ignorance of secondary causes. Those personifications that now seem forced or novel, were originally perfectly natural. The rotation of the earth, causing the apparent motion of the sun, was a much more wild and improbable idea than that of a coach like the Lord Mayor's, with four white horses to it, drawn along the firmament. The Indian philosopher who made an elephant support the earth and a tortoise support the elephant, was a thousand times, a more intelligent and rational person, than Newton with his theory of gravitation would have seemed to the hearers. When Anaxagoras maintained that the sun was larger than all Peloponnesus, no doubt the Eldon of the day would have taken away his children from him as from a lunatic, and certainly all Greece shook their heads at so absurd a flight

of fancy. To profound ignorance nothing is so easy as imagination. Any peasant of intellect somewhat raised above his fellows, has the chances hollow in his favour, that if he attempts an explanation of any natural appearance, he will produce some ingenious fiction. Had the eastern people known anything of astronomy, they would never have imagined that an eclipse was a dragon devouring the sun, nor brought their gongs to frighten the monster away. Had the rotation of the earth been anything but a most absurd-looking notion, the simple ancients would not have been so troubled to find stabling for Apollo, and we should perhaps have lacked Virgil's description of his horses 'snorting light through their dilated nostrils'—*lucemque elatis naribus efflant*—as they struggled up the steep of morning. If the Indians of the Pampas had analysed an aerolithe, would they upon seeing meteors in the air, piously believe 'that these were their ancestors blind drunk, mounted upon horses swifter than the wind, and hunting ostriches?' Which, at the time, was more probable and natural to the Persians, the fiction or fact;—the earth (according to the former) resting on a huge sapphire, which by its reflexion caused the blue colour of the heavens,—or (according to the latter) supported by nothing, spinning—in opposition to the evidence of their senses—every man, woman, and child in Persia round at the rate of 1000 miles an hour? The fiction, doubtless. On the western coast of Ireland, at certain rare conjunctions of wind and tide, there occurs what is called a 'bore.' The fishermen being wholly ignorant of its actual cause, for it takes place but in one bay, and at remote intervals, call it an 'avenging wave,' and give a terrible description of its rushing along crested with lightnings. Their account of its origin is this. A man of the name of Shea, a fisherman, once killed a mermaid, though she begged hard for mercy. The very next time that he sailed upon the bay, the wave appeared in all its terrors. Struck by a guilty conscience he fled towards land; but the incredible speed of the 'avenger' could not be baffled, he was overtaken, and not only he but all in his boat perished. The punishment did not end there. Even to this day the appearance of any of his direct descendants rouses the same wave. Its desire of vengeance, or its power, is indeed now somewhat diminished; for if they perceive it in time, and cross the bar, they are secure. Nevertheless there is a great reluctance among the fishermen to sail in company with any of that name. The writer has heard a story, in which was most seriously detailed the narrow escape of a boat only a few years since from the 'avenging wave.' The lives of several persons were all but sacrificed, to the presence of a Shea in the boat.

Now this fiction could never have existed or been believed, had the natural cause of the wave been known.

In fact none but those who have had actual experience of it, can believe what a proneness to personification, and what a readiness in creating intelligent causes to account for every external appearance, an uneducated people have. Tell them the real cause, and the incredulity of the face shows the instant aversion of the mind; assign any intelligent agent, and the look of pleasure and awe which follows as quickly, proves how perfectly this chimes in with their feelings. In truth the one agrees with their experience, the other does not. In a certain country town in Ireland, about fourteen years ago, a set of tumblers exhibited on the tight rope; and it was unanimously declared by the farmers and labourers, that the tumbling and dancing was 'inchantment.' The tumblers proceeded from this to another town, and commenced their exhibition on the market-day. The crowd looked on for some time in extreme perplexity; but soon each man seeing his own horror in his neighbour's face, and just when the principal performer had made a bound which he thought would fix him for ever in the good opinion of the community, a shout of 'Devilment,' 'the Devil,' arose, and with it a substantial shower of stones. It was with some difficulty the lives of the poor performers were saved, and several were severely wounded, all-powerful as they were with Satan.

While then from the nature of their origin, all systems must bear one general stamp in the details, considerable variety may be observed, according to the different degrees of ignorance in which various people existed, or, what in this case comes to nearly the same, the degrees of natural understanding. In eastern regions the mildness of the climate, and the facility of procuring food, made men early speculators,—not upon secondary causes, a knowledge of which is only necessary to a hard-working race, that must cultivate arts if they would live,—but upon the wonders of creation, and the means by which they are accomplished. In Persia, India, &c. the conflict of good and evil in the material and moral world struck men most. The fairy mythology of the former, evidently no more than an octavo issue of the original folio edition of gods and giants, is a series of wars between beautiful white *Peris*, in ornamenting whom poetry is exhausted, and ugly black wretches called *Divs*, on whose devoted heads whole tubs of horror and deformity are poured out. The Indian genius has run riot, and endeavoured to strike by a wildness of monstrosity with occasional sublimity. The shrewdness of the Greeks saw the ultimate supe-

riority of moral qualities, and gave to their personifications of nature a more decided air of beneficence. In other western countries it is not easy to say what particular cast of thought predominates. Few systems seem not to have been largely corrupted. In all however the struggle between good and evil seems originally to have been found, and man, in a spirit suitable to the splendid infirmity of his nature, is sometimes the sport, and sometimes the master of these subordinate but yet mighty powers.

The scale of the fictions, if may be perceived, was generally much influenced by scenery and manners. Man can produce nothing absolutely new. In the east where the productions of the earth may be said to be of a poetical kind,—where mountains, jungles, paradises, and deserts alternate,—the tales are startling and grand in conception. The mode of life too is itself full of changes. Men seem engaged in acting a troubled dream. All is abrupt, and romantic. A shampooer yesterday at the bath, has three tails today, and wants a head tomorrow. A Pasha whose word is law, receives a firmân;—without altering a muscle, he places it on his head, and is immediately fitted with a cravat, before which Brummel's is as nothing. A Vizier sits in his divan, surrounded by soldiers,—a common courier enters the room,—the bearer of blushing honours from the capital,—but with the order for his head concealed in his turban. If at one careless moment he can succeed in adjusting the bowstring round the vizier's neck, before the latter can make a sign to his attendants, he strangles him, produces the firmân, and bears away the head through the middle of the palace. Indeed the Genius, the mighty slave of Solomon, is no other than a magnified drawing of the grand vizier, who holds the lives of thousands in his hand, and yet exists but in the breath of the sultân.

The history of Fairies commences with the Persian Peris. As after Moore's poem no one can be deemed ignorant of these beautiful beings, the book is referred to for further information. It will be merely observed that they are plainly the younger brothers and sisters of the Ferohers, or Angels of Light, created by Ormuzd; as the Dîvs are of the six great Dîvs ruled by Ahreman, or Ahrimanes, Prince of Darkness. They all inhabit Kâk or Caucasus, which is thence named Ginnistân, or the region of Ginns (Genii) or demons. The Arabians have a somewhat altered form of this system, which however requires no particular notice. The general features of good and evil spirits appear in it. In this respect there is some resemblance in the Roman genius,

‘—Natale comes qui temperat astrum
Naturæ Deus humanæ, mortalis in unum
Quodque caput, vultu mutabilis, albus et ater.’

In the Grecian fairies, the line between the good and bad is faintly drawn; but in the Eddas, the Liosalfar (*Light Elfs*) and Döckalfar (*Dark Elfs*) are nearly as much contrasted as in Persia. The first are whiter than the sun; the others blacker than pitch. Akin to the last appear to be the Duergar, or Dwarfs; who are

‘described as being of low stature, with short legs and long arms, reaching almost down to the ground when they stand erect. They are skilful and expert workmen in gold, silver, iron, and the other metals. They form many wonderful and extraordinary things for the Aiser, and for mortal heroes, and the arms and armour that come from their forges are not to be paralleled. Yet the gift must be spontaneously bestowed, for misfortune attends those extorted from them by violence.’—Vol. j. p. 114.

The Scandinavians believed in elves, dwarfs or *trolls*, *nisses* and *necks*, which are land and water goblins, mermen and mermaids. Of the first there are two kinds; the good elves, who live in the air, dance on the grass, or sit on the leaves of trees; the second, who are the well-known mischievous, irritable, and good-natured beings. The only peculiarity is, that the Danish elle-woman is very young and handsome, but behind she is hollow like a dough-trough. To conceal this defect she always keeps her face turned towards the spectator.

The trolls, who live in splendid mansions under ground, keep up a more friendly intercourse with mankind; but they steal not only provision, but women and children. It is lucky that there are several ways of banishing them. First, the tingling of a church bell is a great abomination to them. But the troll is not without his modes of revenge. A troll having been obliged by a new bell to quit the town of Kund, went over to Funen, where he lived for some time in peace. One day he met a man from Kund, and said to him,

‘Will you just be so kind as to take a letter for me back with you to Kund? The man said of course, he had no objection. The Troll then thrust the letter into his pocket, and charged him strictly not to take it out till he came to Kund church, and then to throw it over the churchyard wall, and the person for whom it was intended would get it.’

‘The Troll then went away in great haste, and with him the letter went entirely out of the man’s mind. But when he was come back to Zealand he sat down by the meadow where Tiis Lake now is, and suddenly recollected the Troll’s letter. He felt a great desire to look

at it at least. So he took it out of his pocket, and sat a while with it in his hand, when suddenly there began to dribble a little water out of the seal. The letter now unfolded itself, and the water came out faster and faster, and it was with the utmost difficulty that the poor man was enabled to save his life, for the malicious Troll had enclosed an entire lake in the letter. The Troll, it is plain, had thought to avenge himself on Kund church by destroying it in this manner, but God ordered it so that the lake chanced to run out in the great meadow where it now flows.—Vol. i. p. 184.

The second way is by the noise of a drum. A farmer who had received several neighbourly attentions from a troll, but does not seem to have thought him sufficiently genteel to be invited to a christening, got rid of the difficulty thus. A shrewd-witted pig-boy was sent to invite the troll, and the invitation was accepted.

“Come, now,” said the hill-man, “let us hear who else is to be at the christening?” “Ah,” said the boy, “we are to have a great parcel of strangers and great people. First and foremost, we are to have three priests and a bishop.” “Hem!” muttered the hill-man; “however, these gentlemen usually look after the eating and drinking, they will never take any notice of me. Well, who else?” “Then we have asked St. Peter and St. Paul.” “Hem! hem! however there will be a by-place for me behind the stove. Well, and then?” “Then our Lady herself is coming.” “Hem! hem! hem! however, guests of such high rank come late and go away early. But tell me, my lad, what sort of music is it you are to have?” “Music!” said the boy, “why we are to have drums.” “Drums!” repeated he, quite terrified; “no, no, thank you, I shall stay at home in that case. Give my best respects to your master, and I thank him for the invitation, but I cannot come.”—p. 195.

The third way as is follows. A farmer was greatly annoyed by one, who could eat as much as any four. At length

—a smart girl pledged herself that she would banish him from the house. She accordingly, while he was out in the fields, took a pig and killed it, and put it, hide, hair, and all, into a black pudding, and set it before him when he came home. He began, as was his custom, to gobble it up, but when he had eaten some time, he began to relax a little in his efforts, and at last he sat quite still, with his knife in his hand, looking at the pudding.

At length after sitting for some time in this manner, he began—“A pudding with hide!—and a pudding with hair!—a pudding with eyes!—and a pudding with legs in it! Well, three times have I seen a young wood by Tiis lake, but never yet did I see such a pudding! The devil himself may stay here now for me!” So saying, he ran off with himself, and never more came back again.—p. 200.

The *nis*, is the same as the *kobald* of Germany, and therefore not very shrewd, as the story shows.

‘ There lived a man at Thyrsting, in Jutland, who had a Nis in his barn. This Nis used to attend to the cattle, and at night he would steal fodder for them from the neighbours, so that his farmer had the best fed and most thriving cattle in the country.’

‘ One time the boy went along with the Nis to Fugleriis to steal corn. The Nis took as much as he could well carry, but the boy was more covetous, and said, “ Oh, take more ; sure we can rest now and then ? ” “ Rest ! ” said the Nis ; “ rest ! and what is rest ? ” “ Do what I tell you,” replied the boy ; “ take more, and we shall find rest when we get out of this.”—The Nis then took more, and they went away with it. But when they were come to the lands of Thyrsting, the Nis grew tired, and then the boy said to him, “ Here now is rest ; ” and they both sat down on the the side of a little hill. “ If I had known,” said the Nis, as they were sitting there, “ if I had known that rest was so good, I’d have carried off all that was in the barn.”—p. 227.

The *neck* (Danish *nökke*) is the river-spirit, the kelpie of the Scotch, but with different attributes.

‘ The ideas respecting him are various. Sometimes he is represented as sitting, on summer nights, on the surface of the water, like a pretty little boy, with golden hair hanging in ringlets, and a red cap on his head ; sometimes as above the water, like a handsome young man, but beneath like a horse ; at other times, as an old man with a long beard, out of which he wrings the water as he sits on the cliffs. In this last form, Odin, according to the Icelandic sagas, has sometimes revealed himself.’

‘ The Neck is very severe against any haughty maiden who makes an ill return to the love of her wooer ; but should he himself fall in love with a maid of human kind, he is the most polite and attentive suitor in the world.’

‘ Though he is thus severe only against those who deserve it, yet country people when they are upon the water, use certain precautions against his power. * Metals, particularly steel, are believed to *bind the Neck* (binda Necken) ; and when going on the open sea, they usually put a knife in the bottom of the boat, or set a nail in a reed.’—p. 235.’

In the islands north of Scotland, the greatest curiosity is the appearance of Balkin, Lord of the Northern Mountains, which was expected to take place in seventy years from the time of the narrative quoted by Reginald Scot.

‘ Many wonderful and incredible things did he also relate of this Balkin, affirming that he was shaped like a satyr, and fed upon the air, having wife and children to the number of twelve thousand, which were the brood of the Northern Fairies inhabiting Sutherland and Catenes; with the adjacent islands. And that these were the companies of spirits that hold continual wars with the fiery spirits in the mountain Heekla, that vomits fire in Islandia. That their speech was ancient Irish, and their dwelling the caverns of the rocks and moun-

tains, which relation is recorded in the antiquities of Pomonia.'—*Reginuld Scot. Discoverie of Witchcraft, b. 2. c. 4. 1665.*—*Ib. p. 276.*

In Rügen there are white, brown, and black dwarfs. All are great artists, particularly the latter, who make swords that will bend like rushes, and are as hard as diamonds. The two first live in the Nine-hills, near Ramin, which were made thus.

'A long time ago there lived in Rügen a mighty giant named Balderich. He was vexed that the country was an island, and that he had always to wade through the sea, when he wanted to go to Pomerania and the main land. He accordingly got an immense apron made, and he tied it round his waist and filled it with earth, for he wanted to make a dam of earth for himself from the island to the main land. As he was going with his load over Rodenkirchen, a hole tore in the apron, and the clay that fell out formed the Nine-hills. He stopped the hole and went on; but when he had gotten to Gustau, another hole tore in the apron, and thirteen little hills fell out. He proceeded to the sea with what he had now remaining, and pouring the earth into the waters, formed the hook of Prosnitz, and the pretty little peninsula of Drigge. But there still remained a small space between Rügen and Pomerania, which so incensed the Giant that he fell down in a fit and died, from which unfortunate accident his dam was never finished.'—p. 285.

In Germany, the popular fairies are dwarfs, wild women, kobolds, and nixes. The dwarfs gave as a reason for quitting a particular district, that men were ungrateful for the services done them, and this vice they seem to abhor as much as the Persians did of old. To this, however, men filed an answer, in which they charged the dwarfs with being common thieves. The witnesses are a smith named Riechert, and a baker. The first had sowed a field with peas,

'—but he observed that when they were just in perfection they were pulled in great quantities. Riechert built himself a little hut on his ground, there to lie in wait for the thief; and there he watched day and night. In the daytime he could see no alteration, but every morning he found that, notwithstanding all his watchfulness, the field had been plundered during the night. Vexed to the heart at seeing that all his labour was in vain, he determined to thresh out on the ground what remained of the peas. So with the daybreak Smith Riechert commenced his work. Hardly was one half of his peas threshed when he heard a piteous wailing, and on going to look for the cause, he found on the ground under the peas one of the dwarfs whose skull he had rapped with his flail, and who was now visible, having lost his mist-cap with the blow. The Dwarf ran back into the hill as fast as his legs could carry him.'—Vol. ii. p. 24.

'A baker who lived in the valley between Blenkenburg and Qued-

linburg, used to remark that a part of the loaves he baked was always missing, though he never could find out the thief. This continual secret theft was gradually reducing the baker to poverty. At last he began to suspect the Dwarfs of being the cause of his misfortune. He accordingly got a bunch of little twigs, and beating the air with them in all directions, at length struck the mist-caps of some Dwarfs, who could now conceal themselves no longer. There was a great noise made about it; several other Dwarfs were caught in the act of committing theft, and at last the whole of the Dwarf-people were forced to quit the country.'—Vol. ii. p. 26.

All little people abhor practical jests. They think them contemptuous, or a sort of *lèse-majesté* against their bodies.

'In the summer-time the troop of the Dwarfs came in great numbers down from the hills into the valley, and joined the men that were at work, either assisting them or merely looking on. They especially liked to be with the mowers in the hay-making season, seating themselves, greatly to their satisfaction, on the long thick branch of a maple-tree, among the dense foliage. But one time some mischief-loving people came by night and sawed the branch nearly through. The unsuspecting Dwarfs, as usual, sat down on it in the morning; the branch snapped in two, and the Dwarfs were thrown to the ground. When the people laughed at them they became greatly incensed, and cried out

“ O how is heaven so high,
And perfidy so great!
Here to-day and never more!”

As being people of their word, they never let themselves be seen again.'—p. 93.

Any one who intending to sit on a chair, has it pulled from under him, and tumbles backward amidst the laughter of a whole room, will wonder with the Dwarfs 'why the thunder slept,' at such an outrage as the above. The next however is of a dye still more deep, and fully justifies their exclamations against man.

'It was the custom of the Dwarfs to seat themselves on a large piece of rock, and thence to look on the haymakers when at work. But some mischievous people lighted a fire on the rock and made it quite hot, and then swept off all the coals. In the morning the little people, coming to take their usual station, burned themselves in a lamentable manner. Full of anger, they cried out, “ O wicked world! O wicked world!” called aloud for vengeance, and disappeared for ever.'—p. 94.

It is impossible not to see, in some of these stories, the traces of depressed races of men, the relics possibly of military or religious conquest, anxious to conceal their existence, and only occasion-

ally giving way to communication with their neighbours. It is conceivable, for instance, that in a neighbourhood of runaway negroes or bush-rangers, there should be no lack of mysterious, half friendly, half hostile contacts, between parties neither of them personally desirous of more extended intimacy.

Of the popular fairies of England, there are the rural elves, clothed in green, and performing all the dances on the grass by moonlight, to which their northern relations were so much attached. There were also the domestic spirits of various kinds and names; the *portunes*, old withered little men, not quite half an inch high, fond of taking frogs out of their bosoms and roasting them on the coals, as also of deluding travellers by night. The Incubus or night-mare, and his cousin Robin Goodfellow, are of the same family. Puck is another appellation of the same cousin. There was also a spirit named Grant, that in the shape of a foal gave warning of fires, &c. And a legend of the 13th century is quoted from Gervase of Tilbury; that at a certain place in Gloucestershire, any knight, wearied by hunting, who should approach alone and say 'I thirst,' would receive from a cup-bearer in an elegant dress with a cheerful countenance,

'—a large horn, adorned with gold and gems, as was the custom of the most ancient English. In the cup nectar of an unknown but most delicious flavour was presented, and when it was drunk, all heat and weariness fled from the glowing body, so that one would be thought ready to undertake toil instead of having toiled. Moreover, when the nectar was taken, the servant presented a towel to the drinker to wipe his mouth with, and then having performed his office, he waited neither for a recompense for his services, nor for questions and inquiry.'—p. 105.

The Irish believe in the *Snee-farra*, a being of undefined size, but generally of the diminutive stature of his English brother, fretful and dangerous, striking with sickness those particularly who sleep in the open air; but when propitiated by persons who see the good people, 'affording herbs to cure natural maladies.' The whole republic travel in sudden gusts of wind, and when one comes rushing over a field, the peasantry instantly throw themselves flat on their faces, and at the same time fling up into the air pieces of earth, hay, &c. exclaiming 'Take that with you.' Had water-spouts been common, what a demon would have been created to account for them! There are still many legends of the fairy of romance who inhabits a peculiar and magnificent world, '*Tiernan-Oghe*,' or the world of perpetual youth, and in whose delightful society ages pass as hours. The modern fairies however, sometimes steal. There is

an admirable wood-cut of a foray on a pantry, in the second volume. The party are moving along a thread stretched from the key-hole to the pantry-door, with the piper playing at their head. The *Leprechaun*, is represented by some as a little fairy-like being, working away at making brogues in dismal solitudes; by others, as a being inhabiting hills, and sometimes coming out to take the air. Upon being seen, he runs for his hill with great swiftness, but if caught before he can reach it, ransoms himself at a large price. There is a recollection, that one of these ransoms was a leather purse that always contained a shilling and no more. The *Pooka* is an animal of which, partly from the darkness of the night, and partly from the darkness that he carries about with him, the precise outline, especially of the head and neck, can never be distinguished. He meets men, and having induced them to mount him, commences a furious gallop through every pool and thicket for miles round, to the dreadful annoyance of his rider, who is at last pitched into a river or a wilderness of briars, and left to find his way home. The *Pooka* is generally a malignant being. A man once detailed to a friend of the writer's, with the utmost seriousness, a long combat between himself and a *Pooka*, which luckily terminated in the inglorious flight of the latter. Any one who ever lost his way when very drunk, will probably have no bad notion of the *Pooka*.

The history of human credulity, in addition to the amusement that may be derived from it, ends usefully by strengthening the lesson taught by the combined experience of all ages, of believing nothing, of which it is possible to doubt. 'All credit given to untruth, directly or indirectly leads to misery. He that is delighted with the gambols of the fairy on the green, will live in terror of the demon that haunts the mountain or the mine. There is a class of great falsehoods, and of little ones; and the little ones are cherished as the pioneers to the others, by those who in politics, theology, and morals, are what the Scripture would call 'lovers and makers of a lie.'

ART. VII.—*An Inquiry into the use and abuse of Grand Juries; with reference to their adjudicating on cases, which have undergone previous investigation before a Magistrate.* By Peter Laurie, Esq. B.C.L. London. 1833. pp. 48.

A FEW years ago, to have questioned the use, and still more to have suggested the possible abuse, of an institution so old and venerated as that of the Grand Jury, would have been

thought an inexpiable heresy in legal politics. But, alas! in these days of reform and of political presumption, Utilitarianism is so audacious as to look even antiquity in the face, and so insolent as to demand that abuses, although consecrated by age, shall be converted to beneficial purposes. If any material alteration in the constitution, or in the proceedings of this tribunal, had been suggested not long back, what an outcry would have been raised among the conservatives of antiquated evils! But if a total change in its principles, or its entire abolition, had been suggested, what solemn appeals would have been made to the wisdom of our ancestors, and to the experience (as, by a most strange perversion of language, it used to be called) of antiquity! What pathetic invocations would have been made to the shade of Alfred, to preserve to us, all the rust and decay which time has inflicted on our ancient institutions,—unprofaned by the touch of modern improvement, undesecrated by restoration to utility, uncontaminated by adaptation to the necessities of present times. But now, all these ‘wise saws’ pass unheeded by; even the famous Baronial protest *Nolumus mutari Angliæ leges* has lost its prohibitory force, and remains a dead letter in the political primer of the Conservatives. The public are beginning, not merely to feel, but also to proclaim, that what is bad should not be retained because it is old; and that, as laws and political institutions originated in the circumstances of the times wherein they were established, they ought to be accommodated to the altered state of society, as changing circumstances require.

The author of the sensible and unpretending pamphlet at the head of the Article, has ventured such an attack upon the almost idolized institution of the Grand Jury. But he has had the good sense and tact, to put this affair upon a ground, the soundness of which, as a test of propriety, the Conservatives cannot dispute, because it is their favourite principle. Almost all the abuses they uphold, are defended by them upon the ground, that, whatever objections may exist against them in the abstract, however vulnerable they may be upon moral or philosophical principles, whatever incidental defects may be imputed to them, yet *the system works well*. Mr. Laurie accordingly, to use a familiar but expressive figure of speech, takes the bull manfully by the horns, and says in plain terms, and undertakes to prove, that, ‘the imperfect manner, in which the system works, and the enormous expense attendant on its operation, call loudly, if not for abolition, at least for alteration and amendment.’—p. 39.

He seems, however, not to be insensible to the obstacles which

existing prejudices may for a time oppose to him, He candidly admits, towards the close of his essay—

‘It is to be expected, that such opinions as have been hazarded, must trust to the “great Innovator, Time,” for any attention which the partiality of the public for the system attacked, would certainly deny, to them at present, even were they intrinsically worth that notice; and whoever undertakes to avow such opinions, can only anticipate, that, if what he may have stated is of sufficient importance to excite a remark, the observation will be one of disapproval; but it may not be long before the tide, which now sets so strongly against him, may be at flood, perhaps at ebb, and he may then expect to secure a dispassionate inquiry into the real merits of the case.’—p. 38.

In the beginning also of his pamphlet he intimates, in still stronger terms, his consciousness of the prevalence of existing prejudices in favour of old institutions, and endeavours to propitiate the reader on behalf of his proposed innovation, in language which sufficiently indicates his conviction of the necessity of the effort, and his distrust of its immediate success.

“You and I, are posterity;” said Byron. As justly may we be called the ancients; and the best use we can make of our antiquity, is to avail ourselves of the experiments which were made by our predecessors in the infancy of the state. It is admitted, that there is at all times a danger in change; and where that, which we would alter, has grown with the growth and strengthened with the strength of our system, where its roots and fibres are almost inextricably twined and interwoven with the very fabric to which it clings, the danger is much increased; and, when we consider the narrow line, which separates experiment from precedent, we shall more readily appreciate the safety of the maxim, “*principiis obsta.*” This feeling, however, may be carried too far,—public necessity cannot be stretched or mutilated to suit a Procrustean bed of jurisprudence; and in no part of our constitution ought its operation to be more carefully regulated, than in the criminal code, which must fluctuate and alter, *pari passu*, with the circumstances of the present age, and can hardly do so, if encumbered by the clumsy machinery of an antiquated system. The criminal code of a country is a matter of stern reality, and ought to be viewed with the scrutiny of a legislator, rather than with the partiality of an antiquary; and to be estimated, like a weapon, for its utility, rather than as a medal for its rust.’—p. 2-5.

Mr. Laurie affirms, and brings his reasons to show, that the Grand Jury is anomalous in theory,—unnecessary in practice,—an impediment to justice,—and prejudicial to the interests of the public.

His first proposition he seeks to prove, by showing that the nature of the Grand Jury, and the character of its proceedings, are subversive of the advantages incident to trial by jury,

considered with reference to its constitutional principles. The contrariety between these two juries, and their essential inconsistency are thus stated by him.

' Trial by Jury has ever been considered as the bulwark of our liberties, and the surest protector of our dearest interests; from our earliest days we are taught and accustomed to admire this noble institution—an institution whose power, "though vested in no one" (*De Lolme*), is universal. The proudest peer must bow to its decision, and the meanest peasant may claim its protection. That has ever been looked on as the brightest page of our annals, whereon we read:—"nullus liber homo capiatur, vel imprisonetur, aut dessaisetur, aut utlagetur, aut exulatur, aut aliquo modo destruat: nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ." (Mag. Char. Joh. c. xxxix. — 9 Hen. III, c. 29.) And what is it which binds this system to our affections? It is because the accused is equally protected with the accuser; because the trial is open and public; because the law is definite and explicit; because the evidence on either side is willingly received; because the prisoner has a right to challenge any one of the jury, whom he may suspect of a bias against him; and above all, because unanimity in his judges is indispensable, before he can be convicted; would it could be added, "because the prisoner, if unable or unwilling to plead his own cause, is allowed the assistance of any legal adviser he might wish." It is to be hoped, however, that the day is not far distant, when that privilege which is allowed to those charged with treason or misdemeanours, the *Alpha* and *Omega*, of the law, will be accorded to those charged with felony. It is a favourite, but somewhat hacknied metaphor, with most of our modern orators, to explain the defects and blemishes of our constitution to a foreigner; though less complimentary, it might be quite as well to point out these inconsistencies to our own countrymen, who, in too many instances, are equally unaware of their faults and existence. They might be asked, in what single feature does the Grand Jury resemble the humane and generous institution we have just read of? they might be asked to point out, any tribunal which, in direct opposition to the first principles of our code, not only tolerates, but avows, and acts upon, a prejudice against the accused? And, but for the Grand Jury, they might proudly say, that such an institution did not exist; that such a weed could not spring from the free soil of England. They might say, that the characteristics of all our courts are publicity, fairness, and unanimity, could they forget one, the decisions of which are marked by secrecy, the absence of the accused, and a majority of votes. The Grand Jury are sworn, "well and truly to keep secret the King's counsel, their fellows, and their own;" the accused has no knowledge of them, and it would be of little avail, if he had, since he could not object to his bitterest foe, who, in his absence, judges on his case; he cannot plead his own cause, cross-examine his accusers, nor offer the slightest evidence to disprove the crime alleged against him, and when his judges have heard the statements

against him, the verdict of the smallest possible majority is as valid as a unanimous decision. Our indignation is roused, when we read of the Inquisition, the Bastille, the Venetian Council of Three, and *Secreta Consulta* of the Italians, and of other secret judgment halls, where the unhappy accused had neither a voice in the formation of the tribunal, nor in the proceedings of their iniquitous and partial decisions. We wonder not so much that men could submit to such violations of justice, as that such abominations could ever have existed. We congratulate ourselves on living in a country, that boasts of "Magna Charta," and "Trial by Jury;" and we lay down the book to go to Clerkenwell Sessions' House, to give evidence against a felon before a tribunal, exactly similar to those, which we had just before so indignantly denounced; *mutato nomine de te fabula narratur.*—p. 5-8.

That in all these particulars, the peculiarities of the Grand Jury are at variance with qualities which are considered the characteristic advantages of Trial by Jury, no impartial man can doubt. So much so, that even Lord Somers, the enthusiastic author of the celebrated tract entitled, 'The security of Englishmen's lives, or the trust, power and duty of the Grand Juries of England explained,* &c.' states these very discrepancies as a conclusive and unanswerable reason for the necessity of the judgment of this tribunal being followed by that of the petty (or inferior) jury; and this, without seeming at all conscious of the utter incongruity between his unmeasured boast of the advantages of the Grand Jury, and his actual exposition of the inherent defects of that tribunal. He states expressly, as an important, essential, and constitutional advantage to the accused, that, 'upon the second jury,' he may by way of answer avoid the charge; he is permitted to take exceptions; he may demur, or plead to the indictment, in points of law. Herein the judges ought to assist him, and appoint counsel, if he desire it. He may shew that the indictors, *i. e.* the Grand Jury, or some of them, are not lawful men, or not lawfully returned by the sheriff. Embracery or practice may be proved, in the packing of the jury; a conspiracy, or subornation, may be discovered; falsehood may be found out in the witnesses, by questions

* This celebrated tract has been ascribed to several eminent men,—a strong proof of its intrinsic merit; to the Earl of Essex, whose extraordinary death in the Tower of London, in the reign of Charles II, has been the subject of great historical disputation, whether it was the result of state-murder or of suicide (See Hume's *Hist.* v. viii, p. 192); to the famous Earl of Shaftesbury; and to the still more renowned Lord Somers. Bishop Burnet gives the credit of it to the last named author; and this is the opinion generally received.—*Vide Burnet's Hist. of his own Time*, v. i. p. 509; *fol. 424. Brog. Brett. sub nomine "Somers"* and *Biog. Brit.* v. viii p. 357;

about some circumstances *that none could have asked, or imagined, except the party accused.* And, besides doing right to the indicted, in these and many other things, it is the people's due, to have the evidence first taken in private, made public at the trial, that the kingdom may be satisfied, in the equal administration of justice, and that the judgments against criminals may be of greater terror, and more useful to preserve the common peace.—See the tract cited, p. 101. 8vo Ed.

Next, that 'the Grand Jury is unnecessary in practice.' Mr. Laurie states this second point of his argument in the following terms:—

'It will be in the recollection of the reader, that Judges of Assize and Annual Circuits were introduced by *Magna Charta* (Magn. Chart. Reg. Joh, c. xviii, xix.—9, Hen. III. c. xii.) prior to which, the administration of justice was entrusted to Justices in Eyre, *Justiciarii in itinere*, who were appointed by the Parliament of Northampton, A. D. 1176, and directed to make a circuit round the kingdom for the purpose of trying causes, once in every seven years, in order to relieve the people from the trouble and expense to which they had been hitherto subjected by the necessity of following the King's Court, in order to have their disputes decided. We may here trace this custom being recognized at the present day. In all writs (by original) the Sheriff is commanded to summon the defendant, in case of non-compliance with the demand of the plaintiff, "that he be before Us, wheresoever we shall then be in England, to show wherefore &c." It may be supposed, that, at the time we are speaking of, when the country was thinly populated, towns and villages scattered at distances from each other, and having little or no external communication, the domestic judicatories were amply sufficient to meet the wants and wishes of the inhabitants; and we are confirmed in this view by the following circumstance: '*Anno 1261, Justiciarii itinerantes venerunt apud Vigorniam, octavis Scti Johnis Baptistæ, et totus comitatus eos admittere recusavit, quod septem anni nondum erant elapsi postquam Justiciarii ibidem ultimò sederunt.*' (Annal. Eccles. Vigorn. apud Whart. Angl. Sacra. l. 495.) At this time, therefore, the Grand Jury was of the utmost importance, in preventing a person, who was suspected of crime, and had been imprisoned in consequence, being subjected to so severe a punishment as incarceration for years; as, but for its interference, a man who was accused of some trivial felony might have been kept in custody for more than six years, before an inquiry could take place into the circumstances of his case. It should be also recollected, in those times, right and might were nearly synonymous terms; and that the excellence of a giant's strength consisted rather in the results of its display, than in the consciousness of mere possession. Feudal tyranny was in its meridian, and the Baron numbered his tenants amongst his chattels, to swell his importance at home, or his mere instruments to aid him in his tumultuary or predatory excursions. Impartial justice could hardly be expected where the

robe of the judge was hastily thrown over the armour of the soldier, the mailed hand of the fiery and arbitrary baron was ill fitted to poise the scales, especially when his own interests or feelings were enlisted in the cause; and it is to be feared, that, where the claim of the vassal was weighed against the will of the lord, the sword was generally thrown in to turn the beam. A good reason also then existed for the oath of secrecy. Police was, to a certain extent, unknown, and every man was his own thief-taker; concealment was easy, while detection was a slow and difficult process, and would have been wholly impracticable had the Grand Jury by the publicity of their proceedings given warning to the criminal to escape, either by flight or by subornation of perjury, against which the imperfect system of jurisprudence then opposed but a slight barrier, and exposed the accusing party to his vengeance. Now let us examine the proceedings of a Grand Jury of the present day, at great inconvenience to themselves, and productive of much expense to the county; a body of gentlemen to any number more than twelve and fewer than twenty-four, assemble a few days before the sessions commence, and dispose of the business laid before them in a way which, whatever complaints may be made against it, cannot be subjected to the charge of want of dispatch. At the September sessions 182 , the Grand Jury for Middlesex disposed of 600 bills in six days. And it is not very long since a clerk of the arraigns on the Midland circuit hinted to a learned Judge, who was complaining of delay in the Grand Jury, that bills were sent in quite as fast as he could register them, as they had found *sixteen bills in fifteen minutes!* It has been before stated, that the Jury are sworn "to well and truly try." The question now arises, is this mode of disposal of advantage to the country? It cannot be said, that a man is thereby saved from a long imprisonment, as it sits at the same time the court above is ready to try the alleged offence in the usual way; in order to render it of any service in this respect, it would be necessary to make it a perpetual court, like the *Chambre du Conseil* of the French, the duties of which are equivalent to those of our Grand Jury, but which are called into action as soon as a case has been disposed of by the *tribunal de première instance*, (Code d'instruc. crim. L. i. c. 9, art. 127) and is therefore of material service in preventing an innocent man being kept in custody until he could be discharged by the *Cour d'Assises*, which sits only four times a year. The only advantage of any moment, which our system presents, is the giving the prisoner an additional chance of escape; now, without subscribing to the doctrine of Paley, (Mor. Philos. p. 310, 311) that "it is better that one innocent man should suffer than ten guilty individuals escape," it may be questioned, whether the law be not sufficiently chary for any innocent man, and whether a diminution of the numerous chances of escape, which at present so often shelter the criminal, might not be attended with beneficial results.—p. 10—14.

Mr. Laurie then proceeds to sustain his objection by more modern practical details. They might probably be somewhat

condensed; but, as they are not very lengthy, it is better to let the author speak for himself.

‘A Grand Jury, then, must either find a true bill, or ignore the indictment. Suppose the bill to be “found,” the result amounts to this, the decision of the committing magistrate is *confirmed*, for that alone is the extent of their power; the public has gained nothing, and the prisoner has lost nothing by the investigation, as he is then tried in the usual way upon the merits of the case, just as if no such institution had existed. Why should the Grand Jury be better able to judge of the probabilities of the guilt or innocence of the prisoner, than the magistrate? It may be said that the opinion of twenty-three men will in all likelihood be more correct, than that of one; but that is on the supposition, that they have the same facilities for arriving at a conclusion, and it may be doubted, whether the opinion of one man, hearing *the whole* of the evidence, is not entitled to more consideration than that of 23 men, who decide on *ex parte* statement. In the great proportion of instances, for the last thirty-four years, (prior to which time police offices were not accessible to the public) the preliminary investigation is conducted with open doors, subject to the scrutiny of the public, and the animadversions of a vigilant and unsparing press; evidence *pro* and *con* is regarded and carefully sifted, there is no hurry, no necessity for dispatching cases, lest the court above should have no bills to go on with; nay, should it appear that any advantage would result from delaying the inquiry for a short time, the magistrate has the power of remanding the prisoner from time to time, and the case is thus seldom sent for trial, unless there is every reasonable expectation that the accusation will be substantiated, and final conviction will be the result. unless such a feeling guides the decision of the magistrate, his fiat, which sends the prisoner to trial is nothing short of a positive act of injustice, and a serious injury to society. It is also but reasonable to suppose, that a more accurate account of the transaction will be given by the prosecutor a day or two after the injury complained of has been inflicted, than after the lapse of weeks, and some times months; there is a greater facility in procuring the attendance of witnesses, whose public spirit might have evaporated too much to have compelled their attendance, had any delay intervened; the inquiry is also local, and there is, therefore, less danger of the magistrate being imposed upon by artful and profligate witnesses, and the account is received without being cramped and confined by the severer technicalities of law, and many facts of great importance may thus transpire, which would be rejected by the court, *in limine*, as “no evidence;”—lastly, there is this great check upon witnesses at a police office, their depositions are all taken down in writing, afterwards read over and deliberately signed by them.”—p. 14—16.

The third objection Mr. Laurie makes, is that ‘the Grand Jury is an impediment to justice.’ This part of the investiga-

tion appears to have been susceptible of more ample illustration than he has bestowed upon it.

The first evil Mr. Laurie points out, is that the Grand Jury do not have before them the depositions upon which the committing magistrate formed his decision, and by the production of which, any attempt at perjury on the part of the witnesses, and any discrepancy wilfully or involuntarily made between the evidence just given and that taken at the police-office, would be instantly detected. Unquestionably, the production before the Grand Jury, of the depositions taken before the committing magistrate, would enable them to know with certainty, not only whether the witnesses produced were consistent in their evidence on the two occasions, but would also assure them, that no witness was withheld,—a most important fact. The subtraction of one witness,—and he, perhaps, not obviously a material one,—may so effectually break the chain of proof, as to render the charge doubtful, or perhaps absolutely defective. But even a more important use of the production of the depositions would be, to put the Jury in possession of the history of the case, which is essentially necessary to their effective examination of the witnesses, particularly if they be unwilling ones. In all cases of circumstantial evidence this is clearly important. A bill of indictment for murder (for example) is presented to the Grand Jury, endorsed, perhaps, with the names of twenty or thirty witnesses. No explanatory narrative can be officially laid before the Grand Jury; they call the witnesses in succession, and, unless they have read the circumstances of the case in the newspapers,—a source of information they ought not to recur to on such an occasion,—what means can they have of eliciting from an unwilling witness his knowledge of the case?

Under this head, Mr. Laurie includes the inconvenience arising from the mode in which the Grand Jury conduct their proceedings.

‘The rapidity with which they are compelled to act is a material cause of so many bills being thrown out: and sometimes they will not examine all the witnesses whose names are on the back of the bill; so that, unless the first or second, who may be called in, can give a pretty clear account of the transaction, the chances are very much in favour of a prisoner being discharged. The prosecutor’s is, naturally, considered the principal evidence, and he is generally summoned first; when it is notorious, that he is, very frequently, almost entirely ignorant of the whole affair, and that the proof depends upon the testimony to be given by his witnesses, he being there for the formal completion of the inquiry, or to add some minor link to the chain, which, to all

material purposes, was sufficiently complete without him. It is not very long since a similar case came before a Grand Jury. The prisoner was committed for stealing a duck. The prosecutor was called in first, and asked, whether he could swear to the duck? His reply was, he could not; the Jury did not call in two witnesses, who were in attendance, and who had taken the duck from the prisoner, after having seen him steal it; but immediately ignored the bill!— p. 24—26.

Mr. Laurie's fourth division of his subject, maintains that 'The Grand Jury is prejudicial to the interests of the public.'

This conclusion he considers to result necessarily from the observations and arguments before adduced; to which he adds his apprehension, that it holds out the means of perjury for the purpose of false accusation. The expenses of this institution form another article of objection with him. He estimates the total expenses of the Sessions of Gaol Delivery, and then refers four-fifths of these expenses to the Grand Jury. He does not state the principle on which he makes this apportionment; and it is not possible to assent to its accuracy without. The costs of the gaol delivery include the whole expenses of the trial, the attendance and *viaticum* of witnesses, and various other charges, which, if taken into the account, would make a large deduction from this alleged public cost of the Grand Jury.

There is, however, one head of expenditure occasioned by this institution, to which Mr. Laurie makes no allusion, but which, if this tribunal be really unnecessary or injurious, must be accounted a grievous evil,—the expenses to which the Grand Jurymen are personally subjected. The Home Circuit comprehends five counties, in which assizes are held; the Midland, seven; the Norfolk, six; the Northern, six; the Oxford, eight; the Western, nine; the North-Welch, seven; and the South-Welch, six; making in all fifty-one assize counties in England and Wales. Now twenty-three Grand Jurymen, the legal number, for each of these counties, amount to the number of 1,173 every half yearly assize, or 2,346 in the course of the year. It is to be observed, however, that Durham, Northumberland, Cumberland, and Westmoreland, have assizes once a year only, which circumstance will occasion a deduction of 92 from this gross total, and reduce it to 2,254; but, on the other hand, it is to be remembered, that each of the five counties comprised in the Home Circuit has a third, or winter assize, which will cause an addition of 115, thus bringing the exact number of Jurymen summoned to the duties of this office

VOL. XIX.—*Westminster Review*. H

in every year, to 2,369*. This great number of individuals are annually, compelled to quit their homes and occupations, in many instances at considerable distances, and at heavy travelling expenses, to attend at the Assizes as Grand Jurymen. Now, if this office, whatever might have been its value and importance in former times, be now, by the alteration of circumstances, superfluous in itself, not to say injurious in its operation and consequences; the imposition of so much personal inconvenience and pecuniary expense on so great a number of persons cannot be considered other than a public evil.

Another objection urged by Mr. Laurie, is the ambiguity which exists as to the nature and scope of the duties of Grand Jurymen; and which, as he rightly observes, must materially affect the mode of their decision.

'One gentleman conceives that he is bound to observe an explicit oath strictly, and to try each case submitted to him; a second construes the obligation more liberally, which makes his task less troublesome; a third, has no opinion of his own on the subject, but waits for the gloss upon it by the Court, in the charge; and a fourth, considering himself half judge, half juror, feels his duty as a judge impeded by his independence as a juror, and his personal feelings as a juror interfered with by his responsibility as a judge. This want of unanimity on first principles finds its way into the details, and is sufficient of itself to embarrass their proceedings.'—p. 36.

This diversity of opinion as to the duties of Grand Jurymen, vast and terrible as it is, has not been confined to those functionaries, but has distracted the judgment of lawyers, and even of judges. 'We are told,' says Professor Wooddeson, in his *Vinerian Lectures*,—'by two Chief Justices, Hale and Pemberton (2 *Hale*, P. C. 157—3 *State Tr.* 416—4 *State Tr.* 3.)

* This calculation is exclusive of the Grand Jurymen, who are called upon to act in cities and corporate towns, which are entitled, as the lawyers express it, to hold pleas of the Crown, or in other words, to exercise criminal jurisdiction. These may be excluded, because as the Grand Jurymen reside within the limits of their respective jurisdictions, they incur no travelling expenses; the only inconvenience sustained by them is, being called away from their families and business. Middlesex might fairly have been included in the account, being an extensive county (about 23 miles long, and 17 broad) and frequently, therefore, requiring its Grand Jurors to travel inconvenient distances, for the daily performance of their duties, while they exist. In the metropolitan district,—at Clerkenwell, at the Old Bailey, and at Guildhall—to say nothing of Southwark—there are eight Sessions yearly, calling out to their service, every year, 552 Grand Jurymen. When the length of each of these Sessions is considered,—usually several weeks,—the inconvenience inflicted is grievous, even if this institution be necessary; but intolerable, if it be unnecessary.

that the Grand Jury ought to find the bill, if there be but probable evidence, for it is only an accusation; while others (see *Eml. note on Hale's P. C.* 61 and 157—4 *Bl. Comm.* 300) humanely ponderating the anxiety excited by criminal trials, the dangers of perjury, and the calamities and agony of a dungeon, have maintained, that a Grand Jury ought to have a firm persuasion of the justness of the charge, for they are sworn to present nothing but the truth; and one reason why a Petty Jury cannot be called in question for their verdict in a criminal case, by the writ of attainr, is, that the prosecution is authorized by the oaths of the former inquest. What Sir Edward Coke, therefore, lays down (3 *Inst.* 25.) in regard to treason, may be applied to prosecutions for other crimes, that, seeing the indictment is the foundation of all, and is commonly preferred in the absence of the party suspected, there ought to be substantial proof.—2 *Woodd. Lect.* 559.

The same humane and just view of this point is taken by Lord Somers, in his celebrated tract before referred to. He says 'Tis scarcely credible, that any, learned in our laws, should tell a Grand Jury, that a far less evidence will warrant their indictment, being but an accusation, than the Petit Jury ought to have for their verdict. Both of them do, in like manner, plainly and positively affirm, upon their oaths, the truth of the accusation. Their verdicts are indeed one and the same, in substance and sense, though not in words. There is no real difference, between affirming in writing, that an indictment of treason is true, as in the practice of Grand Juries; and saying, that the party tried thereupon is guilty of the treason whereof he is indicted, as is the course of Petit Juries. They are both upon their oaths; they are both equally obligatory unto both; the one, therefore, must expect the same proof for their satisfaction as the other, and as clear evidence must be required for an indictment, as for a verdict. It is unreasonable to think that a slighter proof should satisfy the consciences of the greater jury, than is requisite to convince the less; and uncharitable to imagine, that those should not be as sensible as the others, of the sacred security they have given by oath, to do nothing in their office but according to truth. If there ought to be any difference in the proceedings of the Grand and Petit Juries, the greater exactness and diligence seems to be required in the Grand. It is, therefore, a great mistake to think, that the second Juries were instituted for the hearing of fuller proofs; that was not their work, but to give an opportunity to the accused persons to answer for themselves, and make their defence, which cannot be thought to strengthen the evi-

dence, unless they be supposed to play booty against their own lives.'

There is another point of view in which this tribunal is frequently within the knowledge of the writer of this article, 'prejudicial to the interests of the public,' but to which Mr. Laurie makes no allusion. Political asperities, personal animosities, and local dissensions, often operate so powerfully as almost to prevent the possibility of certain persons in districts so affected, having a true bill found against parties to whom they are thus opposed,—and, on the other hand, to subject certain individuals to the certainty of having a bill of indictment found against them on the slightest and most frivolous pretences. This is the common curse of all secret and exclusive tribunals. Lord Chief Justice Hale, in cap. 7. of his History of the Common Law, lays a similar charge against the ancient local and peculiar jurisdictions. He says,—'That in the county-courts, hundred-courts, and courts-baron, all the business of moment was carried by parties and factions. For the freeholders, being generally judges not only of the fact but of the law, every man that had a suit there, sped according as he could make parties, and men of great power and influence in the county did easily overbear others in their own causes, or in such wherein they were interested, either by relation of kindred, tenure, service, dependence, or application.'

Another objection may be considered worthy of notice, although it has escaped the attention of the author, and that is, the opportunity which the Grand Jury system affords to political and time-serving Judges,—persons especially addicted *loco, tempori, presentibusque rebus aptare seipsos suasque rationes*,—to promulgate in their Grand Jury charges, in times of public excitement, pernicious doctrines in politics, and obsequious crudities in matters of national interest. Our legal history is full of instances of this kind. It is not necessary to recur to remote or tyrannical times; many charges of the late Mr. Justice Ashurst, and of Mr. Justice Buller might be effectively referred to; and in more recent days, who has forgotten the absurdities of an excellent man, Mr. Justice Bayley, on the blessings supposed by him to be conferred on this country by the national debt? or the charge of Chief Justice Tindal at Bristol, on occasion of the late disturbances there,—a charge which no lover of the constitution, no advocate for rational civil liberty, will refer to without regret.

Passing by the author's suggestions with respect to particular regulations for the county of Middlesex, he proposes, according to a suggestion of Mr. Const, the learned and experienced chair-

man of the Middlesex Sessions, that the Grand Jury should have a clerk possessing sufficient technical accuracy to insure the cases being properly investigated, and adequate practical experience to arrange the order in which they should be examined; whereby a stock of legal information would always be at the service of the Grand Jury. p. 30. He requires also, that the Grand Jury shall be furnished with the depositions which have been taken at the police-office. p. 43.

Both these recommendations are good, as far as they go; but it seems worthy of serious consideration, whether, instead of attempting to reform, it would not be better to abolish the jurisdiction altogether. In former days, when gaol deliveries were separated by long intervals of time,—when, according to the legal institutions then existing, such a tribunal afforded the only means of preliminary investigation of the probable truth of an imputation of guilt, when, from the state of society which then prevailed, facilities of secret and of false accusation abounded, which do not now exist,—such a tribunal might have had its uses and advantages; but times and circumstances are now wholly changed. The system of police which at present prevails (imperfect as it confessedly is) in cities and large towns throughout this country; and the exercise of magisterial functions by justices of the peace, in places too small for the existence of a regular police establishment, or of a corporate magistracy invested with similar powers; supply the means of preliminary investigation of imputed crimes, in a manner, not merely as well, but much better adapted to the exposition of truth, than the tribunal in question. The Grand Jury examine in secret, the magistrates publicly; the former in the absence of the accused the latter in his presence; in the one case, the accused has no opportunity of repelling the imputation of guilt by exculpatory testimony on his part, in the other he has. There is an immense disproportion between the advantages of the two tribunals, both as regards the advancement of penal justice, and the protection of accused individuals. It does not appear why both these tribunals should in these times be necessary; and, if not, it is surely expedient that the least useful should be abolished. If the Grand Jury were abolished, the commitment by the magistrate, or his order for holding the accused person to bail, might be allowed as sufficient authority for the clerk of the indictments to issue an indictment, in cases which had been magisterially investigated; and in cases of misdemeanours, and offences which do not receive such a previous examination, the prosecutor might be safely allowed to apply for an indictment, at the peril of costs, and of an action for a

malicious prosecution, if he causelessly and vexatiously put the law into operation.

It is, however, a singular circumstance that few of the admirers of the Grand Jury appear to be conscious of the total change of character in which the lapse of time has involved their tribunal; their reverence for the institution carries them into an admiring retrospect of its great antiquity, and they feel a present exultation in the protection it is alleged to afford to innocence labouring under false accusation. Thus we are told, in terms which have been adopted, either literally or substantially, by almost all popular writers on the subject, that, 'our law has wisely placed the strong and two-fold barrier of a presentment and trial by Jury between the liberties of the people and the prerogative of the crown. It was necessary to vest the executive power of the laws in the prince; but the founders of the English law have, with excellent forecast, contrived that no man shall be called upon to answer for any capital crime, unless upon the preparatory accusation of a Grand Jury, consisting of twelve or more of his fellow subjects; and that the truth of every accusation, whether preferred in the shape of indictment, information, or appeal, should afterwards be confirmed by the unanimous suffrage of twelve of his equals and neighbours, indifferently chosen, and superior to all suspicion' This we have been told from the days of Blackstone downwards; and in earlier times Lord Somers did not hesitate to denominate (in the tract before cited) Grand Juries, the 'security of Englishmen's lives.' The promulgators of this legal optimism, see no variance between the original and the present principles and practice of Grand Juries; but it will appear upon examination, that, 'the excellent forecast of the founders of English law,' has no community whatever with the present circumstances of this tribunal. Originally the Grand Jury was merely an inquest, whose duty it was to find out offences; they were the instruments of accusation, not a shield or protection for the accused. In the words of Lord Somers, before quoted, 'the Grand Jury were the indictors.' It seems to be quite clear from a law of Etheldred [L.L. Ethel. c. 5] that a Grand Jury existed among the Saxons, for that law directed, that 'twelve thanes, with the sheriff at their head, should go and on their oath inquire into all offences, not charging any one falsely, nor wilfully suffering any offender to escape.' It has been observed, that, 'from the condition of the parties and the office required of them, namely, *accusare*, that is to make presentment of offenders, it is beyond all question, that they had only to determine, what offenders should be put upon their trial,

and what not. In the time of Rich. I. the itinerant justices who were sent to the different Counties in England, caused four knights to be chosen out of the whole county, who upon their oaths were to elect two lawful knights out of every hundred, or wapentake, and these two were to choose upon their oath ten knights, or free and lawful men in every hundred or wapentake. These answered to the twelve thanes among the Saxons, and performed, so far as regards the office of presentment, the duty of the Grand Jury of modern times.—See *Crabbe's Hist. of Engl. Law*, p. 33; 126; and the authorities there cited.

By degrees accusations were brought by persons aggrieved before the inquest, instead of leaving the inquest to find out the offenders; and thus in process of time its functions of original self-emanating presentment have been nearly superseded, and the practice of indictment has grown up in their stead. Thus instead of the Grand Jury being now, as formerly, themselves the originators of accusation, they at present assemble to decide on accusations preferred to them by others. Professor Millar has pointed out this change more expressly, perhaps, than any other writer. He says—'This is a new instance, perhaps more conspicuous than any we have had occasion to observe in the history of the English government, of a regulation whose consequences were not foreseen at the time when it was introduced. The great benefit arising to society from the interposition of the Grand Jury, is not only totally different, but even diametrically opposite, to that which was originally intended by it. The original purpose of that institution was, to assist the crown in the discovery of crimes, and by that means to increase the number of prosecutions. But when an accurate police had been established in the country, there was little danger that any crime of importance would be concealed from the public; and it became the chief end of the Grand Jury to guard against the abuses of the discretionary power with which the officers of the crown are invested, that of prosecuting public offences.'—See *Millar's Hist. View of the Engl. Gov.* p. 403.

Whether the Grand Jury system is open to the objections stated by Mr. Laurie, and to those additional ones which have been suggested, is matter worthy of grave and serious consideration; and the general interest is best consulted, by endeavouring to throw the facts before the notice of the public.

ART. VIII.—*Otterbourne; a Historical Novel.* By the Author of *Derwentwater*.—3 vols. 12mo. Bentley.

OTTERBOURNE is a 'novel of the historical kind, by a writer who some time ago published a tolerably interesting story of the Jacobites under the name of *Derwentwater*. *Otterbourne* goes back to the border wars of England and Scotland, and is descriptive of a celebrated inroad into the English Marches under Douglas, opposed by the Northumberland levies under the Percy, well-known as Hotspur, and which ended in the bloody and hard-fought field of *Otterbourne*; a battle which has made the fortune of many ballads and chronicles.

The grand subject of *Otterbourne* is, of course, fighting, and chiefly that description of fighting which passed between heavily-laden men at arms, lance in rest, and battle-axe hanging at saddle-bow. The passion of love comes in rather by way of stimulus than variety, and serves to turn general into particular fighting; so that when the public enemy is wanting, an antagonist may always be readily found in the ranks of friends.

The goddess of war must serve for the muse of the author of *Otterbourne*. The scenes are little more than a series of contests in various forms; the English marches at that time, according to the author, appearing to have resembled nothing more than a huge cockpit, with what is called a welsh main, or sometimes battle-royal. The description of a fight, from Homer downwards, has been an interesting subject even to the most peaceable men; and gentle women are observed always to take the most vehement delight in deeds of blood. There is nothing half so engaging to novel-readers, as huge thwacks on the skull-cap or scapular plate; the ring of a battle-axe has music in it, and delicate females shiver with delight as they read of the shock of two gigantic brewer's horses ridden by a pair of monstrous fellows covered with coats and breeches made of horse-shoes by the blacksmith. And when their lances break, or one is transfixcd and the other hurled to the ground, then is the gratification of the gentle creature that would not hurt a fly, complete. It is all chivalry and romance, happened a long time ago and a great way off, and perhaps is untrue. This is the consolation, no doubt; but it shows the corruption of our nature, that though orly imaginary, the pleasantest thing to read of is broken bones and ghastly wounds. It may be matter of wonder whether men ever talked in the way they are represented as doing in *Otterbourne*. The style is one often adopted in romance, and therefore it would be well to know the author's warrant for it. It is not English, it is not Saxon; it

is not verse, it is not prose; it is neither straight-forward nor roundabout, plain nor high-flown; but a compound of taunt and quip and boast, conceived in inverted sentences, well seasoned with saintly oaths, and not deficient in the garniture of poetical imagery. The grand characteristic of this style however, is its perpetual gibe,—a bandying of sneering phrase, such as cannot be supposed to have been ever prevalent among a whole people; yet it is taken up by the historical novelists as the language of the craft. In poetry Shakspeare had a valid reason for making his personages discourse poetically; but what warrant has the historical novelist for maintaining in all his dialogues a perpetual and elaborate tone of pompous jeering? In a historical novel of the school of Otterbourne, every thing is on stilts, even the jokes.

The groundwork of the story of Otterbourne is such as has been stated. But there is more than one superstructure raised upon it; the principal of which is the love of a lady of high degree for one of inferior quality, who however works his way up to worthiness by means of hard fighting in the course of three volumes. The lady's father is a valiant old border lord, now past combat, and in the most approved manner of the age a worshipper of blood, degree, and honour; that his daughter should chuse an esquire of churlish blood for his successor, is a thing never to be dreamed of, and the hero of other days consequently sees nothing of what is going on under his nose, till in due time the esquire wins his pennon, and earns the gratitude of the worn-out warrior in more ways than one. The esquire has rivals of the first degree of nobility, and has much to bear, not merely from their jealousy but their scorn. Insults of most kinds are heaped on this bravest of men at arms, and his chief consolation and grand reply seems to be borrowed from the present century. Farnaby (for that is his name) values himself for himself; and despises, or pretends to despise, ancestors who would probably be ashamed of their descendant.

The worst of historical novels of second rate, is that you are sure of nothing in them. The historical characters are shaded according to the fancy of the writer or the emergencies of the story. The manners have rarely a more authentic source than some imperfect and hasty researches of the novelist; and the style is pretty generally formed after the manner of a late Irish novel, where though the scene is placed in the middle ages, the dialect is the modern brogue. The writer apologises for this anachronism, in a style worthy of the historical novel. He says it would have been impossible to have written an English

novel in the old Irish; he has therefore made his attempt in the new. Then again, as to the matter of a historical novel, though the leading events are actually recorded in annals, the event by itself is nothing; an event is chiefly important for the motives that led to it, the characters that worked in it, and the consequences that followed from it; all these are necessarily misrepresented in the historical novel, or at least other motives and other persons are generally substituted for them. The hero of the novel, usually a wholly fictitious person, is the point round which all great deeds turn. With all this, there is no doubt that the historical novel has its charms; and some go so far as to say, that it ordinarily contains as much truth as history itself. This may be true; the writer of the history is, however, a striver after truth, while the efforts of the other writer lie only accidentally, if at all, in that direction.

With respect to the charms of the historical novel, they in part consist of the idea that we there behold a resuscitation of ancient and interesting times. This is generally a delusion; for most historical novels are as much like the future as the past. Then again a principal charm lies in the life and vividness with which striking events are portrayed; but this is common to all fiction. The events of historical novels are usually of one particular kind; for chivalry is their grand and inexhaustible source. The elements of a chivalrous character are essentially animal; he is a brawny butcher, great with the cleaver, capable of carrying a porter's load of armour, fighting is his avocation, robbery his amusement. Under a clumsy and formal show of respect he treats women with the grossest contempt, and if they are of low degree, and it serves his turn, he uses violence in addition to scorn. It is difficult to say what it is he calls honour, and by the code of which he pretends to be ruled; its principal element seems to be a notion that it is his duty to fight any odds, and back his own party in any deed of blackness. The ladies of chivalry are invariably a mere catalogue of charms, any difference being chiefly in the article of temperament; some are haughty and imperious, while on the other hand, others are meek and gentle, and so on. After all, there is some pleasure in seeing the introduction of the ordinary notions of the days of chivalry, which in fact form a substantial part of the popular creed, to end by being classed with vulgar errors. Something of this may be had from the perusal of *Otterbourne*,—where the misery of the Marches in the olden time is represented through the medium of battling knights, and independent reivers, having all knightly qualities

such as skill, strength, and thievery, and only deficient in nobility of descent. There is a model of this species in Otterbourne,—one Hugh of Hawden, quite as good as any of the Nevills and the Percies as far as can be seen, 'save that he is of 'churl's blood,' and commands only twenty prickers instead of five hundred. Nay indeed, he only appears for good, and yet the author is evidently so ashamed of him that he never mentions him without a salvo, or permits his presence once among the knightly crew. The author is himself well aware of the absurdity of the chivalrous system as a plan of society; and he has introduced, in order to give it a running commentary, the character of a radical priest, who takes a view of mankind such as the greatest philosopher that ever lived, brought up in that age, could never have attained, and if by any accident he could, he would have inevitably been burnt.

The utility of similar publications is not inconsiderable in the actual period; when the love of chivalry and all else that pertains to aristocracy is on the wane, and wants only the attempt to prop to make the descent more rapid. Let them fulfil their office, and then *Requiescant in pace*.

ART. IX.—1. *Report from the Select Committee on the Affairs of the East India Company, with Minutes of Evidence, in six parts, and an Appendix and Index, to each. Ordered, by the House of Commons, to be printed, 1832.*

2. *Correspondence between the President of the Board of Control and the Court of Directors of the East India Company. Ordered, by the House of Commons, to be printed, 1838.*

THE different Committees of both Houses of Parliament, which during the last four years have taken into consideration the affairs of the East India Company, have published Reports and Evidence which, although not yet completed, already amount to five-and-twenty folio volumes of various sizes, several of which amount to 800 and 900 pages. These voluminous documents have formed the principal materials for furnishing the reader with the following examination of the Ministerial plan for the future government of India. That plan is shortly this. The territorial government of India is to be continued in the East India Company. The commercial functions of the Company are to be in abeyance, as long as it exercises Indian sovereignty. The tea monopoly of the Company to cease, and the trade of the Chinese Empire to be thrown open to the nation. The Board of Commissioners for the

Affairs of India, popularly called the Board of Control, is to be vested with a power, which it does not at present possess, of sending orders direct to the governments in India, without the consent of the Directors, who are to have no appeal against its decision;—a provision which of course converts the Directors of the East India Company into a clumsy, inefficient, and expensive government board. Finally, the proprietors of East India Stock, surrendering to the Crown their whole claims and assets, commercial and territorial, are to receive, in lieu thereof, an annuity of 630,000*l.* being equal to the present dividend of ten and a half per cent. on the capital stock, for a period of forty years, at the end of which time, they are to be paid off, at the option of the government, at the rate of 100*l.* for every 5*l.* 5*s.* of annuity.

There is some mixture of good in this scheme, or rather, it should be said, a considerable abatement of evil; but upon the whole, it is but a bungling and clumsy project, for the government of an Empire of 80,000,000 of people, spread over an area of above half a million of square miles, or a territory equal to more than five times the extent of the whole of the United Kingdom put together. The home administration, it will be perceived, substantially, is to be conducted as at present. The home government of India consists of three parts, namely, the Court of Proprietors of East India Stock; the Court of Directors, elected by these as their executive; and the Board of Commissioners named by the Crown, to control the latter in the military and political government of India.

First then, of the Proprietors. The capital stock of the East India Company is six millions sterling; and the holders of it amount to about 3,500, of whom something less than 2,000 are entitled to vote. The proprietor of 1,000*l.* worth of stock is entitled to one vote; the proprietor of 3,000*l.* to two votes; of 6,000*l.* to three votes; and of 10,000*l.* to four votes. About one fourth of the whole of the proprietors are entitled to more than single votes. Any one may be a Proprietor, and any one may vote. The Proprietors, consequently, consist of foreigners as well as Englishmen,—of women, as well as men,—of Officials holding place and salary at the will of the Executive, as well as of persons unconnected with it. By various Acts of Parliament, the Court of Proprietors is virtually precluded from the exercise of all substantial share in the government of India, saving and excepting the nomination of Directors. It is obvious from this, that the proprietors of East India Stock have no more immediate connexion with the good or bad government of India, than so many holders of three per cent. consols, or so

many shareholders in the Liverpool and Manchester Railroad Joint Stock Company. 'Will you state,' said the Select Committee of the Commons in 1832, to the Secretary of the Court of Directors, a staunch advocate of the existing system, 'what are the functions actually exercised by the Court of Proprietors?' And he replies as follows:—'The Court of Proprietors elect the Directors and declare the dividends; all grants of money beyond 600*l.* are submitted to their approval, by the Court of Directors; they make Bye-laws for the regulation of the Company, where no Act of Parliament exists to the contrary.' 'It is hardly possible,' adds the worthy Secretary with some *naïveté*, 'to define what the powers of the General Court are. At the same time there is no limit, that I am aware of, that prevents the Court of Proprietors from discussing any matters relating to the Company; they would be guided, it is presumed, in the exercise of those powers, by the knowledge that what they might resolve upon, if not in accordance with the views of the Court of Directors and the Board of Commissioners, would be rendered nugatory and ineffectual*.' In all this it would appear that the difficulty of defining the powers of the Court of Proprietors is not quite so great as is propounded. 1st. They can elect Directors whenever they can get an opportunity, that is, twice or thrice a year. 2ndly. They can declare dividends; that is, they can declare what they have been uniformly declaring for every half year for the last forty years back, that the profits have amounted exactly to ten and a half per cent. per annum, neither more nor less. 3rdly. They can make any Bye-laws they please, with the full knowledge, however, that no measure adopted by the Directors and approved by the Board can be revoked or altered, by any thing they say or do. 4thly. They can approve or disapprove of a grant of 600*l.* or upwards, made by the Directors; a power which they may have to exercise half-a-dozen times perhaps in twenty years. And lastly, they may discuss any matter whatever relating to the home or Indian administration, with the full knowledge however, that their *palaver* may be rendered 'nugatory and ineffectual,' if not in accordance with the views of the Directors and of the Board of Commissioners; a material drawback, certainly, but one which has not always prevented the Proprietors from talking to no purpose for whole days and weeks together, as upon a late notorious occasion. •

The Directors or Executive body are four-and-twenty in number; but as the nomination is virtually for life, and six

* Affairs of the East India Company, Public, Minutes of Evidence, 1832, page 4.

undergo the ceremony of going out yearly by rotation, to return to their stations in due and regular course, the real number is thirty. Deaths and resignations are filled up by ballot of the Proprietors in person. The nominations are generally in the hands of a few individuals in the City, formerly under the direction of the India shipping interest, but now of four or five great East India houses of Agency, who at their good pleasure can nominate for life the future governors of 80,000,000 of British subjects.

No particular qualification is required for the members of the Home Executive of British India; as will appear clearly enough from the following Official analysis of the thirty gentlemen, as they stood in December 1831*. Eight of them were London merchants or bankers; who, besides taking their share in the government of the 80,000,000, had their own little affairs to conduct at the same time; nine were retired civil servants of the Company; four were retired military servants; five were commanders of the Company's trading ships; and four were nondescripts. A Director of the East India Company can never be too old or infirm for his duties. Of late years, these duties have been discharged at seventy and even at eighty years of age. A clerk or other officer at the India House, is in due course of years superannuated at two-thirds of the amount of his salary; but a Director never. The members of the Executive are evergreens. In 1821, fifteen out of the thirty were of ten years standing; and two were of above thirty years standing. There is of course nothing to prevent an East India Director from being a Member of the House of Commons; but the Reform Bill committed infinite havock upon their preferment in this line. In December 1831, there were no fewer than seven Directors in the House of Commons. At the last election two only were returned,—one, an accidental Whig; and the other a Tory, returned by a majority of five votes, by a remote and obscure constituency.

The Government of India is conducted by the nine senior Directors, commonly called 'The Committee of Correspondence;' and the fifteen juniors have really little or nothing to do with the matter. If a well-instructed Indian functionary should return from India at the age of fifty, he may be sixty-five before his period of probation is passed and he rises to a situation in which he is to have any share in the Indian administration. Of course it follows that he has hardly commenced his new

* Affairs of the East India Company, 1832, Public, Appendix 2nd, page 325.

duties, when he ought to be superannuated. There is a still higher Committee than the Committee of Correspondence, called 'The Secret Committee;' which, in communication with the Board of Control, is entitled to send orders to India without communication with any of the rest of the Directors. These orders refer to the most nice and ticklish parts of the Indian administration,—namely, the relations with the Indian Princes, and questions of peace and war. This Committee consists of the Chairman, Deputy-Chairman, and the Senior Director; and a judgment may be formed of the efficiency of the whole Court from the samples of it afforded by this very Select Committee, as it happens at the present moment to be constituted; one of the members being a retired commander of an East Indiaman, another a London shipbuilder, and a third, who has been three-and-thirty years a Director, a Russia merchant. Think of these men directing delicate negotiations with Runjeet Sing, and Holkar, and Scindia;—in one hour buying or selling tallow and hemp, and spars, and crooked timbers, and iron-bolts, and copper sheathing; and the next, directing the politics of India, from Cape Comorin to Agra and Lahore of Great Mogul.'

The Board of Commissioners for the Affairs of India, or Controlling Board, consists of a Commission under the great seal, the first named Commissioner being President. The Chancellor of the Exchequer and the Secretaries of State, are *ex officio* members. There are two salaried Commissioners besides, and some honorary members. The salaried Commissioners and Secretary must by usage be members of the House of Commons; they have heretofore been chosen from mere Parliamentary connexion, and are changeable with every change of administration. A few have been men of talent, and many neither of talent, experience, nor fitness;—eldest sons of Peers, country squires, and political aspirants to higher offices.

Such is the home government of India. Let it be tried in the first place by the test of expense. The following, by a careful examination of documents, are the official charges:—

Salaries, places, and superannuations, at the India House,	
exclusive of all commercial ones, or those connected with	
the local administration of India	2270,859
Salaries and superannuations at the India Board	29,847
Total	305,206

In this enormous sum is not included office-rant, stationery, and a great variety of contingent charges. Of the latter,

the reader may form a tolerable notion from the following sample, taken from a statement laid by the Court of Directors before Parliament in 1831.

Tradesmen's Bills for expenses at the East India House,
repairs, taxes, coals, candles, &c. £58,351

The reader, however, may be better pleased with a few specimens in detail.

The Court of Directors, Salaries	...	...	£7,600
Chief Secretary's Office, ditto	...	...	20,333
Military Secretary's Office, ditto	...	...	6,216
Examiner's Office ditto	..	...	21,459
Accountant General's Office ditto	...	...	19,975
Auditor's Office, ditto	...	..	13,032

So much for salaries; and now for a few specimens of pensions, in which will be given commercial as well as political, with a view of showing the manner in which talents and services are estimated at the India House.

A. B. Late Examiner	...	...	£1,530
H. B. Late Bengal Warehouse-keeper	...	...	1,400
J. H. Late Clerk in the Accountant's Office	...	...	900
G. M. Late Coast Warehouse-keeper	...	...	1,000
J. P. Late Deputy Accountant-General	...	...	1,200
J. S. Late Tea Warehouse-keeper	...	...	1,500
W. W. Late Auditor	...	...	1,800

Here are pensions upon a scale that was never matched in any age or country*.

The next test by which the present plan will be tried is its efficiency. Despatches or orders for India are originated by the Directors, but may be altered at will by the Board of Control. Of course no one can tell to whom the merit or demerit of a measure is to be ascribed; and of course there is no distinct responsibility, because responsibility may be bandied backwards and forwards between the two bodies at their pleasure. The correspondence with India is immensely voluminous. Everything that concerns the civil, military, and political government is committed to paper, and everything sent home in duplicate or triplicate. When these interminable documents arrive in England, they are again copied out, to be sent to the India Board. Then there is a correspondence between the Directors and the India Board; which, on a single subject, takes up always months and sometimes years. The following is a summary of the waste of pen, ink, paper, and time,

* Report and Appendix, 1831.

in the sixteen years from 1814 to 1829, as the facts were narrated by the Secretary of the East India Company, in his examination last year before the Select Committee of the House of Commons.

Folio volumes received from India	...	...	12,114
Letters of Directors to India Board	...	...	1,967
Letters from Board to Directors	...	...	2,642
Drafts of Despatches, sent by Directors to Board for approval	...	...	7,962
Other Letters and References of Directors, not to Board			50,146
Reports from Committees of Court of Directors to Court itself	...	...	32,902
Parliamentary orders served on the Court	...	...	723
Total	...	...	<u>108,756</u>

The Secretary at the India House, after stating that all the volumes sent from India are folio volumes, states that of these folio volumes '500 are in use every day.' He fancies with great simplicity, that while he is giving the details of this monstrous labour of supererogation, he is making the eulogy of the present system, while in reality he is pronouncing its irrefragable condemnation*.

To prevent collision between the two authorities, the present practice, an evasion however of the Act of Parliament, is to send from the India House to the Board of Control, unofficial communications, which are called 'previous communications.' 'Perhaps,' says the Assistant Secretary of the Board of Control in his examination,—

'the Committee would allow me to explain the mode in which those previous communications are examined by the different departments. As soon as one of this description of papers comes to the Board, it is referred to the senior clerk of the department to which it belongs. The previous communications are accompanied by what are termed Collections; which consist of copies of the documents upon which the proposed paragraphs are founded; these come up oftentimes in large masses, and, consequently, cannot be examined without considerable labour and time. I have myself known an instance, I think about three years ago, of one of those proposed despatches coming up, accompanied by about twenty thousand pages of extracts from consultations; that was certainly a peculiar case; but very commonly the Collections amount to two, three, four, or five thousand pages.'—*Affairs of the East India Company, Minutes of Evidence, Public, 1832, p. 20.*

* *Affairs of the East India Company, 1832, Minutes of Evidence, Public.*
VOL. XIX.—*Westminster Review.* I

With respect to the delay produced by this most complex system of administration, the evidence of Mr. Courtenay, who had been sixteen years Secretary to the Board of Control, is satisfactory and conclusive *. The Committee of the Commons examines him upon this subject, as follows:—‘Has the existence of these co-ordinate authorities, in their several relations to each other, tended, in your opinion, to promote the despatch of the public business in India, or otherwise?’ ‘To retard it in a most extraordinary degree, and in retarding it to make the whole more unsatisfactory. The length of time that elapses between an occurrence in India which is the subject of a despatch, and the receipt in India of the opinion of the Home authorities thereupon, is necessarily very considerable under any circumstances. Some not inconsiderable time must be taken up in England, in preparing the answer to the despatches; but the time is increased in an immense proportion, by the necessity of every despatch going through the two establishments, and being in many cases the subject of lengthened controversy between them. The consequence is, that by the time of the despatch’s arrival in India, very often circumstances have really changed, or if they have not, there are sufficiently plausible grounds for the Indian government alleging that they have, so as to furnish an excuse for not complying with the instructions, if they are unpalatable; and then comes another reference home, that occasions a similar delay; and when the instruction gets out a second time, of course the chances are very much greater, that there has been a substantial alteration in the circumstances to which they were intended to apply.’—‘Have you not known instances in which the delay occasioned by the circumstances you mention, has extended even to several years?’—‘Certainly, upon many very important points. I should say upon this, that there is sometimes very unpardonable delay in India in answering the despatches, and these two evils aggravate each other.’—‘Was the subject of these despatches of a pressing nature, or involving a general view of policy?’—‘Unquestionably, the despatches respecting which there has been the greatest delay, were despatches relating to general views of policy; but I should make the same remark to many cases of a much more pressing nature. I have no doubt, that the immense length to which the despatches both from India and to India are habitually extended, and the great voluminousness, almost proverbial, of all Indian writings, has

* Evidence of the Right Hon. T. Peregrine Courtenay, M. P. on Affairs of the East India Company. Minutes of Evidence, Public, 1832. p. 32.

been a very pregnant cause of the delay and inconvenience that has occurred.'

Of one branch of the correspondence, pretending to be the most important of all others,—namely, that conducted by the Secret Committee,—the following curious account is from the historian of British India, himself the principal framer of the correspondence in question. 'The secrets of the Indian government,' says Mr. Mill, 'like most other secrets, are in general good for*very little. In short, I do not think I am going a step too far when I say, that if all the secret despatches which have been sent from England to India, instead of having been sent had been put into the fire, the situation of India would hardly have been different from what it is*.'

The only thing like rational extenuation of this plan which has ever been offered, is the question of patronage,—the fear, in short, of increasing the power of the crown by bestowing upon it the direct patronage. How is this dreaded patronage created? The principal branch of it consists of nominations to offices in the civil administration of India. Full 2,000,000*l.* sterling of the Indian revenue are divided among less than a thousand persons; who accordingly share among them, from lads of eighteen and upwards, on an average, salaries above 2,000*l.* a-piece, besides being entitled to considerable retiring superannuations. This is a monopoly produced in favour of the personal friends of Directors and Ministers, by the total exclusion of the natives of India, and of all Englishmen who might be disposed at their own risk and cost to qualify themselves for employment, from every office of honour, trust, and responsibility. Lads of fifteen are named by individual Directors, on their own judgment or want of judgment; and these rise by seniority to the offices of judges, ambassadors, and legislators in a strange land. A monopoly and a nuisance are first created, and then the monopoly and nuisance are made the pretext for continuing a most inconvenient, inefficient, and expensive form of administration. This is the true explanation of the bugbear of Indian patronage; and, unfortunately Lord Grey is old enough to remember the year 1784, and his friend Fox's Bill, and to be frightened at the phantom. Let us see, however, what is the amount of this patronage. An official statement, of 1832, gives the number and description of nominations; and the values will be taken from a work published in 1813 by one of the present members of the Board of Control, making proper

* Evidence of James Mill, Esq. Chief Examiner at the East India House. Minutes of Evidence, Public, p. 42. 1832.

allowance for the increased value of money and patronage since that time.

39	Writerships, or Civil appointments for India, per annum, at £5,000 a piece	... ..	£195,000
67	Cadetships for Engineers and Artillery, at £700 each		46,900
15	Cadetships of Cavalry	at £900	13,500
124	Cadetships of Infantry	at £500	62,000
56	Medical Appointments	at £700	39,200
5	Clerical Appointments	at £700	3,500
12	Naval Appointments	at £400	4,800
			<hr/>
			£364,900
			<hr/> <hr/>

Such is the principal part of the patronage enjoyed by the Court of Directors, in so far as India is concerned; for here they have the patronage of nomination only, the local government, in so far as the principle of seniority does not interfere, having the appointments to office. The patronage is divided into twenty-eight shares; each ordinary Director having one, the Chair and Deputy-Chair having each two, and two being reserved for the President of the Board of Control. Each share is worth about 13,000*l.*; and a double share 26,000*l.**

And next for a disinterested view of such a government as would suit the present circumstances of India;—a great country, a populous country, a strange country, a distant country, a semi-civilized country, and a conquered country; characteristics all of them constantly and steadily to be held in mind, in any attempt to speculate upon a form of administration for it. A representative government is obviously inapplicable to such a country, without a total change in the conditions; which is *contra hypothesin*. What it wants, then, is a cheap and efficient administration,—a government that will take as little as possible out of the pockets of the people, and secure to them every degree of personal freedom compatible with their general rank in civilization. The brief way to effect this, would be for the government of India to be taken at once into the hands of the Crown, and the Minister be made directly and substantially responsible for his measures. The present expenditure for the Home Government of India, including office-rent and other contingencies, is probably about three times as great as the entire charges, including contingencies, of the Home Office,

* Affairs of the East India Company, Public, Appendix, 2nd, 1832. p. 326.—The expediency maintained of continuing the system by which the trade and government of India are now regulated. By Robert Grant, Esq. 1813. p. 251.

the Foreign Office, the Colonial Office, and the office of the Privy Council. For the Home Government of India there might be made double the parliamentary allowance given for the India Board; or, which is nearly the same thing, double the whole salaries and contingencies of the Colonial Office. This is about 50,000*l.*, and, it ought to be adequate to every purpose; for in truth, most of what is done at home is a mere repetition of what has been already better done in India,—sheer labour of mischief, or of supererogation at the utmost. India can only be well governed in India; and the principal function which the Government of this country has to perform, is to secure to it a liberal and upright administration there. No patronage ought to be exercised by the Crown, or in any other quarter in this country, except what is absolutely necessary towards retaining British supremacy in India. Already the Crown, actually or virtually, possesses the patronage of the entire British army and navy in India; of all the governors, all the commanders-in-chief, and all the judges administering English law; and it possesses, through the monopoly of civil nominations, a patronage in the person of the President of the India Board, of 26,000*l.* per annum. In lieu of this last, should be given to the Crown, what the Crown ought unquestionably to possess in a conquered empire, the nomination to military appointments. The appointment to all civil offices in India other than Governors, members of Legislative Councils, and Judges of Supreme or Appellate Jurisdictions, should be thrown open to public competition to all British subjects, Indian or European, on the nomination of the local governments; barring European subjects, however, from exercising civil office except under a fixed number of years probationary residence in India, in order to secure in candidates the requisite local experience and local knowledge, and to guard against Ministerial influence in England. The Minister would gain by this scheme 250 military appointments,—equal to so many ensigncies and cornetcies in the king's army, and which have been valued, as above, at about 150,000*l.* per annum. He would lose his patronage of writerships equal to 14,000*l.*; so that his actual gain, valued in money, would be about 136,000*l.* This patronage he would exercise openly and responsibly; instead of enjoying clandestinely and irresponsibly, as at present, a patronage of 26,000*l.* and as much more, as he can grasp at. If this military patronage was deemed too large, a part or even the whole of the commissions might be sold for public or charitable uses, or some might be offered as prizes to public institutions. The other advantages of this scheme would be, that civil patronage to the extent of nearly 200,000*l.* per annum would be got rid of; that by getting rid of the mo-

nopoly of civil office, India would enjoy a larger, cheaper, and more efficient supply of civil functionaries ; that a sum equal to at least a quarter of a million sterling per annum would be saved in the item of Home administration ; that in the next sixteen years, something less than 108,756 folio volumes of letters, reports, and references, would be sufficient for carrying on the Home government of India ; in a word, that the *grand bourg pourri* of Leadenhall Street would be finally and for ever got rid of.

It is a most mischievous and absurd popular delusion to imagine that the patronage of the East India Directors is not, to all bad intents and uses, Ministerial Patronage. It is very nearly as much so as the patronage exercised by the Board of Admiralty or Ordnance, and fully as much so as the County or Borough Patronage which the Minister of the day is compelled to hand over to his parliamentary supporters. A body constituted like the East India Company, is the natural ally of corrupt power, and the natural enemy of popular rights. This is not mere assertion ; the proofs are abundant. From the passing of Mr. Pitt's India Bill to the introduction of the Reform Bill, the most tender friendship subsisted between the Minister and the Company. The latter generally sent seven and sometimes nine members into the Commons House of Parliament, to support the Tory Administration ; and these 'good men and true' did warmly support it in all the bad measures of the last half century. The Reform Bill broke the spell and dissolved the alliance. Six out of the seven Directors in Parliament opposed the Bill in all its stages ; and when it became law, and the people had to exercise that law, they rejected five of the six opponents of the popular measure. At the present moment, there is but one out of the seven in parliament, and he the sole supporter of the Bill.

The plan of a Home administration under the Crown, may be easily sketched. Military details would of course be transferred to the Horse Guards, naval details to the Admiralty, the supply of military stores to the Ordnance, and the dividends would be paid at the Bank of England, or wherever else the interest of the national debt may be paid. This in point of economy would be a great improvement. The President of the Board of Control would give place to a Secretary of State for India ; and the present Secretary and salaried Commissioners, to four Under Secretaries, corresponding with the four departments, the judicial, the revenue, the financial, and the political department of the Indian business and correspondence, which would still remain after the transfer of details already alluded to. For some at least, of these Under Secretaries, and for efficient clerks, the men of experience and talent at the Board

of Control and at the India House would offer ample materials. The chief business of an Indian Secretary of State would be to select men of honour and talent for carrying on the local government of India, to maintain a vigilant and wholesome control over the Indian administration, to sustain with moderation and firmness the supremacy of England, and to enforce general principles in the conduct of the government. It is hardly necessary to add, that the busy, meddling, impertinent interference with the details of administration in a country 14,000 miles off, which has been frequently attempted, can be productive only of mischief. A variety of minor objections have been urged against the assumption of the direct administration of India by the Crown, which will now be replied to. If, say the objectors, the government of India be vested in the Crown, it will fluctuate with every change of administration; whereas the government of a country so peculiarly circumstanced as India, ought to be as stable and permanent as possible,—ought, in a word, to be vested in the hands of an experienced, unchanging body, unconnected with party. The great absurdity of this notion is, that it would go to place the patronage and administration of India in men beyond the control of the Legislature and of the public. To render the thing complete, the next proposal ought to be, to make the Home Administration of India hereditary. Every statesman in this country, pretending to direct its destinies, ought to be acquainted with every branch of its administration, colonial as well as domestic; and, of course, with the affairs of the 80,000,000 of British subjects in India, in common with the rest. To insulate so great a branch of the national interest and confide it to a peculiar set of men, would be to create an Indian governing caste,—to convert the administration of an Empire into an offensive craft,—in short, to perpetuate the very system which has hitherto made India, with the English public, an irksome and unpopular topic. The habit of dabbling in Indian details, or even a local knowledge of India, is by no means necessary for directing the Home Administration of India. Quite the contrary; it may be even mischievous. A witness is very useful and necessary in a court of justice, but no one thinks of placing him in the judgment-seat. In a parliamentary inquiry into Slavery and the Timber trade, the evidence of a West-Indian planter or a Shipowner may be necessary; but no one thinks of making a West-Indian Planter or a Shipowner a Colonial Secretary or an Under Secretary of State. No one thinks that sea-captains, commodores, and admirals are the only men from whom to chuse First Lords of the admiralty. No one imagines that clerks in the Foreign Office and Attachés to Legations, are the only men who ought to rise to the station

of Foreign Secretaries. On the same principle, can anything be more ridiculous than to think that for the mere purpose of securing a greater degree of permanency in the Home Administration of India, the destinies of the Indian Empire should be confided to retired Collectors of the Indian Land-tax,—to retired framers and expounders of ‘the Company’s Regulations,’—to retired agents of the Company’s monopolies of salt and opium,—to retired Tea Supercargoes,—to retired commanders of merchant ships,—and to actual London bankers and traders? Yet there is something more ridiculous and extravagant than all this; which is, that the persons thus mentioned should be chosen by the holders of a certain amount of annuity,—by the old men and old women whose selfish brawling has lately proclaimed to the world their indifference to India or their ignorance of it.

The next objection to the assumption of the government of India by the Crown, is drawn from the acknowledged bad colonial management of the Crown, and the supposed better management of the Company. There is here an obvious begging of the question. The bad management of the Crown, a comparatively easy and circumscribed subject, is tolerably well known and even familiar to the British public. The management of the Company,—a wide, difficult, and much mystified question,—is scarcely known at all; and of course, of what is little known, no distinct evil can be predicated. It may be boldly asserted, that the Crown, since it first possessed colonies, from the reign of James I. to the present hour, has hardly possessed one that did not advance to prosperity with a rapidity unknown in any portion of the territories under the management of the East India Company. There is not a colony under the Crown, which in any period of its history, would not either have sunk under, or been driven into rebellion by one half the exclusive monopolies and heavy taxation which the Company has inflicted on the territories subject to its management. The patient Hindoos bore these inflictions, because, bad as they were, they had been for ages inured even to worse. It would be to reason most inconsequentially, to argue, that because, speaking in a foreign language, at the distance of half the globe, and with a rude hand clapped on their mouths, we did not hear their complaints, they had really less reason to complain than those who are nearer home and have the power to make their grievances known in our common tongue.

It would be unfair to compare the progress of the Company’s territories, inhabited and settled by semi-barbarous Asiatics, with that of colonies settled by Englishmen, in new and unoccupied lands; but, they may safely be compared with colonies acquired by the Crown from foreign nations. The island of

Ceylon is a Crown colony; and its mismanagement has often been contrasted with the supposed better management of the Company's territories adjoining to it. This, to all appearance, is bringing the relative management of the two parties concerned, to the test of experience; let the example then be analysed. In the first place, it is to be observed, that Ceylon, compared with almost any considerable portion of the Company's dominions, possesses but an unfruitful soil, an unsalubrious climate, and a barbarous and scanty population. The land which affords its most remarkable product, cinnamon, is a barren sand; and its most industrious inhabitants are a few emigrants from the continent. In no age and under no rule has it possessed fertility enough, or industry enough, to raise for itself a sufficient supply of bread corn, which it has invariably received from its neighbours. The progress of such a country can no more be compared in fairness with the progress of the Company's territories, than that of a Portuguese or Russian colony, established in a poor country and unfavourable climate, with a colony of Englishmen founded in a fertile country and an auspicious climate. Then, Ceylon, for the first seven years of our possession of it, was under the management of the East India Company; and down to the present year, that is, for a period of very nearly forty years, it has been managed by the Crown on the pure model of the Company's governments, with their monopolies, their privileged service, and their grinding taxation; and it is the only colony of the Crown that has ever been so administered. With the explanation now given, it will be found that the management of the Crown in Ceylon, notwithstanding its many sins and jobs, has still some advantage over that of the Company. In Ceylon, it is the object of the king's government to confirm a private right of property in the soil to the native inhabitants; in the Company's provinces, for the last thirty years, the object aimed at, with great industry, and considerable ingenuity and success, has been to obliterate it by taking the entire rent as tax. In Ceylon, British subjects may hold land, and British skill and industry are expressly invited to improve the country; in the Company's territories, the preventing the owning of land by British subjects, and the express exclusion of British skill and industry from the country, are among the most fundamental principles of the administration. In Ceylon, Englishmen may travel all over the island without a passport; in the Company's territories, no Englishman must presume, without express leave, to go beyond ten miles from the capital, at the risk of being banished or 'deemed to be illegally trading,' (albeit a botanist or geologist), and prosecuted in the King's Bench, paying double costs of suit

in that enviable situation, for his impertinent curiosity. In Ceylon, Jury-trial has been successfully introduced for several years past; in the Company's territories it has never existed, and a few feeble attempts to introduce it have been discouraged by the high authorities. In Ceylon, civil and military salaries are comparatively moderate; in the Company's territories, they are invariably from twenty-five to fifty and even 100 per cent higher. In Ceylon, the Whig Ministry, under the auspices of a Reformed Parliament, has just done away with forced services, purveyance, and the cinnamon monopoly; in many of the Company's territories, forced services and purveyances still exist, and the salt monopoly exists everywhere. These are samples; and as they are here pointed out for the first time, the reader is begged to attend to the statement.

The advocates of the existing system complain of the encroachments of the Crown, very thoughtlessly, and very inconsistently. According to the Company and its friends, their administration has, in every age of it, been perfect, and never ought to have been interfered with by meddling Ministers and meddling Parliaments. Under Clive, and after the battle of Plassey, when the rapacity of the Company's servants would have disgraced a horde of Tartars, the interference of Parliament was loudly exclaimed against. When Parliament interfered in 1773, the happiness of the people of India and the good of England were the sole motives which induced the benevolent Company to resist its encroachments. When, ten years after, Mr. Fox was on the point of establishing for India the only fair form of administration ever contemplated for the country, the East India Company became again alarmed for the happiness of the Hindoos and the welfare of Englishmen; it intrigued successfully, and drove the encroacher on Indian happiness and British prosperity from the administration. The deprecated interference, however, was carried into effect in another form; and in 1793, after ten years trial, the system was declared to be once more perfect. It was perfect before the interference of the Board of Control, and perfect after it. Notwithstanding the perfection which preceded 1793, some changes were forced upon the Company in that year also. With these changes, the system worked admirably in 1813; and the nation was entreated, as it valued its own honour and prosperity and the happiness of the people of India, not to alter a tittle of the existing system. Greater innovations than ever, were perpetrated in that year; and after twenty years experience the Company again declares that perfection has been attained, and we are once more implored, as we love the Hindoos and dear tea, to attempt no more rash innovations.

These inconsiderate monopolists wholly forget, that Parliament has encroached, on every practicable occasion, for more than sixty years ; and that every fresh encroachment, even by their own confession, has been followed by some amelioration in the government of India, and by some advantage to the people of England. They forget that under the pure unmixed administration of the Company, India was the victim of an extent of avarice, anarchy, and spoliation, of which there is no modern European example, except in the conquests of Mexico and Peru in the sixteenth century ; and that always in proportion as the Crown has succeeded in taking a share in the Indian administration, has that administration been improved and India prospered ; the amiable Company all the while deprecating change, and loudly complaining of violated rights, at each successive encroachment.

Exclusive of direct and substantial responsibility, the great advantage of having the Indian administration conducted by the Ministers of the Crown, over an administration conducted by any joint-stock association, is, that a responsible Minister can have no grand interest separate and distinct from that of the country governed. The interest of the East India Company has heretofore been perfectly distinct from that of the people of India. The interest of the people of India is to be well governed ; and, as an important element in it, to be lightly taxed. The prominent interest of the East India Company has been to secure or increase dividends, and therefore to tax India as heavily as India will bear without risk of revolt. This has in fact been done. Every new tax that could be thought of has been imposed ; and no tax once imposed has ever been relinquished, except on an experience of its utter unproductiveness, or when the Company has been compelled to abandon it by actual rebellion, of which there have been several examples. An insuperable objection upon this ground lies against the government scheme ;—a fact which must be obvious to any one who has attended to the late discussions at the India House, where instead of the interests of the people of India, were heard the weary debates of hours and days on such topics as ‘ guarantee funds,’ ‘ surplus revenue,’ ‘ assets,’ and ‘ profit and loss.’

Next, on the local administration. India, as is sufficiently known, is divided into three governments, of which the extent, population, military force, revenue, and charges, are compendiously described in the following Table, extracted and corrected from the official statements*.

* Affairs of the East India Company, 1832 ; Finance and Accounts, Appendix 2nd, p. 412.

STATISTIC VIEW OF THE BRITISH EMPIRE IN INDIA,

UNDER THE ADMINISTRATION OF THE EAST INDIA COMPANY.

Government.	Area in Square Miles.	Population.		Provinces.	Military and Marine Persons.	Revenue.	Charges, exclusive of Debt.			Total.
		Total.	Per Square Mile.				Civil.	Military.	Marine.	
Bengal in Hindostan	306,012	60,916,335	199	57	112,858	13,825,280	4,884,559	4,432,792	128,448	9,445,799
Singapore, &c.	1,317	107,054	81	3	..	32,897	123,233	18,800	11,165	153,198
Arracan & Tenasserim	48,800	170,000	3	2	..	..	..	..	..	..
Bengal total.	356,129	61,193,389	172	62	112,858	13,858,177	5,007,792	4,451,592	139,613	9,598,997
Madras.	141,923	13,508,535	95	21	70,648	5,415,587	2,051,710	3,179,924	22,441	5,254,075
Bombay.	64,938	6,638,810	102	10	41,396	2,421,443	1,660,422	1,741,095	199,324	3,600,841
All India.	562,990	81,340,734	144	93	224,902	21,695,207	8,719,924	9,372,611	361,378	18,453,913
Saint Helena.	47	4,766	101	1	800	..	..	..	..	93,004*
Total.	563,037	81,345,500	144	94	225,702	21,695,207	8,719,924	9,372,611	361,378	18,546,917

* The Territorial Debt or Debt in India, bearing interest, in 1828-29 was £.39,377,880, and the interest or yearly charge, £.2,139,117. From this it will appear that the whole debt is short of two years purchase of the gross revenue, and that the interest forms less than one-tenth part of the Revenue or Charges.—See *Report*, 1832, *Finance*, p. 42.

Before proceeding to the main subject, a few observations must be made with reference to this Table, on the great imperfection of some of the public documents laid before Parliament. In the Parliamentary Table, from which the principal part of this has been borrowed, the total area of the Presidency of Bengal is given at 307,329 square miles, and the total population at 69,817,125. The territory ceded by the Burmese, is here altogether omitted, and the area of certain recent acquisitions from the Mahrattas, amounting to 85,700 square miles, is given, without any population. Then again, with respect to Bombay, the area of one great province of 5,500 square miles is included, but the population forgotten. These errors it has been endeavoured to correct, from the most probable estimates which could be made. In the Table, the Allies of the British Government are omitted. Computing their population as equal in density to that of the territories under the governments of Madras and Bombay, the whole British interests in India, direct or indirect, will be as follows ;—

			Area.	Population.
British territory	...	...	563,037	81,344,500
Allied territory	...	...	614,610	61,461,000
Total	...	...	<u>1,177,647</u>	<u>142,805,500</u>

To begin with the civil department of the Indian government. Most readers are aware, and indeed it has already been pointed out in the preceding part of this article, that all civil office in India of honour and emolument, is a rigid monopoly confined to about a thousand individuals. These are nominated at the age of fifteen, by the Directors of the East India Company, and must, in so far as their own body is concerned, rise by seniority to the highest civil offices in India, governors, and not always even these, excepted. In fact it is no exaggerated representation of the present system,—and it is only to be modified in the ministerial scheme by substituting the nomination of candidates for the nomination of appointments, those who name the candidates and the parties who examine the candidates continuing to be the same persons,—to say, that under it, the future legislators, ambassadors, judges, and financiers of eighty millions of people, are selected for their respective vocations in their very boyhood, by such men as London merchants, bankers, and the like. No reasonable man can well deny, that taking a thousand men by lot from the educated classes of society, from among whom to select public functionaries, would be a scheme more

likely to command the requisite talcuds, than the one which is thus to be submitted to the Legislature.

The system for which this is the principle of selection, is the most extravagantly expensive that the world ever heard of. To show the extent of its costliness, the way will be to trace the progress of an officer in the judicial department, not the most highly paid, for indeed all departments, be they mean or dignified, are paid alike, the universally pervading principle being emolument. The first expense incurred by the State for its civil functionary, is on account of the Home College at Haileybury, which costs per annum, including six and a half per cent for the rent of buildings, 18,350*l.* in the average of the three years ending with 1830-31. This, for the average number of students instructed, is 640*l.* for three years education, exclusive of the student's own contributions. Of the results of this expensive institution, the evidence of Mr. Mackenzie, who was himself a distinguished student at it, is quite conclusive.—‘Should you say that the advantages derived from it were equivalent to the expense of the institution itself?’ ‘I think, not; because I conceive the same advantage could have been attained without the expense. It would be difficult otherwise to weigh the one against the other.’—‘Is it your opinion that this institution might be dispensed with, without any serious public detriment?’—‘I think, without any public detriment.’

Mr. Mill's opinion is still more decided. In answer to the question—‘Are you aware how far the Institution at Haileybury has been found beneficial to the object for which it was instituted?’—He replies—‘My opinion of the Institution at Haileybury, from all my knowledge of it, which however is far from perfect, is by no means favourable; I conceive that there is very little done in the way of study, except by a small number of the best disposed of the pupils, who would study anywhere; and that the tendency which is inseparable from assemblages of young men to run into dissolute courses, operates there to a deplorable extent.’ A little further on he observes, —‘Nothing is to be more lamented than this, that young men should be sent to act as judges in India, without having received, I believe I may say with truth, one word of instruction on the peculiar nature of the unspeakably important, most peculiar, and difficult duties they will have to discharge*.’

The next expense incurred by the State, is for another institution of a similar kind in India, the College of Calcutta; for the

* Affairs of the East India Company, 1832; Finance and Accounts, Appendix 2nd, p. 414. Minutes of Evidence, Public, pp. 54, & 76.

intention is to follow up the progress of the future judge on the principal establishment, that of Bengal. He arrives in India at eighteen, and may be supposed to continue at this Seminary for one year. On the average of all the years of the present charter, down to 1829-30, the yearly expenditure for this Seminary was 16,027*l.*, and the annual number of students educated being twenty-eight and a half, the charge for each is 560*l.* The student, however, has now a monthly salary of 30*l.*; so that the whole expense to the State of his residence at the College, is 920*l.* Mr. Mackenzie, for fifteen years the leading member of the College Council, calmly pronounces sentence of condemnation upon this Seminary as follows:—‘Should you say that the institution of the College at Calcutta has been publicly useful, and if so, to what degree?’—‘I think it has been useful, chiefly in providing books, by which the acquisition of the native languages has been greatly facilitated. But that object having been accomplished, I think, on the whole, it is disadvantageous to the public service, instead of advantageous*.’ It is strange that any government should insist on continuing a college which is only useful as a library, or on supporting a library at an expense of 16,000*l.* per annum, and this for the accommodation of eight-and-twenty young gentlemen, a considerable portion of whom, it is admitted, cannot by any persuasion be brought to look into a book.

The origin of the co-existence of two seminaries, one in England and one in India, is curious. The Marquis of Wellesley, in 1801, for his own special glorification, founded the College of Calcutta, which during the first four years, cost, exclusive of buildings, 193,813*l.*, or including salaries received by the students, 268,690*l.*† The number of students educated during the four years was 208, so that the education of each cost 1,292*l.* per annum. The Court of Directors became envious of the glory of the Governor General, and resolved to have a college of their own, commanding Lord Wellesley to reduce his establishment, which was accordingly done. In the four next years, the joint charges of the two Seminaries amounted to 230,977*l.*, or to near 60,000*l.* per annum. Contrast this profuse and useless expenditure of public money with the sums expended for the education of the natives. These natives in 1813 were estimated at 60,000,000, and the annual amount expended on their education little exceeded 5,000*l.* In that year, Parliament in its extreme

* Affairs of the East India Company, Minutes of Evidence, Public, 1832. p. 76.

† Affairs of the East India Company, Public, Appendix 2nd, p. 676. Finance and Accounts, Part II, Appendix p. 414, 1832.

liberality enacted, that 10,000*l.* per annum should be set aside for the 'promotion of native literature and science;' yet for eleven years thereafter, the annual expenditure ranged but 7,370*l.*, and it was not until 1824, that the sum exceeded the Parliamentary grant. For eighteen years the sum expended on native education was but 273,522*l.*, that is, out of a revenue exceeding twenty-one millions, very little more than 15,000*l.* per annum, or not within 10,000*l.* of the salary of the Governor-General.

The aspirant, it must be remembered, is still but nineteen years of age, and beyond a small smattering of eastern languages, which will hardly enable him to carry on the most common conversation with his domestics, he has received no education whatever to qualify him for the judicial office. Six years may therefore be given him, or till he is five-and-twenty, to acquire officially and empirically, the only way in which he can acquire it, some acquaintance with the laws which he is eventually to administer. For one half of this period he may receive, as an assistant, a salary of 480*l.* per annum, and for the remainder one of 600*l.* per annum. The whole sum will be a charge to the state for his education, such as it is, of 3,240*l.* From twenty-five to thirty, it shall be supposed that the services to be performed, in a subordinate official capacity, are of some value. The salary now received in the capacity of what is called a Register, may, for the first three years, be about 800*l.* a year, and for the two last about 1,200*l.* This, however, is still a period of probation and training; and at least one half of the salary must be considered as an expense incurred by the State for the education of its functionary, or for qualifying him for a seat on the bench. This is 2,400*l.* At thirty, our functionary is promoted to the bench, where he shall be supposed to serve for fifteen years; five, as a district judge; five as a provincial judge of appeal; and five more as a judge of the principal appellate court; in the first capacity with a salary of 3,000*l.* per annum; in the second with one of 4,800*l.*; and in the last with one of 6,000*l.* per annum. Before this whole period of twenty-seven years actual residence in India shall have expired, our Indian judge is entitled to retire upon a pension of 1,000*l.* per annum, one half furnished from deductions from his various salaries, and the other moiety by direct contribution from the state.

After this analysis, it is easy to compute the cost of fifteen years services of a Company's judge, and to compare them with the cost of a professional judge, serving the same

* Affairs of the East India Company, Public, 1832, p. 483.

period, educated at his own expense, and proceeding to India at the mature age of forty. The items of the charges of the Company's judge, recapitulated, are as follow :—

Haileybury College	640
Simple Interest on the same, for twenty-seven years, at 5 per cent.	864
Calcutta College and Salary	920
Simple Interest on the same, for twenty-six years	1,196
Salary as Judicial Assistant	3,240
Simple Interest on the same, for twenty years	3,240
Salary as Register, one half	2,400
Simple Interest on the same, for fifteen years	1,800
Judicial Services, for fifteen years	69,000
Value of a Life Annuity of 500 <i>l.</i> at forty-seven years of age	4,905
	£88,205

The salaries and charges of several of the Judges sent by the Crown to India are represented in the following table :—

OFFICE.	15 years Salary.	Passage-money to India	Value of Annuity.	Total. £
Puisne Judge of the King's Supreme Court at Bombay	62,500	1,000	10,668	74,168
Recorder of Bombay	50,000	1,000	8,890	59,890
Recorder of Prince of Wales Island	45,000	1,000	8,890	54,890
Recorder of Singapore, &c.	53,000	1,000	8,890	62,890

It appears from this statement, that a Company's Judge without a professional education costs near twenty per cent. more than the highest class of King's Judges exhibited in the table, and sixty per cent. more than the lowest class; that is to say, an individual without legal reputation, or education, advanced to the bench at the premature age of 30, is much more costly to the state than a Judge of reputation and character, promoted from the expensive bar of England at the mature age of forty. If the comparison be made with the Judges sent by the Crown to the Colonies, it will turn out to be still more unfavourable to the system pursued by the Company. Thus in Ceylon there is a King's Chief Justice and two Puisne Judges; the Chief Justice with a salary of 4,000*l.* per annum, the first Puisne Judge of 2,000*l.* and the second of 1,500*l.* Their fifteen years services, therefore, cost respectively 30,000*l.*, 30,000*l.*, and 22,000*l.* There is not of necessity, and by regulation, any pension. A Company's Judge therefore costs 80,000*l.* more than a Chief Justice of Ceylon; nearly as much as the first

Puisne Judges; and nearly as much as four second Puisne Judges. It is hardly necessary to inform the reader that a King's Judge in Ceylón must be a barrister of five years standing. This may be taken to be conclusive of the whole affair of an exclusive service for India.

It has been stated that almost all departments of civil employment in India are paid upon nearly the same scale; in the same way as if in this country the service of a collector of the assessed taxes were to be as highly rewarded as those of a Judge, or as if the salary of a Commissioner of Stamps were made the same as that of the Chancellor of the Exchequer or the First Lord of the Treasury. The following are samples which will show the operation of this new species of democratic arrangement *.

Senior Judge of the Provincial Court of Bareilly	£5,000
Salt Agent, or Agent of the Salt monopoly, at Bulloah	5,093
Puisne Judge of the Supreme Court of Appeal	5,500
Agent of the Opium monopoly in Malwah	6,000
Resident or Ambassador at the Court of Nepal	6,000
Postmaster General	6,138
Collector of Customs at Agra	4,787
Puisne Judge of Provincial Court of Appeal, Calcutta	3,500
Superintendent of Stamps	3,358
Superintendent of Police in Calcutta	4,560
Accountant General	4,440
Collector of Customs, Mirzapore	4,500
Member of the Supreme Council	10,000
Chief of the Select Committee of Supercargoes in China, (in 1823-24)	10,000
Member of the Supreme Council at Madras	6,000
Second Member of the Committee of Supercargoes in China.	8,333

The pension, after two-and-twenty years standing, is precisely the same for every rank and office, and is actually drawn as such at the present moment by governors, members of council, judges, collectors of land-tax and customs, commercial agents, agents of monopolies, and sub-export-and-import-warehouse-keepers. A system of rewarding services, of such abuse both in respect of amount and of principle, is such as the revenue of no country can withstand, and is utterly overwhelming to a poor and semi-barbarous country like India, and in which native functionaries exercising the same trusts under native governments, would not receive one-tenth of the amount here described. About two millions of the public revenue are, as has already been said,

* Returns of all Civil Offices and Establishments, 1829;—East India Company's Affairs, First Report and Evidence, 1830, Appendix, p. 102.

divided among a thousand individuals, and consequently India, instead of having a competency of adequately paid servants has a paucity of pampered ones.

One proof of the poverty of India, and of the monstrous system of extravagance on which its civil government is conducted, which may be produced, ought to silence every attempt at extenuation. Under the government of Madras, which, as will be seen by the table, contains upwards of thirteen and a half millions of inhabitants, or a larger population than the kingdom of Spain, the total amount of property under litigation, with a litigious people, in every court, native and European, whether appellate or of primary instance, with the two exceptions of the Supreme Native Appellate Court and King's Court, was, in 1818, 453,883*l.* The judicial charges amounted, at the same time, to 350,000*l.* Of this sum, the salaries of the European Judges alone, amounted to no less than 260,000*l.*, being near sixty per cent. of the whole property under litigation*.

But the Indian salaries are extravagant even in comparison with the corresponding English salaries; of which a remarkable and a clear case occurs at this moment in the example of the Parliamentary Commissioners for investigating the Carnatic and Tanjore debts. The three principal Commissioners in England draw 1,500*l.* or in all 4,500*l.* The three Commissioners in India subordinate to them, draw respectively 4,500*l.*, 3,500*l.*, and 3,000*l.*, making in all 11,000*l.*;—two-and-a-half times as much as their principals.

Under the present system a man of talent and industry rises to the highest offices of profit and distinction; and a man of ordinary prudence and probity, whatever the mediocrity of his talents, inevitably succeeds to offices of large emolument. Nothing short of utter imprudence or utter want of probity, will hinder promotion; and even in these extreme cases, the party is allowed a subsistence equal in amount to what is given by the state to a poor Peer in England.

The monopoly of civil office in India, may be compared to a state of things in this country, in which every office of honour and profit, whether legislative, judicial, or ministerial, should be exclusively confined to 'heirs of entail,' leaving open to the community at large only the unprofitable and subaltern offices of detail and fatigue, such as copying clerks, constables, small excisemen, and tide-waiters. It is somewhat worse than the

* Selections from the Records at the India House; Vol. 2, p. 637.—Vol. 4th, p. 97 *et seq.*

monopoly of civil and military offices by the privileged orders in the old oligarchies of Europe, because in this case there existed a wider field to select from, and it was generally the younger sons, and not those who enjoyed the rights of primogeniture, who aspired to office. A system of this kind necessarily engenders habits of improvidence, which break out even in England, and become still more conspicuous in India. But upon a point of this kind, it is better to allow a member of the particular service itself to speak. 'Have you,' said the Select Committee of the Commons of 1832, to Mr. Sullivan, a very able and liberal officer of the Indian Government, 'any doubt that the prevailing feeling among the young men educated at Haileybury has been that of a provision having been already made for them, and they are to look at India principally with a view that they may be able to accumulate wealth there, to remit to England?' 'I think a notion of that kind is very likely to be engendered at Haileybury.'—'Are you aware that the practical result of the extravagant notions imbibed at the colleges, led, some few years ago, into an inquiry of the amount of debts contracted by the civil servants at Bengal?'—'I have a perfect recollection of that inquiry having been set on foot.' 'Did the amount of debt, as stated by themselves, on that occasion, amount to several millions sterling?'—'As far as my recollection serves me, it was reported that the debts amounted to nearly three millions sterling; I know the amount was very large, but it may have been much exaggerated by report.'—'What evidence have you to give to the Committee, of extravagance existing at the college of Haileybury?'—'I believe it to be so very notorious as hardly to require formal proof. I could state an instance of a son of a friend of mine, who was about to embark for India two months ago, and who was arrested in his progress to the ship for debt; bills to a large amount were brought to his father, and amongst others was a bill from the tobacconist of 107*l.* for six months supply of segars for this young man*.'

The portion of the Indian administration now alluded to, had, until within the last few years, been the subject of high-sounding praises; but, as the laudations came either from the parties themselves or those who originally nominated them, or from Tory ministries in collusion with the latter, the praises are of slender value. Pretty nearly the whole truth on this subject is stated by Mr. Courtenay after sixteen years experience as Secretary of

* Evidence of John Sullivan, Esq. Minutes of Evidence, Public, 1832, page 63.

the Board of Control. 'From your experience of the character of the Indian servants,' say the Committee of the Commons to him, 'what is your estimate of their general capacity, diligence and public qualities?' 'That is a very difficult question indeed to answer; because it is a remark that almost every person has made who has been concerned in Indian affairs, that gentlemen who, when you read their writings, appear to be extremely sensible and well-informed men, quite fail when you come in contact with them in England. It would be injustice not to say, that there is a very great proportion of intelligence and diligence, and zeal and knowledge, among the Indian functionaries; but I feel myself bound to say, that the character of superiority which has been constantly given to them, is not warranted by what I have observed *.'

But in truth we ought rather to wonder that so much talent has sprung up under a system so unpromising, than to complain that in general it has given rise only to tame mediocrity. The novel circumstances and striking events of British Indian history, have in fact tended to the development of talent, to a degree which could not have taken place under more ordinary circumstances; and the powerful excitement arising from this cause has in a good measure counteracted the blighting effects which might naturally have been looked for from a vicious system of monopoly. After all however, from the earliest period of the British conquests in India down to the present time, it must be noticed, that the most distinguished characters connected with Indian history, whether literary, political, or scientific, have not belonged to the body in question, but emanated more generally, as might be looked for, from the wider field of the military service, or from parties unconnected either with the civil or military services of the East India Company.

The simple, obvious, and just remedy, would be the throwing open all civil offices in India to every British subject, Indian or European, that should qualify himself for them by adequate knowledge, experience, and integrity; leaving the nomination to the local government of India, the only party that has means, or indeed can by any rational supposition be supposed competent, to judge of the capacity of candidates. Englishmen or their descendants, or Indians, might then be had to fill offices in abundance at one-half, one-fourth, or even one-tenth part of the salaries which are at present given. The following

* Evidence of the Right Honourable T. P. Courtenay, M.P.; Minutes of Evidence, Public, 1832, page 29.

statement, taken from official documents, may be adduced in corroboration.

Collector of the Land-tax on the present system, per ann.	£3,000
Ditto ditto being a Native, according to the evidence of Rajah Ram Mohun Roy	420
Ditto being an Anglo-Indian, according to the evidence of Mr. Ricketts	1,000
District Judge and Magistrate, under the present system	3,000
Ditto being a native, according to the testimony of Sir Henry Strachey	300
Magistrate of Calcutta, being of the privileged service	2,900
Ditto British subject, not of the privileged service, (average)	1,310
Judge of the suburbs of Calcutta, being of the privileged service	2,400
Commissioner of the Court of Requests of Calcutta, not of the privileged service	1,440*

It will appear from this brief statement, that many offices, from which natives are at present wholly excluded, may be filled by them for from one-seventh to one-tenth of the sum which is now paid for the performance of the same duties;—that Anglo-Indians, or as they are vulgarly called *half-castes*, may be had for many offices to which they are competent, for one-third part of the present expenditure;—and that even accomplished Europeans may be had for one-half of the present salaries; and in all these cases, it must be recollected, that there have been excluded from the comparison the charges of training and pensioning under the present system.

With respect to the natives, in particular, a few words must be added. Seven-eighths of the administration of justice, it is calculated, is virtually conducted by them; and so in proportion with other branches of the public service. 'We place,' says the able and liberal Sir Henry Strachey, 'the European beyond the reach of temptation. To the native, a man whose ancestors perhaps bore high command, we assign some ministerial office, with a poor stipend of twenty or thirty rupees per month (24*l.* or 30*l.* per annum). Then we pronounce that the Indians are corrupt, and that no race of men but the Company's European servants are fit to govern them.' 'If we encourage them,' he says in another place, 'if we allow them to aspire to high office, if we pay them well, if we raise them in their own estimation, they will soon be found fit for any official employment in India.'

* Returns of all Civil Offices, 1830:—Report and Appendix, 1831:—Second Report, 1830:—Selection of Papers from the Records, Vol. I.

I beg to repeat what I long ago in substance said upon this subject, that the natives are depressed and humiliated, being confined by us to subordinate and servile offices *.' Sir Henry explains what he means by 'paying them well,' by stating that what he calls good and adequate pay is one-tenth part of what is at present received by the civil functionaries of the Company. Sir Henry's opinion has reference to the state of things thirty years ago, but matters are by no means improved since then, as will be seen by the following extract from the evidence of Mr. Sullivan, which refers to that portion of India where the natives are most employed and best paid. 'Under the present regulations of the Madras government,' he says, 'the highest salary a native can attain to is 700 rupees a month, and that only after having served as the head native officer of a province for twenty years; he must be an old man therefore before he gets possession of the office, and he must serve twenty years before he can attain the maximum allowance; at this moment, I believe, in the Madras territories there is not more than one native who really draws that allowance †.' One man out of a population of thirteen millions and a half has a salary of about 800*l.* a-year; and this is the government which is eternally making loud professions of its desire to promote the happiness of the native inhabitants, and to protect them from the alleged rapacity of other Europeans.

If in reality Englishmen could be dispensed with in the civil administration of India,—a thing obviously impossible in a conquered country, where they are not only the dominant but also the most civilized race,—it would be very desirable as a measure of mere economy. But as it is impracticable, the next best course ought to be pursued,—that of employing Englishmen of the cheapest and most efficient description, and all others whose services can be made available. The very opposite course is pursued. A few Englishmen are employed at a price as dear as it is possible to make it; and except for the meanest offices, all others are rejected. An Englishman leaves a rich, dear, and civilized country, and repairs to a poor, uncivilized country, and during a temporary sojourn he must be so highly remunerated, as to be able to return, in middle life, with a fortune sufficiently ample to enable him to live in the expensive country which he originally quitted; for he is by law,—a law necessary to protect the monopoly,—precluded from settling in the country in which he has passed the best years of his life. From all

* Selections from Records at the India House. Vol. II. p. 67.

† Affairs of the East India Company, 'Public Minutes' of Evidence, p. 66:—1832.

that has now been stated, it may without hesitation be concluded, that until the law establishes the free colonization of Englishmen in India, and confers upon the local administration the full power of selecting from any class of British subjects without distinction of birth, faith, or colour, fit instruments for conducting the civil government, it is wholly unreasonable to expect that the government should ever be administered either cheaply or efficiently,—with benefit to the people, or with honour and credit to the rulers.

The next anomaly and abuse in the existing administration, which will be referred to as requiring immediate reformation, arises out of the diversity of conflicting interests which exists in the local government. There are three distinct governments, each acting for the most part on its own judgment and responsibility; while there is a royal establishment in Ceylon, wholly independent of any of them, although separated but by a narrow strait; and a military navy wholly independent of all, and owing obedience to no one of them. Each of the Company's three governments has its own distinct civil establishment, its own distinct and separate army, its own distinct code of civil and criminal laws, its own distinct coinage, and its own distinct fiscal laws, in which it not unfrequently treats its neighbour government as if it were an alien. Upon each of these will be offered a few brief remarks.

First then, of the governments themselves. Instead of one governor, and one council, we have three governors and three councils. Instead of one Board of Customs, one Board of Revenue, and one Marine Board, we have these in triplicate; and of course, instead of one set of secretaries, we have triple sets. The charges thus unnecessarily multiplied are as follow:—

Governors with their Councils	£141,265
Subordinate Boards	131,532
Secretaryships	155,185
	<hr/>
Total	£427,982
	<hr/> <hr/>

Here are charges which exceed by the sum of full 160,000*l.* sterling the whole expenditure of the executive government of Great Britain and Ireland, viz. the Home Office, the Foreign Office, the Colonial Office, the Office of Privy Council and Privy Seal, the Lord Lieutenancy of Ireland, and the Alien Office, including contingencies as well as fixed charges. It is obvious that there is ample room for retrenchment here. Unity and efficiency, as well as economy, would of course be better

secured with one government all over India, with subordinate deputies or lieutenants to the Governor General where distance or local peculiarities required them. The only portion of the Indian administration where unity is preserved, and it owes it to the necessity of the subject, is the diplomacy, which is vested solely and exclusively in the Governor-General. The annual charge for this is 249,161l.*, which is within 15,455l. of the diplomatic and consular establishment of Great Britain, for every part of the world, contingent as well as regular;—a strong presumption of extravagance, since the latter is itself incomparably the most extravagant in Europe.

Each of the three governments has its own distinct civil establishment. Bengal with a territory of 356,129 square miles, a population of 61,193,889, and a revenue of 13,858,177l. has 592 privileged civil employés; whereas Bombay, with little more than one sixth of the extent of territory, with less than one ninth part of the population, and less than one sixth of the revenue, has 215. Tried either by the test of area, population, or revenue, there are either too many in Bombay, or too few in Bengal. If the proper proportion exist in Bengal in reference to population for example, instead of 215 civil servants at Bombay there ought to be but sixty-six, so that there are more than three times as many as there ought to be. The case is more preposterous in the smaller settlements. Madras, with above 140 thousand square miles of territory and thirteen millions and a half of inhabitants, has but 261 civil servants; whereas Singapore and the other settlements in the Straits of the Malaccas, with a territory of about 1,300 square miles and 107,000 inhabitants, have no fewer than thirteen. But the folly of this kind of privileged establishment is rendered more conspicuous still, on reference to the Island of Saint-Helena, which contains but forty-seven square miles, with a population under 5,000. This place, and it is the only one belonging to the East India Company of the same nature, is in the strictest sense of the word a Colony, or English Plantation; and except for creating patronage, which indeed is the palpable object everywhere, had no more call for a privileged Civil Service than it had for a University upon the same scale as Oxford or Cambridge. It has, notwithstanding, exclusive of the Governor and Deputy Governor, no less than fifteen functionaries: under this head. It will not therefore be surprising to find, that while it has no revenue, it has an expenditure of 93,000l. per annum; the neighbouring island of Ascension, to put it fairly to the blush;

* Affairs of the East India Company, Finance and Accounts. Part 2nd.

being at the same time economically administered by a Major of the royal marines and a small party of his corps.

The army is not only the most important but by far the most perfect part of the Indian Government; the last a very fortunate circumstance, seeing that India, in reality, and indeed from necessity, is a country essentially maintained by the sword,—every other portion of the administration than the military, having been in fact heretofore comparatively trivial, subsidiary, or unessential. It is by no means going too far to say, in so far as the Natives of India are concerned, that had the revenue been collected by military officers, and justice administered by martial law, the country would have been in no respect worse than it is at present. The revenue would have been collected at less expense, and justice more promptly administered, and the discipline of the army alone have suffered. If India is considered as what it really is, a conquered country, situated at a vast distance from the country which effected the conquest and which still essentially maintains it, the army must be considered as very small. It amounts in all to about 224,000 rank and file, of which about 37,000 are Europeans. The proportion of the conquerors therefore to the conquered is less than one to 2,000, and the proportion of the whole army to the population is but one to 360 or thereabouts. Its small amount is made the more obvious by comparing it with that of the military force of any European nation,—of Russia for example, which is as one to seventy-five of the inhabitants. Even the expense of maintaining the army is comparatively moderate, being no more than between seven and eight per cent. beyond the civil charges. The Indian army consists of about 20,000 King's troops, infantry and cavalry,—of about 17,000 European troops infantry and artillery, under the name of the Company's, and of a native or Sepoy army officered by Europeans, of 186,000 men, consisting of a large proportion of infantry, a considerable portion of cavalry, and a trifling amount of artillery. The Company's army chiefly differs from that of the Crown, in the officers rising by seniority, as in our marine and artillery service.

There is no branch of the Indian Government which suffers so much inconvenience from the division into governments, as the army. There are three distinct armies, three distinct commanders-in-chief, and three distinct general staffs, to say nothing of in many respects distinct internal regulations, and different rates of pay. The numbers of the different armies, as might be expected, are neither proportioned to the area, the populousness, the martial or unmartial character of the people, or the extent of frontier of the different governments. Madras with a population

of thirteen millions and a half only, has an army of 70,363; whereas Bengal, with a population of above 60,000,000, has but 112,722. Madras is either bounded by the sea, or by the territories of tributary and dependent Princes, or by those of Bengal and Bombay, and there is not a foot of its frontier exposed to an enemy. Of Bengal, the whole eastern frontier, the northern frontier, and especially the north-western frontier, are exposed. But even if the Madras territory had been as exposed to external attack as that of Bengal, it ought, if the troops of the latter be of adequate number, to have an army of no more than 35,000 instead of 70,000, so that it is in reality paying for 45,000 men more than are necessary, or, making the largest allowances for the subsidiary forces which it furnishes to Native Princes, at least 30,000. Here it is pretty obvious then, that there is an annual waste of the public resources to the extent of from 1,300,000*l.* to 2,000,000*l.* sterling. The proportion of Europeans to the whole Bengal army is but one-seventh; in the Madras army it is about one-sixth; and in the Bombay army between one-fifth and one-sixth. These anomalies are easily accounted for. Each government levies new forces at its own discretion, and on its own judgment of the necessity for them; and it not unfrequently happens that when new forces are levied by one party, the other, to protect the officers of its army from supercession, is compelled to raise new regiments when there is no other necessity for it. The obvious remedy for all this, is the amalgamation of the three armies into one,—placing them under one commander, one staff, one system of internal regulations, and one uniform rate of pay. All the judicious officers examined before the Committee of the Commons, insist upon the necessity of such an arrangement; which it is clear would be followed by economy and efficiency.

It is full time that the army, of all the branches of the government, should be placed under the direct administration of the Crown; for want of respect for the commercial body to which by theory it has heretofore belonged, appears to have produced a considerable share of insubordination inconsistent with the efficiency of a military body. The rise by seniority, too, has perhaps contributed. One of the late commanders-in-chief, in answer to a question put to him by the Commons, respecting the expediency of uniting the Indian armies as a royal army, gives the following very decided testimony.—Upon that point, says he, 'I should say, that one very great advantage would certainly result from the armies of India being considered as royal armies; because it is perfectly impossible for me (called upon to give evidence here) to conceal from this Com-

mittee that there is a great spirit of insubordination in the army, at least in that I had the opportunity of more particularly seeing, which is the Bengal army. A sort of spirit of independence prevails amongst the officers, which is totally inconsistent with our ideas of military discipline. I had abundant opportunities of seeing it myself, and had the proofs before me of that spirit; and I have reason to think, from what I have subsequently heard of things that have transpired in that country, within very late periods, that that spirit is by no means subsiding, but, if possible, becoming worse; and I cannot help thinking that this evil would be remedied by the change proposed. I do not see the possibility (at all events I am not prepared to point out the means, which would require great management and circumspection) of assimilating the two services so completely as to put the armies of India upon the same footing as those of the King's regiments *.

As to the code of laws, or, as they are commonly called, 'regulations,' each government has its own, as duly registered and as distinct from that of the others as British Acts of Parliament are from the whole. The historian of British India points out the proper remedy in this case,—the establishment of a Legislative Council, distinct from the Administrative Council, whose business it should be to make laws for all India. This legislative organ, he thinks, ought to consist of five persons, namely, the Governor General, a professional lawyer, a European of extensive local knowledge, a Native of India of the same description, and, as he himself expresses it, 'a man capable of bringing to the great work, the aid of general principles; in short, a person thoroughly versed in the philosophy of man and of government †.' With such a body a consistent and uniform code of laws might in time be compiled, suited to the genius of Indian society. The Court of Directors and Board of Control have at various times countenanced the notion that the British subjects in India ought to be governed by the Hindoo laws; forgetting that the Hindoos have been conquered by Turks and Afghans for more than seven centuries before we knew them, and have now been conquered for the best part of one century by Europeans, having moreover mixed more or less with Europeans, and partaken to a considerable extent of their arts and knowledge for a period of three centuries. The first party that would rebel against such a project would be the Hindoos themselves. The scheme is not quite so irrational, but nearly so, as would be that of proposing

* East India Affairs, 1832, Military, Minutes of Evidence, page 169.

† Affairs of the East India Company, Public, 1832, page 46.

to govern a modern European nation by the civil and criminal law which was unquestionably useful in governing and civilizing the Jews in the time of Moses. Sir Henry Strachey is a little out of humour with a question put to him by the honourable Court of Directors, and which had the restitution of Hindoo institutions for its object. 'In the woods,' he says, 'among the rajahs and poligars of the borders, may yet be gathered lessons for those legislators who would govern Hindostan according to the ancient institutions. There, by contemplating Poligar management, we may study Menu to more purpose than in his book. There we might supply the defects of history, and from what still exists, form a tolerable judgment of the state of India in remote ages.....But of what value are authorities, mere authorities, ancient or modern, to those who profess to understand these questions and discuss them on their own merit? Can it detract from the fitness of the regulations introduced twenty years ago by Lord Cornwallis, to learn that about twenty centuries ago King Porus had no fancy for any judicial system but that of Menu? We talk of respecting the usages of the people. This is a good rule, when the usages are good; but many of the native usages are in the highest degree barbarous and absurd; and we are not quite so barbarous and absurd, I hope, as to encourage them *.'

The administration of the law is in a deplorable condition; six-sevenths of it is in the hands of native Judges who are paid by fees and have no salaries, and the English Judges are for the most part in the unhappy state of being in the hands of the ministerial officers of their courts, notorious for their corruption and profligacy. To administer justice, civil and criminal, primary and appellate, to 80,000,000 of people, there are 300 judicial functionaries of all grades, many of whom however, are charged at the same time with the administration of the revenues, and almost all of them with the administration of the police and the magistracy.

The laws which unprofessional Englishmen are called upon to administer, are administered for the most part in the Persian language, which neither is, nor ever was the spoken language of any part of India, nor, for that matter, even the oral language of any one race of its conquerors;—which the English Judges do not understand half so well as Englishmen usually understand French, and which they sometimes do not understand at all;—which the ministerial officers of the court understand perhaps as well, but certainly not better, than the officers of our

* Selection of Papers from the Records, Vol. ii, page 64.

own courts understood law-latin when it was the language of our records, and of which the people do not understand one word at all. Let the reader fancy to himself,—and there is not the slightest exaggeration in the comparison,—young Frenchmen of eighteen, after twelve years experience of England, scarcely keeping company during the period of their probation with any but Frenchmen, deputed by twos and threes to the bogs of Ireland, the mountains of Wales, the highlands of Scotland, and the different counties of the three kingdoms, to administer justice and preserve the peace; the proceedings of the court being all the while in a dead language which our Gallic youths had not studied at school; and he will have a very tolerable notion of the helpless and unenviable condition of the administrators of the law in British India. The delay in the administration of justice is of course enormous and increasing. Under the Bengal presidency the causes in arrear in 1819, were 81,000; and in 1829, they had crept up to 140,000, or in ten years sustained an increase of 75 per cent*.

The coinage affords a striking instance of the incongruity of the Indian administration. First, the currency is foreign in a British possession. Each government has its own coin, and the Presidency of Bengal has two coinages; so that in reality there are no less than four distinct mints at work in British India. Three out of the four coinages have not only distinct impressions, but different values. The coinage of one government is not current in the territories of the other; it is only bullion, and must be put into the melting-pot. Again, under the Presidency of Bengal, the civil establishments are paid in one denomination of money, the military in a second, and the general accounts are kept in a third, all differing from each other very materially in value. Notwithstanding the charge of a seignorage of 2 per cent, a heavy loss is annually sustained by the mints. This is stated in the public accounts, for 1829-30, at 44,285*l.*†; but this does not include buildings, or wear and tear of machinery. One of the Bengal mints alone cost 200,000*l.* sterling; and the mint of Bombay has scarcely been less costly. To add therefore but 50,000*l.* a piece for the two remaining mints would make a clear sum of half a million sterling, which at the rate of 15 per cent (which includes interest, insurance, repairs of buildings, and wear and tear of machinery) gives 75,000*l.* per annum, which will make the whole mint

* Affairs of the East India Company, Judicial, part 2nd, Appendix, 1832, pages 633 and 636.

† Minutes of Evidence, Session 1830-31, p. 170.

charges about 120,000*l.* per year. The extravagance of these establishments will appear obvious enough when it is stated that the bare salaries of mint masters and assay masters, the first being sinecures or very nearly so, exceed 17,000*l.* per annum. The remedy, it might be thought, is sufficiently clear. Coining, a nice and difficult manufacture, can no more be well conducted in such a country as India, than any other manufacture of the same nature. The coinage ought to be struck at the British mint, and to consist of a currency resembling the silver coinage of Great Britain. The rupee, the universal coin of India, is nearly of the value of two shillings sterling; so that two-shilling pieces, shillings, and sixpences corresponding with half-rupees, and quarter-rupees would be a currency perfectly suitable to India. To this might be added a copper coinage, upon which the present profits are about 100 per cent, consisting of halfpence, farthings, and probably of half-farthings.

In regard to fiscal laws, each government, as has been already said, has its own. Under the Bengal Presidency, the land-tax is, for the most part, fixed in perpetuity; and, under the Presidencies of Madras and Bombay, it is variable and fluctuating, from year to year. The government of Bengal and its officers with the Court of Directors, advocate the principle of a fixed land-tax. The government of Madras with its officers is backed by the Board of Control, in arguing the advantages of a variable land-tax. The consequence has been a warm, and sometimes not very temperate or dignified controversy, of thirty years standing, which has filled several hundred folio volumes. In Bengal and Madras there is a monopoly of salt. In Bombay there is none. In Bengal there is an opium monopoly. In Madras and Bombay the culture of the opium poppy is prohibited. In Madras, there is a monopoly of tobacco, but there is none in Bengal or Bombay; indeed, in Madras itself the tobacco monopoly is only inflicted on two large provinces. Export, import, transit, and town duties, are levied on different principles and at different rates, under the three governments; and payment under one does not always exempt the merchant from paying a second and even a third time, if his goods are conveyed from the territory of one presidency to that of another.

The financial results of the various anomalies now detailed, are curious and remarkable. Under the government of Bengal, the revenue exceeds the expenditure by thirty per cent; under that of Madras, the revenue and expenditure are nearly balanced; whereas under that of Bombay, the expenditure exceeds the revenue by 37 per cent. In the ten years between 1817-18

and 1827-28, the revenue of Bengal had increased by 30 per cent, and the charges by 33 per cent; in the same period, the revenue of Madras had decreased by about 1 per cent, and the charges had increased by ten per cent*.

It is due to justice to remark, that there are some redeeming qualities in the Ministerial measure proposed for the future government of India, although that measure be still niggardly, inadequate, and imperfect. The project is far from extinguishing a grand nuisance, but it materially tends to diminish it. The following brief recapitulation of the benefits which will follow the Ministerial plan may be adduced in extenuation of it. It will lay open to the commercial enterprise of Great Britain the trade of the Chinese Empire, which has lain under the incubus of the monopoly for two whole centuries,—that is to say, the trade of 370,000,000 of industrious though distant people, for such by a very recent census is now ascertained to be the actual population of China. It will remove the remaining shackles from the commerce of India. It will abolish the abomination of a trading government, over 80,000,000 of subjects and 60,000,000 of tributaries or allies. It will put a stop to the Indian governments trading with the revenue of the country, and thus incurring as heretofore the risk of sacrificing in a single year a full half million of that revenue. It will relieve the British nation from a tax of 2,000,000*l.* per annum paid to the East India Company for the article of tea; it will give us tea at half the present price, or in other words, for the same money, enable us, if so disposed, to consume double the present quantity. It will abolish jobbing at the India House in commercial salaries, pensions, and other items, to the yearly amount of more than 300,000*l.* sterling. It will put down jobbing in voyages and shipping, direct and indirect, to the extent of 50,000 tons burthen. It will put an end to a very gross job in China,—the factory there, equal to about 120,000*l.* per annum. It will put down jobbing in British India in commercial salaries and offices, to the full extent of 120,000*l.* per annum†. In short a considerable fraction of our own rights and of the rights of the people of India is yielded to us, and this is all we are like to get from the reluctant, timid, wavering Whigs.

Before concluding, there are two very exceptionable points of

* Evidence of William Leach, Esq. Accountant to the Board of Control. Affairs of the East India Company, Finance and Accounts, Minutes of Evidence 1832, p. 66. Report and Appendix, 1831, p. 671. Minutes of Evidence and Appendix, Session 1830-31, p. 179. Report brought from the Lords, 1830.

† Second Report of 1830.

detail in the Ministerial arrangement, to which it will be necessary to refer. The first of these is the proposition to give to the holders of East India Stock a twenty years lease of the government of India. The notion of handing over the administration of 80,000,000 of British subjects to a Joint Stock Association for a long term of years, is in itself so monstrous and so heartless a suggestion, that the bare mention of the fact is a sufficient condemnation of it, and a proof that neither the Ministry that makes the proposal, nor the Parliament that listens to it, possesses what Bentham would have called 'the appropriate aptitude' for legislating on a great and noble subject like that of the Government of India. The other point refers to the pecuniary terms given to the holders of East India Stock. A dividend of ten and half per cent has been virtually guaranteed to them in perpetuity, by which, (for there is next to nothing received on the other side), a perpetual burthen has been imposed upon the people of India equal to 630,000*l.* per annum, or what is equivalent to increasing by nearly one-third the present Territorial Debt of India. The rapid and great advance in the value of the Stock since the promulgation of the government scheme, and to which there is no parallel in any other public security, is strong and damning proof of the prodigality of the government project. The holders of East India Stock had by no means so good a claim to a continuation of the dividends which for forty years they have been paying themselves, as the holders of the Navy five per cents had to a continuation of a dividend to that amount. The utmost reach of liberality ought therefore only to have placed them on an equality with the latter, and this, although it would not have raised, would not have depreciated the value of India Stock by the smallest fraction. The dividend in fact, instead of being ten and a half per cent, ought only to have been eight per cent; and this too, only for a term of seven years, at the conclusion of which it ought to have been reduced to seven per cent, and after a further term of the same length, to six per cent. This, while it would have been equivalent to doubling the original stock of the proprietors, would have produced a saving to the public in the first term, of 150,000*l.* per annum; in the second term, of 210,000*l.*; and at the third period, when the Indian fundholder was put upon an equality with the holders of the three per cent consols, of 270,000*l.* In this manner, without placing the holders of Indian Stock in a worse condition than the holders of any other public security, a sum would have been saved far more, than sufficient for carrying on the whole of the Home Administration of India.

But what is to be done? The secret of all government is in fulfilling the promise, that 'he that hath, to him shall be given; and he that hath not, from him shall be taken even that which he hath.' It being plainly seen that great abuses cannot ostensibly go on, the business of the Whigs is to get the best terms possible for the holders.

ART. X.—*The First Principles of Mechanics, with Historical and Practical Illustrations.* By William Whewell, M.A. Fellow and Tutor of Trinity College. Author of "An Elementary Treatise on Mechanics" and "A Treatise on Dynamics."—Deighton; Cambridge. Whittaker & Co; London. 1832. 8vo. pp. 118. With plates.

THE most striking characteristic of the fluxion of eternity which forms the actual present, is the intense desire for sound reason in all things,—in fact for Radicalism,—which without limitation of subjects or in spite of limitation, penetrates everywhere like the fine dust of the tropics which nothing short of hermetically sealing can exclude. Men long went on under an intense desire to know facts; a desire as natural as that of the famished mariner to be acquainted with biscuits, without deeply interesting himself in either the chymistry or the phytology of their production. But when this was partly satiated, they turned with fresh vigour to chew over again the root end of the liquorice-plant of knowledge, and delight themselves with the sweets which in the hurry of their eagerness had been left unexpressed among its fibres. It was highly useful that porters should carry their loads aright, and sailors hoist in beer and water with a full knowledge of the powers of their tackle; but it was also very meet and fitting that philosophers should have the most perfect apprehension of the *rationale* of all these proceedings, even though it ended in no striking alteration in the existing practices, and no confutation of the rules of thumb already in operation among mankind.

And here the principal point wanted, is to have a clear settlement and understanding once for all, of what it is the mathematician wants, and wherein he differs from a collector of facts and authenticator of the testimony of the various John Nokes and Mary Styles who might be procured to give their signatures in evidence. The best instance in illustration, is probably the celebrated one of the Keplerian and Newtonian discoveries. Kepler, as is well known, being an individual peculiarly furnished

with the bump of hunting for analogies, turned out from painful comparison of the contents of astronomical tables, the very complex and remarkable fact that the respective times of revolution of the different planets and their distances from the sun, bear such a relation to one another, that the squares of the times of revolution of any two planets are to one another as the cubes of the distances. And Newton, by a curious coincidence, came forward at the same time with his discovery derived from laying thing and thing together (which is what the learned called *synthesis*), that on the supposition that the force by which bodies in the mundane system were found to be impelled towards each other as in the vulgar instance of a stone falling towards the earth, should universally vary inversely as the square of the distance from the body towards which the impulsion takes place, the precise relation stated by Kepler between the times and distances of bodies revolving round a centre towards which they are impelled, would be the consequence. There are few who cannot see the distinctness of these two discoveries, and their perfect independence of each other. Kepler's theorem might have been true for ever, and the knowledge of it disseminated to the greatest imaginable extent, without of itself throwing any further light upon the cause. And this would have been equally true, if instead of being on an abstruse subject and one which few except astronomers think of troubling themselves with, it had been ever so intimately connected with the common affairs of life. If from the moment that the school-boy was buttoned into his trowsers till the time of his being stripped for bed, all nature had with one voice called out to him that the squares of the periodic times were as the cubes of the distances;—if it had been a thing he could not eat without, drink without, breathe without knowing and feeling that by it he moved and had his being;—this would not in reality have one jot reduced the value of Newton's demonstration, though there would have been no want of persons to express their wonder at any man's taking trouble to demonstrate a thing so palpably 'self-evident.' Their defect lies in the inability to distinguish, between seeing what none when it is shown them can fail to see, and rendering a reason. The *thing* may be as evident as 'self-evidence' or anything else can make it; but the *reason of the thing* is not therefore the more evident, but in some sort the less, in consequence of the perpetual difficulty men feel in distinguishing between palpably constant effects and their causes.

An object, then, to be striven after by philosophical mathematicians, is to tighten the distinctions between the different

sources or origins of belief, on the strength of which propositions are presented to be received. The two grand divisions appear to be, into inferences from experiment, and inferences from demonstration. For though at first sight it might appear as if the last-named class must be entirely resolvable into the former,—and though it may perhaps be proveable that no inference from demonstration can be totally and absolutely stripped of some portion of reliance on experiment for its basis,—yet this portion may in some instances be made to bear so minute a proportion to the whole, that its comparative non-entity may be taken as the characteristic of a distinct class, and in the vast number of mixed cases which arise, separation may usefully be made of the parts which respectively depend on the two sources, in the same manner as if the non-entity in one class was absolute. Simple geometry, is the instance in which the references to experiment, it is apprehended, may or ought to be reduced to something not distinguishable from non-entity. That we exist,—that we possess the faculties of sight and touch,—that things tangible have extension in some or all of the relations of length, breadth, and thickness,—that some of the objects of touch have their particles with difficulty moved among themselves or are what is called hard,—and that all or any of these objects are capable of being moved if no extraneous obstacle interferes,—may perhaps in one sense be producible as what are necessarily inferences from *experiment*. But it is in a very different sense from that which would be conveyed, by the man who should rise up and say he knew by *experiment* that in all isosceles triangles the angles at the base are equal to one another; and in this sense it is, that simple geometry, if it were rid of the evident *maculæ* which are seen adhering to its surface, might be declared with strictness to be independent of experiment. Algebra, which is arithmetic, might subsequently be placed in the same class; for it need have no references but to the early conclusions of geometry, limitable in fact to the conclusion that things equal to the same are equal to one another, and its immediate corollaries. In the higher branches of mathematics, which are the application of geometry and arithmetic to physical phenomena, a greater or less degree of combination of the two sources of evidence necessarily takes place; and one of the improvements which may be suggested as lying open to the active mathematicians of the present day, is the establishing a more constant and practical distinction between what is derived from one and from the other.

The way to distinguish is to use terms; and the way to distinguish well, is to find out the terms that are best. *Axiom* is a

word in bad odour, as having been used to signify a lazy sort of *petitio principii* introduced to save the trouble of inquiry into cause; and besides, it signifies nothing, but *worthiness* of all possible descriptions. A *Physical Law inferred from experiment*, or if it were permitted to put the whole into one term fabricated from the Greek, a '*Peirasm*,' would appear to describe with precision all such propositions as that 'equal forces acting perpendicularly at the extremities of equal arms of a lever to turn it opposite ways, will keep each other in equilibrium;' and that 'if one of the forces be greater, the arms remaining equal,—or if one of them act at a longer arm, the forces being equal,—the greater force or longer arm preponderates.' At the same time it is desirable to prevent this from being followed by any 'For;' the appearance of that conjunction intimating that there is something which might usefully have been cut off and transported into the class of demonstration.

The Aristotelian distinction of motion into *natural* and *unnatural* (see page 8), of which the first kind was permanent but the second had always a tendency to cease, is a fine specimen of the fallacies of those simple young people the ancients. Presented as a reason, it amounted to saying that certain motions were perpetual because they were found to be perpetual, and others were temporary because they were found to cease. Or to give it the most favourable construction, it might be considered as an observation of the fact, that man cannot artificially impress on any substance a motion which shall be permanent.

The Section on 'The First Law of Motion*' suggests a remark on the rather obsolete subject of 'a perpetual motion.' It may be assumed that the mechanical instruction of the age is sufficient to put an end to all pursuits after a perpetual motion, that are dependent on ignorance of the principle that action and reaction are equal. But there is no demonstrable impossibility in the discovery of a perpetual motion arising from the application of some agency constantly renewed by the act of nature. The nearest approach to this existing, is probably the case alluded to of a water-mill where the powers of nature continually carry the fluid back to the regions from which it descended. If magnetic attraction had been of such a nature as to be intercepted like light by the interposition of a screen, it would have been easy to construct a perpetual motion; and that it is not so intercepted, is unconnected

* 'A body in motion will go on moving uniformly in a straight line, except so far as its motion is affected by the forces which act upon it.'—First Law of Motion, p. 10.

with ordinary mechanical principles. It therefore does not seem to be past possibility, that a natural agency should be discovered capable of producing a perpetual motion; though it may be freely conceded that none such is at present known. On the contrary it may be held very probable, that a perpetual whirligig is among the toys destined for the amusement of posterity.

In p. 13 there is importance in the degree of illustration given to the fact, that as it was erroneous to believe that a body in motion had of itself a tendency to resume a state of rest, so it was an equal error to believe that a body at rest had a certain definite tendency to remain at rest, and would not be put in motion *at all* unless this tendency was overcome. The ancients manifestly believed that a certain definite force was necessary to move a heavy body at perfect liberty, *at all*; and they seem to have taken for granted that the force required depended on the weight. The evidence of this is in the enunciation of the problem preserved by Pappus, 'Having given the force which can move a given weight along a horizontal plane, to find the force which can move the same weight along a given inclined plane.' In which the mistake is in supposing that on the horizontal plane, if friction could be removed, the smallest force would not be sufficient to put the heaviest body in motion. The motion may be *slow*, and it may be a long time before it can be caused to accumulate or increase to a given amount. But there is no such thing as resistance to motion *in toto*; as may be proved by putting the heavy body in a situation where the resistances from foreign causes shall as nearly as possible be annihilated, as for example suspending it by a long cord.

In the speculations concerning Forces on a Lever (p. 19) fresh specimens are introduced of the simplicity of infant antiquity. Aristotle is produced saying, that the reason why the power moves the weight more easily in proportion as it is farther from the fulcrum, is 'that the end which is farther from the centre describes a larger circle; so that the [smaller] body which moves the other, will be transferred through a larger space.' A babe's reason, if ever such thing was; in fact a mere observation of a concomitance, and assigning it for a cause. And in another place he designs to be nearer to the mark by saying, that 'the shorter end is moved *more against nature* than the other.' This is the man dear to the dark ages, and to their offsets in the present.

Archimedes however, who wrote a little later, threw a most radical light upon the subject of the lever; and his demonstrations, with some alterations, abide to this day. It

is interesting to see how rapidly the chubby boys of antiquity shot up in particular directions, while the soil was fresh and all nature before them for discovery. 'Let us praise famous men, and our fathers that begat us; such as found out musical tunes, and recited verses in writing *;' only let us not be persuaded to believe they had any monopoly of knowledge, or any patent for discovery except their being the first upon the ground.

In p. 25, it has already been submitted that '*Peirasm*' or some equivalent term might be substituted for '*Axiom*,' and that '*For*' should not be the sequence. But in the Corollaries, which are nothing but demonstrations in *petite tenue*, '*For*' is decorous and to be desired. In Corollary the first, the desirable conjunction duly appears; but in the second (which enounces that if a weight be supported on a rod resting on two fulcrums at equal distances from the weight, the pressures on the two fulcrums are equal), its services are wanted to introduce the reason, viz. that if the weight be considered as the fulcrum, the forces exerted at the two ends of the rod must by the preceding principle be equal. In Corollary the third (which enounces that if two equal weights be supported on a rod resting on two fulcrums at equal distances from the weights respectively nearest and from the middle point between the weights, the pressures on the two fulcrums are equal), there would appear to be occasion for a further '*Peirasm*;' which is, that if given weights are in equilibrium on arms of given lengths, any other weights respectively equal to these will be in equilibrium on any other arms of the same respective lengths; a simple matter, but one not inferible except from experience, without admitting the vague and error-tempting principle of allowing things *to be* because there is no particular reason visible why they should not. But after laying this foundation, the matter of the third Corollary may be established like the second, by considering the two weights as fulcrums, and the two forces exerted at the middle point between them to break the rod, as contrary and equal.

The second and third '*Axioms*' so called, appear also to be purely and entirely matters of experiment. It would be very odd indeed if they should not be true; but there is no absolute theoretic necessity, or at least none produced, why they must inevitably be true. They would therefore be happily distinguished under some such term as has been proposed.

On these grounds or principles, the whole superstructure of the theory of levers may be founded by rigid demonstration.

* Ecclesiasticus. *College Commemoration Service*.

In page 31, the two kinds of levers in which the power and weight are both on the same side of the fulcrum and only differ in the one or the other being nearest to it, should be melted into one. The terms *power* and *weight* are used to distinguish the force which it is intended to suppose active, from that which is supposed passive; but have no reference to the one being greater than the other. To introduce, therefore, a distinction of classes upon this latter ground, tends to obscure the common principle.

The operation of an oar, is a curious exemplification of the lever. The man would not have been worthy of intense punishment, who on the problem being presented to him without opportunity for experiment, should have declared the plan a fallacy like that of the child who pulls at the cart it is itself sitting in.

The *Wheel and Axle* is manifestly only a circular lever. All the properties of *Pullies* are also derivable from the properties of the lever, by considering the two radii of the 'sheave' or wheel, which are drawn to the rope at its points of contact, as the arms of a lever. But the other way in which the properties of the pulley are capable of being demonstrated, points to the existence of a distinct mechanical power, which if there is no better name, might be called the '*Twitch*;' and of which it may be matter of curiosity to know, whether it is reducible to any of the other mechanical powers or not. If a string be wrapped several times round a cylindrical body (or if preferred, round a bundle of some substances which it is desired to press together with great force), it is plain that if the included substances exerted an active force to burst into freedom, any one portion of the string would only sustain that fractional part of the effort, which is indicated by making the numerator unity or one and the denominator the number of turns taken by the wrapping string. From which it follows that (after allowing for friction, which in this case, as in the wedge and the screw, is of great amount) the force exerted by the whole contrivance, is to the force applied to the string, as the number of turns taken round the body, is to unity.

The problem of the Inclined Plane 'for a long course of centuries resisted the attempts of Mathematicians to solve it.' The mistake of Pappus in the very enunciation of the problem, has been already mentioned.

'But, independently of this confusion in the enunciation of the problem, the principles by means of which Pappus attempts the solution are altogether fallacious. He supposes the weight to be formed into a sphere and placed on the inclined plane, and he considers the weight of this sphere as supported by a lever, the

fulcrum being the point of contact of the sphere with the plane, and the power being applied at the extremity of the horizontal radius. No reasonable ground is or can be assigned for identifying the effects of such a lever with those of the inclined plane for which it is thus substituted.'—p. 42.

The *non causa pro causâ* appears to have been the great besetment of antiquity; and the moderns in the main have only improved when it suited their purpose. With the exception of a rising school of which the author commented on may be considered as the leader, there is very little genuine antipathy to a fallacy of this kind, so long as men will receive it smoothly and no public outcry attends the attempts to force it down.

Cardan and Guidubaldi e Marchionibus Montis (which being interpreted is Marchmont), severally got no further than observing that the force required to maintain an equilibrium on an inclined plane, was greater when the angle of the wedge was more obtuse.

The history of the solution of this important problem will be given at large; as being a fragment of the history of science, interesting and little known.

'The person who first solved the problem of oblique forces, on principles which subsequent reasonings have confirmed, appears to have been Simon Stevin of Bruges, whose works were published soon after 1600. This mathematician not only deduced correctly the proportion of the power to the weight on the inclined plane, but, by means of the propositions which he thus established, resolved forces so as to obtain their effect in different directions, and solved a great number of the most important problems relating to the oblique action of forces. We shall explain briefly his mode of treating the subject.'

'It has been recently stated (*Drinkwater's Life of Galileo*, p. 82.) that the problem of the inclined plane had been solved at an earlier period by Jordanus in the 13th century, and that the work in which this solution was given, was published by Tartalea in 1565. As however this solution, even if it be interpreted so as to be right in the result, was mixed up with many of the usual Aristotelian errors on such subjects, and was not connected, so far as we know, either by the author, the editor, or the readers of the work, with any consistent and tenable train of mechanical reasoning, we may still, it would seem, consider Stevin to be the father of Modern Statics, as we shall find Galileo to be the father of Dynamics.'

'After the Inclined Plane had been rightly reasoned upon by Stevin, various other authors also gave the solution of the same problem; and in a short time all questions connected with it were finally reduced to the general proposition of the resolution of forces.'

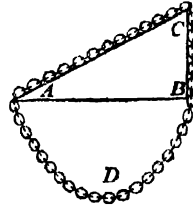
'We proceed to explain the reasonings of Stevin.'

‘*Stevin's Proof of the Force on the Inclined Plane.*’

‘**PROP.** *A weight resting on a perfectly smooth inclined plane, and supported by a string parallel to the plane, will be in equilibrium when the power is to the weight as the height of the plane is to its length.*’

‘An inclined plane is a plane inclined to the horizon, as AC ; and its height CB is limited by a horizontal line AB .’

‘Let there be a uniform chain or cord returning into itself, as $ACBD$, and let this pass round the plane ACB , and hang down below in the festoon ADB . This chain will remain at rest by its own weight. In the position of rest, the two sides of the festoon ADB , (the ends being in the same horizontal line) will be exactly similar, and will exert equal tensions at A and B . Hence if the part ADB be removed, the



remaining part ACB will still continue at rest. But the weights of the portions of the chain AC and BC are as AC and BC . Hence the weight which rests on the inclined plane is to the weight which supports it as AC to BC .’

‘Thus if the angle CAB be one third of a right angle (30°) BC is the half of AC , and a force acting parallel to such a plane will sustain a weight double of itself resting on the plane.’

‘In the same manner if we have two inclined planes of which the height is common to the two, it may be shewn that the weights which rest upon them, and balance each other by means of strings parallel to the planes, are as the lengths of the planes.’—p. 43.

‘In writing of the history of the modern theory of Mechanics, it was impossible not to profit by Mr. Drinkwater's “*Life of Galileo.*” I gladly acknowledge great obligations to this excellent specimen of scientific biography. On one point however, I have ventured to express dissent from the author of that work. I am not able to find, in the propositions concerning the equilibrium of weights on inclined planes, which he quotes from Tartalea's Edition of Jordanus, any good ground for deposing Stevin from the dignity of having been the first to give a proof of the statical property of the inclined plane.’

‘Jordanus's proof confessedly assumes that it requires the same force to raise a body up any vertical height as to raise a body smaller in any proportion up a vertical height greater in the same proportion, *the bodies being supported on inclined planes.* Such a proposition, if asserted in 1300, or even in 1564, must have been, I conceive, a mere guess; since it was not obviously connected with any self-evident principle or known truth. It was probably one of many conjectures, and till better reason was shewn, had no claim to attention, above the solution of the problem of the inclined plane recorded by Pappus. To speak of the “*principle of virtual velo-*

cities" as assumed in this solution, is attributing to the author a detection of analogies of which it is highly unlikely that he had any apprehension; and a generalisation which was not thought of till long afterwards.'

'Stevin's proof, on the other hand, does really refer the proposition to an axiom so clear as to compel conviction, though not the most simple which may be used. The impossibility of a loop of chain running perpetually over an inclined plane by its own weight, may be referred by us, if we chuse, to the "principle of virtual velocities;" but it was undoubtedly clear to the readers of Stevin on far less general views. The deducing the doctrine of oblique forces from this, as an axiom, was an important step in Mechanics. It adds to the merit of Stevin, that having been the person to make this step, he was fully aware of its use and importance. It applies in a very great variety of cases of the properties of forces which he thus established; and in some of his works the inclined plane with the chain hanging round it, is employed as a vignette; accompanied with the motto "*Wonder en is gheen wonder.*"

'I may add that Stevin's discovery of this proof is of an earlier date than I have stated in the following pages, if it be contained in the "*Beghinselen der Waaghconst*" published in 1586, which I believe it is, though never having seen the book, I cannot speak with certainty.'

'On these grounds I still consider Stevin as the first person who rightly solved the problem of forces acting obliquely, and consequently as the founder of the science of Statics. And I have no doubt that in this character he would have obtained far more celebrity than has fallen to his lot, if the speculations of Galileo had been given to the world half a century later than they were; and if, by this means, the science of Statics had been left to unfold itself upon its own proper principles, as in the reasonings of Stevin it had begun to do, and as it would have done if it had not become mixed with the mechanical doctrines of motion. But before the works of the Flemish engineer could produce much effect upon the mathematicians of Europe, the minds of physical philosophers were all turned towards Italy, where Galileo and his disciples were putting forth their doctrines concerning motion; a subject of much more varied and extensive bearings than the doctrine of equilibrium, and rendered peculiarly interesting by its connexion with the great question then agitated, of the truth or falsehood of the Copernican system. And the principle of virtual velocities, though in reality it was established as a general principle by being proved in each particular case, tended still further to throw into the shade these statical investigations, by making the doctrine of equilibrium appear to depend upon the doctrine of motion.'—*Preface*, p. vi.

The early speculations on the nature of Accelerating Force were in the same strain of feebleness with those on the Laws of Motion in general.

'When men began to speculate concerning the motions of bodies which fall from a considerable height, they soon observed these two facts; *first*, that a body went on moving quicker and quicker the further it fell: *second*, that heavy bodies fell more quickly than very light ones.'

'The first rude guesses which were made to explain these facts and to assign their laws, were, as might have been expected, erroneous. It was held by Aristotle that heavy bodies are accelerated by the air which rushes in behind them to fill up the void their progress leaves; and that large bodies fall faster than small ones in proportion to their weight.'—p. 69.

It is not clear that something like this notion of Aristotle's does not hang by some people to this day. There is a theory touching the motion of ships and vessels being accelerated or otherwise affected, by the water which rushes in behind them to fill up the void, which seems to be the same thing in a state of transposition.

'The slightest attempts to verify these laws by experiment and by tracing them to their consequences, would have shewn them to be false. But unfortunately in the times succeeding those in which these doctrines were promulgated the exact sciences were studied only as sciences of deduction. It was supposed that the first axioms of natural philosophy were to be discovered by their own internal evidence; experiment was not appealed to, to suggest or verify them; principles once asserted by eminent men were thenceforth accepted without dispute; and the business of other speculators was to deduce the consequences of such principles according to the rules of logic.'

'This continued to be the case for nearly two thousand years. Galileo was the first person who drew the attention of the world to the necessity of examining, by comparison with facts, the truth of the asserted laws of motion.'

'It was easily shewn by experiment that the second of the above laws was false. Balls of 100 lbs. and 1 lb. were let fall from the famous leaning tower of Pisa; and instead of falling in the same time through spaces which were as 100 to 1, it appeared that the larger anticipated the smaller in its descent to the ground by two inches only. This small difference may justly be attributed to the resistance of the air, which produces a somewhat greater effect on the lighter [smaller] body. And by similar experiments it was shewn that bodies of all magnitudes fall towards the earth with equal velocities, except so far as they are affected by such causes of slight irregularity.'—p. 69.

The speculations, which led to the establishment of the Second Law of Motion*, appear to have been entered into with

* 'When any force acts upon a body in motion, the change of motion which it produces is in the direction and proportional to the magnitude of the force which acts.'—Second Law of Motion, p. 84.

more caution by their early followers, and more consciousness of the possibility of being wrong.

'A stone thrown from the hand describes a curved path and soon comes to the ground. The laws of such motion presented an obvious subject of speculation. Aristotle asks * "Why does the motion cease of things cast into the air? Does this happen when the force has ceased which sent them forth? or is there an opposite force which acts against the motion? or does the fact result from the disposition to fall, and occur when this disposition is stronger than the projectile force? or is it absurd to put the question in this manner, instead of referring to the general laws of motion?"'

'The last clause is perhaps freely translated, but, as we have given it, it suggests the true reply to the preceding questions.'

'No true explanation was given of the facts which suggested these questions till a much later period. A mistaken belief concerning the nature of the motion of *projectiles*, or bodies projected, contributed for some time to mislead enquirers on this subject. In the use of "*military projectiles*," it was prescribed as a rule that, for certain distances, a gun must be directed "point blank;" that is, with its barrel in a horizontal straight line towards the point aimed at; but that for greater distances the barrel must be elevated, so as to make allowance for the fall of the bullet, which was called shooting "at random." This led to the opinion that the path of a bullet discharged from a gun was a horizontal straight line till it reached a certain distance, and that after that distance it began to descend in a curved line.'

'Thomas Digges, in his *Treatise on the New Science of Great Artillerie* (1591), remarked that the bullet has, even from the beginning, a downward motion which though insensible at first, draws it from its direct course.'

'Tartalea also denied that a bullet ever moves in a horizontal line; but his theory was still very erroneous; for he supposed that the bullet's path through the air is made up of an ascending and a descending straight line, connected in the middle by a circular arc.'

'In 1609, Galileo had considered the subject, and had satisfied himself that the motion of projectiles in a vertical direction is not affected by their motion in a horizontal direction. This principle, combined with his theory of falling bodies, led him to the true doctrine of projectiles.'

'Galileo's principle, having been once suggested, was supported by many circumstances in the motion of bodies projected, and was especially confirmed by the discussions which took place about that period concerning the motion of the Earth.'—p. 80.

The '*military projectors*' contrived to add a new entanglement to the question, by mistaking the consequences of looking along a line of sight not parallel to the axis of their gun

* Μηχ. προβ. λγ. . . .

but intersecting it at the distance of a few feet from the muzzle, for what they were pleased to call 'the rising of the ball.' Thirty years ago, it was rare to find a naval or military man who had any consciousness of the mistake, or of the useless and ridiculous complication it introduced into the mystery of gunnery. The most blundering recruit has a sort of instinctive perception, that to hit an object at a distance, he must raise his aim in proportion to the distance, as was his wont in throwing stones; but all his ideas are scattered, when he is presented with a piece whose line of sight is made to converge towards the axis, and told he must believe that the ball rises for certain specified distances.

When the presumed Laws of Motion were applied to the phenomena of Astronomy, their points of strength and weakness were necessarily brought to the test.

'The doctrine promulgated in modern times by Copernicus, that the Earth travels round the Sun, and revolves on her own axis, led to a long series of controversies, which turned mainly upon the truth or falsehood of the supposed laws of motion, and especially of the one now under our consideration. The opponents of the Earth's motion attacked that doctrine with objections drawn from erroneous mechanical principles; but the assertors of the Copernican system, being at first ignorant of the true principles which bear upon the subject, were not fortunate in their answers to the objections.'

"If the Earth, it was said, revolved so rapidly from west to east, a perpetual wind would set in from east to west, more violent than what blows in the greatest hurricanes; a stone, thrown westwards, would fly to a much greater distance than one thrown with the same force eastwards; as what moved in a direction, contrary to the motion of the Earth, would necessarily pass over a greater portion of its surface, than what, with the same velocity, moved along with it. A ball, it was said, dropt from the mast of a ship under sail, does not fall precisely at the foot of the mast, but behind it; and in the same manner, a stone dropt from a high tower would not, upon the supposition of the Earth's motion, fall precisely at the bottom of the tower, but west of it, the Earth being, in the mean time, carried away eastward from below it. It is amusing to observe, by what subtle and metaphysical evasions the followers of Copernicus endeavoured to elude this objection, which, before the doctrine of the Composition of Motion had been explained by Galileo, was altogether unanswerable. They allowed, that a ball dropt from the mast of a ship under sail would not fall at the foot of the mast, but behind it; because the ball, they said, was no part of the ship, and because the motion of the ship was natural neither to itself nor to the ball. But the stone was a part of the earth, and the diurnal and annual revolutions of the earth were natural to the whole, and to every part of it, and therefore to the stone. The stone, therefore, having naturally the same motion with

the Earth, fell precisely at the bottom of the tower. But this answer could not satisfy the imagination, which still found it difficult to conceive how these motions could be natural to the Earth; or how a body, which had always presented itself to the senses as inert, ponderous, and averse to motion, should naturally be continually wheeling about both its own axis and the Sun, with such violent rapidity. It was, besides, argued by Tycho Brahe, upon the principles of the same philosophy, which had afforded both the objection and the answer, that even upon the supposition, that any such motion was natural to the whole body of the Earth, yet the stone, which was separated from it, could no longer be actuated by that motion. The limb, which is cut from an animal, loses those animal motions which were natural to the whole. The branch, which is cut off from the trunk, loses that vegetative motion which is natural to the whole tree. Even the metals, minerals, and stones, which are dug out from the bosom of the Earth, lose those motions which occasioned their production and increase, and which were natural to them in their original state. Though the diurnal and annual motion of the Earth, therefore, had been natural to them while they were contained in its bosom; it could no longer be so when they were separated from it."

"The objection to the system of Copernicus, which was drawn from the nature of motion, and that was most insisted on by Tycho Brahe, was at last fully answered by Galileo; not, however, till about thirty years after the death of Tycho, and about a hundred after that of Copernicus. It was then that Galileo, by explaining the nature of the composition of motion, by showing, both from reason and experience, that a ball dropt from the mast of a ship under sail would fall precisely at the foot of the mast, and by rendering this doctrine, from a great number of other instances, quite familiar to the imagination, took off, perhaps, the principal objection which had been made to this hypothesis."

"The disciples of the school of Galileo went on confirming this view of the matter. Thus Gassendi, in his treatise "*De motu impresso a motore translato*" shews in a variety of ways, that a body which, while it is carried along in any vehicle, as a boat or a chariot, has another motion impressed upon it, by falling, or by being thrown, or in any other manner, retains still the motion of the vehicle. He thus refutes the objections which had been brought against the motion of the Earth by various persons, and especially by Morinus, in a treatise entitled "*Alæ Terræ Fractæ*."

"In this manner it was now seen that a stone falling from the top of a tower, ought not to be left behind by the motion of the Earth's surface from west to east, and thus to fall to the west, as had been asserted to be the consequence of the laws of nature. The stone would partake of the motion which the tower had, and would therefore, relatively to the tower, fall in a vertical straight line.—p. 81.

But in all ages, the defenders of ancient errors, when beaten out of one assertion, have been found equally prepared to stand upon the contrary.

'After it had ceased to be a tenable argument against the rotatory motion of the Earth, that the stone did not fall to the *west* of the vertical, it was asserted that a real objection was to be found in the circumstance, that the stone did not fall to the *east* of the vertical. For the horizontal velocity, from west to east, which the stone has when it is let fall, and which it retains during its fall, is that which belongs to the *top* of the tower. But the top of the tower moves faster than the bottom by the rotatory motion of the Earth, being farther from the centre. Hence, the stone ought to move farther to the east in the time of its fall, than the bottom of the tower does; and thus ought to get the start of the tower, and fall to the eastward of its base.'

'The answer to this objection is, that the stone really does fall to the eastward of the foot of the vertical, but that in all experiments which we can make, the interval is too small to be certainly determined by experiment, as appears by calculating its magnitude. In some experiments made in Italy, it is said that such a deviation was really detected.'

'By experiments and controversies of this kind, the Copernican system was finally established as the true system of the universe.'—p. 83.

Of the answer to the last objection, it appears possible to question the accuracy after all. Is not the real answer, that in the calculation which ends in determining that the stone ought to fall to the eastward, the successive impulses of the accelerating force are assumed to take place in lines always parallel to the *first* position of the vertical in fixed space, whereas they really act in straight lines successively inclined from such parallels by an increasing angle, viz. the angle described at the earth's centre by the motion of the tower in the time elapsed since the stone began to fall;—and that if this continual change of direction were taken rigidly into the account, it would bring the stone to the foot of the tower and no where else?

Among the effects of centrifugal force (in p. 92.) is enumerated the augmentation of the equatorial diameters of the earth and of the planets Jupiter and Saturn. As mere matter of speculation and by the bye,—is it not likely that the actual relation of the diameters has been the consequence of a great convulsion? And would not the convulsion most competent to produce the effect, be a change in the axis of rotation, and the outbreak of internal waters in consequence? If a planet was originally framed with its salt water in the inside under a thin crust, and of such a form as would balance the effects of rotation about the actual axis, what pressure on the square inch would arise from changing the axis of rotation in different assigned degrees? For example, in our earth, under

such circumstances, would not a change in the axis of rotation from the previously-existing poles to their equator, create a pressure at the previous poles, equal to the weight of a column of sea-water fourteen miles high, or 33046 avoirdupois pounds upon the square inch; while a change to any position short of the equator, would create some inferior pressure which might be calculated? A piece of hard free-stone of 24 inches long, five inches broad, and nine-tenths of an inch thick, laid flat-wise and propped at the two ends, broke in the middle with a weight of 127 lbs; from which it may be collected that to tear asunder masses of such stone would require a direct force of 753 lbs. per square inch. If two oblate spheroids of the dimensions of the earth be placed so that their axes bisect each other at right angles, their surfaces will intersect in what (neglecting the spheroidity) may be considered as two great circles cutting each other at right angles. If on the inner surface of one of the four *menisci* or oddly-shaped figures contained between the intersecting surfaces, successive circles be described about the point which is the extremity of the axis of one of the spheroids, the pressure of water on the surface included by one of these circles will vary at first as the square of its radius, as will also the weight of the shell itself of a given thickness, while the quantity of tenacious crust of a given thickness to be broken through in its circumference varies only as the radius. But afterwards the variation of the pressure of water will grow less rapid, by reason of the decreasing depths; and there will be some circle, or figure approaching, (from the mode in which the depth of water varies, apparently a kind of ellipse with its greatest diameter in the direction of the greatest dimension of the *meniscus*, and its periphery interior to the edges of the *meniscus* in all parts), where the pressure of water acting upwards, compared with the weight of the shell and the tenacity of its periphery, will be a maximum. If a circle were described about the point intimated, at the distance of the point of contact with the next *meniscus* or 45° of the earth's surface, its circumference would be 1121 millions of inches; the tenacity of this circumference of free-stone, for every inch in its thickness 844098 millions of lbs; the weight of the included shell (taking its specific gravity at double that of sea-water), for every inch of thickness 8730 billions of pounds; the whole resistance for every inch of thickness, about 8731 billions of lbs (being the sum of the two last); the pressure of sea-water on the included shell from below, 1720 trillions of lbs; which last number divided by the next preceding, gives 197000 inches, or in round terms three miles and

one ninth, for the thickness of the crust of hard free-stone that would be broken through on such line, and probably a much greater thickness would be broken through on the line where the pressure on the included surface compared with the resistances opposed is a maximum. From which it appears likely to be deduced that a body of internal water would be competent to *blow up* the exterior crust of the earth though made of solid free-stone, to a thickness sufficient to account for any of the known phenomena of geology that can be referred to such an origin. What physical accident can be imagined productive of such a change of axis, except the impact of some other planetary body? Would not an impact of this kind which should have removed one of the poles from any part of the circumference, of the small circle described about London at the distance of 60° , to its present place, have been sufficient to account for a climate of palm-trees and crocodiles (the climate of Grand Cairo) in Pevensey Level, and for a 'breaking-up of all the fountains of the great deep,' sufficient to throw the strata of the crust of the olden world into any positions a geologist could desire? Will not the progress of geological science point out the situation of the inter-tropical belt of the olden world by the remains of tropical animals, and consequently the situation of the old poles; and has anybody laid the foundation of a *bone chart* with this view? Are there appearances of gibbosity in any of the planets, which might be referred to changes of form in the fluid parts while the solid ones, entirely or in part, continued as before? If a body was formed spherical and at rest, and then *spun* till the internal waters broke out, would not these form an equatorial belt; and are there appearances referable to such a source on the surfaces of any of the planets? Finally, may not the moon be a world in its pristine state, waiting for the shock that shall give it the surface of a terraqueous globe? *

The following inference has not been popularly diffused.

'If the rotation of our Earth were seventeen times faster than it is, the bodies or matter at the equator would have centrifugal force equal to their gravity, and a little more velocity would cause them to fly off altogether, or to rise and form a ring round the Earth like that which surrounds Saturn.'—p. 92.

The speculations on the Third Law of Motion, notice the great effects of percussion (exemplified, for instance, in the driving of a nail), as distinguished from pressure; but finally

* There may be major errors in these calculations or surmises; but there is enough to show that interesting results may be obtained.

omit the explanation. *Query*, where is the explanation to be found?

The enunciation of the Third Law of motion (p. 104), has not altogether the appearance of an improvement. That '*Action and reaction are equal, and in opposite directions*,'—though it may require a good deal of elucidation before all that it includes is understood, seems to be finally more efficacious and expressive than that '*When pressure communicates motion directly* (that is, in the direction of the pressure,) *the Moving Force is as the pressure*.' But possibly there were reasons and objects which do not immediately meet the eye. The term 'pressure' is manifestly introduced with a view to confine the word 'force' to its sense in the phrases 'moving force' and 'accelerating force;' and intends what has usually been implied by a 'uniform force.' It may be a question whether it would not have been better to alter the word *force* in the phrases of 'moving' and 'accelerating force;' in which the meaning of 'force' seems to be that of efficacy or operation in a particular direction or way, produced by the agency of a power which may also be acting in sundry other ways at the same time. The 'force' would seem to be properly the single agent, as for instance gravity; while what have been called the 'moving' and 'accelerating forces' seem to be the operative powers of gravity in producing two different kinds of consequences.

ART. XI—1. *Constantinople in 1828*. By Charles Macfarlane, Esq.—2 vols. 8vo. London. 1829.

2. *Narrative of a Journey from Constantinople to England*. By the Rev. R. Walsh, LL. D.—1 vol. 8vo. London, 1828.

3. *Narrative of a Journey across the Balkan in 1829-30*.—2 vols. London, 1831.

OF all the countries of Europe none possesses so surpassing an interest as Turkey. Throughout all time it has been the theatre of important events, and in its wondrous alternations of mental light and darkness has exhibited an epitome of man's capabilities for good and for evil. Its Asiatic territories were the cradle of the human race, and are indissolubly interwoven with all its earliest records. For the religious observer, not Judea alone, but the Seven Churches and the whole of Asia Minor possess an undying interest; and in the classic mind, Ilium, and Colchis, and Pergamus, and the Ionian Republics, will always awaken the most stirring recollections.

The European provinces of Turkey are equally remarkable for having nursed a race of men who attained to a pitch of in-

tellectual power unsurpassed by any other, and who were distinguished by a still nobler attribute, a love of liberty, so marked for its disinterestedness, and so exuberant in its display, that in after times,

‘ When man would do a deed of worth,
 ‘ He points to Greece—then turns to tread,
 ‘ So sanction’d, on the despot’s head.’

It requires not the aid of persuasion to direct the reader’s attention to a country so attractive. For every province of the Turkish Empire abounds with materials of sufficient importance to demand a separate inquiry; especially modern Greece,—in whose fate and fortunes the welfare of Europe is concerned, and which forms a nucleus of imperishable interest among the great confederacy of free hearts throughout the earth.

Since the death of Solyman the Magnificent in 1566, the Turkish empire has been on the decline. The last great triumph of the Osmanli arms was the capture of Candia. From that time till the accession of the present Sultan Mahmoud, the Turks have sustained their military character against the Venetians, the Hungarians, the Poles, and the Russians, but all to little avail. Each successive sovereign found himself possessed of a more limited dominion; for a political cancer was devouring the vitals of the nation in the form of an insolent and intractable stratocracy, and a corrupt and insidious priesthood. These two factions, the Janissaries and the Ulemâ*, during the reigns of the Amuraths and the Bajazets were comparatively powerless; but in latter times, from a better organization and a consequent increase of strength, they had acquired such an influence as to render the throne and the nation itself the puppets of their will.

The Janissaries were originally the body-guard of the Sultan, and consisted of slaves of the Seraglio, and captives of war. During the early and palmy state of the empire their gallantry was so conspicuous that their corps became the object of ambition of the Osmanli youth; and from the period of the conquest of Constantinople to their fall, there was scarcely a family of distinction in Turkey unconnected with their body. As a necessary consequence unlimited power rendered them insolent, and their insurrectionary movements were often so alarming as to endanger the safety of the State. By themselves

* ^{وعلما} *scientes*, the ‘wise’ or ‘knowing’ ones. It is remarkable that the same participle in the feminine ^{علمي} *علمي* is the *Almâ* or dancing-girls.

however, they would have been almost innocuous, their outbreakings being always undisguised and in the face of day; but their subsequent coalition with the Ulemâ made them far more dangerous. These last, with the cunning of the serpent and the unerring constancy of the sleuthhound, have fastened their influence so effectually on the minds of the people as nearly to neutralize every wholesome energy. To do Mohammed justice, he disapproved of a priesthood; he wished every Moslem to have a copy of the Korân and be his own priest; but his successors in the Caliphate of Bagdad and on the throne of St. Sophia could not resist the tempting opportunity of endowing a permanent establishment,—a device which has everywhere proved the most potential engine of oppression that human ingenuity has discovered. During the progressive period of the empire the Ulemâ were quiet and submissive; but when the battle of Lepanto dimmed the pristine lustre of the Crescent, and the Sultans sank so far as to prefer the pleasures of the seraglio to the excitement of the camp, they became insubordinate. They affected for the first time to discover, that the race of Othman was not of the blood of the Caliphs, and therefore not endowed with spiritual authority; an authority besides, the functions of which, the soldier-kings of the Tartar race disdaining to fill them, had long before been delegated to the priestly body. While the Sultans led the army in person to the field, besides the deep homage they commanded as the Prophet's successors, their presence interposed a salutary curb on the soldiery; but when the army was intrusted to viziers and pachas, and experienced a series of repulses, the influence of the factions was severely felt. The Janissaries despising their effeminate monarchs, abandoned their habits of discipline; and the Ulemâ ever on the alert to enhance their own power, easily engaged them on their side. The fetvas or edicts of the Mufti sanctioned the licentiousness of the Janissaries, and they in their turn supported the aggressions of the Mufti on the sovereign power. The vigour of the Turkish empire thus gradually declined, and the baleful effects of the coalition of these two bodies may be traced in every page of her annals since the reign of Selim II. Several of the more spirited of the Sultans such as Osman I, Amurath IV, and Selim III, strove to free their country from this mighty incubus, but perished in the attempt; and Turkey became the laughing-stock of those Christian powers who had formerly trembled at her name.

Such was the condition of his country when Mahmoud II. ascended the throne. His cousin Selim was gentle and sensitive, and possessed not the hardihood necessary for the struggle in which

he had embarked. Like James I. of Scotland he quickly felt and lamented the bondage of his people; and as the Scottish King in endeavouring to redeem them from vilenage sank beneath the swords of his brutal nobility, so did Selim become a martyr to his generous designs. But the soul of Mahmoud was cast in a different mould. He is possessed of indomitable courage, and every act of his reign has borne the impress of that firmness and self-confidence without which no man ever achieved a great deed. That sure test of the talents of a monarch, the judicious selection of his councillors, is singularly applicable to him. His leading functionaries have each in their several departments proved themselves the ablest instruments their country could supply in maturing and effecting his various reforms, as Halet and the late Chelibi Effendi can attest. That the character of Mahmoud should be stained with ingratitude and crime, can excite little surprise. Imprisoned from his youth in the Seraglio, exposed to that life of languishment which had unnerved almost all his predecessors, and having no instructors but the Ulemâ, who inculcated no precept but what might advantage themselves, and strove to stifle every lofty breathing within him,—the marvel is not that there are blots on his name, but that his reign has been distinguished by such brilliant traits of intelligence and virtue. He was twenty-two years of age,—by which period the mind of man has generally received its bias for good or for evil,—before he obtained any wholesome instruction. His cousin Selim, a better and a nobler man than any other sovereign of his time, having failed in his attempt to improve the condition of his people, at that time became his fellow-prisoner, and employed his leisure in the culture of Mahmoud's mind. Aided by the light of experience, and by a searching intellect such as Turkey had not witnessed since her sceptre was borne by Solyman the Great, he endeavoured to efface the baneful impressions of Mahmoud's youth, and unfolding to him the state of the empire, pointed out the total suppression of the factions as the only means of his country's deliverance. Mahmoud was an apt scholar; he was inspired with a new life; he shook off the emasculating influence of the Seraglio, and on the death of Selim, and of the imbecile Mustapha, which happened soon after, summoned his energies for action and prepared to follow out the tactics of Selim. From having been inert and atrabilious, he became energetic and lively, and so powerfully is his character portrayed upon his visage, that however deeply disguised, the light of his fiery eye and lordly bearing almost invariably reveal his presence even in the obscurest alleys of Istamboul. No prince ever ascended a throne under more

appalling difficulties. Assailed by most powerful enemies from without, and distracted by frightful anarchy within, Turkey presented a spectacle of imbecility before which an ordinary mind would have shrunk in despair. On her eastern flank, Persia had urged the Pacha of Bagdad into rebellion, and Abdallah Ben Saoud the chief of the Wahabees had conquered Syria and Arabia and held possession of the Holy Shrine. On the north, Russia, her deadliest foe, unslaked by the blood of Ismail and Rudshuk and the conquest of the Tauride, covered with her armies the banks of the Danube and the Kuban. Austria, on the west, was feeding the flames of rebellion in Bosnia and Servia. And England, in the spirit of her wily policy, was supporting Ali Pacha the 'old tiger of Janina' in detaching Albania and the Ionian Islands from the sovereignty of the Porte. The internal aspect of Turkey was equally appalling. Public confidence shattered,—the treasury empty,—the *nizâm jedid* or new troops of Selim almost destroyed,—the Janissaries more turbulent than ever—the Ulemâ, detesting Mahmoud and panting like hounds in the leash for the fitting time to tear him in pieces,—and Paswan Oglou and Czerni Georges the rebel-governors of Widdin and Servia engaging the whole forces in whom he could confide,—all conspired to render the position of Mahmoud one of most imminent peril. But his genius surmounted every difficulty. The speedy developement of his energetic qualities, and the choice of an able vizier, restored in a great degree public confidence. He soon swept from their Pachaliks those rebellious satraps, whose disobedience had made the power of his predecessors a shadow, and as Pachas have no heirs, the wealth they had wrung from the people flowed into the coffers of the Treasury and relieved the necessities of the state. The inflexible firmness of the Sultan gave a fresh impulse to the army, and the Moldavian war after lingering for the last two reigns, was terminated in 1812 by the peace of Bucharest, partly by the success of the Turkish arms, and partly by the terror in which Russia was plunged by the French invasion. Having thus allayed if not subdued intestine broils, and made peace with his hereditary foe, and the attention of the other nations of Europe having been attracted to the gigantic projects of Napoleon, Mahmoud, steady to the polar star of his policy, the crushing of the factions, bent his whole mind to its accomplishment. His scheme was triumphantly successful, and the suppression of the priesthood would have followed the extirpation of the Janissaries, had not the unseasonable interference of Russia, by destroying his raw *tactics*, compelled him to pause in his procedure. • • •

Many peculiar causes conduced to Mahmoud's success. Osman II. and Mustapha IV. and the other princes of his line who had endeavoured to crush the factions, were cut off along with their ministers before they were enabled to transmit the fruits of their experience to their successors; but Mahmoud enjoyed the privilege of the enlightened Selim's counsels, who, by pointing out the rocks on which they all had split, served as a beacon to Mahmoud in his perilous career.

The period chosen for commencing his innovations was fortunate. Turkey was the only neutral power in Europe during that long and eventful contest, into which the potentates of Europe had rushed with the view of strangling at their birth the liberties of France;—a contest in which they unfortunately triumphed, though only for a time. The varying phases of this terrific struggle having engrossed the attention of Russia and Austria, Mahmoud was left free to organize his schemes of improvement, to countermine the machinations of the Ulemâ, and trample the ascendancy of the Janissaries.

Another important cause was that the fanatical rigour of the Turks was on the wane. The long cherished hostility between the great sects of Omar and Ali had for ages been shaking the faith of the Osmanlis, and increasing the sources of dissension;—the changes in dress and discipline introduced by Sultan Selim had familiarised them to further encroachments;—the ascendancy of the English in Hindostan and Persia had cast a blight on the undoubtingness of the Mohammedan creed;—and above all, the capture and spoliation of Medina and Mecca by Abd ul Wahâb and his followers, and the arduous struggle they maintained against Mahmoud in the earlier part of his reign, tended materially to relax the religious enthusiasm of the Osmanlis, and make the Sultan's innovations less repulsive to their feelings. Had he made the attempt a century sooner, he, like his predecessors, would most probably have been swept away.

But his triumph is chiefly ascribable to the fact of his being the last male of his race. The union of the Caliphate with the kingly power is the amulet which has preserved him from destruction. The popular belief that the death of the last Caliph would be the knell of the Ottoman empire, emboldened Mahmoud and withered the strength of his foes. This and this alone empowered him, singly and unarmed, to perambulate the streets of his capital when the exasperated Janissaries would have eagerly shed his blood. Not all his high daring, his expanded intellect and the vast and subtle machinery he employed to accomplish his ends, would have availed him had

he not been the last prince of his line. Before that charm the uplifted arm of the assassin was weak, and he stands a living monument of the power of a national prepossession in controlling the passions of men. But such was the power of the Ulemâ, that the charm though protective of his life could not by itself effect the object of his policy; he required the sanction of the Mufti's fetva, which he with difficulty procured, before he durst reduce the Janissaries.

After this summary of Mahmoud's character and his success over the stratocracy, the present strength and condition of the empire fall next to be considered.

In the absence of statistical data the population of Turkey cannot be correctly ascertained. Malte-Brun supposes that in Europe, Asia, and Africa it may amount to twenty-five or thirty millions; but since his tables were compiled, Greece and Egypt may be held to have achieved their independence, and the loss of the Janissaries and the last desolating wars with Russia and Persia have consumed the flower of the people. The extinction of the Janissaries was ultimately favourable to population, for the rapine which invariably marked their track and their nearly annual revolts, destroyed the prosperity of the cities and by producing universal insecurity operated as a check on their enlargement. Even since 1826 the Armenians and Greeks in the Asiatic provinces have increased so considerably, that the constant levies of recruits to swell the Sultan's armies have been less sensibly felt. The prevailing disuse of opium has been favourable to human life; and a spirit of activity seemed to be reviving among the Asiatic Turks, when the revolt of the Egyptian Pacha gave a new complication to the scene.

The grand element of Turkey's strength was formerly in her armies, but now instead of measuring her strength, it is only possible to dwell upon her weakness. Had Mahmoud after the removal of the Janissaries, been permitted by Russia to organize his armies on the European model, they would have been more powerful than ever. The superiority of the new system was demonstrated by the conduct of the battalion which supported Sir Sidney Smith in the defence of Acre, and which attracted his unqualified applause. But Russia smote her in the hour of her nakedness, when the arm of her Delhis was cold, and her *Tacticos* raw and undisciplined. From the effects of this blow Turkey has never recovered; all the devices of Mahmoud to renovate his fortunes, have been unable to repair his cloven shield.

The position of Turkey is highly advantageous in a commer-

cial point of view, but the reverse in a warlike. Since the Russians became masters of the Danube and the Balkan, no country is so open to aggression. She has now no impassable rivers, no gigantic range of mountains, no icy climate to deter an invader. Her Asiatic territories enjoy a climate so genial, that were man but to appreciate the bounties of Heaven, so fertile is the soil, and so overflowing the advantages of nature, that they alone might be the granary of the world. Even the traveller who is familiar with the richest plains of Europe, is struck with amazement on beholding the valleys of the Hermus, the Meander, and the Cayster. Turkey under a peaceful and enlightened government, would form one of the finest empires existing. Her capital being the link between Europe and Asia, would command every advantage through the Black Sea and the Mediterranean in competing with the commercial states of Europe; and her territories being intersected by the Red Sea, the Euphrates, and the Persian Gulf, would afford the greatest facilities in trading with India, China, and the New World.

Of the revenue of Turkey it is impossible to speak, as no authentic data whatever exist.

The naval power of Turkey, once the most formidable in Europe, is now fallen into decay. During her progressive period, when the whole marine of Barbary and the Ægean rallied round the flags of such splendid commanders as Barbarossa, Dragut, and Occhiali, her navy fully aided her armies in their unrivalled career of conquest. But the star of victory has never beamed on her navy during the last two centuries. The vigilant Venetians allowed her no time to create an efficient fleet; their conquest of the Morea, the Ionian Islands, and the Cyclades, deprived her of her best naval nurseries; her vassals the corsairs of Algiers, Tunis, and Tripoli, abandoned her standard; the destruction of her fleet in the bay of Chesmé in 1774 by the Russian Admiral Elphinstone; the incessant losses she sustained in her conflicts with the Greek Admirals Miaulis and Sachtouri, and the heroic Ipsariot Canaris; and lastly the annihilation of her force at Navarino; have all conspired to break down the spirit of her seamen, and to dissipate the Sultan's hope of support from his navy.

The instability of property has destroyed the energy of the people; no man in Turkey has a right in fee simple to any heritable property; he is merely a tenant for life; if he die without heirs male the Sultan inherits all, and if heirs male exist they merely get a part. The same system of insecurity pervades every department of the state. The civil and military officers

are appointed solely by the Sultan, who is master of their lives and fortunes ; they again, have the power of life and death in their Pachaliks ; and the provinces under such irresponsible superiors become a prey to the grossest rapacity. In Turkey therefore, capital cannot be safely embarked ; and the people are deterred from engaging in any costly undertaking, or indeed any investment however inconsiderable, involving a return at a remote date. Thus has the arm of industry been paralysed ; and individual Turks are forced to employ their wealth, not in developing the national resources, but in the purchase of jewels and trinkets, and such portable commodities as may most easily be concealed.

In harmony with the preceding system, the utmost shamelessness prevails in the administration of the laws. All appointments are given to the highest bidders ; and *they* naturally contrive to indemnify themselves at the expense of the public. The decision of the judge and the statements of the witnesses are openly purchased ; and what aggravates the evil is, that from the sentence of a judge, of whatever grade, there lies no appeal. Can it therefore be wondered at, that the morals of the Turks in their intercourse with each other are not high, when the political and judicial atmosphere they inhale is so corrupt ? But this immorality results much more from the state of the laws, than from the natural character of the people. Not only does the Korán (whose precepts the Osmanlis follow more implicitly than the Christians do their creeds) inculcate the highest faith and honour between man and man, but the English Levant Company, during a century of active intercourse, has attested the correctness of their dealings,—and indeed at the present hour, in the connexions with other nations, a Turkish merchant is as proverbial for a chivalrous integrity, as a Russian for the foulest perfidy.

Besides the introduction of military tactics, Mahmoud has all along been labouring to cherish European arts. He has drawn around him mechanics of every class from France and Germany, and shipwrights from England. He dared to do, some years ago, what had never before been attempted in Turkey,—to address public opinion. He caused a work to be composed entitled the ‘Basis of Victory,’ the object of which was to explain his projects of improvement, and justify their necessity if the Osmanlis ever wished the Caliphate to resume its pristine splendour. Paper-mills and printing-presses are now established on both sides of the Bosphorus, and the publication of the ‘*Moniteur Othoman*,’ a newspaper in the French language, bears testimony to the zeal of the Sultan in promoting

the enlightenment of his people. The annals of Turkey are not entirely destitute of highly cultivated men, though they are few and far apart. Besides the poets and astronomers who shed such a glory round the thrones of the elder Caliphs and the Abencerrages of Spain, Turkey boasts of the two Kiuperlis and Mohammed Raghîb, the ministers of Mohammed IV. and Mustapha III.; whose attainments, had all improvement in Turkey not been *personal*, would have conferred an invaluable boon on their country. Next to the extirpation of the Janissaries, the Sultau's greatest success has been in overcoming the prejudices of dress. In a country like Turkey, where the colour of a slipper or the shade of a turban alone mark the distinctions of rank, it required no common tact and firmness to substitute European fashions; and accordingly at the grand reviews at Constantinople the spectator is struck with astonishment at seeing the representative of the Prophet equipped in a hussar uniform, and the brows of the dignitaries of the empire surmounted by the red scullcap of the *tacticos* instead of the towering particoloured *caouk*.

Turkey, amidst all her disadvantages, contains many improveable elements. The people of Asia Minor relieved from the oppressions of the Janissaries, and governed by Pachas of a less grasping character, are settling down into quieter habits, and apply themselves to manufacturing industry; which, however, will meet with serious interruption if peace is not speedily concluded with the Pacha of Egypt. Their works in copper and steel, carpeting and dyeing, are unrivalled, and could protection be guaranteed, their habitual indolence would no longer be a byword. In illustration of the improved state of feeling in Turkey, the English embassy declared that had the Janissaries been in existence when the news of the discomfiture at Navarino arrived, not a Greek or a Frank in the Empire would have escaped with his life. On the contrary, the vindictive spirit of the Turks having been vastly softened, not a single life was sacrificed. The Armenians are the most industrious people in the world; they traverse Asia and Europe in the pursuit of trade, and from their intelligence and high moral character are confided in by all classes. Mahmoud is now anxious to bind them to his interest, both from the beneficial influence they exercise among the Turks, and from the Russians having enticed many of their youth into the Russian service. But the finest people beneath the horns of the Crescent are the Greeks of Roumelia and Anatolia. No allusion need be made to Modern Greece, as she is now independent of Turkey. It is singular that till lately not a Mussulman could be

found capable of acting as interpreter to the Porte, the office of dragoman having been from necessity confined to the Greeks of the Fanar. With the exception of the higher classes of the Ulemâ, and the cabinet of the Sultan, the Greeks of the Capital, of Saloniki, and Adrianople, comprise almost all the intelligence of European Turkey. Every traveller in Anatolia is struck with the Greeks,—the noble form, the graceful mien, the intellectual eye which distinguished them 2000 years ago, are as impressive as ever. They inherit that thirst for knowledge and facility in acquiring it, and that taste and perception of the beautiful, which marked their glorious forefathers. In common with the other Rayahs they breathe more freely now, and Mahmoud has of late regarded them with a kindlier look. The Ionian Greeks are the most remarkable of the human race, for though since the downfall of the Pan-Ionian Republic every bolt which oppression could forge has been hurled against them, and every contumely been showered upon their heads, they are still in form and in soul the same. Let Thorwaldsen the Dane or Benvenuto the Florentine have been asked for an image of beauty, and the bust of an Ionian maiden would have started upon his vision as the finest model of grace.

Having thus glanced at the present condition of Turkey, it is of importance to mark the attitude, in order to infer the intentions, of the Powers around her, whose hostility she has reason to dread.

Turkey at the present moment resembles Poland at the commencement of the revolution of 1772. Poland made a vigorous effort to shake off her domestic oppressors, but during the agonies of her convulsion the tyrants around her smote her to the earth, and carved out amongst themselves her mangled limbs. Such in the opinion of many must be the doom of the Turkish empire; and to the probabilities of this event, attention must be first directed.

Her fiercest and most implacable foe is Russia, the power that has succeeded to Tory England, in the disgraceful office of supporting everywhere the cause of wrong and human degradation. Since the accession of Peter the Great, the eyes of the Calmuck kings have been fixed on the throne of Byzantium. From that period the policy of Russia has been wholly aggressive. The fetters which she forged for the tribes of Tartary and the Caspian, and for the eastern states of Europe, were merely a bye-play; the genius of her subtlest councillors was tasked in devising means for achieving the master-scheme of her policy, and accordingly she has been pressing closer and closer on the throat of Turkey, until the 'sons of yellow-

ness' have become as obnoxious to the Osmanlis as the 'evil eye' of the Levant. So undisguised has Russia been in her object, that the last monster of the Calmuck line that blasted Poland with his presence, was named Constantine in the sanguine hope of his one day wielding the sceptre of St. Sophia. The motives which generally actuated the other enemies of Turkey, were the indulgence of a blind fanaticism, — revenge for some insult stated to be offered to their flags, — or a love of the bauble glory; but Russia was spurred on by no such ephemeral impulses. Peter early saw that Russia, whose resources consisted of such valuable raw produce as iron, timber, and flax, in order to be great and wealthy must be a commercial state; that though the finest navy in the world might disport on the Baltic and the Black Sea, as long as their gates the Sound and the Dardanelles were guarded by hostile powers his schemes of commercial aggrandizement must be inoperative. He had, besides, a longing eye to the riches of the East, and could not behold the continent of India made the common prey of European adventurers, without wishing to participate in the spoil. For the accomplishment of these ends, he saw no alternative but the conquest of Turkey, which would confer on him two paramount benefits; first, the possession of the Bosphorus and the whole Archipelago, would enable him to transport his produce to the great marts of Europe; and secondly, Armenia, Kurdistan, and Irak Arabia, by supplying a highway to the Persian Gulf, would unlock to his ambition the treasures of the East, and afford him a facility of access superior to the European nations, who to reach India are compelled to double the Cape of Good Hope. In pursuit of this object, Russia has been constantly encroaching upon Turkey, and her encroachments, like an inundation, *advance* but never *recede*; for since her conquest of the Tauride she has successively engulfed the countries of the Kuban and Circassia, the Caucasus and Georgia; and her last campaign under the recreant Pole Paskewitch, now Prince of Warsaw, made her mistress of the cities of Trebisond and Van, and the half of Armenia. Her recent successes too in Bulgaria and Roumelia, have disclosed the Sultan's feebleness, and have served but to excite a fiercer and more feverish desire for the attainment of her hopes. From Russia, therefore, nothing can be anticipated but the most unrelenting enmity, in whatever form disguised.

From Austria, Turkey has now nothing to fear; though in times gone by, she was one of her most formidable foes. Like Rome in her decline, Austria has her hands full at home. She

feels that on her three ancient duchies alone, Austria, Styria, and Carinthia, she can place complete reliance. The gallant Hungarians are ripe for revolt, but the files of Austrian bayonets prevent their immediate union. Ten times have this noble people battled for their liberty, and as often have they passed under the tyrants yoke; but such is the holy virtue of Freedom's spirit, that the more a nation suffer for her sake, the more prodigal of their blood will they become, and flames will spring from the ashes of their fathers to lighten them to victory. The Gallicians are Poles to the core. The Bohemians are as restless as the Hungarians; they never forget that their fathers of the fifteenth century were the most intrepid defenders of civil and religious liberty in Europe; the stain on their banners at the battle of the White Mountain has yet to be washed out, and the minstrels in the clefts of the mountains which encircle their country, far from the ear of the Austrian soldier, harp the triumphs of Zisca and his compeers, and yearn for the time when the Black Eagle of Hapsburg shall be a stranger in their valleys. The Venetian and Lombard states are a charged mine; and the Bosniacks, the Servians, and Illyrians, unbridled as Arabs, can only be regarded as occasional mercenaries. It is thus pretty obvious that Austria will not be the instrument for inflicting the death-blow on Turkey.

On the side of Persia, Turkey's earliest foe, there is little ground for apprehension. Notwithstanding their mutual antipathy, Persia suffered so much in her last disastrous quarrel with Russia, that no hostile collision can be looked for. If any man can re-invigorate the Persian monarchy, it is Abbas Mirza, the heir apparent to the throne, who seems to inherit some of the talents of his predecessors Shah Abbas and Nadir Shah; but the policy of Russia as displayed by the operations of her Georgian army, is alone sufficient to engage the whole attention of the Persian Court. Besides, the vast insalubrious plains which intervene on both sides of the Euphrates, and in which the bones of so many armies are embedded, interpose a serious barrier to aggression in the present weakened state of both countries.

But a powerful antagonist has arisen against Mahmoud in the person of his vassal Mohammed Ali, the Pacha of Egypt. More fortunate than his master, the elements of whose strength are so intractable, Mohammed Ali, ever since his massacre of the Mamlouks, has found the minds of the Egyptians as clay in the hands of the potter. Rivalling the Sultan in genius and subtlety, he soon turned to account this property in his people, and spurning the paltry distinctions of creed, he

attracted men of talent round him from every part of Europe; and so indefatigable have been his exertions, that he has done more to civilize the Egyptians during the last twenty years, than was perhaps ever achieved in the same period since the dark ages, in any country whatever. Every resource has been fully developed, and the amount of his revenue, chiefly arising from exports, is said to equal that of the Sultan himself. His army has been disciplined by eminent French officers, and its successes under his adopted son Ibrahim Pacha in Palestine and Syria, seem to threaten the downfall of the Caliphate, even though the Sultan had no other enemy to subdue.

This survey of the attitude of the powers inimical to Turkey, proves the peril to which Mahmoud is exposed from without. But his danger is as great from within. The Ulemâ, the High Tories of Turkeyland, are bent on undermining his power. Well aware that the extinction of the Janissaries and the introduction of European knowledge must prove fatal to their order, they employ every art to flatter disaffection. They take advantage of every change in dress and discipline to scatter discontent among the soldiery, to represent the sultan as an infidel, and under the pretext that his innovations war with the Korân, absolve the troops from their allegiance. They foretell that victory will honour the crescent no more; and like all prophets, walk in the way of accomplishing their own predictions. By these and other devices the Ulemâ have frequently succeeded in exciting revolt, which the embarrassing condition of Mahmoud materially facilitated. The compulsory enrolment of the youth of the provinces to replace the Janissaries, the incessant levies of fresh conscripts to maintain the Greek and Russian wars, and the inability of the sultan to keep the troops in pay, all tended to promote the success of the Ulemâ in spreading the spirit of disaffection. Another great cause of distrust springs from the general persuasion that Selim and Mahmoud have emptied the *haznah* or secret hoard of the seraglio;—it being understood, that in consequence of a prophecy four centuries ago that the ‘sons of yellowness’ were in process of time to drive the Osmanlis beyond the Bosphorus, ever since the conquest of Istamboul an imperial treasure has been deposited in the recesses of the seraglio, there to remain untouched until the arrival of that grand crisis. This prophecy having haunted the minds of the sultans, each of them was supposed to have added to the *haznah* the surplus of his revenue, in the hope that this treasure would eventually prove the salvation of their empire, if not to the retention of their European territories, at least to the firm establishment of their power in Asia. An impression

being prevalent of late that Mahmoud has made free with these sacred coffers for the promotion of his plans, the indignation of the Osmanlis has been raised to the highest pitch; and this impression derives probability from the general contempt Mahmoud has shown for the usages of his country.

This summary of the external and internal condition of Turkey would seem to prove, that if the situation of Mahmoud was appalling at his accession, it is more so now. The vigour of his character alone upholds the throne of the Caliphs. Beset by enemies from without and traitors from within, he still bears his brow aloft, and if his death is to be the knell of the Ottoman name, he will perish as sublimely as Constantine Paleologus. Had Mahmoud had to contend merely with internal foes, he would infallibly have mastered every obstacle; but despite his great ability and firmness, he has been so borne down by foreign aggression, and his reign has been subjected to such a train of disasters, as to render his ultimate success highly problematical.

It is undeniable that Turkey is now less powerful by at least one half, than she was in 1820; and Mahmoud may soon find, that like Phocion the incorruptible, he may exhaust every energy of his nature, and all prove ineffectual to arrest the downward career of decay. The truth seems to be, that the calamities of Turkey must be ascribed to the lateness of the regeneration attempted by the Sultan, for while the rest of Europe was advancing in the path of improvement, the intractable character of the Osmanli faith presented an impassable barrier to a simultaneous progression; so much so, that until Mahmoud's time, the same monstrous laws and customs existed that prevailed in 1357, when Amurath I, crossed the Hellespont. Although the Egyptian army should be upon the Bosphorus, it is not from this quarter that Turkey has much to apprehend: European Turkey could do without the Asiatic provinces, as well as England could without Ireland; they are only a garden of experiment for the spirit of despotism and plunder to sprout in, and be transported home. It is from the north that danger lowers.

But amidst this atmosphere of gloom and despondency, the optimism that is in the world will conquer. It is written *à haut*, that the people shall be the people's masters when they are fit for it; and what imports it whether the Egyptian Pacha, the king of the Calmucks, or the Sultan himself, be the instrument of redeeming the Ottoman Empire? In the moral, as in the material world, there are bounds to the dominion of evil: There are limits to the sufferings of nations as well as of individuals; there is a time when bigotry ceases to overawe, and

when oppression will no longer be endured. The vast diffusion of knowledge now in Europe, has already found its way into Turkey, and elements of amelioration are actively at work, which, under any government whatever, must redound to the advantage of the people. Even supposing that Turkey should fall a prey to Russia, it is very improbable that the same monarch would long rule both on the Neva and the Bosphorus; and as the consanguinity of princes implies no identity of interest, it is presumable that the limbs which compose the Russian Empire would be speedily dissevered;—that Red Russia and the provinces on the Black Sea would cling to the lord of the Bosphorus, and reduce within more moderate bounds the preponderating influence of the Czars,—and a new dynasty on the throne, of the Caliphs would be compelled to submit to liberal institutions before it could establish itself and conciliate the masses.

But the grand hope of Turkish regeneration is bound up with that of Europe. In the issue of the collision which is approaching, between the antagonist principles of light or liberalism on the one side, and darkness and Russia on the other,—the doom of Turkey is involved. There are but two interests in Europe, and they are these. There is no exaggeration in the statement; the little bigot, even in England, who desires to impose his dwarfish despotism upon his countrymen, looks forward to the time when 'the saints shall inherit the earth' through a ukase from the Russian Autocrat. The banded organization of the despots may prevail for a time; disaster may follow disaster, and the weak and the timid may quail, but it is in such scenes that freedom is nursed, and hearts are attuned to the majesty of independence. Though the present empires fall, they will perish only to be renewed in nobler forms, and become the theatres of beneficent power. Then, as Delos rose in the centre of the Cyclades, the pride and ornament of the Archipelago, may Byzantium be re-erected in the centre of the Old World. The banks of the Nile may again exult in their 1000 Cities, and the States of Barbary boast of their 300 Universities. Palestine may be resuscitated; the cities of Phœnicia once more lead the van in commercial enterprise; the Lycian and Ionia republics luxuriate in free institutions; the libraries of Pergamus and Alexandria be restored; and the lands which the Arts and the Sciences adorned in the day-spring of the World, bask in the glory of its meridian hour.

ART. XII.—*A Biographical History of the Wesley Family; more particularly its earlier branches.* By John Dove.—London. Simpkin and Marshall. 1833. 1 vol. 12mo.

IT is not necessary to determine the absolute magnitude of the advantages conferred on mankind by the founders of Arminian Methodism; the rest of their family doubtless derive much reflected interest from their connexion with these, but as individuals they also possess a great variety of claims to the attention of the reader. A biography more pregnant with matter of instruction, or more provocative of reflection upon a vast number of important points, is hardly to be pointed out. Viewed in no higher light, the Wesley family is a curiosity; and its biography is rich in all those traits of character, those views into domestic manners, and into national morals as connected with the histories of individuals, which make this species of literature so fascinating. The history of the Wesley family is, in fact, a view both of the religion and the morality of the country from the period of the passing of the Act of Uniformity; an Act most ludicrously misnamed, for the greater portion of the particoloured sects that have variegated the theological history of Britain for the last two centuries may be traced to this source.

The first name in the biographical annals of the Wesleys is that of Bartholomew Wesley, who was the great grandfather of John Wesley the last. When the Act of Uniformity came into operation he had the living of Charmouth in Dorsetshire. At the university he had acquired some insight into the science of medicine; from the practice of which he drew his support subsequently to his ejection. Physic was indeed the chief resource of the ejected clergy for subsistence; they were not permitted to teach, or it is possible the mischievous effects of the base measure by which they were driven upon the world, would have been curtailed of some portion of mischief. Medicine, which many practised, it may be supposed the major part were but imperfectly acquainted with; a fact which caused one of the suffering clergy to remark to the person by whom his ejection was put in force, 'I perceive that this is likely to occasion the death of many.'

John Wesley, the son of Bartholomew, was ejected by the same Act which turned his father out upon the world. He was a member of New Inn Hall, Oxford, and during his residence is said to have become a favourite of Dr. John Owen, then Vice Chancellor of the University. In May 1658, John Wesley settled at Whitchurch in Dorsetshire, his father's county. Here

he held the vicarage, the income of which was 30*l.* per annum. In that age an income which now implies starvation, justified marriage. John Wesley married the niece of Dr. Thomas Fuller, the author of the 'Worthies of England,' whose works are now reckoned among the treasures of old English literature. Like his father Bartholomew, he had serious scruples on the subject of the book of Common Prayer; and soon after the restoration he was much troubled on that account. Dr. Ironside, Bishop of Bristol, sent for him, and one of those conversations ensued which were so common in the times that intervened between the restoration and the revolution.

'BISHOP. But what say you? Did you not wear a sword in the time of the *Committee of safety*, with Demy and the rest of them? WESLEY. My Lord, I have given you my answer therein: and I further say, that I have conscientiously taken the oath of allegiance, and faithfully kept it hitherto. I appeal to all that are around me. BISHOP. But nobody will trust you. You stood it out to the last gasp. WESLEY. I know not what you mean by the last gasp. When I saw the pleasure of Providence to turn the order of things, I did submit quietly thereunto. BISHOP. That was at last. WESLEY. Yet many such men are now trusted, and about the king. BISHOP. They are such as fought on the parliament side during the war, yet disowned those latter proceedings; but you abode even till *Hasselrig's* coming to Portsmouth. WESLEY. His Majesty has pardoned whatever you may be informed of concerning me of that nature. I am not here on that account. BISHOP. I expected you not. WESLEY. Your lordship sent your desire by two or three messengers. Had I been refractory, I need not have come; but I would give no just cause of offence. I still think that the Non-conformists were none of His Majesty's enemies. BISHOP. They were traitors. They began the war. *Knox* and *Buchanan* in Scotland, and those like them in England. WESLEY. I have read the protestation, of owning the king's supremacy. BISHOP. They did it in hypocrisy. WESLEY. You used to tax the poor *independents* for judging folks' hearts. Who doth it now? BISHOP. I did not, for they pretended one thing and acted another. Do not I know them better than you? WESLEY. I know them by their works. BISHOP. Well then, you justify your preaching, without ordination according to law? WESLEY. All these things laid together are satisfactory to me for my procedure therein. BISHOP. They are not enough. WESLEY. There has been more written in proof of the preaching of gifted persons, with *such* approbation, than has been answered by any one yet. BISHOP. I am glad I have heard you. You will stand to your principles, you say? WESLEY. I intend it, through the grace of God; and to be faithful to the king's majesty, however you may deal with me. BISHOP. I will not meddle with you. WESLEY. Farewell to you, Sir. BISHOP. Farewell, good Mr. Wesley.'—p. 23.

In the first portion of the dialogue, which as preserved by

Calamy or abridged by Mr. Dove is too long to quote, the conscientious dissident had much the advantage of the man clothed in authority. Argument availed however as little here as on similar occasions. In the beginning of 1662 Mr. Wesley was seized as he left the church on a Sunday, and committed to Blandford Gaol.

After his ejection Mr. Wesley found an asylum at Preston in Dorsetshire, where subsequently he preached under such precautions as were then absolutely necessary. He was however thrown into prison no less than four several times, and closed a short but troubled life at the age of thirty-five, about the year 1670. His widow survived him through some forty years of poverty and destitution.

This John Wesley left two sons, Matthew and Samuel. Matthew became an eminent physician or surgeon, it is not clear which, in the metropolis. Little is known of him except from his occasional intercourse with the family of his brother, the father of John and Charles the founders of the methodists, and of Samuel their elder brother, the wit and poet of the days of Sir Robert Walpole.

From what has been said of John Wesley of Whitchurch, it may be presumed that he neither possessed nor left behind him any resources out of which his two sons might be educated. Yet both attained to eminence in their respective professions. The steps by which Samuel reached the church, were detailed by him on occasion of his being charged with being a bad husband of his means. The extract will show what hardships students of that day worked their way through. The statement is drawn up in the third person, but it is from the pen of the Rector of Epworth, and in fact pretty nearly contains all his early pecuniary history.

In primis. When he first walked to Oxford, he had in cash 2*l.* 5*s.*

He lived there till he took his bachelor's degree, without any preferment, or assistance except *one crown.*

By God's blessing on his own industry, he brought to London 10*l.* 15*s.*

When he came to London, he got deacon's orders, and a cure, for which he had 28*l.* for one year.

In which year for his board, ordination and habit, he was indebted 30*l.*, which he afterwards paid.

Then he went to sea, where he had for one year 70*l.*, not paid till two years after his return.

He then got a curacy of 30*l.* per annum, for two years, and by his own industry he made it 60*l.* per annum.

He married, and had a son; and he and his wife and child boarded for some years, in or near London, without running into debt.—p. 76.

The manner in which he supported himself at Oxford is not stated; it is probable that he had already established a connexion with John Dunton, the eccentric publisher of that day, who under the title of his 'Life and Errors,' has left a most singular record of a very extraordinary character.

But that the son of the staunch and scrupulous non-conformist of Whitchurch, should go to Oxford at all, is hardly less surprising than that he should reside there and take his degree without deriving any means of support from his connexions. The step was a sudden one; for reasons of a very insufficient kind, he is said to have turned his back upon dissent and all the political opinions that usually went along with non-conformists, and without communicating a word of his intention to any one, to have set off early one morning on foot to Oxford. Having once taken the resolution of deserting his family principles, he assuredly never relented. He commenced Tory and High Churchman, with all the zeal and energy of an apostate. He not only left the Dissenters, but endeavoured to expose them; his vehement attacks upon them excited the hostility of that body, and conferred neither credit nor yet emolument upon himself.

Very soon after leaving the University, Samuel Wesley married. His wife was the daughter of Dr. Annesley, one of the most eminent non-conformists of the day. In theological biography the name of no man stands higher for learning, zeal, and charity. He lived to a great age in the active exercise of every faculty, and long before he died was held a sort of patriarch of the non-conformist church, beyond the pale of which he was scarcely less honoured than within its sanctuary. Dunton the bookseller had married one daughter, and through this connexion it is probable Samuel Wesley was introduced once more, though but for choice of a helpmate, among the Dissenters. With some view to the support of the marriage state, Wesley published his first work, through the means of his brother-in-law Dunton. It was poetry, or at least verse, and was called 'Maggots, or Poems on subjects never before handled.' His muse was a short time after more profitably employed. The revolution of 1688 had taken place; Mr. Wesley had resisted the temptations of the agents of James II., who had made him brilliant offers on the condition of his preaching Popery. In spite, however, of the cloud which hangs over his sudden desertion of the Dissenters, Wesley was not a man to listen to aught but his conscience in a matter of religion. With characteristic boldness he refused to read the King's declaration, and though surrounded by courtiers, soldiers, and informers, he preached manfully against it from the text Daniel, iii. 17-18: 'Be it

known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up.'

In perfect accordance with this, Mr. Wesley was a zealous approver of the revolution, and took an early opportunity of recommending himself to the new government by dedicating his 'Life of Christ,' an elaborate poem, to the Queen. He was in return presented with the living of Epworth in Lincolnshire, of the estimated worth of 200*l.* per annum; a sum however, which he never realized. Epworth is in the Isle of Axholme, a remote and unfrequented part of the country, flat and unpicturesque in its appearance; and if some passages of their conduct to Mr. Wesley are to be taken as an index of the character of the inhabitants, the learned poet and divine was not fortunate in his neighbours. This living Mr. Wesley held upwards of forty years. This obscure village was the scene of all his weal and woe during the greater part of an active and stormy existence. Here nineteen children were born to him, all of whom lived to be educated, and ten arrived at maturity. On a scanty income, with a father who, if not improvident, was a bad manager and of an unconciliating temper,—it may be supposed that such a family was not reared without many a bitter struggle on the part of their exemplary mother. Mrs. Wesley was in fact a not less remarkable person than her husband. The family of Dr. Annesley was celebrated for the beauty, learning, and piety of its daughters; and Susannah who fell to the lot of Samuel Wesley, seems to have had a full share of qualities which at that time were more highly valued in women than at the present day. Among all the changes that have taken place, there is none greater than that which has gradually been effected in female education. The point started from is altogether different, the end aimed at is hardly the same, and the means are as far as the poles asunder. For instance, Susannah Annesley at thirteen years of age had reviewed the whole controversy between the Dissenters and the Church, and had formed opinions on the subject which she never saw occasion to change, unless that is to be called a change which was operated upon her by the preaching of her son John, who found out that at seventy years of age, and after leading a life of piety, prayer, and the strictest virtue, his mother had not been a Christian. Dr. Adam Clarke ventures to dissent from his great master, and says of Mrs. Wesley, 'I have been acquainted with many pious females. I have read the lives of several others, and compared memoirs of not a few; but of such a woman, take her for all in all, I have not heard, nor with her equal have I been acquainted. Such a one Solomon has described, and to Mrs. Wesley I can

apply the character of his accomplished housewife, "Many daughters have done virtuously, but thou excellest them all."

The living of Epworth no doubt came in high season to the succour of the affairs of the poor clerk, living, or rather starving, on a cure of 50*l.* a year, with a wife and five children. But Epworth itself was not a very magnificent affair; the vicar was behind-hand, and the expenses of taking possession threw him still further back. The only regular part of his income, was a child per annum. Probably this circumstance prevented him from ever improving the miserable state of his affairs, when joined with those accidents which in the present constitution of the church are always interfering with the efficiency of the clergyman, such as fines, inundations, law and parish squabbles. Once the parson's barn fell, twice his house was burnt down; events closely connected, in all probability, with his taking his tithes in kind. Of the spirit encouraged by this mode of collecting a revenue, an idea may be gathered from the story told of his once going into a wheat-field when the tithe corn was laid out, and finding the farmer occupied with a pair of shears snipping off the ears into a bag. Not appearing to observe the occupation of the farmer, he joined the man with the sack on his shoulders; and leading him in conversation through the town, until they arrived at the market place, and then suddenly seizing his burthen, he emptied its contents on the ground in the eyes of the farmer's townsmen. Mr. Wesley seems to have reckoned on the operation of shame. It is moreover recorded that his cows were stabbed in the night; and worst of all, his newly built parsonage was for a length of time visited by a ghost, that would permit neither the vicar of Epworth nor his family to have any rest. An election squabble did not mend the matter; his zealous co-operation with the high church and unpopular party caused him to be pursued and worried by the mob, who waylaid him on his return home and celebrated a *charivari* under his windows. Party spirit was shown in a still more disgusting manner. At the instance of one of the candidates, he was thrown into Lincoln jail on the suit of one of his creditors. Mr. Wesley had a steady friend in an amiable prelate, Sharp, archbishop of York, and it is in his letters to him that are found the details of many of these miseries. He appears to have borne them with fortitude, and to have struggled against poverty and embarrassment with energy as well as patience. Some of the passages in the correspondence will exalt him in the estimation of the reader, and cannot fail to excite interest.

Epworth, Dec. 30th, 1700.

'Fifty pounds interest and principal I have paid my Lord of Sarum's goldsmith: all which keeps me necessitous, especially since interest-money begins to pinch me; and I am always called on for money before I make it, and must buy every thing at the worst hand; whereas, could I be so happy as to get on the right side of my income, I should not fear, by God's help, to live honestly in the world, and leave a little to my children. I think, as 'tis, I could perhaps work it out in time, in half a dozen or half a score years, if my heart should hold so long; but as for that, God's will be done.'—p. 98.

The letter of which this is the conclusion, appears to have made a deep impression on the benevolent mind of the archbishop; the succedaneum however which he suggested for the relief of poor Mr. Wesley's affairs, was of the oddest description. His Grace proposed to apply to the House of Lords to obtain for him a brief for losses sustained by childbearing; besides which bright idea, he sent him money and prevailed on others to do the same. Mr. Wesley was grateful enough for the money, but no wise disposed to fall into the unprecedented scheme of classing the birth of his children with those other so called visitations of Providence, sickness, fire, and inundation.

'I most humbly thank your Grace' says Mr. Wesley in reply, 'that you did not close with the motion which you mentioned in your first letter; for I had rather choose to remain all my life in my present circumstances, than consent that your Lordship should do any such thing; nor indeed should I be willing on my own account, to trouble the House of Lords in the method proposed, for I believe mine would be the first instance of a brief for losses by child-bearing that ever came before the honourable House.'—p. 99.

With respect to the money and the archbishop's sympathy with the hardships he had to undergo, he speaks in a very different strain.

'When I received your Grace's first letter, I thanked God upon my knees for it, and have done the same I believe twenty times since, as often as I read it, and more than once for the other, which I received but yesterday. Certainly never did an archbishop write in such a manner to an Isle-poet, but it is peculiar to your Grace to oblige so as none besides can do it. I know you will be angry, but I can't help it, truth will out, though in a plain and rough dress, and I should sin against God if I now neglected to make all the poor acknowledgments I am able.'—*May 14th, 1701.*—p. 99.

The archbishop's letter communicated the fact that the countess of Northampton had sent him 20*l*. Of this sum he says, he must divide it; 'half to my poor mother, with whom I am now above a year behind-hand; the other ten pounds for my

own family. My mother will wait on your Grace for her ten pounds: she knows not the particulars of my circumstances, which I keep from her as much as I can, that they may not trouble her.' This was the widow of the John Wesley whose conversation with Bishop Ironside above forty years before this time, has been spoken of. She appears to have been solely dependent on her two children; of the assistance rendered by one we do not hear, the other could ill spare an ill paid annual ten pounds. Verily non-conformity was no holiday work.

In 1702, Mr. Wesley's house was burnt down for the first time, and the archbishop of York again came forward with his assistance. Mr. Wesley in one of his grateful letters, enumerates all the donations he had received from, and by means of his Grace. They amount to 184*l.* 17*s.* 6*d.* 'a frightful sum,' he says 'if one saw it altogether.' But he did not see it altogether, so that it did him but an inferior portion of good. His debts were not paid off, and in the year 1705 he is found 'at rest in the haven' of Lincoln gaol.

The following characteristic letter communicates the event to the archbishop;—

Lincoln Castle, June 25th, 1705.

'MY LORD,

'I am now at rest, for I have come to the haven where I have long expected to be. On Friday last, after I had been christening a child at Epworth, I was arrested in the church yard by one who had been my servant, at the suit of a relation of Mr. Whichcott's, according to promise, when they were in the Isle before the election. The sum was not 30*l.* One of my biggest concerns was leaving my poor lambs in the midst of so many wolves. But the great Shepherd is able to provide for them, and to preserve them. My wife bears it with that courage which becomes her. I don't despair of doing some good here, and it may be I shall do more in this *new parish*, than in my old one; for I have leave to read prayers every morning and afternoon in this prison, and, to preach once on a Sunday, which I choose to do in the afternoon, when there is no service at the Minster. I am getting acquainted with my brother *jail-birds* as fast as I can, and shall write to London, next post, to "the Society for promoting Christian Knowledge," who I hope will send me some books to distribute amongst them. I should not write these things from a jail, if I thought your Grace would believe me less for being here, where, if I should lay my bones, I'd bless God, and pray for your Grace.'

—p. 106.

'S. WESLEY.

The origin of his incarceration being political, political friends came forward. Mr. Wesley was not many months in gaol; the debt was paid, and a subscription entered into, which probably made his condition easier than it ever had been.

‘ My Lord,

‘ I am so full of God’s mercies, that neither my eyes nor heart can hold them. When I came hither my stock was but little above ten shillings, and my wife’s at home scarcely so much. She soon sent me her rings, because she had nothing else to relieve me with ; but I returned them, and God soon provided for me. The most of those who have been my benefactors keep themselves concealed. But they are all known to Him who first put it into their hearts to show me so much kindness ; and I beg your Grace to assist me to praise God for it, and to pray for his blessing upon them.’—p. 108.

In 1709, the Rectory of Epworth was again burnt down to the ground ; this time nothing was saved, and the life of one child was only just preserved ; *that child was John Wesley*, who has given an account of his narrow escape himself from his own infantine recollections. In reference to it, he had a house in flames engraved as an emblem under one of his portraits, with these words for the motto, ‘ Is not this a brand plucked out of the burning ?’ The only thing besides rescued from the flames, was a leaf of Mr. Wesley’s Polyglott Bible, and the only part of it legible was the text *Vade: vende omnia quæ habes, et attolle crucem et sequere me*. John Wesley attributes the burning to that most combustible of all fire-brands, the tithe. The destruction of the parsonage led Mr. Wesley into all the proverbial embarrassments of builders. He was induced to construct a large substantial brick house (the previous one having been composed of mud, timber, and thatch), in which, after it was completed, he probably never knew an unruffled day. Now would have been the time for the Archbishop to step forward with his brief, first detailing the loss by fire, and next the misery of building.

Mr. Wesley had scarcely got warm in his new house, when *the ghost* commenced its disturbances. The noises of this extraordinary visitor continued to annoy the family for some time ; but after the alarm had subsided, he contributed to the amusement of the younger branches of the household, and among them went by the familiar name of ‘ Old Jeffrey.’ Among the members of the family and their friends, these noises, however, excited considerable speculation ; and Mr. Wesley himself was moved to exorcise the spirit, and afterwards to detail the history of it. The circumstances as recorded in different letters and reports were published by Dr. Priestley, as the best authenticated ghost story within his knowledge. The form of Old Jeffrey’s visitation was chiefly that of ‘ sound ; he would knock solemnly against the walls, gobble like a turkey-cock up and down stairs, imitate the sound fearful to the ears of housekeepers, of

a crash of glass, or of the emptying of a bag of money. He was pursued from room to room in vain; he was felt to push against the door, but was invisible except on two occasions, when Mrs. Wesley saw something run from under the bed like a badger, and Robin, the man, saw something run from under the oven like a rabbit with 'its little scut standing straight up.' Mr. Wesley, at first, was not permitted to hear these extraordinary sounds; and as according to the superstitious, the man who is not aware of these visitations is threatened with death, the communication was not made to him until it was impossible to keep it secret. He treated Jeffrey with derision in the first instance, and threw out a very ungallant insinuation against his daughters, that Old Jeffrey was the work of their lovers. Jeffrey appears to have had pretty good information; from that night he plagued Mr. Wesley along with the rest of the family; and he who had laughed at the ghost, grew both angry and frightened. He solemnly questioned it 'if it were Sammy,' meaning his eldest boy then at Westminster-school; 'and bid it, if it were, and could not speak, to knock again; but it did no more that night, which made us hope it was not against your death.' (*Mrs. Wesley's letter to her son Samuel. Appendix, p. 283.*) At another time, he went close to the place where the knocking was heard, in company with a neighbouring clergyman, 'and said *sternly*, "thou deaf and dumb devil, why dost thou frighten these children (it was in the nursery). Come to me in my study, that am a man." He was going to fire a pistol at it, but his brother clergyman prevented him. The ghost accepted his invitation, and the next evening visited Mr. Wesley in his study, but nothing came of it.

Some of the circumstances are thus related by Mr. John Wesley, as taken from the mouths of his sisters.

'The next evening, (*4th Dec. 1716*) between five and six o'clock, my sister *Molly*, then about twenty years of age, sitting in the dining room, reading, heard the door that leads into the hall open, and a person walking in, that seemed to have on a silk night-gown, rustling and trailing along. It appeared to walk round her, and then to the door: but she could see nothing. So she rose, put her book under her arm, and walked slowly away. After supper, she was sitting with my sister *Sukey*, (about a year older,) in one of the chambers, and telling her what had happened, she quite made light of it; saying, "I wonder you are so easily frightened; I would fain see what could frighten me." Presently a knocking began under the table. She took the candle and looked, but could find nothing. The iron easement began to clatter, and the lid of a warming-pan. Next, the latch of the door began to move up and down without ceasing. She started up, leaped into the bed without undressing, pulled the bed-clothes over her head, and

never ventured to look up till morning. A night or two after, my sister *Hetty*, a year younger than *Molly*, was waiting, as usual, between nine and ten, to take away my father's candle, when she heard one coming down the garret stairs, walking slowly. At every step, the house seemed shook from top to bottom. Just then my father called. She went in, took his candle, and got to bed as fast as possible. In the morning, she told this to my eldest sister, who said, 'you know I believe none of these things. Pray let me take away the candle tonight, and I will find out the trick.' She accordingly took my sister *Hetty's* place; and had no sooner taken away the candle, than she heard a noise below. She hastened down stairs to the hall, where the noise was. But it was then in the kitchen. She ran into the kitchen, where it was drumming on the inside of the screen. When she went round, it was drumming on the outside. Then she heard a knocking at the back-kitchen door. She ran to it; unlocked it softly; and when the knocking was repeated, suddenly opened it; but nothing was to be seen. As soon as she had shut it, the knocking began again. She opened it again, but could see nothing: when she went to shut the door, it was violently thrust against her: but she set her knee to the door, forced it to, and turned the key. Then the noise began again: but she let it go on, and went up to bed.

'The next morning my sister telling my mother what had happened, she said, "If I hear any thing myself, I shall know how to judge." Soon after, *Emilia* begged her mother to come into the nursery. She did, and heard in a corner of the room, as it were the violent rocking of a cradle. She was convinced it was *preternatural*, and earnestly prayed it might not disturb her in her chamber at the hours of retirement: and it never did. She now thought it was proper to tell my father. He was extremely angry, and said, "*Sukey*, I am ashamed of you: these girls frighten one another; but you are a woman of sense, and should know better. Let me hear of it no more." At six in the evening, we had family prayers as usual. When my father began the prayer for the king, a knocking commenced all round the room; and a *thundering* one attended the Amen. The same was heard from this time every morning and evening, while the prayer for the king was repeated.—p. 285.

It must be remarked, that Old *Jeffrey* was always a staunch Jacobite; he would never permit Mr. Wesley to pray for the King or the Prince of Wales without disturbing the house. This was a sore subject with Mr. Wesley, and he made a point of repeating the prayer. There is no doubt that *Jeffrey* was well acquainted with the family history. On one occasion, Mr. Wesley had been so offended with his wife because she would not pray for King William, that he left his home saying, that if they had two Kings they should have two beds, repaired to London, and did not return to his home and his parish till the death of King William, when both at length agreed that Queen Anne was the true Queen. So that the Jacobite noise was no

doubt a severer blow upon Mr. Wesley's nerves than any other of the knocks that Old Jeffrey was in the habit of inflicting upon any part of the house. After becoming the jest of the family, and his knocking being made into the signal for the children to go to bed, Old Jeffrey suddenly took his departure and was never more heard of; and to this day it is dubious whether it was love or hate that animated this boisterous spirit. Cause enough for both there seems to have been; the chambers of the haunted house were tenanted with four or five lovely young women kept up under the strictest regimen, and the whole of the attic floor was converted into a huge granary for tithe corn, so that it may be supposed that Jeffrey had business on either floor. If Old Jeffrey owed his existence to the young men of the neighbourhood, it must be confessed that the parsonage of Epworth presented a fine mark for the lovers of practical joke. First, there was the somewhat pompous clergyman himself, the High Tory 'Isle-poet,' with his stickling for tithes, conjoined with a worldly simplicity and a devotion to learning that might have served as a model for Parson Adams himself. Mrs. Wesley was a person to be approached with more reverence, and it is seen that Jeffrey in some degree respected her wishes. But even she, was vulnerable on the points of her formality, her excessive strictness, and the severity of discipline under which she brought up her numerous household. It might be supposed that the close retirement, the perpetual prayer and meditation, the solemn demeanour, and the incessant devotion to the sterner duties, would not be agreeable to a parcel of girls, who in spite of the rigour of their decorum might let out the truth, though by a glance, that they had other ideas flitting through the brain than such as were found in the then new and popular work the *Whole Duty of Man*.

The domestic discipline maintained at the Rectory of Epworth is so agreeable to the opinions of all that have hitherto taken in hand the subject of the Wesley family, that it will excite no surprise to find it the subject of unbounded eulogy. John Wesley deemed so highly of the plan, and the principles under which he and his brothers and sisters had been reared, that he requested his mother to write down the rules of her practice, apparently that he might recommend it for the benefit of others. The letter is preserved in this volume. It contains a full and striking statement of the manner in which the households of our religious ancestors were conducted. At the time of this letter, England was essentially a religious country, and according to the ideas entertained of religion, the interior of domestic life was very carefully regulated. It is true that ribaldry and debauchery were not rare in those

days; but they were chiefly collected in the metropolis, and exhibited especially in the straggling loyalists, who had passed an exile on the continent. The remains of the discipline are still to be found in remote families, but, as a general system, it no longer exists.

Epworth, July 24th, 1732.

‘ Dear Son,

‘ According to your desire, I have collected the principal rules I observed in educating my family.’

‘ The children were always put into a regular method of living, in such things as they were capable of, from their birth; as in dressing and undressing, changing their linen, &c. The first quarter commonly passes in sleep. After that they were, if possible, laid into their cradle awake, and rocked to sleep; and so they were kept rocking till it was time for them to awake. This was done to bring them to a regular course of sleeping, which, at first, was three hours in the morning, and three in the afternoon; afterwards two hours, till they needed none at all. When turned a year old (and some before,) they were taught to fear the rod, and to cry *softly*, by which means they escaped much correction which they might otherwise have had; and that most odious noise of the crying of children was rarely heard in the house.’

‘ As soon as they grew pretty strong, they were confined to three meals a day. At dinner their little table and chairs were set by ours, where they could be overlooked: and they were suffered to eat and drink as much as they would, but *not to call for any thing*. If they wanted aught, they used to whisper to the maid that attended them, who came and spoke to me; and as soon as they could handle a knife and fork, they were set to our table. They were never suffered to *choose their meat*: but always made to eat such things as were provided for the family. Drinking or eating *between meals* was never allowed, unless in case of sickness, which seldom happened. Nor were they suffered to go into the kitchen to ask any thing of the servants, when they were at meat: if it was known they did so, they were certainly beat, and the servants severely reprimanded. At six, as soon as family prayer was over, they had their supper; at seven the maid washed them, and beginning at the youngest, she undressed and got them all to bed by eight; at which time she left them in their several rooms *awake*, for there was no such thing allowed, in our house, as sitting by a child till it fell asleep. They were so constantly used to eat and drink what was given them, that when any of them were ill, there was no difficulty in making them take the most unpleasant medicine; for they durst not refuse it.’

‘ In order to form the minds of children, the first thing to be done is to *conquer their will*. To inform the understanding is a work of time; and must, with children, proceed by slow degrees, as they are able to bear it: but the subjecting the will is a thing that must be done *once, and the sooner the better*; for by neglecting timely correction, they will contract a stubbornness and obstinacy which are hardly

ever after conquered, and never without using such severity as would be as painful to me as to the child. In the esteem of the world, they pass for kind and indulgent, whom I call *cruel* parents; who permit their children to get habits which they know must be afterwards broken. When the will of a child is subdued, and it is brought to revere and stand in awe of its parents, then a great many childish follies and inadvertences may be passed by. Some should be overlooked, and others mildly reprov'd: but no *wilful* transgression ought ever to be forgiven children, without chastisement less or more, as the nature and circumstances of the offence may require. I insist upon conquering the *will* of children betimes, because this is the only strong and rational foundation of a religious education, without which, both precept and example will be ineffectual. But when this is thoroughly done, then a child is capable of being governed by the reason and piety of its parents, till its own understanding comes to maturity, and the principles of religion have taken root in the mind.'

'I cannot yet dismiss this subject. As *self-will* is the root of all sin and misery, so whatever cherishes this in children ensures their wretchedness and irreligion: whatever checks and mortifies it, promotes their future happiness and piety. This is still more evident, if we farther consider that religion is nothing else than doing the *will* of God, and not our own; that the one grand impediment to our temporal and eternal happiness being this *self-will*, no indulgence of it can be trivial, no denial unprofitable. Heaven or hell depends on this alone. So that the parent who studies to subdue it in his child, works together with God in the renewing and saving a soul. The parent who indulges it, does the devil's work; makes religion impracticable, salvation unattainable, and does all that in him lies to damn his child, soul and body, for ever.'

'Our children were taught, as soon as they could speak, the Lord's prayer, which they were made to say at *rising* and *bedtime* constantly; to which, as they grew older, were added a short prayer for their parents, and some portion of Scripture, as their memories could bear. They were very early made to distinguish the Sabbath from other days. They were taught to be still at family prayers, and to ask a blessing immediately after meals, which they used to do by *signs*, before they could kneel or speak. They were quickly made to understand that they should have nothing they *cried for*, and instructed to speak respectfully for what they wanted.'

'Taking God's name in vain, cursing and swearing, *profaneness*, obscenity, rude ill-bred names, were never heard among them; nor were they ever permitted to call each other by their proper names, without the addition of *brother* or *sister*. There was no such thing as loud talking or playing allowed: but every one was kept close to business for the six hours of school. And it is almost incredible what a child may be taught in a quarter of a year by a vigorous application, if it have but a tolerable capacity, and good health. *Kezzy* excepted, all could read better in that time, than most women can do as long as they live. Rising from their places, or going out of the room, was

not permitted, except for good cause; and running into the yard, garden, or street, without leave, was always considered a capital offence.'

'For some years we went on very well. Never were children better disposed to piety, or in more subjection to their parents, till that fatal dispersion of them, after the *fire*, into several families. In those they were left at full liberty to converse with servants, which before they had always been restrained from; and to run abroad to play with any children good or bad. They soon learned to neglect a strict observance of the Sabbath; and got knowledge of several songs, and bad things, which before they had no notion of. That civil behaviour, which made them admired, when they were at home, by all who saw them, was, in a great measure, lost; and clownish accent, and many rude ways learnt, which were not reformed, without some difficulty. When the house was rebuilt, and all the children brought home, we entered on a strict reform; and then we began the custom of singing psalms, at beginning and leaving school, morning and evening. Then also that of a general retirement at five o'clock was entered upon: when the oldest took the youngest that could speak, and the second the next, to whom they read the psalms for the day, and a chapter in the New Testament; as in the morning they were directed to read the psalms, and a chapter in the Old; after which they went to their private prayers, before they got their breakfast, or came into the family.'

'There were several by-laws observed among us. I mention them here because I think them useful.'

'1. It had been observed that cowardice and fear of punishment often lead children into lying; till they get a custom of it which they cannot leave. To prevent this, a law was made, that whoever was charged with a fault, of which they were guilty, if they would *ingenuously confess it*, and promise to amend, should not be beaten. This rule prevented a great deal of lying.'

'2. That no sinful action, as lying, *playing* at church*, or on the Lord's-day, disobedience, quarrelling, &c., should ever pass unpunished.'

'3. That no child should ever be chid, or beat *twice* for the same fault; and that if they amended, they should never be upbraided with it afterwards.'

'4. That every signal act of obedience, especially when it crossed their own inclinations, should be always commended, and frequently rewarded, according to the merits of the case.'

'5. That if ever any child performed an act of obedience, or did any thing with an *intention* to please, though the performance was not

* By an odd mistake, arising probably in the repeated copying of manuscripts, the book for *playing* reads *pilfering*. It may be assumed without risk of error, that the Miss and Master Wesleys were not exclusively restrained from *pilfering*, at church and on Sundays. Those who have tasted of anything like the same discipline, know full well what the crimes are, to which young Christians are liable on these occasions.

well, yet the obedience and intention should be kindly accepted, and the child, with sweetness, directed how to do better for the future.'

'6. That *propriety* be inviolably preserved; and none suffered to invade the property of another in the smallest matter, though it were but of the value of a farthing, or a pin; which they might not take from the owner without, much less against, his consent. This rule can never be too much inculcated on the minds of children.'

'7. That promises be strictly observed: and a gift once bestowed, and so the right passed away from the donor, be not resumed, but left to the disposal of him to whom it was given; unless it were conditional, and the condition of the obligation not performed.'

'8. That no girl be taught to work till she can read very well; and then that she be kept to her work with the same application, and for the same time that she was held to in reading. This rule also is much to be observed; for the putting children to learn sewing before they can read perfectly, is the very reason why so few women can read fit to be heard, and never to be well understood.'—p. 156.

The spirit of this system is the beauty of order, and the reverence of authority. All that habit can effect, is done. Impressions will be made on the child, that will always have their weight with the adult. Saving a little too much talk of beating, it is excellent as the means,—as preparing a foundation; but the superstructure is all to come, and most, both men and women, make it for themselves. To start a child with good habits and dispositions, and as much freedom as possible from ill ones, is about as much as the light of modern times discovers can be done for it. What goes much beyond this, ends generally in the catechumen's running away, and the wiseacre's that was the cause of it, lamenting the depravity of youth. The great danger of disappointment to the curious in the restrictive system, is from carrying it on too long. In the instance of Mrs. Wesley it has been said, that her failure was miserable and complete; because of all the seven daughters of whom anything is heard, not one appears to have enjoyed a decent share of happiness in marriage. It ought, however, to be shown that it was the fault of either the mother or the daughters. On the contrary, it appears that they were ill matched, and that surrounded by painful and difficult circumstances their conduct was of a kind to command both pity and admiration. In the two cases of which most is known, those of Mrs. Hayes and Mrs. Wright, the first was married to a madman whose irrationality showed itself chiefly in vice, and his wife proved herself a model of forbearance, good temper, and steady propriety. Mrs. Wright, the Mehetabel of whom and of whose poetry so much has been said, was married to an ignorant

drunkard in an inferior station in life; and the misery of this union was borne with a mixture of wretchedness and resignation that deeply interests all who read her story. She exhaled her complaints now and then in verse, but it was only after the most earnest endeavour to extract some sources of consolation from her bitter lot,—a task that was found to be in vain. Mrs. Ellison separated from her husband; he was a boisterous squire in the fens of Lincolnshire, who, after proving himself a totally unfit companion for a daughter of Mrs. Wesley, set the house on fire in a fit of some sort of debauchery, after which his wife never would reside under the same roof again. In her solitude she practised every christian virtue. Mrs. Horder's husband died very early in their married life. Mrs. Whitelamb, the deformed but beautiful Mary, died in giving birth to her first child. Kezzia died in single blessedness at a little more than thirty; and of Mrs. Lambert little or nothing is known.

The secret of the unhappiness of the domestic life of the young, the beautiful, and pious daughters of the rector of Epworth, is that they were ill-matched. They were so from various reasons that may be collected from this history. Well educated, of the refinement that comes of literature and an exalted piety, they were placed far above the level of the bumpkins of the Isle of Axholme. Other society they were altogether removed from, partly from the rules of their household which were of an exclusive spirit, partly by the character of their father. Mr. Wesley was not of a conciliatory disposition, was irritated by debts and tithes, and was moreover exposed to some persecution from the dissenters, whom it was thought he had unhandsomely left; this soured his temper, injured his preferment, and narrowed his connexions. He is also characterized as austere and rash,—qualities somewhat dissimilar, but either of which will account in part for the solitude in which he lived. This solitude might be, as far as he was concerned, relieved by his constant attendance at the Convocation, which he resorted to as a duty to the neglect of his parish and his family; and also by his literary correspondence and pursuits. His latter years were employed in a most enthusiastic devotion of time and labour to his Commentaries on the Book of Job, a study he had probably originally resorted to from an idea that his afflictions had been manifold; and though the patience of his prototype was exerted on great occasions, it is not to be supposed that his struggles did not frequently sour his temper on smaller. All this had the effect, not only of driving away his neighbours and friends, but of precipitating matters at home. Something of this sort seems

to have happened on the occasion of the marriage of Mehetabel with the plumber and glazier's journeyman, Wright. Of this marriage Mr. Dove thus writes after his authorities.

' In the spring freshness of youth and hope, her affections were engaged by one who, in point of abilities and situation, might have been a suitable husband; some circumstances, however, caused a disagreement with her father. This interference did not move *Hetty*. She refused to give her lover up; and had he been faithful to her, the connexion, in all probability, would have issued in marriage; but, whether he was offended with the opposition he met with, or it proceeded from fickleness, is not known. He, however, remitted his assiduities, and at last abandoned a woman who would have been an honour to the first man in the land. The matter thus terminating, *Hetty* committed a fatal error, which many women have done in their just, but blind resentment,—she married the first person who offered. This was a man of the name of Wright, in no desirable rank in life, of coarse mind and manners, inferior to herself in education and intellect, and every way unworthy of a woman, whose equal in all things it would have been difficult to find. ... Duty in her produced so much affection towards the miserable creature whom she had made her husband, that the brutal profligacy of his conduct almost broke her heart. He did not know the value of the woman he had espoused! He associated with low company, spent his evenings from home, and became a confirmed drunkard.'—p. 234.

That she was almost *compelled* by her father to marry Wright, appears evident from the following extract from a letter of the unhappy poetess to her father some time after her marriage.

' I think exactly the same of *my marriage* as I did before it happened: but though I would have given at least one of my eyes for the liberty of throwing myself at your feet before I was married at all; yet since it is past, and matrimonial grievances are usually *irreparable*, I hope you will condescend to be so far of my opinion, as to own,—that since upon some accounts I am happier than I deserve, it is best to say little of things quite past remedy; and endeavour, as I really do, to make myself more and more contented, though things may not be to my wish.'—p. 238.

The writer of a paper on the history of Mehetabel in the *Monthly Repository*, No. lxxv, assumes on an authority of which no trace appears, that the marriage took place in pursuance of a vow, and that the performance of the vow was insisted upon by the father on religious grounds. This gives rise to some excellent observations on vows, which are only faulty as not being applicable.

Besides the daughters, of whom mention has been made, Mr. Wesley had three sons. Of John and Charles, the annals of religious history speak abundantly. Samuel was the eldest, and adopt-

ed the high church principles of his father ; he was an eminent scholar, wit, and epigrammatist. His poetry and principles stood in the way of his preferment. He was a Tory and had written verses against Sir Robert Walpole. After twenty years of an usher's life in Westminster School, he was promoted to the Mastership of Tiverton School in Devonshire. He was a thoroughly amiable and upright man. He was honoured by the friendship of Pope, Lord Oxford, and many of the distinguished men of that day. His vein in poetry is that of humorous narrative ; sometimes his epigrams are smart and pointed.

Mr. Samuel Wesley the father, only just lived long enough to finish his Commentaries on Job ; dedicated to Queen Caroline. John Wesley the last, has given the following account of his presentation of that work, which had occupied so many an anxious hour of his dying father. It is a short but sharp reproof on the vanity of putting trust in princes.

‘ He told the late Dr. Adam Clarke that when he “ was introduced into the Royal presence, the Queen was *romping* with her maids of honour. But she suspended her play, heard and received him graciously, took the book from his hand, which he presented to her kneeling on one knee, looking on the outside, said ‘ *it is very prettily bound,*’ and then laid it down in the window without opening a leaf. He rose up, bowed, walked backward, and withdrew. The Queen bowed, smiled, and spoke several kind words, and immediately resumed her sport.”—p. 129.

Mr. Samuel Wesley the father, died at Epworth on the 25th April 1735, in the 72nd year of his age. His sons John and Charles were present. Mrs. Wesley survived him upwards of seven years. Charles writing an account of his father's death to his brother Samuel, adds this sentence ; it is a commentary upon the poor clergyman's struggles through life and through Job.

‘ Mrs. Knight, our landlady, seized all the live stock, valued at above 40*l.*, for 15*l.* my father owed her, on Monday last, *the day he was buried.*’—p. 131.

The great lesson from this history, seems to be that men learn to think lightly of themselves, or at all events moderately, whatever may have been their talents, efforts, or acquirements. Here are four or five men of one family, all of undoubted integrity and very superior powers of mind, each devoutly believing himself a ‘ prophet, priest, and king’ in his own household and no inconsiderable circuit of authority besides, and ready probably any morning to have gone to the stake

‘ That all the world might see . . .
There's none in the right but we.’

Yet of these there are scarcely any two that can agree to go the same way, or one that does not attach himself earnestly to the objects of the keenest hostility of the others; and though overflowing with zeal and good intentions, they cannot introduce their children to the world with the decent chance of happiness which belongs to most peasants, or guard their proper persons from the attacks of hobgoblins and 'Old Jeffrey.' Truly of all suspicious things, the wisdom of the wise has been the most so. At the same time it is only fair to say, that the manners by which our ancestors were surrounded, were unfavourable to a decent lowly-mindedness. Their very wigs were snares of Satan to make them think more highly of themselves than they ought to do. What good could possibly come to a man who every morning arrayed his head in one, and then made his little children pop down on their knees before him to beg his blessing, as if the compound was an emanation from divinity?

ART. XIII.—*On the Law of Debtor and Creditor; or, a Brief Summary of Leading Arguments for and against the present System. Addressed to the Lord High Chancellor.*—London. Cochrane and McCrone. 1833. 8vo. pp. 93.

WHEN an inquirer looks at the English system of imprisonment for debt, he sees on the one hand an old established practice in full play, the routine of which while it condemns many thousands to incarceration, does so with a semblance of justice, and at the same time supplies half as many thousands with an apparently honest subsistence;—on the other, he is struck with surprise on finding that the system works no one any good, and that it is in vain to look for any conclusive reason for its support. Much mischief he can discover, but any good reason for the law escapes his grasp like a flitting shadow. Here would seem a very remarkable inconsistency between the institutions of the country and the common-sense of its inhabitants. Into the rise and progress of that anomaly in law, the deprivation of liberty for the sake of certain unpaid pounds,—it is needless to inquire. It is sufficient to observe, that being alien from the principles of the ancient laws and constitution of England, it was brought under operation by a fiction which represented a debt to be a trespass of violence, and as such punishable by the immuring of the person. Latterly this fiction, being found intolerably absurd, it has been erased from the forms of procedure, and the legislature in going back to inquire into the principle of constitutional law which rendered the fiction necessary, has done

away with the fictitious form, and established the legality of imprisonment for poverty in all its naked deformity. The fiction certainly did no good; but inquiry being awakened, it would have been as well to have looked a little further.

Arguments against the present practice of sending a debtor to gaol, crowd on the mind of every one who has ever watched a case of this kind; arguments on the other side are matters of study and curious discovery.

Is it a protection to trade? It is not. Under no other system could there be more bankruptcies, insolvencies, bad debts, and small dividends. In countries where imprisonment for debt is not resorted to, trade flourishes and more soundly. The hold which the law here gives upon the person, induces the tradesman to trust indiscriminately, by which he is ultimately a loser. He very rarely recovers his debt by imprisonment; and when he resorts to it, it is commonly under feelings of vengeance. This feeling is excited by many causes, more or less important according to the temper of the individual; mere delay will irritate some persons; a refusal to be seen; a rumour, perhaps most unfounded, of extravagance; or an idea, just or unjust, of being imposed upon. But vengeance is not given to one citizen to be exercised upon another. The law repudiates vengeance even in cases of crime. And yet that this is the feeling which urges most creditors, is matter of notoriety. It is quite common to hear such speeches as, 'I do not care what it costs me;' 'I would give five times the debt to catch him;' and many others which it is painful to repeat.

The next argument discovered in defence, is that it deters persons from incurring debt. The operation is precisely the contrary. By rendering tradesmen more secure as they fancy, they force credit upon their customers; they court the consumer into their snares; if he has a weak point he is sure to be assailed on it by the purveyor of some temptation or other. Nay he has assurances given him, that time is of no consequence, and that all he has to do is to appropriate the thing he wishes. The cautious calculator, the person of regular income and regular habits, may not listen to the voice of the tempter; but these are the very persons whom in no case the law would affect. The temptations overcome the sanguine speculator, the man who is habitually neglectful of the balance of his accounts, the individual needy and hopeful, who would gladly do something to save, perhaps a sinking family. The system at the same time serves the purpose of the swindling customer. He listens gladly to invitations to purchase. It is his mode of shoplifting. The ground on which the tradesman acts is not reputation of property, or

the possession of high character; but it is that he has by law personal security, and every man has a person. But the swindler understands perfectly well the management of his. He suffers no disgrace; his family are trained to his absence; and he slips through the bars of a prison like an eel through the fingers of the grasper.

These very tradesmen deal with peers of Parliament, members of the House of Commons, attorneys who are exempt from arrest, persons attached to foreign embassies, and yet when was there ever heard a complaint of not being able to lay hold of their persons? The fact is, that tradesmen here make distinctions of reputations; of these classes there are many whom they will trust, and many whom they will not. It is an argument as old as Dr. Johnson, that of all demands, the debts between merchant and merchant in foreign countries, who have no personal hold on each other, are most punctually met.

If it be said that the man who can pay, will generally pay rather than be taken to prison; it may be allowed to be true, except in special cases. But he who can pay, has property; and the only possible way in which imprisonment can act beneficially, is by enforcing the production of *that*. It was never argued that the competent debtor should be exempt from proceedings enforcing the production of his property. It being granted then that other means can be taken to bring to light all the non-paying debtor is possessed of, what remains to be said for taking him to gaol?

Can it be said that the want of this security would diminish the interchange of commodities between man and man? On the contrary, it would increase it. At present trade is a lottery; it would then be grounded on a sure calculation of character. Commerce is now checked by a universal distrust. Persons reckoning upon the facility of procuring credit, start without capital, flourish for a year or two, avail themselves of the bankruptcy or insolvent laws, and start afresh in some other part of the country. The truth is, that the force of the personal security lays its constraint only upon the honest and unfortunate debtor who would pay but cannot yet, and never will if he is thrown into prison.

If such are the arguments for the law as it is, it must be confessed they are very weak. What are the arguments *against* imprisonment for debt?—That if a man can pay and will not, the way to make him is not to get hold of his person, but his property. That if his person is seized and incarcerated, his inducement to pay is not greater than it was before, when he knew that this was the remedy against him. He is therefore

proof against imprisonment; it is part of his project. But the fear of imprisonment makes some men pay; would it not be far better for the creditor that instead of having to study such persons fears and hopes, he should have the means of resorting to his source of payment at once, the property. It is possible it may lie out of the country; in such cases, and this is one of the classes of fraud, personal restraint might be resorted to. As the practice stands, the rich debtor goes to gaol, purchases every luxury but liberty, and spends a reckless and jovial life, making it his daily practice to devote his creditor to perdition in libations of costly wine.

With regard to the unfortunate who cannot pay,—he may form one of two classes. 1. Of the class that has an income and cannot pay yet;—that demands time. And 2. Of the class that is utterly broken and fallen in the world.

As regards the first class, what is done by imprisonment? By throwing the body into prison, the income if derived from the exertion of professional skill is surely stopped. The creditors can gain no advantage from this; the debtor is plunged into distress; his family are probably deprived of even sustenance save from the hand of connexions or charity. There is a hard struggle to maintain, and what encouragement is there to keep it up? In prison the example is horrible;—the vicious and fraudulent alone are mirthful and respected, for their agents and servants are those who live by their fraud. And then how many temptations assail the deserted family coming and going in the purlieus of a prison, or sitting in a forlorn home, pining over the unequal distribution of the goods of life. But by imprisonment income is not only stopped and bad example endured, but character is lost. The man who goes to prison is destroyed. Society gives him up; it is aware that there are large odds against his returning an untainted member.

And what is the hope of his release? It is the same as that of class 2, whose condition is hopeless to begin with. He has no property, no income beyond the mere supply of subsistence; he could not pay out of prison, how should he pay in one? There is no prospect of relief save in those laws which have been framed rather in relief of prisons than of prisoners. The ordeal of the Insolvency Court is approached with fear and trembling by the honest debtor, for he has schedule debts he would have given even life to pay; not so the swindler, his schedule is the record of his triumphs; he can well fee the myrmidons of the court; opposition at worst sends him back a few months, and the whole process has been reckoned upon beforehand.

The honest debtor, whether with a professional income, or one who depends solely on some mere personal labour, is in an equally hopeless state. Suppose him to emerge from prison under the insolvent laws, and attempt to commence business again in his former line;—he had better go hang, nay this is very often literally the case. The writer of a work called ‘Punishment without Crime,’ knew the fact of four discharged insolvents having been hanged in one day for different crimes.

This will serve as a sketch of the arguments for and against the policy of imprisonment for debt. It will be as well to turn from the policy of the law, to the consideration of the manner in which the law operates in this country.

The oath of a person calling himself a creditor for a sum of upwards of 20*l.*, may consign any man in England to gaol, unless he pays the money, whatever it be, demanded of him, with the cost of the writ, &c., or finds two persons to be bound for his appearance, each in double the amount of the debt. In the latter case, he has to submit to temporary imprisonment, the degradation of being carried off in custody, and all the extortion and ignominy of a lock-up house. This alone may ruin a man in the estimation of fastidious connexions, or a censorious neighbourhood; it may throw his family into dismay, and in cases of infirm health produce irreparable injury. In the instance of a man struggling to extricate himself from involvements which may have been caused by no fault of his, the news of his caption may alarm more considerate creditors, bring their claims upon him at once, and in short overwhelm him with ruin, and without the poor compensation of pecuniary benefit to any one.

Imprisonment is inflicted for crime only after a patient investigation. In the case of debt no inquiry takes place; virtually any man’s word is taken. A form of an oath is huddled through by a careless clerk, it is true; and by this oath such as it is, the creditor is bound. But is an oath so sacred among bad men, that the liberty of a citizen should be decided by it? For be it remembered, the sanction of the oath is not corroborated by any other sanction, such as that of public opinion; for should it appear after all that nothing is owing, it is only said the plaintiff has failed for want of proof, the circumstances of the case being such that legal evidence could not be fairly brought before the Court. The same is said if only a part is proved; so that a malignant creditor has full license to claim considerable sums more than may be actually due. And he has a direct motive to do so; for in inflaming the sum, he increases his antagonist’s expenses, and renders it more difficult, and frequently impossible, for him to procure bail.

The bail must each swear to being worth double the amount of the sum claimed, after payment of all their debts; security is thus given in four times the alleged debt, which may after all be a fiction, or only in part true. A man against whom a process is issued, is not commonly a man abounding in such friends as can or will serve him on such an occasion. His intimates are probably not persons of great property; and the mass of respectable persons derive their subsistence from professional exertions, and cannot specify particular property worth double the amount of a debt of any considerable magnitude. There is also a great delicacy in asking an acquaintance, or even a friend in the artificial state in which modern society exists, if he will swear to the possession of a certain amount of property after payment of his debts, and what is more, submit to an inquisition into its nature before a Judge, or in an open Court. Those who are wealthy are often indisposed to this particular mode of service, which requires appointments with men of business, and great loss of time and patience in dancing attendance at a Judge's chambers. These and other considerations, make it painful, and often impossible, to procure bail; and the alternative is imprisonment until the claim is sifted in Court, a variable and often protracted period, attended with great loss, great expense, social degradation, and frequently vast moral injury to the subject of it. Such is the nature of the laws which affect the process of suing for debt.

Bail is procured, or the alleged debtor goes to gaol. Trial comes, and if any thing is proved, the expenses are enormous; if nothing is proved, the defendant is quit for imprisonment, extortion, a portion of law expenses, and a great quantity of miscellaneous ones. Nay, if his subsistence depends upon professional income and social station, his loss may be incalculable.

The case as given above, is between the debtor and *one* creditor. But all the rest of the creditors are injured to the extent of their debts, if by the conduct of one of them, the debtor is involved in expenses or circumstances which destroy all hope of his ever paying the just claims against him. The expenses of the various processes of law in suing for debt, and the shifts they compel for the purpose of raising money, very commonly amount to five times the debt;—this is stated on the calculation of inquirers into the items, to be about the average proportion of debt to the debt and expenses together. So that in suing, the debtor is not only overwhelmed by all the horrors of incarceration, but if he ultimately makes head against circumstances and pays, he must do it five times over. Not that the difference

The honest debtor, whether with a professional income, or one who depends solely on some mere personal labour, is in an equally hopeless state. Suppose him to emerge from prison under the insolvent laws, and attempt to commence business again in his former line;—he had better go hang, nay this is very often literally the case. The writer of a work called ‘Punishment without Crime,’ knew the fact of four discharged insolvents having been hanged in one day for different crimes.

This will serve as a sketch of the arguments for and against the policy of imprisonment for debt. It will be as well to turn from the policy of the law, to the consideration of the manner in which the law operates in this country.

The oath of a person calling himself a creditor for a sum of upwards of 20*l.*, may consign any man in England to gaol, unless he pays the money, whatever it be, demanded of him, with the cost of the writ, &c., or finds two persons to be bound for his appearance, each in double the amount of the debt. In the latter case, he has to submit to temporary imprisonment, the degradation of being carried off in custody, and all the extortion and ignominy of a lock-up house. This alone may ruin a man in the estimation of fastidious connexions, or a censorious neighbourhood; it may throw his family into dismay, and in cases of infirm health produce irreparable injury. In the instance of a man struggling to extricate himself from involvements which may have been caused by no fault of his, the news of his caption may alarm more considerate creditors, bring their claims upon him at once, and in short overwhelm him with ruin, and without the poor compensation of pecuniary benefit to any one.

Imprisonment is inflicted for crime only after a patient investigation. In the case of debt no inquiry takes place; virtually any man’s word is taken. A form of an oath is huddled through by a careless clerk, it is true; and by this oath such as it is, the creditor is bound. But is an oath so sacred among bad men, that the liberty of a citizen should be decided by it? For be it remembered, the sanction of the oath is not corroborated by any other sanction, such as that of public opinion; for should it appear after all that nothing is owing, it is only said the plaintiff has failed for want of proof, the circumstances of the case being such that legal evidence could not be fairly brought before the Court. The same is said if only a part is proved; so that a malignant creditor has full license to claim considerable sums more than may be actually due. And he has a direct motive to do so; for in inflaming the sum, he increases his antagonist’s expenses, and renders it more difficult, and frequently impossible, for him to procure bail.

The bail must each swear to being worth double the amount of the sum claimed, after payment of all their debts; security is thus given in four times the alleged debt, which may after all be a fiction, or only in part true. A man against whom a process is issued, is not commonly a man abounding in such friends as can or will serve him on such an occasion. His intimates are probably not persons of great property; and the mass of respectable persons derive their subsistence from professional exertions, and cannot specify particular property worth double the amount of a debt of any considerable magnitude. There is also a great delicacy in asking an acquaintance, or even a friend in the artificial state in which modern society exists, if he will swear to the possession of a certain amount of property after payment of his debts, and what is more, submit to an inquisition into its nature before a Judge, or in an open Court. Those who are wealthy are often indisposed to this particular mode of service, which requires appointments with men of business, and great loss of time and patience in dancing attendance at a Judge's chambers. These and other considerations, make it painful, and often impossible, to procure bail; and the alternative is imprisonment until the claim is sifted in Court, a variable and often protracted period, attended with great loss, great expense, social degradation, and frequently vast moral injury to the subject of it. Such is the nature of the laws which affect the process of suing for debt.

Bail is procured, or the alleged debtor goes to gaol. Trial comes, and if any thing is proved, the expenses are enormous; if nothing is proved, the defendant is quit for imprisonment, extortion, a portion of law expenses, and a great quantity of miscellaneous ones. Nay, if his subsistence depends upon professional income and social station, his loss may be incalculable.

The case as given above, is between the debtor and *one* creditor. But all the rest of the creditors are injured to the extent of their debts, if by the conduct of one of them, the debtor is involved in expenses or circumstances which destroy all hope of his ever paying the just claims against him. The expenses of the various processes of law in suing for debt, and the shifts they compel for the purpose of raising money, very commonly amount to five times the debt;—this is stated on the calculation of inquirers into the items, to be about the average proportion of debt to the debt and expenses together. So that in suing, the debtor is not only overwhelmed by all the horrors of incarceration, but if he ultimately makes head against circumstances and pays, he must do it five times over. Not that the difference

ever arrives into the pocket of the creditor; he does not ever receive above a small proportion of his debt, unless it is very large; the rest goes into the pockets of the gaolers, bailiffs, lock-up-house-keepers, brokers, attorney's clerks, and barristers; an army which, in London alone, is said to amount to 150,000. The tax of law expenses on this country amounts to several millions;—it has been reckoned at twelve; out of which all that is incurred in suing for debt may be estimated not as mere loss, but as productive of enormous mischief. The estimate of payments (exclusive of fixed salaries to the Court and Marshal of the King's Bench) derived solely from prisoners for debt, was thus calculated by Mr. W. J. Baldwin in 1813.

By gate-fees of 3600 prisoners per annum, paying each 10s. 2d. (from which deduct for 1s. coals to the kitchen) on coming in, and 17s. 2d. on going out, besides double for every corpse	£4,740
By rules to one-third of these, at 10l. for the first hundred of their debts, and 5l. per cent. on the rest; and at a moderate average of 500l. for each ruler, who generally takes them not to the amount only for which he is in prison, but to that for which detainers may be put in against him	3,600
By bonds for day-rules to, on an average, 200 prisoners, per Term, of four Terms in the year, at 1l. per cent. of their debts, and 500l. of debt to each, one with another	4,000
By daily price of these day-rules for 70 days of Term time, at 4s. 6d. per rule	3,150
Copies of causes, one at least for every prisoner, at 3s. 6d. each	630
For room-rent, 120 rooms in the body of the prison, at 1s. a room per week, and eight rooms of the state house at 2s. 6d., with a deduction of a month's rent per annum for the time when some of the rooms are unoccupied	570
Coffee-room rent, 70l., and bake-house rent 40l.	110
By tap-room rent, at 1l. 10s. per butt of porter, at an average consumption of 70 butts per month	1,260
—p. 46.	<u>£18,060</u>

By the same writer an estimate has been made of the annual number of persons on whom the law of arrest falls, in its various forms of mischief. Including wives and children, the persons liable to be affected by the moral contagion of a prison, amount to one hundred and forty thousand fresh victims per annum.

There is a part of the question which has not yet been considered, and which affects both the policy of imprisonment as

the means of procuring payment of debt, and also the expense of carrying the law into effect in this country.

The fear of imprisonment procures payment, it is argued, in numerous instances; the attorney's letter threatening proceedings, often causes any further measures to be dispensed with; or if the letter does not do so, the mere exhibition of a writ by the officer induces the debtor to make an effort which saves him from anything further than the humiliation of an arrest and the expense of it. The only class of debtors to which this argument can apply, is the debtor who can pay and will not, or who can pay but at a great sacrifice. Now it has never been contended, that there should not be some process by which debts should be recovered; it is only objected that it should be effected or attempted through the medium of incarceration, by which vast injury is inflicted, and but little benefit obtained. The process at present leaves the property untouched; it may be consumed or disposed of in prison, and neither the creditor who pursues, nor those who stand by lamenting, be in the least degree benefited. If imprisonment were not looked forward to as the grand remedy, a scheme would be quickly devised which would enable a creditor who could not recover his debt to take an account of the debtor's property, and vest the advantages derivable from it in some quarter or other for the common benefit of all those who had claims upon it. The eyes of the government are at length open on this head; and there can be no doubt of its plan coinciding in the main with the opinion of Lord Brougham, as declared in his speech on the Local Courts Bill in March last, that in no case except where contumacy or criminality could be proved, ought any debtor to be personally detained. Such, said Lord Brougham, he believed to be also the opinion of all who had paid any attention to the subject. The grand fear is that any wholesome measure on this head may be delayed by sinister interests. The houses of Parliament are themselves but slightly interested in the question, except in the character of creditors. In their own persons they do not feel the pressure of the iniquitous law, but as a body they are extremely liable to be influenced by that enormous mass of professional men who are bound by self-interest to support the present system; they come in contact with them in numerous ways, and in a matter of law it is possible the dicta of these men may have undue influence. In the same manner constituencies are liable to be affected by the agents of the law as it stands, who will assuredly raise a tremendous outcry to save their dear departing vested interests. Tradesmen, who under the Reform Act form so considerable a portion of the

returning body, have scarcely given the subject as yet due consideration. It is possible that on hearing the design broached, they may fancy that they are losing their only hold on their book debts. Reflection will shew them that it is better to depend upon a man's property than his person, and where the property is non-existent or un-come-at-able, the giving of credit becomes a joint speculation, in which the way to be safe is to take care to be well acquainted with their partner.

The Appendix to this Pamphlet contains a case of an extraordinary description, which well illustrates what the law of debtor and creditor may become in able hands. It would be most desirable that all who have the power of circulating information, should make a point of conscience of copying it.

' APPENDIX.'

' No. I.'

' *N.B. Out of many cases now before him, the Author selects the following personal memoranda of 'a Debtor, who through five years struggled to satisfy the claims against him, whilst his Creditors, by legal proceedings, were unremitting in their efforts to prevent him from accomplishing this object.—It contains a notable example of pertinacity on both sides.'*

September 22nd, 1830.

' I.—That of the numberless individuals who suffer in this country from unjust and iniquitous litigation, *all* should remain silent under oppression, is not to be expected, nor, I think, to be wished.'

' II.—Having been from early youth, till within the last three years, accustomed to independence, the writer of this brief statement was ill qualified, by previous education, to contend with the difficulties he has recently had to encounter. In May, 1829, after a series of misfortunes, he was called on for immediate payment, to various Creditors, of sums amounting in all to nearly 1200*l.*, which, contrary to the advice of several friends (law-proceedings being already commenced), he undertook to meet, and gradually to liquidate within fourteen months.'

' III.—Without one exception, every plaintiff or plaintiff's solicitor had reason to know that the deponent had not any *available* property to surrender (a preferable claim for 500*l.* existing over his effects), and that he now depended solely on an income derived from literary labour—for the success of which undivided attention and uninterrupted tranquillity were indispensably requisite.'

' IV.—Regardless of these considerations, his Creditors and their attorneys, by law proceedings, increased, within a few months, the debt of 1200*l.* to 1700*l.* In September, 1829, he reduced the amount to 900*l.*; by costs it was afterwards raised again to the original sum of 1200*l.* Thus, within one year, a debt of no less than 800*l.* was accumulated for sheer 'law costs!' Notwithstanding this, in the course

of the following spring, and when not above eleven months of the stipulated fourteen were expired, he had reduced the demand from 1200*l.* to within 500*l.*, and at the commencement of Easter term, 1830, found, that by a timely administration of only 250*l.* (which he could not then command) a final stop might have been put to the processes by which he had so long been harassed.'

'V.—Of the complicated miseries to which his family as well as himself had been subjected through the twelve months, from May, 1829, to May, 1830, it would be vain to attempt any description. Suffice it to say, that through that period the deponent was almost utterly debarred the continuance of those employments from which he would otherwise have derived an ample income. *Not one day, scarcely one hour throughout the year, was at his own free command*: nor did this legal persecution fail to effect its usual results, involving a series of misfortunes, and bringing into his once tranquil home not only sorrow and anxiety, but severe illness arising from long-protracted mental anguish.'

'VI.—After so much had been accomplished—when demands, after being raised from 1200*l.* to 2000*l.*, were reduced to within 500*l.*, it might be expected that he should be allowed peaceably to work out the remainder, more especially as *not one new claimant appeared on the list against him*; nor is it possible, from his habits of life, that this could occur again; but no such indulgence is allowed! Again he was subjected to relentless persecution and inordinate expense, so that betwixt the 30th of June and the 15th of August, 1830, no less than twelve non-bailable writs were enforced by his Creditors against him, the costs attending which, at the lowest estimate, amounted to 250*l.* Again he was removed from his home, his family, and his employments, though he had literary tasks on hand which, if he had been suffered to complete them, would, within other two months, have sufficed to pay every one of his remaining debts.'

'VII.—Nearly the whole of July and August was spent by the deponent in confinement, under circumstances which rendered the fulfilment of any literary task altogether impracticable; and it may be observed by the way, that the last of the warrants issued against him was for a debt to a solicitor, *a remnant of sheer costs arising from an action on which, within the last year, no less than 600*l.* had already been paid.*

'VIII.—By those unacquainted with the subject it may be rashly supposed, that the hardships here described were but the inevitable consequence of Creditors urging a settlement of debts *which would not otherwise have been paid*. *Nothing can be more erroneous and false than this conclusion*; and witnesses of the highest respectability can be brought forward to prove, from their own experience and knowledge, that had it not been for law proceedings, the deponent would, long ere this time, not only have paid every debt, but might have had in his banker's hands at least 900*l.* of the 1000*l.* or 1200*l.* which have been utterly wasted! But let the various expenses, not strictly law-costs, but therewith connected, be reckoned for the last sixteen months in

the deponent's case, and the *aggregate expenses arising from litigation on a debt of 1200l., will be found upwards of 1700l.!!* Add to this the *loss of liberty, habits of industry broken, connexions alienated, and ceaseless anxiety.*

'IX.—In almost every instance of the numberless arrests to which he was exposed during the last sixteen months, the plaintiffs, or their attorneys, had reason to know that such proceedings could not have any influence in procuring payment. Accordingly, on almost every occasion where the sum exceeded 10l. or 15l., he was, after a tedious confinement, liberated without settlement of the debt, on granting a new security for its amount.'

'X.—Afterwards, in gradually redeeming those fresh securities, he was almost invariably obstructed in his progress by the heaping up of new expense, and by new executions. In various instances, he had reduced debts of 100l., 50l., 30l., and 25l., down to remnants of 12l., 10l., 5l., and 3l., when on those remnants (*which, his funds being exhausted, he could not pay,*) new litigations were founded, augmenting the debts again to six, or perhaps tenfold their proper amount!'

'XI.—In the annals of despotism throughout the world is there aught of oppression and injustice surpassing this? A debtor anxious to meet his engagements, declares himself dependent on an income to be earned by his own hard labour; whilst he is labouring to obtain means of paying sums of—let it be supposed 5l. each—to ten different Creditors, in all 50l., these Creditors commence law proceedings, the costs of which are in every instance, and at the lowest possible estimate, 15l. or 20l., but may be 30l. or 40l.'

'XII.—Consequently, before he can earn the required sum of 50l., an entirely new debt of 200l., or perhaps 400l., is heaped on his shoulders, and finally he is thrown into prison, where neither bail nor security in any shape can be received. He is forgotten by all the world except by his own destitute family—forgotten perhaps by the Creditor who arrested him, and subjected to the entire punishment due to the murderer, with the exception of iron fetters and the scaffold, though death, in many such instances, is looked upon and sought after as a welcome release.'

'XIII.—Thus an individual, cherishing perhaps the most acute feelings of honour and integrity, is treated as if he were the most iniquitous among felons. But he is told that, forsooth, "All this is his own fault; he should have paid the debt in due time, or should not have contracted it." *As well might it be asserted that a man pledged to lift a heavy weight is blameworthy, if whilst he endeavours not unsuccessfully to do so, the very individuals who require of him this exertion, first increase, he load fourfold, then break both his arms, and still reproach him with non-fulfilment of his contract.* Without exaggeration the predicament of the man so treated, and that of the deponent, may be considered closely analogous.'

'XIV.—Yet the law, in its "tender mercy," has contrived means of release for its victims. The man of honour and integrity, who finds himself treated like a felon, may be released from that condition by

seeking the benefit of the Insolvency Act, along with perjurers and swindlers. Between these alternatives he is no doubt allowed a free choice ; and having, through a long period, struggled more, probably, than any one under similar circumstances ever did to fulfil his engagements, the deponent can solemnly declare that on the part of his Creditors, the most violent efforts have been almost unremittingly made to prevent the accomplishment of his purpose. He is, therefore, almost bound to believe that they actually wish him to have recourse to the means of liberation above-mentioned.'

December 16, 1830.

'XV.—There are no resources which may not be exhausted ; and there is no spirit, however patient and persevering, which may not at last be broken. By his confinement through July and August, 1830, the deponent's health was materially injured, and he drew up the foregoing memorial in hopes that his Creditors might be induced, on its perusal, to grant a reasonable time for the settlement of their claims. But, instead of gaining this indulgence, he can solemnly declare, and can amply prove, that whatever of hardships and oppression is described in the foregoing statement falls to be considered as nothing in the balance, compared with the persecutions to which he and his family have, through the last four months, been subjected !'

'XVI.—Through the whole of that period the deponent was obliged to confine himself within his own house ; nor would a volume suffice to describe the unceasing and complicated annoyances to which he is exposed even when there. Only two or three instances shall here be adduced. Betwixt the 19th of November and the 7th of December current, such proceedings were adopted by one Creditor, in regard to household furniture, books, manuscripts, and every other scrap of property, that his family were reduced almost to the last stage of embarrassment, and a loss to the amount of several hundred pounds was inflicted. Be it observed that to this very claimant the deponent had, *within the last twelve months, and without any compulsory step whatever*, paid 140*l.*, while the sheer costs of the above-mentioned proceedings amounted to 80*l.*, and eventually may be a great deal more. [N.B. The costs afterwards were 134*l.*] Thus, nearly two thirds of the money which this deponent had exerted himself to pay were again sacrificed in litigation, nor, from certain specialties in the case, could any immediate benefit accrue from such violence to the Creditor.'

'XVII.—With regard to property (his books only excepted) the deponent would have resigned it without a murmur ; but since the 22nd of September, 1830, no less than nine warrants of execution (personal) have been issued against him, and of these he will particularize only the three last, by which he was arrested on the 13th current. The aggregate of Debt on which these actions were founded was 73*l.* Before any compulsory measures were or could be adopted, the deponent had to the account of the debt paid 67*l.* Yet, upon the processes thence arising, (the 67*l.* not having been paid at one time

nor as a composition) he has been five times incarcerated, and the aggregated expenses of arrests—the sheer costs, independent of the original debt—have amounted to 84*l*.

‘XVIII.—*Let a man who undertakes a journey in order to redeem an important promise be knocked down on the way, beaten till his bones are broken, and plundered by the very individual who required him to make the journey—this, doubtless, will be stigmatized as an act of injustice. But can it be asserted, after perusal of the foregoing statement, that the man so maltreated experiences any greater injustice than that which the law of England sanctions and enforces against every honourable and honest debtor, who struggles to meet his engagements by means of his own labour and exertion?*’

May 17, 1833.

‘XIX.—Imagining that his case was one of great hardship, the deponent, at sundry times, drew up the foregoing memoranda. He little suspected, in December 1830, that whatever difficulties he had encountered, were but the commencement of a persecution such as has rarely if ever been exemplified.’

‘XX.—With the exception of paragraph sixteenth, the preceding narrative relates only to such Creditors as depended on his personal security; but he stood indebted, also, to a separate Creditor, who had a mortgage over his whole property, including furniture, books, and even manuscript papers. The proceedings mentioned in that paragraph took place at the instance of an individual endeavouring to dispute and set aside the rights of the mortgagee, who, therefore, interfered to prevent the sale, for which preparations were then made, and it was stopped accordingly.’

‘XXI.—Up to the month of April, 1831, no demand for payment, or claim on the property, had been urged by the mortgagee, who, till that time, had appeared as a friend of the deponent’s family. He therefore fixed his attention exclusively on obtaining such a sum of money as would enable him to conclude a binding compromise with those Creditors who depended on his personal security. For this purpose, in the beginning of April, 200*l*. were provided, and he had reason to hope that the long contest in which he had been engaged would be terminated directly, and for ever. On the 6th of April, however, bailiffs broke into his house, and he was imprisoned at the suit of eleven Creditors, the amount of real (that is original) debt then due to them being 123*l*., while the costs were 152*l*. It should be noticed, also, that to the identical Creditors by whom he was thus detained, at least 223*l*. had already been distributed.’

‘XXII.—Precisely at this critical period did the mortgagee, for the first time, insist on an immediate settlement of her claims, and within a week after the deponent was arrested she demanded possession of his whole property, removed the keys of his repositories, so that his family could not get access even to private letters and manuscripts, and desired that they should quit the premises at three days notice.’

‘XXIII.—In order to protect his family, and avoid the ruinous

consequences of a forced sale, the deponent (in the months of April and May) paid into the hands of the mortgagee 125*l.* of the money that had been destined for other Creditors, and 35*l.* for rent, thus depriving himself of the means to effect his own liberation. Consequently he was obliged to remain more than two months in prison, where mental anxiety and confinement brought on a paralytic attack, from the effects of which he has never wholly recovered.'

' XXIV.—During the tedious period of imprisonment, the distresses which his family endured from continued efforts made by the mortgagee to exclude them from house and home were almost unprecedented. 'On Monday, 23d May, 1831 (being the commencement of term), having obtained a day-rule from the marshal of the King's Bench, he found that preparations were made for a forced sale by auction, to take place within three days from the date of its announcement; and *these preparations, by placarding the windows, &c., were made on Sunday, the 22d, during the absence of his wife and children, who had gone to attend divine service.*'

' XXV.—On that day also, men who had been brought into the house proceeded to lock up the apartments as a method to exclude its inmates, and in other respects created so much disturbance during the evening of Sunday, that he determined to punish these outrages. He therefore forcibly ejected the intruders who held possession without any warrant, and thus prevented an immediate sacrifice of property which, by auction under existing circumstances, would not have brought more than 150*l.* to pay 769*l.*, perhaps not so much.'

' XXVI.—Immediately after this transaction the deponent's solicitors offered to become bound for the safe forthcoming of the property according to inventory. They also offered to reinstate the mortgagee in possession, provided reasonable time was granted to effect an advantageous sale. Meanwhile the deponent only expressed a wish to have the use of his books for one year, and offered unexceptionable security for the identical vols. being returned at the end of that period if the debt were not then paid, but every proposal for a compromise of this description was rejected. An action was commenced against Mr. ——— for aiding and abetting the summary proceedings which the deponent had adopted, and (having left the King's Bench on the 13th June,) he was in July arrested at the mortgagee's suit for a portion of the debt on which judgment afterwards was obtained. She thus secured to herself the power of proceeding at one and the same time against the debtor's goods and person !'

' XXVII.—For the space of no less than four months, namely from May 23d to September 22d, a system of persecution was kept up, such as unquestionably has never before been exemplified. On the pretext that he intended to abstract the goods for which his solicitors had offered to become security, several men were employed to watch night and day at the door of his house, and use every possible means to annoy and molest its inmates. For this purpose they addressed themselves, indiscriminately, to every one who came near the threshold, even to accidental passengers and all the neighbours. Scarcely an hour

passed by night or day in which his name was not shouted aloud, and joined with the most opprobrious accusations. Defamation in its utmost extent and personal insult were the expedients now adopted against him, in addition to complicated legal proceedings. The riots and uproar thus produced, without the slightest provocation on his part, were incessant; and many times in the course of the four months increased to such a degree as to alarm all the neighbourhood.

‘XXVIII.—On account of this molestation he was obliged, in self-defence, to keep two men in his house for upwards of three months, at an expense of not less than 50*l.* In July, 1831, the mortgage claim was 76*8l.*, and he then paid towards its liquidation 100*l.* In September he paid farther to account 115*l.*, and a new mortgage deed was executed, the amount of the debt being then increased by 134*l.* for sheer costs, claimed by the mortgagee’s attorneys, and 78*l.* to her auctioneers, in all 212*l.* of expenses. It was agreed that instead of four men watching out of doors, one bailiff should be stationed within, and he was accordingly subjected to the annoyance of that inmate for ten months, at a rate of not less than 80*l.* per annum.’

‘XXIX.—On the 21st of December, 1831, he received peremptory intimation that a sale would take place by auction unless 120*l.* were forthwith paid; and having appointed to be at the office of the mortgagee’s solicitors respecting this payment, they sent privately for a sheriff’s officer, by whom he was taken in execution at the threshold of their own house; and *through Christmas week (from 23d to 30th December,)* he was held in confinement, thus being exposed to immediate expenses of not less than 35*l.*, together with incalculable loss, his liberty being at that juncture of the utmost importance in regard to pecuniary transactions. Early in 1832, 120*l.* were paid to account, notwithstanding which he was for a third time arrested by the mortgagee, and subjected thereby to new expenses, besides being brought under the power of other execution Creditors.’

‘XXX.—The deponent is quite aware that he will be censured for the prolixity of this narrative, but he has thought it a duty to point out in what manner *one* opposing Creditor may frustrate, and render futile, the most honourable and strenuous exertions of a Debtor for the arrangement of the claims against him. The deponent was throughout willing to resign every particle of property, provided only he were allowed the use of his library for one year, and permitted to work unmolested, but this was refused him, and for eighteen months he was subjected to unremitting persecution, more than sufficient to paralyze industry and suspend intellectual labour.’

‘XXXI.—In the month of August, 1832, the mortgagee’s claim on the deponent’s property was paid off in full. The *whole* amount which this Creditor had to demand of him was only 869*l.*, and the sums which he has already paid on her account are as follows:’

	£.	s.
March, 1830 (received by letter)	12	10
April, 1831 (acknowledged to account)	100	0
May, 1831 (received by letter)	25	0
July, 1831 (received by her attorneys)	100	0

Sept. 1831 (receipted on deed)	115	0
March, 1832 (receipted on deed)	100	0
July, 1832 (receipted on deed)	100	0
July, 1832 (receipt given to a friend)	35	0
August, 1832 (mortgage given up)	380	0
September, 1832 (receipt given)	57	0
	<hr/>	<hr/>
	1024	10

‘ Hence it might be supposed that the sum of 869*l.* (which originated in 1829) was, with interest thereon, amply paid. But here follows a memorandum of EXPENSES :

	£.	s.
Attorney's bill of costs, in 1831 and 1832	134	0
Auctioneer's bill for trouble and attendance	78	0
Attorney's farther charges	15	0
Sundries of expense charged by the mortgagee	13	0
Expenses of arrest in July, 1831	10	0
Second arrest at Christmas, 1831	19	0
Further expenses on said arrest	16	0
Third arrest, April, 1832	15	0
Auctioneer's farther charges	10	0
Possession man's charges	50	0
Ditto, board for ten months (say only)	25	0
Two men guarding deponent's house four months	50	0
Farther charges by her attorneys	35	0
Fourth arrest, February, 1833	19	0
Farther expenses charged by the mortgagee	25	0
	<hr/>	<hr/>
	514	0

Thus a debt of 869*l.*, as an indemnity for which the deponent was willing to give up his whole property (only requesting the use of his books for one year), has been mounted up to 1538*l.*; and all this the deponent has paid, with the exception of only 114*l.*, for which he is still liable to be taken in execution, and a separate bill of exchange for 25*l.*

‘ XXXII.—Such exorbitant expense might be considered a sufficient hardship; but let it be observed, that the loss of of 514*l.* is but a straw in the balance compared with the other losses and robberies to which he has been subjected. Nay, there might even be a colour of justice in the infliction of a penalty of 500*l.* for not being able to pay off the mortgage-debt in one sum. If he required time, he must pay for that indulgence.’

‘ XXXIII.—But when it is recollected, that in consequence (indirectly) of this one claim, he was obliged to remain more than two months in prison, at a time when his family were exposed to unremitting molestation and distress—that by such confinement he was injured irretrievably in point of health, reputation, employments, and connexions—that heavy debts were incurred to his own solicitors (not to mention the extortions of a prison), and that other Creditors, enraged at the preference gained over them, have been indefatigable in their efforts, for the laudable purpose of creating expense, and “ inflicting

just penalties also," it will at once be acknowledged, that 514*l.* are but a *drop* in the wide sea of expenses—a mere straw in the balance, compared with that inordinate load which has been heaped on his shoulders.'

'XXXIV.—*Ex uno disce omnes.* He endeavoured honourably to liquidate a debt of 869*l.*, for which, moreover, all his property had been pledged. His purpose was at length effected, but during his endeavours for its accomplishment he had to suffer two months incarceration, being thus irretrievably injured in mind, body, and estate,—has been four times arrested at the suit of this identical mortgage-creditor,—was for two years unceasingly harassed, so that he could not attend to his proper employments, and found the debt increased, within that period, from 869*l.* to 1538*l.*'

'XXXV.—Meanwhile, and within the same period, the law expenses heaped up by *other* Creditors, have, at the lowest possible estimate, risen to 800*l.*, and he has been many times arrested; yet, so persevering were his efforts, that, at the present date (May, 1833) the whole extent of outstanding claims against him amounts to at most 1000*l.*'

'XXXVI.—Inflexible of purpose, and unbroken in spirit, he once more binds himself to the interests of these Creditors, requesting only that they will allow him the use of working implements and materials, that they will permit him to labour unmolested, and not increase the debt which they desire him to liquidate. Of extravagance, idleness, fraud, or contumacy they cannot, for one instant, accuse him, nor have they ever attempted to do so. But in what manner are his propositions met and rewarded? By the severest punishment, next to exile or death, which can be inflicted on the worst of criminals, and by the irremediable deprivation of those implements and materials on which alone he depended for the means of supporting his family, or providing for the extortions practised against him.'

'XXXVII.—Yet beware of rash conclusions! The laws of England are, forsooth, severe, but not unjust. Without contumacy or fraud, there may be a want of due exertion on the part of the Debtor which provokes this oppression, and renders it not altogether unmerited. As a decisive answer to this wise remark, take the *last* instance of hostile proceedings against the deponent.'

'XXXVIII.—He had become joint security for the payment of 94*l.*, which debt might otherwise have been considered desperate. Without waiting for any hostile proceedings, he had voluntarily reduced the debt from 94*l.* to 43*l.* On one occasion an instalment happened to be *two days* over-due, and he received a threatening letter when attending the last moments of a near relative, *who on the same day expired.* He sent a confidential friend to beg that he might be allowed to fulfil this mournful duty unmolested, and was refused; a writ of execution was, without an hour's delay, issued against him! Before being arrested, he tendered 20*l.* in cash, thus actually reducing the debt to 23*l.*, but the offer was even contumeliously rejected. On the first of May he was arrested at the suit of this Creditor, and consequently subjected to an incarceration of seventeen days, during which the 20*l.* (previously offered)

were, of course, dilapidated, and a train of heavy misfortunes induced. Finally, the Creditor accepted a fresh security, without receiving even one guinea in cash, the matter thus standing over as *matériel* for future law proceedings, equally just and equitable!!

‘XXXIX.—With this instance the deponent will conclude his narrative. For nearly five years he has been engaged in a ceaseless warfare, and through the whole of that period has been not only persecuted and oppressed, but traduced and calumniated. After this long struggle, he finds himself even farther removed than at its commencement from the objects he had in view, and can most incontestably prove that to the existing legal system, more than to any other cause, are to be imputed all the evils, disappointments, and distresses, which, in the conduct of his affairs, have arisen both to himself and others. In prison he is unable to work; his resources are exhausted, nor does he possess the means even of seeking release through the Insolvency Court, by which, however, no petitioner at this period of the year can expect to be benefited *without a confinement of six or seven months*. Such is the law of England, such are the advantages of “THE SYSTEM,” which will doubtless continue to flourish for the comfort of attorneys, bailiffs, gaolers, and usurers, unless a numerous and powerful assemblage rise unanimously and protest against it!’

ART. XIV.—1. *A Letter to Henry Warburton, Esq. M. P. upon the Emancipation of the Jews.* By Basil Montagu, Esq.—1833.

2. *Remarks on the Civil Disabilities of British Jews.* By Francis Henry Goldsmid.—Colburn. 1830. With a Postscript. 1833.

3. *The Arguments advanced against the Enfranchisement of the Jews considered.* By Francis Henry Goldsmid.—1831.

4. *A few Words respecting the Enfranchisement of British Jews, addressed to the New Parliament.* By Francis Henry Goldsmid.—Bentley. 1833.

5. *An Appeal to the British Nation on behalf of the Jews.* By Barnard Van Aven, M.D.—Effingham Wilson. 1830.

THERE is no political maxim which has carried a conviction of its practicability so slowly into the human mind, as that which acknowledges and asserts the right of every man to think for himself in matters of religious belief, without being subject to civil disabilities. The reason of this tardiness is not traceable to the ignorance of mankind as to the existence of the principle, but to their apprehension of its consequences if acted upon,—to the fears of those in power that the result of its recognition would be the downfall of established institutions. In the by-gone ages of the world, the admission of the principle could only be the act of kings and conquerors, and

they, of all men, have ever known least of the philosophy of government. Ignorant of every opinion save such as went to confirm them in a belief of certain religious forms, on the continuance of which they fancied the stability of thrones to rest, they were predisposed to hate, fear, and resist every sentiment which might lead to religious innovations. Minds narrowed by prejudice, seldom perceive that there is anything excellent but what is contained in their own creed, or any person worthy of protection not included in the number of its professors. The fear of the influence of any doctrine, always generates a desire to crush, or otherwise get rid of its promulgators; and hence persecution. The most enlightened nations in the world were not raised above the most barbarous, upon this point. Liberty of conscience was unknown in Greece, and although the Romans bowed down before the Gods of their conquered enemies, yet no person could with impunity question the divinity of the least among the progeny of Jupiter. The changes which took place in the political and moral world subsequent to, and consequent on, the preaching of the Christian religion, produced no remarkable alteration in the conduct of mankind. Lactantius, Origen, Tertullian, St. Jerome, and other fathers of the church, were at great pains in demonstrating the right of unrestricted freedom of conscience, so long as their own was the inferior party; but from the period at which Christianity gained an entire ascendancy in the Roman empire by the conversion of Constantine the Great, the ecclesiastics gave themselves very little trouble about the matter, and many of them, still cited as prodigies of piety and erudition, hesitated not to employ the secular arm in coercing those whom they had failed to convince.

As the truths of Christianity became more obscured amidst the increasing crowd of human inventions by which credulity or avarice surrounded them, a propensity to persecute no longer confined itself to the rulers of states, but extended to the meanest of their subjects. This was the work of the priests. Aware that many of the doctrines to the belief in which they were indebted for the influence they possessed, could not stand the test of a comparison with the writings on which they were professed to be founded, and dreading the growth of opinions which might become general, and becoming so might put an end to their monopoly of power, they naturally enough recommended the adoption of such measures as tended to secure to them the permanence of a state of things which could not be changed without a sacrifice of many of their sweetest enjoyments, arising from ghostly influence. For

this purpose, they lavished promises of Heaven on the humblest instruments in the work of the detection and punishment of heretics*, as they termed all those who dared to have a choice; and as almost all preferred the subjecting others to suffer, to suffering in their own persons, the clerical standard was soon surrounded by the most resolute defenders, men who incapable of thinking themselves, failed not to punish the appearance of it in others.

The Protestant Reformation was far from emancipating mankind from this state of thralldom. The religious changes which took place during that stirring period, were effected by violence, by cupidity, and by a desire to shake off painful restraints, rather than from any conviction of the truth, or knowledge of the tenets, or belief in the efficacy of the new faith. For nearly two centuries after Luther, persecution continued to rage with unabated fury throughout Europe; and even when men began to outgrow the barbarous practices of endeavouring to make converts by maiming, tormenting, and decapitating, human ingenuity was taxed to discover ways and means by which the same object might be accomplished in any manner short of corporal violence. Persecution for conscience sake was forced into a new channel. What before threatened life, now only involved the loss of property; and from being personally active in the destruction of sectaries and unbelievers, men in power sought the accomplishment of their purposes through the instrumentality of laws, which gave a sort of judicial character to their proceedings.

Towards the middle of the eighteenth century, the seed which had been sown in the beginning of the fifteenth gave the first strong evidences of fecundity. The right of man to a free exercise of observances dictated by religious opinions, was first formally broached in France. The efforts made by churchmen to put down this doctrine, only diffused it the more widely. Writers innumerable took the field, and the essays which appeared on the subject might be likened to a flood inundating the country in all directions. The object of the contending parties appeared not to be who should reason best, but who should write the most; and tracts were often penned, published, perused, and forgotten in a single week. Truth however triumphed on the

* The origin of the term 'heresy' is sufficiently remarkable. It means 'exercising a choice.' Thus in the collection of 'Definitions' which goes under the name of Plato, *Αἵρεσις*, *δοκιμασία ὀρθή*. *Εὐνοία*, *αἵρεσις*. 'Heresis, making a right choice. Liking, *hæresis*.'

whole ; and with the literature of France, other countries imbibed a considerable portion of her principles of toleration.

One of the greatest obstacles, however, to the universal recognition of the right to freedom of conscience, was an error into which the French philosophers fell in promulgating it. From the closeness of the union which had appeared to exist between religion and persecution, they all at once proclaimed that the former was the cause of the latter, and that there was no way of escaping the influence of the one, but by renouncing both. This nearly proved fatal to the cause of freedom. It was keeping clear of Sylla, by rushing into Charybdis. In the heat of argument and the warmth of prolonged debate, the disputants too often forgot the real object for which they were contending. ‘ He cannot be honest who rejects eternal truth, and ought therefore to be punished,’ was the language of the fanatics ; while those who undertook to refute this fallacy, seldom stopped short of asserting that men were incapable of the proper exercise of liberty who were the slaves of such mummeries as their opponents. There is as much truth in the reasoning of the fanatic, as in that of the philosopher when pushed to this extremity. It is easy to show that both were wrong. In truth, religious belief exercises little or no power, in directing the political conduct of mankind ; for history proves, that the most exemplary men in private life, and entertaining the same religious opinions, were in their public capacity the most active supporters of opposite forms of government ; nor has the apparent inconsistency been confined to the adherents of one creed, but is common to all.

On reflecting upon the little improvement which ages have been able to effect in the moral condition of mankind, even in times the most favourable, and under circumstances the most advantageous, it is not surprising that there should be a few persons found in the nineteenth century resisting the application of a doctrine which was only rendered a political maxim in the eighteenth. A gleanings,—‘ one here and there upon the topmost boughs,—’ is necessarily to be discovered ; and they are just enough to make it useful to go through the arguments that are left them.

Many of the arguments put forth by the opponents of Jewish Emancipation previously to the publication of these pamphlets, being no longer urged against the justice, or sound policy of that measure, it will be enough to notice those passages in each, which bear upon the few tangible objections which are yet in the habit of being repeated. As Mr. Cobbett no longer makes pilgrimages to Calvary for proofs of their

cruelty, and as the Jews have proved both to Parliament and the country, by petitions signed by artizans of their communion, that they have been as diligent in making coats, shoes, and a thousand other articles of the kind, as the honourable Member himself has been in writing Registers; these points may be passed over in silence, Their immorality, too, is strangely enough lost sight of; so that here are the strongest fortresses of the intolerants given up as no longer tenable.

To begin with Christianity being 'part and parcel of the law of the land,' as the objection against the enfranchisement of the Jews which has been most strenuously advocated;—an objection, of which the repetition is usually considered a reply to every argument which has been urged by Grant, Macaulay, Hume, and their supporters, whether in or out of Parliament, for no better reason that can be discovered than because it is unintelligible. Mankind have never exerted half the energy in defence of their most important rights, that they have in support of some hidden mystery or cabalistic expression of which they understood nothing. The dictum of Chief Justice Hale happens to be one of these. The meaning is purely conjectural; for there is no key by which the true interpretation of the enigma can possibly be discovered; and that simply because the learned Judge understood it not himself. But whether the words are intelligible or not,—whether sense or nonsense,—is little to the purpose, as however understood, they bear neither directly nor indirectly on the merits of the question at issue. The constitution of England recognizes no religious creed to the exclusion of others; and if it did, it is the duty of Parliament, not to trouble itself with what was proper for the lieges of King John, but what is necessary to secure the peace and happiness of those of William IV. 'Our ancestors,'—since that is to be the word,—were as liable to err in politics as in religion; and if they were so egregiously mistaken in the one as Sir Robert Inglis maintains they were, there is no irreverence in supposing, that in the other, their approach to perfection was equally remote.

But it is easy to meet the opponents of emancipation on their own grounds, and take it for granted that Sir Matthew Hale said, or intended to say, that the laws of England should always accord with the spirit of the Divine Law as revealed in the New Testament. This may be taken to be the genuine high church interpretation of his words; on which it may be asked, which of the Christian Churches, and how many of them, happen to be included in that Christianity which forms the 'part and parcel' of the law? If it be answered that all the Christian Churches come within the limits of this interpre-

tation, it may be again asked, Why then were the Catholics who were contemporary with the learned Judge, declared to be aliens, on account of their religion, and as such, shut out from those offices of trust and profit, to which the meanest amongst the Protestant communion were eligible? Why were the Dissenters of that day not permitted to sit in Parliament? Or why was the King's supremacy in spirituals made a test of the right of candidates to offices in the state, if the simple belief in the death of the Messiah and the atoning efficacy of his blood, was the constitutional passport to civil liberty? But the fact is, that the assumption of the Christian character has always been a trick of the party in power, which they reluctantly share with those whom they can no longer exclude from a participation in it. In the days of King John, constitutional religion was Catholicism; in those of Elizabeth, Protestantism; in those of George the Fourth, Protestantism and Presbyterianism; at the present time, both these with Catholicism and Quakerism included; and at all times, all and everybody who had strength to force the robber guard that tried to keep them without the pale. To rob the *rob-able*, was the end and object at all times in view; and when a chop-fallen fanatic declares that the legislature is no longer Christian, what he means is, that the legislature is no longer one that robs all but the strong i' th' arm sect among Christians.

But there are some who may say that Hale's words, properly understood, signify that none but such as profess a belief in Christ are eligible to hold any office of trust or profit in the State. If this be true, why is there no law to be abrogated in order to afford the Jews an opportunity of being elected members of Parliament? When the Catholics petitioned for enfranchisement, they prayed for the repeal of 'parts and parcels' of several Acts passed in the reigns of Edward, Elizabeth, Charles, and James of demonological memory; but the Jews seek no such favour. All they ask is that a clause in the Abjuration Oath may be omitted, (which oath everybody knows not to be constitutional); and then they will walk into Parliament without the sacrifice of the slightest ordinance of their religion. Even as the law stands at present, they may be elected and serve in Parliament, if they can only prevail on the Clerk of the House to administer to them the Catholics Oath on the old testament; or the Quakers Affirmation. Thus stands the case;—let the Clerk of the House only omit the legally superfluous question of 'Sir, of what religion are you?' and let him use a copy of the Pentateuch instead of the Gospels, which he may also do if he thinks proper, and Parliament is at this moment

as open to the Jew as the Christian. And were the Jew afterwards to proclaim his creed the same hour in which he took his seat as a representative of the people, Parliament is without the means of punishing him, as he violated no law; and, supposing him qualified by property, he might laugh at any effort to eject him by a constitutional process. The Jews, therefore, are as eligible to office at this moment as they can ever possibly be. All they ask is that the oaths usually taken may be so worded as not to suit only the professors of a particular creed, and that the book on which they shall be administered shall be that most revered by the party taking them; which alterations are mere matters of form, involving no constitutional question of right, power, or privilege. And after all, what is the importance of Hale's words at all? Was the government of England as settled at the Revolution, that law should be what was said or not said, by some individual appointed by the Crown, who may have approached as nearly to a naked instrument of tyranny or to an old woman, as history shall be found to warrant;—who may have believed, as Judge Hale did, in witches, or in any number of equal ways have been totally unfit to put his arm out of his grave to guide the legislation of the present age? And how comes Judge Hale to be such a Grand Lama, that all that came from him must be preserved in golden smelling-boxes for the edification of posterity? If this was 'Common Law,' then 'Common Law' would be a monster that the first business of the country was to destroy. It would be the 'arbitrary power' our fathers contended against, in an intolerable form.

But admitting that the Jews are ineligible to civil offices, not on account of the phraseology of an oath (which has outlived the last scion of the house of Stuart, which alone it was framed to exclude from the sovereignty of Great Britain and Ireland), but solely by reason of some principle of the constitution itself; could there exist any just motive for the support of such a principle, save a regard for the preservation of the legal rights of Christians. But how does one religion ever become dangerous to the safety of another? By proselytizing or endeavouring to proselytize; by inculcating a spirit of resistance to the laws of every state in which the other is legally established, or by teaching doctrines hostile to the happiness of the human family in a temporal point of view. It is fortunate for the advocates of toleration, that on all these points the Jewish writers have been most explicit. The Parisian Sanhedrim which met in 1806-7, composed of eighty of the most learned Jews in France and Italy, declared, that to proselytize is contrary to their law; that obedience, in temporals, to the Prince in whose dominions

they dwell is their first duty, and that they by no means think it necessary to salvation that any person, not born of Hebrew parents, should take upon himself the observance of the least of their ordinances. It is unnecessary to say anything of the morality of the Jewish faith, to those who avow their belief that it is of God, who is incapable of authorizing aught that is not good for the temporal and eternal condition of man. But there is still stronger, because living, evidence of this truth, in the declared readiness of those Jews whom a scruple of conscience subjects to degradation, to make any declaration of their fealty to the government, which the legislature may propose.

Mr. Montagu, who is a New-Testament Christian, and a man of character and experience, says :—

‘ That Christianity is part and parcel of the law of the land, is not the language of lawyers, or of Christian divines, or of Christianity, but of power and authority.’

‘ When the exertions of Jews can contribute to the comforts of their Christian countrymen, they are exacted without any obstacle of this nature. They are forced into the militia ; they are pressed into the navy ; they are compelled to act as jurymen, and whenever their services are desirable without emolument, the oaths are so framed as to accord with their religious principles.’

‘ This adage, therefore, does not mean that Jews are unfit to discharge in common with Christians many public duties ; nor does it mean, as it was said to mean twenty years ago, that the Protestant established religion is, to the exclusion of all other believers, part and parcel of the law of the land, because Dissenters and Catholics are admitted into parliament.’

‘ The true meaning cannot therefore be mistaken. Rob Roy’s rule is the reason :

‘ — the good old rule
Sufficeth them—the simple plan,
That they should take, who have the power,
And they should keep who can.’

‘ In obedience to this rule, we, possessing the power, resolve that the Jews are well fitted to obey, but not fit to assist in command ; and therefore, when honour or emolument may attend their exertions, the oaths are so framed (whether intentionally or accidentally, is another question) as to exclude them. The wolf in the fable, standing high in the stream, devoured the weaker animal for troubling the water.—Such is the true meaning of this assertion.’—*A Letter &c.* p. 22.

‘ I happened, a few days since, to visit Barry’s pictures, in the large room of the Society for the Encouragement of Arts. In his picture of Elysium there is on the one side a group of philosophers : on the other a group of legislators ; Moses, Lycurgus, Solon, Trajan, Antoninus, Justinian, Alfred, Henry the Fourth of France, Sir Thomas More, Daguesseau, Andrew Doria of Genoa, and Wm.

Penn.—Not one of these legislators could twenty years ago have been admitted into a British Parliament.—*Id.* p. 23.

‘Let us then not deceive ourselves by this adage, which is not the language of reason but of authority.’

‘It is not the language of lawyers; they are too intelligent, and, in the present times, not favourers of hypocrisy. They know that this law is not on our statute book, and, if it were, that it would be law as long as it remained there, and no longer: they know that the supposition originated in the unadvised dictum of a judge; and, if it had been uttered by a Puritan Divine, it would have been quoted at this day as a specimen of puritanical nonsense and bigotry. Religion cannot take upon itself the character of law, without ceasing to be religion; nor can law recognize the obligations of religion for its principles, nor become the pretended guardian and protector of the faith, without degenerating into inquisitorial tyranny.’—*Id.* p. 25.

Mr. Goldsmid, who is only the Old-Testament Christian called a Jew, ably pleads as follows:—

‘According to the plan proposed, I proceed to consider the principal objections advanced against the Jews Relief Bill; and shall first advert to two assertions, which, probably from their possessing a sufficient degree of ambiguity and obscurity to deceive those who repeat them, have become the favourite war-cries of the army of intolerance;—the assertions, I mean, ‘That this is a Christian nation, and ought therefore to have a Christian Legislature; and That Christianity is part and parcel of the law of the land.’

‘With respect to the former, the semblance of an argument is imparted to it solely by the common sophistry of using the same word in two very different senses; by using the term “Christian” first as signifying composed chiefly, and then as meaning composed entirely, of Christians. Say which sense you intend to adopt, and the argument vanishes at once. For if a body of men is to be called “Christian,” because it consists principally of individuals professing the Christian religion, then, as it has never been imagined that the Enfranchisement of the Jews would introduce more than three or four of their number into Parliament, the Legislature will, after that measure of justice shall have been adopted, continue to be a Christian Legislature.—If, on the other hand, the word “Christian” signifies composed entirely of Christians, then the English are not a Christian nation. It may be contended that they became so indeed, when Edward the First, after permitting many of his Jewish subjects to be murdered, and joining himself in the pillage of more, completed his work of oppression,—which he too no doubt attempted to sanctify with the name of zeal for religion,—by expelling from this kingdom every follower of the Hebrew faith. But the Christianity of the English people was at all events again destroyed, when Cromwell and Charles the Second once more permitted the Jews to settle in the country; and it can only be restored by driving, not us alone, but every Englishman who will not declare himself to be a Christian, from our native land. This is an expedient which few persons, I think, would now be disposed to

recommend: and yet, till this be done, there is no pretence for the assertion, that the English are an exclusively Christian nation, and just as little for the conclusion, that they ought to continue to have in name, what history proves them not always to have had in fact, an exclusively Christian Legislature.'

'On the contrary, no principle can be clearer than this,—that those who share the burthens of a state, ought in justice, unless some solid reason can be given for excluding them, to share its honours also: and I shall presently have occasion to show, that the tenets of the Jews furnish no such reason for denying to them, who possess property and influence within the country, and pay their full share of taxes for the support of the Government, a voice in directing how those taxes are to be applied.'

'But then, it is exclaimed, what becomes of the dictum of Chief Justice Hale, that Christianity is part and parcel of the law of the land? Now it is certainly by no means easy to reply to the argument derived from this maxim; and that simply because it is scarcely possible to ascertain the precise signification of the maxim itself. Does it mean that the law permits the residence in England, and protects the properties and lives, of none but Christians? The experience of every day rebuts such an interpretation. Or does it mean, that the law ought to prevent, as far as it is possible that it should prevent, everything which is injurious to the interests of the Christian religion? This, surely, is the only rational construction; and if this construction prevail, I am content that Mr. Grant's bill should pass, or be rejected, as it may be found consistent or inconsistent with the maxim of Hale. There is nothing repugnant to Christianity in the Jewish belief, since it is grounded entirely upon the Old Testament;—a book that Christians, equally with Jews, consider as sacred; and the Jew never interferes with, or speaks against any other creed, but contents himself with adhering to his own.'

'Why, then, should Christianity be prejudiced by the admission of Jews to the Legislature? Is it because Judaism is as much part and parcel of Christianity as Christianity can be part and parcel of the law? Is it because the holy writings of the Hebrews are regarded by Christian divines as the base and corner-stone of *their* religion? Is it because the Jews discourage proselytism? or because they have neither motive for entertaining, nor power for carrying into effect, any design against the Christian belief? Doubtless all these things tend to prove that the measure proposed cannot be, in any way, prejudicial to Christianity; and that it is, therefore, perfectly consistent with the maxim urged as an objection against it, if the explanation above suggested be considered as correct. If, on the contrary, this explanation be pronounced too narrow; if Hale be thought to have meant that all, who are not Christians, are to be injured, (whether by exclusion from political privileges or by any other means,) without benefit, or the possibility of benefit; to the Christian faith, I must admit that his doctrine is at variance with Mr. Grant's Bill, and is in fact as little reconcilable with the admission of Jews to Parliament, as with right reason or common sense. But if such be the meaning of this much vaunted maxim, he who

would hesitate to strike it out from the list of constitutional principles, must have a strange mode of following the religion which professes to teach charity and good will towards all mankind.'—*The Arguments &c.* p. 3.

There has been no uniformity in the spirit of religion-protecting laws in England, save and except in those portions of the common and statute laws which enforce the observance of the moral rules of the decalogue. All other enactments were passed for the exclusive benefit of some favoured sect or sects; not for the protection of Christianity. This must be evident to those who bear in mind, that what was legal christianity in the days of the Henries, was legal idolatry in those of the Georges; and that what was legal christianity in the time of the Georges, would have been heresy had it been broached in the reign of the Henries.

'It is, however, not on the interests of religion, but on the fear of political danger, that the advocates of restrictions have usually grounded their opinions and arguments. Now political danger can surely be never apprehended from the Jews. The smallness of their number is of itself sufficient, to render any such dread so extravagant, that the most timorous will never entertain, nor the most fanciful venture to express it. That twenty or thirty thousand individuals should wage either open or secret war against nearly as many millions, should nourish any serious design of overthrowing the laws established by so vast a majority, would scarcely be suspected, even if the thirty thousand were as remarkable for restlessness and proneness to sedition, as the Jews have always been for their loyalty and love of order. Such are their constant and distinguishing characteristics. "Seek ye the peace of the city where ye dwell, and pray for it, for in the peace thereof ye shall have peace." This was in old time the precept of one of the prophets of Israel, and its observance forms a leading principle of the religion of the Jews. Nor is it difficult to prove that this principle has had considerable influence on their conduct; for during their residence in England, which has now lasted nearly two centuries, not a single instance has occurred, where one of that persuasion has been, I do not say guilty, but even suspected, of any offence against the state.'—*Remarks &c.* p. 28.

— And yet in total disregard of this plain consideration, a doubt has, I have heard, been gravely suggested, whether the opulence of the Jews might not give them an undue influence in the councils of the British Empire. I can hardly suppose that persons who speak thus, have seriously thought on what they say. The opulence of the Jews! Are there then no wealthy Christian merchants in the City of London? Are there no aristocracy and gentry in these islands, proprietors of a very large proportion of the soil? Compared with their opulence, that of a few Jews in London only, does indeed sink into insignificance.—*Id.* p. 29.

‘ But if to all these safeguards it be wished that an oath should be added, the Jew has it in his power to do, in this respect, all that can be desired from him. There is nothing repugnant to his conscience, in the oath appointed by the Act of last Session for the Catholics. Now that law proves that Parliament is satisfied with the security afforded by the oath which it prescribes ; and if security be the object, that which suffices for the Catholics, must also suffice for the Jews.’
—*Id.* p. 26.

In addition to this it may be asked, what influence will the possession of wealth give the Jews in parliament after their emancipation, which they may not have now if they think proper? Surely the passing of Mr. Grant’s Bill is not supposed to be capable of changing the habits of all the electors of Great Britain and Ireland in one night. If the Jews can at any time buy up the representation of the people, there appears to be nothing which prevents them from doing it now, more than will be twenty years after they are emancipated. No man at the present day buys a seat in Parliament, but will sell the use of it, if he can realize a handsome profit.

The mental and moral condition of the Jews in this country, is one of the many pretexts that from time immemorial has been urged against their Emancipation. Speaking of the current opinions of former times on this subject, Mr. Barnard Van Oven observes :—

‘ If any such opinions be held, they are utterly devoid of foundation ; in intellectual powers, in acuteness of perception, and in soundness of judgment, they rather rise above than fall below the general standard ; the proofs of this may be found in every page of their past history ; in their astonishing improvement in this country, within the last fifty years, in despite of all the obstacles opposed to their advancement, and above all in the bitterness with which they feel the injustice to them, and the anxiety with which they look forward to the period when they shall be emancipated from the disgraceful fetters that now prevent the active developement of their energies.’
—*An Appeal &c.* p. 11.

The apparent facility with which the Jews acquire wealth, is another objection which has been made to their Enfranchisement, lest with increased powers of acting they might come to possess themselves of all the purchaseable property in the state. Mr. Goldsmid admits the superior finesse of the Jews, but assigns the cause in almost the same breath.

‘ — They [the Jews] have been prevented by the laws, and in some cases by the persecutions, of Christian Europe, from obtaining power, and not rarely even bread, by other means, and they have obtained them by trade. The man who, as in Russia, may be driven from the country which he inhabits, at the will of its sovereign, cannot be a

cultivator. The man who, as in England, is unable to sit in Parliament, or to accept an office under Government, without submitting to a test inconsistent with his tenets, can neither be a legislator nor a servant of the state. In fine, you prevent the Jew from gaining subsistence unless by trade,—or influence unless by acquiring wealth; and express surprise at his devoting himself to the acquisition of it with more zeal than other men, and consequently often with more success. You deprive our energies of almost all other objects, and are yet astonished that they should be directed strenuously towards this. You might as well turn six brooks into the channel of one, and then wonder how it happened, that the united current exceeded, in its depth and strength, each separate streamlet.—*Remarks &c.* p. 19.

Whatever be the moral feelings or general habits of the Jews, nothing can be more manifest than that they are the consequence of their present condition. Enslave a people, and they will soon lose the virtues of freemen; liberate them, and you will prepare them for the enjoyment of liberty.

That Judaism should have ever been an object of jealousy, much less of persecution, to those who profess themselves the followers of Christ, can never be viewed without astonishment. Believing, and publicly professing to believe, that the Israelites were the chosen people of God,—that to them was given, and from them was taken, the Christian moral code,—that the Saviour was born a Jew,—educated a Jew,—that, in the flesh, his country was their country, and that his relations were of them,—that his life was spent in doing them all manner of good, which life, Christians believing in his name profess to follow as their example;—how could they, the disciples of a Master whose last words breathed peace to Israel, enrol themselves amongst the destroyers of that race? But the Jews had many other claims on the forbearance, the kindness, the charity of Christians. The first converts to the preaching of Christ and his Apostles, as well as the preachers themselves, were Jews, by whose labours the seeds of Christianity were sown throughout the earth. They were also partners in misfortune,—fellow-sufferers in the persecutions under the Roman Emperors, in the first and second centuries of the Christian Era; for, by the Pagans, Christianity was regarded as a sect of Judaism, and punished accordingly. The peculiar tenets of the Christian creed seemed to offer an additional security to the Jews. Christian charity was the most vaunted of all its virtues. The fraternal fellowship of Christianity knew no bounds; recognized no line of distinction beyond which hatred and revenge were justifiable. And yet, notwithstanding these claims on their benevolence, the most relentless enemies of the Jews have been

the Christians; so that the Crescent itself might be said to afford them a shelter from the fury of the Cross.

When the Jews were driven from Arabia, in their flight great numbers of them passed over to Spain, then in the possession of the Moors, by whom they were treated with great kindness. As no obstacle to improvement in learning or to promotion in rank was placed before them, the Jews by their genius and attachment to the interests of the state soon raised themselves to high civil offices about the persons of the Caliphs, who respected them for their learning, wisdom, and virtue. They established the most celebrated schools then in the world, both for sacred and profane literature. The Talmud, which in Arabia had been the only book studied by the Hebrews, gave place to the Scriptures, together with the most elaborate treatises on the arts and sciences; in the knowledge of which they took precedence of every learned fraternity in Europe. In the fine arts, they likewise made great proficiency. Several among them, are celebrated to this day as astronomers, architects, jurists, historians, poets, painters, and physicians. But neither the learning nor loyalty of the Jews availed them aught, when the Crescent was supplanted by the red banners of the Cross. On the defeat of the Saracens, Ferdinand and Isabella left them no choice between baptism and banishment; and with the exception of 500 whom the extremes of age and poverty prevented from removing, all preferred the latter. As the period for their departure was limited to a fixed hour, after which those remaining were liable to suffer death in case they refused baptism, the condition of the Jews was the most lamentable that can well be imagined. But they were not suffered to remain in the peaceable enjoyment of the time allotted to them by the royal edict. The Christians fell on them in many places, and put them to death without regard to age, sex, or condition. Those of them who had escaped towards the sea previous to the breaking out of the disturbances in the interior of the country, were either pursued and butchered on the coast, or were drowned in great numbers through the treachery of those who supplied them with vessels. Few arrived safely in Italy; and even there, they were only sheltered from a fate such as they had fled from, by a Papal Bull. It was on this memorable occasion that some Spanish Jew merchants contrived, by the invention of Bills of Exchange, to possess themselves in Italy, of that wealth which they had no means of removing out of the dominions of Ferdinand. Of what immense utility that invention has since been to the mercantile world, it is needless to inquire.

The subsequent history of the Jews is a subject on which it is difficult to dwell with calmness. At one moment they were used as sponges to suck up the wealth of the people; and the next squeezed in the vice of inquisitorial power, until the last drop was drained into the coffers of the prince. England shared largely in the brutal oppression which was carried on against them; but as the Jews seem to have forgotten their sufferings, it becomes not the English to remind them of what, to themselves, is a reproach which ought never to be thought of without the most poignant feelings of sorrow and of shame.

The Reformation did little towards effecting the freedom of the Jews in a direct way. Indirectly, it certainly did much; but not more in the countries where the new doctrines were received, than in those which still acknowledged the spiritual supremacy of the See of Rome. Protestants are too fond of boasting that they only know how to practise toleration; and therefore this observation may be of use to them. As the fetters of the Jews became relaxed, they gradually rose in the scale of moral excellence, so as by their talents and virtues to excite the attention of Napoleon, who is said to have meditated their restoration to Palestine. Being satisfied from the answers to questions proposed by him to the Jewish Sanhedrim, composed of eighty of the most learned Jews in France and Italy, that there was nothing in their creed hostile to civil government, but that on the contrary it obliged its professors to make every sacrifice for the commonwealth, he, in 1807, had them restored throughout France to all the rights of citizenship. In 1814, they were enfranchised in Denmark, and subsequently in Holland, the Netherlands, America, Barbadoes, Malta, and Jamaica; and in all these states and divisions of states, they have proved themselves not inferior in talents or integrity to any equal number of their fellow citizens. On the alleged mental inferiority of the Jews in England, Mr. Goldsmid thus remarks.—

‘The latter part of the accusation against the Jews, which charges them with deficiency in mental cultivation, is of a more serious nature. Yet of this also I must, I fear, admit the partial truth; whilst I at the same time maintain that this also is the result, as well of the disabling laws, as of the prejudices which have constantly prevailed against men of that religion. The ancestors of a great part of the present English Jews, originally settled in this kingdom as traders, somewhat less than two centuries ago. They came hither from countries, in which they had been suffering under the most oppressive and degrading regulations. It could not therefore be expected that they should have reached the highest possible state of improvement. Here they were the objects of jealousy and contempt; they were necessarily shut out from places of public instruction; and lastly, the

disabling statutes closed before them the paths, which lead to all the higher functions of citizenship. The dislike against them which existed, entirely prevented them from mixing with their more fortunate neighbours, and thus deprived them of the most efficacious means of enlarging ideas and developing intellect—intercourse with various classes of men. Their exclusion from places of public instruction rendered it more difficult for them, than it is for others, to obtain superior education. Their exclusion from the careers to success in which a superior education is most essential, removed from them the strongest motives for struggling with those difficulties; whilst all these causes combined to inspire every individual exposed to their action, with a depressing sense of degradation, which he would strive to shake off in vain—and to *cow* the spirit of the whole community.'—*Remarks &c.* p. 20.

It is impossible to conclude this paper without adverting to the extraordinary statement said to have been made by Sir R. Inglis, on the authority of a letter from Rabbi Jacob, (so the newspapers have it) of the University of Cambridge, that Emancipation could not be accepted by the Jews without compromising their religious principles. Such is, in the case of all persecuted sects, the feeling of a small number of individuals, ordinarily, though not absolutely, confined to the sacerdotal order. The interest of the individual in the degree in which persecution keeps his sect together, and in the influence he derives therefrom, is greater than the interest he has as an individual in Emancipation. It is the zeal of a black negro-driver, for the perpetuation of the driving of blacks.

On inquiring into the pretensions of the individual thus advanced as authority for staying the emancipation of the English of the Jewish faith, it is collected that Rabbi Jacob is Mr. Joseph Crool, a Polish Jew, who arrived in England some years ago in a state of great destitution, and appears in the Cambridge Calendar p. xi. as holding the office of Hebrew teacher, understood to be at a salary of 40*l.* a year. The University of Cambridge or a part, petition against the emancipation of a sect of the British community, and put forward their Polish usher as a guide for parliament. In which, it is not intended to blame the individual either for his previous poverty or the present smallness of his salary; but to ask whether the proceeding on the part of those who bring him forward, is of the nature which will assist their cause when the circumstances are understood.

- ART. XV.—1. *Proclamations distributed by the French Government in the regency of Algiers in 1830.*—Moniteur 25 May 1830.
2. *Quelques mots sur le Trésor d'Alger.*—Paris. 8vo. 1830.
3. *De la domination française en Afrique, et des principales questions que fait naître l'occupation de ce pays.* Par. M. Raynal. —Paris. 8vo. 1832.
4. *Alger sous la domination française, son état présent et son avenir.* Par M. le Baron Pichon, Conseiller d'Etat, Ancien Intendant Civil d'Alger.—Paris. 8vo. 1833.
5. *Appel en faveur d'Alger et de l'Afrique du Nord.* Par un Anglais.—Paris. 8vo. 1833.
6. *Rapport de la Commission de la Chambre des Députés sur le Budget du Ministre de la Guerre pour l'année 1834.* Moniteur 29 Mai 1833.
7. *Observations du général Clausel sur quelques actes de son gouvernement.*—Paris. 1831.
8. *Précis sur la Politique Anglaise à Tripoli.*—Paris. 8vo. 1832.

THE documents, books, despatches, and speeches made on the subject of Algiers since the beginning of the year 1830, are so numerous and so authentic, that no doubt exists in regard either to the rights of the Africans at the hands of Europeans, or to the wishes of the French. It is however exceedingly doubtful, whether the course to be soon taken by the tortuous diplomacy of Europe on this question, will be in unison with either.

Nevertheless few propositions seem capable of clearer proof, than that the rights of the Northern Africans ought to be respected, not less for the sake of Europe and especially of France, than for the sake of the best interests of humanity and of general civilization. This proposition is the subject intended to be discussed in the present article; in which, accordingly, it will be attempted to be shown, that the duty of Europe and of France towards the Algerines, is such as will, if judiciously discharged, benefit Europe at large, and be advantageous to France.

Lord Aberdeen has sought for elements of party mischief, in the relations between England and France connected with the occupation of Algiers; but happily the revolution of July 1830 swept away these elements, and Lord Aberdeen's party with them; and no one can, with any chance of success, oppose a doubt as to the right of France to Algiers as against any of the powers of Europe. Three years acquiescence by Tories and Whigs, and by the whole Holy Alliance, has estopped the claims of Europe;

but the same three years have multiplied a thousand fold the claims of Africa in this matter, which is a very different point. The expedition to Africa was a Holy Alliance plot, having an *arrière pensée* upon the liberties of France; and it would be strange indeed, after one part of the scheme had so signally failed, to permit the same party to profit by discussions upon a conquest which was dangerous to Europe through their complicity, and which they took no pains to render advantageous to Africa. Revolutionized France is entitled to reject with scorn Lord Aberdeen's appeal; she may also justly refuse to retrace her steps at the call of any English party however powerful, if the call be founded on no better grounds than those of national jealousy. Upon higher and more forcible principles, there will be little difficulty in showing that her conduct must be altered. The respect due by her in common with all nations to the claims of justice, is one of those higher principles on which, as well as by the particular claim of the less civilized to great tenderness from the more civilized races, France is bound to abstain from the evil she is at this moment inflicting upon Northern Africa. And France is bound by the more forcible principle of self-interest, to reject the illusions of false glory, and withdraw from a country, which it is impracticable to colonize, but where enormous loss of men and money awaits her further stay.

The criterion of the duty of France towards the country of Algiers, is a specific engagement entered into with the inhabitants of the regency before the surrender of the town in 1830. The terms of the engagement on the part of the French, are to be found in a Proclamation then distributed by them profusely amongst the Africans, who evinced their acceptance of the terms by adopting a course of conduct eminently advantageous to the invaders. The proclamation is expressed as follows;—

'To the Coulouglis, sons of Turks and Arabians, residing in the territory of Algiers,—We, your friends, the French, are setting out for Algiers. We are going to drive from thence the Turks, your enemies and your tyrants, who torment and persecute you,—who rob you of your property and the produce of your soil, and constantly threaten your lives. *We shall not take the town to remain masters of it: we swear it by our blood. If you join us,—if you prove yourselves worthy of our protection,—you shall reign there as formerly, independent masters of your native country.* The French will treat you as they treated your dear brethren the Egyptians, who have not ceased to regret us*,'

* It is quite true that the French are regretted in Egypt. As instances how far the recollections of the republican army among the numerous classes are from being of a hostile kind, a blind Arab at Cairo in 1822 went about

for these thirty years that have elapsed since we left their country, and who, moreover, still send their children to France, to learn reading, writing, and every useful occupation and art. We promise to respect your money, your goods, and your holy religion, for his Majesty, the benefactor of our beloved country, protects every religion. If you do not trust our words and the strength of our arms, retire out of our way; but do not join the Turks, our enemies and yours. Remain peaceable, the French have no need of aid to beat and expel the Turks; the French are and will be your sincere friends; come to us, it will give us pleasure, and will be of advantage to you. If you bring us provisions, forage, oxen, and sheep, we will pay for them at the market prices. If you are afraid of our arms, point out a place whither our faithful soldiers shall repair without arms, and with money in exchange for your supplies. Thus may peace be with you, and peace between us, for your good and for our good.'

After Algiers fell, this proclamation was completely thrown aside. Some were misled by the hope that France might govern her conquest so wisely as to confer many benefits upon Northern Africa. The great events also at Paris in July 1830, cast the affairs of Algiers into the shade in Europe; and although the solemn promises thus recorded were not forgotten by the Africans for a moment, their complaints at the breach of the engagement, as well as at other wrongs, were suppressed with severity by those who inflicted the original injustice. The fact that the natives cherish this stipulated right of independence, has even been imputed to them as a crime; and writers are found who coolly recommend, that under a very thin disguise of being dealt with like friends, they should be treated as enemies of France.—(Raynal, p. 30). The extermination of the natives has also been distinctly proposed, in order to provide room for European colonists, in the same manner in which the colonists at the Cape of Good Hope are accommodated every five years with new lands at the expense of the Southern Africans.—(Pichon, p. 99. Raynal. Debates in the Chamber of Deputies; *Moniteur* 9th March 1833.)

Independently of the condition upon which, under the foregoing proclamation, the French obtained the concurrence of many Natives in their conquest, the convention made upon the surrender of Algiers guaranteed to the people of all classes their freedom, their religion, their property, and their trade. But this convention has not been more studiously observed than the proclamation. It was the public and official declaration of the

at all hours, exclaiming, '*Citoyens, donnez-moi à manger; je n'ai pas encore déjeuné!*'; and the dancing-girls at Luxor sang in Arabic a manifest colloquy between a French soldier and an Egyptian girl, to the tune of '*Malbrouk*.' Corresponding traces of the Holy Alliance will hardly be found in France and Italy.—*Editor*,

late governor, the Duc de Rovigo, that prisoners have been put to death without even the form of trial. 'The troops,' says the governor of Algiers, 'ought to disobey orders in such cases; for such executions are assassinations, and all concerned in them incur responsibility for these crimes.' 'Every prisoner' continues the governor, 'is under protection of the law, and all safety is gone if lives are to be destroyed without the sentence of a court of justice. If such things are to be allowed, barbarism will take the place of civilization.' The foul acts which gave occasion for these remarks, occurred only in May 1832.—(Pichon, p. 407). M. Pichon, who justly denounces the policy which has led to these assassinations, was the *civil* governor of Algiers in 1832. His office was abolished last year, almost as soon as established; and fortunately for Africa, he has published a long account of what he witnessed while there. According to that account, the assassinations mentioned in the order of the Duc de Rovigo, are but a small portion of the cruelties of a like kind committed by the French in the last three years in Algiers.

Equally barbarous outrages have been committed against the religion of the people. Mosques have been wantonly seized; charitable endowments confiscated; the graves violated; and the very bones of the dead exported to Marseilles with the flesh sticking to them, to be used in making white sugar for the French nation*.

The property of the people has not been more respected. Enormous contributions of so illegal a character were last year imposed, that the minister at home sent out repeated orders for

* Lettre de M. Segaud, docteur en médecine; *Sémaphore de Marseille*, du 2 mars 1833.

Marseille, 1^{er} mars 1833.

'J'ai appris par la voie publique que parmi les os qui servent à la fabrication du charbon animal, il s'en trouve qui appartiennent à l'espèce humaine. A bord de la bombarde *la Bonne-Joséphine*, venant d'Alger et chargée d'os, j'ai reconnu plusieurs os faisant partie de la charpente humaine. J'y ai vu des *crânes*, des *cubitus* et des *fémurs* de la classe adulte, récemment détérrés et n'étant pas entièrement privés des parties charnues. Une pareille chose ne devrait pas être tolérée. . . . En commandant au peuple plus de respect pour les morts, il montrerait peut-être moins de mépris pour les vivans. L'existence des raffineries de sucre de notre cité ne serait pas menacée par la répugnance que l'on commence à manifester de se servir d'une substance dans la confection de laquelle entre le corps humain.'

Enfin, la politique de notre colonie d'Alger serait plus efficace en nous rendant plus favorables ses ennemis, les Arabes et les Bedouins, qui instruits qu'on leur enlève les ossemens de leurs pères, sont aujourd'hui dans un état de fanatisme religieux tel, qu'ils mettent en pièces et dévorent même quelquefois les Français faits prisonniers.—*Appel &c.* p. 26.

their remission. Obedience was long refused to these by the governor, lest the recall of the tax-ordinance should lessen his importance in the eyes of the people. A still more mischievous invasion of property, has been the requiring all the land-holders to deposit their title-deeds in the hands of the governor.

These examples sufficiently show the character of the French government of Algiers since 1830 ; and against these and similar acts, appeals to the Tuileries have hitherto proved fruitless. In France there is no regular practice of granting redress to colonial complaints, even when it is Frenchmen that suffer. The French ministers and Conseil d' Etat are more hermetically sealed against such appellants, than our own secretaries of state and privy council ; which will explain to an English reader pretty clearly, how little supervision there is in France over the distant authorities. The African complaints are exposed to additional disadvantages in difference of language, manner, and religion. The most cruel outrages have consequently been committed in Algiers without prospect of remedy.

This habitual denial of justice accounts for the failure of the French in founding colonies. That centralization of all authority in Paris, which is the grand characteristic of their administrative system, is necessarily most mischievous at a distance, where public opinion affords no correction to abuses. That system has been revised in a late session of the Chambers, but all suggestions for vesting in the people any control over the local governments, or even for establishing in Paris any high official check upon the administration of colonial affairs, were rejected with surprising pertinacity. Attempts to modify this system for Algiers, where a despotism far more rigorous and more productive of oppression than that of the old Deys is established, have in the present year also, been treated with ridicule in the Chamber of Deputies, and in the Peers with murmurs. *

The consequence is an amount of abuse against private persons and properties, and of expense to the Home government, easy to be estimated by those who have ever examined provincial and colonial history with any attention.

The estimates of the minister of war for 1834 for Algiers, as published in the *Moniteur* recently, exceed nineteen millions of francs ; the cost of the civil administration is to be added to this sum ; and the utmost that can be got from the local revenue is one million and a half of francs, though under the Deys that revenue is believed to have exceeded six millions of francs ; some persons state it at eight millions. In the year 1832 France is believed to have expended more than thirty millions of francs

at Algiers; and the most sanguine advocates of colonization there, do not venture to anticipate a speedy saving, although they maintain that a liberal expenditure now will be ultimately repaired. It is not surprising therefore, to find the Chamber of Deputies doubting, whether it be wise to persevere in keeping possession of the conquest. In May last a commission upon the minister of war's budget concluded their report in the following terms:—'The army estimates are increased by an item which demands the undivided consideration of the Chamber, that is to say, the expense of occupying and colonizing Africa. These objects require 23,328 men, and twenty-one millions of money, towards which the local taxes contribute only about a million and a half. The ablest men too are divided in opinion upon the ultimate value of Algiers to France; and it is a great question whether we shall ever be indemnified for our expenses in Africa. Our colonies have generally cost their founders more than the profits. But in the present case we have to decide upon the destination of an extensive country with two hundred leagues of sea-coast, at three days sail from France, of a fertile soil, and with a numerous population capable of receiving the advantages of European civilization. Possibly these new circumstances may bring new results; and it is prudent not to act with precipitation. It is the duty of the executive government to put an end to all doubts respecting Algiers. The public good requires that before the next session a serious and uncompromising inquiry be made into the situation of that country. This inquiry should be committed to men too enlightened to be led away by national pride, and of sufficient experience to estimate accurately the real value of a new territory, too often overrated by the ablest minds. This will produce information calculated to remove the uncertainty in which the subject is at present involved; and settled opinions may be formed upon it. Hitherto France has done nothing but make sacrifices. It is time to know where she is to find an indemnity; and whether she is sowing in order one day to reap, or is only paying dear for the empty gratification of setting up her colours in a foreign land.'

If the financial situation of Algiers is thus unsatisfactory to France, the character of the colonists hitherto sent to Africa is not calculated to improve it. The following account was published in Paris in 1832 by M. Aynard de la Tour du Pin:—

'Germans, Swiss, and French, agriculturists and artizans, have gone to the promised land of Algiers for profitable employment, but have found nothing but beggary, with the immorality that attends it; and

depending upon public support, they have become incapable of honest labour. So that a wretched lazzaroni threaten to spring up from the families of hardy peasants who constituted the first emigration. But the new system has invited a far worse class of colonists than these, to Algiers. They are the scum of the sea-ports of France and Spain, Italy and Greece. Men who have forgotten home, and who speak a jargon of all the languages in Europe. Men who have tried all professions, with equal want of reputation and success. Everywhere and in everything they have been unfortunate. Each has a story to tell of his grievances, and the wrongs he has suffered from his government. And they are all martyrs to liberty. But the fraud is so gross that when these men meet each other, they fairly laugh in each others faces. Such is the higher class of society brought to Algiers. These are the men whom Europe sends to enlighten the poorer colonists, and to be an example to Africa. A third class follows, who will ruin the place; because conduct is as indispensable to success, as capital. They are men who have been ruined over and over by their folly in all parts of the world. Speculators from England, from the United States of America, and from France, have flocked to Algiers, contributing nothing to its progress but their evil destiny; and they are most assuredly fated to repeat the failures which were the sole causes of their coming here. Their wretched activity is never satisfied, unless when adding to the sum of loss which has always distinguished their career.'

'These are the sort of inhabitants France has given to Algiers; and the result is only what might be expected from the acts of such agents.'—*Revue Encyclopédique*, Novembre 1832. p. 360.

And it is in favour of such colonists that projects are seriously discussed for exterminating the native population. The French government has hitherto rejected these projects; but in all other points it permits such a course of policy to be pursued at Algiers, as is a flagrant outrage upon the native people, and breach of the conditions upon which the country was first occupied.

That the character of those natives calls for very different treatment, may be easily shown; and testimony to it may be taken from the works mentioned at the head of this article. The work of M. Raynal was written expressly to advocate the permanent occupation of the country by France; and the author is very far from expressing a blind admiration of the natives*, whom nevertheless he describes in the following terms:—

* M. Pichon states the whole population of the town of Algiers to have been on the 1st of June 1832, as follows.—Moors 14,000; Jews 5,400; Turks 120; Europeans 4,021, of whom 421 were British subjects, chiefly from Malta; 1,927 French; 1,052 Spaniards; 234 Germans; 106 Italians. (p. 118.) The French army amounts to more than 20,000 men throughout

‘The influence of the Turks has long been declining in Algiers. But there are few Moorish families not connected in marriage with the public functionaries sent thither from time to time from Constantinople. Their descendants are denominated *Coulouglis*; and have always enjoyed particular privileges. The families connected with them have been enriched; but the source of wealth which consisted in piracies upon the coast of Spain and Italy, has been stopped during many years; and Lord Exmouth put an end to Christian slavery in 1816, while various treaties with Europe decidedly checked the former irregular warfare, and weakened the Turks. In this state of things we found the Moors ready to receive us as liberators. Our manners and refined habits were more pleasing to them than those of the Turkish soldiery. They have not forgotten Spain and its enchantments. Their countenances and gestures, and their whole demeanour, are strikingly Spanish. One of them, *Sidi Bou Dharba*, told me one day that by his mother’s side, he was descended from the Moors of Grenada. I have often played at whist or *écarté* with these pretended barbarians, and found myself in enlightened discussion upon the comparative merits of European and Moslem manners. Their dwellings are fitted up with great luxury. At the country house of *Sidi Hamdan*, whose eldest son was educated at Paris, are to be seen all the resources of a man of taste, a library, and a garden laid out in the English style. Polygamy is almost unknown at Algiers. The women have much more freedom than in other Mohammedan countries. They have the exclusive management of the house, and pay much attention to the education of their children. The Algerines are fond of music, and offered to contribute towards the expense of a theatre. Many of them speak French, Italian, Spanish, and English. And what seems decisive as to the civilization of the Moors, they possess a great number of schools conducted upon the Lancaster and Bell systems of mutual instruction; and primary instruction is more general than in France. It is a great error to suppose them hostile to our more enlightened views.’

‘The Jews are in a state of great degradation. Three centuries of oppression have reduced them to extreme baseness of character; although among them too, individuals are to be found of much merit.’

‘The Bedouins or Arabs, are a tractable race; but if oppressed they will speedily escape to the desert. Their active and well-armed cavalry did us much damage during the campaign.’

‘The *Cabyles* are the ancient inhabitants of the country, who now possess the mountains, where they have resisted with extraordinary success the conquerors of Africa for 2,000 years. Carthaginians, Romans, Vandals, Arabs, and Turks, have equally failed to subdue them, although often benefited by their alliance. . . . They raise more grain than they consume, and want neighbours to receive

the regency. At the invasion it amounted to 37,000 men, of whom 3,000 were killed by the enemy; and sickness had once reduced the remainder to 18,000. *Raynâl*, p. 116.) The population of the interior is estimated at various amounts, from 800,000 to 3,000,000 souls. (*ib.* p. 85.)

the superfluity. They furnish the regency with almost all its oil. They can make gunpowder and fire-arms; and they manufacture a great quantity of cloth, either from wool or camel's hair. Their desire for wealth is a constant engine of communication with them; and their industry is celebrated. For many years the European consuls have been allowed to hire their domestic servants from this race of people; and their activity, attachment, and fidelity are universally praised.—*Raynal*. p. 20—40.

These are the different races of men with whom Europeans have come into new relations of intimacy by the taking of Algiers; and it will be disgraceful indeed to Europe if the connexion only produces fresh enmity. Gerard was minister in 1830; he wisely declared, that nothing should be done but in consistency with the interests and feelings of the natives. Hitherto that promise has been miserably broken. The same course which more than any other cause sapped the power of Spain in America, and which disgraces our own colonial administration at the Cape of Good Hope and in Australia in regard to the native tribes, is recklessly pursued by the French. But as the natives of Northern Africa are powerful by their habits, numbers, and position, the result will probably be very different. During three years, they have kept the invaders within the walls, or in the immediate neighbourhood of the towns; and M. Pichon (the Civil Governor during six months in 1832) is of opinion that 100,000 men will be insufficient to subdue the country, if the present system be not altered*.

* The warning of M. Pichon is so strong, that the original words are worth preserving. Its prudence is confirmed by all that is known of the country, and of the events of the last three years there.

‘ Dans un système de colonization comme on l’a fait, en apparence, adopter le gouvernement, ce n’est, comme je l’ai dit, ni vingt, ni trente mille hommes qu’il faut, mais cent mille hommes; et cela avec une dépense qui, indépendamment de la dépense militaire, se compterait par dizaines de millions, seulement pour disposer complètement de la Métidja, et la livrer vacante aux *soixante mille* colons dont on a parlé; venant d’où, s’établissant avec quoi, c’est ce qu’on ne dit pas. Il faudroit commander tout le petit Atlas, en dominer tout le revers méridional, et occuper à demeure le col de Téniah et Médéah. C’est une service, qui avec celui de la garnison d’Alger, occuperait cinquante mille hommes. Et la tentative, jugée dans l’armée, ne donneroit que honte et désastres. Comme elle auroit pour effet de chasser devant nous tous les cultivateurs de l’Atlas et de la plaine, et d’anéantir les cultures, la première difficulté serait d’alimenter une force aussi nombreuse. Il faudroit la nourrir de France, et avec quels transports en Alger! L’occupation, dans un système aussi hostile, de la Métidja, et du petit Atlas, avec une guerre continuelle sur notre front, nécessiterait une plus grande force d’occupation pour les deux provinces de l’ouest et de l’est, d’Oran et de Constantine. Un tel système acheveroit de spider toutes les races contre nous, les Maures et Coulonglis, comme les Arabes et les Cabyles.—*Alger en 1830, Par M. Pichon*. p. 314.

The events which are preparing in the East may perhaps compel a thorough change. The wrongs inflicted by English influence at Tripoli, and the abuse of French power at Algiers, may be fated to find avengers little expected in the west of the Mediterranean. The engagements of the Proclamation of 1830 however, point at the possibility of a happier issue; and the path of honour which requires the observance of these engagements, might prove to be also the way to security and lasting good.

It is a mere pretence to say that different rules are necessary in our relations with Mohammedans, from those which govern intercourse between European races. Justice is robust, and can be transplanted into the remotest soil; and political unions admit of indefinite extension. All the races of mankind have really kind sentiments for each other in the mass; and honest governments would improve the good tendency into lasting friendships. Early in the thirteenth century, even when the recent outrages of the crusaders had roused a bitter spirit of vengeance in the minds of the eastern Mohammedans against Christians in general, a good understanding existed between different classes of both, in many important respects. Leibnitz * has abridged a treaty made at that time by the Florentines with the Soudan of Egypt, stipulating for a free admission of their merchants into that country,—for their safe residence there,—and for liberty to depart at their pleasure. They were also to be allowed to build a church, and to have a consul and magistrate of their own. At the same time the Mohammedans had consuls in the south of Europe, with liberty to be governed by their own laws in matters arising among themselves when trading there. Wars afterwards for many centuries checked these good regulations; and on both sides religious intolerance, with the spirit of conquest, created fatal obstacles to frank communication. The ‘Christian dogs’ were long objects of hatred and contempt to the Mohammedans; and however ill founded in English law might be Lord Coke’s opinion that the latter were to be held perpetual enemies by all Christians, it is not to be denied that such was the rule in other European countries †.

But it is time these abominations should cease. Experience proves that the Mohammedans are not unchangeable. But,

* Leibnitz’s Abridgement of the Law of Nations, quoted by Borel on Consuls, p. 156.

† It is the virtuous Chancellor L’Hopital who says; ‘C’est folie d’espérer paix entre les personnes qui sont de diverses religions. Les Juifs ont estimé toutes autres nations, comme étrangers et leurs ennemis: les autres nations ont eu semblable opinion des Juifs. Je laisse les Mahumétistes, qui nous ont toujours réputés leurs ennemis, et nous eux.’

Harangue à Orleans, 13 Decembre 1560.

even if they still adhere to any degree of prejudice against Europeans, sound policy and national honour demand that Europeans should act upon better principles. Concord can only be secured by the abandonment of our own false opinions, and by the extinction of violences which daily revive the waning prejudices of the Mohammedans.

The conquest of Algiers, with the good and evil that has been done by it to Northern Africa, has increased the importance of the subject. Things cannot remain long in their present state in those parts of the world, which offer so much to interest the scholar, and the advocate of 'civil and religious liberty all over the world.' The settlement of the French in Algiers has produced effects already deep in the desert. If a mad and unprofitable spirit of conquest by the sword had not deprived France of the fruits of her acquisition, her influence must have spread east and west to an extent and with a rapidity not easily to be calculated. The field was, and perhaps still is, most splendid. A wise and honourable course pursued by France and England in Africa, might ensure the revival of the brighter days of these countries, rich with the recollections of Carthaginian wealth, of Arabian chivalry and learning. The merchant-kings of Carthage failed to secure the support of Africa, because they were cruel and systematically unjust to her native tribes; and so Rome came out victorious in the contest with their power. The early Christians soon forgot their law of charity, which pursued to its true consequences might have perpetuated the empire they held for some centuries over men's hearts from the Mediterranean to Abyssinia. The Mohammedan faith has held a more lasting sway; and to the Equator has abolished human sacrifices, spread letters into every hamlet, and carried commerce from the Red Sea to Tangier and Sierra Leone. But the Mohammedan faith has been as intolerant, as Christianity in its corruption. The Mohammedans practise the slave trade upon a vast scale, and make proselytes by the sword. Their faith will therefore give way before the better principles which Europeans may establish; and certain it is, that the talisman of Mohammedan invincibility is shivered to atoms in India, in Asia Minor, and in Africa. It remains to be seen whether civilized Europe is capable of rearing a better structure by the ways of peace.

The interesting situation of Northern Africa at present, will be appreciated by a short notice of the recent progress of the medical science in Africa, under the auspices of a Jewish physician, M. Clot-Bey, who is in the service of the enterprising Pacha of Egypt. M. Clot-Bey's report of his proceedings in

Egypt, made to the Academy of Medicine in Paris, contains the following passages which require no comment.—‘I conceived the design of establishing a school of medicine in Cairo; an object full of difficulty, in consequence of the prejudices of the people against anatomy, and the ignorance of the interpreters on medical terms.’ After stating the prudent course he pursued to ultimate success, in removing popular objections to handling dead bodies, he adds, ‘after establishing my school, in which subjects were dissected freely, I caused translations to be made of M. Magendie’s book on Physiology—of M. Begin’s Surgical Pathology—of that of MM. Roche and Sanson—and of four other good medical treatises. With the aid of some learned Arabs, a medical dictionary has been composed in Arabic, and other elementary books begun. Female negroes and Abyssinians have been taught the art of accouchement; and numerous students are now actively engaged in general medical pursuits. Some Christians from Smyrna have entered themselves at our school, upon an equal footing with the Mohammedans; and when the Pacha lately advanced into Syria, he was supplied with two hundred and fifty surgeons for the Egyptian army. The day will arrive when the Arabs will be discoverers in medicine and science as their forefathers were. At the great school, there are now nearly four hundred pupils; of whom I have brought sixteen of the most able, to pursue their studies to the highest degree at Paris.’

This is in Egypt;—how much of the like has been done at Algiers? How vastly more worthy of man without a tail, than to tell that ‘our native troops, commanded by Captain Z——, returned bringing with them three heads of the enemy.’

ART. XVI.—*An Essay on the History and Theory of Music, and on the Qualities, Capabilities, and Management of the Human Voice. Second Edition. Enlarged and considerably improved.* By I. Nathan.—Parts I and II. 1832 and 1833. London; Morton and Co. New Bond Street.

MUSIC, which is the poetry of geometry, is on the march like every thing else. The knowledge why musical effect is produced from sounds of one particular kind or relation and not from others, which used to be confined to a small number of crabbed philosophers, principally decayed organists and heads of colleges, is spreading fast in what the phrase of the times denominates ‘the musical world,’ and is in a fair way of producing practical good fruits. Not that this contains all knowledge, or that music has been non-existent till now; this is only the

sarcastic exaggeration with which all advancement is met by the patrons of 'the extinguisher.' But every extension of information, has its crop of advantages in the end. It invariably finishes by clarifying something, sharpening something, increasing the powers of something. Though it should have the appearance of being at most but an improvement in the mechanism of the performer, it will find the means of re-acting upon the imagination of the composer. If Mercury or Jubal's lyre had never got beyond the first shell of a tortoise and the random sounds of strings of nature's stretching, the musical composers would not have been far on their road at present; and by parity of reasoning, any fraction of improvement in the same track now, may be expected to be attended with its modicum of good. As an instance in point, it appears to be undeniable that the peculiar powers of the musical phenomenon of the present day, Paganini*,—who, after making all imaginable allowance for what it may be possible to class among brilliant difficulties, will leave his traces upon instrumental performance of all kinds *in secula seculorum*,—are to be referred to a highly augmented familiarity (whether acquired from theory, or from the instinctive practical tact attendant upon favourable natural organization, is of little immediate importance,) with those mysteries of the musical string which the learned, from the days of Pythagoras, have only darkly seen.

In nothing is the modern world more universally improved, than in the getting rid of nonsensical *non-sequiturs*. What a long time, for instance, it will be, before a modern musician is found making 'the belly of his instrument curved to represent the heavens; the back level to represent the earth;*' with a dragon eight inches from the bridge, to represent the eight points of the winds; four inches of neck, to represent the four seasons of the year; five strings, to represent the five planets and the five elements; and its total length fixed at seven feet two inches, *to represent the universality of things.*'

* A *set* has been made against this extraordinary performer, on the ground, among others, of his being a *foreigner*. He is consequently become part and parcel of the question of Free Trade. If foreigners excel on the violin and Englishmen on the spinning-jenny, let us encourage foreigners to play to us on the one and Englishmen on the other. The fact that the public had rather hear the music of the foreigner, and rather wear the broad-cloth or use the hard-ware of the Englishman, is proof that there are callings to which Englishmen are more strongly invited, both by the public interest and by their own, than to music. The point is defensible to extremity; and will make a good text some other time. Englishmen must pay double for their bread, and ought to do, till they can work these clap-traps of pseudo-patriotism out of their cerebral processes.

Such, on the authority apparently of Père Amiot, was the ancient *kin* of the Chinese, — that sagacious people, whose domestic policy is still viewed with lurking affection by the friends of stable institutions at home. Yet even there, conservative principles have not been able to keep out change; for it appears that ‘the modern *kin* has seven strings,’ in consequence probably of discoveries among the planets, and that the universality of present things is represented by ‘about five feet five inches.’ (Ch. i. p. 3.)

The zeal against *non-sequiturs*, however, should not be extended to analogies of which the reason is only unknown. One of the most remarkable of these, is the analogy understood to exist between the divisions of the musical string, and the distances of the planets from the sun, as also with the divisions of the different coloured rays when dispersed by refraction; the first of which is manifestly the origin of the idea of the harmony of the spheres. The writer would do good service, who would detail without affectation or mysticism, the exact degree in which these analogies exist or the contrary. If the analogy is certain, it points to the suspicion, in the cases of the arrangement of the planets and the particles of light, of a connexion with the successively greatest possible frequencies of coincidence in the effects of different sets of periodical impulses of some unknown kind.

Another point on which the moderns have improved, is in scouting the idea of a regulated ‘best;’ though there are still symptoms of a school, particularly in France, who believe themselves to be on the verge of breaking out into the *beau idéal* in sculpture, painting, poetry, and politics,—from which, to setting up their idol and demanding that men confine themselves to worshipping it, the step is small. Plato it seems, says, that the Egyptians ruled ‘that nothing but beautiful forms and fine music should be permitted to enter into the assemblies of young people. Having settled what those forms and that music should be, they exhibited them in their temples; nor was it allowable for painters, or other imitative artists, to innovate or invent any forms different from what were established. What the beautiful forms were, it is given the moderns to see;—not so bad as might be, and yet a universe behind the innovating Greeks. And of the music, it is fair to suppose the same. The mania of orthodoxy has been hereditary from the first man. Adam and Eve had doubtless a right way of putting on a coat of skins,—and rated Cain, Abel, Seth, and their little nameless sisters, for innovations in the art of dress.

The ancients had an exalted opinion of the moral and poli-

tical powers of music; and it is not impossible that when the direct communication of ideas was vastly more limited than since the diffusion of printing, the indirect method of music might possess greater power in consequence. A 'Lilliburlero' directed against Nero could not well have been less efficacious, and might easily have been more, than against any sovereign of modern days. The politicians of antiquity seem consequently to have been wonderfully anxious to preserve in primitive simplicity their Dorian 'Hundredth-Psalm,' and Phrygian 'Grenadiers March,' and to confine to their proper places the Ionian 'Begone Dull Care,' and Lydian 'All Good Lasses.' The Chinese, who are the pinks of propriety in Church and State, also 'have a specific number of airs for great occasions, which are never changed or varied, and as these airs are only appropriated to particular times and occasions, they are constantly recognized, felt, and understood. They have their court airs [as 'God Save our great Fum Hi,'], airs to excite virtue [a kind of 'Chinamen strike home,'], and airs to inspire true concord and national felicity' [being probably 'Confucius's Boys,' and 'Croppies lie down.']. The resemblance between the Chinese scale and the Scottish, remarked by Dr. Burney, appears traceable to the same source as the resemblance between a man with one leg in China and in Scotland. It proceeds simply from the omission or non-use of the Fourth and Seventh of the key. One consequence of which is, that Chinese or Scottish airs may be made *à discrétion* on the pianoforte, by the recipe of playing only on the black keys; every attempt at an air appearing to glide into the Scoto-Chinese scale, as the most agreeable to the ear the sounds given will admit of.

The Chinese must certainly have an Opera. In India men it is a common thing to set the Chinese seamen to perform upon the quarter-deck for the amusement of the passengers; and three of them have been heard to sustain the characters of a Mandarin and his wife and son quarrelling, in a way that could not have been surpassed by any Italian water-borne *buffi*.

The Hindoo instrumental music, is not without effect, and it is easy to imagine the possibility of a taste being acquired for it. It is monotonous and soothing,—like the tinkling of water and some other continuous sounds. The idea which it suggested on first hearing, was that it was like the effort of a musician to spin out a close *ad infinitum* by a perpetual evasion. Every thing seemed to wind up into an air bearing some resemblance to the two first lines of 'Say little foolish fluttering thing;' but instead of concluding, it ran on into a kind of interminable *coda*, mingled with snatches of fragments of the previous

air. The principal instrument is a stringed one called *sitâr* (cithara); being a small violin, played with a bow in the posture of a violoncello, by a performer sitting on the ground, A performer on two kettle-drums of the size of a man's head, which he beats with the palms of his hands, appears to consider himself as guiding the whole and discharging the *obligato* part, and gives himself as many airs of direction as the leader at the Odéon.

The Joloffs on the coast of Africa play on a kind of guitar of different sizes, manifestly intended for piccolo, tenor, and bass; and one peculiarity of their tunes appears to be, that they *end* on a shake or trill. They have fixed airs, distinguished by names; one, for example, was 'the rousing of the Damel,' doubtless the '*Veillons pour le salut de l' Empire*' of that portion of the universe. Bowdich's account of the white negro harper, whom he saw during his mission to Ashantee, (given in Ch. i. p. 39), is confirmation of music's having made no inconsiderable advance in the interior.

The Wahabees chant their prayers in a manner closely resembling some parts of the cathedral service. Whatever may be their theory, they have a practical acquaintance with the rudiments of counterpoint.

The author would not have spoken so slightly of the *Jews Harp* (which in his zeal for the house of David he wishes to have called *Jaws Harp*), if he had heard M. Eulenstein's performances upon the instrument. The performer has sixteen *Jews Harps* before him, of different sizes, and plays upon two at once, changing one of them on an average every half-minute without interrupting his execution on the other. From this necessity for changing, it may be concluded that the sounds are of the nature of *Harmonics*. The effect produced, most nearly resembles that of a musical snuff-box; but with the power of swelling and sustaining the sounds. There are in fact two kinds of tone distinguishable; the one silvery and pure, the other a kind of drone like the sound produced by the instrument in the mouths of juvenile performers. The power of rapid and distinct execution, appears to be unlimited. The whole is a great curiosity, to those who desire to be acquainted with all the possibilities of things.

The 'Enharmonic' of the ancients, was simply playing 'in harmony*,² by which they meant 'in tune.' It was an attempt,

* 'The Enharmonic, so called from its being taken in the perfect intervals of whatever is the subject of the harmony.'—*Aristides Quintilianus*, B. ii. p. 111: See Article on the '*Enharmonic of the Ancients*,' Westminster Review for April 1832.

but not a successful one, to determine the perfect intervals in a single key, and afterwards transfer them to a variety of keys. This object is described with a wonderful clearness by the ancient musicians.

Of the word 'tone,' there can be no doubt that the original meaning is 'pitch.' But the word is now ordinarily used to mean 'quality of sound;' though the original meaning is preserved in 'intonation,' which means making sounds to be what is popularly called 'in tune.' But as the word 'pitch' is at hand to express the aboriginal meaning of tone, it is perhaps as well to agree to let the change pass.

The 'attempts to underrate the musical knowledge of the ancients,' (See Ch. iv. p. 65.) must have either been *without* evidence, or *against* evidence. Of the *compositions* of the ancients, nothing is known; it may be said therefore *cadit questio*, except it should be determined to infer that if the compositions had been better they would have endured. To which again might be answered, that no man can say they have not endured. Where musical publication was next to unknown, everything must have depended upon tradition; and nobody can say how many of the traditional melodies of Europe may be ancient Greek. But on what may be called the *mathematics* of music, the ruins left are enough to show that the modern movements have been retrograde. Disjointed members and scattered fragments, as on the site of hundred-gated Thebes, point to the circuit of the ancient whole, and wait only for some organizing eye to recover its proportions.

ART. XVII.—1. *Queries circulated by the Commissioners for the Affairs of India, on the Question of Slavery. In Minutes of Evidence and Appendix, Public.* 1831.

2. *Notes on the Settlement or Colonization of British Subjects in India; with an Appendix of Proofs and Illustrations.* By JOHN CRAUFORD Esq. F. R. S.—London, 1833.

IN the minds of Englishmen there is, as it were, a kind of natural connexion between Sugar and Slavery. It is the object of the present article, to show that the sweet may be obtained without the bitter, and that there is no necessary connection between bondage and muscovadoes. The chymist and the botanist know, and the merchant ought to know, that the sweet juice of any vegetable will by the process of evaporation produce a sugar, and that many do in reality produce it in

large quantity, as well as the cane. The vegetable productions from which, besides the sugar-cane, it is at present most plentifully obtained, are a variety of palms, indeed almost all,—the maple,—and the beet.

The palms are all inhabitants of warm countries,—mostly of the tropics, and augmenting in quantity, variety, and vigour, as they approach the equator. Four of these palms are chiefly cultivated to yield sugar, viz. the wild date (*Elate sylvestris*), the palmyra (*Borassus flabelliformis*), the sagwire (*Borassus gomutus*), and the cocoa (*Cocos nucifera*). All of these are oriental palms, and the two latter natives of countries generally within 10° of the equator. All of them are the produce of poor soils. The cocoa palm will grow luxuriantly only in the neighbourhood of the sea; and the three others thrive best in sandy or hilly regions. In the agriculture of the tropical countries of the East, the palms may be said to stand in the same relation to the production of corn, that the vine and olive do in Europe. At eight or nine years of age, the palms may generally be said to be fit to yield their juice, and they yield it without much interruption, the quantity varying with the season, for from fifteen to twenty-five years. The daily produce varies with each individual tree; so does the quality. Upon the whole, the labour is so small, the quantity of saccharine matter so great, and the manufacturing process, mere boiling, so simple, that palm-sugar is produced at about one half of the cost of cane-sugar of the same degree of purity; that is, for something less than one penny per lb. This article, and not cane-sugar, forms the great consumption of the people of the East, in all the poorer and more mountainous countries. In the whole of the countries constituting the Southern Peninsula of India, in the Birmese and Siamese empires, in Cambodia, Tonquin, Ceylon and the Eastern Islands, palm-sugar is largely produced, consumed, and even exported; and cane-sugar is but a partial production raised either for the consumption of the wealthy or for exportation. The powers of skill and capital have never been exercised in the improvement of this commodity; but it may safely be predicted, that if ever they should be so, a good and cheap sugar, and a wholesome spirit, may be elaborated from so cheap and abundant a production of nature as the juice of the palms.

The next vegetable product which affords sugar, is the maple, the *Acer Saccharinum* of Linnæus. This is a far more limited production, being confined to Canada and some portions of the United States. The maple sugar, though prepared with considerable care, is inferior to that of the cane, and its consumption is confined to that of the districts which produce it.

Of all articles from which sugar has been procured largely, the beet-root appears to be the least productive; nor does the produce equal in quality that of the cane, or even of the maple. Eight thousand tons of it are forced into existence in France, by heavy discriminating duties levied on the cane-sugar, in the same manner in which we force our people to consume bad gin instead of good brandy and geneva.

The most important article is decidedly the sugar of the cane, — the vegetable production which of all others yields a saccharine matter at the same time the most abundant in quantity and the most excellent in quality. The Sugar-cane, or *Saccharum Officinarum*, is a native of the East, whence it was carried as far west as Sicily, and there cultivated, before the discovery of America. There is no tropical region of Asia or of Africa, in which the sugar-cane is not more or less cultivated; and its cultivation extends, in the northern hemisphere, from the equator to the 30th degree of latitude, while in the southern it is found as far as Otaheite, in about the 20th. It is difficult, or indeed impossible, to fix upon any country of the east as the parent country of the cane, for it is common to almost all; a fact sufficiently proved by the great variety of names which exist for it in the different languages and dialects of the east. The mere knowledge and culture of the plant however, and a knowledge of the art of manufacturing sugar from it, are two very distinct things. The first is nearly general in the Indies, the cane being produced almost every where in small quantities as a garden plant, to be used as a vegetable or sweetmeat. As a considerable branch of husbandry, or in other words for the production of sugar, it is cultivated only in populous countries, and in the fertile plains; sugar, as already stated, being obtained from the palms instead, in all the poor, sterile, and thinly peopled portions of tropical Asia. It is easy to enumerate countries of India in which the cane forms a large branch of husbandry. Under this head come the entire plain of the Ganges; the south-eastern portions of the Chinese Empire; the champaign portions of Siam, Cochin China, and Tonquin; Luconia or Lucon, the largest island of the Philippines; and Java, the richest island of the Indian Archipelago. The following is an attempt to estimate the extent and population of these countries, drawn from the most recent and authentic sources.

	Square Miles.	Population.
The plain of the Ganges, containing forty-three subdivisions or cantons	170,000	45,000,000
The southern Provinces of China, 9 in number	330,000	55,000,000
Siam, low country	30,000	1,500,000

Tonquin and Cochin China, ditto	20,000	1,000,000
Luconia, the principal of the Philippines	30,000	1,500,000
Java, the richest of the Eastern Archipelago	50,000	6,000,000
	<hr/>	<hr/>
Total	630,000	110,000,000
	<hr/> <hr/>	<hr/> <hr/>

In an agricultural view the sugar-cane requires the same kind of soil with the best wheat crops. In its physical and botanical character it is in fact of the same nature with the different descriptions of corn, being, like them, one of the *Gramina* or grasses. Although the above sketch has been restricted as much as possible to the extent of territory capable of yielding sugar agriculturally, it is by no means pretended that the whole of the lands in question are capable of doing so. The finest dry soils only are fit to yield the sugar-cane, in the same manner that the best lands only are fit to yield wheat profitably. This natural limitation, however, of the countries fit to yield sugar, is fully compensated by the existence of extensive countries to which the manufacture has not yet extended. Among these may be enumerated, in India, the great and fertile province of Guzerat, much of the elevated and fertile table-land lying between the two Ghauts, the valley of the Nerbuddah, and the vallies of the Indus and its tributary streams. Out of India strictly so called, may be mentioned the valley and Delta of the Irawaddy, and of the river of Martaban, together with considerable portions of the great island of Sumatra. In all of these, besides a productive soil and congenial climate, there exists, what is quite indispensable, a population sufficiently numerous to admit of carrying on the manufacture of sugar.

Enough has been said to show that there is here both territory and population quite sufficient to furnish all Europe with sugar, if the Antilles were swamped tomorrow in the Gulf of Mexico, or in fact, if the new world had never been discovered. Of the vast extent of the culture of the cane and the manufacture of sugar in the countries in question, it will not be very difficult to form a tolerable estimate. Wherever the manufacture of sugar from the cane has been established, *cane* and not *palm* or *any* other sugar forms the article of saccharine consumption; and it is largely consumed, as is pretty well known, by the people of the east, and by the great mass of them in a very coarse and cheap form. If it is supposed that in this coarse and cheap form, the population in question consumes no more than the inhabitants of this country consume in a refined form after the cost has been enhanced by a long voyage and heavy duties,—or 17lb. a head,—the total annual

produce, exclusive of exportation, will amount to the enormous quantity of 825 thousand tons, or thereabouts, which is between four and five times the consumption of the United Kingdom.

Next, for the exportations of the countries in question. They are in round numbers, as nearly as can be ascertained from the most recent authorities, as follow :—

	Tons.
Gangetic Plain, or Bengal	10,000
China	11,500
Siam	10,000
Tonquin, &c.	2,000
Philippines	8,000
Java	20,000
Total	<u>61,500</u>

This is but a paltry export of a staple commodity, for such vast and populous countries; but the result is interesting, as showing that the foreign commerce of the East is still in its very infancy; a fact which will appear the more striking, when it is added, that there is scarcely any part of this export of above forty years standing,—most of it not of twenty years standing,—and the establishment of the manufacture of sugar in Siam, Tonquin, and the Philippines, is not twenty-five years old.

The next point is to examine the obstacles which are opposed to an extended production of sugar in the countries described, and to show how they may be removed. Good and cheap sugar can only be produced, like good and cheap wheat, in a country of considerable fertility. It cannot be produced in any perfection without considerable civilization, or which is one and the same thing, considerable skill and ingenuity. It cannot be produced without considerable capital, because of all the processes of husbandry, the preparation of sugar approaches the nearest to a pure manufacture. The sugar-mill is as unknown to the less civilized people of the East, as the steam-engine or the spinning-jenny. It seems in fact to have originated with the most civilized people of Asia, the Chinese, and from them to have been spread to a few others. The sugar manufacture of Siam, of Cochin China and Tonquin, of Java, and of the Philippines, is entirely conducted by the Chinese colonists of those countries, who have introduced it into several of them in comparatively recent times. The industry is theirs, the skill is theirs, the machinery is of their construction, and even considerable portions of it are imported from China. The natives of these countries furnish nothing but cheap

labour. The Chinese supply the place of the European colonists in America;—the natives, the place of the negroes of the west, without stripes or bondage. The manufacture of sugar from the cane in Hindostan is the only apparent exception; but even here the name of the commodity, 'Chini,' points at its Chinese origin, while the wretched condition of husbandry, machinery, and manufacture, shows that the natives are but drivelling imitators.

Towards the successful production of sugar, the first point for consideration is the husbandry of the cane. In this, as in every other branch of agriculture, it is obvious that an enlightened system must be followed. The cane, like the vine, the olive, the coffee-plant, the tea-plant, and most of the other extensively useful vegetable productions, is botanically a single species diverging into many varieties. A skilful husbandry therefore selects the best and most useful varieties for culture, and rejects the least productive and valuable. This is a point which in the East has received little or no attention. Again, a judicious husbandry, where there is no factitious stimulant to the production of sugar, will confine its growth to soils fitted for its growth; and, not scourging even these choice lands with perpetual crops of cane as in the West India islands, will relieve them by rotations of green crops, and re-invigorate them by manures and dressings derived from conducting the rearing and feeding of cattle as a conjoint branch of husbandry. In the agriculture of the Chinese, considerable attention is paid to this matter; and even in the ruder husbandry of Hindostan, it is not altogether neglected. In the East, a ratoon or second and third crop is rarely if ever taken; but when the cane is cut down, the land is either allowed to lie fallow for a season, or cultivated with esculent roots, pulses, or annual cotton, a broad-leaved plant; and in Hindostan, the cane is one of the very few plants for which the soil is regularly manured.

Next, as to the manufacture, this requires, as has been already said, a very considerable investment of capital, or one at least which far exceeds in amount that which is necessary towards conducting any other branch of tropical husbandry. Works, for example, capable of producing yearly 10,000*l.* worth of indigo, one of the most expensive articles of tropical husbandry, may be constructed for 1,000*l.* sterling; whereas to yield the same value in sugar, an investment of at least twenty times the amount would be requisite. Sugar, like many other articles, can only be successfully manufactured in the large way, and the reason is obvious; the saccharine juice of the cane, (and the same observation applies to the sap of the maple

and the juice of the palms), runs rapidly into the acetous or vinous fermentation; a result which not only deteriorates the quality of the sugar, but diminishes its quantity. The sugar-mill therefore must be on a large scale, and so must the boilers. Much of continuous labour must be employed in feeding the mill, as well as of skill and vigilance in superintending and directing the process of boiling. The Chinese pay considerable attention to all these points. In Siam, for example, a salary of a thousand Spanish dollars or 200*l.* a year, a great sum in those cheap countries, is not unfrequently given to a skilful overseer, or as he is there called 'an artist.' Still the skill and capital of the Chinese is inadequate to the production of the best sugar; and hence the sugars produced even by them, are inferior to those produced by European skill in the islands and continent of America. The cause of the inferiority of the sugar of India to both, is sufficiently obvious; it is simply a manufacture the produce of inferior skill, and that is saying everything. The following sketch of the process commonly pursued in Bengal, will give the reader at once an insight into the cause of the inferiority in question. The sugar-mill consists of two small wooden rollers, from four to six inches in diameter, turned in opposition to each other, by two men, or by a wretched bullock. The boiling utensils are four small coarse earthen pots, of about the value of twopence. The grinding, boiling, and distilling-houses are one and the same, and consist of four stakes driven into the ground, with a mat over them for a roof. The first manufacturer carries the process no further than expassing the juice, the result being only an ugly brown mass, containing both the sugar and the molasses. This unsightly product is carried to another description of manufacturer, fifteen, twenty, or even 100 miles off, who re-dissolves it, and with the assistance of alkalis to neutralize the acid which has been generated through the tedious and paltry process of his predecessor, gets after all no more than twenty-five per cent of sugar, and this ill granulated, and deficient in dulcorific matter.

Another circumstance which adds to the cost of raising sugar in the East, is the general want of acquaintance of the people with the art of preparing a good spirit from the refuse. The art of preparing rum is unknown to the Chinese, and has been but very recently introduced into some parts of British India.

To carry the process of manufacture on the spot, farther than is implied in the comparatively crude articles commonly called clayed and muscovado sugars, seems indispensably necessary to the successful conduct of the sugar manufacture. The only mode of refining sugar known in the East, is candying or

crystallizing the crude article; for the art of preparing white or loaf sugar, was the invention of a Venetian about the beginning of the 16th century, and is to the present day wholly unknown in the East. It is probable that the Chinese were the original inventors of crystallizing sugar, as well as the discoverers of the art of manufacturing the crude article. The Persians and Hindoos, it is true, call the commodity by the name of 'Misri' or Egyptian, and this may appear to throw some doubt upon the subject. At all events the art is at present skilfully and extensively practised only in China, and more especially in one of its provinces, Fokien, of which the inhabitants are remarkable for their superior ingenuity and enterprize; and the Hindoos, of all people, have no claim to the invention. The process is imitated but not very successfully, in Siam and Hindostan, for local consumption only; but the great consumption of the higher classes throughout the East is furnished by China, which annually exports, chiefly to India, Arabia, and Persia, above three thousand tons*.

But the principal obstacle to the progress of sugar culture in the East, is to come. From the table which has been given, it will be seen that British India, although in possession of the Crown for seventy years, exports less sugar to every part of the world than a single port of China; only one half of what is exported by the Island of Java, and less than a sixth part of the whole export of Asia; and what is still more remarkable, not perhaps above one-third part of what is exported to all countries from the diminutive island of Mauritius. The secret of this is on the surface. British subjects are precluded from investing their capital and embarking their skill in this branch of industry, by the restrictions of another monopoly, that of the East India Company. Down to the present moment, British subjects can only hold lands in India clandestinely, and no man or body of men will be mad enough to embark ten, twenty, or 30,000*l.* sterling in stock, machinery, and land, which he can neither openly buy nor sell, and in a country from which, with or without offence, he is liable to be banished for ever on the briefest notice. This barbarous law is now happily on the point of being abrogated for ever. The people of England are only a sponge for different forms of wrong to squeeze. It is *Figaro! què; Figaro! quà;* and to be plundered everywhere.

A great and indispensable requisite for the production of cheap and good sugar is cheap labour. And of this there is

* Chinese Kalendar and Companion for 1832.

abundance in the East; where the population is in general too dense to admit of a competition between free and servile labour. In the vaunted republic of America, the government, at least in the Southern States, may act upon the principle that it is politic and fitting to rob one half the community of their persons and labour, to give them to the other half; though whenever the barbarian and civilized principles can be brought to the comparison of consequences, the advantage, as might be expected, is on the side of the latter. But in the East, free labour is generally too cheap to allow of superseding it for the love of slavery; and the difference of ranks has not the bitterness which exists in countries chiefly peopled by the descendants of slave-drivers. In the whole of the fertile plain of the Ganges, where there is throughout a population equal to 265 inhabitants to the square mile, agrestic slavery, in a general sense, can hardly be said to have any existence, and even domestic slavery is of very rare occurrence. Free labour has been there so cheapened by competition, that no profit could be made by the exercise of the cart-whip, and therefore slavery has nearly suffered a natural death. In time of famine or scarcity, slaves may occasionally be bought from the barbarians on the eastern and northern borders for five or ten shillings a head, sometimes from motives of luxury, and sometimes from motives of religion; but it is seldom worth while insisting on their bondage, and they are commonly either emancipated, or emancipate themselves by absconding. The most enlightened writers and statesmen of the United States, are clearly of opinion that but for the opening of a new market for slaves in the countries on the Mississippi, slavery would have been in progress of abolition at the present day in the old southern States. Indeed it is impossible that the matter should have been otherwise, seeing that in the twenty years which followed the abolition of the American slave-trade by sea in 1807, the slave population had increased in numbers from 1,000,000 to very nearly double that number. The same observation applies to our West Indian Colonies. Had the value of slaves not been kept up by the monopoly of colonial produce in the British market, or in other words by destroying instead of increasing the slave population, the slaves by sheer increase of numbers would long ago have gradually slid into free negro labourers,—for this sufficient reason, that it would have been unprofitable to have detained them in bondage.

It may clearly be inferred from what has been stated, that in the East, the manufacture of sugar and slavery are not only not connected, but are hardly compatible with each

other. The sugar-cane, in fact, is cultivated for the manufacture of sugar in those countries only where slavery has altogether disappeared, or at all events does not exist in the agrestic form. In the western world where the price of labour is high, sugar, coffee, cotton, tobacco, cocoa, and in short all colonial produce, have heretofore been grown only through slave labour. In the East, such is the difference of the social condition, that free labour is as indispensably necessary to the successful conduct of the same branch of industry, as slavery has been supposed to be in the new world. This is a result no less fortunate than happy. At the same time the argument is only of importance as it goes to prove that the public might be supplied with cheap and free-born sugar. The foolish plea, that to remove the fiscal prohibitions on the use of free sugar might be attended with the consequence of an insufficient supply, is answered by the consideration known and urged everywhere except in parliament, that to obtain the same supply the public would give exactly the price they give now, and therefore the consequence of an insufficient supply from the East, would be only that the West would obtain exactly the present price. The West Indians know as well as they know they have a monopoly, that it is not an insufficient supply, but a more plentiful supply, they are afraid of. If we would extinguish slavery in the West, the encouragement of the growth of colonial produce in the East, affords the surest and safest means of effecting the object. At this moment not less than fifteen millions worth of colonial produce, sugar, rum, coffee, cotton, and minor articles, the growth of slave labour, are imported annually into the United Kingdom, which, but for our own absurd and iniquitous policy, might be had more cheaply and more abundantly by the honest labour of freemen. If we would extend our commerce with the eastern world, a free trade in sugar is also indispensable. In truth no great commerce can ever be carried on there without it. It would be as irrational for a nation to expect a beneficial trade with Poland, that refused her corn,—with England, that refused her cottons, woollens, and hardware,—with France, that objected to her wines,—or with China, that made a special exception against tea,—as in us to talk of a great commerce with the people of the Eastern world, and throw all imaginable obstacles in the way of taking sugar the grand staple article of their soil and industry.

No rational being can well deny the vast advantages which would accrue to this country from a free and liberal supply from the East of so great a staple of the industry of the oriental world as sugar. The obstacles which prevent it, will now be

briefly stated. The first of these is the remnant of the old colonial system; of that foolish, improvident, and impolitic system, which pretends, for the benefit of both parties, to give a monopoly of the metropolitan market to the colony, and a monopoly of the colonial market to the mother country; which amounts in fact to limiting the market of both, to the greatest practicable extent; to giving dear colonial produce to the mother country, and dear manufactures to the colony;—inflicting in short the same mutual tax that would be inflicted, if the colonists should be ordered by law to tie up one hand, and by way of compensation it should be directed that the mother country should tie up one hand also. The following Table will show the operation upon the consumer and upon commerce, of the specific duties on a few articles of colonial produce, viz. those of the West India colonies, of British India, and of Asiatic countries where the same productions are yielded by free labour.

Article.	Description.	<i>Ad valorem</i> duty per cent on the consumption of the		
		Lower Classes.	Middle Classes.	Higher Classes.
Sugar	British Slave Produce	105	66	30
	British East Indian .	133	106	42
	China, Siam, &c. .	300	250	200
Cocoa	British Slave Produce	72	53	34
	Foreign	224	205	187
Rum	British Slave Produce	527	400	257
	British East Indian .	857	800	750
	Foreign	1125	870	614

This Table however, striking as it is, by no means exhibits the full extent of the sacrifices made by this country for the precious purposes, for such in reality they are, of maintaining slavery in the West Indies, intercepting our commerce with the rest of the world, and inflicting a tax upon a necessary of life equal to at least thirty per cent. Upon our consumption and exportation of refined sugars it is now clearly ascertained, that under the name of a draw-back, the public is in fact paying a virtual bonus of 8s. per cwt. which amounts in round numbers to a tax of at least 2,000,000*l.* per annum. The following Table of imports will exhibit in a very striking and conclusive manner the extravagant and absurd results of this policy, in so far as the article of sugar is concerned.

<i>Country.</i>	<i>Cwts.</i>
British West Indies	3,913,269
Island of Mauritius	485,326
British India, (Continent)	213,494
Singapore, being produce of Siam, Cochin China, and China	38,535
Java	5,950
Philippines	35,780
Foreign West Indies	223,256
Total	4,915,610

From this statement it will be seen that through the operation of the colonial system the West India Islands, with a population of less than a million, import into Great Britain more than thirteen times as much sugar as the whole of Asia put together. It further appears from it, that the island of Mauritius which contains about 250 square miles, and less than 100,000 inhabitants, imports much more than double the quantity of sugar which all British India does, with 80,000,000 of inhabitants, and being of more than 2,000 times its extent. The explanation is brief; the island of Mauritius is the only spot between the Cape of Good Hope and the coast of Peru, in which sugar is manufactured by slave labour, and our oligarchy which has a secret and constant leaning to slavery, consequently selected it as the peculiar object of its bounty and protection within ten years of its becoming a British possession. In 1825 it was placed in the rank of Colonies; and of the bonus of two millions paid by this country annually for slave-made sugar, not less than 174,000*l.* per annum is the share enjoyed by the little island of Mauritius. The consequences are well known; the island, which twenty years ago hardly produced a pound of sugar, is now covered with the cane to the extermination of all other culture.

The advantages conferred by our West India connexion on our commerce, manufactures, and revenue, have often been dwelt upon in terms most extravagant, vague, and ignorant. Statements in figures, when they can be obtained and can be relied on, are the proper reply upon all such occasions. The following is the official statement of the exports of British produce and manufacture for two periods at an interval of thirteen years, to the East Indies and the West Indies, including the Mauritius under the latter.

	1817	1830	Increase.	Decrease.
	<i>£.</i>	<i>£.</i>	<i>£.</i>	<i>£.</i>
East Indies, 3,705,964	4,139,319	433,355		
West Indies, 5,890,199	3,009,519	—	2,880,680	

This stands in need of no comment; and the next subject to be proceeded to, is the revenue. There are levied upon West Indian produce in this country duties amounting in round numbers to seven millions and a half sterling, chiefly derived from sugar, rum, and coffee. The West Indians say, *they* pay this duty. In the present days of political economy, it is enough to point to the fact that the *consumers* pay the duty, and what the West Indians feel in the shape of a discomfort, a dissatisfaction, an unpleasantness, and which it may be they confound with paying the duty, is the diminution of demand arising from the diminution of consumption caused by the increased price to the consumer consequent upon the tax. If a new tax of one shilling in twelve were laid upon the price of sugar, the consumer who used sugar at thirteen pence a pound instead of a shilling, would not throw the smallest impediment in the way of the same price per lb. going to the producer as before, but there would be a less number of lbs. called for. If the other statement were true, we might expect to see the Virginian planters and their slaves insisting, that it is *they* who contribute the three millions which we pay into the British Treasury on the consumption of tobacco; and the Emperor of China and the East India Company, making a joint claim on our gratitude for the three millions and a half which we pay in the shape of a duty on the consumption of tea. If sugar, rum, coffee, and cocoa were cheaper than they are;—and there is not the slightest question but that they would be much cheaper if there were neither West India planters, nor West India mortgages, nor West India Islands, nor West India Slavery;—it is clear to demonstration that we should consume more of all those commodities, and equally clear that we should then have more trade, more shipping, more revenue. As it is, the cost of the West Indian Islands to the country is as follows; in return for which there is got, *nothing*, that would not be equally got if the West Indian Islands and their expenses were by the bounty of Providence cut off by the same event as in St. Domingo.

Charge of eight shillings per cwt. on the quantity of Sugar annually paying duty	...	...	...	£.	2,000,000
Estimated monopoly charge on Rum, Coffee, Cocoa, Pimento, &c.	...	...	...	...	500,000
Civil, Military, and Naval charges, according to estimate of Sir Henry Parnell	..	...	...	...	2,000,000
					<hr/> 4,500,000
					2

Brought over	...	...	£4,500,000
Add, of the newest invention,			
Gift of 20,000,000 <i>l.</i> to the Slaveholders, at five per cent			1,000,000
New Police for compelling the labour of 800,000 Slaves or Apprentices, say	...	...	500,000
			Annual Total £6,000,000

The revenue of the United States in 1831 was 27,700,000 dollars, and the expenditure for all objects but the National Debt, 14,700,000 dollars; say revenue 6,000,000*l.*, expenditure 3,000,000*l.* Therefore England wastes annually in the West Indies a sum equal to the entire revenue, and twice as much as the entire expenditure, of America.

And what *are* these sugar islands respecting which so long a delusion has existed? They are one vast prison, where the manufacture of a necessary of life for a whole nation is carried on with all the waste and extravagance incident to the labour of prisoners,—where the prisoners are condemned to hard labour for life, and their posterity after them,—where they are prevented from increasing their numbers, by the promiscuous intercourse of the sexes, by excess of toil, and inadequacy of food,—where the turnkeys and jailors are of a different lineage and complexion from the innocent captives, and where to support the prison discipline, and prevent rebellion among the prisoners, the nation is compelled to maintain an army, a navy, and a civil establishment, at a charge nearly equal to the entire prime cost of the commodities manufactured, the whole advantage received by the nation for this sacrifice, being the enjoyment of the contract for supplying the prisoners with such food and clothing as are sufficient to keep body and soul together. A precious branch of industry, to be encouraged and pampered by a nation calling itself civilized. It is in support of this system, and to curry favour with their enemies by dispensing to them the plunder of the honest part of the community, that the Whigs have just thrown away twenty millions of the public money. They hardly waited to be asked; the roar 'cry'd *oh!* and mourned.' If it had been to relieve the people from a tax upon their knowledge or their labour,—if it had been to serve the cause of humanity at home, or support the true honour of the country abroad,—it would have been the maddest of all mad things to expect to get 100,000*l.* But when it was to pay robbers for having robbed us hitherto, the crooked was made straight and all rough places plain. In one of the wars of the East, a party of irregular horse came to a shepherd. 'We

are hungry ; give us mutton.' The shepherd killed and set before them, and waited on them at their meal. And when they had done, ' Now pay us for eating it,' said the in-grained ruffians ; and their host was obliged to surrender all the money he could produce. *The people of England have been made to pay twenty millions for having their mutton eaten.* All the claim of the plunderers arose out of the fact that they had taken two millions a-year from us before, by forcing us to pay a fraudulent price for slave-grown sugar ; and for this we are to lay down twenty millions more. It is part of our *born-thralldom* ; and we must get rid of it, like the negroes, when we can. The shabby plot was first to propose a loan, to be repaid by the sufferers ; and when the good, honest, and well-meaning people of England turned on them, as they knew they would, and said ' What a shame, to be making that poor man pay for his own body to the Burkers,'—they leaped at it with shrewish glee, and exclaimed ' Of course then, you have no objection to pay for it yourselves.' The five millions additional, was a mere effusion of delight between the parties at their joint success. *First* then, the Whigs paid for the horse as the price of working him in harness instead of by the tail ; though nothing disproved the assertion, that the change instead of being a loss would be a gain. It is true they took the pains to cut off a quarter of the working without wages, and *not* to cut off a quarter of the red herring that was the slave's allowance ; but this was a mere *ruse* to puzzle the question, and get up a case of apparent damage for the planters. *Secondly*, they paid for the horse half as much more as anybody could say was his whole value to the 'knackers.' *Thirdly*, they knew that the horse altogether had been bought and paid for out of the pockets and by the contributions of the British people ; and that they had nothing to do but threaten to stop the current robbery, and the opponents must jump at any terms they pleased to offer. *Fourthly*, they knew that the West Indians, by their own unmanly and revolting misconduct, evinced in the refusal to modify their codes of infamy in even the most disgusting particulars, had brought things to the condition where *themselves* for their private safety and escape from the justest and most desirable punishment ought to have proffered millions to the British people as the price of helping them out of the scrape. *Fifthly*, they knew that so far from giving five millions to secure the co-operation of the West Indians, it would have been much better to have given five millions for their hostility ; the pretence of co-operation altogether, being only a way of giving the defeat of all expected good consequences into their hands.

Sixthly, they took care for the twenty millions to get *nothing*;—except the increased chance that Negro courage and intelligence may free us, the down-trampled people of Great Britain, from the nuisance we have not spirit and understanding to abate ourselves. But *vote for the Whigs,—stand by the Whigs*. The people's game is going on twice as fast under them, as it could under anybody else. This one act of theirs, will probably rid us of the funding system. The more moderate part of what is called the 'Movement,' would have stood out to the last gasp against the other, as long as the question rested on the hardship to individuals, and the impossibility of making any abstract national gain out of ceasing to pay the dividends. But if it is decided that there is to be no stay or relaxation except the refusal of the people to pay the interest of the debt;—that till this takes place, the property of every man in the country is only held by sufferance till some dishonest interest stands up with the connivance of the government, to take it from him through the intervention of taxation to pay the interest of the debt;—it is as demonstrable as any proposition in mechanics, that the sooner the explosion takes place, the less loss for everybody. The twenty millions to the slave-holders for robbing us of two millions a-year besides, will not sink into the ground. One recommendation is strongly urged on the community;—which is, to declare and openly avow, that whenever the power of doing it by fair legislative means is in their hands,—and nothing but the want of a few *men* prevents them from having it speedily,—they will take the amount from all such quarters as on deliberation shall be found to be most justly open to retribution. The loss, is far less than the insult; and as the twenty millions are not to be thrown into the sea, the time is not far off when somebody will disgorge.

POSTSCRIPT TO THE ARTICLE ON

‘Whewell’s *First Principles of Mechanics*.

On reference to the King’s Library at Paris, Stevin’s solution of the problem of the Inclined Plane is found to be in the book, and under the date, surmised by Professor Whewell (See extract in page 155 of the present No.). The title of the work is *De Beghinselen der Weeghconst beschreven duer Simon Stevin van Brugghe. To Leyden, In de Druckerye van Christoffe Plantijn, Bij Francois van Raphelingen. CIO IO LXXXVI.* ‘The Elements of the Weighing Art [Statics], written by Simon Stevin of Bruges. At Leyden, in the Printing Office of Christopher Plantijn; Sold by Francis Van Raphelingen. 1586.’

The solution in question is in the pages 40-42; but instead of a single inclined plane with a base and perpendicular, there is presented a double inclined plane, such as would be made by adding to Professor Whewell’s figure a second inclined plane of the same altitude and about half the base of the other, but with no perpendicular drawn or expressed between the two. The same representation is introduced as a vignette in the title-page, with the motto *Wonder en is gheen wonder*, ‘A wonder, and is no wonder.’

Two other books by the same author, entitled *De Weeghdart beschreven duer Simon Stevin van Brugghe* (The Weighing Art, written by Simon Stevin of Bruges), and *De Beghinselen der Waterwichts beschreven duer Simon Stevin van Brugghe* (The Elements of Hydrostatics, written by Simon Stevin of Bruges), contain each the same vignette and motto in the title-page; and are also in the King’s Library at Paris.

Stevin is not unknown to British fame. My uncle Toby bought him in the second year after being wounded before Namur; and his being brought to mind by the appearance of Dr. Slop, was the cause of the dispute between the two brothers in which both behaved so characteristically. He has also been commemorated, as the first who wrote sensibly on the subject of keeping Public Accounts.

CORRECTIONS IN NO. XXXVI FOR APRIL 1, 1833.

In page 357, line 23, for 1330 read 1830.

In the Note at the bottom of page 472 on the subject of Giuliani’s Opere, is an error arising from misinformation received in answer to a query. The 148 Opere published by Richault, Boulevard Poissonnière, No. 16, Paris, are the whole; solos, duetts, &c. all included.

WORKS LATELY PUBLISHED.

ANTIQUITIES AND ARCHITECTURE.

- Robinson's Park Entrances. No. IV. 7s.
 Donaldson's Doorways from Ancient Buildings. 4to.
 Vitruvius Britannicus. Part II. By P. F. Robinson. Folio. 63s.
 Parker's Villa Rustica. Part II. 4to. 26s. bds.
 Goodwin's Domestic Architecture. 4to. 52s. 6d. bds.
 Loudon's Encyclopædia of Cottage and Farm Architecture. 8vo. 60s. bds.

ASTRONOMY.

- The Bridgewater Treatises, Whewell's Astronomy, &c. 8vo. 9s. 6d. bds.
 Narrien's Historical Account of the Origin and Progress of Astronomy. Plates.
 8vo. 14s. bds.

BIOGRAPHY.

- Life of the Rev. T. Thomason. 8vo. 10s. 6d. bds.
 Biographical Recollections of the Rev. Robert Hall; by J. W. Morris. 8vo. 10s. 6d. cloth.
 Quintana's Lives of Celebrated Spaniards. 8vo. 10s. 6d. bds.
 Carmichael's Memoir of Spurzheim. Royal 12mo. 4s. 6d. bds.
 Elliott's Life and Correspondence of the Rev. William Lavèrs. 8vo. 5s. bds.
 Lives of English Female Worthies, by Mrs. J. Sandford. 12mo. 6s. 6d. cloth.
 The Life of Dr. Adam Clarke. Vol. II. 8vo. 18s. bds.
 The Life of the Rev. L. Richmond. 8vo. 6s. bds.
 Memoirs of Silvio Pellico da Saluzzo, translated by T. Roscoe. Royal 18mo. 6s. cloth.
 Memoirs of the Duchess d'Abrantes. Vol. V. 8vo. 14s. bds.
 Wiffen's Historical Memoirs of the House of Russell. 2 vols. 8vo. 42s. Royal 8vo. 3 vols. 73s. 6d. cloth.
 The Life of William Roscoe, by Henry Roscoe. 2 vols. 8vo. 30s. bds.
 Boaden's Memoirs of Mrs. Inchbald. 2 vols. 8vo. 28s. bds.
 Characteristics of Goëthe, by Mrs. Austin. 3 vols. 8vo. 30s. bds.
 Ritson's Letters, with Life, by Sir N. H. Nicholas. 2 vols. 8vo. 18s. cloth.

BOTANY.

- English Botany, with Plates. Nos. XV. XVI. XVII. XVIII. XIX. XX. 1s. each, sewed.
 The Flora of Oxfordshire and the Contiguous Counties. Plates, by R. Walker. 8vo. 14s. bds.
 Withering's British Botany, by M'Gillivray. Crown 8vo. Plates. 10s. 6d. cloth.
 Curtis's Botanical Magazine. Nos. I. II. III. Royal 8vo. Plates. 1s. each, sewed.

CLASSICS.

- Valpy's Classical Library. Vols. XL. XLI. XLII. 18mo. 4s. 6d. each, cloth.
 Long's Herodotus. Vol. II. 12mo. 4s. 8vo. 5s. 6d. cloth.
 Bibliotheca Classica, by J. & T. Dymock. 8vo. 16s. bds.

COMMERCE.

- Harper's Customs' Bonding system, with Tables. 12mo. 6s. bds.

EDUCATION.

- Buttman's Larger Greek Grammar. 8vo. 13s. 6d. bds.
 Grammar of Elocution. 12mo. 4s. roan.
 The Literary Assistant. 18mo. 2s. 6d. cloth.
 Bernay's German Reader. 12mo. 5s. bds.
 The School and Family Manual. 2 vols. Small 8vo. 6s. cloth.
 Harivel's Court French Grammar. 12mo. 6s. cloth.
 M'Henry's Spanish Grammar. 12mo. 8s. bds.

FINE ARTS.

- Fleming's Views of the Lakes of Scotland. Part II. 4to. 5s. 6d. India. 7s. 6d.
 Royal Folio. 12s.
 Kendrick on Miniature Painting. 8vo. 10s. 6d. bds.
 Anatomical Studies of the Bones and Muscles, for the Use of Artists, by Flaxman.
 Royal Folio. Plates. 24s. cloth.
 Turner's Annual Tour (on the Loire), for 1833. 8vo. 21s. mor.

GARDENING.

- Doyle's Practical Gardening. 12mo. 1s. 6d. sewed.
 A Supplement to Hogg on the Carnation. 8vo. 7s. bds.

GEOLOGY.

- Mantell's Geology of the South-East of England. 8vo. 21s. bds.
 Bakewell's Introduction to Geology. 8vo. 21s. bds.
 Parkinson's Organic Remains of a Former World. 3 vols. 4to. Plates. 5l. 5s.
 Lyell's Principles of Geology. Vol. III. 8vo. 20s. bds.
 The Fossil Flora of Great Britain. Part II. Vol. I. 8vo. 22s. cloth.
 Woodward's Outline of the Geology of Norfolk. 8vo. 7s. 6d. bds.

HISTORY.

- An Historical Sketch of the Princes of India. 8vo. 7s. cloth.
 History of the French Revolution, by A. Alison. 2 vols. 8vo. 30s. bds.
 Robinson's Ancient History. 12mo. 9s. 6d. bds.
 Cobbin's Annual Historian for 1833. 18mo. 3s. bds.
 Heeren's Historical Researches concerning the Asiatic Nations. 3 vols. 8vo.
 45s. boards.

LAW AND JURISPRUDENCE.

- Matthews's Digest of the Criminal Law. 12mo. 16s. bds.
 Criminal Law; being a Commentary on Bentham on Death Punishment, by
 H. B. Andrews. 8vo. 7s. bds.
 Bramwell on the Proceedings on Bills in the House of Commons. 4to. 25s. bds.
 Alison's Practice of the Criminal Law of Scotland. Vol. II. 8vo. 18s. bds.
 Trial of Charles Pinney, Esq., Mayor of Bristol. 8vo. 9s. bds.
 Pitcairn's Criminal Trials. Part X. 4to. 30s. sewed.

MATHEMATICS.

- Hall's Trigonometry. 8vo. 5s. 6d. bds.
 Geometry without Axioms. 8vo. 2s. 6d. bds.
 A Syllabus of a Course of Lectures upon Trigonometry. 8vo. 7s. 6d. bds.
 Supplement to Cambridge Mathematical Papers. Part II. 8vo. 8s. 6d. bds.

MEDICINE, ANATOMY, AND SURGERY.

- Hortus Medicus. Part I. II., 7s. 6d. plain, 10s. 6d. coloured each.
 Wallace's Treatise on the Venereal Disease. 8vo. 12s. bds.

- The Black Death in the Fourteenth Century, from the German of Dr. Kecker, by Dr. B. Babington. 12mo. 1s. 6d. cloth.
- The Seats and Causes of Diseases investigated by Anatomy, by J. B. Morgagni. 2 vols. 8vo. 16s. bds.
- New London Surgical Pocket Book. 12s.
- Ditto. Medical ditto. 8s.
- Cheselden's Plates of Bones. 18mo. 3s. 6d. bds.
- Cock's Illustrations to Cooper's Surgical Dictionary. Vol. II. 8vo. 67s. 6d. bds.
- Cock's Illustrations of Dislocations and Fractures. 8vo. 23s. 6d. bds.
- Illustrations of the Mechanism of Parturition, by C. E. Ross. 4to.
- Rennie's Alphabet of Chemistry. 18mo. 2s. 6d. bds.
- Key on Dividing the Stricture in Strangulated Hernia. 8vo. 7s. 6d. bds.
- The Origin and Progress of the Malignant Cholera in Manchester. 8vo. 5s. sewed.
- Clinical Lectures on the Contagious Typhus in Glasgow and its vicinity, by R. Miller. 8vo. 5s. bds.
- Carswell's Pathological Anatomy. Fas. II. Folio. 15s. sewed.
- Transactions of the Provincial Medical and Surgical Association. Vol. I. 8vo. 12s. cloth.
- Brande's Tables of Chemical Notation. 8vo. 3s. 6d. cloth.
- Bridgewater Treatises,—Sir Charles Bell, on the Hand. 8vo. 10s. 6d. cloth.

MISCELLANEOUS LITERATURE.

- Lardner's Cabinet Cyclopædia. Vols. XLI. XLII. XLIII. Foolscap. 6s. each cloth.
- The Canadas as they are. 18mo. 4s. 6d. bds.
- Cory's Ancient Fragments of the Phœnician and other Writers. 8vo. 2s. bds.
- Cory's Metaphysical Inquiry on Ancient and Modern Philosophy. 12mo. 5s. 6d. boards.
- A Dictionary of Diet, &c. by J. S. Forsyth. 12mo. 12s. 6s. bds.
- The Arcana of Science for 1833. 12mo. 5s. cloth.
- Murray's Family Library. Vol. xxxvii. 18mo. 5s. cloth.
- Narrative of the Wreck of the *Rothsay Castle*. 12mo. 6s. bds.
- Ireland in the Nineteenth Century, by A. Atkinson, Esq. 8vo. 14s. bds.
- Payne's Apianian's Guide. 12mo. 4s. bds.
- An Address on Slavery, &c. by J. Douglass, Esq. 8vo. 1s. 6d.
- Horæ Otiosæ, or Thoughts, Maxims, and Opinions. Foolscap. 6s. cloth.
- An Argument for placing Factory Children within the Pale of the Law, by G. Condy, Esq. 8vo. 1s. 6d.
- The Cambridge Calendar for 1833. 12mo. 6s. bds.
- American Criticisms on Mrs. Trollope's "Domestic Manners of the Americans." 8vo. 1s. sewed.
- The Government of India, by Sir John Malcolm. 8vo. 15s. bds.
- Figaro's Epigrams. 8vo. 2s. half-bound.
- Preber on the National Debt. 8vo. 18s. bds.
- The Emigrant's Guide to obtain Land, &c. in the Canadas. 12mo. 2s. 6d. cloth.
- Practical Retrenchment the Legitimate Object of Reform. 8vo. 2s. sewed.
- Morgan's Address to the Proprietors of the University of London. 8vo. 1s. sewed.
- Journal of an Excursion to Antwerp during the Siege of the Citadel. 12mo. 6s. cloth.
- Bridgewater Treatises—Kild on the Physical Condition of Man. 8vo. 9s. 6d. boards.
- London Night's Entertainments. Post 8vo. 10s. 6d. roan.
- A Treatise on Happiness. 2 vols. 8vo. 21s. bds.
- Essays on Field Fortifications, by Lieutenant H. Fenwick. 18mo. 6s. cloth.
- Sunday in London, with Illustrations by George Cruikshank. 8vo. 5s. bds.
- Dulring's Remarks on the United States. Royal 12mo. 7s. bds.
- Record Commission, a General Introduction to Dooms-day Book, with Three Indexes, by Sir W. Ellis. 2 vols. 8vo. 30s. bds.

- The Analysis of Inorganic Bodies, by J. J. Berzelius, translated by G. O. Rees. 12mo. 5s. bds.
- The Justice and Expediency of Substituting an Income or Property Tax for the present Taxes. 8vo. 3s. 6d. bds.
- Abercrombie's Philosophy of the Moral Feelings. 8vo. 6s. 6d. bds.
- The Field Book, or Sports and Pastimes of the United Kingdom. 8vo. 2s. bds.
- Nyren's Cricketer's Tutor. 12mo. 2s. 6d. sewed.
- Blackey's History of Moral Science. 2 vols. 8vo. 21s. bds.
- Encyclopædia Americana. 13 vols. 8vo. 3l. 8s. 0d.
- A Gift for Mothers. Foolscap. 8vo. 6s. silk.
- Dick on the Improvement of Society. 12mo. 7s. 6d. bds.
- The Book of Rights, by Edgar Taylor. 12mo. 6s. 6d. bds.
- Fidler's Observations on the United States. 8vo. 10s. 6d. bds.
- Colquhoun's Report of the Experiments on Animal Magnetism. 8vo. 6s. bds.
- Three Weeks in Palestine and Lebanon. Crown. 8vo. 2s. 6d. cloth.
- Report of the First and Second Meeting of the British Association for the Advancement of Science. 8vo. 18s. bds.
- Domestic Animals considered with reference to Civilization and Arts. Crown. 8vo. 3s. 6d. cloth.
- A Short History of Paper Money, and Banking in the United States. 12mo. 8s. 6d. cloth.
- History of the East India Company from the First Charter to the present time. 8vo. 7s. bds.
- Rush's Narrative of a Residence at the Court of London. 8vo. 14s. bds.
- The Americans, by an American in London. 12mo. 6s. bds.
- Rennie's Alphabet of Angling. 18mo. 2s. 6d. bds.
- Edinburgh Cabinet Library. Vol. XII. 12mo. 5s. cloth.
- The Crusaders, by Thomas Keightley. Post 8vo. 5s. 6d. cloth.
- The Mother's Manual or Illustrations of Matrimonial Economy. Royal. 8vo. 10s. boards.
- Bridgewater Treatises—Chalmers on the Adaptations of External Nature to the Moral and Intellectual Constitution of Man. 2 vols. 8vo. 16s. bds.
- Turkey and its Resources, by D. Urquhart, Esq. 8vo. 9s. 6d. bds.
- Phœnician Ireland, by H. O'Brien. 8vo. 12s. bds.
- Maxims and Hints from an Angler. 12mo. 7s. 6d. bds.
- Magrath's Letter from Canada. 12mo. 6s. cloth.
- The Infirmities of Genius, by R. P. Maddon. 3 vols. 8vo. 21s. bds.
- Treatise on the Wealth, Power, and Resources of the British Empire. 8vo. 8s. cloth.
- Esqurol on Mental Illusions, translated by W. Liddell. 8vo. 4s. cloth.

MUSIC.

- Nathan's Essay on the History and Theory of Music. Part II. Folio. 7s. sewed.

NATURAL HISTORY.

- Entomological Index, by W. Wood. No. 1. 8vo. 3s. 6d. plain. 9s. coloured. 13s. 6d. royal 8vo.
- Brown's Conchologist's Text Book. 12mo. 5s. bds.

POETRY AND PLAYS.

- Valpy's Shakspeare with Illustrations. Vols. VI. VII. VIII. 12mo. 5s. each, cloth.
- The Parricide, a Play, in Three Acts, by W. King. 12mo. 5s. bds.
- The Exile of Idria, in three cantos. Foolscap. 3s. 6d. bds.
- Faust, a Dramatic Poem, by Goethe, translated into English Prose, with Notes, &c. 8vo. 12s. bds.
- The Heliotrope, or Pilgrim in Search of Health. 8vo. 7s. 6d. bds.
- Northcote's Fables, Second Series. Post 8vo. 18s. Large paper 31s. 6d. bds.
- Bristol and its Environs, a Descriptive Poem. 8vo. 6s. bds.

- A Letter on Shakspeare's Authorship of the Two Noble Kinsmen. 8vo. 3s. 6d. boards.
 Montgomery, James, Lectures on Poetry, &c. 8vo. 10s. 6d. bds.
 Prometheus Bound, translated from the Greek. Royal 12mo. 5s. bds.
 Woman the Angel of Life, by R. Montgomery. 8vo. 7s. 6d. bds.
 Barbadoes, &c., by M. J. Chapman. 12mo. 6s. bds.
 The Mysteries of Time, or Barnwell Cave. 8vo. 8s. 6d. bds.
 The Original Legend of Der Freischutz, translated from the German. 18mo. 1s. 6d. sewed.

POLITICS.

- Buckingham's Parliamentary Review. Vol. I. for 1833. 8vo. 10s. 6d. bds.
 Hansard's Parliamentary Debates. Third Series. Vol. XV. The First of Session 1833. Royal 8vo. 30s. bds. 33s. 6d. half-bound.

TOPOGRAPHY.

- Kidd's Picturesque Pocket Companion to Richmond, &c. 18mo. 3s. 6d. bds.
 Do. Do. Southampton, &c. 18mo. 3s. bds.
 Do. Do. the Isle of Wight. 2 vols. 18mo. 30s. morocco.

VOYAGES AND TRAVELS.

- Archer's Tour in Upper India and the Himalaya Mountains. 2 vols. 8vo. 23s. bds.
 The Tyrol, with a Glance at Bavaria, by H. D. Inglis. 2 vols. 8vo. 20s. cloth.
 Captain Hall's Fragments of Voyages and Travels. Third Series. 3 vols. 18mo. 15s. bds.
 Alexander's Transatlantic Sketches. 2 vols. 8vo. 28s. bds.
 Mackenzie's Sketches of Canada. 8vo. 10s. bds.
 Macdonall's Narrative of a Voyage to Patagonia. Foolscap 8vo. 8s. cloth.
 Stewart's Recent Discoveries in Australia. 2 vols. 8vo.

NOVELS, TALES, AND ROMANCES.

- The Library of Romance. Vols. IV. V. VI. 12mo. 6s. each cloth.
 The Puritan's Grace, by the author of the "Usurer's Daughter." 3 vols. 8vo. 28s. 6d. bds.
 The Port Admiral, a Tale of War, by the author of "Cavendish." 3 vols. 8vo. 31s. 6d. bds.
 Edgeworth's Novels and Tales. Vols. XII. XIII. XIV. 12mo. 5s. each cloth.
 Roscoe's Novelist's Library. Vols. XV. XVI. XVII. 12mo. 6s. each cloth.
 The Convent of St. Clair. 18mo. 1s. bds.
 Adelaide, a Story of Modern Life. 3 vols. Foolscap. 8vo. 18s. 6d. bds.
 Mary of Burgundy, by the author of "Darnley," &c. 3 vols. Post. 8vo. 31s. 6d. boards.
 Lucien Greville, by a Cornet, with Etchings by George Cruikshank. 3 vols. Crown. 8vo. 24s. bds.
 Godolphin. 3 vols. Post 8vo. 31s. 6d. bds.
 Reverses; or Memoirs of the Fairfax Family. 12mo. 4s. 6d. bds.
 M'Gregor's True Stories, from the History of Ireland. 3 vols. 18mo. 10s. half-bound.
 The Young Muscovite. 3 vols. Post 8vo. 28s. bds.
 Service Affairs. 2 vols. Post 8vo. 28s. bds.
 Eben Erskine, or The Traveller; by John Galt. 3 vols. Post. 8vo. 31s. 6d. bds.



THE
WESTMINSTER REVIEW,

No. XXXVIII.

FOR OCTOBER 1, 1833.

ART. I.—*On National Economy. No. VII. Fraser's Magazine for Town and Country, No. 43, for July 1833.*

‘THE “Free Trade” question, though advocated by its partisans with the greatest zeal and pertinacity, has never yet received full justice at their hands.’—p. 103.

It is exceedingly easy to retort this charge. As proof of it, here follows a sketch of what a better-informed advocate than has yet appeared in public, might say in defence of the policy opposed to ‘Free Trade,’ or of what for convenience (whether with absolute correctness or not) may be called the ‘Mercantile System.’ There is sometimes danger in the weakness of an enemy; or at all events an able leader may convert past weakness into a source of present advantage. He may use it, for instance, as the means of drawing his adversary into an ambuscade; and when he gets him into his circle, he may conjure against him after a sort that never would have happened had the said adver-

VOL. XIX.—*Westminster Review.*

sary been prepared. The object therefore is now to tap and prematurely let off a Tory speech, which if brought forward in proper time and place, with *claqueurs* and other appliances to boot, might be hailed of all admirers as having created great dismay in the ranks of the opponents.

'The advocates, Sir, of changes in all our most important institutions and systems of policy, never adventure themselves in a fair field. Their combats are always carried on in a territory existing only in their own fertile imaginations, and from which they have taken care to remove as far as possible any analogy with the real and tangible circumstances by which all sublunary questions are practically decided. And hence it is, —(and I say it without meaning to impute any deeper malevolence than is inseparable from the busy spirit of interference with the established opinions of mankind which is unhappily gone forth among us,)—that "they hatch cockatrice eggs, and weave the spider's web:"—should I be wrong if I pointed to myriads of my suffering countrymen as evidence that I might pursue the words of the inspired penman and say, "he that eateth of their eggs dieth," (*hear*)—or threw myself on the humanity of the assembly by which I have the honour to be heard, for giving effect to the cheering conclusion, that "their webs shall not become garments, neither shall they cover themselves with their works?" (*hear, hear*).

'When the individuals who are so powerful in their own conceit, oppress us with their visionary reasons why we should abandon all of good that we have tried and proved, I would take them, Sir, to the cottage of the poor,—I would set them down by the bedside of the man that is ready to perish,—and I would demand that there and then we should record the answer which they would make to the complaints of the sufferer charging them with being the immediate authors of his distress. In what language would they reply to the pathetic declaration, that till their innovation cut off the labourer's hire, all without was kindness and all within was peace?—how meet the languid eye, that wandered over present desolation, as if to reproach them with the comforts they had so cruelly displaced?

'But I shall leave these scenes, as too keenly painful to humane and Christian feeling, and exciting, it may be, an intensity of indignation which may be represented as inconsistent with the immediate exercise of cool and unbiassed judgment. And how will they answer to an unvarnished statement, that shall appeal only to those feelings of a more concentrated

philanthropy, which whatever may be the obloquy it may expose me to, I shall not be ashamed to denominate patriotism, and trust to the judgment of such as yet hold to the sentiments of wiser and I am sure of *better* times, for my excuse and my protection? Suppose, then, that I should put the case thus;—that I should assume the instance of our great and ancient enemy, in whose altered views and harmless policy if I do not place the implicit faith recommended by some around me, I trust it will be imputed only to an intense and never to be diminished anxiety for the preservation of those blessings (*buzz*) which the exertions of the brave (*cheers to the right*) and wise (*cheers to the left*) and good (*cheers all over*) of past times have confided to our keeping. Suppose, I will say, that France, by the merest and simplest preference of sugar the produce of those “ships, colonies, and commerce” which with so little deference to the opinions of our political economists she has never ceased to covet, over sugar (for example) the produce of one of the ephemeral republics of South America, should effect the production of a colony, another Saint Domingo I will imagine, but free from the sources of danger which the state of slavery has been found to bring along with it, in short an *alter ego*, a new and auxiliary department of the South or the South-West, an integral portion of territory and dominion, into which shall be transplanted and set to grow with all the rapidity incidental to nature’s earliest fecundity, whatever of good or evil principles, habits, opinions, passions, may be considered as forming the aggregate which, if the term be not applied to the earths and fluids and minerals that constitute the soil, must be what is truly to be denominated France. Will our political arithmeticians deny that this is an increase to the actual strength and power, I will not say of our enemy, but of our rival? Will they meet me on the ground that a prudent and sagacious minister of this kingdom, who should embody those virtues by which the country has been saved in times of appalling peril (*cheers*), and by which I humbly trust it will be saved in times of still more urgent danger that may be approaching (*increased cheers*), would cast this element of strength out of his reckoning, and make no additional preparation for the possible hostile action of the mass? Will any of them pit his individual character for understanding, on the assertion that France with one or many such colonies, is not more formidable than France without? I may be told, that they would be taken from her in the event of a maritime war. But how if the strength derived from them should be employed and with

' success, in crippling the force to which we look for such result? And even if all we calculate on should happen, would not the mere fact of having to encounter the operation of taking such colonies, be a draft upon our national energies, a drain and exhaustion *quoad*, of a portion of what would otherwise have been employed against our enemy in other quarters? The honourable gentleman may sneeze, but can he answer? (*excessive cheering from all parts*). The question has been stripped of all the charms of oratory and all the delusions of language; and, perhaps I am not too sanguine in believing, that from the humble effort of this hour may finally be dated at all events some check and alleviation of the ills which destructive counsels have poured out in succession on our countrymen.'

' Or if to some the past illustration should appear obsolete, and founded rather on the too much forgotten feelings of our fathers than on the interests most familiar to the existing generation, I might change it for another which may present the same argument in a more compressed and thence more impressive form. Let the case be put of a colony in the circumstances, for example, of Sierra Leone,—or (if it be true that the obstacles so constantly opposed to the realization of the projects of theoretical benevolence have there been either intrinsically less formidable or more successfully overcome,) of Liberia;—and let the question be between procuring the requisite provisions or a certain proportion of them, from the surrounding natives, or by the establishment of what shall be denominated a branch-colony, a detachment of the same habits and feelings with the main body left behind, governed by the same laws and agreeing in viewing the same objects with attachment or aversion, with veneration or abhorrence. And suppose, as before, that the present and immediate interests,—by which I mean those considerations of momentary cheapness or the contrary which our political economists are so fond of holding out as the only rule and measure of statesmanlike policy, —are so nearly or exactly balanced, that a pure inclination, a simply patriotic or might I not say *natural* preference to the industry of companions and friends, should be sufficient to secure (and for the honour of human nature I will take for granted that it practically *would* secure) the raising up this new part of the infant society. Barring then the vague and morbid philanthropy which would set off against this compact and visible advantage to the interests of the civilized race, the dispersed and finally very doubtful good which might have arisen from increasing the wealth of no man can tell what tribes of uncultivated savages,—I will ask with confidence whether, if

' with our senseless refinements we do not fly in the face of the
 ' Great Being whose voice maketh the hinds to calve and has
 ' assigned to every creature an instinctive preference for its own,
 ' here is not a positive good attained and placed to the account
 ' of that portion of the human family for whose welfare the
 ' Creator has wisely made us principally if not exclusively
 ' responsible. "*Spartam nactus es, hanc exorna,*" was the maxim
 ' of the unaided wisdom, or I might almost say *piety* of the
 ' ancients; for patriotism is in my mind so closely connected
 ' with reverence of the Power which has ordained that in all
 ' ages and climates man shall prefer his country, as to make the
 ' terms almost identical. And where, I would gladly be in-
 ' formed by any of the sciolists of the present day, is the autho-
 ' rity for believing that the broad ray of Christianity has removed
 ' or weakened any of the obligations which the imperfect light
 ' of nature was sufficient to demonstrate and impose?'

' But as one step gained towards the command of an interest-
 ' ing prospect leads to the discovery of another, so if I was not
 ' afraid of wearying the audience which has heard me with so
 ' much patience (*cheering*), I could tender a still more homely
 ' illustration and one which will come yet closer to the minds
 ' and bosoms of many of the sufferers for whom I am at this
 ' moment a feeble advocate. In this great and eminently civi-
 ' lized country, where the division of labour in every possible
 ' direction has been carried to an extent which it is much easier
 ' to admire than to describe, there is a by no means inconside-
 ' rable class of the community who derive their support,—and
 ' it would be highly contrary to all the cherished habits and
 ' acknowledged partialities of my individual existence, if I were
 ' to leave it for a moment to be supposed I did not mean their
 ' *merited and honourable* support,—from the profession and
 ' practice of music; a department of human occupation which
 ' though it may not compete in magnitude with the awful
 ' interests the conservation of which is so properly the object of
 ' anxious solicitude in this place, has at least this in common
 ' with any of the others, that it requires such exclusive attention
 ' and application as to unfit the applicant from either carrying
 ' on any other gainful employment at the same time, or changing
 ' with success to any other avocation after the best part of his
 ' life, the choice and flower of his days, has been devoted to
 ' this. In such a state of things then, there arrives a professor of
 ' foreign art. I will not injure the cause I plead for, by unfairly
 ' supposing that his powers are imaginary or exist only in the
 ' sickly feelings or corrupted taste of his audiences; but I will
 ' assume, for the present argument, that there is an exact equa-

' lity as the circumstances are capable of, between him and our
 ' own countrymen. Neither will I attempt to excite prejudice
 ' by supposing that his demands or views are extravagant or such
 ' as tend to revolt the feelings of patriotic humanity by compa-
 ' rison with the pittance of the toil-worn labourer of our own
 ' country ; — I will not imagine that he is bent on building palaces
 ' in a foreign land, or on purchasing titles of distinction
 ' where unhappily such objects of ambition are to be sold ; —
 ' but I will assume that he merely meditates a calm and com-
 ' petent retreat for his declining years, a modest establishment
 ' on the banks of the Arno or the Po, such as if it could be
 ' transferred to our own society would be the reward of alas too
 ' few, but still the *ungrudged* reward of successful and patriotic
 ' industry. Nor will I rest the question on the common ground
 ' of this retreat being purchased by the abstraction of a
 ' portion of the circulating medium of the country ; for what-
 ' ever regret I may feel in differing from many most estimable
 ' individuals, I cannot avoid thinking that on this ground *nature*
 ' (if I may be allowed to use the term with no sceptical or irre-
 ' verent meaning) has benevolently provided against the occur-
 ' rence of evil, and that the carrying away a portion of the
 ' current coin, so long as it has been obtained by the free consent
 ' of the holders and the way is open to the influx of the precious
 ' metals through the agency of those motives by which it has been
 ' wisely decreed that a diminution in the quantity of any coveted
 ' production shall of itself create the stimulus to the introduction
 ' of more, is no otherwise in itself an evil than the carrying away
 ' of any other article of foreign produce which the wisdom of the
 ' brightest ages of antiquity has always permitted and in fact
 ' encouraged our merchants to export. Having thus laboured
 ' then, to clear away all extraneous matter, and give to the oppo-
 ' nents every advantage they can reasonably desire, I will confine
 ' myself to this single question (*hear*), — Is not the mansion by
 ' the side of the Arno or the Po, created by the corresponding
 ' depression and putting down of the expected and not unfair
 ' reward of some of our countrymen at home ; and is it patriot-
 ' ism (*hear*), or justice (*hear, hear*), or policy (*hear, hear, hear*),
 ' to build up the edifice in a foreign and possibly at some
 ' time a hostile land, which might have been added to our
 ' domestic sum of happiness, to our home-bred mass of power,
 ' — for, Sir, the public happiness is power, — a unit it may be,
 ' but still a unit, to that aggregate which under the blessing
 ' of Providence we will show ourselves worthy to enjoy by never
 ' ceasing to protect ?'

' If on this part of the argument I should carry my audience

' along with me, (and why I should apprehend the contrary, even though as individuals they were vastly less endued with habits of sound reasoning and practical decision, is what I confess myself to be at a loss to understand), I would proceed to ask in the first place, whether any of the described benefits would be diminished, if the colony, plantation, or detachment, instead of being at a greater or smaller distance from the geographical limits previously occupied by the main body, was actually located within them. Would the agriculture, for instance, be less valuable in the eyes of a politician and a statesman, because it had robed with verdure or covered with waving harvests some integral portion of our ancient domain, which without it would have been a desert or a marsh? Is the circumstance of its being remote, in any way essential to its value; or is not its importance on the contrary incalculably increased, by becoming in place as well as in affections an integral portion of our country? And next I would ask, if it be undeniable that whether the distance be small or great, the substantial benefits respectively described must arise from the adoption of what I will take leave to characterize as the pure and healthy policy of natural patriotism, does it not follow with equal force, that if these benefits can be attained by sacrifices of any inferior amount, the difference is public gain? I plead for no gratuitous expenditure, no wasteful or unnecessary payment for what might equally be had without; but I put the question to the sound sense and impartiality by which I am surrounded, whether in this as in other corresponding cases, the rendering of the smaller amount to obtain the greater, is not true policy, and in fact the very essence of all by which commercial prosperity is to be courted or preserved. This is the much abused Mercantile System. This, with deference to all to whom deference is due, is the portion of the policy of our forefathers which has been selected to be made the butt of every small wit, the common mark for every cramped and contracted genius to practise on. A wise man might reasonably hesitate, and a good man tremble to decide, whether the fearful ingratitude or object folly of this conduct may be held to be the more insulting to the Creator and injurious to his creatures.'

This would be a better defence of the 'mercantile' juggle, than (whether it be in the portfolios of any of its defenders or not) has up to this time issued from their presses. Yet it was written every line with a consciousness of its unsoundness; a mere experiment, how easy it is to interlard the purest fallacies with clap-traps, and above all with what facility a continual reference to moral and devotional sentiments may be

combined with the worst earthly reasoning and smallest practical beneficence.

The appeal to 'humane and Christian feeling,' and all the tropes therewith connected, may be disposed of by the statement that the appellars created, and at this hour sustain, the evils they complain of. They have interdicted the industry of the poor; and then attach the consequences, to those who oppose the attempt to relieve one sufferer by the privation of another. If a shipmaster had conveyed his crew and passengers to a month's sail from any land, with a week's provision left on board, and then instead of steering towards any port, should 'do the pathetic' on the sorrows of one part of his inmates and the cruelty of not assisting them by taking from the portions of some other,—he would present the express image of such humanity and such Christianity. It would not be that there was not suffering, and that humanity did not desire to relieve it; but that the mode proposed was, like the Factory Bill, a fraud got up by the authors of the general misery, having in view the preservation and increase of that misery, through the instrumentality of the dupes who should be induced to cry out for the removal of the minor evil to the perpetuation of the greater.

But the mathematics of the proposition are the important part. And first for the 'Saint Domingo' theory. The assertion then is, that if France by a simple patriotic preference of her colonial sugars to South American (the prices in the market being supposed the same) raises up a splendid colony like Saint Domingo, she gains the Saint Domingo. The answer to which is, that all she gains in the existence of her Saint Domingo, she gives up in the non-existence of an equal quantity of wealth and power of some kind, that might have been raised up within her own borders by employing the enterprize and capital sent to St. Domingo, in another way at home. If the people who would have created the goods at home for barter with South American sugar, would have demanded payment,—so do the colonists. If the colonists spend this money on such produce of the mother country as they want for their processes and personal consumption,—so would they have done if they had staid at home and applied their capital and industry to creating the goods for barter with South America.

The best key to the solution of this problem, is in taking the diminished case; for magnitude has a wonderful effect in confusing men's ideas, and causing the loss of the clue to sound conclusions. Take then the case of the little African settlement, and suppose that a hundred tons of rice can be grown annually in the proposed branch-colony by the labour of a hundred indi-

viduals, and that there are a hundred individuals in the primary settlement to whom from their habits and other concomitant circumstances it is indifferent whether they go forth to raise these hundred tons at the distance of it may be a hundred furlongs, or apply themselves at home to create or collect such articles of produce as either directly or by means of some circuitous exchange (as for instance let them cut down timber and exchange it with shipping for silver or for gunpowder) shall procure a hundred tons of rice from the surrounding natives. Under these circumstances there would seem to be no difficulty in conceding, that putting out of sight what may be called *accidental* considerations, the case is one of balance. If the governor of the greater Baratavia wants an outpost a hundred furlongs off, to watch or check some apprehended enemy, the branch-colony may chance to answer this purpose, and so far save the expense of a lieutenant's party; or if on the other hand a division of his forces would be an evil, this might be a reason for keeping the hundred individuals at home. But either of these is a purely accidental consideration, and of no effect upon the general question. If then the governor happening to have an agricultural and colonizing crotchet, should encourage the hundred individuals to go out and establish the branch, and should boast of their establishment as a visible step taken at the instigation of his great genius towards the general prosperity; it would be in the power of any man to answer him, that all that had been done in the way of colonizing abroad, had been effected by the removal of an equivalent portion of a timber trade at home, and therefore the difference, if any, reduced itself to the difference there might be between having the same number of individuals posted at a distance and at home. And if on the other hand, the governor had nice notions of compactness and rather a high opinion of his personal presence, —was in short a little fidgety at the idea of so many precious souls being left to follow their own devices out of sight,—he would probably throw cold water on the branch project, and harangue on the advantages of union and domestic industry. But on this side also it would be plain, that as concerns the general question, His Excellency's opinion was wool-gathering, and that the true and simple state of the case is, that the two courses are indifferent, and all the wisdom of the officials cannot make it otherwise.

If in this state of things any argument were attempted to be got up, touching the advantage that would arise to the domestic manufactures of the parent colony from having to supply the wants of the branch establishment; it would be plain that the

same individuals who were to use manufactures a hundred furlongs off, would also have used manufactures if they had been carrying on a timber trade at home, and consequently, though there might be some change made in the *kind* of manufactures demanded for consumption, there could be none in the aggregate, and all plans, pleas, or pretences, for raising up an aggregate increase to the manufacturing interest either by sending out the branch settlement or the contrary, would be shadow and smoke. And the same conclusion would hold good of any attempt to decide one way or the other by the love of countrymen or of their industry; unless reason could be shown why men should love a rice-planting countryman and his industry, and should not love a timber-cutting one.

If in the progress of events a decided leaning should be displayed towards one course rather than the other,—as for instance if a number of individuals should voluntarily remove themselves to the branch-settlement, and establish the fact of their prosperity by offering more rice, and consequently at a somewhat lower price, than appeared in the market antecedently to their new speculation;—and if the Governor, acting upon his love for compactness and his dislike of what he might be pleased to view as a species of schism prejudicial to his authority, should lay a tax on the rice of the branch-colony by way of wholesome check to such irregular proceedings;—it would be palpable that he was in reality forcing men to take the worse mode of rice-making instead of the better, and so far injuring and keeping back the welfare of the community. And if in the pride of his heart he should take some superior officer round his wood-cutting establishments, and dilate upon the importance of the interest which had thus been created by the act of his legislative wisdom, it would be competent to any malignant rice-eater to interject, that all this had been done at the expense of destroying something of greater worth that might have been, and that the proof was in the tax which it had been necessary to lay in order to prevent the other from growing up instead.

So on the other hand if the attempt at the branch-colony had been made, but it had been discovered that the adventurers could not keep soul and body together by furnishing rice at the old market prices;—and if the Governor in his zeal for foreign progress had proceeded to prop up this slight deficiency by taxing the rice which should be procured in exchange for the industry of wood-cutters;—it would be as plain as in the other case, that the greater had been sacrificed for the less, and that the Sancho Panza who should point to his distant settlement as the offspring of his genius and his policy, would have

only shown that he was fitter for watching the frying-pans of a fat kitchen, than for regulating the interests of assemblages of his fellow-men.

The sole measure then of the general utility or harmfulness of such a distant establishment for raising any particular kind of produce in preference to procuring it from foreigners by exchange, whatever be the scale, (excluding the very limited circumstances under which there may be question of the policy of making temporary advances in expectation of distant returns), is to be looked for in the fact of its being profitable to the conductors or the contrary, under a state of non-interference. If the establishment has been gainfully carried on under the free competition of all men, there is ground for pronouncing that the community cannot have lost; though not for attempting to show off the *whole* of the distant establishment as a gain to the society that could not have been obtained without it. On the contrary the fact may be, that there has been neither gain nor loss;—that the establishment abroad has been created by the removal of a precisely equal quantity of prosperity of some kind that might have been created at home, or at all events of a quantity inferior only by the least that was required to turn the scale. But if the cockered and favoured establishment, (whether it be an establishment for producing cane sugar in Saint Domingo, or beet sugar at home), has been raised by the operation of bounties or duties laid on other sugar in its behalf, —then there is evidence that a pint has been produced by the sacrifice of a quart, and there has been a distinct piece of foolery somewhere. But what is true in respect of domestic interests, is equally true of foreign. A Saint Domingo can be no accession of strength to France as regards foreign powers, if it has been only an integral part cut out of what would otherwise have been her wealth and strength within her own borders; still less if it has been raised up by the sacrifice and destruction of a *greater* quantity of wealth and strength that might have been, at home.

The third or last statement,—which invites a comparison between the house raised for the foreign musician on the banks of the Arno or the Po, and the house which might be raised up in Regent-Street for his English rival if the public would only patronize home-made music instead,—is founded on keeping out of sight the house or houses, or other benefit equivalent in the whole however subdivided, accruing to the dealers in those goods in which the payment on the Arno or the Po is veritably made. If instead of other goods the payment should be made in gold either coined or rude, then the benefit, be it great or small, is

to the dealers in the British manufactures directly or indirectly transmitted to Peru or elsewhere in consequence, for gold to fill up the void; and if it is not in gold, then to the dealers in the wares concerned. The importation of a Roman harper, to be paid by a country-house upon the Tiber, is in no way essentially different from the importation of Roman harp-strings, to be paid for to Rofino and Co. by a house in the neighbourhood of the Forum Boarium. It is not the house in Rome, that is the English interest to be set off against the house that might be raised for the maker of English harp-strings by a prohibition; but it is the house, or benefit equivalent, that is to be raised for some individual or class of British traders, who are to be the means and instrument of procuring the Roman harp-strings, and whose trade will be wantonly and uselessly cut down by prohibition of the foreign article, leaving no national balance except the loss, detriment, or grumbling of the consumer of harp-strings, who is obliged to use bad in the place of good, for no earthly benefit to his country's commerce in the aggregate, but simply to please the fancy which somebody has taken for bad harp-strings being made in England. And in this there is nothing but what is common to all cases. Take, for example, the case of French silks;—and it is not the country-house of the capitalist at Lyons that is to be set off against the *rus in urbe* of the master monopolist of Spital-Fields, but it is the improved living, whether embodying itself in houses or any other form, of all the British workmen and manufacturers who would in a state of freedom be employed by the demand for goods to be exchanged for silks in France, and by the further expenditure of the difference left with the consumer by the absence of the monopoly,—to all which must be added, as what finally remains upon the balance of the account, an amount equal to this last-mentioned expenditure over again, in the shape of the gain to the consumer, or if preferred, his enjoyment of the additional articles procured for him by the expenditure. If instead of paying a higher price for the same article, the effect of the monopoly is to make the consumer pay the same price for what he considers inferior; then there is an exact balance as before on the gains and losses exclusive of the consumer's, and what finally remains on the negative or losing side of the account is the vexation, grief, or in one word *loss* of the consumer, in being made to give the price of the better for what he considers the inferior article, for no advantage to the rest of the community in the aggregate, and for no man's benefit but the dishonest one's who is anxious to secure sixpence to himself by dint of taking a greater amount from honest people.

The case where foreign goods should be paid for with coins taken from the circulating medium, may be dilated on more at large, since the opponent seems to stand upon it; though it was supposed that this portion of the currency juggle had long since been abandoned. Every government that coins gold, does it by some rule or other having reference to the market price of bullion. Some coin as long as ever the coins will buy as much metal as is contained in themselves, and the least quantity more that will induce men to take the trouble of asking to have standard bullion exchanged for an equal weight in coins. Others, wiser, coin no longer than men will give for the coins their weight in metal, and as much more as will pay for the fair expense of coining. But whether the government takes the wisest rule or not, it takes *some* rule. And if coins are abstracted from the circulation and sent abroad in payment for foreign goods, the consequence is (as is in fact insisted on by the opponents) to make money prices fall or the coin buy more of goods of any kind than it did before, till the state of the circulation is restored. It must therefore buy more bullion; and the consequence of this change in the price of bullion, is to put the government, the moment the difference amounts to as much as will turn the scale, upon buying more gold to make into coins; which addition to the demand for gold, creates just as real an addition to the demand for some British manufactures or other, as an addition to the demand for Turkey coffee or any other article that is the subject of a transit trade. Do the Tories think gold and gold coins are found in parsley-beds, or under apple-trees? or in what way do they think the supply is regulated, but by the same rules that direct the procreation of any other sublunary ware? If the markets in the gold countries are already 'glutted with English goods,' a new demand for ten thousand ounces of gold will not be a whit less a godsend to the English owners. If they are involved to the amount of 100,000*l.*, it may be only 40,000*l.* towards their deliverance; but 40,000*l.* to a man's account is 40,000*l.*, whether he may chance to be involved to the amount of 60,000*l.* more or not. There is an end therefore of the Tory miracle, of our gold running out of circulation at the rate of a million a year, and still the wretches being able to find a guinea to fee a doctor with;—for it is the story of the horn given to Thor to drain, which communicated with the sea behind. This is the answer to the 'circulation' fallacy; an answer quite competent to show, that there is no harm in foreign goods being paid for in sovereigns if it is so, but on the contrary as much good as in any other transit trade. At the same time the fact is understood to be, that French goods

are *not* paid for by a transit of either sovereigns or bullion, but by certain descriptions of English manufactures openly transmitted through the custom-houses to countries bordering on France, and thence conveyed to their destination through the agency of what has been denominated 'God Almighty's knight-errant in defence of honest people against knaves and block-heads,'—the smuggler. There is no use in making a secret of it; the time cannot be far off when any government will be considered as out of the pale of civilized powers, that keeps a custom-house officer.

The above is all, the introduction of which appeared to hold out a competent motive for reference to the Article quoted from. The subsequent attacks on the supporters of Free Trade, are such as, though they may confirm the foolish in their folly, will lead the inquiring mass to examine for themselves in the writings of the other side whether these things be so or not; and the result can only be favourable to the truth. There needs little prompting to find out, that when Mr. Booth says, though 'the general reasoner is satisfied,' the 'merchants and parties interested are dissatisfied with the unavoidable conclusion,'—he means 'the merchants and parties interested in the preservation of the monopoly.' For example, when the makers of cotton twist at Blackburn brood over the fact that French silks are chiefly paid for in their twist (albeit through the intervention of the smuggler),—it would require more evidence than has yet been produced, to prove that '*the merchants and manufacturers of Blackburn* are dissatisfied with the unavoidable conclusion.' In the same way when the Westminster Review is asked to 'point to a single branch of trade or manufacture which has been benefited by the nostrums of the theorists,'—if the meaning is that it should point to any branch of trade where the traders rejoice at the loss of what they consider a gainful monopoly, the question is a hard and cruel one. But if the design was to ask whether any branch could be pointed out which had been benefited by the removal of the monopoly of any other branch, the Blackburn instance is ready in point; and it is equally demonstrable in any other case, that the foreign goods imported through the destruction of a monopoly, must be either paid for with the goods of some Blackburn or other, or (which nobody is given to believe) procured for nothing. It may not be 'fun' for a man to give up sixpence he gains by a dishonest monopoly; but still less is it 'fun' for honest men to give up ninepence, that sixpence, of it may go into the pocket of the other.

Of the same cast and quality is the attempt to quarrel with

the demanded substitution of 'universal' for 'abstract' principles. Of course 'universal principles' meant principles 'universal [as the Americans say] if true;' it certainly did not mean 'universal if false.' There was no attempt to bar debate whether any set of principles was true or not; but only to point out and maintain, that there are certain principles of which it is possible to ascertain by experiment and the use of reason, that if they are true at all they are true universally. It is a stale discovery to add, that those who delight to call themselves the 'practical men,' are men who insist on looking at one side only of the practical question, and those they call 'theorists' look at all. The so-called 'theorist' builds his conclusions on practical data as well as the other; he makes out a regular debtor and creditor account, ending in a balance of loss. The man who assumes to himself the title of 'practical,' declares he has a theory, *that it is proper to look only at one side.*

ART. II.—I. *The History of France.* By Eyre Evans Crowe:—
Dr. Lardner's Cabinet Cyclopædia.

2. *Essais sur l'histoire de France.* Par M. Guizot.—Paris. 1824.

MR. CROWE has written a respectable history of France;—that is to say, as histories at present go in England. It is indeed very far from being perfect, being wanting in the first place (and the enumeration will be no farther proceeded with) in three essentials to the writing of a history in the nineteenth century, a pure style, a faithful and exact quoting of authorities, and a competent knowledge of the principles of legislative philosophy, without which, at this epoch, a writer of history is not a whit above a ballad-monger. Of the last, there are few traces to be found in Mr. Crowe's volumes; of the want of the second, anybody may satisfy himself by glancing his eye along the bottom of the pages; and of the deficiency in the first requisite the following words are examples,—vol. i. p. 16, 'facile;' p. 35, 'regularisation;' p. 122, 'priested;' in vol. ii. p. 121, it is said of Louis XIV.—'England was his tributary,' probably meaning stipendiary. These are faults that might easily be weeded out; but in others more difficult of removal, Mr. Crowe's book stands strongly contrasted with the second work cited, M. Guizot's elaborate Essays.

In casting a general view over the histories of England and France, a marked difference is perceived in the two countries

from the earliest period, at least of what can be called the history of England. As the examination is continued more deeply, the causes of the difference begin to develop themselves. In England, from the end of the 13th century to the present day, with something perhaps of a check on the accession of the Tudors, the tendency has been towards parliamentary government;—in France, from the same period down to the Revolution, or at least to the reign of Louis XIV, when its triumph appeared complete, the tendency has been to the establishment of pure monarchy. It is the remark of M. Guizot, that during that long interval, the occasional efforts of the aristocracy to seize the sovereign power, and of the people to obtain a system of representation, have been but as accidents,—passing crises, in which the monarchical system has encountered a few obstacles and a few perils, but which in the end have only served to accelerate its progress. ‘With the English, on the other hand, the attempts at pure monarchy are what appear as the accidents, as momentary deviations from the path by which the country is advancing. The British parliament, like the French monarchy, has had perils to dread and obstacles to overcome; the history of the two powers is full of vicissitudes, presents equally epochs of weakness and almost of nullity; but upon the whole it is the parliament which has presided over the destiny of Great Britain, as monarchy has over that of France; the royal power on the banks of the Seine, the power of the parliament on those of the Thames, has ever been the superior and conquering force, to which no victory was useless and no reverse fatal.’—p. 511. Such nearly from the reign of Edward I. in England and Philippe-le-Bel in France, have been the phenomena; so uniformly observable, that M. Guizot thinks the causes must be looked for in the preceding times, and that at this early epoch the fate of the two countries was decided. To trace their causes, forms the subject of an important portion of M. Guizot’s work. The following is an abstract of some of them.

In France, at the moment of conquest, the Gallo-Romans were no longer a people, for they were united by no public spirit, no political institution; soon after their establishment, the barbarians themselves had ceased to be one also, for the institutions and manners which they had brought from Germany were unable, in their new situation, to maintain any social union among them. Such being the respective conditions of the conquerors and the conquered, there arose between them no struggle which could bring very extensive results; the conquered were not in a state to defend themselves, and had no idea of any such thing; the others were incapable of subjecting themselves to any

organization approaching to regularity, and did not indeed require it for their security.

This dissolution of all general society and government, was succeeded by a multitude of particular associations and local governments. Thus commenced feudal society. A superior power capable of absorbing all these local sovereignties, of conquering anew all these little states, could alone put an end to this parcelling out of society and power. This was the work of the monarchical system.

England presents a different spectacle. Immediately after the Norman conquest, two forces appeared on the field, those of the Saxons and of their invaders. The former rallied round ancient institutions, which were not dead, and became to them a sort of guarantee; the latter immediately established themselves according to the feudal system which was already theirs. A principle of union and a principle of resistance existed from the first, in the government and in society respectively. But the struggle between the two races was soon exchanged for one between the king and the barons. The Norman dynasty, strong at its birth in England, was disposed to become tyrannical. Its tyranny found an adversary in a substantial aristocracy; for the necessity of defending themselves against the Saxons, had taught the barons the habit of acting in concert, and had prevented them from insulating themselves in order to set up as petty sovereigns. The spirit of association, that spirit in which in all ages has lain the secret of the safety of the weak in numbers against the strong, of the rich against the poor, developed itself. The maintenance of the Saxon institutions preserved this spirit in the middle class of proprietors; the impossibility of individual resistance forced it upon the high nobility. The unity which springs from common deliberation, and from the union of forces among equals, became the counterpoise to the unity of the royal power. The aristocratic coalition that was formed against the throne, maintained the struggle with success.

The barons found however, that this struggle could not be maintained without the assistance of the small proprietors, whose rights therefore it was necessary to get acknowledged along with their own. The king, in his turn, had occasion to seek the assistance of these latter against the high aristocracy; which was another step gained for them. But the democratic element was soon after, in the shape of deputies from the towns, fairly introduced into the government by Simon de Montfort, Earl of Leicester; which introduction was confirmed, for their own purposes at the time, by the immediately succeeding kings,

The sequel is too well known to need repetition. These new comers, the Commons as they have been called, at first made but a very humble appearance in the assembly of the nation;—scarcely daring to raise their eyes from the ground, much less lift up their voices, in the presence of the mighty barons. Time, the great revolutionist, has somewhat changed their department.

In France, from the foundation of the monarchy to the 14th century, there was no union, all was individual; royalty was but nominal; the aristocracy did not form a united body; there were burgesses in the towns, but none in the state. In England on the other hand, from the conquest of the Normans, all was collective; from its commencement, royalty was real; 150 years after its establishment, feudalism separated into two parts, of which, one became the high aristocracy, the other contributed to form the Commons. 'Who can fail to perceive,' observes M. Guizot [p. 516], 'in this first circumstance of the formation of the two societies, in these characters so different of their earliest age, the true causes of the long difference of their institutions and their destinies?'

The patriotism, or vanity, according as it is viewed, of the learned in France, has introduced as many hypotheses of the origin of the Franks as any other nation can boast of. M. Guizot considers none of these hypotheses to be based on any evidence. Their language, their manners, the places where they are first observed, seem to prove the Franks to be a German people; but this is all that is known. Their name is not found in any ancient description, Latin or Greek, of Germany. M. Guizot considers as probable the opinion of those who regard the Franks as a confederation formed by the German tribes situated between the Rhine, the Maine, and the Weser. Such confederations were not unknown among barbarian tribes; witness that raised by Arminius against the Romans, the *all-men* confederation which gave a name to ancient Germany. The word *Francia* is first found on the map called that of *Peutinger*, written on the right bank of the Rhine. It is generally argued that the name Franks signifies *free-men*. Nothing can be affirmed as to the epoch when the confederation and the name arose. It first appears in history about the year 240.

After the great irruption of the Goths, Vandals, and Huns, in the first half of the fifth century upon the Roman Empire, and when the principal provinces of Gaul, though still called Roman, had in fact fallen into the hands of new possessors, the Frank bands which had established themselves in Belgium and on the banks of the Rhine, were pretty nearly in their ancient condition. They could not fail to perceive that it was no longer

the Roman Empire they had to attack, and that the whole of Gaul lay open to their devastations.

Such was the state of things towards the end of the fifth century when Clovis succeeded his father Childeric as chief of the Frank tribe established at Tournay. Between the years 486 and 509 he succeeded in establishing the dominion of the Franks throughout two-thirds of Gaul, and became himself, in the words of Guizot, 'the first and real founder of the Frank or French monarchy.'

The following character of Clovis seems worth quoting.—

'In barbarous times as well as civilized, it is by activity, by that indefatigable activity which springs from the necessity of extending in every direction his existence, name and empire, that a superior makes himself acknowledged. The superiority is a living and expansive force, which bears within itself its principle and end of action, looks upon the wide world before it as its domain, and labours to extend itself within it, to take possession of it, often without other necessity, without other design, than the satisfaction of display. It acts, so to speak, like a predestined power which marches, advances, conquers, to glut its nature and fulfil a mission of which it is ignorant of the meaning.'

'Such, assuredly, was Clovis. Some have pretended to study his politics and paint his character; they have ascribed to him the combinations, the views, the sentiments sometimes of a cunning and cruel despot, at other times of a profound legislator. Others have exclaimed against his vices, his crimes, have refused him all merit, all glory, and have only beheld in him a fortunate and odious barbarian. Some have invented a man; others have mistaken facts. The individual character of Clovis is unknown to us; the far-seeing and regular policy which is attributed to him, was impossible in his nation and age. All that can be said, and that is borne out by facts, is that he was, in the midst of barbarians, a barbarian endowed with superior faculties and with that insatiable activity which accompanies them; one of those men whom nothing satisfies or wearies, who find in repose only impatience and fatigue, born for movement because they bear within themselves the force which moves all things, and incapable of arresting their course before a crime, an obstacle, or a danger.'—p. 61.

The establishment of the Franks in Gaul was slow and gradual. The different bands arrived successively and occupied a portion of territory. They rallied round Clovis, and advanced under his guidance into the interior of the country; but they were at his death far from forming a compact nation in possession of a determinate extent of territory. And though in process of time Gaul fell completely under the sway of the Franks as well as assumed their name;—yet that the number of the invaders bore a very small proportion to that of the former inhabitants, may perhaps be inferred from the circumstance of the Latin, or at

least the Gallo-Roman, prevailing so much more in the French language than the Frank or German.

The revolutions seem all that is worth recording, as matter either of instruction or interest, of the chronicles of barbarous ages; it appears a waste of time and labour, to write or read aught else of the political history of barbarians. From their domestic and social history something might be learned; but of that, most of the historians that the world has hitherto seen have taken care to record nothing;—exhausting all their art to make some purple-clothed and far-descended imbecile appear a hero or a statesman, and devoting all their breath to swell the triumph of some large robber's renown.

M. Guizot ascribes the fall of the Merovingian dynasty to other causes than the weakness of the *rois fainéants*; particularly to those frequent divisions of States which at the death of the Frank kings took place among their children. Five of these divisions were made under the Merovingian kings. M. Guizot thinks, for reasons there is not room to insert, that the accession of Pepin-le-Vieux in 752, which substituted the Carolingian for the Merovingian dynasty, was something more than a change of dynasty, and in fact a sort of new victory of the Franks over the Gauls.

Under Charlemagne the social order of modern Europe began to develop itself. The flow of the Barbarians towards the West was stopped; Germany itself ceased to be the theatre of the continual fluctuations of wandering tribes. The states that were formed by the dismemberment of the Empire of Charlemagne at his death, were gradually consolidated, and the human inundation ceased.

From the fifth to the tenth century the reign of Charlemagne is the only period, when the power and pride of the great landholders submitted with some degree of regularity to the control of the royal power. M. Guizot considers that reign as the most vigorous experiment of administrative monarchy which has been attempted from the foundation of modern states to the time of Charles V. in Spain and Cardinal Richelieu in France. He carefully, however, guards his expression. 'Let no one,' he says, 'attribute to the administration of Charlemagne effects similar to those of which nine centuries later, the European monarchies presented an example. In spite of all his efforts the disorder was immense,—the unity of his power incessantly broken.'—p. 284.

Charlemagne had attempted to make himself the sovereign of a great people and a great Empire. The condition of the country was adverse to such an enterprise, and none of his successors

was capable of carrying it on. Under them the government and the people went on dismembering and dissolving themselves. There was soon neither king nor nation. Every free and powerful proprietor made himself sovereign over his own domains; every count, every marquess, every duke, in the district where he had represented the sovereign. The strong hand of the mighty ruler was in the dust, and the iron sceptre that it wielded was broken, or lay rusting among the heavy armour which his puny descendants could not wear. It is another example added to the million, of the absurdity of hereditary power, where there is not and cannot be any guarantee that there shall be hereditary strength and hereditary wisdom. When the formation of different conditions and powers which now took place in France, began to subside, the result took the name of the feudal system. Under this the last descendants of Charlemagne were far less powerful and independent than the great feudatories of the kingdom; but they bore the name of king,—which though not to them ‘a tower of strength,’ was as Guizot says, at least ‘*nom unique*,’ and which therefore was still found to possess sufficient attractions to tempt any robber strong enough to seize it. The robber appeared in Hugh Capet. A judgment may be formed of the general nature of the tenures of the foster-babes of divine right and legitimacy, from the fact that the mode in which the ‘oldest dynasty of Europe’ became possessed, or in the law language of England ‘seized,’ of their throne, was no better than a common theft. ‘He acquired by it,’ says M. Guizot, ‘a dignity rather than a power. The feudal republic was menaced only in the distant future, which was the last point on which it had any jealousy. No revolution ever was more insignificant at the time it took place, and more fruitful in great results in the end.’—p. 85.

Of the fourth Essay, ‘on the Political Institutions,’ an extract or two will be given:—

‘From Clovis to the establishment of the feudal system are found the following kinds of *benefices* or grants of lands.

- ‘1. Such as are revoked at the will of the donor.
- ‘2. Temporary.
- ‘3. Granted for life.
- ‘4. Given or retained hereditarily.

It is impossible to follow M. Guizot in the elaborate examination into which he enters of each of these species of grants. A brief account will however be given of the *precarium*, which comes under the second head of temporary benefices.

In the Roman law the gratuitous grant of the usufruct of a property, for a time limited and for the most part short, was

termed *precarium*. After the conquest, the ecclesiastics often farmed the property of their respective institutions for a determinate quit rent, by a contract which they also called *precarium*, the time of which was usually for one year. Occasionally to secure the protection of some powerful neighbour they would make this temporary grant gratuitous. Sometimes also the grantee, taking advantage of his strength, did not pay the quit-rent agreed upon, and yet retained the grant. During the seventh century the King and Mayors of the Palace employed their credit or rather their authority with the church, to obtain for their clients advantages of this nature under the title of *precaria*. The strange contrast of the meaning of the term as defined above, with the manner of obtaining the grants, recalls the 'benevolences' of some of the English kings.

'When Charles Martel, vigorously pushing the wars which he had to sustain, repressed the petty tyrants who throughout all France had made themselves supreme, necessity determined him to take from the ecclesiastics a great number of domains which he added to the royal ones, and then divided them among his warriors'. Probably Charles Martel at that time did more than merely cause church property to be granted or retained under the title of *precaria*; he absolutely dispossessed the churches of property, which he conferred in the shape of grants emanating from and held of him. But after the death of Charles Martel, and when his son Pepin ascended the throne, the clergy, of whom Pepin had need and whose suffrages he wished to obtain, exclaimed loudly against this spoliation. In the letter which they addressed in 858 to Louis-le-Germanique, the bishops themselves related what then took place. "Saint Euchère, bishop of Orleans, say they, who now reposes in the monastery of Saint Trudon, being at his prisons, was carried off into life eternal, and there, among other things which the Lord showed him, he saw Prince Charles delivered to the torments of the damned in the lowest regions of hell. Saint Euchère inquiring of the angel his guide, what was the cause of it, the angel replied that it was by the judgment of the Saint whose property he had plundered, and who at the day of the last judgment will sit with God to judge men. In the meantime till the coming of that day, the body and soul of Charles are *d'avance*† a prey to eternal punishment; and he is punished, not only for his own sins, but also

* Chronicon Centulense, dans le Recueil des Historiens de France. tom. iii. p. 352.

† There is a coincidence worth remarking between the ecclesiastical and heathen notions of infernal punishment and justice. Charles is punished before trial. This appears to have been the practice of Rhodamanthus, Chief Justice of the Greek and Roman place of torment:

'Castigatque auditque dolos, subigitque fateri,'

or, as Sir Edward Coke has translated it, 'First he punisheth and then he heareth, &c.'

for the sins of all those who had given their goods [*biens*] for the necessities of the servants of Christ and the poor, in order to redeem their souls. Saint Eucière, having come to himself [*revenu à lui*] sent for Saint Boniface, Fulrud abbot of Saint Denis, and the first chaplain of King Pepin, and after relating these things to them, told them to go and visit the sepulchre of Charles, in order that, if they did not find his body there, they might believe in the truth of his story. The latter, going to the said monastery of Saint Denis, where Charles had been buried, caused his sepulchre to be opened, and immediately they saw a dragon come out of it, and the tomb was found all blackened within as if it had been burnt. We have ourselves seen such of the witnesses of that spectacle as lived to our time, and they attested to us with their own mouths what they had seen and heard. Pepin, son of Charles, being informed of the above, convoked the synod at Leptines, where a legate of the Holy See named George presided with St. Boniface; and then he caused to be restored to the churches all that he could recover of the church property, which his father had usurped. And as he could not restore the whole, by reason of the war which he then sustained against Waifer, prince of Aquitaine, he asked the bishops to grant the said property under the title of *precaria*, ordering that the quit-rent of it should be paid with exactness to the churches, as is prescribed in the book of the Capitularies of the King, till the time when the property itself could return to them.”—p. 135.

On the subject of *benefices* or grants M. Guizot comes to the following conclusion :—

1. ‘Originally and generally the grants were made under the title of usufruct and for life, provided that the grantee remained faithful to the grantor.
2. ‘The course of events constantly tended to render them hereditary.’—p. 143.

M. Guizot, alluding to the mistakes of those who place liberty in the infancy of society, observes,

‘We see it there indeed, but for a single moment, in the very cradle of society. As long as the community is small in number and confined within a narrow space,—as long as its members in general lead *en commun* the same kind of life and one occupied with very simple interests which they pursue in concert,—in a tribe of shepherds, in a band of hunters or warriors,—liberty is not altogether without reality or guarantee. Each individual has his importance, and no one is placed, in regard to another, in a situation too unequal. The strength of each is sufficient, or nearly so, to protect him; and as they live almost always together, united by the same interest or the same design, those sentiments of natural sympathy, those first notions of reason and justice which develop themselves in man almost at the very sight of his fellow, are also sufficient to cause the members of

the association not to suffer bodily strength to reign alone in their relations, but mutually to guarantee their principal rights.'

'Thus when we ascend to the first dawn of social life, when we penetrate into the small and primitive circles of *nomade* families or barbarous warriors, in spite of violent passions and brutality of manners we meet with sentiments, habits, and even institutions or rather customs, which recognize and defend liberty.'—p. 186.

This attempt to eulogize the patriarchal state is an instance of the way in which men generalize in the teeth of evidence. The best authenticated histories possessed of the nomadic state, those viz. of Cain's family, of Abraham, of Jacob's sons, &c. &c., prove anything but 'those sentiments of natural sympathy, those first notions of reason and justice, which develop themselves in man almost at the very sight of his fellow.' They prove on the contrary that man in that state regards his fellow, even though that fellow be his very brother of the same blood and breeding, precisely as any wild beast regards another wild beast which it meets in the forest. If the beast has eaten and is 'full of bread,' he possibly will pass his brother wild beast with a growl of greeting, the courtesy of the woods or the desert; but if he is fasting, he will turn and rend his brother beast if he can, and if he cannot, his brother will rend *him*. This is the liberty and law of nature which some jurists talk of.

The *wehrgeld* was the composition or sum paid by the murderer to the family of the murdered. M. Guizot gives a table, which he says is only a selection from the laws of the different German nations, from which he endeavours to show that the origin and rank of the individuals were not the only element of the *wehrgeld*; but that the circumstances attending the offence, and the usefulness or rarity of the man killed, were equally taken into consideration. Room can only be made for a few of the cases given in the table.

1800	sols [solidi]	for the murder of a free barbarian, <i>compagnon du roi (in truste regis)</i> , attacked and killed in his house by an armed band, <i>chez les Francs Saliens</i> .
960	- -	1. The duke, <i>chez les Bavaois</i> . 2. The bishop, <i>chez les Allemands</i> .
640	- -	The duke's relations, <i>chez les Bavaois</i> .
500	- -	The deacon, <i>chez les Ripuaires</i> .
400	- -	1. The sub-deacon, <i>chez les Ripuaires</i> . 2. The deacon, <i>chez les Allemands</i> . 3. The same, <i>chez les Francs Saliens</i> .
300	- -	The Roman, the King's guest, <i>chez les Francs Saliens</i> .
160	- -	The freeman in general, <i>chez les Allemands</i> .

- 150 - - - The *Optimas* or *Grand Bourguignon*, slain by the man whom he had attacked. 2. The intendants of a domain of the King, *chez les Bourguignons*. 3. the slave *bon ouvrier en or*, *ibid*.
- 100 - - - The man of middle rank, [*mediocris*] under the same circumstances.
- 75 - - - The man of inferior condition, [*minor persona*] *chez les Bourguignons*.
- 55 - - - The barbarian slave, employed in his master's personal service, or on messages, *chez les Bourguignons*.
- 45 - - - 1. The serf of the church and of the king, *chez les Allemands*. 2. The Roman tributary, *chez les Francs Saliens*.
- 40 - - - 1. The simple freed man, *chez les Bavaois*. 2. The herdsman who herds forty hogs, *chez les Allemands*. 3. The shepherd of eighty sheep, *ibid*. &c.
- 20 - - - The slave, *chez les Bavaois*. * *

'The life of a slave,' observes M. Guizot, 'who was a good worker in gold, was worth more amongst the Burgundians than that of a free man of the middle class; as was also that of the *optimas* when this last was killed after having been the aggressor,'— p. 202.

The following is a good reason for the nobles beginning to seek those places about court which barbarian vanity had established. It may be remarked *en passant*, that while M. Guizot attributes the institution of those places to a desire to imitate the ceremonial of the palace of the Roman emperors, M. Dulaure in his History of Paris mentions this as one of the customs introduced by the Franks into Gaul, and contrasts it with the practice of the Romans who he says were served by slaves and not by men of illustrious birth. True, no doubt; but did not the Byzantine emperors introduce that court ceremonial, too complex certainly to be all at once invented by the barbarous Franks? From the court of the King it spread, as M. Guizot rightly remarks, among the castles or petty courts as they may be called of the great proprietors, who were a sort of petty kings in their own domains. As M. Dulaure describes it, the phenomenon bears a very paradoxical appearance, for he altogether fails to account for it.

'It would be wrong,' says M. Guizot, 'to attribute to vanity or avarice alone, the eagerness with which the places about court were

immediately sought after; there was an inducement concerned, still more powerful. It was a resource against *ennui*, the solitude and the monotony of existence. Barbarians are no less eager than civilized nations, for emotions and amusements; and in France of the seventh century, this want did not everywhere find, as in our days, the means of satisfying itself. The time that was not employed in war and banquets, was void and the life insipid. The new masters of the country disdained work, and did not know how to employ their leisure.—p. 209.

The following passage, descriptive of the origin of the noblesse, is important enough to be extracted entire.

‘ I can now, if I do not mistake, resolve without much difficulty a question which still divides our most learned publicists, the question of the primitive origin of the noblesse and its privileges. Montesquieu has looked for it in the quality of *Leude**; according to him, the *fileles* of the King, the ‘ antrustions,’ first formed a body of nobles, and thence all the noblesse is sprung. M. de Boulainvilliers, and in our days M. de Montlosier, have attacked this position. In their eyes, the only nobles are the Franks; and nobility belonged to the quality of free barbarian, not to that of *leude* of the King. Both systems are incomplete and fallacious. In going back to the first ages of the monarchy, two facts are certain; one, that the Franks, by that title alone, possessed over the ancient inhabitants of the country a pre-eminence at once real and legal; the other, that the *antrustions*, whether Franks or Gauls, possessed over the other free men, whether of barbarous origin or not, a real pre-eminence that was continually increasing. The quality of Frank, of free barbarian, was, it is true, hereditary with its advantages, while originally that of *antrustion* and its advantages were purely personal. But the course of events was destined to place these two classes of men in situations precisely inverse. The quality of *antrustion*, its advantages and the pre-eminence which was derived from it, had a tendency to become hereditary; that of Frank, of free barbarian, on the contrary to be abolished and to lose its primitive advantages. Far from being sufficiently powerful to found the nobility of his family, a Frank, by that title alone, was not even sure to transmit to it his freedom. A division took place among the free barbarians; some by the possession of *bénéfices*, of public offices or places about court, passed into the class of *leude*, either of the King or of some powerful proprietor, and the nobility of their successors had its origin in the perpetuation of those advantages; the greater number, who either could not obtain or could not preserve them, soon saw, in despite of their origin, their liberty compromised and their descendants sunk into the condition of husbandmen (*colons*) or even of serfs. So that, if we wish absolutely to apply the term nobility, which

* *Leude* seems to be the same as the modern German *leute*, which when joined with *meine* signifies—‘ my servants or domestics.’

is the work of time, to an epoch when time had yet acknowledged and guaranteed nothing, we must say that the free men were a nobility in dissolution, in decay, and the *leudes* a nobility in progress.'

'This then is all that can be affirmed. On the one side, it is in the class of *leudes* rather than in that of Franks that the modern noblesse has had its birth. On the other, there did not exist, from the 5th to the 10th century, any real noblesse, since the origin of the Franks did not secure to them the perpetuation of real superiority upon which nobility is founded, and since the *leudes* had not possessed this either for a time sufficiently long, or in a manner sufficiently stable, for their *de facto* superiority to law to have become a hereditary right, acknowledged by the people and sanctioned by the laws.'

'That there were among the *leudes* of the highest consideration a great number of Gallo-Romans cannot be doubted. Gregory of Tours, and the contemporary historians, furnish examples of it at every step; sometimes in speaking of a duke, a count, a mayor of the palace, a favourite, they say expressly that he was a Roman* by birth; sometimes the names plainly reveal the Roman origin. Often Romans are found concealed under barbarous names, for the conquered translated their names into the language of the conquerors. Thus the brother of the duke Lupus, by birth a Roman, was called *Magn-wulfus*; and his son, who was bishop of Rheims, *Rom-wulfus*; fantastic combinations where the mixture of the words borrowed from the two languages, betrays at once both the recollection of the ancient country, and the avowal of the domination of the conquerors.'

'Not only rich and free Romans, but freed men, and even slaves, obtained a place among the King's *leudes*. Leudastes†, Andarchius‡, Condo§, having risen from the lowest state of servitude, acquired immense fortune, and raised themselves to the highest dignities of the State.'

'Thus was formed the class of *leudes*, which took no account of origin or any legal rank, and collected round a chief, whether king or great proprietor, all the men, with whom accident, their own industry, favour, or necessity lodged the opportunity of serving him in exchange for his benefits or his protection. The *leudes* did not possess under that title, at least at their origin, any acknowledged existence, any determinate rank in the state.'—p. 215.

Does not what follows seem somewhat at variance with M. Guizot's general views as advanced in the course of his work?

'They became *the men of a man*; acquired rights only from him, contracted duties only towards him; precarious rights, vague duties, incessantly violated or misunderstood, but which notwithstanding

* By this term is meant the inhabitants of Gaul at the time of the irruption of the Franks.

† Aimoin, de Gestis Francor. l. iii. c. 42.

‡ Gregor. Tur. l. iv. c. 47.

§ Fortunat. Carm. l. vii. c. 16.

gave birth to particular associations, alone capable, in the midst of confusion and universal change, of receiving some degree of rule and attaining some portion of stability. Afterwards took place, in spite of a multitude of accidents, the amalgamation of the conquering and conquered nations; the Roman who remained free and rich, took his station in the midst of the Franks who had established themselves in his canton. A very short time after the conquest, the two seem to disappear; the general history of France is scarcely anything but that of the king and his *leudes*; the history of each locality, that of the chief whose influence prevailed there, and of the *leudes* who rallied round him. It is, in short, with the *leudes* that feudal society commenced; they stand between the *compagnons errants* of the German chiefs and the vassals of the middle age, as the *benefices* do between the presents of horses or arms and the fiefs.—p. 216.

Now if, as M. Guizot says, the *leudes* formed the only nobility, or to speak more correctly, the only persons of rank and consideration, those great proprietors who had their bands of *leudes* attached to them, must themselves have been the *leudes* of somebody, for instance of the king;—an inference which seems to invest the kings with more power and influence, than the general bearing of M. Guizot's evidence would seem to allow them to have possessed during the period in question.

An anecdote quoted by M. Guizot in a note at p. 228, from the Chronicle of the Monk of Saint-Gall, may furnish a good example to those who have bishoprics to give away at the present day. Charlemagne had entrusted to the care of a certain learned person, for the purpose of being instructed, a number of young persons, some of whom were of high birth, some of the middle, and others of the lower class. On his return from one of his campaigns, 'he ordered that the young people should come before him, and bring their subjects of study. The young persons of middle and inferior condition, presented to him work well executed and ornamented with all the beauties of science* ; but the young persons of family only presented work imperfectly executed, and betraying their idleness. Then the sage king, imitating the justice of the Sovereign Judge, placed on his right hand those who had worked well and said to them; "I thank you, my children, for you have fulfilled my orders, and done your duty as far as in you lay; now exert yourselves to attain perfection; I will give you bishoprics and rich monasteries, and will always hold you in honour." Then, turning towards those who were on his left hand, and awakening

* It is difficult to guess what is the precise meaning here, unless it is something similar to the understanding^b of the 'beauties of science,' entertained by country schoolmasters

their conscience by the fire of his glances, he addressed them ironically, *avec l'éclat de la foudre*, in these terrible words; "You, young nobles; you, the sons of the great; you, who are elegant and delicate; you, who have trusted to your birth and your wealth; you have neglected my orders and your own sanctification; you have given yourselves up to debauchery, to gaming, to idleness or vain pursuits;" therefore, with his usual oath, raising his head and hand towards heaven, "by the King of Heaven," said he, "I make small account of your nobility and elegance, though others admire you; and be well assured that if you do not repair your negligence by assiduous labour, you will never obtain anything good from Charles."

Royalty had, observes M. Guizot, a double origin, one military, the other religious. A wandering tribe of warriors must have a chief; and every nation refers the ancestry of some certain family to its first heroes, of whom it has made gods.

'The German warriors raised their chief upon a buckler, and proclaimed him king. The kings of the Goths, the Saxons, and the greater number of the German tribes that became nations, called themselves the descendants of Thuiskou or of Odin, or some other hero of the fabulous times who ranked among the national divinities. Hence the mixture as regards royalty, of election and inheritance, which is found in the first age of modern monarchies. Hence the fact almost universal, that the election was scarcely ever made but from the members of a single family, invested with the privilege of giving to the people its kings.'—p. 294.

'The fundamental distinctive character of barbarous royalty is, that it was a personal, not a public power; a force maintaining itself against other forces, not a magistracy in the midst of society. In other times or places royalty has been founded sometimes on religious belief, which making of the monarch the representative of the Divinity, commanded submission as a duty; sometimes on the general conduct of the people, who saw in the prince the depository of the power of the society, the protector or interpreter of the common interest. In both cases it is the institution that was strong, not the man. . . . From the 5th to the 10th century, it was quite otherwise with the Franks.—p. 305.

The 5th Essay contains a powerful dissertation on the political character of the feudal régime. The author enters into an investigation of the causes of that hatred with which the feudal aristocracy was invariably regarded by the people,—that deep, ineradicable, unutterable hatred, which was burnt as it were into their very being, and, with that only could end;—a hatred which went down to their descendants like the outward face and form of the progenitor. ••

In another of his essays, M. Guizot has shown pretty strong

evidence, that the opinion generally entertained not only by the public at large but by many *savans*, that a broad line of distinction was drawn between the conquerors and the conquered, —the former settling at once into masters and seigneurs, the latter into slaves and vassals,—is altogether erroneous. The truth rather was, that many of the richer and more influential of the conquered Gauls would rise into the place of seigneurs or proprietors, while many of the poorer, weaker, or less energetic of the conquering Franks would sink into the class of slaves and vassals. M. Guizot is of opinion that the other hypothesis arose from an anachronism, which transported the 10th century back to the 5th, and supposed that feudalism was formed all at once such as it was 500 years later. In the 10th century, the question was no longer of Franks and Gauls, conquerors and conquered; but a certain number of individuals under the names of seigneurs and vassals, each established in his own domain, and bound together by feudal relations, were masters of the population and the soil. This domination was not universal. Some proprietors of freeholds [*alleux*] remained without the pale of the régime of fiefs; certain cities, particularly in the South of France, preserved certain franchises; among the mass of the people there was in some places pure servitude, in others some remains of liberty. In short feudalism, in the words of M. Guizot, 'was a confederation of petty sovereigns, of petty despots, unequal among themselves and having towards one another duties and rights, but invested with an arbitrary and absolute power in their own domains over their personal and immediate subjects.' [p. 355]. 'In this,' he adds, 'consists the distinction between feudalism and every other kind of aristocracy.'

The reason assigned by M. Guizot why the worst despotism of a single man, though when followed out to all its consequences really more pernicious, has appeared more tolerable than feudalism,—is that in great monarchies men obtained at least some sort of equality and quiet.

'Liberty, equality, and quiet, from the 10th to the 13th century, were alike unknown to the inhabitants of the domains of every suzerain. Their sovereign was at their door; not one of them was hid from his sight or removed from his power. Of all tyrannies the worst is that which can thus count its subjects and see from its chair the limits of its empire. It is in such circumstances that the caprices of the human will display themselves in their most intolerable and fantastic shape, and with irresistible promptitude of action. It was then that the inequality of conditions made itself most severely felt; wealth, strength, independence, all human advantages presented themselves every instant in contrast with misery, weakness, and

servitude. The inhabitants of fiefs had to submit at once to the constant presence of war, privilege, and absolute power.'—p. 357.

'Is it surprising that such a system met from the people more hatred than even those which reduced them to a servitude more monotonous and more durable? As much despotism was there, as in the purest monarchy; privilege, as in the most concentrated aristocracy. And both appeared under the most offensive form, the despotism was not weakened by the remoteness and elevation of a throne; the privilege was not veiled under the majesty of a great body; both belonged to a man always present and always single, always the neighbour of his subjects, never called upon in deciding on their lot, to surround himself with his equals.'—p. 358.

Out of the long chaos of the five centuries that preceded the 10th, sprang the feudal system. This was the first step from barbarism towards the social state; not a very long step, it is true, but still a step.

'The feudal system had scarcely conquered, before it was again attacked. On the one side by the mass of the people endeavouring to reconquer some liberty, some property, some rights; on the other by royalty labouring to recover its public character, to become again the head of the nation.'—p. 362.

The King is described (p. 363) as being now the first of the feudal *seigneurs*, labouring to make himself the master of all,—to change his *suzeraineté* into *souveraineté*. The cause of the ineffective resistance made by the feudal aristocracy is expressed very happily and forcibly. '*Ses rangs n' étaient point serrés; elle opprimait et résistait individuellement.*'—p. 365.

The leading difference between the French and English barons was this. The French barons in the 11th century were sovereigns; the English barons were never more than aristocrats. One by one the French were conquered by their *suzerain*; the English united conquered their sovereign.

The subject of the 'original contract' or 'fundamental civil pact' has given rise to much discussion. The following remarks relating to it appear worthy of quotation.

'The first struggle which arises between power and liberty, has always for its object the acknowledgment of rights. In fact individual liberties are nothing, so long as they are not acknowledged as public rights, as the law of the country. It is then only that any social connexion can be said to be established between those who obtain the rights and those they have cause to fear. They must be joined in a union which has certain principles, certain reciprocal duties in common. It is possible that on both sides this union may be silent and unwritten. But it is indispensable that it be real; without this there is only servitude or war. It is in this sense that it may be said that society is founded on a contract.'—p. 401.

It would be superfluous after the analyses and quotations given above, to attempt to praise a work which already possesses a European reputation, though utterly unknown in England except to a few men of letters. It is hoped however, that even in these, the reader will have found sufficient to enable him to appreciate the debt which the historical literature of Europe owes to the labours of M. Guizot.

ART. III.—*A Brief Description of Nova Scotia, with plates of the principal Harbours, including a particular Account of the Island of Grand Manan.* By Anthony Lockwood, R.A. Professor of Hydrography, Assistant Surveyor General of the Provinces of Nova Scotia and Cape Breton.—4to. 1828. pp. 102. Hydrographer's Office, Admiralty.

THE maritime energy of mankind was necessarily confined within most narrow limits, till the discovery of the compass,—or, rather, till the period when that instrument was first brought into general use; for the time of its invention is shrouded in mystery, and the name of its discoverer a secret. Among numerous assertions and conjectures, it is reported to have been known to an Emperor of China 1120 years before the Christian era*; to have been in use in the days of Solomon†; to have been known to the Greeks and Romans; and to have been merely brought by Vasco de Gama into Europe from the coast of Africa, where he found it in use among the Arabians who traded with the African nations‡. To reconcile opinions so conflicting and laying claim to such high antiquity, is impossible; and to elicit truth from them, hopeless. Time may disclose facts that have been long hidden in darkness; on time, therefore, must depend all addition to the present stock of knowledge on this subject.

The introduction of the compass into general use was, as might be expected, accomplished gradually; priority being claimed by the Spaniards among the European nations. If the laws called *Las Leyes de Partidas* be entitled to the date attributed to them, the invention was not only known, but was in use among the seamen of that nation, in the middle of the thirteenth century; because in one of those laws there is the following passage, *asi como los marineros se guian en la noche obscura por el aguja*, 'as mariners steer in dark nights by means of the compass,' plainly indicating that it was in common use. Whatever may be

* Hutton's Mathematical Dictionary. † Boehardi Chanaan, Lib. cap. 58. ‡ Lafiteau, History of Portuguese Discovery in the New World.

the degree of credit which this evidence deserves, the use of the compass was probably, at that early period, confined to short voyages, and cannot be considered to have obtained general adoption, or to have been used on the ocean, until the beginning of the fifteenth century.

Equal doubt and obscurity attach to the invention and the inventor of sea charts, nor can the various improvements in their construction be always awarded to the lawful owners; the variations are many and progressive; the improvements are visible, and can often be traced to a definite period of introduction, but contemporary history has neglected to couple the name of the inventor with that of the discovery; and this absence of proof has afforded an ample field for the conjecture of modern writers, who have too often supplied facts by fictions, and substituted prejudice and opinion for lucid arguments and sound conclusions. Many were the grades through which the chart had to pass in the progress from rudeness to the beauty and exactness which it has now attained; the genius of the mechanic, the learning of the philosopher, the intrepidity of the seaman, and the patronage of princes, have all been taxed to increase its perfection and complete its utility.

A modern chart, if it detail a survey of any considerable extent, is generally accompanied by a book of instructions, in which the dangers included within the limits of the survey are described, and the bearings of remarkable objects on the coast assigned. The work, however, of Mr. Lockwood assumes a more extensive character, and includes in its object a geographical description of the provinces to which it relates.

Under the term Nova Scotia was originally comprehended not only the province which still bears that name, but New Brunswick, Cape Breton, and Prince Edward's Island; being between Lat. 43° and 49° N.; Long. 60° and 67° W.; 400 miles in length, and of various breadths, from 40 to 150 miles. In 1784, this was divided into two governments, viz. New Brunswick and Nova Scotia; and in this reduced extent, Nova Scotia measures 240 miles in length, and from thirty to sixty miles in breadth. Joined to the main land by a narrow isthmus at the northern extremity of the Bay of Fundy, the province of Nova Scotia is a peninsula, and lies to the westward of New Brunswick. Its discovery is generally attributed to Sebastian Cabot, about the year 1497, while he was in the employ of our Henry the Seventh; but that prince, as well as several of his successors, appear to have set little value on the discovery, for no attempt was made to render it useful to the country. The first effort to form a settlement upon it, was made by the French in the year 1598,

when the Marquis de la Roche landed a large body of convicts upon Sable island ; but a great portion of these unfortunate creatures perished for want, the remainder were conveyed back to France, and the attempt to settle proved totally unsuccessful. Persuaded of the value of a settlement on this spot, and undismayed by former misfortunes, the French renewed the speculation, and with better success, within six years afterwards. In 1604 MM. De Monts, Champlain, Petrincoart, and numerous settlers arrived from France, landed on the main land of the province, and after surveying it minutely, founded the town of Port Royal, now called Annapolis ; took formal possession of the country, which they named Acadia ; and De Monts assumed the character of Governor, acting under the commission of the King of France. This colony however, disappointed the expectation of all the parties engaged in its settlement ; it had but a ten years duration, for jealousies and feuds soon sprang up between the inhabitants of the new colony and those of New England, their immediate neighbours. As usually happens, acts of irritation and aggression were numerous on both sides ; which led in 1614 to open hostilities, the colony being in that year destroyed by a New England force, under the command of Sir Charles Argal, who destroyed the patent of the King of France, and removed the greater part of the settlers into the province of Canada. Nova Scotia was finally ceded to England by the treaty of Utrecht, and the cession was confirmed by that of Aix-la-Chapelle in 1748. In the following year, Governor Cornwallis left England with 4000 settlers, landed at Chebucto Harbour, and founded the city of Halifax.

From this period and to this circumstance must be attributed the improvement of the colony. The situation of Halifax was well chosen for the purposes of general government, and for the prosecution of every branch of trade both internal and external. Port Royal, though seated on a fine and spacious harbour, was deficient in many important requisites for becoming a good and effective seat of government to a new establishment, or for the promotion of other than a limited trade, confined chiefly to a peculiar branch. Such is the opinion of most persons conversant with the subject, and it is believed that the fur trade constituted the leading motive of France in the attempt to establish the colony. At this time the province had received little benefit from the labour of clearing, and exhibited one vast forest of tall and majestic trees, the growth of ages, intersected here and there with what are called barrers, or tracks of land covered with weeds and moss. The axe and the saw were extensively wanted to prepare this wilderness, and render it fit to become the habitation of man.

The hills or highlands, for there are no mountains, generally run in a direction from N. to S. ; sometimes, like the Horton chain, terminating in bold and rocky cliffs upon the coast, but no where exceeding 600 feet in height, which is the measurement of Ardoise hill, between Halifax and Windsor. The hills which lie in the interior, and run through the counties of Queen's, Annapolis, and Shelburne, are said to exhibit traces of volcanic action ; these are known by the name of the Blue Mountains. Although many large tracts of land have been brought into a state of cultivation, there remains a large portion in its primitive condition,—a wild and savage wilderness. There is certainly much poor land in the province, but its quantity has been greatly exaggerated. Limestone is very generally distributed throughout the province, and has been used with singular effect in the improvement of some of the cold wet soils.

Some inconvenience is felt from the singularity of the climate ; in which a severe winter of some months duration, is succeeded, without any gradual increase in temperature, by a summer of intense heat. Viewed in conjunction with the position of the country on the globe, the circumstance is remarkable, and it may rationally be expected that the amelioration of the climate will keep pace with the increase of cultivation, and the extension of improvement. The severity of the winter is probably increased by the dampness of the ground, shaded as it is from the rays of the sun by the foliage of the countless myriads of trees by which the face of the country is so abundantly covered. The leaves fall and are decomposed upon the moss and other vegetable matter which covers the surface of the ground, and thus add to the dampness of the soil, which is likewise increased by the attraction of the forests. The clouds arrested in their progress by the attraction of the trees on the highlands, discharge their burthen of water, and deluge the land with floods. But these are evils which will be overcome by time, labour, and industry.

As the chief object of the present article is to point out the local advantages which the situation of Nova Scotia offers for trade and internal intercourse, that end will be best answered by describing some of the most prominent harbours, bays, and rivers that encircle and intersect the province, with such equality of distribution, that out of 15,617 square miles of which it is composed, there is no point that is more than thirty miles distant from navigable water. It will be desirable to begin at the boundary line which divides Nova Scotia from New Brunswick, proceed onwards to the head of the Bay of Fundy, and return to the westward in an opposite direction ; after which the harbours

and settlements on the northern, and on the eastern coast to its extremity, will remain for the completion of the survey.

The line of demarkation commences upon the sea coast in lat. $45^{\circ} 10' N.$, long. $66^{\circ} 50' W.$, at the island of Grand Manan, which lies in the entrance into the Bay of Fundy, about two leagues from the main land. This island, important from its position, is about fourteen miles in length, and from seven to nine miles in breadth, and contains 37,000 acres. Covered with timber of the best quality, and thinly populated by some settlers from the United States amounting to about 380 persons, the inconveniences arising from damps, fogs, and heavy rains, are found here as in Nova Scotia; the vicissitudes of the climate are nearly the same, but from the beneficial influence of the sea air, the winters are not so severe. The shore is very bold and craggy on all sides, particularly on the western, where the cliffs present a formidable appearance, rising 600 feet above the level of the sea, and afford but one small inlet, called Dark Cove, that will prove an asylum even to boats. Whale Cove, on the northern shore, equally abrupt and bold, may be used as a harbour in southerly gales, where ships may wait for tides, in safety, in from fifteen to twenty-five fathoms. The qualities of the soil of this small island are known to be excellent, and from the best authority, that of the farmers who have settled upon it. The dangers around Grand Manan are numerous, and were till very recently, but imperfectly known or inaccurately laid down in the charts.

‘No chart extant shows the dangers of Manan: no book of directions that I have ever seen, explains the courses and rates of the tides. The repeated instances of shipwreck arising mostly from deficient information concerning these dangers and tides, drew from the merchants of St. John’s city an application to the Lords of the Admiralty for a survey of the Bay of Fundy.’—p. 94.

To supply this deficiency the Admiralty published a survey of the Bay of Fundy, composed of three sheets; of the coast of Nova Scotia, in thirteen sheets; and of the gulf and river of St. Lawrence, comprising three sheets, each of which may be purchased separately. This extensive survey was made by the late Captain Hurd, Messrs. De Barre and Lockwood, Captain Bayfield, all of the Royal Navy of Great Britain; and the Port of St. Pierre Island, by Lieutenant Thouars of the Royal Navy of France. The plans or charts of the harbours, seven in number, contained in Mr. Lockwood’s work, are clear, correct, and exceedingly neat in the execution; but as the names of the most prominent harbours only are engraved, though all are laid down

upon the charts, their value and utility are greatly reduced, and they can be viewed in scarcely any other light than as mere skeletons. Should this work be reprinted by the Admiralty with additions, that of a few more names placed against the smaller harbours would prove both valuable and acceptable.

Ten miles distant from Grand Manan is a large and deep bay which retains its Indian name of Passamaquoddy; the entrance being formed by Campo Bello on the south, and Spruce and White Islands on the north. It is three miles in breadth and contains within it harbours equal to any in the world for safety, convenience, and the general purposes of commerce. The harbours in this fine bay are well situated for the lumber trade, the fishery, and for ship-building, in consequence of the large supply of good timber which abounds on the shores of the bay, and the great rise of the tide which takes place, an advantage of great value for the construction of docks and the purposes of ship-building. The upper end of the bay terminates in the river St. Croix, which branches out into three channels, making considerable angles with each other. It is here that the British and American territories meet; the boundary line between which, was to be drawn from the head of this river. But the river, like Cerberus, is triple headed, and this circumstance threw triple difficulty in the way of the negociators, as to which of the branches should be considered to be the head, and the settlement of the question has employed the subtlety of the diplomatists of both countries. The land about the upper end of this bay is very good; the timber of the best quality, and very abundant. St. Andrew's is a handsome town, standing on the river St. Croix, and has some advantages of climate which make it a desirable spot, the principal one being the absence of the dense fogs by which many other parts of the province are annoyed. The harbour, unnoticed by Mr. Lockwood, has only six feet water at ebb tide, and the town is built at too great a distance from the sea; disadvantages of magnitude, and obstructions to its ever becoming a port of consequence. Beaver harbour, or Port Parker as it is sometimes called, lies to the east of Passamaquoddy bay, distant three leagues. The harbour, exposed to the southerly winds, might be improved at a little expense. The town was founded by about 8 or 900 refugees, and is well chosen for carrying on the fishery. On the western side of the harbour the descendants of four Dutch families, who in 1798 purchased 5,000 acres, are doing well.

From Beaver harbour to St. John's river, distant twelve

leagues E.N.E., the coast is bold and rocky, but of moderate height, and entirely free from danger. The city of St. John, on the north side of the bay of Fundy, and forty-five miles distant from the island of Grand Manan, stands on an irregular descent, with a southern aspect, and on entering the river presents an imposing and agreeable appearance. It is built on the east side of the harbour within two miles of Partridge island, which lying directly opposite the entrance of the river, breaks off the sea, and shelters it from all winds. It is rendered exceedingly pleasant from its peculiar situation; being built on a neck of land, and almost surrounded by the sea. The streets cross each other at right angles, and are about sixty feet in breadth, each house having at least a sixty feet frontage, and a depth of 120 feet; but there are many that are far larger and more spacious. No place on the north side of the bay of Fundy possesses equal advantages with this for becoming a place of general trade, on account of the river, which extends much further into the country than any other, as well as of the large tracts of land which border its shores, equal in point of excellence to any in America for breeding live stock, the production of grain, or the quantity and quality of its timber; the lumber trade might here be prosecuted to any extent, and in ship-building it might vie with New England. The harbour of St. John has from 7 to 10 fathoms water, good anchorage and an excellent beach; it never freezes up, for when the river above the falls is broken, the great force of the tide dashes the ice to pieces so completely that it never does any injury to the shipping. About a mile above the town there is a large fall or rapid, occasioned by some rocks which encroach upon the river and confine it at this place. When the flood has risen twelve feet in the harbour below, the falls are smooth, and continue passable for twenty minutes; and from hence the river is navigable for more than seventy miles for vessels of from 80 to 100 tons burthen. From the middle of April till the beginning of June, in consequence of the heavy rains and the melting of the snow, the falls are impassable for vessels bound up the river, the tide not rising to their level; and owing to the strong current that runs through the harbour at that period, vessels often find a difficulty in entering it, unless assisted by a favourable wind. At a distance of sixty miles from the sea the river communicates with a very large, deep and beautiful sheet of water called the Grand Lake, situated on its eastern side, and navigable into the river. The rise of the tide in this Lake is four feet; the lands on its banks are remarkable for their goodness and fertility; it is abundantly stocked with numerous

kinds of fish ; and in fact possesses most of the requisites for constituting a prosperous settlement.

The Bay of Fundy, which is not described in Mr. Lockwood's work, continues of various breadths from six to fifteen leagues, and has throughout its course a great depth of water. It is divided by the land into two distinct arms, the largest of which is called the Basin of Mines, and the other Chignecto Bay. The Basin of Mines takes a course nearly due east, for eighty miles in length, receiving the waters of several rivers, and having a rise and fall of the tide continually increasing as it advances, till it is equal, at its head, to seventy feet perpendicular. An advantage of magnitude results from this great rise of the tide, which makes several rivers both in this and in the N.E. branch of the bay navigable for a great distance into the country. One fact here is curious and worthy of remark ; Vert Bay on the Gulf of St. Lawrence, is divided from the Basin of Mines by a narrow neck of land, and is not more than twenty miles distant from it, yet the tides rise only eight feet perpendicular, being sixty-two feet *minus* the rise in the Basin of Mines. Chignecto Bay, the other arm or head of the Bay of Fundy, takes a N.E. course from the point of separation, flowing through a space of fifty miles, and receiving the waters of some rivers of considerable magnitude, the largest of which is called the Petudiac. Of the Bay of Fundy, generally, it may be affirmed, that the tides rise higher than in any other part of America, rushing with great velocity into the rivers, bays, and harbours, and depositing large masses of alluvial matter, the origin of those tracts of rich marsh land which abound in the whole of the district surrounding it, which is the most populous and productive in the province of Nova Scotia. There is no vestige of the French village of Mines remaining, except the cellars of the houses, a few old orchards, and that constant appendage to an Acadian settlement, groups of willows*. Most of the land here is in good tillage, and there are 4,000 acres of diked land, besides salt marshes and other pastures. Coal, limestone, and other valuable minerals are abundant round the head of the bay ; and between the towns of St. John and Digby, a steam-packet three times a week has been established.

Returning down the Bay of Fundy to the westward, no harbour occurs till nearly opposite St. John's river, where stands that of Annapolis, one of the noblest in the world ; the entrance formed by two capes or headlands, perfectly sheltered from all

* Bouchette's Survey of the British Settlements in North America, Vol. ii.

winds, and having a depth of from twenty to thirty fathoms. The entrance is nearly a mile in breadth, and has a strong current both upon ebb and flood tide, and the shore is so steep that a ship may run her bowsprit against the rocks and be in ten fathoms water. This basin is twenty miles in circumference and capable of holding a great number of ships, and on its shore is built the handsome town of Digby. From the basin to the Bay of Annapolis is a distance of twelve miles up a deep and narrow river. The town, built on a peninsula projecting for a considerable distance into the water, and which forms two handsome basins, has not much increased either in size or population. The air of this and of some other parts of the county of Annapolis is very salubrious, and the timber remarkably fine in growth and excellent in quality.

Passing south-west from Annapolis, attention is arrested by the fine deep bay and river of St. Mary, in the county of Sydney. The township of St. Mary contains about 280,000 acres, the quality of which in the interior is good; but along the coast there is much that is barren and stony. Some of the land in this county is equal to any in the province, and there are 120,000 acres of the best quality ungranted by the government. The river is difficult of access in consequence of a bar across its mouth with twelve feet water on it, and which at very low ebb tides has scarcely eleven feet. At a distance of about twelve miles it divides, and flows through a finely wooded country, the timber of which is of the soundest and most valuable description, and easily floated down to Sherbrook by means of the various branches of the river. The town of Sherbrook, at the head of the river, which is navigable up to it for ships of 100 tons, is only twelve miles distant from the sea, and has long carried on a profitable lumber trade. From the many local advantages of this town, among which may be enumerated some good roads, it is probable that it will at no very distant period of time be raised into commercial eminence. Country Harbour is also in the township of St. Mary; it is navigable for ships of the first class for twelve miles from the entrance into Sandwich bay in which it is situated. The lands around this harbour were granted in 1783 to the soldiers of the South Carolina regiment, after it was disbanded; but these men possessed neither industry nor perseverance, and after exhausting their stores of provisions and other necessaries, left the settlement, with the exception of two or three families which remained, and who are now the possessors of some fine and valuable property. At Guysborough or Manchester the fishing is carried on so extensively and profitably, that no more land

has been brought under tillage than is necessary for the supply of the population of the district; which makes a favourable opening for the exertions of those who might be disposed to direct their attention to agricultural pursuits. The situation of the town and the effect of the surrounding scenery are beautiful. It stands near the entrance, on the western side of the lower basin of Milford Haven; and as the country on each side has been cleared many years, the forest has been exchanged for extensive meadows, such timber only remaining as is beneficial for the land or advantageous to the landscape. The harbour of Milford Haven, unnoticed in the work under consideration, stands at the head of Chedabucto bay; it has a narrow entrance, and is rendered difficult of access on account of a bar across it, which at low water has only eighteen feet upon it. A spacious basin, half a mile wide and three miles long, completely sheltered from all winds and affording good anchorage, immediately succeeds. After passing through a narrow channel about two miles in length, another harbour more spacious than the former, measuring from four to five miles, opens to the seaman, the whole way being navigable for ships of 500 tons burthen. It is on the western side of this basin that the town of Guysborough is so picturesquely situated.

From St. Mary's Bay, the coast lies nearly due north and south, and its south-western extremity is exposed to the uncontrolled force of the western ocean; from the inroads of which, it presents a very rugged and broken appearance. Off this coast, and within sight of land, lie the Seal Islands, truly dangerous from the number of currents which prevail around them. The largest is two miles long from N. to S. and lies at the entrance into the Bay of Fundy;— a light-house on the southern end of this island is much wanted, not only for avoiding the dangers of the island itself, but as a preservative against others in its vicinity which have proved fatal. Among these is the Blonde rock, two miles south of the island, and so called from his Majesty's ship of that name having been lost upon it in 1777; and some heavy and dangerous overfalls, lying about a mile to the westward, which break and present an alarming appearance.

From the southern extremity of the Peninsula, the coast ranges nearly E. N. E. and W. S. W. with little variation, as far as Cape Canso the eastern extremity, along a space of about 300 miles, abounding in excellent harbours at short distances from each other throughout the entire line. Of these, Barrington, which lies eastward of Seal Island, has a flourishing settlement upon its margin, with from four to

five thousand inhabitants. Here is some of the stony land against which so much has frequently been said; but the excellence of the pasturage enables the inhabitants to keep a large stock of cattle, and they enjoy not only the necessaries of life in plenty, but many of its luxuries. Six leagues N.E. of Barrington Bay is Shelburne, the finest harbour in Nova Scotia; easy of access, of perfect security, and affording safe anchorage for the largest class of shipping. It is sheltered from the winds; and protected against the fury of the waves by M'Nutt's Island, lying at the entrance, and on which is placed a light-house, the lantern rising 125 feet above the level of the sea. The first settlement was made in 1764 by Alexander M'Nutt and others, who had received a grant of 100,000 acres of land in the neighbourhood of this harbour; but these people did little more than improve the land at its entrance. In 1783, at the close of the war with America, a large number of families emigrated to this spot, and pleased with the spacious harbour, began to build the town. These infatuated people expended their fortunes in extravagant buildings without object or consideration. In 1784, the population exceeded 12,000 inhabitants; in 1816, there were only 374 persons in the town and suburbs. Their object was to draw the leading persons of the province to this spot, and to make it the seat of government of the province; but in this they were disappointed, and most of them reduced to poverty and the victims of their own folly, returned into the United States where they finally settled. 'The misfortune of these people,' says Mr. Morris the late surveyor-general of the province, 'arose principally from their being unfit for either farming or fishing, as they had accumulated their property by commerce; and in the frenzy of enthusiasm, were led to imagine, that a great town with spacious streets and commodious buildings would attract the stranger, and pave the way to its greatness. In the short space of two years, they had dissipated their fortunes, amounting, it is supposed, to no less than 500,000*l.* sterling.' Such was the rise, the grandeur, and the decay of this splendid settlement; to the actors engaged in it the result was misery and ruin, to future settlers it will be instruction and warning. About five miles east of this settlement, is a salmon fishery, noted for the extraordinary quantity of fish which it contains. Many other good harbours lie on this coast, along the line to Halifax; on all of which settlements have been made, and a foundation laid for future prosperity. At present, more than one-half of the export trade, and nearly the whole of the import, is

carried on at Halifax. In 1828 the imports amounted to 733,392*l.*, which employed 544 vessels and 3,340 men; and the exports, exclusive of the coasting trade, to 246,852*l.* carried on in 553 vessels, containing 61,511 tons, and navigated by 3,323 men. There were 150 vessels belonging to this port in 1828; 73 of which were square-rigged, and 77 schooners. The direction of the trade of the port will be seen by the disposition of the vessels; 70 were employed in the West Indian trade; 4 between Great Britain and Halifax; 6 in the trade with other European states and with Brazil; and the remainder in the fisheries. Owing to the almost exclusive attention paid to this port, its prosperity and increase have been greatly extended; in 1790 it contained 700 houses and 4,000 inhabitants; in 1828 the houses had increased to the number of 1,580, and the population to 14,439 persons. The quality of the land throughout the county of Halifax is extremely varied, and contains all the grades, from stony and barren, to rich and fertile; of the former, are some lands on the shores of St. Margaret's Bay; and of the latter, those round Colchester exhibit a fair and pleasing specimen. This latter district is well watered, and abounds in coal, limestone, and gypsum. In other parts of the county, on the Stewiack River for instance, veins of coal rise to the surface of the earth, and freestone, lime, and slate are found in abundance.

Another great advantage which this country possesses, may be found in the number and distribution of its rivers; most of them navigable through a considerable extent of country, which they enrich, beautify, and improve by their waters. The largest river in the province is the Shubenacadie, which flows from the Grand Lake in the county of Halifax, and falls into the sea at Cobequid Bay. It divides the counties of Halifax and Hants, and is navigable for more than thirty miles. The Clyde is the most beautiful river in Nova Scotia, taking its rise in a chain of lakes in the interior, and flowing through a course of 40 miles in extent. Many others after pursuing their courses through many miles of country, empty themselves into the sea at various points, where they form spacious harbours for shelter, to the preservation of which they mainly contribute by the force of their currents. Such are the Mersey, which falls into Liverpool harbour; the Medway and the Shelburne, the one forming the harbour of Port Medway, and the other the noble harbour of Shelburne. The Tusket is a valuable river both for commerce and intercourse, in consequence of its numerous branches, some of which expand into lakes, and form extensive harbours; it rises in the Blue Mountains, is navigable for ships through an extent of ten miles, and for small craft through a distance of thirty.

Such is the outline of this valuable district, the commerce of which might be greatly enlarged with a little well-directed encouragement. Hitherto the foreign trade has been chiefly confined to Halifax, declared a free warehousing port in 1826; but since that period, the same privilege has been extended to Sydney and Picton. The former of these is situated in a highly cultivated and populous country; and the latter, on the north eastern coast, in the county of Cumberland, is fast rising in wealth and prosperity. The position is well chosen, but the harbour cannot be called a good one, because there is a bar across its entrance which has but 15 feet water upon it; and on the outside of this bar, lies the Middle Ground, a shoal only seven feet under water; but beyond the bar the water deepens to 7 fathoms, which depth continues as far as the town.

As large tracts of public land of the very best quality still remain untenanted, sound policy would seem to dictate that such be sold, at a moderate price, as speedily as may be; and if the terms were equitable, it would not be difficult to find purchasers. The Americans fix 2 dollars per acre as the price of the public lands for sale within the United States, and experience has taught them that this is as fair a price as could be adopted,—one in which the interest of both parties to the bargain has been duly consulted. The experience of the American government on this head is so extensive, and the result of such continued experience under all variety of circumstances and in every possible situation, that it must be worth the attention of any state which possesses or may hereafter possess, territories in that rich, fertile, and beautiful quarter of the globe.

ART. IV.—*Corporate Reform.—Observations on the principles to be adopted in the establishment of New Municipalities;—The Reform of Ancient Corporations;—and the cheap administration of Justice. Addressed to Henry Hallam, Esq.—Together with the heads of a Bill for the future regulation and government of Corporations.* By Sir Francis Palgrave, K. H.—London; Hatchard. 1833. 8vo. 184 pp.

IT is natural to man to rejoice in a victory; but in the exuberance of joy the advantages of victory are sometimes lost through forgetfulness or inattention. The post gained, it becomes the duty of the victors to be cautious and vigilant, lest the enemy steal a march upon them, and oblige them to exchange the laurel wreath for the manacles of servitude. The cause of reform has roused the energies of the nation, and has

made the people inquisitive after their dormant rights; it has created that unanimity of thought and action so uncommon heretofore, yet so needful in the acquisition of great and difficult objects, and after the struggle of more than half a century it has been crowned with a proud and a glorious triumph. The giant corruption which had subdued under its control almost all the old municipal corporations in the kingdom, although not yet completely dislodged, has had its empire shaken to the very centre, and a better and purer order of things must result from the conquest. But reform, after all, must be perfected at home; for he who opens his hand to bribery or his ears to corruption, pulls down with one hand what he has just assisted to build up with the other;—if there were no bribe-takers, there would be an end to bribery;—and to ensure the smallest beneficial results from reform, whether considered in its narrowest or its most extended sense, it is essential that the acts of individuals be firm and unbiassed, honest and disinterested; that they be thoroughly acquainted with their rights and their duty, and as thoroughly determined to preserve the one as to perform the other. The manifold evils of past times, so long and so severely felt,—the enormities of the ancient boroughs, and the parliamentary jobbing to which they gave rise, now so completely dissected and exposed,—should become warnings for the exercise of a tenacious jealousy relative to every form of settlement proposed to be established under the new order of things. The towns which have been elevated into the rank of boroughs have joyously celebrated the event, a consequence in itself natural and proper enough; but let them not forget to examine with the most scrutinizing eyes the provisions of the charters intended for their incorporation; lest the loss may be greater than the gain; lest they may attain parliamentary franchise, at the expence of municipal freedom. It is a question of doubt how far it is endurable to preserve any of the old sinks of corporate infamy and corruption; but when it is proposed to transplant the principles of the old boroughs into the constitution of the new ones, the proposal is too monstrous to be entertained. Every age produces men whose thoughts have been directed towards the contrivance of means for the deception of the great body of the people; for repressing every exertion towards the improvement of their condition; for nullifying the few benefits which they obtain, and mystifying their understandings for the purpose of further inroads on their persons and properties. To say that such a course of action always proceeds from a deliberate intention to do evil, would perhaps be to assert what was not strictly true; because it sometimes has

its origin in timidity, in ignorance, and in an overweening love of the customs of our ancestors; but whatever be its source, it is equally dangerous to the welfare of the community. Laws which profess the happiness of mankind for their end, must be framed for the extension and preservation of security, which is liberty, or the power of taking care of ourselves. A criterion may thus be formed of the quality of laws; it is only to examine whether they militate directly or indirectly, instantly or prospectively, against the free exercise of political rights, to be convinced of the propriety or impropriety, of the safety or the danger of their adoption. If the charters of incorporation for the new boroughs make the corporate franchise difficult of attainment, and the exercise of corporate rights strictly dependent upon it; if under the pretence of extending the benefit of the community, they raise up new interests opposed to it, and under hidden pretexts pave the way to inroads on the liberty and domestic happiness of the burgesses; then will the loss be greater than the gain; political liberty nobly won, will be exchanged for municipal slavery artfully atchieved.

The original intention of the government was evidently the dissolution of the old corporate and municipal institutions, as appears from the tenor of the first bill for parliamentary reform; but since that period, it has from motives of prudence or policy abandoned dissolution, and substituted reformation in its stead. To reform an old and hardened sinner is a task of great difficulty; to restore him to his pristine virtue and simplicity of character is quite impossible. How nearly the old corporations may be reclaimed to their original purposes and utility, time alone can make evident with certainty; but if the ancient motives for their incorporation, the absence of most of the causes in the present day which made such institutions desirable, and the totally altered state of society, be considered, it will become pretty evident that however great may be the reform which shall be effected, or however useful they may have been in the olden time, they can never be made of any real value to the present generation. The attempt is however to be made, and Sir Francis Palgrave will state what he conceives to be the necessity.

‘ It is scarcely possible to offer any argument in favour of a reform of our existing corporations, more cogent and convincing, than that which results from the idea usually suggested by the term “*Corporation*,”—an idea wholly at variance with the original intent of the word. Consult the charters incorporating the borough of *Dale*. You will find that the king intended to give a legal existence to our united community of “*Mayor, Bailiffs, Common Council, and burgesses*,”

the latter including all the substantial householders of the town. The law seeks to incorporate them into one "body politic,"—all having similar interests,—all drawing the same way,—all working together for the preservation of the borough's peace, and the promotion of the prosperity of all the inhabitants. Such was the pristine theory of incorporation ; and for many ages, the practical effect of our corporate institutions corresponded with their theory. The privileges of the citizen were his pride and his delight. But now, the idea suggested by the word " Corporation " is wholly changed. If any one speaks of the Corporation of the Borough of Dale, he thinks only of the *governing body*. The word—as people usually receive it—describes only the " Mayor, Bailiffs, and Common Council," who are assumed to be always opposed to the main body of the burgesses, and still more to the main body of the inhabitants. The two portions of the community,—the ruling classes and the ruled classes,—incorporated by law, but disunited by interest and feeling, are always drawing different ways, and disturbing the peace and tranquillity of the borough by their mutual dissensions and animosities.'

The shameful abuse of the power thus arrogated to themselves by the ruling class, as they are styled ; the gross misapplication of the corporate funds and revenues, and the scandalous parliamentary jobbing so unblushingly practised ; will in the judgment of most persons form a more cogent reason for reform, than the mere fact of their having assumed the management of the concerns of the corporation, and erected themselves into a sort of municipal oligarchy. As to who were meant by the term burgesses, it ought never to have been doubted that the term included all the householders who paid to the taxes and talliages of the town ; which definition may be supposed not to exceed the meaning of the author, in the expression 'substantial householders.' The object of the law was certainly to incorporate the members of the town into one 'body politic ;' which is generally understood to have been for legal purposes. But if it had, as is stated, the further object of giving unity of mind and action,—if it purposed to make all the members draw one way, and work together for the preservation of peace and the promotion of prosperity,—then it sadly failed of its end ; for in matters of trade and individual interest they were each drawing in an opposite direction, as best suited his private ends, except in the appropriation of the corporate funds ; in that case unanimity marked their minds and actions, and they uniformly took a long pull, a strong pull, and a pull all together.

The charter of the borough of Dale is not an example of the pristine incorporations,—which were unacquainted with mayors and common-council-men ; and it may be fairly doubted whether the sovereigns who granted the first municipal charters, had for

their objects those enumerated by the author. In the Saxon period of our history, the distinction of burgess and *ceorl* is to be found; but the terms are to be regarded merely as appellatives which distinguished between those who dwelt in the country and were engaged in agriculture, and those who resided in the towns or burghs and were occupied in buying and selling; and no trace can be found, no mention is ever made, of municipal rights enjoyed by the burgesses as in the corporate communities of later times. In those rude ages when might overcame right, the burgesses traded under the protection of the king, the church, or some powerful nobleman, to whom they paid money for the advantage. Associations of this kind were numerous, and embraced other objects besides that of safe trading; such as a provision in case of distress, like a benefit club; or for mutual protection against rapine and injury, like the parochial or the private associations against robbery; all of which were called *guilds*, and conveyed no corporate rights to the burgesses who were members of them. Brady says that some of the burgesses were in a more servile condition, living in *Dominio Regis vel aliorum*, and that they traded not as being of any merchant-guild, society, or community, but merely under the liberty given them by their lords and patrons. [History of Boroughs, p. 16.] The nature of the payments made to the lords was various. The burgh of Pevensey was said to contain T. R. E. 24 burgesses in demesne, or vassals of the king, who paid 20 shillings toll, and 25 shillings for the use of the port. In Bath 64 burgesses paid 4 pounds by the year to the king; and 90 who were under the protection of other persons, paid 60 shillings yearly. These protections became a source of great profit to the king and the nobles, and created disputes and quarrels among the latter, as between Eustathius and the abbey of Ramsey, in the case of certain of the burgesses of Huntingdon. Of 116 burgesses who paid all customs and taxes to the king, the abbey of Ramsey had 10, with jurisdiction, soke money, and all custom; which 10 burgesses, Eustathius the earl took by force from the Abbey, and, says the Domesday Book, they are now in the king's hand. Thus it will be seen that the burgesses or inhabitants of a town were often formed into several guilds or communities, each under the protection of a different person. These associations were voluntary, and formed for a particular object, which was pursued in safety, the shield of power being thrown around them; but no traces of municipal rights, no mention of charters of incorporation, either for the monopoly of trade or for the purposes of internal police, granted to the burgesses, are any where to be found. Small as the advantage enjoyed may appear

in the present day, it was one of great value and importance at the time; so much so, that individuals who lived outside the towns, sought to be included in its benefits by contributing to the taxes levied on the burgesses. These taxes were very burthensome, and consisted in annual rents, in tolls and customs which were fixed, and in talliages which were discretionary on the part of their lords, and were often heavy, vexatious, and of frequent recurrence. Notwithstanding such drawbacks, these guilds or corporations carried on a lucrative trade, from the profits of which some of them acquired a common property belonging to the guild, through which and the favour of their patrons, they became possessed of special privileges of inheritance. These guilds grew into trading monopolies, and were the foundation of the incorporated trading companies of cities and towns in after times.

The pristine charters of incorporation which granted to towns municipal rights and the choice of magistrates, for their internal regulation, are generally referred to the reign of Louis le Gros, who, according to Brady, conferred the first charter on the town of St. Riquier, in Pontieu, in the year 1126. The whole subject is, however, one of doubt; for in the *Histoire de Languedoc*, compiled by the Benedictine historians, it is asserted that Nismes had municipal rights and magistrates in the 10th century; others have stated that Alonzo V. king of Castile, granted a charter to the city of Leon, in which the common council of the city is expressly alluded to as having been long established; and Lord Lyttleton says it is certain that in England many cities and towns were bodies corporate and communities, long before the alteration introduced into France by the charters of Louis le Gros. [Hist. of Hen. 2. Vol. 4. p. 29.] To whatever sovereign or country the priority of granting these charters of extended municipal privileges may belong, the motive must be referred to either a political or a mercenary one, or perhaps to both. Robertson says, that 'Louis the Gross in order to create some power that might counterbalance those potent vassals who controlled or gave law to the crown, first adopted the plan of conferring new privileges on the towns situated within his dominions;' and Brady, who says that 'Rufus, Henry, and Stephen granted large immunities to burghs to secure them to their party,' proves that he also was of the same opinion. The expenses attendant on civil discord, foreign wars, and im-providence, kept the exchequer empty and reduced the sovereigns to great straits from the want of money; and as the burghs had by this time grown comparatively rich, it is not improbable that these extensions of municipal rights were resorted to as a

sure and ready means of replenishing the sovereign's revenue, rather than for the promotion of unanimity, or increasing the prosperity of the burgesses. It may be also remarked that in England few charters conferring the choice of magistrates were granted to the towns till the reign of John; and not uniformly by that weak and fickle prince, who in the ninth year of his reign, affirmed 'the burg of Yarmouth to the burgesses for ever at a rent of 55*l.* by the year to be paid by the provost or bailiff, at the same time permitting them to chuse a bailiff amongst themselves fit both to serve him and themselves.' [Brady. p. 32.] No mention is here made of any corporate officers; the only privilege granted is the choice of a bailiff, whose duty was to collect the fee-farm rent and pay it into the king's exchequer. And the assertion of Lord Lyttleton, no proof being adduced to show that the corporations or communities named possessed full corporate powers to chuse their own municipal magistrates, and the existing charters being silent on the point or making directly against the assertion, may justly be concluded to be erroneous. The pristine incorporations therefore, were merely associations which pursued some advantageous object under the protection of the great and powerful; and it is not before the introduction of the charters of the 12th and succeeding centuries, that we must look for the appointment of mayors and common-council-men. Whoever has studied the rise and decay of the municipal institutions of this country, will readily allow that the close corporations are the most unsightly and destructive excrescences that disfigure the parent stock; that the right assumed by the ruling class, to elect themselves to all the offices of trust and power, and to manage the affairs of the towns without inquiry or control, is an infringement on their original charters of incorporation; and that the evils arising out of the abuse of this ill-gotten power, have been productive of all the unpopularity and disgust which have pervaded the public mind against corporate institutions generally. The early charters of these towns were in no respect different from the rest, for they all originated in the same causes, and were constructed on the same model; but through the apathy of the great body of inhabitants, and the cupidity and love of power of the ruling members, the former suffered themselves to be subdued, and their corporate rights to become dormant. The mayor and council thus became possessed of all the power of the corporation, and in recent times these usurped powers were admitted and confirmed by new charters, which were obtained on the plea of custom. Whether the old customs were kept out of sight, or whether they had been actually destroyed,

remains to be proved ; and as the limitation of power to a small number of individuals suited the policy of the times, the new charters were granted with very little investigation ; but as the plea set up was false, so the charters granted upon it were manifestly illegal. With towns thus circumstanced, there can be no difficulty ; they are to all intents and purposes, disfranchised by their very form, and are acting in the capacity of corporations merely on sufferance. If such bodies are still to be preserved, they should receive new charters suited to the wants and wishes of the times, and be thankful that they are not punished with the forfeiture of municipal rights which they have plainly incurred. No delicacy or delay for the consent of classes so ruling can be necessary. With these boroughs it should be ' reform or dissolution.'

Sir Francis Palgrave thinks that corporate bodies have been, on the whole, of the greatest advantage to the country, and that they should therefore not be subverted. That they were beneficial at the time of their institution, and for some centuries afterwards, no reasonable person will deny ; but as the causes which led to their formation have no longer any being, the grounds of their preservation in the present day must be sought in other motives ; and, to be tolerated, they must be re-modelled on newer and better principles. In their simplicity, in the flower of their youth and before the baser passions had taken root in their constitutions, they afforded security, advanced prosperity, and commanded respect ; but after avarice, pride, and injustice entered and dwelt within, discord broke up the unanimity of the inhabitants, suspicion displaced confidence in the magistracy, and the institutions which were formed for the benefit, were converted into sources of injustice and engines of oppression on the people. To pour a healing balm into the wounds which have been inflicted, to unite the breach that has been made between the municipal authorities and the resident population, would of course be the first and most earnest care of a wise and honest government, which aimed at extending the prosperity and promoting the happiness of the community.

One of the most important points to be considered is the nature and extent of the qualification for admission into the municipal franchise. In reference to the old corporations Sir Francis Palgrave says, p. 58.—' The first step towards a reconciliation of interests between the rulers and the commonalty, would be to declare that every inhabitant householder (under such regulations as may be thought advisable) should, as such, be entitled to his freedom.¹ So far it is well ; it is a restoration of the rights of the burgesses or householders ; rights to which

they are entitled by the tenor of the ancient charters, and by the original theory of incorporation, as well as by the argument in which the same author says—‘that the burgesses were originally inhabitant householders of the borough, contributing to the charges and taxes of their community, is a point which is now too clearly established to be disputed; but, at the same time, they differed in some important respects from what may be termed the fluctuating inhabitancy of modern towns.’ p. 58. And as these communities are not, as in ancient times, obliged ‘to give and pay about one third or fourth more than the other towns which are neither cities, nor burghs, nor ancient demesnes,’ but bear an equal share of the general taxes of the state, so they have no plea for the imposition of heavy fines for admission into their community, and all who contribute their share to the taxes and rates must be considered burgesses by right, and entitled to all the privileges accompanying the right. Such is the tenor of the charters, and such is the right of the people; all the regulations, therefore, which comprehend more than the payment of a fair share of the taxes of the nation, are contrary to the principle of the charters and opposed to legal right, and can have no other object than that of raising a difficulty in a plain case. To this simple rule of right it is thought advisable by the author, to oppose certain regulations and restrictions, on the ground of the difference which subsists between the ancient burgess and his mode of tenure, and the inhabitants of a modern town, of which last he appears to entertain no very favourable opinion. Of these and of the new members of the old corporations he entertains some hidden fear, and says, ‘to cast the municipal franchise upon the inhabitant householders at large, without restriction or qualification, and without endeavouring to discipline them into good citizenship, would be wholly inexpedient.’—p. 59. In what then does this good citizenship of the burgesses of ancient towns consist? Are they quieter, more united, more honourable, than those who inhabit modern towns? And is this good citizenship to be found in all? or if not in all, in which of the ancient towns is to be discovered the municipal perfection which it is so anxiously desired to preserve and imitate, and to which the contact of a modern householder is deemed so pernicious and destructive?

But mankind are often blind to their own interests, and it is probable that notwithstanding the calm and delightful prospects which this picture of society presents for their approbation and attainment, few will be found wise enough to see and applaud its merits, or to desire a participation in its blessings. Instead of fearing anything from casting the municipal fran-

chise upon the householders at large, the apprehension will be in withholding it from them; it is their right, and they claim it, not on the ground of expediency, but on the faith of the ancient charters and the pristine theory of incorporation. The difference between the formalities of burgage tenure and those of common occupancy, are not worth a thought; but the fine imposed on all who desire to settle in one of these pure and tranquil communities, is a matter for grave consideration. So jealous have they been of every one who desired a residence amongst them, that Sir F. Palgrave can find no proof 'that a "foreigner" was entitled as a matter of course to establish himself as a burgesse tenant, or to settle within the liberty, without the assent either of the lord or of the community.' By the word foreigner is meant any person not born within the town or its liberties, or who is not in actual possession of or entitled to be admitted to its freedom; the inhabitants of a village only half a mile distant, were therefore included under the term. The distinction is still preserved at Folkstone, the enlightened inhabitants of which, frequently apply the term to their neighbours resident in Hythe and Dover. The levy of a fine was prudent and politic enough, when the burghs were taxed more heavily than their neighbours who had no charters of incorporation; but those times have passed away and unequal taxation is no more; why then retain the fine which arose out of them and was dependent on their continuance alone? The sums demanded for the freedom of some of the corporate towns are enormous, and operate as a heavy tax or a complete exclusion; they are taxes on the industry and efforts of the people, and it can neither be just nor politic to repress or confine the efforts of those who are struggling against difficulty, or striving after the means of existence. It is proposed to subject the aspirants after the municipal franchise, to a probationary term of seven years as a test of their eligibility and as a proof of good citizenship, at the expiration of which they are to be formally admitted into their municipal rights, on the payment of a fine which it is recommended 'should be the lowest that can be demanded according to the usages of the place, while the poorer classes should be entirely exonerated therefrom.' Now if the fine is to be retained, it may be very reasonable that it should be small in amount,—that it should be fixed and certain,—that it should not be dependent on any of the old usages of places, which, heaven knows, were bad enough,—and that on its being paid, any one may demand of right to be admitted into the perfect franchise of the town;—but *why is it to be retained at all?* Throughout this publication there is a

strong bias in favour of the old corporations notwithstanding their misdeeds; an attempt at exclusiveness, founded on injustice, which ill accords with the expressed opinions and wishes of the public. The following proposed clause is of this character, and will illustrate what is meant.—‘ And be it further enacted, that it shall and may be lawful to and for the privy council (if they shall so think fit) by order made as hereinafter is mentioned, to exclude freemen admitted into any corporation pursuant to this Act, from participating in common right or stint upon the funds of such corporation; or in any charitable or other fund, dole, or bounty appropriated to the relief or benefit of freemen under the existing charters or franchises: or otherwise to declare the terms and conditions upon which freemen by residence shall be entitled to participate in the same.’ To which may be added as an additional illustration,—‘ that no person admitted as a freeman pursuant to this Act, shall transmit any inchoate right of freedom to his child or children.’ This last proposal is as unnatural as it is unjust; unjust because the individuals so admitted will be expected and obliged to contribute to the burthens of the community in the same proportion as those who enjoy its full privileges; and unnatural, because if any one circumstance ought to establish an inchoate right of freedom more than another, it is that of being born within the town or its liberties. To be a native citizen has always been, and must ever remain the very best passport that an individual can possess for entering into all the privileges and advantages of his native town. There is something in both the matter and the manner of these clauses that is revolting; they bespeak none of the benevolence of intention, that is expected in the proposals of the lawgiver.

Sir F. Palgrave appears sensible how unpalatable these propositions will be to the public, and that ‘ it may be objected that the boon thus given would be delusive, and that the expense and trouble attending a formal admission, will prevent any considerable number of the inhabitants from availing themselves of the right.’ To hold out an advantage to a man and at the same time place it beyond his reach, is to make it no advantage at all. As well might he have held out the acquisition of the peerage to the great body of the people, as municipal franchise waffled round with the difficulties with which he has encircled it. Hitherto such qualifications only have been noticed as affect persons who may desire the franchise of the old corporations; it remains to consider those which affect equally the aspirants to freedom in the old and the new boroughs. ‘ In the establishment of the new municipal corpo-

rations, upon principles adapted to our present state of society, it will be extremely important that an endeavour should be made, not merely to incorporate the inhabitants for local police and administration; but, as far as practicable, to seek those qualifications which may impart respectability to the members of the new communities. It will be desirable, that these qualifications should not be identical with the qualifications required for parliamentary suffrage. The abuses of the old corporations have been occasioned by the close connection between corporate franchise and parliamentary right; we must now rather seek to disjoin them.—p. 1. ‘The attempt to create any corporate monopoly in our new municipalities, would be equally impolitic and impracticable; and an inchoate right must be given to every resident who can be presumed capable of enjoying the franchise with advantage to the community.’—p. 6. To effect these points of inchoate right of franchise, and individual respectability of character, the proposed Bill provides, ‘1. That in every municipal corporation hereafter to be created, revived, or restored by His Majesty, &c. every person who shall have been or who shall be a resident householder dwelling within the metes and bounds of the borough for the period of [seven] consecutive years, shall from thenceforth and for ever thereafter be deemed and taken to have an inchoate right to be admitted a freeman of the corporation: and to demand his admission to the freedom thereof, in the same manner as if such inchoate right had been acquired by birth, servitude, or any other manner now recognised by law, upon payment of such reasonable fines and fees, in no case to exceed the sum of [five] pounds, as, according to the bye laws to be made by such corporation, shall be due upon his admission. 2. That no resident householder shall be entitled to demand his freedom pursuant to this Act, unless he shall possess the capital sum of [one hundred] pounds of his own monies, standing in his name in a saving’s bank, or invested in any of the government or public stocks, funds, or securities, which sum, or the last instalment or portion thereof, shall have been paid in or invested at least [one year] previous to his application for admission: except as in the cases hereinafter excepted.’ The Bill effectually separates the municipal from the parliamentary franchise, if a total disregard of the latter can be said to carry the point. But does this effect the separation without endangering the right? Suppose an individual has resided for two years in the borough of A——, and a general election takes place, will he be allowed to vote for the borough in which he has resided two years; or will he not? If his parliamentary franchise remains uninjured, then is a clause expressing to that

effect necessary ; for the provisions of this Bill are so exclusive, that unless the separation of the two interests is expressly declared, the parliamentary will very soon, and very easily, be made to depend upon the municipal right. If the municipal franchise is worth anything at all, if it be not a curse, in the form it is to be bestowed, then is seven years a period very far too long to be excluded from it. The horror which Sir Francis appears to feel at the roving, vagabondising habits of modern householders, however absurd and unfounded, has made him adopt the term of seven years because it is the usual term of apprenticeship. What a happy choice of a remedy does this term of seven years exhibit. A man of property and known good character, who may chuse, through interest, or inclination, to be vagabond enough to change his residence, is to be subjected to a suspension or loss of municipal rights for seven years, because a boy is restrained through the like period for the purpose of learning a trade. Notwithstanding the unreasonableness of the proposition, it is one of the chief features of this ill-visaged plan of reform, a chief corner stone, which being removed, one half of the superstructure must fall to the ground. That rogues move their quarters cannot be denied ; but while honest men continue to change their residences also, the criterion is too vague to decide upon the profligacy or the respectability of mankind.

The pecuniary qualification is a hardship and would operate as an exclusion from municipal freedom on a large body of the people, for the very reason contained in the surmised objection at p. 8. ' that such an investment would prevent the industrious from availing themselves of the privileges of the corporation, whilst they could employ the money in trade.' It is useless to tell the industrious classes that the investment will be of the greatest advantage to them and to the commonwealth ; that it will teach them lessons of thrift ; that the capital though locked up is not withdrawn ; that they will receive interest upon it ; that they will obtain credit through it ; that they will feel independent through its means ; and that they will learn to work their way into political rights. These are the arguments of a theorist unacquainted with the feelings and the wants of those for whom he legislates ; or of a subtle lawyer who exhibits advantages which he well knows are unattainable by those to whom they are offered. Every one who mixes with the world, and walks about with his eyes open, is aware that there are many persons who contrive to keep up a tolerably respectable appearance, who have never been able to place in the funds one half of the sum here made essential for municipal qualifica-

tion. The first thing therefore to be done is, not to hold out the advantages of funded property, of which they are always sufficiently sensible, but to convince them of the means through which they can spare the money to be funded, without injury to themselves. It is proposed to place the operative class under different regulations, suited to their habits and their means. They are to be placed under the inspection of a Committee of Trade, composed of three Justices of the Peace, three master manufacturers, and three operative freemen; their probationary term is extended to ten years, and their capital reduced to fifteen pounds. The disqualifications are the receipt of parochial relief, bankruptcy, insolvency, and a violation of the laws between master and workman. Offences of a deeper dye to be punished with civil death. The regulations for the operative class, who, whether householders or lodgers, are to be admitted to the freedom of the towns on producing the necessary qualifications, are considered as formed upon a knowledge of their pecuniary means; and the disqualification arising from the receipt of parochial relief is not to be regarded as a hard regulation, but merely as a warning to this class to keep themselves from the verge of the gulph of pauperism. But is it in the power of this class of persons to keep themselves from this verge or not, at their pleasure? Take such a town as Manchester for example, and see, when the home and foreign markets are glutted, and the machinery stands still for lack of orders to set it in motion, how many honest, industrious, and skilful workmen, are driven to apply for that very aid, which is afterwards to be visited by the degrading punishment of suspension of municipal rights for a long term of years. Sir F. Palgrave may call it a warning, if he pleases; but deprivation of rights for the committal of any act, stamps that act as a crime, and the deprivation as a punishment. With the same degree of injustice, with the same hard-heartedness and lawyer-like feeling, is visited the unfortunate tradesman who shall become bankrupt or be declared insolvent. In this case there is no difficulty in discriminating between the honest and the profligate, the unfortunate and the criminal. But in the proposed new code of municipal laws all distinctions of this kind are disregarded; money is made the proof of respectability; success, of honesty. Those who are likely to become the sufferers, will appreciate the value of the scheme thus cunningly devised for their degradation. By means like these the number of freemen will be reduced daily throughout the kingdom, through causes over which they have no control;

and power in the new corporations will soon be engrossed by a few individuals, as it has been before in the old ones.

The object aimed at by all these recommendations on the subject of municipal government, is to reduce the towns under the regulations in use during the time of the Anglo-Saxons. Each borough is to be divided into wards and districts, with local officers, holding a proper station in the municipal body, for managing the business of the district; and the division of the kingdom into parishes is to be disregarded as inconvenient and contrary to the 'common law' division, which in the opinion of Sir F. Palgrave is the *ne plus ultra* of excellence. That part of the plan which proposes to remove vestry meetings and all assemblages for secular purposes, from the church to a district office, is good in principle, and would be highly advantageous to the respectability of the clergy; but the details of this office, and its objects, are matter of another kind. For drilling the people into good citizenship, the restoration of the Leet Jury, or Friborgh, is recommended, with all its ancient powers to amerce and to inflict corporal punishment, of which last, flogging, the pillory, and the ducking-stool, have the greatest favour with the author. The Leet took cognizance of all offences against the public peace; 'all disturbers of the community, from the scold and the caves-dropper to the robber and the conspirator against the King's life.' [p. 26]. Encroachments, annoyances, false weights and measures, vagabonds and suspected persons, were found out, presented, and punished. 'The establishment of a Leet, or Wardmote Inquest, in each Ward of the new municipalities, has been suggested by the practical utility and benefit resulting from these courts: by the accordance of their principles with the general theory of the constitution; and by the probability that a domestic jurisdiction of this nature, *confided to those who have a direct and immediate interest in repressing crimes and offences*, may ultimately lead to the establishment of a police upon a better and sounder system than that which now prevails.' [p. 32.] The Wardmote Inquest is to act in the double capacity of prosecutor and judge; it is to bring to trial, and to award the punishment,—a considerable degree of power, when we reflect on the extent to which that of the Friborgh, its prototype, extended; and in the hands of two or three meddling attorneys, the whole district would speedily exhibit that species of unanimity and tranquillity, which the author has described as reigning between the governors and the governed in the old corporations. 'Isti,' says Spelman, in describing the powers of the Friborgh, '*inter villas et vicinos causas tractabant*,

et secundum forisfacturas emendationes capiebant, et concordationes faciebant, videlicet, de pascuis, pratis, messibus, et de litigationibus inter vicinos, et innumerabilibus hujusmodi decertationibus quæ humanam fragilitatem infestant, et eam incessanter oppugnant.' The extent of the powers entrusted to the wardmote inquest would be of little consequence, as they would, by quirk, chicanery, and other arts, be speedily extended. The following paragraph speaks volumes in explanation of the view here given, of the effects likely to result from a police established on the principles of the Saxon Friborgh. 'Every district into which the ward is divided must be placed under the inspection of a district guardian [*quære* an attorney?]. This officer should act as a kind of Attorney General to the inquest, and also as a subordinate though respectable representative of the municipal authorities. A share of the amerccments will stimulate his diligence; and the District Office will become the centre of information to the inhabitants. By thus subdividing the ward into neighbourhoods, a degree of vigilant inspection will be afforded, unattainable by any other means. The size of the wards and districts must be regulated by local circumstances; and upon a proper adjustment both of the superficial extent and the number of the population, the success of the scheme will in a great measure depend.'—p. 38. The principles, the objects, and the means of their attainment are here alike bad. It must be evident to the most puerile mind, that the interest of the district petty lawyer is in direct opposition to that of the inhabitants, whom he would keep in a continual state of feud and civil war, for the laudable purpose of filling his own pockets. Another object, and a most mischievous one, is the conversion of this office into 'a centre of information' for the district, *anglicè* a place where any one who has a private pique against another, may go secretly and whisper away his character, or injure his credit, and where he will always find a mercenary prepared to listen to his slander, to register his falsehoods, to foment discord, and to enrich himself out of the turmoil. Neighbours would become spies upon each other, quarrels would arise, and the parties separated through a sneaking act of espionage, would remain divided for ever. The maxim of Sir F. Palgrave, as a lawgiver, is 'divide and conquer.' But let the people remember that 'union is power;' and repel all attempts to divide them, the moment that such attempts are made public. Whoever proposes a system like the present, proposes a scheme of secret police and espionage, suited to the barbarians of the 6th century, or to the slaves of a despotic state, ancient or modern.

Another act of injustice is contemplated by restricting the

right of voting at parish vestries to corporate freemen, with the professed object of increasing the respectability of vestries. But we are not to do evil that good may come of it; nor does it appear how the respectability of a vestry is to be increased by decreasing the number of voters; it is certain, from experience, that its honesty is not. Would it not have been more equitable to have proposed to exonerate from the payment of rates all those excluded from the right of voting them in the vestry? The right of voting is the same in the rich and the poor; it arises from being a parishioner, and paying to the rates of the parish; and whoever is excluded from the right, is exonerated from the charges attendant upon its possession and exercise. As according to the old law all concessions of grace and favour, all grants of authority and jurisdiction, proceeded from the Crown; so it is proposed that all corporate bodies and local police jurisdictions should in future be created by royal charter, and that whatever powers are found requisite for carrying this object be conferred on the crown by the legislature. It is also recommended to restore to the privy council a portion of its ancient jurisdiction over corporations and corporate officers, which has been gradually diverted into the ordinary tribunals. 'In the earlier periods this was strictly legal. Thus, if a freeman was ousted of his franchise, the council granted a mandamus to restore him.'—p. 59. After the reign of Elizabeth the council ceased to be a court of law, but still continued to exercise a summary jurisdiction. A freeman could be disfranchised by order of council; but its jurisdiction was mostly exerted in regulating the internal concerns, and settling the disputes which arose within the communities. The old power of disfranchisement would hardly be endured in the present state of political independence; since it might be easily used against persons whose political opinions rendered them obnoxious to the government. That the council might confine its jurisdiction to the internal management as in former times, is not denied; but the power of acting arbitrarily would be in its possession, and that power is incompatible with freedom and personal safety.

The grand feature of this plan is the introduction of the ancient Court Leet, proposed to be modified to suit the present wants of the times, and to be made the substitute for administering cheap justice to the poor. Cheap justice, so long and so loudly called for, is considered to be an ignorant demand, a senseless outcry after that which is unattainable, and declared to be injurious rather than "beneficial even could it be accomplished. 'There is no real hardship,—nay, there is a

positive advantage to the community, — if the points arising out of a complicated testamentary bequest be argued with refinement and subtlety, because it is only by decisions thus given that we can obtain the code of precedents adapted to our artificial and complicated state of society. In these, and in all similar cases, — cases arising *ex contractu*, — neither the forms nor the principles of our laws oppose any real obstacle to substantial justice.' — p. 80. The public have little to hope from the benefits of a system in which such a passage as this has been suffered to appear.

XIV. V. — *London University Magazine, No. II.* for July 1833. Note on 'Austin's Province of Jurisprudence Determined,' p. 137. — London; J. M^cGowan.

THE Tories hate the London University, as they hate an omnibus or a cabriolet, and for the same reason. It is quite clear that something has been done by it for the middle and under classes; therefore in their eyes it is beastly like the owners, and the branch-despots and their toad-eaters abhor it as they love an Inquisitor or a Cossack. The combat *à la mort* was of their own beginning; and though they may wound the people's heel, the end will be to bruise the serpent's head. In this view it is especially fortunate, when the enemy will bestow his venom on the rising generation. Every pubescent youth now shaving for a beard in the vicinity of Gower-Street, is destined to tell his children if he lives long enough to have any, how in his time the 'all slavery' party in England, — who whenever two or three were gathered together to oppress, were there in the midst of them, — were strong enough to call their betters ill names by their hirelings, and show their faces in an occasional majority in a Second Chamber.

These same youths, without longer tarrying at Jericho, have resolved on setting up a publication; — by far the best mode of study, if conducted with moderate judgment and felicity, of any that can befall the human scholar in the interval between childhood and senility. The stimulus to exactness, the opportunity of comparison with subsequent performances and those of others, the power of being known or not, the ready and almost indestructible faculty of reference, — all point out this as a sort of steam-engine improvement on the ways in which men have been wont to cultivate the talents they possessed. The warnings to be offered are few; — to despise rhetoric, and eschew fine writing; — to be always afraid of having too much to say,

never of too little;—to ware flippancy and bad jokes;—to avoid epithets, and all but annihilate adverbs;—to let the last thing ever brought before the reader, be the two-legged thing sitting on a three-legged stool, that writes,—or what *he* thinks, *he* feels, and *he* will or will not perform. If the dunce has a reason for ‘thinking,’ why does not he give it? If he has not, why does not he say nothing about it? And farthest of all,—*procul ab amicis*,—be the degrading ‘*We*,’—the effort of one blockhead to gain importance by representing himself as many. As an experiment, let any person who has fallen into this lowest slough of humility, resolutely purge his performance of the filthy figure, and see if it has not the same kind of effect, that a clean shirt and a razor have upon the miserable who was in want of them. Along with these provisions, let there be some object, and always ‘to edification;’—something to be made clear, if it be only to the writer;—some invitation to a friendly passage of arms, for the sharpening of two parties at once to the defence of the common truth;—something to be done or prepared for, which the man may point to hereafter and say, ‘See how long it is, since I began to labour in the attempt to be of use.’

This is by the way; the original purpose having been only to take up a question on which both the original and the commentary seem to leave something to be added. The matter in dispute, is the propriety of resistance to *bad* government. And the defect of both the original and the commentary, appears to be that this question is confounded with the propriety of submission to government in the abstract. Is it proper to pay bills at taverns? Is it right to eat eggs? The severest moralist will allow that it is at least permitted. But is it incumbent to pay *fraudulent* bills? Is it a moral duty to eat *rotten* eggs?

The answer to this is clearly, ‘Not if you can help it.’ If you cannot help it, the case is altered; and whether you can or not, must be determined on knowledge of the circumstances of the case. When it is announced as an inflexible rule of morality, that, for instance, no man is on any account to steal; what is asserted is, that it is for the general happiness that no man, however useful it might be to himself, is to be allowed in any individual case to steal;—that it is a point settled, signed, and sealed with the signet of mankind in their corporate capacity, that the good which may arise to any man or men from a particular act of stealing, never will or can overbalance the evil which, directly or indirectly, would arise in the end from the permission. But is there any such acknowledgment on the subject of submission to bad government? or is there not on the contrary a general avowal, that resistance to bad

government is and always has been the grand instrument of human happiness, the spade, the pick-axe, the crow-bar, by the resolute and sagacious use of which is won and kept, all that the least of us has of comfort or well-being; that in fact if there be any virtue or any praise,

‘It is this—it is this.’

The whole postulate that requires submission to bad government at all, is like the postulate that should demand the eating of rotten eggs; there is a failure to make out any obligation to begin with. If indeed any quantity of extraneous evil be hanging over the non-performance,—as, for example, if a sanguinary savage were waving a scimitar over the recusant,—it would be the part of a wise man to compare the two evils. Or in like manner, if a traveller was charged for twenty dinners he had never eaten, in a country where the attempt at complaint would probably be followed by the bastinado if not the bow-string,—he might do quite right, on reflection, to put up with the injury. But this is the moral duty of out of two evils chusing the least; not any abstract duty of paying for dinners that were never had. To maintain such a duty in the abstract, would in fact be overthrowing what security for justice the world may have, and setting up the hugest Moloch of immorality that rogues could desire in its place; and just the same would be the consequence of setting up the doctrine that bad governments are not to be resisted.

If any man in defence of overcharged dinners, should urge the great utility of taverns, and the desperate consequences that would arise to the community from their bills not being paid; he would be answered that this was true of *just* bills, but not in the slightest degree of *unjust*. No man wants to hurt decent governments, nor honest tavern-keepers; but their use will not consecrate their abuse. It is no more true that the alternative is between submitting to bad governments and having no government at all, than that it is between eating rotten eggs and having no eggs brought to market at all. There is an aristocratical or gubernatorial fraud in the assertion, that it is necessary to coax governments into existence by the endurance of their misdeeds;—they will bear a great deal of mending and still consent to act. It is not true that there is the asserted connexion between touching a bad government and anarchy. It may be true enough that all bad governments when touched cry ‘anarchy;’ but history has proved that what they call anarchy is the life's blood of honest men, the one sole thing by which they live and flourish.

The mistake then, is simply in supposing that submission to bad government is to be classed among moral duties at all;—or more strictly in overlooking, that *resistance* to bad government is the moral duty, whenever the probable advantages of success are greater than the probable suffering from opposition. It is in fact the case of resistance to any kind of robbery and mischief. Men must after all be responsible for exercising a sound discretion as to consequences; as a man must be responsible who chuses to fire on a superior number of armed highwaymen. But the moral duty is in impartially estimating the probabilities of success in the particular case; not in giving a *carte blanche* to all present and future minions of the moon. Hear what Blackwood's Magazine quotes from Burke, with only a change of name for the subject on the table.

‘Those who give and those who receive arbitrary power, are alike criminal. There is no man but is bound to resist it to the best of his power, wherever it shall shew its face in the world. It is a crime to bear it, when it can be *rationaly* shaken of. Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability.’*

ART. VI.—*Criminal Trials in Scotland, from A.D. 1488 to A.D. 1624. Embracing the entire Reigns of James IV and V, Mary Queen of Scots, and James VI. Compiled from the original Records and MSS.; with Historical Notes and Illustrations.* By Robert Pitcairn, Esq., Writer to His Majesty's Signet, F. S. A. Scot. and Hon. F. S. A. Perth, &c. 3 vols. 4to. Edinburgh; Tait. 1833.

SPECULATORS in constitutional matters have laid down many theories, for explaining on the ground of inherent national propensities, the striking difference which has always existed between the government and legislature of England and those of Scotland, and the extremely distinct spirit which has marked the struggles for liberty in the two nations. In the discussion there has been more display of words than of wisdom; but it would not be difficult to point out many circumstances from time to time exhibited in the progress of the constitution of Scotland, which, if they cannot be called the causes of these national peculiarities, form at least the prominent evidences of their existence and operation. All authentic traces which might lead to a knowledge of what had been the method of government in Scotland previously to the full adoption of feudal

* Blackwood's Edinburgh Magazine, No. CCXII. for Sept. 1833. p. 334.

usages by most of the nations in Europe, have been sought for in vain. Scottish antiquaries have generally attributed this hiatus to the zeal of Edward the First to be put in possession of the title deeds of his new province; but from the remains of his pillage lately brought to light, many have doubted whether any important documents relating to so early a period ever existed to attract his cupidity. According to the complacent account of the early Scottish chroniclers, 'this the most ancient part of his majesty's kingdom' was reigned over by an unsullied line of legitimately born monarchs, since the period when Gathelus quarrelling with his father the king of Greece, in a fit of wrath sailed round the world, and took possession of the kingdom of Scotland, more than three centuries before the Christian æra. The country had soon after that period, a regular legislative and executive, road-laws, game-laws, custom-houses, tax-offices, and schools of law, medicine, and divinity, all of which attracted high admiration from the ambassadors of Ptolemy Philadelphus sent by him on a diplomatic mission to his learned friend the King of Scots. A few hard blows from Bishops Stillingfleet and Nicholson, and a still more vehement onset from Father Innes of the Scotch college at Paris, swept away these golden visions, and substituted in their stead a line of kings with very questionable names, and with no colleges, institutions, or constitutional forms of government. The airy palaces thus removed from the vision of the antiquaries, nothing was left behind, but a bare moor with a few 'cairns,' and those invaluable objects of speculation Druidical circles, to attract their gaze. The absolute antiquity of the nation of the Scots is not indeed to be doubted; but until the inroads of Saxons and Normans brought with them the respective usages of those people, nothing existed in that orderly shape which can be dignified by the name of a constitution so established and marked out, as to find its way into written memorials, or even into the memory and affections of the people. The earliest accounts show us the civil-law and the feudal-law combating for supremacy, and each exercising sway in its own department in full vigour and purity, without any opposition from revered customs cherished by the people. Thus it is evident from the extreme purity of the feudal and civil codes as existing in Scotland, that such systems as the Saxon division into hundreds and tithings, the mutual guarantee, the principles of election, the trial by neighbours*, had no early existence in them. Moreover, while

* That they had assizes of neighbours will presently be seen; but these were very different from trial by neighbours.

the growing spirit of feudalism in Scotland received no opposition from popular feeling, neither was it controlled by the power of the kings; and, as in some continental nations, a savage nobility became the efficient rulers. Robert the Bruce saw the dangerous power of his nobles, and attempted to restrain it, but the attempt was silently crushed whenever its appearance was suspected. James the First of Scotland made many unsuccessful efforts to subject them; but they settled the business in a manner which led other monarchs to hesitate about interference in future. The power of the law had thus no fixed representative; it was diluted over the surface of the whole country; there were infeudations and sub-infeudations. The barons in chief held the law, or rather the power, over their vassals; to these last the sub-vassals gave a deputy submission, partly exercised in favour of the vassal of the baron, partly directed to his lord. It is worthy of remark, that immediately after the statute 'Quia emptores terrarum' was passed in England, an act to effect the same purpose, and indeed word for word the same, was adopted by the parliament of Scotland, but has remained from the first a dead letter, and has according to the custom of Scotland been virtually repealed by desuetude. Many circumstances cherished this system of multifarious tyranny in Scotland. The condition of a great part of the country was merely pastoral; wool and hides were the only commodities of sufficient value, or sufficiently plentiful, to become articles of commerce. These fell in all cases to the lord of the soil; and the individuals who lived on it and cultivated such patches of land as provided them with the necessaries of existence, were consequently his slaves, not bargaining with him as tenant with landlord, but fed from his hand, and consequently obliged to perform his will. The country was for centuries a besieged garrison, always acting on the defensive, though sometimes sallying forth to sack the possessions of their rich and relentless assailants the English. The tenantry were taught to maraud under the protection of military leaders, who were likewise their civil judges in time of peace. The towns were walled in, and their inhabitants were likewise with few exceptions compelled to submit themselves to the protection and tyranny of some powerful neighbouring baron. The perpetual presence of a foreign enemy thus prevented the people from thinking of enemies at home; a close band of subjection was knit between them and their immediate leaders; and the only domestic struggles in which they were engaged, were between these leaders and the king, or among the leaders themselves contending for aggrandizement. In a nation so situated, it may be said that

the municipal laws are made for the rich, and the criminal for the poor. The agrarian vassals had few rights, about which the legislature could trouble itself; but they were in the habit of committing divers offences, to which it paid particular attention. The civil law of Scotland has been frequently admired for the simplicity and compactness of its fabric, and the purity of many of its principles,—at least their theoretic purity, as exhibited in the works of the institutional writers. It has indeed had many valuable peculiarities, which are its best ornaments at the present day. The system of Local Courts held by responsible professional men; the registration of landed property, acting so effectually as never to make a purchase or security doubtful, if ordinary care is taken in preparing the titles; the impossibility of persecution being perpetrated by arrests in *mesne process*; and the general simplicity of the laws of debtor and creditor, are all worthy of applause; while it must at the same time be admitted that these refinements on the principles of the Roman and feudal laws originated in a manner which rendered them long useless, and still damps their efficacy. They had their origin in the speculations of the Judges, who had power to make the law to suit any given case, and unmake it to suit any other. They were the creatures in short of the perfection of *equitable power*,—‘of judge-made law,’—first invented at the period when the civil and feudal laws were acknowledged as ‘parts and portions of the law of the land,’—afterwards regulated and interpreted by the Judges, and seldom effectually interfered with by the legislature, whose acts indeed, few and scattered, were still liable to be dispensed with by the Judges, on the plea of their having fallen out of usage,—of their not being ‘*in viridi observantia*.’ But the criminal law of Scotland, as its details are exhibited in the present volumes, did not even exhibit the outward theoretic purity of the Institute and Pandects. The whole was a mass in which tyranny might feed to excess, whenever its appetite was excited. But in such a country as has been described, both systems,—the civil with its abstract purity, and the criminal with its distortions,—were too feeble for free exercise. The law was not a power which held all from the highest to the lowest within its protecting and avenging influence; it was a mighty and dangerous weapon, and like a weapon was used for the benefit of those who could hold and wield it, and for the terror and destruction of those against whom it might be employed. Almost all the Judges held their offices as hereditary. Jurisdiction, like an estate, descended from father to son, a valued and envied family.

possession. The barons when tired of other warfare, fought battles with their jurisdictions. They gained money to themselves and their relations by their jurisdictions. When a man made an appeal to that law which was dispensed by his uncle or tenth cousin, it was easy in its purest parts to find a fiction for the defence or aggrandizement of relations, whom it is a man's natural duty to assist. A person who could use the power of life and death and civil jurisdiction, as freely as he could the helmet he had inherited from his grandfather, was not likely to have what would now be termed 'a moral respect' for the uses to which he applied his power; and every Scotch Judge, up to nearly the middle of the last century, seems to have considered the omission of any use of his authority which might tend to family aggrandizement, as a sort of moral fault, as the neglect of a good gift from Providence. This system was a nuisance, because it kept the country in eternal uproar, not with struggles for liberty, but with competitions for superiority, or defiance of the laws. The office of sheriff was perhaps the one most conspicuously abused. Each county was ruled by an hereditary sheriff. This person was not merely a ministerial officer, but a Judge, and a Judge of considerable authority. In civil suits he had an almost unlimited jurisdiction, except in those which concerned heritable property; and in criminal cases he had the power of life and death. This office continued to be hereditary until the year 1746; having been surrendered at the time of the Union as a feudal trapping to the vanity and ambition of the Scotch commissioners and their political friends, and terminated in consequence of the events of 1745. The noble families who held this office, prudently managed to make it as fruitful, and to improve it as perseveringly, as they did any of the other family possessions. Within the compass of the law, there were many methods of satisfying their avarice; but some desired what even the facile laws they exercised denied, and the present very curious collection produces numerous instances, where Judges are guilty of the most vulgar and ungentlemanly crimes. To extract many of them would be useless and tiresome; but a list of the achievements of one industrious personage may give amusement. On the 4th of November 1509, Patrick Agnew sheriff of Wigton, is indicted before the Court of Justiciary—the supreme criminal tribunal of Scotland—for 'taking a bribe to acquit a murderer' in having presented the murderer to a Jury, and then taken 'feysis' [fees] and money to purge the said Thomas of the said slaughter, he being guilty thereof, and *per coloratam justificationem*, purging him of the said crime. Fined

V merks [Vol. I. part I. p. 63]*. On the 3rd of March 1513, the same individual is indicted for 'oppression and hereschip' [armed depredation,] and is 'permitted to compound for the oppression done to Thomas Makdowell and Roger Mc Crochat, in causing them to build his dikes with their petis [turf] and to plough and harrow his lands, in the years 1504, 1505, 1506, 1507, and 1508: and for common oppression thereby done to them: *Item*, for the oppression done to the said persons, in plundering each of them of a swyne yearly during the said years. The Laird of Lochinver became surety to satisfy the parties,' [the extent of punishment inflicted on a sheriff-highwayman.] 'He also found the same surety to compound for the "hereschip" of a jument [ox used for tillage] from John Makrowat, in the forest of Buchan: *Item*, for the oppression done to Thomas Makwilliam in taking and harriving from him ten bolls of barley. He, together with George Crukshank and Thomas Mure in Wigton, also compounded for art and part of the oppression done to Thomas Kennydy in Wigton, in "hereschip" from him of a young riding horse: and for striking the said Thomas Kennydy.' I. part I. 90.

The Sheriff was not deprived of his jurisdiction. It would have been as unreasonable to have taken it from him, as to have deprived him of any other article of property; nay more so, because it would have been a seizing of that which would have been of little or no advantage to the persons taking it. Property might have been of use to the Exchequer, but not the jurisdiction, which taken from one individual, must have been immediately disposed of to another. Accordingly after having found security to make his 'composition' the worthy Sheriff speedily re-appears on the record, under an accusation of 'preventing a court from being held' of 'convocation of the lieges with warlike arms,' 'jakkis and splentis, contrary to the Act of Parliament; and of the oppression done to Sir David Kennydy, knight coming to Leswalt, and hindering him from holding his court.' I. part J. p. 91. How he came to interfere with the holding of a court by Sir David Kennydy, is not stated, and it is probable that in this instance he had attempted to extend his authority within the jurisdiction of some neighbour-

* It will be remarked that the quotations made from the earlier part of the record, are given in a more modern language than those belonging to a later date. The reason is, that the earlier part which is in Latin, has been translated into English by Mr. Pitcairn, while a few words here and there, such as 'fevls' which the clerks of court were probably not classical enough to be able to translate, are in Scotch, both in the original and Mr. Pitcairn's copy.

ing sheriff. In the next page he is introduced in a more respectable capacity, as *surety* for some individuals who had committed murder and stolen sundry cows. Nothing is so strikingly depictive of the power of the aristocracy in Scotland, as the absolute escape, or mere infliction of a petty *finé*, on prisoners accused of the most atrocious crimes, when a laird comes forward to act as their surety, and the certain death which awaited petty delinquents who had no one to answer for them. A pick-pocket at a fair, or an issuer of false coin, is invariably hanged! The member of a band of depredators is generally rescued by his laird, the chief of the gang, being his security. What was the full effect of this 'security,' or how the recognisance might be forfeited, does not appear, but it seems to have been a matter very little attended to. The same individual frequently appears accused of repeated acts of robbery or murder, and is relieved by the same individual—the laird—as often as he makes his appearance, until the laird may happen to tire of his proceedings, and then he is sent to the gallows. The next entry regarding this sheriff is unequivocally headed 'cattle-stealing,' and he compounds 'for art and part of the stouthrief [forcible seizure or robbery] of four cows from Thomas Cunyngham in Carick.' I. part. I. p. 92. The same collection gives another specimen of the proceedings of a sheriff, so characteristic of the then administration of justice, as it was called, that it is not fit to pass it by unnoticed. George Gordon laird of Geight entertained a deadly feud towards Hay of Ardlethame, whom he accused of having murdered his brother. It is probable enough that any recourse to the chief criminal judicature might have proved vain; but the laird of Geight, who seems to have entertained conscientious scruples against an informal revenge, had a useful coadjutor in his relative John Gordon of Clubisgoule sheriff of Aberdeenshire, who displayed great readiness in assisting to bring the offender to justice. It appears from the narrative in the record, that the sheriff and the injured party collecting a band of armed followers seized Hay in the house of a relative, and conveyed him to Aberdeen, where they lodged him in 'the Bony Wyfes Inne' in the Gallowgate, a house belonging to the laird of Geight. Here he was kept in close confinement for forty eight hours, his friends being denied access to him. The sheriff then 'fenced' and held a court, at which a barrister who happened to be in the neighbourhood, Mr. William Barclay, advocate, offered to act as counsel for the prisoner, but was effectually prevented from opening his lips, by being coolly told that if he attempted to speak, twenty daggers should be plunged in his body ere he could descend the stair,

[‘anssureing him, gif he sa did, fra he war anes down the stair, thair sould be tuentie quhingeris put until him.’] A Jury was chosen by the prosecutor, who did not fail to find the prisoner guilty, and the unfortunate man was given over to his enemy, as the person who knew best how to deal with him, and was effectually sent out of the world by repeated blows on the head and neck, ‘with so butcherlic mangeling and demeaneing’ as the indictment against the murderers expresses to have been such ‘as the lyk hes nevir or seldome bene hard or sene.’ Both the actors in this tragedy were indicted to stand trial for ‘usurping his majesty’s authority, convocation of the lieges, and murder under colour of law.’ To have attempted to apprehend persons of so great authority, might have been vain and dangerous. Poor offenders only appear on the face of these ample records, to have ever been brought to court as prisoners; the great were cited to appear, a command which they sometimes resisted, and sometimes complied with, bringing with them a band of followers, which made those who had requested their attendance glad to be quit of it. It was usual for the persons so cited to find security to appear, and on forfeiting their recognisances by not appearing, they were ‘put to the horn,’ or denounced rebels by sound of trumpet; a process equivalent to outlawry, and which though it placed the offender beyond the pale of the law, prohibited him from defending or prosecuting in any suit, and virtually permitted him to be slain with impunity, seems to have produced very little real change on his condition, as it was a state of citizenship which the king and council could manage to impose on any individual whom they thought proper to perplex with accusations of fictitious crimes, and from which a royal mandate termed a ‘relaxation,’ was sufficient to relieve him when a political reason called for such an act, even to the effect of relieving an outlaw after his death, when it was found convenient to punish his murderer. It appears that the sheriff proceeded to Edinburgh about the time required, ‘accompanied with some gentlemen of the name of Gordon;’ but changing his intention, probably from not having been able to muster so many ‘gentlemen of the name of Gordon’ as he might have wished, he did not appear in court, and was outlawed. The practical perpetrator of the murder appeared, boldly maintaining the sanction which the decision of a Judge had given to his deed. He offered ‘objections to the relevancy of the indictment,’ or reasons in bar of trial; on which, in the terms of the record, he managed to support a debate against the crown counsel for ten days*.

* All questions as to formality, e.g. questions whether or not the cir-

! It is allegit be Mr. Thomas Nicolsoun, for the pairt of the pannell, that he did na wrang in taking of frances Hay *privatâ autoritate*; becaus it is of verritic, that vpon Fryday, the fyftene day of Decem-ber, immediatlic preceeding the day of his allegit taking, quhilk was vpon the xvijj day of the said month, the said vmq^{le} *Frances Hay* had slane vmq^{le} *Adame Gordoun*, brother to the pannell, for the quhilk he fled; and sa, the said Laird of Geicht, being the avenger of bluid, viz. the eldest brother of the said Adame, it was lauchfull to him to serche and seik the malefactour, to the effect he mycht be presentit to the Justice: Lyk as, be Act of Parliament, maid in the dayis of King James the ffirst, of worthie memorie, Parlamento sexto, cap. 89, the Scherch and haill cuntrie is commandit to serche and seik the man-slayer, being certifeit of the Slauchter; and sa, mekill mair mycht the avenger of bluid, be doing na wrang in the taking: Lyk as, eftir the taking of him, he presentit him to the Scherreff but* ony hurt of sence, or iniurie done to him: And that it is lauchfull to ony of the people, alsweill as to the avenger of bluid, it is cleir, be ane verric trew example; ffor gif† ane Theif steill ony mannis guidis, it is lauchfull to the person^e fra quhome the guidis ar stowin, to convene his kyn and freindis, and raise the cuntrie, and persew the Theiff sa lang as he is *in fugâ*, ay and quhill he apprehend him, or put him out of the cuntrie; and this he may do but‡ ony Warrant of ane Magistrat; as is cleir and nottour be the daylie practique of the cuntrie: *Virgo*, in this cryme of Slauchter, quhilk is of far gritter importance than steilling of guidis, it was lauchfull to ony of the people, *multo magis* the avenger of bluid, to apprehend the malefactour, and delyuer him to the Justice: And as it was lauchfull to the pannell to serche, seik, tak, and apprehend the malefactour, and delyuer him to the Justice, evin sa it was lauchfull to him to do the samyn with conuening of his freindis, (nawayis granting he did the samyn,) and with quhatsumeuir airmes; ffor vtherwayis, this absurditie sould follow, that the malefactour sould escaip, and the innocent persone sould be slane; in sa far, as, gif the innocent persone sall preise§ to apprehend the malefactour airmet with hagbutis and pistolettis, namelie, haifing the benefit of ane house, it war easie for him to sla sic as socht him; and sa he sould nocht be apprehendit. *Secundo*, for this caus he did na wrang, becaus it is an reule of the Law, that *concesso aliquo extremo, conceduntur omnia media per quæ pervenitur ad illud*; than it is subsumet, gif it was lauchfull to tak the man-slayer, as is afoir provin,

cumstances as stated in the indictment amount to the crime of which the prisoner is accused, were formerly, and still are, in Scotland, pleaded in Bar of Trial; and in case of an objection being sustained, the prosecutor gives up his indictment and frames a new one. The singular barbarity of the arguments used by Gordon of Geight, prompts the quotation of a portion of his defence.

* *Without.* An illustration of the derivation of *but* from *bate*, or *except*.

† *If.* From *give*.

‡ *Without;* as before.

§ *Try.*

ergo, it was lauchfull to vse all the midissis* be the quhilk he could be taken, baith of airmour and vtherwayis.—Vol. iii. p. 419.

Tired out, it would appear, by the pertinacity of the prisoner and his counsel, the Justiciar† or Chief Justice adjourned the matter to the ensuing Justice-Air of Aberdeen, the spot where the crime was perpetrated, and where the laird was likely to find as many ‘gentlemen of the name of Gordon’ as would effectually support his pleas in bar of trial; no more seems to have been heard of the affair. These are merely individual acts; but there were some judges who followed ‘their principles of oppression, in other words their own law, with as much system as the law of the land was presumed to be followed, and occasionally with much more. One of these, from the gallant extent of his iniquities, has found his way to a niche in history; in the person of Patrick Earl of Orkney, who apart from the main land in the cluster of lonely islands of which he was sheriff, established and put in practice a new code of laws framed by himself and calculated for his own use, gave final judgment in any case he chose to take in hand, ordered criminals to be hanged, levied taxes and talliages to replenish his own pocket, and finally gave judgment against his vassals for treason against himself, and forfeited his own fiefs to his own Exchequer. The extent of the acts of this individual have made them known to the world; but it would be impossible within reasonable limits to mention the numerous less distinguished persons who, retired in unknown corners of the country, have displayed within their narrow spheres, their accomplished knowledge of that king-craft, which it was James’s pride to arrogate to himself.

The most dangerous interruptions, however, to the even course of justice, from the effects of hereditary influence, proceeded from certain absolute civil and criminal jurisdictions termed ‘regalities,’* enjoyed by some of the most potent noblemen within certain limited districts. These individuals were called ‘Lords of Regality;’ and the practical difference between the hereditary power of such a person, and that of any ordinary judge such as a sheriff, consisted in the circumstance, that the latter held his hereditary office from the king’s person,—he was

* *Means.*

† This officer was anciently the highest law-officer in Scotland, civil and criminal; possessing powers which seem to have been nearly equivalent to those of the Spanish ‘Justizia,’ until on the establishment of the College of Justice in 1533, the Chancellor assumed his civil powers. His criminal powers were continued until the establishment of the Justiciary Court in 1672, when they were transferred to the Justice General.

the king's law-officer, and consequently his decrees might be reviewed by a superior judge, or finally by the monarch himself. The Lord of Regality possessed an absolute independent jurisdiction in his own territory, with which even royalty dared not interfere. By a feudal nicety he was indeed considered the royal vassal; that is, he was vassal for his lands, but by virtue of holding the lauds he held likewise the jurisdiction; his feif might therefore be forfeited for treason, and the jurisdiction would go along with it, but no corruption as a judge could be the means of depriving him of his power, he having the same divine right to judge within his own district, which the king had over the rest of the country. The Lord of Regality seldom sat in judgment in his own person; his court was held by a judge called a 'Baillie of Regality,' who was generally the steward or chief household officer of the lord, in short the person who looked after his master's business whether in the farm-yard or on the bench,—an individual whose union of offices is strikingly in accordance with the presumed origin of the royal judges in England and in other nations. Such was the description of persons who enjoyed within a particular district supreme and unquestionable jurisdiction in civil suits, and in all criminal matters, treason and witchcraft considerably excepted. The manner in which the jurisdiction of these officers is mentioned by Scotch lawyers, gives it an aspect truly kingly. They divide the whole country into 'Royalty' and 'Regality;' the former being such portion as was superintended by the sheriffs or judges of the king, the latter such as was judged by the Lords of Regality, 'Lands subject to the sheriff's jurisdiction, says the Text Book of the Scotch lawyer, 'are said to be of the royalty, because sheriff courts are in the most proper sense the king's courts, established by him for the regular and ordinary administration of justice in every county; in opposition to lands subject to the special and extraordinary jurisdiction of Regality*.' The Lord of Regality's Court had a Chancery; from which were issued Brieves for serving heirs, or of Mortancestry, directed to a Jury of Inquest†, and having the same effect as those proceeding from the Royal Chancery. The method by which the Baillie of Regality took under his special care any member of his flock who had the misfortune to be presented for trial before the king's court, was by appearing in court and 'repledging' him. According to the letter of the

* Erskine's Institute of the Law of Scotland. 79 § 7.

† A form still used in Scotland, resembling the ancient English Inquest. Vide Meyer; *Fasprit, Origine, et Progrès, des Institutions Judiciaires.* ii. 179.

law, the Baillie was obliged to find security that he would put the prisoner on his trial within a year and a day; a formality which it need not be remarked had little more effect than the Lord of Regality might afterwards chuse to give to it, and one of which the crown officers seem to have been quite aware of the weakness, as in almost every case of 'repledging' which occurs in the present volumes, the Lord Advocate resists the claim, generally on the question of fact whether the prisoner actually belonged to the jurisdiction of the Regality, and sometimes on the plea that the Baillie has been too late in making his claim. The prosecutor well knew that he bid adieu to the prisoner who was 'repledged;' and the Lord of Regality being generally the head of the band of marauders of which the individual brought to trial might be a practical member, found his jurisdiction a much more convenient method of restoring his thieves to the bosom of their clan, than the method by means of 'securities' which has been previously described. An ineffectual attempt was made in 1587, to limit the power of Lords of Regality. Their jurisdiction was taken away in 1762, leaving them what they still possess, the choice of the Chief Magistrate or 'Baillie' of one or two small towns previously the head boroughs of their territory.

After having thus sketched the state of the aristocracy, and a few of the methods by which they interrupted the establishment of a regular system of justice and laughed at the laws, it will be still more instructive to sift a few of the arts and deceptions by which a feeble Crown managed to resist its powerful adversaries, and to revenge on the weak the insolence and outrages of the strong. The crown was protected by a gaudy barrier of legal fictions, which though theory presumed them sacred, and even maintained them to be infrangible according to the laws of nature, were fearlessly and unconcernedly defied by those who had power enough to set a king at defiance,—but presented a cold and never-yielding resistance to the unhappy men, who were obliged to appeal for justice or supplicate for mercy. In attempting to sketch the method of operation in the courts, it is impossible in some instances to reduce the administration of the criminal law of Scotland to regular heads and principles. There is a general presence of forms, but absence of principle; in other words, the use of technicalities, applied not according to fixed rules, but as the more powerful party concerned chose to apply them.

One of the most unartificial parts of the system of policy by which the Prince endeavoured to overcome the power of his natural enemies the Nobles, was that which proceeded by setting

them to destroy each other. Thus, in the year 1556, Lord Lovat, who had been imprisoned for some offence, is released under a contract, that he shall do his best to pursue and apprehend some of the Queen's rebels, specially named in the Act of Court (vol. i. part I. p. 391); and with the usual provident formality of the Scotch courts, he finds two sureties, who become bound for his performance of the stipulation. The feuds of the Highlanders of Scotland, their acts of depredation, their habits of dishonesty and predilection for the produce of other men's industry, are but too well known. Charity however to the natural propensities of the uncultivated human intellect, will not allow the whole odium of their rapacity and dishonesty to be thrown on the Highlanders themselves; the more civilized part of the community must bear the weight of part. If a hankering after murder and theft was the feeling which beat prominently in a Highland bosom, the manner in which the laws were administered did not discourage it. The method by which the royal authority tried to quell their inroads, was by allowing those who were plundered to take revenge. The Macgregors, one of the most savage of the Clans, had early become notorious for evil deeds, and obnoxious to Government. In 1603, the Clan was put under the superintendence of its hereditary enemy Archibald, Earl of Argyle, appointed King's Lieutenant 'within the bounds of the Clan Gregor.' The Earl justified the power thus placed in his hands, by a successful imitation of the system of his master; he excited the Macgregors to plunder another of his hereditary enemies, the Laird of Luss, and finally granted them a commission, bearing the royal authority as emanating from the King's Lieutenant, which empowered them to proceed against the Laird of Luss and his clan as enemies to Government. The chief of the Macgregors showed no reluctance to commence his pleasing duty; and the Laird of Luss having in the meantime obtained a royal commission to resist and suppress the Macgregors, both parties met in a sort of battle, in which each fought under the formality of the royal sanction*. The chief of the Macgregors and several of his clan were afterwards brought to trial for the victory they had obtained; and were accused of having slain one hundred and forty of their enemies in cold blood after having taken them prisoners, of having rifled and burned all the houses on the estate of Luss, and of

* These circumstances are taken from the dying confession of Macgregor before the Privy Council, as preserved in the form of a judicial document in the Register-house Edinburgh, and contemporary documents produced by Mr. Pitcairn,—*Vide*, vol. ii. p. 432—3.

having possessed themselves of 600 cows, 800 sheep and goats, and 280 horses; making in all one of the most brilliant affairs, of the hundred or thereabout of highland 'raids' recorded in these pages. Macgregor and several of his Clansmen suffered death; and the manner in which the district was 'proclaimed' (by a sort of Coercion Act), and the name and race attempted to be exterminated, is known to history.

But in the judicial villainies transacted within the walls of the Court-room, may be found still more instructive lessons, than among the mountains of the Macgregors. In looking at these, it will be necessary to compare the powers of the jury, with those of the King as acting personally (a by no means uncommon circumstance) through his Privy Council, his Judges, or his Prosecutor the Lord Advocate. The origin of Trial by Jury is still more obscure in Scotland than in England. Amidst the irregularities to which, with all the other branches of the judicial establishment, it was subjected, negative evidence occurs that its power was much limited, and that it was a considerably distinct institution from the English Jury; although the intercourse of the two nations may have afterwards brought about a greater resemblance. The Scottish Jury, at the earliest period where there are judicial documents exhibiting its practice, was an instrument entirely feudal. It may indeed be presumed from the present record that the Jury or 'assize' merely consisted of the *Pares Curie* of the Feudal System,—the co-vassals of the accused, cited before the Over-Lord, not as 'the country' to which the accused was to appeal for justice, but as 'assessors' or advisers to consult with the holder of the court. So far back as any record goes, it does not appear to have been customary for any judge to give sentence without a jury; but the miserable feebleness of the Jury in Scotland up to a very late date, shows its despotic origin. Opposed, it may be said, to the Jury, in as far as respected the interest of the accused, was the Crown, with the Privy Council, the Lord Advocate, and the Judge. The first filtering which the Jury underwent, was by the Lord Advocate, who chose and cited those who were to attend,—or the array,—out of which those to sit on the trial were afterwards to be selected. It may be supposed that His Lordship seldom performed this duty with directly dishonest intentions; but he was generally 'a respectable man,'—a good servant to the King his master,—one who revered the face of a Sovereign, and having an eye to his own respectability, would take care not to chuse 'improper persons' likely to oppose the salutary punishment due to the contemners of royalty.

The second purification which the Jury underwent, was from the 'wisdom' of the Judge, who selected the fifteen men who were to act on the trial. Notwithstanding these useful precautions, it was difficult in some cases to obtain a perfectly proper Jury. In 1539 James V. is found sending a letter to his Justiciar, ordering him to postpone a trial for twenty or thirty days until 'ane unsuspect assize may be gottin.' (Vol. i. Part I. p. 221.) In 1606, owing to the religious temper of the nation, great difficulty was experienced in procuring a fit Jury to try the case of Forbes, Welsch, Durie, Duncan, Strauchane, and Sharpe, who, as connected with the celebrated General Assembly held at Aberdeen, were indicted for 'Treason, Declining the jurisdiction of the secret Council, Holding a General Assembly of the Kirk after being charged,' &c. The assistance of an able diplomatist in these matters, the Earl of Dunbar, was brought to the aid of the Crown, and after some difficulty what was wanted was procured; and in order to make the Jurors so honoured do their duty, the whole of the Secret Council, to the amount of twenty persons, chose to sit in court as assessors or legal advisers to the Justiciar*. It will perhaps scarcely be credited in some quarters, that the selection of the Jury by the Court, continued to be a characteristic of the law of Scotland till the year 1825; when the system was altered, after very considerable opposition from the landed proprietors, and the law officers of the crown†. It was indeed a useful instrument, and at a period comparatively late, which is remembered with horror by men not very far advanced in years; when it was found the means of procuring in Scotland, what all the art and power of the Ministry could not accomplish in England. An instance of its use occurred in the middle of the eighteenth century which may be said to be almost ludicrous, if a judicial murder can be qualified by such a term. James Stewart, brother of Stewart of Ardsliel, was accused of having murdered Col'n Campbell of Glenure. The Duke of Argyle was the political enemy of Stewart, and the relative of Campbell, whose death, as that of a clansman, he was bound in honour to avenge. Fortunately for his purpose he was 'Justice General' of Scotland, an office then, as at the present day, not bestowed upon a lawyer, but reserved as an appendage of rank and emolument for some favoured Peer, and never executed by the holder‡. The Duke

* Pitcairn II. 494. *Vide* correspondence connected with the case in Hailes's Memorials and Letters.

† Act 6 Geo. IV. c. 92.

‡ The office still exists, and the Duke of Montrose draws a salary of 2,000*l.* a year as nominal President of the Court of Justiciary. In 1830

was resolved however to perform for once the duties for which he was paid. He held a Court at Inverary, the capital of his own domains. In courtesy to the rank of the Judge, the Lord Advocate, Mr. Grant, a man of considerable talent, proceeded to Inverary, to give the assistance of his eloquence to the Duke, although it was not customary for the tenants of his high office to leave the capital. The prisoner, besides having slain 'a Campbell,' had the misfortune of being reputed disaffected to government; and the Court and Jury were told by the prosecutor 'that his family and connections, were so many circumstances, forming a presumption almost equal to a proof, in support of the charge brought against him.' *Eleven individuals of the name of Campbell* were selected by the Duke to sit on the Jury. They did their duty, unanimously finding the prisoner guilty, and the Duke in condemning him to death, informed him that he had got 'a most impartial trial.' But previously to the Revolution, and at the period more particularly under view, the prosecutor and court, if they should after all their vigilance have stumbled on an improper Jury, had still a healing recourse, and a most effectual one. It was customary for the Lord Advocate on a case going to trial, to 'protest for wilful error;' that is to say, to protest that if the Jury gave a verdict of acquittal, they should themselves suffer a prosecution for having done so. It is unnecessary to quote instances, for the protest is taken in fully one-third of the cases in this collection, and seems to have been a regular formality. The threat was not a vague and unmeaning bravado, for there are at least eight or ten cases in which it was put in execution; and the country had to witness the humiliating sight of a Jury tried by another Jury, and punished for having acquitted a person whom the King wished to have condemned. In interpreting the Statute (1475, c. 64) in which the method of trial for this 'crime' is laid down, it seems to have appeared doubtful to the commentators of the Scotch law, whether a Jury could not also be tried for erroneously condemning; though it is allowed that no instance of such a trial has occurred, and Sir George M'Kenzie seems to have presumed such a measure needless, as 'it is not presumable that any will be so impious to condemn a man to die to please others*.' A curious document, however, which has been lately brought to light, being an account of the 'constitution' of Scotland prepared for the use of Queen Mary on her return to her native country, has

the office was prospectively abolished, 'after the determination of the present interest.'

* M'Kenzie's *Laws and Customs*, Part II. Tit. 2. § 2.

let out the secrets of the Court on this and some other matters, and plainly states, that a Jury can be tried for wilful error, in case of acquittal *only* *. It should be held in mind, that the ground of accusation against a Jury indicted for wilful error, was not founded on their pre-arranged design to defeat the ends of justice, and their infraction of their oath by the acquittal of one whom they knew to have been guilty; but simply, as M'Kenzie has taken great pains to point out, because they were impervious to the arguments of the Lord Advocate, and could not be content with the same evidence of guilt which was sufficient to satisfy the Crown. Accordingly no other evidence was brought to convict them, than that which had been previously submitted to themselves, 'because,' says the author just mentioned, 'the error being clear, the error behoved necessarily to be wilful, and by partial means; nor was it possible to prove these occult qualities otherwise than *ab effectu*.' The punishment of this 'crime' was somewhat similar to that of perjury; the victims were imprisoned for a year and a day, their moveable goods were forfeited, and they were pronounced 'infamous,' a sentence almost equivalent to outlawry, preventing their oath from being received in any court. With such a doom hanging over the heads of a Jury, none can wonder at the crown obtaining convictions at will, or refrain from admiring the few undaunted men, who in that semi-barbarous age had consciences and opinions which the power of man could not control.

It would indeed appear doubtful, whether in early ages the Jury were expected to take cognizance of the facts at all, except so far as, from living in the neighbourhood of the spot where the crime was committed, or from some other cause of knowledge, they might be personally in possession of them. This point is illustrated in a very curious manner, by a long pleading which occurred in the case of Maxwell of Gribtown and others, indicted for 'Hamesucken [breaking into a house and assaulting the indweller], Besieging the Tower of Newbie, shooting Pistolets, taking captive' &c. The accused were first tried before the Privy Council, who had by right no jurisdiction in the case, the crime being capital. It appeared that no evidence could be procured in the case,—probably from the influence of the parties, who were persons of considerable rank; and the Privy Council not chusing to condemn without evidence, they were acquitted. The case was then remitted to the Justiciar, who it appears, with the assistance of a Jury, could manage

* Discours Particulier D'Ecosse, p. 23.

† Mc. Kenzie's Observations on the Scotch Acts of Parliament, p. 81.

the matter without evidence. It has been a just maxim in Scotland, from a very early period, that no man can be twice tried for the same offence, and accordingly the accused very naturally pleaded their acquittal before the Privy Council. The Lord Advocate, himself a member of the Privy Council, coolly answered, that the Council having no jurisdiction in the case, their acquittal was a dead letter; [‘and gif the Counsall can nocht judge upoune sa heich crymes as ar lybellit, or geve ony penall sentence upoune the samyu, conforme to the law, thair precognitioune can nocht stay the proceeding of the Justice.’ II, 466]. The Justiciar repelling the defence, as a plea in bar of process the accused pleaded the circumstance of their acquittal to the Jury. The Lord Advocate with a charitable respect for the consciences of the Jurors, ‘to the effect that they may nocht be inducit to commit error,’ admits an Extract of the Minute of Council to be produced and laid before the Jury, to be used ‘in so far as the same makys for the Persewaris [pursuers], and no otherwayis.’ He then launches into a line of argument explanatory of the reason why no evidence is produced in the case; he tells the Jury, that crimes are devised and done secretly, and in such a manner that witnesses can know nothing about them, and that it is absurd to expect evidence of them, [Beaus crymes, as they ar unavowabill of thame selffis, so thair ar devisit and done secrethie, in sic manner as na witnessis can knaw the samyn: and theirfoir can nocht depone theirintil.’ 468;] that according to the happy laws of Scotland they need not be proved by witnesses, but are ‘referred to the knowledge of a sworne Jury,’ whose determination according to their conscience is a sufficient warrant to convict, and it is sufficient to them to convict, that they cannot clearly and justly acquit, [‘Thairfor be the lawis of this countrie, it is provydit, that crymes nedis nocht, and may nocht be provin by witnessis, but ar referrit to the knowledge of ane sworn assyse; quhais determination, according as they ar persuadit in thair consciences, is ane sufficient warrant to thame selfis, and ane just cause of convictioun to the Pannell; and it is sufficient to thame to convict, gif they find nocht cleirlye, thay can justlie quyte.’—p. 468]. He then proceeds to tell them, that though there was not sufficient evidence by witnesses to justify a conviction before the Privy Council, this circumstance would not justify the Jury in acquitting, who, if they did so, would assuredly be guilty of ‘wilful error,’ in respect of the notoriety of the circumstances of the crime; [‘in respect of the noterietie of this Dittay’], an excellent practical commentary on the previous doctrine of the secrecy of crimes in general, and the difficulty of finding evidence in the particular

instance. The Jury, so-circumstanced as to their power of inquiry, and having the protest for 'wilful error' in case of acquittal hanging over their heads, found a verdict of guilty. This is one of the many instances, in which all the evidence which the Lord Advocate lays before the Jury, is 'common notoriety' or public report. The matter is brought into a still smaller compass in the case next referred to. In January 1619, James Scrymgeour was indicted for the murder of John Edward, 'be streiking him ane deidlie streik in the heid.' The accused offered to prove by witnesses, that the death of the deceased had not been caused by the wound in question. The Lord Advocate scouted the proposal, maintaining that by the practice of Scotland, no witnesses could be received, except in cases of treason. Here follows his lucid pleading.

'Quhair it is allegit, that Witnesses aucht to be ressauit vponé this allegeance, answeries, na Witnesses can be ressauit in Criminall caussis, conforme to thé Lawis of this realme, except in unatteris of Tressone: And albeit Witnesses mycht be ressauit, yit thay can nocht be ressauit vnto the tyme the allegeance be ffirst fund relevant; and gif it war fund relevant, thair aucht na Witnesses be ressauit befor the Assyse, seing the haill poyntis consistis *in facto*, and the tryell thairof is remittit to the Assyse, quha becumis bayth tryeris and Witnesses thairin: And as to the Lordis deliuerance grantit for summonding the Witnesses, it aucht nocht to be respectit, becaus it is privat, and grantit be the Lordis *parte non citata*.'—v. iii. p. 470.

The Justiciar confirmed this reasoning, and the proof offered was refused. It is admitted by the Lord Advocate in this case, that witnesses are admissible in cases of treason, and there does not appear in the present collection any particular case in which it is recorded that such evidence was refused, though there are several where all the evidence which the prosecutor chuses to bring forward to second his demand of a verdict, is the 'notoriety' so decidedly explained above, insisting that no other evidence is necessary. Let it not however be understood, that the prosecutor meant to admit, that even in cases of treason, witnesses ought to be confronted with the accused; so unseemly a practice was unknown to the Law of Scotland until later days. When proof by witnesses was admitted, a more formal method was adopted; the witnesses were examined before the Privy Council, and their depositions presented in writing to the court. On the whole therefore it seems to have been held,—at least by the Crown, and an opposite doctrine maintained in any other quarter would have met with little respect,—that the circumstance of the King's Advocate honouring any individual with a prosecution, should be sufficient to persuade a docile and sub-

missive Jury of his guilt, and that a demand for further evidence was a sort of contempt of the wisdom of that great Official. In connexion with this subject, should be mentioned a peculiar form of protest, almost invariably made by the prosecutor in cases of Treason;—‘ he quha of his conscience can nocht clenge, he of necessity man fyle.’ [He who of his conscience cannot cleanse, or find innocent, he of necessity must find guilty.] These words appear to preclude any negative verdict in favour of the accused; and to infer that on being brought into court under the law of ‘notoriety’ (in other words general suspicion) he must be presumed guilty, and that if the Jury are not convinced of his absolute innocence, he must be condemned. It seems to have been the practice for yielding and somewhat conscientious Jurymen, when thus beset, to solace their minds with the reflection, that they did not absolutely condemn a man they did not believe to be guilty, but by giving a negative verdict merely to facts, in some degree left the burden of consequences to persons better accustomed to bear such loads. Thus, so late as the year 1681, the individual who has left behind him a report of the trial of the Earl of Argyle, has testified his astonishment that the Jury did not find a verdict of ‘proven’ (*i. e.* a verdict that certain facts were proved, leaving the question open whether or not these facts amounted to the crime specified,) instead of finding him guilty; ‘for whereas,’ he observes, ‘assizers do usually return their verdict, proven or not proven, rather than guilty or not guilty, and ought always to do so where the relevancy is *in dubio**. Afterwards the court came to an accommodation with such scrupulous Jurors, by taking on itself a very considerable portion of the burthen of the verdict. The court pronounced an ‘interlocutor,’ finding that if a certain narrative of events was proved, the prisoner was guilty of some named crime; and then the Jury found that the narrative was proved, without having anything to do with the conclusion derived from its being so. It needs hardly be observed, that the doctrine which long disgraced the Law of England, prohibiting any evidence contradictory to the facts as stated by the Crown, was in full observance in Scotland. So long as no evidence whatever was allowed, the doctrine would have been a superfluity; but when, towards the latter end of the reign of James, the evidence of witnesses began to be received on both sides, this principle was found to be a useful importation from the Civil Law, and it was taken into consideration, that the bringing any proof to contradict the statements made by the Crown, involved

* State Trials, viii. p. 949.

the indecorous offence of calling the King a liar. It is right to state, that an individual already mentioned, Sir George M'Kenzie, Lord Advocate to Charles II, a man known for much evil and some good,—a man with an acute eye towards remedying disorders, while his ambition taught him to support despotism,—put an end to this disgraceful fiction in the law of Scotland, a considerable time before it was rooted out from that of England*.

The powers of legislation possessed by the Criminal Courts in Scotland were anciently fettered by very few statutes, and these of a most accommodating obscurity. Late criminal lawyers have lauded with great exultation this system, which still exists in theory, and to a considerable extent, in practice. 'In regard to another important point,' says Mr. Baron Hume, a lawyer of eminence, 'the determining of the proper punishment of a crime when proved, I know some have imagined that the Law of England, which fixes that matter by the precise letter of a statute, is preferable to ours, which leaves it in many instances to the discretion of the Judge. Yet it is to this part of our system, that we are chiefly indebted for the gentleness of our punishments. I repeat it therefore without fear of contradiction, that generally speaking, and with a view to the ordinary course of vulgar practice (for by this the question must be decided) our custom of punishment is eminently gentle; and would be ill exchanged by the offenders at least, and indeed I think by the country at large, with a numerous list of special and statutory rules †.' Another writer makes the following remark, with a particular reference to the crime of Sedition. 'The law on this subject underwent a thorough and anxious discussion in the year 1793, when the contagion of the French Revolution had infected a large proportion of our manufacturing classes, and the evident peril of the country induced the court to inflict some punishments which are now justly regarded as too severe;—another proof, among the many which might be adduced, of the wisdom of entrusting the punishment of this offence to the common rather than the statute law: for, while the former moulds itself to the increasing humanity or liberality of succeeding times, the latter remains rigid and un-

* In England, Queen Mary was the first to admit, in some special cases, a counter-proof. From that period the custom of examining witnesses whose evidence crossed the averments of the Crown, was gradually introduced; but not on oath. The Act 4th Jac. I. c. 1, which appointed felonies committed by Englishmen in Scotland, to be tried by the three northern counties, permitted counter evidence in such cases to be taken on oath. The fiction was finally abolished by 7th Will. III. c. 3.

† Hume's Commentary on the Criminal Law of Scotland.—*Introduction*, p. 10.

bending through all the changes it has endured*.' The meaning here of the words 'common law,'—a term not indigenous to the Criminal Code of Scotland,—is the arbitrary decision of the Judges; and the passage, if it can be reduced to explicit English, would appear to mean, that because the Judges have in a moment of fury taken vengeance on their political opponents, imposing on them punishments 'which are now justly regarded as too severe,' there cannot be a safer protection from severe punishments than the possession of such powers. In one instance, on the occasion alluded to by the learned lawyer just quoted, an argument had taken place as to the legal amount of punishment, when the Court gallantly maintained 'by a clear and unanimous opinion, that by the constitution of the Court, they had an inherent jurisdiction in all crimes without the aid of Statute †.' The services done to Government on such occasions in the selecting of Jurors, have been spoken of; in the administration of the punishments, a service no less efficacious was performed, which the unpliability of the English system, 'rigid and unbending through all the changes it has endured,' did not admit in the southern part of the island ‡.

Of the effect which this judicial power produced on the administration of the Criminal Law, a few instances will form the best evidence. On the 21st of May 1602, William Norwall school-master in Cockpen, is indicted for 'stealing the Poor's Box of Cockpen;' a crime which one would be apt to conceive to be of pretty considerable magnitude. The prisoner 'compounds,' or comes to the King's will; that is, accepts of whatever mitigation the Crown may vouchsafe him, on his throwing himself on the royal clemency, and saving the trouble of a trial §. The punish-

* Alison's Principles of the Criminal Law of Scotland. p. 583

† Alison, p. 586. *Vide* State Trials, vol. XXIII.

‡ In 1793, Thomas Muir and Fyche Palmer were each transported for 14 years. In 1794, Maurice Margarot and Joseph Gerald were visited with the same punishment for what was called sedition, an undefined and undefineable crime, except as meaning anything that may be unpleasant to any body in power. It needs not be remarked that a great part of this 'sedition' consisted in maintaining the propriety of what is now the law of the land; the remainder, in proposing what will speedily become so. An Act of the Legislature affords the best comment on the profound reasoning of Mr. Alison. The Act 6 Geo. IV. c. 47, appoints the punishment for sedition in Scotland to be for the first offence, fine or imprisonment or both; and for the second, fine or imprisonment, or both, or banishment (not transportation) at the discretion of the Court. Thus Government was obliged to chain in its bloodhounds, for they were too zealous; putting a statute 'rigid and unbending through all its changes' round their necks.

§ This singular system is still adhered to by the Justiciary Court (in

ment awarded, is banishment from the kingdom for life. Either His Majesty regretted having not driven harder terms, or some peculiar cause known to himself made him anxious to have the schoolmaster out of the world as well as out of the kingdom; for he is found on June 9th indicted for 'exercising the office of Notary without lawful warrant,' probably on the ground of some informality in his commission;—convicted and executed. But one of the most effectual purposes to which the power of the Court was applied, was to give the King vengeance on those 'monsters' of iniquity, who had sneered at his person or undervalued his abilities. King James the Sixth of Scotland and First of England, has been handed down through history, as a great investigator of the mysteries of King-craft, but a man of too little energy of character, and too easy in his disposition, to put his arbitrary principles in frequent practice. He may have been so in as far as respected the care of the rights of others; but when his own person was reflected on, he was as the tiger prowling for his prey. He pursued the delinquent with all the powers which the law (if it may be called such) put into his hands; and, except in the case of the clergy, around whom the popular feeling made a barrier he could not safely pass, he never failed in pursuing his victim to death. On the 3rd of August, 1596, John Dickson in Lync, 'an Englishman,' was indicted for 'uttering calumnious speeches and slanders against the King.' The amount of his offence was, that being drunk, he had allowed a boat he was managing to come in the way of one of the King's Ordnance vessels; when being called on by Archibald Gairdenar, one of his Majesty's canoneers, to veer and give place to his Majesty's Ordnance, 'he fyrst ausserit, that he wold nocht vyre his boit for King or Kasard: and thairefter, maist prouddie, arrogantlie, shlanderouslie, and calumniouslic, callit his Majestie "ane Bastard King: and that he was nocht worthie to be obeyit."—(V. 1. Part. ii. p. 385.) The Jury, with the qualification that he was 'in drunkenness,' found him guilty, and he was hanged. The next case is that of John Flemyng, elder in Colburn's Path, indicted for uttering

virtue of its legislative powers) for the purpose of saving time and trouble. It is not now known by the term 'coming to the King's will,' nor is it transacted in the form of a contract. The prisoner pleads guilty, and the Court instead of giving him 14 years transportation, gives him 7; instead of 7 years transportation, gives him a few months imprisonment. This, of course, cannot be done, where the indictment is grounded on an Act of Parliament, which takes place in about one case out of 60. That others may follow the good example, the Judges frequently avow from the Bench, that a plea of guilty has moved them to much clemency.

'tressonable, blasphemous, and damnable speiches against the King.' This individual had been an unsuccessful litigant; and in a moment of indignation against the laws which put him beyond all dread of consequences, 'shaking of all feir of God and that reverent respect quhilk in conscience befor God and in his dutie and allegance he aucht to his Majestie,' exclaimed 'Heind nor the King schoote to deid or the morne—and that he die of the falling seiknes :? which may be interpreted, 'Devil care, though the King should drop dead ere tomorrow, and die of the falling sickness.' On being asked why he uttered such 'blasphemous and horrible speiches,' he 'maid this scornfull and disdainfull answer—"war nocht [were it not for] the Kyng and his lawis, he had nocht woultit his Landis;"—a case probable enough,—“and thairfor he cairret nocht for the King, —for hanging wald be the worst of it.” He spake with a prophetic voice, and was hanged. 'Had mention been made,' says Mr. Pitcairn very justly, 'of this fact, in any private correspondence of the period, or in contemporary memoirs or annals, it would have been at once discredited by all, as an unprincipled libel on the character of our British Solomon.' (III. p. 359.) On the 10th October 1609, Francis Tennant, merchant, burgess of Edinburgh, was indicted for writing 'slanderous Pasquils against the King.' It has defied the exertions of Mr. Pitcairn, to discover any clue to the contents of these 'Pasquils,' as they were of such a hideous description, that the Lord Advocate refused to insert them in process; and he seems to have demanded a verdict on them, without showing them. From the circumstance, however, of their having been addressed to Mr. Robert Bruce and Mr. John Davidson, clergymen in Edinburgh, he judges them to have had reference to the proceedings on the part of King James to compel the clergymen of Edinburgh to believe, and not only believe but say so, that he had been in great danger from the Gowry conspiracy. The calm resistance of the former gallant man to a long course of persecution, is a fine specimen of 'indomitable mind,' and of the shrinking of titled insignificance, before the sovereignty of a free intellect*. Had he been a man of less courage or popularity, James would have had his blood; but the monarch was compelled to wreak his vengeance on more paltry heads. Tennant was found guilty. The manner in which he was sentenced, is a fine instance to show how independent the Court was of the law. A warrant is produced, signed by his Majesty, express-

* *Vide* a mass of interesting documents as to this matter in vol. II. p. 236, &c.

ing the specific terms in which sentence is to be given, the essence of which is, that the culprit is to be taken to the market cross, his tongue cut out, a paper fixed on his brow proclaiming his crime, and then he is to be hanged, [‘ He sall be takyn to the mercat croce of Edinburgh and his toung cuttit out at the rute ; and that thair sall be aue paper affixet upoune his brow, bering that he is convict for forging and geveing out of certane vyld and seditious Pascallis, detracting us and our maist nobill progenitouris : and thairefter that he sall be takyn to the gallous, and hangit, ay qubill he be deid.’ II. 335.] By a subsequent warrant from the same source, the article as to the cutting out the tongue is revoked, and he is permitted to be hanged with it in. The next case to be noticed, is of a still more curious nature ; the Majesty of the King was insulted through a satire on the country which gave him birth. The case of Thomas Ross, who was hanged for affixing a ‘ pasquil’ on the Scotch nation to the door of one of the Colleges at Oxford, has already attracted the attention of such as have illustrated the manners of the times ; but it is here produced, along with new matter so illustrative and striking, as cannot be passed by. Thomas Ross it appears had been reduced from affluence to extreme poverty ; and his family received several sums in charity from the Church Session of his native parish in Perthshire, the last sum afforded being 30s. to enable his brother to visit him under sentence of death. This poor man proceeded to Oxford, where he seems to have been subjected to privations which finally produced a temporary derangement of intellect, in which state he perpetrated the terrible ‘ pasquil’ against the Scots nation. A translation of this curious document has been discovered by Mr. Pitcairn, and printed in this collection. It is truly sad stuff ; and if a man could be hanged for writing nonsense, the author certainly deserved death. In his confession however he states with much simplicity, that the cause which urged him to write it was, that as a specimen of his talents and spirit, it might be the means of bringing him into notice and so providing him with bread. This lampoon was not printed, but affixed in manuscript to the door of one of the colleges ; and a student passing by read a few lines, ‘ and not daring,’ says King James, ‘ to be conscious to himself of reading farther to such purpose,’ carried it immediately to the Vice-Chancellor, who being burthened with so weighty a matter, ‘ discreetly and dutifully’ communicated it to the King, and committed the writer to the Castle ; for, being challenged as the author, poor Ross very naturally thought he was called on to defend his thesis, and avowed what he had done. Now James knew that by the laws of England he could not get this man hanged ; so

he wrote a letter to his faithful Privy Council of Scotland, informing them of the unhandsome restriction placed on his kingly power in his new kingdome, offering the honour of trying Ross to the more accommodating laws of his native country, asking the advice of his faithful counsellors in his extremity, and hinting that the last punishment of the law would be an acceptable service if it could possibly be administered. As this letter is a gem, it will be inserted in full.

‘ **LETTER**, *the King to the Privy Council of Scotland, with instructions as to Mr. Thomas Ross.* [Without date.]

‘ **RIGHTE** trustie and righte welbeloued cosen and counsellour, and trustie and welbeloued counsellour, **WER** greete yow well. **WEE** sende yow here enclosed, a **LIBELLE**, (written by a villanous caytiffe, or rather monster, of our owne contrie,) whiche, in time of **Disputations** at **OXFORDE**, was affixed vpon a gate of one of the Colleges, as **THESES** to haue bene disputed: And a scholler, hauing taken downe and red the first six lines, (not daring to be conscious to him selfe of reading furdur of such purpos,) presentlie caried to the **VICE CHANCELOUR**; who, suspecting who mighte be the penner, sente for him; and hauing gotten his **CONFESSION**, that not onlie he was the author, but likewise, that he wolde maintayne all to be trew which he had sette doun therein, the Vice Chancellour discretelie and dewtifullie committed hime close prisoner to the Castle of Oxforde, and sente the **Libelle** to vs, that **WEE** mighte declare oure pleasour, bothe concerning it and the author. Whiche, his discrete cariage, hath, in our iugement, deserued to be, by a Letter of thanks frome our wholle **COUNSELLE**, there acknowledged. **WEE** likewiss sende yow the person of the man, to be censured by yow, willing yow firste to examine him, and thereafter aduese of the forme of punishment whiche yee sall thinke fitte to be inflicted vpon him. For, although by the Lawes of this our kingdome, it be not permitted for to vse extraordinarie punishementes, y^e hath it euer bene lawfulle for the **KINGES** there, to deuise and infliete punishementes, according to the qualitie and nature of the offence, which in this particulare can be no lesse then Treason. For if no man make question but that the writing of an inuectiue againste **THE KING** and his progenie is Treason, in the highest degrec, and in our opinion it is a greuous faulte, (and **WEE** could more easilie forgiue the writcing againste our selfe,) then* againste the wholle Nation from whence **WEE** ar sprung. And if it wer a mater capitall in Germanie for **STARCOIUS** (being a German a mere stranger to Scotland, and one who, perchance, had bene hardlie vsed by some particulare person there) to haue written against that wholle Kingdome, how much more muste it be capitall to this fellow, who, being Scottes borne, hath so villanouslie, filthilie, yea, and falslie, defamed his owne contrie, by writing in such sorte againste his contriemen, the spejaller of our seruantes, [and persuaded a course to be taken against them, which possible

* In the margin, [that one should write against his own contrie.]

could not be performed, without manifest danger and manifest violence against our selffe*,] and so much the more is his offence greivous, as that, by the space of two monethes before, he continually vaunted that he wolde do such a feate. It is therefor our pleasor, that yee aduise vpon his punishment, and hauing resolved, that yee aduertise vs with all expedition. So fare yee well†.

The Privy Council returned an answer, in which they fully entered into the views of their considerate monarch, testifying their opinion that the 'monster' ought to be hanged, but dutifully submitting to procure any punishment his Majesty might suggest.

'LETTER, the Privy Council of Scotland to the King. Jul. 30. 1616.'

'MOST SACRED SOUERANE,

'WE ressaued youre MAIESTEIS Letter, with the infamous LIBELL writtin be that wretched and unhappie fellow ROSSE, and we imparted the same to youre MAIESTEIS COUNSELL; who, with all dew reuerence and most humble thankis, doe acknowledge youre MAIESTEIS singlar cair and prudent directioun, alsweill in this, as in all otheris thingis importing the credite and reputatioun of this youre MAIESTEIS Kingdome; and they haif writtin their awne thankis to the *Vice Chancellor of Oxfoorde*, for his wyse and kynd resolutioun and proceedingis, in that mater.'

'We haif aduised with THE LIBELL, and with the Lawis and Constitutionis of this Kingdome, maid aganis the writtaris and settaris oute of suche infamous Libellis; and we find the same to be capitall, and pvnishable in the heighest degree. This fellow is not as yitt come heir; and becaus of the approtcheing vacance, and dissolucing of THE COUNSELL, we haif gevin directioun to THE MAGISTRATIS OF EDINBURGH, howsoone he sall aryve, to committ him cloise prisounair in thair *Irre-House*‡, and to lay him in irnis; and vpoun thair aduerteisment, we sall conveene and examine him; and accordingly, we sall gif directioun for his tryall and convictioun, and sall superceid the pronouncing of Doome, till we vnderstand youre MAIESTEIS forder pleasour, aenent the forme of his pvnishment. Oure opinioun is that he salbe HANGED at the *Mercatt-Croce of Edinburghe*, and his heade affixt on one of the *Portis*. But in this we submittoure selffis to your MAIESTEIS directioun; quhairunto we sall conforme our selffis. And so, praying God to blisse your MAIESTIE with a lang and happie reiginne, we rest

'Your Maiesteis most humble and obedyent subiectis and scruitouris,

'AL. CANCELL. BINNING. S. W. OLIPHANT.

HALYRUDHOUS, penult July, 1616.

~ 'TO THE KING his most sacred and excellent MAIESTIE, &c.'

* The words within brackets are added in the margin.

† From the original draught, preserved among the Denmylne papers, Adv. Library.

‡ Their strong iron room, or 'cage' as it was afterwards called, in which desperate criminals were confined previous to their execution.

At the same time an individual member of the Council writes privately to the King,—Thomas Hamilton, Lord Binning, afterwards Earl of Haddington, a man who had contrived by such acts of service as he was then performing, to retain in his person at the same time the three anomalous offices of Lord Advocate, Secretary of State, and Judge of the Court of Session. This individual proves himself a sincere professor of the doctrine expounded by Baron Hume and Mr. Alison; and certainly on grounds much more clear and satisfactory to himself,—not the questionable basis of utility, but the sure and steady foundation of divine right. ‘It is a foolish presumption,’ remarks this man, ‘in subjectis to think, that the Kingis whom God has chosen as his Lieutenantis, to regne over so great nationnis, sould have heartis of no greatir excellence than the vulgar sort. If God had not prepared the hait of Solomon, in his youth, to command the houris child to be devided betwix hir and hir neighbour, who claimed the leving bairne, what Judge in the world could certainlie have determenid to which of the two the leving childe did belong? Whilk nevertheles, Solomon, be ane sentence, seming at first most cruell and unjust, did in end most admirablie determine, to the manifestation of the singular wisdom, whilk God had put in the Kingis hait.’ (III. 161.) Contemporary documents leave no doubt that Ross suffered death.

This case leads by a very natural association to another, not properly speaking *case*, but *act* of James, in which he was compelled to depart from his usual judicial formalities, and actually to perpetrate,—the term cannot be helped,—a *bonâ fide* murder. The circumstance has been mentioned by Mr. Pitcairn, and an allusion to it is made in the letter from James just quoted; but another document has been obtained, which throws considerable light on the matter, though not so much as might have been wished. It appears that a Pole named Stercovius, had visited Scotland in his native dress, and being ridiculed and followed through the streets by crowds of children, he left the country in disgust, and immediately on arriving in his native land, published ‘A Legend of Reproaches against the Scottish nation.’ The active King immediately on hearing of this, employed a trusty agent, Mr. Patrick Gordon, a resident in Prussia, to get Stercovius hanged; a duty which Mr. Gordon faithfully performed. This matter might have been kept secret from the world, but it was not managed without expense; and James had the imprudence to call on the boroughs to pay the sum which the murder had cost, ‘600*l.* sterling.’ The boroughs refused. James applied to the Privy Council to compel the

boroughs to obey; and fortunately the Minute in Council, bearing date the 9th of December 1613, is extant. It states that Sir William Oliphant of Newton, His Majesty's Advocate, represented to the Council, that when the King 'heard of the infamous Libel of one Stercovius a Pole, he directed Mr. Patrick Gordoun His Hienes agent in these partis, quhair the said Stercovius lived, to employ his best endevoires, and to omitt no meanis, industrie or chargeis, that might procure the said Libell to be recallit, and the author thereof condignlie punisht,' for which purpose he had given Mr. Gordon letters and recommendations to those who could assist him, and 'his travell was secondit with suche good success, as both the Lybell was recallit, and the author thair of hangit, washing away by his infamous death, any stayne or blot, which his malicious Libell might otherwys have importit to the particular disgrace of this his Majesty's nation.' The Lord Advocate then proceeds to state 'the expense incurred, enlarges on the great interest which the boroughs have to maintain the national honour, states that the money is still due to Mr. Gordon, and to David Grey, a person of Scotch parentage in Prussia; and that the boroughs had been frequently applied to, and had refused assistance, 'quhairthrow not onlie is the said Mr. Patrick Gordoun, and the said David Grey his creditor, lyke to be frustrat of the sowmes advancit be thame as said is, but great occasion will be given to thame, to verifie quhatsomever the said Stercovius had most falslie and maliciously written against this natioun, without remeid be providet.' The boroughs declined the jurisdiction of the Privy Council, maintaining, that excepting to repair damage done by a riot within borough, they could not be called on for a supply, except when sitting in Parliament; and as a corresponding mark of spirit, the Privy Council declined judging in the case*. It is not known what course James resorted to, nor how the affair finally terminated.

Mr. Pitcairn's three volumes contain upwards of 1,200 closely printed quarto pages, copied letter by letter from the original manuscripts, and forming as scrupulously full and ample a record, as if it had come from the Record Committee. There are besides, numberless illustrative documents, of every degree of minuteness; in gathering which from all quarters, the author has shown the eager diligence of an antiquary.

* Minute of the Lords of Secret Council, as extant in the Cartulary of Edinburgh.—*Muidment's 'Nugæ Scotiæ.'* 6

PLATE VII.—*Letters of Horace Walpole, Earl of Orford, to Sir Horace Mann, British Envoy at the Court of Tuscany. Now first published from the originals in the possession of the Earl of Waldegrave. Edited by Lord Dover.*—3 Vols. London; Bentley. 1833.

THE volumes named at the head of this article have a historical value. Like the 'Letters and Despatches' of Strafford, though not of so high an order as those, they will form a portion of the most valuable materials for the history of the period to which they refer. And they certainly have the effect of somewhat rudely tearing away both the mask and stilts from some of the public characters of the time. They represent the political struggle of that day, as nothing else than a low game of party, with none of the lofty aims, passions, or even vices, that distinguished the political warfare of a portion of the seventeenth century. Horace Walpole deserves a high place among the mob of 'royal and noble authors,' the rabblement of 'persons of quality' who, though not compelled by the hard decree of fate and necessity to live by their learning or their wits, have nevertheless condescended to instruct or amuse the world by their lucubrations. It is curious to observe how few out of all that noble herd can be named, of any mark or likelihood in the higher walks of literature or philosophy. Some of them indeed occasionally dabble in the latter; but with what success? Lord Bacon cannot fairly be considered as belonging to them. His was the thoughtful and laborious life of a man who felt that he had to live by practising a profession,—by the exercise of his understanding,—in a word he virtually belonged to the 'working classes.' The same was the case with the minister Turgot, though an aristocrat by descent. Even in poetry,—the kind of intellectual pursuit which perhaps requires least of what is called drudgery,—they could boast of no name, even second-rate, till the appearance of Byron. This poet was particularly fortunate in the selection of his walk. Had he chosen a road to distinction that required any degree of close application, of continuous labour, of obstinate and sustained thought, the goal of that course he had assuredly never reached. But as it is, during a short life passed in great part in frivolous pursuits, he has achieved by his poetry a name that will endure. As an example of the difference under different circumstances,—Mirabeau was a man probably not inferior to Byron in the extent, and certainly resembling him in the fire, of his genius. But of Mirabeau's numerous publications, (it might not be fair to say productions, for in his case the amount of production was not co-extensive with that of publica-

tion,) memoirs, histories, pamphlets, speeches, most or all are dead already. And why? He had chosen a walk of ambition,—that of statesman and legislator, of ruler and instructor of mankind,—to which the saying of the Greek sage, ‘*sine labore nihil*,’ is most truly applicable. Accordingly, though his works have been printed, his name will not print; linked though it be for good or evil with events of magnitude unspeakable.

Besides the aversion to labour, the ‘persons of quality’ have another disadvantage to contend with. Their fellow-feeling is confined to their own class; and they regard the large class or classes below them with contempt or aversion. Notwithstanding the occasional affectation of liberal sentiments, and expression of contempt for individuals or even portions of his own class, these feelings are constantly breaking out in these letters of Walpole. There is also, with a pretended contempt for royal persons, a vast idea of the importance of the ceremonial of courts.

Horace Walpole was an example, and a favourable one, of that portion of the aristocratic class, who, though they altogether want the aptitude for high intellectual exertion, are yet willing to condescend so far as to employ some portion of their time intellectually. But the way in which he speaks of Berkeley and Butler, shows that he had no acquaintance with the higher departments of thought. And notwithstanding he dabbled a little all his life in politics, the way in which he appears to account for the dearness of corn (vol. iii. p. 298) ascribing it to ‘much villainy in the dealers,’ betrays an ignorance of the subject not inferior to the least instructed of those who formed the corn-riot mobs.

These letters however, are upon the whole calculated to convey a favourable impression of the writer. Few men can boast of possessing a friend, at once so sincere and so steady, as Sir Horace Mann and Mr. Conway found in Horace Walpole. But then it must not be forgotten that the picture is drawn by himself. His father too appears in a light somewhat more favourable than he has been usually regarded in; but he certainly cannot be accused of painting too flattering likenesses of the rest of his relations. His sketches of his chaste sister-in-law, and of his uncle’s, or as he calls them, the Pigwiggin family, are exquisite specimens of playful yet severe satire.

In his way,—and with all deference to the sentence pronounced on the subject by Lord Byron, it must be considered to be a small one,—Horace Walpole has certainly done some things exquisitely. Nothing can exceed the ease and felicity of the general style of these letters. And what is

remarkable, considering his apparent fondness for the Italian, is the raciness of his English. His adherence too to English words, forms a striking contrast with the would-be fine and fashionable writers of the present day, who in almost every sentence interlard their bad English with worse French. For example, vol. iii. p. 64, Walpole uses the English word where the French one was in more general use; he says 'suffered to wear neither *red* nor powder.'

These letters abound in curious psychological facts. As for instance, take the following.

'Young Ross, son to a commissioner of the customs, and saved from the dishonour of not liking to go to the West Indies when it was his turn, by Sir R's giving him a lieutenantancy, voted against us.'—vol. i. p. 52.

'I have had a taste of what I am to meet from all sorts of people. The moment we had lost the question, I went from the heat of the house into the Speaker's chamber, and there were some fifteen others of us—an under door-keeper thought a question was new put when it was not, and, without giving us notice, clapped the door to. I asked him how he dared lock us out without calling us, he replied insolently, "it was his duty, and he would do it again."—*Ib.*

'Lady Sundon* is dead.—She had great power with her, though the Queen pretended to despise her; but had unluckily told her, or fallen into her power by, some secret. I was saying to Lady Pomfret, "To be sure she is dead very rich!" She replied, with some warmth, "She never took money." When I came home, I mentioned this to Sir R. "No," said he, "but she took jewels; Lord Pomfret's place of Master of the Horse to the Queen was bought of her for a pair of diamond earrings, of fourteen hundred pounds value." One day that she wore them at a visit at old Malbro's, as soon as she was gone, the Duchess said to Lady Mary Wortley, "How can that woman have the impudence to go about in that bribe?"—"Madam," said Lady Mary, "how would you have people know where wine is to be sold, unless there is a sign hung out?" Sir R. told me, that in the enthusiasm of her vanity, Lady Sundon had proposed to him to unite with her, and govern the kingdom together; he bowed, begged her patronage, but said he thought nobody fit to govern the kingdom but the King and Queen.'—vol. i. p. 77.

The next anecdote is illustrative of Scottish purity and patriotism.

'They have turned the Scotch to the best account. There is a young Oswald, who had engaged to Sir R., but has voted against us. Sir R. sent a friend to reproach him: the moment the gentleman, who

* * Woman of the bed chamber, and mistress of the robes to Queen Caroline.'—*Note in original.*

had engaged for him, came into the room, Oswald said, "You had like to have led me into a fine error! did you not tell me that Sir R. would have the majority?"—vol. i. p. 88.

This 'young Oswald' is the same individual who figured in a late Number, as a specimen of what some persons recommend as a model of 'a virtuous and enlightened statesman.' It is a singular phenomenon in political history, that such a people as the Scotch should have been so long represented by such an aristocracy, so base in motive, so mean in soul, so uninstructed.

The Marshal de Villeroy, governor of Louis XV, expressed in plain terms the line of conduct practised by the courtiers and politicians of his age. 'Il faut,' said he, 'tenir le pot de chambre aux ministres tant qu'ils sont en place; et le leur verser sur la tête quand ils n'y sont plus.'

The following is in every sense Walpolean.

'My brother chooses Lord Luxborough for Castlerising. Would you know the connexion? This Lord keeps Mrs. Horton the player; we keep Miss Norsa the player. Rich the harlequin is an intimate of *all*; and to cement the harlequinity, somebody's brother (excuse me if I am not perfect in such a genealogy) is to marry the Jewess's sister. This *coup de theatre* procured Knight his Irish coronet, and has now stuffed him into Castlerising, about which my brother had quarrelled with me, for not looking upon it, as, what he called, a family-borough.'—vol. i. p. 296.

The following anecdote is truly aristocratic, and may furnish a hint to many tradesmen how to obtain their money.—

'I have a good story to tell you of Lord Bath, whose name you have not heard very lately; have you? He owed a tradesman 800*l.* and would never pay him: the man determined to persecute him till he did; and one morning followed him to Lord Winchelsea's, and sent up word that he wanted to speak with him. Lord Bath came down, and said, "Fellow, what do you want with me?"—"My money," said the man, as loud as ever as he could bawl, before all the servants. He bade him come the next morning—and then would not see him. The next Sunday the man followed him to church, and got into the next pew: he leaned over, and said, "My money; give me my money." My Lord went to the end of the pew; the man too; "Give me my money." The sermon was on Avarice, the text, "Cursed are they that heap up riches." The man groaned out "O Lord!" and pointed to my Lord Bath—in short, he persisted so much, and drew the eyes of all the congregation, that my Lord Bath went out, and paid him directly.'—vol. ii. p. 99.

Here is another anecdote of a tradesman;—

'You will be delighted with a *bon mot* of a chair-maker, whom he [Frederick Prince of Wales, father of George III.] has discarded for

voting for Lord Trentham; one of his black-caps was sent to tell this Vaughan that the Prince would employ him no more: "I am going to bid another person make his Royal Highness a chair." "With all my heart," said the chair-maker; "I don't care what they make him, so they don't make him a throne."—vol. ii. 433.

And here one of a Lord of the Treasury;—

'I have set my heart on their giving a Doctor's degree to the Duchess of Newcastle's favourite—this favourite is at present neither a lover nor an apothecary, but a common pig, that she brought from Hanover: I am serious; and Harry Vane, the new Lord of the Treasury, is entirely employed, when he is not at the Board, in opening and shutting the door for it.'—vol. ii. p. 396.

None but themselves could turn an aristocracy to such use, as is done by the relation of such anecdotes; after the perusal of which the reader will find little difficulty in agreeing with Horace Walpole's terse description of modern honour.

'There is nothing, sure, so whimsical as modern honour! You may debauch a woman upon a promise of marriage, and not marry her; you may ruin your tailor's or baker's family by not paying them; you may make Mr. Mann maintain you for eighteen months, as a public minister, out of his own pocket, and still be a man of honour! But not to pay a common sharper, or not to murder a man that has trod upon your toe, is such a blot in your scutcheon, that you could never recover your honour, though you had in your veins *all the blood of all the Howards*.'—vol. i. p. 229.

There are two striking instances mentioned in these volumes, of the effects produced by aristocratic influence in conferring appointments, when followed out to their extreme consequences. These are the fates respectively of Admiral Byng and Lord George Sackville. In Admiral Byng is seen a man placed by influence other than that of professional merit, in a situation to the duties and difficulties of which his capacity was inadequate. The sentence of the Court Martial that sat on him,—as many lawyers were clear, says Walpole, that it was not a legal one,—was referred to the twelve judges. In the words of Walpole, (vol. iii. p. 244.) 'they made law of that, of which no man else could make sense.' In the multitude of counsellors, it has been said, there is wisdom; and 'the twelve judges' is an imposing sound; nevertheless this is not the only occasion on which these twelve judges have been accused of doing something very similar to the act designated above. In the trial of ship-money, they are recorded as having given judgment 'upon such grounds and reasons,' says Lord Clarendon, 'as every stander-by was able to swear was not law, by a logic that left no man anything that he might call his own.' Such things are apt to shake men's credence in the efficacy of

a sound however imposing, in the infallibility of a name however ancient and venerable. Byng died, or was murdered as Walpole calls it, because fortune or patronage made him an Admiral, when nature or education meant him for nothing of the kind.

Lord George Sackville is an example of a man of great ambition and considerable abilities, who was doomed to have his prospects in life ruined, his ambition baffled, his very name blighted, from being thrown by an unnatural state of society into a situation different from that where his abilities and inclinations if left free would have placed him. What a mass of unhappiness,—of evil both political and private,—is here generated. Besides the evil resulting to the community from the incapacity of its functionary, there is the torturing thought of disgrace, the sting of the worm that dieth not,—preying upon the mind of such a man as Lord George Sackville,—a man from his habits and education of the most acute sensibilities, and ‘quick to learn, and wise to know.’ An aristocracy which does such things, is obliged, occasionally at least, to make some of its members a sacrifice for the sins of the whole.

ART. VIII.—*The Mercantile Navy Improved; or, A Plan for the greater Safety of Lives and Property in Steam Vessels, Packets, Smacks, and Yachts; with Explanatory Drawings, and an Appendix, containing the Author's Evidence before a Committee of the House of Commons, in consequence of the loss of the Rathsay Castle.* By James Ballingall, Manager of the Kirkaldy and London Shipping Company, and Surveyor of Shipping for the Port of Kirkaldy.—London; Norie & Co. 8vo pp. 184. 1832.

NOAH was the first shipbuilder and the first navigator. In his case, however, all was miracle. Since that æra mankind have been incessantly occupied in devising the best and safest means of encountering the sea as the most formidable obstacle to their curiosity and enterprise. ‘Thus far shalt thou go and no farther,’ was the voice of this element to the first human tenants of the globe; and the period, it may be surmised, was considerable, before any attempts of importance were made to dispute the command. Let the mind be carried back to these early attempts, and it will be at once apparent that in no department has science been more signally triumphant than in that of navigation. Upon the waste of waters the rudder and the compass have enabled men to transport themselves to the most distant regions with almost unerring certainty; and, what is not a little remarkable, man, in being able to sustain every variety of clime from the line to the poles, appears to be

almost the only created being fitted by constitution to explore regions so widely separated.

Will it be believed then, that in man's progress from the savage to the social state, from the purely natural to the wholly artificial, causes should arise to check further efforts to decrease the danger which the sea presents to him as a traveller, as a merchant, or as one whose constant toil and home are on the deep? Is it possible to believe that what required, in order to bring it into useful action, so much skill, and so much courage, should not simply stop short of perfection for want of increased knowledge, but should meet in man himself a barrier to its advancement?

Mr. Ballingall, in his work entitled 'Ballingall's Mercantile Navy Improved,' has investigated this interesting subject.

Whoever will take the trouble of looking into the work, will rise from it satisfied that there is a mode,—an easy and not expensive mode,—of constructing ships, which where it is applied, has the effect of preventing nine-tenths of the wrecks,—the destruction at sea of property and life,—which would otherwise take place. It is not the purpose to go into the minutiae of this plan, neither does Mr. Ballingall appear to claim any merit for the invention, but only for the extension of it to the Mercantile Navy. In the military marine, the principle has been long known and acted upon. Ships of war are put together in such a manner as to be nearly able to bid defiance to tempests. This method consists principally in forming one solid bulwark of great thickness, against the common adversaries, winds, waves, rocks, and sands. Most truly may they be called 'wooden walls,' for such they are, not figuratively only, but in reality. They are in fact a solid mass all through, in the bottom, as much so as if built with stone and mortar. Almost everybody has seen the skeleton of a ship, of one size or other, in a ship-yard. He will have seen the ribs or timbers of the vessel standing at certain distances apart. Now in ships of war built in the present day, the spaces between these ribs are filled up with a solid mass of wood-work in the bottom, the grain of the separate pieces or timbers intersecting each other; affording thereby additional security against violence of any kind. Then come the planking outside, and the planking inside, called the ceiling; which bind all together with a degree of strength all but unknown out of His Majesty's dock-yards. The winds may blow and crack their cheeks; the waves may rise to mountains; it is ten to one but such a vessel will ride in safety. Granted that she is still not proof against rocks and shoals, yet even there she will live when weaker vessels would be riven to atoms.

This mode of building, then, has not as yet been applied to the Mercantile Navy. Will it ever be? Mr. Ballingall says it ought;—for the safety of human life,—the security of property,—the ease of communication between country and country. Humanity, wealth, enjoyment, self-preservation, science, peace,—all are concerned in it. Who says it shall not? Not the British public; they are interested in having secure vessels, if they can be made. But they have never thought about it; or rather they repose in the full confidence that vessels are made as secure as skill and labour can make them. Not British seamen; their lives are at stake, and they have no abstract love for drowning. Who, then, oppose the principle of building secure merchant ships? A phalanx of a strength all but invincible; Underwriters, ship-builders, merchants, the British Government. Strange; yet not more strange than true.

The natural perils of the deep, joined to comparatively little skill in navigation and in the art of constructing ships, gave rise to insurances. Excepting in the absolute safety of ships from a new principle of construction, a more admirable safeguard for the merchant and ship-owner could not be well conceived. This was the *use*, now has come the *abuse*,—a natural process apparently, in civilization. Insurances put large sums annually into the pockets of the underwriters. Insurances cause weak and worthless vessels to be built and sent to sea. Insurances help to fill the coffers of a needy government.

It is the interest of the underwriters that ships should be lost, because in the long run they receive more than they pay. Were ships able to travel as safely as stage-coaches,—which they may be made to do, or nearly so,—there would be an end to insurances, and with them to the gains of underwriters. Sea insurances, again, are the master key which opens the door to all kinds of folly, knavery, and murder by wholesale. If a ship is lightly and cheaply built, and therefore knocked to pieces by the force of the wind and waves, what cause is there for the ship-builder to mourn? None whatever; so far from it, he has every reason to rejoice. He knows he shall get an order to build another ship, not a whit stronger or better. Who suffers? Not the owner of the ship; for she is insured, in all probability, for more than she is worth. The underwriters suffer; but then, as was said before, they gain in the end, otherwise the trade of underwriting would be abandoned. But it may be supposed, that whatever indifference may exist in the mind of the ship-owner as to the fate of his vessel, the merchant whose cargo is on board will be deeply anxious for its safe arrival at its desti-

nation. Here again, insurances step in to reduce that anxiety to the lowest quantity. The cargo can be renewed as easily as the ship. Let it be composed of goods manufactured in Great Britain, and the sinking of the first cargo only serves to double the order to the manufacturer, while no loss is sustained by the merchant. Let it be composed of goods on their transit to or from Great Britain, and the loss of the cargo is merely the occasion of another being sent for in place of it, while the scarcity of the article arising from the loss, increases the price to the public and the gain to the merchant. The final loss therefore is on consumers.

Were the evils arising from the abuse of the principle of insurances to stop with the parties ostensibly concerned, they might perhaps be left to be settled between the underwriters, ship-owners, ship-builders, and merchants. So long as mere inanimate matter is concerned, those who chuse to throw upon a gaming-table may shuffle the cards as they list, and divide the losings and winnings among them. But there are unhappily other parties concerned. The lives of thousands and tens of thousands of human beings are staked in this great game. These latter have as yet not been made duly sensible that their lives count as almost nothing in the minds of the four great stakeholders, the underwriter, ship-builder, ship-owner, and merchant. The stake indeed can hardly be said to be held by these parties. It is clear that if ships and their cargoes are paid for by the public when lost, they belong, *in a practical sense*, to the public, and not to the other parties; and that the whole community is taxed for their especial benefit. But again, as respects life, supposing a vessel of original faulty construction, with indifferent materials, ricketty and battered by age and service, to be put to sea protected by insurance at twice her worth, does it not immediately become the interest of the owner that she should founder? Will he repel this almost self-springing desire, by reflecting upon the loss of life which might, and in all likelihood would, attend that event? It would be unjust to entertain the belief that every ship-owner, under these circumstances, would cherish such a wish; but no scepticism of this nature can overcome the fact everywhere established, that humanity in the breast of a ship-owner will not always get the better of his interest. Look for proofs to the history of the slave-trade,—a trade which, though no longer carried on in British vessels, British ship-owners will hardly gain credit for voluntarily foregoing.

The evils complained of by Mr. Ballingall, will not be removed by those who flourish by sustaining them. The appeal must

be made to other quarters. The mind of the nation must be opened, and its voice uplifted on behalf of the brave seamen, who are sent out in crazy old ships to be drowned with as little ceremony as rats. In the cases contemplated, if they are all drowned, so much the better; dead men tell no tales; the seaworthiness of the ship will not become a question to be tried between the underwriters and owners. Total wrecks, where 'every soul on board perished,' are far better and clearer cases than partial wrecks and partial drownings. Those who were placed in such danger and still got over it, are apt to grumble, and to think themselves rather unceremoniously treated in being sent to sea in rotten bottoms to feed the sharks. At the same time, it is quite clear that the underwriters, upon the whole, will hesitate to look very scrupulously into merely dubious cases. Annihilate wrecks, and the underwriters occupation is gone. By wrecks and drownings they live and move in splendid houses and equipages.

Every thing which has been said of ships will apply, though with less force, to steam-boats. The safety and celerity of travelling by steam-boats form the great inducement for the public to encourage them. But here also the cupidity of owners may overcome every other feeling; and there are not wanting cases in which vessels of this class have put to sea with little better chance before them, from their inefficient state, than sinking with all their passengers. An inch and a half of plank has been known to be all which separated thousands of passengers from eternity.

The loss of the *Rothsay Castle* will long be remembered by scores of heart-broken families. Read what Mr. Ballingall (himself a seaman, a shipowner, and surveyor of shipping), has said about that vessel, and another, the *Lady Shebrooke*.—

'Since writing these remarks, the loss of the *Rothsay Castle* steamer has occurred on the coast of Wales (17th August, 1831), with the loss of about a hundred human lives of passengers and crew on board of her. The owner has most properly obtained and published a certificate from the ship-builders who repaired the vessel, certifying that she was tight, staunch, and strong, and sea-worthy, when she commenced the voyage; and yet, in the course of her passage, in no very tempestuous weather, she sprung a leak, which seems to have been the original cause of the loss of the vessel; and after she grounded on the sand-bank she broke up, and went to pieces in the course of two hours. Can any thing place in a stronger view the defective construction of steamers and merchant shipping generally, for the hulls of them are built on the same defective principles? A certificate of seaworthiness, and being tight, staunch, and strong, may at present be obtained for any fabric which can be made to float on an inch and

a half, or a two inch plank, and, indeed, after the most careful surveys inside and out, it is often impossible to discover any insufficiency of the vessel, owing to the defective construction and bad principles on which vessels are built. Now I venture to assert that had this vessel been filled up solid between the timbers, and had her ceiling been caulked, this calamity would not have happened. Independent of the preservation of the lives, would it not have been for the interest of the owner or under-writers, that this had been done, whatever it had cost ?

‘ While I am writing, another melancholy shipwreck is announced. The *Lady Sherbrooke*, in the entrance of the Gulf of St. Lawrence, where *two hundred and forty-one human lives have been lost*. This appears also, by the master’s letter, to have happened in no very tempestuous weather, as they were preparing to tack when the vessel struck, on the 19th July, the very finest season of the year, and on the 20th the vessel went to pieces, and all these lives were lost. Now had this been a ship of war, with a solid bottom, the probability is, that in the same circumstances, this would not have happened. But one fact in point, on this head, is worth a thousand arguments. On or about the same ledge of rocks on which the *Wolf* sloop of war struck, and lay fast for two nights and a day, in March, 1830, at the back of the Isle of Wight, the vessel, at the time she struck, going at a considerable rate through the water, at the very top of high water, of a high spring tide, and with a considerable swell on, and which vessel was got off again, and is now in the East Indies, having been dragged over the rocks for half a mile, by assistance from Spithead, the vessel beating very hard upon the rocks with the lift of the sea all the time, the *Carn Brea Castle*, free trader to India, was lost only a few months before, having got ashore under more favourable circumstances for getting off again. What could this be owing to ? The ships were nearly, I believe, of similar tonnage. The answer is plain and obvious. The *Wolf* had a solid bottom of fifteen inches thick at the keel, being twelve inches of timbers, and three inches of outside plank, without allowing her to have had any ceiling. The *Carn Brea Castle* would only have an outside bottom plank to protect her, of, I presume, three inches thick. Yet this vessel would have timbers of twelve inches thick, if not more, and a ceiling plank of, I also presume, three inches thick, making three inches more than the sloop of war, but neither of which were of the least use to her in keeping out the water. Had her timbers been close, and her ceiling been caulked, she would have had one more protection than the sloop of war, viz. the ceiling plank, without taking any thing from her stowage, and the fair inference is, that she would have been got off and preserved.’

‘ The simple question, when stripped naked, is, whether from two to five inches of plank, with the grain of the wood all running in one direction, be as good a defence against water or violence as from twelve to twenty inches, in three separate parts, united into one, with the grain of the different pieces of wood, placed transversely to each other, and consequently in the strongest possible manner. Common

sense says not, and controvert it who may—confute it who can!—
p. 94.

A collateral branch of the inquiry into the durability and sound construction of ships, has reference to the present mode of classifying them. Age, it appears, governs this entirely. Little hazard can there be in asserting, that were underwriters as strenuous as *prima facie* it might be supposed they are, in having vessels strongly built, and reducing the number of wrecks and damages at sea to a *minimum*, classification by reference to age, and not to structure and quality of materials, would speedily be put an end to. 'A. 1.' or first class, at Lloyd's, means simply that the ship has been built within a certain number, say twelve years. No matter how she was built, or with what description of wood. Let the dry rot or wet rot have made her its own before she was off the stocks; if she will float, and seamen can be found to put themselves on board of her, it is all one at the Royal Exchange,—she takes her rank as a first class ship.

Let a vessel built with the strength of a castle,—though such would be a rare sight now-a-days,—have overstepped but six months the boundary line of age prescribed by the underwriters, and she loses caste at once; she is reduced to a second-rate ship, though she would still drown a thousand of the other, were they navigated by the immortal gods.

For endeavouring to stir up attention to these unreasonablenesses, Mr. Ballingall deserves the thanks of the community.

ART. IX.—*Narrative of a Residence at the Court of London.* By Richard Rush, Esq. Envoy Extraordinary and Minister Plenipotentiary for the United States of America, from 1817 to 1825. —London; Bentley. 1 vol. 8vo. 1833.

THIS book may be compared to one of those portraits, which every body sees is a likeness, and nobody can deny is full of flattery. Artists, indeed, make a point, with a squinting subject, of taking one side of the face only; and it is a rule in portraiture to omit all notice of the small-pox and its ravages. Mr. Rush has described his first impressions of England, more especially of London and of its official society, with the "courteous and complaisant air expected in a diplomate; he is determined that any thing *he* says, at least, shall not 'cause a war.' By temper, he is probably an easy man; and the station he held, no doubt procured him that share of deference and attention which would at least keep him in good humour. But besides this, there is a great deal of honest admiration of the country; and it is clear

that Mr. Rush approached its shores with the sentimental feelings of a traveller to some classic land. He has painted all things *en beau*, for it was only *en beau* that he saw them. Having resolved to keep clear of all party questions and domestic politics, he probably also shut his eyes to the grounds on which they were founded; and there are indications everywhere that his view of England is taken from a distant point,—from a position whence the great features are alone distinguishable,—such in short as would be presented to the eye of a foreign government interested only in keeping up a good understanding. It is pleasant to have the bright side of things turned towards us sometimes; and it is very possible that in labouring at the repair of the interior mechanism, the grandeur and beauty of the whole machine are sometimes forgotten; but what is the value of the machine if it does not go well? Mr. Rush gives himself not much concern on this head; he admires its costly structure, its venerable appearance, its gigantic size, and looks upon the intricacy of its works with curiosity mixed with carelessness.

Books like this of Mr. Rush, give, by reflexion, an insight into the country from which the author comes. When a man takes up a pair of tongs from the fender, and exclaims what a wonderful contrivance!—it is clear that he has no tongs at home. So it is with Mr. Rush. Though his observations are neither deep nor minute, they still serve the purpose of giving, as it were, the converse of the result of the same kind of observation in America. Mr. Rush is a correct writer; his style is appropriate and harmonious, and except in a few instances, is not disfigured by any of the conversational idioms*, which though originating in provincialisms in the old country, have become the general language of the people of the United States. The quality of his mind corresponds with his style.

* Not to be unjust upon this head, there are many Americanisms which in the course of time will work their way into the language of England; as they have as good a right to do, as any other innovations that have force or point to recommend them. It will not be long before to 'progress' will be written without being marked with inverted commas as a joke. The verbs 'approbate,' 'consider' (in the sense of 'believe'), and even 'guess,' are making their way gradually in their peculiar senses, with for the present more or less of implied merriment in the user. 'Grade,' a gallicism imported from America, is in unrebuked use by virtue of its usefulness. A general officer's 'family,' meaning his 'staff,' is become a dandified phrase in vogue rather than the contrary. There are *mispronunciations* however, which the English will never submit to; for example, a member of the Senate will never be excused for calling territory 'Terry Tory.' The most striking peculiarity of an American (except that it is

He is a sensible and well-informed person, quite equal to the business in which he was employed; the relations between this country and America were thoroughly known to him, and such points as turned up of a new kind, he appears to have sedulously studied. In his discussions with Lord Castlereagh, the States cannot complain that their interests were inadequately represented, or feebly supported; thus Mr. Rush had good sense, information, industry, temper, and conduct; what more does an Ambassador want? These characteristics are impressed on the book. That he was somewhat dazzled by the accumulated wealth of London seems pretty clear; and the courteous inanity of Tory official society seems to have its charms for him. Names and associations also had vast power over him; and it is not difficult to detect a little too much admiration, a rather too easy yielding to pretension, in short a good deal of that very pardonable kind of *gobemoucherie* to be seen in persons who suddenly pass from a smaller circle to a greater. This may be observed not merely in his remarks on English history, but is still more remarkable when he refers to France. The old French court manners of the Marquis D'Osmond the French ambassador, carry him back to the *politesse* of France before the revolution, and bring on a perfect *accès* of admiration. He, the American republican, is lost in extacy when he thinks of the magnificence, the dignity, the grace, &c. of that corrupt old tyranny. Perhaps from a scarcity of it at home, there is nothing which so strikes the Americans of the sentimental school, such as Washington Irving, —and Mr. Rush is of the same order,—as perfect ease in society, an ordinary bearing of cheerful courtesy in the men, and what they call grace and affability in the women. What notions they form of a titular aristocracy, it is not easy to say; but when they meet with a lord who expresses some idle words of consideration for the United States, and treats an American with common civility, they express themselves as if such conduct had, at least, been unexpected. This weakness is connected with another. The Americans are far too anxious about what is said of them in other countries. Now this smacks of the *parvenu*, and is altogether unworthy of even the early years of the young giant among the nations of the earth.

The irritability of the Americans in the case of the Quarterly Review, and afterwards of Mrs. Trollope, is perfectly absurd.

common to all colonists), is his perpetual use of 'our.' But the way to try an American, especially a Southron, is to be hand and glove with the first man of colour you can meet; and then the mark of cart blood, the *Negrophobia*, shows itself in three cases out of four.

Somebody came to Mr. Rush and detailed to him the forthcoming horrors of an article in the Quarterly Review :—

'July 21. Mr. * * * ' called upon me. He said that there would appear in the next Quarterly Review, an article on the life and character of Franklin. It was to be the medium of an attack upon the United States. It would disparage the people, and underrate the resources of the nation. It would particularly examine the claims of the United States as a naval power, and strip them of importance. It would state their tonnage at less than nine hundred thousand, and as decreasing ; endeavouring to shew from this and other things, that their maritime resources were not only inconsiderable at present, but not formidable in prospect. The object of the publication was to lower the reputation of the United States in Europe. To this end, it would be translated into French, republished in Paris, and thence widely circulated. Finally, that the article was already known to persons who stood high in England, and countenanced by them.—p. 275.

Instead of laughing heartily at a proceeding of this kind, Mr. Rush enters into an argument to prove that the United States are not sure to be ruined by the said article. He shows that all sorts of bad things have been said of England by Englishmen even, and these horrid sayings have been copied into the Continental journals ; and that still England survives and is greater than ever, and indeed Mr. Rush sees no end of her prosperity, except in that distant period familiar to the minds of all Americans, when the chief glory of England will be the having given birth to a race of transatlantic descendants.

But there is no occasion to be too critical. The book gives pleasure in England, is read with avidity, and will probably pass to the other side of the Atlantic, as, at least, the most *official* report of Great Britain they have hitherto received. Let it be taken as far as it goes, for a surface view, neat, clear, and veracious. It is altogether an Ambassador's view of the country, such as might be presented at court with a sword and bag-wig ; and were the *entrée* granted, it would not ruffle a single plume in the most fastidious head that ever graced the scene.

Mr. Rush approached this country with feelings which are, it is believed, pretty generally shared by his educated countrymen. There is something of awe in his first approach to the shore of the country from which his nation sprang. If this state of mind was not favourable to the growth of error and the confirmation of prejudice, it might be envied. As it is, it has the beauty which is admired in the description of an approach to Rome by such a writer as Eustace. In Mr. Rush's journal, the Needles assume as sacred a form as the Appian Way or Thermopylæ to the travellers of the old world.

' At length, early in the morning of the 16th, all uneasiness was dispelled. The first gleams of light disclosed land. It was a long blue-looking ridge rising out of the water. A gun was fired, which brought a pilot. We learned, as he stepped on board, that the land before us was the Isle of Wight, and that we were near Cowes. All eyes were upon him as he passed along the deck. The first person that comes on ship-board after a voyage seems like a new link to human existence. When he took his station at the helm, I heard the Commodore ask how the Needles bore. "Ahead, north," he answered.—"Do you take the ship through them?"—"Ay."—"Does the wind set right, and have you enough?"—"Ay." This closed all dialogue, as far as I heard. He remained at his post, giving his laconic orders. In good time we approached the Needles. The spectacle was grand. Our officers gazed in admiration. The very men, who swarmed upon the deck, made a pause to look upon the giddy height. The most exact steering seemed necessary to save the ship from the sharp rocks that compress the waters into the narrow strait below. But she passed easily through. There is something imposing in entering England by this access. I afterwards entered at Dover, in a packet, from Calais; my eye fixed upon the sentinels as they slowly paced the heights. But those cliffs, bold as they are, and immortalized by Shakespeare, did not equal the passage through the Needles. There was a breathless curiosity also in the first approach augmenting its intrinsic grandeur.—p. 7.

These feelings are eloquently explained by Mr. Rush himself.

' It is a remark of Humboldt, that no language can express the emotion that a European naturalist feels when he touches for the first time American land. May not the remark be reversed by saying, that no language can express the emotion which almost every American feels when he first touches the shores of Europe? This feeling must have a special increase, if it be the case of a citizen of the United States going to England. Her fame is constantly before him. He hears of her statesmen, her orators, her scholars, her philosophers, her divines, her patriots. In the nursery he learns her ballads. Her poets train his imagination. Her language is his, with its whole intellectual riches, past, and for ever newly flowing; a tie, to use Burke's figure, light as air, and unseen; but stronger than links of iron. In spite of political differences, her glory allures him. In spite of hostile collision, he clings to her lineage. After Captain Decatur's capture of a British frigate, some one asked him if his forefathers were not French. "No, I beg pardon," he answered, "they were *English*." In that spirit would his countrymen generally answer. Walking the deck with two of our lieutenants, while sounding up the Channel, "Think," said one of them, "*that we may be in the track of the Armada*;" and they talked of the heroine queen at Tilbury. These are irrepressible feelings in an American. His native patriotism takes a higher tone from dwelling on the illustrious parent stock. Places

and incidents that Englishmen pass by, fill his imagination. He sees the past in conjunction with the present. Three thousand miles, said Franklin, are as three thousand years. Intervention of space seems to kindle enthusiasm, like intervention of time. Is it not fit that two such nations should be friends? Let us hope so. It is the hope which every minister from the United States should carry with him to England. It is the hope in which every British minister of State should meet him. If, nevertheless, rivalry is in the nature of things, at least let it be on fair principles. Let it be generous, never paltry, never malignant.—p. 11.

The first thing which attracted the Ambassador's attention ashore was the comfort of the inn, and the civility of the attendants,—the converse of the complaints of English travellers; and next the chiming of the bells, which it may be presumed from the notice it excited, is as scarce as comfort in the States.

'Whilst seated round our parlour fire in the evening, fatigued by the excitements we had gone through, and waiting the summons to dinner, we heard the bells. It was a fine chime to which we all listened. My wife was especially fond of their music. Sometimes the sound grew faint, and then from a turn in the wind, came back in peals.'—p. 15.

Luckless man! these bells were ringing in honour of his own arrival; and it was soon necessary to pay for it in that coin for which in England honour is pretty generally interchangeable. The bell-ringers came in, and arranging themselves in a row, put forward their spokesman, who 'hoped to receive the usual favour, such as had been received from other Ambassadors, for which they had their book to shew.' It shews how far Mr. Rush was gone in romance, when he actually begins to sentimentalize over this greasy record of speculation.

'It looked like a venerable heir-loom of office. There were in it, the names of I know not how many ambassadors, ministers, and other functionaries, arriving from foreign parts, throughout the lapse of I know not how many ages, with the donations annexed to each. *Magna Charta* itself was not a more important document to the liberties of England, than this book to the Royal Bell-ringers of Portsmouth! I cheerfully gave to the good-humoured fraternity the gratuity which their efforts in their vocation appeared to have drawn from so many others under like circumstances. So, and with other incidents, passed my first day in England.'—p. 17.

The very bells, in the same strain, were sacred as having rung for the victories of Hawke and Nelson, and for those of Sir Cloudesley Shovel too.

The roads from Portsmouth to Godalming are described as being 'like a floor;' they are certainly not of the kind called 'corduroy.' Mr. Rush was struck by the scanty appearance of

population on his route; which was an idea not to have been anticipated in the inhabitant of a new and thinly populated country, and as such militates against the theory of the traveller's surprises being the converse of his experience. It must, however, be remembered, that educated men take in impressions from numerous other sources than actual observation. Mr. Rush had read and heard so much of the crowded state of the old country, that he composed his observations, not with his own, but with the impressions he had received concerning the one he was visiting.

'I was surprised at the few houses along or near the road side. I had been full of the idea of the populousness of England, and although I must needs have supposed that this could not have been the case in every spot, it had not occurred to me that along such a high road I should find the first and so remarkable an exception. We rarely met waggons, carriages, or vehicles of any sort, except stage-coaches. We did not see a single person on horseback.'—p. 19.

All the notion the traveller got of the pauper peasantry, is conveyed in these few lines.

'The few peasants whom we saw were fully and warmly clad. They wore breeches, a heavy shoe, which, lacing over the ankle, made the foot look clumsy; a linen frock over the coat, and stout leather gloves, which they kept on while working. They were generally robust men, short, and of fair complexions.'—p. 20.

In some subsequent reflections on the population of England, he speaks as if the amount of inhabitants in any district, ought to have some exact reference to its surface. He infers that England can yet maintain a vast increase of population,—under a continuation, he appears to mean, of the prohibition of foreign commerce. The argument seems to depend on overlooking, that no inference can be drawn from one district having fewer people than eat its produce, if the allowed fact is that others have more.

'In regard to population, I had subsequent opportunities of perceiving that there were other parts of England, and of greater extent, where it was much more thin than was generally the case from Portsmouth to Godalming. London, and a circuit of twenty miles round, give more than two millions of inhabitants; Yorkshire gives one million, and Lancashire about one million. Hence these three portions of territory, so small when compared with all England, embrace nearly one third of her population. This concentration in particular districts seems to have left others relatively bare. It is difficult to believe under such facts, whatever theories we meet with, that England is at present overpeopled. Her soil, it would seem, must be open to further meliorations, which, with improved systems of policy

and agriculture, and further means of internal communication, great as are already the latter, will in time not distant carry her population as far above what it now is, as it now exceeds what it was at the period of her early kings. If we take Holland as an example of successful industry and art, where a nation has been compelled to struggle against the disadvantages of a stunted soil, there are great portions of territory in England still like a desert, which after-ages may behold productive.'—p. 21.

Mr. Rush arrived in London just before Christmas-day; which, though it might contribute to the apparent thinness of population in the country, had no such effect in town. After a visit to Lord Castlereagh, whose simplicity of manner produced a very favourable impression on the new Ambassador, the *nouveau débarqué* takes a walk about town, and returns just with that medley of ideas and confusion of impressions that might be expected. The following entry in the Journal records his first walk in London.

'December 24.—Go through several parts of the town: Bond Street, Albemarle Street, Berkeley Square, Piccadilly, St. James's Street and Park, Pall Mall, St. James's Square, the Strand, and a few others. Well-dressed persons, men and women, throng them. In the dresses of both, black predominates. It is nearly universal. This proceeds from the general mourning for the Princess Charlotte, late heiress apparent to the throne, who died in November. The roll of chariots, and carriages of all kinds, from two until past four, was incessant. In all directions they were in motion. It was like a show—the horses, the coachmen with triangular hats and tassels, the footmen with cockades and canes—it seemed as if nothing could exceed it all. Yet I was told that the sight in Hyde Park, any day in May or June, was more striking; and that if it happened to be on the same day with the Epsom or Ascot races, which keep the roads alive for ten miles with London carriages, a stranger misses none from the Park. Sometimes with this glitter of private equipages, you saw a stationary line of hacks, the worn-down horses eating out of nose-bags; and sometimes, at a slow, tugging walk, immense waggons, filled with coals, in black sacks, drawn by black horses, large, and shaggy, and fat, as those in the Portsmouth waggon. I am disappointed in the general exterior of the dwelling-houses. I had anticipated something better at the west end of the town; more symmetry; buildings more by themselves, denoting the residences of the richest people in the richest city in Europe. But I do not yet see these. I see haberdashers' shops, poulterers' shops, the leaden stalls of fishmongers, and the slaughtering blocks of butchers, in the near vicinity of a nobleman's mansion and a king's palace. This may be necessary, or convenient, for the supplies of a capital too large to admit of one or more concentrated markets; but the imagination at a distance pictures something different. Perhaps it is to give a hint of English liberty: if so, I will be the last to find fault. Being the day before Christmas, there was more

display in the shops than usual. I did not get back until candle-light. The whole scene began to be illuminated. Altogether, what a scene it was! the shops in the Strand and elsewhere, where every conceivable article lay before you; and all made in England, which struck me the more, coming from a country where few things are made, however foreign commerce may send them to us; then, the open squares, and gardens; the parks with spacious walks; the palisades of iron, or enclosures of solid wall, wherever enclosures were requisite; the people; the countless number of equipages, and fine horses; the gigantic draft horses;—what an aspect the whole exhibited! what industry, what luxury, what infinite particulars, what an aggregate! The men were taller and straighter than the peasantry I had seen. The lineaments of a race descend like their language. The people I met, constantly reminded me of those of my own country—I caught the same expression—often it glided by in complete identity—my ear took in accents to which it was native—but I knew no one. It was like coming to another planet, familiar with voices and faces, yet encircled by strangers.—p. 27.

Mr. Rush's notions of a capital were probably chiefly derived from Washington or Philadelphia; whence it may be understood how it was that he found Devonshire-place, Portland-place, and that neighbourhood, which in London bears a character of solemn dullness, more to his taste as having 'a metropolitan aspect.' In looking for a house worthy of his embassy and not too splendid for his income, he gives a description of what he found in that way. Price and quality seem both to have struck him as singular.

'Of the part I have been describing in its external aspect, I must notice the complexion within. A great number of the houses were to let, and I went through them. From the basement to the attics, every thing had an air of comfort. The supply of furniture was full. The staircases were of white stone. The windows and beds in servants' rooms had curtains. No floor was without carpeting. In many instances libraries made part of the furniture to be rented with the houses — a beautiful part. The rents varied from four hundred to a thousand guineas a year. In some of the *squares* of the West end, I learned, that the rent of a furnished house was sixty and sometimes eighty guineas a *week*. Houses of the first class, with the sumptuous furniture to suit, are not to be hired at all. These, belonging to the nobility or other opulent proprietors, are left in the care of servants when the owners are away. The house I took was in Baker Street, at a rent of four hundred and fifty guineas a-year.—p. 55.

The United States are wise enough to know that an Ambassador has weight according to the power of his country and the wisdom of its government, and is by no means measured by the sums spent in a palace, by an extravagant grandee and his army of *attachés*.

The luxury and form of the official dinners are described with a finish not necessary on this side of the Atlantic; but they have interest, partly from being thought a novelty for the States, and partly because Mr. Rush is an artist in these matters. With a neat and quiet pencil, he produces a picture without effort. A part of the description of his first dinner at Lord Castlereagh's, runs thus:—

'The invitation was for seven o'clock. Our names were announced by servants in the hall, and on the landings. The company had chiefly assembled when we arrived. All were in full black, under the court mourning for the Princess Charlotte. I am wrong—one lady was in white satin! It would have been painfully embarrassing, but that her union of ease and dignity enabled her, after the first suffusion, to turn her misfortune into a grace. Salutations were in subdued tones, but cordial, and the hand given. Introductions took place at convenient moments. Before eight, dinner was announced. The dining-room was on the floor with the drawing-rooms. As we entered it through a door-way surrounded by a hanging curtain that drew aside, the effect was beautiful. A profusion of light fell upon the cloth, and as every thing else was of silver, the dishes covered, and wines hidden in ranges of silver coolers, the whole had an aspect of pure white. Lord Castlereagh sat at the head. On his right was the lady of the French Ambassador, with whom, in going in, he had led the way. Lady Castlereagh was on the side, half-way down.'—p. 57.

The profusion of gold and silver in the mansions of the nobility is often spoken of. The golden urns at the Duke of Cumberland's,—the petted vessels of all kinds at Carlton House, where gold was exhibited almost in piles, and gave it somewhat of a resemblance to Rundell and Bridge's, where Mr. Rush found it in heaps,—as well as the commonness of enormous services of both metals in the houses where he dined, seem to have attracted a good deal of the attention of the Ambassador of a republic of simple manners, where luxury has not had time to grow. He says, however, that the splendour and value of these displays made similar impressions upon other foreigners. Mr. Rush was also struck by another, and less expected singularity,—the prevalence of the French language at the tables of the great. At Lord Castlereagh's—

'The general topics related to France, and French society. The foreigners spoke English; nevertheless, the conversation was nearly all in French. This was not only the case when the English addressed the foreigners, but in speaking to each other. Before dinner, I had observed in the drawing-room, books lying about. As many as I glanced at were French. I thought of the days of Charles II. when the tastes of the English all ran upon the models of France. Here, at the house of an English minister of state, French literature, the French

language, French topics were all about me ; I add, French *entrées*, French wines ! I was unwilling to believe that the parallel to the days of Charles II. held throughout. By my longer residence in England I discovered, that the enlightened classes were more ready to copy from the French what they thought good, than the same classes in France to copy from England. As regards language, the difference is striking. There is scarcely a well-educated person in England who does not speak French, whilst thousands among the best educated in France are ignorant of English. In the competition between these great nations, this gives England an advantage. It is no answer that French is the language of intercourse in Europe : the Frenchman may repose upon this, for not acquiring the English ; but it cannot take from Englishmen the advantage of being at home in both tongues. Equally have the English the advantage in travel. They go in great numbers to France ; while few of the French, comparatively speaking, visit England.'—p. 59.

Mr. Rush is perhaps mistaken as to the value of the French language in the intercourse with natives of that country, more especially with reference to matters of diplomacy. The Englishman very rarely has a thorough command of that language ; but the French always expect their language to be known, and the foreigner, at least the English foreigner, commonly having only a half-knowledge of it, loses ground in the discussion of topics in a language of which he is not master. He thus fights with weapons, in the use of which his antagonist has a great advantage. Whoever has observed how much arguments owe to their dress, and how poor and often ridiculous valuable thoughts appear in broken and stammering English, may understand the figure that Englishmen very commonly cut, in the discussion of matters that do not admit of a smile. It is not impossible that the notorious adroitness of the French in their diplomacy, may in part arise from their being always at ease as to the expressions in which their intentions are to be clothed. Either pains should be taken to perfect diplomatists in the language of France, or some medium tongue should be fixed on. It may be observed, that the Frenchman even in ordinary intercourse never will know any other language but his own.

The Duke of Sussex appears to have set Mr. Rush right on this point. In a subsequent part of his journal it is recorded—

'The French was spoken of as the language of conversation in Europe. His Royal Highness said, that he would not perhaps object to this, as it was established ; but when used as the language of state papers and treaties, he was disposed to make a quære. The French was acquired by foreigners with sufficient precision for conversation, and general purposes of literature ; but in drawing up treaties, where the employment of words in their nicest shades of meaning was often

of national moment, he who wrote in his native language had an advantage; and however slight, it was enough to lay the practice open to objection. He would suggest as a remedy, that treaties and other solemn state papers, to which two or more nations were parties, should be drawn up in Latin. This would put modern nations upon a par. Each would stand upon the scholarship of their public men. It was to this effect he spoke. I thought it in the natural feeling of an English prince.—p 122.

Mr. Rush's weak side is his country; for which foible if it be one, nobody can have the heart to blame him. He never fails to record the occurrence of the namby-pamby commendation so common in high life, where censure is unknown as exciting too deep a sensation, when it relates to the land of his birth. His heart warms to whoever will condescend to lisp the names of its heroes, even though they may twaddle about them in the style of the young lady at a dinner at the Danish Minister's.

'One of the latter spoke of Franklin; he was a captivating writer—so much nature—so much genius; Mr. Jefferson had said that to see the junction of two of our rivers where one breaks through a mountain, was worth crossing the Atlantic; but she would think the voyage better undertaken to see Franklin's old china bowl and silver spoon his wife bought for him; she hoped both were kept; it would be sacrilege to let them perish. I was charmed at her manner of saying all this.'—p. 96.

Mr. Burchell would have applied his favourite exclamation; Mr. Rush, good man, is charmed. With the same simplicity he watched Sir Humphrey Davy who was present at this dinner. It is very probable though, that he talked of cookery, which may be said to be both chemistry and philosophy.

Mr. Rush is as much struck with the abundance of painting in the houses of the wealthy, as with the display of plate. He appears to have been not a little bewildered with the claims made upon his admiration; and in the dilemma, submitted his difficulty to his countryman, West, with the *naïveté* of a child of the woods.

'His patriarchal look and character gave me something of the filial feeling. What am I to do, I asked, as our conversation proceeded, to be able to judge of paintings? Wherever I go, I meet with them; in palaces, private houses, everywhere; engravings rest in portfolios; I see nothing but the works of your art, and all persons appear to have a knowledge of them; I the rather ask, as there is a growing taste for the arts in the United States; Republics have been celebrated for them; we cherish the hope that it may be our lot.'—p. 129.

A Cambridge student once went up to the lecturer after the discussion of some portion of a Greek play, and asked, how he

was to find 'parallel passages.' He thought, like Mr. Rush, that criticism, be it in language or painting, was a secret to be opened like a spring lock.

Simplicity is, after all, the predominant characteristic of this narrative. Some specimens have been given; but worse than all was the *mal à propos* of the attack upon poor Sir James Macintosh.

'I asked Sir James Macintosh, when we were to be favoured with the history the public had been led to hope he was preparing. He spoke doubtfully.—p. 133.

This was most unlucky. Poor Sir James had been badgered for years about this history, till it was become a matter of delicacy; but Mr. Rush, just as he asked West how to judge of pictures, and expected philosophy to drop like pearls from Davy's mouth, no sooner sees Sir James than in the politest way in the world, his first question is for the long-expected, never-looked-for, never-to-be-finished history. Sir James retreats upon some flummery about Hume and Gibbon. 'Hume, he could not always agree with;' to Gibbon's style 'he saw objection.'

At the drawing-room, Mr. Rush saw the old Duke of Bourbon, whose will has lately been the cause of so much litigation.

'Close by me was the Duke of Bourbon; pale, silent, accustomed to Chantilly, to Versailles,—even he, stood gazing in admiration. It was the fine sensibility of a Condé, touched by the female beauty of England. Pensive though placid, it seemed, even at such a time, as if the remembrance of his son, the Duke d'Enghien, was stealing into his thoughts.—p. 190.

This is a fair specimen of Mr. Rush's mode of gilding objects. This silly old man had the single merit of being a Bourbon; and 'the female beauty' he was touched by in England, was that of the termagant bar-maid Sophy Dawes. It is more probable that the remembrance that was stealing through his thoughts, was that of the scoldings and beatings inflicted by the afterwards too celebrated Baroness de Feuchères.

The remarks of an American Ambassador on the subject of the English press deserve some attention. They will also convey a more favourable idea of Mr. Rush's mode of thinking and writing, than the passages that have hitherto been given.

'One of the things that strike me most, is their press. I live north of Portman Square, nearly three miles from the House of Commons. By nine in the morning, the newspapers are on my breakfast-table, containing the debate of the preceding night: This is the case, though it may have lasted until one, two, or three in the morning. There is

no disappointment; hardly a typographical error. The speeches on both sides are given with like care; a mere rule of justice, to be sure, without which the paper would have no credit, but fit to be mentioned where party-feeling always runs as high as in England.'

.....

'What is done in the courts of law, is disseminated in the same way. Every argument, trial, and decision, of whatever nature, or before whatever court, goes immediately into the newspapers. There is no delay. The following morning ushers it forth. I took the liberty of remarking to one of the Judges, upon the smallness of the rooms in which the Courts of King's Bench and Chancery sit, when the proceedings were so interesting that great numbers of the public would like to hear them. "*We sit,*" said he, "*every day in the newspapers.*" How much did that answer comprehend! What an increase of responsibility in the Judge! I understood from a source not less high, that the newspapers are to be as much relied upon, as the books of law reports in which the cases are afterwards published; that, in fact, the newspaper report is apt to be the best, being generally the most full, as well as quite accurate. If not accurate, the newspaper giving it, would soon fall before competitors. Hence, he who keeps his daily London paper, has, at the year's end, a volume of the annual law reports of the kingdom, besides all other matter.'

'In the discussions of the journals, editorial or otherwise, there is a remarkable fearlessness. Things that in Junius's time would have put London in a flame, pass almost daily without notice. Neither the Sovereign nor his Family are spared. Parliament sets the example, and the newspapers follow. Of this, the debates on the royal marriages in the course of the present month, give illustrations. There are countries in which the press is more free, by law, than with the English; for although they impose no previous restraints, their definition of libel is inherently vague. But perhaps nowhere has the press so much latitude.'

'Every thing goes into the newspapers. In other countries, matter of a public nature may be seen in them; here, in addition, you see perpetually even the concerns of individuals. Does a private gentleman come to town? you hear it in the newspapers; does he build a house, or buy an estate? they give the information; does he entertain his friends? you have all their names next day in type; is the drapery of a lady's drawing-room changed from red damask and gold to white satin and silver? the fact is publicly announced. So of a thousand other things. The first burst of it all upon Madame de Stael, led her to remark that the English had realized the fable of living with a window in their bosoms. It may be thought that this is confined to a class, who, surrounded by the allurements of wealth, seek emblazonment. If it were only so, the class is immense. But its influence affects other classes, giving each in their way the habit of allowing their personal inclinations and objects to be dealt with in print; so that, altogether, these are thrown upon the public in England to an extent without parallel in any country, ancient or modern.

When the drama at Athens took cognizance of private life, what was said became known first to a few listeners ; then to a small town ; but in three days, a London newspaper reaches every part of the kingdom, and in three months, every part of the globe.'

Some will suppose that the newspapers govern the country. Nothing would be more unfounded. There is a power not only in the Government, but in the country itself, far above them. It lies in the educated classes. True, the daily press is of the educated class. Its conductors hold the pens of scholars, often of statesmen. Hence you see no editorial personalities ; which, moreover, the public would not bear. But what goes into the columns of newspapers, no matter from what sources, comes into contact with equals at least in mind among readers, and a thousand to one in number. The bulk of these are unmoved by what newspapers say, if opposite to their own opinions ; which, passing quickly from one to another in a society where population is dense, make head against the daily press, after its first efforts are spent upon classes less enlightened. Half the people of England live in towns. This augments moral as physical power ; the last, by strengthening rural parts through demand for their products—the first by sharpening intellect through opportunities of collision. The daily press could master opposing mental forces, if scattered ; but not when they can combine. Then, the general literature of the country, reacts against newspapers. The permanent press, as distinct from the daily, teems with productions of a commanding character. There is a great class of authors always existent in England, whose sway exceeds that of the newspapers, as the main body the pioneers. Periodical literature is also effective. It is a match at least for the newspapers, when its time arrives. It is more elementary ; less hasty. In a word, the daily press in England, with its floating capital in talents, zeal, and money, can do much at an onset. It is an organized corps, full of spirit and always ready ; but there is a higher power of mind and influence behind, that can rally and defeat it. From the latter source it may also be presumed, that a more deliberate judgment will in the end be formed on difficult questions, than from the first impulses and more premature discussions of the daily journals. The latter move in their orbit by reflecting also, in the end, the higher judgment by which they have been controlled. Such are some of the considerations that strike the stranger, reading their daily newspapers. They make a wonderful part of the social system in England. Far more might be said by those having inclination and opportunity to pursue the subject.—p. 197.

Newspapers do not govern the country ; but not for the reason assigned by Mr. Rush. Newspapers are simply one form of discussion, of many that are going on contemporaneously. An argument acquires no new force by being put into the newspaper ; it is only more extensively circulated, and wherever it goes, is examined and sifted with more or less ability. It goes for no more than it is worth according to the reader's esti-

mate of its reasons, or the impression which it may make on his feelings. The same may be said of a speech from the hustings, or a discussion across a dinner table. If newspapers have any peculiar influence, they owe it solely to their extensive circulation. The ability they display is common to all the rest of the great community of educated talkers and writers. It must be remembered, that if the newspapers convey the opinions of the editors in what are called the 'leaders' of the paper, they also circulate every description of facts on which others are entitled to form their judgment, and moreover report the proceedings of parliament upon the subject, of all public meetings, and indeed of every place where questions of public interest are discussed. If there were any design on the part of the newspapers to govern, it must be allowed that the antidote would be administered with the bane. That the newspapers should govern the country, implies a conspiracy on the part of very discordant elements. As it is, if one newspaper governed the country one way, another would govern it another.

Nothing has been said of the Ambassador's *piécis* of the various public business he discussed with the English foreign secretary. It embraces very important questions. The discussions are extremely well abridged, and exhibit Mr. Rush in a very favourable light as a man of affairs. He does full justice to the part Lord Castlereagh played in them. A man more specially adapted to harmonize with the system of which he was sent to be a part, never existed than the representative of this country at the Congress of Verona.

ART. X.—1. *Parliamentary Papers.* 1833.

2. *Reform Ministry and Reformed Parliament.*—London; Ridgway. 1833. pp. 108.

WHIGGISM has gone through the first stage of its trial. Its *juste milieu* cobbling has been put to the test. The old boot is mended,—only by the force of contraction in one place, to burst in another.

When the cartter begged Hercules to help him to lift his waggon out of the mire, he would have found no cause for thankfulness, if the god had drawn it but half way, and mocking his expectations, left him to finish the work.

Our political divinities have lacked the strength of Hercules, or else been endued with mighty cowardice.

The medium kind of thing, by them called a Reformed Parliament, has demonstrated its capacity for good, to be midway between helplessness and mischief; if between these stages a difference can be found.

In after times, the past Session will be styled for distinction's sake, the First Session of the do-nothing Parliament, or the Session of the Shearing of the Hogs.

There has been a great show of much doing, but nothing has been done completely. In the ill sense, a great deal has been accomplished.

Could it have been otherwise? Without pretending to the gift of prophecy, a twelvemonth ago these results were predicted*. The present Article is only supplemental to the other.

The whole mystery of the present state of public men—consists in the want of preparation. They had been content to fight for one or two leading objects, and during the contest had concentrated every energy upon them alone. On a sudden, the darkness which covered the land, became light; and the power to proceed whithersoever they would, was given.

But the public men had undergone no preparation for such onward career. They had expended their whole force on Parliamentary Reform;—that is, on a partial Reform of the constituency.

The consequent Reforms in the House necessary to fit it for its great uses;—its function of collecting experience and the sense of the people,—of deliberation,—and the executive duties belonging to it,—were suffered to remain in the same inefficient state as ever.

The Government,—that is, the few chosen from all the people as the men fit to rule the land, and whose opportunities and intelligence should render them leaders and guides to the House, have turned out hare-brained riders. At one moment they run on to outstrip the thing needed, and the next, fall back trembling at the speed they make. Blind leaders of the blind.

The whole Government and Legislature are at sea. They have no policy,—no settled course of action.

What could have helped them out of their dilemma, would have been a House of Commons so lotted out in Committees, that every man fit for any duty should find that duty assigned to him; and many measures simultaneously considered in these Committees, would have made an onward course.

There is not, nor has there been, a more awkward thing in nature or human works, than the present House of Commons.

* Art. *Tactic of a Reformed House of Commons*. West. Rev. No. XXXIV for Oct. 1832.

The mob of Rome might be counted upon with as much certainty, and guided by reason to the full as easily, as this mob of gentlemen.

Whose fault is it that the House is such as it is? The people's; for by them were the members chosen. For what? Because they were rich;—or had given a tardy vote for Reform;—or lived in the neighbourhood;—or were good to the poor;—or were children of lords;—or were familiar with maids and wives;—or said a kind word to the voter;—or gave him a bribe;—or subscribed to the races;—or he had been many years their representative, and was a good-natured man.

Fitness,—Wisdom,—Diligence,—Experience,—all out of which fitness in a legislator is compounded,—seems to have been forgotten.

Look at the host of young lordlings and bits of blood, who are now in the House. Look at the yet greater number of country-gentlemen impoverished by turf-gambling, still there.

It were a good rule in every *town* constituency,—let the agriculturists do as they please,—not to vote for any son of a lord; and if property is to be a qualification in a candidate, and poverty a demerit, it would be at least fair to inquire whether the acres purporting to belong to the one are really his own;—whether the poverty of the other is the fruit of vice, or is such poverty as no man is safe from, while industry is at the mercy of such as have heretofore governed.

The marrow of every man who should hereafter present himself as a candidate, should be searched unflinchingly. If he has been already a member, his acts, his neglects are to be weighed. If he has not, then the question is, not whether he is rich or poor, but how was he brought up, what good has he done, what mark of likelihood has he put upon himself, his age, his fellowships, his previous habits. It is not necessary that an unfavourable result on a single head of inquiry should disqualify; but the sum of a man's qualifications for the peculiar office of the Legislator, should determine his eligibility for a part so honourable and responsible.

If there be not a sufficient number of men fit, then let the constituencies offer pay. And after all, this is the best policy, and the only way to obtain true talent. No man trusts to an amateur doctor, a volunteer counsel, a gratuitous attorney.

Let it be but signified that remuneration should accompany the appointment, and there would be no lack of candidates.

Why, because we cannot pay, shall we chuse bad men, or gratitude be given to every fool who offers to take the office for his own advantage and not that of the people?

Better that the Constituency should sacrifice the franchise, than chuse a bad or an unfit man.

‘If there be among those that are already members, individuals qualified for legislation, they will have the start of the new comers. If they are fit and do their duty, they should be paid if they like. The labourer is worthy of his hire.

It will be said that good men will not offer for pay; because the people are capricious, and there would be no hope of permanence. This is an abject fallacy, repeated by those who have duped the people, and being rejected, call their punishment ingratitude. Nothing is so hard to change, as a body of intelligent people like the English. It has occupied years of labour, to bring them to their present state of thinking;—and this has been effected after all, less by changing the old, than by the rising of young people to maturity, the boys and girls of the days of war and toryism.

A mob,—a body of men exposed to the same exciting cause at the same moment of time,—may be, and is, easily excited; but a body of people spread abroad through the nation, not so exposed, is moved with difficulty, and only by virtue of a series of efforts perseveringly employed, and founded on just reasoning.

Perhaps no class of individuals ever fill their offices so long, as the servants of a body of men. Secretaries and officers of public bodies have generally their places for life. But the wherefore is,—that they are first chosen with care,—and being chosen, they will not display caprice. Gratuitous service must be coaxed;—will use its own time and must not be grumbled at. Earnestness and enthusiasm may begin the work; but it ends in indolence and reliance on old service.

Many well-meaning persons apprehend that adventurers will start up. Who is an adventurer? Every man whose progress depends on his exertions and his talents. Take these away, and what is the use of what is left?

This matter deserves attention from all intelligent electors between this and the next Parliament. Watch and examine the value of the *Unpaid* Legislators. Look at their tyrannical, their unjust and partial laws. Look at the loss of wealth, the closing up or narrowing of channels of employment, the operation of the poor laws by them preserved, the restrictions upon the employment of capital and labour, the usury laws, the laws of partnership, the remnants of the apprentice laws, and above all, and the all in all of cruelty and wrong, the Corn Laws. All these were the deeds of men *Unpaid*. By all the oaths of ‘the Lord Harry’ and his stalwart daughter,—but they knew how to pay themselves.

And how should the money be raised? Let each representative be paid by his own constituency. Two good results would come from this;—the dependence of the representative upon his constituency would be immediate, and the constituencies would be glad to increase their numbers by the accession of all now unjustly deprived of the franchise.

Under such a system, corruption would be out of the question.

Under such a system, incompetent men would not dare to accept the Ministry. But out of the House of Commons, composed of the *élite* of an enlightened nation, there never would be wanting, as there is now, a class of men in all respects qualified to be Ministers. Nor would the *class* of men be changed; they would still be of the aristocracy of rank, of wealth, and of talent; but the aristocracy of all these would be compelled to bring higher qualifications than they do.

This will be, as it is now, a thing growing every day more and more necessary. But it is fit that the body of men out of which Legislators must generally be chosen, should feel the pressure of that necessity. For the danger lies in the fact, that the public are 'progressing fast in political knowledge,' while the classes from whom Legislators are chosen are gathering prejudice instead of experience. The knowledge of the public is gathered from suffering of the injuries produced by bad law-making. They are practical men; they theorize from their experience. The others come not in contact with the same class of circumstances, and cannot understand the impressions to which the first give utterance.

The misfortune under which the country now labours, and wherein is all the danger, which is great indeed, is that men rise to the dignity of office without preparation. A statesman is not made in a day. This is the root of all public disappointment. There are ten thousand Masaniellos, to one man fit to hold the reins; and the public has no means of selecting the one man out of the ten thousand, nor will the public have such means till the reforms of the representation are carried some steps further.

It is due to the House and the Ministers to admit, that the principles for which the people had contended with the Tories, are not, in terms, opposed by them. The quarrel is with their conduct, not with their professions. Either they have not sagacity to discern by what means the principle shall be brought into practice, or their consciousness of unskilfulness makes them afraid to use the instrument to the extent they would. They are children with a steam-engine.

It is by the acts of these men,—by the degree in which they

have courageously and honestly carried out into practice the professions of their past public life,—that they must be judged. If they have legislated in fear of everything, that fear could make into an obstacle;—if every measure has been incomplete or worse;—if possessing the power, and professing the intelligence and the disinterestedness which should characterize the Government of a free and enlightened people, they have measured their well-doing by a timid apprehension of the views of those whom the country had just cast down as a model to be loathed, instead of marching onward with the consciousness that every generous and well-principled measure must have found irresistible support in the admiration of the people;—the causes of the quarrel will want no further light.

The acts of a Government must be divided into the things done by it, and the things left undone. Under these two heads will be enumerated and commented upon, the acts of the first session of the Reformed Parliament, which at the present moment has just closed its labours.

The defects of the Reform Bill had been confessed by his Majesty's Ministers. But they alleged that it was better to watch its operation during another period of registration, in order to learn more clearly the nature of its defects. Accordingly both the motion to amend the payment-of-rate clause, and the motion to amend the machinery of the registration, have been parried by a promise to make those topics the subject of a measure of next Session, which like tomorrow and posterity, appears destined to bear the accumulating load of the arrears of the present time.

Corruption does not now find the open favour which the Tories bestowed upon it. The House is always sentimental on the point; but unfortunately the sentiment is not displayed in congenial action. The vote by ballot is still resisted;—the numbers on the division show with what keenness, though the debate had not the same barefacedness which characterized former discussions. Where are all the measures of retribution,—the bills disfranchising Hertford, Carrickfergus, Staff r l? Bristol and Warwick and Norwich have yet escaped; and the healing measure, the Bribery-at-Elections Bill, was introduced and forgotten. What was the sentimental talk good for?—it was all a mere gilding of the greater grievance, the denial of the Vote by Ballot. There is however some promise of ultimate success. The numbers on the division were for Mr. Grote's motion 106, against it 211; two to one; in a House of 317 Members. The analysis of the list of absentees would speak of broken pledges; or assuredly such a question could not have been met by so small a House.

The next class of Parliamentary Reform questions,—the frequency of elections, and the establishment of a full responsibility,—have also signally failed. Mr. Tennyson moved for the Abolition of Septennial Parliaments. This was met by the shameless assertion, that had it been proposed to substitute five years for the three which would follow on the repeal of the Septennial Act, the proposition would have been supported. If the assertion had been honest, the Whig asserters would have proposed five. Will they do so next year? The numbers on this division were for Mr. Tennyson's motion 164, against it 218; this question is more popular with all classes of Members than the Ballot. They have some hope of overawing those whom they pretend legitimately to influence, even if the election should occur at shortened periods; but the adoption of the Ballot would shiver the pretensions of one half the men who now rule the House by their unmannerly behaviour. It is vain to expect any good from the House of Commons, till the Ballot and Triennial Parliaments have been obtained; and it is almost unfair for the people to look to the Radicals for doing any, till they are carried.

The great test of the obliquity of the present House is, the rejection of Mr. Harvey's motion for inquiring into the best method of taking the votes. Everybody knows that it is not impossible to find a better mode; but the present one covers a multitude of delinquencies. An authorized publication of the votes, showing the voters, aye or no, the absent, and the neutral, is the only mode any sensible man would have recourse to, to preserve the electors from the delusions by which they are now practised upon. It is not the interest of the persons called our representatives, that all this should be known to us; and they conceal it from us accordingly. The extension of the franchise may give a broad basis, beyond the power of corruption effectually to grapple with; the Ballot might give full freedom of choice, and Triennial Parliaments give speedier responsibility; but the people would still want the additional security of the publication of the votes of their Representatives, that they might not be obliged to wager on a horse, with their eyes hoodwinked to what he had done before.

The only reason which with any justice could be urged for not effecting the last Reform, is that the House is inconvenient for the purpose. But the very men who opposed the publication of the votes, also opposed the building a new House. They want a House that shall be inconvenient—for doing what they want undone.

Connected with this branch of Reform, there is one matter

which was pressed upon the attention of the House by one of the blunders of the Ministry, and commented upon by several members. It is remarkable, as evidencing the rude structure of the political machine.

It is a rule of the House of Commons, that every measure imposing a tax, should be originated in a Committee of the whole House. The Ministers neglected the rule; and so the Tories sent them back again. Upon this a Committee was appointed to inquire into the matter. Similar mistakes occur from time to time with individual members, and in circumstances where the rule is by no means so distinct, but must be gathered from the precedents recorded in eighty or ninety volumes of the Journals. On one of these occasions, it was suggested that the House ought to publish a digest of its Rules; and Mr. Hume produced the precedent of the American Congress. It will naturally be asked whether any steps have been taken to procure the concurrence of the House in this suggestion. Many Members at the moment felt its force; but as yet nothing has been done upon it. The House goes on, virtually ruling, that nobody shall know its Rules. These are a kind of matters which sagacious, honest Radicals in the House should take advantage of the recess to examine; and if they dare to be out-spoken, they may reap a credit much more substantial than follows the mere delivery of fine sentiments.

The very first act of the Ministry in the House, betrayed feebleness or treachery;—the choice of a Speaker. Why should any well-meaning Whig elector hereafter put himself to trouble to vote against a Tory? How does he know but he may be voting against his party's pet man, whom they could not have done without? It was a choice specimen of Whiggery—the production of the Radical's reason, economy, for a Tory deed. Confidence in Ministers should have ceased from that day. The act that belied their party professions, was a type of the coming of the Irish Coercion Bill.

In matters of reform in the general government, the Session has produced nothing much deserving notice. The House of Lords still remains unadjusted; the excuse for every contracted measure, too weak to resist, and yet the cause of all weakness in the government; a beacon and a warning to all countries which may at this time be led to agitate the creation of a Second Chamber, and risk the construction of a citadel for the supporters of abuse to post their *corps d'élite* in, on the flimsy security of a power to dilute, which weakness, partiality for his own order, or fifty other causes may prevent a Minister from putting into execution. One or two notices of motions have

been given in the House of Commons for the exclusion of Bishops from seats in the legislature; and in his own House the Marquess of Westminster promises to move the abolition of the system of proxies. But the government and the legislature have done nothing hitherto to promote these results. It may be that the Whigs with more forecast than is commonly attributed to them, are tempting the upper House to prove its inutility or unfitnes, that the storm may be driven in that direction. In the meantime all good measures are shorn of their beams, and the Whigs seem likely to fall by the very means they propose for the unruly Lords. A timely adjustment of the House of Lords, according to the received theory of the Constitution, might have saved much confusion. But the Whigs have not the penetration to perceive the consequence of their attempts at compromise; they are labouring to conciliate those whom they should curb, and neglecting the power, every day growing greater, which they can only curb by conceding all that is right. Will the nation for ever take their side, if they do not use the means in their power to defeat the nation's enemies? The majority of the House of Commons is not the nation, nor an image of the nation's intelligence. Every year will diminish it's subserviency, as the time of retribution draws near. If the Whigs were wise they would make themselves greater than either King, Lords, or Commons, by producing measures more sound in principle, and less blundering in practice; and King, Lords, and Commons must concur, in what the nation would approve. But they have not wisdom, courage, practical skill, perhaps not honesty; their master key is cunning fear.

The necessity of extending and improving the municipal government of the country, is at last dawning upon the Legislature. But its manner of proceeding has displayed its unfitnes to make any large constitutional change upon an enlightened system; and it will require all the watchfulness of the Reformers to prevent a hurried, crude, and unlicked measure from being forced upon the House. This is not an idle fear, as the measures of the Session will show.

At first the labours of the House on this subject were entrusted to a Select Committee; but they had not proceeded a great way in the investigation of the old system, before the task grew much too mighty to be grasped by them. In consequence they recommended a Commission to inquire into the municipal corporations. The necessity for this proceeding was not very apparent; and it was as much to be avoided as possible, since the object of the inquiry was to form a new system for the future, not to ground a criminal inquiry with a view to

the past. The effect of the present method of proceeding, will be to complicate the considerations on this very simple subject, or, as in the case of the Factory Commission, to frighten away by the portentous aspect of their Report, those who might have been disposed to read what had been set down for them.

It is a great question, and one which should be well considered in detail before any plan of municipal government of the towns is proposed, whether the provincial government of the country does not also require similar Reform. In short, it does not seem possible to consider one, without in some measure including the other. The evils of non-responsibility are not greater among aldermen, than among Justices; and there seems no good reason why the right to vote away the people's money should exist in the Quarter Sessions, more uncontrolledly than in the House of Commons.

As precedent is a thing of much virtue among those who heed not principle, the example of the Grand Jurics Bill for Ireland passed into a Law by this present Parliament will be triumphantly cited. There again as usual, they have not conceded the whole principle, but they have admitted a part. The probability is, that not a tithe of the English Legislators ever read this Bill; otherwise they could not have failed to have seen the propriety of its application to England also.

There is another example of similar legislation for another country without extending the benefits to our own. The Lord Advocate, with much haste and with the aid of a Committee of Scotch Members upstairs, has settled a Bill for the annual election of the Burgh Magistrates. The matter being, as his Lordship with much *naïveté* observed to the House, uninteresting to it, he proposed a Committee of Scotchmen; as if whatever concerned the British nation—English—Scotch—or Irish, ought not to be an object of especial concern to men who are representatives of the whole. These are but specimens of the manner in which the legislation is conducted;—the adoption of a principle for one part of the community, and the denial of it elsewhere;—a grievance which yearly grows greater, and adds to the difficulty of assimilating the laws of the three kingdoms.

Another Bill has also been passed, for the establishment of a Police in the burghs of Scotland; but the English members probably neither knew nor read this, any more than the other. The Burghs Police Bill passed *sub silentio*. The other, in which the extent of the franchise was in question, was divided upon. The following divisions will show the general

interest felt in the measure, which involved the very principles likely to be called into question on the Municipal Reform Bills for England. On the question, whether the magistrates should be chosen by the electors or by the Town Council, which is the style of the corporation there, the numbers were, 27 for the motion, and 46 against it: Total number present, 73. On the motion to reduce the franchise of electors from the parliamentary standard of 10*l*, which in Scotland is very high, to 5*l*.; the numbers were, for the motion, 53; against it, 54: Total number present, 107. On the motion, that the present burgesses should retain their right to vote, the numbers were, for the motion, 58; against it, 102;—Total number present, 160. And on the motion that the voters should be burgesses, and contribute to the 'common good,' which is a fund already of considerable amount in some boroughs, and raised in many instances by the contributions of the burgesses, the numbers were, for the motion, 17; against it, 13½; total number present 148. These divisions took place on one night, the 26th June, before a great many of the members had fled, and yet the greatest number who voted were 160,—not one-fourth of the entire House of Commons.

In a perfect and well considered scheme of municipal government, provision would be made for all the wants, incurred by all districts in their different states of advancement. The constant reference to the supreme legislature for laws to regulate in a special manner the affairs of the small society of Piddletown, is an absurdity of which small-minded men only could be guilty. The frequent repetition of the absurdity, and the inconvenience to which it has subjected members, have at last taught the more convenient course of passing general laws, to regulate things of the same name in all parts of the kingdom at once; but it seldom occurs to their wisdoms to include all things of the same kind. In this spirit a Highways Bill has been introduced, but it still hangs over for the next Session. Another Bill to regulate Inclosure Awards,—another for the Lighting and Watching of towns,—another regulating Commissions of Sewers,—another the recovery of Drainage Rates,—all of which have passed the House. There is not time to examine here the extent and deficiencies of these laws. Upon such measures have the labours of the country gentlemen been employed for many years, and they form a large part of their legislative toils. These are practical measures which would have been effected long ago, with many more of the same kind, had a principle of responsibility controlled the legislature, and had local jurisdictions existed, to which recourse

might be had at a less expense than that of the present legislative laboratory.

The Poor-laws and their adjuncts have again been a fruitful source of legislation. The Labour-rate Bill, though introduced by the Duke of Richmond in the Upper House, and supported by all his influence and the prejudices of small men in the Lower House, was manfully struggled against by his colleague, Mr. Poulett Thomson. This is one of the few creditable acts of the Session. The division, however, shows how few felt the importance of the violation of principle, the more unpardonable, as it had been exposed by the Poor-law Commissioners. The numbers were For 17, Against 29; Total 46.

The Scottish and Irish Vagrant's Bill, a practical commentary on the absurdity of our partial system of Poor-laws and the law of settlement especially,—has also been passed. This measure is intended to patch up the evil of men travelling in search of work; and the consequent cost of sending them all the way back to their birth-place at the public charge when their expectations fail. The expense incurred by the county of Middlesex alone, in the passing of the Irish and Scotch paupers from the metropolis to the confines of that county only, amounted in the last year to 2,950*l.*, exclusive of other charges borne by the city of London and by the several removing parishes; being at a cost of not less than 10*s.* for the removal of each individual through the county of Middlesex alone. This Bill directs, that such persons shall be removed in the first instance at the expense of the removing parish, which expense is to be recovered from the county in which the parish is situated. It is thus that, bit by bit, our legislators patch up a system confessedly bad. The Parish Apprentices Bill, the Sea Apprenticeship Bill, the Rating of Tenements Bill, are all measures of the like nature.

A very important Bill in its effects has also been passed, the Turnpike Roads Accounts Bill. Its object is to require that annual returns of the accounts of all the Trusts should be made to some public department. Each Trust adopts its own system, and the management has oftentimes been alike costly and bad. In consequence, the country, in addition to its other burthens, is charged with a large increase of tolls, in order to meet the interest of the heavy debt. It would be supposed, that having detected the evil of a want of responsibility in this shape, the legislature would have bethought itself of the similar evils in kindred Commissions, where the responsibility is alike defective. But it is wearisome to dwell upon these highly praised practical methods of legislation, to which

the legislature holds so fast, in defiance of principle and comprehensiveness. By degrees, and at great cost of time, of money, and grumbling, the House will see fit to begin at the right end,—to the great diminution of its labours, and a corresponding addition to their efficiency.

The feather in the caps of the present ministers, is *the retrenchment of the expenditure*. It is their Alpha and Omega. It answers for every sin. They have indeed gone some way; but only in the same road the Tories had gone before. It is the easiest task of British statesmanship at this moment. It cannot be said that they have gone the full length of practicability; but it would be hard to expect them to do all the good they are capable of effecting, in a single session. But even in this strong hold they must be watched. The Secretary for the Treasury may show that the Redundant List has been resorted to on many occasions when new appointments were to be filled up; but can he show that no new appointments which might have been filled up from this list have been supplied from other quarters?

The whole scheme of appointments in all branches of the service requires investigation. It appears that the Treasury have passed a Minute regulating the appointments to situations in their own department, and have in progress a similar measure for the other departments. Turn this Minute into an Act of Parliament. Let all candidates be announced in the Gazette; their previous profession, their age, their parentage, and place of birth; and corruption and unfitness will be nipped in the bud.

It is fit that this entire subject, including pensions, sinecures, and superannuations, should be deliberately discussed and set at rest for ever. All persons employed are entitled to the protection of a positive law, explanatory of the nature of their contract with the public service. There should be no deception; no indistinct visions of provision in case of sickness or retirement. Moreover the rule of promotion should be distinctly set forth, whether it depend upon merit or seniority.

If provisions of this kind are not made law, another ministry and more bustling times may bring the country back to the delusive condition from which it is now attempting to escape. At present there has not been time to discover whether the retrenchments made are economical or not. This, time alone will show. It would be a sad business to be compelled to fall back again upon our supposed extravagance. This suspicion is excited by the helplessness betrayed by ministers in other matters.

Supposing it to be accorded that the ministers have made all

practicable retrenchments in this line, there are still some words to be said of sinecures and pensions. The frank and politic way of meeting these questions would have been to grant Committees of Inquiry. Why should the ministers, if honest, put themselves forward as the foster-brothers of every abuse? And yet it would seem, that let whatever abuse be attacked, they are the ready advocates for grace and favour. This charity to pensioners and sinecurists, was inimitably contrasted with their defence of Impressment. But the conduct in each instance proceeded from the same motive, an inveterate propensity to defend every official abuse, as if it were cousin-german to Whiggism.

In all this class of questions they have displayed the greatest want of tact; and because their professions were vehement while they were on the other side of the House, they seem to think themselves bound to be as violent in opposing them now. The time,—the circumstances,—their views, are changed. The Tories said no worse. The truth is, that their views not being founded on principles which they had either well canvassed or understood, they adopted the clamour of a party; and now, without much more virtue than the Tories, they find themselves without principle or practice to guide them, and are in consequence governed by their official underlings.

There is one point which is even of greater value than retrenchment,—it should have been the first step to it; the establishment of a business-like system of accounts. Have the ministers completed their plan for the Reform of the Exchequer? And if so, why has it not been produced to the House? Think of a nation carrying on its business, with accounts that would be disgraceful to a huckster. The measure has been promised for two sessions; the happy new year will probably have the good fortune of bringing forward another indication of its birth.

As yet no retrenchments have taken place in the army; the reason alleged being the state of Ireland, of the West-India Colonies, and of Foreign Affairs. But why did the House refuse to grant papers showing the distribution of the army? It might be right to refuse the statement of its present or recent distribution, because that might expose a local feebleness; but the same reason would not apply to the production of Returns for the period from 1800 to 1825, which though not giving the exact information, would assist the public to form some rational view of the extent of the forces required. The Return should show the total amount of the army,—the number of men at home, in England, Scotland, and Ireland,—in each Colony, and on each Foreign Station;—the number actually engaged in any

service ; and the number *in transitu*, going out or coming home, to relieve or be relieved. The motion for these papers was only supported by 23 against 201. Until some Returns of this kind are obtained, Mr. Hume's annual motion for the reduction of the army will be in vain ; the majority of Members will not be able to understand the question. The numbers on Mr. Hume's motion to reduce the Vote for the army one-third, were for it 71, against it 239 ; in a House consisting of only 310 Members.

The abuse of the system of paying the Colonels, by giving them the butler's perquisite a per-centage with the tradesman, is to be inquired into, and a half promise is given that it shall be abolished. A Committee has also been sitting on the question of the Army and Navy appointments ; this is one of the concessions wrung from the Whig Ministry.

A caution should be given to the Radicals, not to make injudicious motions ; they drive away persons who are guided by their confidence in leaders. The motion to reduce the Artillery was of this character. There was neither fact nor reason to uphold it, except a simple reference to the standard of 1792, which is not a standard for all things. The motion did real harm.

At a late period of the Session, the Ministers were so good as to offer a measure too bad to be promised, a proposition to extend the blessings of the Excise to the trade in Stamps ; a small official measure of no note, and therefore introduced when the majority of ' the faithful guardians of the people's purse ' had quitted their posts.

The Chancellor of the Exchequer has also been pleased to grant a small measure of good to the people, in the shape of the power to invest their savings, by way of purchasing annuities ;—after the measures of the government, and particularly their holding fast the Corn monopoly, have gone far to deprive them of the means of saving at all, as the call on the Savings Banks will show.

The Lords of the Treasury too, have transferred certain Scotch Exchequer Offices to the English Department, with the usual powers to the Lords of the Treasury, to do what they please. Why did not the Bill contain a provision, that these Lords should from time to time report their proceedings to the House ? It is thus that new powers are annually bestowed upon the Government, undoing in the manner of the ancient Penelope, the work of the preceding Session.

The House of Commons is bound to inquire how these Lords execute the powers entrusted to them. No such inquiry takes place till some gross job is detected ; then much stirring and

vehement censure arises, an investigation is instituted, the job is exploded as too gross to be tolerated, after which all is silence, and the same career of jobbery goes on, as the children say, till next time.

Let a straightforward Member move for Returns to the following effect; and then will all the absurdity of the Treasury Board be manifested.

Return of all appointments since the accession of the present Ministry, in the manner above described. Return of all memorials presented by way of appeal from the Customs, Excise, and other departments; distinguishing the respective departments, and the cases where such memorials complain of unjust discharging of servants, of the state of the law on any matter of Revenue, of the conduct of the Government Servants, and of claims for Superannuations; and stating in all cases the result of the application of those memorials, whether the same were decided upon by the Treasury, or referred back to the Commissioners of the Board within whose province the subject-matter of the memorial came.

Also an Abstract of the proceedings of the Treasury, during each day when the Junior Lords sat.

These Returns would speak faithfully of the duties of Junior Lords of the Treasury, and supply the controlling authority with the check which is now practically wanting.

The real Lords of the Treasury are the Secretaries;—they are the men of business, and so paid. The Junior Lords are often political nurslings, put there to be brought up. The whole of this department wants a strict scrutiny, and some measures for casting the responsibility upon the right persons, and dividing the labours of the Office, that they may be executed promptly. As this is the check on all other departments,—the appellate jurisdiction,—it is the more necessary that it should not be encumbered with too much business, and that its arrangements should be efficient. Is this the case? Can any Member of the House of Commons speak to the fact? Are there no delays in this department producing delays in other departments, and causing inconvenience and expense to all concerned?

The divisions on questions of *Taxation* have been the chief skirmishes of the Session. The same hesitating policy, or want of policy, has been shown by the Ministers in this as in the other branches of parliamentary business. They have resisted first, and then yielded. If a general should take the field unprepared as they have done;—if, for instance, he should transmit one report of his plan of operations, when he knew, or did not know, that he meant to change it next day for another, as the

Ministry did to the West Indies; and should be guilty of meeting the enemy without plan or purpose;—he would be broken without mercy. But these Ministers are still in office, because it appears there is nobody at present to take their places.

The chief divisions were on Sir W. Ingilby's motion to repeal the Malt Tax, when the numbers were, For 162, Against 152. Sir John Key's motion on the House Tax, or rather on the Chancellor of the Exchequer's amendment, when the numbers were in favour of the Repeal of the House Duty 157, Against 355. Against Sir W. Ingilby's amendment on the Malt Duty and in favour of the Government 285, and in favour of Sir W. Ingilby 131; the whole number present on this occasion, being 416, obtained by an active general muster, on the 30th of April. The numbers on Mr. Cobbett's motion were in favour of his Resolution regarding the Stamp Duties, 26, against it 250. On the 21st of May, in Sir John Whalley's motion for the Repeal of the House and Window Tax, the numbers were For 124, Against 273; and on Mr. Ruthven's motion for the Reduction of Taxation, the numbers were For 88, Against 79. These were the principal divisions. They indicate the same kind of subserviency, which marked and disgraced former Parliaments; and one or two of the divisions, for instance that on Sir W. Ingilby's motion, and on Mr. Cobbett's, an activity that can hardly be supposed disinterested. The largeness of the Minority on the House and Window Duty, is to be accounted for on the supposition that the interest of the townsmen coincided with those of the country-gentlemen. The latter, fearing that the duty if retained would be equalized, so as to fall with just weight upon themselves, would have strenuously advocated the Repeal, if it had not been for the other bugbear that threatened them in its room, the Property Tax.

By dint of dunning, Lord Althorp has been compelled to promise the relinquishment of this Tax, as soon as he can afford it. He admits, that the House Tax, if properly levied, is a good tax, and of the nature of a property tax. Clamour will win, whether the object be good or bad. A well-principled governor would rather resign, than give up what he believes to be good; thus showing, that neither King nor people, nor power in any form, could entice him from the good ground, and proving withal the value he put upon the soundness of his view. The people believing him honest, might have faith also in his judgment, and would probably relent. But there is no faith in Chancellors of the Exchequer.

The Property Tax has been mooted several times, once especially by Mr. Robinson, and at another time by Mr. Buck-

ingham, who complicated the subject by combining with it a scheme for reducing the National Debt. In both instances, of course, the proposition was rejected after a repetition of the usual course of official reasoning.

In these and all such cases, the Government have refused inquiry. It is probably the only method of retaining the power in their own hands, and perpetuating the *vexata quæstio*. The best thing to be done now, would be to institute a Committee to inquire into the working of the last Property Tax, and its practical defects and difficulties; for at present two persons cannot be found in the House to agree upon any plan, and there are several plans threatened to be brought forward. It is unnecessary to say, that the Government is not prepared to give an opinion, much less to adopt a plan. What the Government refused to Taxation however, it granted to Agriculture, Commerce, Manufactures, and Shipping.

Mr. Cobbett's Motion on the Stamp Duties was met in a similar manner by Mr. Spring Rice, who showed that the thing was not so bad as it was supposed to be, and justified it in its degree of badness by reason of its not being worse, strengthening himself on the way by appealing to the honour and uprightness of the gentlemen who had heretofore been Legislators, and of whom too many remain and communicate to the present House the taint of the former system. He did not, however, explain by what rule the legislature of that day rejected the measure, introduced by Pitt, to subject land to the legacy and probate duties; to which, by another Bill, accepted and passed by the House in the same session, he had already subjected personal estates.

Of the Chancellor of Exchequer's Budget, it can only be said to be on the same peddling plan as the rest of the Government measures. By dividing his bounty among so many, his Lordship has done small good to any, whereas by applying his resources to the entire removal of some one obnoxious tax of large amount, or to some class of taxation in which was involved a great principle of financial reform, he might have gone far to improve as well as to alter his system. Of the present Budget it can only be said, that it is good as far as it goes, and that the extent of *that* may be appreciated by the circumstance of its having obtained the general approbation of the quidnuncs of the House. The little good which the said Budget was likely to do, will probably be swept away in the greater mass of evil which the ministerial measures are producing in other quarters. Already the people are paying the price of the new debt, incurred to please Mr. Stanley, for it has certainly

pleased nobody else. The price of sugar and other colonial produce is raised, and will rise much higher. But there is this good in the policy of the right honourable gentleman. He plunges the people so far into mischief, that they are compelled to employ every energy to get out of it as fast as they can. His Slave scheme promises fairly to rid the country of the colonial monopoly; for assuredly, if it fails, the people will not give double the price for their sugar as well as pay for the army, navy, governorship, and grants for the benefit of the West Indies.

A Committee has been sitting to inquire into the Office of Land Revenues; but as that Committee was appointed at the instance of the Government, it will require to be watched. The inquiry is said to have traced some jobbing. This department might be made very useful; but as its powers of jobbing are more extensive than those of any other departments, jealousy is not merely useful but necessary. By one or two acts of the present session, the business of other departments has been thrown into this; as for instance in the Commission of Highland Roads and Bridges, the Land Revenues of Scotland. It is an opinion entertained by many well-informed Radicals, that the sale of all Crown lands would be beneficial; at present they produce little but cost.

There is one matter which has been much paltered with; namely, the building of a National Gallery. The obvious expedient was to let the work be competed for by the best artists; but in so small a matter, they stumble. The matter of fact is, that men are appointed to this department, who have no taste and yet will suppose themselves to have it, or else will be counselled by some architect and cannot control him. The House is helpless, and so the matter rests.

It may further be recommended to the Radicals to examine with some care the official Bills; which are most carelessly drawn up, and accomplish many things they know not of. There does not seem to be any reason, why the Money and Appropriation Bills, and other Bills of the same kind which are not sent to Members as are printed copies of all others, should not be inquired for. It is not usual perhaps,—they are formal,—but it may be as well to examine a formality sometimes, before it becomes law; for being law, it has all the force which a law not so merely formal is supposed to have.

The Law, as for many years past, has been a fruitful source of business; and, as heretofore, its reforms want the direction of a master mind. The General Register Bill was again thrown out by a majority of 82 to a minority of 69; the Government

having refused it Government support. Some of the law reforms produced upon the recommendation of the Law Commissioners have, however, been passed;—the Bills to amend the law of Inheritance, of Dower, of the Courtesy of England, the Limitation of Actions Bill, and the Fines and Recoveries Bill.

The Local Courts Bill was thrown out in the Lords. The Law Amendment Bill, giving power to the Judges to make laws (of pleading), has at the same time passed. On the division upon this question,—which amounted to determining whether the reforms should be entrusted to the Judges who were likely to adhere to the present system, or to the Legislature,—the Members were twenty-nine for the clause giving the Judges the power, and thirteen against it. A House of forty-two out of 658, to decide upon the prime points of Law Reform.

There have been some unflinching reductions in the Chancery Offices. But the whole system requires revision. A still greater reduction might have been made by making the Masters take cognizance of all suits from their commencement. The delays before hearing, are as prejudicial as the delays after; and it should be the duty of the Master to see that all practicable expedition be made. Great credit is due to Lord Brougham for what he has done against the influences. But the praise due to his exertions, must not be extended to the work, which is necessarily incomplete. Can no Radical present to the House a forcible statement of what has been done, and what left undone, in the matter of Law Reform,—and the right principles and right method of proceeding regarding it, and the obstructions hitherto offered to these first objects of legislation. Not the least useful part of such a statement, would be an *exposé* of the obstructions which result from the ignorance and indifference of the House.

Several measures for the Reform of the Criminal Law have been introduced, and afterwards postponed on an understanding that a series of measures, consolidating the criminal law, will be introduced next session by the Government. There was one measure of this kind which ought not to have been delayed for a single session, yet prejudice prevailed;—the Prisoner's Counsel Bill, which only went to give prisoners, in all cases, the benefit of the assistance of counsel. It would have been a just sarcasm upon the men who opposed the Bill, if some friend to its object had moved that in civil cases, where the right to property is concerned, the defendant shall, as in the case of prisoners, be deprived of the benefit of counsel. The number that divided on this question illustrates the degree of importance attached to it; they were 149; 366 having in the same evening voted on Colonial Slavery. The rest had run away.

As a small approach to a more comprehensive system of legislation, the House has passed a Bill for the Removal of the Assizes; the object of which is to give to the Privy Council the power of changing the places where the Assizes are held, to other places of more convenient locality. Before this Bill was brought forward, a separate Bill was necessary for each case, and two or three had been introduced in the present and last Session. The manifest truth is, that the whole scheme of the law administration of the country must be revised, and it is disgraceful to the Legislators, many of whom have had at least a nominal legal education, to leave this matter in the hands of lawyers. It is notorious that in almost every case, they are so ignorant as to be led by the opinion of their legal advisers; though it is obvious that these men have, or suppose they have, a direct interest, in many cases, in the perpetuation of the evils to be remedied.

The *Thellusson's Estate Bill*, which was brought in to remedy a particular case,—by realizing the joke of the lawyer eating the oyster and leaving the shells to the parties, is a glorious satire upon English jurisprudence. It has the advantage of shaping in a clear and indisputable form the charges against the system which had theretofore been vague and shadowy. Of what use is a Radical, if he do not do his best to tear up these abuses root and branch? the cutting and clipping only gives the mass greater strength to grow.

Monopolies, have been rather roughly handled this Session; and religious monopoly seems to have fared as ill as the rest, but the work must be proceeded in with still more honesty and vigour.

The *Jewish Civil Disabilities Bill* was passed triumphantly in the House of Commons, to be rejected by the Lords; while the *Quaker's and Separatist's Affirmation Bills*,—measures intended to accommodate the scruples of those sects in the taking of oaths,—met with ready acquiescence. The *Roman Catholic Marriages Bill* for England passed; but the same work is still to be done for Scotland.

But the great triumphs of the Session in this department, have been the defeat of the *Sabbath Observance Bill*, and the *Irish Tithes Bill*; and though the *English Tithes Commutation Bill* has not passed, yet the die is surely cast. The exemption from parochial rates of all churches and chapels, will remove an abundant source of bigoted persecution.

The omission of the 147th clause in the *Irish Church Temporalities Bill*, has more than any other measure damped the confidence in Ministers as friends to unflinching Church Reform.

It was a principle to which the Government and the House of Commons had distinctly pledged themselves; yet the former relented, as they alleged, to conciliate the Lords. This conduct will carry the principle of suspicion further into practice, than it could have been if that measure had passed unmutilated. There would have been a disposition to rely on the Ministers to some certain extent. Now nobody has faith either in their honesty or firmness. The energy of the people will be roused, in proportion to the augmented obstacles to the progress of the principle that one man's religion is not to be taxed for another's. It is looked upon as an exclusive advantage, as a monopoly; and the moment the Reform Bill passed, monopolies and exclusive advantages began to wither.

Next to liberty of conscience, to full religious toleration,—must be classed liberty of the person.

The abolition of the system of imprisonment for debt will be an improvement upon this head. But there still needs another liberty of the person, which results from moral confidence; and this can be produced only by national education. The people are too subservient to their betters as they are termed, and their betters have too much the power of treating them like spaniels. Education will go far to inspire a more independent spirit; but the breaking-up of monopolies of all kinds in commercial enterprize, will perhaps do more, by exciting a greater demand for the services of those who are now through excessive competition, feeding upon, or outrivalling in servility one another. Thus moral liberty will come in turn.

On the grand subject of National Education, an extraordinary phenomenon is presented. Twenty millions to the slave-holder, one million to the tithe-owner, *twenty thousand pounds* to the Education of the Peasantry of England. As kissing is said to go by favour, so there is no difficulty in seeing who it is that Whiggery kisses.

But the grand question of personal liberty is the long-talked-of abolition of slavery.

It was fitting that a measure freeing men from bondage abroad, should be preceded by an Act suspending liberty at home. The Ministers had been too Radical, and so lost Whiggish caste. Hence came the Irish Coercion Bill.

It was necessary to shew the Tories and the world at large, that their worst fears were not to be realized;—that the Reformed Parliament had inherited some of the virtues of its parent.

The people however, for whom, thanks to the press, all the follies committed by their governors are converted into lessons of wisdom, will have learnt this useful lesson, that popular as-

semblies deserve no more trust than kings, if they are not subject to the check of an immediate responsibility. Tories in arguing about democracies, always argue from the evils arising from power residing in such bodies; forgetting that they are themselves the type of the same abuse in another form. The evil in both places, is in the want of a machinery by which to make both responsible.

Surely the Whig ministers had the cunning of fools, when they resolved to present to the Reformed House as their first measure the Irish Coercion Bill. They knew that in estimating the force of the check upon the elected, they had to count upon the distance of the day of retribution; and they were wise in their generation of Whiggery.

If England, Ireland, and Scotland were to be governed by the same power, they ought to be governed by the same rule. Thus, if it be necessary, or alleged to be necessary, that there should be a Coercion Bill for Ireland, that is for all parts of Ireland, one part only being guilty; then by the same rule of reason should all England and Scotland be subject to the same liability. Had the Bill which the English and Scotch legislators passed for Ireland,—they and their constituents being placed far from the scenes of its possible operation,—been liable to application to themselves at the pleasure of some Tory Lord Lieutenant, would they not have taken some thought of the tyranny?

Mr. Baring, who, notwithstanding his many political failings, exhibits the boldness of an honest statesman on many occasions, has often expressed his horror of any man being exposed to the judgment of the House of Commons; and this has done nothing to vindicate a claim to be a better judge than its predecessors. On personal questions where appeal has been made as to the people in the last resort, an interest apart from the intrinsic importance of the cause and its justice, is always required to excite attention. When Sir Robert Peel on two occasions was on his vindication, there was much interest and a large attendance. In the case of his wrestle with Cobbett, 302 mustered; but in the case of Captain Robinson, 115 only attended; again on the Hutchinson Claim Bill there were only 44 present.

This proves the necessity of restricting the powers of the legislature to acts of legislation and not of judgment, and above all to limit and enforce the responsibility of each member of the House. The Irish Coercion Bill is an awful example of the absence of it. One great evil is in the multitude. Who cares for the 658th part of the responsibility, of being present at a division where his personal interest is sixpence?

Mr. Stanley's scheme for Negro Emancipation exhibits to the

full the consequences of a departure from principle, and the narrow-sighted policy of British statesmanship.

What were the data of the problem? That the slaves should be made free;—that the West Indians should be compensated, either for the sake of justice, or the pretence of it;—that the opportunity should be taken to adjust interests fore-closed by the West Indian monopoly, or at least not to suffer stipulations to enter into the present bargain which should indefinitely preclude their adjustment. On these three points hung all the difficulty.

It was clear that the slave must be made free, and that at once; and that any measure not instantly operative must be impracticable. The severity and coercion of slavery being abandoned, if freedom were not substituted, the motives that influence free men would not be supplied.

Any plan too not instantly operative, was unjust to the slave, now entitled to his liberty; and to the planter, because he would be deprived of the whole value of his estates, in being deprived of the labour which gave them value.

It was plain there could be no gradual emancipation good for the slaves, good for the planters, good for the country.

The first principle therefore was that the slave should be immediately made free. This was a proposition intelligible to all, slave and free.

But immediate emancipation of course implied all requisite police, the means of establishing the rights of the negro, and procuring him redress from wrongs; and, on the other hand, compelling him to respect the rights of others, and making him amenable for the wrongs done to them by him.

Putting aside the *right* of the West Indian planters to compensation, it might be politic to give some, directly in the shape of the purchase money for the slaves, indirectly in the way of relaxation of commercial restrictions where practicable. It was not worth while to stand higgling about compensation, seeing that we could not govern the West Indies without their aid; and that the additional cost besides the annual payment of 600,000*l.* interest on the loan, would fall upon the people of Great Britain.

What was their position. They paid nearly 2,000,000*l.* in the cost of governing and protecting the colonies,—in the civil, military, and naval expenditure; and nearly 2,000,000*l.* more in the price of the monopoly, so that the present charge to Great Britain was nearly 4,000,000*l.* a-year; to which it was proposed to add 600,000*l.* more by way of interest on the loan, besides all the costs of the additional expenses of Government occasioned by this unworkable plan.

Now the grand problem was to do the work and save the ex-

pense of interest and the other costs ; and finally, in good time, to get rid altogether of the burthen of governing these colonies.

How might this have been managed ? Make the planters pay all the future charges of the Government of the West India colonies ; throw open the trade in all things. Great Britain might then have paid the 40,000,000*l.* if the slaves were valued at that sum, 2,000,000*l.* a year by way of sinking fund, and 2,000,000*l.* a year by way of interest on the loan.

In twenty years, Great Britain would have been relieved of all cost of governing the colonies.

The planters would, in all time to come, bear that cost. Relieved from the restrictions upon their trade, preceded by the payment of the loan,—to them a gift or purchase-money as may be chosen to call it—the latter would be as bankrupts whose debts are paid, and who are put on a clear stage again.

Great Britain would have had the advantages of an extended trade with Brazils and the East Indies ; and moreover save the interest of 600,000*l.* which they will now have to pay.

The colonists would, for their own interest's sake, legislate for the interests of the coloured classes, whose favour they must cultivate. These classes, growing annually richer and richer, would rise in strength and importance, to command consideration. Both would watch local taxation and government, and unshackled by the necessity of having constant recourse to the Colonial Office at home, matters would soon have gone on quietly among them.

All the secondary parts of the plan seem to have been contemplated. The fault is, that the planner has adjusted a present grievance without taking occasion to get rid of the other grievances belonging to the subject, or thoughtless as to those he left behind or created.

He overlooked that the English people would not endure for many years the restrictions on foreign trade ;—still less the restriction on the East-Indian trade. When these matters come to be discussed, there will be another outcry from the West-Indians, of breach of agreement. But who is so silly as to suppose that that outcry will prevail, seeing that the people's voice gains strength every day, and that theirs is the better right. It is therefore only blinking an unavoidable difficulty, to shut out this from the plan.

To raise the interest of the loan by way of duty on sugar and other colonial produce, is just the best mode to accelerate the coming of the difficulty ; as the people will soon learn that it is they, and not the West Indians that pay the burthen.

In short the complaint against the present Government is, that they do nothing completely. They deal only in half mea-

sure. Now if Satan himself wished to devise the best and shortest road to revolution, through the intermediate stages of discontent and agitation, he would adopt such measures. It is by the succession of just demands unjustly refused, that the bad agitator obtains the aid and strength of the honest citizen.

A good and wise legislator would at once complete his measure, leaving nothing to be asked for. These men give a sanction to an outcry, by confessing the principle of Reform and acting upon it in part only; saying, at the same time, that the part must be the whole.

The plan of the Colonial Secretary is worthy of the planner and his employers. It shows an odd idea of statesmanship, that in a matter so large in present and future consequences, it should be thought proper to take a young man from the Irish bureau, and plant him in the Colonial at the short date of two months to grapple with an object like this; as if, indeed, the two characters to be dealt with being of the same barbarous kind, the training in the one had adapted the young man for the other. Lord Howick, beset as he must have been by the most powerful influences, acted a manly part in stating boldly his views at the outset of the discussion. The House of Commons had at least in this case the means of deciding between two plans; but it has no self-dependence, it must be ruled, and a man all confidence and talk is the fit man to govern there.

Of what the result of this measure may be, the Irish Tithe Collection furnishes a fair enough prototype. Having made the grant, for a fourth of the negro's time (which, by-the-bye, includes that part which heretofore belonged to the negro by previous concession or usage,) the grant will be doubled by the cost of enforcing the plan, and by all the confusion and conflict to which it will inevitably lead.

Two other important questions affecting freedom of the person have been mooted this session; but it was not in Whiggery to concede them, seeing that they emanated from the Radicals, without opposition in the first instance. They were, the question as to the abolition of Military Flogging, and that of the forcible Impressment of Seamen for the Navy. The first has been virtually yielded after a change from one Secretary at War to another; and from the manner in which the House received the other, it is apprehended that it will not stand much longer. The only obstacle appears to be some official doubt as to the possibility of being able to obtain seamen without such aid. Official men always have doubts. But America affords an example of the possibility; and upon the principle that every man should do what he likes with

his own in the common race of enterprize, it is clear that the country commits a breach of morality and a violation of the rights of property which are so highly appreciated by legislators. Why does not the Clothing Board impress tailors? Simply because tailors would arm and fight across their shop-boards, and other men would join them. Let sailors try the same; let them fight. If such resistance is not legal, the exhortation here is punishable. It is inserted with a view to try the question.

If there was folly in the plan for Slavery, how much greater was the folly of the Bank Charter Plan. Besides jobbing away the value of the paper currency, which is the nation's, for comparatively an old song, they have provided for the recurrence of much of the evil connected with the currency which had been remedied at great cost by former measures. Many urgent entreaties were made by men of all parties to postpone this important question; but like all ignorant and self-committed persons, they were rash and obstinate; and having promised something, felt themselves bound to give it good or bad. Yet the part relating to the country banks was postponed, because the persons interested agitated. This is known so well to be the rule of success at the Exchequer, that instead of one Deputation despatching their business once for all, several deputations come for the same object, and press for interviews again and again;—the great object being, if rural parties are concerned, to gain the last impression and the last promise.

The East-India Charter is the best of the Budget of great questions. The opening of the China Trade and the Indian Trade, presents a field of enterprize sufficient to dry up many of the ills to which other monopolies have given birth; but to this Ministry, or to this House, the people are not indebted for the advantage. It would have been given if the Tory Duke had been in power, and had in fact been resolved on; and yet, in pamphlets and King's Speeches, these men will assume all the merit. As it is, they have contrived to strengthen the Church Establishment in India, at the very moment that the question is raised elsewhere, and almost settled, whether an established church, in the sense of a burthen upon all other religious bodies, ought any longer to exist. Besides, the expense is not only that of the Bishop whom they have created, but the expenses of his progresses, which have already been very large.

The period of twenty years for which the Charter is renewed is much too long; especially as the discussion has been hurried through, and not properly understood by the majority within or without the House. Before ten years have elapsed, great

changes will have taken place in this country; and at the end of that time a better judgment could be formed of the nature and circumstances of the Indian government, a subject at all times very difficult to be appreciated by persons living under a different climate, and whose habits and prepossessions have so little resemblance to those of the Indian people. The opening of the trade too, to that country, will lead to much travelling and intercourse with the native population, and add another mine of intelligence to be worked out by the enterprising travellers from this country. But here again, the wisdom of our legislators, judging of the English character by the roughness of a Spa-fields mob, has resolved that Englishmen shall not be permitted to visit certain parts of the interior without the permission of the Governor General; creating in this way by the very brand fixed upon the people, the evil they affect to dread. It is thus our population at home are made brutal, because it is the pleasure of the aristocracy to believe them so.

It is lamentable that the affairs of a great empire like the East Indies, should have been hurried through the House, incompetent as it obviously was to deal with so large a subject. At all times, from the rude fashion of its machinery, resembling in all ways a mob,—it is impossible for it to deal satisfactorily with more than one great subject at a time; but the ministers, aware of their own weakness, preferred to push more than the House could do, that there might be less opposition, and greater reliance upon them. In the case of the West-Indian slavery there was no time to be lost; but both the West-India Charter and the Bank Charter might have been postponed till next Session,—but then the King's Speech would not have told so well. As it was, few members took part in the debate, and many of those who were present at the division, were gathered together by the mustering of the whipper-in. It is a duty which all members in turn seem to neglect, to be present in cases even where the subject does not interest or is not understood, to support other members. The Ministerialists are always prepared (except when a Queen's Ball interposes a counter attraction more powerful than the influence of the whipper-in); so that a most judicious course ably taken up at the moment is often not pressed, because too few are present to support the mover.

There were several important divisions, but in no case did the members exceed 160. On the question as to the limitation of the Charter to ten years and two years notice, the numbers were only 27 for the motion, and 76 against it; one hundred and three members out of the 658, who according to the King's Speech have so assiduously discharged their duties.

On the question whether the Governor General should be armed with the power of suspending Acts of Parliament affecting British subjects, the numbers against such extravagant power were 33, and in favour of it 114; and on the question whether the Governor General should act without a council, 32 against it, and 41 for it. On the question whether the Governor General should be charged with the immediate Government of one Presidency, as well as with the general Supreme Government of India; the numbers were in favour of his being so charged as at present, 9; against it 55; Total number, 64. And on that very important question, whether British subjects might reside in any part of the Indian territory with or without leave; for the unlimited right the members were only 20; against it 111; Total number 131. And on the question of the Church Establishment in India, before alluded to, the members were on one division, 37 opposed to the Ministerial Plan, 120 in favour of it; and again, on a second division of the same evening, 36 opposed, and 124 in favour of it. These last were questions of adjournment; for in many cases, the Bill was pressed forward in late, and as the divisions will show in almost empty houses. It was in this way the statesmen of Great Britain dealt with the settlement of the constitution of British India, containing one hundred millions of inhabitants;—these legislators so assiduous in their absences, the majority of whom had pledged themselves to the abolition of the East-India monopoly. These are the real practical destructives,—the doers, and sufferers, of mischief.

Some few minor matters of trade have been touched upon. A Bill for amending the Laws of Letters Patent, and simplifying the proceedings for litigating disputed questions, has passed, leaving its more important half, the Bill regulating the expenses, to be the work of another Session.

A Bill has been brought in by Lord Ebrington, to enforce the provisions of the former ineffectual Bill, for regulating Weights and Measures; and another is in promise by Mr. Vernon, the Member for Derbyshire, for regulating the sale of Corn by weight instead of measure. The sale of Beer Licences Bill has been thrown out; but the gentry seem still disposed to find in the beer shops, the source of all the immorality and lewdness which have existed for the last two years in the history of the world. The Committee appointed to inquire into the matter reported strongly; but even the Whig Ministry did not dare to act upon their recommendations. The monopoly of the Inns of Court, and that of the Apothecaries, though both started this Session, are deferred to the next. This bringing forward dis-

cussions, opposing and deferring, is a chief cause of the lengthened labours of Parliament. If a question were met in the first instance, a great deal of time would be saved, and some certainty given to the management of public business. But then such business should have been well prepared, before its introduction to the House. Every crude notion of each Member should not be thrust forward; nor should any measure be introduced, without a very anxious effort to present a perfect specimen of legislation, upon which all men interested, and learned upon the subject shall have been consulted, and every difficulty or objection, apparent or real, important or the reverse, anticipated. The slovenly habits of the House result in great measure from the incaution with which Bills are admitted.

Of this style of doing business, the Factory Regulation Bill forms a fair instance. Some half dozen bills were introduced to consolidate all the laws regulating the Customs. This had become necessary by the additions from time to time made to the old Consolidated Customs law. But from the pressure of other business, the probability of doing any good to these bills by deliberation became so slight, that the Vice President of the Board of Trade, thought it befitting a legislator, to crave of the Representatives of the People of England to suffer his Bills to pass, pledging himself that no additions were to be made in them, but that they would merely consolidate the existing law. Was the Right Honourable Gentleman ignorant that those laws call for many alterations, confessedly useful and necessary? Was it of so much importance to pass these very laws, that every blunder and omission, intentional or not, should be suffered to remain, and the trouble incurred in the present enactments, repeated in an amending Act of next Session? These Acts are of the first importance, and ought to have been discussed with the same attention as the Irish Coercion Bill. But the country gentlemen were over the fields and far away; they know nothing about that kind of thing. How long will the men of the towns, the merchants and manufacturers, chuse such men to represent their interests? It is no longer a matter of indifference, who is chosen; for their profits and means of livelihood are staked on the intelligence of their Representatives. It is not enough that the Member be merely intelligent; not all the drilling and explaining in the world can make a man understand either the principles or the minutiae of business, if he has not been brought up to it or something like it. Let a man have been once dragged through *any* business, ashore or afloat, and have learned at all events *something* from beginning to end,—and there may be hopes of him though he be asked to apply to

something new. But a game-preserved, a horse-back-breaker, a dawdler over the price of corn,—!

The country is necessarily deceived by the Reports in the newspapers; which show what is doing, but not what is left undone; the diligent, but not the idle members; and thence may this crimination of the Members of the First Reformed Parliament be held to be extravagant hyperbole. If the matter be looked into, the delusion will cease. There are a few men,—perhaps fifty,—who steadily and throughout the Session, pursue their duty. There are 100, perhaps 150, found regularly at their posts whenever divisions are expected, and as many more on great or personal questions; a yet greater number who will make it convenient to be present to support their dear friends the Ministers, upon an emergency; still more, who will be found exerting the most wonderful energy, when a tax or a Bill affecting their class is on the carpet; and there are some so indolent or worse, that no motive or power can be found to bring them on duty at all.

All this might be shown by the test of figures, by the published numbers of the Divisions, but they would occupy too much room here. The following is a List of the Divisions for the last six weeks of the Session, when much of the most important business was before the House.—

July		For	Against	Present
15.	Call of the House. Sir John Wrottesley .	125	160	285
	East India Charter. Giving powers to Governor General .	114	33	147
16.	Ditto. Governor General to act without Council .	41	32	73
	Ditto. Governor General to have a Presidency as well as Supreme Government .	9	55	64
	Reduction of Taxation. Mr. Ruthven .	90	81	171
17.	East India Charter. Residence in interior without licence .	20	111	131
	Church Establishment in India .	120	37	157
	Ditto. on the attempt at Adjournment .	124	36	160
18.	Factory Bill. Limitation of age to 13 .	238	93	331
23.	Motion for Repeal of Septennial Act .	164	213	377
24.	Slavery Abolition .	158	151	309
26.	Dramatic Performances Bill .	38	7	45
Aug.				
7.	Customs Bill .	67	53	120
14.	London Scavage and Package Bill .	46	6	52
15.	Impressment of Seamen Abolition .	54	59	113
17.	Grant to Education of 20,000 <i>l.</i> .	50	26	76

19. Bank Charter Bill	95	23	118
Ditto.	98	19	117
Ditto.	82	35	117
Irish Tithes. Repayment of Loan out of Surplus Funds of the Church	42	69	111
21. The same Motion repeated	27	47	74

Fit House for such a ministry. But are these the representatives of the people? Yes, they belong to the old-fashioned school of the 'virtuals.' The people are as well served, whether they be present or absent; some of the workers go so far as to say that their presence is an obstruction,—that they are more apt at bestial noises than public business,—and yet these are the men again and again elected by the boroughs of England.

Sir Robert Inglis, on the closing of the Session, entered into a statement of the extent of the labours of Parliament,—the number of days and hours which it sat, as compared with former Sessions; but as he did not distinguish the members who had been constant in their attendance from those who were as constantly absent, the calculation must be regarded as very curious but of no use.

There has been the full complement of committees and commissions in the last Session; but of what avail is the hasty appointment? Men cannot learn the nature of the ploughing and the sowing, by the sight of the harvest. A month or two busily employed in gathering up statements of mischief, will not teach the remedy. If this method of proceeding be inefficacious with the persons engaged on the committee, or included in the commission, of what advantage can it be to the general body of members or the public? Already more information has been collected than is necessary to legislate upon, and yet it is a mere mass of printed paper seldom read. But the hurry is the chief objection. Let the Factory Commission be taken as an example. How many members have read the evidence? Is the measure now passed, the result of Lord Althorp's cogitations upon its contents; or was the same resolved upon before the commission expired? And the committees, as they are now managed, are no better; they do not determine the legislature in the adoption of their measures; the evidence is not believed, and the conclusions are disregarded.

If the government and the legislature do not move on faster, the country will be tumbling over them. Bye and bye a war will be struck up with some foreign potentate, and then farewell to all hopes of mending our financial condition and all other our ill conditions. Already there seems great promise of more work than the weakling Whigs can master, and more than once have

they desired to have assistance from their near connexions the Tories. The Radicals, like other knights errant, must travel alone, and win their own glory. In the List of 134 notices of Motion now standing for the next Session, there are many to the same purport, or involving the same principles; it would be a judicious method of controlling this pruricency, to propose that all such questions should be brought on together. It would save a repetition of the same discussion, and produce a fuller debate upon all the considerations belonging to the subject. At present one half of the motions of the Radicals are mere flashes in the pan, vain efforts, disappointing all honest friends of the principle involved, rendering all tactics impracticable. The moral impression produced upon the public is unfavourable. It is not irrationally supposed, that men who do not work with more judgment are unsafe guides. Let each principle have one discussion, full, thorough, and learned, in the course of each Session; and it is matter of prudence, especially where a member has more than one subject in hand, not to take away what another person has made his topic. It conciliates friendship and support; and there is less probability of not doing well, when less is attempted. The Radicals have had opportunities of becoming acquainted with each other's aptitudes; it would be wise to repair the consequences of their want of organization in the past Session, by better preparations for the next.

The Ministry take some credit for granting Committees of Inquiry. But a distinction must be taken between those granted and those refused; and the wherefore.

The most remarkable examples of Committees in the present Session have been those on Agriculture, Commerce, Manufactures, Shipping; all about which, is expected to be learned in the space of a few months. Inquiry is very proper, but not such inquiry as a Committee of Members can execute in the course of a single Session, with all their other duties. Commissions are the only fit methods; commissions for the time charged with no other occupation; paid and responsible.

These Committees however, grew out of the general cry of distress raised by the currency-men for their dishonest purposes, and echoed by the country-gentlemen. Their appointment had the good effect of stopping that interruption to public business.

But the grand object was to put down any call for the repeal of the Corn Laws. This question was brought forward twice, once by Mr. Whitmore, and again by Mr. Frye. The numbers on the first occasion were, 106 for the motion, and 305 against it, making a House of 411. Mr. Frye only succeeded in obtaining 47, and was opposed by 72. To the men of the towns the

division on Mr. Whitmore's motion should be the key to all future elections. Let this be the single test, as in the case of the Reform Bill,—‘Corn Laws, or none?’ With cheap food, which implies the abolition of this Goliath of monopolies, would come the destruction of every other monopoly.

This word ‘distress’ is perhaps the greatest bugbear in our political system. It answers to all evil, and all folly, and all craftiness; it is a word of many meanings, but taken only in one. It is the general watchword by which land-owners, farmers, labourers, merchants, manufacturers, artisans, shipowners, tradesmen, professional men, the idle, the swindler, the thief, are collected together, and make common cause. It is the war-whoop in the contest with the fundholder. It is all things to all men, and like Janus has more faces than one. There is no word in the English language which has so confused our modern legislators.

Let the mystery be unriddled; which is worth while, seeing that it has produced two Committees, one of which it is said has sagaciously found that as there is great distress among the agricultural interests, no alteration should be made in the Corn Laws; every other body in the world, and these same bodies in their own affairs, being generally disposed to alter when they find no good comes from the present mode of proceeding. It would be curious in private life, to hear such cross speaking. Suppose a sick man to say ‘I am very ill indeed, I will therefore not send for the doctor;’ or ‘the house is on fire, let us send the engines away.’

But to return to the word which has so bewitched the legislators.

Distress to the gambler, means that he has lost his all, with nobody to lend.

Distress to the land-owner, means having spent all his rents and more, with no inclination to retrench.

Distress to the tradesman, means having sold to some legislator, who trusting to his privilege, breaks his promise of payment.

Distress to the manufacturer, means being compelled to work at higher wages than the foreigner, and to pay more dearly for his corn, than the robber land-owner may have the difference to squander.

Distress to the lawyer, means those alterations of the law, which benefit everybody but himself.

It may not be amiss to ask, who were the witnesses before the agricultural Committee. What did the farmers say? It is one of the follies of the day, to compute men's income by

the standard of some years gone past, when the prices of all things purchased have been reduced greatly. It is not perceived that the same causes which bring down the profits of one man, also bring down those of another, until all are reduced to the same level. Thus the landlords call it distress not to receive as many hundred pounds as they heretofore have received, though for every commodity they pay a price proportionate to the reduction of their rents. If they, in their ignorance, neglected the rules of commercial prudence, and took the income of the best years as the standard of the worst, and spent all and more besides, their fate is the very check which wisdom would put on their folly; and the only thing which the Legislature can be called upon to do, is to remove all temptation from them in future, by getting rid of the food-monopoly, and helping them to part with their estates as fast as they can. All this the nation will see in a little while; and the conduct of the class in this Session, has hastened much the tendency to an early understanding of the matter. Their fraudulent attempts to tamper with the currency, their conduct on Sir W. Ingilby's motion for the repeal of the Malt tax, their rejection of inquiry into the system of taxation, with a view to impede the Property tax, have gone far to put them in the true light. But more than all, the Factory Bill will work out the Corn Law repeal. This many sagacious manufacturers foresaw, and therefore quietly submitted. In another year, the artisan will find his scanty wages reduced, and the same call for bread; and then will burst forth a cry from the multitudes of the north, for the abolition of the monopoly, which it would be as vain to resist, as to whistle against the thunder.

There is a tendency to good which not all the blundering of Ministers can overcome. They may check, they may render less efficient; but the good comes, though not by their providence. They sit, as Canute did, bidding the sea to stop, but the tide moves onward, and onward it will move.

For the liberty of the press nothing has been done but the repeal of the moiety of the advertisement duty, too small a relief to be of much service, or productive of any thankfulness. This is a proof of the sincerity of Whig professions. Sir Francis Vincent introduced a Bill for the amendment of the Law of Libel, which would have put that trammel upon freedom, on a sound and practical footing. But being too much dreaded by the Government as a severe test, no quarter has been given to it. Sir John Campbell in fact announced his determination to oppose the abolition of the proceeding by Criminal information, which is one of the great blots upon the system, though Lord

Brougham had formerly advocated that measure very strongly ; the servant against the master. These ministers make good use of the differences among themselves, to play the game they like best upon the whole.

It is the fashion to exculpate the ministers by ascribing their delinquencies, in turn, to the Court, the House of Lords, the Tories, the Whigs, the Radicals, their own majority, and the people.

Each of these parties may have been successful in doing wrong ; but the blame of giving them the opportunity lies wholly and entirely with the ministers. Honest men thrice deceived and thrice thwarted would have withdrawn, boldly declaring the cause of their withdrawal, and during their enemies with the consequences. But the ministers of this day are *not* politically honest. They profess certain principles formerly avowed by them with earnestness ; but content themselves with carrying them out in part only, or in some cases, denying them in others.

If the Court thwarted them, why Curtius-like did they throw themselves into the breach ! Will their self-sacrifice fill it up ? It is so plain that it is quite an adage, that one concession to the people, will produce the cry for another and another, till all, and more than all, is granted. The manifest tactic to be pursued therefore in such a predicament as the nation's is now, would have been to have proffered the whole good and the whole right. If the crown said nay, then the crown might have been advised by past historical examples of the consequences. A bold standing-forward and avowal must have wrought conviction and concurrence.

The making a few peers a year ago, would have cured the evil, or at least would have given another chance of amendment ; and many peers, notwithstanding their out-spoken denial, would have rejoiced at an opportunity of being compelled to acquiesce, which there is now no decent chance permitted them of doing.

Moderate men talk as of a common matter,—not with excitement, but in the soberness of business,—of the necessity of reforming the upper House ; and he that a few months since would have been regarded as a bold man, fit leader of a mob, would be thought one of but reasonable discretion if he proposed the matter to Parliament. The Marquis of Westminster has given notice of his intention to move next Session the abolition of the system of proxies ; and already one or two notices have figured on the votes of the Commons portending the abolition of the political state of the Bishops,

The House of Lords has been either a real or pretended bug-bear to this ministry. This is the test of their boldness; and boldness at such a crisis as the present forms a large measure of fitness. Like an unskilful surgeon, they have feared to apply a smart remedy but brief and easily endured; till hardly any remedy but death will avail.

No constitutional writer has ever contended that the principles combined in a system of checks, should be in a perpetual state of antagonism; and if these men would take from the Tories their wisdom instead of their folly, they would have learned that the Reform of the Commons must be followed by a Reform or the overthrow of the Lords. Was not the argument a thousand times urged, that in order to produce the required correspondence in the different branches of the legislation, the influence of the Crown and the Lords would require to reside in the Commons?

The thing wanted in the Representative system, and its object, is an entire correspondence of feeling, thought, and interest, between the governed and the governor.

The Commons therefore must be conformed to the people. Having done so much, it required small political wisdom to perceive that the Crown and the Lords must be conformed to the Commons.

A very short process will effect that object with the Crown. The supply, is the link that will bind Crown and Commons, like Siamese twins, to each other, when the Lords have been conformed.

How are the Lords to be conformed? This is the problem, which their own conduct is fast working out. Say they, all reforms of our own body should emanate from ourselves. Is any one among them proposed to produce his scheme? Is it fit, that under the nominal rule of 400 Members of mixed political nominations, the nation should be governed, at least negatively, by some fifty or sixty active workers of Toryism, posted there for the purpose by the elsewhere vanquished enemy?

This it is, which keeps alive the unwholesome heat of political conflict, and compels agitation into force. It is past human patience to reason a hundred times over, with men who say they will not hear reason,—who stand upon rights repudiated by all the nation, except their own little body.

But to pass on. The Tories have in their turn been the bug-bear. Why fear the Tories? Who are they? Where are they?

The Whigs indeed are to be feared. Avowers of good, and doers of mischief. Ignorant, self-sufficient, wanting honest

enthusiasm, what reliance can the people put on them? Let the events of the Session speak for them.

Of the Radicals, many have taken up that party as a better position, as one which in its day will be advantageous. Their information is scanty, and this owing to a lack of diligence, and partly to a lack of breadth of view. Hence many practical useful Reforms involving the best, the first principles, are past over. They are content to store up new speeches from old debates in Hansard. This is their political authority.

This is the picture of the mass. A few exceptions there are; few indeed. Another Session will give them a better opportunity of taking up the ground; but this will be lost if they are not better prepared. Let them review the work of the last Session, and prepare by a close scrutiny of the Public Accounts, which after all is the best map of British policy, for a more active and intelligent career. Nor should men who have pretensions to high and enlarged views, neglect details. The man of detail only, has perhaps never been a great man; but there never was a great man of much use, whose genius had not been educated and fortified by a knowledge of details.

Lord Brougham said wisely when the elections turned in favour of the Ministers, that the majority was too good. It has spoilt the Ministry;—a more equally balanced House would have stimulated them to greater exertions.

The Ministers have not dared to produce anything their too good majority aforesaid would disapprove.

The majority have not dared to affront their good servants the Ministry, lest they should take offence and retire.

Had these two politic parties spoken and acted honestly, they would have much helped each other. But both being ignorant and imbecile, they have contrived to fall out notwithstanding their politeness in public. It is ridiculous to hear the censures cast out of doors upon the Ministry in detail, by the very men who support and flatter them in the House.

The people have been in fault certainly, for chusing such a House; and this arises from public ignorance of present politics, which are in truth plain matter of business, which will never be understood till school-boy declamation is discarded,—the oratory and speech-making of the old school,—for good business-like habits with sound objects.

This is the test for the people. They should learn all the haunts of the men of their choice; but above all, the men of the towns should chuse towns-men, whether strangers or not hardly matters, so that they have the intelligence and feelings of towns-men. The present Parliament has been ruined by

the election of landed gentry. As a rule therefore for the guidance of electors of towns in times to come, it should be pressed upon them again and again, never to chuse a country gentleman. They have not habits of business; they have not knowledge of business; they have not a quick and active intelligence; they are in short your born enemies, and have, as far as in their power, made a law, that nobody shall sit in Parliament that is *not* your enemy.

The Ministers are of this class, with a few exceptions; hence one cause of incompetency. They have not interests that coincide with those of the people; their interests are one class better than the Tories, but only one; entire good has not been substituted for entire mischief.

For the character of the majority let Mr. Spring Rice be referred to. The following is his sober account of his confederates. Was ever satire so severe and poignant? What an estimate of the wisdom and information of the nation, if this be a true one of its collective. In the course of his speech on Mr. Ruthven's Motion on the abolition of sinecures, Mr. Rice spoke thus emphatically:—'If I may be allowed to speak of myself, I may venture to add that the opportunity of making this statement is in some respects not only gratifying, but convenient to myself. Very frequently our political friends,—and at times some political foes,—have come to me and asked for a memorandum of the reductions which we have made. I have been told "There is a county meeting at such a place." "This is the anniversary of my election," says a second. "There is a dinner of our independent club," observes a third. "Will you have the goodness to give us in some tangible and intelligible shape, a list of your reductions? We cannot rest upon mere professions," say they; "show us your good works, in order that we may justify the faith that is in us."

What man of spirit would not work day and night to remove this imputation of ignorance; yet these are the men who govern us, the object of the people's choice, ignorant of that which might be known as easily as the meaning of a word in a dictionary. These are the men, who subscribe to the hospitals, the races, the schools, and all sorts of other objects, purchasing by public bribery their honours. Men of right ambition would seize the first moment of leisure to scan in every detail the public accounts until they mastered them. One month, or two, would suffice to any man of ordinary intelligence. But next year and next, will these men return to Parliament, ignorant of the chief subject for which they are sent there; and when another election comes, they will be again elected. It were

as impertinent to suppose a merchant could know the state of his affairs, being ignorant of the state of his accounts, as that a Member of Parliament should know his duty till he has mastered the public finances. All things do not centre in finance, but finance is more or less linked with all things.

But the Ministers are at variance with themselves. This a good House of Commons would have corrected. They would have held every individual Minister responsible for his own acts. The application of the rule of the Bundle of Sticks does not apply here. It may apply well to a bundle of very bad sticks, and so help the cause of a party; but the people should establish another rule of responsibility, and not reject the good as well as the bad, for the blunders of the bad. The old Parliamentary etiquette in this matter, as well as in some others, should be rooted out. The talk of resignation has become a mockery not less sarcastic than the blunders of some of the Ministers. The rule for honest men, and an honest intelligent House of Commons, should be this;—on a broad principle of general policy, which governs all the movements of the Administration alike, a negative vote by the Legislature should be followed by the resignation of the Ministers. It is a plain saying to the Ministers, ‘we won’t have you.’ Or if the discussion only goes to the principle or details of a measure in some one department, then such a negative is like plainly saying to the Minister who has the charge of the matter, ‘we won’t have you;’—then should he go out.

If the House of Commons decide wrongly, then the people must interfere, and the Government may at all times appeal to the people; hence the value of the power of dissolving Parliament. In all matters of principle, resignation should follow, by one or by all. In matters of detail, unless there be blundering often detected, such an extreme course is absurd; the detail may be amended.

Of all this wrong-doing there is,—till the time shall come when the people being instructed shall chuse fit members and the Government be composed of fit men,—but one remedy;—to improve the checking body, the House of Commons, in its internal processes.

Had the Ministers of the Crown come down to the House at the commencement of the Session with their budget of measures, and after propounding the general views on which these measures were framed, moved that each of them be referred to a separate Committee, the Session would have been advanced at least three months, and the discussions would have been proportionably satisfactory.

At present these and such measures may be denominated Ministerial Surprises. The Minister having carefully concealed from the public every clue to a knowledge of the nature of his measures, comes to the House, and in such plausible manner as his skill or impudence will permit him to assume, puts the best face on them. All parties at the first glance are struck with admiration, and this feeling lasts until the bedizened thing has been investigated. In the meanwhile the Minister has gained this advantage. He has stolen a march on the public mind, necessarily ignorant of the matter; and secured its support. The representatives, instructed by their constituents, on finding them satisfied, neglect to examine, or determine to servilely aid; and the result is, that all reasonable suggestions are crushed by the impatient ignorance of the majority. All the preparatory discussions of questions are now carried on in comparative privacy, and the House and the country, though they have been talking for years on the subject in general terms, are woefully ignorant of the practical bearings of the measure, till it has passed the Legislature and shown its good or ill by its working.

On the East-India question, a Committee has been sitting for two or three years, and they have produced many volumes of Report and Appendix; all containing much desirable information. The Reports and Petitions since 1829 were fifty in number, occupying upwards of 7000 printed pages. But of what use have they been? How many Members have waded through a tenth part of them? Not six out of 600. It is an impossibility, unless all other things had been neglected, and then the evil would have been only changed in name.

Now had these Committees published each day the evidence, the public would have grown up with the subject, and undergone some training for the investigation of the specific measures.

Let the most active inquirers ask themselves, how much they know of the subject, and how many of their friends are better informed.

The cause of all this evil has been described; but why is it continued? See the following Note appended to all papers issued to members of a Committee during their sittings.

Great inconvenience having arisen from the publication of Minutes of Evidence taken before Committees, and of Papers so laid before them, it is particularly requested, that Members receiving such Minutes and Papers will be careful that they are confined to the object for which they are printed, the special use of the Members of such Committees.

The great inconvenience is, that questions should be partially

considered. Members having strong views, insure evidence corroborating those views; witnesses having special interests, or biassed views, testify accordingly without check. A Report is got up,—a Report of the Committee of the House of Commons, determining that which is not, or leaving undetermined that which is,—and the book is quoted as undeniable authority from one end of the realm to the other.

Now if these 'Minutes of Evidence,' and these papers were published daily, there would be a control on the members of the Committee and on the witnesses; and if men were found supporting a falsehood, others would rise up to expose it.

The books would, in such case, be of some use. Now they are oftentimes as valuable as waste paper, and for such often sold; part and parcel of the constitution of delusions which prevent the intelligence of the country from having its proper effect on legislation.

There would be this further advantage in a system of standing Committees, where each Member, in addition to his general duty as a member of the House, should have some specific duty assigned to him. The business of his Committee—(if he have intelligence and common ambition, and though the first he may over-rate, the latter must certainly exist, or he would not have attempted in such times as these to have obtained a seat in the Legislature)—he would make the particular object of his attention, and having mastered that, must have acquired skill and acuteness which would facilitate the understanding of other questions.

There are men in the House whose qualities are not showy, clever men and well-informed, who complain that they can do nothing, since every duty is monopolized by a few. The public loses in the forced keeping back of these men. Committees would give them opportunities and courage, and the House must speedily receive a soberer hue, from the participation of such men in its debates.

The ignorance of the House can never be cured without a remedy of this kind; and Radicals ill deserve the name, who do not use every energy to apply it. The Ballot and Triennial Parliaments are useful and necessary adjuncts to the system of representation; but were these obtained, the present evil would still exist in the same force. Why not make it one of the *crack* questions, and urge it Session after Session, till the House yields? But who among them will work out to completion any measure, or exert themselves further than to make a good speech? Some do too many things, and therefore nothing well or connectedly. Others have not energy, or patience, or

enthusiasm, to prompt them to devote months and years to the full development of their subject; content to ask everywhere and every one, whence and from whom information or assistance may be obtained, they dwell in their own conceit happy and useless. If this be untrue,—and may the future prove it so,—let some dozen men calling themselves Radicals, pick out each his question, and if necessary, devote his life principally to that;—let him penetrate every corner where he may find help, and, having mastered his subject, plant himself day and night in the House, watching every opportunity of stating a principle, marking an analogy, throwing out an illustration, until, bit by bit, the House has got his whole view. By such means is mobbish ignorance overcome; and by such only,—till the Intelligence from without walks in, and, Cromwell-like, casts out the Prejudice inside, and the bauble Self-Interest.

A question thus urged would be carried in a session or two. Not a day could pass, which would not offer many opportunities of throwing out a view apt to the purpose in hand, and by analogy apt to the remote purpose; and by turns, all parties in the House would assent to the several forms of a proposition, till no one could pretend to deny the naked truth. The petition, the return, the debate, the committee would each give their respective opportunities. A shrewd eye would detect a hundred such, in looking curiously over the debates of any one session. It seems to be the notion of our statesmen, to avoid a danger by letting it alone. They talk of averting Revolution, while the Revolution is left in progress. Not indeed a Revolution of force and blood, such as they conceive, imagining the possibility of none other; but the gradually casting off the old skin and putting on the new. The silent change of opinion, which is inward, moving with a force accelerated by the resistance offered by these cobbling statesmen. The Revolution which is their dread, is but one possible phase of the Revolution which is going on,—the temper eager for change, resisted, and irritated by resistance. They know if they were to repeat the cry that Reform is not needed, a Revolution of blood would come; but they vainly conceal from themselves that the same temper, mortified by the continual disappointment of expectations of greater good than is given, may be roused to the violence dreaded. Suppose the occurrence of any one of those thousand political accidents, which have many times heretofore dashed to the ground the hopes of an age,—is there no danger? A day may bring forth that state of things, which makes a Revolution of violence inevitable; for who could quell the vehemence of an ignorant people,—in politics ignorant,—if excited by want, and the despair of the good

which has been promised. There is danger then in delay. There is not time to give a little now, and a little more by-and-by. What is done should be well done, and quickly ;—and the next thing after that, should be set about and disposed of with the same earnest alacrity and completeness.

Our timid politicians have raised up the bugbear of caution, until their vision is obscured by its presence,—they see nothing else. Does a sailor who discerns the coming storm, talk therefore of the necessity of doing nothing, lest harm may come? Does the surgeon think only of the death which may ensue from failure? Caution dictating doing what is right is indeed wisdom; but the caution which consists in doing nothing, is cowardice and imbecility.

The men who govern the country, look neither behind nor before them. The whole world is to them the little spot on which they stand, eternity the moment present. They have not principle, and are crushed by detail. They are content to mend a small hole, when all the rest of their vessel is ready to break out, and give them another and another hole to mend. They are the men, who put new wine into old bottles, when it would cost as little both of time and money to have new.

The sagacious Burke said, ' Our wisdom should not be vulgar. Other times, perhaps, other measures; but in this awful hour our politics ought to be made up of nothing but courage, decision, manliness, and rectitude. We should have all the magnanimity of good faith. This is a royal and commanding policy, and as long as we are true to it, we may give the law. Never can we assume this command, if we will not risk the consequences. For which reason we ought to be bottomed enough in principle, not to be carried away upon the first prospect of any sinister advantage. For depend upon it, that if we once give way to a sinister dealing, we shall teach others the same, and we shall be overcome and overborne.'

The picture of these men to the life. Burke knew his *whig* associates. He must have drawn the picture from them.

ART. XI.—1. *The Physiology of Plants ; or the Phenomena and Laws of Vegetation.*—London. Murray. 12mo. pp. 298. 1833.

2. *Illustrations of Vegetable Physiology, practically applied to the cultivation of the Garden, the Field, and the Forest ; consisting of Original Observations collected during an experience of Fifty Years.* By James Main, A.L.S.—London ; Orr. 1833.

THE first of these two works, which at least resemble each other in the title-page, is by Mr. John Murray, the chemist, whose domicile it is believed is at Hull, from whence his philanthropy and ingenuity radiate over the rest of the world. The sphere of this gentleman's utility is well known to be large ; but the variety of his philanthropic and scientific exertions is almost incalculable. The vegetable kingdom, it might have been supposed, was a new conquest, for he has not in previous works, laid claim to any part of its domains ; but on looking into the preface of the 'Physiology,' it will be found that it has been long his favourite pursuit, and the chief source of his enjoyment. It might have been imagined that his genius chiefly revelled in chemistry, for great have been his exploits therein, large and long his discussions, bright and lasting his discoveries. Still more naturally would it have been supposed that his peculiar passion was for the saving of human suffering by the application of the lights of science ; for it is here assuredly that his chief efforts have been directed. Of this character are his lucubrations on 'suspended animation,' his invention for 'saving from shipwreck,' his new 'lightning conductor,' and generally his works on 'aërial phenomena ;' but more especially, his treatise on the 'Disease called Hydrophobia ;' and his other treatise on 'Pulmonary Consumption,' wherein this dire disease is for the first time treated chemically, and the discoveries of modern chemistry applied to its relief with at least great plausibility, and wherein also, if even the curative process be found to fail, at any rate much light is thrown on the true character of the disease, and a vast variety of facts brought to bear on the circumstances under which this sad malady is found to prevail. The distinctive character of these and all other of Mr. Murray's numerous writings, is, that he is an indefatigable collector of facts which by their singularity, or other property, may assist the philosopher in spelling out the ways of nature. By thus bringing to bear all the remarkable phenomena of nature on his subject, he as it were pricks out its extreme boundaries, and so far aids in the completion of a general survey, leaving however the interior for the quieter examination of such men as Mr. Main, who his title page records has been for fifty years chiefly

if not solely occupied in watching nature, and that probably without going many yards from his own garden. While Mr. Murray brings the labours, travels, and researches of the whole world of naturalists and adventurers to bear upon his views of the vegetable world, Mr. Main, spade or knife or hook in hand, has contented himself with such of the ordinary but elementary and universal operations of nature, as are eternally proceeding within the limits of a few acres of nursery ground. This is a difference on which Mr. Murray will pride himself; he contemns the imperfect theories of enthusiastic inventors, who struck with what is common in a few phenomena, proceed hastily to the construction of a system. Mr. Murray cries out for induction, but is never satisfied that he has facts enough. Unless, when he indulges in some little pet theory of his own, he cries out against theories, and appeals pen in hand to the works of a thousand naturalists and travellers. Let us bring all nature to bear, he exclaims, penetrate her remotest fastnesses, and only stay to systematize when the whole arena of dispute is crowded with her trophies.

Mr. Main's procedure presents a contrast with this. Quietly, knife in hand, he says, All nature is here in the plant before us, let us observe her ways. If Mr. Main detects a bump or knot in a tree, he watches it, he cuts it, he ties it, he almost lives upon it; but Mr. Murray dives into all the depths of knowledge, and brings you up all the most curious bumps and knots that observers in the whole course of observation have ever detected; he compares their size, their substance, their characters; and when all is done, ventures to represent, that enough is not known whereby to come to any sound conclusion. Both these plans contribute to the advancement of science, and each is probably adapted to the talents and capacities of the individuals who select them. Mr. Main may or may not make useful discoveries, or throw new light upon the operations of nature; but the works of Mr. Murray, displaying as they do the phenomena of nature in their most striking and captivating form, cannot fail to increase the number of her worshippers, if he does not also do it by the aptitude of his examples, the liveliness of his illustrations, and the ardour of his descriptions. For Mr. Main, and his pursuits, and his work, it is impossible not to feel respect; and it is possible that in proper hands his book will prove the more valuable and fructifying of the two. But for the purposes of merely popular instruction, Mr. Murray's work is better calculated. Of his lively manner of setting the Kingdom of Nature before his reader, it will be easy to give numerous proofs, and at the same time make such

a selection of his instances as may produce the effect of his entire book, which is that of generating an ardent love of knowledge.

In the materials of which paper is, and has been, or may be composed, all readers and writers are interested. Here is the antiquarian view of the subject by one who has taken the interest of a chemist and a botanist in it; one of Mr. Murray's separate writings being dedicated to 'practical remarks on modern paper.'

'From the *pith* of the papyrus antiquorum, were formed the papyri of Egypt, found in the sycamore (*ficus fatua*) coffins, the dormitories of mummies; as well as those recovered from the ruins of Pompeii and Herculaneum. The "paper reeds by the brooks," are mentioned in the prophetic records, several centuries before our æra: the papyrus still clings to such spots among the marshes of Egypt, and the Delta of the Nile; and forms a beautiful ornament on the banks of the Anapus: that found among the swamps, near the ancient Syracuse, seems to be a variety, if not a distinct species; and M. Lippi states his having found two species different from the true papyrus antiquorum of modern botanists. The cyperus papyrus of Linnæus rarely exceeds ten feet in length, which is about that of a specimen in my possession, though Pliny says the root was as thick as a man's arm, and that the plant occasionally exceeded fifteen feet in height. Its stem is imbricated, of a triangular shape, and tapers toward the summit. The head of the papyrus is composed of a tuft of small grassy filaments, about twelve inches long; toward the middle, each filament separates into four, and in the partition are four branches of flowers, not unlike an ear of wheat, but forming a soft and silky husk. The flower of the papyrus was used in ancient times in religious ceremonies. We have seen a very fine and tall specimen of the papyrus antiquorum in the lecture room of the Botanic Garden of Edinburgh, growing in a vessel of water. This celebrated plant supplied the paper or writing material of ancient times; and, in the natural history of Pliny, we are supplied with a description of the process employed for making paper: the papyrus was separated into thin slices, by a fine point; these were brought into contact by their edges, transverse slips were again superposed on them, with their edges in similar contact: this done, the mass was sprinkled with Nile water, and submitted to pressure. This ancient paper, which became an important branch of Egyptian commerce, especially with the Roman Empire, and in the reign of Augustus, we have every reason to believe was thus formed. If we hold up a specimen of Egyptian papyrus, between the eye and the light, the ribs may be seen parallel, and crossing each other at right angles. We have seen two specimens of modern papyri, manufactured by the Chevalier Landolina, of Syracuse, by a process similar to that described by Pliny, in which the medulla, or pith, was employed, not the external rind of the reed, as has been generally supposed. One of these specimens I saw at the Studio of

Naples, the other in the British Museum, with a description of the process in Italian, both presented by Landolina. I have compared each of these with Egyptian papyri, also with those recovered from Herculaneum, and there can be no doubt that the process employed has been the same. Dr. Schouw, of Copenhagen, supplied me with a detail of the process communicated to him personally by Landolina, and it is substantially what has been stated. I have myself tried the same experiment successfully, on a small scale. The paper formed from the paper reed was in high estimation in the time of Alexander the Great. Ptolemy Philadelphus, King of Egypt, when he commenced his library, and collected an immense variety of books, had them copied on this kind of paper. In his reign, considerable quantities of the paper were exported; which was, at length, however, prohibited, to prevent the King of Pergamus from establishing a rival library. Paper made from the papyrus, was principally manufactured at Alexandria, and the city was considerably enriched by the exportation of this paper. Vopiscus mentions one Formics, who boasted that he could maintain an army from the value of his stock of paper: when it began to be disused is not certainly known; as late as the fifth century it was in general use in Europe; and in Italy and France, was continued to the eleventh and twelfth centuries.—p. 28.

Some curious facts are collected on the locomotion of plants. The manner in which that curious class of flowers, the *Oichises*, would in time make the pilgrimage of the garden if let alone, is explained by the perpetual generation and decay of a lateral tuberous root. The Monkshood also marches and proceeds about an inch annually; so that in a century it would have travelled nearly eight feet and a half. Of roots that are used for food, Mr. Murray as usual puts together the most striking known facts. Of stems that detach roots and of trees that change their position, he records the following facts, prefixing some remarks on the general property in the banian and other trees.

‘ Though the root usually springs from the base of the tree, the branches sometimes detach roots; of this description is the tree-houseleek, *sempervivum arboreum*, found attached to rocks on the shores of the Mediterranean—(See plate II. fig. 9,)—the branches bending downwards, detach parcels of fibrous roots at the bend. The celebrated banian tree, or *ficus religiosa*, of which that of the Ner-buddah is a spacious example, projects roots downwards from its branches; these, fixed in the earth, become stems, and form a “pillar’d shade.” Though there have been miniature specimens of this tree in our conservatories, the fixation of the detached roots had not been accomplished, until the precaution of enclosing them in tin tubes was adopted; this gave them a direction, and likely preserves that hygrometric state which is essential to success; so that perhaps a band of moss, such as was employed in the case of the scarlet air

plant, would have equally subserved the purpose. The *pathos violacea*, so called from the colour of its berries, is a native of Jamaica, and a shrubby stove plant. Its stem supplies roots similar to the banian tree. The mangrove, of which more in the sequel, is a most grotesque and extraordinary instance of a similar nature; the lower series of branches bend to the ground, take root, and form a series of arcades; so that the tree seems lifted up into the air, and supported between the heavens and the earth, by gigantic stakes. These illustrate the conversion, or change of the main roots into stems, and *vice versa*. There is a plane (acer pseudo-platanus) among the ruins of New-Abbey, a monastery in Gallowayshire; it once overtopped the wall, but being incommoded for want of room or food, detached a strong root from the top of the wall, which established itself in the soil below, was changed into a stem; and having disentangled its remaining roots from the top of the ruin, the entire tree became insulated from, and independent of the wall. The tree thus walked from its original site. Lord Kaimes mentions the phenomenon, and the fact is well accredited. A strawberry, planted in the angle of a garden, in a poor and sandy soil, has detached a stem in the direction of the richer soil, fastening its roots in its progress thither; the original stock decayed, and the plant advanced, *pas à pas*, progressively to the genial earth. On the Lago di Como, near to the Villa Pliniana, we have observed pendant roots, that had crept down the surface of the rock and become stems.—p. 40.

This is his enumeration of the rarer esculent roots;—

‘Roots, though sometimes acrid, frequently supply much wholesome nutriment, chiefly fecula: the potatoe, the yam, the Indian arrow-root (*maranta arundinacea*), the orchis morio, the source from whence salep is obtained, the Jerusalem* artichoke, and others, show the economical importance of many of the tuberous-rooted plants. The *arum campanulatum* is cultivated for its root in the East, as the yam is in the West Indies. Nor are bulbous roots without their importance; in the East Indies, as well as Egypt, the onion is prized, and we have been informed by a military officer, sometime in Egypt, that this root is very superior in taste and flavour to those cultivated in Europe; it is highly relished, and still bears as great repute now, as when it formed an item in the reminiscences of the children of Israel. The Kamtschatka lily supplies the Kamtschatkans with their best bread. The tulip root is eaten in Italy, and some of the ornithogalums and ixias become food in Africa: no doubt a variety of others, in times of scarcity, might become wholesome articles of diet, and some, perhaps, items of luxury. The crocus root seems to be a great favourite with mice, and this season, I have lost nearly a thousand crocus bulbs, by their destructive ravages.’—p. 43.

* *Girasole* or *Sun-flower* artichoke; being a species of sun-flower, whose potatoe-like roots have the flavour of artichokes. On being introduced into Covent-Garden from Italy, the name was corrupted as seen.—Editor,

Of the length and extent of creeping trees, Mr. Murray collects facts which fill the mind with ideas of the profusion and illimitableness of nature.

‘ We have already adverted to upright stems at right angles with the horizon ; some stems, however, are slender and twine round supports, in various directions ; or remain flat, and incumbent on the plane of the horizon. One of the alga, the “ everlasting bladder-thread,” has been found by sailors *fifteen hundred feet long*. Mr. Fanning, proprietor as well as curator of the botanic garden of the Carracas, states his having, a few years ago, trained a species of convolvulus no less than *five thousand feet*, in six months ; which, had its growth been uniform, was at the rate of twenty-four feet in a day and night.’

‘ Innumerable are the various climbing plants that thread and interlace the interminable forests of tropical countries,

“ Nullius penetrabilis astro.”

In the Brazils, the vegetation of which has been so well described by Humboldt, Spix and Martius, and Prince Maximilian ; the wild vine, bignonias, passifloras, baubiniæ, dendrobias, and banisterias, with countless others, “ beyond the power of arithmetic to number up their tribes,” wreath the trunks and branches of these forest kings, with chaplets and garlands of foliage and flowers, not their own ; forming a mountainous mass of living luxuriance, adorned with the most glowing colours, as if kindled by the rainbow. Sometimes this forest tackling and cordage, form festoons of flowers, by uniting tree to tree, in a series of natural alcoves, grottos, porticos, and colonnades, in all the florid grandeur of the Gothic architecture of vegetation. “ Sometimes straying from their supports,” says Viscount Chateaubriand, “ the *lianes* traverse creeks of the rivers, over which they stretch verdant bridges, radiant with flowers : from the bosom of these passes, the magnolia elevates its steady pyramid, surmounted with dazzling white roses, and towers over the forest without a rival, except the palm, which balances near, its fan-like leaves.”

‘ The forests of the eastern hemisphere have their counterparts in these respects. The *cogue* of Chili, after it has attained the topmost branches of one tree, darts again to the ground, seizes hold of another tree, climbs its summit, and thus passes from tree to tree ? it has been known to extend upwards of 600 feet. From its toughness and pliancy it has been employed for cordage and other uses. Colonel Welch describes a phenomenon of this kind in India : “ There is,” he states, “ a creeping plant here, winding itself round several of the largest trees, and in all sorts of fantastic forms ; but how it has contrived to throw itself from tree to tree, I cannot possibly conceive. It is generally the thickness of a stout man’s arm, and at the base measured fifty inches in circumference. The natives call it *sheekai*, or *checkay* ; the leaves are small and delicate, and the small branches only, covered with thorns, like fish-hooks. Strange to say, we also found some tall trees of the same species, whilst this one was entirely a creeper.”

Indeed there can be no doubt but many of these climbing and voluble plants extend *several miles* from their source.—p. 57.

As the last extract presents striking images of the infinite length of stems, so is the following one equally remarkable for its facts respecting the magnitude of foliage.

‘In the foliage of plants, there is a vast diversity in superficial extent, as well as thickness. There are leaves of microscopic minuteness; and others of immense size. Some species of coltsfoot are of considerable magnitude; and leaves of the rheim palmatum, have been found to measure five feet in their longest extent, by three feet in their greatest breadth. These, though remarkable for this climate, sink into insignificance in comparison with tropical foliage; the leaves of the *dancea elliptica* measure, in many instances, not less than six feet in length, and nearly eighteen inches in diameter in their widest part. The leaves of the *strelitzia regina* grow to the height of three or four feet by eighteen inches, and sometimes leaves of this plant will be found still larger. The leaf of the *musa paradisiaca*, or plantain, has been found to measure more than ten feet in length, by two feet at the base. Some leaves of palms far exceed even these dimensions. A leaf of the *corypha umbraculifera*, or great fan palm, or talipot tree, sometimes measures five and thirty feet in circumference, a sufficient covert for 30 or 40 men. The *rafia* palm of Madagascar is said to measure sixty feet. A frond of the *ciboa* palm serves the natives of Africa as an umbrella, and thus protected Mungo Park from the tropical rains. In the South Sea Islands, the leaf of the talipot palm serves as a parasol, as it does the purpose of an umbrella in the East Indies. At Manilla, one of the Philippine Islands, a Jesuit missionary had a dwelling constructed for him under two palm leaves, where he said mass, and slept secure; it was a complete covert from the storm, and no rain could penetrate. In consistency also, the fronds or leaves are very various: airy like gossamer, or the texture of the most delicate film, up to the coriaceous mass of the Nopal, or the thick succulent leaves of some mesembryantheums, and the rigid ones of the agave. The leaves of the *paliscorea rigida*, large, tough, and unyielding, rustle like parchment in the wind; and the cactus *spinossissimus*, and some yuccas and agaves, might form a stockade or circumvallation, which would defy an enemy, with all the armoury of war. Indeed we once remember to have seen, near to Orbitello, in Italy, a field, of which the agave americana was the entire fence, and a most impenetrable barrier it seemed to be.’

‘Leaves are sometimes beautifully polished, and shine like ivory. The *begonia nitida* has leaves which possess a beautiful lustre: the magnolia, the holly, and the laurel have leaves that seem to be varnished. Each leaf of the double cocoa nut is twenty feet long and ten feet wide. Sometimes the leaf is silky, or satiny, resembling the pericarp of Honesty. The silver tree, *protea argentea*, presents a beautiful example of a shining satiny leaf: some leaves are so clothed with down as to resemble white velvet: the *verbascum thapsus*, or

great mullein, is a familiar instance of a thick woolly covering for the surface of the leaf. Sometimes this satiny or woolly integument may be stripped off entire, a process which is managed with considerable dexterity by the natives of the south of Africa; the stalks and leaves thus treated, supply stockings, gloves, and caps. According to Humboldt, caps are formed of the spathes of certain palms, which possess a coarse net-like tissue. The inner bark of *Cordia alliodora*, or shirt trees, supplies the Indians with garments resembling sackcloth.—p. 66.

The size of the flower varies from a scarcely visible point to a circumference of nine feet.

The largest flowers hitherto discovered are the *Rafflesia arnoldi* and the *Rafflesia patma*, the former of which is nine feet, and the latter six feet in circumference; but the most curious part of their extraordinary history is, that they are *mere flowers*, without root, stem, or leaf; so diversified is that proteus thing called a PLANT. We naturally assume that to constitute a plant, it must be possessed of specific parts: root, stem, leaf and flower, are features which, in the mind's eye, are essential to the constitution of a proper and perfect plant; but in the tuber cibarium, we perceive a root, and nothing more, yet it is a plant. In the *Rafflesia* and *Brugmansia*, it is a flower, and only a flower, though doubtless these too are plants; and in some of the algae and lichens a leaf, and a leaf alone, still these are plants.—p. 85.

The following is the story of the discovery of the *Rafflesia arnoldi*.

Among the most extraordinary discoveries of modern times, fertile as our era has already been in the fruits of research, is that of the *Rafflesia arnoldi*; discovered in the year 1818, by Dr. Arnold: its generic name is a very just compliment to the late Sir Stamford Raffles, and the specific name to that of its discoverer. Plate I. figure 5, represents this extraordinary parasite found in the island of Sumatra. The circumference of the fully expanded flower is NINE FEET, being a yard in diameter. The nectarium was computed to hold twelve pints; and the entire weight to be 15lbs. The petals or segments, which are five in number, are about twelve inches long, and vary from $\frac{1}{4}$ th to $\frac{3}{4}$ th of an inch thick. The colour of these petals is brick red, covered with yellowish white protuberances. I have seen a fine wax model of this magnificent titan of the vegetable kingdom, in the rooms of the London Horticultural Society; and there are buds in the Linnean Society's Museum; the flower fully blown was discovered in a jungle under some bushes, close to the ground, with a swarm of flies hovering over the nectarium, and apparently depositing their ova in its substance; the late Dr. Arnold thus announces its discovery in a letter to a friend:—"At Pulo Lebban, on the Manna River, I rejoice to tell you, I met with what I consider the greatest prodigy of the vegetable world. I had ventured some way before the party, when one of the Malay servants came running to

me, with wonder in his eyes, and said, 'Come with me, sir, come! a flower very large, beautiful, wonderful!' I went with the man about a hundred yards into the jungle, and he pointed to a flower growing close to the ground, under the bushes, which was truly astonishing. My first impulse was to cut it up and carry it to the hut: I therefore seized the Malay's parang, (a sort of instrument like a woodman's chopping hook,) and finding that it sprang from a small root, which ran horizontally, (about as large as two fingers), I soon detached it, and removed it to our hut. To tell you the truth, had I been alone, and had there been no witnesses, I should, I think, have been fearful of mentioning the dimensions of this flower, so much does it exceed every flower I have ever seen or heard of; but I had Sir Stamford and Lady Raffles with me, and Mr. Palsgrave, who, though equally astonished with myself, yet are able to testify as to the truth."

"The whole flower was of a very thick substance; the petals and nectary being in few places less than a quarter of an inch thick, and in some places three quarters of an inch: the substance of it was very succulent. When I first saw it, a swarm of flies were hovering over the mouth of the nectary, and apparently laying their eggs in the substance of it. It had precisely the smell of tainted beef."

"Now for the dimensions, which are the most astonishing part of the flower. It measured a full yard across; the petals being twelve inches high, and a foot apart from each other. The nectarium, in the opinion of us all, would hold twelve pints; and the weight of this prodigy we calculated to be fifteen pounds!"—p. 204.

Plants are not the only things that walk; there are seeds which appear possessed of locomotive power, and the capsules of some flowers explode spontaneously when the seed is ripe, and thus spread their race on all the soil within range of their fire.

'The forms of seeds are very curious, and infinitely diversified: some are like a horn, a crescent, a shield, or a horse-shoe; others resemble a snail (medicago), or a caterpillar (scorpiurus)—others, again, will be found like a shuttlecock, as the cyamus; all these forms, we reasonably conclude have their design—"nothing cometh by chance." These peculiarities in structure are connected with their preservation, their dispersion, their insertion into the soil, and the depth to which they penetrate, as well as their mode of germination. The feather grass, *stipa pennata*, is plumed like an arrow, which will preserve the seed in a particular direction; and as soon as it darts down upon the earth, it worms or screws itself into the soil, to a certain depth; when the plume, having fulfilled its office, breaks off, flies away, and becomes the sport of the winds. Though this be a very singular phenomenon, the shuttlecock seeds of the thistle and dandelion afford examples of contrivances of a somewhat similar kind. The seeds of the *tillandsia*, or wild pine of the West Indies, a parasite on other plants, are supplied with long threads, which have the property of coiling themselves round the branches of trees, and thus

become fixed, until the seeds germinate. Many seeds are remarkably susceptible of moisture. The seeds of the musk cranebill are connected with an apparatus which unscrews itself when moist, and coils itself up again, when dry. When these seeds are moistened they begin to move, and the minute hairs serve as feet to direct their movements. When the bearded oat is left for some time undisturbed in the barn along with other grain, it is found to have escaped from the husks, and crept to a distance from its former attachment. The grains of *equisetum sylvaticum*, when placed on a table, and viewed through a lens, present an appearance like insect motion, and may be seen to leap over an intervening object. If we shake a frond, for instance, of the horse-tail fern over damped paper; when examined by a lens, the minute seeds will appear to crawl about like so many spiders. Thus the application of the awn of the wild oat for the purposes of hygrometry, and the still more sensible Indian grass, employed in Captain Kater's ingenious and beautiful instrument. The peculiar inclination in the inequalities of surface in the awn of barley, will prevent its retrogression, while its expansion by moisture will impel it forward from the spot where it originally fell: its march onward, therefore, will be incessant from moisture, and it will merely pause in its progress, when that moisture exhales. Mr. Edgeworth constructed an automaton figure on the principle of the animated oat, which, in a few weeks, walked across the room. The screw-like structure of the bearded oat is very apparent, resembling in some measure the remarkable stem of the screw pine, which is perhaps designed to serve a somewhat similar purpose in its relations to moisture; if we breathe on the seed, the awn, which is a little elevated above the plane of the horizon, will be put in motion, and describe the segment of a circle. When the *avena fatua*, or mad oat, is therefore moistened, it writhes like a being possessing life; of this description is the seed of the geranium *ciutarium*, and others. The seed vessel of the *didymocarpus rexii*, which is twisted up in the form of a spiral coil, unwinds with moisture, and drops its seeds under circumstances favourable to their germination. The microscope reveals some extraordinary phenomena of this kind; and Mr. J. E. Bowman pointed out to me some singularities in minute cryptogamous seeds, which, when affected by moisture, and seen under the microscope, appear all life and motion, particularly the *trichia* and *sphærobolus*, where, from a point, invisible to the unaided eye, the seed vessel voluntarily expands, and rolls forth its millions of globes, as indeed its name in Greek implies.

'The dispersion of seeds also supplies us with a chain of curious contrivances, admirably suited to the purposes for which they are designed; and it is a subject of regret, that these singularly constructed species of mechanism, have not been so minutely investigated, as the interesting subject merits; well might Forskal say; "*miro, nec adhuc investigato mechanismo propellantur semina.*" The capsule of the violet will project its contained seeds to a distance of several feet; and the elastic arillus of the wood sorrel, will eject them over a consi-

derably greater space. The *cuphorbia coccum* (Gærtner) is also remarkable in this respect, as well as some of the ferns, which possess an elastic ring for the purpose; geranium, *fraxinella*, and others. The crackling of the capsules of furze in a warm summer day must be familiar to many, and is sometimes the only sound which breaks the stillness of the landscape. The scales which enclose the seeds of pines sometimes open suddenly, and disperse their contents. The noise occasioned by this mechanical impulse on the air may be often heard at a considerable distance: "This crackling voice," says Mr. Keith, "was observed and traced to a fir-tree, namely *pinus pinca*, at Kendlesham parsonage, on July 14, 1808, by two young gentlemen, my pupils, who thought the tree was bewitched till the cause of the noise was pointed out to them." A species of wild cress, *cardamine impatiens*, suddenly unfolds its seed vessel, on being touched. I have, when handling the plant, and more minutely examining the structure and elastic apparatus of the seed vessels, been temporarily deprived of vision, by the impulsion of the seeds into my face. The balsam, *balsaminum*, is not less curious than the rest of these, and has been not inappositely, from the elastic force employed by the seed pod in the dispersion of its contents, called "touch-me-not." In these cases, the power of the projectile seems to reside in the elasticity of the valves of the capsule.—p. 112.

One other property only of particular classes of plants will be mentioned; but it is a very curious one, and connected with the delicate and not well understood subject of the electricity of plants. The property referred to is the luminousness of the rhizomorphæ and other vegetables, which give to mines and other places the fairy glow of the subterraneous splendour of the Arabian Nights.

—in the case of the rhizomorphæ there can be no mistake. These curious plants are found in subterranean cellars and mines, and illuminate the darkness which surrounds them with their magic light. In some of the coal mines of Dresden, they are singularly beautiful and brilliant. Mr. James Ryan informed me he was once accidentally shut up in a mine, and the light of one of the rhizomorphæ was so brilliant that he could distinctly see to read a letter by it. As the rhizomorphæ prey on dead wood, they impart to it a phosphorescent light. The *rhizomorpha phosphorescens* is found in the mines of Hesse, and yields light in the dark, but ceases to be phosphorescent in hydrogen and some other gases: the *rhizomorpha subterranea* and *aidula* have also been found to illuminate the mine with their fairy light. Mr. Erdmann thus describes the luminous appearance of the rhizomorphæ in one of the mines of Dresden. "I saw the luminous plants here in wonderful beauty; the impression produced by the spectacle I shall never forget. It appeared, on descending into the mine, as if we were entering an enchanted castle. The abundance of these plants was so great, that the roof, the walls, and the pillars, were entirely covered with them, and the beautiful light they cast around almost dazzled the eye. The

light they give out is like faint moonshine, so that two persons, near each other, could readily distinguish one another. The light appears to be most considerable when the temperature of the mines is comparatively high." That the light is electric seems most probable, when we consider that an electric discharge imparts phosphorescence to Canton's phosphorus, (calcined shells), and that heat enhances the light.—p. 265.

It is not necessary to proceed further with extracts from this book of wonders. By this time its character is pretty well understood. The best view has been taken of Mr. Murray's writings; he is a little apt to err in matters of taste; his style is often more gorgeous than his matter; and his self-congratulation occasionally somewhat too hearty. He is a good deal given to the disputatious and controversial; a fault not at all uncommon among his brethren of modern science. It is possible he has often been unjustly attacked, and what is worse, been robbed of discoveries; but these are accidents which the philosopher should bear meekly.

ART. XII.—*Treatise on the Construction, Preservation, Repair, and Improvement, of the Violin, and all Bow Instruments, together with a Dissertation on the most eminent Makers, pointing out the surest Marks by which a genuine Instrument may be distinguished.* By Jacob Augustus Otto, Instrument Maker to the Court of the Archduke of Weimar. Translated from the German, with Notes and Additions, by Thomas Fardeley, Professor of Languages and Music, Leeds.—London; Longman. 8vo. pp. 66. 1833.

'THERE is an art in everything;' as a late mathematical professor and dignitary of the church, of Cambridge, said on seeing a glass of the poor creature small beer scientifically poured out by a London waiter. As it is difficult to yield assent to the creed of a Yorkshire ploughman, that there are three hundred and sixty-five bones in a pig's foot; so, who would have believed there were fifty-eight pieces in a fiddle, and yet it seems it is so, upon the authority of Herr Otto, Musical Instrument Maker to the Court of the Archduke of Weimar and the University of Halle besides, at which last-mentioned city and seat of knowledge, together with his two sons, he 'undertakes the trial and probation of Violins, and will be happy to attend to any communications from his patrons and friends.' He has moreover 'now had thirty years practical experience in the restoration of such ill-fated instruments' as have got into the hands of repairers,—a crying evil under the sun,—and the construction of new ones, and has besides this

studied music, mathematics, physics, and acoustics,'—from which he thinks himself qualified to grapple with those other sources of human error and disappointment, no less worthy than the preceding of the attention of the utilitarian and philosopher, through which 'parents of accomplished minds' 'have frequently gone to the expense of ten pistoles for a Violin, which was worth scarcely as many dollars.' There is considerable art in this climax;—no fee grief, but a whole family, an accomplished one too, lamenting over a disappointment in a violin.

'The Violin justly holds a pre-eminent rank amongst all instruments played with the bow [and it might have been added, *without*]. It may indeed be termed a perfect instrument, as by the peculiarity of its construction, the minutest gradation of tone can be produced upon it.'—p. 1.

Old Mersennus and nobody else, has the credit of finding this out, at a time when the Violin without frets was only beginning to be considered as a practicable instrument, and antecedently, it is imagined, to the establishment of that orchestra by Louis XIV, or its imitation by Charles the Second, which the musical antiquary recognizes as commemorated in the ditty of 'Four and twenty fiddlers, all in a row.'

Passing by Stahmann of Vienna, Jauch of Dresden, Whithalm of Nuremberg, Hoffman and Hunger of Leipzig, Buchstaedter of Ratisbon, Hassert of Rudolstadt and him of Eisenach, Klotz in the Tyrol, Rauch of Breslaw and the other of Würzburg, Riess of Bamberg, Scheinlein of Langenfeld, Ruppert of Erfurth, Francis and George Schonger and Bachmann of Berlin, and Straube of the same favoured place, Ulricus Eberle and Charles Helmer of Prague, Samuel Fritzsche of Leipzig, Durfel of Altenburg, Schmidt of Cassel, and many others,—all great men in their generation, each sitting at this hour under his vine and fig-tree, and able to furnish a violin might win Eurydice from the infernal gods,—the principal head of dispute appears to be between the *flat* model and the *deep*. The approved result may be assumed to be, that the flat model makes most noise, but the deep has the most sweetness, and it might be added variety, of tone. This last quality is conspicuous in the case of guitars; and it is presumable that the same will hold in all other instruments that come under the head of '*fidibus canoris*.' The flat instrument is well for a rant or a rattle; but it is the deep one that has 'the tones.'

In violin-building as in ship-building, it might easily happen, that the choice models of a hundred and fifty years ago should be easily surpassed. Among them there must be a best; but who

knows but there may be a better than the best? Has anybody tried? For example, is it written in the tablets of any of the makers above cited from Staelmann to Schmidt, what would be the qualities of a violin of double the ordinary depth, other dimensions remaining unaltered,—what of one of half,—what would be the effect of adding or subtracting some given quantity to the dimensions all round*,—what of applying the neck of a violin to the body of a tenor, and putting on the strings of a violin? Nobody could be so favourably situated for experiments of this nature, as a great maker; who might trace the consequences of gradual alterations, in a way that would not prevent the instruments from being as saleable as before. And there would be no necessity for the experiments being made upon instruments of the first quality and value; for it is presumable that what produced a comparative improvement in one kind, would do it in another. Pardon of all the Herrn, if this has been done, and it has been ascertained that the true proportion, the Medicean form of fiddles, is in the precise Cremonese model of 170 years ago and no where else. But if this has been done with violins, it has not been done with shipping; and a ship is a machine in the improvement of which a large mass of interests is daily and hourly concerned.

Herr Otto has also been a copious maker of guitars, and rejoices in having been the first man that ever put a sixth string to an instrument of that kind.

‘The late Duchess Amelia of Weimar having introduced the Guitar into Weimar, in 1788, I was immediately obliged to commence making imitations of this instrument for several noblemen, which soon obtained so high a repute in Leipzig, Dresden, and Berlin, that for sixteen years I had more orders in hand than I could execute.’

‘I must in this place observe that the Guitar had originally *five* strings only. The late Herr Naumann, *Maître de Chapelle*, at Dresden, gave me the order for the first Guitar with the sixth or low E string, which I added according to his instructions. Since then the Guitar has always had six strings, for which improvement amateurs have to thank Herr Naumann.’ —p. 41.

In his experiments on different parts of his instruments, the author does not appear to have made any on the tail-piece. For the chance of this coming under his or other experienced eyes, repetition is made of the fact mentioned in a former Num-

* The writer of this once undertook to try the effect of adding half an inch in all directions to the dimensions of a guitar; but the maker could not find in his heart to add it to the depth, and so let down the experiment. The instrument produced, was powerful in the bass strings, but not improved in the treble.

ber* ; that in a guitar with a tail-piece the tone was greatly diminished ; and on the other hand, was increased considerably above the ordinary, by attaching each string to a separate pin at the back of the instrument. But there arose the defect, of the string being unsteady in pitch, in consequence of the elasticity of the added part ; an evil which might possibly be remedied by attaching each string to a separate steel wire reaching nearly to the bridge.

The book concludes with a theory concerning the improvement made on instruments of the viol kind by playing on them in certain described ways ; which, without scrutiny of any kind, is given entire.

‘ That it is not *age*, but the constant use of an instrument which produces a smooth clear tone, is an incontrovertible fact.’

‘ I have by me some common-made Violins which had been used by a village musician for twenty years in playing dances, and being in a damaged state I bought them at a very trifling price. Finding, upon examination, that they were strong throughout in the wood, and had good red deal bellies, I tried what could be made of them by giving them the true proportions, and succeeded in obtaining a Violin, which although every connoisseur immediately knew to be a trade fiddle, yet the tone turned out by no means inferior to an Italian one. I sold it to the concert director at Fulda for forty dollars. From this circumstance the idea occurred to me that a vibration kept up for a length of time tended to extract the resinous particles from the wood, and make it more porous and better adapted for producing a good tone, and such is the fact. This induced me further to try what improvement in the tone could be effected by a constant playing of two tones in fifths : after an hour’s exercise in this manner, these two tones became much less rough and glassier than any other in the instrument. Having now discovered that two tones played together with a strong bow produced a greater volume of vibration, I then tried it by fourths throughout all the tones. They all experienced alike the desired improvement, and A sharp and C sharp were equally as good as D or G. The reason of this singular effect my duty to my family prevents me from divulging, [*It should rather have prevented divulging the way in which the improvement was effected.*] I shall however notice the alterations it produces in the tone of the instrument. When the instrument is first put into use the tone is clear and easily brought out. By practising it, however, eight days in the manner above, the tone becomes harsh and offensive to the ear and difficult of production : the instrument then appears as if it would never be fit to be heard again. In this second stage the greatest number of instruments are spoilt, from the want of patience in the professor or dilettante, by scraping out the wood, alteration of the bass bar and other contrivances. Those that are weak in wood

* No. XXXIV for Oct. 1832, p. 347.

become bad in this process, and never afterwards improve. They never reach the third period. But by persevering in exercising on two tones together it gradually reaches the third period, as the instrument, like wax, receives every impression, and eventually recovers its fullness and power. It then becomes easy in the tone, and acquires the beauty of an instrument which has been long in use. This, however, requires three months continual practice. A Violin proved in this manner cannot be afforded under thirty dollars, nor a Bass under fifty.'—p. 63.

The Instrument Maker to the Court of the Archduke of Weimar should employ a steam fiddler. What class of men can it be that is employed in educating fiddles at the salary of apparently a shilling a day? Can no means be devised, to make a 'vibration' that shall do the work of three months in a week? Is there no Lancastrian or Hamiltonian system, or *enseignement mutuel*, that could be applied to train up many viols in the time of one? It would be for the credit of German genius, that something should be done in this way.

XIII.—*The Repealers*. A Novel. By the Countess of Blessington. London. R. Bentley. 3 Vols. 12mo. 1833.

WE have here a very brilliantly coloured picture of Ireland after a manner that has been celebrated by Peter Pindar:—

' The portraits, Chamberlin, may be
A Ekeness, far as I can see ;
But, faith ! I cannot praise a single feature —
Yet, when it so shall please the Lord,
To make his people out of board,
Thy pictures will be tolerable nature.

And, Loutherboung, when Heav'n so wills,
To make brass skies and golden hills,
With marble bullocks in glass pastures grazing,
Thy reputation too will rise
And people, gaping with surprise,
Say, Monsieur Loutherboung is most amazing !'

When the Irish peasantry are well fed, well clothed, and well housed, and nevertheless the dupes of agitators who fill them with discontent and train them for crime and rebellion, the 'Repealers' will describe the state of the Sister Country, but not till then. The book is a lengthened illustration of the question of the little Princess in a scarcity of bread, — 'Why don't the people eat spicc-buns?'—and the authoress is consequently a fair representative of the notions which possess the aristocracy

respecting the disorder of Ireland and discontents generally; for the PRINCESS's saying, so often quoted, is but a pithy expression of an exalted ignorance of the condition of the working classes, of which there is abundance in our land of non-intercourse, where the people are only known 'by sight' as it were, and their habits, circumstances, and dispositions are less understood than perhaps those of any other animals in the creation.

The authoress has considerable talent; but talent will not supply the place of accurate information. And even after ordering circumstances as she pleases, which unhappily is not as providence has pleased, she fails in dramatic management.

Her representative of the peasantry of the south of Ireland is Jim Cassidy, a person in most enviable circumstances, having a comfortable cottage, an abundance of good food, clothing, money in the bank, and a jewel of a wife, named Grace, who enacts the part of Minerva, and shows the reason of all things. Let us see how these people, (whose condition is assumed to represent that of the Irish peasantry), live.

'Everything seemed to prosper around them: their cow was the sleekest, their pig the fattest, their little patch of garden-ground the best kept, and their cottage the cleanest, in the whole village of Collogan, one of the most romantic spots in the county of Waterford. With pride did Grace rub the windows bright, and place in them a few plants given her by the gardener of Springmount; and when Jim returned from his work in the evening, he found a cheerful turf-fire, a tidily swept hearth, an ample wicker-basket of laughing potatoes, with wooden piggins, emulating in whiteness the milk with which they were filled, and a plate of butter, or *Kirkime**, awaiting him, with the smiling welcome of his now happy wife, who smoothed her shining hair, and arranged her neat mob-cap, that her best looks might greet his arrival.'—Vol. i. p. 6.

Besides this they have 8*l.* in a bank, 30*l.* in the chest, and outstanding good debts. Jim eats pork and poultry, and they have a tub full of salt meat, and four fitches of bacon in the house; for thus Countesses figure to themselves the condition of Irish peasants, and then very naturally marvel at the unreasonableness of their discontent.

Jim so beautifully provided with money, meat, and butter is made wretched with talk of slaves and property, and it is Grace's part to encourage him, by citing declamations of the agitators.

* *Kirkime*, eggs boiled hard, and chopped, and then mixed with *Bann* butter, a favourite luxury among the peasantry in the south of Ireland. — Note in the original.

ingenuity are extremely curious. She doubtless thinks the following passage very dexterous, in which the peasant declares in substance that he had nothing to complain of till fanciful grievances were put into his head.

“ It’s myself that’s quite entirely bothered, now that I see and hear how bad things are going on. Sure one knows nothing at all here of what’s happening, and how the English has kilt this country by taking away the Parliament, and all the good ould Irish laws that was made for us, and giving us English laws that’s only fit for themselves. Faith, they might as well take away the praties from us, and give us bread in place of ’em, which, to my thinking, would be a bad swop any way. Here was I, working, and eating and dhrinking, and sleeping, as if nothing at all was the mather, while the poor country, is intirely ruint, and I’d never know a word about it, only that the Repalers let the cat out of the bag. Och! Grace ashore, it’s a cruil thing to be living in pace, and never knowing so much as a word of the troubles that’s going on in the world.”—Vol. i. p. 8.

The peasant is made to sneer, without knowing it, at liberty;—

“ Sure, the Repalers said as how life is only a curse without liberty, and here we have been ever since we were born, ay, faith, and a long time before, in all this throuble, just bekase we have no liberty. Liberty, Grace a-vourneen, is just like what we imagine of the grand ould times in Ireland; it’s something that we don’t quite rightly understand, but which, we believe, must be all the finer for that.”—Vol. i. p. 10.

This is all very well for the authoress to think; but with what appropriateness is the peasant made to utter the satire upon his own delusion? A person having any acquaintance with the language of the labouring classes, especially in Ireland, would never have thrown in that ‘we believe.’ The ignorant, or rude of speech, seldom use qualifying terms. No one can read the passage aloud, and suppose it in the mouth of an Irish peasant; the mere mispronunciation of words will not make a characteristic dialogue. Lady Blessington gives the brogue to a few words in her forms of expression, and fancies that she writes Anglo-Irish. It is a great mistake. The idiom is wholly wanting. The ideas are as unsuitable to the persons as the language; for example, she makes an Irish private soldier hold forth in this strain.—

“ As long as we were at war with the French, every thing went well; they like fighting as well as we do, and kept us constantly employed. Sir, they were our natural enemies, and when once we had a good set-to, we bore no ill blood; but, Sir, when we quarrel with the English, it’s like quarrelling with our own blood-relations, and we feel

more bitter after every fight, because we know we are partly in the wrong, and they know the same, and neither, like relations, will allow it. Another thing, Sir, is, that lately the Repealers have been attacking and abusing a man I cannot help liking, ay, by my soul, and loving too, as if he was my brother; a man, Sir, that is as brave as an Irishman, as honourable as an Englishman, and as chivalrous as a Frenchman. A man, Sir, that I have fought in the same field with, and that left as handsome a leg at Waterloo, as ever won a lady's heart. I cannot hear this noble man run down, knowing his courage and his generosity as I do; and this has opened my eyes to the blarney, and blow-coal attacks of the Repealers; and yet, Sir, once I have taken a glass too much of that fiery whisky, and heard their still more fiery speeches, I lose all command over myself, and God knows how it will end."—Vol. i. p. 27.

This speech commences with some "Och! Sirs" for Irish, but as the authoress warmed in praise of a Viceroy, she forgot the character of the speaker, and put into his mouth phrases so strange to an old firelock as 'honourable as an Englishman, and chivalrous as a Frenchman,' the said word 'chivalrous' having in all probability never had utterance from one of his class since soldiering began.

With similar management of character, Grace Cassidy is made to disparage her own religion, exalt the Protestant, and approve the payment of tithes.—

"Well, Jim, sure, allowing that ours is the oldest religion, that does not make it the best. I don't know enough of book-learning to be able to chop Latin with Tim Fogarty, to prove whether the Saints ever wrote to the Protestants, as they did to the Romans; but faith, I know well enough that many things are none the better for being ould. Look at the ould castle on the hill, with its little narrow peep-holes for windows, its dark passages, and inconvenient rooms, and tell me, if it is to be compared with the fine elegant house at Springmount, where the broad, clear, bright windows, let in the light of heaven—the halls and lobbies so genteel, and the rooms so beautiful, that I never could be tired of looking at them. To be sure, when the ould castle was built, I'm tould that they were forced to make it so sthrong becase the people were always fighting and attacking one another, so that they were more desirous to keep enemies out than to let the fine cheerful daylight in; and also the poor people had no glass for their windows, I'm tould, in those ould bad times; sure we ought to be thankful that we have the luck to live in betther days. Now, I'm thinking, Jim, that the ould Roman religion, like the ould castle, was only fit for the ould times in which they were made, and that the Reformed religion, like Springmount-house, is the best for the present time; not that I would wish to forsake the creed in which I was brought-up, but I would like to let other people follow their own wishes in going whichever road they liked on the same journey we must all go. Sure there's different roads from this,

to Dungarvan—some thinks one road pleasanter, and some thinks another; wouldn't it be mighty foolish to quarrel for this?—and sure isn't it twice worse to thry to interfere with people for choosing the road they like best to heaven?"—vol. i. p. 17.

Jim having made himself angry with the thought that his little property would be seized for tithes, Grace answers,—

"Why should the cow, or the pig, or the vegetables, be canted for the tithes now, Jim, when they never were before?" asked Grace: "Haven't we got eight pounds in the bank, before us in the world? and haven't I got thirty shillings in the chest; besides what the housekeeper at Springmount owes me for the cream cheeses, and all the hanks of fine yarn I have been spinning? So you see, Jim dear, we have plenty of money to pay the tithes, if they rise ever so much. And don't we know that good Parson Disney never raises 'em unjustly?"—vol. i. p. 31.

Grace is what Molière's *Précieuses* would call *furious* for tithes. She says in another place, and the parson himself could not say more,—

"—when you consider that all we pay in tithes is spint among us, and comes back to us in twenty ways, it's money laid out at good interest, and it's better than the saving bank. Look at the employment the clergy gives us, besides plants for our little gardens, medicine if we are sick, a word of comfort if we are sad, and constant encouragement and kind offices if we deserve it;—sure, Jim, all we give 'em comes back to us, one way or another."—vol. i. p. 53.

The aristocracy must be nailed to this. Here is an aristocratical book plainly putting out the assertion, and inviting the 'lower orders' by all their reverence for the wisdom of their betters to believe it,—that when money is taken out of a tradesman's till, *it is returned to him by being spent at his shop*. This is the English of being 'spint among us.' This is the measure of the knowledge, the justice, the fitness for regulating what concerns the industrious and the community at large, which lodge in the upper stories of the aristocracy.

Grace is also an advocate for the landlord's direction of the tenant's vote. The landlords she does not fail to call 'gentlemen of learning and knowledge,' and the tenants are on the other hand, of course, 'poor ignorant tenants.' Jim states the charge against the landlords, of driving their tenants like galley-slaves to vote; and Grace instructs him how he should have answered.—

"—I'll tell you the truth: sure it was not I, nor the likes of me, that called the gentlemen tyrants; it was the Repealers as said as how our landlords dhrove us like galley-slaves before 'em, to vvote at the elec-

tions for whoever they bid us, and that this showed they were tyrants ; so faith I could say nothing against it."

" Now listen to me, Jim, and I'll tell you what you could have said. You might tell 'em the landlords were estated gentlemen, that had larning and knowledge, and that their great properties in the country gave them a much greater stake in it than a poor man could have, therefore they must, even if it was only for their own interest, wish to do what was best for the good of all. Their larning gives them the power of knowing what is best to be done ; so in choosing a Member, they like to recommend one to their poor ignorant tenants who is most likely to do good to the country, and keep it peaceable. And ar'n't they right, Jim ? And for this, the poor deluded creathures that's misled by bad advisers would call 'em tyrants."—vol. i. p. 50.

Would not this apply to the negroes in the West Indies, if they had votes ?

Jim sometimes catches the spirit of Grace's worship of the government and gentry of Ireland, and becomes poetic upon aristocratic benignity.

" Now when you talk to me, asthore, with your own quiet, down-right earnest words, it seems to me as if I was listening to the life made out of a reed that Thedy Mulvany used to play upon when he was tending the masther's sheep on the hills : and that same life used to often make a fool of me, bekase somehow or other, when it came on me from the distance, it was so soft and pleasant, that it made me look around me on the beautiful heavens, the quiet river, stealing along like tibe, making small noise, but still always going away from us ; the green trees, looking so proud, and yet returning the salutes of the wind by gentle bows, just as the masther and the family do of a Sunday to the poor people."—vol. i. p. 21.

What an image of exalted condescension, of gracious greatness !

Lady Blessington admits the misrule of Ireland, and yet the whole object of her book is to represent a state of discontent and turbulence existing without provocation, and it may be said without cause, except in the exciting language of demagogues. Thus Jim, describing O'Connell's power over the minds of the people, says—

" His words stir up thoughts and feelings that were sleeping in the mind, and that are as obedient to his call as are the soldiers called out on the parade as I saw at Dungarvan. And then to think that this power, this mighty power, comes not from wealth, from station, or from anything but the strength of master thoughts, and big words, which have greater power than flaming swords, and can madden or melt ; it's a quare thing, Grace, and we can no more account for it than we can explain why some music, and some perfumes, work our feelings into joy or sadness, bringing back pleasant or bitter thoughts, over which we have no control."—vol. i. p. 155.

•The appropriateness of this language from the mouth of one of the 'poor ignorant tenants' above mentioned, will not fail to be remarked. The mighty power of O'Connell, however, comes not from the 'strength of master-thoughts and big words,' but from the odiousness of the misgovernment which the authoress admits in general terms, but takes care never to instance or illustrate. She keeps causes out of sight, describes consequences apart, and then attributes them to delusion. The pith of the argument is this;—the country is misgoverned; the people are discontented, savage, and turbulent; not because of the misgovernment, forsooth, but because agitators tell them they are misgoverned.

Lady Blessington has applause for all his Majesty's ministers, and some to spare for the great in opposition. For Lord Anglesea, the fair Countess has much eloquent praise, even to the leg he left at Waterloo. Upon the Duke of Wellington she makes one of her bog-trotters rant as follows;—

“—are we happier or more contented, Jim, now that they have pulled down all that we used to be so proud of, and left us nothing at all to keep up the conceit in us? Many's the time, when I've been cold and hungry, the thoughts that I belonged to the same country as the great Duke, has warmed my heart, and when I considered that he had sent his name as an honour to Ireland to the four quarters of the world, ay, faith, and farther too, to be talked of, I've felt that I could lose as many lives as a cat, ay, or even as Plutarch himself, if I had 'em, to do him a service. Sure, what's the pleasure in life, if one hasn't something to be proud of? and what is so natural as to be proud of such a man? Them that would say he isn't the greatest general that ever lived, must have hearts too small to hold anything but their envy, and I'd deny 'em for countrymen for ever and ever. We are such droll people, that if those that are an honour and a credit to us, ain't always praising themselves, we forget 'em. We mind words more than deeds, and this great man I'm talking of, never praises himself. He laves that to others to do, for, as his brother truly said of him, "He's fonder of conquering the enemy than of telling how he did it." Now our mimbers pass most of their time in paying compliments to themselves, and never can be said to want a trumpeter while their own tongues can wag. Then see how the Great Captain, (but, no, I won't call him a captain, for sure he's a general, and the head of all generals, and I don't like to take away any of his grandeur,) see how he spaiks; never with big blustering words, but with a quiet and steady dacency, that shows he's in earnest. He's always thinking of the good of the country, and never thrying to make bad worse. Let who will be in power, it's all the same to him: as long as they do what's right, he never axes what party they belong to. Och! Jim, what ungrateful baists we must be to let any one talk against such a man, who has spent his life in fighting for us, and now gives up his ease, to think how

we can be best served. Think, Jim, of the hundreds of nights he has passed without sleep; the fatigues, the dangers, the risks, he has endured; the thousands of lives that depended on his orders, and the years of anxiety he must have had to bring off without a single spot, a reputation as difficult to be kept bright as it was hard to be gained. Sure, if poor ould Ireland no longer had a sun to shine over her, his fame would throw a light on her. And this is the man the Repealers would thry to persuade us we ought not to be proud of!"—Vol. i. p. 246.

The praise of the Duke for not being a party man, is as lucky as the praise of the Irish landlords for driving their tenants to vote for their own good. But perhaps all this is meant to represent Irish ignorance, fatuity, and delusion.

It may be time to take leave of the political part of this book, which is not more fanciful in respect of statistics, than clumsy in dramatic management. The nearest resemblance to it, is in those religious tracts which describe a couple of clowns sitting by the side of a ditch, and moistening their hard crusts in the water, while they thank God they are content with their lot, expatiate on the goodness of the squire, the piety of the vicar, and call down the blessing of Heaven on the two county members. In fidelity to nature, this sort of thing is most like the examples produced in the 'Repealers,' and the moral will be about as successful. The clowns sopping crusts and praising the gentry, are as natural as the Irish peasant regaling upon bacon and greens, and believing himself wretched because he hears declamations about liberty. The authoress may be assured that these vapours do not ascend into the heads of people whose stomachs are well filled. Agitation will not thrive upon a meat diet; and highly as any man may rate the popular talents of Mr. O'Connell, he may pit the tub of salt beef, with which Lady Blessington has bountifully furnished her peasant Cassidy, against the highest efforts of his eloquence. Upon the mass of the people, politics will never work except with empty stomachs. Repletion is a great sedative. Digestion and the movement are not compatible.

The description of the book in brief would be, 'Ireland as it might be, were man as he cannot be.'

The Repealers has two distinct strata; the one running through labouring life, and presenting nothing but the fancies of those who have misconceived it; and the other lying in fashionable society, where the talents of the authoress have a more favourable field, and where her observations sparkle with very considerable brilliancy. Many acute remarks might in this part be instanced, thoughts of elegance, and passages of great

point and polish. Lady Blessington is, however, too wilfully aristocratic, and obtrudes offensive postulates, where she should do better things. For instance, she imagines a lady giving occasion for scandal,—encouraging the addresses of a libertine,—and then lectures upon the impertinence of little people who presume to draw inferences from appearances in so elevated a sphere.

‘As the most clear and sparkling water cannot pass through an impure vessel without being sullied, so the reputation of a woman cannot be made the subject of menial conversation without losing its original purity. *Vulgar and uneducated minds are incapable of judging their superiors. The fine gradations, and almost imperceptible lines of demarcation, between apparent error and actual guilt, are altogether invisible to them.* A sympathy of habits and feelings renders persons of equal station capable of appreciating motives and drawing conclusions from circumstances which the coarse-minded and ignorant cannot comprehend; who, judging from self, the only criterion known to them, hesitate not to attribute guilt where indiscretion alone exists. The utmost malice of the refined never extended to one-half the length in its conclusions, to which servants, without any malice, continually go in theirs; and many a high-born and innocent woman has been by her domestics believed capable of actions, the bare suspicion of which would have filled her with dismay and horror. *But they had deduced their opinions wholly from the laxity of their own moral feelings, without any malice towards her.*—Vol. ii. p. 42.

This arrogant lecture is especially misplaced, as the lady in whose cause it is read is actually saved from ruin by hearing the interpretation which servants have put on her conduct; and in a subsequent passage, instead of that ‘sympathy of habits and feelings rendering persons of equal station capable of appreciating motives, and drawing conclusions from circumstances which the coarse-minded and ignorant cannot comprehend,’ the equals of the heroine are found readily, nay eagerly, drawing conclusions of her guilt; and a reflection the very opposite to the lesson in honour of aristocratic candour and judgment above quoted, is made by the authoress upon the case with which defamatory impressions are conveyed in the higher circles,—

‘where idleness and the love of scandal render every new tale certain of a favourable reception.’—Vol. iii. p. 51.

ART. XIV.—*History of the Middle and Working Classes; with a Popular Exposition of the Economical and Political Principles which have influenced the past and present Condition of the Industrious Orders.* By J. Wade.—London; Ellingham Wilson. 12mo. pp. 604. 1833.

A HISTORY of the Middle and Working Classes, written with impartiality and a desire to do justice to that portion of society to which, in the pages of history, even the show of justice has too often been the accident of the moment, rather than the purposed effect of principle, has long been a desideratum.

Almost every subject connected with human beings, or which is affected by their actions, has had its historian; and the benefit which has accrued to mankind from recording the experience, customs, and opinions of their predecessors, is an evidence of the value of such labours to society. As, however, each particular branch of history requires a particular kind of knowledge, so does the history of a class or classes of society require, in order to the just estimate of facts and opinions, causes and consequences, an aptitude and knowledge which it is scarcely possible for any one to possess, who has not familiarly mixed with those whose historian he sets himself up to be. This is especially true as it regards the working classes. In all that appertains to their interests, and the different modes by which they have endeavoured, according to their knowledge, to secure or promote those interests, they have hitherto been judged by the classes above them, and judgment pronounced by prejudice in most cases, by partial knowledge in all. It cannot therefore be matter of wonder, that they should so frequently and so grossly have been misrepresented. In this respect it is gratifying to peruse the work of Mr. Wade, of which, whatever may be its merits as a history, one thing is manifest through the whole of its pages,—that it has been written in a spirit of sincere impartiality.

It would be too much to expect that every opinion which a work of this nature contains, should be correct, every deduction legitimate; but in the consideration of those important subjects connected with the working classes which have so frequently agitated the public mind, justice was essential as a passport to the favour of those for whose benefit the work appears to have been especially written. In this respect the reader will not be disappointed. Justice is done to the parties concerned, but not more than justice; for though written for the people, it flatters

them not. In discussing the most important questions of social polity, the author has shown himself incapable of pandering to prejudice for the sake of popularity. He has told important truths, and told them honestly.

The purpose of Mr. Wade as declared in his introduction 'has been, first to present an outline of the history, and a digest of the chief facts illustrative of the past and present state of the middle and working classes; and secondly, to give a brief and popular exposition of the social and economical questions which agitated the community in its several relations of governors and governed, capitalists and labourers, employed and unemployed.' Judging from the comparative bulk of the portions of the work devoted to the two divisions of his subject, it would appear that the former, whatever was the author's original intention, has been made subservient to the latter. This is matter of regret, inasmuch as the circumstances which have influenced the progress and prospects of the middle and working classes are viewed rather in their scientific than in their historical aspect; as facts illustrative of principles of political economy, rather than as events which, at the time, materially affected the comfort and happiness of the working classes. The historical connexion between erroneous opinions in theory, and failures in practice,—so important for the working classes to perceive and understand,—is broken; and that is made the subject of discussion, which if historically treated, would have been almost elevated into matter of demonstration. This is especially the case with regard to Trades Unions, and the price of labour at different periods of the history of those societies, and as affected by their establishment. It is true those subjects are treated of in the work, and that too in a manner, generally speaking, which cannot be otherwise than productive of good. But the efforts of the working classes in their various crafts, as bodies united for specific purposes, were already matter of history that ought to have found a place in that portion of the work, and from which might have been deduced a practical lesson of the greatest utility.

As a history Mr. Wade's work is deficient upon some exceedingly interesting and important subjects specially relating to the working classes. The foreigner will seek in vain in its pages, any information as to the character, habits, and domestic economy of the people whose history it professes to be, unless the little that is said in the Appendix be considered sufficient to elucidate this subject as to a whole population. Their past or present sports, pastimes, or amusements, as indications of character, are no where mentioned; and though

the author rejoices in the progress of knowledge, its progress as matter of history, is not to be found in his work. The sources of opinion to the middle and working classes, more especially the latter, are no where pointed at; and the obstacles thrown in the way of the dissemination of cheap knowledge among the people as a means of furthering their political emancipation, no where named. The odious Six Acts are passed as quietly over as though the liberty of the subject had never been violated thereby, nor the best interests of society affected by their results. In writing the history of the people there are two ways in which they may be dealt unjustly with by the historian, as regards the actions of their governors or of their employers. One is by giving a false colouring to these actions or the occasions of them; the other by omitting to mention them when they mark too strongly the disposition to tyranny and injustice. The difference in general character and habits between the agricultural and manufacturing population,—their comparative intelligence and morality, and the changes induced in both by the change of occupation,—were matter of instructive inquiry to the historian, and could not have failed of being gratifying to his readers. Within the last half century a manufacturing population has been literally bred and brought up in Lancashire and the neighbourhood, whose physical and moral constitution differs materially from those of the miners of the North, the grinders and cutlers of Sheffield and Birmingham, or the general agricultural population of the country. The differences are so sensible as to be distinguishable at sight, and ought not to have been overlooked by the historian of the people. The colliers of the North may be looked upon as almost a distinct class of society. They marry and intermarry one with another to a very considerable extent, and though rude and uncouth in their manners and general bearing, their homes, in their day of prosperity, presented a scene of cleanliness—little according with the black faces of the men who inhabited them. In the history of the combinations of these latter, especially those of Northumberland and Durham, Mr. Wade might have found some important information as to the effects of union, when opposed by wealth and a redundant population. The miners of other counties were brought to compete with the miners of the North, and the native collier was displaced by a stranger. The misery and wretchedness consequent upon this change, is recorded in the local press of the neighbourhood, in which however even-handed justice has not always been meted to the working man. To the working classes the teaching of their own experience is the best teaching, and for this pur-

pose the history of their Trades Unions furnished ample materials. Their belief, in the efficacy of those societies, as means to keep up the price of labour, had been, to themselves, most ruinous in its effects; but that belief, as the result of partial knowledge, is not only pardonable but excusable. They have blundered in their efforts at governing their own affairs, but their blunders have principally, if not wholly, affected their own class. It would have been a happy thing for mankind had the blunders of other experimenters in the guiding of the general affairs of society had a similarly circumscribed operation. For the blunders of the latter however, every truckling hireling becomes the apologist; while those of the former are dissected with the most refined attention, held forth to the derision and scorn of the public, and condemned without mercy by the same class of hirelings with whom flattery and fawning are natural qualities.

The people, however, as pupils in the school of social economy are by no means hopeless. They are directly interested in the progress of truth; and though prejudices most injurious to themselves may have taken deep root among them,—as they never intend their own misery, the consequences of these prejudices, conjointly with increase of knowledge, will ultimately set them right. They are first taught physically, by the force of circumstances; and in this respect the discipline, though painful, has been excellent in its practical effects for some time past. The pocket and the stomach have been appealed to, in a manner that has forced the working classes at length to think for themselves. It is but a beginning to think, however; notwithstanding all that has been said of the march of intellect.

But the beginning to think is a circumstance of no trifling importance in the history of the people's progression. The next thing is that they should think correctly; and to this end are required honest and capable teachers. In this respect let them look well and impartially to their own past mistakes, and they will find in them some most important teaching. Error is an element in the discovery of truth. They must endeavour to comprehend their own weakness, in order that they may become strong, for strong are the powers that are leagued against them. They must bear to be told when they are wrong, and in what they are wrong. Let them believe that they are sufficiently instructed on the subject of their own interest, when they have improved their social and political condition; and not till then, however flattered to the contrary.

The author of the *History of the 'Middle and Working Classes'* is one of those to whom the future looks bright; and

he rejoices that 'every state in Europe is advancing in wealth and intelligence, and in mutual good will.'—*Introduction*, p. 9. Every lover of his species must agree in this expression of joy; and there are comparatively few that will be disposed to contest the truth of so gratifying a position. But true as it undoubtedly is, that every state in Europe is advancing in wealth and intelligence; the progress of this intelligence has been by no means so rapid or so extensive, as the best friends of mankind have flattered themselves with the belief of. There is a wide and important difference between the progress of knowledge, and the progress of opinion. That the spirit of the age has changed its tone,—that it has become essentially political, is also true, and a most important truth it is; but that increase of intelligence is co-extensive with what are called liberal opinions on political subjects, it would be a bold advocate that should assert. Man is a gregarious animal in his modes of thinking as well as in his habits of living; and the people of every country in a state of ignorance or partial information, are especially given to thinking in herds. In this country the herds have hitherto been three,—Tory, Whig, and Radical; each of which has had its political bell-wethers, sometimes white, as often black, at the tinkle of whose bell they have been immediately on the alert, 'asking no questions for conscience sake.' As a nation of thinkers, especially on political subjects, we are yet in our infancy; as a nation of partisans, we have grown grey in our folly. Measures have been vindicated, opinions adopted, assertions believed, not from the proof of their efficacy or their correctness, but because they emanated from the party with which feeling was in unison.

To whatever extent these remarks may apply as regards the present state of party influence, there is one species of unholy influence which has for some time been on the wane, and whose final dissolution is devoutly to be wished,—the influence of mere wealth. In no nation on earth has more mischief been done by the criminally absurd practical admission, that wealth and wisdom are synonymous, than in this of Great Britain. The slavish subserviency of the latter end of the last century and the beginning of this, forms a stain in the history of the opinions and conduct of the middle and working classes, which, however excusable on the score of political ignorance, was not the less lamentable in its consequences. Wealth was the sign-manual of wisdom; one of the political finger-posts, to diverge from the directions of which, was to proceed to destruction by the broad way that leadeth

thereto. But we were then stomach politicians from 'the redundancy of good things; and to condemn the measures of the powers that were, in those times, was to run the risk of losing a share in the pudding of the day, besides being knocked down and pumped upon. We are now politicians from inanition and not from repletion; the seat of knowledge is in the same place as ever.

It is not meant however to deny that there is an increase of political knowledge, and in individual instances, a considerable increase; but it has not made its way to the masses. An ignorant selfishness still predominates to a lamentable extent; and the result of it is short-sighted policy. Some remarkable proofs have been given of this since the passing of the Reform Bill, among which it is only necessary to mention the cry for the repeal of the Assessed Taxes. This measure, so loudly called for by the shopkeeper class, and for which the working classes have been prevailed upon to join in petitioning, has not even the redeeming merit of affording permanent relief to the parties who seek it. The relief would be of comparatively short duration to them; and other interests and persons would ultimately reap the advantage. In those trades in which situation was an object, the landlord would be the ultimate gainer; and in those in which situation was not an object, as expenses would be reduced, prices would also be reduced by competition*.

* But it is said that the object is not so much pecuniary relief from the pressure of these taxes, as to destroy the operation of that obnoxious clause in the Reform Bill, which disqualifies an elector on account of non-payment of these rates. That clause in the Reform Bill is undoubtedly bad in principle, and every effort should be made to obtain its repeal. But the man who can pay and will not, is not likely under any form of law to discharge his political duty zealously and honestly; and he that would acquit himself honestly to society, but is prevented doing so simply from his inability to pay the taxes required, would be enabled to fulfil his duty by the repeal of any other taxes to an equal amount. The obvious policy of an enlightened commercial nation is to relieve its trade, in the first instance, from the shackles to which partial knowledge and aristocratic selfishness and ignorance have subjected it; for by so doing, whatever amount of direct taxation it may have to pay, the power to do it is more than proportionally increased. But a tub has been thrown to the whale, and it has amused itself by attempting to swallow it. Meanwhile the government has been busily and successfully engaged in adding about thirty millions to the National Debt, two-thirds of which is for the purchase of freedom at some time to the black slaves of the West Indies, who might have been emancipated, not only with more safety to themselves, but, as has been demonstrated, actually sooner, by a judicious expenditure of a sixth part of the money. Yet no agitation has taken place on this subject; a proof that the middle and working classes are not yet sufficiently alive, nor sufficiently informed, as to what constitutes their true interests.

Bbth socially and politically however, indications of progress have for some time been manifested; and some interesting proofs of its existence, in which the author benevolently rejoices, might have been found in the history of the erroneous opinions that have been in favour with the people, and the extent to which those opinions were supported by the ignorant fanaticism of party feeling. The days of riot and violence are gone by; and though the progress is one of opinion rather than of knowledge, it is something that public opinion is at length in favour of cheap government and the enfranchisement of the working classes.

Politically, the people are no longer to be deluded by the belief that the French are their natural enemies, or that war is essential to national honour. The changes of opinion in this respect are most marked and gratifying, no matter from what cause. Birmingham could not again send forth its hordes of ignorance to persecute a Priestley for rejoicing in the progressive improvement of the condition of mankind; and though a party even more numerous than in any former period may now exist, it is characterized by feelings of moderation and peace. These are most important results. Nor are the changes in the opinions and feelings of the people on subjects more immediately relating to our social policy, less marked or less gratifying. Fanaticism has lost its hold, and Protestant ascendancy has ceased to be the war-whoop of persecution to an ignorant mob. The Lord George Gordons of the day might amuse themselves with cutting out blue cockades; but the great pabulum of popularity is wanting,—nobody, or almost nobody, would wear them. Even Wellington and Peel were obliged to 'cast them off, and cast them from them.' In 1780, the Catholics were persecuted from one end of the empire to the other; in 1829, Catholic emancipation was carried by acclamation. The cry of 'The church is in danger,' has given place to the cry of 'No Tithes.'

The history of the middle and working classes is the history of the source of our national greatness. From the ranks of the people has sprung forth within the last century an aristocracy of talent that has done more towards furthering the happiness of mankind, than has ever been achieved by the aristocracy of title. No names, in the annals of the latter, are equal to the Arkwright and Watt of the former. For a long time almost every branch of the commerce of the country was shackled by laws, for the passing of which the only apology. Restraint was assumed to be necessary to promote industry, and it was generally held that the only way in which one nation could profit by its intercourse with another

was by selling as much as possible, buying as little, and keeping the money in store among themselves. This was the mercantile system of the day, and the people were content in their ignorance, to buy that dear from themselves, which they might have got cheap from their neighbours. In that ignorance the advocates of the system found support. The manufacturing and agricultural interests of the nation, were protected at the expense of the nation,—which chuckled, as it cheated itself, in the belief that it was reaping a benefit. But the days of darkness are to have an end, and as this was a subject touching most nearly the interests of all but the monopolists, the eyes of the trading community were the sooner opened to the absurdity of its continuance, and the working people themselves, from the growing importance of foreign trade, caught a glimpse of reflected light upon the subject. Ignorance had been a powerful support to monopoly. The most important questions have sometimes been conceded to selfishness backed by popular clamour. The working people were told that free trade would ruin them; and as in 1700 there were people who believed that the importation of silk and cotton stuffs from India was injurious to the nation, so even at this time there are some to be found who are violent in their opposition to the free importation of silks from France. But it does not require much genius for a working man to discover, that to force the production of an article at a cost greater than it could be obtained for from other countries, is no national advantage, but a national loss, and that the difference of cost, if not laid out with one man, will be with another. By dint of harping upon this, the monopolists have lost their hold with the country, and the principle of free trade has taken root and is flourishing. The working classes have become converts to it, and wait with patience its ultimate triumph in the repeal of the cruel robbery the Corn Laws.

The progress of correct opinions among the working classes, is not less marked in other respects. The application of steam power and machinery to purposes of manufacture was destined to make some most important changes in the distribution of labour, and to put their knowledge and patience to a severe trial, which manifested its effects in a most determined war against machinery. The results of this trial, as well as the progressive changes of opinion upon it, ought to have found a place in the pages of the history of the working classes. 'Luddism' is no more, and there can be no doubt that the weapon by which its spirit has been destroyed is knowledge; but the record of its existence, of its origin, its consequences, and its ultimate

extinction, was too important a portion of evidence as to that progress in which the author rejoices, to be entirely overlooked. He has confined himself in his historical matter, to a simple digest of facts, and so far as it goes it is both interesting and instructive. It is principally a historical abstract of Acts of Parliament relating to the working classes; and in this respect their history has ever been the history of passive subjects to the opinions of others, not of active agents for their own prosperity and happiness. The historian of the working classes however, to be eminently useful, must achieve something more than this.

The political history of the people's progression, can be traced only in connexion with their condition as labourers. As a class, they have ever been subject to the domination of the privileged orders. The laws by which they have hitherto been governed, have been made *for* them, not *by* them through the medium of representatives fairly chosen; and those laws are sufficiently indicative of the political condition of the labouring population, at the various periods at which they have been enacted. Law defines rights; and what, it may be asked, have hitherto been the rights of the working people?

Slavery disgraces the first pages of the history of half-civilized man. Might established for itself a right over human existence. The powerful and crafty few, guaranteed a property to each other in the lives and labours of the weak, because ignorant, multitudes; and it is in the condition of serfs or of servants, that the political history of the working classes is to be traced. The arrogant injustice of by-gone days, divided mankind into classes and castes, of which the most useful and necessary were the most degraded and despised. Under the Saxons it appears certain, that nearly two thirds of the people of this country were slaves,—a species of live money, the currency of which was disputed no where, and in the payment of which no interests, no feelings, were consulted but those of the owners. This was not only the law, but also the justice of our ancestors. Legislative morality changes its nature with the changing intelligence of the times. It was then in swaddling-clothes; it now exhibits signs of approaching adolescence. Acts of Parliament are at once the index to the people's political history, and the barometer of their social condition. They are often the sole materials from which a knowledge of either can be collected; and point out, in the things which they were enacted to forbid, the cruelties and oppressions to which the people were previously subjected without redress. The early enactments respecting the people, afford some singularly edifying

proofs of ancestral wisdom and justice. What, however, must have been the social condition of the people, when the will of their lords was to them the only law of protection or punishment, of life or death? On this subject Mr. Wade remarks,

‘It is not easy to ascertain from writers the precise immunities of the several classes of bondmen mentioned; the chief differences in their condition arose probably from the relative utility of their occupations; the *servi*, or serfs, as least valuable, being a more ordinary article of traffic and transfer than the bordars and cottars who had been trained to useful arts or obtained a fixed habitation.’

‘All, however, alike appear to have been denuded of the substantial attributes of freedom; the law recognised in none the uncontrolled right to property or change of place without the consent of their superiors; the lord had the absolute disposal of their persons, they might be attached to the soil or transferred by deed, sale or conveyance, from one owner to another; in short they were slaves in the strictest sense of the word,—men under an obligation of perpetual servitude, which the consent of the master could alone dissolve,—and in all probability enjoyed less legal protection from the ill-usage of their oppressors than the humanity of modern legislation has extended to the brute creation.’
—p. 6.

When the life of the slave was no longer at the mercy of the lord who owned him, his body was still at that lord’s disposal. Like cattle he was kept as an article of property, like cattle he was sold. The thing was too common to excite a feeling of shame; it was sanctified by the protection of the law, and even parents sometimes sold their children into perpetual slavery.

‘Their lives were professedly protected by law, and with the consent of their owners they were allowed in some cases to purchase their manumission. In other respects they were in the lowest degradation; so much so as to be considered mere chattels and regular articles of commerce. Giraldus relates that the number of them exported to Ireland for sale in the reign of Henry II. was so great that the market was absolutely overstocked; and from William I. to the reign of John, scarcely a cottage in Scotland but possessed an English slave.’—p. 6.

But the despised and degraded serf gradually acquired portions of freedom, fractions of rights. The wants of society called forth the productive powers of man, and gradually changed the nature of his social relations. It became necessary at length to legislate for the many, and that too in a new capacity, in the capacity of servants not slaves. This took place about the year 1349, at which time labourers or servants are first mentioned in Acts of Parliament. The spirit of those legislative enact-

merits however was still that of property in the lives and labours of the many.

The multitude had originally been kept for profit as slaves, and formed a part of the property of their owners; and in an intermediate state they were allowed, for profit's sake, to keep themselves, the care of existence being thrown upon the vassal, the surplus produce of his labour above what was necessary for existence being transmitted to the lord.

The property held in the slave was retained under another form in the half-liberated serf. About the commencement of the fourteenth century commerce began to produce some important changes in the relations of different portions of society. A demand for free labour had sprung up; and as the author remarks,—

‘The superior comforts enjoyed in towns no doubt inspired the dependants of a manor with ideas of emancipating themselves from a state in which they could scarcely obtain the necessaries, and certainly none of the conveniences of life.’—p. 14.

Another cause operated favourably for the working classes.

‘In 1349, the earth was visited with a dreadful pestilence, which swept from its surface nearly one half the inhabitants. After this terrible calamity labour became extremely dear, and labourers demanded unusual wages. To remedy this evil a proclamation was issued to fix the price of labour; this not being attended to, the famous *Statute of Labourers* was enacted to enforce obedience by fines and corporal punishment. The statute states, that since the pestilence no person would serve unless he was paid double the usual wages allowed five years before, to the great detriment of the lords and commons; it then provides that in future carters, ploughmen, plough-drivers, shepherds, swineherds and other servants, should be content with such liveries [*deliveries*, modes of payment] and wages as they received in the 20th year of the king's reign and two or three years before; and that in districts where they had been severally paid in wheat, they should receive wheat or money at the rate of tenpence a bushel, at the option of their employers; they were to be hired by the year and other accustomed periods, and not by the day; weeders and haymakers were to be paid at the rate of one penny, mowers fivepence per acre, or fivepence a day; reapers during the first week in August twopence a day, and from that time till the end of the month threepence a day, without diet or other perquisite. Labourers of this description were enjoined to carry their implements of husbandry openly in their hands to market-towns, and to apply for hire in a public quarter of the town.’

‘This unjust interference with the freedom of industry was repeatedly confirmed by succeeding parliaments; and the same erroneous principle of legislation, further extended by the law of 1363, which regulates the diet and apparel of labourers; and that of 1388, which prohibits servants from removing from one place to another; and finally, to con-

clude those oppressive enactments, justices of the peace were 'empowered to fix the price of labour every Easter and Michaelmas, by proclamation.'—p. 13.

'It would be superfluous enlarging on a species of law-making so obviously at variance with the feelings and intelligence of the present age. It cannot, however, be denied that these enactments were in good keeping, for it was not more preposterous to fix the rate at which a labourer should work, than what he should eat, or wherewithal be clothed; and one is almost surprised the legislators of the day did not descend to regulations still more minute and intrusive. One important fact may be elicited from these provisions, namely, the evidence they afford of the new social elements that had risen into importance. A great portion of the labourers had clearly extricated themselves from the grasp of their feudal masters, who in lieu of the direct power of compulsory servitude, were compelled to resort to acts of parliament, which, though partial, had the semblance of law in place of the arbitrary will of their employers.'—p. 17.

Compelled they were, there is no doubt, by the force of circumstances, which they vainly attempted to control; and in that attempt the cloven foot of aristocratic legislation was unblushingly apparent. When the liberated serf took the character of the free labourer and artisan, his labour was valued for him. In fixing its value he was not allowed to have a voice. The law fixed the price which his employers the law-makers deemed fitting he should receive. Nor was legislative care confined to fixing the price at which he should labour; it also compelled him to labour at that price, and dictated the place at which that labour should be performed. Every person under sixty years of age was bound to serve whatever master might require him to do so, on pain of imprisonment, and no more than the old rate of wages was to be taken.

The preamble to this extraordinary Act contains a remark which at this day is interesting and instructive, as relating to that which at all times regulates value, viz. supply and demand. It states that on account of the decrease in population, arising from pestilence, servants had demanded 'double or treble' wages. This from the commonalty was unbearable; and the Lords of Towns were empowered to imprison those servants fifteen days who could not justify themselves for being out of employment, who refused to take work at the rate fixed by parliament, or who failed to prove they had received only the rate; and by the same Act the wages of masons and carpenters were fixed.

It was subsequently enacted, that persons fleeing into other shires should be branded in the forehead with the letter F, and ultimately by the 2nd of Henry V. sheriffs were empowered to pursue servants into other counties as felons, and justices might

conflict them on their own confession without the verdict of a jury. Such was the spirit of ancient legislation, and the arbitrary domination of those who conceived they had a property in the lives and labours of the poor.

Chapter ten is devoted to the consideration of proceedings of the nature of 'Unions of Trades.'

'The first notice of combination of workmen is in the year 1548; the 2nd and 3rd Edward VI. c. 15 premises that, "artificers, handicraftsmen, and labourers, have made confederacies and promises, and have sworn mutual oaths, not only that they should not meddle with one another's work, and perform and finish that another hath begun, but also to constitute and appoint how much work they shall do in a day, and what hours and times they shall work, contrary to the laws and statutes of this realm, and to the great hurt and impoverishment of his Majesty's subjects." In this is no allusion to wages, but as the unions had been entered into to fix the quantity of work and regulate the hours of working, the objects were of an analogous nature, and directed to the control of the market of labour. Subsequently, acts were passed expressly to restrain combinations for raising wages; the frequent occurrence of statutes of this nature only serves to shew their futility; for combinations multiplied, and union and secrecy were forced upon them by their illegal character. In 1824 the entire system was abandoned by the legislature; it was discovered that laws to prevent the combinations of workmen, and not their employers, were partial and unjust; that, if successful, they could only tend to depress one class of the community at the expense of another; but what was much more important, it was ascertained, that all such efforts, whether politic or not, were abortive; since it was beyond the power of legislation to prevent the open or covert union of workmen.'—p. 275.

On this occasion the legislature took precedence of both masters and workmen, with a very few exceptions, in the correctness of their opinions. It had then been discovered by parliament that legislation on the subject of wages is abortive; but it has not yet been discovered by the working classes in general, that mere combination on their parts is equally abortive for any purpose of permanent good. It never has been, it never will be successful. To convince the working classes of this is an essential point; but the author has omitted some important historical materials, which would have served to demonstrate the truth of his opinions.

The effects of competition appear to have manifested themselves at a more early period among the manufacturing population than among the agricultural; and in the true spirit of a benighted age, it was enacted by the 3rd and 4th of Edward IV, 'upon the piteous complaint of the artificers of manual occupations who are unemployed by the introduction of foreign

deceitful wares,' that no person shall import a number of articles in the woollen, silk, lace, iron, tin, leather, brass, bone, paper, brushes, wire, &c. trades, amounting in all to seventy-six articles; and the parliament which next met, directed that the wages of the woollen-cloth-makers should not be paid in goods. In the 1st of Richard III, bitter complaint is made of merchant-strangers of Italy and Apulia, and Catalans, residing in London and monopolizing goods and wares, and that great number of stranger artificers daily repair to London, &c. who will not work at plough or cart, but bring goods from sea and sell at fairs, &c.; and the same statute forbids foreigners to take apprentices or become traders, confirms the prohibitions of the 3rd and 4th of Edward IV, and increases their number.

The workmen of particular trades seem to have been especially active about this time in endeavours to keep up the value of their labour, and in short to obtain more for their labour than the law allowed. The masons and tilers appear to have been most forward in this; as an Act was passed during the short reign of Henry VI, making it felony to call a meeting of masons. 'It is not a little curious,' says Mr. White in his Digest of the Laws relating to Masters and Workmen, 'that this celebrated association, which reckons among its members kings, princes, nobles, and gentlemen, should have been originally framed by a number of poor workmen, for the purpose of keeping up their wages, and that their Tilers to guard the door, were really the tilers who had joined the confederacy; that the masters, &c., were really the masters who had confederated with the men to give high wages,' (labour being in demand,) 'that their signs and oaths of secrecy, and threatening of death to any one who divulged their secret, by the hand of the first brother who met him, became necessary to protect themselves from the dreadful law which punished them with death if discovered.' This was a combination to enable the workmen to obtain more for their labour than the laws allowed; to which the state of the labour market appears to have been favourable at that time.

In the opinion of the author, the state of the market of labour for many years before and after the Reformation, presented a contrast to the present; the chief difficulty in the former ~~era~~ not being to find sources of productive employment for the working people, but to bring them into habits of industry. To conquer the propensity to 'idleness and vagabondries' most severe laws were enacted early in the reign of Edward VI. In the preambles to the 1st of Edward VI. c. 3, it is declared, 'that the godly acts which had hitherto been framed on the subject had not had the successes which might have been

wished,' and which is partly ascribed to the 'foolish pitie and mercie of those who should have seene the same godly laws executed.' It is then provided, 'that if any person refuse to labour, and live idly three days,' he shall be branded with a red hot iron on the breast with the letter V, and adjudged the *slave* for two years, of the person who informed against the idler. And the master is directed to feed his slave with bread and water, or small drink, and such refuse meat as he thinks proper; and to cause his slave to work by beating or chaining him. If the slave absconds for fourteen days, he is condemned to slavery for life; and if he runs away a second time, he is liable to suffer death as a felon.

It is not difficult to discover for whom these laws were made; nor is it possible to conceive a state of greater political degradation in a people. To the credit of humanity this Act continued in force only three years. That mendicity and vagabondage prevailed to considerable extent about this period, and for some time previously, appears evident; but it must not be forgotten that the term vagabond was applied to him who absconded, not from idleness, but with a view to better his condition, and to avail himself of the increased value of his labour. Hard names have seldom been spared to the working classes on all such occasions, by those who have believed their interest to be different from those of the working people. Several important changes had taken place, which vastly increased the number of indigent and vagrant poor. Numbers of persons were in the pay of the barons as their retainers, and wore their liveries, and many more assumed the liveries of different barons for nefarious purposes. A system of robbery was carried on by these individuals, in which they not unfrequently were protected by those whose liveries they wore, and who shared in return in the booty obtained. Such was the *morality* of some of our ancestors. For these and other reasons, the barons were forbidden by an Act of Henry VII. to keep troops in their pay, or to employ above a certain number of liveried servants. While this Act diminished the power of the barons, and rendered the power of the crown more dependent upon the people, it deprived thousands of the latter of the principal means of subsistence. A still more important change however, was effected in the following reign, which no doubt for a time materially affected the condition of a much greater number of the indigent and vagrant poor. The breaking-up of the monasteries by Henry VIII. threw many thousands of miserable and degraded pensioners on monastic hospitality, upon their own resources for a living.

Provision for the poor was made, to a certain extent, at a very early period. This is proved from the *Mirror of Justices*, 'written,' says Mr. Horne, 'in old French, long before the Conquest,' but compiled, as Mr. Prinne has shewn, in the reign of Edw. II. In chap. 1. § 3, it says, 'It was ordained that the poor should be sustained by parsons, rectors of the church, and by the parishioners, so that none of them die from want of sustenance.' Whether any compulsory maintenance of the poor existed before the time of Rich. II. does not appear; but the relief of the poor was not wholly left to the monasteries, for provision was also made in the endowment of churches. Formerly, the fourth part of the tithes in every parish were set apart for the poor. The parson, assisted by the church-wardens, distributed the relief. Thence came the necessity for accurately distinguishing those who belonged to the parish, and who on that account had a claim to assistance; and thence came the law of settlement. When, however, the tithes from many parishes became appropriated to a monastery, and this system became general, the poor were principally provided for by the monasteries, the remainder of their living being derived from voluntary subscriptions. 500,000 persons are said to have been kept at these monasteries, besides the monks, &c. The consequences at the time were undoubtedly most serious. The condition of the whole mass of the labouring population must necessarily have been affected; the labour market was suddenly overstocked, and poverty, wretchedness, and crime, every where visible.

The celebrated Star-Chamber decree of this king, issued in 1488, stated that 'the cordwainers were put out of employment by aliens,' gave a most deplorable description of the then state of the country from thieves, 'who were executed in great numbers,' and forbade the employing of 'more than two servants foreigners.' Above 80,000 thieves are said to have been executed in this king's reign. In that of his son Edw. 6th, as has been seen, the first Combination Act was passed. Labour had begun to compete against itself, and the labourer to struggle more arduously to keep up his falling condition. In short, competition in the market of labour was evidently producing its constant and natural effects. By one of the early Acts of the following reign of Philip and Mary, it appears that not only was the manufacturing population in the most wretched condition, but that the agricultural labourers were similarly circumstanced. The 3 and 4 of P. and M. even interferes to prescribe how many looms a master shall have in his possession, and states expressly, that 'the wages in woollen-weaving had

become so low that numbers had been compelled to leave the employment.'

The reign of Elizabeth followed that of Philip and Mary. Several circumstances had tended to render the people feverish and unsettled for more than a century previous to this period. The tyrannical nature of the laws by which they were oppressed, seems to have created a strong desire to curb, if not to destroy, the too great power of the higher orders; and the increased difficulty of gaining a living from the increase of population and the consequent decrease in the value of labour, added not a little to their discontent. The population of the country had more than doubled from the time of Edward III, being then about 2½ millions, and in the time of Elizabeth nearly 5½ millions. In 1593, the weekly wages of carpenters, bricklayers, masons, and other domestic artificers were equal to 123 pints of wheat. In 1610, they were only equal to 61 pints, and in 1651 to 55, (Table in Appendix, p. 539); while the wages of husbandry were only equal in 1593 to 82 pints; in 1610 to 46 pints; and in 1651 to 48, (p. 538). The movements of the people about this time began to be more serious in their character and objects. Poverty in masses becomes formidable to power itself. Despair urges man to the commission of that, which well-fed ignorance has not heart to encounter. In several places the labourers destroyed the inclosures of the land, and declared that it should become one common. Under such circumstances, Governments have generally been obliged to affect to do something towards alleviating distress and allaying irritation, though that something may be really of little value. In all countries and in all ages, justice and humanity have been doled out to the people by grains, and then only when it became somewhat dangerous to deny them. Elizabeth determined to conciliate the working classes, and to ameliorate their condition. The process by which this amelioration was attempted, was slow. It was, however, actually proceeded in. Government did not, in this instance, disgrace itself by falsifying its promises. The working classes were at length legislated for as men having rights, and the celebrated 5th of Elizabeth was passed. Sec. 5th of this Act provides, 'that no person shall put away his servant before the time of his hiring is expired, without shewing cause before one justice; nor shall a servant depart without shewing cause;' and by Sec. 8, any master putting away his servant without cause, was liable to a fine of 40s.

This enactment indicates an important change in public opinion, and in the social position of the people. Antecedently to its being passed, it is evident that a hired servant was not

only in the power, but at the mercy of his employer. Obligated to perform his portion of any existing agreement or submit to imprisonment, he might himself be turned away at a moment's notice, without the possibility of redress. The spirit of the times was rapidly changing, and that too in favour of the middle and working classes. The latter, though poor, were becoming more formidable from their numbers, and from the propagation of opinions among them indicative of a rising spirit of liberty. It was something to be protected from the oppressive tyranny under which they had previously suffered, by an Act such as that of the 5th of Elizabeth, by which justices of the peace, in conjunction with the sheriffs, mayors, &c. were empowered to fix the rate of wages, *having respect to the plenty or scarcity of the times*. Previously, the labourer was compelled to work at the rate fixed by Parliament, whether the quartern loaf was dear or cheap. A somewhat curious specimen of political economy in its infancy, is furnished at this period. In order to create as much employment as possible, it was enacted in the 5th of Eliz. c. 4, that 'land which had been kept to tillage for four years, shall be kept to tillage under a penalty of 10s. per acre.' The 5th of Eliz. c. 3, is the first compulsory law for the maintenance of the poor, and was further added to in this Queen's reign. A monarch so apparently thoughtful for the well being of the poor, could not fail of being popular, and it cannot be denied that the condition of the working people was ameliorated during her reign. It is probable however, that as much was owing to the changing spirit and circumstances of the times, as to the merciful care of Elizabeth. During the reign of her successor, that change became more and more manifest, especially in the increased intelligence of the middle class of society; and in the following reign of Charles, it led to the overthrow of monarchy itself. It would be too much to say, that the knowledge of the people effected that overthrow,—it was rather zeal than knowledge. The tone of public opinion is generally taken from a comparatively few minds; and at this period there were minds prepared to take advantage of the zeal of the people, and to turn it to public account. Though more was owing to the zeal than the knowledge of the people, they were materially benefited by the circumstances of the times. 'The civil wars between the Parliament and the Crown,' says Mr. White, 'effectually broke and destroyed the chains which had been placed around the artizan and the labourer for three centuries, and left him free to demand his own price for his services. Neither Cromwell nor his generals interfered with wages and servants, and it was during the short

reign of that great man, that the world saw, for the first time, the labouring and productive classes treated as men, free from tyrannical laws, and protected by a liberal government, which, however faulty in some respects, had the enviable glory of increasing the happiness of the most necessary and the most useful part of mankind, the artizans and labourers.' Nor is this to be wondered at. The people were the basis on which Cromwell's political power rested, and as no one knew this better than himself, he treated them accordingly.

From the death of Cromwell to the year 1727, no restrictive law was passed relative to the labourer and his labour. In that year however, an Act was passed to prevent unlawful combinations of workmen employed in the woollen manufacture. This was the first statute which directed the recovery of wages by distress or sale, if not paid in money according to the full price agreed on; in default of distress, six months imprisonment, unless the wages were sooner paid or satisfied. That labourers should not previously to this period have enjoyed legal power by summary process to compel the payment of their wages, is sufficiently indicative of the spirit and of the interests which had predominated in the making of previous laws. It was not however until 1748, that a general law was passed to enable servants generally to recover wages by summary process. By that law, servants in husbandry could recover 10*l.*, but artificers, handicrafts-men, &c. could only recover 5*l.*, and that too only in twenty-one days, unless the master chose to pay sooner; and then upon being pressed to pay, he might appeal to the sessions. An important period was fast approaching in the history of legislation for the people. By the 22nd of Geo. 2nd, the Act of 1727 was extended to all persons employed in the hat, linen, fustian, cotton, iron, silk, and several other trades; that is, they were prohibited from entering into any combinations for keeping up the value of their labour. By the 17th of Geo. 3rd, other persons were, for the first time, punished for assisting them. In 1796, the restrictions were extended to paper makers, and in 1799 to workmen in general. The Act of 1799 was repealed in 1800, and the 39 and 40 of Geo. 3rd, c. 136 passed, in which was still more strongly manifested that spirit of coercion by which governors had for centuries been endeavouring to subject the people to a state of legal servitude, favourable only to the rich and the powerful. By sec. 17 of this notable Act, masters were rendered liable to a penalty of 20*l.* for combining, and in default of effects, to be committed for not less than two months, nor more than three. This infliction of fine or imprisonment on the masters, was a mockery of

the men. The sum was too inconsiderable to be at all operative as a check, as was afterwards proved. While this was the punishment of the masters, what was that of the men? The first and second sections provided punishment by imprisonment for combining generally, without mitigation by fine. By the 3rd section they were punished for decoying or intimidating others from working. The 4th section punished any person for attending a meeting to raise wages, or who shall collect money for that purpose. The 5th punished those who pay money, with fine or imprisonment. The 6th, 7th, and 8th, declared such payment illegal, and directed how the money was to be recovered. The 9th compelled persons to give evidence, but indemnified them from consequences against themselves. The 10th enacted, that any justice should have power to issue his summons to any persons offending against this Act, appointing the time and place where such persons were to attend before two justices, who upon proof on oath of the delivery of such summons at the place of abode of the party, might proceed to conviction, upon proof of such parties absconding; and thus the party might be condemned unheard. The 11th gave power to magistrates to summon witnesses, who, if they should refuse to be examined, might be imprisoned until they would give evidence,—that is, as long as the justices should think proper. This statute was passed in the year 1800, at a time when the man who dared to condemn the iniquitous proceedings of the crusaders against liberty and cheap government, was persecuted and driven from society by the people themselves. But ‘a change has come o’er the spirit of their dream.’ Experience, though a harsh teacher, is the most successful one. The course of legislation comprises a period of nearly five centuries. What was the constant object of the different laws which were passed during that period relating to the working classes? By what were they characterized? What were the circumstances that gave rise to the necessity of thus adding ‘line upon line, and precept upon precept,’ each line becoming more restrictive than the former, each precept more shamelessly partial and unjust? The spirit of legislation in each succeeding century remained the same; the assumed right to fix a price upon the labour of the labourer was manifest in every enactment. The object was constantly and obviously to keep down the value of labour, to prevent the working man from obtaining that price for his labour which circumstances would warrant him in demanding. It was alike illegal to endeavour to increase or keep up the rate of his wages by combination, while his employers could combine without injury to reduce them. The difficulty of thus govern-

ing a people who had become more powerful from increase of numbers and increase of knowledge, multiplied those enactments, in the latter period until they became too unjust to be longer borne, too odious to be any longer successfully defended.

It is worthy of remark that the early restrictive enactments were for a purpose different from that which was the object in later days. All the Acts which have been cited or alluded to were Acts of restriction upon the labourer; their operation upon employers was comparatively small. But the first restrictive enactments were to prevent the people from taking advantage of the *increased* value of their labour; those of a later period have been to enable their employers to take advantage of its *decrease* in value. In those of the earlier period the labourer was forbidden to take more than a certain fixed rate of wages. In those of the latter he was forbidden to combine for the purpose of securing to himself the rate which had been previously given.

Against the first class of restrictive laws, the people had in general loudly complained. They demanded to be left at perfect liberty to make what arrangement they could with the masters; and the time at length came when they obtained that liberty, under the protectorship of Cromwell. The commercial importance of the country rapidly rose after this period, and English enterprise and industry began to find a way to other markets than those to which they had hitherto been confined. According to Child, Petty, and Davenant, the commerce and riches of England never in any former age increased so fast as in the busy period from the Restoration to the Revolution, that is, from the death of Cromwell to the accession of William in 1688. That this opinion is correct will be manifest from the difference in the amount of customs at the two periods. In 1661, about two years after the death of Cromwell, the customs amounted to 421,582*l.* 7*s.* 11*d.* In 1688, the amount was 781,987*l.* or nearly double. That this was the result of an increased foreign commerce, will be evident from the fact, that at the Restoration the outward-bound ships equalled about 142,900 tons, while in 1688 they were equal to 285,800 tons; and the value of the cargoes exported at the first period is estimated at 2,043,043*l.* sterling; at the second period 4,086,087*l.* In 1701 the value was 6,709,881*l.* A prosperous people are always a rapidly increasing people. Sir Josiah Child laid it down as a maxim, that 'such as our employment is for people, so many will our people be.' The progress of population during the eighteenth century affords ample evidence of the truth of this remark. In 1700 the population was not quite 7,000,000.

In 1801 the numbers were 10,471,778. What had been the progress of commerce during that time? The history of commerce is the history of the industry, talent, and enterprise of the people. The eighteenth century is famous for its discoveries and inventions, and the application of steam and machinery to manufacturing purposes, especially in the cotton manufactory. In 1760, the first year of George III, about 50,000 spindles are said to have been at work in Lancashire alone. Neither weaving nor spinning was then carried on in large factories; they were domestic occupations, the women of the families working at the distaff and hand-wheel while the men wove. In 1700 the value of the exports, as previously stated, was 6,709,881*l.* In 1801 the amount was 37,786,857, and in 1802, a year of peace, the value rose to 41,411,966*l.* During the reign of George III, above 60,000,000*l.* of gold coin was issued from the mint; and Colquhoun in 1812 estimated the property annually created by British industry at 430,500,000*l.*, of which nearly 217,000,000*l.* were the result of the capital and labour employed in agriculture. Whence originated this vast amount of wealth? In the industry of the people. Kings, courts, and cabinets create no wealth; their business has been to expend, not to create. This increase of wealth from the commercial industry and mechanical skill of the people, was produced in spite of the folly and wickedness of their governors, and without their aid; and the annual production of so vast an amount might have been thought amply sufficient to have secured comfort to those of whose expended labour it was the representative. But the prosperity of the working classes by no means kept pace with the increase of wealth. The commerce of the country had increased in the most rapid and astonishing manner during the latter part of the eighteenth century, in the last ten years of which the value of the exports had almost doubled. The population had increased during that century rather more than 3,500,000. That increase had been greater during the latter part of the century than the former, and a still further stimulus was then given to the increase of numbers, which has made itself strikingly manifest during the last thirty years. Notwithstanding the rapid development of productive power, especially in the cotton manufactory, and the consequent increase of national wealth, the value of labour had begun to decrease both positively and relatively. Positively, as it regarded the actual sum paid for the same quantity of work; relatively, as it regarded the change which had taken place in the price of provisions. And first, as to the positive decrease in the value of labour.

The demand for labour during the latter half of the eighteenth century, had been such, in all the great manufacturing districts in the country, as to call all the surplus population of the villages to the neighbourhood of the large manufacturing towns; to cause a removal of families from the agricultural to the manufacturing counties; and also to give rise to a considerable immigration of Irish. That this was the fact, is evident from the population returns. Between 1700 and 1801 the population of Lancashire had quadrupled itself, while that of Yorkshire had only doubled, though the latter is a manufacturing as well as an agricultural county. A family was a fortune to a man in the neighbourhood of the cotton districts, from about 1760 to nearly 1800. From the peculiar nature of the machinery, children were as useful as men, and equally indispensable. The reward for this kind of labour was great, and that reward was increased in consequence of the then unpopular nature of the employment. The term 'factory hand' was used in opprobrium, and the persons employed in this occupation were looked upon as an inferior caste. Indeed only the very poorest of the English could at that time be induced to work in the cotton mills; hence the greatest encouragement was given to the Irish to come over and settle, and scores of children were sent from the different parishes of the metropolis as apprentices to the cotton business, some of whose histories are not to be equalled in the annals of cruelty among slaves in the west. 'The liberal reward of labour,' says Adam Smith, 'as it is the effect of increasing wealth, so is it the cause of increasing population.' A bribe was offered in the manufacturing districts for early marriages, in the value of a family; and marriages consequently soon began to take place at an age, and to an extent, which shocked the established feelings of propriety among what were considered the more respectable poor. Though the consequences of this imprudent conduct had not manifested themselves at the latter end of the eighteenth century to the extent they have since, yet a sufficient increase had taken place in the numbers of the people to produce effects of no common interest to the working men in particular branches of their occupations.

It has been previously remarked, that when the people were prevented by the first restrictive enactments from obtaining the price for their labour, which they otherwise might have done, they were loud in their complaints against the injustice of those Acts, and were constantly endeavouring to evade them. They desired the amount of wages to be fixed only by themselves and their employers. 'The year 1773,' says Mr. White, 'produced a new æra, and marks the strange vicissitudes of human

events. The laws which had been heretofore so obnoxious to the workmen and artificers, were now in the most clamorous manner demanded by them. The silk-weavers in Spitalfields, disgusted at the avaricious conduct of their masters, determined to throw themselves into the hands of the magistrates to fix the rate of their wages, and force, both open and secret, was used for that purpose. The work of those weavers who were working for less than the usual rates, was cut from the looms, and the master's looms and property destroyed. The Minister was surrounded in his house, and compelled to promise to pass a Bill, to empower the magistrates of London, Southwark, and Middlesex, to fix the rate of wages. The most dreadful riots took place; several were shot, and several of those who had cut the work from the looms were executed. This violence continued several years, and peace and quietness was not restored until the 13 Geo. 3. c. 68. was passed. What a change of circumstances and public opinion! From 1349 till the era of Cromwell, the artificers and labourers had run the risk of being branded with red-hot irons, and treated as felons, rather than submit to the rates fixed by the magistrates, and in little more than a century they became outrageous for the magistrates to have that power, in preference to their masters. The silk weavers were by no means singular in their notions. In 1779 the stocking makers of Nottingham, Leicester, and Derby, and indeed of all England and Scotland, applied to parliament for an Act to raise the rate of their wages, and fix them by law. What is the inference fairly deducible from this statement? Is it not that the supply of labour in these particular branches had become greater than the demand, and that labour was thus competing against itself? But the increase of population had produced another important effect as it regarded the comfort of the people. It had been the principal cause of the relative reduction of the value of labour. The greatest distress had been experienced from the dearth of provisions; population had begun to trench on the means of subsistence, and that too, prior to the year 1773 in which the above disturbances took place. 10½ millions, at the end of the eighteenth century, were much more difficult to feed than the 7 millions who were in existence at its commencement.

In order to encourage agriculture, an Act was passed in 1689 'for encouraging the exportation of corn' when wheat should be at 48s. or under. A long period of fine seasons had reduced the price of middling wheat, according to a five years average ending with 1689, to 28s. 9d. In 1691, 66,600*l.* was paid for bounty on the exportation of corn, and corn continued to be

exported from this country until about the year 1764. In the year 1754, 1,080,077 quarters were exported, upon which a bounty was paid of 964,340*l.* In 1769 a change took place; the excess of imports over the exports was 233,184 quarters. The population at this period is estimated at nearly 9 millions. The corn grown in the country was no longer sufficient for their support, and we immediately became importers.

According to the author of the Corn Tracts, the quantity of grain consumed in a year by the people of England and Wales, about the year 1757, was 13,555,850 quarters, and Sir James Stuart in speaking on this subject with reference to that year, which was one of high prices, states that the quantity imported was only 151,743 quarters, being about 1-89th part of the ordinary annual consumption of the people, or equivalent to their subsistence for four days, two hours, and twenty-four minutes. In the year 1800, 2,259,379 quarters were imported, and this too notwithstanding the increased quantity of land which had been thrown into tillage from the rapid increase in the demand for provisions, and the consequent increased value of agricultural produce. From the Report of the Committee of the House of Commons on Waste Lands in 1797, it appears that the following Acts of Parliament were passed in the reigns of Anne, Geo. 1st, Geo. 2nd, and Geo. 3rd, to 1797, and the following number of acres of common and waste land inclosed in consequence.

	No. of Acts.	No. of Acres.
In the Reign of Anne - -	2 . -	1,439
- - Geo. 1st. - -	16 -	17,660
- - Geo. 2nd. - -	226 -	318,778
- - Geo. 3rd. } to the Year 1797 }	- 1,532	- 2,804,197
		<hr/> 3,142,074

'There are two facts which are incontrovertible, and are very interesting,' says Mr. Chalmers in his Domestic Economy of Great Britain, '1st, During the thirty-six years which ended with 1800, the surface of our island was continually improved beyond all former examples, and in the last ten years more than in the first; 2ndly, With the same 36 years, our importation of corn began, and has increased the most towards the conclusion of this long period.' Notwithstanding this increased cultivation at home and importation from the continent, in the year 1800 the price of wheat per statute-quarter was 11*s.* 4*d.*

In 1808 the weavers of Lancashire and its neighbourhood, as well as those of Northumberland, Cumberland, and Glasgow, whose wages had been reduced, became in their turns alike clamorous to the magistrates to fix the rate of wages. Serious riots took place, and large bodies of troops were marched to keep the public peace and protect the magistrates in *not* putting the laws in force. The journeymen and some of the masters in Manchester and Glasgow, applied for a writ of mandamus to compel the magistrates to fix the rule of wages according to the 5th Elizabeth c. 14. sec. 15. The writ for which the masters and journeymen had applied was delayed for years, and at last, when every subterfuge had been tried by the Courts, Lord Sidmouth came down to the House of Lords in 1813 with a Bill to repeal the 5th Elizabeth, 1st James I, and all Acts passed by the Scotch Parliament to fix the rate of wages.

But much more important results began to manifest themselves as a consequence of distress in the different parts of the country, soon after the disturbances of 1808. The more expensive application of machinery to purposes of manufacture, and especially the expensive introduction of the steam loom, had begun to displace adult and skilled labour to an extent which excited alarm and indignation in the minds of the working classes. Men and women were superseded by children, and the labour of a man was reduced in value to that of a mere boy. The feeling gradually spread that machinery was ruining the working classes. Thomas Smith, a weaver from Glasgow, in his examination before a Committee of the House of Commons, June 7, 1811, stated, among other things, in answer to questions as to the cause of low wages and distress,—‘ thus the improvements in agriculture rendered fewer hands necessary. I remember well enough, two men were necessary for one plough; one man does that business now. I remember likewise when it took perhaps four men to thrash corn, this is all done by machinery; and the introduction of a great many steam looms renders the labour of the mechanics less necessary.’ See Report p. 6. Duncan Lenox, also a weaver from Airdtown near Glasgow, deposed before the same Committee that much machinery was employed in weaving which was worked by ‘ boys and girls, while men are idle and cannot get a job.’

‘ Then it would advance the interests of the weaving trade if machinery were not employed.’

‘ Yes, I think so.’

‘ Would it tend to remedy the grievances you complain of, if the use of steam looms were prevented?’

‘ Yes it would, no doubt; but we would not wish altogether

that any man who has laid out a capital on a machine of that kind, should lose it altogether; we wish some tax should be laid upon them, or something or other to bring down equalization.'

This feeling on the subject of machinery rapidly took root in the minds of the working people. Where the introduction of machinery was creating a visible demand for labour, it was looked upon as a blessing; it would have been too much to expect the sufferers by it to find out, that what was saved to the consumer by machinery, would be spent by him on something else, and so the evil in one place be finally balanced in another, and the operatives have their share of the advantage so far as they were consumers. Early in 1812 the feeling burst forth in a form and manner which ultimately led to the appointment of a Select Committee of the House of Commons to inquire into and report thereon. A being whom nobody appeared to know, seemed to have sprung up all at once into existence under the title of 'General Ludd,' whose partisans appeared to be both numerous and formidable in their movements. The public prints of the time teemed with accounts of the 'Luddites;' and the Secret Committee reported,—

'That from the several sources of information contained in the papers and documents referred to them, it appears that for some months past, serious and alarming disturbances, destructive to property, and highly dangerous to private safety and the public peace, have prevailed in a very extensive populous manufacturing district, comprising certain parts of Lancashire, and of the West Riding of Yorkshire, and certain parts of Cheshire, bordering upon Lancashire.'

'That the outrages in the above district, brought to the notice of your Committee, commenced about the end of February last, and continued, (though not without occasional variation and temporary abatement) to the latest period (the 23rd of June) at which any information had been received. During this period rioters in large numbers have assembled in the night time; some of them disguised by blackened faces, some armed with guns and pistols, and others with the implements of their trade, to be used as offensive weapons, have broken into various houses, particularly those of the manufacturers who made use of shearing frames, have destroyed the machinery, sometimes plundered the inhabitants, and burnt their houses and factories, exciting and keeping up perpetual terror in the country, by threatening letters and other means of intimidation, occasionally executing their threats against proprietors and others, not only by the destruction of the property, but by firing into the houses. It appears also that in some

instances attempts have been made on the lives of those who had been actively employed in endeavouring to suppress the tumults; and the atrocious murder of Mr. Horsfall, a very respectable manufacturer in the neighbourhood of Huddersfield, in the month of April, by four men who fired at him with slugs in the public road, in broad day, together with other acts of violence, caused a great and general consternation over all the district.'

'The object of these lawless proceedings at the commencement of them, appears to have been the destruction of machinery; but very early in their progress another object, still more formidable to the public security, has been developed; large bodies of men having assembled in the night, breaking open houses and demanding arms with threats and violence. It is stated that in the neighbourhood of Huddersfield, all the arms have been taken; and that in other parts the seizure of them has been considerable; and there is reason to apprehend that the rioters have different sorts of arms concealed.'

'It appears also that attempts have been made to create a persuasion amongst the persons engaged in these disturbances, that their proceedings are likely to be supported by similar combinations in London, and in other parts of Great Britain, as well as in Ireland; and that they are countenanced by individuals of a higher class and description, who are to declare themselves at a future time. But no evidence has been laid before your Committee to sanction any such reports.'—*Report from Committee of Secrecy, July 8th, 1812.*

The Committee appear to have been anxious to give a colouring to these proceedings, different from that which truly belonged to them. It is possible indeed that political feeling might, in some minds, be mixed up with the spirit of 'Luddism;' but the essential and primary object was the destruction of machinery. Numbers were brought to trial for these offences; some were capitally punished, others transported; many suffered imprisonment, and all who in any way suffered were looked upon as martyrs by their fellow workmen, who ascribed a degree of honour to the name of 'Luddite.'

Government endeavoured to make use of 'Luddism' as a political bug-a-boo, to alarm the nation, and to a certain extent, succeeded in so doing; but a very strong feeling of compassion was entertained by a large proportion of the public for these men, who, it was felt, had been excited to desperate acts by the pressure of severe privations, and the prevalence of a general ignorance as to their true cause.

Of the marches and countermarches, meetings and machina-

tions of 'General Ludd' and his followers, nothing is said in the history of the Middle and Working Classes. A combination of such an extent, and for such purposes, ought to have met with a notice from their historian, as indicative of the state of knowledge and feeling on the important subject of machinery at that so recent period. The strong arm of the law, aided in some instances by the military, ultimately overcame 'General Ludd,' and suspended his active operations; but it remained for the stronger powers of knowledge to extirpate the passive existence of the spirit of Luddism in the minds of thousands, and to lead to the admission that improvements in machinery are intimately linked with the progress and perpetuation of national prosperity.

In 1813 the laws above alluded to were repealed by Lord Sidmouth's Bill.

While the laws were repealed to which the people were looking, however erroneously, for relief, the combination law of 1800 was actively enforced wherever occasion offered. The working man was not educated to understand that no laws but those of supply and demand could regulate the value of his labour and consequent rate of his wages; nor indeed was the state of information much superior among the masters, most of whom believed that it was the combination laws that enabled them to keep down wages.

They thought that they were cheating the labourer of something, which were these laws repealed, he would be able to force them to give up. They too were in want of knowledge upon the subject. The only teaching of which the working people were thought worthy however, was the teaching of a dungeon. But while they were thus prosecuted for endeavouring to keep up the value of their labour by means correspondent to their knowledge; while the whole force of the civil power and influence of the several districts were exerted against them because it was alleged they were acting illegally; while the magistrates, acting as they believed in unison with the views of the legislature to check and keep down wages and combination, regarded in almost every instance every attempt on the part of the artisans to ameliorate their situation or support their station in society as a species of sedition and resistance to the government; while every member of a Committee or active man amongst the working people was regarded as a turbulent and dangerous instigator whom it was necessary to watch and crush if possible by the operation of the 39 and 40 George 3. c. 106 previously alluded to,—what was the conduct of the same class of persons towards the employers of the poor

when they were detected in acts of combination! When the master carpenters of London were indicted under this act, the magistrates neglected or refused to commit. In Nottingham a combination of masters was publicly advertised, signed by four of the parties, declaring that they had agreed to reduce the wages of their workmen, yet the magistrates refused to receive the information, because, as they said, the informant could not tell where they had met to make the agreement, that is in what parish they had met, and because the Act directs part of the penalty to the poor of the parish. While distress generally creates sympathy, the suffering of a common oppression draws men closer together; and it cannot be wondered at, that seeing all the powers of the government apparently leagued with the wealthy classes to bring them to and keep them in a state of abject poverty, the working men also should try the power of union amongst themselves on a scale much more extended than they had hitherto attempted. At this period the labouring population were uniting in every direction to try to keep up the value of their only property. 'Trades Unions' were every where formed; delegates were sent from one town and county to another; and strikes took place, which from the determined spirit of the men who struggled as for life, produced the most disastrous consequences, and tended only to hasten the poverty that was too rapidly desolating their dwellings. That the impatience of hunger and the consciousness of a deteriorated and apparently constantly deteriorating condition made the men sometimes do that which impartial justice condemns though humanity pleads an apology, cannot be denied. But how great was the provocation! While the commerce of the country was continually increasing and wealth was accumulating in individual masses to an extent unprecedented in the history of the world, the working man saw his labour, his only patrimony, constantly tending towards starvation point. The perception of this tendency and the desire to avert it, were to each other as cause and effect; and if the working men did not adopt the wisest measures in the endeavour to support their own interests, the attempt, so far from being criminal, was as honourable as the results were unfortunate for themselves. Many were found to scoff and rail at them; few if any from the classes who employed them, to soothe with and advise them.

To the heart-rending distress of 1800, 1812, and 1816, which produced the Meeting at the Mansion-House, the daily and weekly records of the time bear afflicting testimony. According to the evidence of Mr. Thomas, Smith, taken before a Committee of the House of Commons in 1811, wages had fallen

in Glasgow and its neighbourhood above seventy-five per cent. in eleven or twelve years. (See *Report, June 13, 1811.*) The men were driven to desperation from a consciousness of their condition, and notwithstanding the severity with which the laws were enforced against them they continued to increase, putting their trust in that as their strength, which constituted their weakness,—their numbers. ‘The operation of the laws against the combinations of workmen,’ says an intelligent writer in the *Trades* newspaper of October, 1826, ‘had drawn off the attention of the working people from all other causes of low wages, and had induced them to conclude that the sole cause was the operation of the law. This was declared by their delegates repeatedly during the Session of 1824, and it was foreseen that this persuasion would remain until experience had convinced them, that however troublesome and unjust those laws might be, however much they put the workmen in the power of their employers, and however they might be vexed and prosecuted and imprisoned under them, the laws were not, except in some few cases, the cause of low wages.’ The system of 1824 was one of importance to the working men. Though the condition of the great body of the people was deteriorated to a lamentable extent, and the workmen of particular trades were reduced to positive wretchedness*, there were portions of the working classes that were in comfortable circumstances. These were what may be termed *skilled labourers*. In this class may be ranked the spinners of fine yarn, who were not only much better off, because better paid, but amongst whom also were to be found men possessed of knowledge which did honour to their station in society. The same remark is applicable to many other branches of skilled labour. These men had become the pleaders of the cause of their suffering brethren. They managed the business of their Unions; drew up the petitions for the repeal of those divers laws which made it illegal for the working man to attempt to fix a price upon his labour; and in their appeals to the public, they were their speakers for the occasion.

Some men were also found among that portion of them

* It was proved in evidence before the Committee of the House of Commons in 1824, that a cotton weaver in 1792 received 3*s.* for precisely the same quantity of the same work for which in 1824 he received no more than 4*d.*; that a weaver in 1792 could earn 36*s.* per week with comparative ease, while the average earnings in 1824 were only 5*s.* 6*d.*; and William Longton, an intelligent man, who described himself as a rather swift workman, said that when working on good work he could with diligence earn 7*s.* per week. The price of corn in 1792 was 39*s.* per quarter, and in 1824 it was 62*s.* .

where it might have been supposed that poverty would almost have prevented the acquisition of knowledge, whose intelligence did their cause great service and themselves great credit. A number of this class of men were sent by the operatives to plead their cause before a Committee of the House of Commons on the subject of the repeal of the laws by the operation of which they were aggrieved. The history of that inquiry and its results are known. The combination laws were repealed by Mr. Hume's bill of 1824, and the men, not yet sufficiently informed upon what determines the value of labour, rejoiced in the belief that an overwhelming obstacle was removed to their increased prosperity. They gloried in the fancied omnipotence of their Unions. That they did so is manifest from the strikes which took place in various trades soon after the repeal of those laws, and from the public declaration of their opinions on the subject. At a meeting held at Fairweather Green, it was declared by Mr. Tesser, secretary to the Bradford union, that 'Before the strike for an advance, steps were taken for ascertaining the disposition of the workmen in the town and neighbourhood of Bradford, and 14,000 persons entered their names as approving of the plan and willing to act upon it. This was union, and by union alone would an advance of wages be obtained. The combers and weavers were united, and united they would continue. If the meeting approved this declaration, they would hold up their hands (the show of hands was universal).--See *Trades Newspaper* Aug. 7, 1825. Declarations of a similar nature from almost every trade in the kingdom are to be found in the pages of the above journal, which prove the general conviction among the working classes that by union of this kind only could they hope to succeed in their endeavours to secure prosperity and happiness to themselves and families.

They had now liberty to act for themselves and they determined to try the issue. The history of Trades Unions from that day to the present time is a history only of failure. The various strikes of the cotton spinners in the various cotton districts, the no less celebrated strike of the Bradford woollen weavers, were all characterized by a similar unhappy termination. The combination laws were repealed, but the causes of their distress remained, and the men perceived not that the canker worm that was destroying their comforts, was the pressure of the quantity of labour against the demand for it at such wages as would keep soul and body together. The following extract from an Address from the woollen weavers of Bradford to Mr. Peel in 1826, will be sufficient evidence that the repeal of the combination laws

had not bettered the condition of the working men. Among other things they say, 'Our dwellings are totally destitute of every necessary comfort. Every article of value has disappeared, either to satisfy the cravings of hunger, or to appease the clamours of relentless creditors. Our homes, where plenty and contentment once resided, are now become the abodes of penury and wretchedness. This however, is only a faint picture of the situations of those who are in employment. No adequate idea can be formed of the misery of those who are unemployed, of whom there are upwards of seven thousand in this town and neighbourhood. Thousands who once looked forward with confidence to a decent competence to support themselves in their old age, are now sunk in the lowest depths of poverty. Thousands who were once possessed of an honest independence, are now reduced to the melancholy alternative of subsisting on casual charity, or becoming the inmates of a workhouse. Fathers of families who were once in affluence are now to be seen in the streets as common beggars. Were the humane man, Sir, to visit the dwellings of four-fifths of the weavers, and see the miserable pittance which sixteen hours of hard labour can procure, even of those who are fully employed, divided between the wretched parents and their starving little ones, he would sicken at the sight, and blush for the patience of humanity.' One of the peculiar features of the times as it regarded the working classes, was the establishment of a newspaper devoted to the cause of the people, and almost wholly supported by themselves, 'The Trades Newspaper.' In its pages will be found an ample and melancholy record of the poverty and wretchedness which existed not only at Bradford but also in other manufacturing districts; and from them may be extracted some facts relative to the effects of Trades Unions, of the greatest importance to the working classes. 'That combinations, when successfully executed, tend to keep up wages,' says Mr. Wade, 'may be established by comparing the wages of confederated and unconfederated operatives. Hatters, coopers, and coach-makers, for example, form associated bodies, and their wages exceed those of type-founders, saddlers, carpenters, and other branches of industry where the workmen are not associated.' It would have been more satisfactory had this been established by a statement of the relative wages of each particular trade named. Figures would have placed the matter beyond dispute. It is a subject of interesting inquiry whether in those trades in which union appears to have been most successful, as much if not more is not owing to the peculiarities of the trade, as to the effect of a combination among the men.

‘ But the tailors afford the most striking instance of the dexterity with which they have fortified their own interests against the interests of the public and other workpeople. Cutting out is supposed to involve some sublime mysteries of art ; but the chief employment in tailoring is well known to require neither great skill nor bodily exertion. Yet the wages of a journeyman tailor in London are 6s. a day, which is a much higher remuneration than is received by the generality of workpeople in the metropolis. The reason is, that tailors are closely confederated ; and, by their perfect organization and discipline, they have been able to maintain their wages as high in 1833 as in 1815, when money would only purchase two-thirds of the necessaries of life it will purchase at present.’

‘ A similar conclusion might be established by a comparison of the different rates of wages paid in Lancashire and Yorkshire. Spinners and slubbers, for example, who are confederated, receive higher wages than weavers, who are not confederated.’—p. 293.

All the elements essential to a just conclusion on this subject, seem not to have been present to Mr. Wade’s mind when writing the above. If the tailors, the spinners, the slubbers, keep up a higher rate of wages, it can only be by restricting their numbers ; for if 50,000 tailors, for instance, can obtain certain wages now, it is plain that 100,000 could not obtain the same. Supposing, then, that they multiply at the same rate as other men, what do they do with their children ? They clearly must send them to some employments. But all employments cannot send their children to other employments and the hands in no employment be increased. If then the tailors &c. keep up their wages as represented, they must do it by throwing the burthen on other classes, and it would be impossible for all classes to do the same.

Mr. Wade is not always in harmony with himself.

‘ Besides the separate unions of trades, attempts have been made to organize a National Association, for the protection of labour, composed of an aggregation of trades unions, and having for its sole object, the prevention of a *reduction of wages*. On the 28th of June, 1830, a meeting was held at Manchester, of the various delegates from branches of the General Trades Association, in order to elect officers ; the number of twenty trades having joined the union. No trade can be admitted members of this association, that is not regularly organized and united in itself. It was arranged that so soon as the funds of the society permit, an office is to be taken, and a printing-press and types purchased, for the establishment of a newspaper, and other purposes of the association. The contribution of each member is limited to one penny per week. Supposing, out of the millions of workmen in the United Kingdom, only one million become subscribers to the Union, their subscriptions, in one week, would amount to 4,166*l.* ; in a year, to 216,666*l.* ; and in five years, to the sum of 1,083,333*l.*’

‘These calculations will remind the reader of the various projects which have been submitted for the liquidation of the national debt; they are arithmetical problems, easily solved on paper, but in practice prove wholly illusive. The General Trades Association, as might have been foreseen, has failed to realise the expectations of its projectors, and though more magnificent in its pretensions, is not likely to rival in utility the subordinate societies.’—p. 277.

The question of taxation itself, is connected with the same principle. The evils of taxation to this country have been, and still remain, immense; and this remark is much more applicable to indirect than to direct taxation. A change would be hailed as a national blessing;—but what class in society would be most benefited thereby?—National blessings ought to be estimated by the number of people that are benefited by what are so called. The increased value of money, say some persons, has doubled the amount of the national incumbrances,—the taxes ought therefore to be reduced one half. Suppose it done, what class would be advantaged? Nay, suppose that taxation could be wholly done away with, would the labouring population be relieved? The sums now taken from the tax-payers other than the working-classes, are as much laid out on labour of some kind, as they would be if left with the owners; the quarrel therefore with that taxation, rests with the owners and not with the working-classes. And with respect to that taxation which is levied, or supposed to be levied, on the working classes,—the proportion between their numbers and the demand will settle the amount of their wages, in defiance of taxes being either laid on or taken off. A certain period will be necessary for any required alteration to take place in; and therefore the taking off a tax will be temporarily favourable to the working classes,—that is to say, during the time necessary to enable the masters to pull down the wages in proportion. And the laying on a tax will by the same rule be temporarily disadvantageous to them; and the disadvantage from this last will be comparatively greater than the advantage from the contrary, in consequence of the greater power of the masters. But this will be all.

From every twenty shillings that the working man earns, say Mr. Cobbett and his disciples, ten shillings are taken in the shape of taxation. If the taxes were done away with, what would then be the result? The value of the twenty would have increased two-fold; twenty shillings in wages would then be equal to forty previously. How long would the labourer continue to receive that sum; and, if a reduction took place, at what point would it stop? Supply and demand regulate the value of every thing. In the preamble to the celebrated Statute of Labourers,

it was declared, that in consequence of pestilence, servants had demanded 'double or treble' wages. In 1824, it was proved in evidence before the Committee of the House of Commons, that the wages of weavers had fallen, in 32 years, from 36s. to 5s. 6d.; corn having in the meanwhile risen from 39s. to 62s. The result of an entire repeal of taxation would then have been to make the five and sixpence of the weavers equal to eleven shillings of previous payments. Would the weavers have continued to receive this five and sixpence, the purchasing power of which would have been thus doubled, in the face of thousands out of employment, and equally conscious of the change? Would not active competition have been immediately set up by those who were out of employment, to the certain reduction of those who were employed? It is well observed by Mr. Wade, that the 'rate of wages is determined by the unemployed, not employed, workmen;' in proof of which he offers the following remarks.

'Suppose, in a body of 1,000 workmen there are fifty equally good with the rest, who cannot find employment; in this instance, the rate of wages will not be determined by the 950 employed, but by the fifty unemployed. As a matter of course, masters will employ those whom they can hire at the lowest wages; if the fifty unemployed offer to work for 20s. in lieu of 25s., they will discharge that number of their present workmen to make room for them. But the surplus of labour continuing undiminished, and the workmen discharged urged probably by the same necessities as their unemployed predecessors, they, too, will be compelled to offer themselves at 20s. per week, and thereby supplant fifty more of their employed fellow-workmen. In this manner the reduction of wages will extend through the entire trade; the trifling redundancy of fifty workmen, like a trifling excess of commodities in the market, reducing the wages of the entire body of operatives.'

'But this principle operates more imperatively on workmen or dealers in labour, than on dealers in commodities. If the market is overstocked with commodities, the owners may withdraw them—keep them in bond, or store them in warehouses, till the demand increases: but the workman too often has no such alternative; he cannot withhold his labour from the market—he must forthwith either work or starve, and is thus compelled to take the wages he can get, however inadequate to his wants.'

'We have thus arrived at two truths of great importance: first, that wages depend on the greater or less competition for employment; and secondly, that it is not the employed, but the unemployed workmen, who fix the price of labour. The connexion of these two propositions with the increase of population, may be easily demonstrated.'

—p. 214.

It must not be forgotten that, in the case which has been supposed, the masters would have been quite as cognizant of the facts as the men, and would have been quite prepared to

take advantage of the circumstances. If the poor weaver could exist upon 5s. 6d. before, he would have been as able to exist upon 2s. 9d. afterwards, and to that point would the state of the population have brought him, unless the principle of competition could have been entirely destroyed.

Mr. Wade contends, that the agricultural labourer does not pay 10s. per annua in taxes.

‘If, however, he contributed ten times ten shillings in tax, and the whole amount was at once repealed, it would not better his lot, provided his labour was redundant in the market. The truth of this is incontestable. It results from the principle before explained; namely, that wages are not determined by the employed, but the competition of the unemployed, who, rather than starve, will accept any wages on which they can barely subsist. While the labour market is overstocked, if a tax on any article of consumption be repealed, the remission is speedily followed by an equivalent reduction in wages, because the remission has left a surplus beyond the means of that bare subsistence for which the unemployed labourer will submit to work, so long as his industry is redundant: his wages in consequence become minus the tax repealed.—p. 221.

This is sound reasoning, and well worth the attention of those to whom it is addressed. It must be obvious then, that the repeal of taxation alone could not permanently benefit the labouring population.

There are three propositions of great importance to the people. The first is, that, on the value of their labour depends their physical condition. The second, that a physically impoverished people are always a morally and politically degraded one. The third, that it is all-important that they should understand that the melioration of their intellectual and moral, must keep pace with that of their physical state, or their political emancipation will remain doubtful, and, if it could be obtained, would be insecure. Suppose a country fair and prosperous. If the population of such a country were to increase in a greater ratio than the means of subsistence and the provision for instruction, the liberty and prosperity of that country would sink. A pernicious proverb has long been current among the people, an idle belief in which has been fostered by ignorance;—that ‘God never sends mouths but he sends meat.’ Is it true? is not every lane full of people, who have more mouths than meat? The blunder is based on the assumption, that because on Robinson Crusoe’s island, he and his man Friday could produce twice as much food as one of them by himself, therefore 20,000 people could produce twice as much food as 10,000. And if the communication with other countries was ever so free, there would

still be the trouble of fetching; which will always make a difficulty. Hence in any possible circumstances of freedom, some difficulty will begin to arise on an increase of numbers; or the twenty thousand will not find food as easily as the ten.

Mr. Wade concludes his work with a long disquisition on political philosophy, in which, under various heads, especially that of education, will be found remarks worthy the attention of all classes. Indeed the tail-piece of the title describes the body of the work. Much more may be said in its favour as a 'Popular exposition of the economical and political principles which have influenced the past and present condition of the industrious orders,' than as a 'History of the Middle and Working Classes.' The latter is a misnomer.

Of the two great questions which at present agitate the public mind, Poor-laws and National Education, Mr. Wade is the supporter of both. On the latter subject few indeed will differ with him, except those who conceive their interests to be most secure amid popular ignorance. Mr. Wade properly notices sports and pastimes as a part of popular education. To teach a man how to get money, without at the same time teaching him how to spend it so as to secure the greatest possible amount of comfort, is leaving a most important part of the duty undone. With this view such provision ought to be made for the comfort and accommodation of the industrious classes during their hours of leisure, as would tend to the formation and confirmation of habits conducive to general good. More money is spent in educating the rich in the means of passing their leisure hours not only agreeably and beneficially but also in a manner calculated to attract, than is devoted to their instruction on subjects of social duty. And this is considered essential to their success in life. No provision or preparation is deemed necessary, however, for the recreation and improvement of the working classes during those few halcyon moments when the yoke of labour is unloosed from their necks. It is well remarked by Mr. Wade that

'An allotment of land in each parish on the plan proposed by Mr. Slaney, for popular exercises, would be favourable to public health and morals. A revival of some of the old sports and pastimes would be an improvement in national manners; and the attractions of cards, dice, opium-eating, and dram-drinking, be beneficially exchanged for the more wholesome recreation of former ages. "Worse practices," Stow remarks, "it is to be feared have succeeded the more open pastimes of the elder time."—p. 509.

On the subject of poor-laws considerable difference of opinion prevails. Mr. Wade advocates their continuance; and,

after discussing some of the more important objections to their continuance, he makes the following observations.

‘ In conclusion I shall remark, that though it is unlikely “the poor will ever cease out of the land,” yet a large portion of existing pauperism might have assuredly been averted by better habits in the people and more wisdom in the classes immediately above them. The poor are not wholly to blame for their vices. Without instruction in the principles which influence their condition, without examples of economy, order, and forethought in their early years, they have not an opportunity to become in after life any thing more than children in understanding, and it not unfrequently happens that the most kind and generous hearts among them are those least gifted with the saving virtues by which the miseries of future penury and want may be avoided. They are the orphans of society, to whom every indulgence compatible with their own welfare should be extended. If they have been ignorant of their duties, the rich have neglected theirs. How can it be supposed the labouring man, doomed to unceasing toil, can discover those hidden causes of poverty which for thousands of years escaped even the scrutiny of the philosopher. It is not parish officers, clergymen, and magistrates only to whom the weal of the poor ought to be confided; upon every employer of workpeople is imposed a solemn duty next to that he owes his own family, to learn himself and explain to those dependent upon him, the origin of social distress arising from bad habits, excess of population, changes of the seasons, and periodical vicissitudes in trade. It is only in this manner popular education can be made universal, and knowledge really useful disseminated through the community.’—p. 407.

ART. XV.—1. *The Colonies: treating of their Value generally—Of the Ionian Islands in particular; the Importance of the latter in War and Commerce—as regards Russian Policy—their Finances—why an Expense to Great Britain—Detailed Proofs that they ought not to be so—Turkish Government—Battle of Navarino—Ali Pacha—Sir Thomas Maitland—Strictures on the Administration of Sir Frederick Adam.* By Colonel Charles James Napier, C.B.—London; Boone. 8vo. pp. 608. 1833.

2. *Turkey and its Resources.* By D. Urquhart, Esq.—London; Saunders and Otley. 8vo. pp. 328. 1833.

AT the peace of 1814, the French evacuated Corfu, the sole member of the former ‘Septinsular Republic’ that remained under their control. The Seven Islands with their dependencies were placed under the exclusive protection of the King of England, and called ‘the United States of the Ionian Islands;’ a more rational title than that of the Seven Islands, which might as justly have been termed the Eight Islands, Calamo in size

'nearly equalling Paxo. For this Union, Sir Thomas Maitland drew up a 'Constitution.' The comparison of the title with its provisions, might lead to a charitable supposition that Sir Thomas meant to exercise the islands in his Constitution as in a break, really pulling after them nothing but noisy wheels, but harnessed and trotting out, as if they were actually drawing some useful load. The grievance is, that this breaking in has been now continued for fifteen years. The first step for the Ionian people and the protecting sovereign, would be to mend this 'Constitution;' or as was said of Pope, 'it would be better to make a new one.'

The nature of the sham carriage thus paraded, and the real collars, reins and traces put upon the horses, may be collected from the draught of the Ionian Constitution ordered by the House of Commons to be printed in 1818.

Article IX. of the Constitution, Chapter I. 'The Legislative Assembly shall be elected in manner and form hereinafter laid down, from the body of the noble electors.' X. 'The Senators shall be elected out of the body of the Legislative Assembly.' XI. 'The judicial authority shall be selected by the Senate.' And now for the qualification of all this election and selection; the salt that is to be thrown into the negus to hinder it from being too good.

By Article 3rd Chap. III. 'The most noble the forty Members of the Legislative Assembly shall be composed of eleven integral Members, and twenty-nine to be elected.' Article 4th. 'The eleven integral Members shall, in the instance of Parliament dying a natural death, consist of the President and Members of the old Senate, of the four Regents of the great islands during the late Parliament, and of one of the Regents of the smaller islands' [in rotation.] That is to say, the nucleus of the popular representation shall be eleven ex-placemen, as will be presently shown. The next Article provides that 'in the instance of a dissolution of Parliament, [that is, in the improbable supposition of such a Parliament being unprofitable to the Lord High Commissioner], the last five, shall be five of the late Legislative Assembly to be named by His Excellency the Lord High Commissioner,' the same thing being thus done in a more barefaced manner. The other twenty-nine members are elected by the Synclitæ or freeholders;—from payers of 1,000 francs direct contribution? No. From any other definite class? No. But thus:—Article 8th. 'The election by the synclitæ shall be made on a double list, formed and transmitted to them to vote on, in manner following. This double list shall be made by the Members of the new Primary Council, [our 'integral' friends], and in the instance

of Parliament dying a natural death, its functions upon this head shall commence six months antecedent to the death of the Parliament. Article 9th. 'On the double lists being completed, the President of the Council shall transmit a copy of the said lists, signed by himself, to the Most Illustrious the Regents of the different islands, so as to arrive at the island to which they may belong, at least fourteen days antecedent to the death of the Parliament, and upon these lists the Regent of the island shall proceed.'

After much more about the 'double lists' in the event of dissolution, delay, &c., the reader will naturally ask (for it is no where stated by the Ionian Lycurgus) what is a double list. The three large islands contribute seven a-piece to 'the twenty-nine.' In that case a 'double list' is *fourteen* names sent to each, out of which the synclitæ may chuse the *seven* that they prefer. Double dealing indeed,—and such representatives had need to be enlisted by the bounty of a high monthly pay. Article 18th. 'The organization of the synclitæ or noble electors of these states, as declared in the constitution of 1803,' [there had been a carriage before the 'Break'] 'shall be maintained and confirmed, save and except as it may be changed or ameliorated by any law passed in regard to it.' Why not have said '*Exceptis excipiendis*?' Accordingly, the grievance of feudal tyranny among the Ionians and the efficacy of the ballot for baffling intimidation being two trueisms, Sir Thomas Maitland, as according to Colonel Napier he used to tell the youthful John Bulls, 'abolished the ballot to give boldness to the Greek character.' The reader will learn with pleasure that this *corvée* upon the peasants, of attending to chuse their favourite half of each double list, is mercifully inflicted upon a few only; for Colonel Napier assures us that 'in Cefalonia there are about 600 synclitæ, of which number only 320 have ever been brought to vote since the abolition of the ballot; and until the ballot is restored very few of the electors will give their votes.' The fewer the better; why should working men be marched over high mountains to ratify the government appointment of sham representatives, offering a choice of seven out of fourteen, when one half may be designedly obnoxious, so as to make the remainder identical with nomination?

The reluctance of the poor peasants to take a long walk in order to bear a subordinate part in this scandalous mummery is thus provided against. 'Should a case occur, under any circumstances, where, after due public notice has been given, the meeting of the synclitæ does not amount to the legal number required, viz. one half, the Most Illustrious the Regent will

forthwith adjourn the said meeting, and give a fresh public notice of a new meeting of the synclitæ to be held three days afterwards; and if at such second meeting, the number of the electors again does not amount to the legal number, in such event the Regent shall forthwith put a close to such second meeting, and transmit to His Highness the President of the Senate, without the smallest delay, the double lists originally transmitted to the Regent by the President of the Primary Council, and the Senate shall proceed within two days after the receipt of such double lists to select, out of the lists so sent up, the member or members to be nominated for the Legislative Assembly.—Article 24.

From off this Legislative Assembly is skimmed the Senate. Article 2nd, Chap. II. ‘The Most Illustrious the Senators shall be elected by the Members, and out of the body, of the Legislative Assembly;’—one for each of the four larger islands, one for the three smaller conjoined. Article 6th. ‘In the event of a negative from his Excellency the Lord High Commissioner, the election shall fall to the ground.’ Article 7th. ‘On a new election taking place’ [in the same way] ‘it shall again be transmitted to his Excellency the Lord High Commissioner for his approbation or negative, and in the event of his Excellency the Lord High Commissioner again sending down to the Legislative his negative, he shall transmit within twenty-four hours the names of two members of the Legislative Assembly, belonging to the island or islands for which the election is to take place, when the Legislative Assembly shall elect by a majority of votes, one of the said two Members, and this election shall be final.’ Final enough!—but why not at once let the Lord High Commissioner chuse the Senators from the Members of the Legislative Assembly? Surely in this skimming he is made to play the part of a wooden spoon. His Highness the President only lasts half the Quinquennial Parliament, but he may be reappointed for the other half by the Viceroy over him, the Lord High Commissioner.

Now that the Senate is created, it remains to see what it is meant to do. Chap. II. Section 3rd, Article 2nd. ‘The initiative in the Senate shall be vested alone in his Highness the President. But each Senator shall be permitted verbally, and once only in the same session of Parliament, to propose to the Senate any project on any subject, with the view that his Highness the President may submit the same project to be discussed by the Senate.’ Leave to suggest something in an Assembly of 5, once in each session, is short commons compared with our lengthy 658; but even this mouthful is snatched

away by the next Article. 'In the event of his Highness the President declining to submit the said project to the Senate, the Senator in that case, who originally proposed it, may submit it in writing, &c., &c., and the proposition shall be transmitted by his Highness to his Excellency, and if disapproved of by his Excellency it shall fall to the ground.'

After watching this play of *je propose* from his Highness and *je refuse* from his Excellency, the next is to look over the round game of *Messieurs les quarante—qui ont de l'esprit comme quatre*.

'Although from the moment of the meeting of the Legislative Assembly there is no distinction in the powers and authority of the integral Members thereof and those elected by the different islands, yet the power of issuing mandates in all cases that may occur hereafter, of vacancies of every kind (though not herein before mentioned) in the legislative body, and of making the double lists for the elections, shall be exclusively and in every instance, vested in the eleven integral Members, being the Primary Council, through the medium of their President.'—Chap. III. Section 2nd, Article 15th.

And the next; 'On all occasions of importance and emergency in which the legislative body may wish to hold personal conference with the Senate, or with his Excellency, &c., or *vice versa*, the Committee of the said Legislative Assembly for conducting such conference shall uniformly consist of such Primary Council.'

Article 8th. 'The Senate shall possess the right to name its own ministerial officers, with the exception as shall be hereinafter stated, and shall divide itself into three departments viz. first General; second Political; third Finance.'

Article 9th. 'The first department shall consist of his Highness the President and one of the said Members. . . . To each of these departments shall be attached a Secretary. . . . The appointment of the Secretary in the General Department is reserved for the nomination of his Excellency. The Lord High Commissioner and such Secretary may be either a natural born British or Ionian subject.'

Article 10th. 'The General Department shall regulate all the necessary and minute details relative to the general administration of the government, and those which "may demand immediate execution." Nor shall any act of the Senate be held valid, unless the proceeding be signed by &c. and the Secretary of the General Department.'

Who is the wire, gilt with 800*l.* a year, by which the Lord High Commissioner pulls the 'Most Illustrious' puppets? But it were endless to anatomize the political frame of this seven

headed Ionian hydra, that never bites nor barks, but is always swallowing.

Such was the machinery prepared for Ionian Legislation. Though unskillful from its impudent bareness of fraud, it was perfectly fit for doing much evil, and the review of the last eight years which Colonel Napier's work affords, shows how effectually it has been done. The whole may be thus shortly stated. It is necessary to take the revenue by an average; because the olive crop being only in alternate years, the produce of the taxes varies accordingly. This peculiarity of olive trees has been engrafted upon the parliament; as they fruit, so the parliament legislates, only every second year; the salaries however of the members, bloom like orange flowers, shedding an undiminished fragrance over their year of retirement.

Under the government of Sir Thomas Maitland, the revenue of the Ionian islands averaged 104,000*l.*, the expenditure 87,420*l.*

Under Sir Frederick Adam, the revenue rose to 140,000*l.* from the stimulus given by the Turkish ravages in the Morea to the sale of the currants of the Islands, which in Cephalonia advanced in produce from four to eleven millions of lbs., and in price from thirteen to 100 dollars the thousand pounds weight. Sir Frederick found on his appointment, savings in the Treasury to the amount of 130,000*l.*, which with the surplus of his revenue over that of Sir Thomas, allowed as an excess of annual expenditure 68,830*l.* The increase of revenue was mainly from Cefalonia, Zante, and Ithaca, the currant islands. The question is, was this money spent on wrong, and withheld from right objects?

6th Art. 3rd Sect. 7th Chap. 'The general constitutional rule to be observed, although it may not be possible to adhere strictly to the same, shall be, that each island has a right to incur extra expenditure, in proportion to the surplus of revenue paid in by it to the general treasury, after the expense of the civil list for such island is defrayed.' The report of Colonel Napier, who enters into minute and verified details, shows that during the whole of his government, next to nothing was allowed to Cefalonia out of the general fund which she had so largely augmented. The prominent wants of Cefalonia on Colonel Napier's assumption of its government, are thus stated by him.

4th. 'The soldiers were miserably lodged, yet at a great expense to the public. 5th. The want of roads cut off the communication between the several districts of the island.

6th. There was no market place in either Argostoli or Lixuri (the two capitals).

7th. A prison wanted, those existing being unsafe and horrible—expected to fall every time there was an earthquake. 8th. The town in want of a quay, the sea line being shelving, filthy, and unhealthy. 10th. The marsh near Argostoli requiring to be filled up and turned into cultivation; also the marsh of Livadi.

Was not this clearly an unfair distribution of entrusted funds? Were such injustice detected in the management of a set of alms-houses, would it not excite a clamour, and is it of less importance in the government of a federation, of what ought to be independent republics? Is a hundred weight of poison less deleterious than an ounce? Having seen that an undue proportion of the general revenue was expended on Corfu, it remains to be considered how it was, and how it might have been expended? 154,000*l.* went in fortifications, to make Corfu, which was already too strong for our fleet ever to take it from the French, strong enough for theirs not to take it from us. Corfu, 'the key of the Adriatic,' but since the ruin of Venice, as Colonel Napier well expresses it, 'the key of an empty box.' On this subject, Sir Thomas Maitland's words are stated to have been;—

"I'll just do a little as we can afford it; but I'll be d—d if those ordnance cocks shall have much to say to these fortifications; they'd just ruin us!"

20,000*l.* went for another palace, which Lord Nugent is said to have declined living in, on account of malaria.

Colonel Napier's praise of the late Lord Guilford is just, and ought to be doubly valuable as coming from the pen of an active soldier; for Lord Guilford openly avowed the doctrine of 'cedant arma togæ.' He had been laying the foundations of his college, not with a silver trowel and a gala day, but by years employed in training men fitted to conduct it. By the Greek revolution he saw the time when his long preparations would become useful, put off to a period which he could hardly hope to reach;—and his remark on an intended professor slain among 'the sacred band' at the fruitless battle of Drageschan, savoured little of warlike ardour,—"300*l.* worth of my theology carried off by a cannon ball." A description of his academical dress, sandals, cowl and fillet, was given at a London party, and denied by a friend, to whom the project of the University had been endeared by witnessing the zeal which the first announcement of it had excited in Ithaca. The supposed hoax was told to Lord Guilford by his officious defender, "But thank heaven, it is all just as they describe it," said he. Never was a spot calculated like Ithaca for an eastern Iona, or to speak

less romantically, a reformed Cambridge. There *could* have been no Newmarket—*non est aptus equis Ithacæ locus*;—there *would* have been no Castle End. The innocence of the women would have been equalled only by the cordiality of the men. On the first announcement of the scheme everybody subscribed, —those who had not dollars, in materials, timber, stones, and lime. The hospitable Regent Count Vretto, made the Carlton House in which he was entertaining ‘the Chancellor of the Ionian University,’ echo to his exclamation of “*Sia stabilito il Collegio, ed io muojo contento!*” Ithaca was the best possible spot of assembly for students, who would have come by water from every part of Greece. But *diis aliter visum*; Lord Guilford and his choice of a spot were laughed at, with a *ton de garnison* far different from the manner in which Colonel Napier speaks of him.

The Government of the Ionian Islands would be deservedly a discredit to the English people, if the public hitherto had possessed such information on the subject as this work affords; information which nothing but the size of the volume and the minuteness of its details can prevent from rapidly spreading. Our mismanagement of the Ionian islands has militated against our popularity in enfranchised Greece. It has gratified by contrast the vanity of the French, whose conduct in the Levant has done them honour; and it has favoured the success of Russian intrigues. Now that the charge has been made by an eye-witness and a prominent actor, and substantiated by evidence descending into the minutest itens; surely the attention of the public will be roused, and the wrongs of these islands find a voice even in the busy debates of the next Session. Let not the weakness of the sufferers produce indifference to their just complaints. They can come before the British public only through the medium of a publication in London; throughout the Ionian islands nothing but the government press at Corfu is allowed. Is the mismanagement of 190,000 of our fellow-subjects a trifle? If it is pleaded that they are *not* lieges of the King of England, does not the peculiarity of their dependence aggravate in the eyes of Europe the disgrace of the misgovernment? England is convicted of having been the dishonest guardian of an infant republic, committed to her as a flattering if not a profitable trust, by the confidence of Europe. Hitherto she has been ignorant of the combined oppression and peculation carried on in her name. After this publication, can such an excuse be any longer advanced? A keen sense of the disapprobation, which to the zealous and the deserving is injury, may have stimulated the accuser;—but can motives invalidate facts? Far from tending

to blacken the system condemned, the injudicious personalities of this appeal in many places are calculated to make the reader either take it *cum grano salis*, or attribute to individual rulers much that was the natural result of a contrivance for government, fabricated with a view to fraud, and clumsy even in that machinery. As an exposé of the Ionian islands, and a precedent for further exposures of colonial abuses by those whose local knowledge enables them to render this great service to their country, Colonel Napier's work is invaluable. The diminution of jobbing at home has often a tendency to increase it abroad. The fox's fleas took refuge on the bunch of wool in his mouth; and as the comfortless waters of advancing reform chase the vermin forwards, they will be apt to emigrate to any insular, warm and woollen appointments. The Ionian islands are placed in a peculiarly disadvantageous position. They are called independent, and therefore their accounts have been considered not demandable by members of Parliament; but as Colonel Napier expresses it at the close of his 17th Chapter, 'They must pay the annual expense of maintaining 3,000 troops by the Treaty of Paris, and neglecting to do this, are bankrupt, and must show their accounts.' Little however has this independence prevented the Colonial Office filling up the appointments which the Ionian Constitution gives to the Lord High Commissioner. Considering that nothing is allowed to be printed except by the central government press at Corfu, Sir Frederick Adam having forbidden even the official lithographic press which Colonel Napier requested for Argostoli;—that the Ionian government claims immunity from the inquirers of the United Parliament, and that its own 'Parliament' is what it has been shown to be;—there exists a *trinoda necessitas* for our protection not continuing to be a curse to them and a disgrace to us. May the change from a military to a civil Lord High Commissioner prove but the prelude to yet more important amendments! In our other Colonies, out of 572,000*l.* a saving has been effected of nearly two-fifths; 134,000*l.* immediate, and 90,000*l.* perspective. In the Ionian Islands, as much by Colonel Napier's showing *might*, and to prove the consistency of ministerial retrenchment, *ought* to be reduced.

Of the three first chapters, the first seems to have been prefixed mainly in order to justify the misnomer of the book's too general title; the second and third are occupied in arguing that it would be impolitic and unjust to give up the Ionian Islands. There is so little appearance of such an intention on the part of the government, that there is no need for occupying more room on this part of the subject.

Of Mr. Urquhart's work the principal objects seem to be, to demonstrate the superiority of direct over indirect taxation;—a truth peculiarly visible in Turkey, where it alone mitigates so many abuses, and interesting in England, where its advocates have of late been gaining ground;—and to recommend municipal organization rather than an over centralized government,—a doctrine applicable to infant Greece, and highly needed by its Bavarian kingling. In the course of inculcating these principles he gives his readers much new and unexpected information on Turkey; leaving them often with the impression that his paradoxes are pleasing truths; for it was painful to believe that the emancipation of one nation could be accomplished only by the ruin of another, and that the same success which achieved for Greece the reward of heroism, prepared for Russia the wages of perfidy. Now that the struggle is closed, there is no longer any temptation, as there never was any necessity, in advocating the emancipation of Greece, to confound all Turkish provincial institutions with the government of the Porte itself. With what will appear to many readers a similarly agreeable paradox, Mr. Urquhart in making a favourable estimate of the Turkish character, proportionably diminishes the amount of moral corruption which their dominion has produced in the Greeks.

Philhellenists have hitherto employed too much the *argumentum ad misericordiam*, surrendering for the Greeks their title to esteem, and only claiming on behalf of their clients compassion.

Mr. Urquhart on the contrary says,—

'Under an oppression, which has been considered in Europe as degrading as it is lawless, the condition of the Rayas seems gradually to have improved. The Greeks, when a sovereign people, had entirely lost the spirit of enterprise and of commerce; as slaves they have recovered that spirit. Under the Eastern Empire neglected literature had taken refuge in the libraries of Constantinople and the cloisters of Athos; now every village of ancient and modern Greece has its school: Instead of the good qualities of the people being lost by the oppression they have suffered, oppression has purified and renewed the national character.'—p. 22.

The best qualities of the Greeks were formed by the necessity of combining in municipalities unmolested in their functions by any clashing local authorities; which cheerfully satisfying the demands of their oppressor, kept at a distance his rapacious ferocity.

'The collection of tribute led to the uniform establishment of the municipal bodies throughout the country, wherever it submitted unconditionally. The same could not be said of districts that had made terms; for there some chief would retain his authority—some former system of administration would linger.'—p. 26.

One of the most interesting portions of Mr. Urquhart's work is the part describing the Southern portion of Pelion, which stretches into a rocky and barren promontory, and turning to the west encircles two thirds of the Gulph of Volo, and terminates in the headland of Trichery.

Civilization and suffering are claims for deliverance, paramount to mere contiguity; but enfranchised Greece should, for even geographical reasons, have possessed a promontory which landlocks the gulph and harbour of Volo, flanks equally Eubœa and the northern Sporades, and would have finished the broken angle of her north-eastern extremity. Her final boundary was certainly a great improvement upon the former, which crossing diagonally from the straits of Lepanto to Zeitoun, left Eubœa, which lay like a club by the side of Eastern Greece, to be seized at its big end from Volo; and balancing a geographical error on the East by a moral outrage on the West, excluded from freedom Agrafa, Missolonghi, Aspropotamos, the most hallowed scenes of the struggle, the most heroic tribes of the combatants, a territory pointed out by nature to double the meagre triangle which was called Greece, and reckoning among 100,000 inhabitants not more than 3,000 Turks. Still if Greece is to form a European kingdom, Thessaly must be included. A federation of Cantons may be at first a mere nucleus, and have a thousand rough but distinct threads (like the Grisons or the twenty-four townships of Pelion) gradually wrapped round it, and though augmented in size may remain the same in consistency, *teres atque rotundus*. But a monarchy is not likely thus peaceably to extend itself, and this is another reason why Greece should be federative, and consequently republican. The new Greek state must be progressive; as Turkey, the party-wall against Russia, decays, the enfranchised Greeks must still extend their bulwarks, not merely to exclude barbarism, but to store wealth and knowledge for circulation as well as enjoyment.

On the propriety of the allied powers appointing a ruler over Greece,—and that not a prince sovereign as Leopold was to have been, but a real king, and him Otho,—Mr. Urquhart, imitating a parliamentary practice, votes on one side and argues on the other. Of the long struggling, victorious, and enfranchised Greeks, Mr. Urquhart says,

‘ Their aspirations were to be included in the European family; and not only as a bond of that union, and to put an end to internal broils, but also as a national honour, they sought to be governed by a prince belonging to some royal house. It has been said, and truly said, that the habits, the dispositions, and the topography of Greece,

were essentially republican; but it is the republicanism of village autonomies, too weak to stand alone and requiring the support of a central authority.—p. 245.

The European family has long retained Switzerland as a favoured member even while surrounded on all sides by despotic states. Why must it repudiate republican Greece so much better adapted for neutrality, and bordered only by the least interfering of powers? The Greeks, if desiring a sovereign, would in the absence of native princes naturally seek one in some royal house; but that they should prefer an attempt at monarchy to a federation of already existing republics, merely for the pride of being called the people of any royally connected individual, supposes incredible silliness. It was a strange equivalent, because they had invited a man of mature age, of tried prudence, of external gifts, to send them a youth necessarily unknown, and whose extreme contrast to Leopold makes a comparison indelicate towards the former. Because Greece desired thus to secure the protection of 'the Island Queen,' did it follow that she would be benefited by that of Bavaria? and must not the framers of the recent league between the two countries have drawn their geographical notions from Shakspeare's 'sea coast of Bohemia?' Might not a federation of Hellenic Cantons have found the support of a central authority in a President? The Grisons were surely 'village autonomies.' And though all men above sixteen voted in their countless communes, they remained thoroughly independent from the 15th to the end of the 18th century, when they amicably joined the federation of their Swiss neighbours. Mr. Urquhart says at the bottom of p. 254,—

'The Municipalities of Greece may be looked on as little republics, which are the object of more than republican attachment with the people, but which are destitute of republican turbulence.'

after he had stated ten pages before,

'It is the people alone who will heartily support King Otho; but only on the condition of his preserving to them their local municipalities.'

Is the king then meant only to preserve these 'little republics?' Is he likely to do it? and at what cost? Mr. Urquhart says, p. 275,

'The legal revenue of the countries and islands constituting the Greek state amounted to 446,253*l.* a sum certainly ample for the expenditure at present.'

And in p. 277,

‘The debt will thus amount in all to about seven millions. This may appear an enormous sum for Greece, but with economy in the administration, &c.—

The economy of setting up a King on an income, supposing the debt to have no sinking fund but merely the five per cent dividends to be paid, of just 96,253*l.* a year, which is likewise to pay for army, navy, judges, police, roads, harbours, and every possible item !

In p. 246 Mr. Urquhart says,

‘If Otho fails to conciliate the affections of the Greeks, it will not be in consequence of his title ; indeed so glad will they be of boasting of a European prince to the Turks, . . . that much will be borne with, much forgiven, save and except always interferences with the Municipalities, or the presence of a tax gatherer.’

Is the king then thrown to the croaking Greeks like king Log, merely to make one splash and ever afterwards lie still ? As to their boasting to the Turks that they ‘keep a king,’ people should not leave their debts unpaid that they may set up a carriage ; and this, however they may quarter the eagle or phoenix upon the pannel, is but a gig, and the nation only made ‘respectable’ as Mr. Weare was. Certainly the Greeks in general do not care much about republicanism as a principle ; but Mr. Urquhart has himself shown that they hate centralization and tax-gathering, and a king if supported by foreign money will tend to centralize, and if dependent for revenue on his own subjects must impose taxes.

There is a tradition at Eton that the memorable writing-master Major Hexter asked Keate if he might wear a gown.—‘That’s as *you* please,’ was the answer. ‘And make the boys cap me, Sir ?’ ‘That’s as *they* please.’ So ought it to have been with his Hellenic Majesty and his stinted allowance of lieges, ‘perfectly optional,’ and to be settled between the parties ; not gravely discussed by a conference, labouring to surpass Napoleon when he turned the Duke of Wirtemberg into a king.

Indeed most of the rules which the author lays down for the conduct of his approved king, are excellent reasons why he should never have been sent to Greece. He says in page 249,

‘The monarchy of Greece must rest on these three principles—municipal institutions, direct taxation, and perfect freedom of commerce ;’

for which a few lines before he gives this reason ;—

‘If it adopts the municipal principle it embarrasses itself with no

' custom-house officers or tax-gatherers whatever, and it will be relieved from all concern in local affairs.'

Most assuredly will it,—from all,—and very soon. Two pages before, Mr. Urquhart had observed,—

' The measures the new administration has to adopt are as follows : provincial governors ; . . . the apportioning the revenue by districts ; . . . and leaving its assessment and collection entirely to the municipal bodies, as also all local administration, &c.'

A little further on he adds,

' The executive will receive the surplus revenue of the provinces after the local expenses are defrayed, without charges or trouble in collecting.'

And a few lines below ;—

' By judicious suggestions, without any assumption of authority, it may be the means of introducing improved cultivation, &c. It will indeed be all powerful for good.'

Will it? A king shipped, sent, seated, with an outfit of 2,400,000*l.* in order to suggest improvements! The cost of the king forms the main objection. Greece freed and federated might have kept a president on one third of General Jackson's salary. If the king cost only 2,000*l.* a year, the title might perhaps be considered a piece of harmless foolery ; but Mr. Urquhart, after allowing 150,000*l.* for general expenses, added to the 350,000*l.* interest of the recognized debt, making half a million due out of a revenue of 446,000*l.*, tells us for our comfort that the Greeks will then have nothing further to pay, except what he calls *la Maison du Roi* ; and what will that be? or rather what will it not be? 'The House that Jack built ;'—a rapid accumulation of varied absurdities.

' The Hellenic monarchy will be a federation ; not a unit, of which the smaller bodies politic are the fractions ; but a multiple, of which these are the integers.'—p. 256.

How then will it be a monarchy?

Whether Mr. Urquhart is himself sanguine about this monarch's success in Greece, may be guessed from his expressions in p. 238 ;—

' The men who surround king Otho will see things through a false medium ; and they carry with them two treacherous supporters, money enough to make them worth deceiving, and troops enough to suggest the idea of compulsion.'

The first of these 'treacherous supporters' they will not long be troubled with. Not a farthing of the 2,400,000*l.* will long continue available even for '*la Maison du Roi* ;' and the

interest, if paid, will be a heavy burthen on Greece; if suffered to get into arrear, a perpetual pretext for the interference of foreigners.

It might have been supposed that the invention, A. D. 1832, of a king for Greece, and the application of Otho to that purpose, conciliated some jarring interests, or compromised some available claims; that his ancestors had ruled the country, or even, on the plan of contiving offices in order to provide for well-connected persons, that he was the son of some dethroned monarch, who had been promised 'the first good thing vacant.' But where are the wrongs of Otho, or the claims of the regalized elector of Munich? Creating a kingdom! appointing a king! Is not there an absurdity in the very words? Is not kingly prerogative a growth, rather than a piece of carpentry? Is not national allegiance a soil into which a race of monarchs may, in darker ages, have struck its roots, but to which no wooden image can ever be nailed by protocols?

The prescription of these consulting quacks to their exhausted patient,—this cataplasm of a king,—was not merely a hardship on Greece, it was a folly in France and England. They lead the liberal, as decidedly as Russia leads the despotic system. Making Greece a federation of small republics would have strengthened the influence of France and England there; making it a kingdom trebles that of the Moscovite.

Striking evidence of that result has been already given. There are in the canton of Berne 470 Polish refugees, men most anxious to keep together as a regiment, aimed not with swords alone, but with high hopes and pledged devotion, and vowed in martyrdom to their long-injured country. Their property is in the hands of the oppressor, who cannot bribe them into his service; and they are utterly destitute. They have vainly offered to serve, as a Polish battalion, the Swiss confederation; but their most sanguine friends dare not even dream of applying on their behalf to Otho, who is now enlisting more Bavarians. *It would not be allowed by Russia!*

One advantage might have proceeded from the appointment of a king over Greece. Austria, no longer suspicious of republican institutions, and deeply interested, as is ably shown by Mr. Urquhart, in checking Russia, might have co-operated with France and England in creating a more extensive kingdom, by the addition of at least Thessaly, Pindus, and Lower Epirus, containing by Mr. Urquhart's calculation 400,000 Greeks. Ably written as is his recommendation of European Turkey as a barrier to Russia, he has not proved the practicability of the scheme. But a firmer bulwark might be interposed, if the

command of the Danube to the Black Sea, was secured to Austria. The attachments and antipathies of nations should mainly determine boundaries, and the neglect of these, a neglect whose insolence was deeply felt and folly dearly proved, has secured a lasting odium to the Congress of 1815. But there are some topographical claims to accession of territory obviously equitable; like that of free passage along a road which forms the sole approach to a house. The commerce of Hungary has by a cruel necessity always gone the wrong way, and for the most part reached the sea by land carriage at Fiume. Russia seized Bessarabia, that she might command the mouths of the Danube, and thus choke at will the stream of Austrian commerce. Mr. Urquhart's account and map of a practicable canal only thirty miles long, from Tchernava on the Danube, to Kustendje on the Black Sea, shows that the main object of this usurpation might be defeated by Austria, if she possessed the course of the Danube between Wallachia and Bulgaria, which in the hands of Russia might be lined with batteries. But the possession by Austria of Wallachia, and part of Bulgaria, might tend to facilitate her resignation of a sceptre which weighs heavier upon its subjects, but is not in reality worth more to its owner. Without falling into the rhetorical exaggeration usually adopted in speaking of the Austrian dominion in Lombardy, it may surely be called unsuited and unpalatable to the Italians; besides, it weakens the power of Austria, which might be made some counterpoise to that of the Scythian. Lombardy is a millstone round her neck, and has prevented her from taking that commanding attitude towards Russia, which her comparative liberality in ruling Galitzia entitled her to assume. The Lombardo-Venetian kingdom requires the presence of a large body of Austrian troops, and thus costs more than it yields in revenue. Hungary, when enriched and civilized by opening the Danube, would no longer be restless; and the other hereditary states of the House of Austria are attached to the race, and even Galitzia feels that she is only Austrian, and *might be* Russian. Austria has about two millions of subjects in the government of Milan, and as many more in that of Venice. To Lombardy she has a sort of claim, Prince Eugene having conquered Milan and Mantua. For these therefore she ought to have an indemnity. Their revenue is estimated at 400,000*l*. The advantage of possessing the entire course of the Danube is worth a larger sum. The whole Venetian territory probably yields her above a million sterling; but were it ten millions, it ought to be given up. Not all that Napoleon did for Northern Italy has effaced the stains of Campo Formio. Never was a

state so unoffending as Venice in her decrepitude, never was an official attempt at exculpation so unsuccessful as D'Alton's defence of the French aggression on her. But if the bandit subsequently made atonement for this outrage on Northern Italy, what that is generous, or wise, or useful, has ever since been done by the receiver of the stolen property? Were Venice the main spring of Austria's prosperity, it should be taken from her. But the commercial capabilities of Venice are completely gone; the approaches to its harbour are choked; the stream of commerce has changed its course. Austria has acted wisely in preparing the entrepôt of Trieste. She can derive no advantage from Lombardy, but as a detached and tributary possession. None of her rivers run into it but the Adige, and that is too rapid to be navigable. Inland commerce must flow with rivers. The Elbe, from the confluence of the Eger, can take her Bohemian produce to the Atlantic; the Vistula from Cracow, may float her Galitzian corn to the Baltic. The Danube traversing the entire length of her *property*, though not of her *plunder*, might bear it down unchecked to the Euxine; but the Rætian, the Julian, the Carnic, the Noric Alps, wall her off from the Po.

All Mr. Urquhart's arguments for reviving the power of the Ottoman Porte, prove how little it is desirable; for, according to his showing, wherever it interferes it does harm, and it is only when overlooked that its subjects prosper. Why must it be considered as the sole available obstacle to Russian aggrandizement? Thornton in 1807 concluded his 'Present State of Turkey' by saying of Moldavia and Wallachia, that 'under the dominion of Austria they would oppose an insurmountable barrier to the further progress of Russia.' Since then, the possession of Bessarabia has given to Russia that of the Danubian Delta. Re-opening the ancient mouth of the Danube would take off this padlock on the commerce of Austria, if both the banks of the Danube likewise belonged to Austria. Nor because she possessed the Danube as a free passage from Hungary, need the Turks cease to retain the Balkan; a bulwark which however Major Keppell's work has shown to be greatly over-rated. Eton as far back as in 1809 said in his 'Survey of the Turkish Empire,' (4th edition p. 403;) 'Indeed we may not only with justice contend for the preservation of the Emperor's present possessions, but favour their extension for the purpose of strengthening him on the coast of the Adriatic, and in European Turkey, a part of which more naturally belongs to him than to Russia or the Greeks.' The claim of Austria to have her territories connected with the eastern coast of the Adriatic, is as just as the claim to possess any portion of the western is unfair.

It is not desirable that the Hellespont, which already opens the best avenue for the commerce of Russia, and might do the same for that of Austria, should be held by any power strong enough to shut up the passage at will. Such approaches to mighty empires are held in trust for the general good, and the profit of being gate-keeper is all the advantage which ought to be derived by the owner. The possession of the Sound might be vexatious and dangerous in the hands of a great power. The moderate strength of Denmark makes it only the uninvincible source of a petty profit, proceeding from a slight overcharge for the expenses of lighting. If the Hellespont and the Bosphorus could be in the hands of some oriental Denmark, they would be far better thus deposited in trust for the good of Europe, and more particularly of Russia and Austria, than if either of those empires held them with the power of excluding the other. The right of highway on the sea ought to be extended to its most important passages. Territorial possession is an incomplete enjoyment, unless it implies free access to the adjoining seas. Sealing up the Euxine has been the great political offence of Turkey; but it is one which her present weakness happily prevents. Far from wishing to strengthen her, it is cause for joy that so important a key is held by so powerless a hand. Were the idea practicable, it would be highly desirable that Constantinople should become a free unarmed commercial city, not the metropolis of countries whose strength it drains, the dropsical head of a wasting body.

But the propriety of augmenting the kingdom of Greece should be urged in that point of view under which the allied sovereigns may be supposed to have considered it. With reference to their probable ideas of the royal office and denomination, it is a ridiculous mockery of the term, and calculated to co-operate with many causes which are now tending to rob it of its former mysterious grandeur. Never yet did a Sovereign set up as a qualification so small a freehold,—except his Corsican Majesty King Theodore. Even the Grand Duke of Wirtemberg, whose regalization by Napoleon was one of the pantomimic changes which justified De Pradt's *sobriquet* of Jupiter Scapin, possessed 1,300,000 subjects, a superiority of about five to three over Otho. If the King of Saxony has now only 1,200,000, it must be recollected that, when created in 1806, he had above two millions of Saxons, besides nearly three millions of Poles as Grand Duke of Warsaw; and if the Congress of 1814, while they Prussianized 850,000 of his reluctant flock, left him 'His Majesty,' it must be remembered that like a Bishop, 'once a King always a King;' that Grand Duchesses and even

simple Dukes, remain their Imperial Majesties of Parma and of Braganza; and that where the same individual did not retain the seat, the fantoccini throne of Etruria was contemptuously kicked away to make room for the old Grand Ducal chair. What would have been thought of a 'King of Baden;' yet that Grand Duke has, at the lowest computation, 132,000 subjects more than King Otho. Until *his* strange appellation, the College of European Monarchs was cautious of conferring crowns like coronets. The recognized nominator of Kings was the Emperor of Germany; and when Otho IV. bestowed that title on the Duke of Bohemia, the new kingdom comprised Silesia, Moravia, Lusatia, territories which now possess altogether four million inhabitants, nearly a fourth more than Bohemia itself. What heart-burnings pervaded the Courts of Europe, when the Great Elector lengthened his Brandenburg into a Royal Robe. The Morea was indeed called by the Venetians a kingdom; but on this principle of standing on an idle heraldic term, the French General who wished to be created King of Algarve was by no means ridiculous. Bigger titles do not ennoble those which are linked with great historical associations; and neither the names of Dalberg nor Montmorenci sound the more distinguished for Dukedoms. Even in creating the Monarchy of the United Netherlands, with upwards of five million subjects, it was a year before the chrysalis of a Prince-Sovereign expanded into a King, entitled to an English Ambassador with 14,000*l.* a year. The 'Kingdom of Illyria' indeed contains fewer inhabitants than even Wirtemberg, though nearly a third more than this of Greece; but it is 'vox et præterea nihil,' a mere diplomatic expletive.

In the present state of Greece, the title of 'his Hellenic Majesty' is quite absurd. Upon this footing, 'the Sovereign of Belfast,' should forthwith set out to join the Congress. Surely then, the subscribing powers ought to endow their foundation throne with a more liberal allowance of subjects; with the Thesalians at least, an added christian population of hardly 400,000, which would even then make Otho's subjects not quite equal in number to those of Wirtemberg.

The following Extracts from Colonel Napier's book have been added by the Editor *après coup*.

CHAP. XLVIII.
Of the Ballot.

'Though this is an affair that relates to a regulation of the Ionian Constitution, and does not belong to my subject; yet as the ballot is at this moment a matter of such general discussion in England, the following facts may not be destitute of interest.'

' When Sir Thomas Maitland assumed the government of the Ionian Islands, he abolished the election of members of the Legislative Assembly by ballot, which had hitherto prevailed, and he established the vote "*viva voce*." I am not aware of any other act of his which gave so much dissatisfaction.'

' While the ballot existed, elections passed quietly, there was no canvassing; rough natures grew rather more civil at such periods; the thermometer of urbanity ranged higher; no bribes were thought of. A tolerable guess was, perhaps, made how each man would vote, but no one was sure. Anger, or violence, provoked black beans, affability conciliated white beans. The effect was, as I have said, that increased cordiality was perceived in society, and bad feelings (for the moment at least) were repressed.'

' But when the open vote was established, the fiercest passions burst forth. Those men, whose natures were kind, and who loved harmony, and peace, firmly refused to approach the poll; island feuds, which time had begun to soften down to simple coolness, blazed forth with renewed violence, as the falling roof of a burning house sends the flames up, reddening, to the skies; the foul hand of bribery went to work; contention took all its forms; slander, law-suits, personal quarrels, and all the evils that result from party violence, were excited at the elections. Old, and steady men, regretted this disorder: they attributed it all to the loss of the ballot. I have often said to my acquaintance, "What, are you and such a one enemies?" "Yes; the accursed elections cost me his friendship. The "*viva voce*," Colonel! He cannot pardon my vote: yet, had I given it to him, men, as dear to me as he was, would have cursed my children. We owe that to you Englishmen: it, perhaps, suits your country; it don't suit ours." The staunchest friend of the English, and the greatest admirers of Sir Thomas Maitland, have thus spoken to me. Sir Thomas wished for influence; and this, the abolition of the ballot gave to his Government. I must say, that, in Cefalonia, and I believe in all the islands, as far as the Government were concerned, every man went to the poll, free to vote as he chose. On the contrary, under Count Capo D'Istrias, when the Provisional Government existed, the Count made a show of, free elections, it is well known that the *Πρύτανοι* (or chiefs of each local government) were ordered to unseal, secretly, at night, the urns into which the votes had been put during the day, and remove the white beans into the urn bearing the names of the Government candidates, resealing the urn! This fact is well known; those who did it, avow it openly. I mention it to show how cautiously the ballot should be regulated. Sir Thomas used to tell the people that he abolished the ballot to give boldness to the Greek character: but he said this only to rich young travellers, red-hot, from Oxford, and brim full of John Bullism, come to study "*the laws, customs, characters, and antiquities of the Greeks*," and whom Sir Thomas called "*fools looking for old stones*." But he secretly laughed at the idea of making the Greeks bold; he knew they were bold enough: no such nonsense entered his head. It is really amusing to hear men talk

of it's being "un-English and cowardly" to vote by ballot. Why do the members of the United Service Club, and all other clubs, vote by ballot, if it is so vile? Are our generals, and our admirals, so "un-English?" Do they, the chivalry of England, and history records none more brilliant, fear saying openly, "I vote against that gentleman's admission?" Are they to be so "un-English," and to adopt the ballot as a protection from this slight inconvenience to politeness; while a poor man, whose total ruin would attend the same speech at the hustings, is to be called a coward, if he shrink from what would starve his children? Formerly we were told, "of two evils choose the least." The doctrine now is altered: "of two evils choose the greatest." Starve your children, rather than give your vote against your politics. Break the law of Nature, rather than disoblige a man of adverse politics. Destroy your family immediately, for fear the Habeas Corpus Act should be suspended a hundred years hence; this is "being English" in the opinion of those who breakfast, dine, and sup plentifully: Stoics in theory, and Sybarites in practice. When the Duke of Wellington chased Massena from Portugal, I was three days without food, the first day was any thing but agreeable; the second convinced me of the close alliance that there is between honour and an oven; and on the third day I would, for a biscuit, have voted for the Duke of Newcastle himself! If any Tory can prove to me that my not voting for him at the next election will be followed by the untoward feel I had in my stomach in the Estrella mountains, I will give him a plumper, against the best reformer in England. Really one cannot reason, seriously, on such a subject; and it is ungracious in the editor of the Morning Chronicle to abuse the electors of North Essex, who may be considered as the staunchest opponents of open voting. While other men argued on the necessity of the ballot, they, by overthrowing Mr. Western, went direct to the proof.

'The Ionian members are elected by a select body called the "Synclita:" their aggregate numbers I do not know. In Cefalonia there are about 600; of which number, only 320 have ever been brought to vote since the abolition of the ballot. I can see no objection to making a more extended constituency; for nearly the whole of the population are proprietors. However, I shall not discuss this subject, as it would lead me into a dissertation on the constitution generally. Under the present form, it signifies nothing who the electors are, the Government is an autocracy (see Constitution); and, until the ballot is restored, very few of the electors will give their votes. This number will gradually diminish; and, at no very distant period, I suspect that the elections will end in the mere nomination of the members by the local governments.—p. 356.

'Look at America and the West Indies; the first lost by injustice; the last only held by the bayonet. And what will be the consequence if we have war with America, and that she excites our slaves to revolt? What will be the situation of America herself, if, in a like case, we call a million of blacks to arms against their masters? (See Appendix,

'No. 1.) And, worse than all, look at unhappy Ireland! How feeble is a system of iniquity! how weak is injustice!'—p. 2.

APPENDIX.

No. I.

'An expedition having been sent to act along the coast of America, in the year 1813; it was observed, that the cruelty of the masters to their slaves had produced, in the latter, such despair that they were ready to revolt. And, that by taking advantage of this spirit, we might have shaken the confederation of the United States to its very foundation; but to accomplish this, it would have been necessary to change our predatory, I must say, on some occasions, not very creditable attacks, into a general plan of hostility, that would have produced decisive results. The plan proposed, was to land a great number of officers, with black non-commissioned officers, and privates of the West-India regiments, who would assemble the revolters in Carolina, Maryland, and Virginia; these states are said to contain about a million and a half of slaves; and out of these we might probably have formed a force of two hundred thousand able-bodied soldiers, perfectly obedient, and detesting the enemy: with these, united to whatever British force might be sent to join them, we could have seized the whole of the Delaware Country; fortified the Isthmus between Elkton and Newport, and landed cannon from our fleet, which, divided into two large squadrons, would sail, the *one* up the Chesapeake Bay; the *other* up the Delaware River, and thus sustain the flanks of the army.'

'Such a force, and so placed, close to the enemy's capital, must have brought the whole of the American regular forces, tumbling down from the north, hotly pursued by our Canadian army, with which, at that moment, they were fiercely engaged. This plan of campaign involved considerable, but not insuperable, difficulties; the chief of these were:—

'1^o. The formation of the black army.'

'2^o. The feeding and other supplies.'

'3^o. The throwing up the lines.'

'On which three points it was observed,

'*First*.—That this spirit of animosity which inflamed the blacks, would in those countries, where the white population is so thin, enable such a vast body of slaves quickly to assemble, that for a long time the American forces could not be collected in sufficient numbers to attack the revolted negroes. The latter are perfectly acquainted with the country, and while accustomed to endure every hardship, well knew where all the provisions were to be found. The negroes are patient of discipline, proud of being soldiers, quick to learn military movements, and brave. They would have been placed between the sea and the gallows; strong stimulants to make men fight!'

'*Secondly*.—The whole American coast is full of provisions; all must have fallen into the power of the blacks; the white population

must have fled in terror, a large British fleet would have supplied arms and ammunition.'

' *Thirdly*.—Where wood abounds, defensive works are not difficult to form: the negroes are strong, and inured to severe labour; an army of such men can, by their labours, produce extraordinary effects in a short time. We know what Cæsar did between Jura, and Geneva, and at Alesia. If Wellington worked more slowly at Torres Vedras, it was because he was waging war against a superior force far in front; had his lines been his primary, instead of his secondary, object, he would have put a great force of men to work; and the relative merit of rapidity in their construction would have been added to his renown. These are all great examples, and might have been followed in America. Assuredly they could, and the result of having such an army entrenched close to the capital, would probably have obliged the Americans to make peace.'

' Why, then, was not this plan adopted? Two reasons were given as conclusive against it'

' 1^o. That we should not know what to do with this army of Blacks when the war was over. An objection much too foolish to require an answer.'

' 2^o. That it would give a bad example to our own slaves in the West Indies. This was the true reason, and in it we behold the timidity of conscious injustice, and its invariable weakness. Some good people, also, trembled for the throats of the American slave-holders, but on their account there was little to be apprehended. There were ample means of preventing a general slaughter of the whites, but if, in a few instances, some murders should have occurred, for in war blood must be spilled, still the real authors of such a misfortune would have been those who *made*, not those who *freed* the slaves! Had the above project been adopted by the British Ministry, America would probably have made peace; on unfavourable terms for the moment perhaps, but she must eventually have become more strong, as slavery would have been rooted out for ever from a land, to which it is, if possible, a greater disgrace than to any other; a disgrace that most Americans are ashamed of: they feel that it is not very consistent to hear the Carolinians in the slave-market of Charlestown haranguing upon liberty and equality!'

' We shall, probably, some day, have a war with America, and if that day dawns upon a million of black slaves there, woe to Carolina-Virginia, and Maryland! either the justice of the British people, or the gallantry of the blacks themselves, will soon free England from the infamy of this accursed traffic; and, when we have no slaves ourselves, the British government will think it very right to excite the American negroes to revolt. Slavery is to America, what Ireland is to Great Britain, her weak point, and the game which France may play against England, England will play against America.'

' America has, however, one great advantage over England, her slaves are but one million. The Irish are seven, whose sufferings are

daily increasing; they desire to separate themselves from England. "But since the Coercion Bill, she is quiet," say many people; yes, she is quiet, and so is the powder magazine at Woolwich!"—p. 461.

ART. XVI.—*The Evils which afflict Ireland referred to Promogeniture, the Laws of Entail, and the Legislative Union of that Country with England.*—London; Effingham Wilson. 8vo. pp. 40. 1833.

A BATTERED subject like Absenteeism would not be introduced here, unless from the notion of having something to say upon it that may tend towards the removal of this *opprobrium* of Political Economy. And the object is now to try to show, for the consolation of such as may be distressed by representations like those in the pamphlet cited, that the question will resolve itself into a corollary from the principles of Free Trade, or more strictly perhaps, a complicated modification of the general proposition.

Take then, as the simplest and *First Case*, that of a man who is told it would be patriotic to drink ale, but prefers claret. 'If you will drink ale,' says his adviser, 'you will do a manifest good to malt and hop growers, who are your dear countrymen.' 'If I drink claret,' says the respondent, 'an order must be given, to somebody for British goods to pay for it with, which would not have been given without;—as for instance to the men of Sheffield, who are as dear countrymen as the other.' And if attempts were made to puzzle the question by supposing the claret to be paid for in Turkey coffee or Peruvian ingots, he would reply that the transit trade,—the buying of a bag of coffee in Turkey, or a wedge of gold in South America, for the purpose of being finally exchanged for his claret,—was just as good as any other trade, as concerns the necessity of an order for some British goods or other from the makers or producers. Or if a daring adversary pushed him with the further refinement of supposing his claret to be paid for with sovereigns taken from what the Tories affectionately call 'our circulating medium;' he would answer, that the only consequence of this would be to set the government upon making new purchases of gold, for the purpose of coining to supply the void,—which just as much causes a new order for British goods from somebody, as any other of the processes supposed*. In all of which, the pith is,

* The mode in which the demand for coining is brought about, has been gone into in the First Article of this present Number, p. 281; which see. It is further worth notice, that nature has not left it to depend upon the

that the man's claret-drinking causes a new and additional order to be given for Sheffield goods or some other kind, just as much as his drinking ale instead would have caused a new and additional order to be given for ale; and that, razors against ale, there is no reason why encouraging the one is not as good for the commerce of the country as the other.

Second Case; Suppose the claret-lover to be at the same time the Sheffield manufacturer; and let him pay for his claret to a wine-merchant in money. This is virtually the same case as the last; for the union of the claret-drinker and cutler in the same individual, produces no ulterior effect upon anything.

Third Case; let the claret-loving Sheffield manufacturer be his own wine-merchant, and send cutlery of his own making, to be bartered at Bordeaux for the desired claret for his own consumption. And further let it be supposed that he has sent all his stock of cutlery into the market the day before; in consequence of which he goes into the market with money and repurchases a box of it, to be forwarded to Bordeaux. In this case again, all the essential circumstances are unaltered. His going into the market and buying the box of cutlery, is just as much a new order in the cutlery market, contingent upon his resolution to drink claret and that would not have existed without it,

wisdom of the government or anybody else, whether a gain to counterbalance the privations of the ale-dealers shall arise somewhere or not. If the government has not wit to coin when men will give more for the coins than they cost, the only consequence will be, that the place where the gain arises (the *locus* of the gain, as a natural philosopher might call it) will be shifted. Instead of a gain to dealers in goods demanded to pay for new gold, there will be a gain of exactly the same aggregate magnitude to the holders of the coinage that is left; in consequence of the value of their coins having risen in their pockets. This change of value will further cause a certain advantage to all old creditors, and an equal disadvantage to their debtors; which, on the mere question of account, may be set off against each other. There is therefore in the final aggregate, only a shifting of the *locus* of the gain that is to counterbalance the privations of the ale dealers; and the same conclusion, if the inquirer is disposed to be so minute, may be applied to the small diminution in the number of coins, which will be required to turn the scale and set the government upon coining.

If instead of new coins there should be an issue of paper by either public or private bankers, then the gain that is to counterbalance the privations of the ale-dealers must be looked for in the strong boxes of such bankers and their confederates, or wherever else they may have bestowed it. But somewhere the gain is; earth will not hide it, nor sea cover it. It may be dissipated or divided; but it is as impossible to annihilate it, as to annihilate a particle of matter.—This is some of the physico-theology of political economy.

as would have taken place if the business had been put into the hands of a professional wine-merchant.

Fourth Case; instead of having the box of cutlery to repurchase, let him send it at once to Bordeaux from his own warehouse, without ever allowing it to show its face in the home market at all. Now, in this case, is the benefit to cutlers preserved? Clearly by the fact that sending any quantity of cutlery into the home market and taking it out again,—and never sending it at all,—are to all intents and purposes concerned, one thing and the same. Let a thousand boxes be what can be sold with the needful profits in the home market,—and if the Bordeaux box had made one, there could only be 999 of other people's. But either remove the Bordeaux box or keep it out of the market altogether, and there will be a demand for 1000 of other people's instead of 999; which is one more than before. Either the removal of the Bordeaux box or keeping it out of the home market altogether, is therefore tantamount to causing an order to the Sheffield trade for one new box of cutlery, or in other words for one box of cutlery that never would have been ordered if the Bordeaux box had been thrust into the home market, instead of being sent abroad. In like manner, universally, finding a market for any kind of goods abroad, is tantamount to causing a new order to somebody for an equal quantity of goods at home, and benefit to this amount will accrue and be subdivided among the dealers concerned in the trade which has the order. And the causing this new order is as good for the parties who receive it, and for the rest of the country in the aggregate,—as the giving an order to the same amount, for that or any other thing, to the same or any other parties in the country, for the personal consumption of the purchaser.

Fifth Case; let the Sheffield manufacturer not only love claret for his drink, but Perigord pies for his dinner, French silks for his waistcoats, French gloves for his hands, and French slippers for his feet, and if it be possible let him take an oath and keep it, that he will consume nothing but what shall be of French origin. And to this diabolical determination, let him add the infernal ingenuity of resolving, that as an economy, instead of bringing his claret and his Perigord pies to himself, he will convey himself to the claret and the pies, and his razors with him to pay with. And what difference will that make,—except depriving some British dealers of the freight of the claret and the pies to put it into the pocket of the economizing gourmand, and giving to some others the price of

his passage in the steam-boat? In whichever of the ways herein before supposed the payment for these French goods takes place, no other important alteration would appear to arise out of the simple transfer of the locality of the digester. And if he should hire French valets in France in lieu of a portion of his claret, no possible difference could be made thereby to the people left at home.

Sixth Case; instead of going over to his French valets, let the Sheffield-man stay at home, but declare that he will be waited on by none but Frenchmen, and that he will have a host of French valets and footmen brought over for this purpose, to the exclusion of his own countrymen who are languishing to have the honour of receiving his commands. And when these Frenchmen come, let him pay them with his razors. It looks very much as if this could make no difference;—as if it amounted to the same thing in the end, as the Frenchmen being paid with the razors abroad. If they keep any part of them for their own shaving, the only difference is that there is a Frenchman with a razor in his pocket on this side of the Channel instead of the other; if they sell any part of them for the sake of buying other things, they diminish the orders on razor-makers at large with the one hand, and increase the orders on those trades with whom they spend the money with the other. It appears therefore that the calling over and paying the French valets,—though it is undeniably taking the bread out of the mouths of the fraternity of British valets,—is putting bread to the same amount *into* the mouths of some other class or classes of British traders; the truth being, that precisely the same effects are produced in the aggregate, as if the razors had been purchased for the foreign market, and sent over and consumed in France, in return for any kind of French produce to be consumed either here or there by the purchaser of the razors.

Seventh Case; let the Sheffield-man be brought to a change of mind, and declare that he will buy ale, and pay for it with his razors. This case will be the same in its aggregate results, as if he had sent his razors into the home market in the usual way, and then bought ale with the money. For if the ale-dealers keep any of the razors for their own use, it is the same thing as if the razors had been sent into the home market by the cutler, and the money got there for them given to the men of ale to buy them out again. And if they sell any for the sake of buying other things, it is only *their* sending the razors into the home market instead of the cutler, and spending the money got for them in the same way as if they had got it from the

cutler. The truth therefore is, that in this case precisely the same effects are produced in the aggregate, as if the razors were sold in the home market by the cutler, and the money laid out in ale.

Eighth Case; let the Sheffield-man once more change his mind, and say 'I won't have ale; but I will consent to take valets from my countrymen, and send away the Frenchmen.' In this case there is only a substitution of the labour of valets and their dependencies, for that of ale-makers and their dependencies. If the payment is made in money, then the valets &c. spend the money upon meat, drink, clothing, lodging for themselves or wives and children, which they severally consume, enjoy, and see the end of; and the persons concerned in producing the ale, would have done the like with such portions of the payment as might finally have fallen to their several shares. Or if it is made in razors, then what they use and what they sell may be accounted for as in the preceding Case. If the valets and their dependencies will consume all, the ale-makers and their dependencies would consume all. There seems no pretence for saying that there is anything about the labour of the valets which puts it in a different category from the labour of the ale-makers, so long as the payer, the Sheffield-man, is willing to accept one as equivalent to the other.

It appears then, that in respect of aggregate or national advantage, keeping and paying a British valet is the same thing as ordering and consuming the produce of any other kind of British labour to the same amount; and that bringing over and paying a French valet in his place, is the same thing as ordering a quantity of British goods to the same amount, and sending it to France to be exchanged for some kind of French produce and consuming that; and moreover, that in these two pairs of equals, the last-mentioned in each are equal to one another.

And here comes in a paradox, which has been alluded to on a former occasion*. 'Give the money,' it may be said, 'to the British valet instead of the French; and a countryman will be comforted to the amount, and all British interests in the aggregate remain as before.' And the reason why,—because the British valet will expend the money upon somebody, just as much as you will if you expend it on goods you chuse to give away to the French.

This is the same fallacy as if, in the celebrated instance

* West. Rev. No. XIX, Art. *Absenteeism*. p. 239.

where the nobility of Europe left off keeping 'tails' of followers and took to wearing embroidery and jewellery, instead, it should have been urged, 'Keep up your "tails," and the "tails" will spend the money just as much as you will if you spend it on the embroiderers and jewellers; the benefit therefore to the rest of the country will be the same as ever, and the enjoyment to the "tails" will be clear gain.'

The answer to this would be, that the enjoyment to the 'tails' and their dependencies, is equal to the enjoyment to the embroiderers &c. and their dependencies; and because *these two parties* will equally spend the money, the further consequences will be equal in the aggregate. And because this *is* true, it follows that the other *is not*.

No person has ever thought of denying the existence of the balance in the instance of the transfer of the custom of the nobility above described; or of doubting, that with the exception of the temporary difficulties attendant on all transfers, the effect was to raise up a population of embroiderers and jewellers, instead of a population of turbulent tail's-men. And one reason why nobody has doubted it, is that the contrary assertion would cut equally either way. If the feudal followers might assert, that they should spend the money as much as the embroiderers &c., and therefore their enjoyment of the money would be clear gain,—why might not the embroiderers &c. equally urge, that *they* should spend the money just as much as the followers, and therefore *their* enjoyment of the money would be clear gain? But an argument that will tell equally for either of the contending parties, is manifestly good for neither.

The paradox, however, may be urged further. Suppose that the feudal followers *would buy embroidery*. Would not the gain to the embroidering trade be the same as if the embroidery had been ordered by the nobles or for foreign consumption; and consequently the enjoyment by the followers clear gain?

It may be replied, that the gain to embroiderers from the followers buying embroidery, will only be the same as would be the gain to comb-makers if they were to buy small-tooth combs. And if they were to buy small-tooth combs, there seems no pretence for saying, that the gain to the followers would not be balanced by a loss to the embroiderers or to somebody else. Whence, if the gains whether to embroiderers or to comb-makers would be equal, it may be gathered that the gain to the followers would be balanced by a loss to the embroiderers or somebody else, in the case where they should chuse to spend their money on embroidery.

The defenders of the paradox will answer, that the value of the gain or loss to embroiderers is made of two different magnitudes;—that at one time it is made equal to all the enjoyment that arises from giving the money to the followers, the followers included,—and at another time not equal.

This is true. Where there is the semblance of two contradictory sets of truths, there must be a step wanting to make them coincide. The step that would effect coincidence here, would be establishing that the gain or loss to the dealers of all kinds existing in the country, from the expenditure or non-expenditure of a given sum of money, is *less* after the sum in question has been given to the followers, than it would have been if the same money had been expended by the nobles or for foreign consumption. And the way in which such an effect can be produced, can apparently be only through the fact that employing the followers takes part of the transferable labour out of the labour market,—makes labour to everybody somewhat scarcer and dearer,—and that the result is a loss divided among all the purchasers of labour in the country, which makes up for the difference in dispute.

This has perhaps driven the question into a smaller compass; by removing the difficulty that attached to the portion that should be supposed expended by the successful rival upon the other. Labour, in fact, is a commodity in the market like anything else; and the same reasoning that applies to the portion of his receipts which a feudal follower might expend upon embroidery, may be applied to what the ale-dealer might expend upon razors.

If it should be represented that the feudal followers are in great want and distress,—and, for argument's sake, that they are obliged to be maintained by the rest of the community by the means of poor-rates;—this can alter nothing in the aggregate, if the industrious people who are to be cut off from the market for their embroidery or their razors are equally distressed, and parts and portions of them equally subjected to the necessity of being maintained by poor-rates.

Two errors may be noted, or suspected, as attaching to the opponent's side. One is, the statement of the Quarterly Reviewers, that when commodities are sent out of a country 'to pay absentee landlords, that country receives no return, except receipts for rent can be represented in that light*.' Now the simple fact is, that these commodities have been paid for once already, and there is no justice in demanding that they shall be

* Quarterly Review, No. 66. Art. on Irish Absentees. p. 460.

paid for any more. If a man in London had a pot of porter at his mouth, which was his own and he had paid for, it would be very hard to say to him, 'Wretch, are you going to be so unpatriotic as to drink all that yourself? Remember your country, and see that a proper return is made to her before you drink a drop.' The man would naturally reply, 'I have done so, Sir; I have paid for it, your Worship; I have given hard work for it to somebody, your Honour; or if I did not, my father did before me. He raised a little estate, he did, Sir; and I bought this very porter out of the income.' Heaven help the Tory, who should thus attempt to stop an Englishman's porter in its course. And suppose the Englishman bottles up the contents of his pot, and sends it off to Calais to be exchanged for a bottle of *vin ordinaire* with some porter-loving Frenchman;—or whips himself into the steam-boat for Calais with the porter in his pocket, and consoles himself with drinking it on his arrival;—or makes the exchange there for *vin ordinaire*, and gives himself the gripes at Calais instead of Dover;—in any of these cases, where does there arise the smallest plea for saying the man has done an unpatriotic act in the disposition of his porter? Where is there a gain to any living creature taken away, that would have been made if the man had swilled his porter at home; and where the pretext for saying, that the porter has been taken out of the country to the destruction of some due return? The whole is manifestly a mistake, a double charge. The return due to the beloved country for the porter, was made when the porter was bought and paid for; and no power on earth can show any injury from its progress afterwards. The objection of the Quarterly Reviewers seems to be completely answered. The *paradox*, is not theirs.

Another error, which may be suspected, is that there is some connexion with a want of thorough comprehension of the way in which what Adam Smith calls 'effectual demand' creates supply;—a mistake of the same kind, as that of the mob that stops a brig loaded with potatoes for the metropolis, in the expectation that this is to make potatoes cheap for ever and ever in their own market. There is a confusion between a momentary gain and an enduring and recurring one. The appropriation of the potatoes may benefit the potatoe-eaters in the parish for the next fortnight; but nature will find out the way, to put a stop to their expected perpetuity of gormandizing at other people's loss. In like manner the stoppage of the transit of an absentee's goods or money, and forcing him to expend in a particular market and come here to consume the produce, might do a brief benefit to certain parties in the parish, in the same way as in the

stoppage of the potatoes; but it remains to be seen whether nature will not have her ways and means, to avenge herself on the stupid tyranny, and disappoint the mob of their expected gains.

If all this be true, it assuredly leads to some startling results. It goes to prove, that if a nation employs foreigners to do its work,—as the Portuguese employ *Gallegos*,—it is the same thing to Portugal in the end. It goes to prove, that if the Irish aristocracy should take into their heads to expend their revenues in paying foreign regiments either at home or abroad, to the exclusion of all employment in that way to native Irish, the last state of Ireland would be in the aggregate the same as the first. There is no desire to disguise the length to which the principle would go; the only object is to know if it is true.

If it be substantially correct, then the immediate consequence is, that the result of any tax on Absentees, as on foreign consumption in general, would be the inflicting a pure grievance on the sufferers, to the extent of what they might pay or give up to avoid paying; without the shadow of aggregate advantage to their countrymen in return. And that consequently such an effort of legislation would be a simple ebullition of ill-humour, a mere employment of the faculty of voting in the House of Commons to plague a neighbour, a naked exertion of the arbitrary power of saying to a fellow-citizen, ‘I don’t like people to drink claret. Drink none.’

The general inference from all the above is, that whatever perplexity may be found in some of the details, it will finally be discovered that Heaven has set its canon that nothing shall be lost to a community in the aggregate, by using foreign produce instead of its own,—and for the reason which he that runs may read, that it can never have foreign produce but in barter for something of its own. It is part and portion of the arrangement of Providence, for promoting peace on earth and good will towards men, as fast as the race of political blunderers who have kept nations at daggers-drawing on false pretences, can be driven off the scene.

These considerations are turned over to the speculation of such as feel aggrieved and threatened by the hubbub kept up on the subject of Absenteeism; with a view to engaging their attention and support to the general principles of Free Trade, of which their particular concernment appears to be an offset.

ERRATUM. In p. 416, l. 15, for Factory Regulation Bill read Customs Regulation Bill.

WORKS LATELY PUBLISHED.

AGRICULTURE.

The Tropical Agriculturist, by G. R. Porter. 8vo. 21s. cloth.
Freeman's Norfolk, Suffolk, and Essex Farmer's Book. folio. 8s. 6d. half-bound.

ANTIQUITIES AND ARCHITECTURE.

Goodwin's Domestic Architecture. Plates. 4to. 52s. 6d. bds.
Robinson's Designs for Lodges and Park Entrances. Nos. V. VI. 4to. 7s. each, sewed.

ASTRONOMY.

The Principles of Astronomy. Part II., by W. Brett. 8vo. 10s. bds.
Lun-Solar and Horary Tables, by Janet Taylor. royal 8vo. 13s. 6d. bds.
Captain Forman's Letters to the Secretary of the Royal Astronomical Society. 8vo. 3s. sewed.

BIOGRAPHY.

Memoir of John Adam, late Missionary at Calcutta. 12mo. 6s. bds.
Dr. Gregory's Memoirs of Robert Hall. 12mo. 6s. cloth.
Medwin's Memoir of P. B. Shelley, with Original Poems, &c. 18mo. 3s. 6d. bds.
Memoirs of the Court and Character of Charles I., by Lucy Aikin. 2 vols. 8vo. 28s. bds.
Ellerby's Memorials of Felix Neff. 8vo. 4s. cloth.
Life of Gouverneur Morris, by Jared Sparks. 3 vols. 8vo. 27s. bds.
Memoirs of Rowland Taylor. 12mo. 5s. 6d. bds.
Chambers's Lives of Illustrious Statesmen. Part III. IV. 8vo. 6s. 6d. each, bds.
Mémoires du Mareschal Ney. 2 vols. 8vo. 18s., sewed
Lives of the most eminent Sovereigns of Modern Europe, by Lord Dover. Royal 18mo. 8s. bds.
Biographia Borealis, by Hartley Coleridge. 8vo. 16s. bds.
Memoirs of Baron Cuvier, by Mrs. R. Lee. 8vo. 12s. bds.
The Diary of Mr. John Lamont, 1649—1671. 4to. 35s. bds.
Memoir of Bishop Heber, by the Rev. G. Bonner. 12mo. 3s. 6d. bds.
Life of Hampden (No. I. English History in the reign of the Stuarts', small 8vo. 1s. sewed.
Indian Biography, by Thatcher. 18mo. 10s. cloth.
The Autobiography of John Galt, Esq. 2 vols. 8vo. 24s. bds.

BOTANY.

Sir J. E. Smith's Introduction to Botany, edited by Dr. Hooker. 8vo. 16s. cloth.
Botanical Geography; General observations on Vegetation, translated from Mirbel, 12mo. 3s. 6d. cloth.
Main's Illustrations of Vegetable Physiology. 12mo. 8s. cloth.
Botanical Register of Professor Lindley. Vol. V. new series. 8vo. 50s. cloth.
Castle's Synopsis of Systematic Botany. 4to. 4s. 6d.
English Botany, with plates. Nos. XXI. to XXVI. 8vo. 1s. each, sewed.
Botanical Magazine. Nos. IV. to VIII. royal 8vo. 1s. each, sewed.

CLASSICS.

- Platonis Phædo, illustravit Godofredus Stallbaum. 8vo. 6s. bds.
 Valpy's Classical Library. Vols. XI, XII, XLIV, XLV. 18mo. 4s 6d. each, cloth.
 Author's Sallust, with English notes. 12mo. 6s. bds.
 The Germany and Agricola of Tacitus, with an English Version and Notes, by
 D. Spillan. 12mo. 4s. 6d. bds.
 Select Orations of Cicero, from the Text of Orellius, with English Notes, by the
 Rev. M. M'Kay. 8vo. 10s. bds.
 The Philoctetes of Sophocles, with English Notes, &c., by G. Burgess. 12mo.
 5s. bds.

EDUCATION.

- Elements of English Grammar. 18mo. 2s. 6d. cloth.
 Cobbin's Elements of Reading and Spelling. 18mo. 1s. sewed.
 Index of Quotations from Greek authors contained in Bloomfield's translation of
 Matthiæ's Greek Grammar, by Kenrick. 8vo. 7s. 6d. bds.
 Aspin's History made easy. 18mo. 3s. half-bound.
 Rosteri's Introduction to the Italian Language. square 16mo. 2s. 6d. bds.
 An Abridgement of Rowbotham's German Grammar. 12mo. 2s. 6d. sewed.
 A New French and English Grammar, edited by J. H. Stevenc. 12mo. 4s. bds.
 Easy Greek Exercises, by the Rev. W. Moseley. 18mo. 2s. 6d. bds.
 Concise Summary of General Geography. 12mo. 1s. 4d. half-bound.
 The Boy's Latin Constructing Book. 12mo. 2s. 6d. bds.
 Cole's Companion to the Eton Greek Grammar. 12mo. 5s. cloth.
 The Conjugation of the Greek Verb, according to Professor Thiersch's System.
 8vo. 5s. bds.
 A System of Arithmetic, compiled for Merchant Tailors' School. 12mo. 5s. cloth.
 L'Écho de Paris; a Selection of Familiar Phrases. 12mo. 3s. 6d. cloth.

FINE ARTS.

- A Collection of Literary Portraits from Fraser's Magazine. 4to. half-bound. 42s.
 India paper 63s.
 Cruikshank's Sketch-Book. 4to. Parts I. II. 2s. 6d. plain, 3s. 6d. coloured each,
 sewed.
 Select Views of the Lakes of Scotland, by J. Fleming. Part XII. 4to. 3s. 6d.
 india, 7s. 6d. royal folio, 12s. sewed.
 The Byron Gallery. royal 8vo. 31s. 6d. half bound. 36s. morocco,
 Illustrations to the Oriental Annual, proofs before letters. 63s.

GARDENING.

- Supplement to Loudon's Manual of Cottage Gardening, by J. Robertson. 8vo.
 7s. sewed.
 Sweet's British Flower Garden. Vol. II. New Series. 8vo. 78s. cloth.

GEOLOGY.

- The Internal Structure of Fossil Vegetables found in the Carboniferous and Oolitic
 Deposits of Great Britain, described and illustrated by H. Witham. 4to. 21s. bds.

GEOMETRY.

- The Principles of Geometry, familiarly illustrated by W. Ritchie. 16mo.
 3s. 6d. cloth.

HISTORY.

- Hodges's Narrative of the Expedition to Portugal in 1332. 2 vols. post 8vo. 21s. cloth.
 Dodsley's Annual Register for 1832. Vol. LXXIV. 8vo. 16s. bds.
 Scenes and Sketches from English History. Vol. I. 16mo. 3s. 6d.
 An Introduction to General History and Chronology, by the Rev. J. Gilderdale. 4to. 10s. 6d. half-bound.

LAW AND JURISPRUDENCE.

- Chitty's Practice of the Law in all its Departments. Vol. I. Part. II. royal 8vo. 18s. bds.
 Hughes's Directions for Drawing Wills. 8vo. 12s. bds.
 A Practical Treatise on the Law of Tolls, by F. Gunning. 8vo. 9s. bds.
 Starkie's Law of Evidence, 2 vols. 8vo. 70s. bds.
 Squarey's General Rule for regulating the Practice of the Superior Courts. 16mo. 3s. 6d. bds.
 The Laws relating to the Poor, by J. T. Pratt. 8vo. 15s. bds.

MEDICINE, ANATOMY, AND SURGERY.

- Chemical Lectures on the Contagious Typhus, epidemic in Glasgow, 1831-2, by R. Miller, M. D. 8vo. 5s. bds.
 The Analysis and Medical use of the Tepid Springs of Buxton, by Sir C. Scudamore. 8vo. 2s. sewed.
 The Dublin Journal of Medical and Chemical Science. Nos. IX. X. 8vo. 5s. 6d. each sewed.
 Murphy on the Elementary Principles of the Theories of Electricity. Part I. 8vo. 7s. 6d. bds.
 Homœopathic Medical Doctrine, translated from the German. 8vo. 10s. 6d. bds.
 Rayer on Diseases of the Skin, translated by W. B. Dickinson. 8vo. 12s. bds.
 Gregory's Conspectus Medicinæ, curâ Steggull. 18mo. 5s. bds.
 Lawrence on Diseases of the Eye. 8vo. 18s. bds.
 Illustrations of Cooper's Surgical Dictionary, by W. R. Cooks. Vol. I. 8vo. 42s. bds.
 Disorders of the Brain and Nervous System, by Dr. Uwins. 8vo. 7s. bds.
 The London Medical and Surgical Journal. Vol. III. 8vo. 14s. bds.
 Lee's Treatise on Nervous Disorders. 8vo. 5s. bds.
 Observations on Diseases of the Rectum, by H. Mayo. 8vo. 6s. bds.
 An Essay on Inflammation, by P. L. Phillips. 8vo. 6s. bds.
 A New Exposition of the Functions of the Nerves, by J. W. Earle. Part I. 8vo. 7s. 6d.
 Report of the Method and Results of the Treatment of the Malignant Cholera, by J. Ayre. 8vo. 6s. bds.

MISCELLANEOUS LITERATURE.

- Fletcher on the Influence of the Mind on the Body. 8vo. 12s. bds.
 Constable's Miscellany. Vols. LXXVIII. LXXIX. 18mo. 3s. 6d. each, cloth.
 Gaskell's Manufacturing Population of England, &c. 9s. bds.
 Letters of Horace Walpole, Earl of Orford, to Sir Horace Mann, edited by Lord Dever. 3 vols. 8vo. 52s. bds.
 Remains of the Rev. W. Howels, by W. P. Moore. 12mo. 5s. bds.
 Lardner's Cabinet Cyclopædia. Vols. XLIV. XLV. XLVI. foolscap 8vo. 6s. each, bds.
 Domestic Animals, in their relation to Civilized Society. 12mo. 3s. 6d. cloth.
 Sharpe's Peasage of the British Empire. 2 vols. 12mo. 3s. 6d. cloth.
 History of the Middle and Working Classes. 12mo. 8s. cloth.
 History of Priestcraft, by Wm. Howitt. 12mo. 5s. bds.

- Professor Stuart on the Romans, edited by Drs. J. P. Smith and E. Henderson. 8vo. 14s. cloth.
- The Colonics; of their value generally, and of the Ionian Islands in particular; by Colonel C. J. Napier. 8vo. 18s. cloth.
- Martin's Taxation of the British Empire. 12mo. 5s. cloth.
- Exposition of the False Medium and Barriers excluding Men of Genius from the Public. post 8vo. 8s. 6d. bds.
- Harper's Family Library. Vol. I. II. III. 18mo. 5s. each, cloth.
- Weld's Statistical Survey of the County of Roscommon. 8vo. 1s. cloth.
- Great Britain in 1833, by the Baron D'Haussez. 2 vols. post 8vo. 21s. bds.
- Reekiana or Modern Antiquities of Edinburgh. 12mo. 7s. bds.
- Junius, Lord Chatham. 8vo. 5s. bds.
- The Time of the End. 8vo. 6s. bds.
- Familiar Letters and Miscellaneous Papers, by B. Franklin. Edited by Jared Sparks. 12mo. 7s. 6d. bds.
- Tables of the Revenue, Population, Commerce, &c. of the United Kingdom. folio. 15s. cloth.
- A General View of the United States for 1833. 18mo. 6s. cloth.
- Domestic Manners and Social Condition of the Population of the West Indies, by Mrs. Carmichael. 2 vols. 8vo. 21s. bds.
- Old Bailey Experience, Criminal Jurisprudence, &c. 8vo. 12s. bds.
- Annals of St. Mary Overy, by W. Taylor. 4to. 25s. bds.
- Mercantile Marine Architecture, by J. Richardson. 4to. 80s. bds.
- Description of a New Lightning Conductor, by John Murray, F. S. A. 8vo. 3s. 6d. sewed.
- An Analysis of the Literature of Ancient Greece. 8vo. 5s. bds.
- The Children's Weekly Visitor. First Series. 3 vols. 12mo. 18s. cloth.
- A Guide to the Choice of Books. 12mo. 6s. 6d. bds.
- The Parent's Cabinet of Amusement and Instruction. Vols. I. II. 3s. 6d. each, cloth.
- An Essay on the Life of Bishop Dehon, by C. E. Gladsden. 8vo. 9s. bds.
- Popular Encyclopædia from the American Translation of the "Conversations Lexicon." Vol. I. Part I. royal 8vo. 11s. cloth.

MUSIC.

- Otto's Treatise on the Construction, Preservation, &c. of the Violin. Translated by T. Fardesley. 8vo. 3s. bds.
- The Album Wreath of Music. 4to. 32s. mor.
- Turner's Manual of Vocal Music. foolscap 8vo. 4s. bds.
- Hawker's Collection of Tunes for the Wesleyan Hymns, oblong 18s. half-bound.

NATURAL HISTORY.

- The Naturalist's Library, by Sir W. Jardine. Vol. II. foolscap 8vo. 6s. cloth.
- Cuvier's Animal Kingdom. Vol. XIII. 8vo. 3s. 6d. royal 8vo. 54s. coloured 72s. bds.
- Entomology of Australia, by G. R. Gray. Part I. 4to. 15s. plain. 21s. coloured bds.
- White's Natural History of Selborne, arranged for Young Persons.
- Alphabet of Zoology, by J. Rennie. 18mo. 2s. 6d. bds.
- Transactions of the Zoological Society of London. Vol. I. Part I. royal 4to. 16s. coloured 19s. sewed.

NOVELS, TALES, AND ROMANCES.

- Romances of the Chivalric Ages. 2 vols. post 8vo. 21s. bds.
- The Repealers, by the Countess of Blessington. 3 vols. 8vo. 34s. 6d. bds.
- Edgeworth's Novels and Tales. Vol. XV. XVI. XVII. 12mo. 5s. 6d. each, boards.

- Sir Guy de Lusignan, by Miss Knight. 2 vols. post 8vo. 21s. bds.
 Tales of the Tombs. post 8vo. 6s. bds.
 The Provost of Paris, by W. S. Browning. 3 vols. 12mo. 15s. bds.
 Character, or Jew and Gentile, by Mrs. Leman Grimstone. 2 vols. post 8vo. 16s. bds.
 Harper's Library of Select American Novels. Vols. I. II. III. IV. 12mo. 6s. each, cloth.
 Russell de Albuquerque. 12mo. 8s. 6d. sewed.
 Village Belles. 3 vols. post 8vo. 27s. bds.
 England and the English, by E. L. Bulwer, Esq. M. P. 2 vols. post 8vo. 21s. boards.
 Conrad Blessington, by a Lady. 8vo. 7s. bds.
 Traditionary Stories of Old Families, by the author of the "Dominie's Legacy." 2 vols. 8vo. 21s. bds.
 The Library of Romance. Vol. VII. 12mo. 6s. bds.
 Men and Manners in America, by the author of "Cyril Thornton." 2 vols. post 8vo. 21s. bds.
 Introductions, Notes, &c. to the New Edition of the Waverley Novels. 3 vols. foolscap 8vo. 24s. bds.
 Mother and Sons. 12mo. 4s. 6d. bds.
 Notre Dame, a Tale of the "Ancien Régime," from the French of Victor Hugo. 3 vols. post 8vo. 24s. bds.
 Tales from Chaucer, in Prose, for Young Persons. 12mo. 7s. 6d. cloth.
 The Headsman, by the author of the "Bravo," &c. 3 vols. royal 12mo. 3s. 6d. boards.
 Mrs. Bray's Historical Novels. Vol. I. post 8vo. 4s. half-bound.

POETRY AND PLAYS.

- The Voyage, by Henry Christmas. 12mo. 6s. bds.
 Volpy's Shakespeare, with illustrations. Vols. IX. X. XI. 12mo. 5s. each, cloth.
 Some Account of the English Stage, from 1660 to 1830. 10 vols. 8vo. 5l. 10s. cloth.
 The Dream, &c. by Mrs. Lenox Conyngham. 8vo. 10s. 6d. bds.
 Zophiel or the Bride of Seven, by Maria del Occidente. 12mo. 7s. 6d. bds.
 Dyer's Specimen of English Sonnets. 16mo. 6s. bds.
 Dramatic Scenes from Real Life, by Lady Morgan. 2 vols. post 8vo. 21s. bds.
 Flowers of the East. 12mo. 6s. cloth.
 Demetrius, &c. by Agnes Strickland. 12mo. 5s. bds.
 The Poems of Drummond of Hawthornden. Edited by P. Cunningham. foolscap 8vo. 9s. bds.
 Poems by Hartley Coleridge. Vol. I. 8vo. 6s. cloth.
 The Outcast of Naples, by H. A. D'Alton. 12mo. 6s. 6d. cloth.
 The Converted Jew, by T. K. Verdon. 12mo. 5s. bds.
 Zenobia, by J. M. Ford. 8vo. 7s. 6d. bds.
 Europe and other Poems, by C. O. Apperrey. foolscap 8vo. 5s. cloth.
 Songs of the Press. 12mo. 2s. 6d. bds.
 Pindar in English Verse, by the Rev. H. F. Cary. 12mo. 6s. bds.

POLEMICS.

- Hillock's Key to the Psalms. 12mo. 5s. bds.
 Thom on the Assurance of Faith. 2 vols. 8vo. 21s. bds.
 Rev. F. H. Hutton's Discourses on Christ's Temptation. 8vo. 7s. bds.
 Henry's Letters to a Friend on Conversion and Salvation. 18mo. 4s. cloth.
 Rev. H. S. Plumtree's Lectures on the Prodigal Son. 12mo. 4s. bds.
 Rev. H. Vaughan's Sermons. 8vo. 10s. 6d. bds.
 Rev. H. Hughes's Sermons. 12mo. 5s. bds.
 Webster's Sacramental Week. 18mo. 2s. 6d. cloth.
 Carlisle's Letters on the Holy Scriptures. 2 vols. 12mo. 12s. bds.

- Ten Sermons upon the Nature and the Effects of Faith, by J. T. O'Brien. 8vo. 12s. bds.
 Theological Library. Vol. V. 12mo. 6s. cloth.
 Travels of an Irish Gentleman in search of a Religion. 2 vols. foolscap 8vo. 18s. bds.
 Butler's Charge delivered to the Clergy of the Archdeaconry of Derby. 4to. 2s. sewed.
 Sargeant's Sermons. 8vo. 8s. bds.
 The Doctrine of Repentance, by the Rev. Dr. Walter. 12mo. 5s. bds.
 Baskets of Fragments, or Notes for Sermons, by Rev. T. Jones. Vol. II. 12mo. 4s. bds.
 Gospel Seeds, by the Rev. C. Malan. 12mo. 5s. bds.
 O'Brien's Sermons on the Sympathy of Christ. 8vo. 2s. sewed.
 The Coming of the Messiah in Glory and Majesty, by Juan Josafat Ben Ezra. 12mo. 9s. bds.
 Guide to an "Irish Gentleman in search of a Religion," by the Rev. M. O'Sullivan. 12mo. 7s. 6d. bds.
 Archbishop Cranmer's Works. 4 vols. 8vo. 50s. 6d. bds.
 A Paraphrase of the Psalms, in blank verse, by P. Ducarel. 8vo. 8s. bds.
 The Christian's Family Library. Vol. VIII. 12mo. 5s. cloth.
 Dr. S. Warren's Sermons. 12mo. 5s. bds.
 Twelve Plain Sermons preached in a Village Church. 12mo. 4s. bds.
 The Biblical Cabinet. Vol. IV. 12mo. 5s. bds.
 Popular Religious Works abridged. Vol. I. 24mo. 1s. 6d. cloth.
 Practical Exposition of St. Paul's Epistle to the Romans, by the Rev. R. Anderson. 12mo. 7s. bds.
 Watson's Discourses on the Colossians. 8vo. 10s. 6d. cloth.
 Hindmarsh on the Resurrection. 8vo. 5s. bds.
 Sermons by the Rev. J. T. Robinson. 12mo. 3s. 6d. cloth.
 Ware's Sunday Library. Vol. II. 8vo. 3s. 6d. bds.
 Hamilton's Sermons. 8vo. 12s. cloth.
 Drousheld's Sermons. 3 vols. 12mo. 12s. bds.
 Ditto, Morning and Evening Family Prayers. 12mo. 3s. bds.
 Reasons for Christianity. 12mo. 7s. 6d. bds.

POLITICS.

- Hansard's Debates (3rd Series). Vols. xvi. xvii. 2nd and 3rd Parts of Session 1833. royal 8vo. 30s. bds. 3s. 6d. half bound, each.

TOPOGRAPHY.

- Noble's Gazetteer of Lincolnshire. 8vo. 4s. bds. 4s. 6d. half-bound.
 Kidd's Picturesque Guide to Tunbridge Wells. 18mo. 2s. 6d. sewed.
 The Herne Bay Guide. 12mo. 3s. 6d. bds.
 Mc. Phun's Guide through Glasgow. royal 32mo. 2s. 6d. cloth.

VOYAGES AND TRAVELS.

- Sturt's Expeditions into the Interior of Australia. 2 vols. 8vo. 28s. bds.
 Narrative of Voyages to explore the shores of Africa, Arabia, and Madagascar, by Captain Owen. 2 vols. 8vo. 32s. bds.
 Brookendon's Journals of Excursions in the Alps. post 8vo. 10s. 6d. bds.
 The Continental Traveller. 12mo. 6s. 6d. cloth.
 Finch's Travels in the United States, &c. 8vo. 12s. bds.
 A Journey to Switzerland, by L. Agassiz. 8vo. 12s. bds.
 Report of Proceedings on a Voyage to the Northern Parts of China in the Ship Lord Amherst. 8vo. 8s. bds.

INDEX TO VOLUME XIX.

A.

ABSENTEEISM, Question of, reducible to the Principles of Free Trade, 516—illustration of the principle of free trade in eight different cases, *ib. et seqq.*—objection of the Quarterly Reviewers on the subject of Absenteeism answered, 522—nothing lost to the community by the consumption of foreign produce either at home or abroad, 524.

Alger sous la domination française, son état présent et son avenir; par M. le Baron Pichon, 231—Extracts, 234, 239

Algiers, 231—the duty of France towards her considered, 232—proclamation of the French to the Algerines, *ib.*—promises contained in it not kept, 233—Convention on the surrender of Algiers equally neglected, *ib.*—Letter of M. Segaud stating the exportation from Algiers to Marseilles, of human bones among others to be used in the refining of Sugar, 234—Conduct of the French to the Algerines, since the surrender of the place, *ib. et seqq.*—great expense attending the occupation of it, 235—character of the colonists sent thither from France, 236 *et seqq.*—population of Algiers, in 1832—brief account of the people, 238—remonstrance of M. Pichon against the present system of conduct on the part of the French, 239—general observations respecting the conduct of Europe in that quarter, 240, *et seqq.*

Annapolis, bay of, in Nova Scotia, described, 308

Appeal to the British Nation on behalf of the Jews; by Barnard Van Aven, M.D. 215—Extract, 226

Appel en faveur d'Alger et de l'Afrique du Nord, 231—Extract, 234

Arguments advanced against the Enfranchisement of the Jews considered; by Francis Henry Goldsmith, 215—Extract, 233.

Attempt to show the Justice and Expediency of substituting an Income or Property Tax for the present Taxes, or part of them, &c. also the most fair, advantageous, and effectual Plans of reducing the National Debt, 11.

B.

Balkin and his family, account of, 84

Bill, intituled an Act for the further Amendment of the Law, and the better Advancement of Justice, 42

... intituled an Act for the better Administration of Justice in His Majesty's Privy Council, 42.

... intituled an Act for the Establishment of Courts of Local Jurisdiction, 42.

Biographical History of the Wesley Family; more especially its earlier branches; by John Dove, 179.

Bore, or 'avenging wave,' account of the, by the fishermen of Ireland, 79.

British India, Future Government of, 107—heads of the Ministerial Plan, *ib.*—remarks on it, 108—of the Court of Proprietors, their privileges and powers, *ib. et seqq.*—Court of Directors, 109, *et seqq.*—government of India conducted by the nine senior Directors, called the Committee of Correspondence, 110—constitution and powers of the Secret Committee, 111—of the Board of Commissioners, *ib.*—official charges of the home government, *ib.*—amount of tradesmen's bills in 1831,

*112—salaries of the different officers, *ib.*—specimens of pensions, *ib.*—mass of correspondence between the years 1814 and 1829, 113—mode of examining what are called 'previous communications' *ib.*—evidence of Mr. Courtenay proving the delay occasioned by the present complex system of administration, 114—extract from the evidence of Mr. Mill respecting the correspondence of the Secret Committee, 115—Indian Patronage, *ib. et seq.*—suggestions for a government in the present circumstances of India, 116, *et seqq.*—plan of a Home administration, 118—objections to the assumption of the direct administration of India by the Crown replied to, 119 *et seqq.*—Statistic View of the British Empire in India, 124—observations on it, 125—civil office in India a monopoly, *ib.*—system of appointments, *ib.*—expense of education at Haileybury College, 126—at the College of Calcutta, 127—origin of the co-existence of the two colleges, *ib.*—cost of native education compared, *ib.*—cost of company's judge, 129—samples of the rate of pay to civil officers in India, 130 *et seq.*—general estimate of capacity in those appointed, 133—salaries paid to civil officers sent out, compared with those paid to natives, 134—undue treatment of the native officers, *ib. et seq.*—remarks on the system of government in India, 136—the army the most perfect part of the Indian government, 138 *et seq.*—administration of law in India, 140 *et seqq.*—the Coinage, 142—account of the fiscal laws in India, 143—benefits to be expected from the new Ministerial Plan, 144—two exceptionable points in it, 145

But, meaning of the word as used in the old Scottish, 340

C.

Jaroline, Queen, presentation by the celebrated John Wesley, of his father's Commentaries on Job, to, 197.

Charlemagne, anecdote respecting him, 296.

Solomons (The) treating of their value generally—of the Ionian Islands in particular, &c., &c., &c., by Colonel Charles James Napier, C. B. reviewed, 493—See *Greece, Kingdom of, &c.*

Compass, and Sea Charts, uncertainty of the time when invented, and by whom, 300 *et seq.*

Constantinople in 1828; by Charles Marfarlane, Esq. 163.

Corporate Reform, 312—necessity of guarding against the admission of the corporations of the old corporations into the new, 313 *et seq.*—the original design of the charters of incorporation wholly perverted by the use made of them, 314—exemplified in the borough of Dale, 315—condition of the burgesses in the early periods of our history, 316—conjectures respecting the period when charters giving municipal rights and the choice of magistrates were first granted, 317—abuse of close corporations confirmed by new charters, 318—necessity of new modelling them to suit the change of the times, 319—every inhabitant householder should be entitled to his freedom, *ib.*—meaning of the term "foreigner," 321—fines unjust, *ib.*—See *Observations on the principles, &c.*

Corrections in No. XXXVI. 263.

Correspondence between the President of the Board of Control and the Court of Directors of the East-India Company, 1833, 107.

Criminal Trials in Scotland; by Robert Pitcairn, Esq., 332—no documents to be found respecting the government of Scotland previous to the adoption of the feudal system, 333—vain attempt of the kings to restrain the spread of feudal power, 334—condition of the people under the feudal system, 335—character of the civil law, *ib.*—of the criminal law, *ib.*—power and abuse of the office of sheriff, 336—instanced in the oppressions of Patrick Agnew, sheriff of Wigton, *ib. et seq.*—perversion of justice in favour of the aristocracy, 338—instanced in the affair of George Gordon, laird of Gight, with Hay of Ardlethame, *ib.*—process of putting to the horn, nugatory, 339—Gordon indicted for usurping his majesty's authority, and murder under colour of law, *ib.*—objections to the relevancy of the indictment, 340—despotism of Patrick, earl of Orkney, 341—power of the "Lords of Regality," 342—office of the "Baillie of Regality" *ib.*—nature and

consequence of 'repledging' by the Baillic, *ib. et seq.*—the Lords of Regality deprived of their jurisdiction—present privilege, 343—means of opposition used by the king against the nobles, *ib. et seq.*—case of the Macgregors, 344 *et seq.*—remarks on the trial by Jury in Scotland, 345 *et seqq.*—case of James Stewart and the duke of Argyll, 346—custom of 'protest for wilful error,' and its consequence, 347 *et seq.*—what construed error by the court, 348—jury not expected to take cognizance of facts, *ib.*—case of Maxwell of Gtbtown, and others, *ib.*—case of James Scrymgeour for murder, 350—pleading of the Lord Advocate, *ib.*—witnesses admissible in cases of treason, *ib.*—how managed, *ib.*—management of scrupulous jurors, by an 'interlocutor,' 351—evidence in contradiction of facts stated by the crown prohibited, as calling the king a liar, *ib.*—the fiction abolished by Sir George M'Kenzie, 352—opinion of Baron Hume as to leaving the punishment of crime to the discretion of the judge, *ib.*—effects of judicial power, case of William Norwall, 353—selfish vindictiveness of James VI. 354—case of John Dickson, 354—of John Fleming, *ib.*—of Francis Tennant, 355—of Thomas Ross, 366—letter of the king (James I. of England) to the Privy Council of Scotland, with instructions as to Mr. Thomas Ross, 357—letter of the Privy Council to the King, 358—the king's proceedings against Stercovius, 359—proceeds against the boroughs for the cost of the same, *ib. et seq.*

D

De la Domination Française en Afrique et des principales questions que fait naître l'occupation de ce pays; par M. Raynal, 231—Extracts, 238.

Debtor and Creditor, law of, 198—imprisonment for Debt not warranted on any grounds of reason, *ib.*—how originally legalized, *ib.*—the arguments for and against it considered, 199 *et seqq.*—operation of the law, 202 *et seqq.*—enormous amount of the tax of law expenses on the country, 204—attaching the property of a Debtor more eligible than attaching his person, 205—case of an unfortunate Debtor struggling during five years against the ruinous operations of the Law, 206.

Duergar, or Dwarfs, brief account of the, 82.

E.

Elle-woman, account of the, 82.

Emancipation of the Jews, 215—reluctance of governments to allow liberty of conscience in religious matters, *ib. et seqq.*—strengthened by the jealousies of the established priesthood, 216—only modified by the Reformation, 217—the right first formally asserted in France, *ib.*—objection against the Emancipation of the Jews from political Disabilities, that Christianity is part and parcel of the Law of the land, considered, 219—the difficulty in the case of the Jews as easily surmounted as in that of the Catholics, 220—no danger from proselytizing, which has been declared by the Jews to be contrary to their law, 221—the Jews called upon to perform many public duties, 222—the nation not wholly Christian, and therefore no necessity for its legislature to be wholly Christian, 223 *et seq.*—no ground for the apprehension of political danger from the admission of Jews into Parliament, 225—none from their wealth, 226—their treatment in Spain under the banners of the Cross and the Crescent, 228—restored to the rights of citizenship in France, by Napoleon, 229—subsequently in many other parts of the world, *ib.*

Enfranchisement of British Jews, A few words respecting the, Addressed to the New Parliament, by Francis Henry Goldsmid, 215.

Esulent Roots, enumeration of some of the rarer kind.

Essay on the History and Theory of Music, and on the Qualities, Capabilities, and Management of the Human Voice, &c. &c. by J. Nathan, 242.

Evils which affect Ireland referred to Primogeniture, &c., &c., &c., 516.

F.

Fairy Mythology, 71—its power of recalling the mental pleasures of childhood, 75

—comparative estimate of genius in the Iliad and Odyssey of Homer, the Fables of Esop, and story of Sinbad, 76—imagination of the Easterns and Westerns compared and in what distinguished, 77—excellencies of Homer, 78—remarks on the imagination exhibited in the fine arts, 78—on the imagination as concomitant with ignorance; 79—account of the 'bore,' or 'avenging wave,' as given by the fishermen of Ireland, *ib.*—effect of the performance of a set of tumblers on the country people of Ireland, 81—influence of scenery and manners on the works of fiction, 81—brief account of the Persian Peris, *ib.*—of the Duergar or Dwarfs, 82—of the Danish eliewoman, *ib.*—of the trolls, *ib.*—ways of banishing them, *ib.*—revenge of a troll, *ib.*—anecdote of the nis, 84—the neck, or river-spirit, described, *ib.*—account of Balkin and his family, *ib.*—formation of the Nine-hills near Rambin, 85—account of the popular faires of Germany, *ib. et seq.*—of England, 87—of the Sneefarra, of Ireland, *ib.*—of the Leprechaun, 88—the Pooka, 88.

First Principles of Mechanics, with Historical and Practical Illustrations; by William Whewell, M.A. &c. &c. reviewed, 146—Extracts, Problem of the Inclined Plane, confused enunciation and fallacious principles of it by Pappus, 152—history of the solution of it, 153—Stevin's Proof of the Force on it, 154—on the nature of Accelerating Force, 156—157—application of the Laws of Motion to Astronomy, 158—grounds of objection to the System of Copernicus, *ib. et seqq.*

Foliage of Plants, extraordinary instances of the, 437.

France, History of, 283.—See *History of France*.

Free Trader's Defence of the Mercantile System, 269—Tory speech against the Free-trade system written with a purpose of sophistry, 270 *et seqq.*—comments on it, 276 *et seqq.*—observations on coin, 281—no disadvantage in paying it for foreign goods, *ib.*—abolition of all duties prohibited, 282—home manufactures not injured by the importation of foreign, *ib.*—difference between the 'practical man' and the 'theorist,' 283.

Fundy, bay of, described, 307.

G.

Gene-by Session, 387—weak endeavours of the Whig Ministry *ib.*—brief character of the Reformed Parliament, 388—how it had been chosen, 389—how it should be chosen, *ib.*—disadvantage of gratuitous service, 390—payment of representatives by their constituents recommended, 391—strictures on the conduct of the present Ministry, *ib. et seq.*—observations on the acts of the first session of the Reformed Parliament, 392—defeat of the Reform bill acknowledged by Ministers, but remedy postponed, *ib.*—ballot still resisted, *ib.*—Abolition of Septennial parliaments, new met, 393—Mr. Harvey's Motion respecting the best method of taking the Votes, rejected, *ib.*—remarks on it, *ib.*—necessity for publishing a digest of the Rules of the House, 394—remarks on the choice of a Tory Speaker, *ib.*—pernicious effects of the present constitution of the House of Lords, *ib. et seq.*—weakness of the Whigs in attempting to conciliate their adversaries, 395—remarks on their mode of proceeding in regard to a Reform of municipal corporations, *ib. et seq.*—on the Grand Juries for Ireland bill, 396—on partial legislation, *ib.*—election of burgh magistrates in Scotland, *ib.*—establishment of a Police in the burghs of Scotland, *ib.*—absenteeism in the House of Commons, 397—Poor Laws—labour Rate bill, 398—Scottish and Irish, Vagrant's bill, *ib.*—Turnpike Roads Accounts bill, *ib.*—remarks on retrenchment of the expenditure by the present ministers, 399—regulation of appointments, *ib.*—long-promised system of accounts still unproduced, 400—motion for Army Returns rejected, *ib. et seq.*—system of paying the colonels, 401—Savings' Banks annuities, 401—transfer of certain Exchequer offices in Scotland to the English department, *ib.*—desirable returns from the Treasury Board suggested, 402—Taxation, *ib. et seq.*—divisions on various branches of the subject, 403—Property Tax, *ib.*—Stamp duties, 404—remarks on the Chancellor's budget, *ib.*—effects of the Slave Emancipation bill, 405—office of Land Revenue, *ib.*—building of a National Gallery, *ib.*—Law, *ib.*—General Register Bill thrown out, *ib.*—Local Courts bill thrown out, 406—Chancery offices, 406—Criminal Law, *ib.*—Removal of the Assizes, 407—Jewish Civil Disabilities bill, *ib.*—Separation

Affirmation Bill, *ib.*—Roman Catholic Marriages, Sabbath Observance, and Irish Tithes Bill, *ib.*—Irish Church Temporalities bills, *ib. et seq.*—Imprisonment for Debt, 408—Abolition of Slavery, *ib. et seq.*—remarks on Mr. Stanley's scheme for Emancipation, 409, *et seq.*—Military Flogging, and forcible Impression for the Navy, 412—Bank Charter, 413—East-India Charter and Church Establishment in India, *ib.*—account of the several divisions on the chief clauses, 415—Letters Patent, *ib.*—crude introduction of bills mischievous, 416—remarks on the incompetency and inattention of members, *ib. et seq.*—numerical lists of Divisions for the last six weeks of the Session, 417—commissions of the House futile in effect, 418—division on Messrs. Whitmore and Fry's motions for Repeal of the Corn Laws, 419—various meanings of the word "Distress," 420, *et seq.*—Amendment of the Law of Libel bill, opposed by sir John Campbell, 421—necessity for reforming the Upper house, 422—mistaken choice of representatives by the people, 424—how the resignation of Ministers should be regulated, 426—Ministerial management in the introduction of ministerial measures, 427—suggestions for the better conduct of business in Committees, *ib. et seq.*—for the conduct of members in doing business, 429—danger of delay in effecting beneficial reform, *ib. et seq.*

Grand Juries, Laurie on, 88—Observations respecting prejudices in favour of old institutions, 90—grand juries inconsistent in their nature with the trial by jury, 91 *et seq.* unnecessary in practice, 93 *et seqq.*—an impediment to justice, 95—mode of conducting their proceedings objectionable, 96—prejudicial to the interests of the public, 97—great expense and inconvenience to grand-jurymen, *ib. et seq.*—ambiguity in the nature and scope of their duties and its consequences, 98—necessity for the existence of the grand-jury system questionable, 101 *ib. et seqq.*

Grand Manan, an island in Nova Scotia, described, 304.

Greece, kingdom of; and the Ionian Islands, 193—Ionian Islands placed under the protection of England with the title of "the United States of the Ionian Islands, *ib.*—Extracts from the "Constitution" drawn up for it by Sir Thomas Maitland, 494—election and composition of the Legislative Assembly, *ib.*—of the Senators, *ib.*—selection of the Judicial Authority, *ib.*—organization of the syndicæ or electors, *ib. et seq.*—ballot abolished by Sir Thomas Maitland, and consequent unwillingness of the electors to vote, 495—provisions against it, *ib. et seq.*—mode of electing the senate, 496—privileges and duties of the senate, and of the Primary Council, *ib. et seq.*—observations *in loco*—revenue taken by average, 498—its amount under the governments of Sir Thomas Maitland, and Sir Frederick Adam, *ib.*—disposal of surplus revenue, *ib.*—state of Cephalonia on Colonel Napier assuming its government, *ib. et seq.*—project of a University in Ithacæ by the late lord Guilford, 499 *et seq.*—strong recommendation of Colonel Napier's work on the subject of the Government of the Ionian Islands, 500—character of the Greeks improved under their state of subjection to Turkey, 502—remarks on the situation of enfranchised Greece and the kind of government suited to it, 503 *et seq.*—on the choice of monarchy for the government of Greece, and the selection of king Otho as the monarch, 504, *et seq.*—on the relative political situations of Austria and Russia, 507 *et seqq.*—on the propriety of augmenting the kingdom of Greece, 510—on the creation of petty kings, *ib. et seq.*—Extracts from Colonel Napier's work—observations on the Ballot, 511 *et seqq.*—his remarks on the power of England in hostility with America to arm the blacks against their masters, and probable results, 514 *et seq.*—reasons given against it, with observations on them and a hint at Ireland, 515 *et seq.*

II.

Halifax, in Nova Scotia, account of its trade, &c., 311.

History of France, 283—defects attributable to the author, *ib.*—respective tendencies in England and France from the end of the 13th century, to parliamentary government and pure monarchy, 284—opinions respecting causes in France, *ib.*—in England, 285—Commons House of Parliament in England originated by Simon de Montfort, *ib.*—conjectures respecting the origin of the Franks, 286—Clovis the founder of the French monarchy, 287—remarks respecting his character, by

M. Guizot, *ib.*—respecting the fall of the Merovingian dynasty, 288—the reign of Charlemagne, *ib.*—seizure of the monarchy by Hugh Capet, 289—Political institutions of France,—account of the *precarium*, 289 *et seq.*—seizure of Church property by Charles Martel, 290—restored as far as in his power by his son Pepin, in consequence of a legend got up by the bishops, *ib. et seq.*—of benefices, 291—remarks of M. Guizot on liberty, *ib.*—controverted, 292—cases of *Wehrgeld*, *ib. et seq.*—motives of the nobles to seek places at court, 294—origin of the French Noblesse, *ib. et seq.*—anecdote of Charlemagne, 296—remarks on the origin of Royalty in different times and places, 297—on the political character of the feudal Régime, *ib. et seq.*—the despotism of monarchy more tolerable than feudalism, 298—the feudal system attacked by both king and people, 299—difference between the French and English barons of the early ages, *ib.*—commendation of the work, 300.

History of the Middle and Working Classes; &c., &c. &c. by J. Wade, reviewed, 455—See *Middle and Working Classes*.

I.

Illustrations of Vegetable Physiology, practically applied to the cultivation of the Garden, the Field, and the Forest, &c. &c. by James Main, A.L.S. 431.

Inquiry into the rise and abuse of Grand Juries; with reference to their adjudicating on cases which have undergone previous investigation before a Magistrate, by Peter Laurie, Esq. B.C.L., 88—Extracts—on the prejudice in favour of old institutions, 90—showing that the Grand Jury is anomalous in theory, *ib. et seq.*—that it is unnecessary in practice, 93—that it is an impediment to justice, 96—inconvenience of the mode in which the Grand Jury conduct their proceedings, 96—in proof that the Grand Jury is prejudicial to the interests of the public, 97—urging as an objection the ambiguity relative to the nature and scope of the duties of Grand Jurymen, 98.

J.

James I., his letter to the privy council of Scotland relative to the prosecution of Mr. James Ross, 357—answer of the privy council, 358.

Jew's Harp, account of Mr. Eulenstein's performance on the, 246.

John St. a city in Nova Scotia, account of, 306.

Jury, trial by, in Scotland, circumstances on the, 345.

K.

Kamtschatka Lily, the Kamtschatkans supplied with their best bread from the, 435.

Kin, Chinese description of the, 243.

L.

Law Reform, Progress of, 42—not sufficiently radical, 43—disadvantage and injustice of an expensive system of Law, *ib.*—the actual state of the law a mere system of changes on an antiquated structure no longer suited to the present order of things, 44—vacillating administration of it consequent thereon, 45—Origin of Equity, *ib. et seq.*—locality of the Courts not regulated by the increase or decrease of the population, 47—observations on the appointment of Justices of the Peace, *ib.*—on the regulation of the Petty Sessions, 48—the Quarter Sessions, *ib.*—on the duty of the Coroner, Sheriff, Courts of Requests, minor Ecclesiastical Courts, Manorial Courts, *ib.*—appellant jurisdiction of the House of Lords, 49—its character as a Court, *ib.*—remarks on the Privy Council as a Court of Appeal, *ib.*—on the King's Bench, Exchequer, and Common Pleas, as Courts of Appeal, *ib.*—on the Vice-chancellor's court, 50—on the confused and clashing nature of the whole system of legal administration, *ib.*—all the attempts at law reform characterized by reluctance and hesitation, *ib. et seq.*—remarks on the arrangements for the despatch of business in the several Courts, 55, *et seq.*—on the local Courts Bill, 57, *et seq.*—obstructions to law Reform arising from the Monopoly of the Inns of Court, 65, *et seq.*—observations on the mode of paying the profession, 70—on that of paying the Attorneys; 71.

Laws of Debtor and Creditor—see *Debtor and Creditor*.

Leprechaun, account of the, 88.

Letter to G. W. Wollaston, Esq., Deputy Chairman of the Committee of the Thames Tunnel Company, on the present state of the Affairs of the Company, 19.

..... addressed by the Directors of the Thames Tunnel Company to the Commissioners for the Issue of Exchequer Bills for carrying on Public Works, applying for a Loan to complete the Body of the Tunnel, &c. &c. 10—extracts, 16, 17, 18, 19, 21.

..... to Henry Warburton, Esq., M.P. upon the Emancipation of the Jews; by Basil Montagu, Esq. 215—Extracts, 222, 223.

London University Magazine, No. II.—Note on 'Austin's Province of Jurisprudence Determined,' 329—admonitions to the juvenile writers therein, *ib. et seq.*—propriety of resistance to bad government argued, 330—defended by Burke, as quoted by Blackwood, 332.

Lords of Regality, Scotland, when deprived of their jurisdiction, 343—present privilege, *ib.*

M.

Mary, St. river of, and its adjacent towns in Nova Scotia described, 306.

M' Nutt's Island, in Nova Scotia, account of, 310.

Mechanics, Whewell's First Principles of, reviewed, 146—prevalent and laudable desire for a knowledge of the reason of things, *ib.*—proportion of times of revolution of any two planets to their distances, how discovered by Kepler, 147—Newton's discovery of the force of gravity, *ib.*—the theorem of Kepler demonstrated by Newton, *ib.*—how argued, 148—character of an axiom, *ib. et seq.*—*Peirasm*, a word suggested to express a Physical Law inferred from experiment, 149—Aristotelian distinction of Motion into natural and unnatural, *ib.*—perpetual motion how possible, *ib.*—observations on the problem of Pappus, 150—on the notions of Aristotle respecting the Lever, *ib.*—improved notions of Archimedes, *ib.*—further remarks on, and recommendation of, the term *Peirasm*, 151—wheel and axle, only a circular lever, 152—properties of Pullies derivable from those of the lever, *ib.*—remarks on the Inclined Plane, *ib.*—history of its solution, 153—Stevin's Proof of the Force on the Inclined Plane, 154—Aristotle's notions respecting the nature of Accelerating Force, 156—their fallacy shown by Galileo, *ib.*—Aristotle's questions respecting the motion of projectiles, 157—the observation of Digges, in the instance of the bullet, *ib.*—of Tartalea, *ib.*—confirmation of Galileo's as the true doctrine of Projectiles, *ib.*—mistaken notion of the Military Projectors, *ib. et seq.*—Laws of Motion brought to the test by their application to Astronomy, 158—System of Copernicus respecting the Earth's motion weakly defended by his followers until the time of Galileo, *ib. et seq.*—maintained by Galileo and his disciples by an explanation of the composition of motion, 159—suppositions respecting the augmentation of the equatorial diameters of the earth, Jupiter and Saturn, 160, *et seq.*—remarks on the enunciation of the Author's Third Law of Motion, 163.

Middle and Working Classes, History of the, &c. by J. Wade, 455—due qualification necessary in the historian, *ib.*—critical remarks on Mr. Wade's history, 456, *et seq.*—political opinions hitherto adopted more in the spirit of party than of sound judgment, 459—influence of wealth on opinion declining, *ib.*—observations respecting a repeal of the Assessed Taxes, 460—popular opinion of a more liberal and enlightened character in the present day, 461—tyranny of might over right in the early ages, 463—slavery in England, Ireland, and Scotland, 464—period of the transition from slave to servant, *ib.*—dreadful effects of a pestilence in 1349, 465—consequent rise, in the price of labour, *ib.*—proclamation to fix the price of labour, followed by the Statute of Labourers, *ib.*—tenor of the statute, *ib.*—labour compulsory in every labourer under sixty years of age, 466—punishment of servants quitting the county, *ib. et seq.*—combinations of workmen prohibited, 467—period when the prohibiting acts were abandoned, *ib.*—introduction of

foreign wares prohibited, 468—origin of the present Masonic lodges, *ib.*—penalties enacted for the punishment of idleness and vagabondage, *ib. et seq.*—vagabondage how construed, 469—robbery encouraged by the barons, *ib.*—distressing consequences of the breaking up of the monasteries, 470—provision for the poor, *ib.*—great distress of the working classes in the three following reigns, 471—population of the country in the reigns of Edward III and Elizabeth, *ib.*—weekly wages of artificers and husbandry in Elizabeth's time, *ib.*—enactments for the protection of the working classes, 472—power to compel payment of wages given by an act passed in the year 1727, 473—more fully granted 1748, *ib.*—acts passed to prohibit combinations to keep up the price of labour, *ib.*—labour prosperous during the latter half of the 18th century, 477—a superabundant population the consequence, *ib.*—demand of the Spital Fields weavers to have their wages fixed by the magistrates, 478—corn an article of exportation from the year 1669 to 1764, *ib.*—quantity consumed and imported about the year 1757, 479—quantity imported in the year 1800, *ib.*—number of corn acts from the reign of Anne to that of George III in the year 1797, *ib.*—number of acres of common and waste land inclosed in the respective reigns, *ib.*—demand of the weavers of Lancashire to have their wages fixed according to law by the magistrates, 480—the act of Elizabeth empowering them repealed, *ib.*—introduction of machinery and its consequences, *ib.*—rise and progress of 'Luddism,' 481—combinations of the masters against the men to keep down the price of labour, protected by the magistrates, 484—formation of 'Trades Unions,' *ib.*—deteriorating fall of wages in Glasgow in 1811, *ib. et seq.*—comparative rate in 1834 with that of 1799, 485—condition and conduct of the *skilled labourers*, *ib.*—combination laws repealed, 486—the working classes not benefited by the repeal, *ib.*—extract from an address to Mr. Peel stating the condition of the weavers of Bradford, 487—wages of confederated trades higher than others, 488—meeting of the General Trades Association, *ib.*—subsistence should precede population, 490—oppression of the landed interest and the Corn Laws, 491, *et seq.*—how far the working classes benefited by a reduction of taxation, 492—lower classes to be admonished respecting the causes of poverty, 493.

Music, Nathan on the History and Theory of, 242—remarks on the progress of musical improvement, *ib. et seq.*—description of the Chinese *Kin*, 243—popular airs, 245—Chinese and Scottish scales, *ib.*—of the Hindoo instrumental music, *ib.*—the *sitar* the principal, 246—music of the Joloffs on the coast of Africa, *ib.*—of the Wahabees, *ib.*—of M. Eulenstein's Jew's harps, *ib.*—remarks on the musical knowledge of the ancients, *ib. et seq.*

N.

Narrative of a Journey from Constantinople to England; by the Rev. R. Walsh, LL.D. 163.

..... of a Journey across the Balkan in 1829-30, 163.

National Economy, No. VII. Frazer's Magazine, No. 43, for July, 1833, 269.

Neck, or River Spirit, described, 84.

Nis, anecdote of the, 84.

Noblesse, French, origin of the, 294.

Notes on the Settlement or Colonization of British Subjects in India, &c. by John Craufurd, Esq. 247.

Nova Scotia, 300—what originally comprehended under the term *Nova Scotia*, *ib.*—its present extent, *ib.*—discovered by Sebastian Cabot, *ib.*—unsuccessful attempt of the Marquis de la Roche to form a settlement with a body of convicts, 302—Port Royal now Annapolis founded by the French in 1604 and the country called Acadia, *ib.*—finally ceded to England by the treaty of Utrecht, *ib.*—description of the country and account of the climate, 305, *et seq.*

O.

Observations occasioned by the Motion in the House of Commons on the 28th of

March 1833, by G. Robinson, Esq. for a Select Committee "To consider and revise our existing Taxation," &c. &c. by Richard Heathfield, 1.

..... du général Clausel sur quelque actes de son gouvernement, 231.

..... on the principles to be adopted in the establishment of New Municipalities, &c. &c. by Sir Francis Palgrave, K. H. 312—the term Corporation no longer consonant with its original intent, 314—proposals by the author in way of reform—every inhabitant householder to be entitled to his freedom, 319—but not without restriction or qualification, 320—seven years probation proposed as a test of eligibility, 321—freemen to be excluded from participating in the funds of the corporation on an order of the privy council, 322—no freeman to transmit an inchoate right of freedom to his child or children, *ib.*—to be acquired by a seven years residence as householder, and payment of fines and fees, 323—not entitled to demand freedom unless claimant be in possession of 100*l.* of his own money, *ib.*—restoration of the Lect Jury recommended, 326—answers *in loco.*

Origin, Progress, and present State of the Thames Tunnel, and the advantages likely to accrue from it, both to the Proprietors and the Public, 10.

Otterbourne, a Historical Novel, reviewed, 104—general characteristics of the novel, love and fighting, ib.—objections to the style, ib. et seq.—general remarks on historical novels, 106.

Otto on the Violin, 442—high character of the instrument, 443—names of the most eminent makers abroad, ib.—comparative merits of the flat and deep model, ib.—sixth string of a guitar first put on the instrument by Otto by direction of Herr Naumann of Dresden, 444—violins improved by constant use more than by age, 445.

P.

Passamaquoddy Bay, in Nova Scotia, described, 305.

Persis of Persia, brief account of the, 81.

*Physiology of Plants, or the Phenomena and Laws of Vegetation, 431—general character of the author's writings, ib. et seq.—his remarks on the paper of the ancients and the Egyptian papyrus, 433—on the locomotion of plants, 434—the monkshood—the Banian and other trees, 431—esculent roots, 435—length and extent of creeping trees, 436—magnitude of foliage, 437—account of the Rafflesia, Arnoldi, and Rafflesia patma, 438—locomotive power of seeds, 439—their diversified form, *ib.*—their explosion from the capsules of some flowers, *ib. et seq.*—luminous vegetables, 441.*

Pooka, account of the, 88.

Postscript to the Article on Whewell's First Principles of Mechanics, 263.

Precis sur la Politique Anglaise à Tripoli, 231.

Proclamations distributed by the French Government in the regency of Algiers in 1830, 231.

*Property Tax, 1^o—general effects of our present system of Taxation, 2—difficulty of reforming a system contrived for the selfish interests of men in power, 3—their interested resistance of a Property Tax, 4—heads of argument used by them, 5—answered, *ib. et seq.*—obvious falsehood, that a graduated property tax would tend to the equalization of all property, 7—distinction between tax on property and income nearly nominal, 8—difference in the application of the terms respectively considered, *ib.*—remarks on direct and indirect taxation, 9.*

*Pym, Life of, 22—brief account of his birth and education, *ib.*—placed in the Exchequer office, 23—distinguishes himself in Parliament as an opposer of the Court measures, *ib.*—one of the Managers in the impeachment of the Duke of Buckingham, *ib.*—made Lieutenant of the Ordnance by the Parliament, 24—mistake of Wood on the subject, *ib.*—corresponds with the covenanters of Scotland, and his activity in promoting the elections of the puritanical party, *ib.*—*Arrested by order of Council when about to embark for America, *ib.*—his conver-**

sation with Mr. Hyde previous to opening the Parliament of 1648, 25—account of his speech respecting national grievances, *ib. et seq.*—extracts from his speech of the 11th November, *ib. et seq.*—his charge against Strafford, 27—debate interrupted by a Message from the Lords, *ib.*—its purpose suspected, *ib.*—answer of the Commons, 28—Strafford accused of High Treason by Pym, in the name of the House of Commons at the bar of the House of Lords, *ib.*—attempt of Wentworth to induce Pym to join him in his apostasy, and Pym's reply, 29—extract from his speech in a conference with the Lords on 31st December, 1640, 30—presents the articles of charge against Strafford to the Lords, 30th of January, *ib.*—extract from his speech at the Trial of Strafford, 31—extract from his speech on the articles against Laud, 32—articles of High Treason against Pym ordered by the King, *ib.*—extract from his speech at the conference between the two Houses, 25th January 1641, 33—order of the House of Commons, that he be thanked for his speech, and desired to put it in writing, that it may be printed, *ib.*—his extraordinary power, and popularity, 34—his declarations of undeviating loyalty, 35—his death, and burial in Westminster Abbey, *ib.*—Stephen Marshall's account of his last moments, *ib.*—cause of his death, 36—his character by Clarendon, 37—remarks on his public character by Anthony à Wood, 38—concluding remarks on it, *ib. et seq.*

Q.

Quelques mots sur le Trésor d'Alger, 231.

Queries circulated by the Commissioners for the Affairs of India, on the Question of Slavery, *Sec.* 247.

R.

Ruffian Arnold, account of its discovery, 436.

Rapport de la Commission de la Chambre des Députés sur le Budget du Ministère de la Guerre pour l'année 1834, 231.

Remarks on the Civil Disabilities of British Jews, by Francis Henry Goldsmid, 215—Extracts 225, 226, 227, 229.

"*Repealers*," a Novel, by the Countess of Blessington, reviewed, 446—the aristocracy ignorant of the condition of the working classes, *ib. et seq.*—condition of the Irish peasantry as represented by the authoress, 447—not happy in her formation of the language of the Irish labouring class, 448, *et seq.*—tory notions of the authoress made those of the Irish peasantry, 449, *et seqq.*—praise of the duke of Wellington from the mouth of a peasant, 452—the authoress's protest against the conduct of the higher classes being made subject of censure by the vulgar, 454.

Report from the Select Committee on the Affairs of the East India Company, with Minutes of Evidence, in six parts, and an Appendix and Index to each, 1832, 107.

Residence at the Court of London, Narrative of a; by Richard Rush, Esq. Envoy extraordinary, &c. for the United States of America, from 1817 to 1825, 373—the author favourable in his representations, *ib.*—character of the author as reflected by his book, 374—conduct of the author on being informed of the tendency of a forthcoming article in the Quarterly Review, 375—character of the work, *ib.*—the author's approach to the shores of England described, 376—his passage through the Needles, *ib.*—statement of the author's feelings, *ib.*—his countrymen proud of their English origin, 377—the author's account of the bell-ringers visit with their book, *ib.*—the author's remarks on the population of England, 378—his observations in perambulating through the streets of the West end of the town, 379—his search of a residence, 380—his first dinner at Lord Castlereagh's, 381—the French language used by all the company, *ib.*—its disadvantages to the English in argument, 382—opinion of the Duke of Sussex respecting the use of the French language, 382—delight of the author in commendations of his country and countrymen, 383—his question to West, how he was to be enabled to judge of paintings, *ib.*—to Sir James Mackintosh respecting his history, 384—his remarks respecting the old duke of Bourbon, *ib.*—his account of the newspaper and general press of England, 385—his opinions respecting the influence of the newspaper press on the country, *ib. et seq.*

Rhizomorpha, luminousness of, 441.

Rush's Residence at the Court of London, 373.—See *Residence*, &c.

S.

Seeds, locomotive power of, 439—their diversified form, *ib.*—explosion of from the capsules of certain flowers, *ib.*

Selborne, Natural History of, Observations on various parts of Nature and the Naturalist's Calendar, by the late Rev. Gilbert White, &c.—No. 1 British Library reviewed, 39.

Sinking System, 366—merit of the work called "Ballingall's Mercantile Navy Improved," 367—strong construction of vessels in the King's dock-yards, *ib.*—that mode of building not yet applied to the Mercantile Navy, 368—reasons why it should—who opposed by, *ib.*—the interest of underwriters too much affected by it, *ib.*—the safe system no gain to the ship-builder, *ib.*—the ship-owner indemnified by the underwriter, *ib.*—the merchant also, 369—final loss to the consumers, *ib.*—temptation to the ship-owner to desire the loss of his insured ship, *ib.*—the chief consideration to the country in favour of the safe system, the lives of the seamen, 370—Mr. Ballingall's remarks on the loss of the Rothsay Castle, *ib.*—of the Lady Sherbrooke, 371—age the object of inquiry with underwriters, rather than construction, of a ship, 372.

Snee-farra of Ireland, account of, 87.

St. John, in Nova Scotia, account of, 306.

Sugar, exportation of human bones from Algiers to be used in the refining of, 234.

Sugar without Slavery, 247—vegetables from which Sugar may be obtained besides the Cane, 248—species of the Palm producing it, *ib.*—sugar from the Maple, *ib.*—from the Beet-root, 249—account of the Sugar Cane, and observations respecting the cultivation of it, *ib. et seq.*—exportations from the countries of the East, 251—obstacles to an extended production of Sugar in them, *ib.*—suggestions for the attainment of it, 252—manufacture of it in the East, *ib. et seq.*—restrictions of the East India Company's Monopoly, the main obstacle to the progress of Sugar culture in the East, 254—encouragement of it in the East the best way to put down Slavery in the West, 256—obstacles which prevent a liberal supply of Sugar from the East, 257—observations on the vote of 20,000,000*l.* to the West India planters as compensation for the emancipation of the slaves, 260, *et seqq.*

T.

Thames Tunnel, 10—great advantages of Public Works, facilitating internal intercourse, *ib.*—those of a Thames Tunnel, enumerated, 11—first attempt at the formation of one, 12—reported practicable by the engineer, and an Act of Parliament obtained incorporating the Thames Archway Company, 13—operations of the first engineer frustrated, *ib.*—recommended with the additional aid of a second engineer, *ib.*—the first, after completing a long course of excavation, discharged, and the remaining one, encouraged by liberal promises, after great exertions reduced to a conditional relinquishment of his undertaking, 14—a reward offered for a plan that would effect a completion of the design, *ib.*—numerous plans offered but none thought worthy of adoption, and the work abandoned, 15—the attempt again renewed, 16 years after, under the direction of Mr. Brunel, *ib.*—the endeavour again frustrated by two irruptions of the river, and the exhaustion of the Company's funds, 16—fresh estimates made for the completion of the work, *ib.*—causes of excess of expenditure beyond the first estimate, *ib. et seq.*—fresh assurances of success by the engineer, 19—calculated revenue in the event of its completion, 21.

Treatise on the Construction, Preservation, Repair and Improvement of the Violin, &c. &c. by Jacob Augustus Otto, translated from the German, with Notes and Additions, by Thomas Fardeley, reviewed, 445.

Trial by Jury, Scotland, remarks on the, 345.

Trolls, account of, the, 82.

Tukey and its Resources: by D. Urquhart, Esq. 493, reviewed, 502.

Turkish Empire, 163—its interest from ancient recollections, 163—date of its decline, 164—cause of it, *ib.*—great power of the Janissaries, and their abuse of it, *ib.*—

increased by their coalition with the Ulema, 165—establishment of a priesthood disapproved of by Mohammed, *ib.*—conduct of the Ulema subsequent to the battle of Lepanto, *ib.*—endeavours of Selim to reduce the predominating power of the two factions, 166—striks in the struggle, *ib.*—accession of Mahmoud II. to the throne, his character, *ib.*—tutored by his cousin Selim the former monarch, he commences his reign resolved to carry into execution the instructions he had received from him, *ib.*—position of the empire on the accession of Mahmoud to the throne, 167—his conduct in it, *ib.*—causes conducing to his success, 168—present strength and condition of the empire, 169—estimate of his population, *ib.*—great weakness of her military position, great capabilities of her commercial one, 170—decay of her naval power, *ib.*—instability of property in Turkey, and its effects, *ib. et seq.*—administration of the Laws, 171,—public opinion addressed by the Sultan Mahmoud, in a work called the ‘Basis of Victory,’ in favour of his projects of Improvement, *ib.*—publication of a Newspaper in the French Language called the ‘Moniteur Othoman,’ *ib.*—European fashions of dress adopted, 172—habits of the people tending to manufacturing industry, *ib.*—attitude of the surrounding powers, 173—threatening policy and proceedings of Russia toward Turkey, *ib. et seq.*—present no grounds of apprehension from Austria, 174, *et seq.*—trifle from Persia, 175,—successful enmity of the Pacha of Egypt, Mohammed Ali, *ib.*—internal danger from the Ulema, 176—superstitious notions of the Turks respecting the *hazrah* or secret hoard of the seraglio, *ib.*—fearful decline of the power of Turkey notwithstanding the great abilities of the Sultan, 177—concluding reflections, *ib. et seq.*

W.

Walpole, Horace, Earl of Orford, Letters of, to Sir Horace Mann, &c. &c. Edited by Lord Dover, 361—remarks on the purity of distinguished literary men and philosophers among the nobility, *ib.*—brief character of the Letters, 362, *et seq.*—anecdotes of lady Sundon, 363—of Mr. Oswald, 364—saying of the Marshal de Villeroi respecting the conduct of the courtiers and politicians of his day, 364—reasons for Lord Luxborough representing Castle-rising, *ib.*—anecdote respecting lord Bath, with a new way to recover old debts, *ib.*—of Vaughan, chair-maker to Frederick Prince of Wales, *ib. et seq.*—collateral duty of Harry Vane, a Lord of the Treasury, 364—modern honour, *ib.*—consequences of misplaced appointments under indiscriminate patronage, exemplified in the instances of Admiral Byng and Lord George Sackville, 365.

Wesley Family, *W.*—brief notice of Bartholomew, the great grandfather of the celebrated John Wesley, *ib.*—John Wesley, the son of Bartholomew, holds the vicarage of Whitechurch in Dorsetshire, and marries on an income of £30 a-year, the niece of Doctor Fuller, author of the ‘Worthies of England,’ 180—his conversation with Dr. Ironside, Bishop of Bristol, respecting his principles and conduct in the time of the Commonwealth, *ib.*—dies at the age of thirty-five, after a series of persecutions, and leaves two sons, Matthew and Samuel, 181—statement of the difficulties through which Samuel worked his way to the Church, *ib.*—relinquishes his family principles and becomes a Tory and High Churchman, 182—marries the daughter of Dr. Annesley, an eminent non-conformist, *ib.*—commences author by the publication of a volume of Poems, *ib.*—tempting offers made him by the agents of James II., *ib.*—refuses to read the king’s declaration, and preaches against it, *ib.*—dedicates his poem of the ‘Life of Christ,’ to queen Mary, 183—presented with the living of Epworth, *ib.*—excellent character of his wife, *ib.*—his great pecuniary difficulties and other troubles, 184—assisted by the Archbishop of York, 185—extracts from his correspondence with the prelate on the subject of his distresses, *ib. et seq.*—his Rectory house burned to the ground, 187—annoyed by a ghost trick, *ib.*—Mr. John Wesley’s account of it, 188 *et seq.*—Mrs. Wesley’s rules for the management of her family, 191 *et seq.*—the daughters all unfortunate in their marriages, 194 *et seq.*—circumstances accounting for it, 195—those especially, relative to the marriage of Mehetable, 196—presentation of Mr. Wesley’s Commentaries, on Job, to Queen Caroline, by his son John, 197—death of Mr. Wesley, *ib.*

White’s Selborn. 39—character of Captain Brown’s edition of it, 40—account of the author, *ib.*—qualifications for a naturalist, 41—Mr. White amply endowed, *ib.*—peculiar merits of the work, *ib.*

INDEX OF NAMES.

- ABNAS Mütza, 175
 Abbas Shah, 175
 Abd ul Wahab, 168
 Abdallah Ben Saoud, 167
 Abel, 244
 Abencerrage, 172
 Aberdeen, lord, 231, 232
 Abraham, 292
 Adam, 244
 Adam, sir Fred, 493, 498, 501
 Æsop, 75, 76
 Agnew, Patrick, 336
 Ahreman, 81
 Ahrimanes, 81
 Aimoin, 295
 Ainsworth, W. H., 74
 Alexander the Great, 434
 Alfred, 89, 222
 Ali, 168
 Ali Pacha, 167, 493
 Alison, 353, 359
 Alonzo V., 317
 Althorp, lord, 403, 418
 Amiot, Père, 244
 Amurath I., 177
 Amurath IV., 164, 165
 Anaxagoras, 78
 Andarchius, 295
 Anglesea, lord, 452
 Anne, queen, 189, 479
 Annesley, Susannah, 183
 Annesley, Dr. 182, 183
 Antoninus, 222
 Apollo, 79
 Archibald, earl of Argyle, 344
 Argal, sir Charles, 302
 Argyle, duke of, 346
 Argyle, earl of, 351
 Aristides Quintilianus, 246
 Aristotle, 156, 157
 Arkwright, 461
 Arminius, 286
 Arnold, Dr. 438
 Ashurst, Mr. Justice, 100
 Augustus, 433
 BACHMANN, 443
 Bacon, lord, 361
 Baden, duke of, 515
 Baillic, 31, 32
 Bajazet, 164
 Baldwin, Mr. W. J., 204
 Ballingham, Jas. 366, 367, 368, 370, 372
 Barbarossa, 170
 Barclay, William, 338
 Baring, Mr. 109
 Barrington, Mr. Daines, 41
 Barry, 222
 Bath, lord, 364
 Bayfield, capt. 304
 Bayley, baron, 55
 Bayley, Mr. Justice, 100
 Bedford, duke of, 7
 Begin, M. 242
 Bell, 238
 Benvenuto, 173
 Berkeley, bishop, 362
 Binning, lord, 358, 359
 Birch, 23, 24
 Blackstone, sir W. 102
 Blackwood, 4, 332
 Blessington, Countess of, 446, 448, 451, 452, 453, 454
 Bohard, 300
 Bohemia, duke of, 515
 Boniface, St. 290, 291
 Bouchette, 307
 Boulainvilliers, M. de, 294
 Bourbon, duke of, 384, 385
 Bowdich, 246
 Bowman, J. E. 440
 Brady, 316, 317, 318
 Brabe, Ticho, 159
 Brougham, lord, 53, 55, 56, 61, 64, 205, 406, 422, 424
 Brown, capt. T. 39, 40
 Bruce, Rob. 355
 Brummel, 81
 Brunel, Mr. 15, 16
 Buchanan, 180
 Buchstaedter, 443
 Buckingham, Mr. 403
 Buckingham, duke of, 23
 Buller, Mr. Justice, 100
 Burke, Edmund, 31, 39, 332, 430
 Burnet, bishop, 92
 Burney, Dr. 245
 Butler, bishop, 362
 Byng, admiral, 365, 366
 Byron, lord, 90, 36, 382
 CABOT, Sebastian, 301
 Cæsar, 505
 Cain, 292
 Calamy, 181
 Campbell Colin, 346
 Campbell, sir John, 54, 4-1
 Canton, 442

- Cacute, 421
 Capet, Hugh, 289
 Capo D'Istrias, count, 502
 Caplan, 153
 Caroline, queen, 197, 363
 Castlefeagh, lady, 381
 Castlecagh, lord, 374, 379, 381, 387
 Chalmers, Mr. 479
 Champlain, M. 302
 Charlemagne, 288, 289, 296
 Charles V. 288
 Charles I. 23, 32, 472
 Charles II. 92, 223, 352, 381, 382, 443,
 Charlotte, princess, 379, 381
 Chateaubriand, vis t. 436
 Chelibi, 166
 Child, sir Josiah, 475
 Childeric, 287
 Cicero, 25
 Clarendon, 23, 24, 25, 27, 28, 29, 36, 37,
 365
 Clarke, Dr. Adam, 183, 197
 Clausef, general, 231
 Clot-bey, M. 241
 Clovis, 287, 289
 Cobbett, Mr. 218, 403, 404, 409
 Coke, sir E. 25, 99, 240, 290
 Colquhoun, 476,
 Conde, 384
 Condo, 295
 Confucius, 245
 Const, Mr. 100
 Constable, 40
 Constantine the Great, 217
 Constantine Paleologus, 177
 Conway, Mr. 362
 Copernicus, 158, 145
 Cornwallis, lord 141
 Cornwallis, gov. 302
 Courtenay, Mr. 114, 132, 133
 Crabbe, 103
 Craufurd, John, 247
 Cromwell, Oliver, 24, 223, 472, 473,
 475, 478
 Crool, Mr. Joseph, 230
 Crowe, Eyre Evans, 283
 Cruikshank, George, 337
 Cumberland, duke of, 381
 Cunyngham, Thomas, 338
 Czerni, Georges, 167,
 DAGUESSEAU, 222
 Dalberg, 515
 Daniel, 182
 Daru, 513
 Davenant, 475
 David, 246
 Davidson, John, 355
 Davy, sir Humphrey, 383, 384
 Dawes, Sophy, 384
 De Barre, 304
 Decatur, captain, 576
 De Lolme, 91
 De Monts, M. 302
 De Pradt, 515
 De Stael, Madame, 385
 D'Enghien, duke, 384
 D'Istrias, count Capo, 502
 D'Osmond, marquis, 371
 Dickson, John, 354
 Digges, Thomas, 157
 Doria, Andrew, 222
 Douglas, 104
 Dove, John, 179, 181, 196
 Dover, lord, 361
 Dragut, 170
 Drinkwater, 153, 154
 Dulaure, M. 293
 Dunbar, earl of, 346
 Duncan, 346
 Dunton, John, 182
 Durfel, 443
 Durie, 346
 EBERLE Ulrichs, 443
 Ebrington, lord, 415
 Echard, 29, 34
 Edgworth, Mr. 440
 Edward, John, 350
 Edward I. 223, 284, 333
 Edward II. 470
 Edward III. 471
 Edward IV. 467, 468
 Edward VI. 467, 468, 470
 Eldon, earl of, 78
 Eleynge, II. 33
 Elizabeth, queen, 220, 338, 471, 472,
 480
 Elliott, sir John, 25
 Ellison, Mrs. 195
 Elphinstone, 170
 Erdmann, Mr. 441
 Erskine, 342
 Essex, Rob. earl of, 24, 37, 92
 Etheldred, 102
 Eton, 509
 Euchère, Saint, 291
 Eugene, prince, 513
 Eulenstein, M. 246
 Eurydice, 443
 Eustace, 376
 Eustathius, 316
 Eve, 244
 Exmouth, lord, 238
 FABUS, 43
 Falkland, lord, 28
 Fanning, Mr. 436
 Eardeley, T. 442
 Fenton, Elijah, 36
 Ferdinand and Isabella, 228
 Formies, 434
 Feucheres, baroness de, 384
 Fitz-Geffery, Charles, 22
 Flemyng, John, 354
 Forbes, 346
 Forskal, 440

- Fox, C. J. 115, 122
 Franklin, Dr. B. 15, 375, 377, 383
 Fraser, 269
 Frederick, prince of Wales, 364
 Fritzsche, Sam. 443
 Frye, Mr. 419
 Fuller, Dr. Thomas, 180
 Fulrud, 290
 Fum Hi. 245
 GARNER, 441
 Gairdenar, Archibald, 354
 Galileo, 153, 154, 155, 156, 157, 158, 159
 Gassendi, 159
 Cathelus, 333
 George, 291
 George I. 479
 George II. 473, 479
 George III. 364, 473, 476, 478, 479, 483
 George IV. 220
 Gerald, Joseph, 353
 Ghizni, Mohammed, 75
 Gibbon, 384
 Giuliani, 263
 Glynn, John, 38
 Goldsmid, Francis Henry, 215, 223, 226, 229
 Gordon, lord G. 461
 Gordon, Patrick, 359, 360
 Gordon, George, 338
 Gordon, John, 338
 Gordoun, Adame, 340
 Gordoun, Patrick, 360
 Grant, M. 347
 Grant, Robert, 116, 219, 224, 226
 Gregory of Tours, 295
 Grey, lord, 115
 Grey, David, 360
 Grote, Mr. 392
 Guidubaldi, 153
 Guilford, lord, 499, 500
 Guizot, M. 283, 284, 286, 287, 288, 289, 291, 292, 293, 295, 296, 297, 298, 300
 HADINGTON, earl of, 359
 Hailes, 346
 Hale, 98, 99, 100, 219, 220, 221, 224
 Halet, 166
 Hamilton, Thomas, 359
 Hampden, 23, 24, 37
 Hansard, 424
 Harvey, Mr. 393
 Hassert, 443
 Hastings, Warren, 31
 Hawke, 378
 Hay, Frances, 338, 340
 Hayes, Mrs. 194
 Heathfield, Richard, 1
 Helmer, Chas. 443
 Henry II. 317, 464
 Henry III. 91, 93
 Henry V. 466
 Henry IV. of France, 222
 Henry VI. 468
 Henry VII. 301, 468
 Henry VIII. 24, 469
 Hexter, major, 505
 Heylyn, 24
 Hoffman, 443
 Holkar, 118
 Homei, 76, 78, 104
 Horace, 76
 Horne, Mr. 470
 Horsfall, Mr. 482
 Horton, Mrs. 364
 Hotspur, 104
 Howick, lord, 412
 Humboldt, 376, 436, 438
 Hume, M. 219, 361, 486
 Hume, Mr. Baron, 352, 359
 Hume, David, 29, 92, 384
 Hunger, 443
 Hurd, captain, 302
 Hutchinson, Mrs. 36
 Hutchinson, 409
 Hutton, 300
 Hyde, Mr. 24
 ИВРАИМ Pacha, 176
 Ingilby, sir W. 403, 421
 Inglis, sir Rob. 219, 230, 418
 Innes, 333
 Ipsariot Canaris, 170
 Iron-side, Dr. 180, 186
 Irving, Washington, 374
 JACOB, 292
 Jacob Rabbi, 230
 James I. of Scotland, 333, 340
 James I. 23, 120, 166, 320, 353, 354, 355, 356, 359, 420
 James II. 182
 James V. of Scotland, 332
 James V. 332, 346
 James VI. 332, 354, 355, 359
 Jaudine, sir W. 40
 Jauch, 420
 Jefferson, 383
 Jerome, St. 216
 Job, 195, 197
 John, king, 91, 93, 219, 220, 318, 464
 Johnson, Dr. 200
 Jolliffe and Banks, 17
 Jordanus, 153, 154
 Junius, 385
 Jupiter Scapin, 510
 Justinian, 222
 KAIMES, lord, 435
 Kater, capt. 440
 Keate, 510
 Keith, Mr. 441
 Kennedy, Thomas, 337
 Kennedy, sir David, 337
 Kepler, 146, 147
 Keppell, major, 514
 Key, sir John, 403
 Kiuperli, 172

- Klotz, 443
 Knapp, Mr. 42
 Knight, 364
 Knight, Mis. 197
 Knox, 180
 Lactantius, 216
 Lafitteau, 300
 Lambert, Mrs. 195
 Lancaster, 238
 Landolina, chev. 433, 434
 Lardner, Dr. 283
 Laud, 24, 32
 Laurie, Peter, 88, 89, 90, 93, 94, 95, 96,
 97, 98, 100, 103
 Leach, William, 144
 Leibnitz, 240
 Leudastes, 295
 Lennox, Duncan, 480
 Leopold, 508
 L'Hopital, 240
 Linnæus, L., 248, 433
 Lippi, M. 433
 Lockwood, Mr. 304
 Lockwood, Anthony, 300, 301, 304, 305,
 307
 Longton, W. 485
 Louis XIV. 284, 443
 Louis XV. 361
 Louis-le-Germanique, 290
 Louis-le-Gros, 317
 Louthembourg, 446
 Lovat, lord, 344
 Ludd, general. 481, 482, 483
 Ludlow, 36
 Lupus, duke, 295
 Luther, 217
 Luxborough, lord, 364
 Lycurgus, 222, 495
 Lyndhurst, lord, 55, 56
 Lyttleton, lord, 317, 318
 Macaulay, Mr. 219
 Macfarlane, Charles, 163
 Macgregor, 344, 345
 Macintosh, sir James, 364
 Mackenzie, Mr. 126
 Magendie, M. 242
 Magn-wulfus, 295
 Mahmoud, 164, 166, 167, 168, 169, 171,
 172, 173, 175, 176, 177
 Main, James, 431, 432
 Mainwaring, Dr. Roger, 23
 Maitland, Sir T. 493, 494, 495, 498,
 499, 502, 503
 Makdowall, Thomas, 337
 Maklowat, John, 337
 Makwilliam, Thomas, 337
 Malte Brun, 169
 Mann, sir Horace, 362, 365
 Marchmont, 153
 Marlborough, duchess of, 363
 Margarot, Maurice, 353
 Marshall, 35, 36, 39
 Martel, Charles, 290, 291
 Martius, 436
 Mary, queen, 352
 Mary, queen of Scots, 332, 347
 Massaniello, 391
 Massena, 503
 Maximilian, prince, 436
 Maxwell, 348
 M'Crochat, Roger, 337
 M'Kenzie, sir G. 347, 348, 352
 M'Nutt, Alexander, 310
 Mehetabel, 194, 196
 Mence, 141
 Mersennus, 443
 Meyer, 342
 Miaulis, 170
 Mill, Mr. 115, 126
 Millar, prof. 103
 Milton, 23, 36
 Mirabeau, 361
 Mohammed, 165
 Mohammed, Raghib, 172
 Mohammed IV. 172
 Mohammed Ali, 175
 Moliere, 450
 Moloch, 331
 Montagu, Basil, 215, 222
 Montfort, Simon de, 285
 Montmorenci, 515
 Montesquieu, 294
 Montlosier, M. de, 294
 Montrose, duke of, 346
 Moore, T. 81
 More, sir T. 222
 Morinus, 159
 Morris, Mr. 310
 Moses, 141, 222
 Muir, Thomas, 353
 Mure, Thomas, 337
 Murray, John, 431, 432, 433, 434, 436,
 442
 Mustapha, 166
 Mustapha III. 172
 Mustapha IV. 168
 Nadir Shah, 175
 Napier, col. C. J. 493, 495, 498, 499,
 500, 501, 502
 Napoleon, 167, 229, 510, 513, 515
 Nathaniel, I. 242
 Naumann, 444
 Nelson, 378
 Nero, 245
 Newcastle, duke of, 503
 Newcastle, duchess, 365
 Newton, sir I. 78, 147
 Nicholson, 333
 Nicolsoun, Thomas, 340
 Norse, Miss, 364
 Northumberland, duke of, 7
 Norwall, William, 353
 Nugent, lord, 499

- Occhiali, 170
 O'Connell, 451, 452, 453
 Odm, 84, 297
 Oliphant, S. W. 358
 Oliphant, sir William, 360
 Omar, 168
 Origen, 216
 Ormusd, 81
 Osman I. 165
 Osman II. 168
 Oswald, 363, 364
 Othman, 165
 Otho, 503, 504, 506, 507, 510
 Otho IV. 511
 Otto, J. A. 442, 444
 Oxford, lord 197
 Owen, Dr. J. 189
 PAGANINI, 243
 Paley, 94
 Palmer, Fysche, 353
 Palsgrave, sir F. 312, 319, 321, 322, 325,
 326, 327
 Palsgrave, Mr. 439
 Pappus, 150, 152, 154
 Park, Mungo, 436
 Parnell, sir H. 259
 Paskewitch, 174
 Paswan, Oglou, 167
 Patrick, earl of Orkney, 341
 Paul, St. 83
 Peel, sir Rob. 409, 461, 486
 Pemberton, 98
 Penn, William, 223
 Pennant, Mrs. 41
 Pepin, 290
 Pepin-le-Vieux, 288
 Percy, 104
 Pergamus, king of, 434
 Peter, St. 83
 Peter the Great, 173, 174
 Petincourt, M. 302
 Petty, 473
 Peutinger, 286
 Phidias, 78
 Philip and Mary, 470, 471
 Philippe-le-Bel, 284
 Phocion, 177
 Pichon, M. le Baron, 231, 233, 234, 237,
 239
 Pin, M. Aynard de la Four du, 235
 Pindar, Peter, 446
 Pitcairn, Robert, 332, 337, 345, 346,
 355, 356, 359, 360
 Pitt, Mr. W. 7, 404
 Plantyn, Christ. 263
 Plato, 217, 244
 Pliny, 433
 Plutarch, 452
 Polignac, 32
 Pomfret, lady, 363
 Pope, Alex. 197
 Priestley, Dr. 187, 461
 Crinfe, Mr. 470
 Ptolemy, Philadelphus, 323, 434
 Pym, 23, 24, 25, 27, 28, 29, 30,
 31, 32, 33, 34, 35, 36, 38, 39
 QUINTILIANS, A. S. 246
 RAFFLES, sir Stamford, 438, 439
 Raffles, lady. 439
 Ram Mohun Roy, Rajah, 134
 Ratcliffe, sir G. 30
 Rauch, 443
 Raynal, M. 231, 233, 237, 238, 239
 Rice, Mr. Springs, 404, 424
 Rich, 364
 Richard I. 103
 Richard II. 470
 Richard III. 468
 Richault, 263
 Richeheu, cardinal, 288
 Richmond, duke of, 398
 Ricketts, Mr. 134
 Riess, 443
 Robert the Bruce, 334
 Robertson, 317
 Robinson, Mr. 403
 Robinson, capt. 409
 Roche, M. 242
 Roche, marquis de la, 302
 Rofino, 280
 Rom-wulfus, 295
 Ross, 363
 Ross, Thomas, 356, 357, 359
 Rovigo, duc de, 234
 Rufus, 317
 Rundell and Bridge, 381
 Runjeet Sing, 111
 Ruppert, 443
 Rush, Richard, 375, 374, 375, 376, 377,
 378, 379, 380, 381, 382, 383, 384, 387
 Rushworth, 25, 28, 29, 32, 33, 34, 35
 Ruthven, Mr. 403, 417, 424
 Ryan, M. James, 441
 SACMORRI, 170
 Sackville, lord George, 365, 366
 Sanson, M. 242
 Saxony, king of, 510
 Sav, lord W. 24
 Scheinlein, 443
 Schmidt, 443
 Schonger, F & G. 443
 Schouw Dr. 434
 Scindia, 111
 Scot, Reg. hald, 84, 85
 Sreymgeour, James, 350
 Seignud, M. 234
 Selim II. 165
 Selim III. 165, 166, 168
 Seth, 244
 Shaftesbury, earl of, 92
 Shakspeare, 105, 378
 Sharp, abp. 184
 Sharpe, 346

- Shea, 79
 Shovel, sir Cloudesley, 378
 Sidi, Bou Dha, 238
 Sid Hamedan, 238
 Sidmouth, lord, 466, 483
 Simson, 23
 Smith, Adam, 177, 523
 Smith, Thomas, 201, 184
 Smith, sir Sidney, 169
 Solomon, 77, 183, 300, 359
 Solon, 222
 Solyman, 164, 166
 Somers, lord, 92, 99, 107
 Spelman, 326
 Spix, 436
 Stanley, Mr. 404, 405, 412
 Starcovius, 357
 Statelmann, 443, 444
 Stercovius, 359, 360
 Stephen, king, 317
 Stevin, Simon, 153, 154, 155, 263
 Stewart, James, 346
 Stillingfleet, 333
 Strachey, sir H. 134, 135, 141
 Strafford, 23, 27, 28, 29, 30, 31, 32, 37, 38, 361
 Straube, 443
 Strauchane, 346
 Stuart, sir Jas. 479
 St. John, Mr. 37
 Sullivan, Mr. 132, 135
 Sundon, lady, 363
 Sussex, duke of, 382
 TARTALEA, 153, 154, 157
 Tennant, Francis, 355
 Tennyson, Mr. 393
 Tertullian, 216
 Tesser, Mr. 486
 Thellusson, 407
 Theodore, king, 510
 Thomson, Mr. Poulett, 398
 Thornton, 509
 Thorwaldsen, 173
 Thouars, lieut. 304
 Thivskon, 297
 Tindal, chief justice, 100
 Trajan, 222
 Trentham, lord, 365
 Trollope, Mr. 365
 Turold, 361
 Tycho Brahe, 159
 URQUHART, D. 493, 502, 503, 504, 505, 506, 507, 508, 509
 VAN Aven Barnard, 215, 226
 Van Oven, 226
 Van Rapheligen, 263
 Vane, 23
 Vane, Harry, 365
 Vasco de Gama, 300
 Vaughan, 365
 Vernon, Mr. 415
 Villeroi, marshal de, 364
 Vincent, sir Francis, 421
 Virgil, 79
 Vopiscus, 434
 Vretto, count, 500
 WADE, J. 455, 456, 457, 464, 487, 488, 489
 Waifer, 291
 Walpole, sir Rob. 181, 197, 363
 Walpole, Horace, 361, 362, 363, 365, 366
 Walsh, rev. R. 163
 Warsaw, duke of, 510
 Watt, Mr. 15, 461
 Weare, Mr. 505
 Weimar, archduke of, 442, 446
 Weimar, duchess Amelia of, 444
 Welch, col. 436
 Wellesley, marquis of, 127
 Wellesley, sir John, 417
 Wellington, duke of, 452, 461, 513, 515
 Welsch, 346
 Welwood, 29
 Wentworth, sir Thomas, 25, 29
 Wesley, Mrs. 183, 188, 190, 194, 195, 197
 Wesley, 179, 181
 Wesley, Bartholomew, 179, 180
 Wesley, John, 179, 180, 181, 183, 186, 187, 188, 190, 197
 Wesley, Matthew, 181
 Wesley, Charles, 181, 196, 197
 Wesley, Samuel, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 195, 196, 197
 West, 383
 Western, Mr. 513
 Westminster, Marquis of, 395, 422
 Whalley, sir John, 403
 Whewell, William, 146, 263
 Whiccott, Mr. 186
 White, Mr. 468, 472, 477
 White, rev. Gilbert, 39, 40, 41
 Whitelamb, Mrs. 195
 Whitelock, 24, 25, 30
 Whithalm, 443
 Whitmore, Mr. 419, 420
 William, I. 464
 William III. 189, 352, 475
 William IV. 215
 Winchelsea, lord, 64
 Wirtemberg, duke of, 505, 510
 Wollaston, C. H. 10
 Wolsey, cardinal, 24
 Webb, 2
 Wood, Anthony A. 22, 24, 36, 38
 Wooddeson, prof. 98, 99
 Wortley, lady Mary, 363
 Wright, 196
 Wright, Mrs. 194
 Zisca, 175

END OF VOL. XIX.

