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ART. I.—*The History of Normandy and of England.* By Sir FRANCIS PALGRAVE, K.H. Volumes III. and IV. London: 1864.

IT has been the lot of several of the first historical writers of the present age to be cut off while still engaged on the works which were to be the main foundation of their fame, and to leave behind them mere fragments, mere specimens of an intended whole. The same fate which has left us bare instalments of the greatest works of Arnold, Prescott, and Macaulay has overtaken Sir Francis Palgrave also while he had still advanced but little beyond the beginning of the great task which he had set himself. That it should be so in his case was indeed no matter for wonder. He had already made two beginnings of what may be looked on as really the same work, and had brought neither of them to completion. Neither his quarto 'History of the English Commonwealth' nor his duodecimo 'History of England' ever got beyond those first portions of each which were published more than thirty years ago. Sir Francis Palgrave, instead of continuing either, began his work over again on a third plan, and left the third attempt even more unfinished than either of those which had gone before it. His earlier works, unfinished in one sense, because they were designed to be continued, were finished histories in another sense, because both were completed down to a definite period. But the third work, of which the posthumous portions are now before us, though it is carried on several years further than either of its predecessors, is more fragmentary than either. It does not break off at any well-defined point, but it ends abruptly when a remarkable reign has just begun, and it leaves a most important, and, we may

VOL. CXXI. NO. CCXLVII.

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add, most probable, theory barely hinted at and not even begun to be worked out. Add to this, not only that large portions of these volumes have not received the author's last corrections, but that the very crisis of the whole story is left untold. We have William's reign in Normandy and we have his reign in England, but the great event which transferred him from Normandy to England is left out of the history. We have no right to complain if Sir Francis Palgrave found it convenient to write some of the later parts of his history before the earlier. But it is most unfortunate for himself and for his readers that the part which was put off for later composition should be precisely that on which the whole narrative hinges. The first and greatest stage of the Conquest, the landing at Pevensey and the fight at Senlac, have to be supplied from the small history which was published thirty years ago, and which most certainly does not represent the matured state of Sir Francis Palgrave's knowledge and reflection.

Of the two volumes before us, the second, that is the fourth of the whole series, may be looked on as a finished work, and may be judged accordingly. We gather from Mr. Palgrave's dedication to the Master of the Rolls that some corrections in it were contemplated, but not enough to have seriously affected its character. The volume, as it stands, 'represents, on the whole, his father's maturest judgment on the 'events narrated.' But of the first volume three chapters only, and those the three which have the least bearing upon English history, were revised by the author. The remainder of the volume, that is the whole reign of William the Conqueror, is all more or less unfinished. Those parts which had been worked into a continuous narrative have not received the author's final revision, while other parts are altogether fragmentary, patched up out of materials left by Sir Francis Palgrave, but never worked by him into shape. Unhappily this is the case with the most important chapter of the whole work, that on the results of the Conquest. That chapter contains hints which make us long to see them worked out at length; but it contains little beyond hints. With the most important piece of dissertation thus utterly fragmentary, and with the most important piece of narrative altogether wanting, we have indeed the spring taken out of our year.

It follows then that no part of the work, except the fourth volume and the first three chapters of the third, is a subject for criticism strictly so called. The remaining parts it is our duty to examine, to accept or reject the statements and views which

they contain, but in so doing we do not feel that we are criticising Sir Francis Palgrave. We have no certainty that the statements themselves, still less that the forms in which they are put, are those which Sir Francis Palgrave's mature judgment would have finally given to the world. Not that we are at all sure that these parts of the book would always have been improved by receiving the author's final revision. In point of form, at all events, Sir Francis Palgrave's second thoughts were by no means always his best. We suppose that no one will read through these two volumes without acknowledging their vast superiority, as a book to be read, over the volumes which went before them. Of the merits and defects of Sir Francis Palgrave's way of writing we have spoken at large in two former articles.\* It is easy to see that, though the same merits and defects are there still, yet the merits are considerably heightened and the defects considerably softened down. In the unfinished portions the cause may partly be because they are unfinished, because the author had not time to spoil what he first wrote. But this is not all. In the finished parts the improvement is no less remarkable. Sir Francis Palgrave has, in a great measure, cast aside the strange grotesqueness of his first two volumes, and has largely fallen back upon the far better style of his earlier writings. He is still garrulous, he still loves a digression, he still loves to tell a story familiarly. But in these volumes he can tell a story familiarly without putting on the garb of a buffoon. The best things in these volumes are better than the best in their predecessors, and the worst things are by no means so bad as the worst. There are many passages which are absolutely beautiful; there are none perhaps which are absolutely ridiculous. Sir Francis is as fond as ever of stopping to tell us his mind about current events, or events which were current when he was writing. The space of time which has passed since much of the book was written gives to many of these passages a curious effect. It is startling to come suddenly, in a newly published book, on expressions which imply that Louis Philippe is still reigning in France, and that M. Guizot is still his Minister. Some of us may dispute the relevance of these digressions on recent affairs; some may dispute the wisdom of many of the opinions which they contain. But no one can deny that Sir Francis Palgrave's sentiments on all matters, whether sound or not, are the dictates of a warm and generous heart, and are invariably

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\* Ed. Review, vol. xcv. p. 153; and Ed. Review, vol. cix. p. 486.

expressed with vigour, earnestness, and thorough fearlessness. In point of mere beauty of composition some of those passages stand highest which have least to do with the subject of the book.

And, if we recognise an improvement of this sort in the mere form of these volumes, we can recognise it equally in the matter. We find here more of Sir Francis Palgrave's strength and less of his weakness than in the earlier part of his history. That he is still an advocate and not a judge, a brilliant setter-forth of one side of a disputed case, is what every reader of his earlier works will be prepared to hear. But his advocacy is by no means so unrestrained, his statement of his case is by no means so one-sided, as some of his writings, especially his small *History*, had led us to expect. His way of looking at things still requires to be checked by an opposite way of looking at them, but we now see, far more clearly than before, his immeasurable superiority to the chief maintainer of that opposite view. Thierry writes simply to set forth a theory; he lets that theory colour every sentence; it is never absent from his sight for a moment; in season and out of season he harps upon the one string which is in his mind the key-note of the whole history. It is not so with Sir Francis Palgrave. He too has a theory, a theory which we certainly look upon as exaggerated, but he does not allow it to give this sort of twist to every word that he writes. When we look back at former articles on these subjects, we feel surprised that we should have placed Thierry and Palgrave so nearly on a level.\* Such a judgment was a fair and natural one with the materials then within our reach, but it is one which we should certainly never have passed had the present history then been before us. We still hold that the true key to the phenomena of the time is to be found in a combination of Thierry's view with that of Sir Francis Palgrave. We still hold that exact truth is to be found at some point between the statements of Thierry and the statements of Sir Francis. We think still, as we have thought all along, that Sir Francis slurs over some facts on one side as Thierry slurs over some on the other. But, with these volumes before us, we must acknowledge that, though truth lies somewhere between the two, yet it lies far nearer to Sir Francis Palgrave than to Thierry. Though Sir Francis slurs over some points and gives an undue colouring to others, yet the degree in which this is done is trifling compared with that in which Thierry does it in every page. And, in saying

\* Ed. Review, vol. cix. p. 501; and Ed. Review, vol. cxii. p. 149.

all this, we are not at all conscious of having changed our own judgment on these matters. It is simply that thirty years' further study and reflection have wrought in Sir Francis Palgrave that improvement which on a mind like his they could not fail to work.

In one most important point, however, there is no advance, no improvement. We mean Sir Francis Palgrave's perverse way of sending a book into the world without a single reference. Against this practice we made our protest in our last article, but out of mere weariness of spirit we cannot help making it again. It is unfair alike to the author and to his reader. It makes it impossible to appreciate the real research, the almost unvarying accuracy, which lies at the bottom of all Sir Francis's eccentricities, without going through an amount of labour which no author has a right to impose on his readers. Sir Francis Palgrave has no reason to dread the severest scrutiny to which his narrative can be subjected. We often reject his inferences, we often object to his colouring, we often think the authority on which he relies insufficient to prove his point; but he has some authority, of some kind or other, for every word that he says. We have tested him so rigidly that we feel that we can safely say this, even though, as in his former volumes, his grounds for some few statements have as yet escaped us. The reasons which may have led Sir Francis to this strange course we cannot pretend to guess. We can only say that while to read Sir Francis Palgrave through, simply as a narrative, is a process eminently pleasant, to compare him in detail with the original authorities is one of the most wearisome of labours, and a labour whose weariness is a wholly wanton infliction, which might have been saved by a far smaller amount of exertion on the part of Sir Francis himself.

The scheme of Sir Francis Palgrave, if we rightly understand it, was to assume the earlier history of England as already given in his own smaller work, to write the history of Normandy down to the point at which the histories of the two countries converge, and from that point to continue the two as one whole. Unfortunately, as we before said, the scheme has broken down at the very point of union. We have in these volumes the reign of the three Dukes of Normandy who preceded William and of the King of England who followed him. But the reign of William himself is fragmentary, and a narrative of the turning-point of all is wanting. As we have no narrative of the great wager of battle in which William made good his claim, so we have no full discussion of the

nature and value of that claim itself. Mr. Palgrave tells us that his father doubted whether to reprint this portion of the small *History*, as he has done himself, 'or to omit from this book what he had described before, or to rewrite the narrative.' We feel sure that Sir Francis Palgrave's final determination would have led him to the last choice of the three. We feel sure that he would not have been finally satisfied either to leave such a frightful gap in his story, or to fill it up with the immature production which he wrote so many years before. Many people will read that narrative as an integral part of the book, and will not think of making the necessary distinction between this part of the history and the rest. We are therefore bound to say that it is quite unworthy of the place in which Mr. Palgrave has put it. The story is pleasingly and vigorously told, but it really cannot be trusted. It is not merely that we differ from some of the conclusions contained in it; so we do from some of the conclusions contained in Sir Francis Palgrave's latest writings. But this earlier narrative contains, what his later writings do not contain, distinct and important positive errors. If Sir Francis Palgrave had rewritten or revised his narrative of the events which led to the Conquest, we do not at all suppose that his view of Edward, Harold, and William would have been altered into agreement with our view of them. But we do feel sure that he would have removed from his narrative all positive inaccuracies, great and small. We should, as in the rest of the book, have been able to trust his statements, however strongly we might dispute some of his inferences. As it is, we cannot do so; and we cannot but think that Mr. Palgrave would have done better to leave a mere gap, however ugly, rather than to fill it up with a substitute which the critical reader feels to be quite out of place.

The book then consists of the reigns of the three Norman Dukes, Richard II., Richard III., and Robert the Devil, of a fragmentary history of William the Conqueror, and of a history of William Rufus in Sir Francis Palgrave's fullest and best manner. This last portion, including the accession of Henry I., fills up the whole of the fourth volume. We need not therefore say that it is told at infinitely greater detail than the reign of the Conqueror, which the author's final revision would doubtless have greatly expanded. What we propose to do in examining the book, is to deal mainly with the great subject of the Norman Conquest and its results as regards England. If this inquiry leads us across some of the weaker and less accurate portions of Sir Francis Palgrave's writings,

we regret that such should be the case, but we do not see that it is any fault of ours.

The Norman Conquest and its effects can be discussed now in a very different spirit from that which was brought to their discussion two hundred years back. The nature of the accession of William the Bastard was then looked upon as involving the most important of all political consequences. Was he—Willelmus Conquæstor—strictly William the Conqueror, or was he merely, in legal phrase, William the Purchaser? That he ‘conquered’ England, that his acquisition of the Crown was legally a ‘Conquæstus,’ nobody doubted, but grave questions might be raised as to the exact force and bearing of the word ‘Conquæstus.’ Was William, in short, ‘Conqueror’ in the common colloquial use of the word, in the sense in which Nebuchadnezzar was conqueror of Jerusalem or Claudius conqueror of Britain, or was he ‘Conqueror’ only in some technical legal sense, a sense in which ‘conquest’ is equivalent to ‘purchase,’ and in which a man may be said to ‘conquer’ any estate which he obtains otherwise than by direct inheritance? In short, was he a mere foreign invader who reigned only by the right of the sword, or was he a legal claimant who was driven to employ force only in the same way that a man may still have to enforce his rights by the help of the *posse comitatûs*? We can now examine into both views and see that each contains half the truth. But no one now supposes that any direct practical consequences flow from either conclusion. It was not so in the days of Brady, Petyt, and Atwood. Nothing less than the liberties of England was held to depend on the decision. It was held in those days that, if William was really William the Conqueror, if he made an ‘absolute conquest by the sword,’ then all earlier laws, all earlier rights, perished, that all the later liberties of Englishmen were mere gifts of royal favour, which Kings had granted of their own freewill, and which, by the same reasoning, they might some day reclaim. But if William were merely William the Purchaser, if what he did at Hastings was not to conquer a nation but to overthrow a competitor for the crown, if he reigned, not by the sword, but by the bequest of King Edward or by the election of the Witan, then all older liberties survived his entry, and all new ones were held by the same tenure, as liberties inherent of right, not mere privileges conferred by favour. When the issue was so momentous, it was no wonder if a vast deal of ingenious research and argument was laid out on both sides. It was easy to find facts and expressions which, taken alone,



would make out the case on either side. It was easy to show that William always studiously gave himself out as a lawful claimant of the crown of his cousin, hindered from a peaceful accession only by the forcible entry of the usurper Harold. It was easy to show that he studiously professed to observe the laws of the predecessors from whom he claimed, that he really made no extensive changes in legislation, that the transfer of landed property from Englishmen to Normans was accomplished under various pretexts of legal right, and was, after all, much less complete than is often imagined. It was no less easy to prove, on the other side, that, whatever professions of lawful right William made to justify either his accession or his subsequent government, he was in very truth a conqueror, who came in by the sword and who governed by the sword. Whatever might be his professions, England did receive a foreign King and a foreign aristocracy; her ancient laws, if formally re-enacted, were practically trampled under foot; her broad lands were taken from their ancient owners, and divided among intruders alien in blood and language. This is, in short, one of those controversies in which both sides are right in what they assert and both wrong in what they deny. Allowing for a little natural exaggeration on either side, both pictures are substantially true. The only true view of the case is that which equally recognises both sets of facts, and works them out in their proper relation to each other.

Now the days are long past when the question as to the nature of William's accession was held to be of any practical political importance. But the two ways of looking at the matter still remain, and they probably always will remain, because each appeals with equal force to minds of a particular class. One class of observers is most forcibly struck by the great outward facts of history, great territorial conquests, revolutions of race and revolutions of language. Others dwell more upon formal laws and institutions, upon titles and usages, upon all those details which are dear alike to antiquaries and to lawyers, but which more general observers are often apt to pass by. To these two different classes the accession of William the Bastard must appear in two quite different lights. To the one it must seem the most unmitigated foreign conquest; in the eyes of the other it is little more than a change of dynasty. Now these two classes, answering exactly as they do to the two parties of the old controversy, are aptly and eloquently represented, the one by Thierry, the other by Sir Francis Palgrave. Sir Francis indeed, as having far more of the historic spirit, does not carry out his view to such extremes as



Thierry does ; he does not deal so recklessly with his authorities ; he does not so daringly trample under foot all that is to be said on the other side. Still he does represent one tendency, while Thierry represents the other ; and the exact truth can only be got at by keeping always in mind two distinct sets of phenomena, each of which one of our rival historians brings forward to the prejudice of the other.

These two opposing views have now happily become quite independent of the political controversies with which they were long thought to be inseparably connected. Sir Francis Palgrave most certainly does not write in the interest of this or that political party ; indeed his incidental remarks show him to be too independent a thinker to identify himself unreservedly with any party. Still more certain is it that Thierry, who, as an historian, represents the school of Brady, had not, as a politician, the slightest sympathy with that school. He writes throughout in the interest of the conquered ; he amuses us by seeing the history of the eleventh century repeated in the history of the seventeenth, and by looking on the struggle between Charles I. and his Parliament as a continuation of the struggle between the Norman and the 'Saxon.' So the practical tendency of Sir Francis Palgrave's view, like that of Brady's adversaries, is to soften the most repulsive aspect of the Conquest, and this naturally leads to taking a more favourable view of the character of the Conqueror. Thierry's view, on the other hand, as setting the Conquest itself in the darkest light, naturally tends to do the like by the Conqueror and his followers. And he who is inclined to look more favourably on the Conqueror is naturally inclined to look less favourably on his opponents, to depreciate Harold and the whole family of Godwine. Practically, then, Sir Francis Palgrave may be looked on as a partisan of William and the Normans, though he is very far from being so extreme and undiscerning in his partisanship on their behalf as Thierry is in his partisanship against them.

Two great questions then arise, in examining both of which we must bear in mind the cautions which have just been given. These are, first, the character of the Conquest itself, involving the character of the Conqueror himself, his companions, and his opponents ; secondly, the effects of the Conquest, immediate and permanent, on the destinies of the English people. In examining both of these questions we must take into our view both sets of facts, and keep a careful watch over both sets of tendencies. We must go carefully through our authorities ;

we must sift them and weigh them and estimate the comparative value of each. In no part of history is this comparative process more imperative, because in no part of history are statements, even contemporary statements, more directly contradictory. And it is the more needful, because we have to charge both of our guides, Thierry and Sir Francis alike, not with any failure of research, not with any misrepresentation of their authorities, but with a neglect of the wide difference between one authority and another. Each, in his eagerness to catch at anything which falls in with his own theory, is often ready to put the most worthless writers on a level with the most trustworthy. This fault is far more conspicuous in Thierry than in Sir Francis Palgrave, but we cannot honestly say that Sir Francis is wholly free from it.

The main authorities for the history of the Conquest consist of several contemporary and nearly contemporary writers, English and Norman. And alongside of the written chronicles we may place what is virtually a chronicle in another material, and whose early date we are glad to find fully admitted by Sir Francis Palgrave. We mean the famous Tapestry of Bayeux. There are also those contemporary charters and documents which do not come under the head of chronicles, beginning of course with the great Domesday Survey. It is from these sources that we must draw our real knowledge as to the events of the Conquest. Later writers must be used with even more caution than usual, for we are dealing with a history of which almost every detail is matter of dispute, and the true version of which was corrupted so very early. Still even later writers have a secondary use, as vehicles of tradition, as showing what their times thought of earlier times, and as witnessing mainly by negative testimony, what the final results of the Conquest were and what they were not. Our materials will therefore fall under four heads, First, English writers contemporary or nearly so; Secondly, Norman authorities of the same period, including the Bayeux Tapestry; Thirdly, Domesday and other contemporaneous documents; Fourthly, later writers of all sorts, from the middle of the twelfth century onwards. In reckoning up these sources, it is not without a feeling of national pride that we place on our list two authorities to which no other country can supply a parallel, namely Domesday and the Saxon Chronicle.

This last venerable record stands absolutely alone; no other nation can show a strictly historical work written at so early a date in the vulgar tongue. And, as written in the vulgar

tongue, it is invaluable beyond all other authorities as a record of the real mind of the time. Other writers tell us with greater fulness what Kings and Princes did; no other book tells us in the same way what the mass of the people thought of their deeds. The work of the good old English annalists has about it a real life to which no Latin writer can ever attain, and its pathetic simplicity not uncommonly approaches the sublime. Every Englishman, we might say every man of Teutonic speech, may be proud of such a possession.

The Chronicle forms, to a considerable extent, the basis of the Latin Chronicle of Florence of Worcester. Florence, clear, simple, straightforward, recording events under their years, never seduced into irrelevant digressions, never carried away by the lures of a pseudo-classical eloquence, stands at the head of the Latin historians of the period.

It is in these two sources that we must look for the purest English traditions of the Conquest itself. The authors of the Chronicle were doubtless strictly contemporary; the writer who gives that wonderful picture of William the Conqueror claims directly to speak from personal knowledge of the King; Florence, too, who died in 1118, may well have remembered William's invasion. In these writers we see absolutely no trace of Norman influence. They are not only English in feeling as opposed to Norman; they are more; they distinctly assert the lawfulness of Harold's accession and the excellence of his government. The Conquest itself, and the events which immediately led to it, are subjects which they avoid as much as possible. They give very few details of William's invasion, and are absolutely silent as to its causes. From them we should learn nothing of Edward's alleged bequest of the Crown to William, or of Harold's alleged oath of fealty to him. We do not look upon this silence as disproving the facts; but we think that it shows that they were facts which were little known in England at the time that they happened, and which the contemporary generation of Englishmen dwelt on afterwards as little as they could. In the next generation, as we shall presently see, men learned to feel differently.

Along with these we may place another writer who certainly cannot be called an historian of the Conquest, but who is most remarkable, if only for his silence about the matter. This is the author of the anonymous Latin Life of Edward the Confessor edited by Mr. Luard in the series of Chronicles and Memorials. This biography was clearly written after the Conquest, and as it is dedicated to Queen Eadgyth, it must have been written between 1066 and 1075. It is totally silent

as to William's invasion or even as to Harold's reign as King. Such a silence is more impressive than any words could have been. But the writer gives a glowing description of the merits of Harold's government as Earl, and he is most valuable as a contemporary, evidently thoroughly well-informed, bearing full witness, under the hostile Norman rule, to the real character of the calumniated House of Godwine.

In the next generation another spirit arises. To men who did not remember Godwine and Harold they became convenient scape-goats on whom to lay the sins of the nation. Nothing was easier than to find out that Harold's perjury had brought on the Norman invasion, and that Harold's rashness in fighting with insufficient numbers\* had caused that invasion to be successful. This sort of talk fell in alike with Norman and with English feeling. To lay all the blame on the King, a King too, it might now be said, wrongfully chosen to the prejudice of the right royal line, was more consoling to national pride than to bring out the manifest fact that Harold was the one great man that England possessed, that he alone could keep the divided land together, and that, when he was gone, it fell, as a divided land must fall, piecemeal into the hands of the invader. Of this view we may take Eadmer and Henry of Huntingdon as the representatives. They are quite English in feeling, but they turn decidedly against Harold, and enlarge on his supposed perjury, about which the Chronicle and Florence hold their peace. This same version is also strangely thrust into the midst of the narrative of Florence, by his copyist Simeon of Durham, who, for the affairs of the north of England, is himself a primary authority. The '*Historiæ Novorum*' of Eadmer, the English monk, the faithful attendant of Anselm, form a monograph rather than a chronicle. The work is one of the

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\* The beginnings of this charge may be seen even in Florence, devoted as he is to Harold. It is mixed up, however, with charges against those who deserted him, especially the northern earls Eadwine and Morkere. On the other hand, the Norman writers are fond of dwelling on the vast numbers of the English. In cases of this sort we must always allow for exaggeration on both sides; still there may be germs of truth in both accounts. Harold's forced march from York may have hindered him from bringing a sufficient number of picked troops, while the irregular levies of Sussex and the neighbouring counties may have flocked to his standard in myriads. The Tapestry too bears out this view. The English host seems to contain a vast multitude of half-armed darters, while Harold's terrible battle-axe-men appear in comparatively small numbers.

highest authority for the reigns of William Rufus and Henry I., and it forms Sir Francis Palgrave's principal guide through a large part of his fourth volume. Eadmer, in many respects, reads like a precursor of the biographers of Thomas of Canterbury a couple of generations later. But there is an important difference between them. Anselm forms the principal figure in Eadmer's picture, but he does not completely overshadow everything else. Eadmer, in short, still writes history and not hagiography. For Eadmer, with all his reverence for his master, was not dealing with the life of a recent martyr or of a canonised saint at all. Anselm did not find a place in the Calendar till a much later age.

Among the purely Norman writers we have, first, William of Poitiers, the Conqueror's chaplain, whose narrative must have been written very soon after the event. His '*Gesta Guillelmi*' was not continued—probably the writer did not live—through the whole of William's reign, and our imperfect extant copies break off at a much earlier point. He gives a vast number of details which of course are of the highest importance, but he must be used with caution, as he is the mere laureate and flatterer of his patron. Against Godwine, Harold, and the English people generally, he is rabidly bitter. Yet even he is far from denying Harold's merits either as a ruler or as a captain. His style and manner, his apostrophes, his violent invectives and extravagant panegyrics, remind us somewhat of our old acquaintance Dudo of St. Quintin.\* William of Jumièges follows in the same line, though, as he is really an historian of Normandy and not a mere panegyrist of William, he is not quite so lengthy nor quite so savage. The metrical chronicles of Geoffrey Gaimar, Robert Wace, and Benedict of Saint More, come later. We do not think that their metrical form tells against them; that is to say, they are as credible as prose chroniclers of their own date, only that date is not contemporary. Wace especially seems a very honest writer, who had taken great pains to procure correct information, and who often mentions when he has failed to do so. Probably he preserves many local and personal traditions which the more ambitious Latin writers passed by. All these writers have a further value as examples of old French verse. French prose was not yet; it began in the next century with Villehardouin and Joinville. The Latin poet, Guy, Bishop of Amiens, author of the '*Carmen de Bello Hastingsensi*,' is chiefly valuable as preserving some curious details of William's siege of London.

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\* See Ed. Review, vol. cix. p. 495.

Now along with these written Norman chroniclers, perhaps at the very head of them, we cannot help placing our chronicle in stitchwork, the Bayeux Tapestry. That it is a genuine production, wrought within a very few years of the Conquest, is proved to our mind, if by no other evidence, by the great number of small details, of names of persons not easily to be identified, which make some portions of it difficult or impossible to explain. It matters little whether the tapestry was wrought, according to the tradition, by Queen Matilda, or whether, as Dr. Lingard more probably maintains, it was made by order of Bishop Odo as an ornament of his Cathedral of Bayeux. The really important matter to be established is its contemporary date. This is a matter on which we have only internal evidence to go by, but it seems to us that the internal evidence for the contemporary date of the Tapestry is something quite unanswerable.

Besides the purely English and the purely Norman writers, there are two historians of great celebrity who may be looked on as in some measure combining both characters. These are Orderic, otherwise Vitalis, monk of St. Evroul, Utica, or Ouche, in Normandy, and the still better known name of William of Malmesbury.

Orderic is one of Sir Francis Palgrave's favourite authorities, and, we think, with good reason. His work is absolutely impossible to read through, on account of his constant digressions and goings backwards and forwards; but, when we have picked out the parts which really relate to Norman and English history, we shall find them highly valuable and very far from uninteresting. He is honest, and apparently well-informed, and he deals largely in detail and personal incident. No contemporary writer gives us so clear a picture of the real life of the time. Sir Francis takes Orderic under his special protection; he does not, indeed, refer to him by book or page any more than to any of his fellows; but he often mentions him and sometimes quotes him, and he gallantly defends him against Lord Hailes, who called him 'an ignorant and blundering monk.' Of the man himself and his life we know nothing but the little that we learn from his own history, but that little is very important. Orderic was a native of England, but he came, not indeed of the blood of the conquerors, but of that of the more peaceful settlers who followed in their wake. He was the son of a married priest of Orleans, Odelirius by name, who came in the train of Roger of Montgomery and was settled by him on a benefice at Shrewsbury. Orderic himself was born in 1075; he was baptised by the priest Orderic and educated by another

priest Siward\*, both whose names betoken their English or Danish birth. Of what race his mother was he does not tell us. At the age of ten years he was sent over to Normandy to become a monk at St. Evroul, where he spent the rest of his days, with the exception of occasional visits to England on the affairs of his monastery, or to collect information for his history.

William of Malmesbury was a very different sort of writer, and one who, in exact opposition to Orderic, has gained far greater fame than he deserves. Because he writes somewhat better Latin than his fellows, because he makes a certain show of criticism and impartiality, he has been read and quoted and believed in, to the prejudice of writers who are, in every essential quality, his betters. But it is obvious at first sight that William of Malmesbury's way of writing history is utterly confused and disorderly, that he never gives a date or tells anything in its natural order, that his digressions are as frequent as those of Orderic, and incomparably more trifling and irrelevant. His classical affectation makes him, to our taste, far less clear and pleasant to read than the straightforward diction of Florence. Some passages read like bits of popular ballads, which they very probably are, strangely clothed in the garb of William's grandiloquent Latin. But William of Malmesbury has graver faults than these. Uniting, as he tells us, the blood of both races; being, that is, most likely, the son of a Norman father and an English mother, he is bound to profess a sort of impartiality between the two. But his feelings are wholly Norman, his impartiality is all a blind, he is the mere flatterer of Henry I. and his son, a flatterer, not so barefaced, but quite as servile, as William of Poitiers is to the Conqueror. Both of William and of Orderic we shall have to speak again, when we come to consider the effects of the Conquest, on the nature of which these several ways of looking on things throw such remarkable light.

Of later writers we need not speak. They are useful only in the incidental way of which we have already spoken. It is one of Thierry's greatest faults that he constantly relies with as much confidence on Bromton, or even on Knighton,

\* Ord. Vit. ap. Duchesne, p. 548 A. Siward is 'nobilis Presbyter.' Elsewhere (p. 579 D) he says that the church of which his father was incumbent was built 'priscis temporibus a Siwardo consanguineo.' This is not very clear; 'prisca tempora' may mean generally the time before the Conquest, and it is not plain to whom Siward was cousin. Possibly Orderic's mother was a kinswoman of Siward's, which would at once supply a direct English element in Orderic himself.



as on the contemporary sources. Sir Francis Palgrave's way of not citing authorities hinders us from testing him with the same minuteness. We fancy, however, that we have sometimes seen traces of it in him also. But when Sir Francis, as we venture to think, goes astray, it is not commonly from relying on writers of this class. It is most commonly from failing to exercise due criticism between writers nearer the time. He does, however, sometimes seem to rely on mere tradition in a way which rather amazes us. For instance, he accepts the story which gives the countryman who brought the body of William Rufus to Winchester the strange name of 'Purkis,' and which affirms that generations of Purkises, his descendants, have ever since remained on the same spot, practising the same humble craft. The pedigree is, of course, quite possible, though we should want some strong evidence for it. But who can believe that any man was called 'Purkis' in the eleventh century? We find nothing of the sort even in Bromton and Knighton.

Our last, and one of the highest of our authorities, is the great Domesday Survey. We now look, and surely with reason, on the compilation of this record as a remarkable monument of the Conqueror's administrative sagacity. Thierry, of course, tries to depreciate it, as he does everything else that is Norman. With regard to its compilation at the time, few things are more instructive than to remark the extraordinary indignation which the minute inquiries required by the Survey called forth at the time. 'It is a shame to say what he thought it no shame to do,' says the English Chronicler, and on this point the feelings of Norman and English occupants would probably be much the same. But to us, at all events, the record is invaluable; nothing else could give us so complete a picture of the state of the country at the time, especially of what formed so great a feature of William's reign, the extensive transfer of landed property from English to Norman owners. Perplexing, again, as are many of the names by which different classes of men are described in the Survey, they still give us information as to these matters which no other means could supply. It is no small matter, in a period so surrounded with controversy, we can at once lay our hand on the great legal record of the conquerors, and on the still living expression of the embittered popular feeling of the conquered.

Such are our materials. Let us now try, first of all, to realise, from the accounts of those 'who had looked on him, 'and lived in his household,' a true picture of the personal character and position of the Conqueror himself.



If we look upon greatness as something separable from goodness, as something not necessarily antagonistic to, but still altogether distinct from moral excellence, we cannot hesitate to place William the Bastard in the very first rank of the world's greatest men. And, judging him by the standard of those of his own age, and, above all, by that of his own family, we shall be very far from placing him among the worst of men. He was a man whom no man could have loved, but he was one whom most certainly no man could despise. As we read the wonderful portrait of him given in the Chronicle, we see that the feeling which he inspired, even among the vanquished, was not exactly hatred, but a sort of fearful awe, such a feeling as might be excited by the presence of a being of another nature. The difference is at once realised when we compare the feelings with which men looked upon the Conqueror from the feelings with which men looked upon his successor. The feeling towards William Rufus, among all classes save those who were the companions of his wickedness, was one of simple loathing. He is perhaps the only recorded ruler of a Christian Kingdom whose eternal damnation was assumed by all men as a matter of course. He, the greatest of sinners, died under no ecclesiastical censure; but he became the object of a popular excommunication, exactly answering to the popular canonisations of Waltheof and Simon of Montfort. It seems not to have come into any man's mind that prayers, masses, or alms for such a soul could be otherwise than fruitless. Respect for his royal office procured him a resting-place in holy ground, but, in all save the place of his interment, he was buried with the burial of an ass. But his father, after all his crimes and oppressions, fares very differently. The Chronicler judiciously sums up what was good and what was evil in him, he exhorts men to follow the good and to avoid the evil, and sends him out of the world with a charitable prayer for the repose of his soul. Yet William Rufus gave many signs of high ability, and signs, too, of natural tendencies which might have been developed into virtues of a kindlier sort than the stern greatness of the Conqueror. It was not till his father and his guide Lanfranc were gone, that he ran riot in wickedness of every kind. His political sagacity and his soldier-like daring never forsook him, but used as they were, with no settled aim and for no honourable purpose, they became in him vices rather than virtues. But in the Conqueror we cannot but admire, throughout his career, the highest embodiment of the fixed purpose and the unbending will. No man, perhaps, ever overcame so many enemies or passed triumphantly through

so many difficulties. For difficult as his position was in England, his earlier position in Normandy was in some respects more difficult still. He had almost as many enemies to struggle with, and he had not the same force at his command to subdue them. Coming to the duchy under every disadvantage, at once bastard and minor, with competitors for the crown constantly arising, with a turbulent people to govern and envious neighbours to guard against, with a jealous overlord, who, if he sometimes acted as a protector, acted far more commonly as an enemy—William was, thus, through the whole of his early life, beset by troubles, none of which were of his own making, and he came honourably out of all of them. His duchy, from a divided state open to the attacks of every enemy, became under him a loyal and well-ordered land, respected by all its neighbours, and putting most of them to shame by its prosperity. And these great successes were accomplished, as far as we can see, with much less of cruelty or oppression than we might have looked for in so ruthless an age. As a man, his character was singularly stainless; in a most profligate generation he was a model of conjugal fidelity; he was an affectionate brother, and a perhaps too indulgent father. One dark cloud of suspicion is the only shade over so bright a picture. He was accused, in more than one case, of resorting to the poisoned bowl to get rid of those whose life was inconvenient to him. The charge has never been clearly made out, but of such a crime the mere suspicion tells against a man. On the other hand, his piety was loudly extolled, and there is reason to believe that his piety was not the mere conventional piety of lavish grants to monasteries. We have seen that in his own person he practised some most unusual virtues, and it is clear that in his ecclesiastical government he was actuated by a real desire for reformation. He was almost the only prince of the time free from the guilt of simony, and most of his ecclesiastical appointments do him high honour. The patron of Lanfranc and Anselm cannot be spoken of without respect, and nothing can be more unfair than the way in which Thierry dismisses the bishops and abbots whom William appointed in England. Undoubtedly, there were some black sheep among them, like Thurstan of Glastonbury; but the general unfavourable impression which Thierry gives is produced by mixing up the prelates appointed by the Conqueror with the rascals who bought bishopricks of William Rufus, or who were promoted by him as the reward of their partnership in his iniquities. Altogether the reign of William as Duke of

the Normans was alike prosperous and honourable; he fairly won for himself the high position which he held among the Princes of Europe.

If we turn from William Duke of the Normans to William King of the English, we shall indeed in a moral sense see the fine gold become dim, but our admiration for mere greatness, for the highest craft of the statesman and the soldier, will rise higher than ever. No doubt he was highly favoured by fortune: nothing but a combination of extraordinary circumstances could have made the conquest of England possible; but then it is the true art of statesmanship to grasp every favourable moment, to perceive what can be done and what cannot, to see, in a word, what to do and how and when to do it. Undoubtedly William could never have conquered England except under peculiarly favourable circumstances, but then it needed a man of William's greatness to conquer England under any circumstances. He conquered and retained a land far greater than his paternal duchy, and a land in which he had not a single native partisan. Formally a legal claimant, but in truth a foreign invader, he contrived to win the English crown with every circumstance of formal legality. He was elected, crowned, and anointed like his native predecessors, and he swore, at the hands of an English Primate, to observe the ancient laws of England. By force and by craft, but with the outward pretext of law always put prominently forward, he gradually obtained full possession of the whole land; he deprived the people one by one of their native leaders, and put in their places men wholly dependent on himself. None but a man like him could have held down both conquerors and conquered, and have made his will the only law for Englishman and Norman alike. He richly rewarded those to whom he owed his crown, but he took care that they should never be able to bring his crown into jeopardy. By two consummate strokes of policy, he guarded against the dangers which he saw rife in every other country, and made England the most united kingdom in Western Christendom. The manors granted to his great barons were carefully scattered through different counties, and the vassals of his vassals were made to swear allegiance to the King as their common master. Normans and Englishmen conspired and rebelled against him, and called in the fleets and hosts of Denmark to their aid; but William held his own alike against revolters at home and against invaders from abroad. Norman and English rebels were alike crushed; sometimes the Dane was bought off, sometimes he shrank from

the firm array by which the land was guarded. All opposition was quelled by fire and sword; but when it was quelled, wherever and whenever William's rule was quietly accepted, his hand was heavy upon all smaller disturbers of the peace of the world. Life, property, female honour, stood indeed but a small chance while the process of conquest lasted, but, when the conquest was fully accomplished, they were safer than they had been under England's native Kings. The English annalist himself records with thankfulness the good 'frith' which he made in this land; a merit which always covered a multitude of sins. To chastise the robber, by any means, by any punishment however merciless, was then held to be the first duty of the ruler. To have accomplished this duty is the praise which sounds highest in the panegyrics of Godwine, of Harold, of William, of Henry I.; to have neglected it stands out foremost in the dark indictment against the ruffian Rufus and the heedless Robert. We may be sure that William's English subjects did not love him, but they may well have felt a sort of sullen respect for the King who was richer and mightier than all the Kings that were before him. And under the scorpions of his hateful son, they might well regret the whips of a tyrant who at least had somewhat of the fear of God before his eyes.

Here then was a career through which none who was not of the greatest of mankind could have passed successfully. But it was a career which brought out into full play all those darker features of his character which had found but little scope for their development during his earlier rule in his native duchy. There is no reason to think that William came into England with any fixed determination to rule worse in England than he had ruled in Normandy. At no part of his life does he appear as one of those tyrants who delight in injustice and oppression for their own sakes. But he was a man who stuck at no injustice and no oppression which was needed to carry out his purpose. His will was fixed, to win and keep the crown of England at all hazards. He would have been well pleased, as he professed, to win that crown without bloodshed. But rather than not be a King he did not shrink from the guilt of carrying on a desolating war against a people who had never wronged him. We may well believe that when he swore to govern his new subjects as well as they had been governed by their own Kings, he had no fixed intention of doing otherwise. That he acted on any settled scheme of uprooting English nationality, English laws, or the English lan-

guage is an exploded fable.\* He re-enacted the ancient laws, and even strove to learn the language of the country that he might the better administer them. Had it been possible for him to govern England as well as he had governed Normandy, he would have been well pleased to do so. But to do so was beyond his power; he gradually found that there was no way for him to govern England save by oppressions, exactions, and confiscations at which humanity shudders. He made the discovery and he shrank not from the practical consequence. A reign which had begun with as good hopes as the reign of a foreign conqueror could begin gradually changed into one of the most tremendous tyrannies on record. Northumberland was hard to be kept in order, and Northumberland was made a desert. This was the dictate of a relentless policy, but he showed that he could do equal wrong when no policy required it, simply to supply means for his personal gratification. To lay waste Hampshire for the mere formation of a hunting-ground was a blacker crime than to lay waste Northumberland in order to rid himself of a political danger. He could be merciful when mercy was not dangerous, but he could shed innocent blood without remorse if its shedding seemed to add safety to his throne. The repeated revolts of Eadgar Ætheling were forgiven as often as they occurred; but Waltheof, caressed, flattered, promoted, was sent to the scaffold on the first convenient pretext. It is hardly superstitious to point out, alike with Sir Francis Palgrave and with his ancient authorities, that the New Forest, the scene of William's blackest inhumanity, became a spot fatal to his house, and that, after the death of Waltheof, his old prosperity forsook him. Nothing indeed occurred to loosen his hold on England; but his last years were spent in bickerings with his unworthy son, and in a petty border warfare in which the Conqueror had for the first time to undergo defeat. The victor of Valesdune and Senlac found his death-wound in an inglorious quarrel, in the very commission of the basest cruelty†, and at last the mighty King and Conqueror had

\* This notion comes almost wholly from the false Ingulf, that pestilent imposition which Sir Francis Palgrave himself first exposed, and to which one would have thought that Mr. Stubbs and Mr. Riley had dealt the death-blow. But all the small fry of local antiquaries and the like still quote him as unsuspectingly as ever.

† The circumstances of the burning of Mantes, and the share in the devastation personally taken by the King himself, seem to have surpassed the ordinary cruelty of the age and to have aroused special indignation at the time. As the Chronicle says: 'Reowlic ping he

to owe his funeral rites to the voluntary charity of a loyal vassal, and, within the walls of his own minster, he could not find an undisputed grave.

Such was William the Great; a title which, in the mouths of his contemporaries, he shares with Alexander and with Charles, but which in later times has been displaced by the misunderstood description of Conqueror. And now as to the Conquest which he wrought. We have seen that he claimed the crown as his legal right. How far was such a claim to be justified on any recognised principle of law or morals? Let us hear how Sir Francis Palgrave states his case:—

‘Whatever aspects William’s policy assumed, he never departed from the principle that he had placed himself in the position of a legitimate Sovereign, asserting legitimate rights. William did not present himself as a barbarian stranger, a Sweyne, or a Canute, wielding his battle-axe, slaying old and young, thirsting for blood, greedy of gold, seeking rapine, pursuing revenge; but as a lawful claimant, contesting the inheritance withheld by an unjust adversary; and, as will have appeared from the preceding transactions, *it is hardly possible to deny but that, on constitutional grounds, he had a better-grounded title than he who was vanquished by the battle-trial of Hastings.* When, therefore, William, as such lawful claimant, obtained the dominion, the reign of the usurper was entirely blotted out from the legal and constitutional annals of England. In the same manner as the ordinances of the Commonwealth have no place in our statute-books, and the patents of the Protector are expunged from our records, so was the reign of Harold passed over, and never recognised by law. Even as King *de facto* he was not acknowledged. Domesday, which was to establish the territorial rights of the Conqueror, the record by which he was willing to be concluded, that great memorial, not of an arbitrary power, but of the principle of establishing the rights of the crown, so far as property was concerned, by an immutable law, always dates them “*tempore Regis Edwardi.*” William wanted nothing more than what King Edward had; he would take nothing as from Harold; he ascended the throne not as the victor of the son of Godwin, but as succeeding the Confessor. Therefore, he was to be bound to the responsibility of the monarch of whom he claimed to be the adopted son, the constituted heir.’ (Vol. iii. p. 622.)

Now, except the words which we have marked in Italics, this is a clear and accurate statement of William’s case as William himself might have stated it, but we confess that those few

‘dyde, and reowlicor him gelamp.’ But it should not be forgotten that in the war itself William was not the aggressor, nor was he merely provoked by the silly joke of King Philip. See Ord. Vit. p. 654 D.

words, in which Sir Francis steps out of his way to express a personal opinion of his own have perfectly amazed us. Sir Francis, holding, as he did, a doctrine of hereditary right in which we believe that no other scholar agrees with him, was perfectly consistent in condemning Harold, but the same argument must condemn William also. William was as little the heir of Cerdic and Woden as Harold was. Sir Francis, on his principles, ought uncompromisingly to have supported the claims of the Ætheling against both. But he had a strange prejudice against Harold, which, as we before said, led him in the earlier work part of which is here reprinted, not only into such strange judgments as we have quoted, but into distinct inaccuracies of some importance. Here is Sir Francis' account of Harold's accession :—

‘On the very day that Edward was laid in his grave, Harold prevailed upon, or compelled the prelates and nobles assembled at Westminster, to accept him as king. Some of our historians say, that he obtained the diadem by force. This is not to be understood as implying actual violence; but, simply, that the greater part of those who recognised him, acted against their own wishes and will. And if our authorities are correct, Stigand, Archbishop of Canterbury, but who had been suspended by the Pope, was the only prelate who acknowledged his authority.

‘Some portions of the Anglo-Saxon dominions never seem to have submitted to Harold. In others, a sullen obedience was extorted from the people, merely because they had not power enough to raise any other king to the throne. Certainly the realm was not Harold's by any legal title. The son of Godwin could have no inherent right whatever to the inheritance of Edward; nor had the Anglo-Saxon crown ever been borne by an elective monarch. The constitutional rights of the nation extended, at farthest, to the selection of a king from the royal family; and if any kind of sanction was given by the Witan to the intrusion of Harold, the act was as invalid as that by which they had renounced the children of Ethelred, and acknowledged the Danish line.

‘Harold is stated to have shown both prudence and courage in the government of the kingdom; and he has been praised for his just and due administration of justice. At the same time he is, by other writers, reprobated as a tyrant; and he is particularly blamed for his oppressive enforcement of the forest laws. Towards his own partisans, Harold may have been ostentatiously just, while the ordinary prerogative would appear tyrannical to those who deemed him to be an usurper.

‘Harold, as the last Anglo-Saxon ruler, has often been viewed with peculiar partiality; but it is, perhaps, difficult to justify these feelings. He had no clear title to the crown in any way whatever.’ (Vol. iii. p. 295.)

Against this we need do little more than quote the words of



the Chronicle\* and of Florence†, which distinctly state, in language which seems expressly designed to meet every cavil, that Harold was elected King, on the recommendation of his predecessor, by the Witan of all England, and was solemnly consecrated by Archbishop Ealdred. Sir Francis Palgrave's story is made up out of the vague and rhetorical expressions of Norman and later writers. For Harold's tyranny and oppressive enforcement of the forest laws he has to stoop as low as Knighton.‡ The assertion that no bishop but Stigand recognised Harold is not only refuted by the fact that he was crowned by Ealdred, but it is most curiously refuted by Sir Francis's own next sentence. The only authority we can find for the assertion that any part of England refused to acknowledge Harold, or paid him only a sullen obedience, is a story told by William of Malmesbury in his *Life of Saint Wulfstan*.§ According to him the Northumbrians did for a while refuse to acknowledge Harold; but what followed? Harold went down to Northumberland, accompanied by the holy Bishop of Worcester, whose eloquence soon won over all malcontents. Sir Francis should really have chosen between his bishops and his Northumbrians. It was open to him to represent either of those classes of men as enemies of King Harold; but he could have no right to represent both.

This is a specimen of the sort of inaccuracy || which, as we said at starting, disfigures Sir Francis Palgrave's early narrative of these events. Sir Francis Palgrave might, if he pleased, deny the validity of the act which elected Harold,

\* A. 1066: 'And Harold eorl feng to Engalandes cynerice swa swa se cyng hit him geuðe, and eac men hine þærto gecuron, and was gebletsod to cyng on Twelftan mæssedæg.'

† A. 1066: 'Quo tumulto, subregulus Haroldus, Godwini ducis filius, quem rex ante suam decessionem regni successorem elegerat, à totius Angliæ primatibus ad regale culmen electus, die eodem ab Aldredo Eboracensi archiepiscopo in regem est honorificè consecratus.'

‡ X Scriptt. 2339. It is amusing to compare his account of Harold with that of Florence.

§ Anglia Sacra, vol. ii. p. 253.

|| We cannot help mentioning one inaccuracy of detail which gives a completely false notion of the English tactics at Senlac. 'Harold,' says Sir Francis Palgrave, 'dropped from his steed in 'agony' (vol. iii. p. 317). But Harold, according to the custom of English kings, fought on foot. He is so drawn on the Tapestry. William of Malmesbury (vol. iii. p. 241) gives the reason, 'Rex ipse pedes juxta vexilla stabat cum fratribus, ut, in commune periculo æquato, nemo de fugâ cogitaret.'



just as he might deny the validity of the act which deposed Richard II. or of the act which elected William and Mary. But we protest against a direct misstatement of the facts, and we are amazed when we are told that William's constitutional right was better than Harold's. To us nothing can be plainer than, that, if there ever was a lawful King in this world, King Harold was a lawful King. Bequest, election, ecclesiastical consecration, were all united. He was not of the royal house, but the principle which allowed the rejection of the direct heir (to use modern language utterly unknown in those times) in favour of a better qualified uncle or cousin would justify the rejection of the whole family if all were unqualified. The descendants of Eadmund Ironside had already been passed by on the election of Eadward himself, and they were now reduced to three children, a boy and two girls, who would have been passed by at any earlier time.\* And we suppose that the sound doctrine that Parliament may do anything was as true in the eleventh century as in the seventeenth.

Harold then was, beyond all doubt, rightful and lawful King of the English. Where then were the claims of William? William made out his case by ingeniously mixing up two distinct things, the alleged bequest of Eadward and the alleged perjury of Harold. We have already remarked that the purely English writers say nothing whatever on either head. This sort of silence on a matter of which they must have heard seems to us rather to prove that they could not deny that something of the kind really did happen. The bequest and the fealty may both of them have been little known in England at the time when they happened, but Florence of Worcester must have known all about them after William had blazed them abroad through all Christendom. We must therefore admit the fact of a certain *suppressio veri* on the part of our national authorities; we must acknowledge that Eadward probably did make some sort of bequest to William and that Harold probably did in some shape or other swear fealty to William. But for details we must go to the Norman writers, and they tell their story with such an infinity of contradiction as to time, place, and circumstance that nothing satisfactory can be made out.† As for the claims themselves, they admitted of an easy

\* The two sons of Eadgar were elected as minors, but there was then no better qualified person in the royal family, nor any very eminent layman out of it. In all earlier cases minors had been passed by. Alfred himself reigned to the exclusion of his nephews.

† We do not remember to have ever seen any reference to the wonderful version of these events which Gervase of Tilbury put

answer. Neither Eadward's bequest nor Harold's fealty could give William the slightest claim to the crown of England, because neither Eadward nor Harold, but only the assembled Witan of the realm, had any right to dispose of it. This is so plain that the Norman writers themselves put this answer into Harold's mouth.\* Eadward's bequest, in itself worthless till confirmed by the election of the Witan, was set aside by his later bequest in favour of Harold. Harold's oath to William might bind Harold's own soul, but it could in no way bind the English people. Its violation might be a personal crime on Harold's part, it might afford a plausible *casus belli* to the Duke of the Normans, but it could not convert the Duke of the Normans into the lawful King of the English. Nothing could in itself be weaker than either claim, but the confusion of the two, mixed up with various collateral matters, such as the expulsion of the Normans from England, the murder of the Ætheling Alfred, the neglect of Peter's-pence on the part of the islanders, was enough to obtain for William a favourable hearing both from the Papal Court and from Europe generally. The circumstance which aroused most indignation against Harold illustrates one of the lowest superstitions of the time. The mere breach of fealty was a matter of every-day occurrence, which awakened no special censure; it would have been hard to find a vassal prince who had not broken his fealty over and over again. Harold's great crime—as the story runs—lay in profaning the relics of the saints by which he swore. Yet the same story represents him as being basely entrapped into this more solemn form of oath, and as swearing without the least notion that it was the relics of the saints on which he was swearing. Surely, if the saints were thought to be capable of personal vengeance, their wrath would have fallen much more justly upon William for profaning holy objects to such a fraudulent end. Yet there can be no doubt that it was this, more than anything else, which turned general European opinion in William's favour and gave to his invasion of England something of the character of a Crusade.

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together for the benefit of the Emperor Otto the Fourth. Harold, King Eadward's nephew or grandson (*nepos*), is sent to Normandy for his education. He there contracts a close friendship for William. They engage to marry each other's sisters. Harold is unwilling to do so, but landing in *Flanders* he is entrapped into the marriage, as in all other versions into the fealty. As he fails to give his sister to William, the Duke comes over, wins the battle, kills Harold, marries his sister and reigns by a Crown Matrimonial. (*Otia Imperialia*, vol. ii. p. 20, ap. Leibnitz, *Res. Brunsw. Scriptt.*, vol. i. p. 945.)

\* Will. Malmes. vol. iii. p. 238.

Armed with such a title as this, William ventured on the invasion of England. A combination of circumstances, above all the simultaneous invasion of Harold Hardrada, enabled him to land at Pevensey and to conquer on the hill of Senlac. As soon as Harold had fallen, it at once became plain what England had lost in him, and how little fitted any surviving Englishman was to take his place. To that tremendous energy which had sped from the field of victory at Stamford-bridge to the field of overthrow at Senlac succeeded two months of the most contemptible drivelling on record. England was not conquered; the invader at most had possession of a single county; there were plenty of brave hearts and stout hands to resist him, but there was no leader. It took William full five years really to conquer England, but, after Harold was gone, William never again met Englishmen arrayed against him in a pitched battle. Indeed he hardly met them again in arms at all till, as elected and consecrated King, he had a formal right to deal with them as rebels. Two or three short sieges were all the opposition that William met with between his victory and his coronation. Had the courage and patriotism which spent itself in local revolts after he became King been concentrated in another effort like Harold's to hinder him from becoming King, the Norman Bastard would never have received the crown of Cerdic in King Edward's minster. The precious interval was spent within the walls of London in selfish dissensions and conspiracies. The child Eadgar was elected King, and the Northern Earls, as faithless to him as they had already been to Harold, and were about to be to William, left him to his fate. While the strength of the country was still untouched, London surrendered, the chief men of the whole land did homage, the invader was elected, crowned, and anointed King with all the rites which national usage prescribed. The wonderful advantage which he thus gained cannot be overrated. But we must here make a distinction which is apt to be forgotten, and we must guard against two errors of opposite kinds. In the vulgar view William became King at once upon his victory; the almanac-makers date his reign from St. Calixtus-day and not from Christmas. In the view of Hume and writers of that sort all later opposition is mere rebellion, justifiable rebellion perhaps, but still rebellion against a *de facto* King. Thierry, on the other hand, dwells exclusively on the gradual conquest of the whole country, as if the resistance which William met at Chester in 1070 was exactly of the same kind as the resistance which he met at Romney in 1066. There was between the two all the difference which was involved in William's formal

assumption of the English Crown. The resistance which William met with during the first five years after his coronation was not exactly revolt against an established King and not exactly resistance to a foreign invader. William was King, so far as being formally chosen and crowned, formally acknowledged by most of the chief men in Church and State, could make him King. He was King in so far as, except during Eadgar's momentary reign at York, there was no other King. But he was not in possession, either military or civil, of the whole country, and if this or that earl or bishop had acknowledged him, the mass of the people had done so only in London and the neighbouring shires. A resistance to a King so placed could not be called revolt against an established government. But it was necessarily resistance of a local and desultory character; each city or district fought for its own liberties and not for the liberties of England; and in many cases, though the people had never submitted to the Conqueror, they were led by chiefs who had become his men and had received honours at his hands. Add that the whole resistance took the form of a reaction after submission. When William first left England in 1067, he had actual possession of hardly half the kingdom, but within that half he was the acknowledged King, and there was no acknowledged King anywhere else. The oppressions of Odo and William Fitz-Osbern during his absence led to insurrection in the part which was already subdued and to more determined resistance in the part which was still unsubdued. But all this gave William altogether the appearance, and in some measure the reality, of a lawful King subduing rebels against established authority. He was thus enabled to conquer the country bit by bit, and to use the forces of one district in bringing another under his obedience. William, like Henry VIII., had the wonderful advantage of being able to do whatever cruelty or injustice he wished to do under the mask of the forms of law.

William then gradually conquered England; he gradually substituted foreigners—by no means always Normans—for Englishmen in all high offices; he gradually, as lands came into his hands, transferred all the greatest class of estates from English to foreign owners. The English thus became an inferior class on their own soil. But William did nothing directly to uproot the laws, the language, or the nationality of Englishmen. Whatever was done in this way was the gradual and indirect result of the Conquest, but nothing more. 'French' and 'English' are distinguished throughout William's reign and those of his sons; but though there was

much to depress and to oppress the Englishman, there was no distinct legislation against him. He laboured under many practical disadvantages, but there was nothing to prevent his overcoming them if he could, nothing to hinder the two nations from gradually fusing into one. Lands and honours were largely transferred to strangers, but the foreign landowner held his land by the old English tenure, and the foreign judge had to administer the old English law.\* Let us again hear Sir Francis Palgrave:—

‘England suffered most acutely by the Norman Conquest: but, comparing as far as we can imperfectly know and tell, the similar or analogous punishments of nations, never was so crushing a subjection accompanied by less oppression and wrong. Bitter oppression, cruel wrong;—yet oppression, which, according to the world’s opinion, is inevitable; wrong which the statesman never fails to justify. In proportion as the grades of society descended, so did the hardships diminish. There was no permanent evil inflicted on the great masses of society. The shattered and decayed elements of old English policy were preserved, and the means provided for reuniting them in a more efficient organisation. London retained all her Anglo-Saxon integrity. London Stone was not moved. All the Stokcs preserved their franchises. Colchester Townsmen met in Colchester Moothall. Lincoln’s Lawmen kept their statutes. The Burghs of Mercia held their “morning speech” even as their kinsmen in the red Westphalian land. No Englishman, who patiently had continued in scot and lot, became an alien in his own country. No peasant was expelled from his cottage, no churl from his patrimonial field. So far as the Norman administration reached the villein, he obtained greater protection for the fruits of his labour, more assurance in the quiet and comfort of house and home, than he had enjoyed under the Confessor. His rent could not be raised, his services could not be increased. Above all, no “penal laws,” no persecution of faith, no legalised degradation, no spite against nationality, no proscription of dress or language, no useless insult, no labour of hatred to render contempt everlasting; no “Glorious Memory,” no “Boyne Water,” no “Croppies lie down.”—Before the first year after the Conqueror’s death has closed, we shall see the favour of the English nation sought by the Norman king.’

Here, as usual, there is exaggeration, but the main facts are indisputable. The picture drawn by Sir Francis at least comes nearer to the truth than the extravagant colouring of Thierry

\* ‘Lagam Eadwardi Regis vobis reddo,’ &c., says Henry I. It is amusing to find in the corrections of the press, ‘for *lagam*’ read *legem*.’ Sir Francis accurately copied King Henry’s Latin, barbarous as it may be; but his editor seems not to have understood it.

the other way. Thierry, throughout his narrative, colours every story, by thrusting in epithets which he does not find in his authorities. If any one is oppressed, he quietly puts in the words 'Saxon,' 'Englishman,' and the like, to imply not only that the oppressed person was necessarily an Englishman, but that he was oppressed *because* he was an Englishman. We can well believe that this was often the case, that an Englishman often failed to obtain justice when a Norman would have obtained it without difficulty; but we have no right to assume it in every case without evidence. It would be a good exercise for any one to go through Thierry's whole story, verifying all his references. He would not often find direct misrepresentation or misquotation. But he would almost always find that the context of the original gives the story an utterly different tone from that which it receives in the vivid and picturesque narrative which has led so many astray.\*

We are, indeed, inclined to think that most modern writers have a tendency to exaggerate the amount of conscious national feeling which existed in the eleventh century, either in England or elsewhere. If any people ever was, in the slang of our day, an 'oppressed nationality,' the English were so under our two Williams. But they show very little consciousness of their condition. Nowhere do we find so little expression of strictly national feeling as in the most strictly national record, the Saxon Chronicle. The Chronicler bitterly deplores the oppressions of William's reign, but he never once sums them up, as a modern writer would do, in the one phrase of 'foreign dominion.' He feels that William is very different from the kings that were before him, he feels that the state of things

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\* Let us take two instances out of many. William, in 1085, arrested his brother Odo on several charges. Orderic (647 B.) puts a speech into the King's mouth, in which three of the accusations run thus: 'Angliam vehementer oppressit,' 'crudeliter pauperes oppressit,' 'totum regnum injustis exactionibus concutiens excitavit.' Thierry, professing to follow Orderic, leaves out the last charge and thus colours the two first, 'Le roi accusa l'évêque d'avoir maltraité les Saxons outre mesure, au grand danger de la cause commune.'

The other is the story of one Brihtstan in the reign of Henry I., given at length by Orderic, p. 629. It is clear that Brihtstan was of English descent, that he was a man of considerable wealth, that he was vilely treated. But there is no evidence that he was so treated *because* he was an Englishman, or that the same unjust judge might not have treated a Norman as vilely. But Thierry, by constantly sticking in 'l'Anglais,' 'le Saxon,' &c., gives the story a turn for which there is no foundation at all in the original.

has greatly changed, and changed greatly for the worse, but he seems to have no idea of the real cause of the change. No 'oppressed nationality' now-a-days could lament more bitterly, but modern lamentations would take another form. We do not mean that no national feeling existed, that men were not conscious of the difference between a countryman and a stranger; we do not mean that, even in the Chronicle itself, the consciousness of such difference is not plainly marked. But we doubt whether, either in England or anywhere else, the feeling had, in that age, assumed the distinct shape which it has assumed in later times. England especially was used to the presence of foreigners. She had learned to place one foreign conqueror, whose beginnings had promised much worse than the beginnings of William, among the best and noblest of her native princes. The experience which England had had of the good government of Cnut, probably helped in no slight degree to pave the way for the success of William. And the promotion of foreign earls and bishops was only the continuation to a greater extent of a system to which men had been already used under King Eadward. They knew that a stranger was not necessarily an oppressor; even Godwine and Harold, in the full swing of triumph, did not drive out all Eadward's foreign favourites; the bad were driven out, but those who had not abused their position retained their honours.\* But however all this may be, it is certain that there is a remarkable absence in the Chronicle of the sort of complaint which we should have looked for, complaint of the domination of strangers as strangers. When we come to writers who lived further from the event, the expression of national distinction becomes much plainer. That is to say, in William's own reign men had no leisure for speculation on these matters; afterwards they began to think and speculate and remark the distinction between the races and the effects of that distinction. Each generation saw the difference more clearly as a matter of history, even while each generation saw another stage in the practical healing of the breach. When we reach Robert of Gloucester, he talks of 'Normans and Saxons,' as Thierry himself might have done, in words which Thierry has appropriately chosen as a quotation to wind up his history.†

\* Compare the Chronicle A. 1052 with Roger of Howden on the same year (Scriptt. post Bed. p. 254). William, the Norman Bishop of London, seems to bear a good character both before and after the Conquest.

† 'Of þe Normannes bep þys hey men, þat bep of þys lond  
And þe lowe men of Saxons, as ych understonde.'



In estimating the effects of the Conquest, no question is more important, or rather we may say that it is the question itself, how soon and by what steps were the Normans and English fused into one nation? It is very curious to trace the way in which the old phrase, 'Franci et Angli,' as an exhaustive division of the 'King's men,' gradually dies out. But the inquiry is rendered more difficult by the question which constantly occurs—who was French and who was English? There is no doubt as to the position of a man who had fought for William at Senlac; there is none as to that of a man of unmixed Old-English descent.\* But under which head came the children of the first Norman settlers? What were the feelings of a man, son of a Norman father, but born on English ground, often of an English mother, holding English estates and English honours, obeying and administering English laws? When the 'King's men, French and English,' were summoned to his standard, among which class did such a man do his service? We do not ask about great earls and bishops; what were the feelings—in modern phrase, what was the 'nationality,' of a citizen, a yeoman, an ordinary priest, an ordinary country gentleman, to whom England was his birthplace and his home, but whose father or grandfather had fought on the winning side at Senlac? We are indeed told, in a rather rhetorical way, that, at the end of the Conqueror's reign, it was a disgrace to be called an Englishman†; but, surely natives of England, born subjects of the King of the English, knowing no other country and owing no allegiance to any other sovereign, could not very long have refused the name. And in estimating this difficulty we must not forget the constant immigration that went on after the Conquest, the multitude of foreigners of all kinds who kept coming over to make their fortunes in England, to the prejudice alike of men of Old-English race and of the descendants of the original settlers. The words 'Angli,' 'Franci,' 'Normanni,' thus become ambiguous; in a transitional period they were doubtless often largely used, so that the same man might call himself Norman or English almost indiscriminately. The result is

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The whole of this writer's remarks on this subject are very curious. See vol. i. p. 363, 4th ed. 1810.

\* 'Angli naturales,' Ord. Vit. p. 666 D.° 'Antiqua Anglorum ingenuitas.' Eadmer, p. 48.

† Hen. Hunt. p. 212: 'Ita etiam ut Anglicum vocari foret opprobrio.' Cf. Ord. Vit. p. 782 B.: 'Num prosequi me ritum autumat Anglorum.'



that we do not always know under which head to class natives of the land of foreign extraction. When we read that Thomas of London was the first Englishman raised to the see of Canterbury since the Conquest, it undoubtedly means, not that he was, which he was not, of Old-English descent, but that he was the first native of England, of whatever blood, who had held that place since Stigand. But when Eadmer complains that Henry I. promoted men of every nation except the English\*, does he reckon the grandsons of William's followers among the favoured or the rejected class? When an English poet exults over the fate of the Norman companions of the Ætheling William†, does he mean by Normans natives of Normandy or men of Norman blood wherever born? There is an obscure story, of which, of course, Thierry makes the most, of a conspiracy against the 'Normans' early in the reign of Stephen.‡ Have these words the same meaning which they would have had in the days of the Conqueror, or do they merely mean what a conspiracy against the Poitevins or the Savoyards would have meant in the days of Henry III.? Fully to answer these questions would require the minutest study of every indication to be found in the writers of several generations. Such a task would be a long one, but, as a specimen of what we mean, we will see what light is thrown on the matter by the manner of thought and speaking to be seen in two of our principal authorities, one of them Sir Francis's special favourite, namely, William of Malmesbury and Orderic.

Orderic, as we have seen, was born in England of a French father, but very probably of an English mother, nine years after William's accession. Now Orderic undoubtedly looked upon himself as an Englishman. He calls himself 'Angligena,' he speaks of his removal to Normandy as banishment.§ It may be said that to one who was not a native Norman, Normandy was a land as strange as England. But then we must remember how vast a proportion of William's followers were no more Normans than Orderic's father. Soldiers of all countries

\* P. 110, cf. 94.

† Hen. Hunt. A. 1120:

'Num Normannigenæ Gallis clari superatis  
Anglica regna petunt, obstitit ipse Deus.'

The title of Ætheling—Guillelmus Adelingus—is given to this prince by Orderic 869 B.

‡ Ord. Vit. 911, 2.

§ Ib. p. 548 A: 'De Angliâ in Normanniam tenellus exsul ut æterno Regi militarem destinatus sum.'

VOL. CXXI. NO. CCXLVII.

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followed his standard and received English estates and English wives as their rewards. Priests of all countries came to share the benefices of the conquered land, from Lanfranc on his metropolitan throne to Odelirius in his wooden chapel at Shrewsbury. Now it is clear that Odelirius, an immediate follower and favourite of a great Norman earl, took no pains to bring up his son otherwise than as an Englishman. Earl Roger's French confessor was clearly living on terms of friendship and equality with the two English priests, to one of whom he paid the compliment of naming his son after him, while to the other he entrusted that son for education. It is clear then that he did not look on all his English neighbours as 'Saxon' churls and swine. And if Odelirius was thus well disposed, his influence over his patron and son in the faith could hardly fail to have been exercised to soften the fate of those among the conquered with whom Earl Roger had to deal. Now no doubt we here have a specially favourable case, but it can hardly have been an unique case; it at least shows that it was not impossible for the conquerors and the conquered to sit down quietly side by side. What happened at Shrewsbury must have happened elsewhere, and the son of many a foreign settler must have grown up with a heart as truly English as Orderic had. Through Orderic's whole work we see a most curious struggle between his national English feelings, backed to be sure by his natural sense of right, and the opposing traditions of a Norman monastery. He follows the narrative of William of Poitiers as far as William of Poitiers could guide him, and then begins to write for himself in a more independent spirit. He had been taught—even Siward would not be allowed to contradict that lesson—that Harold was wrong and that William was right; but he is no slavish flatterer of the Conqueror, like William of Poitiers. He admires the great king, doubly his sovereign, whom he had heard of with awe and wonder as a boy; but he exercises a free criticism on his actions, and he censures his cruel devastation of Northumberland as it deserves. Altogether we think that Orderic, his whole position and his whole way of writing, supply a most important witness on behalf of the general view taken by Sir Francis Palgrave. Nor does William of Malmesbury really tell a different story. His profession of impartiality, combined with his constant insinuations to the prejudice of the English, is to our mind less endurable than the outspoken enmity of William of Poitiers. But the way in which William of Malmesbury is obliged to mask his Norman partisanship is, in its way, a witness to the gradual

blending of the two races no less than the honest English sympathies of Orderic. William was undoubtedly of mixed race, and he spent his life in England. Why, then, is he less English in feeling than Orderic, whose mixed origin is only matter of surmise, and who spent his life in Normandy? The difference in feeling between the two is probably owing in a great degree to different social position. William was evidently born in a higher rank than the son of the priest of the wooden church at Shrewsbury. Doubtless the prejudice of birth was more enduring in proportion as the rank of the persons concerned was higher. No doubt the mixture of the two races had a most real, though mainly unconscious influence. But we may suspect that, among the higher ranks, the offspring of a mixed marriage was, for the first generation or two, liable to be looked on as a sort of half-caste. Lower down in the social scale the feeling would be much less strong. Thomas of London, born in 1118 of Norman parents settled in England, gives no sign that he was ever looked upon as anything but an Englishman either by himself or by anyone else.

And now as to the transfer of the land from English to foreigners. On this point Domesday is of course our chief evidence. Now a careful study of Domesday will certainly guide the inquirer to that middle view of the subject for which we contend throughout. The Survey shows that there was a transfer of property on an enormous scale, a transfer complete enough to exclude every native Englishman from a place in the highest class of landowners, and thus to found a real territorial aristocracy of foreign origin. But Domesday gives no support to the popular notion that every Englishman was turned out of house and home. We find, indeed, no Englishman in possession of such enormous estates as those held by some of the Norman barons. But we find a vast number of Englishmen either retaining smaller holdings of the King *in capite* or holding as tenants of some intermediate lord. We may suspect that, in a great number of cases, the actual occupant was not disturbed at all.\* He often lost a portion of his lands, he was often reduced to hold of another what had been his own, but there is no ground for the belief that men who quietly submitted to the

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\* See a curious story in Wilkins' *Leges Anglo-Saxonicae*, p. 287, how a certain Eadwine in Norfolk contrived, after much tribulation, to keep part of his lands, but we need not infer that every English landowner who occurs in Domesday was worried in the same manner.

foreign government were, as an ordinary thing, turned adrift landless and homeless. As for the actual process of the transfer, there can be no doubt that confiscations, doubtless sometimes very arbitrary and unjust, largely helped in this work, but mere confiscation was not all. In many cases the Norman or other foreigner got peaceable possession of an English estate by marrying an English heiress or widow. In this case the possessor in the next generation simply inherited the estate of his maternal grandfather. All property again which was attached to any office, all land—and Sir Francis shows that there was a good deal of land so circumstanced—which was not strictly hereditary, came gradually into the King's hands for fresh disposal. And at William's first entry, the vast estates of Harold and his family lay ready to be dealt with as the forfeited property of traitors. Indeed, there seems reason to think that this rule was applied to all who could be proved to have fallen or fought at Senlac.\*

The two points to be established are, that the transfer of lands and honours was very gradual, and that, though very extensive, it was not absolutely universal. The picture, in short, which Domesday gives us is, when translated into modern language, that of a great nobility wholly, or almost wholly, of foreign origin, a nobility of which probably none were of Old-English descent by the full blood, but of a smaller gentry, a yeomanry, a class of burghers, among whom the two races were mixed up in such a way that in a generation or two there could be little means of distinguishing them.†

We think that we may fairly set down as established truths, in utter opposition to the theory of Thierry, and in substantial agreement with Sir Francis Palgrave, that the transfer of land at the Conquest was much less complete, and that the fusion of the two races took place much more speedily, than the popular version of the story represents them. It is clear to us that, by the time of Henry II., every native of England looked

\* See 'Dialogus de Scaccario,' vol. i. p. 10, apud Madox, 'History of Exchequer.'

† So the 'Dialogus de Scaccario,' vol. i. p. 10 (ap. Madox, *Hist. of Exchequer*): 'Tam cohabitantes Anglicis et Normannis, et alterutris uxores ducentibus vel nubentibus, sic permixtæ sunt nationes ut vix discerni possit hodie, de liberis loquor, quis Anglicus quis Normannus sit genere.' He goes on to except the villains at one end, and he might doubtless have excepted the great nobles at the other, but no doubt the description is eminently true of the intermediate classes in the reign of Henry II.

on himself as an Englishman, and that even Englishmen of foreign descent were beginning to share the genuine insular feeling towards men of foreign birth. And we must always remember that 'Englishman,' 'Anglus,' 'Angligena,' was the only name that was ever opposed to 'French' or 'Normans.' We talk of 'Normans and Saxons,' but no Englishman of that age called himself a 'Saxon,' or was called a 'Saxon' by his Norman neighbour or master.

We are deeply grateful to Sir Francis Palgrave for more than one energetic protest against this misleading popular use of the words 'Saxon' or even 'Anglo-Saxon,' as the proper term to oppose to 'Norman.' It is therefore to be regretted that his Editor should, in his Table of Contents and his marginal analysis, have constantly brought in the expression which his father so distinctly eschews. 'I must needs here pause,' says Sir Francis, 'and substitute henceforward the true and ancient word English for the unhistorical\* and conventional term 'Anglo-Saxon, an expression conveying a most false idea in our civil history. It disguises the continuity of affairs, and substitutes the appearance of a new formation in the place of a progressive evolution.' (vol. iii. p. 596.) So again:—'Our readers will recollect that, in conformity with our denial of the real existence of an Anglo-Saxon nation, except as a convenient, though somewhat delusive mode of designating the English of the ante-Norman period, so also must we deny there being any Anglo-Saxon language. If you had asked Alfred what he had in his hand, he would have answered it was an Englisc-boe, and would have been wonderfully surprised if you had given it any other name.' (vol. iii. p. 631.) The name of our nation then, as now, was 'English,' the only name known to ourselves, the only name known to foreign nations, save that the Celts within Britain, then, as now, thought

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\* The form 'Angli-Saxones' or 'Anglo-Saxones' is sometimes used to express the *nation formed by the union of Angles and Saxons*; not, as people commonly mean by it, 'Saxons settled in England.' But 'Angli' alone is far more common, and 'Saxones,' we think we may safely say, is never found in this sense, except when the words or matter is borrowed from a Celtic source. *Saxon* always means the inhabitants of the distinctly Saxon part of England, never the whole people, and it is never opposed to 'Norman,' 'Frenchman,' or the like. Orderic, indeed (666 A.), makes certain Normans say 'Saxones Anglos prostravimus,' but surely this is a mere flourish, like calling the Byzantine Empire 'Ionia' and its inhabitants 'Danai' and 'Pelasgi.'

good to call us 'Saxons.\*' The familiar opposition between 'Normans' and 'Saxons' wipes out, as Sir Francis shows, the real facts of the case. It makes us fancy the 'Saxons' to be some foreign and extinct people, instead of being simply ourselves. It was the English people over whom William claimed to reign; it was the English people among whom he established himself and his foreign followers, and it was the English people into whose greater mass the smaller Norman element was gradually absorbed. It was the English language which he strove in vain to learn, but which his youngest English-born son spoke seemingly from his childhood.† It was the English law which he confirmed; 'King of the English' was the highest title which he handed down to his descendants, and it was to the known loyalty of Englishmen that those descendants appealed against the assaults of Norman traitors.‡ By using the 'delusive' name of 'Saxon' where writers of the time know no name but 'Englishman,' we not only wipe out a characteristic of the age, but we give up our national inheritance, we separate ourselves from those earlier periods of our history from which William himself had no will to cut us off.

Sir Francis Palgrave's remarks on the effect of the Conquest on language deserve most attentive study, but we have no space to do more than call attention to them. Like the whole of the chapter on the Results of the Conquest, they are mere hints which we long to see worked out at greater length.

\* This is perfectly clear of the age of William, it is not quite so clear as to earlier times. Eginhard (*Vita Karoli*, p. 25) calls Alcuin 'Saxonici generis hominem,' and (*Annales*, 808) a certain Ealdwulf 'de ipsâ Britannia natione Saxo.' Now Alcuin certainly, and Ealdwulf probably, were Northumbrians, therefore not Saxons. But in Eginhard's time the two nations had not coalesced, the name of 'Anglia' was hardly known, and the names of its inhabitants might well be used confusedly. Even in the sixth century Gregory the Great speaks of the Jutish Æthelberht and his people as 'Angli.'

† The point is that, in the eleventh century, 'English' and not 'Saxon' was the name of the nation and the word opposed to 'Norman.'

‡ Sir Francis Palgrave (vol. iv. p. 225) has clearly made this out. Henry, born in England of a crowned King and Queen of the English, was throughout looked on by the English as a kind of countryman. It would quite fall in with the policy of William at the time of Henry's birth to cause him to learn the English language.

§ See Ord. Vit. 667 A. Compare the Chronicle A. 1088.

And among these hints we come across one hint more important than all, and one of especial interest to ourselves. The readers of our former articles on kindred subjects may perhaps remember that we called attention to the vast importance of the reign of Henry II., whose accession we spoke of as 'almost equivalent to a second Conquest.'\* We are therefore rejoiced to find Sir Francis Palgrave reaching substantially the same conclusion as ourselves, though apparently by a different process. We were speaking mainly of what Dr. Vaughan calls 'Revolutions of Race,' of the practical subjection of natives of England of both races to utter foreigners. Sir Francis is speaking, as is his wont, of formal laws and institutions. The changes in the law commonly attributed to the Conqueror Sir Francis attributes to his Angevin great-grandson. 'In all these circumstances I can find the most evident and cogent proofs that a great revolution was effected, 'not by William, but by Henry Plantagenet.' (vol. iii. p. 601.) To this 'revolution' Sir Francis attributes the introduction of those special feudal incidents which we commonly attribute to the Conqueror, but of which Sir Francis's own researches have discovered no trace either in England or in Normandy before the accession of the line of Anjou. Here then is a most important line of inquiry barely hinted at and in no way worked out. This again makes us deeply regret that we have from the hand of Sir Francis Palgrave only a fragmentary account of the reign of William and of the reign of Henry no account at all.

As a composition, the masterpiece of Sir Francis Palgrave is his history of the reign of William Rufus. For our own sakes we would gladly exchange it for a finished narrative of the reign of his father, but it is a gain to have any portion of our national history thus recorded by Sir Francis in his best manner. Every reader can judge for himself of the life-like tale which Sir Francis had wrought out of the actions of the worst man—possibly not the worst ruler—who ever sat on the throne of England. We can add our own witness to the unflinching accuracy of the whole narrative. Sir Francis has here no theories which could possibly lead him astray, and his unvarying sympathy for everything good and generous finds the fullest play in this part of his history. The portraits of Anselm, the true saint, great, not in any commanding political ability, but in the simple majesty of his righteousness, of the King, highly gifted by nature, ever and anon in his worst

\* Ed. Review, vol. cxii. p. 159.



days giving signs of nobler capacities within him, but sinking from bad to worse till he reached a depth of wickedness and vice over which history is obliged to draw a veil—both these are portraits drawn indeed with a master's hand. We must not confound the struggle between William and Anselm with the later struggle between Henry and Thomas. The latter was a struggle between two political principles, each of which had in that day much to say for itself; but the opposition of William to Anselm was simply the natural opposition between evil and good. The saintship of Thomas, though sincere, was still artificial; he had a theory of what a saintly bishop ought to be, and he consciously tried to act according to that theory. Anselm had no theory at all; he simply obeyed the instincts of his own conscience and the laws of the society to which he belonged. The thorough clearness of insight and fairness of judgment with which Sir Francis Palgrave has set forth the lesser \* ecclesiastical struggle of the eleventh century gives us another ground for regretting that we cannot have from his hand a picture of the greater ecclesiastical struggle of the twelfth century. We should be well pleased to enlarge on many other points in this volume, especially in the two brilliant episodes on Scotland and on the First Crusade. In the Scottish chapter, again, we have another personal picture, that of Queen Margaret, drawn in Sir Francis Palgrave's best manner, and we have a clearer description than can perhaps be found anywhere else of the process by which the Teutonic element in Scotland finally triumphed over the Celtic. It is most singular to trace how, on the one hand, the Celtic kings gradually estranged themselves from their own people, and identified themselves with the Teutonic portion of their subjects, and how, on the other hand, the Teutons—in plain words, the English—in Scotland gradually adopted the name and the national feelings of the Celts whom they continued to look upon as enemies or bondsmen. No part of the book too is fuller than this of those passages in which Sir Francis in some sort assumes the prophet's mantle, and deals forth those denunciations against our own age and our own nation of which some of us may dispute the justice or the relevancy, but of which no one can deny the earnestness or the eloquence. The chapters on the Crusade are equally brilliant, but, with regard to a large portion of their contents, we are obliged to part company with Sir Francis. We cannot think that he

\* Greater and lesser in England; in Christendom generally the two epithets would be reversed.



has done justice to the Crusaders. We cannot think that the crusading spirit was in itself so essentially unrighteous as he represents it. We mean of course the mere general principle of the Holy War, as distinguished from the vast mass of individual folly and wickedness with which that Holy War was in practice disgraced. A few schemers like Bohemond may have taken the cross with the ulterior object of overthrowing the Eastern bulwark of Christendom and of carving kingdoms for themselves out of the tottering empire of Alexius. But surely no such calculations animated the great mass of the Crusaders, good and bad. And surely, if arms are ever to be borne at all, the Christian nations of Europe were fully justified in drawing the sword to preserve the right of performing what they looked on as the holy work of pilgrimage to the Sepulchre of Christ. In so saying, we of course simply defend the principle of the Crusade. On the actual conduct of most of the Crusaders Sir Francis Palgrave may be as severe as he will.

We end our remarks with a feeling of real sorrow that nothing more from the same hand can follow this noble fragment. As critics we regret that it is only in a posthumous work that Sir Francis Palgrave has done his powers full justice, that we have had no opportunity of congratulating the living author on so brilliant a success, or of arguing out with him those points on which we still hold his views to be unfounded. We have endeavoured to treat the dead writer as we should have treated him had he still been spared to us. We have endeavoured to record our general admiration, our general agreement, and at the same time to point out the frequent exaggerations of Sir Francis's theory, and also to express our regret that one of the noblest of England's worthies has found at his hands a treatment so unworthy of his deserts. But if Sir Francis Palgrave has been cut off while the greater part of his task was still imperfect, he has left behind him hints which may make the fortune of more than one future historian. A full examination of the effects of the reign of William the Conqueror as compared with those of the reign of Henry II. would be a worthy subject for any one of the foremost of those true historical scholars who have at last learned to draw the knowledge of English history from the only sources where it can be found.

ART. II.—1. *A Dictionary of the Bible, comprising its Antiquities, Biography, Geography, and Natural History.* Edited by WILLIAM SMITH, LL.D. In 3 vols. London: 1863.

2. *A Cyclopædia of Biblical Literature.* Originally edited by JOHN KITTO, D.D., F.S.A. 3rd edition, greatly enlarged and improved. Edited by WILLIAM LINDSAY ALEXANDER, D.D., F.S.A.S. Vols. I. and II. A. to L. Edinburgh: 1862-4.

THE proverb which describes a huge book as a huge evil did not contemplate the case of dictionaries and works of reference; nor will any one be inclined to apply it to them, except perhaps the unfortunate student whom Dr. Smith invites in his Preface to read his three thick imperial octavos 'through 'from beginning to end.' We confess that even our own critical appetite has not enabled us to devour the whole of the six thousand closely-printed columns which compose the Dictionary of the Bible, still less the even ampler instalment of its yet more ponderous rival. With the latter, however, we have long been familiar in its original form; and with the former, of which we purpose more especially to speak, we have continued to make acquaintance since we noticed it last January, turning to it constantly, both as occasion required and as a systematic examination of its various departments has led us. Meanwhile we have given careful attention to the remarks of our contemporaries—some of them couched in terms we think of too indiscriminate praise—others of blame, which, though by no means indiscriminate, and evincing indeed in more cases than one a profound knowledge of Biblical subjects, has yet appeared to us far too sweeping and severe for the faults which have been either detected or alleged. But detailed criticism of a work like this is apt to involve a more than proportionate expression of censure. Having ourselves no wish to dwell on blemishes excepting so far as they affect the prevailing complexion of the book, we shall give to our own remarks a more general character, attempting rather to estimate the somewhat changed position which the Bible is now assuming in the economy of Christianity, and the help which the works before us afford to the devout and thoughtful student.

The revived study of the Bible in this country is one of the most remarkable features of our time, and one which is doubtless destined to be further and yet further developed. *Revived*

study we call it; but we pause over the expression, which in more than one aspect may be challenged as inaccurate and ambiguous. In one sense (and that the most important), the study of the Bible has never ceased to be eminently a characteristic of the English, and still more of the Scottish mind. In no nations of Christendom have the hearts and thoughts, the feelings and language, of the people been more profoundly influenced and moulded by it. And though, on the other hand, there has been till lately a marked cessation of that deep interest in Biblical subjects among the higher intellects of the country, which at a former epoch marked our literature (and it is in this sense that we hail the reviving study of the Scriptures), yet here too we can hardly defend our expression as a correct one. For the form which that study is now taking is absolutely new. It is a recent development—a growth (so far as this country is concerned) of the present generation. The Bible is now approached not merely as a manual of theological dogmas—not merely as a vast repository of texts—not merely even as a field in which accurate scholarship and varied learning may find their worthiest exercise in the elucidation of idioms and allusions. It is more justly viewed as an intricate combination of the most diverse elements—a complex collection of the records of a progressive Revelation, and of the utterances which that Revelation inspired; records, moreover, fragmentary and partial, and varying both in their minuteness of detail, and in their historical value, yet neither minute in proportion to their importance, nor historically valuable in proportion to their theological significance; utterances, again, devotional, didactic, poetical, and varying widely in the spiritual culture, if not in the degree of inspiration they exhibit, yet not varying always either in accordance with their place in the ascending series, or with the apparent qualifications of their authors. To estimate and use aright such a collection of writings requires care and judgment and discernment of a very different kind from that which suffices for the comparison and explanation of texts. And the attempt to do this is a novelty to the British mind, almost as great a novelty to professed theologians as it is to the public in general.

The very name of Bible (on which Mr. Plumptre has a good article in the Dictionary before us) bears witness to its peculiar character. *Biblia*—not only so called as being spontaneously acknowledged by the grateful reverence of the Church to be *the* book, unrivalled, unapproachable, but bearing still by the 'happy solecism' (as both Dean Stanley and Mr. Westcott have expressed it) of its singularised plural the indication of

that multitudinousness in unity, which it is no less essential to remember if we would estimate it aright, and which it has been too much the habit of Protestant theology to forget or to ignore; the *Books*, the *Scriptures*, the collection or rather aggregation of sacred writings, through which our Religion has been heralded and announced as well as set forth and developed—the *Holy Library*, as Jerome and others felicitously named it.

To trace the theological harmony and unity of the parts thus brought into juxtaposition has hitherto been too exclusively the favourite object of Biblical students—to keep out of sight or explain away the inequalities which betoken discrepancy of sentiment or doctrine—to fit a text from one book of Scripture into a text from another, maintaining the absolute sameness of their testimony or else their supplementary design—to draw further conclusions from their combined propositions—to merge as much as possible the human authorship, and insist on the Divine—to lead away the thoughts of the reader, after a brief recognition of the undeniable facts of date, origin, and particular purpose, and fix them on the central unity which pervades the whole collection.

We are far from intending to disparage the reverent care which loves to bring out more definitely this unique characteristic of the Scriptures. It is the appropriate work of devotional theology to do so. And thoughtful criticism on its part will always recognise the unity thus indicated—acknowledging a oneness of fundamental purpose, a harmony of testimonies, and, in a transcendental sense, a unity of authorship also. But we are sure that juster, truer, and even more reverent views of this great principle will be gained, if we recognise fully and intelligently, instead of grudgingly and partially, the human variety of the several parts of Scripture, observing not the fact only, but its necessary significance, and acquiescing in its legitimate and inevitable consequences. Then we shall see the utter fallacy—and more than fallacy, the mischievousness also—of that species of theology, still so common amongst us, which is manipulated by the use of a 'Reference Bible'—culling here a text from the Gospels, and there a sentence from Chronicles—here an aphorism of St. Paul, and there a dark saying from Ecclesiastes—here a devout aspiration of St. John, and there a prudential caution from Proverbs—and forming out of the combination a *tertium quid*, which is supposed to contain the true mind of Scripture. We shall be delivered, too, from that still more plausible and deeply-rooted persuasion which thinks to extract latent doctrine out of delicate shades of

phraseology, and regards Greek and even Hebrew scholarship as an engine for penetrating to occult intimations of divine truth infused by inspiration into the sacred text. Important, unquestionably, as is the most careful and rigorous philological criticism to the right understanding of Scripture, it can only be successful according as it deals with language as a thing essentially human, investigating therefore the forms of thought which characterise a people or a period, tracing the idiosyncrasies of a writer, and proceeding to estimate the doctrinal value of this or that expression according to the standing point of him who uses it, the peculiar colouring of his style, and the position which he occupies in the graduated development of revelation.

In proportion as we recognise the reality of an object or group of objects, so do we become more and more aware of those shades of distinction and subsidiary niceties of detail which invariably exist. The broad masses of colour which popular opinion ascribes to the Bible, the unfaltering outlines, the utter absence of relief, are phenomena never actually found in nature, either in the physical or the moral world. It is the same with the products of the spiritual world. We are learning now at last to apprehend a thousand marks of discrepancy, which it has long been thought a religious duty to overlook. And the recognition brings to our minds a sense of expanse, of reality, and of harmony of blended diversities which the opposite habit prevented our attaining.

Looking forth over the wide field of Scripture, we feel ourselves to be gazing on a vast and varied landscape, with its endless distinctions of shade and distance, its multitudinous details, its complex and delicate outlines crossing, interlacing, melting into each other. To trace out consistently all the lesser lines which mark the middle and the further distances would be a task of indefinite magnitude. On some few of these we purpose to dwell with the aid of the works which we are noticing. But before passing on to smaller matters, we desire to insist strongly on one broad distinction which is too often insufficiently attended to—the sharp, strong line (we mean) which marks the interval between the Old Testament and the New. Here are two regions widely and definitely separated. The one, though in some sense distant from us, belongs to the very plateau on which we are stationed, the remotest points of which are still not only comparatively near, but lying on the same general level, and geologically one with the ground beneath our feet. The other is like a vast extent of country lying stretched below us, and melting into the natural horizon.

That wide and far-reaching tract—the field of the Old Testament—is beyond comparison more varied and diversified in its parts and proportions than the upper and nearer regions which belong essentially to Christianity. It is in the Old Testament especially, that we trace that composite character of which we speak—which it is so fatal to a true comprehension of it to overlook, so foolish to disregard or to slur over. The interest which attaches to the Hebrew Scriptures, as a literary study, depends mainly on the recognition of this fact. It is chiefly because Christendom has shrunk from the recognition, that scholars and philosophers have been so averse in general to Biblical studies, neglecting to so surprising an extent a branch of knowledge which, independently of its doctrinal value, presents such peculiar charms to a thoughtful mind. And the interest now newly awakened in the subject is coincident accordingly with the newly developed sense of its diversity and range. ‘I gave up a book,’ says an eminent Oriental scholar, in his remarks upon the Bible; ‘I gave up a book, and found ‘a literature.’ And like all other instances where truth is brought out into greater distinctness, the result is gain for all to whom truth is precious—gain certainly, in this instance, immediate as well as eventual, in the department of Theology. The impression left upon the religious student by the contemplation of the Divine will so diversely manifested, working in many and successive modes, and deriving its objective unity not from a formal and monotonous sameness, but from the superintending laws of harmonious perspective, is far grander, far more satisfying, far more productive of faith and adoration, than the dull submission of the mind to the conclusions formerly imposed on it.

We may be pardoned for dwelling a little more minutely on the convenient and suggestive image which we have just employed. We remarked that in looking back on the field of Scripture we are surveying an almost boundless prospect (if the term may be allowed for what is a *retrospect* in reality)—a prospect bounded only by that beginning of the heavens and the earth which form its ultimate horizon. It will hardly be questioned that the beauty of this prospect, as well as its interest and instructiveness, is enormously enhanced by the analysis of it. But such an analysis cannot but modify many of the impressions which first strike the beholder, especially when it is conducted with the aid of the delicate instruments which modern science is ever bringing nearer to perfection. As we concentrate our attention on this point or on that, we see apparent masses broken up, unsuspected intervals revealed, relative positions

materially modified. Here a tract of forest is resolved into glades and groups of scattered trees; there a faint ridge of land discloses many minor outlines, interlacing, overlapping, receding from each other. Here a pile of building is perceived to have no connexion with the edifice of which it seemed to form a part; there a supposed obelisk on the hill-side is discovered to be the top of a spire rising from the nearer valley. And what the telescope reveals may be tested and followed out in detail by engines of yet more powerful agency. A really good Dictionary of the Bible supplies us with a whole apparatus for examining the vast and complex field of view before us: the alphabetical arrangement affording this convenience that we are thereby enabled to turn our telescope at will upon any minutest portion of the field. Nor, as we have said, is the process of observation confined to the telescope alone. In many respects it has a still higher and more scientific value—like the use of the sextant and the theodolite upon bases carefully and exactly measured. Indeed, there is a close analogy between these processes and those of analytical criticism. The exact measurements, the angular observations, the calculations by sound, the far-flashed signals of the geometrical surveyor, find their parallel in the investigations of the critic. He too selects the points of vantage ground, measuring and ascertaining the indubitable, and thereby estimating the doubtful and unknown; observing and registering coincidences and divergences both of statements and of phraseology; comparing the inward sentiment with the outward expression of it; and by the application of the rules of evidence, the laws of thought, and the principles of language computing distances and intervals, whether between the reader and the narrator, or between the narrator and the fact. Such being the case, we are put by a good Dictionary in possession of observations already made, of the registered calculations of experienced surveyors: we are invited also, and assisted, to employ the same processes ourselves, and to verify, correct, or carry further (if our ability permits it) the conclusions which others have arrived at. And whatever errors these computations in some cases involve, whatever imperfections necessarily adhere to every human instrument, whatever difficulties and acknowledged uncertainties remain after all, and must remain to the end in some regions of research inaccessible to human scrutiny, it is in vain to deny that enormous progress has been made both in the construction and in the use of these implements of observation; and that an enormous increase to our knowledge has been realised—knowledge fairly comparable, though under narrower limitations, to that which is gained by



engineers and chorographers by a systematic survey from a carefully-measured base.

Whether the volumes before us are all that they might be, and all that they claim to be, is another and distinct question. But that they possess high merit is at least indisputable. Nothing equal to them is to be found in other countries. France is still contented with improved and enlarged editions of Calmet—that especially which has been issued by M. Migne in his gigantic ‘*Encyclopédie Théologique*’—a work which, though incorporating many of the researches of Oriental travellers and scholars, scarcely ventures on some timid advances in the departments of scientific illustration and of Biblical criticism. There are doubtless many scholars in France eminently fitted for the task required. But, as Credner has truly observed, ‘the unchangeable decrees of the Council of Trent hinder all free, critical, and scientific treatment of the subject’ in the Roman Catholic Church; and any united action of French Protestants for the purpose seems very unlikely at present. Even in Germany the want still remains. Winer’s ‘*Biblisches Real-Wörterbuch*’ is still (we believe) the last and best attempt to supply the deficiency. But highly and deservedly as this is esteemed by scholars, largely as it has contributed to the execution of the works before us, and favourably as it often contrasts with both of them, not only in comprehensive grasp, but also in the less usually German excellences of terseness and decisiveness, it lacks both the range and the completeness to which these works aspire, and which was claimed with some justice in comparison with it even twenty years ago for Kitto’s ‘*Cyclopædia*.’

But if these volumes be in some respects a proud trophy of British scholarship and judgment and enterprise, we cannot pretend that the learning which they embody is drawn chiefly from native sources. On the contrary, both the impulse and the guidance come in much the largest measure from Germany. In the case of the ‘*Cyclopædia*,’ a considerable number of the actual contributors are German; and in both books, indeed, more especially in the Dictionary, it is to German scholars and German thinkers that by far the greater part of the critical information is due. What our own country has contributed, except in some noticeable departments, is mainly the strong good sense, the practical tact, and the power of sifting cumbrous heaps of learning, which has reduced whole libraries to an available compass, and made accessible to ordinary students what none but the few could attain before, and they with prodigious labour. And if this practical good sense is some-



times accompanied also by too strong and decided a conservative leaning, we must not quarrel with that which is eminently an English characteristic also, and one which fulfils so important a purpose in the economy of Christendom.

The most casual examination of these volumes will show the supremacy which the great German authorities have acquired among well-instructed English theologians. Indeed, the progress of Biblical studies amongst us during the last thirty years has been commensurate with our increasing acquaintance with German divines—an acquaintance hardly begun when Dr. Pusey wrote his famous manifesto, carried on, under much obloquy, by Hare, Thirlwall, Milman, and Arnold, conciliating gradually a more favourable notice in the hands of Trench, Alford, and Stanley, and harmonised with a stricter Anglicanism in Ellicott; while its influence among Dissenters, encouraged by the example of Dr. Davidson, has been promoted also by the exclusiveness which drove them to the German Universities, and has been extended further among all denominations by the cheap translations published by Messrs. Clark of Edinburgh, till at last it has pervaded every section of the Church in Britain.

The accelerated growth of German influence amongst us is also due in great measure to the position occupied of late in their own country by such critics as Hengstenberg, Kurtz, Keil, and Delitzsch, who have conducted an extensive, and, in some sense, wholesome reaction from the rash and too often irreligious speculations of many who preceded them. And it is in this sense, we suppose, that by a claim literally rather than substantially true Dr. Smith professes to give his readers the results of 'the latest investigations of the best scholars.' How far this reaction has gone in Germany may be best estimated, we suppose, from an examination of Herzog's 'Real Encyclopædie,' just completed. That it is both real and extensive there can be no doubt; nor, though it is due in great measure to political causes, are we disposed to underrate its importance in a higher aspect. Still we cannot believe that the present state of German opinion on Biblical matters is to be accepted as the nett result of the critical labours of the last hundred years; nor that its permanent continuance is either possible or desirable. Meanwhile in England it has certainly facilitated the spread of an influence which here at least assumes the form of progress. An English disciple of Hengstenberg writes in quite a different tone and with quite a different object from Hengstenberg himself; and even when standing at the

same point as his master, must turn his face in a very different direction to address an English audience.

In comparing the two works before us it would be unjust to forget what is due to the 'Biblical Cyclopædia' as the first in the field. It is now twenty years since the first edition of the 'Cyclopædia' was brought out by the late Dr. Kitto, being perhaps the most useful and valuable of the many productions of that remarkable man. He had obtained the assistance of several respectable and some eminent scholars and divines of both kingdoms and of various denominations of Great Britain, of others from America, and lastly, of some of the principal Biblicists of Germany, including Ewald, Hengstenberg, Hävernicks, Tholuck, and Credner. And the result, though very unequal in merit, and in some points decidedly weak, was, on the whole, of great value, supplying to the candid reader help which he would vainly seek in the best of the recensions of Calmet, English or foreign. The work of Winer supplied to a great extent the model of the undertaking; and Dr. Kitto, while ably fulfilling the editorial duty of furnishing what his colleagues did not provide, abstained (and, as we cannot but think, wisely abstained) from harmonising the opinions of the contributors, and reducing them to his own theological views. The book, accordingly, though undeniably discordant, and (as we have observed) weak also in various points, was such as to cause an enormous impulse to the study and knowledge of the Bible, and soon acquired a position which till lately it had maintained without a rival.

Now, however, that Dr. Smith's Dictionary is completed, we cannot hesitate to acknowledge its decided superiority to its predecessor. Though confining himself almost entirely to England, and within these local limits to clergymen for the most part of the Established Church (balanced, however, by a lay element, of the utmost importance to the general result)\*, Dr. Smith has secured the aid of a body of contributors who, for the purposes contemplated, have done almost all that could be wished. This is the more creditable to England and the English Church, and the more promising for the future, because (truth to say), with the exception of some fifteen or twenty, the contributors were not especially marked out for the task assigned them. The names of these excepted chiefs

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\* The following is, we believe, a correct classification of the contributors:—47 Anglican clergymen, 2 Scotch Presbyterian do., 1 Dissenting do., 4 American do. 1 Jew, 10 Protestant laymen, 1 Roman Catholic do.

will readily occur to all who read the list prefixed to the volumes, and among them assuredly must be placed the Editor himself. Dr. Smith has exercised his office in a much more thorough way than Dr. Kitto, yet without the unfortunate consequences which might have been apprehended. A learned and accomplished scholar himself, he has also brought to bear on the present work the fruits of his large experience in similar though less grave undertakings; and we see in the result the effects produced by consummate judgment and prudence. We cannot profess to have any personal knowledge of the secrets of his editorial closet, but knowing how much depends on the arrangements and distribution of a composite work like this, and how much may be done imperceptibly by editorial suggestions and counsels, we cannot but admire the forethought and skill by which so general a harmony has been secured. That very wide differences of opinion exist between the contributors is abundantly evident from the mere mention of their names; but inconvenient collisions are prevented by a skilful distribution of the parts. Sometimes indeed, even now, a simple reader is perplexed between the doctors whom he finds disagreeing in the columns of the same learned oracle: as when, after being convinced by Mr. Twisleton (art. 'Shiloh') that the popular interpretation of Jacob's prophecy is untenable, he finds (in art. 'Saviour,' followed by that of 'Prophet'), that the prediction thus interpreted is 'a great step made,' the 'first case in which the prophecy distinctly centres in one 'person:' or, as when Mr. Twisleton, on his part (art. 'Tyre,') maintains the late date of Job and of the second half of Isaiah in opposition to the writers of the articles on those books. More important discrepancies on far graver subjects come also sometimes to the surface, involving the questions of inspiration, tradition, modes of spiritual agency, and the relation of Judaism to Christianity: and these differences, while approaching perilously near to a contradiction in terms, are also sometimes brought into perilous juxtaposition by the alphabet, or actually confront one another on the same page, as in articles 'Micaiah' and 'Michael.' Still Dr. Smith has succeeded on the whole in producing a general coherency and agreement sufficient for all practical purposes. He has also discharged admirably that other office of an editor of which we spoke just now—the office of furnishing the connecting links, filling in the gaps, and supplying the articles which were overlooked in the general distribution of parts—a thankless office, for the most part, and a weary one, but which it is highly important to perform efficiently. In this he has had the able assistance of

Mr. Grove, of Sydenham, whose contributions far exceed numerically those of any other writer in the Dictionary, and whose more important articles are among the very best which it contains; and the co-operation also, in the later part of the work, of Mr. Aldis Wright, the librarian of Trinity College, Cambridge, whose learning and accuracy make him a useful ally, though his own contributions are sometimes dry and ponderous.

Meanwhile the well-deserved reputation of 'Kitto's Cyclo-pædia,' and the desire of bringing it up to the level of the present day, has induced the proprietors, Messrs. Black, to issue a revised edition, which they have confided to the care of Dr. W. L. Alexander, of Edinburgh. We have here the first two volumes, issued in a still more gigantic shape than Dr. Smith's, and reaching as yet only to the letter *L*, with the promise (though one which we think scarcely possible to perform) of completing the work in one volume more. In this new edition the articles on Egyptian and Assyrian Antiquities have been almost wholly re-written; as have also for the most part those on the Geography of the Holy Land; chiefly by two of Dr. Smith's own contributors, Mr. J. L. Porter and Mr. Stanley Leathes. And if, notwithstanding the very great improvements effected here, we can hardly allow that these departments have equalled Dr. Smith's, we must concede a counterbalancing superiority in another class of articles which have also been entirely re-written, those which treat of Jewish antiquities and embody Rabbinical and Masoretic lore; some of them by the learned Editor himself the greater part by a scholar favourably known to the public already by his works on the Megilloth, Mr. C. D. Ginsburg. Wisely resolving also to avoid too close a competition with his formidable and well-furnished rival, Dr. Alexander has carried out more fully the original diversity of the two works; and leaving to the Dictionary an acknowledged superiority as such, has enlarged his own department of 'Biblical Literature,' adding to Credner's and Davidson's articles on 'Biblical Criticism,' 'Introduction,' and 'Interpretation,' a series of notices on eminent commentators and critics; which, though occupying too much space already, and ever tending to claim more, is highly appropriate and useful. On the other hand, a part which is little altered, and when altered not always we think for the better, is that which consists of introductory articles to the various books of Scripture. More should have been done to bring these up to the level of the day. It was a homage justly due to the respected memory of Hävernicks to leave his contributions (those on the Pentateuch) unaltered, but living writers might in all cases have revised their articles with advantage.

This Dr. Davidson has done for his part, with his usual exactness, in his notice on the Chronicles; in which as well as in a new article on the book of Ezra, he has been allowed to speak with entire freedom, not (we hope) as a preparatory compensation for the loss of his old subject, the 'Revelation.' Dr. Hengstenberg's article on Ecclesiastes (in which less than any other of his we saw necessity for change) has been replaced by a more elaborate one, nearly to the same effect, written by Mr. Ginsburg; and the Book of Lamentations receives a fuller and better treatment than before, from Mr. Deutsch. The concessions made to historical criticism are almost imperceptible; in some cases the present Editor shows a more decided opposition to its claims than his predecessor.

Nor is it only in the department of Introduction that the reactionary tendency of this new edition is displayed. Under the revising hands of Dr. Alexander, we lose a large portion of the more liberal articles which characterised the first edition of the work. We are sorry to exchange the clear and manly statements of the late Professor Powell on the facts of physical science for the elaborate attempts of Dr. Mc'Causland and others of the same school to prove that the statements of Moses and other sacred writers 'comport, with admirable precision, with the profoundest scientific conceptions of modern times;' and we regret all the more the cancelled article on the 'Lord's Day,' when we observe the ominous reference to 'Sabbath' which takes its place. On the other hand, the Editor has preserved the article on 'Inspiration,' which was one of the weakest of the contributions to the first edition imported from America, and represents a phase of opinion which thoughtful divines, even in Scotland, have begun to feel and confess is no longer tenable.\* Dr. Smith, happily, has committed himself to no such line of argument, and it is well, probably, that in the present state of opinion he has forbore to introduce any article on Inspiration at all.

Before we proceed to follow him in his survey of the several books of Scripture, we may be allowed a few prefatory remarks. We protested in a recent Number against the assumption popularly made that the ancient Jewish Scriptures were

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\* The reactionary character of the present edition may be seen especially in the following articles, some of which, however, we do not deny, are improved in other respects. *Accommodation, Antilegomena, Canon, Chaos, Circumcision, Creation, David, Deluge, Demon, Demoniacs* [retained under a protest from the Editor], *Esther, Firmament, God, Hagiographa, Heavens, Hellenists, James, Jehovah, Joshua, Jude, Law, Logos, Longevity.*

purposely and expressly adapted by Divine wisdom to the wants of the whole human race; that their teaching was not only adjusted to the capacities and circumstances of the Jews, but intended also to be a constant and essential element in Christian doctrine, furnishing an indispensable groundwork of primæval truth, and claiming coextensive (though subordinate) authority with the precepts of the Gospel itself. Recognising equally with our opponents the Divine origin and authority of those Scriptures, we conceive their use to be limited nevertheless by the conditions of their acknowledged purpose; and that the very peculiarities which fitted them for the part they originally fulfilled, disqualify them without special adjustment for universal application.

The writers of the canonical books, though divinely commissioned and supernaturally qualified to instruct the men of their own time and nation, were left nevertheless to their own resources in all departments of ordinary knowledge, including the knowledge of events and incidents. They depended, even for contemporary history, on the best information which they could obtain; and for bygone times they drew their knowledge from such oral or documentary channels as preserved and conducted the memory of the past. The area of their inspiration extended only to the doctrine which they had to deliver; and, in dealing with history, only to the spirit, the judgment, the mind with which they regarded the events they commented on, and applied the existing records to the instruction of their hearers. Inspiration did not imply a clairvoyant acquaintance with transactions and circumstances remote from the range of their natural faculties. These conclusions, in which thoughtful men are continually inclining more and more to acquiesce, are strictly in harmony, we believe, with the claims and assertions of Scripture itself. The position which we maintain admits of ample illustration from the earlier sacred history; it finds its culminating exemplification in the Apostles and Evangelists, whom all Christians agree in regarding as the highest adducible instances of inspired men. How then are we derogating from the inspiration by which prophets or sacred chroniclers spoke, if we deny that there is sufficient reason (still less any religious obligation) to suppose that the facts on which they comment, the events which they record, the recollections of the distant past by which they enforce or illustrate their precepts, were certified to them by divine light, or guaranteed to all ages as absolutely and unquestionably correct? We believe, for our own part, that such records and statements are freely open to

criticism; that we are perfectly at liberty as Christians, and indeed should be at liberty as Jews, to subject them to the keenest scrutiny, without invalidating the claims of the writers to inspiration, even when forced to question the accuracy of their statements—or, indeed, when convinced of their inaccuracy. Prove that such and such facts were beyond the scope of the sacred writer's knowledge, whether in science or in history—that even when satisfactory to himself the sources of his information did not deserve the implicit credence of others: and errors of statement or conception on his part, as they will detract nothing from his truthfulness of purpose, so neither will they shake our belief in his inspiration, nor lessen the reverence due to the religious teaching of which those statements were the occasion and the vehicle. Were it not for this persuasion, we should shrink from challenging any assertion, however trivial, which is contained in the Scriptures. But armed with this principle, we see without dismay the necessity for doubting or qualifying many parts of the Biblical narratives, as well as for canvassing the received authorship of several of the Scriptural books.

The subject of the Mosaic writings is first in importance as in order. We admire the candour, ability, and extensive knowledge of his subject with which Mr. J. Stewart Perowne has treated this weighty matter, especially in his concluding article 'Pentateuch,' conceding as he has done so much to the just claims of criticism, while maintaining on the whole an essentially conservative position. Such articles as the one we speak of, and even, to a certain degree, those on the five Mosaic books, would have raised a few years ago a perfect storm of alarm and indignation. We rejoice to see an acknowledged member of the Evangelical school venturing to look such questions in the face, and not only rising above the prepossessions of his party, but eschewing the elaborate evasions and mystic dogmatism of Hengstenberg. He fully and fairly allows the composite nature of the Pentateuch, and the certainty both that it was originally in part a compilation, and that it has undergone various recensions and additions since its first appearance. If we do not altogether agree with his conclusions as to the proportion in which the books are to be ascribed to Moses himself, we value his articles none the less on that account, believing them to be most important indications of what has been established already, and serviceable contributions to a discussion which must continue to be carried on, though it may never admit of a complete solution. Perhaps it may never be possible to decide indubitably when or by



whom the Pentateuch, either in its present or its primary form, was committed to writing. But in the face of this uncertainty it is much if we can satisfy ourselves how little such uncertainty affects the value of the book as a religious manual, when the true limits of its use among Christians are understood. Indeed, if we were obliged to accept the hypothesis that it is only in an oral form that any strictly Mosaic element has been preserved, the marvellous fidelity with which ritual, legislative, and didactic formularies have been transmitted in other cases through an hereditary priesthood (though without the guarantee of perpetuity which attends divine truth), would be almost as great a security to us as writing itself for the correct preservation of those essential parts. If the narrative parts have not been equally safe from traditional enlargements, we must bow to the laws which govern the world, and thankfully remember that our faith as Christians is not bound up with the details of Israelitish history.

The pre-eminent importance of the Pentateuch and of the questions respecting it, makes the date and authorship of the Book of Joshua comparatively unimportant, except, indeed, (and this is a weighty consideration) in so far as it bears upon and illustrates the former problem. But in the Book of Judges we enter on ground distinctly separate and more ascertainable. Here we have an undeniable instance of a narrative, or series of narratives, compiled long after the events; and one, also, for which the most tenacious critic will hardly claim the authority of contemporary chronicles, incorporating though it does some most precious fragments of undoubted antiquity. The article upon this subject in the Dictionary, mainly following Bertheau, is a fair and reasonable one. Yet it hardly does justice to the exceeding interest which attaches to this portion of Scripture. The Book of Judges would have been better treated by one who was investigating seriatim the sources and the character of all the historical Scriptures. Here, if anywhere, we are enabled to penetrate to indubitable elements of antiquity, to obtain some unquestionable data concerning the condition, the ideas, and even the language of the Israelites before their consolidation under Samuel, and thus to obtain a basis for exploring matters of more doubtful certainty, a criterion whereby to estimate the dimmer objects and distances beyond.

With the Books of Samuel opens a new era of the Hebrew annals. We have already expressed our admiration of the ability and acumen with which Mr. Twisleton has handled this

subject; and we cannot but add our regret also, that this is the only article belonging to the department of 'Introduction' which has fallen to his share. A layman possessed of the requisite learning, and qualified in other respects for the task, has advantages over clergymen which no honesty of intention on the part of the latter can altogether compensate.

The fundamentally historical character which Mr. Twisleton claims for the Books of Samuel belongs still more undeniably to those of Kings. Throughout this period we are resting, without doubt, on the authority of contemporary records, though the date of the compilation as it actually stands, and the amount of license which the compiler allowed himself, are matters which involve points of great difficulty. Lord Arthur Hervey's article on these books is a good specimen both of the merits and the peculiarities of that eminent clergyman, and furnishes a satisfactory supplement to the very insufficient notice of the Chronicles which he contributed to the first volume. He gives a fair and candid estimate of the way in which the compilation grew; though maintaining, we think, much too confidently the Rabbinical tradition that Jeremiah was the compiler; and his revolutionary boldness in matters of chronology and genealogy, and the readiness with which in these matters he supposes the sacred text to have been handed over to the mercy of empirics, contrast rather strangely with his belief in the absolute impeccability of the narrative, and with his exalted idea of the divine purpose which has both produced and preserved the entire volume of the Hebrew Scriptures.

After a period of so solid an historical character as that of the Kings, illustrated too so fully during the most important part of the time by the contemporary utterances of the Prophets, it is strange to come once more upon uncertain ground at the epoch of the Captivity. But the way in which the Books of Daniel and of Esther are to be regarded is so obviously questionable, that the question was raised even in the Jewish Church, and has been revived whenever there has been a revival of criticism. The case of the former book has been stated by Mr. Westcott in the Dictionary before us, with a strong conservative leaning, and not altogether with his usual fairness and judicial exactness; that of the latter by Lord A. Hervey with a still more settled determination to uphold the popular view. We cannot say that we are convinced by the calmer or the more eager arguments of either; and we believe that were the same measure meted to a Scriptural as to a secular book, no doubt would remain in the minds of competent critics that

neither of these narratives is contemporary with the events related. But two considerations prevent a dispassionate judgment on this matter; and the considerations deserve our respect, though we believe the apprehensions which accompany them to be wrong. First, it is felt that if these books be not contemporaneous history, they are not to be accounted history at all. They cannot be regarded like those earlier Scriptural narratives where the authors committed to writing what 'they had heard with their ears, and their fathers had declared unto them, the noble works which God had done in their days, and in the old times before them;' and in which the action of the imagination, either on the writer's part, or such as had been incidental to the transmission of the story, was wholly or almost wholly an unconscious one. In the Books of Daniel and Esther, if they be not exact and authentic history, imagination must have played a mere deliberate part. And this is a conclusion from which good men naturally shrink with alarm. Again, is not the authority of Christ himself pledged to the genuineness and the veracity of these books, to that of Daniel expressly, to that of Esther by implication with the other Scriptures? and ought not this to be abundantly conclusive against all the doubts of critics? Now, with regard to this latter consideration, we cannot admit that in any case the citation by our Lord of a Scriptural book for its moral, its doctrinal, or its prophetic teaching, can justly be understood as a general voucher for its historical accuracy or its reputed authorship. And furthermore in the present case (and this is our answer to the first objection also) it is most important for us to observe that the books in question belong to that part of the Jewish Scriptures known as the *Cetubim* or *Hagiographa*—a portion definitely distinguished, not only from the Prophets properly so called, but also from the historical books (including those of Kings) which by the same classification were ranked among the prophetical writings.

We have no wish to revive or to advocate the old Rabbinical theory that a lower degree of inspiration must be assigned to the *Hagiographa*; nor do we forget that in this division are comprised the eminently prophetic Psalms, and the simple authentic narratives of Ezra and Nehemiah. But we strongly assert nevertheless the peculiar liability of books in this division to challenge and discussion; and the fact that the Book of Daniel was placed in it, while Haggai, Zechariah, and Malachi are placed among the Prophets, is indisputably a most significant distinction. Why are narratives to be set down as history which perhaps were never intended, and never at first taken for

such? Why are we to suppose, as Mr. Plumptre well asks (art. 'Ecclesiastes'); 'that the inspired writers were debarred from 'forms of composition which were open without blame to 'others?' Why are we to regard as abhorrent from Canonical Scripture all exemplification of that tendency which Lord A. Hervey himself (art. 'Kings') points out as a characteristic of the Jewish mind?

It is one of the weak points of the ordinary Protestant system, that, throwing as it does such enormous weight upon the received Canon of Scripture, it yet gives so little heed, and allows so little interest, to the question of the composition of the Canon, and to the phenomena there presented. Mr. Westcott is doing eminent service to the Church in England by the attention he is drawing to the subject. We ourselves cannot but regard the ordinary Protestant view of the Old Testament as an exaggerated one. But all recognition of the Jewish Scriptures as exceptionally sacred implies a peculiar deference to the judgment of those who formed the Jewish Canon. The more therefore the object and result of that judgment are exalted, the more should it be considered and respected in its minor details also.

Now, surely, in this aspect, the distinction established from the first between the three divisions of the Hebrew Scriptures, and confirmed by Apostolic usage, becomes of the very greatest importance to us; and the loss or deliberate disturbance of that distinction in the Bibles of Protestant Christendom is a serious evil. We are in danger of mistaking the very nature of the books we revere; and this, by our own neglect or removal of the ancient landmarks. Nothing is more easily misapprehended or forgotten than the object of a writer in composing a book, or the views taken of it by those who put it into our hands. A parable, an apologue, an allegory, may readily be stiffened into matter of fact by the mistaken apprehension of over-reverence, till we are in danger of exposing to the charge of forgery one whom we have misunderstood through our very eagerness to pay him honour.

Nor is it only the separation of the Hagiographa from the Law and the Prophets, which shows the thoughtful spirit which presided over the settlement of the Canon, whether that were the work of one or of many generations. The alterations and adaptations of the sacred text which were then made, or then at least confirmed as valid, indicate an estimate of that text very different from the superstitious notions which subsequently prevailed. We feel what delicate ground we are touching on here, and we forbear to go farther. But this, at

least, we may say, that every proof of discrimination and discretion, exercised by those earlier Doctors of the Jewish Church, is of peculiar importance as a justification and encouragement of the exercise of sound reason now; it assists the emancipation of theology from hurtful trammels, under sanction of that very respect which is due to sacred antiquity.

There is one book of the Hagiographa to which these considerations give peculiar importance, a book of which the ancient (and as it seems the original) estimate has been well-nigh lost by later generations. We speak of the Book of Psalms. Few of the laity are probably aware, and even of our clerical instructors few care to remember, that this familiar and dearly-prized part of Scripture was originally divided into five portions or books. Still fewer know what significant results are deducible from this division. It is a division wholly lost sight of in the vernacular versions and ecclesiastical arrangements of the Psalter; lost sight of too, apparently (for all popular purposes at least), before the Christian era. And yet we are justified in speaking of it as the original division. Its antiquity is unquestionable and unquestioned, far more than that of the titles prefixed to the Psalms. It is not only recognised by Christian Fathers and Jewish Doctors, not only (like the superscriptions) traceable still in all existing versions, the Hebrew and the LXX, as well as all subsequent translations, but it is indelibly impressed on the most ancient text at once by the established order of the Psalms, and by the doxologies with which the five books are severally concluded—those doxologies, namely, which occur at the end of the 41st, 72nd, 89th, and 106th Psalms, the points which we know from independent sources to have been really the points of division. Now were this all that could be said, we might merely regard these lines of distribution as conventional or convenient breaks, like those in the Anglican Prayer-book, or in the ancient Ferial uses of the Latin Church; and adapted, perhaps (as has been suggested), to the fivefold division of the Pentateuch. But here is the importance of the phenomenon. Of the books thus marked off, the first (reputed to be wholly the work of David) is characterised by the almost exclusive use of the word Jehovah as the name of God; the second (even in the Psalms which are ascribed to David) by an almost equally preponderating use of the name Elohim; the third is composed of two portions, between which the very same distinction exists as between the two preceding books, only in a reverse order, and in a somewhat modified degree; while in the two last books, both professedly of more miscellaneous authorship, and both

of them exclusively Jehovistic in their phraseology, the fourth begins with a reputed Psalm of Moses, and ends with one evidently written during the Captivity, while the fifth still more evidently consists in great measure of Psalms composed after the return from Babylon, and exhibits other marks besides of a late place in Hebrew literature. It is true that when we come to interpret these phenomena, so many complications present themselves, that it is impossible to be satisfied with what at first sight promises to be an easy solution. But the phenomena are in themselves so remarkable, that they cannot have been accidental. Are these divisions due to the arrangers of the Canon, sorting the Psalms on some systematic plan? or do they rather betray the previous existence of separate collections ultimately combined? And, on either hypothesis, are we to seek the key of the arrangement in chronological order, in diversity of authorship, in diversity of purpose, in local differences, or in differences of theological opinion? All these theories, or modifications and combinations of them, have been suggested; the question in debate being still further complicated by the doubt what authority, or whether any authority at all, is to be conceded to the superscriptions of the Psalms. Mr. Thrupp, who has treated the subject in Dr. Smith's Dictionary, maintains with Hengstenberg the entire trustworthiness of the superscriptions, but with this singular, and (as we think) quite untenable proviso, that a psalm may be understood to be the production of the descendant and representative of the author designated: so that as a 'Psalm of Asaph' may be really the composition of the Levites of Asaph's family, so a 'Psalm of David' may be taken (when requisite) to mean a Psalm of the heir and representative of David for the time being—Hezekiah, for instance, or Josiah, or even Zerubbabel! Allowing himself this license, Mr. Thrupp takes chronological order as his guide throughout in his survey of the Psalter, regarding the first book as David's own collection—the original book of Psalms—provided by him for the service of the tabernacle; and the other books as compiled under Hezekiah and Josiah, during the Captivity, and after the Return. On almost all of these points we are entirely at issue with Mr. Thrupp, whose brief running commentary also on the whole series of Psalms is far more ingenious than satisfactory. But we rejoice to see such indications of the attention which this portion of Scripture is attracting to itself.

The writings of the Prophets, if they do not open such a field for venturous and reconstructive criticism, yield still ampler materials for solid historical conclusions; as Ewald

above all other writers has shown. Even German analysis has here found little to destroy, though much to set in a new light, and illustrate by suggestive combinations. Breathing the atmosphere of a higher spiritual level than in the earlier books of Scripture, we find ourselves also moving here in the element of unquestioned and unquestionable contemporaneous evidence. A doubt may sometimes be raised whether the usual and received date of some prophetic book be indeed the right one, or the position assigned to its author be indeed what he really occupied; but there is seldom a doubt in any case that the words which we read came straight from the personal experience of the writer, and were addressed to his own generation amidst dangers or under chastisements which actually drew forth the inspired message. Even in the case of Isaiah and Zechariah, the discussions which are raised concerning the integrity of the books do not challenge their prophetic character, but rather seek to recover the true standing point of the writer by pointing out the signs which indicate his epoch and his circumstances. With regard to the Book of Zechariah, the difficulties about which are really great, and have been well stated by Mr. Perowne, the consequences depending on the alternative are of smaller amount. But in that of Isaiah we cannot but think that the theory which assigns the chapters from the fortieth onwards to a prophet of the Captivity is not only borne out by the strongest internal evidence, but adds double beauty and force to those sublime and pathetic strains, giving them an appropriateness which on the popular hypothesis is palpably wanting, and bringing them into harmony with the known laws of prophecy, while it in no way detracts from the Evangelical tone or the Messianic import of the whole. Mr. Huxtable's article on this subject in the Dictionary seems to us singularly undiscerning and inconclusive, while it is far too lengthy and rhetorical in its summary of the contents of the book. The rest of the series on the Prophets, of which Mr. Wright's contributions are the most learned, and Mr. Farrar's article on Ezekiel (though palpably defective) is perhaps the most interesting, are more or less useful and instructive, but call for no special notice. Here again, as in the historical books, we feel the want of a uniform treatment by a single hand, to trace out and compare the pervading elements, and to follow the varying exigencies of the prophetic office—now in alliance, now at issue, with the Levitical priesthood—now urging resistance now submission to the Assyrians and Chaldees—while under their touch the conscience of Israel expands and develops, and clearer views open out before the chosen race of their high vocation in the



future. Such matters are but slightly touched upon in these unconnected notices, and the defect is ill supplied by those who have executed the articles on 'Prophet' and 'Messiah.' One book of the series forms an obvious exception to what we observed just now about the Prophetic writings—the Book of Jonah. It is exceptional on any hypothesis, in its form and character; and also (as sober criticism convinces us) in its authorship and date. The article upon it in the Dictionary is an unsuccessful attempt (and a far weaker one than that which is made in the Cyclopædia) to controvert the conclusions which are suggested at once by the laws of nature, by Scriptural analogy, and by internal evidence. Though brought into conflict apparently with the judgment of the authors of the Canon, we are forced to believe that the proper place for this book was in the Hagiographa, among writings framed by pious men upon the basis of a traditional story.

We will not dwell long upon the biographical articles of the Dictionary. They are constructed for the most part on the principle that such notices ought not to be encumbered with the critical examination of the Biblical narratives, and that the writer's only task was to present a clear and careful *resumé* of all which can be learned from Scripture of the persons whose life they relate, elucidated and set forth by all the light procurable. The distinctness and coherence thus obtained are in some cases very remarkable; and while the leading characters are thus elaborately dealt with, care has been taken also not to omit any name however trivial and obscure, down to the twenty-one Meshullams, and the twenty-five Shemaiahs. Amongst those of greatest merit we would more particularly point out the biographies of Moses and Samuel, contributed by Dean Stanley—vivid sketches, which he has repeated at greater length in the first volume of his *Jewish Lectures*; as also those by the same author on Saul and David and some of their contemporaries and successors, which make us look forward with increased interest to his forthcoming second volume. In this latter cycle of lives he has been ably seconded by Mr. Grove, whose articles, moreover, on Elijah and Elisha (with the slight but significant critical observations introduced) are worthy of special notice; as also that on Ishmael, son of Nethaniah, by the same writer, which the Editor justly cites as an instance of the successful use of scanty and scattered materials in the construction of a vivid and accurate picture. Among the New Testament characters we are more particularly pleased with Mr. Davies's article on St. Paul, well seconded by the minor contributions (biographical and geographical also) of

Dr. Howson, the Nestor of this department of Biblical knowledge. Nor can we pass over Dean Stanley's remarkable article on Stephen, especially his comments on the martyr's speech, and his felicitous notice of the precedent there furnished by Scripture itself for the free treatment of the subject matter of Scripture narratives.

We now come to those departments in which English learning has an independent standing, and in which this country has been the instructor rather than the pupil of Germany; the departments of Geography, Oriental Learning, Monumental Researches, and (to a certain extent) of Science and Natural History. It is this portion of Dr. Smith's Dictionary that has assuredly the greatest absolute as well as relative value; unless it be that subsidiary department which treats of Texts, Versions, and Translations. We regret that we cannot notice more at length the learned labours of Messrs. Deutsch, Plumptre, Selwyn, Tregelles, and Westcott. Of these the most remarkable are unquestionably those of Mr. Deutsch and Mr. Westcott. The article 'Vulgate,' by the latter, is a masterly and exhaustive account of an elaborate and ungrateful subject, which has hitherto escaped the researches of German scholars, though of great moment in the textual criticism of the Bible. Mr. Deutsch's contributions on 'Samaritan Pentateuch' and 'Targums' are open to even higher praise. They combine a new and thoroughly original treatment of subjects on which hitherto each successive writer has been content to follow Gesenius, or still more ancient guides, with a freshness and vigour quite without parallel in the whole range of similar investigations abroad or at home. His description of the Methurgeman (p. 1639) is quite a resurrection, and his examination of the personal existence of Onkelos an admirable piece of historical criticism.

The geographical articles are worthy of all praise. They are based for the most part on the conclusions of Dr. Stanley, and other able and discerning English travellers who have continued and improved on the researches of Dr. Robinson. And they are written almost wholly by men who take rank among those travellers, Dr. Stanley himself having contributed two or three, and the others having been added principally by Messrs. Porter, Ffoulkes, Bonar, and Grove. Of these the latter gentleman occupies the chief place, not only as the largest contributor, but as the author of many of the principal articles, those on Palestine, Jordan, the Dead Sea, the tribal territories, and (for the natural topography) Jerusalem. We can hardly speak too highly of these masterly productions, which happily combine a careful

and impartial consideration of what others have advanced with the judgment of an independent and competent eye-witness. Mr. Grove's general superintendence also, and careful insertion of all necessary supplemental details, give this department of the Dictionary an unrivalled completeness and unity. It does not merely reach the highest level of existing knowledge in these matters, consolidating and presenting in the clearest form the results of the latest investigations, but also (transcending here what can be expected of a Cyclopædia) does something considerable to advance it.

One only exception we are compelled to dwell on; namely, Mr. Fergusson's peculiar theories on the topography of Jerusalem. We uttered our protest against these some years ago, when they were first propounded, and more especially against the article in question. Since his return from the East, Mr. Fergusson has lost no time in informing the public that his views are unchanged. We wish him a fair field for the prosecution of what we nevertheless regard as a hopeless contest against authority and fact. We shall look for his new arguments with interest; but we hope to read them in a more appropriate place than a Dictionary of the Bible.

The praise of being on a level with recently-acquired knowledge may be securely claimed too for that cognate department in which the records of Scripture are illustrated by the monuments of profane antiquity. Mr. Stuart Poole is no unworthy representative of English Egyptologists. But he proceeds on a vicious plan, when (as in his article on 'Egypt' more especially) instead of distinctly using the monumental records to illustrate Scripture, he supports a series of statements by promiscuous appeals now to one source of information, now to the other. And his reliance on the sacred writers is obviously misplaced when he cites Isaiah as an authority on the question of the ancient Shepherd dynasties, or St. Paul (art. 'Chronology') as determining the true duration of the Egyptian Captivity. His chronological system is an unsatisfactory piece of patchwork, grounded in great measure on the disputable authority of the LXX, and supported by a conjectural coincidence of the Hebrew and Egyptian calendars, which seems to us far from conclusive. His criticism, however, of synchronistic theories opposed to his own is able and generally conclusive; and except when carried away by a too eager desire to establish the harmonies he looks for, his articles are excellent and sound. Mr. Layard's article on Nineveh is precisely what is most appropriate to a Cyclopædia like this, and could come from no hand so well as from his own.

Mr. Rawlinson, who takes a wider range of kindred subjects in his contributions to the Dictionary, aims at something more than merely to register what is already ascertained, and shows more confidence perhaps in his interpretation of Assyrian and Persian inscriptions than others will always share. But no one could so fitly expound the conclusions which, in the hands of his brother and of Dr. Hinckes, are approximating gradually to the rank of ascertained facts, or have executed so well the articles which he has undertaken. The interesting subject of the 'Philistines' is ably handled by Mr. Bevan. And we must add to the articles of special merit Mr. Twisleton's masterly abstract of German, French, and English investigations on the subject of Phœnicia and the Phœnician cities.

The light thrown upon Jewish history by the new revelations proceeding from all these quarters is doubtless most remarkable, nor is it by any means fully developed yet. One thing we must observe in passing, upon which we often find ourselves at issue, both with Mr. Rawlinson and Mr. Poole. Unreasonable, and indeed impossible as it is to regard the Jewish Scriptures as a homogeneous whole, we cannot grant that the confirmation of this or that detail by monumental testimony supplies even a presumptive proof of infallible accuracy in the rest of the Biblical narratives. On the contrary, it seems to us that the new evidences brought to light tend remarkably to confirm the broad distinctions laid down by independent criticism. That the historical period comprised in the books of Kings, Ezra, and Nehemiah, and illustrated by the Prophets, should receive new confirmation as well as new vividness from the unconscious witness of contemporary Gentile inscriptions, is a fact which we not only gladly welcome, but should be fully prepared to expect. But how is it with the times of the Egyptian deliverance, which criticism regards as prehistoric; or with those episodes of the Captivity which seem to be didactic works of a later age? Do not our newly-found witnesses help to substantiate the distinction which a searching analysis has suggested? We readily admit that fresh proofs have come to light of the reality of the historical basis in some of these matters (as in the case of Belshazzar), and of the life-like colouring of sacred tradition (more particularly in regard to the sojourn in Egypt). But do not the difficulties of harmonising names, facts, dates, characters, stand out all the more distinctly in contrast with those periods when all is plain? Where is the true or even suitable place amongst the scenes now newly disclosed to us in Egypt, Babylonia, Persia, for many of the

stories which we seek to verify? Who even (to go no further) was the Pharaoh of the Exodus? who the Darius of Daniel? who the Ahasuerus of Esther? These questions, we know, are confidently answered;—answered with eager and elaborate ingenuity in support of this hypothesis and that. But they are answered differently even by the associated contributors to the work before us. The ominous silence of Dr. Thompson (art. ‘Memphis,’ ‘Thebes’), seems to betoken the same disagreement with Mr. Poole upon the subject of Pharaoh which is avowedly entertained by Lord A. Hervey, and which another of his colleagues, Mr. Leathes, has more recently expressed in the *Biblical Cyclopædia*. Mr. Rawlinson’s views of Darius, as also of Belshazzar and the capture of Babylon (art. ‘Medes,’ ‘Persians,’ ‘Babylon’), are impugned by Mr. Westcott in the columns of the Dictionary itself (art. ‘Darius’); while the identification of Ahasuerus with Xerxes, supported perhaps by some singular coincidences, but contradicted by the general tenour of the history, is discredited by Mr. Bullock (art. ‘Haman’) if he is ready to abide by the consequences of his own suggestion. We do not presume to assert that further light may not some day alter the aspect of these questions, but we do say that thus far the conclusions arrived at by critics have to all appearance been confirmed; and we also repeat that no devout Christian, and we would add no devout Jew, need be troubled for a moment by the character which is thus assigned to some books of Scripture.

The department of Botany and Zoology has suffered in some measure from having changed hands three times during the issue of the work; but in those of Mr. Houghton it has received ample justice; and a copious Appendix brings up the earlier subjects to the level of the last. This department seems to us almost worthy to rank with the geographical articles, and is enriched with woodcuts which, though unequal in merit, are mostly of singular beauty and accuracy. It is a creditable feature of these articles that they tell their story with an unfaltering love of truth, undeterred by the fear of bringing the clear and definite conceptions of modern science into collision with those vague and often incorrect notions of natural phenomena which inspired men shared with all others of their own time and nation. Thus Mr. Houghton allows that in Isaiah’s predictions (xiii. 21, xxxiv. 15) of the desolation of Babylon the prophet really intended that half-human satyrs would haunt the place: confesses that the ‘fiery flying serpent’ of Isaiah (xxx. 6) ‘can have no existence in nature;’ and that the snail does not consume away and die by reason of its

constantly emitting slime as it crawls along (Ps. lvi. 8); while he grants, generally, that the language of Scripture, in such cases (for instance) as the Ant, the Hare, and the Ostrich, 'is adapted 'to the opinions commonly held by the people of the East.' Yet even Mr. Houghton carries sometimes to an extreme length his unwillingness to let the sacred text say anything inaccurate. He denies that the curse upon the serpent (Gen. iii. 14) implies that it consequently 'underwent any change of 'form,' and he would have us conclude that when it is said to 'eat dust' nothing more is meant than that its habits compel it (a fact justly denied by Professor Owen) to swallow with its food large portions of earthy substance.

Science, even more than the less certain witness of profane monuments or of language, is the test which compels us to modify our long-cherished notions of Inspiration. It is with a profound sense of the hopelessness of the undertaking, though not without a certain feeling of respect, that we see the attempt still persisted in so often to make out an entire harmony between the language of Scripture and the severe requirements of physical philosophy. Dr. Alexander (as we have already noticed) has devoted to the attempt a whole department of his Cyclopædia. From this error Dr. Smith and his contributors have kept clear for the most part. Mr. Bevan in his excellent articles ('Earth,' 'Firmament'), as also Mr. Farrar ('Heaven'), boldly and unreservedly proceed on what we believe to be the only tenable principles, accepting the language of Scripture on these matters in its simplest sense, and deducing therefrom what the human authors thought about them in common with all among whom their duties lay. On the subject of the Creation (art. 'Genesis'), Mr. Perowne has somewhat grudgingly, on that of the Deluge (art. 'Noah'), more fairly and fully, made concessions to the demands of science; though clinging so closely to the popular belief of an inspired communication of *facts*, that he brings himself, we think, into some very uncomfortable dilemmas. Mr. Barry of Cheltenham, the chief (or at least the ablest) representative in the Dictionary of the strictest theory of Inspiration, goes further still; and for the sake of this same theory of infallible accuracy in Scriptural narrative, is willing to shut his eyes (it would seem) to the harmony of natural laws, even in matters where no question of *miracle* is involved. In language which reminds us of the very words of Maupertuis, at which we have been laughing lately with Dr. Akakia, in Carlyle's *Life of Frederick*, he gravely maintains (art. 'Patriarchs'), that 'with our scanty 'knowledge of what is really meant by *dying of old age*—

‘with the certainty that very great effects are produced on the duration of life, both of men and animals, by even slight changes of habits and circumstances,—it is impossible to say what might be *à priori* probable in this respect in the antediluvian period, or to determine under what conditions the process of continual decay and reconstruction which sustains animal life might be indefinitely prolonged.’ Granting the abstract possibility of this, we should like to hear what Baron Liebig or Professor Owen would say to the assumption that such a state of things has ever really existed: what physical changes in the whole organised world would its former existence imply? what traces must it have left behind it, traces which ought to be visible on the very surface of our earth? what explanations moreover, on such an hypothesis, are we to give to records which geology discloses of a period in the history of man far more remote than is contemplated in the chronology of Genesis? Let it be remembered that according to the Pentateuch, this alleged longevity continued (disappearing gradually and by a natural process) till the fifteenth or even nineteenth dynasty of Egyptian kings; and when in opposition to these statements we consider the evidence yielded by actual observation and induction (not to speak of the testimony of the psalm which is ascribed to Moses himself), we shall see what dangers we incur—dangers increased on one side, when we avoid them on the other—if we shrink from the simple and reasonable principle of leaving to science the things which belong to science, while we render unto God the things which are God’s.

Why should we be afraid to say or to think that the traditions of their patriarchal ancestry among the race of Abraham were liable to the same disturbing influences as other traditions have undergone, to the action of forgetfulness, of misapprehension, of wonder, of imagination, especially when we believe them to have passed across the dark period of the Egyptian Captivity? Why should we insist on ascribing to the sacred genealogists a divinely imparted information which they do not claim for themselves? and which, if really imparted, would have involved consequences of which there is in fact no indication?

Such questions as we speak of belong to Science and to Reason to pronounce on; not to religious Faith. We do not indeed wish to magnify the amount of knowledge which scientific inquirers have arrived at or can aspire to. In many points it is but small at best. The highest efforts of reason and induction may fail, both now and hereafter, to penetrate the secrets, even in physical matters, of the primæval world. But



this at least we may be able to ascertain, that the facts of the remote past must have been quite as little cognisable to the earliest Hebrew writers as to ourselves. Our keenest instruments of observation may fail to convey to us any precise knowledge of that cloudy mountain outline which bounds our view as we look over the expanse of the mysterious past; but this at least it may be possible to demonstrate, that the details of those distant mountains were scarcely more distinguishable, in some respects even less so, from the point of view occupied by the earliest depositaries of Revelation.

It is wholly different with the facts which are of real and supreme importance to us, the facts of our Christian faith. The maintainers of the popular view of Inspiration are continually sounding the alarm, that the invalidation of the historical accuracy of the Old Testament is only a prelude to attacks upon the New; indeed that concessions in the former quarter necessarily involve concessions fatal to Christian faith. We are quite unable ourselves to see the justice of these fears. Indeed it has always appeared to us, that the Christian religion is not more definitely distinguished from its Jewish predecessor by the universal character and intrinsic superiority of its doctrines, than by the unassailable evidence and established certainty of the leading facts on which it rests. Let it only be conceived what would be the comparative precariousness of our Christian belief (in spite of the potency of internal evidence), if our knowledge of what Christ was and did and suffered came to us from sources later by some generations than his own, or could not be traced indubitably to the authority of eye-witnesses; and then we shall be more disposed to do justice to the foundation which it has pleased God to give us here for our faith to rest on.

That even here criticism follows us, compelling some modifications of the ordinary view of the Gospels, we do not deny—modifications to the gravity of which we cannot be indifferent, requiring as they do some readjustment of our convictions. But it is consoling to remember that this readjustment will bring us in some respects actually nearer to the faith of the primitive Church. We shall learn to lean less on the letter, and more on the Divine realities of which that letter is but one of the witnesses. On this subject we have had occasion to speak lately more at length in noticing M. Renan's '*Vie de Jésus.*' Even if reduced to accept *his* theory of the composition of the Gospels (which, however, we have shown to be utterly untenable), we should be prepared with almost equal confidence to combat his conclusions respecting Christ himself. And the Gospels

even so would still possess an authority as documentary narratives unparalleled by any book of the Old Testament, excepting those perhaps of Ezra and Nehemiah.

We can hardly class among the very best parts of the Dictionary Archbishop Thomson's articles on the Gospels, still less that on Jesus Christ. But they are nevertheless characterised by a spirit of fairness and openness to reason which contrasts favourably with the tone prevalent in many quarters on these sacred subjects. The Archbishop does not attempt to represent the three synoptic Gospels as wholly independent sources of information, the verbal coincidences in which are but further corroborations of their inspired accuracy—a theory which can only be maintained by setting aside all received tests of evidence. He sees that it is safer to regard them as three independent versions of a common Gospel agreed upon and orally taught by the Apostolic body. Even this position can hardly be maintained, we think, without qualification. We firmly believe with the Archbishop that we have in the synoptical Evangelists the oral Gospel of the Apostles. What we cannot so assure ourselves of is the personal authorship of the existing documents, their independence of each other, or the absolute identity of the present with the original texts. The Archbishop's positiveness on these points only provokes contradiction, and reasonably so. He makes, for instance, the astonishing assertion that there is more evidence for the genuineness of St. Matthew's Gospel than for that of any other work of antiquity; and adduces the supposed quotations from the Evangelists in Irenæus, Justin Martyr, and others, which, whether they establish, certainly do anything but prove an unaltered text.

The difficulty of the problem was not only in the differences existing between the Gospels, nor only in the closeness of their similitudes, but rather in the peculiar intermixture of the two, and the peculiar nature of both. The Archbishop regards this matter far too lightly. Shoals and shallows lie in many parts where he sees plain sailing only. We forbear to dwell upon these difficulties more at length. It is easier to suggest an explanation of them than to vindicate what we suggest: easiest of all to raise fresh objections to any explanation which may be offered. But whatever we may be forced to leave in doubt concerning the actual authorship of any of the Gospels, which, after all, is comparatively unimportant, the assurance remains that we have in them, as they now stand, the record of facts and events believed and clung to as their very life by the first generation of Christians; records sifted

and fixed in their present form by disciples of Apostles; records, moreover, which in their main outline, their supernatural particulars, and their distinctive doctrines are confirmed by the express testimony of writings unquestionably Apostolic, while in their remaining details they exhibit that inimitable purity and elevation and wisdom which none but Apostolic models can approach to, and not even those can fully reach.

The article on St. John's Gospel is a very slight and unsatisfactory production—an article which hardly does so much as recognise those striking differences the existence of which constitutes so interesting and momentous a problem. Dean Alford's article on the Acts of the Apostles, too, is a meagre and insufficient summary of the Prolegomena contained in his Greek Testament. But allowance must be made for those parts of the first volume of the Dictionary which were written before the scale of the work was sufficiently fixed or sufficiently understood by the contributors.

The Pauline Epistles have fallen, in great part, to the care of Bishop Ellicott, who though pre-eminent among English scholars for his knowledge of Hellenistic Greek, and of the niceties of language in the New Testament writers, and thoroughly furnished also with special accessory knowledge, is not equally remarkable for the power of seizing the idea and doctrinal position of the several Epistles; a power very important even in a commentator, and which seems more essential still for the production of such suggestive notices as a Biblical Dictionary should contain. In this respect Professor Lightfoot has done more justice to the subjects assigned him, the Epistles to the Romans and the Thessalonians.

Throughout the observations we have made we have tried to keep in view the fact that the work before us is not a religious book but a Dictionary of the Bible—that we have to criticise, not matters of Revelation, not matters (properly speaking) of Theology, but matters respecting the vehicle through which Revelation has been conveyed to us, records and products by which Theology has been built up. The distinction is very justly dwelt upon by Dr. Smith himself, and, on the whole, it has been adhered to in the execution of the work; though some departures from the engagements of the Preface have been pointed out and severely commented on with considerable justice by critics of other persuasions. In some respects we cannot altogether regret the inconsistency. That devout expressions of adherence to received articles of faith and appeals to the religious consciousness of readers should sometimes break forth even in a Dictionary, is what no man of right

feeling would wish otherwise or fail to think creditable to the earnest purpose of the contributors. And that certain opinions should be maintained, savouring sometimes too much of controversial divinity, though in some cases to be regretted, was perhaps beyond the power of the Editor to prevent, and is a pardonable blemish almost inseparable from the zeal which leads men to devote themselves to the advocacy of truth.

On the whole, we repeat emphatically the favourable verdict which we have already pronounced. We turn again and again to this Dictionary with interest, with confidence, with respectful admiration of the labour, the learning, the judgment, the conscientiousness, and we again add the courage it displays. Even where we differ from the writers we do so with respect. We see throughout a conscientious love of truth, and an intelligent and successful endeavour to collect and present to us correctly the facts on which they report. It is generally the bearing and mutual relation of these facts upon which we are at issue with them rather than on the facts themselves. They seem to us not seldom like surveyors who, after carefully and correctly taking the requisite observations with their sextants, should neglect or refuse to reduce the observed angles to the plane of the horizon. If we are right in this judgment, time will work the necessary change. We have no wish to precipitate it mischievously; though we wish to be prepared for what we ourselves foresee, and foresee for our own part without dread. Meanwhile we congratulate Dr. Smith on the success of his work. That it should satisfy everybody was of course impossible. That it should satisfy, and at the same time instruct and stimulate the great mass of educated thoughtful Biblical students in this country, was a success within the bounds of possibility. This success we can claim for Dr. Smith's Dictionary; and we must not complain that in order to achieve it the necessary conditions have been submitted to. To meet the requirements of the English mind, the nature of the English mind must be consulted. A graft will not grow unless homogeneous to the stock to which it is attached. We are far from thinking that this work deserves to be translated into all languages, and erected into the handbook of Christendom, or that it will, in its present form, meet the wants of our own countrymen for all time. But we hail it as a noble achievement of a band of Christian scholars, a work of eminent usefulness in the present generation, an effectual step in advance and a pregnant pledge of what may be realised hereafter.

ART. III.—*Life of General Sir William Napier, K.C.B.,*  
 Author of 'History of the Peninsular War,' &c. Edited  
 by the Right Hon. H. A. BRUCE, M.P. London: 1864.

THE historian of the Peninsular War, not the least distinguished member of a renowned and highly-gifted family, well deserved the honours of a biography, and we may add that he has been fortunate in the hands to which the delineation of his life and character is committed. The natural partiality of a son-in-law has not blinded the author of these volumes to those flaws and blemishes in a noble character, the omission of which would make the portrait of Sir William Napier a flattering deception; at the same time he has touched with a gentle and considerate hand on those passages in his career which his warmest admirers must contemplate with regret, and he has wisely refrained from espousing the prejudices and enmities into which a too impulsive nature was apt to hurry the subject of this memoir. Another commendable feature of the work is that the hero is made to a great extent his own biographer through his numerous letters, which not only afford the most authentic information as to the various passages of his life and the motives and feelings by which he was actuated, but illustrate a large diversity of topics of public interest and of controversies upon passing events in which his active intellect impelled him to take part. Interspersed with these are striking anecdotes and notices of eminent persons, with some of whom General Napier was connected by ties of cordial friendship, with others a too irritable spirit brought him at various times into unfriendly collision. Upon the whole, the biography is one which will possess, if we mistake not, a singular charm for a certain class of readers, especially for the young, to whom it may well furnish a keen incentive 'in antiquam virtutem animosque viriles,' and for the more ambitious and aspiring members of the military profession. It is well that the thoughts of young men should be raised by the study of high models of character, and assuredly that of Sir W. Napier, with all its imperfections, towered greatly above the level of ordinary beings.

At the same time it is an undoubted fact, and one which may possibly procure for these volumes a less favourable reception than they deserve, that there exists in many minds a strong distaste for that special phase of character which stamped the whole 'genus irritabile' of the Napiers. Granting to them the possession of high gifts and extraordinary energy, these qualities

were quite overshadowed, in the opinions of many, by certain repulsive features in the family portraiture. True, it is said, they were brave and chivalrous in spirit, lofty and disinterested in their views, devoted in their sense of duty, but were they not, at the same time, bitter and acrimonious in their tempers, arrogant in their self-assertion, fierce in their resentments, intolerant to all who presumed to question their merits or to differ from their judgment? Were they not almost disqualified for the exercise of power by their inordinate strength of will, their tendency to encroach upon the authority of others, to defy and denounce all who were not disposed to yield to their supremacy? Did not Sir Charles, after all his splendid victories in Scinde, make India, through his overbearing conduct, too hot to hold him? Did not Sir William outrage all propriety by his intemperate denunciation of men as brave and high-minded as himself, because he unjustly deemed them to be his brother's enemies?

It is painful to acknowledge that there is a foundation of truth in this impeachment, and that the lustre of high genius and of eminent public services may be tarnished, if not effaced in the estimation of some minds, by the frailties of an irascible temper or an ungoverned tongue. It was wisely said by a great man\*, though himself not quite immaculate in this respect, that 'we must live at peace with our species, if not for their sakes, yet very much for our own.' The man, however gifted and eminent he may be, who recklessly wounds the feelings and tramples on the self-love of others, commits suicide of his own fame. Had the temper of the conqueror of Scinde been equal to his genius for war or his capacity for government, to what heights of glory or of power might he not have attained? Could the chivalrous spirit and rarely-endowed intellect of the Peninsular historian have been combined with a calm, discreet, and conciliatory temperament, no man that ever lived would have gained a larger meed of affectionate admiration. But we have to deal with human beings, not with angels. We must take men as we find them in this world, a strange compound of good and evil. It is apparently not the order of Providence that all gifts, all attractions, all proprieties—the greater and the lesser virtues alike—should ever meet in harmonious proportion in one perfectly-adjusted character. The biographies of all men, whose lives are worth writing, teem with instances of the infirmities of genius, the inconsistencies of goodness. The Napiers were no

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\* Edmund Burke.

exception—rather a striking illustration—of this rule. In proportion to the high stature of their intellectual and moral qualities was, alas! that undergrowth of besetting infirmities, those moral *maculæ*, which sully, though they cannot destroy, the splendour of great endowments and of noble deeds. But while we concede thus much, our admission must not be stretched beyond its limits. If we plead guilty in their name to much that was faulty in temper, in judgment, in propriety of act and language, from another and less excusable class of sins we claim on their behalf an absolute exemption. Nothing that was underhand, mean or sordid, no selfish aims, no bye-views of personal advantage, ever caused them to deflect one hair's-breadth from the strait path of probity and honour. Charles Napier, rejecting all the costly gifts which barbaric princes would have laid at his feet, could say with truth, 'Certainly I could have got 30,000*l.* since my coming to Scinde, but my hands do not want washing yet. Our dear father's sword which I wore in both battles (Meancee and Hyderabad) is unstained.' And with regard to him whose career is now before us, it may be left to any dispassionate reader of these volumes to judge, whether the instances which they exhibit of irritable temper, of violent judgment, or of reckless language, are not counterbalanced, aye, and doubly atoned for, by the countless proofs of an heroic soul—of a courage tested alike in facing danger and in enduring anguish—of a more than womanly tenderness of affection—of a public spirit sometimes erring, yet ever pure—of a hatred of oppression which often misled, but never ceased to animate him—of an unflinching honesty and love of truth—of a spotless purity of personal conduct, and of an humble faith which sustained him to the last? If qualities such as these could not avail to procure for William Napier the favourable verdict of Englishmen, the country which he adorned would be unworthy of her noblest sons.

The family of five brothers, of whom the subject of this biography was the third, and of whom all were eminent for character or talent, came of a parentage which might well give promise of a distinguished offspring. The father, the Hon. George Napier, the sixth son of the fifth Lord Napier, was a man of no common stamp. Of remarkable personal beauty, activity, and strength, in moral qualities he appears to have been still more raised above the standard of his contemporaries. In an age of far less scrupulous political morality than our own, he maintained an uncompromising integrity in public life. In his office of superintendent of Woolwich Dockyard he intro-



duced, by means of his chemical knowledge, a valuable improvement in the manufacture of gunpowder. Subsequently, the appointment of Comptroller of Army Accounts was pressed upon him by Lord Cornwallis, then Lord-Lieutenant of Ireland. 'I want,' said the Viceroy, 'an honest man, and this is the only thing I have been able to wrest from the harpies around me.'

Colonel Napier refused more than once the representation of his county (Kildare) in the Irish Parliament. The factions of that time were too violent and corrupt for a man of fastidious integrity to take part either with the oppressive depositaries of power or with their turbulent opponents. When the insurrection of 1798 broke out, and many families took refuge in Dublin, this gallant gentleman declined to do so. He fortified his house at Celbridge, near Castletown, armed his five sons, the subject of this memoir being then but twelve years old, and offered an asylum to all who were willing to resist the insurgents. The little garrison was afterwards removed to Castletown, and he, being invested with the command, constructed field-works, scoured the country with some of his sons by his side, and, while he repressed outrage, often interposed to protect the poor inhabitants from oppression by the ill-disciplined soldiers under his charge. Such was the father of the Napiers, a man to whose character and talents his more famous sons often referred in after days with unbounded admiration and reverence. His second wife, the mother of his sons, was the beautiful Sarah Lennox, daughter of the second Duke of Richmond, by Sarah, the daughter of Marlborough's famous lieutenant, Lord Cadogan. Her connexions were distinguished by more honours than those of birth. One of her sisters, married to the first Lord Holland, became the mother of Charles James Fox; another, who married the Duke of Leinster, was the mother of the ill-fated Lord Edward Fitzgerald. Of the features of Lady Sarah we have a charming representation from the pencil of Sir Joshua, and the tradition of her beauty is heightened by the circumstance that she captivated the youthful heart of George III., and had not the exigencies of State opposed his wish to make her his wife, she might have become the mother of kings. Her fate was a very different one; but, as it is natural to expect, the circumstances which threw a cloud over her first marriage are not recorded by her admiring descendants. As the wife of Colonel Napier her position was not brilliant, and after his somewhat premature death, poverty and eventual blindness saddened the close of her life, which was protracted to a very advanced age. But though poor in wealth, she was rich in treasures of another sort: the

mother of sons nobler than the Gracchi. It was to this lady that Wellington wrote again and again with his own hand from the fields of his victories, to soften by words of courteous sympathy the announcement, that her sons, 'brave fellows' and 'an honour to the army,' had been wounded in the actions in which they had played, as always, a conspicuous part. It was compassion for her forlorn and stricken state that moved a generous enemy of England to an act of chivalrous humanity which ought not to be forgotten in balancing the account of honourable rivalry between the two nations. Charles Napier, desperately wounded at Corunna, was missing after the fight—his friends supposed him dead, and his family mourned for him; but hope lingered, and after three months the Government sent a frigate to ascertain his fate. Baron Clouet received the flag and hastened to inform Ney. 'Let him see his friends and tell them he is well and well treated,' was the answer. Clouet looked earnestly, but moved not, and Ney, smiling, asked 'what he wanted?' 'He has an old mother, a widow, and blind.'—'Has he?' then let him 'go himself and tell her he is alive.' The generous kindness of the action is enhanced by the fact that there was at that time a bitter feeling between the two Governments; the exchange of prisoners was not admitted, and Ney risked by this step the displeasure of his chief. Napoleon, however, approved the act.

The feeling with which, throughout her long life, this mother of heroes was regarded by her sons was that of an intense affection, which neither time nor distance nor the formation of new ties could distract or chill. The affections of the Napiers, like the other elements of their natures, were intensely fervid. Sixteen years after her death, on the eve of completing that daring exploit, the destruction of the desert fortress of Emaum Ghur, Charles Napier writes thus in his journal:—'I dreamed of my mother—her beauteous form smiled upon me—am I going to meet her very soon?' So deeply was this beloved image stamped after the lapse of many years upon the heart of the grim conqueror of Scinde!

The early education of the Napiers owed little to scholastic aid. William was sent to pick up the elements of knowledge at a large grammar-school at Celbridge, under 'a queer old pedagogue,' as his sister describes the master, totally unfit to conduct the education of such a boy, and from whom, as she declares, 'he learned nothing.' But his natural aptitude and intelligence, seconded by the aid of a kind and lively female relative, went far to compensate the want of schooling, and

under the 'voluntary system' thus adopted, his inborn love of knowledge was speedily developed. Though he preferred romances and tales of chivalry, among which 'Don Bellarmin 'of Greece' was his especial favourite, he read everything he could lay his hands on—history, poetry, travels—all were eagerly devoured. Another book—the cherished study of many a young and ardent mind—'Plutarch's Lives'—was constantly in his hands, and imbued him with that passionate admiration for the great men of antiquity which distinguished him through life, and had a marked influence in forming his character. His acquisition of knowledge was aided by great powers of application and by a memory of singular tenacity. We have it on the authority of his most intimate friend General Shaw Kennedy, that at twenty years of age he knew by heart the whole of Pope's *Iliad* and *Odyssey*, besides many other poems, and could say off, after once reading, long passages from a newspaper. Yet he must have had great deficiencies in early education to repair through his own after-exertions. Some of his early letters, written between fifteen and eighteen years of age, are preserved, and exhibit such eccentricities in spelling and composition as would make the hair of a Civil Service Commissioner stand on end. Thus he writes when a lieutenant of artillery:—'I am extremely miserable at having 'made my father unneasey,' and, two years later, when a cornet of horse:—'Charles is a lazy theif, I wrote to him a 'week ago to send or come himself with my ten guineas, and 'has neither sent it nor answered me, the unnatural villain.' But the resolute energy and perseverance of the man overcame these difficulties, as they did many greater. A year or two afterwards his letters are not only correct in orthography and grammar, but neatly and well composed. Already he was making strides towards that power of expression which was to stamp him as one of the most vigorous masters of English style.

Yet at the earlier age of fourteen he had been taken from his studies, if so they can be termed, and launched into active life with a commission in the Royal Irish Artillery; from whence he was speedily transferred to the 62nd regiment, and again, by the favour of his uncle the Duke of Richmond, to a cornetcy in the Blues. While in this regiment he came under the notice of Sir John Moore, then engaged in forming his experimental brigade at Shorncliffe, who, pleased with the young soldier's evident zeal for his profession, gave him a commission as ninth Captain in the 43rd regiment. Napier was then only nineteen years old; the regiment was in a

bad state of discipline, and the company which he took was reputed to be its worst: yet in a few months, by his energy and zeal, and the high standard of military duty which he upheld and practised, his company became second to none for orderly conduct and discipline. The character of his general impressed the young officer with a warm and even passionate admiration, which exercised, as will be seen, no small influence on his subsequent career. Moore's noble bearing, his chivalrous spirit, above all, the lofty disinterestedness and purity of his public conduct, captivated his admiration. 'Where shall we find such a *king*?' he exclaims in one of his letters to his mother. To emulate the soldierly qualities of his model became the object of his youthful ambition. Still more important to himself and to the public were the after consequences of this connexion. To vindicate that sacred memory against unjust aspersions was, as we know from Napier's own statement, the motive with which he commenced his great historical work, the original design of which was limited to an account of the operations which terminated at Corunna. It was the flattering reception of the first volume which induced the author to expand his scheme into a complete history of the war.

Let us here pause a moment to view the brilliant young officer of the 43rd as he appeared in the prime of his life and the outset of his career, before pain and sickness had begun to undermine his frame and sadden his existence.

'In appearance William Napier was one of the handsomest men of his time. Six feet high, formed in the most powerful mould it is possible to conceive as compatible with extraordinary grace and activity. He was able to jump six feet in height. The head of an Antinous covered with short clustering black curls—the square brow, both wide and high—the aquiline nose—the firm mouth and the square massive jaw, indicating indomitable firmness and resolution—the eye of that remarkable blueish grey so terrible in anger, so melting in tenderness, so sparkling in fun. In his youth his head and face might have served for a portrait of the War-god. In his latest years, with milk-white hair and beard, his appearance was that of a Jupiter.' (Vol. i. p. 27.)

Such was his visible image. Now for his demeanour.

'Quite wild with animal spirits and strong health, brimming over with fun; joking with his comrades; racing, jumping, swimming with his men; studying Napoleon's campaigns with his friend Lloyd; poring over the lives of real and fictitious heroes, and the writings of ancient and modern philosophers, and astonishing all by his wonderful memory; raging like a lion at any story of oppression; melting in pity over any tale of misfortune; with a fondness for

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animals amounting almost to a passion, and delighting to observe individualities of character even in a bird or a kitten; this strong, tender, beautiful, and gifted man, surrounded by so many temptations, passionately admiring beauty in women, and with every attribute of success, was yet never known to have been otherwise than pure in thought and deed by comrades who lived with him in all the intimacy of a barrack life; and this, too, at a time when society was far more indulgent to certain transgressions than it now is.' (Vol. i. p. 28.)

William Napier's first service in the field was in the Copenhagen expedition in 1807. He was present at the siege of that capital, and afterwards marched under Sir Arthur Wellesley to attack the Danish lines; was engaged in the battle of Kioge, and took part in the pursuit of the defeated enemy. He records with indignant disgust the brutal marauding conduct of a German general, under whose command his detachment was temporarily placed, while his own company 'took not so much as a cherry from a bough, and not a man plundered or misbehaved.' His next experience in the field was more severe. Accompanying his regiment to Spain in 1808, he bore his full share in the hardships and sufferings of Sir John Moore's retreat, and paid the penalty by a fever which weakened his constitution and nearly proved fatal to his life. Marching for days together with bare feet, bleeding at every step, and with no clothes but a jacket and a pair of linen trowsers, he declared that he must have perished but for a spare horse lent to him by a brother officer.

In 1809 he became aide-de-camp to his uncle, the Duke of Richmond, then Viceroy of Ireland, but gave up that easy post, as he always gave up ease or emolument for honour, to go with his regiment to Portugal. On the march to Toulouse, he was seized with pleurisy, and was bled four times in two days; but hearing that the position of our forces was critical, he got out of bed, walked forty-eight miles to Oropesa, and there getting post-horses, rode to Talavera to join the army, an exertion which nearly cost him his life. And now came a succession of stern combats in which the blood of the Napiers was freely spilt, and their indomitable spirit manifested. At the fight on the Coa, where Crawford with five thousand men and six guns, stood to receive the attack of thirty thousand French, having in his rear a steep ravine and river, with but one narrow bridge for retreat, Captain Napier received on the field the thanks of his commanding officer, Lieutenant-Colonel Macleod, for rallying his company under a heavy fire, and thereby giving time for the passage of the broken troops across the bridge.

William Napier was shot through the left thigh, but the bone was not broken, and he continued with his regiment notwithstanding his wound until the battle of Busaco, in which four of the Napiers were engaged. His brothers Charles and George were both wounded, the former most severely in the face. His cousin Charles, afterwards the well-known Admiral, was shot in the knee. The gallant appearance of William Napier as he rode in front of the enemy on that bloody day was recalled in after years by his veteran comrade General Brotherton, who described him as 'going down among the enemy *'en sabreur* with his glass to his eye as coolly as if he had been dancing a quadrille.'

But a day of yet keener trial to this gallant brotherhood was still to come. At Caza Noval, during the retreat of Massena, the 52nd regiment had been rashly pushed forward during a fog into the midst of Ney's corps. The mist suddenly lifting, disclosed the little band encircled by the French columns. William Napier was detached with six companies to support the left of the 52nd, but unable from the nature of the ground to see the men he was sent to support, he suddenly found himself with two companies in the midst of the enemy. Under the deadly fire of an overpowering force, his men hung back—two or three only followed him, and while returning back to urge them to a fresh advance, he was struck by a shot on the spine, and escaped death by dragging himself, his lower extremities being paralysed, to a heap of stones which afforded partial cover. From this position he was rescued by some of his own company coming up who drove off the enemy. Whilst one brother was thus severely, and as was then supposed, mortally wounded, another (George) had his arm broken by a bullet, while carrying his dying subaltern off the field. A third (Charles) hastening up, with his frightful Busaco wound unhealed, to the front of the army, met the two litters carrying his wounded brothers to the rear. The story is told with striking effect in the '*Life of Sir Charles Napier*':—

'Combat followed combat, the Light Division led in pursuit, and Charles Napier with his wound still bandaged, rode above ninety miles on one horse, and in one course, to reach the army. His regiment being with the main body, he heard each morning the ever-recurring sound of the Light Division's combats in front, and had hourly to ask of wounded men if his brothers were living? Thus advancing, on the 14th of March he met a litter of branches borne by soldiers and covered with a blanket. What wounded officer is that? Captain Napier of the 52nd, a broken limb. Another litter followed. Who is that? Captain Napier, 43rd, mortally wounded—it was thought so then. Charles Napier looked at them and passed on to the fight in front.'

George Napier soon recovered from his wound, but at Ciudad Rodrigo, where he headed the storming party of the Light Division, he had the same arm again broken with more serious results, and, like many a gallant man of that period, he bore through life the trophy of an empty sleeve. But from the day of this to him disastrous battle-field, his brother William was a stricken man, for he carried that French bullet, the unceasing source of suffering, to his grave. The ball had passed round the spine, fracturing one of the processes in its course, and there it remained, causing at times intolerable neuralgic pains, and producing on such occasions an irritation of mind, for which, in reviewing the painful controversies of his after-life, a large allowance should be made. Who shall say how much of that bitterness of heart which sometimes embroiled a noble-hearted man in unseemly contentions, was due to that ever-present cause of physical irritation, the '*hærens lateri letalis arundo*,' which racked the nerves and exacerbated the temper? Gone for ever from him was that gaiety of heart, that elastic buoyancy of feeling, which had made him the delight of his friends and the life and soul of every joyous company. The energy of his spirit indeed was not quelled: pain could not master *that*; nor was the force of his intellect weakened, nor his warm affections chilled by that monotony of suffering, which thenceforth made his protracted life a long disease. But from the shock his constitution had sustained, it was impossible that it should recover; he was an altered man, and in the tone of depression and complaint which thenceforth breathes through his letters, in the melancholy thoughts and desponding views of life which escape from him, we see proofs that the most heroic minds are not wholly proof against the effect of shattered nerves and physical prostration.

In connexion with the action of Caza Noval, the following letter addressed by Colonel Sir John Morillyon Wilson to the writer of these volumes is too interesting to be omitted:—

'My first interview with my dear departed friend Sir William Napier was on the battle-field of Caza Noval. I was then captain of the grenadier company of the Royal Scots. We were advancing towards the enemy, when I saw an officer, at the distance of about eighty yards, stretched on the ground beneath an olive tree, to the right of my company. Believing him to be either dead or badly wounded, I ran towards him and said, "I hope you are not dangerously wounded," at which he shook his head. "Have you been attended to by a surgeon?" He nodded assent. "Can I be of any service to you?" I said; and he again shook his head, but did not utter a word. He looked deadly pale, and I was deeply impressed



with the classical outline and beautiful expression of his handsome countenance. I told him I had some cold tea and brandy in my flask, and asked if I should give him a little of it; at which he raised his head, a sudden beam of pleasure sparkled in his eyes—he stretched out his hand, and I gave him a tumbler-full, which he drank with a most interesting expression of unexpected enjoyment—so much so, that I gave him a second dose; and when he had finished, he seized my hand and grasped it several times, as much as to say, “I don’t know who you are, my good fellow, but I feel most gratefully thankful for your kindness.” I then said, “Heaven protect you!” and ran off to join my company. I had not the slightest knowledge who he was, and amidst the firing and excitement of the moment I did not notice his uniform. In after-life I often spoke of this wounded officer as the handsomest man I had ever beheld. I never met him again in my wanderings through the various thoroughfares of military life, until about sixteen years afterwards, when he resided at Freshford, near Bath. I was then on a visit to Lady Wilson’s father when dear “William” dined there, and after dinner when we were just about to join the ladies, and while I was standing near the fireplace with my arm resting on the mantelpiece, the gentlemen were speaking about “handsome men,” and I said, of all the handsome men I had ever seen in the various parts of the world where I had been, there was none to be at all compared with the one whom I then described to them as above written—Napier sprang from his chair, put his arms round me, and exclaimed, “*My dear Wilson, was that you? that glass of tea and brandy saved my life!*” And a few tears trickled from his bright and animated eyes, expressive of his grateful recollection of the good service I had rendered him in that hour of his need and painful suffering.’

The two wounded Napiers were selected out of the whole army by Lord Wellington for the brevet rank of Major in acknowledgment of their zeal and conduct in the actions. William rejoined the army with his wound still open; was appointed brigade-major to the Portuguese brigade of the Light Division, was present at the battle of Fuentes Onoro, and until the raising of the second siege of Badajoz. Being then attacked with fever, which terminated in ague, he was sent home, not without reluctance on his own part, by Lord Wellington. Arriving in England in the autumn of 1811, he married in the following spring Caroline Amelia, daughter of General Fox, and niece of the statesman, a lady whom all testimonies concur in pronouncing admirable, not only for her domestic virtues, her gentleness of character, and unfailing patience under the severest trials, but also for those mental gifts which made her an invaluable helpmate to her husband in some of the most important undertakings of his life. The reader will find at page 259 of the first volume an account of the signal service that

Lady Napier rendered to the historian of the Peninsular War, in making available for his use a most important collection of French correspondence in cipher, which but for her ingenuity and patience must have remained illegible and useless.

Napier's attachment to this devoted wife was deep and constant; nevertheless he had been only three weeks married, and was far from recovered of his wound, when, hearing that Badajoz was again besieged, he started off once more for Portugal. At Lisbon he heard of the capture of that city, and of the death in the fatal breach of his dearest friend, Lieut.-Colonel Macleod, an event which plunged him into an agony of grief. 'Macleod is dead,' he writes to his wife, 'and I am 'grovelling in misery and wretchedness. I could roll in the dust 'were it not for shame.' His agonies of distress for the loss of those he loved were in proportion to the ardour of his affections. He now took the command of the 43rd, of which he had become regimental major, declining a flattering offer made to him by the officers of a Portuguese regiment, the 3rd Cacadores—to enter that service and take the command of the regiment. In the battle of Salamanca, the 43rd under his command bore a distinguished part, and gained applause for the admirable order and discipline of their advance in line under fire, Major Napier riding in front of the left centre company, a mark to the cannon of the enemy, yet unscathed. After the raising of the siege of Burgos, he was with his regiment in the harassing retreat into Portugal, which terminated at Ciudad Rodrigo, and rendered good service by his energy and vigilance. After a brief interval of absence in 1813, he again joined the forces, and volunteered to lead the storming party of the Light Division against San Sebastian. Major Napier's services were at first accepted, but on repairing to his post he found himself superseded by the appointment of another officer. He appealed to Lord Wellington, who, however, declined to listen to him, saying that he did not approve of volunteering, though obliged to resort to it sometimes, as he lost his best officers in that way. But though disappointed in this, Major Napier achieved a marked success in another operation—that of storming one of the strongest mountain positions on record, the hog's back ridge of La Petite Rhune in the Pyrenees. This exploit, though not one of the least brilliant in the war, and equally marked by the sagacity and courage with which it was conducted, did not happen to fall under Wellington's personal observation; had it done so it could hardly have escaped a prominent notice in his despatches; and though it was in the power of the historian of the war to redeem this injustice of fortune by a notice

from his own pen, he has made no mention of an achievement which, if performed by another officer, would have been sure to receive his especial commendation.

At Arcangues, Major Napier was again wounded, but did not quit the field, nor would he allow his name to appear in the list of wounded, lest he should alarm his wife, who was expecting her confinement. After the battle of Orthes, in which also he was engaged, being seriously ill with dysentery, and suffering from the effects of his wound, he was advised by General Pakenham to ask leave to go to London for advice, and that officer in fact obtained the leave for him. He thus missed, to his great chagrin, the battle of Toulouse. Arriving in England in April or May 1814, he received at the termination of the campaign the brevet rank of Lieut.-Colonel. He now joined, together with his brother Charles, the Military College at Farnham—so anxious were they both to take every opportunity of improving their professional knowledge, and so little did they regard the distinction they had achieved in the field as affording a dispensation from further study. While thus engaged, the news of Napoleon's flight from Elba startled Europe from its dream of peace, and William Napier, eager to be once more on the scene of action and of glory, embarked at Dover to join his regiment in Belgium; but it was too late. While he was putting his baggage on board, the decisive battle was being fought at Waterloo. After a few days spent in Brussels, he accompanied the army to Paris, where he was a witness of the triumphal entry of Louis XVIII., a spectacle which he regarded with no favour. For the next three years he remained in France with the army of occupation, the 43rd being quartered in various towns in the north-eastern parts of that country. This appears to have been the most profitless and uninteresting period of his life. Inaction, succeeding to the stirring scenes in which he had previously been an actor, drove his thoughts inwards to the contemplation of his own enfeebled health, his ill-requited services, and his separation from the wife and children for whose society he pined; he consoled himself, as best he might, with books, with pictures, with letters to his wife, and with occasional outbreaks of that old Adam which neither wounds nor sickness, nor the sorrows and disappointments of life, had been able to subdue:—

‘About a week ago,’ he writes to his wife from Bapaume, ‘I saw a bricklayer, an old French soldier, beating an English one in the street. . . . This excited my rage, and upon my interfering, the French gentleman informed me that he would serve me in the same way. This did not cool me, as you may guess, and I put myself in

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attitude, and we had a *fit*, which ended in my knocking him clean off his legs eight times following with as many blows, when he declined any more battle.' (Vol. i. p. 198.)

The provocation might be great, but we cannot admire Colonel Napier's readiness to 'fall to' on this and some similar occasions.

The period fixed for the British occupation at last expired; the army returned home, and in the year 1819 the military career of this distinguished officer, then only thirty-three years of age, was brought to a close. Though terminated thus early, it had been active and very honourable. He had been thirty times engaged; had commanded a regiment in several general actions, and detachments nearly equal to a regiment in several others. He had gained two steps and three decorations in the field—he stood high in the estimation of the Duke of Wellington, who had honoured him with his confidence, and had condescended to discuss with the young officer strategical questions with a familiarity which he allowed to few. He had missed Waterloo, indeed, but we know upon good authority that a few days before that battle General Alten, who commanded the Light Division, in passing in review the characters of the various officers in it, fixed upon Napier and Baring (his own aide-de-camp, who afterwards so resolutely defended La Haye Sainte) as the two men of the whole division whom he would have selected for a desperate service. His courage, indeed, the inheritance of his race, was almost a proverb, but to this he united professional knowledge, the result of zealous and diligent study, which few officers of his rank could pretend to. In addition to these claims, he had received three wounds, one of them so severe as to make his life a martyrdom of suffering. And now what was his reward? Though a lieutenant-colonel by brevet, he was still but a regimental major, and he saw officers much less signalised than himself, promoted over his head. An opportunity was indeed afforded him of obtaining the lieutenant-colonelcy of his regiment by purchase, but the means for such an outlay were wanting to him, and though Lord Fitzroy Somerset generously pressed the required sum upon him as a loan, William Napier would not borrow what he could not foresee the means of repaying. Another officer, who had seen but little service, was about to exchange into the 43rd as major, with the view of purchasing the lieutenant-colonelcy over his head, and to avert this mortification, Napier resolved to go upon half-pay, and to seek distinction in another field, since his own poverty and the neglect of those in power denied him advancement in his own profession.

The question naturally occurs, to what cause is this insen-

sibility to the claims of a highly meritorious officer to be ascribed? The 'cold shade' under which Napier pined, could not surely have been that of 'aristocracy,' for his connexions were high in rank, and he came of distinguished lineage. 'The circumstance is inexplicable,' says his biographer, 'except by the axiom — "Nothing ask, nothing have."' William Napier was too proud to ask for any recognition 'of his merits.' Both in that and in some other respects, no doubt, he was wanting in those peculiar arts and qualities of disposition by which more supple men procure the favour of the great, and secure for themselves a large share of the good things of this life. He was not one of Fortune's courtiers; he held his head too high; was too little studious to please, perhaps too little cautious not to displease, the dispensers of favour. In those days, too, the claims of simple merit were perhaps less regarded than at present, when even upon the sacred ground of military promotion the encroaching force of public opinion has presumed to intrude. We may add one more circumstance—William Napier was a Radical in politics, a student of Cobbett, whose proscribed tracts his wife used to forward to him in France for his perusal. Such opinions were at that time, even more than now, *tabooed* in the army, and the military authorities of those days were not likely to be propitiated towards the ardent professor of that political faith. Wellington himself, albeit through life the firm friend of the Napiers, had no love to spare for a Radical. He evinced that feeling in the characteristic sentence, in which, while protesting against the writer's politics, he set the stamp of his high sanction on the truth and fidelity of the History.

To whatever cause it may be due—to the fault of circumstances or of the man—such was the result. The second epoch of William Napier's life had now begun. After twenty years of service he retired a brevet lieutenant-colonel, and settled himself in Sloane Street with his wife and young family. Many testimonies of honour and regret attended his retirement. Among others, the lieutenant-colonel and officers of the 43rd presented him with a splendid sword, as 'a mark of their admiration of the gallantry and conduct he ever displayed during his exemplary career in that regiment.' He was now to enter upon a new course of life, but one which opened to his versatile genius a career of usefulness and honour not less brilliant than that which he had relinquished. More fortunate than most other men who, debarred from the exercise of their original profession, find themselves unapt or dis-

qualified for other pursuits, William Napier could scarcely have been transferred to any sphere in which his mind would not have found a field for exercise and his talents for distinction. Ill-educated in his boyhood, he was a signal example of 'self-help.' In the midst of his active employments, he had found time and energy for the cultivation of various branches of literature, for the acquirement of modern languages, and even for the study and practice of the fine arts. He had naturally a fine taste for both painting and sculpture, and he qualified himself to excel in both those arts by extraordinary perseverance. He devoted much time to the study of anatomy and of the Elgin Marbles; he became an accurate draughtsman, and in the departments both of form and colour attained, in the opinion of competent judges, no mean proficiency. His statuette of Alcibiades obtained the approval of Chantrey, and in the judgment of eminent artists his natural powers and his indefatigable industry would have raised him, had he addicted himself to the pursuit, to a high place among the painters of his day. It seemed, indeed, as if his genius had an affinity with all that was grand or beautiful in art or nature, or in the sphere of human action or pursuit. To him might be applied what Hume has so finely said of one with whom the Napiers were connected by lineage, and had some features of character in common—the great Montrose: 'The finer arts too he had in his youth successfully cultivated, and whatever was sublime, elegant, or noble touched his great soul.' And considering the double sphere of action—of letters and of arms—in which William Napier acquired his renown, it will be allowed that few men of modern times have been better entitled to appropriate the gallant vaunt of the Scottish hero:—

'I'll make thee famous by my pen,  
And glorious by my sword.'

The pen was the instrument with which the retired soldier was henceforward to gain his triumphs, while he immortalised those of the army in which he had served. It was a weapon which the members of this gifted family were admirably skilled to wield. No one can read the despatches or letters of Sir Charles Napier without being struck with the force, clearness, and facility of the composition. Viewed merely as literary productions, they possess a high degree of merit. Another of the brothers, Henry, is favourably known to literature by the 'History of Florence,' to which he devoted his retirement from naval service. But the written style of the historian of the Peninsular War places him, by common consent, high in the

scale of the writers of his age. It possesses in a remarkable degree the qualities of energy and perspicuity, while it derives warmth and colour from a rich and fervid imagination. No writer attains to a high degree of excellence in prose unless he has something in him of the poetic temperament. William Napier had this element. He loved poetry; he showed in his attempts at versification, some of which are preserved in these volumes, though slight and unpretending in themselves, that he had a mind attuned to poetical thought and feeling. But the most convincing evidence of the fact is to be found in those noble passages of his 'History,' in which his descriptions of 'the pride, pomp, and circumstance' of war, of the shock of armies, the thundering charge, the ebb and flow of wavering and surging hosts, or the hand-to-hand struggle in the deadly breach, are touched and animated with the living fire of imaginative genius. Did our space permit, we could multiply examples of beautiful images and glowing thoughts which require only the outward form of verse to make them absolute poetry. Yet admirable as is the composition of this great work, the writer when he commenced it had had little or no practice in his art. His first appearance in the field of literature was made in our own pages. In the 'Edinburgh Review,' vol. xxxv., published in 1823, will be found a very able criticism on Jomini's 'Principes de la Guerre,' the book which contained the first exposition of Napoleon's system of warfare. Napier had studied the great strategist's campaigns with unusual care, and no man was better qualified to review the treatise. The mode in which he discharged his task revealed to his friends in what direction his strength lay, and probably brought home to his own mind the consciousness of powers equal to a more extended work. A wise adviser, to whose counsel he was indebted at more than one crisis of his life, pointed out the path to fame which lay open to him. The following account of the origin of his great work was given by Napier to one of his daughters the year before his death:—

'It was all owing to Lord Langdale I ever wrote that history; *he first kindled the fire within me*. I was living in Sloane Street on half-pay, and for the time just living a very pleasant, desultory life, enjoying my home and friends in London, dining out, going to the exhibitions, and talking to the officers I had known in the Peninsula, and consorting with Chantrey and Jones, and so forth, and painting a great deal. I had never written anything except that Review, when, soon after it appeared, I was walking one day with Bickersteth, and he asked me what I was thinking of doing. I thought he meant where I was going to dine that day; but he said, No! what was I thinking of turning to as an occupation? and then he went on to



urge me to undertake some literary work, telling me I had powers of writing yet undeveloped; that the Review proved it to him; that I must not waste my life in mere pleasantness; and he urged me so seriously and so strongly, suggesting the late war as my province, that it began to make me think whether I would not try; and what he said about not wasting my powers made a great impression on me.' (Vol. i. p. 234.)

The idea thus dropped, like a seed, into his mind, germinated and took root. He pondered much upon it, and passed some sleepless nights revolving it in his thoughts. The project fascinated him; his wife encouraged him to attempt the task, and after a short interval of hesitation, the resolve was made. His first step was to call on the Duke of Wellington and request the use of his papers. The Duke's reception of him was kind, and his answer, though with some reserve, was encouraging. It appeared that he meditated writing a narrative of the war himself, not to be published, however, till after his death, lest the truth, which he was resolved should be spoken out, should wound the feelings of some worthy men, whereby 'I should do as much mischief,' he said in a laughing way, 'as Bonaparte himself.' He declined, therefore, to give Napier his private papers; but he gave him some valuable official documents, all his own 'Orders of Movements,' and, *inter alia*, King Joseph's portfolio, taken at Vittoria, and containing his whole military correspondence. The Duke did more, he promised that he would always answer any questions as to facts which Napier might put to him. This promise the writer freely acted upon, and the Duke punctually performed.

Continually, during the progress of the work, Napier both put to him personally, and addressed to him in writing through Lord Fitzroy Somerset, a variety of questions which were always fully and carefully answered without delay, the Duke replying to the queries with his own hand in the margin. It is amusing to find that many of the facts which were most cavilled at or denied by the critics, were those which had been related on the sole authority of the great Commander himself.

Sir George Murray, the Quarter-master-General, to whom application was next made for the use of the maps and plans illustrative of the operations in the Peninsula, was in the same predicament as the Duke. He too had a History of his own in view, and on that avowed ground declined to part with the documents. Now Murray was a man of well-proved ability; he held a high rank in the profession, and *à priori* it would have been assumed by the majority of persons qualified to form an opinion, that he was likely to produce a more worthy record

of the Peninsular campaigns than the young lieutenant-colonel, who both in military and in literary standing was at that time considerably beneath him. On these grounds the editor of these volumes acquits the Quarter-master-General of any blame for his refusal. Napier himself, it seems, was not quite so charitable. However, undeterred by the repulse, he set himself to work diligently in the early part of 1823 to collect materials. He made a visit to Paris and obtained an interview with Soult, who gave him a very cordial reception, furnishing him not only with the documents which he required but with more than he had asked for. Through Soult's courtesy Napier was put into direct communication with Marshal Jourdan, he had interviews with officers high on the staff of Massena and Ney, and obtained copies of the official journals kept by the chiefs of Marshal Victor's and General Dupont's staffs. He likewise procured admission to the Bureau de La Guerre at Paris, where he worked for several weeks.

'Here, among other important documents, he had access to the muster-rolls of the French army in the Peninsula—that is to say, to the *real correct* muster-rolls which were drawn up by Marshal Berthier every fifteen days during the war, for the special information of the Emperor Napoleon: for there were other muster-rolls, systematically fabricated to impose on the French people, and even on the armies; the distinction being that the true returns were bound in green, the spurious in yellow.'

On returning from Paris Napier took up his residence for some weeks at a farm-house near Strathfieldsaye, for the sake of greater facility of reference to the Duke of Wellington.

Besides the materials derived from these fountain-heads of information, in England and France, a great assortment of letters and journals of officers of every rank in the service, describing the events which they had personally witnessed, were freely placed at the historian's disposal. One of his most serious difficulties was to reconcile the conflicting versions of the same transactions which these narratives contained. So rare is it to find an exact concurrence of testimony among several persons, however veracious, when speaking of the same facts and with equal opportunities of knowledge. There were also competing personal claims to the honour of particular achievements, which could not be adjusted, even with the utmost desire to do impartial justice, without offending sensitive feelings and sometimes involving the author, against his will, in angry controversy. These difficulties were inevitable, yet when we consider the advantages which Colonel Napier brought to the performance of his task: the fact that

he had been an eye-witness of and actor in many of the operations described—his great mental qualifications—his previous diligent study both of the science of war and of its practice as exemplified in the campaigns of the most famous generals, and especially of the great modern master of the art, Napoleon—his confidential relations with the Duke of Wellington—the facilities so liberally granted to him by the French authorities—and lastly, his opportunities of communication with his old friends and comrades of the Peninsula—we may safely conclude that he of all other men was the best qualified to write the history of the war.

The result fully confirmed such anticipations. In the spring of 1828 the first volume of the book was published, Mr. Murray having paid the author 1,000 guineas for the copyright. The reception of it by the public, apart from those who were personally affected and considered themselves aggrieved by the statements contained in it, was highly favourable. The capacity of the author for his arduous undertaking was established beyond all question. Testimonies to the merits of the book poured in from many quarters. The author's accomplished friend, General Shaw Kennedy, declared—what was quite true—that, as a military history, nothing in our language could be placed in comparison with it. Other competent judges spoke of it in like terms. In France it received, if possible, still higher appreciation. George Napier, writing from Paris, thus reports to his brother the cordial testimony of Soult:—

‘Soult desired I would give his best regards, and said, “Your brother's work is perfect; it does honour to his head and heart, and must be as satisfactory to the French army as it is to the English; it is the work of a just and honourable man, whose only object is to tell the truth without fear or vain boasting. As to his remarks at the end of the chapters, they are most scientific, and require no comment from me or any other military man—they speak for themselves.” He afterwards said to me, “Your brother is the most candid, fair, and honourable man I ever saw, and his History is truth, and cannot be contradicted.”’ (Vol. i. p. 314.)

George Napier reported also the opinion of Count Mathieu Dumas, himself a very eminent military writer. He said:—  
‘I have written a few lines to your brother upon the very few points on which we may have a trifling difference, but upon the whole, I pronounce the work a model of truth, skill, and eloquence. . . . Although I am an old author, and have met with much approbation, I do not feel competent to criticise it: indeed, it is impossible.’ (P. 317.)

The second volume was published in the following year, and fully sustained the reputation of the first. Some disparaging critics, indeed, there were, but their bark has long since been silenced; some accusations of partiality and unfairness, but time and inquiry have pronounced their refutation. The war of pamphlets raged for awhile, and the author was obliged to desist more than once from the prosecution of his task in order to reply to his assailants, but the foundations of his work were firmly laid in historical truth, and the darts hurled against it proved innocuous. The political tone of the book did not escape animadversion: one complaint was that the conduct of the Spanish Government and the character of that nation had been represented in too harsh colours; but the publication of the 'Wellington Despatches' has since given a decisive answer to that charge. Others thought that an English historian had done more than justice to the enemies of his country. But the sarcasm of Lord Stanhope, that Colonel Napier had written 'by far the best *French* account yet published of the Peninsular War,' was in truth the best eulogium of the History. 'To refrain from disparagement of a gallant enemy was,' as the author rejoined, 'not un-English;' and it was justly observed by one of his gallant Peninsular comrades, 'that truth required that the French should be shown to have been highly skilled and formidable opponents, and surely, on their having been so, and being so represented, depends the glory of the British arms.'

The sixth volume was published in 1840, and, after sixteen years of continuous labour, the 'History' was completed. Judgment may be pronounced upon it in a few words, and will now pass *nemine contradicente*. It is the first work of its class, the best military history extant; in fulness, eloquence, and truth unequalled. We have already expressed our opinion of the composition and style. In matter and substance the book is no less admirable. The complicated movements and evolutions of the campaigns are described with a clearness and skill which make them—unlike military narratives in general—intelligible to a non-military reader. As Napier himself said, in his criticism of Jomini's expositions, 'an Alderman might understand them.' The sieges and battles are related with a spirit and graphic force which captivate and delight the reader. The characters of the chief actors are sketched with a free and discriminating hand. The details are skilfully grouped and kept in due subordination to the leading events. The whole work is pervaded by a tone of pure and elevated morality, and bears on every

page the impress of an upright and truthful mind. It bespeaks at once the gallant and chivalrous soldier and the accomplished man of letters. So long as the honour of the British army and the memory of one of the keenest struggles in which this country has ever been engaged are dear to Englishmen, this book will live, not only as the best but the *only* record of the great transactions which it commemorates. Before, indeed, the work was half through the press, it was evident that there was no room left for a competitor. Wellington was much too wise, Murray far too good a judge of literary merit, to entertain a thought of entering upon the same field. As for all previous compilations, they were reduced at once to the condition of unsaleable stock. The last pages of this immortal work, including the admirable comparison between Wellington and Napoleon, were composed, like many another effusion of genius, under the pressure of severe pain and physical depression. As an example of the author's striking power of figurative description, we will extract only the last sentence of that celebrated parallel:—'In following up a victory the English general fell 'short of the French Emperor. The battle of Wellington 'was the stroke of a battering ram—down went the wall in 'ruins: the battle of Napoleon was the swell and dash of a 'mighty wave before which the barrier yielded, and the roaring 'flood poured onwards, covering all.'

It might seem as if the eloquence which breathes through these and similar passages had derived increased fervour from the racked nerves and agonised frame of the sufferer who penned them. Other and not less admired portions of the work were written under circumstances less discouraging. Thus, the immortal page which describes the battle of Albuera was completed, we are told, in a rare interval of health, on a stormy day of March, as the author strode along an upland down in Wiltshire, battling with an equinoctial gale.

So much of William Napier in his twofold character of soldier and historian, in both of which he shines with untarnished honour. We now approach a passage in his life respecting which a more qualified judgment must be pronounced. It is impossible, indeed, not to commend the feeling which prompted him to devote years of labour and all the powers of his intellect to the task of vindicating the character and actions of his defamed brother, the conqueror of Scinde. Fraternal affection, carried to an almost romantic pitch, had from the days of their early companionship in the Peninsula, been the characteristic of the Napiers. William, with his eloquent tongue and ready pen, was through life the champion of the brother-

hood, the redresser of their wrongs, the eulogist of their noble deeds—

‘Notus in fratres animi paterni.’

He loved them all, but Charles, *par excellence* the hero of the family, was his especial pride. Regarding with intense admiration the rare and splendid qualities of the man—his eminent talents for war, his scarcely less eminent administrative ability, his generous self-devotion and his penetrating sagacity, he overlooked, in his fraternal partiality, the aberrations and indiscretions of that eccentric genius. He was blind, with more than a lover's blindness, to those grave faults of temper and of judgment which alone prevented this highly-gifted man from attaining, with universal assent, the highest honours his country could bestow. Taking this one-sided view of his brother's character, and goaded by the calumnies with which his enemies pursued his name, William Napier was far from being in that frame of mind which is required in a judicious and impartial biographer. In the ‘History of the Conquest of Scinde,’ and still more in the ‘Life and Opinions of Sir Charles Napier,’ acrimony of spirit and obliquity of judgment are painfully conspicuous. In reviewing this work shortly after its publication we expressed with frank sincerity the very unfavourable opinion we had conceived of so injudicious a production. It was unjust to the memory of Sir Charles Napier; it was unworthy of Sir William Napier's pen. But as we expressed our reasons for this judgment at length on that occasion, we shall not now revert to the subject, except with reference to a single incident. Among the passages in these volumes which excited our indignation there was especially one relating to the outrage on the feelings of the mother of Sir Charles Outram. Accordingly among the letters of remonstrance and reproach which the publication of his brother's ‘Life’ brought down upon Sir W. Napier, was one bearing the signature of the aged mother of that gallant and high-minded officer, who, to the deep regret of all who honour the name of Napier, had been the object of the unmitigated enmity of both the brothers. This letter was written, not to vindicate the fame of her more distinguished son—which required indeed no vindication—but to protest against the inconsiderate and unfeeling mention of another son, who had died in India at an early age, under very painful circumstances, which, previously to the publication of Sir W. Napier's work, had been carefully concealed from his mother. The fact had been bluntly mentioned in a letter of Sir C. Napier, thus, ‘Outram's brother

'cut his throat in India,' and this letter, printed in the 'Life,' and extracted in a Review, made the distressing truth first known to Mrs. Outram. Overcome with grief at the disclosure, she addressed Sir William in a letter of severe, yet dignified rebuke, concluding with this pathetic appeal:—

'You and I, Sir, will never meet in this world:—in that one to which we are both perhaps rapidly approaching, earthly feelings and vindictive passions must then be over, but their effects remain: we must give an account of our own trespasses. I trust you will repent of having destroyed the peace of a widow who never injured you, and whose grey hairs you are bringing with sorrow to the grave.

'MARGARET OUTRAM.'

Sir William Napier, as one of his most intimate friends testifies, was overwhelmed with grief and compunction on receiving this letter. He answered it in these terms:—

'June 4, 1857.

'MADAM—Your solemn, and to me terrible letter has just reached me, and to it I can give no answer.

'I hope God will pardon the pain I have given you, though unintentional; I say unintentional, as it was a careless transcribing of a passage never intended for publicity, and to which publicity ought not to have been given. I pray God may alleviate the suffering of your aged heart and the self-reproach which I feel. I can say no more.

'W. NAPIER.'

*Mrs. Outram to Sir W. Napier.*

'June 10, 1857.

'SIR—Your answer to my letter demands an acknowledgment. Aware in my own long life of having committed many errors, I am ready with my whole heart to pardon injuries done to me, particularly if atoned by regret or repentance. It is due to your feelings and my own to assure you that your answer to my letter soothed and gratified me, as expressed like a soldier and a Christian gentleman. All I have to rejoin in is to express my regret that your feelings and my own have been so much pained, and to assure you of the *entire* forgiveness of

'Yours truly,

'MARGARET OUTRAM.

'P.S.—I am now anxious to bury this sad affair in oblivion.'

It is pleasing to record that the intercourse, commenced so sadly, did not altogether terminate with the above correspondence. A year later Sir William, when lying very ill, received a most kind and cordial letter from the same lady, and he held her in the highest esteem and reverence to his death. 'Remember the end and let enmity cease,' said the wise man.

The letters of Sir William Napier contained in these volumes



are for the most part of great interest. They embrace a large variety of topics, both public and private, and there are few of them which are unstamped with the peculiar and vivid genius of the man. The intensity of his domestic affections, the warmth of his friendships, the impetuous outflow of his feelings, when moved by grief, pity, or indignation, they find vent in 'thoughts that breathe and words that burn,' can scarcely fail to touch the coldest hearts with some emotion of sympathy. One letter in particular addressed by him, after many years of separation, to his early but long-expatriated friend Lady Hester Stanhope, though it would exceed our limits to insert it here, may be pointed out as a striking specimen of the passionate eloquence with which, when deeply stirred, he poured forth his feelings.

We have little space left to bestow, though the subject occupies many pages in the volumes before us, upon the political opinions and conduct of Sir W. Napier. Those who have seen the quality of the man, so vehement in his feelings, so warm in his sympathies, will not need to be told that he was an ardent and outspoken politician. Residing in England, and unemployed, except upon his unfinished History, during the feverish epoch of the Reform Bill, and taking the keenest interest in that struggle which brought the country to the verge of revolution, he threw himself heart and soul into the cause which he believed to be that of justice and freedom. While he held fast to what he deemed the essential principles of the Constitution, he did not hesitate to cast in his lot with the Radical Reformers of that day in their advocacy of a widely-extended suffrage, vote by ballot, and short Parliaments. He denounced the shortcomings of the Whigs, inveighed against the barbarity of the New Poor Laws, branded the abuses of the Irish Church, lashed the selfishness of the rich, and depicted in burning language the wrongs and sufferings of the poor. He regarded a social convulsion as imminent. 'Everything,' he wrote in February 1831, 'is tending towards confusion. 'The declaration of the Ministers will be the signal for peace or civil war. Reform must be granted, or civil war follows. . . . It is really time to do something. My heart is sick at seeing the miserable children starving in the streets, and the squalid wretches that are spread in all parts crying for food, amidst the rolling of carriages and the most insulting and selfish luxury, which the rich people seem to pride themselves in displaying.' (Vol. ii. p. 341.)

The truth is, that in all cases in which the condition or feelings of his fellow-creatures were concerned, the conclusions of

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William Napier were based not on the reasonings of his brain, but on the emotions of his heart. With him every poor man was *primâ facie* the victim of social injustice; mendicancy and distress were presumptive proofs of political misgovernment. As his biographer truly says, 'his peculiar temperament led him to accept as true every allegation of injustice or oppression, and drove him, like a goad, to repair the wrong and 'punish the oppressor.' Hurried away by his keen sympathies and his generous though short-sighted indignation, he did not stop to analyse the causes of social derangements or inequalities; not that his mind was unequal to such investigations, but that, where the question was one of human wrongs or afflictions, his feelings would not permit the exercise of a cool judgment. He was a Radical not from envy, or vanity, or selfish ambition, but from an impulsive and over-sanguine philanthropy. But never, under the pressure of the strongest temptation, did he condescend to pander to popular ignorance or passion; never did he 'surcease to honour his own 'truth,' or belie the loyal convictions of his heart. When a member of the Bath Working Men's Association spouted some wild trash about 'pulling down all kingly and priestly 'institutions, and establishing a republic on their ruins,' Napier at once frankly declared his severance from their company. When another orator at a public meeting included the Duke of Wellington in his denunciation of the enemies of the people, Napier immediately stood up to vindicate his old chief, whom he knew to be as honest and true a patriot as himself, however widely different in the complexion of his politics.

The temptations to which his entry on the political arena exposed this fervid champion of the popular cause were of no ordinary kind. Napier then resided near Bath, and his public demonstrations were confined to political meetings in that city and its neighbourhood. The sensation which his appearance on these provincial platforms excited is no matter of surprise. His distinguished name and reputation, his noble aspect, the charms of his voice and manner, were aided by an eloquence rarely heard in such assemblies. We may be sure that it is no flourish of the reporters when we are told that the cheers that followed his spirit-stirring harangues 'shook the 'room,' for how could William Napier have been otherwise than eloquent? His was the 'perfervidum ingenium,' the true native source of eloquence: that electric oratory by which heart speaks to heart, and hearer and speaker are together borne along by a resistless tide of over-mastering emotion. The fame of his speeches soon spread beyond the limits of his

provincial sphere, and he was marked out for a 'leader of the people' in the struggle which, in the eyes of many at that excited time, appeared imminent between the party of the 'movement' and their opponents in power. First came tempting offers of a seat in Parliament. More than once the reformers of Bath offered to return him as their member, and on his refusal proved they would have the power so to do by electing Mr. Roebuck. Other constituencies pressed the same honour upon him—Devizes, Nottingham, Glasgow, Birmingham, Oldham, Kendal, and Westminster. Such invitations were flattering, but, on the other hand, there were strong reasons impelling him to decline. His retirement on half-pay had left him with straitened means and a large family unprovided for. The great work on which his fame and purse alike depended was yet unfinished. His constitution was enfeebled from the effects of his wound, and pain and sickness were his constant visitants. How would that shattered nervous system have borne, at such an exciting period, the wear and tear of the House of Commons? Again his friend Lord Langdale was appealed to, and the counsel which he gave to abstain from the risks and anxieties of a political career was seconded by Napier's own convictions. But propositions of a still more important and delicate nature were addressed to him. Mr. Erskine Perry, then a stranger to him, wrote to ask permission to add his name to the Council of a Political Union, of which Sir Francis Burdett was to be the Chairman. The objects and operations of this league are but slightly indicated in the letter, which concludes by informing the person addressed that 'the grand desideratum of your name is that, if a crisis should arrive, you are the man of all others in the country, and I say it without flattery, that we should look to as a leader.' (Vol. i. p. 359.) In answering this letter, Colonel Napier states several reasons for declining the proposal—his ill health, his family ties, and his reluctance to assume a leading part in political agitation. He remarks also that no movement in this country was likely to be successful, except under the guidance of men of property and influence, and that 'when they stirred themselves effectually, the object in view would be gained without the necessity of any appeal to arms.' A few days later another and more definite application was addressed to him in a letter from the late Mr. Charles Buller, dated November 4, 1831. Complimenting him on his 'noble speeches,' and assuring him that, in the 'present deplorable prospects of the country,' and 'the utter incapacity' of 'all the known leaders of the people,' he (Napier) is the only

'bold, honest, and wise man,' who can be looked to to 'save the country,' this ardent reformer urges him to come forward and draw out a plan for a national guard, and 'we shall have you at its head in a fortnight.'

Colonel Napier showed by his mode of responding to this overture that, however vehement he might occasionally be in his language, he was in the matter of political action more discreet and sagacious than his correspondents. After urging similar reasons to those already given to Mr. E. Perry, he adds: 'No doubt a national guard ought to be formed; but unless we can get it done simultaneously all over the kingdom, and procure the accession of powerful men, I fear that we shall only widen the breach, already too wide, between the different classes of society; and it is certain that the Ministers will never favour it until they find that the desire is universal, and the men of influence who are ready to act numerous.' (Vol. i. p. 364.)

Quieter times came, and at length came also a recognition of the claims of the veteran officer and now eminent writer, who had hitherto reaped but a scanty share of material rewards. Early in the year 1841, it was intimated to him through a friend that, if he would make an application to the Government, he might obtain a pension of 300*l.* for 'literary services.' But such an application was repugnant to Colonel Napier's sense of honour. He feared by so doing to compromise his well-known political opinions; he was restrained also by the consciousness that it was in truth by personal, not public, motives that he had been prompted to become an author. The reward was conferred in another shape, less lucrative, but more gratifying to his feelings. A pension of 150*l.* a year 'for distinguished service as a soldier,' with a special position in the Army List, was granted to him, and made him, as he said, 'quite content.' Later in the same year, Sir Robert Peel being then in office, and his old friend Sir H. Hardinge Secretary at War, the latter announced to him, in a very flattering letter, that his name was about to appear in the Gazette as a Major-General, and requested him also 'to consider the service in time of peace which would best suit him.' Ireland, Canada, and Guernsey were severally suggested. Sir H. Hardinge enclosed in his own a letter from Sir R. Peel, highly creditable to that Minister, who, respecting the political independence of an opponent, declared that he knew Colonel Napier in no other capacity than as a soldier of distinguished gallantry, and as 'the eloquent and faithful historian of the Peninsular War.'

In January 1842, General Napier, who now gratefully

described himself 'as overwhelmed with favours,' was appointed Lieutenant-Governor of Guernsey, and in the April of that year he commenced his residence in the island. The post was an honourable one, but the climate was unsuited to his health, and the government did not prove so smooth a pillow for him as his friends would have desired. The constitution of the Royal Court, which claimed the chief executive as well as the supreme judicial authority, was that of an oligarchy, composed of the members of a few leading families, all connected together by blood. Its administration of justice by no means squared with the Lieutenant-Governor's ideas of equity and rectitude. The irritability of his temper, aggravated by disease, rendered accommodation much more difficult. Harassing controversies between the local potentates and the representative of the Crown speedily arose; his vehement efforts to reform abuses were met on their part by a pertinacious opposition. Appeal was made to the Privy Council at home, which resulted in a decision upon substantial points in favour of the Governor. These feuds, which continued with more or less aggravation during the whole period of his residence in the island, occasioned General Napier much disquietude. The truth was that, whether in Guernsey or elsewhere, this energetic reformer could never succeed in making men so public-spirited and disinterested as his own high standard required, yet his uncompromising sense of duty would never let him acquiesce in the conclusion of experience that 'that which is crooked cannot be made 'straight.' Nevertheless his rule in this petty community, however disappointing to himself, was not unfruitful of good. It was through his exertions that a Royal Commission of Inquiry into the criminal and civil jurisdiction of the island was appointed, whose labours have been, and are likely to be, productive of improvement. He reorganised and armed the militia, and he devised a system of defence for the Channel Islands, which was adopted by the Government, and has since been partially executed. Lastly, though he was a thorn in the sides of the ruling class, he gained considerable popularity among the people at large, and received the thanks and approbation of the Crown. After the resignation of his government in January 1848, the command of the first vacant regiment (the 27th) was conferred upon him, and he was shortly afterwards appointed K.C.B. upon the occurrence of the earliest vacancy in that Order.

With these honours, having now reached his sixty-fourth year, General Napier retired from the scene of his last public

employment to pass the remaining years of a secluded, but by no means inactive, existence in the bosom of his family. His tenure of life, indeed, had been for some time precarious. By many a sharp and agonising attack death had of late knocked at the doors of the shattered tenement which enclosed that indomitable spirit. Unable any longer to walk out of doors, he removed with his family in 1849 to Seinde House, Clapham Park. Here he was visited on occasions of military or political interest by some of the ablest men of England, desirous to consult his opinion, or to profit by his experience. From this retirement he watched with an interest which never flagged the great events passing on the theatre of the world, but especially those which affected the honour of his own country, or the well-being of those most dear to him—his greatest interest being the career of his absent brother in India. From this retreat came from time to time a reminder to the public in one of his trumpet-toned letters to the 'Times,' to stir men's minds by some case of oppression or neglect, or by some appeal to the patriotic spirit of the nation. The state and prospects of European politics, the campaigns on the Indus and the Sutlej, the War in the Crimea, the conduct of the British fleet in the Baltic, the Italian Campaign of 1859, the defence of England against invasion, the organisation and discipline of Volunteers, the merits of the Minié Rifle, the system of flogging in the army, the veracity of M. Thiers' History, the neglect of old Peninsular soldiers, the care of the Egyptian statues in the British Museum—such were the multifarious topics which by turns employed his active mind and unresting pen. But to those who were admitted to familiar intercourse his discourse was still more interesting and characteristic. Between the paroxysms of his acute neuralgic pains his mind worked with extraordinary vigour. He would then pour forth—sometimes for three hours at a time without break or pause—his ideas, clothed always in graphic and nervous language, upon the familiar topics on which his mind loved to dwell—on ancient and modern generals, statesmen, and systems of government; sometimes even on complicated problems of currency or finance—or he would descant in glowing terms on the characters of some of the objects of his hero-worship—of Julius Cæsar, his favourite among the ancients—of Sir Walter Raleigh, or of Napoleon, whose marvellous intellect he regarded with an admiration which blinded him too much to the darker qualities of that dazzling genius.

Time went on, and the approaching end was heralded by those saddest monitors, the deaths of friends, of brothers,

of his early companions in arms, of the great Chief himself. Sir Charles Napier had returned from India in March 1857, crowned with the fame of his splendid victories, but crushed with the weight of sixty-seven years of hardship and toil, and bearing in his frame the seeds of a mortal disease. In November 1852, the two brothers stood together under the dome of St. Paul's, and looked down with bowed heads and with thoughts which none might penetrate, into the open grave of the great Commander under whom they both in their hot youth had fought and bled on the fields of the Peninsula. They were great men alike—the departed and the mourners—alike in loyalty, faithfulness, and truth—different, indeed, in many qualities of character, and widely different in their destinies, yet united through life by the bonds of a mutual admiration and regard. What the Napiers thought of Wellington has been recorded by both brothers in terms as eloquent as discriminating: the force of language cannot add to them. What Wellington thought of the Napiers is evinced by many public and private testimonies—by his speeches in Parliament, by expressions forcible, though brief, and which none will suspect of flattery, preserved in these volumes; by his firm adherence to them through all the chequered scenes of their career; above all, by his selection of the one to deliver an empire in a great crisis, and by the confidence with which he left to the other the transmission of his own fame and actions to posterity.

The grave had not long closed over the remains of the great Duke ere it was opened to receive one who in military genius had approached most nearly to his famous Chief. Sir Charles Napier died in August 1853, at Oaklands, near Portsmouth. His brother William, who never left him during his last illness, received his parting breath, and ‘for many hours continued in the room, keeping his solemn watch over the dead, and almost as motionless.’ The funeral, though private, was voluntarily attended by the whole of the Portsmouth garrison, by the Lords of the Admiralty, and a large body of naval officers. The line of road along which the procession passed was densely crowded, the most conspicuous figure being that majestic old man, who with snow white hair and beard flowing to the wind, stood over the grave, striving to find words to express the feelings of his over-burdened heart. ‘Soldiers,’ was all he could say, ‘there lies one of the best men—the best soldiers—the best Christians—that ever lived. He served you faithfully, and you served him faithfully. God is just.’ (Vol. ii. p. 348.)

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A short interval of only two months elapsed before the mourner was summoned to attend the deathbed of another of the famous brotherhood: Henry, the naval captain. An accomplished sailor in his early years, he had been laid on the shelf when the peace came, and had turned, with the ready talent of his family, to literature, as an occupation for his leisure and a solace under domestic bereavement. His death was followed in 1855 by that of the second brother, George, a Major-General and K. C. B. He had been a gallant and good soldier, and though he did not possess the commanding genius of Charles or William, was more fortunate in this respect, that he is said never to have made an enemy. He rendered valuable service in several capacities to his country, and might have attained even higher positions than he reached, but for his own modesty and sense of honour. Distinguished throughout the Peninsular war, having been aide-de-camp to Sir John Moore in the Corunna campaign, shot through the thigh at Busaco, and deprived of an arm at Ciudad Rodrigo, he became a Major-General in 1837, and was appointed Governor of the Cape, where he carried out many measures of public benefit, abolished slavery, promoted education, reduced taxes, and kept the country free, for more than seven years, from Caffre war. Being at Nice in 1849, he was offered by Charles Albert the command of the Sardinian army, but declined it, not choosing to fight except in the cause of his own country. In the same year, when war was raging in the Punjaub, and Lord Gough's fortunes seemed to waver, the voice of the public at home demanded a change in the command, and the Duke of Wellington recommended the ablest soldier in England to the East India Directors. But the appointment of Sir Charles Napier was too bitter a pill for them to swallow: the time was not yet come. The name next suggested was that of his brother, Sir George, and to him, albeit not fond of the family, they were willing to assent. But Sir George loved his country and his brother too well to allow himself to be put in the place of the best man. He declined the offer, and Sir William Gomm was nominated—speedily, however, to be recalled. The sequel is well known. The news of the battle of Chillianwallah reached this country, the fate of India seemed to be at stake—the voice of the nation imperiously called for the Conqueror of Scinde. The Duke sent for him, and said; ‘If you don’t go, I must.’ He consented, and went, but found the contest decided ere he arrived.

Deeply afflicted by these and other domestic bereavements, as well as by the loss of old friends and comrades who were

falling fast around him—of Lord Raglan, whose talents for command he had early discerned, and of Lord Hardinge, to whose fame he had raised so noble a trophy in his narrative of Albuera—William Napier, the last survivor of the soldier brothers, was now fast sinking under the increasing burden of his infirmities. The force of his intellect, indeed, was unabated: when he could no longer hold the pen, he could still pour out his thoughts by dictation, upon the subjects which interested his heart. And though he bore his days of pain and restless nights with great fortitude, yet ever and anon some reminiscence of his early life, bringing out the sad contrast between his then enfeebled state and his youthful energy and prowess, would wring from his heart the sad wail of the disabled warrior:

‘Oh! mihi præteritos referat si Jupiter annos,  
Qualis eram!’

On the 18th of November 1856, he writes to a friend:—

‘This is the anniversary of the battle of Nivelle, in which I won my Lieutenant-Colonelcy. I was then strong and swift of foot: only one man got into the rocks of La Rhune before me, and he was but a step; yet eight hundred noble veterans, strong as lions, were striving madly to be first. I am now old, feeble, bent, miserable, and my eyes are dim, very dim, with weeping for my lost child, and my brain is weak also. . . .’ (Vol. ii. p. 404.)

The last paper which he ever composed, consisting of a code of instructions for the training of Volunteers, was dictated to his son-in-law, Mr. Bruce, about six weeks before his death. And now came the last scene, which derives a mournful interest from the beautiful picture of conjugal affection, strong in death, which it presents. It was the close of 1859; the health of Lady Napier had been long failing, but at this time alarming symptoms appeared. It was not, however, thought necessary to disturb her husband with the tidings, and when her daily visits to his room were discontinued, he supposed some ordinary ailment to be the cause.

The close should be described in the biographer’s own words:—

‘A few days after the date of the last letter, Lady Napier was seized with sudden insensibility, and continued in that state so long that her medical attendant thought it very doubtful if she would ever recover from it; it became therefore imperative to inform Sir William of her real condition. That announcement was accepted by him as his own summons; from that moment it appeared as if he gave up all thought or desire of life. He who had shown wonderful fortitude under his own sufferings, and even to the very last, when not in the worst paroxysms, manifested such a springing elasticity

and cheerfulness of mind, now at last gave up the struggle. He refused all nourishment as loathsome to him, turned his face to the wall like the Israelitish king, and almost literally grieved his life away. For days after his wife's danger became known to him he would see no one; and when his son-in-law on first arriving went to him by the doctor's wish, in the hope that he might be roused to talk, he found him with tears rolling slowly down his cheeks, thinking, as he said, over forty-eight years of married happiness which was coming to its end. After all his long pains, it was not his disease but sorrow which overcame his extraordinary strength and vitality; and had it not been for the departure of hope and the desire to live, it is probable that he would have lingered on for some time longer.

'Contrary to expectation Lady Napier became better, but as she lay in one room and her husband in another it was doubtful which would first break by death the strong chain of forty-eight years' riveting which bound them together.

'After lying in the state above described all January, on Friday, the 10th of February, Sir William's great strength began to yield. During the last two weeks, to the inexpressible comfort of his children, all acute pain appeared to have departed. On Sunday morning, the 12th, death was evidently very near. His wife was wheeled into his room on a sofa and placed beside his bed, where she remained about an hour. He did not speak, but she said he certainly knew her; and thus they took their silent farewell of a companionship which had so greatly blessed their earthly pilgrimage. His face had worn all day that indescribable expression of peace and ineffable rest which often marks the countenances of those in their latest moments who have gone through very prolonged sufferings; and at about four o'clock in the afternoon he breathed his life away so gently that it was impossible to say when the breathing ceased.' (Vol. ii. pp. 482-3.)

The funeral, which took place at Norwood, was strictly private, but all the surviving veterans of the old Light Division who were within reach voluntarily attended to pay the last mark of honour to their departed comrade. Six weeks afterwards, she who had been his mainstay through life, without whose help, as he often declared, his *History of the Peninsular War* could not have been accomplished, who had endured with heroic constancy such trials as seldom fall to a woman's lot to bear, the wife of his youth, the prop and comfort of his suffering old age, was laid peacefully by his side.

So lived and so died, after seventy-four years of an existence of extraordinary energy, conflict, and endurance, William Francis Patrick Napier, a man whose name the country which he served, and the profession which he adorned, will not willingly let die. What he was as a soldier is but partially known to the world for this reason, that, being himself the

chronicler of the operations in which he took part, his individual share in them has escaped the mention which it would doubtless have received from another pen. Moreover his military career was prematurely closed, and an opportunity was never afforded of testing his ability in the more arduous departments of his profession. He never held a high command, and his capacity for handling large bodies of men, and conducting the greater operations of war, must remain in some degree problematical. But he had applied his sagacious and comprehensive mind with great zeal to the study of military science; he had deeply pondered and commented upon the most celebrated campaigns of ancient and modern generals; he had been admitted to discuss with Wellington the plans and combinations of that great master: he had sketched out, with a singular concurrence of ideas, the scheme of those operations in India which his brother Charles had conducted with such marvellous results: and if any judgment can be safely formed from the principles and views which he has left on record in his writings, it seems not unreasonable to believe that, had circumstances permitted him to take the position of command to which his genius and ambition pointed, he would have exhibited in practice, what he so fully comprehended in theory, the skill, the judgment, and the manifold resources of a great commander. In the moral and physical attributes which qualify a man to lead and to gain a mastery over the minds of others, he was certainly pre-eminent. Such was he as a soldier; as a writer, it is enough to say, that in the special field of literature which he selected for himself, he stands almost without a rival. But, unless the light in which he is exhibited in the volumes before us is entirely distorted and fallacious, we may venture to say that there was in William Napier something yet greater and more admirable than either the prowess of the soldier or the genius of the historian, and that was—the character of the man. There was in him a large infusion of the *heroic* element, that nobleness of nature, that loftiness of thought and aim, which elevated him, notwithstanding his full human share of faults and imperfections, above the stature of common men. He walked in the light of a grand ideal, of which self-devotion, disinterestedness, loyalty, and truth were the leading outlines. ‘England has need of’ such men; when she ceases to produce them, the star of her greatness will be on the wane. And as she owes them a large debt for their spirit-stirring example, she owes it likewise to their memories ‘to guard their honour from corruption.’

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ART. IV.—1. *A general View of the Criminal Law of England.* By JAMES FITZJAMES STEPHEN, M.A., of the Inner Temple, Barrister at Law, Recorder of Newark upon Trent. 1863.

2. *First Report of her Majesty's Commissioners appointed to consider the Reform of the Judicial Procedure and Laws of India.* 1856.

3. (24 & 25 *Victoriæ*, chaps. 94, 95, 96, 97, 98, 99, 100.) *Acts for the Consolidation of the Criminal Law.*

THE work of Mr. Fitzjames Stephen on Criminal Law, the title of which we have prefixed to these observations, is, he informs us, intended neither for practical use nor for an introduction to professional study. Its object is to give an account of the general scope, tendency, and design of this important part of our institutions. The matter is scarcely cleared up by this announcement, for it seems quite clear that, either for practice or study, it is necessary to apprehend the scope, tendency, and design of the criminal law. The apparent difficulty, however, vanishes on inspection of the work itself. Mr. Stephen has formed many opinions as to the nature of the reforms required in the criminal law, and well knowing that he would have little chance of a hearing were he to embody his proposals in a single pamphlet, he has preferred to adopt the didactic in preference to the expository form, interspersing his explanations with such remedial suggestions as from time to time occur to him. The course he has taken seems to be a judicious one, and the result is a work which gives the fair and impartial view of a man of sense and learning on a subject well deserving the attention of Englishmen of every rank and condition.

Many things combine to draw attention at this particular time to the present state of our criminal law. A hideous exhibition of depravity and wickedness which attended the execution of the murderer Müller has made men doubt whether it is wise to retain the present plan of public executions, or whether more terror might not be inspired into evil-doers, less opportunity might be given for the exhibition of brazen hardihood on the part of the culprit, and much brutality and obscenity might be avoided, if the execution were conducted privately but attested by competent witnesses. Then there is the commission appointed to inquire into capital punishments which seems to announce a doubt on behalf of the advisers of the Crown,

whether death-punishment in any shape ought to be continued at all. If we turn to the subject of secondary punishment, we find matters involved in still greater uncertainty. The ill-advised recommendation of the Royal Commission for the increase of transportation to Western Australia has, as was foreseen at the time, created such a ferment in the colonies, that it was withdrawn before it was acted on, and the victory has been so actively followed up, that the Government have announced their intention of applying to Parliament for powers to discontinue transportation to Western Australia altogether.

The remarkable and very unsatisfactory case of Dr. Smet-hurst, where the verdict of a jury was virtually set aside by the report of a medical man employed by the Home Secretary to investigate the case without having power to administer an oath, and without being examined on oath himself; the case of Jessie Maclachlan, where a prisoner who was, by her own confession, the principal in a murder in the first degree, received the pardon of the Crown; and the case of Townley, where the execution of the law was virtually set aside by the certificate of two Derbyshire magistrates, put in motion by the attorney for the defendant, have drawn much attention to the powers exercised by the Home Secretary, and raised a doubt in the minds of many persons whose opinions are entitled to great respect and consideration, whether the powers now vested in the Home Secretary should continue to remain in his hand, or whether some court of appeal should not be provided.

Thus the whole question of secondary punishment for the graver class of offences is once more reopened, and every man is at liberty to offer his views in opposition to a system in which those who direct it seem to have so little confidence. The digestion of the criminal law by the Acts of 1861, the recent introduction of a code of penal enactments into India, avowedly in place of English common law, tend to show that things can hardly be allowed to remain as they are; and yet notwithstanding all this flood of innovation, opinion, we believe, lies generally in the direction of leaving things alone, and not endangering the good we possess by any exaggerated zeal for reformation. To those who entertain any such conviction on the subject, we recommend Mr. Stephen's work as well calculated to raise intelligent doubt, and to prepare the mind for arriving at sound and beneficial conclusions. It will be our endeavour in what follows to suggest reasons why the criminal law, though so much and so deservedly praised, requires alteration and amendment, and to point out those reforms which we believe may safely be made without impair-

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The argument against capital punishments derived from the presumed sanctity of human life and the absence of any right in society to deprive any of its members of that existence which it did not confer upon them, finds, as might be expected, little favour. In this hard and practical age, people have found that the metaphysical assumptions which met so much favour thirty or forty years ago, are very fallible guides in the affairs of human life. Nor are we now much pressed by the assertion that it is the duty of Government to set a good example to their people, and encourage them to respect human life by showing respect for it themselves. The answer of the French philosopher is as true as it is witty; the whole thing is nothing but a question of priority. Who is to begin—the Government or the murderer: ‘*Abolissons la peine de mort, mais que messieurs les assassins commencent.*’ Let the murderer abolish the pain of death, and Government will be most happy to follow his example. But we have no similar security on his behalf.

The arguments which are principally pressed are, that the object of punishment is either to reform or to deter; that in the case of death-punishment reformation is of course out of the question, while it is broadly denied that death-punishment has any deterring efficacy. The argument is an abstract one, and it is as old as Thucydides. It is to be found in the memorable speech of Diodotus on behalf of the Mitylenians, and deserves quoting at length, as being, as far as we are aware, the first remonstrance of humanity and good sense against the indiscriminate use of the punishment of death.

‘In the cities,’ he says, ‘the punishment of death is propounded for many faults even less than the one we are considering, yet still men carried away by hope run the risk; and no one yet advanced to danger having convinced himself in his own mind that he would not prevail. It is the nature of all men to err both in private and public matters, and there is no law that will prevent them from this, since men have gone through all punishments, adding and adding that they might be less injured by the evil-disposed, and it is probable that originally more gentle punishments were imposed for the greatest offences, but these being transgressed in course of time, the greater number are raised to death, and this law is still transgressed. Either then you must find a more dreadful terror than this, or this at least in no degree restrains; but poverty giving boldness to the needy, and opportunity suggesting covetousness to insolence and pride, and other external circumstances giving similar incentives to the disposition of men, as each is ruled by some incurable master-passion, lead them



forth to danger. And hope and desire, in every case desire leading and hope following, desire devising the plot and hope suggesting the facility of its execution, do most evil, and, unseen as they are, prove stronger than the dangers that are seen.'

Another argument is the one from familiarity and compassion, stated by Sir Edward Coke in his Fourth Institute:—

'True it is, we have found from useful experience that it is not frequent and often punishment that doth prevent like offences. Those offences that are often committed are often punished, for the frequency of the punishment makes it so familiar that it is not feared. For example, what a lamentable case it is to see so many Christian men and women strangled on that accursed tree the gallows, inso-much as if in a large field a man might see altogether all the Christians that but in one year in England come to that untimely and ignominious death, if there were any spark of grace or charity in him, it would make his heart to bleed for pity and compassion.'

Another argument much insisted on is that the dislike that is felt in many quarters to the punishment of death causes juries to fail in their duty in dealing with capital cases; so that the severity of the punishment when inflicted is in this view more than counteracted by the difficulties which that very severity puts in the way of obtaining any punishment at all.

The first remark we have to make on this controversy is, that the assertion so constantly made, that the two ends of punishment are to deter or to reform, is a very incomplete account of the matter, since it omits an office perhaps as valuable as either of the others—that of preventing further crime. Every criminal is a heavy incubus on the public, and gains his subsistence in the manner most wasteful and most injurious to their resources. The thief receives a very small portion of the property which he takes away; the man of violence inflicts misery infinitely greater than the satisfaction he derives; the criminal's business is carried on at a frightful waste of human property and human well-being. During the time when a criminal is kept under restraint society is a gainer by the whole amount of the misery he would have caused had he been at large, and by the difference between the expense of his maintenance in prison and the tax that he would levy on society by wasteful and reckless depredation. If these considerations are strong when applied to mere imprisonment, how much stronger must they be when applied to a species of punishment which relieves the community altogether from the cost and anxiety of maintaining and guarding the criminal, and puts it absolutely out of his power to do any further mischief to his fellow-creatures? It is a strong proof of the superficial, and what we may call pseudophilanthropical

point of view from which this question is ordinarily regarded, that men concentrate their attention on the sufferings of the criminal, leaving out of sight the misery that he has inflicted, and the misery which, in the event of his escape, he will be in a condition to inflict on innocent persons. To the act of wise vigour which prevented Strafford from acting as the minister and general of Charles I. during the great civil war which he provoked, and which he alone could probably have brought to a successful conclusion, more than to any other circumstance do we owe the establishment of our liberties. It is said that Palmer had committed in all fourteen murders; had he been detected and executed for the first, on which side would have been the gain to humanity? In a recent work by a colonial judge, we are told of the case of a man called Lynch, who was tried and acquitted for murder by a merciful jury, and who lived to murder ten other persons with every aggravation of cruelty and atrocity that can be conceived before he was overtaken by tardy justice. We are justified, therefore, in saying that one end of punishment is to prevent the commission of crime, and that this end is attained by the punishment of death in the very highest degree.

It would be, perhaps, unjust to press too hard on the argument of Thucydides, which was directed not against the capital punishment of individuals, but against the indiscriminate massacre of the whole male population of a great city. But it is quite evident that such an argument proves too much. If the master passions of mankind are so absolutely irresistible, if desire meeting with opportunity and stimulated by the confidence of success is sure to make the attempt, we may give up not only the punishment of death, but all punishment whatever, and must trust for the repression of crime to an education, if such a one can be found, which will enable men to control from within their unruly passions, and to such a police from without as will afford sufficient protection against violence. The argument reduces itself to an absurdity. The truth is, that the career of a criminal must be looked upon like any other career: it has its attractions and its drawbacks; its attractions consist in obtaining the property of others without steady labour, in gratifying any impulse of revenge or lust as it arises, and in a certain spirit of adventure which leads some men to court danger for the sake of its excitement. What its drawbacks are mainly depends upon the law. It is the duty of the legislature, on behalf of the honest part of the community, to make those drawbacks as great as possible, without shocking the general

feeling of humanity or defeating its own end by the impunity which is sure to follow on overstrained severity.

The only proof which is given of the assertion that the punishment of death does not deter from the commission of crime is the unquestionable fact that those crimes for which the punishment of death is denounced do nevertheless continue to be committed—that is, the remedy is no remedy at all, because it does not, in every case, effect a perfect cure. The question is not of completely preventing crime, but of materially checking its spread and increase, and may be reduced to this simple issue—is or is not the punishment of death greatly dreaded by criminals. Look at the facts. If a man is sentenced to any punishment short of death, little more is heard of him. He vanishes from the sight and the mind of the public, and considerable attempts are seldom made to save him from the penalty he has incurred. How different is it in the case of the punishment of death! How strenuous are the exertions made on every hand to prevent its execution! How very rarely is a criminal found to plead guilty to a charge involving capital punishment! How strong is the disposition to deny and extenuate his crime, and to treat it, even if thoroughly proved, as worthy of some less severe punishment! It is difficult to meet contradictory arguments at the same time, but we confess of the two, we are more struck with the view which represents the punishment of death as having too much than too little terror, and as tending to defeat itself by the strength of the sentiment against its execution which it raises in the public mind. Some years ago, when, from causes mainly political, people had less confidence than they happily have now in the administration of justice, this argument against the punishment of death, from the impunity which it often secured, undoubtedly carried with it great weight; but it is among many reassuring and gratifying symptoms which characterise the times in which it is our good fortune to live, that we hear little now of this morbid sensibility, and that juries are found to decide on capital cases with a care, indeed, and with an anxiety befitting the solemn and irrevocable doom which hangs on their decision, but with no greater bearing in favour of the prisoner than is exhibited in cases of less awful importance. The milder our government has become, the less disposition do the people show to fetter its efficiency by faltering in the execution of those painful but necessary duties which devolve upon them. The whole question is in the hands of the juries; for if it were found that they habitually refused to convict in capital cases, the legislature would have no resource but to

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abolish the punishment of death altogether. There is no fear in the present day that death-punishments will lose their efficacy by too great frequency, and the argument from compassion, if it be once conceded that they deter from crime, is certainly not on the side of their abolition.

Assuming, then, that the punishment of death is to continue, shall it continue as at present, with every circumstance of the most extreme publicity? The argument in favour of publicity is, that it is absolutely necessary that the execution shall be notorious, so that no idea may exist that the criminal has escaped from the hands of justice by any culpable connivance of the authorities. It is also said, that, as the object of punishment is to deter, it should be made as public as possible, in order that this object may be the more fully attained. On the other hand there is a great deal to be urged. It is quite possible to obtain such evidence of the execution of a sentence as shall be more satisfactory to a reasonable man than the testimony of a crowd, in the midst of a scene of indescribable tumult and confusion, little able to identify the malefactor, whose last struggles are theatrically paraded before their eyes. We are also disposed to think that a private execution, all things well weighed and considered, is much more likely to inspire terror into the mind of the prisoner than the public exhibition with which we are familiar. We must view these things, not from the point of view of men of education and refinement, but of those for whom they are designed—the classes brutalised by ignorance, intemperance, and crime. No doubt, a gentleman—if we can imagine a person really worthy of the name in such a situation—would feel the public exposure as the bitterest and most intolerable part of his punishment. But though the law is made for all, the expediency of its provisions must be estimated with reference to the feelings and notions of the class on which it is destined principally to act. A little consideration will show that this very publicity is, to the hardened criminal, the greatest possible comfort and support. He has the excitement of appearing on a public theatre to act a very notorious part, to be for the moment the object of undivided interest and attention to many thousands of his fellow-creatures. The opinion which he values is not that of his superiors; it is the opinion of the very class from which he is taken, and who stand by as critical judges to applaud or condemn the manner in which he passes through the closing scene. There are familiar faces in the crowd, there are nods and recognitions, there is a sound of well-known voices even in that extremity. He does not fall

altogether solitary, nor altogether deserted. He has still one feat to accomplish. He must die game. Turn next to the spectators. The whole exhibition is to them one of thrilling interest and excitement—of interest into which they can thoroughly enter, of excitement which the coarsest and most callous natures cannot help feeling: they are encouraged in crime by the exhibition of courage and hardihood, and feel that, placed under similar circumstances, they would be able to act a similar part. If the execution be as it commonly is, as in the case of Müller, for instance, death almost without a struggle, they learn the fatal secret—to persons whose only terror is the privation of life—how easy it is to die.

‘Victuoræ Dei celant ut vivere durent  
Felix esse mori.’

If, on the other hand, as occasionally happens, the sufferings of the criminal be long and protracted, a feeling of indignation is engendered against the execution of justice, and there is great danger that the criminal should be converted into a martyr. As far as abstract argument goes, then, the scale seems to preponderate very decidedly against the publicity of execution. But we are not left wholly to abstract argument. In the colony of New South Wales, where, if anywhere in the world, the feelings, habits, and propensities of the criminal classes ought to be thoroughly understood, private executions have been the practice for the last eleven years, and we are enabled to lay before our readers a very interesting account of the colonial law and its effects, as described by the highest legal authority in the colony. By the Act of the legislature of New South Wales which passed in 1853, any number of justices of the peace at their own discretion, and any number of unofficial spectators at the discretion of the sheriff, may be admitted within the jail to witness the execution; and the execution must be witnessed and the fact certified in writing by the sheriff or his deputy, and the surgeon and governor of the jail and two or three other persons. In fact, every such certificate is usually signed by about eight or ten credible persons. It is twice published, as the law requires, in the *Government Gazette*, and any false statement in it is punishable as a felony. In addition to this official publication, there is generally a detailed account of the execution in one or more of the newspapers by a reporter who has obtained admission for that purpose. There is, in short, no reason for doubting the reality of the execution in any case, and we are assured that no such doubt ever has been entertained as to the execution of any criminal whatever under the existing system. It is believed

that this comparatively private execution is, as might have been expected from the arguments adduced above, more dreaded by the criminal than public executions used to be. There is no excitement, no opportunity for display, no sympathy, no one who has come to see if the criminal will die game. The spectators are unimpassioned, they come to witness and record the transaction, and have no associations or feelings in common with the sufferer: all is solemnity and calm. If, on the other hand, the case be one calculated to excite the passions and hatred of the people, the last moments of the prisoner are undisturbed by the howlings and execrations of a mob, many of whom, if the secrets of all hearts could be revealed, would be found little better than himself. The secrecy of the event gives scope for the imagination, and invests death with greater terrors than the actual sight of the struggle. Add to this that secret punishment saves entirely the demoralising scenes which usually surround public executions, and of which we have recently had so fearful an exhibition under the scaffold of Müller, and we think that a very strong case is made out for the consideration of the Commission now sitting in favour of the substitution of private for public executions.

We may assume, after the recent authoritative announcement, that transportation to Western Australia will henceforth be given up; and this raises the question whether we are, therefore, to give up transportation altogether, and, if not, in what form and under what conditions it can possibly be continued. The old notion of transportation was the sending prisoners to a new settlement for life, or for a certain number of years, there to be held to labour, as originally in New South Wales, either in a regulated kind of slavery to work for private persons, or, as more recently in Van Dieman's Land and Western Australia, to work together in gangs on roads or other public undertakings. On the expiration of the criminal's sentence, it was expected and intended that he should be absorbed and lost in the mass of the free settlers in the colony, and it was hoped that the facility of finding employment and of making a fortune incidental to a new country would prevent him in general from falling back into those criminal practices which had entailed upon him so much misery. It is unnecessary to enter into the merits of this plan, because, whatever they may be, we are convinced that under the existing conditions of colonisation and the improved facilities of intercourse, it is simply impracticable. The first condition of success for a system of transportation on the old principle is a thriving and progressive community; that con-

dition was not realised by Western Australia; and the result is that, instead of absorbing the bond labour into the mass of the free, the market became glutted and free labour was driven from the country. Not only did free labour fly from the competition of the convict, but the convicts themselves have re-emigrated in large numbers in search of better wages, or more abundant plunder; and this last effect of over-supplying a limited market with labour has in the case of Western Australia brought the whole system to the ground by exciting the indignation of the colonies upon whom the overflow of the polluted stream discharged itself. For such transportation, then, to succeed, we must have a fine country and a thriving community; but whatever was the case forty years ago, no thriving community will now tolerate transportation for a moment; they cannot afford to do so. The world is now thoroughly laid open to emigration; it is a great auction-mart, in which different communities are bidding for the superfluous population of more thickly-peopled countries. Cheap land, immediate naturalisation, ultra-democratic forms of government are the inducements commonly held out, and the competition is so keen that any community which should burden itself with the disgrace and injury of a convict population would infallibly be distanced in the race. Transportation, therefore, on the old plan, becomes impossible, because it cannot coexist with a large, free, and untainted population. If the country is poor and the increase of capital slow, the free population will be driven out. If the country is rich and the increase of capital rapid, the free population will not tolerate for a moment the introduction of the convict element, because they justly regard it as fatal not only to their moral, but to their material interest. The question, therefore, is narrowed to something little more than a point of detail, that is, shall we inflict all secondary punishments whatever within the British Isles, or shall we, in some cases, send our criminals to undergo their punishment in remote and unfrequented parts of the empire? There is perhaps no more manifest defect in our penal system than the enormous interval which separates capital from the very highest secondary punishment. It has pleased the legislature to abolish capital punishments in the case of assault with intent to murder, of rape, and of other crimes which we need not more particularly mention. Men convicted of such crimes, if they conduct themselves well under sentence, have still a fair future before them, and may, after a period of punishment and probation, look forward to a life of comfort and tranquillity. It requires

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little argument to show that the first of these offences involves exactly the same moral guilt as murder itself, and the other being the infliction of an injury often worse than death, can scarcely be estimated as less criminal. Might it be possible to select in some rude and boisterous climate on some desolate shore, where the surrounding wilderness precludes the possibility of escape, and where continual labour is necessary to provide daily subsistence, a place of punishment for those great criminals whom it is not thought proper to execute; a place from which, when they have once arrived there, they shall return no more, so that it may be very reasonably doubted whether the man who is reserved for such a destiny has any reason to congratulate himself that he has escaped the gibbet to which a few years ago he would certainly have been consigned? If it were practicable, the establishment of such a penal settlement might fill up the void which every man who carefully considers our system of punishment must be perfectly aware exists between the heaviest of our present secondary punishments and the gallows. But on the other hand, the experience of Norfolk Island and its ineffable horrors, is a powerful argument against the repetition of such an attempt.

Before parting from the question of punishments, we will glance at a subject which has lately occupied much public attention, and excited a great deal of bitter feeling. By the law of England, the verdict of a jury is final, whether for acquittal or condemnation, and if the innocence of a prisoner should be ever so clearly established, the only means known to our law of doing him justice is by the exercise, by the Crown, of the prerogative of pardon, under the advice of the Secretary of State for the Home Department. The objections to this proceeding are obvious, if a man, who is really innocent, has been convicted. His claim is not for mercy, but for justice. The punishment ought not to be remitted, but the conviction from which the punishment flows should be set aside. Waiving this objection, we remark that the law provides the Secretary for the Home Department with none of that machinery which is necessary in order to enable him to exercise rightly the power which he virtually possesses of setting aside the verdict of a jury. He cannot summon witnesses; he cannot administer an oath to them; he cannot compel the production of documents; he cannot hold a court of justice in the sense in which we understand the term. We pass by as utterly impracticable the proposal which has been frequently made of allowing new trials in criminal cases. The

delay interposed would be fatal to that dispatch which is the very essence of the administration of penal justice, and if a conviction was not allowed to be final, an acquittal could hardly claim to be so. It would obviously be impossible to strip the Crown of the prerogative of mercy, so that every procedure which may be devised must, after all, be only an alternative. In an inquiry into the remedy to be applied to this state of things it would obviously be invidious and useless to canvass the real or alleged failure of any Secretary of State to administer, on proper principles, this delicate and difficult part of his official duties. No system of rules can obviate the liability to miscarriage of the most cultivated intelligence, the highest honour, and the best intentions. It is the fate of a Secretary of State to be alternately censured for undue leniency and excessive severity, or, sometimes even, as in the case of Townley, for the indiscretion and rashness of persons over whom he has no sort of control, and who have abused a power vested in them, with incredible levity, by a carelessly drawn Act of Parliament. Looking at the matter merely in the abstract, we have to consider whether anything can be done to increase the confidence of the public in the exercise of the royal prerogative of pardon, and to diminish the clamour constantly raised against the most careful decisions of very able men who have succeeded each other as Secretaries of State.

'The true remedy (says Mr. Fitzjames Stephen) would be to constitute a court of law charged with the duty of doing openly and judicially what the Home Secretary at present does in secret. It might be enacted that if it appeared to the Secretary of State for the Home Department that after the conviction of any person for any crime new evidence or new reasons to doubt the truth or accuracy of the evidence actually given had been discovered, or if the judge who tried the cause were dissatisfied with the verdict, the Home Secretary might call together a court to be composed of the judge who tried the cause, one other judge, and the Home Secretary himself, who should call before them any witness they pleased, and examine both them and the prisoner, if they thought fit, in open court, and also hear arguments by counsel, and finally deliver judgment, either confirming, quashing, or varying the verdict of the jury as they thought proper.'

This is the proposal of a very able man, who has given much attention to the subject, and is deserving of respectful consideration. The first thing that strikes us is, that the royal prerogative of mercy is, in this instance, taken away, although it would remain to be exercised in all cases, except the two provided for the case—namely, where the Secretary of State

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should certify that he had discovered fresh evidence, and the case where the judge should certify that he was dissatisfied with the verdict. It would not be difficult to imagine cases requiring investigation which do not come under either of these two heads; as, for instance, where the Secretary of State, acting under the advice of the law officers of the Crown, was dissatisfied with the verdict, though the judge who tried the case was not: in such a case, the exercise of the royal prerogative of mercy is obviously exceedingly invidious. The proceeding contemplated is one, so far as we are aware, unknown to our law. It is not trying the case over again; for it does not appear to be contemplated that the whole evidence is to be recapitulated before the court, rather inaccurately called the court of appeal. It is not an appeal, for the decision is not to be given on the same materials as those on which the jury decided. The court is to examine into the truth of the evidence formerly given, without the advantage of hearing it for the first time, from the lips of the witnesses. It would be in the last degree invidious for persons to volunteer to come forward to support a verdict already obtained, while every effort would be made to find those who could say anything against it. Such a court would be, as it seems to us, a fatal blow to the independence of juries. We have said that it is now found possible to induce juries to convict, in capital cases, on pretty nearly the same evidence as in minor offences. How long would this be the case if their verdicts were liable to be quashed by a court sitting to review their proceedings on evidence which they have not heard, and which, if they had heard, they very possibly would not have believed? Will they not feel that the invidious duty now thrown upon them is made ten times more invidious by the knowledge that their verdict, on matters of fact, is liable to be set aside by persons not possessed of the local knowledge and experience which they have, not having heard the same evidence, and looking at the matter from a legal and technical point of view, instead of that broad and popular common sense, which is all that can reasonably be required from the ordinary jurymen? One great merit of English procedure is, that the whole interest of the case is condensed and concentrated into a single trial. Both parties come fully prepared, well knowing that any deficiency of proof can never after be supplied. Would this be the case, if we made it the interest of the defence to keep something back, to be brought forward afterwards, so as to obtain a review in case of a conviction? For these reasons, we cannot assent to Mr. Stephen's proposal. We believe that a court of the kind

proposed would not be an improvement in the administration of justice; and we think that, great as the anomaly might be of pardoning a man because he is innocent, it is better to preserve the anomaly which is an evil, rather theoretical than practical, than to impair that on which the whole of our criminal law rests—the finality of the verdict of a jury on the facts left to them by the judge. If the prerogative of pardon is to remain intact, we must have some one responsible for advising the Crown as to its exercise, and that person must not be one of the judges of the land, but a minister holding a seat in Parliament, and responsible to Parliament for the advice he gives. All, we think, that can safely be done is to give the Home Secretary all the assistance the law can provide in the execution of this duty, and to secure for the public the means of fully understanding the grounds on which he acts. The duty of the Home Secretary is not to revise the verdict of the jury, but to consider whether the sentence which has been passed on the verdict should be carried into execution. If he relies on anything beyond the evidence before the jury for recommending a mitigation or remission of the sentence, it would seem that such matter ought to be verified and investigated, with the aid of all the powers of summoning witnesses, administering an oath, and enforcing the production of documents, which are now vested in the ordinary tribunals. All evidence so taken, together with the report of the judge, should be, in case they lead to the mitigation or remission of the sentence, laid, as a matter of course, before Parliament, together with a statement, by the Secretary of State, of the reasons which have induced him to recommend such mitigation or remission. Farther than this we cannot go with safety, and it may perhaps be thought that even to go so far as this is scarcely consistent with some of the arguments we have ourselves adduced against the proposal of Mr. Stephen.

Passing from the subject of punishment, we are naturally led to that which has so close a relation to punishment—the proper division and classification of offences. For full details on this point we must refer our reader to the work of Mr. Stephen itself, which is nowhere more admirable than in treating of this complicated and difficult subject. In order to secure the end of criminal justice, the awarding of punishment adequate, and not more than adequate, to the offence that has been committed, it is necessary, so far as possible, to comprehend under each definition of crime offences implying pretty nearly the same degree of atrocity, so as to leave as little as possible to the judge, and as much as possible to the legislator. The most comprehensive division of crimes known to our law is into felonies

and misdemeanours; and there ought to be a great distinction between them, for the incidents attending them are very different. The person indicted for a felony has the power of peremptorily challenging the jury, which is denied to the prisoner indicted for a misdemeanour. The courts will grant a new trial in cases of misdemeanour, but not in case of felony. Anyone may arrest another on reasonable suspicion that he has committed a felony, if a felony has actually been committed. A felony makes a forfeiture of goods, which a misdemeanour does not. As a general rule a previous conviction for a felony may be given in evidence, a previous conviction for misdemeanour cannot. We have a right to expect that the distinction between two classes of crime attended with incidents so opposite to each other shall be clearly and distinctly marked, so that a person of ordinary intelligence may be able at once to say under which division any particular crime fell. But the principle upon which crimes are treated as felonies or misdemeanours is quite unintelligible to reason, and though it may be historically explained, it cannot be scientifically justified. The original meaning of the term felony seems to have been any crime except treason, which was punished with death. This was at least definite. Whatever was not felony or treason was a misdemeanour; but by the statutes of the 25th Edward III., giving benefit of clergy,—that is exemption from death, in case of felony, to all men who can read—the distinctive mark of felony, the being attended by the punishment of death, was taken away, and the matter was yet further complicated by a number of subsequent statutes taking away the benefit of clergy from felonies considered of peculiar atrocity. Thus felony lost its distinctive characteristic without acquiring any other, and this blot remains uncorrected to the present day. As a general rule the older crimes, that is those which arise in a simple state of society, are felonies, while the new crimes which have been created to meet the requirements of a more advanced civilisation are misdemeanours. A man who has obtained money and goods by false pretences is guilty of a misdemeanour, a man who has stolen them is guilty of a felony: the distinction runs through all our criminal law, and it is useless to multiply instances; a crime is ranked as a felony or misdemeanour not according to its atrocity or to the punishment which it is to receive, but according to something which we can hardly place higher than accident. We are disposed to agree with Mr. Stephen that the distinction between felony and misdemeanour, that is between graver and lighter offences, should be preserved, but it is surely quite necessary

that the catalogue of offences which come under either of these heads should be reviewed, and that some better reason why the incidents of forfeiture, power to arrest, and right of peremptory challenge should attach should be given, than the fact that offences created by common law are mostly felonies, while offences created by statute law are mostly misdemeanours. Till this great fundamental division of crimes has been reduced to reason and order, it is vain to hope for any scientific division or gradation of offences: when that division has once been made; when we have advanced so far as to be able to discriminate between graver and lighter crimes, we may hope that we shall be able to attain that gradation and classification which are necessary to eliminate the arbitrary element from our judicial proceedings, and make our criminal law what it ought to be—not only mild and equitable in its administration, but clear and intelligible in its theory.

When such is our negligence with regard to the great and leading divisions of crime, it can hardly be expected that we shall be more successful in our attempts at the definition of particular offences. The whole proceeding is highly curious, and merits the serious attention of anyone who would wish to form for himself a clear idea of the manner in which the criminal law of England has been created, the elements of which it is composed, and the different authorities from which it has sprung. The first step, so far as we can trace it, seems to have been to take some name, such as treason, murder, robbery, or the like, to stigmatise it as a crime, and to connect with it some particular punishment. This satisfied the wants of a rude age in which evidence and the investigation of facts were unknown, and a man being convicted of an offence by the verdict of his neighbours, founded on common repute, it was unnecessary to inquire into the ingredients which composed that offence. But when the jury passed from the position of witnesses into that of judges, it became necessary to know what were the facts which would justify them in finding the commission of a crime which their predecessors had been in the habit of finding without any facts at all. Then came the era of definitions, which being founded on the habits and ideas of a rude age, were generally far too narrow to comprehend the crimes of the same nature which are committed in a more advanced state of civilisation. These definitions have never been enlarged in words, but they have been for some six hundred years the subject of judicial interpretation. Sometimes the judges have interpreted them liberally, so as to adapt them to the new state of society, so as to comprehend under a common

name many crimes never contemplated by the original legislator; sometimes they have interpreted them narrowly, so as to exclude offences of exactly the same nature as those originally denounced. In the first case we have a number of dissimilar offences called by the same name, in the second we have a number of similar offences called by different names—faults equally fatal to classification, and to the awarding of a punishment proportioned to a crime. We proceed to illustrate this strange and almost incredible state of things by a few striking instances not drawn from the obscurer and more remote parts of the law, but from offences very frequently committed and therefore most carefully illustrated and considered by judicial authority.

The first instance we will select is that of the law of treason, a crime which from its public importance, and the peculiarly grotesque and horrible punishment with which it was visited, was apparently more likely than any other to be accurately defined once for all, and kept carefully within the limits of the definition. We shall find that the limits of the offence have been perpetually expanding and contracting. Treason originally seems to have been, like the *lex majestatis* of the Romans, a name under which might be included any real or supposed offence which the crown desired to punish. Thus in the reign of Edward II. any act of misconduct by an officer of the crown, any usurpation of official authority, or any injury to royal rights, were acts of treason. The man who sported on his own land without grant, or escheators who unlawfully made waste of the king's wards, or took venison, fish, or other goods, were considered in the reign of Edward II. to be guilty of this highest of all crimes. This enormous extent of the law was restricted by the Act of the 25th of Edward III. which enacted in substance that 'when a man doth compass and imagine the death of the king, or the queen, or his eldest son, or levy war against the king in his realm, or be adherent to the king's enemies in his realm, giving them aid or comfort there or elsewhere, he is guilty of treason.' The object of the statute was clearly to limit treason to these offences, and others which we have omitted, relating to females of the royal family; and this is clearly shown by another section, in which it is declared that, riding armed to rob, or slay another, is not treason, but felony, or trespass, as the case may be. Here, then, we have the crime of treason reduced within very moderate and manageable dimensions—compassing the king's death, levying war against him, and adhering to his enemies. But this definition was soon found to be as much



too narrow as the other was too wide. It belonged only to offences personal to the king, and did not provide for crimes in their nature rather breaches of patriotism than of loyalty, and offences more against the body politic than the life or safety of its head. As soon as the progress of civilisation indicated the existence of a class of treasons not contemplated by the statute, it clearly became the duty of the legislature to supply the omission; but that duty the legislature did not discharge, and the judges set to work, by subtle and strained constructions, to elicit from the statute of Edward III. a meaning which was never in the contemplation of the legislation which passed it. Thus they invented, according to Sir M. Hale, constructive levying of war, such as war to throw down enclosures, to raise servants' wages, and to alter religion established by law. These things, says Sir Michael Foster, though not levelled at the person of the king, are against his majesty, and besides they have a direct tendency to dissolve the bonds of society, and to destroy all property, and government too, by numbers and an armed force. The clause about compassing the king's death was similarly manipulated. It was held to extend to attempts to spoil him of his government, to any deliberate attempt whereby his life may be endangered, and to attempts to get possession of the king's person, because the distance between the prisons and graves of princes is very small. Thus the law of treason, after having been pruned and cut down in the reign of Edward III., under the fostering hands of the judges, grew up again into rank luxuriance; and thus was effectually foiled the only attempt on record made by Parliament to give to our laws something of scientific precision, by furnishing an authoritative definition of a *crime*, and limiting the punishment to acts fairly and reasonably coming within that definition. We cannot say that, considered as legislators, the judges have gone at all beyond the necessities of the case, but as expositors of law, they have clearly repealed a statute, and created, at their own will, a number of offences equally unknown to the common or statute law of this country. The sequel of the history of the law of treason is almost equally curious. By an Act, passed in 1795, under the influence of the panic created by the French Revolution, most of these judicial constructions or additions to the law of treason were embodied in a statute, as they ought to have been some hundreds of years before; but these clauses were repealed in 1848, and re-enacted, being extended to Ireland, with a clause saving the operation of the Act of the 25th Edward III., and declaring the offence under the Act of 1848 to be not treason,

but felony. The law on this subject, therefore, stands thus—There are a certain number of offences amounting to high treason which can only be prosecuted as high treason, and there are a certain number of offences equally amounting to high treason which the Government may, at its option, treat as treason or felony; thus giving to, or withholding, at its pleasure, from the culprit those safeguards which the common law has provided for persons indicted of high treason, and subjecting him, on conviction, at its option, of the very same offence, either to hanging and subsequent mutilation, or only to transportation. It is impossible to imagine a history or state of law less creditable to our national jurisprudence, or more imperatively requiring alteration and amendment.

The next illustration we will take is the crime of murder, which presents some strong points of resemblance to the history of treason. The original notion of murder seems to have been homicide attended with secrecy. This is the genuine notion of the Teutonic races; for we find, in the ancient laws of Ireland, homicide distinguished into three classes. The first and least culpable, where the slayer publicly avowed the homicide as his act before competent witnesses; the second, concealed homicide, where he left the weapon in the wound, so as to give a clue to the discovery of the slayer; and the third, where he used all the arts of concealment, which was properly denominated murder. In the sixteenth century, the progress of society and the good sense of mankind had altered the definition of the offence, and substituted for it the definition we now have, that murder is the slaying of a man with malice aforethought. By a statute of Henry VIII. the benefit of clergy is taken away from persons who kill another with malice aforethought. Here, then, as in the case of treason, we have arrived at something like a definition of the offence, only the definition, as in the case of treason, turned out to be far too narrow. It was obvious that there were many kinds of homicide deserving death which could not properly be described as done with malice aforethought. The legislature did nothing to remedy this, and the judges, as in the case of treason, set to work to mend the definition. The first thing they did was virtually to expunge from it the word aforethought, and this once done, it only remained to remodel the word malice. They declared that malice meant wickedness generally, and hence arrived at the conclusion that to kill any one wilfully with a wicked state of mind was murder. Hence, an intent to commit a felony, an intent illegally to do great bodily harm, wanton indifference to life, an intent to fight with deadly

weapons, and an intent to resist a lawful apprehension, have all been held to be states of mind so wicked, that homicide resulting, even though not intended, will amount to murder. We have not space to examine each of these offences separately. It is evident that they vary from each other in every conceivable degree of guilt. It is equally evident that the classification of all these offences under one head, and the subjecting them all to the same punishment, is not the result of a deliberate act of the legislature, but of subtle and overstrained judicial constructions, which, if it were now attempted for the first time, could not be supported by any plausible argument. Would it not be better if the legislature, instead of passing Consolidation Acts, framed apparently on the assumption that crimes exist independently of their definition, and therefore avoiding most carefully the duty of defining them, were to restrict the crime of murder within some such limits as the French Code has restricted the crime of assassination—*guet-à-pens*—that is, ambush and lying in wait, and had treated each of the other offences which the law considers as more serious than manslaughter separately, awarding to each a punishment proportioned to the amount of guilt? We have not to complain very seriously of the substance of our criminal law; but we have very seriously to complain that, having been created by judicial interpretation for the most part subtle and overstrained, it is allowed to remain in the fragmentary and desultory state in which it was first created, resting on positions manifestly false, and arguments altogether illogical, when a little care, a little thought, and a little labour, might reduce it to a system intelligible to the whole community, instead of resting, as it does now, upon far-fetched analogies and wire-drawn distinctions.

If we wish for an instance of the manner in which judicial interpretation can err in a contrary direction, we shall find it in the history of the crime of theft. In treason and murder the judges employed their whole powers of exposition to widen the area of the definition, and to bring as many offences as possible within it. In the case of theft they adopted a proceeding entirely contrary. The definition of theft was derived from the notions of the age in which it was made, when land was the subject of a peculiar code, when there was little personal property, and that in the immediate possession of the owner. The definition of theft, under such circumstances, was naturally enough the taking away of personal property out of the possession of the owner. It is curious to consider how different would have been the state of the law of this country,

had the judges construed this definition with one-half the liberality they exercised in the case of treason and murder. It is not too much to say that it would have entirely altered, and very greatly raised, the morality of many occupations in which a high standard of honour is of the utmost importance. Stealing was confined to personal property, and therefore the wrongful appropriation of a neighbour's land—one of the worst forms of stealing—was left unpunished, and regarded as a mere trespass. The title-deeds to land were similarly unprotected by law, for the silly and pedantic reason that they savoured of the realty. The property must be 'taken,' and so the innumerable ways in which a man can convert to his own use the property of his neighbour, without actually taking it from him, were left untouched. But, worst of all, were the rules which refused to recognise larceny of any property not in the immediate possession of the owner. Possessory rights were the only ones the law regarded. If, in addition to depriving me of my property, the thief violated a confidence which I reposed in him, the violation of that confidence secured him impunity. Embezzlement, obtaining money under false pretences, were held not to be theft, and appropriations to their own use of trust monies by trustees, escaped punishment till 1861. There is still no larceny of a chose in action. The effects of this impunity were and are most disastrous on public morality. The criminal law is not only the creation of the public conscience; it reacts upon its creator, and the habit of seeing many kinds of guilt punished creates the impression, that whatever is not punished is not wrong. The way in which these evils have been—at least in some degree—remedied, is highly characteristic. The narrow definition of larceny—the cause of all the evil—is left untouched, and a number of Acts have been passed to extend the penal consequences of theft to cases where there is no actual taking or *asportavit*, as in false pretences, or where the possession is ambiguous, as in the receipt of money by a servant on behalf of his master, or where the possession is in another, as in the case of breaches of trust. Mr. Stephen proposes to sweep away all these miserable and bungling expedients, and to redefine larceny in terms which shall include the original narrow definition, and all that the legislature has added. The principle of his definition is to substitute 'appropriate' for 'take,' and to omit the restriction which confines the penalty to possessory rights. This definition, which we recommend to the serious attention of lawyers, is as follows:—'To steal is unlawfully, and with intent to

'defraud, to appropriate to the use of any person any property whatever, real or personal, in possession, or in action, so as to deprive any other person of any beneficial interest at law, or in equity, which he may have therein.' This definition would abolish multitudes of useless distinctions, and would concentrate the attention of the court and the jury, wholly and solely, on the really important part of the question considered in a moral point of view—that is, whether the prisoner had an intent to defraud, and whether, in pursuance of that intent, he did deprive the prosecutor of any beneficial interest in his property. The distinctions between larceny, embezzlement, false pretences, and criminal breaches of trust, disappear altogether. It is made a crime to steal land as well as money and things in action—that is rights not yet reduced into possession—as well as personal property, actually or constructively, in the possession of its owner. If this definition were once adopted, an immense simplification of the law might take place. We should be in a position to dispense with a number of statutes, all tacitly founded on this principle, but treating each case as if it were something new and distinct. It would have, moreover, a prospective efficacy, besides the merit that it has of consolidating the law, as it at present stands, into a single sentence. Hitherto, the definition of larceny has, as we have shown, lagged far behind the growing wants and complications of society. The definition would not only meet all the existing cases which it is at present thought right to punish, but would be ready, as it were, to encounter new forms of the offence as they arise, and being founded on a clear and well-understood principle, would probably abolish for ever that conflict which we have endeavoured to illustrate between the principle of the law and the actual scope of its enactments. It is an instance of a careful and well-considered generalisation, and points out the true road to a reform of the criminal law which was adopted, in the first instance, just five hundred years ago, by the Parliament of Edward III., and which has been allowed, ever since that time, to fall into neglect and oblivion. It is melancholy to see, in the so-called Consolidation Acts of 1861, how carefully the legislature has avoided the creation of those new definitions by which a consolidation, not of Acts, but of law, can alone be effected; and how servilely the compilers have felt it their duty to follow the blundering and piecemeal legislations of former times, and how much trouble has been taken to recapitulate a number of enactments capable of being classified under a few general heads, and only defensible on the ground that, in times past,

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no other reform of the criminal law, than a fragmentary one, was possible.

We have indicated now, we trust with sufficient clearness, the course which should be adopted by the legislature, if anxious to effect a real and not a merely colourable improvement in this branch of jurisprudence. It is not so much that the law is bad, as that it is utterly undigested and dislocated, from the causes we have mentioned; and we are quite sure that even less labour and attention than has been applied to the consolidation of a number of fragmentary and illogical statutes would be found sufficient to present us with a system resting on a few clear and intelligible principles, and capable, as a system ought to be which affects the personal liberty, and perhaps the life of every one of us, of being understood and acted upon without any professional training. We have not left ourselves space to consider the excellent suggestions of Mr. Stephen with regard to the law of procedure and evidence, but one or two points we cannot pass over in silence. It is assumed by all writers on criminal law that an indictment is absolutely necessary for the purposes of the administration of justice, and yet it is very hard to understand what useful function an indictment can possibly discharge. It is generally said that its use is to inform the prisoner of what he is accused, and to preserve a record of the transaction. It appears to us that the indictment as we have it at present does neither one nor the other; it is far too technical to give any information to a prisoner, and far too general to preserve the characteristic features of the transaction investigated. What the prisoner wants to know is the offence of which he is accused; what the court wants to preserve is record of the charge and the evidence by which it is supported. The charge may be conveyed in very few words, as, for instance, 'you are accused of murder or theft,' and so forth; and the best information as to the ingredients of the offence will be derived by the depositions upon which the prisoner is committed. The Indian Law Commission has considered this question, and has devised a plan which appears at any rate to have met the wants of India, and may be worth consideration from jurists in this country. Whenever the magistrate considers that an offence has been proved against any prisoner, it is his duty to prepare a charge, stating the offence, and to call upon the prisoner at once to plead to it guilty or not guilty. The charge refers to the clause in the penal code, and does not require to set out the offence particularly, but only in general terms: it is the conclusion drawn by the magistrate from the facts proved before him on the depositions; full powers of amendment are given at the trial, so as

to make the charge correspond with the evidence. By this simple machinery, the necessity for an indictment is dispensed with, and one fertile source of chicanery is abolished, without, it should seem, in any way diminishing the amount of information given to the prisoner, or the accuracy of the record kept by the court.

If we except the single defect of not allowing the prisoner to be asked questions or be called upon to explain his conduct, we know no means which may fairly and reasonably be used for the investigation and ascertainment of truth which our criminal law can fairly be accused of neglecting. Up to 1848, it was the duty of the committing magistrates to examine the prisoner, and in several trials since the Revolution, held before Judges of the most unquestionable learning and humanity, the practice of calling the attention of the prisoner to portions of the evidence which seemed to press heavily upon him, was resorted to without hesitation and without objection. For a hundred and fifty years, however, this practice has been suffered to fall into desuetude, and is now entirely obsolete. We cannot help thinking that the practice ought in some shape, either in its original form of questions put to the prisoner by the judge, or, as proposed by Mr. Stephen, by the prosecuting counsel, to be revived. The object of a trial is, after all, the ascertainment of truth; and while we would earnestly deprecate the practice of endeavouring to obtain a confession, the rock on which all continental procedures, from the Inquisition down to the criminal law of modern France, have split, we can see no reason why a culprit should not be called on, in the face of day, and under circumstances which exclude the possibility of secret or undue influence or intimidation, to explain those circumstances which seem to bear most hardly upon him, subject, if he refuse to do so, to the unfavourable inference which silence under such circumstances must create. Nor would such a rule be by any means entirely against the prisoner. The persons who appear at the bar of our courts are generally poor and uneducated, they are bewildered and confused, and if a man be really innocent, no greater favour can be done him than to point out the facts which bear hardly upon him, and thus give him an opportunity of explaining them if he can, and assisting him to follow the chain of argument in the conclusion of which he is so deeply interested; if, on the other hand, the prisoner be guilty, he has no right to complain at a difficulty incident to his position and traceable to his own misconduct—the difficulty of adducing facts inconsistent with the theory of his guilt.



But while we are thus in favour of the examination of the prisoner within narrowly-defined limits, we are entirely averse to those processes by which on the Continent, and especially in France, it is sought to arrive at the truth. No doubt the true conception of a criminal trial is not that of a lawsuit between the prosecutor and the prisoner, but rather of an inquisition into a crime in which the public is primarily and the prosecutor only secondarily interested; but it does not follow, as seems to be assumed, that because a criminal trial is in its nature an inquisition, the process by which it is conducted should necessarily be inquisitorial. It may be, and we believe it is true, that the form of a lawsuit between the prosecutor and the culprit, into which every English trial is cast, is the very best form of inquisition in important cases; at any rate, the facts in England are brought out with a clearness and a fulness which may very fairly challenge comparison with any trials recorded on the Continent, embodying, as they do, results of months of painful investigation, conducted by the highest judicial authorities with a severity and an urgency which amounts to moral and sometimes to physical torture. When a crime is committed in France, the highest judicial authorities of the district place themselves in communication with the lesser authorities of the locality; these latter designate the person on whom their suspicions fall; that person is immediately arrested, subjected to close imprisonment, and kept in ignorance of the evidence which is obtained against him; he is frequently interrogated by the judge, and every one who has influence over him is employed to induce him to confess. Sometimes, as in the case of Rose Doise, such imprisonment is inflicted as to amount to absolute torture; the same process of imprisonment and interrogation is resorted to with suspicious or unwilling witnesses. It is no unfair criticism on French trials to say that their object seems rather to be to obtain a confession than to sift the facts to the uttermost. As soon as the arrest has been made and the instruction of the cause has fairly begun, the prisoner is really under the ban of the local authorities; people believe that they will get favour with the Government by giving evidence against him, and lose favour by giving evidence for him. His whole life, and that of the witnesses for him, is ripped up and ransacked by a vigilant and ever-present police; and, where this process has continued long enough, its results are resumed in an act of accusation, which is really the speech of a counsel for the prosecution, only taking much more latitude than is usual with us on such occasions. The case is then ready for trial, and with every wish to be impartial, it can hardly be

said that the presiding judges, who have been perhaps for months conducting this investigation, can be free from that bias which an hostile attitude to the prisoner so long maintained can hardly fail to create. The prisoner is examined in the presence of the jury by the judge with severity, and, we should say, with a want of candour, which would not be tolerated in England. It is a scene which has been often rehearsed before, and which is got up rather to influence the jury than to instruct or inform the court. We may add that the counsel for the prisoner is not allowed to cross-examine the witnesses. We confess that we infinitely prefer to the system above described the rough expedient of our ancestors, who believed, and assuredly not without sufficient reason, that there can be only one right way of inquiring into the truth; that, as far as proof goes, there is no distinction between the ascertainment of facts involving civil rights or criminal liabilities; and that the form of a contested suit which was found sufficient in one case would be equally satisfactory in the other.

While we have felt it our duty to comment thus strongly on the discreditable state of our criminal law, and the hopeless confusion in which it is left, we must not allow ourselves to be blinded by those gross and palpable faults of detail to the merits of a system the most just, the most humane, and upon the whole the most honourable to the country that invented it, which has ever existed in the world. It is only just also to an institution which has suffered much from being overpraised, and often for merits it does not possess, to say that we believe the distinctive merits of our criminal law may be almost entirely traced to the institution of trial by jury. Nothing is more remarkable than the contrast between the severity of the punishments which were imposed by the judges and the extreme mildness and fairness of the rules by which the investigations leading to those punishments were regulated. The law of evidence requiring the best proof, the exclusion of hearsay, the confining of the proof to the issue raised, and excluding irrelevant matters, is a humane contrivance obviously meant to protect the prisoner from oppression, and to prevent the jury from being led away by irrelevant topics thrown in to prejudice their minds. The limit up to which the arbitrary interpretation of statutes or the straining of the law against the prisoner could be carried, has always been determined, even in the worst times, by the point at which juries could not be prevailed upon to convict. The necessity of carrying with the court the opinion of twelve ordinary men chosen from the people, and, uninfluenced by professional prejudice, has mitigated the severity

of judge-made law and kept our courts of justice in some degree in harmony with the public opinion of the day. If the judges have constructed this goodly fabric, they have been, in so doing, in no small degree, though unconsciously to themselves, the agents and exponents of the opinion of the jury, whom they assume to direct, so that the principles of our law may fairly be said to be the result of popular good sense formalised and elaborated by the highest legal skill and acumen. It is not wonderful that such a system created, as occasion required, with reference to particular cases, should be wanting in symmetry, cohesion, and intelligibility. The rough results of popular good sense, however skilfully and however carefully recorded, will ever be so; but it is truly wonderful, and but for the abundant evidence that exists of the fact, would be absolutely incredible, that an enlightened and civilised age should be so careless of the valuable legacy thus bequeathed to it by the recorded and accumulated wisdom of the generations that have gone before it, as to neglect that slight amount of intellectual labour which would be required to bring order into this mass of confusion, and to make our law not only a reasonable and merciful, but a simple, rational, and intelligible system. The worst of it is, that while very considerable efforts have been made, and great expense has been incurred, to reform the criminal law, they have been mostly in a wrong direction; and while the leading fault of our law has been the want of a comprehensive and graduated scale of crime, the labours of our legislators have been directed to create and consolidate anomalies instead of removing them by getting rid of the cause which has created them—a logical classification and clear definition of offences.

ART. V. — *The Iliad of Homer*. Rendered into English Blank Verse. By EDWARD Earl of DERBY. London: 1864.

THE Chancellor of the University of Oxford not long ago established a peculiar claim to the highest academical dignity of the country by addressing the Heir Apparent in an oration of the purest Latinity; and he has now crowned a career of daring if not successful statesmanship, of splendid eloquence, and of the highest social distinction, by no mean conquest for English literature. So little were Lord Derby's literary powers known till very recently, beyond the circle of his immediate friends, that the world read with surprise, in Lord Ravensworth's translations of Horace, an Ode rendered with remarkable grace and spirit by the head of the Conservative party. Soon afterwards a volume privately printed revealed to a somewhat larger circle the elegant uses of Lord Derby's leisure hours; and as he has now himself alluded to this collection in the Preface to the work before us, we conceive that we may, without indiscretion, lay before our readers an exquisite version of the Ode of Catullus to the Sirmian promontory, which has certainly nothing to risk if it be transplanted from the parterre of society into the wider domain of criticism.

'Sirmio, fair eye of all the laughing isles  
And jutting capes that rise from either main,  
Or crown our inland waters, with glad smiles  
Of heartfelt joy, I greet thee once again,  
Scarce daring to believe mine eyes that see  
No more Bithynia's plains, but fondly rest on thee.

'My own, my chosen Home! oh, what more blest  
Than that sweet pause of troubles, when the mind  
Flings off its burden, and when, long oppress'd  
By cares abroad and foreign toil, we find  
Our native home again, and rest our head  
Once more upon our own, long-lost, long-wished-for bed!

'This, this alone o'erpays my ev'ry pain.  
Hail! loveliest Sirmio! hail! with joy like mine  
Receive thy happy lord! Thou liquid plain  
Of Laria's lake, in sparkling welcome shine!  
Put all your beauties forth! laugh out! be glad!  
In universal smiles this day must all be clad.'

It will not, we trust, be taken as the disingenuous compliment of a political opponent if we express the pride and

pleasure we feel in these productions from a statesman of Lord Derby's eminent position. It is honourable to letters, it is honourable to English education, that notwithstanding the incessant calls of a great station, a great fortune, and a lofty ambition, time remains to him to complete such a task as the translation of the *Iliad*; and that (as we have seen in other instances) a life of uncommon activity in the arena of modern politics may be allied with an abiding devotion to the serene grandeur of antiquity. Lord Derby appears from his Preface to fear that in this country the taste for classical studies is on the decline. Classical studies can certainly no longer boast of the monopoly they once enjoyed, when they were the only canon of liberal education. But as long as the very first men in the country, such as the late Sir George C. Lewis, Mr. Gladstone, and Lord Derby are also reckoned among its first scholars—as long as their example and success reflect back a light upon the ancient sources of thought and eloquence, we cannot admit that the study of the classics in England has lost anything of its lustre.

It would be out of place on this occasion to revive the endless controversies which have raged for centuries on the authorship and the structure of the Homeric poems. Even the art of translating Homer is a subject which has been discussed to satiety in endless disquisitions and numerous volumes. The peculiar charm of the two great epics of the Greek heroic age—a fountain of beauty and delight which no man can ever drain dry—lives on in spite of the critics and their rules. The great poems of Dante, Tasso, Spenser, Milton, exhibit that unity of plan and purpose which the strength of a single mighty mind cannot fail to impart. There is no such coherence in the *Iliad*. The poem which is to tell us of the wrath of Achilles and its inevitable train of overwhelming disasters, is interrupted by a narrative crowded with the successful exploits of chieftains who have lost all remembrance of the great hero of Phthia. There is, indeed, a marvellous climax; but the action of the drama is not uniformly sustained from the beginning to the end. The Father of gods and men, who had sworn with an oath to Thetis that he would straightway avenge the wrongs of her son, is found for a long season weighing down the balance in favour of his enemies. The dream, which is sent to strike dismay into the Achæan leaders, inspires them only with more resolute courage: yet these chieftains, in the full tide of success, shelter themselves on a sudden behind a rampart and a trench, merely, it would seem, because a way must be prepared for causeless

and inexplicable disaster. The tale thus pieced together carries us through a few scenes only of the great drama. Hector has fallen, but Ilion is not taken, and Paris, the seducer, still lives. The wrongs and the woes of Helen have not been avenged, and it remains for another poem to tell how Achilles met his early doom in the Western Gates by the spear of Paris. If the structure of the poem is not perfect, its manner is not always faultless. If many a scene is bathed in a flood of beauty and splendour, barren tracts and stony deserts not unfrequently come between them. Long catalogues of warriors are tortured into verse, to meet the necessities of oral tradition, and a crowd of the most exquisite similes precedes a list of names which poets in an age of written literature dismiss as rapidly as they can. The poem may throughout be written, as Mr. Matthew Arnold phrases it, in the grand style; but the grand style condescends to give us in language whose only merit is its simplicity many a primitive detail of cooking, bedmaking, and pharmacy. The critics have exhausted their ingenuity in the endeavour to discover the didactic purpose and ethical doctrines of Homer—a task in which we trust they never may succeed, for it would destroy half our pleasure in him. The attempt to do so has involved them in a maze of contradictions. In Dr. Arnold's opinion the unwearied self-sacrifice and true tenderness of the Trojan Hector stood out in overwhelming contrast with the selfish and implacable vindictiveness of Achilles. In Mr. Gladstone's eyes the cause of the latter is the cause of truth and righteousness, and evil triumphs openly until the wrongs of the son of Peleus are fully avenged. Before the tribunal of Colonel Mure, Hector is condemned as a savage barbarian, while the one object of the poet, we are told, is to show that Agamemnon and Achilles are equally foolish and equally in the wrong. To us, we acknowledge, that the beauty and interest of the *Iliad* lie neither in the minute analysis of its details, nor in any fanciful theory of its moral purpose, but in the monumental grandeur of a poem embracing the destinies of gods and men, and in a perfection of language almost incredible in the age to which it belongs.

For—if we may attempt to convey our general conception of the poem and its inspiring theme—there is an indescribable charm in the story of the hero, who, while he fought cheerfully in a quarrel which was not his own, knew well that he was soon to die far away from his father's house. The spell is upon us as soon as we look on that glorious form, armed with the spear which none else can wield, and endued

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with a might which no enemy can withstand; yet stooping, like the invincible Heracles, before a master weaker and meaner than himself. With the images of fierce and vindictive passion are mingled images of indescribable tenderness and pathos. The shadow of premature death rests on the brightest of these bright heroes. Zeus himself seeks in vain from the inexorable Hera a respite for his son Sarpedon, and his tears fall in rain-drops from the sky when the brave Lycian chieftain is smitten by the spear of Patroclus. But Patroclus too must die, and the tidings of his death waken in the heart of Achilles a thirst for vengeance, and a longing for instant action which no sense of duty, no passionate entreaties, could ever have roused. Once more his glance strikes terror into his enemies: once more his voice rings like the trumpet of doom. There shall be a fearful mourning for his dead friend. But if he still grasps the invincible spear, his armour clothes the body of Hector. What is it to him that his own death must soon follow that of his great enemy? There is but one work for him to do; and at his bidding his mother hastens to bring him armour yet more brilliant, from that far Eastern land at the rising of the sun. The day of the great vengeance has come. The old injury is atoned for and forgotten. Once more, as he arms himself for the slaughter, a column of light flashes up to the heaven and the earth laughs beneath the splendour. His shield flashes like the blood-red moon; his helmet glitters like a star. A crowd of dazzling images is lavished by the poet on this wonderful scene as from an inexhaustible store-house. Each hair in the plume which waves over his head, flames like burnished gold: when the hero makes trial of his armour it bears him like a bird upon the wing. In the midst of all this splendour the old warning comes again. When he bids his immortal steeds bear him safely through the battle, the horse Xanthus bows his head and tells him of the coming end. They are still as fleet as ever. The rays of the sun cannot shoot across the sky more swiftly than they will bear his chariot across the plain; but the necessity which orders all things is stronger and swifter still. At length the victory is won: the son of Peleus has trampled on the body of his enemy, as the blood-red sun tramples on the masses of vapours which he scatters at his setting. His wrath is over, and his face wears its old look of genial brightness. But although the dark shadow falls on it again as the aged Priam begs the body of his son, the consciousness of his own approaching death imparts in a moment a touch of exceeding softness to his impetuous vehemence, and his tears are mingled with those of



Priam. The poet's task was done. He had woven together a marvellous chaplet from a long line of 'lost adventures out of the darkness of the past.' His hero had conquered like the sun when he goes forth in his strength; and he was content to leave him in the hour of his triumph, gladdening the hearts of his friends by his kindness, and winning those of his enemies by his princely generosity.

We frankly confess that, in our judgment, the Homeric scholiasts and commentators are the bane of Homer; and that the attempt to convert these noble poems into a subject for archæological dissection is to destroy them. Therefore we place very far above all such analysis, however curious and instructive, the work of a man who gives to the English reader some approach to the pleasure which Homer affords to those who are most familiar with his original diction. The merits of Lord Derby's translation may be summed up in one word—it is eminently *attractive*; it is instinct with life; it may be read with fervent interest; and though it does not rival Pope in the charms of versification, it is immeasurably nearer than Pope to the text of the original. If we ask ourselves whence these qualities are derived, we suspect it is from the living interest and individuality Lord Derby has thrown into his work. Cowper was a more perfect master of English blank verse than Lord Derby, yet his translation of Homer is cold and repulsive; and of the numerous experiments which have been made in our own time, not one could support the ordeal of a second reading. We think that Lord Derby's translation will not only be read, but read over and over again. If that be so, it will endure. We say that Lord Derby has thrown life into his work. It is not a cast, but a copy, and a copy wrought with spirit and genius, and whatever is done with true spirit and genius bears in it something of the mind it springs from. Thus it is that we are continually reminded, in reading this translation, of the turns of expression, and even the modulations of voice, which characterise Lord Derby's own oratory. It is Homer, but Homer recited by Lord Derby, and in tones extremely familiar to us. Indeed, we are convinced that Lord Derby's command of the sister arts of eloquence and elocution has, perhaps unconsciously to himself, given to this poetical work its distinguishing merit. Mr. Arnold has with truth remarked that the first quality of Homer is that he is *rapid*: he flows directly and swiftly onwards, whether it be in simple narrative or in passages of deep emotion. The laborious inversions and the suspended rhythm of English blank verse are not only unknown, but utterly repugnant, to the Greek rhap-

sodist. This flowing style, as if the poet poured his descant without once drawing breath, is precisely what Lord Derby has caught so happily. Anyone who attempts to read this version aloud will at once perceive how easily 'the numbers came.' The Homeric hexameters have an independence wholly foreign to the more complicated hexameters of Virgil; and the sequence of ideas is kept so distinct, that one is commonly dismissed before the next is introduced: but harsh involutions give to Cowper's translation a stiff and stilted character, from which Lord Derby's version is wholly free. It is one of the first duties of a translator to construct his sentences as closely after the manner of the original as the idiom of another language will permit: but the intricate syntax and inverted constructions of Cowper are not suggested by anything in the style of Homer, and Lord Derby has happily retained in his verses that lucidity and simplicity of arrangement which make him so clear and captivating as an orator. He has also employed many of those artifices of language which give emphasis to his speeches. Sometimes, indeed, these artifices are not strictly defensible in a translator. Thus to take the very first words of the *Iliad*:—

'Of Peleus' son, Achilles, sing oh! Muse,  
'The vengeance deep and deadly.'

Every translator before Lord Derby had sung of the *wrath* of Achilles: with a disposition to give intensity and expression, and a taste for alliteration which is not in very good taste, he makes the *Μῆνιν οὐλομένην* 'the vengeance deep and deadly.' Prosody would have been satisfied with the word *anger*; but the terms chosen by Lord Derby, though not certainly identical with those of the original, have the virtue of biting on the English ear. So, too, in numerous passages he has given extreme force and edge to the verse by forms of language more common in our elder dramatists than in our epic poets. Perhaps it is because he writes like an orator that Lord Derby allows no competitor to challenge the claims of the heroic blank verse; and so far as it regards the *Iliad*, we are not disposed to quarrel with his judgment. But if Mr. Worsley, whose translation of the *Odyssey* we noticed in a former Number\*, has failed to reproduce the language of Homer with rigid precision, he has shown how well the Spenserian stanza may serve to imbue the merely English reader with the true Homeric spirit. The adoption of any

\* Ed. Review, No. 240: April 1863.

rhyming metre involves the danger of undue amplification, and the still more mischievous temptation to introduce modern sentiment. But if the many forms of metre, Spenserian, Hexameter, Hendecasyllabic, chosen by Mr. Worsley, Dean Alford and others, may leave us in some doubt as to the metre best fitted for a version of the *Odyssey*, the more general consent of translators has given a preference to blank verse for the *Iliad*. We therefore hope that we have seen the last of Homeric translations in hexameters, which are hexameters only in name. The anapaestic jingle which runs through them all, carries with it its own condemnation: the rhymed heroic metre involves an amount of amplification to which the requirements of the Spenserian stanza are as nothing.

With reference to this class of rhymed versions of Homer, Mr. Gladstone's translation of the First Book of the *Iliad* into the trochaic metre, of fifteen syllables to the line, raises some new questions: but it is confessedly an experiment which must be carried out on a larger scale before these questions can be conclusively answered. The metre is admirably suited to the English language; and Mr. Gladstone handles it with not a little of the force and skill which Mr. Temnyson exhibits in 'Locksley Hall:' but a metre which is magnificent in a ballad may become monotonous and cumbersome in an epic poem. His version is both vigorous and musical, but in the short compass of a few hundred lines it betrays some of the worst faults of all rhyming translation. To meet the demands of the metre, Mr. Gladstone has been obliged not merely to amplify but to invent new facts. Chryses *listens* to the roar of the sea, instead of walking along the beach; the Achæans *see* the sails filling with the wind, and *hear* the boom of the waves as they dash against the sides of the ship. Apollo sweeps along, not like night, but like the nightfall; and this is not the idea expressed by the words *νυκτὶ ἐοικώς*. The morning is said (477) to dawn *upon the coast*, merely because Odysseus and his companions are returning 'to the great Achæan host.' When Phæbus shoots his dart, a whole clause is inserted to make up the couplet:—

'Loudly clanged the bow of silver, as the bitter arrows shot.'

A graver objection arises from the un-Homeric air thus thrown over many passages of the poem. There is something almost grotesque in the notion of the ambrosial locks 'starting from the temples' of Zeus, when he bows his head in assent to the prayer of Thetis. The poet, it is true, says that Olympus was shaken, but he does not say that the mountain 'reel'd beneath

'him, root and summit, rock and sod.' Blank verse is not likely to betray a translator into exaggerations, which, almost more than mere inaccuracies, are likely to give the English reader a false idea of the original. The capabilities of English blank verse are great; the objections which may be urged against it are, in comparison, trifling. We therefore agree with Lord Derby in his choice of a metre; and we think that for the purpose of translating Homer he has adopted a style of peculiar excellence.

But on another disputed point we entertain considerable doubt of the wisdom of his decision. It is certainly a concession—and a hard concession—to the inferior taste and scholarship of former times, and to the habits of diction still current in this country, to have retained the Latin names of the Homeric divinities, and still more those of the tribes and races mentioned in the *Iliad*, in preference to their true and original designations. The practice of arriving at the Greek language and mythology *through* the Latin, which has prevailed for so many ages, renders many of the Greek names unfamiliar to a modern eye. Hera, Ares, and Hephæstus are not the Juno, Mars, and Vulcan of our youth; and when Mr. Grote in his history rightly restored to these beings their proper appellations (which frequently have an important philological significance), he incurred some charge of pedantry. There is a point, difficult to hit or to avoid, at which a man who sets everybody else right, and declares war on established usage, however ridiculous it may be, becomes a pedant: that is, until he has brought other people round to his opinion. Upon the whole, however, we could wish that Lord Derby had made the experiment, as Mr. Worsley has done with success in his translation of the '*Odyssey*.' By a happy inconsistency he has preserved the Greek Hermes and Pallas in place of the Latin Mercury and Minerva: Aphrodite is a more poetical name than Venus, Zeus than Jupiter, and with the aid of the best writers and scholars, the mythological terminology of Greece might gradually be brought back to the true standard. Indeed some progress has already been made in the right direction at the Universities.

We now proceed to introduce to the reader some specimens of Lord Derby's performance, and we shall do so in the way of comparison with similar passages from the translation of Mr. Wright, and a short fragment recently published by the Poet Laureate. In Mr. Wright's version, as in that of Lord Derby, there is great force, beauty, and pathos. His fidelity to the original is on the whole more strict: but Lord Derby's

translation is more equable, and far more free from words and sentences which have nothing but metre to distinguish them from flat and insipid prose. Such phrases in Mr. Wright's *Iliad* constantly break the flow of passages in which everything depends on perfect smoothness as well as sustained vigour. Thus the outburst of passion, in which the pent-up wrath of Achilles finds utterance, becomes by comparison tame under Mr. Wright's treatment:—

'O clothed with insolence, rapacious chief,  
What Greek henceforth will prompt obedience yield,  
March at thy word, or strenuous urge the fight?  
I came not to avenge a private wrong.  
I have no quarrel with the Trojans: they  
Ne'er drove away or herds or steeds of mine,  
Nor roamed injurious o'er my fruitful fields  
In fertile Phthia, for between us lie  
Far-shadowing mountains and the roaring sea.  
Thy cause espousing, and at thy behest  
We came to Troy, O most unblushing chief,  
Not on our own behalf, but to redress  
Wrongs suffered by thy brother and by thee,  
'Thou dog in shamelessness.'

(Wright's *Iliad*.)

The lines of Lord Derby not only have more force and beauty, but they are altogether more true to the original:—

'Oh! clothed in shamelessness! oh, sordid soul,  
How canst thou hope that any Greek for thee  
Will brave the toils of travel or of war?  
Well dost thou know that 'twas no feud of mine  
With Troy's brave sons that brought me here in arms:  
They never did me wrong: they never drove  
My cattle or my horses; never sought  
In Phthia's fertile, life-sustaining fields  
To waste the crops: for wide between us lay  
The shadowy mountains and the roaring sea.  
With thee, O void of shame! with thee we sailed,  
For Menelaüs and for thee, ingrate.  
Glory and fame on Trojan crests to win.' (Bk. i. l. 188.)

The sordidness of Agamemnon's soul has vanished from Mr. Wright's version, while a single image has taken the place of the far more beautiful, because more indefinite, epithet which Lord Derby has carefully preserved in his shadowy mountains. Here, as in Homer, we have the vagueness which brings before the mind not only the long shadows cast by the everlasting hills on the plains which lie stretched at their feet, but the shade which sleeps beneath the deep forest or in the

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dells which the sun has never pierced, the interchange of light and darkness on the rugged mountain sides, or the mantle of mist which wraps their forms in unearthly majesty.

Lord Derby has rightly felt that in an attempt to reproduce the great epic of Homer, there must be some amplification, and some little insertion of new matter. We do not care, therefore, to notice slight changes or inaccuracies. Achilles may not perhaps say to Agamemnon—

'To Phthia now I go : so better far  
To steer my homeward course and leave thee here  
Dishonoured as *thou art, nor like*, I deem,  
To fill thy coffers with the spoils of war.'

Nor has Homer all that Lord Derby puts into the reply of Agamemnon—

'Fly then, if such thy mind ! I ask thee not  
On my account to stay ; others there are  
Will *guard my honour and avenge my cause*.'

(Bk. i. l. 207.)

But if Lord Derby amplifies rather more largely than Mr. Wright, the balance is struck by a corresponding gain in smoothness, vigour, and true poetic beauty.

We are conscious of doing Lord Derby some injustice by thus taking a mere fragment from his text. Let us rather turn to the exquisite passage in which, with all the simplicity of the Homeric poet, Andromache tells the tale of her early sorrows, and with all his tenderness Hector seeks to comfort her :—

'Think not, dear wife, that by such thoughts as these  
My heart has ne'er been wrung ; but I should blush  
To face the men and long-robed dames of Troy,  
If like a coward I could shun the fight.  
Nor could my soul the lessons of my youth  
So far forget, whose boast it still has been  
In the fore front of battle to be found,  
Charged with my father's glory and mine own.  
Yet in my inmost soul too well I know,  
The day must come when this our sacred Troy  
And Priam's race and Priam's royal self  
Shall in one common ruin be o'erthrown.  
But not the thoughts of Troy's impending fate,  
Nor Hecuba's, nor royal Priam's woes,  
Nor loss of brethren, numerous and brave,  
By hostile hands laid prostrate in the dust,  
So deeply wring my heart as thoughts of thee,  
Thy days of freedom lost.'

(Bk. vi. l. 528.)

A better ground of comparison is furnished by a passage

from Homer, which Mr. Tennyson has inserted in the appendix to his latest volume of poems. These lines of the Poet Laureate have a stamp of individuality and power upon them which belong to the highest order of genius:—

‘ So Hector said, and sea-like roared his host.  
Then loosed their sweating horses from the yoke,  
And each beside his chariot bound his own :  
And oxen from the city, and goodly sheep  
In haste they drove, and honey-hearted wine  
And bread from out the houses brought, and heaped  
Their firewood, and the winds from off the plain  
Rolled the rich savour far into the heaven.  
And these all night upon the bridge of war  
Sat glorying ; many a fire before them blazed,  
As when in heaven the stars about the moon  
Look beautiful, when all the winds are laid,  
And every height comes out, and jutting peak,  
And valley, and the immeasurable heavens  
Break open to their highest, and all the stars  
Shine, and the shepherd gladdens in his heart.  
So many a fire between the ships and stream  
Of Xanthus blazed, before the towers of Troy,  
A thousand on the plain ; and close by each  
Sat fifty in the blaze of burning fire :  
And champing golden grain, the horses stood,  
Hard by their chariots, waiting for the dawn.’

With such a translation we do not willingly find fault. If by comparing the roar of the Trojan host to that of the sea Mr. Tennyson has introduced what is not here in the original, the comparison may be found elsewhere. If the beautiful look of the stars scarcely brings out the force of the Greek epithet *ἀριππεπία*, if the intransitive use of the verb ‘gladden’ is peculiar, and if the bridge (or ridge) of war is a somewhat obscure phrase\*, it is but fair to admit that such blemishes are not easily avoided. The lines of Pope may be very fine; but if Mr. Tennyson’s notes are to be closely scrutinised, Pope

\* Lord Derby is, we think, more happy in rendering it ‘the pass of war.’ Mr. Norgate, in another recent translation, which is strangely unreadable, has given the true meaning, but with his usual ruggedness he speaks of ‘the gangways of the battle.’ It is quite a mistake to suppose, as some critics of Lord Derby’s translation have supposed, that *πόλεμοιο γέφυραι* is a proverbial phrase in Homer for the thickest of the fight. The war rages on either side, but the space beneath the bridge answers to the water which separates two pieces of land. This is self-evident on comparing the present passage with Il. iv. 371.



can scarcely be admitted to a hearing. Homer says nothing in this place of the moon as a 'refulgent lamp of night' or of 'vivid planets' (by an astronomy quite as incomprehensible to himself as to us) 'rolling round her throne;' we look in vain for the 'yellowed verdure shed over the dark trees,' or for 'the 'conscious swain' blessing 'the useful light' which comes from the blue vault of heaven. The version given by Mr. Arnold\* of part of this passage can only serve to warn others from the rocks on which, in spite of his appreciation of Homer and his perfectly pure English, he has nevertheless made shipwreck; and the following translation by Mr. Wright, though better, is but feeble:—

'All night upon the field the Trojans sate,  
Proudly elate, their watchfires blazing near,  
As when in heaven around the silver moon  
Bright shine the stars, and every wind is hushed,  
When pointed rock, high crag, and distant wood  
Stand out revealed; and opening from beneath  
The immeasurable ether bursts to view,  
And all the stars are seen; and gladness fills  
The shepherd's heart; so, lit by Trojan hands,  
In front of Ilion, glowed full many a fire  
Between the stream of Xanthus and the ships.  
There on the plain a thousand watchfires blazed,  
And in the light of every burning pile  
Sate fifty men, while near the chariots stood  
Their coursers, champing barley and white oats,  
Till rose the orient Morn on golden throne.'

Compare, for example, in the first two lines of the passage, the words, 'Sate upon the field,' 'proudly elate,' with Tennyson's grand expression, 'Upon the bridge of war' 'sat 'glorying.'

The secret of true poetic diction is to give an imperishable stamp and visible character to each scene. Lord Derby's line,—

'Full of proud hopes, upon the pass of war,  
All night they camped,'

is less concentrated than Mr. Tennyson's, but perhaps more accurate and intelligible.

We add the whole passage, which is wonderfully fine, in Lord Derby's words. We only regret that in the last line he has missed the 'champing golden grain,' and only tethered the horses beside the chariots:—

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\* Lectures on Homer, p. 93.

'Thus Hector spoke; the Trojans shouted loud,  
 Then from the yoke the sweating steeds they loosed,  
 And tethered each beside their several cars.  
 Next from the city speedily they brought  
 Oxen and sheep, the luscious wine procured,  
 Brought bread from out their houses, and good store  
 Of fuel gathered. Wafted from the plain  
 The winds to heaven the savoury odours bore.  
 Full of proud hopes, upon the pass of war  
 All night they camped, and frequent blazed their fires.  
 As when in heaven around the glittering moon  
 The stars shine bright amid the breathless air,  
 And every crag and every jutting peak  
 Stands boldly forth, and every forest glade.  
 Ev'n to the gates of heaven is opened wide  
 The boundless sky; shines each particular star  
 Distinct; joy fills the gazing shepherd's heart;  
 So bright, so thickly scattered o'er the plain  
 Before the walls of Troy, between the ships  
 And Xanthus' stream, the Trojans' watchfires blazed.  
 A thousand fires burnt brightly, and round each  
 Sat fifty warriors in the ruddy glare;  
 With store of provender before them laid,  
 Barley and rye, the tethered horses stood  
 Beside the cars, and waited for the morn.' (Bk. viii. l. 643.)

Lord Derby has rightly avoided any comparison of the Trojan host to the sea, and the particular distinction of each star brings out the full force of ἀριππερία. If he has failed to render exactly the words which tell of the sudden clearing of the sky, his failure is shared by Mr. Tennyson and Mr. Wright, while Mr. Norgate's usual ruggedness neutralises the effect of his accuracy.

Not a few among the readers of this translation may be tempted to think that Lord Derby's care has been chiefly devoted to a finished rendering of the Homeric similes; but that his happiest efforts are not confined to such passages is amply proved by the truly splendid lines which describe the onset of Hector on the defences of the Achæans with the huge rock in his hands, at the close of the twelfth Book of the Iliad:—

'Close to the gate he stood, and planting firm  
 His foot to give his arm its utmost power,  
 Full on the middle dashed the mighty mass.  
 The hinges both gave way: the ponderous stone  
 Fell inwards: widely gap'd the opening gates;  
 Nor might the bars within the blow sustain:  
 This way and that the severed portals flew  
 Before the crashing missile. Dark as night  
 His lowering brow, great Hector sprang within;

Bright flashed the brazen armour on his breast,  
 As through the gates, two jav'lines in his hand,  
 He sprang : the gods except, no power might meet  
 That onset ; blazed his eyes with lurid fire.  
 Then to the Trojans, turning to the throng,  
 He called aloud to scale the lofty wall.'

No doubt even here it would be possible to fasten on a few expressions which do not strictly represent those of the original. Homer speaks of Hector not as wishing to give his arm its utmost power, but as anxious that his weapon should not fall short of its mark, and again he describes the hinges not merely as giving way, but as torn off by the force of the blow. But these are really no defects, while the lines bring before us the marvellous succession of terrific images, each heightening the effect of that which has gone before, until we feel that no other English translation has thus enabled us to enter into the full spirit of Homer himself.

Of all the splendid incidents in the *Iliad* few are more magnificent than the arming of Achilles : and the original has lost little of its power, its grace, and its beauty in Lord Derby's hands : —

'Thick as the snow-flakes that from heaven descend  
 Before the sky-born Boreas' chilling blast,  
 So thick outpouring from the ships, the stream  
 Of helmets polished bright, and bossy shields  
 And breastplates firmly brac'd, and ashen spears :  
 Their brightness flashed to heaven, and laughed the earth  
 Beneath the brazen glare. Loud rang the tramp  
 Of armèd men, Achilles in the midst,  
 The godlike chief, in dazzling arms arrayed.  
 His teeth were gnashing audibly : his eye  
 Blazed with the light of fire ; but in his heart  
 Was grief unbearable.'

The breastplate wrought by Hephæstus in the far-off Eastern land covers his broad chest ; his silver-studded sword is flung over his shoulder. From his vast shield there gleams

'A light refulgent as the full orbèd moon ;  
 Or as to seamen o'er the wave is borne  
 The watch-fire's light, which high among the hills  
 Some shepherd kindles in his lonely fold,  
 As they reluctant by the stormy winds  
 Far from their friends are o'er the waters driven.  
 So from Achilles' shield bright, richly wrought,  
 The light was thrown. The weighty helm he raised  
 And placed it on his head ; the plumèd helm  
 Shone like a star, and waved the hairs of gold,  
 Thick set by Vulcan in the gleaming crest.'

Then all the arms Achilles proved, to know  
 If well they fitted to his graceful limbs.  
 Like wings they seemed to lift him from the ground.'

(Bk. xix. l. 432.)

In the struggle which immediately follows, gods and men, powers human and superhuman, are mingled together in one wild turmoil. In Mr. Grote's judgment the idea of such a conflict led the poet to indulge in fantastic conceptions which are either bewildering or oppressive: but there is a point of view from which this mighty battle becomes the most wonderful portion of the *Iliad*, and throws a singular light on the origin of the poem. But the uncouthness of the images, if uncouth they be, nowhere breaks the even flow and sustained vigour of Lord Derby's translation. From the struggle, in which the river complains that his 'lovely stream is filled with 'dead, and cannot pour its current to the sea,' we are carried to the last fight, at the close of which we see Achilles trampling on the corpse of the bravest and best of all the Ilian heroes:—

'Loose hung his glossy hair, and in the dust  
 Was laid that noble head, so graceful once,'

while, hoping against hope, his wife Andromache was making ready for his victorious return. The sudden rush of footsteps, and the sounds of irrepressible grief, rouse her fears:—

'Then from the house she rushed like one distract,  
 With beating heart; and with her went her maids;  
 But when the tower she reached, where stood the crowd,  
 And mounted on the wall and looked around,  
 And saw the body trailing in the dust,  
 Which the fleet steeds were dragging to the ships,  
 A sudden darkness overspread her eyes.  
 Backward she fell, and gasped her spirit away.  
 Far off were flung the adornments of her head,  
 The net, the fillet, and the woven bands.' (Bk. xxii. l. 550.)

The closing scenes of the poem are rendered with great beauty. The victory of Achilles is achieved: but his very success only makes him feel the more how vain a thing is the life of mortal man. His own heart is full of grief, grief for the loss of his friend, grief for his kinsfolk who must soon bemoan him at home; but before him kneels a weak and aged man smitten down with an anguish deeper still. Moved by a generous impulse,

'He rose, and with his hand the aged sire  
 He raised, and thus with gentle words addressed:  
 "Alas! what sorrows, poor old man, are thine?"

How could'st thou venture to the Grecian ships  
 Alone, and to the presence of the man  
 Whose hand hath slain so many of thy sons,  
 Many and brave? An iron heart is thine;  
 But sit thou on this seat; and in our hearts,  
 Though filled with grief, let us that grief suppress.  
 For woful lamentation nought avails.  
 Such is the thread the Gods for mortals spin." (xxiv. 613.)

So but a little while after the last rites had been paid to the body of Patroclus, the chieftains of Ilion gather round the funeral pile of Hector. Priam is there, and Hecuba, and Andromache, and Paris, the cause of all their grief and ruin: but yet another stood near, with a heart riven by a more biting pain,

'The daughter of the gods, divinely tall,  
 And most divinely fair.'

It was meet that the lay of Ilion should close with parting words of love from her whose fatal gift of beauty had deluged the earth with blood:—

'Hector, of all my brethren dearest thou!  
 True, godlike Paris claims me as his wife,  
 Who bore me hither. Would I then had died!  
 But twenty years have passed, since here I came,  
 And left my native land; yet ne'er from thee  
 I heard one scornful, one degrading word;  
 And when from others I have borne reproach,  
 Thy brothers, sisters, or thy brothers' wives,  
 Or mother (for thy sire was ever kind,  
 Ev'n as a father,) thou hast checked them still  
 With tender feeling and with gentle words.'

We have followed Lord Derby through some portions of a poem which the judgment of the ancient and the modern world pronounces the finest epic ever written, and we do not hesitate to say that his translation is one which conveys no unworthy or inadequate idea of the original. Its great merit is, as we observed in commencing these remarks, that it can be read with pleasure; and although the matchless art with which Pope handled the heroic couplet makes his translation of the Homeric poems unapproachable in its own form, yet Lord Derby has given to England a version far more closely allied to the original and superior to any that has yet been attempted in the blank verse of our language. We hope that restored health and continued leisure may induce him to turn for further recreation to the charming pages of the 'Odyssey,' and that in two or three years more he may complete a task which deserves to give him a lasting place in our literature.

ART. VI.—1. *A Collection of the Judgments of the Privy Council in Cases of Doctrine and Discipline, from 1840 to 1864; with an Historical Account of the Appellate Jurisdiction of the Church of England, prepared under the direction of the Bishop of London.* By the HON. GEORGE C. BRODRICK, Barrister-at-law, and Fellow of Merton College; and the Rev. W. H. FREMANTLE, Chaplain to the Bishop of London, and late Fellow of All Souls College. London: 1865.

2. *The Crown in Council on Essays and Reviews, in a Letter to an Anglican Friend.* By HENRY EDWARD MANNING, D.D. London: 1864.

3. *The Convocation and the Crown in Council, a Second Letter to an Anglican Friend.* By HENRY EDWARD MANNING, D.D. London: 1864.

THE starting point of the Reformation of the Church in England was an ecclesiastical appeal; and the first result of that great revolution was to transfer the jurisdiction over an ecclesiastical suit from a sacerdotal tribunal to the authority of the Crown. Nor was the occasion unworthy of the effect. For what question could better stir the minds of men than the constitution of that Court, whose supreme decisions governed not only their marriages and their wills, but their consciences and their religious rights? What jurisdiction could be more solemn than that of the mediæval Church, whose sanction lay not only in the infliction of temporal penalties, but in the punishment and excommunication of the soul of man? The mere indication of what that jurisdiction once was suffices to mark the contrast between the Ecclesiastical Courts of the sixteenth and of the nineteenth centuries. The matrimonial and testamentary branches of their ancient authority are at length transferred to the Queen's Judges; and although they still retain the power of entertaining suits for the subtraction of church rate and the correction of clerks, decrees enforced by ecclesiastical censures alone would be idle weapons if they were not backed by a control over the temporalities of the Establishment. In these suits it may, and does, occasionally, happen that the doctrines preached or the ceremonies used by the ministers of the Church are judicially examined. The Ecclesiastical Court is still the base on which the discipline of the Church rests,

and the headship and supremacy of the Queen over the Church in England means that the Crown, in its capacity of superior Appellate Judge, is the head and source of the law which pervades the whole ecclesiastical body. In the remarkable correspondence between the Bishop of Exeter and Lord Macaulay on certain statements affecting the Church of England, that prelate (himself no mean authority) quoted from 'Bonner's Commission' the declaration that all *jurisdiction*, spiritual as well as temporal, is derived from the king alone. 'Why so the Church of England,' he adds, 'as well as the Statute Law of England, says likewise; so I say, so every Church of England man (not Presbyterian nor Congregationalist) says. But what is the meaning of *jurisdiction* in this place? It is, as the document itself calls it, *jurisdicendi autoritas*: in other words, the power of pronouncing judgment *in foro exteriori*, coactive judgments, having effects recognised by temporal law. This depends always on the temporal power.' We are happy to agree with so able and uncompromising a Churchman in this principle which is the basis of our argument.

Nevertheless a cry has been raised by a party or fraction of the clergy, dissatisfied with a recent decision of the Supreme Court of Appeal in Ecclesiastical causes, and eager to make that decision the ground of an attack upon the constitution of the tribunal. This cry has been re-echoed by a party in the State, excited apparently by the Tory influence of Oxford, and not less eager to find a pretext for a demonstration against the Queen's Government. The injustice and absurdity of this complaint are the more striking inasmuch as the same tribunal has within the last few years, in the administration of the high powers confided to it, shown no favour whatever to any particular set of opinions. In causing Mr. Gorham to be instituted to his benefice, it conceded a much-desired liberty of opinion to the Evangelical clergy. In restoring most of the ecclesiastical decorations, and especially the Cross, to the Church of St. Barnabas, it indulged the ecclesiological tastes of high churchmen. It condemned Mr. Heath and deprived him of his living for advisedly maintaining doctrines repugnant to the Book of Common Prayer; but it reversed the sentence suspending Mr. Wilson and Dr. Williams for a year from their clerical functions, because it failed to discover in their writings those violations of the Law of the Church which were charged against them. It is evident that in these decisions no man can fairly trace any disposition to exalt one set of opinions at the expense of another set; and that the only principle common



to all these decisions is that the LAW is in this country and in the Church of England paramount to all opinions whatsoever, and that all opinions may be freely entertained and professed unless they are repugnant to the positive law of the Church in its Formularies and its Articles. Dr. Manning expresses astonishment in one of his recent letters at a passage, conceived in this spirit, in an article lately published in this Journal, and suspects us of concealed irony. But Dr. Manning seems to have forgotten the first principles of the Church to which he once belonged, in his zeal for that which he has adopted. He desires, and thinks he has found, a Church of absolute infallibility and unity, which he affirms to be '*inhabited by a Divine Person*;' and he adds, '*my faith depends upon the veracity of a Divine Person guiding me with his presence.*' (*Second Letter*, p. 37.) The Church of England, on the contrary, holding that divers Churches have erred, and that General Councils (being assemblies of men) are liable to error, claims no infallibility, and therefore no absolute certainty, on nice and disputable points. She has avowedly and designedly left these open by her Articles, and she looks to the authority of her Courts, not to decide them peremptorily in one sense or another, but to secure to the members of the Church the greatest latitude of interpretation and opinion consistent with union in essentials. The theory of the Church of England being in this respect opposed to the theory of the Church of Rome, it is idle in Dr. Manning to taunt the Church of England with her inability to apply a strict rule of faith, which it is the essence of Protestantism to deny and repudiate. Unhappily, this notion of freedom of opinion bounded only by law, and by law framed in a comprehensive and liberal spirit, is extremely unpalatable to the clerical mind. Every sect in the Church lays claim to the possession of absolute truth, and supports with impatience the latitude of construction conceded to its antagonists, even though it stand in need of an equal breadth of interpretation to support its own doctrines.

The great fact remains that the English Reformation consisted before all things in the transfer of the highest judicial authority in the Church from the sacerdotal order to the Crown of England. If we are not greatly mistaken this is the true subject of complaint against which these numerous pastorals, pamphlets, circulars, and petitions are directed. The Crown exercises and has exercised its undoubted ecclesiastical authority as it exercises all its other powers, by the advice of a certain number of its sworn councillors, some being the chief dignitaries of the Church, others the great luminaries of the

law. But when it is found that the result of this inquiry is not to procure the condemnation of one or two obnoxious persons, but to secure a larger amount of liberty to all, the constitution of the tribunal itself is assailed, the nature of its proceedings is misrepresented, and, to our inexpressible astonishment, a claim is put forward to transfer the superior judicial authority over ecclesiastical questions from civil to spiritual judges, from lawyers to priests, and from the Crown to the Church. It is scarcely necessary to do more than to state this proposition to show its flagrant inconsistency with the principles of the Church of England for three centuries. If the people of England required a spiritual judge of their opinions and writings, they had one in the Pope, who boasts of infallibility; but when they threw off the Papal yoke, they placed themselves and their Church under the protection of the law. It is no slight praise of the wisdom of those laws that for three hundred years they have undergone no important change, and that even now it may well be questioned whether any change could be made in them with advantage. So jealous were the founders of our ecclesiastical polity of anything like an exclusive ecclesiastical jurisdiction, that they deprived Convocation of the power of legislating for the Church by canons without the express license of the king; and when Wentworth was asked by Archbishop Parker why the House of Commons of Elizabeth had put out of the book the Articles for the homilies, consecration of bishops, and suchlike, the prelate adding, 'Surely you mistake the matter; you will refer yourselves wholly to us therein,' Wentworth replied, in the true spirit of an English layman, 'No, by the faith I bear to God, we will pass nothing before we understand what it is; for that were but to make you Popes; make you Popes who list, for we will make you none. And sure, Mr. Speaker,' added the fearless orator, 'the speech seemed to me to be a prophetic speech, and I fear least our bishops do attribute this of the Pope's canons unto themselves, *Papa non potest errare.*'\*

The discussions which have recently taken place on the constitution of the Court of Final Appeal clearly disclose similar pretensions. Mr. Keble, who may be taken as a representative of the clerical party, does not pretend that the laws or articles of the Church of England have either defined the doctrine of the inspiration of the Scriptures or condemned the

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\* Strype's Life of Parker, p. 394. Hallam's Constitutional History, vol. i. p. 192, ed. 1846.

opinion of the ultimate salvation of mankind. He admits, therefore, implicitly that a Court professing only to administer the existing law of the Church of England could only arrive at the conclusions adopted by the Judicial Committee. But he adds that 'the Church is governed by common as well as by statute law, to be gathered, as the common law of the realm is gathered, from diligent study of its records, from the proceedings of its Courts, &c. ;' and by this common law of the universal Church Mr. Keble holds that 'the canonical Scriptures are not only to a word but to a jot or tittle all equally true, because they are all alike God's word ;' and he further holds that the doctrine of never-ending punishment was the doctrine of the universal Church from the beginning, re-affirmed by the Fifth General Council, which condemned the opinions of Origen.\*

Is it possible that Mr. Keble and the estimable but unreasoning enthusiasts who think with him do not perceive that they are drifting entirely from the ground of law to the quicksands of theological opinion? The common law of England is the definite, unbroken, and undisputed tradition of the Courts of Record, from the earliest dawn of legal memory ; but that which Mr. Keble calls the common law of the Church has been, and is, the subject of fierce and never-ending contentions in every council, in every state, in every schism, in every age, from the time of the Apostles to this day. 'Nowhere,' says Dean Milman, 'is Christianity less attractive, and if we look to the ordinary tone and character of the proceedings, less authoritative, than in the Councils of the Church ;' and there is nothing which a true son of the Church of Christ may look on with more regret, than those tumultuous and intolerant assemblies of priests which claimed to fix the rule of faith. If there be in the world any definite representative of the common law of the Church it is the Pope, and the essence of the Roman Catholic faith is to believe that he is so. But by that

\* This last point may, of itself, suffice to demonstrate the utter futility of such legal rules as those on which Mr. Keble and his friends rely. The Church of England admits the decisions of the *Four first* Councils, but not of the fifth ; and this decision of the Fifth Council has been shown by high ecclesiastical authority to be wrong and inconclusive. (See Hefele, *Concilien-Geschichte*, vol. ii. pp. 764-835.) Would Mr. Keble suspend or deprive an English rector on such 'common law' as he may extract from the decrees of the Fifth General Council, and does he imagine that the law of England would sanction or tolerate such an act? Yet if he does not mean this, he means nothing.

common law Mr. Keble, Dr. Pusey, and every one of their allies, would equally be condemned. If they cease to stand on the terra firma of the Articles of the Church of England, there is no room for the sole of their foot between the rock of Rome and the precipice of dissent.

How then are these men to sit in judgment in the Church? What law are they to administer? Their own theological notions (on which probably no two of them do strictly agree) would become the test of orthodoxy; and the clergy of the Church of England would find themselves bound, not to the definite terms and conditions they have accepted at their ordination and institution, but to a vague power called the 'common law of the Church,' by virtue of which they might be called upon to accept any construction to be placed on the Articles by the dominant theological school of the day.

But, as Lord Harrowby said in his excellent speech on the Bishop of London's bill in 1850,—

'Bishops cannot be mere judges, mere interpreters. The more zealous, the more earnest in upholding what they believe to be the truth, the less are they fitted for such a function; and their opinions would become practically the law of the Church. Under such a system our Church might have been nailed to Calvinism under Whitgift, to semi-Popery under Laud, and to I know not what under the latitudinarian tendencies of the early part of the last century. To such a condition I, at least, am not prepared to bring my Church, as long as I can help it.' (*Hansard*, vol. iii. p. 658.)

The Lords of the Privy Council, as the expounders of the law, have guarded themselves, and sought to guard the Church, from this danger; and have studiously disclaimed the dangerous pretension of defining the tenets of the Church and the truths of religion otherwise than in the words of her own legalised formularies. That is precisely the reason for which this tribunal is now assailed by the whole strength of clerical fanaticism. The promoters of this strange agitation are seeking to transfer to the decision of minds, rendered subtle and intolerant by the exercise of their faculties on mysterious and indeterminate subjects of inquiry, that jurisdiction which is now exercised by the Queen on the advice of the first judges of the realm—to substitute the unknown for the known—the unwritten for the written—the traditions of the Church in dark ages for the laws of this kingdom—and the mysteries of the faith for the letter of the Articles. Such a proposition is worse than unreasonable, it is audacious; and when the nature of it is thoroughly understood, we doubt not that it will be condemned and rejected as

well by a large portion of the clergy as by the whole laity of England.\*

To attempt at the present day to transfer questions of this delicate nature, which have, unhappily, the effect of kindling a large amount of irrational excitement, from a tribunal of judges to a conclave of priests, is a proposal utterly at variance with the first principles of the Constitution in Church and State — utterly opposed to one of the most important liberties a country can enjoy — and scarcely more likely to be accomplished than if the Archbishop of Canterbury and the Quarterly Review had proposed the revival of the Inquisition to be followed by an *auto-da-fé* in the gardens of Lambeth. For when men have persuaded themselves that by some divine influence and commission derived from Omnipotence itself, they are in possession of absolute truth, even on subjects the most solemn and mysterious, they are absolutely disqualified for the cautious and evenhanded functions of justice. In their eyes a difference of opinion is no longer a controversy of free judgments, but it becomes a fierce conflict of truth and falsehood, of right and wrong. That was the whole secret of the persecuting spirit of the Church of Rome; it condemned and it burnt *pro salute animarum*; and the same spirit is apt to break forth in all purely ecclesiastical bodies, unchecked by the judicial firmness and moderation of the civil power.

Most of all are these arbitrary tendencies to be dreaded and deprecated in the exercise of the peculiar powers of a Supreme Court of Appeal in ecclesiastical causes, if that tribunal be called upon not only to apply the law, but on certain occasions to declare it. The association which has recently been formed

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\* A similar attempt was made by Bishop Blomfield, after the Gorham Case in 1850, in a bill brought by him into the House of Lords for the purpose of submitting doctrinal questions to a clerical Court and legal questions to a legal Court. 'The bill was rejected,' says Dr. Manning, 'with an overwhelming rejection, not only of opposition but of argument.' We wish that our limits permitted us to refer more fully to this debate (*Hansard*, vol. cxi. p. 598) of the 3rd June, 1850, in which the whole subject was treated with masterly ability by the Marquis of Launsdowne, Lord Harrowby, Lord Brougham, the Bishop of St. David's, and Lord Campbell. If, said Lord Campbell, the reference to be made to the Bishops on a point of doctrine is to be *binding and conclusive* upon the Court of Appeal, the Queen would in fact only have to register the decree of her bishops; and the supremacy in the Church would in reality be vested in them and not in the Crown. On these grounds Lord Campbell held the proposed change to be altogether unconstitutional.

in this country, with reference to this very question, avowedly seeks to sever the ecclesiastical and the civil elements in the Privy Council, so that whilst the purely judicial function or application of the law should be left to the civil judges, it should be referred to the spirituality to 'show, declare, and 'interpret' what the doctrine of the Church is. That is simply to claim for the clergy of the present day a legislative power, such as the clergy has not in any age of our history possessed. We stop not now to inquire how far it would be possible, in the present state of theological opinion, to obtain from any body of Bishops or dignitaries an authoritative declaration of opinion on a disputed point of doctrine, when it is notorious that on the two principal cases heard before the Privy Council, the three Prelates present were not of one mind, and that the condemnation of 'Essays and Reviews' was carried in the Upper House of Convocation by the casting vote of the Archbishop only. No case has yet occurred in the Privy Council in which the *united* opinion of the Prelates has been opposed on any doctrinal point to the opinion of the lay members of the Court; but if the opinion of three Prelates sitting in Council is divided, how much more are opinions divided out of doors! If the clergy, or any constituted portion of the clergy, were authorised to 'show, declare, and 'interpret' the doctrines of the Church, beyond the limits and known terms of the Thirty-nine Articles, they would, in reality, be invested with a power to extend the Articles: questions which have been left in a cautious obscurity or a wise latitude of interpretation would be eagerly raised in order to be brought to a decision by the predominant party of the day: no man would know what he might be called upon to believe and to teach; and the Church of England, torn by conflicting opinions and hostile judgments, would speedily be levelled to the ground. To quote a recent example. It was held by the Judicial Committee that to condemn Mr. Wilson for the hope he had expressed that the perverted may be restored, and that all, both small and great, may ultimately find a refuge in the bosom of the Universal Parent, would be to re-enact the forty-second Article of King Edward VI. against the Millenarian doctrine, which was expressly omitted from the Thirty-nine Articles of Elizabeth. Nor do we find any evidence that the Archbishops of Canterbury and York any more than the Bishop of London dissented from this view of the case. But the Archbishops have since thought fit to express, in their Charges and Pastorals, a very strong opinion that the Church of England does hold the doctrine of the never-ending

damnation of the wicked, and they have, as far as in them lay, attempted to re-enact that condemnation of the more charitable opinion of the mercy of Almighty God which was actually abandoned when the forty-second Article of King Edward VI. was withdrawn. In other words, such a declaration, being unsupported by any distinct passage of the existing Articles, would be in effect an addition to them, and an addition avowedly made for the purpose of visiting with penal consequences men who have ventured to teach in the freedom secured to them by the laws of their Church and their country. Again, it is an undoubted fact that our Articles, differing in this from the language of the Council of Trent which deified the Vulgate, and from the Westminster Confession of Faith, have abstained from any express declaration on the difficult subject of the inspiration of Scripture. The clergy are indignant with the Lords of the Council for having pointed out this fact, commented upon it, and inferred from it that whatever is not ruled by the Articles is free. 'The framers of the Articles,' said their lordships, 'have not used the word "inspiration" as applied to the Holy Scriptures; nor have they laid down anything as to the nature, extent, or limits of that operation of the Holy Spirit. The caution of the framers of our Articles forbids our treating their language as implying more than is expressed; nor are we warranted in ascribing to them conclusions expressed in new forms of words involving minute and subtle forms of controversy.' In other words, the Judicial Committee decided that the written law of the Church did not meet the case before them. All they had to do was to decide whether so much of the Judgment of the Court of Arches as was appealed against was correct or not, upon the special principles of ecclesiastical procedure and upon the general principles of the law of England. Can anyone doubt that the attacks made upon the Judgment, and the proposals for a reconstruction of the Appellate Tribunal, have in truth no other meaning than this, namely, that if the written law of the Church did not meet the case of the Essayists and Reviewers in the opinion of highly qualified judges, that deficiency might readily be supplied by some declaration of the unwritten law of the Church, to be made by the clergy alone: and that if a tribunal of laymen would not 'treat language as implying more than is expressed,' a board of ecclesiastics would not scruple, in the exercise no doubt of supernatural gifts, to piece out the Thirty-nine Articles until they reached the standard of modern dogmatism? Indeed, the thing has actually been done by the condemnation in Convocation of the same book which had just been acquitted by the



Queen in Council. What of that? Has such a condemnation any legal effect whatever? Having no legal effect, can it have any moral weight? 'The dilemma,' says Dr. Manning, with great force and neatness, 'is simple. Either the synodical declaration is a judicial act or it is not. If it be not, then it is waste paper; if it be, the Convocation is in collision with the Crown in Council.' In other words, the clergy are only saved from the illegality of their acts by their absurdity: their intentions may be destructive, but their weapons are powerless. Such pretensions as these need only to be stated in plain language to cover their authors with ridicule, and if they are not already abandoned, we hope they may speedily be brought to the test of parliamentary discussion. The House of Lords, an assembly comprising the heads of the Church and of the Law, is a body perfectly well adapted to deal with this subject, and we have no doubt it will decide the question as it decided it on the Bishop of London's bill in 1850, by rejecting the proposal by a majority of 84 to 51. But in the meantime it is of importance to know, historically, what the formation and character of our highest Church Courts have been since the Reformation; to examine the principles of the Constitution in this respect; and, lastly, to show what the Judicial Committee of the Privy Council has actually done since this branch of jurisdiction was transferred to the King in Council, in 1832.

These are the objects of the volume 'Judgments in Cases of Doctrine and Discipline' now before us. It is a collection of all the cases affecting the conduct or opinions of the clergy which have been decided by the Queen in Council since the transfer of the jurisdiction from the Delegates. These judgments are most of them replete with interest and instruction on questions touching the history of our Church, and they conclusively demonstrate that when the heads of the law have dealt with these questions they have done so with consummate learning and prudence. They are the best vindication of the tribunal by which they have been framed, and we hope they will be extensively read by both clergy and laity. The Bishop of London has rendered a service to the Church by causing this collection to be prepared under his own direction; and the Editors have added an Introduction containing the legal history of the Ecclesiastical Courts of Appeal since the Reformation.

One of the first legal steps in the Reformation of the Church of England was the Act for the restraint of Appeals of the 24 Henry VIII. It laid down the fundamental propositions that 'This realm of England is an empire governed by one supreme head or king, furnished with plenary power to render and

‘yield justice and final determination to all manner of folk, his subjects, without restraint to any foreign princes and potentates of the world;’ and it added that—

‘The body spiritual having powers, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed by that part of the body politic called the spirituality, now being usually called the English Church, it hath been always thought and is also at this hour sufficient and meet of itself without the intermeddling of any exterior person or persons to declare and determine all such doubts and to administer all such offices and duties as to their rooms spiritual doth appertain, &c.; and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.’

The Act went on to provide that all causes determinable by any spiritual jurisdiction should be adjudged within the King’s authority, and it included the singular enactment, not repeated in any other statute, that whenever any appeal shall be sued in any matter *touching the King*, the appeal should lie to the prelates, abbots, and peers of the Upper House of Convocation.

We quote this statute because it is the first—because it is the only one in which a co-ordinate spiritual jurisdiction appears to be recognised in the Church itself—and because it contains an express, though ill-defined, provision that in one special case an appeal shall lie to the Upper House of Convocation. Considerable stress has recently been laid on the provision we have cited from this statute—that ‘any cause of the law divine was declared, interpreted, and showed by the spirituality’—both in a Memorial addressed by the clergy and laity to the Archbishops of Canterbury and York, and in a Charge of the Archbishop of Canterbury himself. But it may easily be shown, on the highest legal authority, that this is a misapprehension—that in point of fact the statute in question was passed before the Reformation was accomplished, and while the authority of the Pope in spiritual matters was still recognised in England, and that no effect whatever was ever given to this enactment, either at the time or in the three centuries which have since intervened. These points have been decided by the Court of Queen’s Bench within our own memory. It was on this statute that the counsel for the Bishop of Exeter founded an application to the Court for a prohibition in the case of Mr. Gorham, on the ground that the appeal ought to have been determined by the Upper House of Convocation, and not by the Queen in Council. Lord Campbell’s judgment on that motion (Q. B. Reports, vol. xv. p. 66) contains so perspicuous an

account of the origin of this jurisdiction, clothed with judicial authority, that we shall borrow the language of the Lord Chief Justice:—

‘The statute of the 24th Henry VIII. was passed when Sir Thomas More, a rigid Roman Catholic, was Lord Chancellor, and when Henry had not yet broken with the See of Rome.\* Therefore it still allows an appeal to the Pope in all spiritual suits; and it was framed upon the principle that, while all temporal matters which were discussed in the Ecclesiastical Courts should be finally determined by Courts sitting within the realm, the spiritual jurisdiction which belonged to the Pope as Supreme Head of the Western Church should remain unaffected. Accordingly this statute is confined to causes about wills, to causes about matrimony and divorce, and to causes about tithes and oblations. Respecting these three classes of causes, it is enacted that the appeal should be from the Archdeacon to the Bishop, and from the Bishop to the Archbishop, whose judgment was to be final; cutting off the appeal to Rome, which otherwise would have lain. The 9th section of the Act provides that if in “*the causes before rehearsed*” there shall be matter in contention which may touch the King, the party aggrieved shall or may appeal to the spiritual prelates and other abbots and priors of the Upper House assembled in Convocation, whose determination is to be final. But an appeal from the Archbishops’ Court in a suit upon a Duplex Querela

\* Lord Campbell appears to have misconceived the order of these events. The Parliament of the twenty-fourth year of Henry VIII. commenced its session on the 4th February, 1532; Sir Thomas More resigned the Great Seal on the 16th May, 1532; but if the dates are computed according to the old style of the calendar, when the year commenced on the 25th March, the month of May in any given year *preceded* the month of February. Mr. Froude, in the magnificent chapters of his History relating to these transactions (chap. iv. and chap. v. vol. i.), places the Statute of Appeals *after* the resignation of Sir Thomas More, and after the accession of Cranmer to the See of Canterbury, which took place in March 1533 (N. S.) According to his view, the exceptive clause with reference to ‘any matter now depending for the causes before rehearsed which hath, doth, shall, or may touch the King,’ was introduced for the express purpose of annulling the appeal of Queen Catharine to Rome, and of placing that great matrimonial controversy, with which the kingdom and all Europe rang from side to side, under the jurisdiction of Convocation. Certain it is that the question of the validity of the marriage was immediately afterwards submitted by Cranmer to Convocation, which decided against the marriage by a majority of 263 votes to 19; and the subsequent proceedings in the Archbishop’s Court, by which the marriage was annulled, followed close upon it. But the Court of Queen’s Bench does not appear to have taken this view of the question. We are not aware of any other judicial proceedings taken in and by the Houses of Convocation in this form.

involving the question whether the clerk presented to a living by the King was of unsound doctrine would still have gone to Rome.

'In the following year Henry, finding that there was no chance of succeeding in his divorce suit with the sanction of the Pope, and being impatient to marry Ann Boleyn, resolved to break with Rome altogether, and, preserving all the tenets of the Roman Catholic faith, to vest in himself the jurisdiction which the Pope had hitherto exercised in England. Sir Thomas More had now resigned the Great Seal; and it was held by the pliant Lord Audley, who was ready to adopt the new doctrines in religion, or to adhere to the old, as suited his interests.

'In a new Session of Parliament several statutes were passed, which, in addition to further regulating appeals, put a stop to the payment of first fruits and Peter-pence to the Bishop of Rome, forbade the investiture of English Bishops or Archbishops by the Bishop of Rome, gave power to the King to nominate bishops, in default of election by the Dean and Chapter, under a *congé d'élire*, prohibited dispensations or licenses from the Bishop of Rome, and declared the King to be Supreme Head of the Church, with power to "repress, redress, reform, order, correct, restrain, and amend all" "such errors, heresies, abuses, offences, contempts, and enormities," "which by any manner spiritual authority or jurisdiction ought or" "might" lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended," "for the conservation of the peace, unity, and tranquillity of this realm." The first of these statutes was 25 H. VIII. cap. 19, which put an end to all appeals to Rome in all cases whatsoever; and enacted by section 3 "that all manner" "of appeals, of what nature or condition soever they be of, or what" "cause or matter soever they concern, shall be made and had by the" "parties grieved," "after such manner, form and condition, as is" "limited" by the former Act of Parliament; that is to say from the Archdeacon to the Bishop and from the Bishop to the Archbishop. No exception is introduced respecting causes which touch the King; and on the contrary the enactment is expressly extended to all causes, of whatever nature they be, and whatever matter they may concern. But all doubt is removed by the following section (4), which creates a new Court of Appeal for all causes in the Ecclesiastical Courts. Instead of allowing the decision of the Archbishop to be final, as it was by stat. 24 H. VIII. c. 12, the legislature now enacted that "for lack of justice at or in any of the Courts of the Archbishops," "it shall be lawful to the parties grieved to appeal to the King's" "Majesty in the King's Court of Chancery," where the Delegates are to be appointed under the Great Seal, who are to adjudicate upon the appeal. This appeal is given in all causes in the Courts of the Archbishops of this realm, as well in the causes of a purely spiritual nature which might hitherto have been carried to Rome, as in the classes of causes of a temporal nature enumerated in stat. 24 H. VIII. c. 12.

'The meaning of the legislature is still further proved by sect. 6 of the new statute, which enacts that all manner of appeals here-

after to be taken from the jurisdiction of any abbots, priors and places exempt from the jurisdiction of the ordinary shall be to the King's Majesty in the Court of Chancery, in like manner and form as heretofore to the See of Rome; no exception being introduced respecting causes which touch the King, although it was then notorious that the causes touching the King might be taken to Rome, Pope Clement having recently evoked Henry's divorce suit from before Cardinals Wolsey and Campeggio, sitting at Whitefriars, to be determined by his Holiness in the Vatican.

"The construction which the words of the statute seem to me to require is expressly put upon them by Lord Coke. In his *Fourth Institute*, p. 340, commenting upon the statute 25 H. VIII. c. 19, this great lawyer says, "A general prohibition, that no appeals shall be pursued out of the realm to Rome or elsewhere. *Item*, a general clause that all manner of appeals, what matter soever they concern, shall be made in such manner, form, and condition within the realm as it is above ordered by 24 H. VIII. in the three causes aforesaid; and one further degree in appeals for all manner of causes is given, viz. from the Archbishop's Court to the King in his Chancery, where a commission shall be awarded for the determination of the said appeal, and from thence no further."

"In practice, such is the construction that has been invariably put upon the statute for above three centuries, without any doubt being started upon the subject till the present motion was made. During this long period of time there have been many suits decided in the Archbishop's Court, in which the Crown has been concerned, respecting testaments and wills, and also of a spiritual nature, if this *Duplex Querela* touches the Queen. We know that in many of these the decision in the Archbishop's Court was not satisfactory. According to what is now contended for, the appeal ought always to have been to the Upper House of Convocation. But there is no trace of such appeal ever having been brought. On the contrary, there seems every reason to believe that the appeal has uniformly been to the King in the Court of Chancery, where Commissioners have been appointed, or, in common language to the "High Court of Delegates.""

\* On one occasion only the King of England sate in judgment in Westminster Hall, surrounded by the spiritual and temporal Peers, on a heretic—the luckless sacramentarian Lambert, who was condemned in the Archbishop's Court, in 1538, for avowing that very doctrine which was within a very few years to be the cardinal point of the Anglican faith. Mr. Froude has described the scene from 'Foxe's Martyrs' with his wonted eloquence and power. Cranmer and nine other bishops toiled in vain till the torches were lighted in the Hall to convict the stubborn sectary. At the end the King exclaimed, 'Then you must die. I will be no patron of heretics.' No more cruel act stains the detestable reign of Henry VIII. Mr. Froude seems to think that the interval of four days which elapsed between the sentence and execution of Lambert

This account of the origin and jurisdiction of the Court of Delegates, framed by Lord Campbell, himself the Chief Justice of that Court whose duty it is, when necessary, to adjust and determine the functions of all other Courts, relieves us from the necessity of pursuing the subject further. It is clearly an error to suppose that the Act of the 24 Henry VIII. can now be relied on for any purpose whatever connected with the supreme appellate jurisdiction in the Church of England. Those who would take us back to that statute are seeking to take us back to the pre-Reformation period. The Crown, on the contrary, rests its jurisdiction on the statute of the following year, when the independence of the whole ecclesiastical jurisdiction of England from Rome was finally established, and when the clergy formally recognised the royal supremacy in the Church by their promise *in verbo sacerdotii* never henceforth to presume to attempt to promulge or execute any new canons, &c. in the Convocation without the royal assent and authority. These Acts were re-enacted on the accession of Elizabeth with a more distinct and peremptory declaration (which we quoted in our recent article entitled 'The Three Pastorals') that 'such jurisdictions as by any spiritual or ecclesiastical powers have heretofore been exercised are united and annexed to the Imperial Crown of this realm,'—a clause which would have been sufficient to extinguish the supposed jurisdiction of the spirituality, if it had ever existed.

The next step was to provide the machinery by which this jurisdiction of the Crown should be exercised; for in this, as in other parts of our Constitution, although the supreme power resides in the Sovereign, the exercise of it is entrusted either to Commissioners duly empowered for that purpose or to the sworn Councillors of the Crown. The Act of Elizabeth expressly empowered the Queen to assign Commissioners to exercise ecclesiastical jurisdiction, and thus the High Commission Court came into existence. This Court was an invasion of the liberties and the law of England. It was not a Court of Appeal, but of original jurisdiction. Lord Coke strenuously resisted its encroachments by numerous prohibitions, and denounced it in his Fourth Institute. For whereas before the 1 Elizabeth all ordinaries and ecclesiastical judges proceeded according to the censures of the Church, and

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proves it not to have been the act of a despot but of the law; but the mode of hearing this case was a proceeding unknown, either before or since, to the law of England.



could not in any case have punished any delinquent by fine and imprisonment, the High Commission Court, deriving its authority from Letters Patent only and the pleasure of the Crown, did inflict fine and imprisonment on the Queen's subjects. It was essentially an arbitrary Court—the instrument of absolute power rather than a Court of justice. The very first commission issued under it was used to deprive fourteen of the bishops and many others of the Romish clergy for refusing to take the oath of supremacy. But this exceptional jurisdiction was formally condemned by the resolutions of the whole Court of Common Pleas in the 9 James I., a prelude to the final abolition of the High Commission Power by the 16 Charles I., when the fabric of Tudor and Stuart prerogative crumbled into the dust.\* But so far was the High Commission Court from being a power of the spirituality, that it was the very sign of their bondage; and when Dr. Pusey talks of the 'iron grasp of the Tudors,' which he still appears to feel upon his shoulder, he may thank Heaven that he lives in an age of very different jurisdictions and far more temperate laws. It

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\* The statute of 16 Charles I. cap. 11 was passed to put an end to the 'insufferable wrong and oppression' of the High Commission Court established under the 1st of Elizabeth. But this statute went beyond this object, and was held to have taken away the jurisdiction of the Ecclesiastical Courts altogether. Indeed, such was the temper of those times, that in the same year was passed another statute for disenabling all persons in Holy Orders from exercising any temporal jurisdiction or authority, or even sitting in Parliament and the Privy Council. On the restoration of Charles II. that portion of the first-mentioned statute which had been supposed to affect the ordinary ecclesiastical jurisdiction was repealed, except in so far as it abolished the High Commission Court. It is therefore from this last period (13th Charles II.) that the proper ordinary jurisdiction of the ecclesiastical tribunals of the country dates. One of the offences of James II. against the liberties of the country was by issuing and causing to be executed a commission under the Great Seal for erecting a court called the Court for Ecclesiastical Causes before which proceedings were taken against Compton, Bishop of London, for refusing to suspend on the King's order a clergyman who had preached against the tenets of the Church of Rome. It was enacted by the 1 Will. III. sess. 2, cap. 2, that 'the Commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other Commissions and Courts of like nature, are illegal and pernicious.' To attempt, therefore, in these days to transfer the ancient and undoubted jurisdiction of the Crown to a Court of Commissioners named with a view to their ecclesiastical character and functions, would be a direct violation of the fundamental statute of 1688.



deserves particular notice that the jurisdiction of the High Commission Court in cases of heresy was limited by the 1 Eliz. 1 § 36, in the following terms:—

‘Be it enacted that such persons to whom authority shall be given under the Great Seal of England to have or execute any jurisdiction, power, or authority spiritual, or to visit, reform, order, or correct any errors, heresies, schisms, abuses, or enormities by virtue of this Act, shall not in any wise have authority or power to order, determine, or adjudge any matter or cause to be heresy but only such as heretofore have been determined, ordered, or adjudged to be heresy by the authority of the Canonical Scriptures, or by the first four General Councils, or any of them, or by any other General Council wherein the same were declared heresy by the express and plain words of the said Canonical Scriptures or such as hereafter shall be ordered, judged, and determined to be heresy by the High Court of Parliament of this realm, with the assent of the Clergy in Convocation.’

Not a word of any supposed right or power of the spirituality of the realm to ‘declare, show, and interpret’ what is heretical; but a distinct reference to the written law of the Church, and a power vested in *Parliament* (with the assent of Convocation) to declare heresies hereafter. Such was the law even of the High Commission Court; and although this clause was repealed when the Court itself was abolished, Coke observes with truth that the principle of this enactment may fairly be observed as the proper rule of episcopal jurisdiction.

The High Commission Court was one of the reactionary measures caused by the relapse of the country into the Catholicism of Mary, and demanded by the fierce contest which marked the earlier years of the reign of Elizabeth; but during the more tranquil period which elapsed from the Restoration to the reign of William IV. the Court of Delegates exercised without question the chief ecclesiastical jurisdiction in the King’s name.

Nothing could be more irrational in principle or more inconvenient in practice than the constitution of the Court of Delegates, which continued for nearly three centuries to be the Court of last resort in ecclesiastical and maritime causes. In each separate suit a Commission under the Great Seal was issued by the Lord Chancellor to appoint and constitute the Judges or Delegates who were to hear and to determine the case. These Commissions usually included some of the spiritual and some of the temporal peers, two or three Judges of the Common Law Courts, and two or three civilians. The selection of these persons was purely discretionary in the Chancellor.

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Some were 'full,' some were 'ordinary' Commissions. As the leading civilians were usually retained to argue the cases at the bar, they were disqualified from sitting as Judges, and their place in the Commission was frequently filled by the secondary members of the profession. The Lord Chancellor himself never sate with the Delegates. The Sovereign had no connexion with the proceedings of the Delegates, except that the Commission issued from the Court of Chancery in the King's name. No reasons whatever were given by the Delegates for their judgments. Even after judgment, the decisions of this Court, professing to be the last stage of appeal, were not final; for application might be made to the King in Council for an Order of Review. These petitions were referred to the Lord Chancellor, and if he thought fit, after argument, (the Chancellor virtually quashing the sentence of the Delegates) another Commission issued under the Great Seal. This process was sometimes repeated *four* times, especially if the opinions of the Delegates were equally divided, or if the Lord Chancellor was dissatisfied with the result.

By far the largest number of the suits taken up to the Delegates were matrimonial or testamentary suits, or appeals from the High Court of Admiralty. It is extremely remarkable how few purely ecclesiastical causes were ever tried there, and of these still fewer raised any important doctrinal questions. The researches recently directed to the archives of the Court in Doctors' Commons have failed to bring to light any instructive results; and it may be presumed that with a Court of Appeal so expensive, so uncertain, and so imperfectly constituted, suitors generally preferred to take as final the decision of the Court of Arches.\*

In consequence of the obvious inefficiency of the Court of

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\* It appears from a Return made in 1850 to Parliament of causes in the Court of Delegates against any clerk for unsound doctrine, that only three such cases could be found. That of *Salter v. Davis* in 1690, that of *Pelling v. Whiston* in 1713, and that of *Havard v. Evanson* in 1775. No example has been found of a Commission of Delegates including clerical members only. In Whiston's case the Delegates were four bishops, three common law judges, and five civilians. The important case of the Bishop of St. David's was also heard twice before the Delegates in 1695, and the sentence of the Archbishop, by which Bishop Watson was deprived for simony, and excommunicated for non-payment of costs, was affirmed by them. The Commission in this case included six bishops, five temporal peers, five common law judges, the Judge of the Admiralty, a Master in Chancery, and three civilians.

Delegates, a Commission of Inquiry was issued in 1830 to the Archbishop of Canterbury, the Bishop of London, four other Bishops, six Judges, and four other persons, to report on the subject. This Commission recommended the abolition of the Delegates, and the transfer of their jurisdiction to the King in Council, having especially in view the correction of clerks by a competent tribunal. In consequence of this Report, the measure was carried into effect by an Act of the 2 & 3 William IV. in 1832. The change was in the highest degree judicious. For the first time since the Reformation, it vested the final decision of ecclesiastical causes in the person of the Sovereign, acting by the advice of the Councillors nearest his person. It abolished the tedious process of rehearings, the decision of the King in Council on appeals being always final; and it prevented the possibility of the appellate jurisdiction being exercised by any but the highest judicial persons who alone are members of the Privy Council of the Sovereign. The nature of the decision of the Appellate Court was henceforth delivered in one judgment expressing a collective opinion; and if any division or conflict existed among the Judges, it could no longer be brought prominently before the public, because the practice of the Privy Council precludes the dissentient minority from stating its opinion, and the judgment is the advice submitted to the Sovereign on behalf of the whole Committee.

When this transfer of jurisdiction was made from the Court of Delegates to the King in Council, the Judicial Committee of the Privy Council was not in existence. It was created by a statute (3 & 4 William IV.) of the following year. From the part Lord Chancellor Brougham had taken in the preparation of both these measures, and his intimate acquaintance with the jurisdiction of the Privy Council, both as an advocate and as a judge, it may be inferred that these Acts were associated together in his mind; but it is not the less certain that the Judicial Committee was not constituted at all until after the ecclesiastical jurisdiction had been transferred to the King in Council. The former measure was therefore taken by Parliament without reference to that which followed it.

The subsequent creation of the Judicial Committee rendered the tribunal more competent to deal with the matters brought before it. Several eminent judges were added to the Privy Council, and the law required that the decisions of the Sovereign should rest upon the advice and reports of these judicial authorities only. But it must be acknowledged that when these useful reforms in the highest appellate jurisdiction were adopted, they were mainly intended to facilitate the trans-

action of testamentary, matrimonial, and maritime business, and it was not anticipated in 1832 that this Court would in the course of the next thirty years be compelled to hear and decide several causes deeply affecting the vital interests of the Church. Such causes had ever been extremely rare. Since the case of Mr. Stone, there was hardly a precedent upon the books of proceedings against a clerk for heretical opinions; and the then existing machinery of the episcopal and provincial jurisdictions was so bad that it was almost impossible to bring even flagrant abuses of life and manners under the supervision of a Court Christian. But the temper of the times was becoming more and more prone to theological controversies within as well as without the Church. In 1840 a bill was introduced into Parliament for better enforcing Church Discipline, especially with reference to the correction of clerks. By this bill, which passed into a law without opposition, the proceedings of the Episcopal and Archiepiscopal Courts were regulated; the appeal to the King in Council from the Archiepiscopal Courts was confirmed; and the prelates, being Privy Councillors, were added to the Judicial Committee of the Privy Councillors for the purpose of hearing appeals from decisions *under this Act*, which were not to be heard without at least one of these most reverend or right reverend persons. These judicial functions of the Bishops were not extended beyond causes arising under the Church Discipline Act—that is, causes of the correction of clerks. Ecclesiastical questions of far greater importance than the punishment of a clergyman may arise, and have arisen, in other forms before the Queen in Council. No provision was, however, made for the attendance of the ecclesiastical members of the tribunal on any causes but these matters of clerical discipline, and it would seem that this subject alone was uppermost in the mind of Bishop Blomfield when he brought in his bill. The bill passed through the House of Lords with but little comment. It was supported by the Bishop of Exeter and Lord Ellenborough. No one anticipated from it any result beyond the establishment of an improved system of clerical discipline. About sixteen appeals have been heard by the Judicial Committee, involving the conduct or opinions of the clergy, since the enactment of these statutes. The object of the publication now before us is to present to the public in a compendious form a report of the Judgments in these cases; and as nothing is more likely to clear up the obscurity which appears to rest on this subject than a definite knowledge of what the Court has done, we shall follow the compilers of this collection in taking a brief review of these cases.

The first appeal decided by the Privy Council which involved a strictly ecclesiastical question was that of *Escott v. Mastin*—and very important the question was, for it established nothing less than the validity of a sacrament.\* Sir Herbert Jenner stated in his judgment in the Court of Arches that the validity of lay-baptism had been decided in that Court in 1809, in the case of *Kemp v. Wilkes*, which case was not appealed, but that although this judgment had been generally acquiesced in, there were not wanting among the clergy those who in no measured terms expressed their dissatisfaction with it. It was therefore resolved by these persons to revive the question for the express purpose of bringing it by appeal before the Queen in Council, with the advice of the Judicial Committee. Mr. Escott, the Vicar of Gedney, refused therefore to bury the child of certain Wesleyan parents in his parish, on the ground that it was canonically unbaptised, and therefore not entitled to Christian burial. The baptismal rite had been performed by a Wesleyan minister. The decision, both in the Court of Arches and in the Privy Council, was against Mr. Escott and in favour of the validity of lay-baptism—indeed, it argued great ignorance of Church history and law to impugn a doctrine and a practice which has always been acknowledged by the whole Catholic Church. For our present purpose, however, suffice it to observe that the decision of the Privy Council, affirming that of Sir Herbert Jenner, was delivered with great care and learning by Lord Brougham, who heard the appeal with Dr. Lushington, Lord Wynford, and the Hon. T. Erskine. No prelate was present, or was consulted, on this occasion, the proceedings not being brought under the Church Discipline

\* The question of the validity of lay-baptism had agitated the Church of England in 1712, when Dodwell published his theory of the absolute nullity of the sacraments administered by ministers who had not received episcopal ordination—a proposition the more startling as it would lead to the inference pointed out by Lord Brougham, with great force, that Bishop Butler and Archbishop Secker were never baptised—that the latter in baptising George III. acted without authority, and that both were disentitled to the Burial Service as unbaptised persons. These opinions of Dodwell were condemned by the two Metropolitans and fourteen other prelates in the Upper House of Convocation; but the Lower House refused to proceed in the matter. The Privy Council held, in giving judgment on *Escott v. Mastin*, that ‘the question was not to be decided by a reference to the opinions, however respectable, of individuals eminent for their learning or distinguished by their station in the Church,’ but by the law of the Church which nothing but express enactment could abrogate.

Act of 1840, nor does it appear to have occurred to anyone at that early period of the jurisdiction that the law and doctrine of the Church on so momentous a subject as the administration of baptism lay in danger from being defined by the legal councillors of the Sovereign and determined by Her Majesty on their advice.

The next case in the Privy Council Reports is that of the Rev. Erskine Head, a clergyman of the diocese of Exeter, against whom proceedings were instituted by his Bishop, under the Church Discipline Act, for having openly affirmed positions in derogation of the Book of Common Prayer in a published letter. The question decided by the Judicial Committee was one of strict law as to the form of proceeding under the new Act, and this point being decided against the defendant, the cause was remitted to the Court of Arches to be heard on the merits. The Bishop of London sat on this appeal, with Lord Campbell, V. C. Knight Bruce, and Dr. Lushington. Mr. Head was subsequently condemned, with costs, by the Dean of the Arches and suspended *ab officio et beneficio* for three years, from which sentence he did not again appeal.

The diocese of Exeter has been fruitful in ecclesiastical suits ever since it has been blessed with a prelate skilled in the law of the Church and jealous of his pastoral authority. Bishop Philpotts next turned these weapons against the Rev. James Shore, a clerk in holy orders, who had committed the offence of publicly reading prayers in an unconsecrated building at Berry Pomeroy. The question really involved in the case was whether a clergyman of the Church of England can divest himself of his character and turn dissenting minister. The Dean of the Arches held that he cannot. Accordingly, Mr. Shore was declared to be obnoxious to ecclesiastical censure, and admonished, but as it was not a case to call for his deposition, this was all that could be done. Mr. Shore appealed to the Privy Council, and the judgment of the Court of Arches was affirmed, with costs, by a Court consisting of the Archbishop of York, the Master of the Rolls, Lord Campbell, Dr. Lushington, and Mr. Pemberton Leigh, now Lord Kingsdown.

These passages of arms were, however, of small account in comparison with the great Gorham case, in which the Bishop of Exeter had resisted the institution of a beneficed clergyman on theological grounds—obtained a sentence against him in the Court of Arches—and was finally defeated in the Privy Council. As this suit originated in what is called by the canonists a *duplex querela*, and not under the Church Discipline Act, the

prelates who are members of the Privy Council had no seats of right at the board, nor was their presence required by the statute. But Her Majesty was advised that as this cause raised questions deeply interesting in a theological point of view to a large portion of the clergy and the laity, it was proper to take the opinions of the episcopal members of the Privy Council upon it. The Archbishops of Canterbury and York and the Bishop of London were therefore summoned, by the Queen's command, to attend, in addition to the six lay members of the Privy Council who heard the appeal.\* The opinions of the prelates were fully expressed by each of them in the Committee before the judgment was framed by Lord Langdale. But it was afterwards intimated that the Bishop of London and one of the lay members dissented from the terms of the judgment adopted by the seven other Privy Councillors. The Gorham case has been so often and so fully discussed in these pages, and elsewhere, that it would be a waste of time to enlarge here upon the principles it established. Those principles have constantly been maintained and adhered to in all the cases which have since been decided. They clearly laid down that the sole duty of the Court of Appeal was to ascertain and interpret the written law of the Church of England, and not to enter upon the field of theological controversy; and it is satisfactory to recollect that this view was fully sanctioned by Archbishop Sumner and Archbishop Musgrave, and has been confirmed by every legal authority who has since had occasion to examine that decision.

It is unnecessary to dwell upon the case of *Craig v. Farnall*, or that of *Mr. Speer*, or that of *Mr. Bonwell*. Proceedings were instituted under the Church Discipline Act against these clergymen by their diocesans, for acts of incontinence or debauchery, and the suits were eventually heard on appeal by the Lords of the Judicial Committee and one or more prelates. But it is important to remark the essentially criminal character of these cases. Offences charged against the clergy may be offences against the moral obligations, or they may be offences against the dogmatical precepts, of the Church, but the jurisdiction and procedure are identical. The consequence is that the Court proceeds with the circumspection peculiar to English Judges in the application of penal laws. In *Mr.*

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\* Every member of the Judicial Committee was summoned on this occasion, but six only attended besides the prelates. The Judicial Committee consists of about eighteen lay members, but of these several take no part in its proceedings.



Craig's case the sentence which had been given against him was reversed on legal grounds, because the offences charged were not proved with legal strictness. It is obvious that this state of things is an immense security to the lower clergy. They cannot be denounced, prosecuted, and condemned on mere surmise or moral presumption; they live under the protection of the law; and except by the law and in conformity with the law neither their conduct nor their opinions can be made the subject of proceedings against them—a powerful protection of personal freedom and intellectual independence, things not less dear, we hope, to the clergy than to the laity of England, in the measure of their duties. Yet, strange to say, the clergy have raised their voice against the civil power in the Final Court of Appeal which is the safeguard of their own liberties, and which, if taken away, would consign them to the uncontrolled authority of clerical boards and episcopal visitations. Although questions of doctrine may occasionally arise on these cases, it is not the object of the proceedings to decide doctrine at all. The question before the Court is simply whether the defendant has done an act which renders him obnoxious to legal punishment—everything else is incidental; but the difference between a legal and a clerical tribunal is that the former looks exclusively to the particular case on the evidence, the latter seeks to lay down broad principles, to declare doctrines, and to extend the common law of the Church, at the risk of grievous injustice or no justice to the individual who is the subject of the prosecution. It is as a Criminal Court especially that the Final Court of Ecclesiastical Appeal must be regarded. In the ecclesiastical judgments collected in this volume, all, except that of *Liddell v. Westerton*, are of this penal character, that is, they involved penal consequences to clergymen by depriving them of their functions and emoluments.

In the case of Mr. Poole, which was argued before the Archbishop of York and five lay members of the Privy Council in 1861, this very point was strongly pressed. Mr. Poole was a stipendiary curate at St. Paul's, Knightsbridge. The Bishop of London had seen fit to revoke his license. Mr. Poole appealed to the Archbishop of Canterbury in person, who confirmed this decision, for it was an administrative rather than a judicial act of the Bishop. Nevertheless Mr. Poole endeavoured to prosecute his appeal to the Queen in Council, but it was decided that no right of appeal lay, and that the revocation of curates' licenses is a discretionary act of the bishop, and not a sentence between litigants. This case is important, as it shows that curates do not possess the

same protection in the Court of Appeal as the beneficed clergy, and that they have in vain sought to obtain it. The law has not given it to them.

The well-known dispute between Mr. Liddell and the Churchwardens of St. Paul's and St. Barnabas was not a penal or a doctrinal question, except in so far as doctrines may be inferred from church architecture and church ornaments. The question tried was simply whether the ornaments introduced by the incumbent of St. Paul's into his churches are consistent with the injunction prefixed to the Book of Common Prayer, that 'such ornaments shall be retained and 'be in use as were in this Church of England by the 'authority of Parliament in the second year of King Edward VI.' The suit not being prosecuted under the Church Discipline Act, the prelates had no voice in the decision of it, but Her Majesty again commanded the ecclesiastical members of the Privy Council to be summoned: the Archbishop of Canterbury and the Bishop of London attended; the lay members of the Committee were Lord Wensleydale, Mr. Pemberton Leigh (Lord Kingsdown), Sir John Patteson, and Sir William Maule.

We pass over the proceedings instituted against the Rev. George Anthony Denison for opinions expressed in a sermon preached by him on the Eucharist, because they fell to the ground on a technical point—the Privy Council being of opinion that the first step in the suit was not taken within the time required by Act of Parliament. Mr. Denison's case was not therefore heard on the merits. But this cannot be said in the last ecclesiastical appeals heard by the Privy Council, which have drawn public attention in so marked a manner to this judicature—we refer to the case of Mr. Heath, and the proceedings against two of the authors of 'Essays and Reviews.'

Mr. Heath was a beneficed clergyman of peculiar opinions, in the Isle of Wight, who published a volume of sermons. Had these sermons come before ourselves, or any ordinary tribunal of literary criticism, we should have dismissed them as ill-written, unintelligible, and absurd productions. But the clergy of the island urged the bishop of the diocese to take more formidable measures, and accordingly proceedings were instituted against Mr. Heath under the 13 Elizabeth, a highly penal statute, which sentences to absolute deprivation clergymen advisedly maintaining any doctrine directly contrary or repugnant to any of the Thirty-nine Articles. It can hardly be disputed that although Mr. Heath was a learned and pro-

bably a worthy man, he was entirely unfitted by the extreme singularity of his opinions to be the parson of an English parish. A clergyman who deliberately applied himself to convince his parishioners and all England that '*the idea of forgiveness of sins as having anything to do with the Gospel must be totally rejected,*' could hardly remain a minister of that Gospel in the received sense of words. And some of these strange views were expressed in terms which would, from any other source, have been considered blasphemous. There was, therefore, no doubt on the part of the legal advisers of the Crown, any more than on that of the Archbishop of York and the Bishop of London, that Mr. Heath lay within the mischief of the statute. An attempt was made to show that a man could not be guilty of heresy whose language was unintelligible; but the Court held that the meaning of his doctrines was of no account provided it was clear that they are repugnant to the Articles of the Church of England. Mr. Heath was therefore deprived, and justly deprived, of his parish. But the appeal to the Queen in Council secured to him, and to all the clergy, two important results. It was ruled that in order to conduct a suit of this nature the charge must accurately and precisely specify the passages to which heresy is imputed, and also the passages in the Thirty-nine Articles to which the incriminated writings are opposed; and that no vague or general charge can be sustained. It was also ruled that down to the very latest moment, if Mr. Heath had thought fit to retract the opinions declared to be erroneous and heterodox in his writings, he would have escaped all punishment. These points were of no advantage to a man constituted as Mr. Heath appears to have been; but they were and are of infinite moment to the future administration of justice to the clergy, for they established the distinction between a positive sentence of a Court of Justice, supported by precise allegations, and the loose expression of ecclesiastical censures, resting on assumptions, generalisation, or inquisitorial investigation.

The proceedings before the Privy Council in the recent prosecution of two of the writers in '*Essays and Reviews,*' are so familiar to our readers and to the public that it is unnecessary to dwell upon them in this place. These appeals attracted an unusual degree of attention from the talent with which the inculpatated clerks defended their opinions without impugning the Articles, and from the extravagant importance attached to those opinions by the extra-judicial sentence of their adversaries. But before the Privy Council these cases were decided

precisely on the same principles which have hitherto ruled all the ecclesiastical decisions of the Queen in Council. The charges were stripped of all extraneous matter and reduced to bare positive statements, in which the direct language of the defendants was tried by the direct language of the Articles. Upon an inquiry thus conducted, it was decided that the incriminated passages did not sustain the condemnation of the writers. If this form of procedure be compared with the condemnation fulminated by Convocation against the obnoxious volume, the reader may have a correct notion of the distinction between a judicial trial and a theological proscription.

There is yet another class of cases heard before the Privy Council which partake of an ecclesiastical character, although they reach the Court of Final Appeal by a different road, and they do not fall within the jurisdiction of the Queen in Council as Head of the Church of England. We refer to the suits affecting ecclesiastical interests in the colonies. The authority of the colonial bishops over their clergy is subject to the laws of the colonies in which that authority is exercised, and in case of abuse, recourse is had to the Colonial Courts of Justice, from which an appeal lies to the Queen in Council. Thus it was that the Privy Council decided, in 1839, the case of *Bowerbank v. the Bishop of Jamaica*, and in 1863 the case of *Long v. the Bishop of Cape Town*. In both instances the proceedings taken by these bishops against incumbents in their respective dioceses were quashed for an entire absence of legality and authority in the forms of procedure. A still more notorious case has recently been argued before the Judicial Committee upon a special reference by the Queen, in the matter of the alleged deposition of the Bishop of Natal by the Bishop of Cape Town. But although the theological opinions of Bishop Colenso may by possibility hereafter form an element in this discussion, just as the theological opinions of the English Presbyterians were discussed in the Court of Chancery in the matter of *Lady Hewley's Charity*, yet the essence of the contest is one not of doctrine but of discipline. It is an interesting dispute as regards Church Government and the relations of the Crown to the Church in the colonies; but it has nothing to do with Bishop Colenso's lucubrations on the *Pentateuch*.

The conclusion we draw from this brief sketch of the origin and constitution of the Court of Final Appeal in Ecclesiastical Causes, and from the manner in which that jurisdiction is exercised, may be summed up in few words. No power or duty of the Crown is more expressly vested in the Sovereign of these

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realms, by the authority of Parliament and with the assent of the clergy, than this headship and supremacy in the Church—terms to which we ascribe no mystical or religious meaning, but simply that of supreme jurisdiction. This supremacy of jurisdiction is not a fiction of law or an obsolete prerogative of the Crown: it has been exercised directly by Queen Victoria in twelve or fourteen cases of moment to the Church since her accession to the throne, and this is the only authority known to the Constitution by which such controversies can be legally decided. The Queen refers to certain of her Privy Council the appeals laid before her in Council; the Judicial Committee has no authority whatever in these matters beyond that of making a report upon the cases referred to it: the Queen approves in person the report of the Committee on each case, and her mandate alone causes it to be carried into execution. These are the facts; and this is the constitution of the Church of England in respect to this jurisdiction.

We cannot understand, therefore, on what grounds, unless it be in entire ignorance of the subject, men holding high office in this very Church—owing their dignity and temporal possessions to her laws—exercising themselves a portion of her authority, have of late spoken of this Court of Ecclesiastical Appeal as if it rested with them to substitute a Court of Bishops or a Committee of Professors for the Crown; and as if such a change as they are contending for—a transfer of one of the highest functions of the Sovereign to a board of churchmen—could be made without the overthrow of the Royal Supremacy. Such a proposal would be an invasion of the Prerogative of the Crown which cannot even be submitted to Parliament without the Queen's assent previously obtained; and to carry it into effect would be sensibly to modify some of the fundamental statutes on which the establishment of the Church of England rests. We are not now discussing whether the existence of a Church connected with the State is beneficial to the interests of religion and of the nation. We think it is—we assume that it is—but at any rate it does not lie in the mouths of the dignitaries and powers of the existing Church to contest the conditions of their own establishment. They owe much to the law: if they hope to retain what they owe to the law, they must support and obey the law. It is an ominous sign for the perpetuity of the Established Church, that men of great earnestness and learning like Dr. Pusey are beginning to point to secession, and may one day seek to regain the unlimited power of making and administering their own laws and tenets by lapsing into schism and dissent. But

it will be easier to drive all the doctors in Oxford from their chairs and their stalls, than to persuade the people of England to consign the leaders of opinion and fair inquiry in this age to their uncontrolled jurisdiction. Happily the existing jurisdiction of the Queen in Church and State affords to the nation an ancient and efficient barrier against the extravagant pretensions of the clerical party on the one hand, and the levelling tendencies of the enemies of religion on the other: by that alone the discipline of the Church may be maintained without encroaching on her freedom; and she may continue to unite, as she has done for three centuries, stability with progress.

In conclusion we would urge one consideration on those who are engaged in attacking the present mode in which the ecclesiastical jurisdiction of the Queen is exercised—before they destroy the existing tribunal, are they quite certain that they are able to construct a better one? The Judicial Committee of the Privy Council is for these purposes a mixed body, consisting of prelates and judges, appointed not on any personal grounds, but because they fill the highest rank in their respective professions. If it is to cease to be a mixed body, it must become either wholly clerical or wholly judicial. To the first of these alterations we are certainly opposed on constitutional principles: to the second alteration we are averse because it is just and reasonable that the chief dignitaries in the Church should be consulted on matters affecting her welfare, and this has been the immemorial usage of the Sovereigns of this realm. The churchmen who are now agitating to exclude the Bishops from the Committee of Council are, in truth, seeking to inflict a severe blow on the Establishment, and they will doubtless receive in Parliament the strenuous support of its worst enemies. But those who, like ourselves, desire the permanence of the Church of England under the safeguard of the law, have only to contend that neither its legal nor its spiritual character should be altered, but that, in the words of the first Statute of the Reformation, ‘both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.’

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ART. VII.—*Report of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward's Island, held in the City of Quebec on the 10th of October, 1864, as the Basis of a proposed Confederation of those Provinces and Colonies.*

**A**MALGAMATION is the order of the day, the approved process by which capitalists of all classes are doubling their profits and defying their competitors. From our railway companies and millionaires the co-operative infection has spread to our mechanics and artisans. Men of all sorts and conditions, at home and abroad (theologians excepted), are seeking in union that strength with which it is proverbially identical. A colossal project of this nature has been just presented to our notice in the proposed fusion of the five provinces of British North America, 'with power to add to their number' as many of the communities lying within British boundaries between the Atlantic and Pacific Oceans as may, on terms hereafter to be defined, elect to join this vast copartnership. Even to nations unconnected by political or geographical affinities with the parties more immediately concerned, the success or failure of a scheme embracing in its contingent operations an area exceeding that of Europe is no matter of indifference. To Great Britain it is impossible to over-estimate the importance and extent of the ultimate consequences depending on this crisis in the history of her Transatlantic provinces. For there are problems of colonial policy the solution of which cannot, without peril, be indefinitely delayed, and though Imperial England is doing her best to keep up appearances in the management of her five and forty dependencies, the political links which once bound them to each other and to their common centre are evidently worn out. Misgivings haunt the public mind as to the stability of an edifice which seems to be founded on a reciprocity of deception, and only to be shored up for the time by obsolete and meaningless traditions. Economists fail to comprehend the value of outlying provinces which garrison their frontiers with our troops, while they exclude our manufactures from their markets. Even orthodox politicians, who would shrink from a Colonial Emancipationist as from a pestilent heretic, cannot help asking themselves sometimes whether it is possible or desirable that these little islands of our's, whose whole area scarcely exceeds 130,000 square miles, should for ever retain, even a nominal



dominion, over a fifth of the habitable globe. These hints at a possible disturbance of their existing relations very naturally shock our Colonists, who have no wish to part company with us, and think it very wicked even to talk of dismembering 'an empire on which the sun never sets.' It is not unnatural that the desire to maintain a connexion with the power and wealth of the mother-country should be stronger on the side of the Colonies than it is on that of the British public, for they owe almost everything to us, and we receive but little in return from them. Moreover, the existing system of colonial government enables them to combine all the advantages of local independence with the strength and dignity of a great empire. But the Imperial Government, in the meantime, has to decide, not as of old whether Great Britain is to tax the Colonies, but to what extent the Colonies are to be permitted to tax Great Britain—a question which is daily becoming more urgent and less easy of solution. To register the edicts of Provincial Legislatures is now almost the only remaining function of the Colonial Office; and in the absence of any distinct indications of public opinion at home as to the course to be pursued in the administration of our Dependencies, the smallest contributions from Colonial sources which may tend to simplify the task of the authorities in Downing Street will, no doubt, be thankfully received.

The new British American programme has arrived at a seasonable period of indecision, and this circumstance will insure for its promoters, at all events, a favourable hearing. We learn from Mr. Cardwell's despatch to Lord Monck of the 3rd December that this scheme has already received the deliberate consideration of Her Majesty's Government; and in the course of the ensuing spring it is expected that a deputation will arrive in this country for the purpose of bringing over the Quebec propositions, which will then be submitted in the form of a Bill to the Imperial Legislature. The time is therefore come when this subject must be fully discussed, and no question of greater interest is likely to come before Parliament in the session of 1865, for it raises numerous points of great novelty and complexity, and it will affect the future condition of a vast extent of territory, of a people verging on independence, and, in a less degree, of England herself.

Of all the provinces added to our empire during the last three centuries, none have on the whole proved less troublesome to the parent State than the long belt which extends from the shores of Lake Superior to the banks of Newfoundland. We have heard, it is true, in times past, of Canadian

rebellions, we hear sometimes now of hostile tariffs, and it might puzzle the wisest of our statesmen if he were challenged to put his finger on any single item of material advantage resulting to ourselves from our dominions in British North America, which cost us at this moment about a million sterling a-year. But this is the sort of thing that happens to us everywhere, and we are used to it. Retainers who will neither give nor accept notice to quit our service must, it is assumed, be kept on our establishment. There are nevertheless special and exceptional difficulties which beset us in this portion of our vast field of empire. For though Kaffirs and Maories have proved more dangerous neighbours to our colonists and more costly enemies to ourselves than the Red Indians, whose race the threefold agencies of rifles, whiskey, and small-pox seem almost to have exterminated, the permanent occupation of that frontier of three thousand miles which extends from the Bay of Fundy to the Straits of San Juan presents problems more serious than any we have yet had to solve in New Zealand or at the Cape. Although half these difficulties have no place in the estimate of the sanguine prophets who predict the eternity of the American civil war, or (which is much the same thing) its duration until the utter exhaustion of both parties in the conflict, yet, even assuming for the moment that such calculations afford a safe basis of action, they afford no provision against the contingencies of an anarchy more perilous than filibustering expeditions or organised invasions, and they may fail to protect against the ambition or resentment of a powerful neighbour that vast region which, though claimed for England by our maps and guaranteed to us by our treaties, is during a seven months' winter inaccessible to our legions, and therefore indefensible by our arms. When therefore we are told that the battalions of Great Britain are the ægis under which these unapproachable provinces propose to shelter themselves against all comers from all quarters of the compass, and that they may possibly call upon us at any moment in mid-winter, as they did three years ago, for ten or a dozen regiments to protect them from the consequences of some quarrel of our own, and when we reflect how utterly inadequate such a garrison would be, unless supported by a far more efficient local militia than is now in existence, to defend those provinces from the only enemy they fear, it is scarcely surprising that any project which may offer a prospect of escape from a political situation so undignified and unsatisfactory should be hailed with a cordial welcome by all parties concerned.

The movement which culminated last October in the Quebec Conference, and in the Resolutions which have since been reported to the Home Government, novel as it may appear to us on this side of the Atlantic, represents no novel idea to our North American colonists. The scheme of a Federal Union between the Canadas and the maritime provinces was indeed ventilated six years ago, in a correspondence between the Duke of Newcastle and the Canadian Government, but the mainspring of the Federative Movement must be sought not in any past or present impulse from Imperial authorities, but in the political circumstances, necessities, and instincts of the provinces in which it has originated. It has, in fact, grown out of the crisis or (as it has been called in Canada) the 'dead-lock' by which the advocates of 'Representation by Population' have for some years past persistently impeded the practical operations of every successive government which has refused to adopt their policy. When the Canadas, which were divided into two provinces by Pitt in 1791, were reunited in 1840, the terms of union, so far as the electoral laws of the colony were concerned, failed to provide for the contingency which has since arisen of a reversal of the relative proportions of population between the two provinces. West Canada, a large portion of which was then an unreclaimed forest, has now a population of more than a million and a half, exceeding by five or six hundred thousand that of the Eastern Province, to which nevertheless an equal voice in the Canadian parliament is still allotted under the Act of 1840. By the leading men of Upper Canada this state of things has been represented as an anomaly and a grievance, and failing to obtain redress for it, they resorted to a policy of obstruction which has proved fatal to many measures of admitted importance to all parties and districts in the colony. The inconvenience of this position of affairs led, not unnaturally, those who were suffering under it to look out for the basis of a compromise which might, at all events, afford a prospect of the Queen's Government being successfully carried on. This required basis has been found in the project of a British American Federation in which 'Representation by Population' should be accepted as a cardinal principle of union.

It was, therefore, no crude or capricious fancy which brought together the delegates from Canada, Nova Scotia, and New Brunswick, who assembled last September in Prince Edward's Island. The preliminary gathering at Charlotte Town had for its object to establish the basis of those negotiations which, after a further exchange of compliments between the representatives of the contracting Powers at Halifax and at St.

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John's, took the more definite and detailed form in which they are now presented to our notice, in the Resolutions passed six weeks afterwards at the Conference of Quebec. In this last-named conclave, composed of accredited representatives of all political parties in the five provinces of British North America, the various topics arising out of the project they had taken upon themselves to discuss appear to have been handled, if we may judge from the results before us, with earnestness, vigour, and moderation. The hearty and almost unanimous approval with which the Quebec programme has been greeted, both in the colonies and in this country, disinclines us, especially pending those discussions in the Imperial Parliament, which it must of course necessitate, to dwell critically on its details. There are, nevertheless, points directly involving Imperial interests on which, before the Executive Government is empowered by Parliament to take action in the matter, it seems expedient that some expression of public opinion should be invited.

It will shorten and simplify our criticisms if we assume at the outset that these international negotiations have been undertaken with the deliberate and honest purpose of carrying them out to their fullest consequences. Let it be taken for granted that our North American fellow-subjects are as hearty as ourselves in their devotion to our Sovereign and her empire, and that no evidence is needed to prove the preamble of their project. Dismissing, therefore, from our contemplation all the *broderies* of colonial orations, banquets, balls, *déjeuners*, and receptions, which have been festooned round the council-chamber of the North American plenipotentiaries, let us examine for a few minutes their scheme as a dry matter of business.

Their first edition only is before us. How far it may have since been amended or revised, we do not profess to know. Any alterations it may have experienced have been probably rather in the details than in the general outlines of the plan. As to its primary objects, let the delegates speak for themselves in their six opening Resolutions, which run as follows:—

‘That the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several provinces.

‘That in the Federation of the British North American Provinces the system of Government best adapted under existing circumstances to protect the diversified interests of the several provinces and secure efficiency, harmony, and permanency in the working of the Union would be a general Government charged with matters of common interest to the whole country, and local Governments for

each of the Canadas and for the provinces of Nova Scotia, New Brunswick, and Prince Edward's Island, charged with the control of local matters in their respective sections,—provision being made for the admission into the Union, on equitable terms, of Newfoundland, the North-West Territory, British Columbia, and Vancouver.

'That in framing a constitution for the general Government, the Conference, with a view to the perpetuation of our connexion with the mother-country, and to the promotion of the best interests of the people of these provinces, desire to follow the model of the British Constitution so far as our circumstances will permit.

'That the executive authority or government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution by the Sovereign personally or by representative duly authorised.

'That the Sovereign or representative of the Sovereign shall be Commander-in-Chief of the land and naval militia forces.

'That there shall be a General Legislature for the Federated Provinces, composed of a Legislative Council and House of Commons.'

The qualifications, powers, and number of members who are to form the two Houses of the proposed Federal Parliament are then defined. The Legislative Council is to consist of seventy-six members, to be appointed by the Crown for life, in the following proportions for each province, viz.:—Twenty-four for Upper Canada, twenty-four for Lower Canada, ten for Nova Scotia, ten for New Brunswick, four for Newfoundland, and four for Prince Edward's Island. All the members of the Legislative Council to be British subjects by birth or naturalisation, of the full age of thirty years, and possessing a property qualification of four thousand dollars.

The 'House of Commons' is to consist of 194 members, to be elected for five years, under the laws now in force in the several provinces respectively; the proportion of members to be returned by each province depending on the population as shown by each decennial census. At the first election each province is to be entitled to return members in the following proportions, namely:—Upper Canada, eighty-two; Lower Canada, sixty-five; Nova Scotia, nineteen; New Brunswick, fifteen; Newfoundland, eight; and Prince Edward's Island, five. It is further provided that in all re-adjustments rendered necessary by increase of population in any province, the proportion of members to electors now fixed shall be retained.

The Legislative powers proposed to be committed to the Federal Parliament are thus set forth:—

'The Federal Government shall have power to make laws for the peace, welfare, and good government of the Federated Provinces

(saving the sovereignty of England), and especially laws respecting the following subjects:—

1. The public debt and property. 2. The regulation of trade and commerce. 3. The imposition or regulation of duties of Customs on imports and exports, except on exports of timber, logs, masts, spars, deals, and sawn lumber, and of coal and other minerals. 4. The imposition or regulation of Excise duties. 5. The raising of money by all or any other modes or systems of taxation. 6. The borrowing of money on the public credit. 7. Postal service. 8. Lines of steam or other ships, railways, canals, and other works, connecting any two or more of the provinces together or extending beyond the limits of any province. 9. Lines of steamships between the Federated Provinces and other countries. 10. Telegraphic communication and the incorporation of telegraph companies. 11. All such works as shall, although lying wholly within any province, be specially declared by the Acts authorising them to be for the general advantage. 12. The Census. 13. Militia, military and naval service, and defence. 14. Beacons, buoys, and lighthouses. 15. Navigation and shipping. 16. Quarantine. 17. Sea fisheries. 18. Ferries between any province and a foreign country, or between any two provinces. 19. Currency and coinage. 20. Banking and the issue of paper money. 21. Savings-banks. 22. Weights and measures. 23. Bills of exchange and promissory notes. 24. Interest. 25. Legal tender. 26. Bankruptcy and insolvency. 27. Patents of invention and discovery. 28. Copyrights. 29. Indians and lands reserved for the Indians. 30. Naturalisation and aliens. 31. Marriage and divorce. 32. The criminal law (except the constitution of courts of criminal jurisdiction), but including the procedure on criminal matters. 33. For rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland, and for rendering uniform the procedure of all or any of the courts in these provinces; but any statute for this purpose shall have no force or authority in any province until sanctioned by the Legislature thereof. 34. The establishment of a general Court of Appeal for the Federated Provinces. 35. Immigration. 36. Agriculture. 37. And generally respecting all matters of a general character not specially and exclusively reserved for the local Governments and Legislatures.\*

\* This last clause is obviously very loosely expressed, for what are 'matters of a general character,' and who is to decide whether a matter which may be in dispute between the Confederation and one of its members is of a general character or not? Mr. Cardwell has wisely pointed out, in his despatch of the 3rd of December, that the success of the scheme depends on giving a preponderating authority to the Federal power: and we should prefer to the foregoing enumeration of the powers of the Federal Parliament, a simple declaration that all powers are given to it except those expressly reserved to the several members of the Confederation. In

The appointment of lieutenant-governors is vested in the Federal Government, together with the control over all courts of justice and the judicial patronage of the superior courts in each province, the judges of which are to hold their offices during good behaviour, and to be removable only on the Address of both Houses of the Federal Parliament.

After providing that the local Legislature of each province shall be constituted in such manner as the existing Legislature of such province shall provide in the Act consenting to the Union, it is further resolved that the local Legislatures shall have power to make laws on the following subjects :—

‘Direct taxation and the imposition of duties on the export of timber, logs, masts, spars, deals, and sawn lumber, and of coals, and other minerals.

‘Borrowing money on the credit of the province.

‘The establishment and tenure of local offices, and the appointment and payment of local officers.

‘Education ; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their denominational schools at the time when the Union goes into operation.

‘The sale and management of public lands, excepting lands belonging to the General Government.

‘Sea coast and inland fisheries.

‘The establishment, maintenance, and management of penitentiaries, and of public and reformatory prisons.

‘The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions.

‘Municipal institutions.

‘Shop, saloon, tavern, auctioneer, and other licenses.

‘Local works.

‘The incorporation of private or local companies, except such as relate to matters assigned to the Federal Legislature.

‘Property and civil rights, excepting those portions thereof assigned to the General Legislature.

‘Inflicting punishment by fine, penalties, imprisonment, or otherwise for the breach of laws passed in relation to any subject within their jurisdiction.

‘The administration of justice, including the constitution, maintenance, and organisation of the courts, both of civil and criminal jurisdiction, and including also the procedure in civil matters.

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the constitution of the United States the contrary principle was adopted. All powers were reserved to the several States which were not expressly made over to the Union. We think that experience has shown this to have been one of the fatal vices of the American Constitution : and if British North America is to become a great State, we hope its citizens will profit by the mistakes of their neighbours.



‘And generally all matters of a private or local nature.’

For the presumed purpose of obviating conflicts of authority between the Federal and local Legislatures it is further provided—

‘That in regard to all subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the Federal Parliament shall control and supersede those made by the local Legislature, and the latter shall be void so far as they are repugnant to or inconsistent with the former.’

All powers of taxation are reserved to the representative branches of the Federal and local Legislatures, such imposts to be in all cases first recommended by message from the Governor-General or Lieutenant-Governor as the case may be. Any Bill of the General Legislature may be reserved for the Royal Assent, and may be disallowed by her Majesty (in accordance with the present practice) within two years. All monies and securities for money belonging to each province at the time of the Union, together with all the public works, the property of such province, shall be vested in the Confederation, which shall assume all the debts and liabilities of such province, such debts not to exceed at the time of Union certain amounts fixed by the Resolutions.

After various stipulations as to the details of Intercolonial finance, the document concludes with the following provisions:—

‘All engagements that may be entered into with the Imperial Government for the defence of the country shall be assumed by the Confederation.

‘That the Federal Government will secure without delay the completion of the Intercolonial Railway from Rivière-du-Loup through New Brunswick to Truro, in Nova Scotia.

‘The communications with the North-Western Territory, and the improvements required for the development of the trade of the great west with the seaboard, are regarded by this Conference as subjects of the highest importance to the Confederation, and should be prosecuted at the earliest possible period when the state of the Federal finances will permit the Legislature to do so.

‘The sanction of the Imperial and local Parliaments shall be sought for the union of the provinces on the principles adopted by the Conference.

‘The proceedings of the Conference, when finally revised, shall be signed by the delegates, and submitted by each deputation to its own Government, and the chairman is authorised to submit a copy to the Governor-General for transmission to the Secretary of State for the Colonies.’\*

\* A very important question on which these papers afford no

Such are the leading features of this important State Paper, which will receive, no doubt, at the hands of the Imperial Government and Parliament, the careful consideration which, without prejudging the merits of the case, it may be said unquestionably to deserve. 'Will it work?' is probably the first question which the statesman will ask himself as he contemplates the various cog-wheels and contrivances of this somewhat intricate political machinery. Assuming that the inventors are not mere theorists, but practical men who have an eye to their own best interests and the social and material progress of British North America, have they presented to us a scheme which will attain the objects they have in view, and which has in it the elements of permanent success? It is said, and perhaps truly, that in adopting the image and superscription of her Majesty as the frontispiece of their first edition, the authors of this Constitution prove themselves to be wise in their generation; and whatever may be the ultimate tendencies of their project, the problems which surround it are quite sufficiently numerous and perplexing, without adding to them at starting the quadrennial election of a chief magistrate, after the fashion of their Republican neighbours. It is, moreover, an evidence alike of their foresight and their tenacity of time-honoured traditions that they should have set before themselves as their model the framework of the British Constitution. Nor is it unworthy of remark, that in a project which may be said to have grown out of what we in England have regarded as a democratic movement, namely, the claim of representation by population, nearly all the changes suggested are of a distinctly 'Conservative' character. The property qualification of Legislative Councillors, which is now only temporary, is to be made continuous. Instead of being elected

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information, is that relating to the future condition of those territories and dependencies of the Crown in North America which are not included within the present boundaries of the Five Provinces. We allude more particularly to the territories now held by the Hudson's Bay Company under the Crown by charter or lease. The Crown is doubtless bound to take care that the interests of its grantees are not prejudiced by these changes; but, on the other hand, an English trading company is ill qualified to carry on the government, and provide for the defence, of a vast and inaccessible expanse of continental territory. Probably the best and most equitable solution would be the cession of the whole region to the Northern Federation for a fair indemnity; and this would lead to the execution of the great Northern Pacific Railway, under the auspices of the Federal Power.

they are to be nominated for life.\* Though the programme contains no specific proposition respecting the franchise, it is understood that the tendency of opinion in Canada is rather towards raising than lowering the qualification of electors. We do not hear a whisper of vote by ballot, nor is it proposed to shorten the duration of the Federal Parliaments. In order to centralise authority, and to reduce as far as may be to a municipal level the local Legislatures, 'all matters of a general character' are, in addition to those enumerated in the Resolutions, placed under the control of the Federal Government; and though the distinction attempted to be drawn between general and local matters is in some respects scarcely traceable in the draught minutes of the Conference, the object they had in view is sufficiently clear and intelligible. The selection of Ottawa as a metropolis has been dictated probably by the prudent principle which is said sometimes to guide republics in their choice of presidents, and prime ministers in their choice of bishops, namely, that of neutralising formidable rivalries by doing honour to insignificance. The financial arrangements as between Canada and the maritime provinces appear to have been based on the adoption by the Federal Government of the debts and liabilities of all, and the relinquishment on the part of the local Legislatures of all their revenues, except those arising from the sale of lands, and from certain export duties, the control over which each local Government respectively retains.

The concluding Resolutions, which have reference to the completion of the Intercolonial Railway and the opening of the North-West territory, are not so much items of bargain between the delegates as a recital of their common aims and interests in the prosecution to a successful issue of these important undertakings. The former has, it is well known, been the frequent subject of negotiations between the Imperial and Colonial Governments since the days of Lord Durham, and by correspondence recently laid before Parliament its accomplishment appears to depend on the result of pending applications from the North American provinces for an Imperial guarantee, to which, however, no reference is made in the document before us. This and all the undertakings contemplated for the development of the industrial resources of British America must be regulated (as the language of the Quebec Resolutions informs us) by the state of the Federal finances.

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\* This, however, is one of the two points to which Mr. Cardwell objects on the part of the Government, because it affords no remedy for a dead-lock between the two Houses.

The result of these proposals, if carried into effect, would be the creation of a new State in North America, still retaining the name of a British dependency, comprising an area about equal to that of Europe, a population of about four millions, with an aggregate revenue in sterling of about two millions and a half, a debt of about sixteen millions, and carrying on a trade (including exports, imports, and intercolonial commerce) of about twenty-eight millions sterling per annum. If we consider the relative positions of Canada and the maritime provinces—the former possessing a vast and fertile back country, but no good harbours; the latter possessing good harbours but no back country—the former an unlimited supply of cereals but few minerals; the latter an unlimited supply of iron and coal but little agricultural produce—the commercial advantages of union between states so circumstanced are too obvious to need comment. The completion of the Intercolonial Railway, and the probable annexation of the fertile portions of the great North-Western territory to the new confederation, form a portion only of the probable consequences of its formation, the benefits of which will not be limited to the colonies alone, but in which Europe and the world at large will eventually participate. When the Valley of the Saskatchewan shall have been colonised, the communications between the Red River settlement and Lake Superior completed, and the harbour of Halifax united by one continuous line of railway with the shores of Lake Huron, the three missing links between the Atlantic and Pacific Oceans will have been supplied; and a political project tending however remotely to such a consummation may well challenge the all but unanimous approval it has received from the commercial community in British North America. Politically speaking, it is equally manifest that a Confederation with an aggregate population of four millions could more cheaply and effectually provide for its civil government and for its defence, if necessary, against foreign attack or internal disturbance than the five isolated communities which it is now sought to combine. There are indeed those who, anticipating the inherent difficulties of federation, desire that more complete fusion of interests which a legislative union would effect, but (with the exception, perhaps, of Mr. Dorion, and those whose opinions he represents) the objectors to the scheme belong to a class who would go beyond the plan propounded rather than thwart it or stop short of it.

The real difficulties of the proposal consist in the due adjustment of the threefold relations between the Imperial, Federal, and Local Governments which the creation of this

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vast confederation will involve. The colonial combinations of which we have had experience in other parts, and at other periods of our empire, furnish few analogies for our guidance under the present peculiar conditions of the North American Colonies. The consolidation of the Windward and Leeward Islands under the Governments of Barbadoes and Antigua, which took place about thirty years ago, was an arrangement devised simply with a view to official convenience, and left untouched the constitutions of the several islands so combined. In the case of New Zealand, representative institutions were given to its six provinces, which were at the same time welded into a Federal Legislature, the Local and Federal Governments having been created simultaneously by an Act of the Imperial Parliament in 1852. The present proposals of the Quebec Conference differ, however, in some important particulars from the course actually adopted by Parliament in the case of New Zealand. The Provincial Councils of that colony, though inhibited by a restrictive clause from legislating on some twelve or thirteen interdicted topics, were in all other respects left free (subject to the royal veto) to manage their own affairs. By the British American programme, on the other hand, all matters of a general character not specifically enumerated as of local or concurrent jurisdiction, are intended to be placed under the authority of the Federal Government, and thereby the risks of conflict or attempts at 'nullification' on the part of the subordinate legislatures proportionally diminished. But the chief novelty, and, we may add, difficulty, presented by the Quebec scheme is in the circumstance that now for the first time in our colonial history five provinces, in all of which 'responsible government' is an established rule of administration, propose to superadd to their existing parliaments a superior and central machinery, in which the same system of government by party is to prevail under the nominal rule of the Queen's representative. It will probably be admitted by all who have watched whether with favour or disapproval the working of 'responsible government' in the Colonies since its first introduction in Canada five and twenty years ago, that it is, to say the least of it, a system tending to reduce to the minimum the prerogatives of the Crown. Such a result will probably be its chief praise and justification in the estimate of those who regard the political maturity and eventual independence of our colonies as the great aim and object of Imperial policy. The practical difficulties, however, which beset the working of this critically-devised machinery were foreseen by its reputed inventor in 1839, and have since

been sufficiently illustrated. Neither by Lord Sydenham, nor by his three successors, was it put in action; and it was not until Lord Elgin became Governor-General in 1847, that he commenced the process of 'giving his confidence' to each Executive Council in turn, retaining at the same time, through all changes of his policy, the confidence of his sovereign.

In the Australian Colonies and New Zealand, and wherever this system has been introduced, the Imperial Government has compounded for the advantages supposed to be inherent in it by a surrender of power, and by submitting to the inconveniences of a constant change in the Governor's advisers. Whether on these terms 'responsible government' is a good or bad bargain, it is too late to inquire. It rests upon the doctrine by which Adam Smith justified government by party nearly a century ago. 'Men desire,' he says, 'to have some share in the management of public affairs chiefly on account of the importance which it gives them. It is upon the power which the greater part of the leading men of every country have of preserving or defending their respective importance that the stability and duration of every system of free government depends.' Whether this doctrine was rightly or wrongly applied to Canada a quarter of a century ago, we do not pretend to decide. The practical question we have now to ask is, looking at the hitches and dead-locks to which this system seems to be liable, when applied to one colony alone, how will it work when half a dozen 'responsible governments' are called upon to combine in the same confederation? Assuming even that all goes smoothly, the superaddition of a Federal Parliament to the existing institutions must, of course, increase the ordinary difficulties of constitutional government in all new countries where the supply of men uniting the qualifications of leisure, capacity, and inclination for the task of legislation is unequal to the demand. The legislative crew of the 'British North America' will not be less (including the local councils and assemblies) than between six and seven hundred hands, all told. Allowing for the frequent change of officers of all ranks, the question of keeping up the complement with so slender a political reserve to fall back upon, may be serious. This, however, is the affair of the colonists themselves. What we have to fear, and, if possible, to guard against, is the constant peril of a threefold conflict of authority implied in the very existence of a federation of dependencies retaining, as now proposed, any considerable share of intercolonial independence.

In order to illustrate our argument, let us suppose the Fede-

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ration to be established, and a dispute respecting some project of law to arise between the Parliament of Newfoundland and the officer administering the government of that island. The dispute (as is the tendency of colonial quarrels) grows in the constitutional struggle, and ends in a ministerial crisis. The Lieutenant-Governor, on appealing from his intractable senate at St. John's to the Central Executive at Ottawa, is supported in the first instance by the Governor-General in Council, but the Newfoundland members of the Federal House of Commons, finding perhaps that the question at issue is one in which the maritime provinces generally are interested, succeed in combining their representatives with those of the Opposition for the time being in Canada, and the result is a vote of censure on the Federal Executive, and a refusal to vote the salary of the Lieutenant-Governor on the annual estimates. Under these circumstances the Governor-General has the option of moving with the obedience and rapidity of a marionette, in accordance with the fluctuating will of the colonial managers who pull the wires, or he may adopt the more dignified course of submitting the whole case to the Imperial Government, thus involving it in an arbitration between two subordinate Legislatures, which (however it may be conducted) must end in the disappointment of one, and may imperil the loyalty of both.

The fact is, we may schedule as we please 'local' and 'general' topics of legislation; we may define with the utmost possible distinctness the limits of each, or the concurrent authority of both Governments; we may equitably adjust financial liabilities, and allot to the central and provincial authorities their respective spheres of power over future redistributions and rearrangements; but it is on the accuracy and sharpness with which the prerogatives of the Federal Executive are defined that the success and permanence of a constitution, necessarily clogged with checks and counterpoises, must eventually depend. It is hardly to be expected that the local parliaments, with their responsible 'ministers,' will consent at once to be reduced to the rank of a parochial vestry, but it is by this process alone, and by their voluntary surrender of a very large share of the powers now left in their hands, that we can hope for a real consolidation of the provinces of British North America. If, as has been alleged, a Legislative Union is unattainable, because inconsistent with due securities for the rights guaranteed to the French Canadians by Treaty or by the Quebec Act, and Federation is therefore the only alternative, the vital question for the framers of this Constitution is how the inherent weakness of all Federations can in this



instance be cured, and the Central Government armed with a Sovereignty which may be worthy of the name. It is the essence of all good Governments to have somewhere a true Sovereign power. A Sovereignty which ever eludes your grasp, which has no local habitation, Provincial or Imperial, is, in fact, no Government at all. Sooner or later, the shadow of authority which is reflected from an unsubstantial political idea must cease to have power among men.

It has been assumed by those who take a sanguine view of this political experiment that its authors have steered clear of the rock on which the Washington Confederacy has split. But if the weakness of the central government is the rock alluded to, we fear that unless in clear water and smooth seas the pilot who is to steer this new craft will need a more perfect chart than the Resolutions of the Quebec Conference afford, to secure him against the risks of navigation. It is true that instead of a president elected every four years you have a governor-general appointed by the Queen every six. It is true also that the area of his nominal dominion presents now no topic more formidable than the expiring jealousies of race between our French and English colonists, to imperil the harmony of the British Federation. It is true that we have also now genuine aspirations of personal devotion to the sovereign, which were wanting to those who first organised the constitutions which resulted in the declaration of independence in 1776. But it is in the rapid ratio of progress at which our colonists have advanced since that period, and in their increasing sense of capacity for self-government, that we shall find our main difficulty in stranding together the thin threads of authority, which their spontaneous loyalty compels, as it were, the sovereign of Great Britain to retain. And it is evident that if this authority or its semblance is to be continued to any purpose of advantage either to the mother-country or to the provinces themselves, it can only be by gradually municipalising the local government and concentrating authority in the newly-created Federal Parliament. In the progress through its various stages of a project to which the annals of our empire present no parallel, it is more than probable that obstacles to its success now unforeseen may here and there arise, and that the present apparent unanimity may be occasionally disturbed by sectional jealousies and controversies on points now left purposely vague and undefined. On the whole, however, contemplating the future of this vast experiment, our hopes predominate over our fears. But while in the best interests of our colonists we are inclined to augur well

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of this enterprise, it must be remembered that the five provinces who were represented at Quebec will not be the only parties who will be called upon to sign, seal, and deliver this international indenture. By the fourth resolution of the Conference it is provided 'that the Executive Authority or Government shall be vested in the sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution, by the sovereign personally or by representative duly authorised.' In other words, the Queen is invited to retain a nominal sovereignty, entailing considerable liabilities and perils, and to accept in addition the invidious functions of an arbitrator, in the event of disputes between the associated states and the Federal authorities. Imperial England is not unaccustomed to one-sided bargains with her dependencies. The sound maxim that 'whoever pays the piper should order the tune,' has been generally invested in the conduct of our Colonial wars. For the most part Great Britain has taken on herself the burdens, leaving to her dependencies the privileges of freedom, and the present proposal assumes accordingly that the honour and glory of empire are a full equivalent for all its accompanying embarrassments. If the Quebec project were to be regarded as in any sense a final arrangement, and the equivalent in honour or power to be derived by the Crown from the acceptance of so perilous an authority were to be weighed in the balance with the commensurate risks, the safety and dignity of the proffered position might be very questionable; but it is impossible to regard this proposed federation in any other light than that of a transition stage to eventual independence; and in this view the precise form which Imperial sovereignty may for the time being assume becomes a matter of comparatively secondary importance. There are those perhaps, who, if the choice were offered to them, might prefer an hereditary vice-royalty, or an independent constitutional monarchy inaugurated under a prince of the blood-royal of England, to the republic to which they believe themselves to be drifting, and which the experience of the Federal States, already burdened by a public debt not far short of that which has been accumulated by Great Britain in two centuries, proves to be rather an expensive luxury. But even if the pageantry of a court and the dignity of a peerage could be transplanted at once to an unprepared and uncongenial soil, the success of such an experiment must depend entirely on the spontaneous unanimity with which it was demanded by the colonists themselves. And whether such a course were adopted, or the present rule through the Queen's representative

continued, the subsisting relations between Great Britain and her Transatlantic provinces would remain unchanged, and the responsibilities of the former practically undiminished. For with a long land frontier line swarming with marauders—with points of possible dispute bristling on all sides—with the risk of a fleet of armed American schooners covering the Canadian lakes, when the six months' notice already given of determining our treaty engagements in this behalf shall have expired—with the San Juan question still in abeyance—with the north-west boundaries of Canada still undefined—with the vast region which lies between the Red River and the Rocky Mountains left without any government at all, unless that of the irresponsible agents of the Hudson's Bay Company, at Fort Garry, be deserving of the name—with all these elements of political difficulty hanging over our Transatlantic dependencies, this is not precisely the moment when, whatever form of government they may choose, our implied engagements for some share at least of their military defence can be abruptly terminated.

The policy of retaliation, by which it was once supposed that, in the event of an invasion of Canada, we had only to bombard an American sea-port, for every inland town in our colonies that might be sacked, is, on the report of our own military engineers, now happily impracticable. At this very time it would cost, we are informed, half a million sterling to put the citadel and works of Quebec in a complete state of defence, and recent reports ordered by the Government on the North American frontier forts prove that a much larger expenditure may be necessary. In addition to these charges an armament may be required on the Lakes. It is time, therefore, to inquire by whom these expenses are to be borne? If further fortifications are deemed requisite for the protection of our North American colonists from attacks which they, it seems, do not apprehend, they may perhaps be manned, in case of necessity, by their own militia and volunteers; but whatever progress they may make in self-defence, it can scarcely be expected that, in a country so thinly peopled, and hitherto so thriftily disposed in military matters, a sudden jump from one-seventh of the total cost of their defence, which is all they now defray, to an assumption of the whole, is very likely to take place. Nor is it probable that if any prince of the blood-royal became to-morrow the adopted sovereign of British North America, any material reduction in the Imperial garrisons in those colonies would be immediately effected. But it is not in the spirit of the economist who desires to get rid, on the best possible terms, of a profitless estate, that the Government and Parliament of Eng-

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land will approach this important question. They have accepted, at the instance of enlightened colonial reformers at home, a fair responsibility for the defence of their dependencies abroad from perils arising from the consequences of Imperial policy. Of that responsibility they are prepared honourably to acquit themselves, until the time shall arrive when all perils traceable to that policy shall cease to threaten the distant provinces of the British Empire.

But while voluntarily accepting the burdens inseparable from their costly and now profitless inheritance, the statesmen of England, aiming no longer, as of old, to retain in helpless minority those communities of her empire which combine the powers and qualifications of free states, hail with no feelings of apprehension or regret each symptom of nascent independence as it may disclose itself. By our past colonial policy, we have surrendered the prerogatives not less absolutely than the emoluments of empire, and their relinquishment has been based on a deliberate consideration of the best interests, both of the mother-country and her provinces. The people of England have no desire to snap asunder abruptly the slender links which still unite them with their Transatlantic fellow-subjects, or to shorten by a single hour the duration of their common citizenship. On the contrary, by strengthening the ties which still remain, they would convert into a dignified alliance an undignified, because unreal, subserviency. History has warned them that it is not by futile attempts to retain in an inglorious subjection its scattered satrapies, that the real greatness of a nation can be advanced, but rather by an attitude of watchfulness for the dawning of that inevitable day, when 'the years of their apprenticeship shall have been passed, and 'nature shall have pronounced them free.' By all the tokens of rapidly increasing material prosperity, by the still more important evidences of intellectual and political development, as manifested in the records of the recent Conference at Quebec, we are led irresistibly to the inference that this stage has been well-nigh reached in the history of our Transatlantic provinces. Hence it comes to pass that we accept, not with fear and trembling, but with unmixed joy and satisfaction, a voluntary proclamation, which, though couched in the accents of loyalty, and proffering an enduring allegiance to our Queen, falls yet more welcome on our ears as the harbinger of the future and complete independence of British North America.

ART. VIII.—1. *Memorials of King Henry VII.* Edited by JAMES GAIRDNER. London: 1858.

2. *Letters and Papers illustrative of the Reigns of Richard III. and Henry VII.* Edited by JAMES GAIRDNER. 2 vols. London: 1861–1863.

OF the volumes before us, the ‘*Memorials*’ were published in 1858, and the two volumes of the ‘*Letters*’ in 1861 and 1863. Divines, historians, and novelists are in the habit of discounting their literary reputation, if not of anticipating their more mature judgments, by publishing their works in instalments; but we could have wished Mr. Gairdner had abstained from this inconvenient practice. As the case stands, we have the benefit of some supplementary information from him in the shape of a Preface added rather than prefixed to the work; but a different scheme of publication might have admitted of a more convenient arrangement of the various contents of his volumes.

Mr. Gairdner's object has been to collect such fragments of historical documents as bear upon English history during the reigns of Richard III. and Henry VII. As yet the result can scarcely be considered as great; and although we have to thank him for placing in an accessible form many valuable papers, the reader must not look to his volumes for the same continuous series of historic documents which gives so great an interest to Mr. Bergenroth's *Calendar of the Spanish State Papers*, or to Mr. Stevenson's *Calendar of the Foreign State Papers of the time of Elizabeth*. It is indeed remarkable how rapidly after the accession of Henry VII. public correspondence and other historic memorials appear to have multiplied, and we would only notice as an illustration Mr. Stevenson's volume of 592 pages, containing the correspondence of scarcely two years, when contrasted with the documents contained in Mr. Gairdner's volumes.

So far as the reign of Richard is concerned those documents, though few in number, are of considerable interest. It will be remembered that, in the account of this reign given by historians, little information is forthcoming as to the foreign relations of England; but we come now on the traces of important negotiations which, had Richard's reign been prolonged, might probably have led to great results. These documents confirm the opinion of the political ability of the monarch,

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which we expressed in a recent Number of this Journal. Richard had scarcely mounted the throne before he took measures to induce the Duke of Brittany to secure the Earl of Richmond, then a fugitive in that country; and Mr. Gairdner\* gives us the instructions addressed to Thomas Hatton, the agent employed in the negotiation. The necessity was pressing, for, in the words of Grafton, the Duke of Brittany 'not only refused to keep the Earl of Richmond a prisoner, but also was ready to aid and succour him with men and money, and all things necessary for his transport into England.' Evidence of pecuniary assistance thus given to Richmond is presented by Mr. Gairdner† in the shape of a warrant for an advance to him of 10,000 crowns of gold, due provision being taken that the Treasurer should require a receipt for the same. The equivocal nature of a transaction in these times did not relieve it of its formal character, and an amusing instance of these practices may be given in the words of the Lord Great Chamberlain when pressed to give a receipt for a French bribe. 'This gift,' said the dignitary, 'proceedeth of the king your master's liberality, not of my request: if it please you that I shall receive it, put it here in my sleeve, and other letter or testimonial get you none of me.'

The Duke of Brittany did not, however, feel secure in the course he was taking, and in August, 1483, he sent George de Mainbier to inform Richard that Louis XI. of France was urging him to make Richmond over to his keeping, and that as the proposal was declined he threatened war on Brittany. To meet this danger he prayed succours from Richard; but the latter had other means of securing his ends so far as Richmond was concerned; for we learn from the pages of Grafton the particulars of the secret intrigues by which he made Brittany an unsafe residence for Richmond, who consulted his own safety by a flight into France.

Richard's true relations with Louis XI. derive a new light from Mr. Gairdner's pages. According to Commynes—

'Immediately after King Edward's death Louis received letters from the Duke of Gloucester, who had usurped the Crown of England. . . . This king Richard sought the King's friendship, and was desirous, as I suppose, to have the pension paid to him. But the King would make no answer to his letters, neither gave his messenger audience, but esteemed him a wicked and cruel tyrant.' (P.210.)

But Mr. Gairdner publishes a letter (July 21, 1483)‡ from

\* Letters, vol. i. p. 22.

† *Ibid.*, p. 54.

‡ *Ibid.*, p. 25.

Louis to Richard, stating 'Si je vous puis fair quelque service 'je le feray de tresbon cueur, car je vueil bien avoir vostre 'amytié,' and Richard's reply (Aug. 18)\*, stating, 'Je 'nentens point rompre telles trêves comme cydevant estoient 'conclutes.' The relations between the two sovereigns were, therefore, friendly, but we shall see presently that inducements were soon to be offered with a view to induce Richard to adopt a different line.

For whilst the above communications were in progress, Richard had opened negotiations with Ferdinand and Isabella of Arragon and Castille. His instructions to his agent Bernard de la Forse are given by Mr. Gairdner †, as well as the instructions which were in consequence addressed by Isabella to De Sasiola, an agent whom she sent to England in 1483.‡ From these papers it appears that Richard's desire for amity was reciprocal—that Isabella was prepared to confirm former treaties—and, lastly, that the agent was empowered to enter into arrangements with Richard by which the Spanish sovereigns would undertake to assist him in a war with France for the recovery of the territories formerly attached to the British Crown. But De Sasiola was also instructed to inform Richard that 'the Queen of Castille was turned in her heart from England 'in time past for the unkindness the which she took against 'the King last deceased, whom God pardon, for his refusing 'her and taking to his wife a widow of England. For the 'which cause also was mortal war betwixt him and the Earl of 'Warwick, the which took ever her part to the time of his 'death.' But now that Edward was dead, she stated her wish to follow her own inclinations in the shape of friendly relations with England.

The document we have quoted appears to have been unknown to Mr. Prescott, when, writing of Isabella's suitors, he stated § that among them 'was a brother of Edward IV., not improbably 'Richard Duke of Gloucester;' and then proceeded to speculate on the amount of crime which might have been avoided had Gloucester's marriage with Isabella taken place. The cause, however, which Isabella ascribed for Warwick's hostility towards Edward does not affect Mr. Kirk's|| argument that the originating cause was the failure of Warwick's schemes for a French alliance, which was the result of the Woodville marriage.

\* Letters, vol. i. p. 34.

† *Ibid.*, p. 23.

‡ *Ibid.*, p. 31.

§ Ferdinand and Isabella, vol. i. p. 173. (1854.)

|| Life of Charles the Bold, vol. ii. p. 15.



But to return to the Sasiola negotiation. The overture was referred by Richard to his Council \*; and Mr. Gairdner has discovered the cautious instructions given by the King to Bernard de la Forset† who, whilst he was authorised to renew the former treaties, was warned in any case to avoid any charges to which Richard might thereby be put.

Another proposal was also to be made to Richard with a view to induce him to break with France; and it is conveyed in one of the most interesting papers in Mr. Gairdner's collection, which indeed, except for its length, we should gladly have transferred to our pages.‡ The document to which we refer is the instruction which the Archduke Maximilian addressed to the agents sent by him to England in 1484; and it contains an admirable summary of the state of affairs then existing in the Low Countries. The bones of Charles of Burgundy would have stirred in the grave could they have been made to feel the position of his kin at this period. A Commonwealth in Flanders assuming dominion—possessing themselves of his grandchildren—issuing edicts in the name of the youthful Philip—rebellious against Maximilian—and, as he alleged, forcing him into a disastrous treaty with France—all these facts are narrated in the instructions, and not without reference to a well-defined scheme of vengeance and retaliation. 'Ces choses,' said the Archduke, 'touchent non seulement mon dit seigneur mais aussi tous autres princes a l'auctorité et seigneurie desquelz il est acempte et contrevenu toutes et quantes foiz que subjectz se rebellent à lencontre de leurs princes;' and on this principle Richard was asked to forbid commercial intercourse between England and Flanders, and to supply troops for two years to assist Maximilian in reducing his rebellious subjects. In return for this assistance Maximilian offered Richard a force of 14,000 men for two years, and of 6,000 after that period, to assist him in the conquest of France. If, however, Richard should prefer a war with Scotland, half the above aids was offered; but the negotiators were directed to use their utmost efforts to prevent Richard from making peace with France, and were informed of Maximilian's fixed determination to recover Burgundy from France. Nor was this all. Maximilian had learnt that an embassy had arrived in England from Brittany, and his agents were directed to propose an alliance between himself, Richard, and the Duke of Brittany on principles of mutual assistance as

\* Ellis, 2nd series, vol. i. p. 152.

† Letters, vol. i. p. 48.

‡ *Ibid.*, vol. ii. p. 3.

against France, and on an understanding to be guaranteed by Maximilian that the Duke of Brittany would give no further aid to Richmond and his followers.

Had the duration of Richard's reign given him opportunities of availing himself of the overtures thus made from so many quarters, there can be little doubt that events of a stirring and important character must have ensued. If we only take the proposal of a tripartite alliance between Richard and Maximilian and the Duke of Brittany, we find ourselves in the midst of the same combination which in the time of Charles the Bold had shaken the stability of the French throne. But these things were not to be, and the battle of Bosworth left it to Henry VII. to gather up the threads of these proposals and to fashion new intrigues and political combinations.

Mr. Gairdner has given us a few other papers of the period of Richard, which do not, however, call for special remark. Some of them relate to a negotiation for a truce with Scotland, and others relate to Irish affairs and the Earl of Desmond. For the amusement of our readers we will only add that in Richard's instructions to the agent sent to Desmond, provision is made that the Earl should 'renounce the usage and wearing of Irish array,'\* and the envoy was furnished with certain parcels of clothing to be given to him comprising, amongst other articles, 'three shertes and kyrcheffes, three pair of hosen, oon of scarlet, another violet, and the third black.' Nor would these garments seem quite superfluous if we are to judge of Irish costume from Lindsay's statement where he says the Scotch were clothed after the Irish manner 'with ane mantle—ane schit, going bare legged to the knee.'†

We find also an account‡ of the funeral rites of Edward IV. from an imperfect manuscript in the Herald's College, to which Mr. Gairdner adds an extract from another account in which it is stated that at the conclusion of the ceremony, 'all the heralds threw their coats of arms which belonged to the King into the said grave, and immediately there was rendered to them other coats of arms of the King of England which they put on.' The whole ceremonial was, however, simple in character if compared with the elaborate ceremonial at other royal funerals, as, for instance, that of Charles V., described in Mr. Stevenson's volume of the State papers of Elizabeth.

\* Letters, vol. i. p. 69.

† Chronicles of Scotland, vol. i. p. xxiii.

‡ Letters, vol. i. p. 3.

We have seen how already in the time of Richard, the web of foreign intrigue and interference was drawn around England. The fact becomes far more apparent in the reign of Henry VII., and as it has scarcely received as yet sufficient attention from historians, we propose now to examine the principal documents which bear on the subject.

The first of these papers which deserves to be cited is the correspondence relating to Perkin Warbeck, an episode in the history of Henry which has always been the subject of much interest and some doubt. Mr. Gairdner expresses his suspicion that the story of Warbeck 'has, like other marvellous tales, 'gained considerably in the telling;' and he considers that the account given by Lord Bacon in his history of Henry VII. was such as to justify even Walpole's historic doubts. He speaks of the 'misconceptions' of Bacon, and states that 'if we divest the story of Perkin Warbeck of those startling features 'which have been ascribed to it by Lord Bacon, we only find 'that he was one of a series of impostors rather clever than 'the rest.'\*

Mr. Gairdner asserts that Bacon, in quoting from the contemporary annals of Bernard André, has mistaken his meaning. The instances he gives do not, however, appear to be important. It is easy to believe that Bacon, in describing the reception of Henry in London, may have read the word *latanter* as being *latenter*; and it appears to us wholly unnecessary to qualify Bacon's detailed description of Margaret's instructions to Warbeck 'as a clumsy fiction to account for 'facts which could not be denied.' Bacon's details cannot indeed be literally accepted any more than André's account of Henry's pious thanksgiving after Bosworth. Both historians, after the fashion of their time, filled up their descriptions with such accessories as seemed to them characteristic of the event; and we do not admit that in giving this form to their narrative they resorted to 'clumsy fictions,' or necessarily diminished their own authority in the relation of facts.

Mr. Gairdner further points out as an error Bacon's account of the origin and parentage of Warbeck. André states that Perkin was brought up (*educatum*) by a Jew named Edward, to whom Edward IV. had stood godfather. Bacon, however, according to Mr. Gairdner, not only states that Warbeck was the son of a converted Jew, 'but also committed the egregious 'blunder of making Perkin himself King Edward's godson. '... Nor does the mistake end here, for Lord Bacon adds

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\* *Memorials*, p. xxx.

'a conjecture of his own (which Hume further improves by 'giving it as an opinion of contemporaries), that Perkin was 'not only King Edward's godson, but also his son.' Mr. Gairdner has here adopted the views of Sir F. Madden in his elaborate essay on the history of Warbeck\*: and Madden's estimation of Bacon's work was not high. 'It is little more,' he says, 'than a repetition of what he found in preceding 'writers, eked out and embellished in a style accordant with 'the prevailing taste of his time.' We are, however, not prepared to accept this estimate, and we rather adopt the higher view of Bacon's merits as an historical writer which are very well expressed by Mr. Spedding, a most competent critic, in his striking and interesting preface to the 'Life of Henry VII.† Bacon certainly describes Perkin as the son of the converted Jew, and gives the story as to his royal godfather. The error is in itself of minor importance, except as leading to Bacon's inference of the effect which such a relationship might have had on the imagination of Perkin. But such a result might, under any circumstances, have been likely to occur; for, as Mr. Spedding has observed, Perkin, according to André's narrative, was, in one capacity or another, a member of the family of the Jew convert, King Edward's godson, and he must thus in early life have been familiarised with facts and associations most important as regards the character which he was hereafter to assume. But as regards Bacon's description of Warbeck and his fortunes, we find it prefaced by the following passage:—

'There was a circumstance which is mentioned by one that writ in the same time, that is very likely to have made somewhat to the matter: which is that King Edward IV. was his godfather. Which, as it is somewhat suspicious for a wanton prince to become gossip in so mean a house, and might make a man think that he might indeed have in him some base blood of the house of York; so at the least, though that were not, it might give the occasion to the boy, in being called King Edward's godson, or perhaps in sport King Edward's son, to entertain such thoughts into his head.'

Our italics are scarcely needed to show that in giving the narrative to which this passage was the introduction, and as it were the key-note, Bacon did not propose to give an historic narrative of actual events. If he records the story regarding Perkin's godfather, he describes it as 'a circumstance mentioned' by an anonymous contemporary. The circumstances are 'some-

\* Archæolog., xxvii. p. 153.

† Bacon's Works, vol. vi. (1858.)

'what suspicious,' and the effects as regards Perkin are carefully defined as possible contingencies. Surely this affords no justification for Mr. Gairdner's charges against Bacon of 'egregious blunders,' and of 'conjectures of his own.'

Mr. Gairdner also gives as an instance of Bacon's 'misconceptions' his account of the investigation stated to have been ordered by Henry into the circumstances of the murder of the Princes in the Tower, an account which he considers would go far to justify Walpole's argument that as regarded the two surviving accused parties, Dighton was only a wretch hired to assume the guilt of a crime he had not committed, and Tyrrel was too honourable to commit the act. 'If Henry,' says Mr. Gairdner, 'with all his efforts could produce no more satisfactory proof that the murder was really perpetrated, he must be held to have failed indeed.' The reader would suppose from Mr. Gairdner's remarks that Bacon refers to the results of the examination of Tyrrel and Dighton as conclusive regarding the murder. But the fact is that Bacon lays claims to no such result. All that he states, assuming that the examination did take place, may be summed up in his own words:—

'Thus much was then delivered abroad to be the effect of these examinations; but the King nevertheless made no use of them in any of his declarations. Whereby as it seems those examinations left the business somewhat perplexed. . . . Therefore, this kind of proof being left so naked, the King used the more diligence . . . for the tracing of Perkin.\*

There remains the question whether Bacon is correct in stating that the examination had taken place. The statement appears to rest on his sole authority. Sir Thomas More indeed states† that 'at such time as Sir I. Tyrrel was in the Tower for treason committed against King Henry VII., both Dighton and he were examined;' but Mr. Spedding has pointed out‡ that the period when Tyrrel was in the Tower was many years later, namely, in 1502, and that amongst the persons then arrested there is no mention of Dighton. It does not, however, follow that no examination had taken place previous to 1502; and Mr. Spedding has shown that, taking into account the exigencies of the time, there are good grounds for believing that such an examination may have been set on foot. Under these circumstances we think that our readers will concur with us in the opinion that the matter is by no

\* Bacon's Works, vol. vi. p. 143.

† Life of Richard III., p. 132. (1821.)

‡ Bacon's Works, vol. vi. p. 141.

means so clear from doubt as to warrant Mr. Gairdner in referring to it as an instance of Bacon's 'misconceptions.'

As to Mr. Gairdner's further charge against Bacon of 'blundering statements' as proved by his account of the countenance and patronage which were subsequently extended to Tyrrel by Henry, it is sufficient to remind our readers that Henry was not overscrupulous as to the character, public or private, of his agents. Mr. Gairdner's own pages explain how, as in the cases of Sir Robert Clifford and Sir Robert Curzon, his agents might easily pass through the gradations of traitor, spy, and favoured employé. Nor can we forget that for purposes of greater deception, Henry frequently caused his own agents to be proclaimed as traitors at Paul's Cross.

But as regards Warbeck's early history, we find that Mr. Gairdner considers that the most satisfactory document yet discovered is his own confession printed by Henry's command\*, in which he also notices the absence of any reference to the influence of the Duchess Margaret.† Bacon, however, states that the confession was printed *in extract* :—

'Wherein,' he says, 'the King did himself no right. For as there was a laboured tale of particulars, . . . there was little or nothing to purpose of anything concerning Perkin's designs, or any practices that had been held with him, nor the Duchess of Burgundy . . . so much as named or pointed at. So that men missing of that they looked for, looked for what they knew not what, and were in more doubt than before. But the King chose rather not to satisfy than to kindle coals.'‡

The inconvenient result of the step taken by Henry does not admit of question, but it was consistent with his character and policy; for he could scarcely have desired to record the hostile intentions of so many sovereigns, who had in turn aided and abetted Warbeck, or to register their more or less formal recognition of his claims.§ Margaret's interference was at all events avowed and notorious. Henry himself in writing to Sir G. Talbot || in 1495, spoke of 'the great malice that the 'Lady Margaret beareth continually against us, as she showed 'lately in sending hither of a feigned boy.' Mr. Gairdner also gives us a memorial which she addressed in the same year

\* Letters, vol. i. p. l. † *Ibid.*, vol. ii. p. lii.

‡ Bacon's Henry VII., p. 195. (Spedding's edition.)

§ Other versions of the Confession may, however, have been current; as, for instance, the one in the Harleian Miscellany, vol. xi. p. 367; but this version is not consistent with Grafton, to whom the writer refers.

|| Ellis's Letters, 1st series, vol. i. p. 20.

on behalf of Warbeck to the Pope\*, and there is extant a letter† from Ferdinand and Isabella to De Puebla, showing that she had made a similar communication to them.

Late investigations have thrown much light on the extent to which foreign sovereigns were disposed during Henry's reign to interfere actively in matters of internal concern in England, and no better evidence can be given than that which is afforded by the proceedings in regard to Warbeck and Edmund de la Pole, Earl of Suffolk. As regards the former it is to be observed, that although much ingenuity and research have been devoted to the subject, his history has generally been considered rather in the light of a romantic episode, and Henry has been accused of attaching too much importance to his pretensions. And in the case of Edmund de la Pole, even Bacon appears to have considered that Henry had committed an error in policy. It may therefore be useful to examine these two cases with reference to the correspondence both in Mr. Gairdner's and Mr. Bergenroth's volumes, and we are of opinion that the result will go far to justify the activity and vigilance of Henry.

Warbeck's own statement of the encouragement given to him by foreign princes up to the year 1493, previous to which date he had already been received in Ireland, France, and Burgundy, is contained in a letter which he addressed to Queen Isabella on the 25th of August 1493. In this letter‡ he states that the King of the Romans, the Archduke Philip, as also the Sovereigns of Saxony, Denmark, and Scotland, had shown themselves friendly to his interests. Nor were these assertions eventually denied by Henry himself. For De Puebla records an interview which took place between Henry and Warbeck when a prisoner, in the course of which the King said in his presence that Warbeck had deceived the Pope, the King of France, the Archduke, the King of the Romans, the King of Scotland, and almost all Princes of Christendom except Ferdinand and Isabella. The object of Ferdinand and Isabella, at this period, was to attach Henry to their interests as against France; and for this purpose they were ready to exert their influence to bring about a good understanding between England and Scotland, and to relieve Henry from all apprehension that the King of Scotland would espouse Warbeck's cause. Accordingly they informed Henry§ that they had returned no answer to an appeal which Warbeck had made for

\* Memorials. p. 393.

† Bergenroth, p. 61.

‡ *Ibid.*, pp. 50, 61.

§ *Ibid.*, pp. 61, 67, 71.



their assistance; and they also stated that whilst it was their intention to avail themselves of the arrival of a Scotch ambassador to induce James IV. not to assist the 'so-called Duke of York, who seems to have turned out an impostor,' they would also send an embassy to negotiate peace between Henry and James. Not only did they thus designate Warbeck as an impostor, but they offered to prove him to be so.

'With respect,' said they to De Puebla in 1496, 'to what you write, that the King of France has sent a paper with the seal of his Council, and a declaration from the king of arms of Portugal, stating that he of York is the son of a barber and offering to send over his father and mother, we have to observe that if the King of England wish something of the kind we can do it much better than the King of France. We can send him the declarations of many persons who know him.' (*Bergenroth*, p. 92.)

And in 1497, we find\* that Ferdinand and Isabella were causing the evidence they had collected to be translated into Latin, with a view to its being sent to Henry with notarial certificates.†

Warbeck's proceedings in the Netherlands had in the meanwhile called for active measures on the part of Henry, who despatched Poyning and Warham, in 1493, to request Philip to banish the fugitive from his dominions.‡ Philip's reply was that he himself would abstain from assistance, but that as regarded Margaret 'she was absolute in the lands of her dowry, and he could not interfere.' The value of this reply is best judged by a reference to a treaty§, which in 1496 he concluded with Henry, in which it is not only stipulated that Philip should prevent the duchess from aiding or harbouring English rebels, but that he should deprive her of her domains if she contravened the engagements.

It seems, however, that even in this quarter Warbeck did not receive the aid he expected||, for he thence proceeded to the Court of the King of the Romans, where his intrigues soon

\* *Bergenroth*, p. 135.

† It is curious, however, to find that in the key to the cipher of the Simancas Correspondence Warbeck's name is inserted in the chapter specially reserved for royal personages (*Bergenroth*, Pref. lxxxiv.); and Mr. *Bergenroth* notices that it was only when Warbeck was a prisoner in Henry's hands that Ferdinand and Isabella alluded to him otherwise than as the 'so called Duke of York,' or 'he of York,' p. 147.

‡ *Bacon's Henry VII.*, p. 145.

§ *Dumont, Corps Diplom.*, vol. iii. pt. ii. p. 336.

|| *Vignolle's Deposition, Letters*, vol. ii. p. 321.

attracted the attention of Henry, who directed his agent Machado secretly to call the attention of Charles VIII. of France to the intention of the King of the Romans to give assistance 'au garçon qui se fait renommer Plantagenet.' There is direct evidence, indeed, that Maximilian gave a favourable reception to Warbeck\*; and when eventually the latter withdrew, we find Ferdinand and Isabella excusing Maximilian to Henry on the ground 'that it would not be honest if he not 'only abandoned him of York, but also declared directly 'against one whom he had entertained and always favoured.'†

The records at Venice, however, supply conclusive evidence of the interest taken by Maximilian in the fortunes of Warbeck. In 1495 we find his ambassador at Venice reporting to the Signory that the free action of his Sovereign was impeded 'by 'his having to despatch the Prince of York—the new King of 'England—for the defence of his right:' and Maximilian himself told the Venetian ambassadors Contarini and Trevisan that Perkin had made a successful landing in England, 'whereat His Majesty rejoiced greatly as he could dispose of 'this Duke of York *ad libitum suum*.'‡

Again, in 1496, when the parties to the Holy League were negotiating for the entrance of Henry into the Confederation, Contarini reported that Maximilian raised difficulties on Warbeck's account, 'whom he firmly believed to be the son of 'King Edward, and whom he considered it his duty not to 'abandon.' And in a later despatch he mentioned that Maximilian was temporising on the ground, as he himself stated, that Warbeck, '*who had embarked in the undertaking at 'his persuasion,*' was prospering, and hoped for victory.

Perkin had now, however, transferred his intrigues to Scotland, and Ferdinand and Isabella professed their belief that if James were to assist him, the King of the Romans or the Archduke would espouse his cause.§ But they still remained consistent in their policy, and promised Henry that their ambassador in Scotland would prevent James from aiding Warbeck, whilst they employed their influence with Maximilian, with Philip, and the Pope in favour of Henry. De Puebla, the Spanish ambassador in England, appears to have counselled his sovereigns to establish their influence over Henry by getting Warbeck into their own hands. 'That,' said he, 'is the most

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\* Letters, vol. ii. p. 296. Memorials, p. xlii.

† Bergenroth, p. 72.

‡ Rawdon Brown, Venet. Cal. I. p. 221.

§ Bergenroth, p. 90.

'important point, that is the whole thing. That done, and the King of Scotland detached from France, the King of France will accept any conditions imposed by Spain.' Nor was his advice entirely disregarded, for his royal masters informed him that though they would not entice Warbeck to Spain, if the ambassador could get him into his hands, he was at liberty to do so. Spanish interference was thus transferred to Scotland. The vanity of James was flattered by direct negotiations between the two Courts, and expectations were held out of marriages between the two Royal families. These expectations Ferdinand and Isabella never proposed to realise; the very instructions as to the proposed alliance informed the negotiators that they 'had no daughter to give.' James was to be 'put off with vain hopes,' to be 'amused as long as possible;' in short, the real object of the negotiators was to be a peace between England and Scotland, and with that object a marriage between James and Henry's daughter Margaret.

The agent selected to carry out these instructions was Don Pedro de Ayala, of whose abilities a very favourable estimate may be gathered from the Simancas Archives. For the entertainment of our readers we transcribe the following passages from Ayala's report on Scotland and James IV. in the year 1498. Of James he says:—

'He fears God and observes the precepts of the Church. . . . He would not ride on Sunday for any consideration. He says all his prayers. Rarely, even jeking, a word escapes him that is not the truth. He prides himself much upon it, and says it does not seem to him well for kings to swear their treaties as they do now. He is courageous, even more than a king should be.'\* (*Bergenroth*, p. 168.)

Don Pedro 'had sometimes clung to his skirts and kept him back. God has worked a miracle in him, for I have never seen a man so temperate in eating and drinking out of Spain. Indeed such a thing seems to be superhuman in these countries.'

Of Scotland, the ambassador wrote:—

'The country is large. Your Highnesses know that these kingdoms form an island. Scotland is nearer to Spain than London, and the voyage is not dangerous. Both kingdoms are of equal extent. The Scots are not industrious, and the people are poor; but Scotland has improved of late because foreigners have come into the country

\* It is curious to observe how well Ayala's report tallies with many of the particulars in Lindsay's *Chronicles*. As regards James's death at Flodden, Lindsay says the King 'may be justly said to have tint himself through his own rashness and greater fool hardiness nor was requisite in a king.' (*Chron. of Scot.*, vol. i. p. 280.)

and have taught them how to live. The people are handsome, and as well dressed as it is possible to be in such a country as that in which they live. The women are courteous in the extreme. I mention this because they are really honest though very bold. They dress much better than Englishwomen. There is a good deal of French education, and many speak the French language, for all the gentlemen who have no property go to France and are well received there, and therefore the French are liked.'

We must now, however, return to the Scotch negotiation, and we find that Don Pedro was not to be the only representative of Henry's interests—Ramsay, Lord Bothwell, was to appear on the scene, and we are indebted to Ellis for his reports on the subject.\* Ramsay, Lord Bothwell, had been attainted in Scotland, in 1488, and then took refuge in England, where he is said to have entered into covenants for the delivery of James into the hands of Henry.† It would seem from a very mutilated document printed by Mr. Gairdner‡, that Henry was at the same time gaining over the Earl of Angus to his interests; but he had adopted a new course of proceeding when in 1496 Bothwell again returned to Scotland to be restored to the favour of his own sovereign, being however, as appears from his own letters, little better than a spy and agent of Henry.

The complicated position of affairs at this period is worth noting as characteristic of the times. Ferdinand and Isabella were secretly pressing a marriage between James and Margaret, Henry's daughter, whilst they were at the same time deluding James with the hopes of a marriage with Spain. Concessault§, the French agent in Scotland, ostensibly engaged in an endeavour to bring about peace between Henry and James, was secretly offering a bribe to James for the surrender to France of Warbeck, with whom Concessault was, nevertheless, on terms of daily concert. Warbeck was imploring aid from

\* Ellis, 1st series, vol. i. pp. 22–32.

† Rymer, vol. iv. p. 29 (quoted by Ellis).

‡ Letters, vol. i. p. 385.

§ Lingard (vol. iv. p. 310) states as a certainty that this agent was sent to Scotland at the instance of Henry, but from a despatch of De Puebla's (*Bergenroth*, p. 111) it would seem that Henry misliked the embassy and proposed to delay the agent on his passage through England. Such a step was not unusual on Henry's part. In 1497 we find the Milanese agent in England reporting of him: 'He well knows how to temporise, as demonstrated when the French ambassadors wanted to go to Scotland under pretence of mediating for the peace; but he entertained them magnificently, made them presents, and sent them home without seeing Scotland.' (Venet. Cal. I. p. 261.)

Ferdinand\*, and also the assistance of James, to whom he offered Berwick and a pecuniary subsidy. And lastly, Bothwell, in confidential intercourse with James, was secretly inciting Henry to commence hostilities against Scotland.

From this game of cross purposes it is a relief to turn to the clear instructions which Henry addressed in the following year to Fox, Bishop of Durham†, who was directed to negotiate a treaty with James providing for the surrender of Warbeck, although, as Henry stated, 'the surrender or having of him is of no price or value.' Failing that, Fox was desired to press for an embassy from Scotland, to be followed by a personal interview between the two sovereigns. A confidential instruction was, however, added by Henry. The surrender of Warbeck was to be the object of Fox's best endeavours; but Henry felt that 'our subjects are sore wearied, and also the issue of battle is full uncertain;' and accordingly, in case he could not bring about the surrender, Fox was empowered to accept the terms previously offered by James. No immediate result appears to have followed this negotiation, but the relations between the two sovereigns were soon to assume a peaceful character. The countenance afforded by James to Warbeck was politely withdrawn, and the policy of the Spanish Sovereigns was successful in bringing about a union between James and Margaret.

How far James did really accept the authenticity of Warbeck's claims must, we think, remain doubtful. The language which Bacon ascribed to James was‡, 'That he for his part was no competent judge of Perkin's title, but that he had received him as a suppliant, protected him as a person for refuge, espoused him to his kinswoman, and aided him with his arms upon the belief that he was a Prince.' On the other hand, there is evidence§ that James was prepared to agree to a peace with Henry, on terms which would have secured him from Warbeck, on condition that Ferdinand and Isabella had carried out the expectations they held out of a marriage with Spain.

Be this as it may, the abandonment of Warbeck's cause by James was soon to be followed by the failures which placed Warbeck as a prisoner in the hands of Henry; when not even the walls of the Tower could quell a spirit of enterprise,

\* Letter to Bernard de la Forse, Bergenroth, p. 130.

† Letters, vol. i. p. 104.

‡ Bacon's *Henry VII.*, p. 186.

§ Isabella to De Puebla, Aug. 18, 1496, Bergenroth, p. 115.

which in the shape of an intrigue with Warwick hastened a fatal conclusion, more congenial to Warbeck, perhaps, than the inaction and insignificance of a prolonged confinement. Looking to his history, one cannot but give credit to Bacon's description \* of Warbeck, when he wrote 'He had such a crafty and bewitching fashion both to move pity and to induce belief, as was like a fascination and enchantment to those that saw him and heard him;' and we are ready to accept as an evidence of his accomplishments and of his chivalrous nature, the letter to Katharine Gordon which Mr. Bergenroth with good grounds has attributed to him.†

Of scarcely inferior interest to the correspondence regarding Warbeck are the documents which relate to Edmund de la Pole, Earl of Suffolk; and here again we have ample evidence of the difficulties which Henry had to encounter in the shape of foreign intrigues.‡ From these, if we are to believe his own words, he at first thought that he would be exempt.§ But he was shortly to be undeceived; for in 1501, we find Maximilian stating to Sir R. Curzon (on whose intrigues with Suffolk Mr. Gairdner has thrown much light ||), that 'if he might have one of King Edward's blood in his hands, he would help him to recover the crown of England.' When, however, the wished-for opportunity occurred, and Suffolk was a fugitive at his Court, Maximilian, with characteristic unstableness, changed his tone. Promises of material assistance were followed by attempts to make him over to the good offices of other princes. Advising Suffolk at one moment to come to terms with Henry, at another hinting at a rupture between himself and Henry, it is not surprising that the final impression he produced on Suffolk was, that the safe conduct granted to him was of little value, and that he should look elsewhere for aid.¶ Henry in the meanwhile was not idle. Steps were taken by him to induce the French King to obtain the surrender of Suffolk\*\*, and Somerset and Warham were despatched on a mission to Maximilian, the ostensible object of which was the arrangement of aids against the Turk, but the real purpose the conclusion of a treaty containing an article for the reciprocal extradition of rebels. The lengthy documents connected with this negotiation are given in Mr. Gairdner's pages††,

\* Henry VII., p. 133.

† Bergenroth, p. 78.

‡ Instructions to Gilford and Hatton in 1499.

§ Letters, vol. i. p. 129. || *Ibid.*, p. 134. ¶ *Ibid.*, p. 177.

\*\* Baker's Despatch, Lett., vol. ii. p. 344.

†† Letters, vol. i. pp. 152, 168, 189; vol. ii. p. 106.

but for our purposes it may be sufficient to state that the result was the conclusion in 1502 of a treaty\*, according to which Maximilian bound himself not to receive English rebels, 'even if they were of ducal rank,' a stipulation evidently directed against Suffolk.

The mutilated condition of the manuscripts to which we have referred makes it difficult to extract from them any continuous sense. Curious questions were, however, raised in the course of the discussions; and we would cite for instance the point regarding the power of the Emperor to enter into engagements, except so far as the territories of his inheritance were concerned—the determination expressed by Henry to deal himself with the appropriation of funds collected for a crusade—and the curious stipulations by which the interchange of the Garter and the Toison d'Or between the two sovereigns and their sons was made a matter of treaty obligation. Not less remarkable was the obstinacy with which Maximilian, even after the signature of the treaty and after he had solemnly sworn to observe its provisions, endeavoured, so far as Suffolk was concerned, to escape from the performance of his obligations; and we find him at the last sending a mission to Henry with a view to defer the period of Suffolk's banishment, which according to the terms of the treaty was absolute and immediate.

Again as in the case of Warbeck, we trace the interference of Ferdinand and Isabella, who not only pressed Maximilian to make Suffolk over to Henry, but instructed their ambassador to make arrangements for the transfer.† In this, however, he failed. Maximilian appears to have sanctioned the departure of Suffolk, and we next have to deal with the latter in relation to the Duke of Guelders and the Archduke Philip. Maximilian's proceedings in this respect were the subject of bitter complaint on Henry's part, but as for Suffolk he had not much improved his position.‡ The Duke of Guelders at first granted him an asylum which called forth a strong remonstrance from James of Scotland§; but the asylum soon came to be virtually a prison, for, according to a report of Quirini, the Venetian ambassador at Antwerp, the Duke received pecuniary assistance from Henry in return for Suffolk's detention||, and it was also reported that he had made overtures to sell him to Henry.¶

\* Dumont, *Corps Diplom.*, vol. iv. pt. i. p. 34.

† *Memorials*, pp. 412, 268; Bergenroth, p. 326.

‡ *Ibid.*, p. 335.

§ *Letters*, vol. ii. p. 192.

|| *Venet. Cal.* I. p. 302.

¶ Bergenroth, p. 336.

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Henry appears at this time to have been in communication with Louis XII., with a view to obtain possession of Suffolk; but it is scarcely a matter of surprise to find him puzzled by all these intrigues, and sending in 1505 an agent to ascertain what were Suffolk's relations with the different sovereigns.\* What Suffolk's own position was at this period, appears fully in his letters, to which we shall presently refer; but before the year 1505 was concluded, Philip had got him in his possession, and, as Quirini stated, hoped thus 'to keep the bit in the mouth of Henry.'† And it was so generally believed that a quarrel would ensue between Henry and Philip‡ that Maximilian sent a secret mission to confer with Henry. The solution of the question was, however, destined to be the result of direct arrangements between the two principals, and the surrender was one of the advantages secured by Henry, on the occasion of the chance visit of Philip to England in 1506.

It will be remembered that the engagements then contracted by Philip have often been described as the result of a gentle compulsion. But we find that Quirini, who accompanied Philip to England, wrote *previous to his departure from Ghent* that it was the wish of Philip 'to arrange all differences and to ally himself with Henry as closely as possible, for the safety of his country during his absence, and in order to secure a free passage to Spain should fortune cast him on the soil of England;' and at a subsequent period Quirini reported that Philip and his attendants bestowed the highest praise on Henry, 'who could not have done more even had he been Philip's father.'§ James IV. of Scotland, also, does not appear to have regarded the interview in an unfavourable light, for we find in a letter from him to Philip||, that the latter had said of Henry's conduct towards him, 'nec filio quidem suo pluris quicquam optandam fuerit.' At all events, there was no lack of state ceremonial, as we learn from twenty-one pages in Mr. Gairdner's volume; and if there was any truth in the alleged compulsion, we will only regard it as explaining the statement of Elizabeth's minister, Challoner¶, that when he offered English hospitality to King Philip on his going to Spain in 1559, the proposal was received *with a smile*.

Be this, however, as it may, treaties were then signed for the mutual extradition of rebels; but according to Bacon's account\*\*,

\* Bergenroth, p. 350. † Venet. Cal. I. p. 305. ‡ *Ibid.*, pp. 369, 370. § *Ibid.*, pp. 308, 315. || Letters, vol. ii. p. 211.

¶ Stevenson, Cal. State Papers of Elizabeth.

\*\* Bergenroth, p. 380.

the actual surrender of Suffolk was the result of a personal arrangement, and a joint message was sent to Suffolk, 'who, upon gentle words used to him, was soon charmed and willing enough to return assured of his life, and hoping of his liberty.'\*

There are grounds† for believing that Philip did receive written assurances from Henry in favour of Suffolk. Quirini states that the surrender was promised on a condition sworn to by Henry that Suffolk should be pardoned and restored to his property; and when Suffolk, on his arrival in England, was imprisoned in the Tower, he added that it was by order of the English Council, who 'will subsequently draw up another edict acquitting him, and restoring his property, as they promised the King of Castille.'‡ Lingard, however§, quoting Hale and Spede, asserts that Henry before his death left an order for Suffolk's execution as a legacy to his successor; and this statement is not inconsistent with Lord Herbert's account, that in 1513 'it was thought fit that Edmund de la Pole should have his head struck off, our King therein executing what his father Henry at his departure out of the world commanded.' Herbert hints that Henry VIII. took this step in consequence of a correspondence between Suffolk and his brother Richard, then in the French service. If so, the catastrophe was anticipated by Suffolk's adherent, Killingsworth, with curious foresight, when he wrote in 1507 to Maximilian¶, 'de malo in pejus potuit sequi prædicto domino Edmundo existente in manibus regis Angliæ, si dominus Ricardus esset in Franciâ vel ad mandatum Francorum.'\*\*

We have entered at such length into the details of Suffolk's case for two reasons: the first being that they have as yet been slightly noticed by historians, and, secondly, as proving the mistake of the writers who consider that Henry attached an

\* Henry VII., p. 232.

† A. de Croy to Maximilian, Bergenroth, p. 38.

‡ Venet. Cal. pp. 316, 319.

§ Vol. iv. p. 333.

|| Life of Henry VIII., p. 36 (1649).

¶ Letters, vol. i. p. 316.

\*\* As regards Richard de la Pole, it may be observed here, that as late as 1523 his pretensions were treated as a danger to England. Lord Surrey, in then writing to Wolsey, stated that the Duke of Albany was boasting in Scotland that Richard was coming to that country, where he would receive great assistance; and Surrey therefore advised precautions in Wales, where he was expected first to land. Ellis's Letters, 1st series, vol. i. p. 231. See also the despatches of Giustinian in Rawdon Brown's 'Four Years at the Court of Henry VIII.,' vol. i. p. 260; vol. ii. pp. 174, 245.

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exaggerated importance to the possession of Suffolk. It could hardly have been consistent with Henry's character to undervalue the influence which Suffolk had gained in so many quarters; but Suffolk himself was at no pains to conceal his own designs, as evidence of which we would refer to a letter which he wrote in 1502 to Sir G. Nevill \*, wherein, on the occasion of Prince Arthur's death, he stated that if Prince Henry were also to die there would be no doubt of his own title to the throne; adding, significantly, 'hoc promitto vobis Henricus et ego nunquam simul erimus in Angliâ sine meo vel suo damno.' And it was only in 1506, after the frustration of all his hopes, that he offered to return to his allegiance, on condition that all his property and honours should be restored to him.†

So far, however, as we can judge from the correspondence of Suffolk given by Mr. Gairdner, Henry can scarcely have grounded his fears on the personal qualities of such a pretender. Illiterate even beyond the times when they were written, the letters are marked by an absence of dignity and by a miserable querulousness of tone. It is true the latter may have been to some extent justified by the hardships of his position, his poverty, and his dependence on the uncertain alms of wavering supporters; but if he could bring no better arguments to enlist the sympathy of his patrons than those contained in the letters, there is little reason for surprise at the treatment which he experienced at their hands.

We would next refer to some interesting papers in Mr. Gairdner's volumes which relate to Henry's relations with Rome after 1500, the year of the Jubilee. The first of these is the Bull ‡, then sent to England for the benefit of those who could not visit Rome, inviting contributions to be appropriated (as alleged) towards the expense of the operations against the Turks. Amongst other curious provisions contained in this Bull, was the power given to the Pope's 'Orator and Commissary' in England, to enter into pecuniary arrangements by which not only were all persons spiritual or temporal who were guilty of simony confirmed in the possessions they had illegally obtained, but he also was authorised, on like terms of composition, to license all persons wrongfully holding the goods of others, 'that they may lawfully keep and occupy the same.'

Jasper Pons was at this time Orator of Alexander VI. in England; and Bacon says§ he 'carried the business with great

\* Letters, vol. i. p. 177.

† *Ibid.*, vol. ii. p. 93.

‡ *Ibid.*, p. 280.

§ Henry VII., p. 209.

'wisdom and semblance of holiness, insomuch as he levied great sums of money within the land to the Pope's use, *with little or no scandal.*'\* There was a rumour that Henry shared in the spoils, but Mr. Gairdner prints a letter of Cardinal Hadrian's, in which credit is given to Henry, for that he alone among Catholic Princes had allowed the collection in England for the Pope's uses without appropriating the money! This same Pons also brought to Henry a brief exhorting him to come in person, and with his fleet to act against the Turks. Henry's reply is given in Ellis's Letters†, and it is a most characteristic document. All praise is given to the sovereigns who intend to undertake the crusade, *but* as for Henry, distance prevents his joining them, and others could assist at greater advantage and less cost. *If* a leader can be selected, then he would give assistance in men and money. But *if* no leader could be chosen, sooner than allow the Pope to go alone, Henry would join him in person, and with all his forces, *provided always*, first, that the Pope supplied a fleet and supplies, and secondly, that all differences were previously suspended between Christian Powers.

Ferdinand and Isabella were about the same time urging Henry to join the Crusade‡, but it is amusing to find that when they became aware of the course he was disposed to pursue, they advised him himself to employ any funds collected in England, in fitting out a fleet to co-operate in the Crusade, but not to send the monies to the Pope, who they said would expend them for some other purpose.§

In 1505 a proposal for a crusade originated in another quarter.|| The King of Portugal made overtures to Louis XII. of France and to the Queen of Castille, and these sovereigns declared themselves ready to concert operations with Henry, who by this time had adopted a new tone in dealing with the subject; indeed, his new zeal was bruited abroad, and we find the Knights of Rhodes naming him as Protector of their Order: 'Consuevimus,' says the instrument, 'protectores habere qui nos et res nostras contra Turcos defendant.'¶ And they were justified in thus looking to Henry, for in 1507 we find him proposing to Julius II. a crusade. Henry's letter \*\* is in itself remarkable. He explained that his hitherto peaceful policy had not been adhered to from the absence of

\* Letters, vol. ii. p. 112.

† Bergenroth, pp. 215, 226.

|| Letters, vol. ii. pp. 125 and 150.

\*\* Bergenroth, p. 414.

† 1st Series, vol. i. p. 48.

§ Memorials, p. 412.

¶ Letters, vol. i. p. 287.

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valour or vigour, or of military talents or resources. His policy was to hold his own and not seek for conquest. The shedding of Christian blood was hateful, still the Infidel ought to suffer punishment. For this purpose he pressed the Pope to restore peace amongst the Christian Powers, and then to call a Congress at Rome to concert operations in which he expressed himself ready to bear a part. Mr. Gairdner gives us Julius's answer.\* The Pope professed unbounded admiration, had read the letter ten times, and had brought it before a Secret Consistory. Still the proposal would not do—previous congresses had failed—leaders could not be selected—and what could be expected now when the power of the Turks has increased and that of the Christians diminished? The Pope was thus lukewarm, but Henry in earnest, and his reply is in striking contrast to the doubtful terms of his letter to Alexander.† 'Never,' said he, 'shall we recede from the proposal we have made.' The Turk may be great in power, but the power of Christendon is greater. If one leader cannot be selected, let two or three kings act in conjunction. As three kings were present from the East at the Nativity, so let three Western sovereigns now have the glory of delivering the Holy Sepulchre. If all other sovereigns decline, Henry himself will act, under the Pope's authority, in person and with his army and fleet. This answer deserved a better fate than that which attended it. The matter fell to the ground, and we only find afterwards a plaintive epistle from Julius‡ praying Henry to remove the dissensions between Maximilian and France, which His Holiness considered were obstacles in the way of the proposed crusade. We need no better evidence than that which this correspondence supplies of the leading position which Henry had towards the end of his reign assumed for himself and his country in the great questions of European interest and policy. But we must bring our observations to a close. We do not profess to have exhausted many of the subjects of interest contained in these volumes. Much valuable information is given by Mr. Gairdner relating to Wolsey's early negotiations, to the affairs of Guelders after Philip's death, and to matters connected with the history of Scotland and of Ireland. We have also *in extenso* many despatches on Spanish affairs, of which Mr. Bergenroth has given abstracts; and on these last, as we have alluded to them on a former occasion §, we will only now remark that the perusal of them as now

\* Letters, vol. ii. p. 170.

† *Ibid.*, p. 422.

‡ Bergenroth, p. 175.

§ *Edin. Rev.*, April 1863.

presented gives evidence of the admirable fidelity of Mr. Bergenroth's abstracts; indeed we have not perceived that he has omitted any intelligence more important than that conveyed to Henry in a letter from the Bishop of Worcester at Rome\*, where he reports that 'Sanctissimus Dominus noster in ægro-  
'tatiunculam levem incidit, quam acceptis quibusdam pilulis  
'statim rejecit.'

There is one point, however, to which we must, in conclusion, advert. We are ready to admit that in compiling a work of this description, it must be a matter of serious difficulty to draw a line between documents of genuine historic interest and those which, characteristic in themselves, come more properly within the category of curiosities of literature. But we question whether it is desirable to swell the bulk of a work by the incorporation of lengthy documents, to the contents of which from their mutilated condition it is both difficult and hazardous to attach a definite interpretation. We also doubt the advantage of the publication in these pages of the complete writings of Bernard André, including 'Les douze triomphes de Henri VII.,' attributed to his authorship, and of the 'Journals of Machado,' of both of which last works Mr. Gairdner has also given translations. André's works may be valuable in themselves as the writings of a contemporary. But they cannot be received as authority without taking into consideration the fact, that whilst suffering from blindness he also composed his works under influences which must have attached to his position as Poet Laureate, as tutor to Prince Arthur, and as a pensioner of Henry. On these grounds we should have been well satisfied had Mr. Gairdner considered himself justified in giving only extracts or abstracts of the more important passages in many of the documents to which we have had occasion to allude, and we do not think that the preparation of such abstracts could have been placed in more conscientious and intelligent hands than his own.

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\* Letters, vol. i. p. 244.

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ART. IX.—1. *La Banque de France, et l'Organisation du Crédit en France.* Par ISAAC PEREIRE. Paris: 1864.

2. *Des Banques.* Par LOUIS WOŁOWSKI. Paris: 1864.

A YEAR ago a sagacious observer of our financial condition wrote: 'The pecuniary year 1864 opens under remarkable circumstances. The year 1863 has left us a legacy of three powerful mercantile causes. First, we are buying cotton largely in new countries; secondly, we are promoting companies in vast numbers; thirdly, we are considerably extending our general export trade, not only with a few countries, but with almost all countries—with the world at large. It is right that we should consider clearly what the combined effect of these three causes is likely to be.' The writer concluded with a prophecy which we are now in a position to review, 'that the year would be a serious, though not an alarming year, that our trade would probably be very large and very profitable, but that against this we should have to set the possible consequences of a long period of dear money.'

It may be thought that the late year has been not only serious, but even alarming. Probably in no former instance has there been so much agitation without any actual crisis. Not only has money been dear, but, if we except the few weeks in 1857 during which the rate of interest rose to 10 per cent., even dear beyond precedent. The average rate of 1864 exceeded *seven per cent.*, a considerably higher average than that of any year within English banking memory. Trade has been carried on under a continual sense of pressure and coming danger. We have witnessed all the well-known symptoms of an anticipated panic. During weeks and months a general tone of anxiety and foreboding pervaded city articles and financial journals, and not in financial circles only, but generally throughout society, a vague impression prevailed that there was something wrong in the city. Abroad the same feeling was prevalent, and Paris, Frankfort, and Amsterdam, not only trembled for themselves, but above all things trembled for London. In all quarters, under the belief that some change for better or worse must immediately arise, and that a continuance of the existing state of things was unnatural and impossible, there was a growing tendency to exaggerate and misinterpret every symptom, till under the lassitude of increasing apprehension, the crisis which seemed for ever impending and never to come, was almost invoked. Manchester cried that her industry was paralysed.



Liverpool, if the Bank Act were not suspended, prophesied the collapse of her trade. The provinces telegraphed anxious inquiries to London about failures which had not occurred, and London retaliated by curtailing her credits to the provinces. Banks were almost ruined by the repeated assertion of their incapacity to meet their engagements, and men made up their minds that it would be impossible to clear off the aggregate liabilities of commerce without a catastrophe. The experience of former years was constantly appealed to, in order to prove that the same phenomena portended the same end, and that the sequence of events in 1847 and 1857 would also be the sequence of 1864.

For this almost universal anxiety there was undoubtedly some ground. Without question the engagements of the country had been unprecedentedly large, and that at a very critical time. The interruption of the cotton trade, far from contracting the liabilities of the country, as it might naturally have been expected, had on the contrary actually increased them by the new forms of foreign commerce to which it gave birth. Egypt and India and other countries comparatively new to the cotton trade, taxed the paying powers of this country far more than America. For America in the general course of trade took payment not in bullion but in manufactured goods; and a comparative want of organisation in the infant trade prevented that economy of circulation, which the old-established current of commerce between America and this country had carried to so high a perfection. Besides this, the general trade of the country, in spite of high rates of interest, in spite of the constant apprehension of danger, had continued to all appearance on an undiminished scale. We need hardly observe, that the transactions of our general commerce cannot be suddenly curtailed. Our engagements under the present system of credit necessarily extend far into the future, so that a time of pressure cannot at once visibly produce the phenomenon of a sudden and general contraction; and as an immediate contraction was supposed to offer the only escape from a money crisis, the slow progress made in the reduction of our liabilities could not fail to produce anxiety. The effect of these somewhat disquieting circumstances was heightened by the apprehension felt with regard to the working of the new financial companies which in the year 1863 suddenly attained such an extraordinary expansion. Would these companies, it was asked, be guided by the same rules of prudence which the experience of former critical years had taught older establishments, or would the hopes of enormous dividends, and the consciousness of the

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limitation of risks under a diffused liability, render them callous to the signs of the times? Would they, if they could, could they, if they would, escape from the vast undertakings to which they seemed pledged even by their very names? At a time when it was almost looked upon as a disaster that the ordinary scale of ordinary transactions could not be contracted with sufficient rapidity, the gigantic operations of the new companies naturally seemed to justify still deeper distrust.

But there was one consideration which, independently of any just appreciation of its causes, oppressed the public mind. Men were not satisfied to know *why* money was dear, they were alarmed at the fact independently of its causes, and above all they were disturbed by the long continuance of the fact. Of late years, it is true, the antiquated notion that 5 per cent. was to be the limit and criterion of financial respectability, has lost much of its force. High rates of interest, such as 6 or 9 per cent., no longer produce the same shock upon the nerves of the trading community. But it was one thing to endure high rates for a few weeks, or at the outside a couple of months, and a very different thing to witness the continuance of rates ranging from 6 to 9 per cent. through the course of an entire year. *An average rate of 7 per cent.* seemed indeed intolerable. The instinctive belief that any dearness of loanable capital is in itself, apart from any causes whatever, a commercial calamity, appears almost invincible, and the patience and resignation with which it is endured in city circles properly so called, who living close to our banking centre are better able to see, as it were with their own eyes, how the system works, provoke the sneer of the manufacturer and the retail trader, that high rates of interest naturally find favour *there*. The traditional exasperation always hitherto caused by any long-continued scarcity of capital prevails unabated, and the public, undervaluing the force of other theories, pertinaciously fastens that scarcity on our banking legislation. The Bank Charter Act is the universal scape-goat. That Act is, directly or indirectly, looked upon as the cause of all the evil. The amount of bank notes *must* be insufficient. Has not every kind of transaction almost indefinitely multiplied and increased, and why then is the circulating medium fixed? Have not other monopolies been abolished, and why should the most odious and searching of all monopolies, a monopoly which penetrates into every corner of the national commerce, and cripples every energy in the country, be maintained? Liberty of trade we have, and why not liberty of banking?

These familiar phrases, recalling ideas, long ago and over and  
VOL. CXXI. NO. CCXLVII. Q

over again refuted, involve, in whatever form presented, the fallacy, that in a country like ours, whose export and foreign trade is the very fountain-head of its prosperity, and whose liabilities to foreign nations bear so large a proportion to its total engagements, the means of fulfilling those engagements could be made, or ought to be made, artificially or legislatively abundant. It is not too much to say that in many quarters it was hoped that the Bank Act of 1844, which had already been suspended twice, would break down again, a catastrophe which it was believed on all hands would have given the death-blow to the obnoxious system. The day was almost invoked, when another deputation of bankers and money-dealers might wait on the Government with threats of a universal suspension of payments, if the magic letter were not conceded to put an end to that intolerable system—doubtless the deputation would have called it a *cast-iron system*—whereby men are prevented from fulfilling engagements into which they have knowingly entered beyond their means.

The sketch we have given, though necessarily brief, forms, we think, no exaggerated picture of the state of feeling during the past financial year. While we write this public feeling is only just emerging into another phase, and men breathe more freely because the year which began at 7 per cent., and threatened to close at 9, actually closes at 6. Nevertheless, 6 per cent. is still considered a high rate of interest, which it would be pleasant to be able to characterise as an abnormal, an unnatural rate. The prediction of ‘a long period of dear money’ has already been abundantly justified, but is it really at an end? Can it be reasonably hoped that the halcyon days of 3 per cent.,—days when the lender humbly sued the borrower to accept a loan, and the borrower actually conferred a favour on the lender by taking his money,—are ever likely to return? We shall best find the answer to these queries, if we attempt to unravel the causes of the scarcity of loanable capital which has so long prevailed, and endeavour to ascertain how far it may be attributable to the prolonged operation of causes essentially temporary nevertheless, or how far the new phenomena may perhaps in reality be due, not so much to temporary causes, as to fundamental and possibly permanent changes in the relation of the aggregate of English capital to foreign demand, and to the daily multiplication and growth of the channels through which the former is sucked out and absorbed by the latter.

Upon the temporary causes we have already touched. No

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doubt the export of bullion to pay for cotton raised in foreign countries, unaccustomed as yet to take manufactures in payment, has exercised a very powerful influence on the money-market, and has possibly more than counterbalanced the large excess in the supplies of the precious metals which under the effect of a depreciated currency has reached us from the United States. No doubt also the general increase in our trade tends to raise the value of loanable capital, and the congratulations on the flourishing returns of the Board of Trade are seldom unmixed with a tinge of misgiving at the accompanying possibility of a rise in the rate of interest. In connexion with this view of the subject, it deserves to be noticed, that in the autumn of the late year, when these trade returns showed the first signs of a falling-off, the first symptoms of a fall in the price of money had also become apparent.

But although the causes we have briefly reviewed might account for some of the recent financial phenomena, it was universally admitted they could not account for them all. And it was argued that our financial system was at fault, that a system which permitted the long-protracted scarcity of a commodity so indispensable as money must be unsound, and that the present condition of things must arise out of artificial and abnormal causes, which, as they had been artificially created, could be artificially removed.

We think, on the contrary, and we will endeavour to show, that the present condition of affairs has arisen not out of artificial and abnormal, but normal and natural causes—in other words, that the high rates of interest which have lately and so long prevailed, are the result not of any artificial tampering with the natural course of things, but precisely on the contrary, of giving the natural course of things free play. It will be found, we think, by those who patiently study the subject, that the rise in the price of loanable capital is, above all things, due to the growing availability and diffusion of English capital for *foreign purposes*, and that this growing availability and diffusion are in their turn the consequence of the new organisation provided by the comparatively sudden and vast expansion of the Joint-Stock system, and of the birth of so many financial companies capable of undertaking the largest operations. At first sight it may seem that the searching competition of the new companies which sucks into the money-market and condenses into large and available streams countless rills of savings scattered up and down the country, which were not reached before, ought, by bringing more unemployed capital into the market, to lessen its value and lower

the rate of interest. And such would be the case. But in truth the distributive and diffusive power of the new companies is even greater than their attractive and condensive power. The centripetal force by which our home capital is made to gravitate towards our home centre is vastly increased, it is true, by the new organisation, and this of itself would tend to lower the rate of interest. But then the centrifugal force by which, under the new system, capital, once condensed, is scattered all over the world instead of being allowed to accumulate at home, is greater still, and thus the rate of interest, instead of being lowered is raised, and the rise in the rate is probably, therefore, not temporary, but permanent, certainly not artificially produced by legislation, but naturally produced by the new forms and the vast scale of competition in financial enterprise.

With regard to the attractive or absorbing power of the new companies, it is not necessary to say much, as this branch of the subject has been often exhaustively discussed. The non-commercial classes saw in the new organisation the means of securing profits which hitherto were looked upon as the birth-right of the mercantile community. They saw the names of men who had made large fortunes for themselves now figuring in companies as directors ready to make large fortunes for others. The first results were, in many cases, highly satisfactory. Dividends were secured which outstripped the most sanguine predictions of that class of promoters, as they are technically called, who might be described as the midwives of modern enterprise. And a further point to be noticed is, that in most cases, extravagant gains were obtained, not by one fortunate hazard, which might not occur again, but by the general course of their operations; not by the discovery of any one new mine of wealth, but by the simple process of a successful introduction and application of new capital in a new form to old veins. It has been currently said that such dividends were hollow, that no sound system could give such results, that they were a proof of sheer rampant speculation, which must end in a speedy collapse. But the argument on the other side was clear. Many a business had given its owner 20 per cent. The rapid accumulation of private fortunes was a matter of constant occurrence. And why should such a business not give the same, or at least similar, returns when the capital is supplied piecemeal instead of as a whole? MM. Morrison Dillon and Co. became millionaires in their trade. Why, then, should their business, now changed into the 'Forestreet Warehouse Company,' be considered one of the extravagancies of the day,

because its dividends opened at 100 per cent.? Private banking is proverbially a flourishing trade. Why should the high dividends of the joint-stock banks be turned as an argument against them? And in fact there seems to be a kind of inconsistency in the public judgment on this point. When men hear that a private firm is highly prosperous, they consider it simply as a *prima facie* proof of commercial ability. But should a company make the very same gains, and publish them in the form of a dividend, these gains are, in this case, considered as a *prima facie* proof of overtrading. Profits expressed in the form of dividends have a different effect on the public mind to what they have when they are shrouded in the mysteries of private accumulation. In former days, colossal fortunes were made, for the creation of which it is clear that the profits must have been on a scale no less 'preposterous' than that which, expressed in the form of dividends, now gives such umbrage to merchants of the old school. The individual grew rich by a secret operation unintelligible to the mass, who had strange visions of occult and mysterious processes by which money was coined in the city, but *how* they hardly tried to guess. Now, on the contrary, trade is carried on before the eyes of the general public. The public itself is admitted to the secrets of the guild. Not only does it witness the process, but it is also invited to share in the profits.

Against the tempting scale of these profits, the opponents of limited liability and joint-stock enterprise have, it is true, a very strong argument to bring forward. This argument is so well known that we need only state it. It is not certain, they say, that those who manage their own affairs well will manage the affairs of other men with equal ability. Directors are apt to be careless, and managers are too often reckless. As a despotism is more efficient for action and administration, so a man, who is his own master, and responsible only to himself, will trade with more success than the heterogeneous agglomerate of a joint-stock board. How far this argument will be practically justified must be determined by experience. The dividends must solve the doubts. We certainly believe that private enterprise will hold its own, especially in those spheres of trade where personal character may be brought to bear against the impersonality of a board, or where capacity may outweigh capital. But the success of joint-stock enterprise may be great, although the success of private enterprise may be greater. The London and Westminster Bank, and other banks of similar standing, have proved that banking, at all events, can be carried on by a board and by managers with triumphant

success. And although, on the other hand, there have been instances of gross mismanagement, it must be admitted, we think, that the public shows by its conduct that these instances of failure and immorality have not as yet counterbalanced the effect of high dividends, and that so far shareholders do not believe in the impossibility of securing sound and efficient management on the part of boards and salaried officers.

These reflections naturally arise when we attempt to gauge the force of that influence which is absorbing, we might almost say, the savings of all classes into the channels of trade. We have not now to deal with the subject in its social aspect, or to pronounce an opinion whether the facts, as they exist, are to be welcomed or deplored. We are here concerned with their influence on the loanable capital of the country, which, as we have attempted to describe, is not only collected together in large streams, under the absorbing force of this new organisation, but submitted to such a searching system of drainage, that whereas, in former days on any emergency, some surplus capital was sure to be found somewhere, now, on the contrary, there is absolutely no reserve; and when the large reservoirs happen to have undergone any unusual depletion, all minor sources are found to be dried up. And so long as these reservoirs mainly supplied English industry and enterprise, so long, far from any scarcity arising, the system of condensation was found to have increased the supply, and the improved availability of capital was felt as a benefit by our manufacturing districts, and indeed all producing classes, who applauded a system which seemed to be placing at their disposal the whole savings of the country. And so far, if no other causes had intervened, the creation of new companies would not have raised the rate, and would have not disturbed the home trade.

But other causes did intervene. The new companies did not confine themselves to the supply of English demands. Seeking for the benefit of their shareholders the highest rates of interest, they found the rates higher abroad than at home, and thus were led to place their capital not at home but abroad. In this fact we find the main element of our increased rates of interest. We have explained how capital seeking employment was absorbed into new companies, and if we study the outfall of these vast drains for the collection of home capital, we shall find that it tends not inwards but outwards. The extent to which the consequent outflow of English capital may proceed thus becomes dependent on the nature of the foreign demand, and it will be found, that the new companies have thus thrown themselves open to a demand, of which no school



of theorists can pretend that it could be supplied by increased issues of paper money or any jugglery of paper currency. Moreover, the peculiar nature of the present foreign demand deserves special attention, as it seems to differ materially from previous experience. Bubble companies for trading with the antipodes have been the rage before, but there was an essential difference in their aims. In the celebrated mania of 1825, graphically described by the historian of the Thirty Years' Peace, the wildest speculative schemes were entertained. Men's imaginations were fired by the prospect of discovering in foreign countries hidden mines of wealth. 'The precious metals were expected to be found glittering in the clefts of the Cordilleras, pearls were to be sought in Columbia, the Pampas were to be revolutionised into yielding butter instead of hides, and a cargo of Scotch milkmaids were shipped to Buenos Ayres under the auspices of a Churning Company.'

But although it may be admitted that many features of that remarkable year were strikingly analogous to some of the incidents which we have lately witnessed,—an analogy which has led to the belief that the miserable collapse which then was the result would now be repeated,—there is, we think, a difference, and that difference is palpable and clearly defined. In 1825 men strained at new sources of wealth which neither private nor joint-stock enterprise had previously ventured to explore. They rushed headlong on the wildest adventures in regions at the time practically unknown. Now, on the contrary, joint-stock enterprise has been less anxious to invent fancy branches of commerce, or to find mysterious and recondite sources of wealth, than to get the highest rates for their capital by *lending* it to foreigners. To satisfy the foreign demand for capital in all its forms seems to be the leading idea. To assist landowners by mortgage banks, merchants by discount establishments, governments and cities by loans, and generally to introduce capital into countries where the rate of interest habitually stood at 12 per cent. and often reached 18,—such are the professed objects of the most prominent among the new companies.

English and French banking principles are on a crusading tour throughout the world. Turks are to be taught the use of bank notes. Turkey, indeed, has been a favourite field. There we have the Imperial Ottoman Bank to conduct the business of the government and to familiarise the Moslems with the modern substitute for gold. We have the Ottoman Financial Association professing to undertake all financial operations from discounting a bill to building a railway. We have the

'Société Générale de l'Empire Ottoman,' whose ambition is to take up that ground in Turkey which the *Crédit Mobilier* occupies in France. And we learn that negotiations are actually in progress for a Turkish *Crédit Foncier*. Banks abound whose familiar names in every variety suggest the one pervading fact of the marriage of English capital with foreign demand. There is the Anglo-Austrian Bank, the Anglo-Italian Bank, the Anglo-Egyptian Bank. There is the English and Swedish Bank; there is the British and Californian Bank; there is the London and Hamburg Continental Exchange Bank; there is the London and Brazilian Bank, the London Buenos Ayres and River Plate Bank, and even a London and South American Bank; and one bank, wishing to outstrip all other banks in the ambition of its title, calls itself the European Bank.

If from banking companies we turn to trading and finance companies, we find them anxious to avoid even the semblance of a limitation to any one country, and anxiously putting the widest possible definition upon their scope and aims. We have, it is true, the more modest Egyptian Trading Company, and the London and African Trading Company. But the names of these companies are quite eclipsed by the cosmopolitan magnificence of other titles. We read of the English and Foreign Credit Company, of the Imperial Mercantile Company, of the International Financial Company, of the General Credit and Finance Company. Nor are land companies much less ambitious. We have the Australian Mortgage Land and Finance Company; we have the British American Land Company, the *Crédit Foncier* of Mauritius, the Mauritius Land Credit and Agency Company, the Natal Land and Colonisation Company, the South African Mortgage Investment Company; and the cosmopolitan element is represented by the International Land Credit Company.

This almost wearisome list of modern companies we have quoted as a striking illustration of the fact, that the main object of the new system of investments is *to lend* money abroad at a higher rate of interest than can be secured at home. And it is clear that loans of capital affect our money-market in a greater degree than the general operations of trade. Trade can be carried on by the simple interchange of goods. Loans, on the contrary, are almost necessarily for a time one-sided, being a gross export of capital to be replaced only in detail over a space of years. Thus the establishment of companies not for general trading purposes so much as for the location of English loanable capital abroad, must have an

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influence on our money-market, which, as it has already assisted in raising the annual average rate of interest in this country during the past year to *seven*, seems only too likely to prevent the recurrence of the sweet simplicity of three per cent.

It should be remembered, moreover, that until within a late period, a certain number of large firms alone were considered to have the secret of farming the commerce of distant countries with safety and advantage. It was supposed to be their privilege and birthright to carry on the trade of supplying money to foreign governments, of building foreign railways, creating foreign banks, opening up new industrial operations in foreign countries,—in a word, of supplying capital to regions where money was worth 15 to 20 per cent., and where commerce, being in its infancy, production and importation could scarcely be developed without extraneous aid. Operations of this kind were held to be beyond the reach of ordinary enterprise. The larger profits attending them were thought to be the certain index of greater risk. And unquestionably there is more risk in lending money to Rio or Mexico than to Manchester or Liverpool; and the former might bid 10 or 12 per cent. in vain, while the latter successfully offered 3 or 4.

But the effect of this difference under the late system of unlimited liability was very apparent. In the first place, only a few firms of large capital ventured upon the trade at all. In the next place, the amount of capital which they could export for foreign use was limited by the amount of their own resources, augmented by whatever credit they could command. Moreover, each bore the whole risk without any limitation of his liability, and was naturally, therefore, unwilling to go beyond a certain length in dealing with countries where financial operations are attended with apparently greater insecurity than at home. But when after a few bold experiments it was found that this branch of trade, with all its enormous profits, might be carried on by a company not less than by private firms, an immense change took place. A vast variety of companies rushed into the new Eldorado of financial enterprise with a confidence founded, partly on the success of previous experiments, partly on the attraction of the dividends, and partly on the limited liability and diminished risk of each shareholder. The limited liability of each shareholder became one of the chief elements in the unparalleled suction, the minute and complicated drainage, brought to bear, as we have shown elsewhere, upon the scattered capital of the country. Under the system of unlimited liability few, except a small section of

bankers and merchants throughout the country, would engage in foreign enterprise, and those who did were prone to keep within certain traditionary grooves marked out by the caution of former generations, but now, owing to the vast number of shareholders, and the limitation of their liability, the timidity of each investor is indefinitely diminished, while any remaining coyness is overcome by the golden harvest in prospect. Again, the diffusion of knowledge during the last twenty years has acted as a powerful auxiliary in the movement. The public at large has become almost practically acquainted with countries and places, which half a century ago were only familiar to a very small class of men. When, therefore, new companies of every description began to appeal to the country under the system of limited liability, their appeal was suddenly responded to from a hundred thousand unexpected quarters, each man choosing the speculation which touched his own imagination and chimed in with his acquired knowledge. Thousands of men, who, under the old system, would rather have invested their money at 3 per cent. at home than risk it abroad for 50, are now ready to place it abroad for 15, rather than keep it at home for 5. Thus it is that a class of merchants, which, as we have said, had hitherto been comparatively small, has now been increased by an indefinite number of investors, who are not only willing but eager to add to their approved and traditionary investments a few shares of a more modern, less certain, but more remunerative character.

We have endeavoured, at some length, to describe the nature and to illustrate the operation of the new movement in the English money-market, and we have found its main features to be increased facilities and an increased disposition for the exportation and location of English loanable capital abroad, and, on the other hand, a practically unlimited foreign demand for English capital almost at any price. The corollary is self-evident.

While numerous countries are eagerly competing for our financial assistance, now that a system has arisen on an adequate scale by which that assistance can be rendered without excessive risk to the lender, it is clear that so long as this new system remains sufficiently popular to command, if not to entrap, the confidence of investors, *the rate of interest cannot possibly, ceteris paribus, fall below a point at which companies trading with foreign countries are willing to take it.* If money is again to become as cheap as our manufacturers would have it, one of two things must take place. Either the demand of foreign countries for English capital must decrease, or the

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credit of the companies through whose medium that demand is supplied must break down. The former alternative is very remote. With regard to the latter, it is unquestionably possible that the public which has invested a certain portion of its savings in foreign enterprise may be disappointed with the results, and may withdraw its confidence and withhold its contributions from over-speculative financial companies. On the other hand, it is quite conceivable that some, at all events, of the operations of the new companies may prove to be of a nature sufficiently sound and safe to secure a permanent hold on the capital of the country. Establishments, for instance, have been formed with the express object of lending money on mortgage in India, and if the value of land in India is sufficiently defined, and the laws regarding mortgages inspire sufficient confidence, it is clearly possible that practically unlimited sums may be withdrawn from this country, and find their way to India under such an agency. Nor is it necessary that the interest of these and similar investments abroad should be on a par with the interest of investments at home. It is enough that they should bear a certain ratio to one another. To take an imaginary example, it is enough that a man should prefer an investment at home at 5 per cent. to an investment at 8 per cent. in India, yet at the same time prefer 8 per cent. in India to 4 per cent. at home. In this hypothetical case, supposing such a feeling to be prevalent among English investors, it is clear that money would not fall below 5 per cent. in England, so long as India paid 8 per cent. If India began to pay more than 8 per cent., corresponding capital would begin to flow out of England, and the rate at home would rise, and *vice versa*. Of course this is an illustration only.

This we conceive to be the true key to the financial history of the past year. It is not simply the development of joint-stock enterprise, the creation of new companies, the *numerical increase* of such companies, which has raised the value of money. This alone of itself, as we have seen, might have lowered the rate of interest. It is the new field of operations chosen by joint-stock enterprise—that field, the most voracious of all—which has been the determining element in the rising price of capital, an influence which, if not checked by a breakdown of credit, must, from the nature of the case, be more or less permanent in its character.

It is not denied that home investments will continue to maintain the lion's share of English capital. But in estimating the relative strength and foundation of this superiority, it is useful not to lose sight of the two somewhat

different elements upon which it is dependent. One is the tried and unquestioned popularity of home credit. The other rests upon the vague instinct embodied in the well-known saying of the late Duke of Wellington, that 'high interest means bad security.' The former element is evidently constant, but the latter, as it has already begun to vary, will manifestly vary still further. It is certainly true that high interest may be a consequence of *bad* security. But it may also be the consequence of *unknown* security, good or bad. There can be no doubt, for instance, that foreign countries have often been compelled to pay an exorbitant price for capital, not because the security they offered was intrinsically bad, or less safe than similar security at home, but because being unknown and unfamiliar to the English public, it was mistrusted. By the diffusion of general knowledge through the agency of the new companies, that light has been shed on the relative security of many hitherto unfamiliar investments, and consequently one of the most serious impediments to the location of English capital abroad has been removed. It must be evident that in proportion as the relative credit of foreign countries and the nature of their resources are more exactly ascertained and defined, any agency for distributing capital rapidly to remote parts of the globe must have the same effect on its price, as, for instance, roads and railroads have on the price of other commodities. So long as there were great difficulties of transport, the price of the same commodity might vary to any extent in different parts of England. Provisions, for instance, might be at famine prices in London, while they were rotting in Cornwall. In the same way money might be at 3 per cent. in London and at 20 per cent. in the Brazils. But just as railroads tend to equalise the price of provisions in England, so do we anticipate that the formation of financial companies may tend, and we believe is tending, to equalise the value of capital at home and abroad.

Notwithstanding the events of the past year and the temporary pressure which England has suffered under this new competition for loanable capital, we are disposed to believe that no country will in the end reap greater advantages from it than England herself, who of all countries has the greatest capital at command.

But assuming it to be a disadvantage, the question arises, is it one with which we ought to attempt to deal if we could, or could deal if we would? We are prepared to answer both questions in the negative. M. Pereire, the acknowledged head of financial enterprise in France, who, while performing the

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most novel and dexterous feats of French financial speculation, has not forgotten the doctrines of Saint-Simonianism, in a recent pamphlet written to expose the laches of the Bank of France, has answered both of them in the affirmative.

A high rate of interest he declares to be not so much a disadvantage as a terrible curse, the result of abuses which it is incumbent on the State, and possible for the State, forthwith to correct. Moreover, he is himself prepared to undertake the Quixotic task. M. Pereire graphically describes his own despair at the outrageous rates of interest which have so long prevailed. It is *impossible*, he declares, that such a state of things can continue. It is not only ruinous in his estimation, but revolting to his moral sense. 'The mission of banks,' he asserts, 'is to procure capital on cheap terms for industry and commerce, and we have, therefore, a right to call them to account for the manner in which they have fulfilled that mission.' He speaks with touching distress of the 'flexibility' of the rate of interest, whose sudden bounds, he poetically exclaims, dash the deepest calculations and blast the best-founded hopes. 'Under such conditions industrial enterprise and commercial speculation forfeit all security and lose all anchorage.'

The position of M. Pereire in France is so eminent, that the views which he expresses, however marvellous they may seem to the English reader, deserve to be treated with respect. M. Pereire is, moreover, a master of that style, quaintly combining logical transparency with romantic fervour, which, in the writings of our neighbours, so often provokes the envy and admiration of the plain English mind. Disengaged from the poetry with which he has interwoven his theme, his main arguments may, we think, be stated very simply:—

'A high rate of interest is an evil, an evil which has endured too long, and loudly calls for a remedy. This evil is the result of the monopoly of the Bank of France. The Bank of France not only possesses the monopoly of paper money, it possesses a practical monopoly of discount. For no other establishment can compete in discounting with a bank which by issuing paper creates a capital gratis. The Bank of France having this monopoly of discount, turns it to its own advantage by charging what interest it pleases. The Bank of France, when it raises the rate at its own arbitrary discretion, justifies its action on false or fallacious grounds. It alleges the necessity of protecting its bullion reserve. But this bullion reserve can be otherwise protected, in a manner less injurious to the commonwealth. Let the Bank increase her resources, either by disengaging her real capital, now locked up, and transmuting it into gold, or by augmenting her share capital. These means being



available, it is false to say that a high rate of interest is essential to the convertibility of the bank note. Should the Bank of France not adopt the remedies pointed out, or should her resources remain insufficient, *a new and rival credit establishment is imperatively called for with a capital of twenty millions.*

This is the theory, stripped of its ornaments, which M. Pereire has brought forward to account, on the one hand, for the dearness of money in France in late years, and, on the other hand, to justify the methods which he suggests to remedy an evil of such intolerable magnitude. It will be seen at once that M. Pereire is at all events consistent. He sees no difficulty in attributing a phenomenon so vast as the scarcity and dearness of loanable capital throughout France during a period of years to the action of one bank, and he believes that it can be removed by another. To account for the high rate of interest on our side of the Channel, we have been obliged to carry our arguments all over Europe and even beyond that, to the antipodes. M. Pereire wanders neither to Asia, Africa, nor America—in his pamphlet at least, not even to Spain or to Italy, to which the operations of his own financial children, the *Crédits Mobiliers* of Turin and of Madrid, would, one might think, have called his attention. Distinctly denying the power of foreign nations to exert any influence on the rate of French interest, or, in his own words, ‘the hire of French loanable capital,’ he pertinaciously confines his argument to France, as if France could remain unaffected by the influence of surrounding nations. He devotes a chapter indeed to the question as to the necessity of an advance in the rate of interest at Paris when the rate is raised in a neighbouring country, but it is curious to observe that this is the chapter in which he abandons his logical deductions and scientific analysis. In order ‘to bring the question to a straight issue,’ he selects an individual case. That case is the case of England. And the result of his inquiry he considers to be, that England has good reason to fear when interest rises in France, but that France has no reason to fear when interest rises in England. He bases his conclusion on the difference between the banking system here and in France, and on a variety of artificial grounds. In this argument we need not follow him, inasmuch as, had he proved his case (which he has not), he would have proved nothing. The question must be solved not by one example, but by general laws. If M. Pereire is willing to admit that loanable capital travels from one country to another—and M. Pereire, of all men, ought to know best if such is the case—we are utterly at a loss to understand how for one moment he can maintain that the

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price of that loanable capital in one country does not affect its price in another. The only attempt M. Pereire has made to escape from this law is an attempt to prove that under certain given circumstances such an effect may be modified or neutralised.

But it was essential for M. Pereire to get rid of the element of foreign competition and foreign demand, in order to secure his avowed end, permanently to keep down the rate of interest in France. Having built an imaginary wall round France he can, in theory at least, deal with French capital as he pleases, and he appeals in glowing terms to French sentiment, adjuring the Government to impose a maximum rate of interest on the Bank of France—in other words, to supply loanable capital at a fixed rate—in the same way as bakers, until lately, were under legal compulsion to supply bread at a fixed price. But if a maximum rate were imposed, whence is the supply to come? In the first instance, as we have seen, by an increase of the capital of the Bank of France. Or, in the next place, by the establishment of a second bank. And what then? This M. Pereire fails to show. But so brilliant a picture does he draw of the effects of the second bank, that no one would care to ask.

‘Every part of the social organism would be instinct with a new life; labour would shed its blessings over all, the funds would rise as well as the shares of all great companies, and the companies being able to emit their loans on better terms, would impart fresh activity to their works. The State would be able to consecrate large sums to the great national work of building roads and railways without augmenting taxation, thus giving a useful and productive employment to the funds, with which loans on favourable conditions would supply them. The fortune of the poor man, like the fortune of the rich man, would share in this general amelioration. The prosperity and wealth of each individual would find its corresponding increase.’

Well may M. Pereire exclaim in conclusion:—

‘How does the picture of this prosperity, which soon would become a reality, transcend that of the ruins engendered by the cold and arid theories of the laggard professors of an exploded balance of trade!’

These splendid results—in which the blessings of labour and the poor man’s enrichment are so deftly combined with the attractions of the rising share list, in which the State is baited with the hope of cheap loans, and the country sopped by the prospect of railways to be built with superfluous funds—these glorious results are to follow in France from the establishment of another bank.

It is not, however, our object to wander through the millennial consequences of the scheme which M. Pereire has conceived, and we are ready to admit, that the multiplication of banking establishments in France might be attended with considerable benefits. The French have nothing to correspond with our gigantic joint-stock banks, which, as M. Pereire has not failed to see, not only compete, but compete successfully, with the Bank of England. The financial power of England consists to a great extent in our ability to supply immense sums on the shortest notice, a power which exists in no proportionate degree in France. And we cannot be surprised that our neighbours should look with something approaching to envy on the great facilities which these establishments afford to trade and to enterprise. These banks perform the very functions which M. Pereire desires to see performed in France, with one notable exception however. Interest remains high in England nevertheless, while in France he insists that it is to be made low. We say, therefore, let M. Pereire have his bank by all means, especially if he can satisfy his country that his novel expedient of keeping the whole of the new bank's own capital invested in gold would secure that convertibility of the bank note under any rate of interest, for which, honestly we believe, he professes his reverence.

We object, not to the possible results of the establishment of another bank in France, but to the certain results of the establishment of M. Pereire's principles in France or anywhere else. M. Pereire, as we have said, advocates, indeed, the convertibility of the bank note, but the key-stone of his theory is, that *to raise the rate of interest is not the true or proper means to retain the necessary amount of bullion*. And incidentally he is guilty of a curious inconsistency. Professedly as anxious as we could be to secure the payment of the note in gold, he denounces, as laggard professors of a belated school, those who wish to secure it by any means but his own. That they should watch the exports and imports of bullion with anxiety, and jealously count the gold in their tills, he triumphantly points to as overwhelming evidence of their being unconverted disciples of an exploded doctrine. May it not be answered, 'Where is the difference between their anxiety and yours? Do you not admit the necessity of keeping a certain minimum stock of gold? And what more do we? We do not wish to keep more gold than will secure convertibility—that convertibility which you yourself advocate. We dare not keep less. The difference between us lies, not in our views as to the value of gold, but as to the means to be

‘employed for the preservation of that quantity on the necessity of which we are both agreed.’ And what are M. Pereire’s means? He would sell the Government Stocks of the Bank, and convert them into gold. He would buy gold with a limited part of his assets. He would, he says, buy gold ‘as railways buy locomotives,’ with real capital, not with paper payable at sight. The expedient may be admirable, but the unanswerable objection to it is, that no bank can employ it without limit. Not only can no bank employ such an expedient without limit, but the limits within which any bank can employ it are obviously very small indeed. How can the limited capital of any one bank meet the drain of an unlimited demand? It is therefore clear that the most effectual plan to retain whatever amount of gold may be necessary is to check the demand, instead of attempting to multiply the supply. The Banks of England and France have followed the former policy; M. Pereire is the apostle of the latter. We may make the case, already we think so clear, clearer still by putting it into figures. Let us suppose the stock of gold of the Bank of France to be eight millions sterling, and its note circulation thirty millions, and that M. Pereire and the Bank of France should both admit the necessity for at least preserving this proportion. Let us then suppose a drain of gold for foreign purposes to set in and carry off two millions a week. M. Pereire immediately proceeds to sell government securities, and by some process, which is not very clear, but which we will suppose to be possible, he is fortunate enough to convert them as fast as he requires into gold. The capital of the Bank of France is about eight millions sterling. In four weeks, therefore, he will still have, it is true, eight millions in his till, but he will have no more securities to convert. From that moment he is evidently powerless, and the drain will carry off his gold till his notes cease to be convertible. The Bank of France, on the contrary, like the Bank of England, would attempt to check the demand on the one hand, and invite gold on the other, by raising the rate of interest. A drain of gold to foreign countries must represent a disbursement of gold in settlement of old or in anticipation of new transactions. If the former, the foreigners may be willing to give time for the equivalent of a higher rate of interest. If the latter, the anticipated payment to the foreigners will be deferred. A high rate of interest thus prevents an outflow, and induces an influx of that commodity which is most convenient and most at hand for transmission from one country to another—gold. It is quite true that the rate of interest does not depend on

the scarcity or abundance of circulation; but it is no less true that gold being the commodity in which reserves of loanable capital are kept, these reserves are reached and attracted by a high rate of interest. M. Pereire asserts that gold and silver are commodities. Who would deny it? He adds that the rate of interest is determined, not by one commodity, but by the total capital of the country. As a general law, this also is true. But the precious metals are that particular commodity in which banking reserves of loanable capital are kept; consequently, a commodity of which the scarcity or abundance, at a given moment, must materially affect the facility with which loans can be made and the price to be paid for them. How, then, can it be denied that any connexion exists between the rate of interest and the relative quantity of bullion in the hands of bankers? M. Pereire asserts, unequivocally, that there is no other means of maintaining the abundance of gold except by the purchase of it, '*produits en main*,' ignoring in this statement the fact that gold may be equally, and even more rapidly, procured by loans, and loans by the attraction of interest. He forgets, as many others have forgotten, who love to assert that gold can always be procured by the sale of commodities, that there are times and places when other commodities are, for the moment at least, not wanted at all. All pending promises to pay, both here and in France, are practically contracts to pay in gold or notes; and as the notes are convertible into gold, all promises to pay are virtually promises to pay in gold. For the fulfilment of these contracts, which must be kept to the day, a machinery is required by which gold may be immediately, not ultimately, procured, or which, failing this, may cause the payment to be deferred. The raising of the rate of interest constitutes such a machinery, and, as we believe it to be both theoretically demonstrable, and practically demonstrated, the only machinery. M. Pereire repeats, indeed, over and over again, and with every ornament of rhetoric, that commerce will be paralysed. But we see no alternative between this remedy, painful as it is for the moment, and an inconvertible currency, which is not only painful, but, even according to M. Pereire's own admission, absolutely ruinous. M. Pereire must remember that, upon his own system, whoever gets at his notes can get at his gold. Therefore, if his notes get into the hands of foreigners, whose object is to convert them into gold to any amount exceeding his stock of bullion, the note becomes forthwith inconvertible. Inconvertibility is thrust upon him. He must, therefore, show that the foreigners cannot get at his notes. And in one passage M. Pereire does show that he has

perceived the difficulty. But how would he meet it? He affirms that the Bank should refuse to discount *for those who export gold*, in other words, *should place notes beyond the foreigners' reach*. M. Pereire, the champion of free trade, *wishes to prohibit the export of gold!* What will he do? Will he admit this, or deny it? If he admits it, he himself becomes one of the 'laggard professors of the bullion doctrine' ('*docteurs attardés de la balance du commerce*'). If he denies it, his imaginary wall of separation which protects him from foreign demand falls down, and he is at the mercy of every foreign loanmonger who is ready to outbid his stereotyped 4 per cent. In all this we are supposing M. Pereire's vision to have been accomplished, and money to be as abundant at 4 per cent. in France as the most sanguine disciple of the *Crédit Mobilier* could desire. But let us see how the foreign demand would act. Spain or Italy would either of them be willing to bolt at a gulp those magic 'twenty millions,' by which, as the reader may remember, so marvellous a transformation is supposed to have been accomplished. Italy, for many months, offered her *exchequer bills* at a rate of 11 per cent. Large amounts of this security are held by Paris bankers. But aware that if the amount were increased, and gold exported in payment, the rate of interest in France would rise, the Paris bankers dare not exceed a certain limit. But with a maximum rate of interest at 4 per cent., where would the limit be? The Paris bankers—indeed everyone in France, and Monsieur Pereire at their head—would lend as much money as they could abroad, borrowing it at home at 4, and pocketing the difference. They would borrow it at the Bank of France or at the new competitive bank. These notes would immediately be presented and exchanged for gold. The gold would be exported to Italy or Spain, and the Italian or the Spanish Government carry off that cheap capital, which, as a financier, M. Pereire is willing to offer to foreigners *at eleven per cent.*, but which, as an author, he yearns to keep for the benefit of the workmen of Paris *at four*.

While the principles of free trade are fully established, and capital is encouraged to migrate, like any other commodity, from the cheapest to the dearest market, it seems to us, we must confess, utterly futile to suppose that any one country which takes its share in international transactions can attempt to keep or succeed in keeping its interest at a lower rate than is warranted by the surrounding demand. Possibly another issue may be raised. The extent of the foreign competition might be called into question. It might be admitted that,

*ceteris paribus*, the highest bidder would receive the available capital of all those countries which under perfect free trade have access to the different money-markets, but it might be asked, is the competition really so brisk? When we consider what demands are being made, we shall be better able to judge whether the artificial increase of the capital of one or two banks would exercise any appreciable influence. We will pass over the demands of trade, the payments for cotton, the development of private industrial enterprise throughout Europe. Let us look for a moment to Governments alone. Almost all the Governments, not only in Europe, but in America and Africa, are competing and bidding against each other to secure loans, all eagerly looking for the cheapest market and the best opportunity. The credit of many is doubtful, but they offer compensation by exorbitant rates. Turkey will take any sums at 12 to 15 per cent. Egypt offers 8 and 9. Spain at her wits' end even to pay for the outfit of a man of war, offered 11 per cent. in vain. Russia, too proud to pay the rates necessary to attract foreign capital, compromises between her wants and her dignity by a lottery loan at home. Federal America appeals, not in vain, to the savings of Germany, and the Confederate States tempt the more adventurous Englishman, forbidden to gamble in lotteries at home, by the charms of blockade-running abroad. Austria, the inveterate borrower of Europe, whose borrowing powers a few years ago seemed well-nigh exhausted, has brought her constitutional revival to market, and marks her political progress by a progress in her debt. The minor States eagerly follow the example of the great Powers, and the movement seems to have reached a climax when we find within the course of a fortnight Moldavia and Montevideo competing for loans in the English market. If we add that all these Governments are ready not only to borrow for themselves but to guarantee interest on any amount of railway capital, it must surely be felt that the demand is inexhaustible, and that M. Pereire attempting to stave it off by the establishment of a French bank, is like Mrs. Partington and her mop trying to keep off the waters of the Atlantic.

We have proved, we think demonstrably, that with a stereotyped rate of interest in France, and that rate lower than abroad, every French bank note would at once be converted into gold, and that gold taken out of the country. That is to say, M. Pereire could not keep his notes in circulation. Not one of the objects he proposes to himself would be attained, and France would only have supplied other countries with



cheap capital at an immense sacrifice to herself. We must apologise to our readers and to M. Pereire, if we have mistaken what was perhaps intended as a *jeu d'esprit* for a serious argument. M. Pereire is an eminent man. But not even his eminence would have tempted us to examine and attempt the refutation of propositions which, when nakedly stated, in this country at least, carry their own refutation with them, were it not that in reviewing M. Pereire's poetical effusion, we found an opportunity of showing more clearly the ultimate drift of doctrines, which if boldly pushed to their extreme conclusions by the unflinching logic of an enthusiastic Frenchman, seem preposterous indeed to the practical English mind, yet, when stated, as they often are stated in this country, in a vague and less transparent form, command a certain amount of vague and floating assent.

In England no one would pretend that Government should legislate to procure cheap money, or that loanable capital, like any other commodity, will not seek the dearest market. It will be admitted, we believe, that it is not the business of the Government to legislate to procure cheap money, but the assertion often made is that the effect of legislation has been to make it dear. It is sometimes supposed that our Bank Acts make money dearer than it would naturally be; that if the Bank were allowed to issue more bank notes, or still better, if the privilege of issue were freely accorded to other establishments, or if the capital of the Bank were 'more in proportion with the demands of the times,' that scarcity of money which so often occurs would be remedied and avoided. M. Pereire, as might be expected, agrees with this view. He indeed renders justice to the Bank Act so far as to admit that it has absolutely established the security of the bank note, though he condemns the 'cast-iron system' by which that object has been accomplished, and he establishes in this respect a curious contrast between the Bank of France and our own Bank. Many persons on this side of the Channel point to the Bank of France as having secured the same object with a more elastic system. But on this head M. Pereire declares them to be utterly wrong. He is eloquent on the danger which bank notes have incurred in France, and he asserts over and over again, that the French Bank Directors have incurred the gravest responsibilities *by imperilling the convertibility of the note*. As regards, then, what most of us must consider to be a proper object of legislation, he considers that the rigid system has succeeded, and that the elastic system has failed. As regards the cheapness of money, which most of us consider an

incidental point, and one with which legislation has nothing to do, there indeed he condemns the English and French system alike. Our readers cannot fail to observe what strong testimony he thus bears to our success. In practicable objects he admits that we have accomplished, what could be accomplished, and he only blames us for not having secured, what no man of sense could expect us to secure, 'cheap money under any circumstances.'

There is, however, a party in England, comprising sensible men, who do maintain that our legislation has made money artificially dear, and they will tell you that theirs is not a theory but an established fact. They feel that an additional issue of bank notes at the moment would be an indisputable advantage to themselves. If they go to the Bank for a loan and the Bank practically replies, 'I have no notes to give you,' they not unnaturally curse the system which prevents their being accommodated. 'If,' say they, 'the bank could issue more notes, we should get them.' If a railway contractor has some splendid scheme to carry out but cannot place his bonds, he argues, 'If more bank notes were created, I should at once get my share of them. That to me is a practical fact, which no theory can overthrow.' But supposing this to be a real relief to particular individuals, we have to inquire, what the general effect would be on the community? One of two things would happen. Either by these issues the aggregate currency would be depreciated, and thus the remainder of the community be defrauded, or, these issues would expel a corresponding amount of gold; the withdrawal of which would pinch one portion of the community exactly in the same ratio as another had been relieved. With regard to these two alternatives, the convertibility of the bank note will secure us against the former, namely, the depreciation, but expose us to the latter. Bank notes become scarce when gold is being exported, and the exportation of gold is hindered by the scarcity of the notes. If you remove the scarcity by additional issues, what follows? You remove the impediment to the export of gold. If we only remember that bank notes are *convertible into gold*, this proposition is self-evident. Let us suppose that in answer to the clamours of a part of the community the Bank should be authorised to issue an additional two millions of bank notes unrepresented by gold. Two millions of bullion would, then, as we have proved, be exported. The impediments will have been removed not to industry at home, but to the *export of bullion*. In other words, two millions will have been added to the paper, and two millions subtracted from the gold. The aggregate currency at the

disposal of the community will be the same as before. Relief will have been afforded to some, at the expense of the screw imposed upon others. 'But,' says the manufacturer, 'I shall have got my notes, my credit will have been saved, and my labourers will have been employed, and what does it matter to me if two millions of gold have been exported.' We answer, those two millions would have been at the disposal of another portion of the community, of other manufacturers, of other labourers. The aggregate currency, we cannot repeat it too often, would be the same, the only difference being that an arbitrary displacement would have taken place benefiting one man at the expense of another, but *leaving the country with more notes and less gold.*

It may be asked, would this in itself be an evil? Would it not, on the contrary, be an advantage if two millions of gold could be set free and replaced by two millions of notes—on the supposition, at all events, that by such a change the convertibility of the note would not be in the least endangered. It is admitted that the issue of the 14,000,000*l.* of bank notes, as at present permitted, economises gold to that extent, that is, economises wealth to that extent, since gold is a valuable commodity, and it may be asked, would not an additional issue of two millions be simply an extension of the same benefit and of the same principle? We are ready to answer this question in the affirmative, but with this proviso. It would not increase the facilities to trade and industry. It would have no permanent influence whatever on our money markets. It would have none of those effects which those who most loudly advocate those issues desire. But certainly the advantage would be gained that the supply of gold to the *world at large* would have been increased by two millions, and that England would have converted a certain small portion of unproductive capital into productive capital. The gain to England would by no means be of an indefinite character. It would simply represent the *interest* on two millions, at most a hundred thousand pounds—a valuable saving, no doubt, especially if secured to the State; but we question whether the majority of those who clamour for an increase in the issues of the Bank would be satisfied if the results attained by the adoption of their favourite measure should eventually prove to be limited to this fiscal advantage. And with regard to the question of economy, we cannot forbear to quote a striking passage from M. Wolowski's able treatise 'On Banks.' 'The more the wealth,' he says, 'of a country increases, the less necessity there is for resorting to that *sorry* economy which trenches on the security of the circulation by augmenting

‘ the proportion of paper. The wealth of the community represents an inverted pyramid, which rests on the mechanism of the circulation. The more the amount of wealth increases, the more disproportionate does the support become to the superincumbent mass; and the more necessary does it become to strengthen its solidity.’ M. Wolowski admits the economy, but never loses sight of its exact extent, and opposes as strenuously as we do ourselves, the notion that an increase of paper issues could for one moment be expected to prove a panacea for the scarcity of loanable capital and consequent high rates of interest. The productive capital of the country is increased, as we have said, by setting free an amount of gold; but it is not the *loanable* capital—that portion of floating and uninvested capital which is at the disposal of borrowers—which could be permanently augmented by such a measure. A fraction of a foreign loan, or a branch of one foreign railway, might immediately carry off the *momentary* addition to the loanable capital made by the issue of additional bank notes, and not only might do so, but probably would do so. *So long as we have a convertible currency*, the facilities to trade in no way depend on the issue of bank notes. Practically and to all intents and purposes we have a gold currency, but economising, as far as possible, the use of gold for the benefit of all the world, with certain fiscal advantages to ourselves. And we are by all means disposed to carry the economy to the widest extent compatible with prudence, *separating, however, entirely the question of cheap or dear money from the question of economy in the use of gold.* We require money for internal and external purposes, and cannot separate the two. To attempt to separate the two, or to attempt a circulation simply adapted for the former, would be to sacrifice our foreign commerce, and, above all things, to interfere with that free export and import of capital on which we believe our commercial prosperity to depend.

We believe we have proved conclusively that our currency laws in no ways make money dear. They allow complete liberty to the export and import of capital, leaving them to the laws of supply and demand. Since the passing of the Bank Charter Act, the average rate has indeed been higher, and this fact has been currently laid to the charge of the Act, but with this fact, we contend, the Act has nothing to do. Our readers will not fail to observe that the main point upon which we have insisted throughout this article has been, that money becomes scarce and dear from natural causes and not from legislation, and that the particular cause which we be-

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lieve to have been in operation of late has been a foreign demand—a demand searching in its nature, and more distinctly apparent than a home demand, because it is represented by a visible efflux of bullion, which all the public can understand, but, on the other hand, a demand which high rates of interest can effectually check. An internal panic, leading to an internal demand for notes or coin, cannot be checked. You may legislate as you will, but you cannot legislate for panics. They occurred under the elastic system. They occur under the ‘cast-iron’ system. In the one case men believed in unlimited resources, undertook unlimited engagements, and found in the end, to their cost, that the resources were not unlimited, but limited. In the other case they also undertake unlimited engagements, forget the cast-iron system at the beginning, and only remember it at the end. The catastrophe in the two cases offers a singular contrast. In the first case, believing in an infinite multiplication of bank notes, men find that they come unexpectedly to an end. In the other case, rushing into a panic because by law the bank notes are limited, people claim to be delivered from the panic by the suspension of the limiting law. Thus in the end it is the elastic system which proves to be a ‘cast-iron’ system, because it is there limited by a fact; but the ‘cast-iron’ system proves in reality to be the more elastic, because it is only limited by a law. If this is admitted, it results that a catastrophe is certain in the one case, but in the other not unavoidable. Why has the suspension of the Bank Charter Act in both cases, when it has happened, had such an extraordinary effect? Because the panic which it met arose less from men wanting the notes, than from their *believing* that they could not have them. And the restriction of the Act having kept the circulation of notes within the limits prescribed by this circumstance, a slight temporary addition could be made without danger. Under the elastic system, however, the panic would not arise until the last note had been issued which could safely be issued, and panic would inevitably end in actual disaster. Thus the very reproach of the Act of 1844—the circumstance that it has twice been suspended, and that on each occasion its suspension caused panic to cease—becomes evidence in favour of its main provisions. The Act was not suspended from a defect of the Act, but because the public (and not only the general public, but even the dealers of the monied world) had traded as if the Act did not exist. Its provisions are forgotten until it is too late, notwithstanding the weekly warning that is given by the published returns of the Bank. And the

past year has brought this fact out in the strongest relief. On the one hand, the year 1857 was still comparatively fresh in men's recollections. On the other hand, the general belief prevailed that possibly on the third occasion, instead of permitting the Act to fall and money-dealers to stand, the experiment might be tried of allowing the Act to stand, and money-dealers to fall. The storm-signals were earlier raised. The Bank itself took more vigorous action *in time*. Men remembered the provisions of the Act before it was too late, and the crisis has been triumphantly conquered.

The most thoughtful opponents of the Bank Charter Act admit its efficacy in most respects, but believe that it is impotent, and even disastrous, in an internal panic, and quote in confirmation of their belief the well-known saying of Sir George Cornewall Lewis, that the harm which happened under the Act in a few days made him doubt whether its great advantages during the whole remaining period were not counterbalanced by that harm. This doubt seems to us to involve the idea that the harm arose because of the Act. But in what way, we may ask, would the Act create the harm? It would probably be answered, by prohibiting an issue of bank notes which might otherwise be issued. Private banks have been prohibited from issuing, and the Bank refuses to issue itself. Thus the possibility of relief has been cut off. But is it true that the Bank Act has cut off the means of relief? If you cannot procure notes, you can procure gold. And if you cannot procure gold you are already on dangerous ground. It is surprising how entirely this fact is overlooked. It is said at a time of panic private bankers must have notes or they must suspend payment, and language is really held as if the circulation consisted exclusively of those notes of which the issue is limited. The circulation is not limited. It is at least as unlimited as the supply of gold in the world. And to say that trade must be brought to a stand still if fresh notes are not issued is to confess that fresh supplies of gold can no longer be had. But if this is the case, it is the strongest reason for not issuing those notes which profess to represent gold.

The argument is often put in another form. An internal panic, it is said, results from a break down of credit, and a break down of credit is equivalent to a decrease in the circulation. To issue bank notes at such a time is simply to replace that deficit in the circulation. No doubt it may sometimes safely be done when the panic is only internal, and when therefore the supply of gold is less a matter of importance. We will not pretend to deny that a special occasion might arise when a

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temporary emission of additional bank notes might allay a panic without doing *specific* harm. But when to meet these special cases it is proposed to give a *permanent* suspending power either to the Government or to the Bank directors, or in whatever form it may be, it seems to us that it would be sacrificing the certain and undoubted benefits of the Act, in order to meet a case where its suspension may possibly do no immediate harm. We have, we trust, abundantly shown that countries engaged like England in international transactions can rely only on the rate of interest to determine the supply of loanable capital, and that any measures intended artificially to depress the rate of interest disturb the free play of supply and demand. Temporary issues of additional bank notes on such an emergency emphatically constitute such measures; and inverting the sentiment of Sir George Cornewall Lewis, we say of them, and not of the Bank Act, that it may be doubted if any good they can do at the moment, can compensate the lasting injury they occasion.

The events of the late financial year could scarcely be discussed without some reference to the Bank Charter Act. It has notoriously been on its trial. The result has been, that a panic, universally believed to be unavoidable, has not occurred. Had there been any relaxation, had the trading community not felt the imperious necessity of curtailing engagements, had not the possibility of absolutely exhausting the supplies of loanable capital been constantly before the public view,—instead of beginning the new year with replenished resources, with improved prospects, and unshaken confidence in our system, we might have had to look back on disasters which, in their magnitude and consequences, might have far exceeded any previous catastrophes. An average rate of interest of seven per cent. has been hard to bear, but the lesson has been learnt, that a scarcity of capital is only to be remedied by outbidding every foreign competitor for the temporary use of that floating available capital which, under the modern organisation of international finance, is invariably attracted to that country which offers the highest price. And however painful the process may have been, we have at least the satisfaction of knowing that, without suspension of any law, without recourse to any empirical measure or questionable makeshift, in perfect harmony with science and statesmanship on the one hand and expediency on the other, it has been found possible to save the commerce of the country by *seven per cent.*



- ART. X.—1. *Army and Navy Journal*. New York : 1864.  
 2. *Rebellion Record* (1863–4). New York.  
 3. *The Bivouac and Battle-field in Virginia*. By Captain G. F. NOYES. London.  
 4. *Atlantic Monthly*. (April and July, 1863.) Boston.  
 5. *Deux Années de la Guerre Américaine*. Par ELISÉE RECLUS. (Revue des deux Mondes, Oct. 1864.)  
 6. *Campagnes de Virginie et de Maryland*. Par F. LECOMTE, Colonel à l'Etat-Major Suisse. Paris.  
 7. *Les Etats Confederés Visités en 1863*. Par C. GIRARD. Paris.  
 8. *Report of the Sanitary Commission*. Printed at New York for the Commission.

‘THEY make war after a fashion of their own, these Americans ; let them kill each other off as they please : there is nothing for us to learn by studying their campaigns,’ was the dictum of a distinguished French officer when the narrative of McClellan’s expedition against Richmond was first given to the world by the Prince de Joinville. Containing some partial truth in its first words, this saying has been abundantly contradicted in the event, and its caustic advice remains unheeded, save by those who have no leisure to give to the history of their own time, or who shrink from the toil inseparable from following the thread of a great contest through the scattered and partial notices of the day. Indeed, it is only necessary to indicate, in the briefest manner, some of the main elements in the struggle, viewed solely in its military aspect, in order to understand the immense importance attached to the subject by the press and people of the most civilised nations of the world.

For it is not on the score of its political aspect alone that the present civil war is of interest and value as a study. The world is by no means so near the millennium of peaceful arbitration that we can afford to despise its teachings in a military view ; and despite the contempt with which American armies, generals, and strategists have been abundantly favoured from European critics, such as the one above quoted, we are bold to say that these lessons will be the more valued as they are more earnestly studied and better understood. Against the views of this class we might cite the broad facts that it took many years of constant practical acquaintance with Napoleon’s grand system of war before his antagonists learnt to master

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and apply its meaner and more obvious parts; and that he had been long upon the imperial throne before his conduct of great campaigns was more than a riddle to a very favoured, an almost prophetic few. We might point out that now, for the first time, have modern mechanical appliances and military improvements been used without stint by land and water, to aid operations on the largest scale, and to supply the shortcomings of soldiers and leaders. We might dwell upon (what has been too often forgotten by writers on this war) the extremely careful theoretical training of the chiefs on either side—so strangely contrasted with the rude material of their battalions. We might even declare that, from Westpoint knowledge and American ingenuity acting with such advantages and such drawbacks as American generals have known, examples of striking value should have been anticipated, and that to expect less was but to declare one's ignorance of the details of the subject.

But we prefer to take a different course. The year has closed upon a series of operations so vast in design and so interesting in detail, that it may be broadly asserted that modern warfare affords none more profitable as a study when viewed with due reference to the conditions of the struggle. And the main particulars are already made known to the world through reports, public and private, as vastly superior in accuracy and clearness to the wild extravagancies which filled the American journals of three years since, as Wellington's despatches to Napoleon's bulletins. The New York weekly paper, named at the head of this article, has alone more honest and painstaking information as to the current campaigns than the whole press of North and South contained in the days of Pope and McClellan. The correspondence of one of the chief generals, Sherman, will certainly bear comparison with anything of its class which modern military literature can produce, whilst others are not far behind him. We propose, therefore, briefly to trace out the events of the year, with a view to illustrate the military lessons involved in its history, and to point out how the peculiar features of American warfare have gradually been elaborated by experience into a complete system; and we are confident that it will not be for want of interesting materials should we fail in our task.

The state of things at the beginning of 1864 had been fairly foreshadowed by McClellan long before, when he devised the plan of crushing the Seceding States by a system of combined attacks, set forth in his memorandum of 4th August, 1861 (submitted to the President on his appointment as General-in-

Chief), and known as the Anaconda strategy. But the measure of the gigantic power needed for the completion of that plan as regarded the Central Border States was still more truly taken by an officer at that time unknown to fame, and just emerging, with a crowd of others, from the obscurity of the lower regimental commissions of the old regular army into the sudden and unstable\* dignity of a general of volunteers. Bitter, indeed, was the offence given to the more sanguine spirits at Washington, when Sherman, fresh in his Western duties, made the bold official statement, that 'it would take '200,000 men to bring Kentucky back into the Union.' This prophecy cost the author, as is well known, the post of Chief of Staff, for which McClellan had designed him. Thus was he saved—happily for his own interest—from being involved in the disgrace which soon succeeded the temporary power twice granted 'the Young Napoleon' in the hour of disaster and panic. Yet he was marked, like his then commander, for an unpopular man, and charged with covering his own inefficiency by creating needless difficulties in his superiors' way. Not even the report of Grant, his immediate superior in the Cumberland campaign, that to his division the safety of the half-routed army at Pittsburg Landing was due, saved him from supersession at the end of the same year (1862), when, with a separate column of troops, he was detached, on imperfect information, to make a hopeless assault upon the works of Vicksburg. Grant, however, was by no means inclined to lose a lieutenant who had served him so well; and retained, by his desire, in command of one of the three corps on the Mississippi, Sherman co-operated most usefully in the bold movement which won Vicksburg for the Union. It is generally understood in the Federal army of the West that the success achieved at that place was due greatly to the ability with which he aided to plan its details, and the energy with which both he and M'Pherson conducted their corps throughout the campaign. These officers had been first brought forward and praised by Grant; and it should be observed, to the credit of that general's choice, that each of them, in his part, showed an efficiency in striking contrast with the elaborate slowness of the third commander,

\* The commissions of Federal volunteer officers, generals included, expire at the end of three years, if the war lasts so long. The Government have, therefore, the simplest possible means of getting rid of any who oppose or come short of its will. Thus Keyes and Franklin—high placed in the old army of the Potomac—have been suffered to drop into their former inferior commissions in the regular service.

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McClelland, who had been selected by Stanton to supersede Sherman after the failure of the winter.

Before this period the military chapter of McClelland's life had closed, apparently for ever. Whilst Sherman was retrieving his first mistake at Vicksburg, the former (whose avowed opposition as to the conduct of the war had given the President fair cause to supersede him) was dwelling in retirement and official disgrace, and becoming a mere obstruction to the army that had once known and worshipped his person. No longer dreaded as a Monk at Washington, he was yet, by common consent, regarded as the most formidable opponent of the Government under the constitutional laws; and the publication—long delayed by the Washington officials—of his report on the early Potomac campaigns, added to his reputation for judgment, and swelled the popularity which had already marked him as the choice of the Democrats for the forthcoming election.

Meanwhile, another and a surer path to power in this great contest lay before Sherman and his chief in the West. The sword of victory which Grant waved over Vicksburg was destined to win him triumphs before the year should close, and to give him the unchallenged position of the first soldier of the Union. His late campaign had shown a well-planned strategy triumphing over great natural difficulties and elaborate defences by the bold execution of his march upon the enemy's rear, and his after patient watching. His next was to prove him the ready general who, at close distance, can search out the weak points of his enemy's position, and use his own forces with tactical dexterity to pierce them. A period of enforced retirement from a severe accident passed by and found him restored to duty at a most critical juncture of the war.

Rosecrans, shut into his entrenchments at Chattanooga with the relics of his army, after his great defeat by Bragg, was allowed, indeed, by the latter to lie there undisturbed; but being cut off from his former line of supplies along the Tennessee, was unable to bring up sufficient for his needs over the inefficient roads open to him northward across the river. From whole rations his 40,000 men were reduced to half and quarter issues, whilst his grim self-contained antagonist, watching from strong lines of circumvallation on the hills above the progress of want in the weakened force, looked for the fast-coming hour when starvation should compel the Federals to abandon their stronghold. But his strategy proved too fine for the lesser means of the Confederates, who had no subordinate forces to ensure the safety of the design by opposing the reinforcements now hastening to the decisive point.

The patient Federal soldiery had not yet passed from murmur into open discontent, when it was announced in their camp that Rosecrans was displaced for Thomas (to whose valour and conduct the army had owed its escape on the Chickamauga), and that the new chief was forthwith to be succoured by the conquerors of Vicksburg. In the middle of October, Grant, recovered from his fall, had arrived in Kentucky, in anticipation of some such order as that which at once placed him in supreme charge of the whole force west of the Alleghanies, which had just been strengthened by the addition of two veteran corps, brought by Hooker from the army of Meade. It is foreign to our present purpose to enter into the detail of the means which Grant pursued for the relief of Rosecrans and the discomfiture of his adversary. The next six weeks of the campaign of Chattanooga are, however, of more interest by far than our readers would perhaps acknowledge on their present information. We would say, therefore, that the surprise of the river passage near Bragg's centre by Smith, and the manœuvring by which the Confederate lines were forced by Grant, a month later, at the battle of Chattanooga, are, as tactical achievements, far fitter to be classed with the best feats of Napoleon and Wellington than any advantage won by a European general since the days of those giants of war. We assert this without fear of any contradiction from those who examine the subject with care and give their verdict with candour. They will find in the well-prepared and thoroughly executed details of these affairs none of the blind uncertain striking which won the Alma and Magenta. The American advantages were gained simply by judicious use of the means at command, and that against troops superior in *morale*, if not in discipline.

We shall probably hear it alleged by a certain class of critics, that the circumstances are so different as to defy comparison. 'In modern warfare—in Europe, at least'—such an one would say, 'we do not expect to have the opportunity of lying weeks before an adversary's lines, and feeling for the vulnerable points.' Indeed! And when history writes the full story of the Crimean war, does our objector suppose her pen will pass without notice the winter and spring that closed it, when 200,000 allies stood idly before the inferior and sickly army that defied them from Mackenzie's Heights? Would Napoleon or Wellington, or Lee, or Grant, have suffered this inaction in front, and the enemy's free supply behind, when both his flanks were turned by steam-propelled fleets? We know a faithful answer would be ill-relished in the higher military

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circles of France or England. But we must return to our subject.

Sherman, now heading Grant's old army of the Cumberland, used such diligence in transshipping it from Vicksburg to Memphis, and in moving thence to the Upper Tennessee, that he reached the scene of conflict soon after his chief had succeeded in forcing Bragg's left back from the river, and so opening the long-disused railroad to within eight miles of the beleaguered camp. Joined by his trusted lieutenant, and having given Thomas's two corps time for refreshment, the Federal commander fought and won the decisive battle of the Clouds\* of the 25th November: but he had, whilst waiting for Sherman, skilfully made such previous demonstrations against Bragg's position as prevented that general from reinforcing Longstreet in the separate operations against Knoxville, undertaken immediately after Grant's first relief of Thomas had foiled the confederate designs on Chattanooga.

The victory of the 25th November offered a pressing temptation to the Federal general; for Bragg's army — never too high in *morale* — was so reduced in spirit by large losses of men and guns as to be left in no fit state to resist the advance of the invader into Georgia. The work of piercing that vast and ill-populated State was reserved, however, for a more convenient season and more matured means. Bold as Grant had shown himself, he had no mind to plunge deeply into the enemy's country without a full supply of transport, and the means of maintaining in order the line of railroad which he must follow. Moreover, if provided with these necessities, the invasion of Georgia would demand the whole strength of his force; and his information from Knoxville told him that immediate succour was called for by Burnside. The troops under that general had almost exhausted their stores, and dared not venture from their works to face Longstreet's investing corps, which, though but little superior in numbers, had decisively shown its superiority in open field in their rapid advance upon the place.

Sherman, who had done excellent service at the head of the Federal left wing in the battle, was entrusted with the duty of relieving Knoxville, at first committed to Granger, who had failed to appreciate the urgency of the occasion. From the

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\* Some of the ground over which Hooker moved on this occasion to his attack on the lines of Lookout Mountain is more than 2,000 feet above the sea. Hence the favourite Federal name for their important victory.

moment of the former's assuming the command of the column delay ceased and imaginary dangers vanished. A rapid march brought the united forces of the two generals upon the flank of Longstreet's lines, just within twenty-four hours (so nicely were Grant's combinations timed) of the period fixed by Burnside as the latest to which he could hold out. Baffled by this activity, the Confederates retreated northward, in order to cover the southwest of Virginia, and maintain the openings thence into Tennessee. Sherman found the general he had rescued in failing health, and but little disposed to assume the offensive against his late besiegers. Leaving therefore Granger and his corps as an addition to Burnside's command, he returned to Chattanooga, and thence to his special district on the Mississippi, where the new year found him preparing for separate operations. That which had closed had fully verified the correctness of his once scouted prophecy. It had also shown the sagacious thinker to be a practical soldier of high order, and placed him second in the estimation of the Federal Government to Grant alone; whilst, with more farseeing instinct, the Confederates held him for the most formidable of their foes.

We have dwelt at some length upon the history of the year preceding that which forms our main subject, because the public on this side the Atlantic—relying too much upon the letters of one or two brilliant but partial writers—has been greatly misled as to the true characters and powers of the chief Federal generals. It is well enough to smile at the easy ignorance of the Frenchman who takes his view of the last two years of the war from the brilliant but strikingly inaccurate summary of M. Elisée Reclus.\* Yet wherein is he worse informed than the ordinary reader of the 'Times,' who forms his ideas of Grant's character solely from the partisan letters from New York, and speaks of him as a mere butcher of men placed accidentally in high command? How does this view meet the fact that he has successively conducted to brilliant issues, *under different circumstances in each case*, three of the most striking campaigns in modern war? To what special causes it is due that the reputation Grant had gained in the West was not to be enhanced in Virginia, we propose to point

\* We have not space to follow the errors of this writer in detail. Our readers may judge of the value of an historical essay which, *more than two years after Lee's invasion of Maryland*, represents his little army (following literally the first wild telegraph of alarm) as composed of from 150,000 to 200,000 men! It has been long since known as *little more than one-third the least of these estimates*.



briefly in the sequel of these remarks. Their object has been to bring before the reader the previous services of the Federal generals, whose doings form so large a part of the past year's history; and but a moment's thought is needed to note the immense advantages which their own experience and that of their armies offered them, when contrasted with the rude means and limited practical knowledge with which McClellan moved to a similar task two years before. The world should know (let those who doubt it read the story in the pages of Colonel Lecomte, an ardent Abolitionist and firm sympathiser with the Federal cause) that the latter general led against Richmond a half-trained army founded on the nucleus of the fugitives of Bull's Run; divided into corps under generals who had personally sat in judgment on and voted against his plan; and officered entirely by men who owed their commissions to local interest with the Governors of their States, untested as to their competency and new to their least duties. He was serving under a President jealous for his own rejected plan, and a Minister bitterly hostile. His whole strategy was to be made subordinate to a defence of Washington against the imaginary danger, conjured up by the fears of Lincoln, of an assault from a Confederate army against the capital which Johnston had hesitated to attack in the full flush of the autumn's victory. The country before him was imperfectly known, and his information as to the enemy's force so vague as only to mislead him. He laboured, in fact, under a combination of disadvantages the whole of which had disappeared, or been completely reversed, when his mantle fell upon Grant. Hampered by these serious drawbacks—having seen nothing (save as a looker-on at Sebastopol's slow siege) of that 'war on a large scale' which Napoleon declared to be indispensable in the training of a general—and by nature certainly of cautious mind—no wonder that McClellan before Richmond showed a slowness and want of vigour which those who had done most to create were the first to condemn. That the conception of his plan was able, and probably the very best under the circumstances, will be found to be sufficiently shown by the events we proceed to relate.

The year 1864 opened in gloom for the Confederate cause. Though Lee still held his own in Virginia, the lustre of his early victories had been much tarnished by the failure of his second invasion of the North, and the signal defeat of Gettysburg. Bragg's laurels of Chickamauga had faded in the slack pursuit of his advantage, and the disaster of Chattanooga had forced the President, despite strong personal regard, to strip

him of his command and transfer it to Johnston, reputed on ill terms with his Government ever since the days of Vicksburg. Longstreet's *prestige* had been broken by his ill success against Hooker whilst under Bragg; nor had his operations against Knoxville (where his most decisive attempt had been severely repulsed) done much to win him a name for independent generalship. The Mississippi was now traversed so regularly by the Federal gunboats that communication had become very difficult between Richmond and the Confederates in the far West; and these seemed to be steadily receding before the progress of the invaders in Arkansas and Louisiana. The strong forces of Banks near New Orleans, and Sherman at Vicksburg were understood to be threatening Mobile, and deterred from marching on that city far more by the difficulties of the route than by the petty force of conscripts which Polk was gathering near Montgomery to protect it. Many of the more sanguine spirits of the North believed that their enemy was wholly incapable of replacing his losses in men of the previous autumn; and the Federal Cabinet, anxious to take advantage of this supposed exhaustion, directed their generals to seize the earliest opportunity of an offensive movement in each quarter. Not that it was hoped at once to pierce the vitals of the Secession; but rather so to occupy the Confederate armies as to prevent their being recruited to an efficient point before spring should fully break.

In Virginia their will had but slight effect; for Meade, a man of firm but cautious mind, who had risked his command rather than attempt a rash advance in the early winter, was as little inclined to begin it now that the roads before him were converted into tracks of mud. The only movement of his infantry, therefore, was that made at the end of February as a feint on the Upper Rapidan, in order to cover the departure from the other wing of his army of a body of cavalry under Kilpatrick and Dahlgren, who had undertaken to surprise the city of Richmond. Their expedition for the purpose utterly failed, as is well known; resulting only in the death of its gallant young leader, and in embittering the already fierce passions of either side.

Still more disastrous was the issue of an attempt made (as published documents have since shown) by the personal order of President Lincoln for the recovery of Florida to the Union. The design appears to have been to seize and occupy posts on the neck of the peninsula which forms the chief part of the State, so as to sever the latter from its Confederate sisters. The march inland for this object was watched by General

Finegan, who defended the district; and at Olustee, on the 20th of February, he surprised and routed the invading column of 6,000 men under Seymour so decisively, as to drive it back with the loss of one-third its numbers, and to put an end to the expedition altogether.

Grant resting at this time in his laurels at Chattanooga, and anticipating his speedy promotion to the control of the whole Union army, was but little inclined to begin an incomplete campaign. In thought he was already resolving plans for such an invasion of Virginia as might crown his triumphs by the conquest of Richmond, the favourite object of Federal enterprise. The advance he directed of Thomas's troops from Chattanooga at the end of February was therefore not much pressed. Their demonstration had, however, the effect of revealing the true position of the Confederate army defending Georgia, and of preventing Johnston from marching detachments to assist Polk in the neighbouring State of Alabama, now seriously alarmed by the approach of Sherman.

That general had begun a movement of a kind but ill comprehended at the time by friend or foe, but which in reality is well worthy of a study. In this first bold attempt to revolutionise the whole principles of the Federal war lay the germ of his now famous march from Atlanta, with its momentous consequences. It must be remembered that up to the time of which we write, it had been held as a maxim in the campaigns of three years, that the cumbrous armies of the Federals should never be more than one day's march from their system of supply by railroad or navigable river. Readers of the '*Campagne de Potomac*' will recollect that this condition was accepted as inevitable by McClellan at the opening of the war; and upon it all operations had been framed, with the single striking exception of Grant's march on the rear of Vicksburg. In that instance, however, the strategy of the Union general had been based upon the ascertained facts (proved by the previous cavalry expedition under Grierson) that there was no sufficient force of the enemy in the country invaded to arrest his progress, and that a few days of advance would bring him on the enemy's depôt at Jackson (distant seventy miles only from his point of debarkation) and a still shorter time thence to the Yazoo, where he counted on obtaining supplies from the fleet of Porter. High as Grant's name stood even then for ability, Lincoln judged the risk to be undergone too great, and opposed the project; and although its success was so striking, his objection was certainly justified by the precedents of the war. Had Pemberton been a more active general, and less mistaken

in his view of his duty as regarded Vicksburg \*, the campaign might possibly have proved a greater disaster to the Federals than it did to their enemies as the event fell out.

We have seen that Sherman took a very active part in this grand operation, and found in it no doubt much matter for his busy brain to work on. If a march of one hundred miles, on principles akin to those which guide the action of generals in ordinary countries, had brought such fortune on the Mississippi; might not a repetition of such movements across the weaker and more open parts of the Confederacy be employed as the quick means of destroying its resources, and putting an end to the struggle?—was the question which occupied his mind. The general answer to an ordinary thinker is well given by the following extract from the work of Captain Noyes, himself a Federal staff-officer, and one evidently gifted with intelligence and observant power:—

‘One important fact touching this question of transportation differences our own country from Europe, and forbids any proper parallelism, or fair comparisons between any American and a European campaign. Europe is densely populated and highly cultivated, and a general is thus able to march hundreds of miles from any special base of supply, subsisting his men upon provisions found in the cities and agricultural districts of his enemy. In our own country, with its immense tracts of uncultivated and sparsely-settled land, one of the first questions which confronts a general, when planning a campaign is, How shall I get supplies to my men? Poor impoverished Virginia, for example, is hardly able, in many districts, to keep the breath of life in her own children, and there is probably not surplus food enough in the rebel portion of the State to subsist our army for a week. Let anyone take his map and see what a large portion of the land susceptible of profitable cultivation is devoted to the culture of cotton and sugar, and he will be able to foresee the probable fate of an army which attempts to march through these States without cumbersome waggon trains. I know of but one way to avoid this despair of quarter-masters, and that is by simply avoiding war altogether. Unless while moving over well-graded roads, one hundred feet is about the space required by each long, cloth-covered waggon and its team; and thus the trains of a division will extend over some three miles of road. If a trace break in the narrow roadway, the division in rear is delayed until it is mended; if a wheel come off, the troops behind must halt until it is replaced.’

But Sherman had resolved, by practical experiment in this matter, to trace exactly the division of the difficult from the

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\* Johnston's report of the proceedings of Pemberton in this affair puts his errors in the plainest light. Until once enclosed, he appears to have done everything that he ought not to have done.

impossible; and his expedition to the Alabama frontier, which we have now to notice, was of a thoroughly tentative order. Its ostensible design was, in the first place, to reach and destroy the railroad from Ohio, which skirts the State of Mississippi on the western edge, and which, marking roughly the separation between it and Alabama, makes its way due southward from Corinth, near the Tennessee River to Mobile: in the second, if it was found feasible, to descend upon that city by the landward approach.

At Vicksburg he had two corps of infantry, numbering 25,000 men, under Hurlbut and M'Pherson, both highly competent officers, and the latter of extraordinary activity. But the army was nearly destitute of cavalry, for his force of that arm was being collected at Memphis, 200 miles to the north, and was intended to act on a separate line. The main reason alleged for this—the one weak point in his combination—was simply that he had resolved to carry with him a full supply of waggons for the needs of his main column for twenty days; and the beasts required for this purpose were so numerous that he believed it impossible to subsist both them and the 7,000 cavalry by foraging on the same line of an almost depopulated country. He took with him, therefore, but a few squadrons, and began his own march on the 3rd February, having directed General W. S. Smith (not the W. F. Smith of Potomac and Chattanooga repute) to lead the horse from Memphis across country to meet him near Meridian, the point where he intended to strike the railroad. Within three days his advanced guard was briskly engaged with the cavalry of Stephen Lee (who had been placed to observe his movements), and the latter soon discovered that the invading column was almost entirely composed of infantry. Leaving it therefore to the opposition of Polk, who had 15,000 men on the Tombigbee river beyond the railroad, Lee marched rapidly northward, and joined General Forrest, who was retiring from the neighbourhood of Memphis before the advance of Smith. The Federal cavalry attained a point on the railroad about ninety miles south of Corinth, and were engaged in breaking it up when their adversaries, having united their commands, fell on them. A series of skirmishes followed, in which the Confederates had greatly the advantage, and forced Smith back to Memphis, with the loss of three guns and many prisoners. Lee's happy combination had in fact ruined the success of Sherman's enterprise, except as to its raiding character.

Without serious opposition that general reached Meridian, 130 miles from his starting point, on the 14th, having moved

his heavy train onward at the rate of nearly twelve miles a-day, notwithstanding that the bridges were burnt, and the roads in many places obstructed by masses of felled trees. Posting his divisions carefully to cover his proceedings, he employed the next five days in completely destroying the railroad in each direction, Meridian being the junction point for a branch eastward through the centre of Alabama. He was little interrupted by the parties of Polk, who judged it more advisable to keep his weak force together, and watch for an opportunity of surprising the Federals when they continued their advance on Montgomery or Mobile. But Sherman could learn nothing of his cavalry (which had been now due a week at head-quarters), and saw that he must give up the hope of their uniting with them. Without such aid he had no intention of plunging into the desolate, sandy country which lay to the southward, exposing, as he moved, his flank to the enemy. He therefore abandoned such part of his design as regarded Mobile, and on the 19th commenced a retreat, which was conducted with no less ability than the advance, and with as little loss. He even brought back to his quarters, near Vicksburg, a great part of the supplies originally carried thence; for his soldiers had been instructed to act on the Napoleonic principle of pressing a movement through a hostile or indifferent country by subsisting on systematic plunder wherever food was to be found. The present resources of the few unfortunate planters of the country traversed were thus exhausted, and their future prospects ruined no less by the removal of their negroes, who here, as elsewhere in the South were ready to leave their bondage for Federal protection, though showing no personal hostility to their masters.

No fact in this civil war has so contradicted prophecy as the demeanour of these serfs of the soil, whom no proclamation has ever moved to insurrection, and who have generally remained tranquil on the estates, until the invader's actual approach has removed the law under which they lived. It is observed, however, that they have manifested but little of that fidelity under the temptation to desert their owners, of which boast was formerly made in the South. That feature of American slavery has been reserved for those to show who were brought up and domesticated with the white families, and it has abundantly appeared in their conduct to those whose lives and property the war has, in numberless instances, left at the negroes' mercy.

Sherman's experiment brought some ridicule on him at the time, for retreat in such cases is held as failure. But to his

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own mind it seemed a great success. Not that he judged it by the material gain which his partisans announced of eight thousand liberated blacks, and some hundreds of destitute white refugees brought to the Federal lines, or of the loss to the enemy in railroads and stores. But he had conclusively proved that a considerable army might march, on its own resources, aided by those of the country, and with but *trifling* loss, across the whole breadth of a Confederate State; and he looked for the time when he should repeat the experiment on a grander scale, and with more striking result.

Soon after the return of his expedition, Sherman was summoned to New Orleans by General Banks, who desired to concert with him measures for the reduction of the northern part of Louisiana, for which he had already obtained promise of the assistance of Porter's fleet. Sherman agreed to detach from Vicksburg a column of 10,000 infantry and a body of cavalry, to unite with the rest at Alexandria, 100 miles up the Red River; but his own service in the neighbourhood terminated here, for he was now promoted (15th March) to the chief command of the South-Western States, which Grant was leaving on his advancement to that of the whole land forces of the Union.

A few days earlier (9th March) the latter had publicly received at Washington his commission of Lieutenant-General, bestowed by Lincoln, under the authority of a special Act of Congress. Some petty constitutional opposition had delayed this promotion longer than had been intended by the President; and in a few days after its promulgation, a further order completed important changes for some time contemplated in the general staff. The new Commander-in-Chief at once decided to take the personal direction of the Virginian operations, and the duties of the Washington Bureau were to be still conducted by General Halleck. That officer, though accused of over-refining in his strategy, had yet shown real ability, and was too useful to be laid aside. Nor is it possible to rate too highly the honest efforts he has made of late to rid the Federal service of the worthless men whom local interest had crowded into the commissions of the volunteer army. Sherman succeeded, as we have seen, to the place of Grant, and forthwith left Vicksburg for Nashville and Chattanooga; whilst his late immediate command—known as the army of the Tennessee—was conferred on M'Pherson, who was soon afterwards drawn from the Mississippi to join the forces about to invade Georgia.

The main purpose of the new campaign was a concentration



of the scattered Federal invasion on two points of the long line hitherto assailed. The front of the Union armies had thus far extended practically along a vast irregular curve from New Orleans to the Lower Potomac. Three years of bitter warfare had not sufficed to make any change in the strategic situation at the eastern end of this line; although the superior Federal resources, wielded with ability and tenacity by Grant and his lieutenants, had greatly contracted the limits of the Confederacy along its south-western border, forcing it back from the Ohio to the Tennessee, and wresting point after point on the Mississippi from its grasp. It was now resolved at Washington to give up the system of embracing, with separate attacks, the whole front of the enemy, who had by it been permitted to avail himself of his shorter lines of communication, and to bring unexpected numbers to bear on the points most threatened. The whole weight of the Northern pressure was now to be thrown, by the Commander-in-Chief upon the enemy's capital; by Sherman upon that vital point of the Confederacy which the endurance of Rosecrans's army, and the brilliant victory of Grant, had laid bare to the next advance from Chattanooga. The first-named object of this double invasion was of course political. Notwithstanding the boast of the Confederate President that the war did not in any manner depend upon Richmond, it was manifest that the fall of that city would be felt as a terrible blow to the Southern Government both at home and abroad, and would greatly justify the expectation of the mass of the Northern people that the Union was to be reconquered by the sword. Against the devoted capital Grant was to bring forces more vast and powers more uncontrolled than any general since the days of Napoleon. And should these, aided by his *prestige* and his proved vigour and activity, cause Lee in the defence to exhaust the resources of the South, Sherman, furnished with a mighty army, would be able to penetrate into and hold the whole centre of Georgia, threaten or seize the warlike magazines which the forethought of Davis's administration had placed in that remote and hitherto untouched State, and sever the Carolinas and Virginia from the rest of the Secession. That the complete success of either invasion would give the latter its deathblow was the not unnatural expectation of even those more farseeing Federals who were not blinded to the difficulties each must encounter.

Grant had no sooner assumed the reins of power than he made an effort to recall the expedition of Banks. The Red River and its surrounding district lay altogether beyond the scene of operations, and its possession could not influence the

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success of the campaign; whilst the latter might be materially advanced if the forces from New Orleans and Vicksburg were directed against Mobile, so as to cause Johnston in Georgia to weaken his army for the defence of that city. Orders were accordingly sent to the Lower Mississippi to change the destination of the squadron and army. But these had already advanced too far for recall, and the invasion soon terminated in disaster and defeat, when once the troops left the shelter of their gunboats, and met the Confederates under Price. The battle of Pleasant Hill that ensued on the 6th April was avowedly ill-managed on the part of the Federals; though whether owing to the fault of Banks and his Chief of Staff, General Stone\*, or rather to that of Ransom, who marched his two divisions, forming the advance, headlong into the Confederate ambush, is not clearly known. Certain it is that the infantry were routed, and were altogether deserted by the cavalry; and the expedition being of necessity abandoned, the whole force was withdrawn to New Orleans.

The outcry against the folly of entrusting an important section of the war to an amateur was not yet met by the supersession of Banks, which soon followed, when another success was gained by the Confederates over a veteran officer of the regular service, Wessells, who commanded a garrison of 2,000 men at Washington, a fortified post on the coast of North Carolina. The attacking force, under General Hoke, was aided most materially by a small iron-plated ram, the *Albatross*†, secretly prepared higher up the Tar River, and which descending suddenly, destroyed or drove off the gunboats which guarded the place on its water side, the officer in command of the first attacked being killed by a splinter of his own shell rebounding from the side of his novel antagonist. But the sound of all these smaller passages of the war was now for a short space hushed in the expectation which preceded the gigantic movements of Sherman and Grant.

The key to the whole summer campaign of the latter is to be found in his design (formed long before on the spur of his

\* The same unhappy man who was imprisoned for eighteen months without trial for his share in the disaster of Bull's Bluff. He has now returned to service for the third time, but as a lieutenant-colonel only.

† The recent destruction of this ram on the very scene of her first victory, by Lieutenant Cushing of the Federal navy, who had volunteered for the service, appears to have been as daring and skilful a feat as any on record—one quite worthy to rank with the early exploits of Nelson and Cochrane.

success at Vicksburg) of assailing Richmond by a double method combining direct attack and wide-spread investment. He was himself to move straight on that 'objective' with a host as large as it was possible to manœuvre in the country through which he must pass; whilst two minor but considerable armies, advancing to the right and left of the main one, were to sweep through the territory beyond the city and aim at the railroads which supplied it from the west and south. His calculation was—and it seemed feasible enough—that in opposing his own march Lee would require to bring into line every available man in the Virginian armies, and would thus be compelled to strip the districts entered by his subordinate forces. It was perfectly ascertained at Washington that the very considerable population of the rival capital, and the large army which lay on the Rapidan, were maintained chiefly by food brought from great distances. Indeed the district to the north of the James had been so harried by the Federal expeditions, and so stripped of its negro labourers, as barely to produce enough food for its own scattered rural population. To sever completely the railroads which led to the city would therefore quickly bring both its inhabitants and Lee's army to a state of starvation, and inevitably force the latter to retreat not less than a series of defeats in the open field. Grant believed himself thus to have two distinct chances in his favour, and diligently applied himself to work out the details of his scheme.

The first part of this which naturally came under consideration—as it does now in our review—was the line of operations to be chosen for his own advance. The Army of the Potomac, with which he had fixed his own head-quarters on assuming his new office, at this time lay around Culpepper, north of the Rapidan, and its supplies came straight from Washington by the Alexandria line. The problem to be solved as to the best means of approaching Richmond, was precisely that which had first produced open difference between M'Clellan and the President two years before. The preference of the latter for a direct movement across Eastern Virginia, which should at the same time keep his own capital covered, is well known. The objections to it, with his reasons for preferring the peninsula as a base, we prefer to give in M'Clellan's own words, which are here quoted from his letter of 3rd of February, 1862, addressed to the President in reply to that of the latter, challenging him to show the superiority of his design:—

'Bearing in mind what has been said, and the present unprecedented and impassable condition of the roads, it will be evident that no precise period can be fixed upon for the movement on this

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line. Nor can its duration be closely calculated; it seems certain that many weeks may elapse before it is possible to commence the march. Assuming the success of this operation, and the defeat of the enemy as certain, the question at once arises as to the importance of the results gained. I think these results would be confined to the possession of the field of battle, the evacuation of the line of the Upper Potomac by the enemy, and the moral effect of the victory; *important results, it is true, but not decisive of the war, nor securing the destruction of the enemy's main army, for he could fall back upon other positions, and fight us again and again, should the condition of his troops permit.* If he is in no condition to fight us again out of the range of the entrenchments at Richmond, we would find it a very difficult and tedious matter to follow him up there, for he would destroy his railroad bridges and otherwise impede our progress through a region where the roads are as bad as they well can be, and we would probably find ourselves forced at last to change the whole theatre of the war, or to seek a shorter land route to Richmond, with a smaller available force, and at an expenditure of much more time, than were we to adopt the short line at once. We would also have forced the enemy to concentrate his forces and perfect his defensive measures at the very points where it is desirable to strike him when least prepared.

‘II. The second base of operations available for the army of the Potomac is that of the lower Chesapeake Bay, which affords the shortest possible land route to Richmond, and strikes directly at the heart of the enemy's power in the East.

‘The roads in that region are passable at all seasons of the year.

‘The country now alluded to is much more favourable for offensive operations than that in front of Washington (which is *very* unfavourable), much more level, more cleared land, the woods less dense, the soil more sandy, and the spring some two or three weeks earlier. A movement in force on that line obliges the enemy to abandon his entrenched position at Manasses, in order to hasten to cover Richmond and Norfolk. He *must* do this; for should he permit us to occupy Richmond, his destruction can be averted only by entirely defeating us in a battle, in which he must be the assailant. This movement, if successful, gives us the capital, the communications, the supplies of the rebels; Norfolk would fall; all the waters of the Chesapeake would be ours; all Virginia would be in our power, and the enemy forced to abandon Tennessee and North Carolina. The alternative presented to the enemy would be, to beat us in a position selected by ourselves, disperse, or pass beneath the Caudine Forks.

‘Should we be beaten by a battle, we have a perfectly secure retreat down the Peninsula upon Fort Monroe, with our flanks perfectly covered by the fleet.’

It will be seen that, with the exception of the Confederate army of Virginia being entrenched behind the Rapidan instead of at Manasses, there was but little change in the conditions

of the question which McClellan so elaborately treated. But Grant did not rely, like his predecessor, on the single hope of success from his own direct attack. On the contrary, he intended (as we have already pointed out) to use the latter partly to cover a separate system of acting on his enemy by destroying the latter's communications. Further, it would have appeared a servile copying of a plan which had already failed in the execution, and have been personally offensive to his Government, if he had proposed to move his main army by water to the peninsula, or to the mouth of the Rappahannock (according to McClellan's original idea), and worked his detached left—as it was open for him to do—from Norfolk far beyond the south of the James. He had already decided, therefore, to move across the difficult country which his predecessor had dreaded to attempt. His force for this purpose would be—as we shall presently see—as numerous as that which McClellan had commanded before his rupture with Lincoln. And although the staff organisation and the spirit of the soldiery had most wonderfully improved under the stern discipline of actual service, he yet felt the necessity of keeping near to some better line of supply for his numerous wants than cartage, however liberally added, could furnish. The railroad he now had at his back continued onward to Richmond; but even if he could drive Lee from Orange, which his army covered, the line thence runs due east for forty miles, and could only be followed by exposing a flank to the enemy for that whole distance. For this cause he resolved to throw his army across the intervening country, and to master the direct line from Aquia Creek to Richmond, of which the attempts to seize the Rappahannock passage at Fredericksburg had successively proved so ruinous to Burnside and Hooker. From the fords of the Rapidan, which his left nearly touched, to Bowling Green, a station on that line, is but 27 miles. A rapid march south-westward on the latter place, through Spottsylvania Court-house, would plant him with his back to Aquia Creek and his face to Richmond: and if not made secretly enough to pass the right flank of Lee without his observation, the Federal army could (as Grant believed) use the difficult and wooded country as to cover the movement effectually by the defensive tactics now become familiar to all its branches.

For this part of his campaign Grant made earnest personal preparations during the six weeks that followed his appointment. The five old corps of the army of the Potomac were not only recruited, but also broken up and re-distributed into three, under Sedgwick, Hancock, and Warren, all men of

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proved ability and courage. The chief cavalry generals were superseded; the most active of them, Kilpatrick, being sent to act in the army of Sherman, from which Grant drew a still younger officer, General Sheridan, whom he had previously marked out as the most fitting leader for his 12,000 horse. The whole of these arrangements were made under the supervision of Meade, who retained the nominal command of the army of the Potomac, and carried out his new superior's instructions with a wholehearted earnestness worthy of Wellesley himself under the like trial.

The three infantry corps numbered about 30,000 each, distributed in four divisions. They were to be joined, at the last moment, by another, that of Burnside, which, on Longstreet's retreat from East Tennessee, had been brought round from Knoxville to a depôt in Maryland. Its regiments being filled up with conscripts, and a large division of coloured troops just raised being added, it mustered 35,000 strong at the end of April. This corps was purposely held back, in order to cause the Confederates to believe it to be intended for some separate expedition, and so to keep their Government from reinforcing the army of Virginia. When the roads at length were reported fit for use, and all Grant's preparations on the Rapidan complete (and these had included separate reviews and movements of each corps to test the efficiency of the staff), Burnside's divisions advanced through Washington, and having defiled before the President, joined their new chief at his head-quarters in the last days of April. With Sheridan's cavalry, the Lieutenant-General had now assembled, for his immediate command, a fully equipped force of 135,000\* men, being in number only slightly larger than that which McClellan had prepared for his first campaign, but for the major part composed of veteran troops.

Beyond the Blue Ridge, on his right, a separate army of 25,000 fighting men had been assembled under Sigel, to act in the Shenandoah. The supersession of that general (who had been in retirement since the days of Fredericksburg) had given much umbrage to the German Republicans. This Lincoln had lately striven to disarm by giving him a new and detached command in the great valley. Augmented now into a formidable army, it was to be led, in co-operation with Grant, straight upon Lynchburg, the important point

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\* The writer of the New York letters to the 'Times,' reported this force at 218,000. He had either been purposely deceived, or had taken an outside estimate of the three combined armies.

which commands both the railroad and canal leading from the Upper James to Richmond. Grant believed there would be but little opposition on this side; and as the advance would necessarily cut the line from Staunton (on Lee's left) through Orange, the Confederate capital would be by it thrown entirely for supplies on the railroads passing to the south.

These are in number two only, regarded as main lines. The one runs from Richmond due south through Petersburg to Weldon, and so along the Atlantic side of North Carolina. The other nearly southwest through a richer country to the border of that State at Danville. To completely sever these we have shown to be a vital part in Grant's original design; and the operations for the purpose were to be conducted by an army assembling at McClellan's old base between the York and James rivers. A mere threatening of Richmond, to be followed by a hasty change of manœuvre to the south side of the James, from whence the expedition should rapidly penetrate far into the interior and destroy—if possible, hold—the railways, was the general plan. Thirty-five thousand men were allotted to it.

Next to the fitness of Grant's main army for its own share of the drama was evidently needful to him the proper conduct of these subordinates; and here we come to the weak part of his strategy. Sigel's appointment had taken place before his own, and could not well be revoked (no present fault being alleged against him) without great odium to the Government on the part of the German soldiers and voters. Grant therefore did not attempt to change the staff in the valley. But for the still more important charge on the James he had designed his *protégé*, W. F. Smith (nicknamed 'Baldy' by the soldiers), whose promotion to Major-General he had just with difficulty succeeded in forcing from the Senate, inclined at first to reject it from jealousy of his dictation. Here, however, he found an absolutely insurmountable obstacle in the obstinacy of Lincoln, who had resolved not to allow the supersession of Butler: so that, after some discussion, Grant was forced to content himself with the half measure of putting Smith at the head of one of Butler's two corps (the other being formed of troops from Charleston under Gillmore), in the vain hope that the civilian would be guided by the soldier in the actual operations—a hope which Butler's well-known character rendered vain from the first.\*

\* The disputes between Butler and Smith led to the resignation of the latter early in the campaign.



The forces available for the defence of Richmond against this triple invasion, though far inferior in numbers, were yet of formidable strength. Longstreet had lately returned from East Tennessee with his corps, which, with those of Ewell and Hill, mustered 70,000 infantry. Lee had but few cavalry near the Rapidan, great part of Stuart's command lying nearer to Richmond to watch against such raids as that of Dahlgren. There had been but little change in the staff since the days of Gettysburg.

In addition to this, the so-called Army of Virginia, Richmond was defended to the south by Beauregard and his troops, released from their duties at Charleston. These were disposed along the Weldon railroad, ready for concentration on any point threatened between Richmond and Wilmington, at the further extremity of North Carolina. They numbered about 25,000, exclusive of a well-trained militia which guarded the capital itself. Fifteen thousand troops, in great part newly raised, were all that could be allotted to the defence of the valley, where Early was now succeeded by Breckenridge. With this marked inferiority in every quarter, the Confederate strategy was necessarily of the defensive order, and made dependent upon that of their opponents. Nor was this less the case in Georgia. There Sherman had collected an army of 98,000 men at Chattanooga, exclusive of the vast trains for rail and common roads which were to force and maintain an unequalled system of transport; whilst Johnston confronted him with but 56,000, and this weakness of numbers unaided by the striking *prestige* of victory, and the personal love for their chief, which strengthened so greatly the army of Lee.

All things being now prepared for his great adventure, and orders given for a simultaneous advance to Sherman as well as to Sigel and Butler, Grant launched his army by its left across the Rapidan. The well-known passages at Ely and Germaniatown Fords, used by Hooker in his disastrous attempt of the year before, were unguarded by the Confederates, and crossed without difficulty on the night of the 3rd of May. The cavalry divisions of Gregg and Wilson moved first before dark to lay the pontoon bridges at these two points, three and seven miles respectively west of the fork of the Rappahannock. Hancock's (2nd) corps followed Gregg at the former place, and Warren's (5th) and Sedgwick's (6th), forming a right column, passed after Wilson at the latter. A train of 8,000 waggons, carrying supplies for the whole army, passed in rear of Hancock, thus interposing the bulk of the force between itself and the enemy. From the moment of beginning

the march all connexion with the Alexandria railroad was thrown aside, and the troops made dependent for all supplies on their moving commissariat until a new base should be gained. Burnside's (9th) corps alone remained on the ground where the army had lately stood, to deceive the enemy as long as possible. But this for twenty-four hours only; after which he too moved across the river, following the right column by Germania, and rejoining the other corps on the 5th. That day saw the first fighting of a long and bloody series of engagements.

It was far from being Grant's desire to seek his foe. His wish was to gain Spottsylvania Courthouse, the central point of all the tangled mass of woods which covers the country to the south of Chancellorsville, before Lee could discover his real object. He had, indeed, fair ground to hope that the latter would form his army behind the strong line of Mine Run, a brook running north into the Rapidan between Grant's new position and the Confederate right, under the idea that the Federal army had crossed the river (as under Meade it had attempted in the November preceding) to threaten that flank and turn his entrenchments. If Lee had been thus deceived, the hostile army would soon have gained ground sufficiently in its intended line to ensure its reaching Bowling Green and the Fredericksburg railroad without direct opposition. But this was not to be; and Hancock was recalled from his advance on the coveted point, and wheeled rapidly into position, to meet the attack which Lee (much stronger now than when opposed to Meade on the same ground) had moved to make. Of this attack Grant received warning from his cavalry in good time to form his line facing to the west, and covering the road along which he would have pressed. Hancock naturally formed his left. Sedgwick protected the road near the ford, with Warren more to the centre. Burnside arrived in time to fill the interval between the latter and Hancock; and as soon as this disposition was complete, the shock fell on the Federals. The column reported on the 'turnpike' road from Orange proved to be Ewell's; that more to the south on the new or 'plank' road was Hill's. So desirous was Lee (who evidently hoped to take his adversary by surprise) to commence the battle that day, that he entered on it without the aid of Longstreet, whose cantonments were so distant that he could not reach that day the scene of action. Night closed upon it without decisive advantage to either party.

At dawn on the 6th the battle was renewed; but by this time the Federals had entrenched the more prominent parts of

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their position, and the contest assumed the normal character of the great majority of the battles of this war. The beginning of this system is to be found in M'Clellan's operations before Richmond; but it had now been fully developed. We purpose to explain its details, which done, there will be but little need to follow particular incidents; for all such contests bear of necessity a striking family resemblance.

The tactics used in Europe, where the commander of an army can sweep the battle-field with his glass, and direct the march and instantly know the actual danger or success of each division, are evidently not to be applied to warfare conducted in the midst of forests, broken only by clearings too small in many cases for the free movement of a brigade. Combined movements can here be done by guess-work only; and the front of the army, instead of being at least at double its artillery range from the enemy at the close of the day, is often within earshot. Hence sprang the practice early in the war, of each corps entrenching slightly the ground on which it was to sleep. The facility with which that could be done (in a manner presently to be described) caused the same system of breastworks to be applied extensively in the midst of battle, so as to avoid the constant danger of being taken in flank by sudden movements of the enemy through the wood. Flank attacks are alarming to the best of troops, and are especially applicable to the case of a forest engagement, where the enemy's line, broken into skirmishers, each covered by a tree, could be forced back from the front only by slow degrees, and with considerable sacrifice of men; and yet may be approached without observation at either extremity. At the period of the war of which we are writing, it had become a fixed habit of the armies to cover every hundred yards gained by a breastwork wherever the materials could be found. It followed that the so-called battles degenerated into a series of long and bloody skirmishes, carried on chiefly from under rude shelter, and occupying sometimes many days without any decisive result. The fighting, in fact, had grown to resemble rather the last part of a siege on a great scale, with its constant entrenching, sorties, counter-attacks, and vast expenditure of powder, than such conflicts as Europe has seen on her great fields. Indeed the latter have often been fought—as Leipsic, Waterloo, Wagram, Borodino testify—upon ground of remarkably open character, naturally fitted for the parade movements of mighty hosts. Yet the length of the American conflicts, the often-repeated attempts of their generals to search the enemy's lines, and the deadly fire of the arms employed, have made their character scarcely less bloody than that of the actions with which we contrast them.

We must now describe more particularly the breastworks which are so identified with our subject, and in the forming of which the Federals especially were so skilful and laborious as greatly to counteract the individual inferiority of their soldiery; for many of these, town-bred or recent immigrants, were no match in regular skirmishing for the active Southerners, trained from their youth to free use of the rifle, who formed the mass of the hostile army.

Given a piece of ground to be occupied, and thickly covered with trees, there would be found in every brigade some hundreds of stout arms ready to wield the formidable bushman's axe, used throughout the North American continent, and carried in profusion with the regiments. A line being roughly marked, a few minutes suffice to fell the trees along its length, letting each fall towards the front; and some further chopping completes a rough 'abattis' (or 'entanglement' as it is technically called) forming a very awkward obstacle to an advancing enemy. Behind this, and against its rear, two or three hours of spade labour is enough to throw up a line of parapet with ditch, or row of rifle-pits, sufficient to shelter the defenders of this woodland barricade. But to enclose the whole of the army's front in this fashion, would be to renounce all attempt to advance. Openings must therefore be left at frequent intervals, and these again are covered by separate entrenchments, with guns disposed to flank each other, and the approach to the general line. If a retreat be thought of, other lines formed to the rear may be so arranged as to make it secure. If the enemy be forced from his opposing works, a little ingenuity converts them to the captor's use. Allow but a little time in advance, and it is hard to say how resolute men could be forced from a succession of such works as these. They are, indeed, but the revival on a larger scale of those against which British valour and discipline were shattered at Saratoga, to the ruin of our war against the revolted colonies. But it is time to return to our narrative.

The battle of the Wilderness, begun late on the 5th, was renewed next day, and continued even after darkness closed over the scene. Longstreet had come upon the ground at dawn, to the great relief of Hill, whose corps showed symptoms of giving ground before the pressure of Hancock. The newly-arrived general restored the day; and sought soon after to decide it by turning the extreme left of the Federals with one of those wide sweeping movements so successful under Jackson. To do this it was needful to march his troops to their right; and in guiding his advanced brigades that way, he was

shot at through the cover by some of his own men whilst passing along the front of his second line, and desperately wounded, General Jenkins being killed by the same volley. Less happy in this respect than his great comrade was at Chancellorsville, the fall of Longstreet ruined the success of the manœuvre he had undertaken, and the Confederates made no real progress during the rest of the day. As it closed, however, General Gordon, whose troops formed their extreme left, stole up to the breastworks which covered Sedgwick's right near the Rapidan, and carried them by a swift surprise made before the picquets were posted for the night. Great part of two Federal brigades were captured, and the rest of the division fled. But the pursuers were checked by another line of entrenchments raised by some reserve artillery close at hand; and Sedgwick, by gallant exertions, rallied his men behind this, which, though somewhat at an angle with the general front, served to protect the right of the army sufficiently for Grant's purpose.

Lee in these encounters had already incurred a loss of 7,000 men, including two of his best generals; and although the Federals estimated theirs at double that number, yet the spirit of their soldiery was good, and their position unshaken. Another day would see it so strengthened that the Southern marksmen would lose the advantage of that greater activity and quickness of aim which had told hitherto in their favour, and Grant would be enabled to guard his front sufficiently, and yet to continue his original movement by a gradual extension of his left. Lee's offensive battle, in short, had failed in its object, and with the versatility of true genius, he shifted it at once for the opposite course. For the rest of the campaign we shall find him steadily pursuing that defensive warfare which a great German writer, Clausewitz, points out for the natural course of the weaker party, and which here became especially necessary to him, as he discovered that his new antagonist was unsparing to a marked degree of the lives of his men. Grant has in fact much to answer for in this year's history as regards the charge of wasting his army by pressing it on against unfair odds of position. To justify him in any measure, it must be borne in mind that he came to his new work in Virginia after a train of striking successes won greatly by the judicious employment of superior numbers—that he had sound reason to believe that the enemy had no such supplies of recruits to draw from as were available to himself—and that the Government he served were of necessity compelled to insist on constant advance, and on seeming advantage at any present sacrifice. Add to these conditions that the General was of

disposition as obstinate as brave; and his troops resolute and patient rather than daring in their character; and we may account for much of the waste of life now so notorious. A little more of success in the results, and we should have heard nothing but praise. Doubtless Grant is deficient in that sublime quality of genius which instinctively knows the impossible, and recoils from it alone. His warfare shows marvellous resemblance to that of Masséna, whose obstinate clinging to his purpose and patient waiting for opportunity saved France and covered himself with glory in 1799, as they proved the ruin of his fame and of Napoleon's Peninsular designs when met by Wellington and Torres Vedras.

The morning of the 7th saw Lee resting on the defensive, and expecting Grant to advance. But the latter, finding himself no longer pressed, began in the afternoon to detach to his left in the direction of Spottsylvania, the coveted point where, as before noticed, the chief roads of the district intersect. His movement was complicated by the attempt to conceal it, and the march of the Federals filled so much time, that daybreak arrived on the 9th, and found the cross roads occupied by a mere advanced guard; whilst Lee, being warned of the operation by his cavalry, and at once divining the full purpose of the Federals, had resolved to throw himself across their path, and compel them to become the assailants. His right (now under Anderson) marched rapidly for this purpose; and arriving at the double-quick, drove the Federals sharply from the neighbourhood of the Courthouse. This corps was speedily supported by Hill and Ewell; and the Confederates entrenched themselves at once in their new position, which covered the cross roads, and ran in semicircular form through a piece of ground peculiarly adapted for their purpose of defence.

There followed for the next ten days a series of the most obstinate skirmishes which this war has seen. The Federals were not discouraged by the loss on the 9th of Sedgwick, the most popular officer of their army, who was shot behind a parapet, as he superintended the entrenching of his corps on its arrival. They pressed their adversaries none the less closely, plying the weaker points with incessant attacks, one of which went near being fatal to Lee's army. This was at dawn on the 12th, when the line of Ewell was suddenly pierced by Hancock, who had massed his whole corps in the darkness close to a salient point, and now poured his divisions into the openings of the breastworks in two great columns. The surprise was successful at first, and half of the division which still bore the honoured name of 'Stonewall,' were captured at once, with

their commander, General E. Johnson. But Ewell had a second line of great strength behind him, and Early's troops held this with unshaken fortitude until succour came up ; so that although Hancock sent 3,000 prisoners and eighteen guns to the rear, the final result of the day was simply a slight contraction of the position of Lee.

Yet that general soon after voluntarily abandoned it. In fact his supplies were now brought up by cartage from the rear with more difficulty than those of Grant from Fredericksburg, of which place the Federal cavalry had long taken possession : besides which, other movements, to be noticed hereafter, had alarmed Richmond, and caused him to desire to draw within easier distance of his capital, and to cover more effectually the railroads which fed it. Just halfway between Spottsylvania and Richmond his line of retreat would bring him to Hanover Station\*, a place suitable for his purpose, where the Pamunkey (formed by the junction of the North and South Anna rivers) crosses the country on its course eastward, giving a strong line of defence. To this Lee determined to retire, influenced partly by the reasons already given ; partly, no doubt, that Grant had already received such vast reinforcements as almost made up his losses, and gave him the means of holding his foe in his position by attacking it with a part, whilst the rest could outflank it by a wide march westward. It is probable that the Federal general, who is (as he clearly has shown in former campaigns) scarcely more obstinate in purpose than versatile in expedient, had already determined to do this very thing, which, if conceived, was certainly not yet executed.

Lee therefore on the 19th made a sudden attack on the Federal right with his own left, whilst his other troops moved off from their entrenchments. So perfectly was his retreat executed that Grant and Meade failed to apprehend it in time to profit by a direct pursuit, and when knowing it, preferred to press their columns forward by the open but more circuitous route which lay to their right, gaining the long-desired point of Bowling Green on the 21st. The Federals had now mastered the railroad from Aquia Creek, and met with no opposition for the next few miles, even carrying with but moderate loss the passages of the Pamunkey.

And now a space of barely twenty miles lay between the army and its object ; but a careful reconnoissance soon showed Lee to be so strongly posted as to defy all assault. His right

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\* Called by the Northern Journals, Sexton's Junction. It lies eight miles north-west of Hanover Town.



was covered by an impassable swamp, his left by a stream of some depth, with strong works filling the intervening space and projecting forward into the centre of the new line occupied by the Federals; so that the latter were in most critical case if once assailed, being exposed to be cut in two and driven separately on the passages of the river—some four miles apart—which had been abandoned to them. The actions of the 24th and 25th, by which the latter had been carried, so far from being the victories they had been styled by the press, proved to have been mere affairs with the enemy's advanced guard, thrown forward to conceal as long as might be the strength of his position. The judgment of the Confederate general never appeared more plainly than in this instance; and Grant paid the highest compliment to it by deciding at once to throw his army—for the third time in this campaign—directly to its left, and by this flank march to avoid the risk of an unsuccessful attack. With surprising dexterity he withdrew it, corps by corps, unmolested over the river, and followed the course of the latter further down to a more open country, where he crossed it once more, after a circuitous march of twenty-five miles. Strangely enough, his leading corps, under Warren, entered Hanover Town on the 28th May, just two years to a day since the same officer had led the advance of Porter into that place, on the first approach of McClellan to Richmond. And now came the striking justification of that hardly-judged commander at the hands of his successor. Lee had at once confronted the Federal army by a slight wheel of his right, and his whole force, still on the defensive, was once more directly interposed between the city and Grant. But the latter, who had lost his Fredericksburg line of supply by his last flank march, and probably doubted the sufficiency of that just opened by waggon-train from the mouth of the Rappahannock (for thither his transports had been directed), resolved to continue his flank march onwards. He pushed his advance across the piece of country between the Pamunkey and Chickahominy with much caution on the 29th, and that day began to use the railroad from Whitehouse to the latter stream, which had been during all McClellan's weary leaguer the chief means of transport. His left wing now occupied precisely the same ground which that general's right had done during the long pause in the peninsular campaign; and the same nearness to Richmond which the other won by a better strategy, he had bought by the sacrifice of more than one-fourth of the well-trained troops which had mustered on the Rapidan a month before. The hospitals at Washington and Fredericksburg were crowded with tens of

thousands of wounded; and the resources of that noble institution, the Sanitary Commission, and of the medical department whose shortcomings it supplies, were taxed to the utmost.\*

On the other side, the army of Virginia had also suffered severely, and in spite of its general's caution was reduced a full fifth, while Grant, whose losses before leaving Spottsylvania had been already largely made up by drafts from Ohio, was further reinforced on his march down the Pamunkey by the cavalry of Sheridan (for some time absent from the main body), and was now near enough to Butler's present head-quarters to draw his friend Smith thence with the 18th corps. He resolved, therefore, to attack his opponent, who had followed his move down to the Chickahominy; and, if possible, to overwhelm him by superior numbers before his losses were repaired. The Confederates had, however, been so successful in the valley that Lee, for a time, withdrew Breckenridge to his aid, and had thus available for the shock a force not much less than that which originally opened the campaign.

Leaving the two great hosts once more facing each other after a month of constant fighting, marching, and entrenching, we turn to follow the courses of those minor operations on which Grant had counted for the success of his double scheme. In addition to the movements of Sigel and Butler on their respective lines, he had detached Sheridan with the cavalry of the Potomac army as soon as the course of the first two days' battle had shown this arm to be unavailable about Spottsylvania, with orders to pass through the country to the north of Richmond, and operate between it and Lee. In this there was nothing original; for Stoneman had received the same charge from Hooker the year before. Nor did Sheridan perform any

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\* It is to be regretted that there has been no more perfect account published of the operations of this body than the dry statement we have received from its committee. Founded at first in imitation of our Crimean Funds, it has become a fixed institution of the Federal army, and one of vast importance to the State. The varied exertions made by its promoters to maintain their resources, though stimulated (as is natural in that land of politics) in some degree by party sentiment, have spread abroad a spirit of unselfish sacrifice, contrasting strongly with the baser motives for the prosecution of the war, justly charged against many of the Republicans. The hands of the Government have thus been directly strengthened, while the operations of the generals have been indirectly aided by their facilities for moving with much less than the usual care for the efficient maintenance of their hospitals.

more striking feat upon his raid, which would be little noteworthy, but for its having led to the death of General Stuart, who was shot down in a charge upon a party of the Federal horse which had appeared close to Richmond on the 11th May. Compared absurdly enough to Murat, the Confederate general resembled that great *sabreur* in his fondness for dress and his personal daring, but by no means in the love for a decisive sweeping charge which made the name and fortune of the King of Naples. He had never, though for two years in constant command, made any improvement in the wretched tactics of his own arm of the American service, nor even won from President Davis the promotion he coveted. Yet was he unrivalled in the outpost duties of that difficult country, and doubtless has been sorely missed by his old commander, and the army for which he had so long kept watch.

Sigel's expedition up the Shenandoah was chiefly remarkable for its fully revealing to the Federals the intense hostility to their cause (pregnant fact for Northern statesmen to weigh!) which the deeds of former generals in that district had created. This, and a natural hesitancy, caused him to strip his column so much in order to guard his communications, that when met suddenly by Breckenridge beyond Strasburg, he was very decisively beaten (15th May), with heavy loss in guns and men, and driven down to Winchester. Lincoln instantly superseded this time without a murmur against the act—the unsuccessful commander, and sent to the post a personal friend, General Hunter. The latter, in the absence of Breckenridge (called, as we have seen, to the aid of Lee on the Chickahominy), began another of those marches up the valley which the high land on either side has throughout the war kept so distinct from other operations.

Butler at this time aided his chief but little more than did the German. His first movement was a feint upon York River to draw the attention of the enemy from the south of Richmond, and it so far succeeded, that when he debarked his force high up the James, he struck without difficulty the railroad from the capital to Petersburg, and sent his cavalry far across the country to that of Danville, promising in his first despatches to wrest them from the enemy. But neither of these important lines was retained by the Federals. Alarmed by a report that Lee was falling back on Richmond, Butler drew in his posts, and confined his operations to a feeble demonstration against Fort Darling, the chief work upon the river; and being sharply attacked in flank by Beauregard on the 16th May (when the Federals lost, by surprise, a whole brigade captured), he

abandoned the offensive entirely, and entrenched his troops strongly upon a deep loop of the river at Bermuda Hundred. His campaign had failed decisively as a separate operation, and Smith with half his force soon left him to join Grant and the main army.

Returning to the latter, we must speak but briefly of the one last attempt which he made to force his way straight into Richmond over the new line of entrenchments which Lee held to the north of the Chickahominy. The so-called battle of Coal Harbour took place on the 3rd June, the position held by the Confederates running from north to south transversely across that wrested by them from Porter at the battle of Gaines's Hill two years before. But the science of the defensive had been practised since then, with terrible effect, by both armies, and Grant's assault was repulsed as sharply and decisively as any of the war. As at Fredericksburg, the Federals moved boldly on, meeting the terrific discharges of the heavy guns without turning, until shaken and torn by the deadliest\* volleys of the enemy's riflemen, and, falling back, suffered still more severely than on their advance. In an hour and a half 7,000 of their number were put *hors de combat*, and Grant's campaign, as first laid out, came to an abrupt end in this last bloody reverse. Abandoning suddenly the aid of strategy proper, he resolved to place himself south of Richmond, and by the slower process of partial investment and gradual occupation or destruction of the railroads, to compel the enemy to an evacuation. A new flank march, as ably conducted as any of the former, leaving between himself and Lee the great swamp through which McClellan had been forced to make his celebrated 'strategic movement,' brought him to the James. On the 15th June, his army united with Butler's, and on the same day commenced that tedious siege of Petersburg, which, with an equally slow process of advance on the northern bank of the river, has occupied the rest of the year without direct advantage to the cause of the Union.

Lee's victory of Coal Harbour was won at an opportune time; for two days later (5th June) Hunter, in his progress up the Valley, attacked and defeated the small force opposed to him, killing the Confederate general W. Jones, and opening the way to Lynchburg. His advance Grant intended to support by detaching the cavalry of Sheridan across country into the Shenandoah. But this movement had to be made in the face of

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\* Eighty-one per cent. of the wounded at Fredericksburg were struck by the small-arm fire, according to the medical report.

Hampton, a worthy successor of Stuart, and was foiled by his watchfulness; whilst Lee used his railroad communication to transport two divisions of his army to the threatened point under Early, who easily repulsed the Federals, and drove them once more down to the Potomac. His incursion into Maryland, and subsequent chequered campaign against Sheridan (who was sent with large reinforcements in Hunter's place), we do not here notice; for the events in that district have never influenced to any effect the position of affairs around Richmond. But we must not take leave of the Virginian campaign, considered separately, without noting the important fact that the Federal design in that quarter had so far succeeded as effectually to prevent the sending of men by President Davis to the army opposing the invasion of Sherman.

We left that general preparing to enter on his task with resources in men as far superior to those of Johnston as Grant's were to Lee. But he had neither the constant assistance of a fleet forming a movable base of supplies, nor could he expect any large addition of fresh troops should his present force be consumed. The first of these deficiencies he made up for by the laborious energy with which he collected, before moving, all needful stores, and the care which he used to distribute and guard them along his communications; the second, by avoiding the open assaults in which Grant had so terribly diminished the veteran army of the Potomac.

Moving at the beginning of May, simultaneously with the latter, Sherman was at once confronted by Johnston, who lay at Dalton, thirty miles from Chattanooga. The forcing him from this and a series of similar positions, until the Confederates were pushed eighty miles southward to the Chattahoochee River, which crosses the Chattanooga Railroad close to Atlanta, occupied to the 10th July; and was effected by a series of most dexterous flank manœuvres, the only general assault attempted by the Federals (that of 27th June at Resaca), failing decisively. It should be premised that the country, though broken and difficult, was much more open than the scene of war in Virginia. Of this, and his great superiority in infantry and artillery—in which arms his force just doubled that of the Confederates—Sherman most skilfully availed himself. He did not make a flank march of his whole force, nor extend one end of his line round Johnston's wing, as ordinary precedent would have bade; but holding his enemy in check with a part of his army, detached one or two of his corps by a distant line to seize and entrench themselves on some point which should threaten the Confederate commu-

nications. Not all Johnston's energy, nor the exertions of Wheeler (whose cavalry outnumbered that of the invaders) could prevent this manœuvre being repeated again and again. The Federal generals carried out faithfully their commander's orders to keep to the use of fieldworks and guns wherever practicable; and Johnston continually found himself with separate armies established in front and flank, each so strongly as not to be dislodged by his available means, and was thus forced to a new retreat. As Sherman advanced, the railroad was completely repaired, and its use for the future systematically secured. Entrenchments were thrown up at every station or bridge, and a small garrison left with provisions, ammunition, and the means of repairing any sudden damage to the adjacent parts of the line. This being done at every few miles, defiance was bid to any attempt to disturb the communication from Chattanooga to head-quarters; whilst almost equal care was used to cover the trains which supplied the flanks. Such an elaborate system involved much delay; and Johnston was enabled (as before intimated) to detain the Federals seventy days on their approach to Atlanta.

The advance was none the less unbroken; and when Sherman was preparing elaborately for his passage of the Chattahoochie, he was relieved of great part of his difficulties by the removal of the formidable opponent whose personal ability he fully appreciated. President Davis, who had since the days of Vicksburg been on but indifferent terms with Johnston, had yielded to the clamour raised against the latter for so repeatedly giving ground, and now superseded him in favour of one of his corps commanders, General Hood, known hitherto as a gallant soldier and bold general of division, but in no way marked for the higher qualities of command. This step, so fatal to the Confederate interests in that quarter, was the more inexcusable, in that Johnston's policy of retreating when liable to be thoroughly outflanked was just what Lee had used—as has been previously shown—at the same time, without a word of blame from any quarter.

The progress of the Federals thenceforward has been due both to superior generalship and larger resources. Hood purposely abandoned to them the outer line of works which his predecessor had proposed to defend, and suffered them to approach the strong inner chain which had been long since raised round the so-called Gate City of Georgia. He had resolved on assuming an offensive system, and hoped to repeat upon their flanks, as they drew near, some of those sudden and overwhelming assaults which he had seen so successful in the

hands of Jackson. But the enemy was too wary and his means too small for this scheme. His attacks, made successively on the 20th, 22nd, and 27th of July, failed with great loss, and he was reduced to the safer and less showy policy of strengthening and extending his works to counteract those by which the place was straitened by Sherman. The latter for the next month carried on the double endeavour to enclose the town by siege operations, and to cut off its supplies by separate forays of his cavalry. Kilpatrick with the latter reached, but could not permanently destroy the railroad from Macon, which fed Hood's army; and the Confederates had so protected it for fifteen miles southward of the city by a chain of entrenchments, that Sherman failed to master it by extending his approaches that way. After a fair trial of this process, he changed it suddenly for a bolder strategy. Leaving Slocum with one corps to guard his entrenchments and the head of that railroad which he had secured with such care, he threw the rest of his army completely round Hood's works with a wide sweep to his right, and appearing south of the Confederates, seized a part of the railroad. Of course the difficulties in the way of this movement lay greatly in the matter of supplies, all of which had to be transported with the columns. But these yielded to his foresight and energy; and the vigorous manœuvre was crowned with success. Hood failed to arrest his opponent by seizing the opportunity for an attack in flank upon the way; and afterwards, in the attempt to cover different points, divided his forces, and fought with two-thirds of them only in the engagement that followed, which ended in his defeat and retreat southwards. Slocum meanwhile entered Atlanta without opposition on the 2nd of September, and the first object of the campaign was gained.

Here for a time Sherman paused, and was occupied with storing his new acquisition, and preparing to use it for a new advance. The security of his system of supply had been already sharply tested by the Confederate cavalry, which had been occupied during the recent operations in a vast raid carried as far as Nashville, in the vain hope of interrupting it. Their absence had greatly contributed to Hood's inability to discern and check his adversary's movement, whilst the design which thus removed Wheeler at a critical juncture had so completely failed that, in Sherman's own words, 'No matter when or where 'a break has been made, the "repair train" seemed on the 'spot, and the damage was repaired generally before I knew of 'the break.' The Federal general was therefore fully prepared to push forward with similar precautions to Macon, or beyond



it, when his arrangements should be matured; and Hood's reduced numbers gave no promise of opposing him to any effect. But from the first it seemed probable that the Confederates would prefer to use their lesser force to attempt a counter-stroke on his rear at Chattanooga or Nashville; and in such case he had resolved to invade the country beyond by the bolder means proved practicable in the spring, and to attempt that opening of the Savannah river, and consequent severing of the Confederacy, which had been denied to the forces acting from the sea. To this end he chiefly turned his thoughts, and during the long space allowed to the inhabitants of Atlanta to remove from what had for the time become a mere Federal dépôt, in apparently unguarded conversations with all classes he drew the needful intelligence of the state and resources of the country through which he purposed to pass.

It will now be seen that the subsequent movements of Hood, first westward—thus isolating himself from the Confederate centre—and then upon the railroad, was just what his opponent desired. For a time Sherman followed him, and, as was expected, found him unwilling to run the risk of another battle. Hood having utterly failed by surprise to make any important rupture of the line, yielded Dalton, the only station he had taken, to the advance of the Federals, and moved again westward into Alabama, preparing there to cross the Tennessee. This left Sherman opportunity for the full development of his project on Savannah; and his greatly superior force enabled him to leave a sufficient guard for his railroad under Thomas (who has most ably performed his allotted task of occupying the rash invader without yielding any decisive point), and to carry a perfectly equipped army of 45,000 men through the heart of the State thus exposed. The details of the march to the Ogeechee are fresh in the memory of our readers; and all may discern the ability of the strategy and the excellence of the organisation to which its success is due; whilst juster information\* than mere Confederate rumour shows that the movement has been conducted with a marked observance of discipline and abstinence from outrage. And whilst we close this notice, the telegraph brings word that the capture of Savannah has rewarded the long toil begun at Nashville; and with it comes the most striking of

\* Sherman's orders in detail have already been published, and were most precise as to respect for persons and property, even to avoiding distraining for the army's supplies without leaving food for the inhabitants. Howard and Slocum, the executive officers of his columns, were old officers noted for maintaining strict discipline, and may be trusted to have seen them rigidly obeyed.

commentaries in the news, that what the army alone has there accomplished, army and fleet combined have failed to do at Wilmington, attacked by them from the seaward side.

That Sherman's triumph brings the war near to its close we do not attempt to predict. To us it seems that the end of the struggle is even more a political and financial than a military question. But we return to our original thesis in declaring that this great contest abounds with important professional lessons, to which a new one has been added by the autumn events in Georgia. If a general's perfect adaptation of given means to a required end—if careful forethought in design, with a just mixture of audacity and caution in execution—may fairly challenge our admiration; Sherman's campaign in 1864, and those of Grant and Lee in the preceding years, seem not unworthy to be classed with the highest achievements which the annals of modern warfare record.