

caused the estuaries and narrow channels to be crowded with 'fixed engines' to a degree that has exhausted the stock of fish by over-capture, and has dissatisfied the upper proprietors, who do not feel themselves bound to become conservators of a river from which they derive no benefit.

The *sea* being an unbounded common, the free use of any 'improved methods' of fishing *at sea* may well be permitted to any of the public prosecuting that trade; but it is obvious that the privilege of erecting *fixed* nets in rivers, estuaries, or on the sea coast, must necessarily be confined to a small class, the owners of the land. In the Blue-books we find many complacent allusions by the Board of Works to the increasing use of 'improved methods'—'the efficient means'—&c. &c. Take this paragraph in their report for 1848:—

'In Ireland a large proportion of the salmon fishery is by law public property, and there any source of industry necessarily requires all the just liberty of action it can obtain.'

A distinct and most important admission—and the rest mere clap-trap! The *rank injustice* of the Act is, that, although a large proportion of the fishery *was* enjoyed by the public, private persons are now enabled to set up fixed nets on their land: a method of catching salmon which the public are precluded from employing, and which actually swallows up the profits of the *legal* right!

The report of the Select Committee on the British fisheries contained many suggestions as to what a new fishing law for Ireland should be. For example, describing the actual Scotch system, and pointing out where it might be adopted for Ireland, they say:—

'It would be advantageous to the general interests of the fisheries to have the fence months regulated according to various circumstances, instead of having one uniform season.'

But in this, as in other matters, the recommendations of that Committee have been strangely departed from. The Act of 1842 gave power to the Irish Fishery Board to suit the close season to the varying rivers in Ireland—but the Board refuse to depart from the 'uniformity principle.' Again, the report recommended that 'increased facilities should be given for enforcing the laws as to encroachments by fixed engines near mouths of rivers, promptly, and at small expense.' The new Irish law was, however, framed on the reverse of this advice, for it legalized for the first time the old and continued encroachments, and moreover afforded, as we have seen, a fatal facility for additional and wholly illegal stake-weirs. The report also recom-

mended 'that a general regulation, founded upon the principle of the illegality of cruives, should be made applicable to all rivers on which more than one proprietor has a right of salmon fishing.' The Board has not put the law of 1842 to regulate these traps into force. It was recommended too that 'after the termination of the ordinary fishing season, a further term of fourteen days should be allowed to fish for salmon, under certain restrictions, with the rod.' The old Irish law had allowed this privilege—but behold! it was taken away in 1842. We have not yet, however, detailed all the contempt shown for facts and suggestions concerning the Scotch fisheries, especially recommended to the attention of those about to frame a new law for Ireland. The law of Scotland has fixed the limit, riverward of which fixed nets were not to be used, either at the bar of the river, or at the fluvial mouth. The Act of 1842 fixed the general limit to be where the channel of the river was more than three fourths of a mile wide, and thereby gave a greater scope to the use of those engines in Ireland than is permitted in Scotland. Further, in case of disputes, the Scottish law leaves the decision of the site of the fishing 'mouth' to a jury. The Act of 1842 gave the definition of the site of the mouth of any river, where the breadth of the entrance is less than half a mile at low water, to the Board: no fixed nets to be erected within one mile seaward or inward of such 'mouth,' and the public being prohibited from using draught nets for half a mile seaward of that point. This has given a 'roving commission' to the Board to fix their prohibitory limit where they please, and—though, in one case of error, a valuable right is lost by one claimant and gained by another—there is no appeal against the decision, nor any mode, even within the Board, of reversing it. Finally, the Scottish law does not give a prescriptive title to fishery property unless after *forty* years' possession: whereas the new act for Ireland gave a prescriptive title to all stake-weirs which had been in use in 'several' or private fisheries for *ten* years and to those of *twenty* years' standing—where there was no private right. All fixed nets were, at that time, absolutely illegal. They were admitted to be encroachments; yet their owners were rewarded for having pertinaciously violated the law!

The chief argument employed by the promoters of the legalization of fixed nets was, that these engines, owing to their position in the salt water, take the fish when in the finest and fattest state. We admit that there is a good reason for allowing the use of bag-nets on the sea-coast. The bulk of salmon do not ascend above the tideway un-

til late in the season, when they have begun to decline in quality—nor will draught and drift nets take as many as might be caught in the tideways of the larger rivers; moreover, the fish can see those nets when the water is clear, and they then avoid them.

The second argument was: 'that the extension of fixed modes in the sea and tide-ways, at proper seasons and under proper restrictions, coupled with a reasonable protection of the spawning fish, tends greatly to the increase of the gross quantity of salmon caught.' In a pamphlet which was published in London on the 4th of July, 1842, the day before the Bill (5th and 6th Victoria, cap. 106) was laid before parliament, this argument was prominent, and enforced *inter alia* by the following note: 'See Evidence as to Lough-Foyle, second Report of Irish Fisheries, p. 19, where it is proved that, after nine years' trial of stake-weirs, the gross quantity of fish caught was increased more than three times; and the same result is at present taking place in the Shannon.' Now a maimed quotation is in such a case totally unjustifiable—and, on turning to that Report, we find at page 24, 'the product of the Foyle salmon fisheries has increased very much within the last ten years in consequence of the introduction of stake-nets, and an improved mode of fishing with *draught nets*; also by establishing a more vigilant and effective system of *water-keeping*.' At page 23, the efficiency of the water-keeping is stated to have put down salmon-spearing in the protected spawning waters. It appears in the evidence given before the Commissioners in 1845, that one hundred and fifty-nine bailiffs were employed during the close season; that the expenses of water-keeping on the Foyle, with its tributaries, amounted in the previous year to 700*l.*; that 'friendly relations' were kept up between the lessees and the gentlemen living along the river and its tributaries; and finally, that the fact that the quantity of fish taken remained high, was *owing to great vigilance* and to the methods of fishing being *superior*. In the same evidence, the agent to the lessees says: 'the first year he got the management of the fishery the entire produce was only 39 tons: he commenced *protecting*, and in three years after the yearly produce was raised to 100 tons, and the average produce of seven years is now 140 and odd tons. To conclude, there could be no justice in arguing from the Foyle to a river quite differently circumstanced. In the Foyle estuary the piscary is chiefly owned by the Irish Society, a powerful corporation, possessing estates in the interior, where their influence assisted their lessees to or-

ganize a complete system of preservation. Now, the owners of stake-nets in the estuary of the Shannon possess no influence in the inland districts. The *vau t*, however, that 'the same result (of increased capture) is at present taking place in the Shannon,' shows that the pamphleteer—if indeed he penned the passage in *bonâ fide*—must have believed that the 'extraordinary take of that abundant year' was ascribable, not to the preservation of that river (for there had been little), but to some miraculous virtue in stake-nets—engines from which, like St. Patrick's legendary flagon, a constant and undiminishing supply was to be expected!

The third argument used by the fixed-net special pleader was, 'that great quantities of salmon are caught in these weirs, which would otherwise be destroyed by porpoises, seals, &c.' Spenser tells us in *Colin Clout* that—

'Proteus eke does drive his herd
Of stinking seales and porpcisces together,
Compelling them which way he list, and
whither.'

But the poet is wrong in his ichthyology: the offensive herd are not driven, nor is it a peaceful instinct that prompts their movements. 'Plenty of seals, plenty of salmon,' is a proverb among fishermen: its meaning is, that Nimrods will be found where there is good sport in view. They pursue a shoal of salmon just as the whale does by her-rings, and their presence quickens both the ingress and the ascent of the fish. It is, however, evident that the numerous barriers presented by a succession of stake-weirs enable the enemies to catch their nimble booty with greater facility. Live fish are detained in the 'chambers' at the edge of the channel, where they are seen in the water, and, acting as decoys, attract the foe. Grampuses and seals are represented in the Parliamentary evidence as 'guarding and watching' the stake-nets in the Tay; and it is now asserted that, since those nets have been removed from that river, the porpoises have left it. Mr. Halliday stated, in 1824, that 'he had taken as many as twenty seals in one stake-net during a season; they haunted the nets: he had seen as much salmon as a man could lift taken out of the body of a porpoise.' Mr. Johnstone had caught five large grampuses at one tide in the stake-nets. He once saw in the Murray frith seven or eight seals ranged in a line before a stake-net, and when they saw a salmon they were immediately in pursuit: 'they break the nets, kill a number, and let away all the rest.' Mr. St. John, in his spirited and graphic 'Wild Sports of the High-

lands,' says, 'an old seal has been known to frequent a particular range of stake-nets for many years, escaping all attacks, and becoming both so cunning and so impudent that he will actually take the salmon out of the nets (every turn of which he becomes thoroughly intimate with) before the face of the fishermen, and, retiring with his booty, adds insult to injury by coolly devouring it on some adjoining point of rock or shoal; taking good care, however, to keep out of reach of rifle-ball.' The smaller seal, *Phoca vitulina*, about the size of a spaniel, is supposed to be the most destructive of the tribe, and the bag-net is admirably adapted for his convenience; the door is about eight inches wide, and the animal can easily enter the chamber and return. These sea-hounds—porpoise, seal, and grampus—hunt salmon as harriers hunt a hare: their chief sin is, that they drive the 'heavy' fish into the nets—those salmon, that is, who, were it not for this compulsory capture, would 'hang in the tideway,' and delay their ascent until the summer floods, when, fishing being over, they would become the matriarchs of a future race. Thus the fixed net legalized in 1842 is far worse than the old grievance of the solid cruive. That ancient offender stands far up in the river, and, if there is a public fishery in the tideway, takes its leavings only:—the new culprit lies in the way of the first access of the fish to the river. There is also another difference: when floods are high, the fish can pass over the dam 'scot-free;' but floods never neutralize the capturing power of the Scotch bag-net.

But the most vexed question of all is, at what season of the year capture shall be illegal. Although the advantage may seem considerable of establishing a uniform season for all rivers *by law*, for the sake of closing the market on a particular day—it is overruled by the fact that all have not a uniform productive season *by nature*. Some vary in their profitable time, owing to a specific natural cause: and their variation, both in Great Britain and Ireland, had been recognized in every Act of Parliament that dealt with the subject. Scotland has three different close seasons, provided by statute: namely, for the Solway, with several differences for the different waters debouching in that estuary—for the Tweed—and for the rivers north of the Tweed; which last classification is, however, much in fault, applying one rule to waters which differ widely in the habits of their fish. The Select Committee of 1836, in reporting as to Scotland, were careful to say that '*especially in Ireland different rivers have different seasons.*' Spe-

cial legal periods had accordingly been provided for particular Irish rivers in the laws framed by the native parliament. The first statute (8 Geo. I.) that deals with the question, *established* a general close season for the whole kingdom, between the 1st of August and 1st of February—but saddled this with a proviso to permit 'the taking of salmon in rivers where such fish shall be known to be in season at the time of taking'—in other words, leaving every case of dispute to the local justices. This was altered by 31 George II. c. 13, to 12th of August and 1st of February, with an exception for thirteen rivers, to which later seasons were allowed. Another exception was made, 3 Geo. III. c. 35, for the Foyle, in which salmon were allowed to be taken to 1st of September, as they were 'known to be in the greatest plenty and highest season in July and August.' Special seasons were given to six other rivers by subsequent acts. All these regulations, the fruit no doubt, with rare exceptions, of sound local experience, remained in force until 1842, when the new Act placed all the rivers of Ireland in a Procrustean bed—ordaining that salmon should not be caught between the 20th of August and 12th of February—but, at the same time, very circumspectly, gave power to the Board of Works, then constituted 'Commissioners of Fisheries,' to alter the close season of any river, according to the period to which it might appear requisite to change it. An expectation was then entertained that the new authorities would, after due inquiry, provide suitable seasons for those rivers to which the general rule was inappropriate. Two of the Commissioners proceeded, in 1844–5, to the principal fisheries; and the result of their visitation was, that very few of the parties interested, those connected with eight rivers only, were satisfied with the existing law as to close time. It appears that the 'going up' of the 'spring fish' varies greatly: it begins in five rivers during November; in two the month is December; in nine January; in ten February; and in four March. The ascent of grilse or peal ceases in three rivers during July; in thirteen in August; in eight in September: and in two in October. The 'harvest' or spawning-fish were found to go up in the greatest number in August in one river; in another during August and September; and in a third in September; in four during September and October; in three in October: in the greatest number, viz. in twelve, during October and November; and in November alone in one.

The following results from the evidence will show how the *profitable* season varies:—

River.	Tributary Lake.	Catchment basin of river. Square miles.	Months most productive in money value.	Most productive of quantity of fish in best condition.
Liffey .....	.....	568	Jan., Feb., Mar.	May, June, July.
Slaney .....	.....	815	Aug., Sept.	July, Aug., Sept.
Barrow	}	3400	Feb., Mar.	May, June, July.
Nore			Mar., May.	April, May.
Suir			Feb., Apr., May	May, June, July.
Blackwater			Feb., Mar.	June, July.
Lee .....	.....	1219	Feb., Mar.	Feb., Mar., June.
Bandon .....	.....	735	Feb., Mar., Apr.	June to Oct.
Ilan .....	.....	228	Aug., Sept., Oct.	Aug., Sept., Oct.
Roughty .....	.....	112	Aug., Sept.	Aug., Sept.
Carra	Carra	475	Nov. to Mar.	Nov. to Feb.
Curran	Curran	70	Dec., Jan., Feb.	June, July.
Laune	Killamey	58	Dec., Jan., Feb.	May to Sept.
Maine .....	.....	510	July, Aug.	July, Aug.
Shannon .....	.....	4544	Feb., May.	July, Aug.
Galway	Corrib	1374	Feb. ....	.....
Ballinahinch .....	.....	85	Nov.	June, July.
Burrishoole .....	.....	53	Jan. ....	.....
Ballycroy .....	.....	54	Aug.	Aug.
Munhim	Carrowmore	170	Dec.	Dec.
Owenmore .....	.....	1033	Aug., Sept.	Aug., Sept.
Moy	Conn		Feb. ....	.....
Sligo	Gill		Apr., May.	Apr., May, June.
Bundrowes	Melvin		Jan., Feb.	June, July.
Erne .....	.....	1585	May, June, July	May, June, July.
Rathmelton .....	.....	100	Dec., Jan., Feb.	Dec., Jan., July.
Foyle .....	.....	1476	June, July.	July.
Bann .....	.....	2413	June, July, Aug.	June, July, Aug.
Glyde and Dee .....	.....	280	Aug., Sept.	Aug., Sept.
Boyne .....	.....	1053	Aug.	Aug.

Notwithstanding this evidence, the Board of Works reported that they were 'led to indulge a hope, that the time is not far distant when one uniform close salmon season will be applicable by law to both Great Britain and Ireland, there being no reason to doubt but that the habits of the fish are substantially the same in both countries;' they therefore concluded that they would not exercise their power to alter it. There is no complete analogy between the habits of the salmon and those of any other animal; but as it is evident that these habits are influenced by climate or temperature, this theory of the Board is about as rational as would be compelling the Highlanders and the men of Kent to begin harvest on the same day. The comparison seems to have bothered the *prains* of Fluellen. 'There is a river in Macedon, and there is also, moreover, a river at Monmouth; it is called Wye at Monmouth, but it is out of my prains what is the name of the other river; but 'tis all one: 'tis so like as my fingers is to my fingers, and there is salmons in both.'

The Commissioners recommended that angling should be permitted for a fortnight later than other modes of fishing. Salmon take some time in reaching the upper waters; therefore, to stop the anglers on the same day as the lower parties, is virtually to increase their disadvantage as to a chance of

fish. The Commissioners observe, however, that they make the recommendation because 'the difference is one which exists in nature.' Why, then, did they not recognize nature's differences as to the ingress of salmon into irregular rivers? As many as sixteen rivers are enumerated in the report as 'early:' yet no change was made in their favour on account of this valuable peculiarity.

On examining into the principal causes of 'earliness,' it appears that, as it is one that must always operate, laws cannot affect it. This cause we conceive to be *the existence of a lake*, from which the river descends. Two effects ensue: first, the water is clear after floods, while that of a river which does not pass through a still and expansive basin flows to the sea in a turbid state. Sir Humphry Davy observes, in his delightful '*Salmonia*,' that, as the quality of the water in which fish live is connected with their life and health, passing, as it does, through their delicate gills, they must be exquisitely sensible of changes in that element.' Secondly, the large body of water contained in the lake remains at a nearly equal temperature during the winter; consequently, the water that enters the sea is *warmer* than that of rivers which are supplied directly from the land—and the fish more readily enter a river of the former class. Moreover, any large flow of snow-water sends fish away, for, as congl-

tion expels air, the aëration essential to their life is wanting. M. Erman describes the results of the 'samor,' or mortality caused by the freezing of the great rivers in Siberia. Masses of defunct salmon, that had been pent up all the winter in thick-ribbed ice, lay rotting in 'cold obstruction' on the banks. The varieties of the *genus salmo* may form another cause of diversity. Mr. Young has noticed that, of five rivers running into the same estuary, each has its own distinct breed. M. Erman states that the three varieties of the species in Siberia reach the upper districts at different periods. It is not improbable that the habits as to migration of one breed frequenting a particular river, differ from those of another breed frequenting other waters. The Ness has a short run of only five miles and a half from its grand reservoir, Loch Ness: the loch is 24 miles long, and, in some parts, 300 fathoms deep. Previous to the passing of 'Home Drummond's Act' the fishery of the Ness commenced on St. Andrew's Day (the 30th of November); and it is affirmed that a larger quantity of fish, and of a better quality, used to be taken in December and January, than during the residue of the season. The Beaul, nine miles distant from the Ness, to the north of the firth, does not yield fish before the middle of February; and it is a curious fact that, though the waters of the Ness pass across the firth, there are twenty salmon taken in the Beaul, after the end of March, for one killed in the Ness; from which it appears, that the temperature of the latter is at that time less agreeable to the fish. The Carra, in Kerry, a conduit of but two miles from a lake to the sea, produces superior fish as early as October, and quantities of an excellent kind have been taken in November and December. The temperature of this river has been found to be eight degrees and a half higher than that of a neighbouring one. The new close season has, it is said, ruined the owner of the cruive-weir on the Carra. The Maine, in the same region, not being similarly supplied from a lake, has a very late season, not commencing until May or June, and continuing profitable until October. A remarkable instance of disparity occurs in the case of two rivers in the county of Mayo—the Munhim and the Owenmore: the former flows out of a considerable lake—the fish are consequently attracted to enter early, and are taken in prime order in November, and in great quantities about Christmas;—this stream discharges itself into the Owenmore, which, not being kept at an even temperature by a reservoir, has a late fishery, productive only in August and September. The Curran, issuing from the lough of the same name, is only 300 yards in length.

The Laune conveys the waters which adorn the beautiful scenery of Killarney to the ocean. The fisheries of both these rivers produce most value in the winter months. Those wild and gloomy loughs, Corrib and Mask, discharge into the sea at Galway, and we therefore find an early take of salmon occurring there. The Erne and the Bundrowes fall into Donegal Bay within a few miles of each other. The fishery of the former, at Ballyshannon, famous for its salmon-leap, used to produce several tons of fish per day during the season, and a rent of £1200. The manager attested, in 1844, that he was 'not able to get good fish in the Erne before the 20th March,' and that the fishing was not commenced until May, although it might have begun legally three months sooner. The Bundrowes, being merely a short aqueduct from Lough Melvin to the sea, was then stated to be full of prime fish in January and February.

Let us now proceed to the later rivers. The largest class—'the spacious Shannon spreading like a sea'—the 'fishy, fruitful Bann,' and the Erne, are of a medium season, owing to the great body of water their channels contain, and the inland lakes through which they flow. The Slaney, the 'pleasant Bandon crowned with many a wood,' and some of less magnitude, have the latest fisheries, because they have no inland reservoirs; their productive time does not commence until June, and is richest in the two succeeding months. We have less sympathy for the grievance of closing 'late rivers' too soon, than for that of refusing to open early ones at the most profitable time, as the former gain by it the sustentation of their stock. The fishery of the Slaney was, by law, the latest in Ireland; it began later than any other, on Lady Day—and ended on the 1st of November, later than any other excepting the Bandon which closed on the same day. The new law of 1842 cut off nearly three months' fishing in these two rivers; but was hardly at all observed, because it shocked the fishermen as a specimen of ignorant Saxon legislation. It must be remarked that the law as to the close time was gradually relaxed in each succeeding statute: the covetousness of the proprietary procured this protraction; thus, the 8th Geo. I. fixed the 1st of August: the next prolonged it to the 12th: subsequent acts prescribed special late seasons for several rivers—to some as late as the 20th of October and the 1st of November. The act of 1842 fixed upon the 20th of August for the general closure; but this was deferred, in 1846, to the 31st of that month, and to the 14th of September for angling—(which, in 1848, was made lawful to the 29th of September)

—excepting in eight northern counties, where the original term, the 20th of August, continues in force. These over-late seasons were undoubtedly improvident, and the destruction of the early spawning fish they occasioned has tended to make the fishery still later. Early closing will not change the habits of fish ‘by Act of Parliament,’ but may, probably, by permitting early fish to spawn, cause the fishing season of a river to become profitable at an earlier time.

When the Commissioners refuse to alter the open season of an early river, the practical injury is this. A proprietor may not set his men and nets to work at a time when the condition of the fish being good, and the price high, he could, as Dr. Franklin says, ‘pull silver out of the water;’ and if he, or a piscatory rival, continues to kill until the end of the legal season, and after the natural one, the healthy brood-fish are destroyed: and the law may be said to sanction and compel this destruction, which must end in that of the fishery. When the Board refuses to alter the season of a late river, the law compels the owner of a fishery to suspend capture at the most productive time, in August; but permits him, and others, to begin to take fish at a time in the spring when a large proportion are bad.

The sole advantage of uniformity—that of deterring overt capture and sale after closure of the market—could be secured even if the legal seasons varied, by throwing the *onus probandi* that the fish came from an open district, on the possessor. We have seen that this ‘uniformity principle’ has been violated, both by the exception of the eight northern counties and by that in favour of angling; it is therefore almost valueless as a check upon illegal sale, and the upholding it occasions a severe loss to many individuals, which, indeed, the Commissioners foresaw would occur, and so acknowledged in their Report. Forcing an unsuitable season on a river creates an indisposition in all concerned to observe the law and attend to protection.

‘The laws live only where the law doth breed
Obedience to the works it binds us to.’

Where an alteration is called for by communities interested in a river, it ought to be conceded: they are most likely to be good judges of the fittest season, and, if an error is fallen into, they are the sufferers, and it can be easily rectified. We have seen that periods, supposed to be suitable to the naturally productive seasons of the irregular rivers, were fixed by Acts of Parliament; but this course is not desirable, and there would be difficulty in obtaining the amend-

ment of a mistake. As the question is one dependent upon local investigation, and which ought to be decided by an impartial authority, the proprietors and lessees, at their recent meeting, have proposed that the Boards of Conservators shall have the power of altering the close seasons in their districts, subject to the sanction of the Government Board, but with appeal to the Judge of Assize. At the same time they express their strong conviction that ‘early closing will prove the surest means of renovating the fisheries, and that it is essential to permanent productiveness.’ The whole matter has been one of dispute for more than two centuries; but all are now agreed that a timely cessation from wholesale slaughter is indispensable. An obvious error has been fallen into in diminishing the sowing time, though the methods of reaping have been greatly increased. The main feature in the Bill introduced by the Duke of Argyle during the session before last is to rectify this error with regard to the Scottish fishings, and an essential one in that brought in by Mr. Conolly is to make compensation for additional methods of capture in Ireland by additional restriction as to season.

In determining the open time there are two extremes to be avoided: if it begin too early, a large proportion of ‘spent’ fish (those that have spawned, and are on their return to the sea to recruit their strength) will be taken; if it be continued too late, a sufficient number of fish will not be left to stock the spawning grounds, and the majority that are killed will be almost unfit for food, the increasing roe having absorbed the nutritious qualities of the fish. The fish are unwholesome whether in the condition of ‘spawners’ or of ‘spents;’ indeed, many old medical writers thought that leprosy was produced by eating them out of season. The instinctive habit of the *genus salmo* as to ascending a river, and the covetousness of the *genus homo* (var. *piscator*), occasion the dispute as to the fitness of the date for the open season. The owner of fixed nets at the river’s mouth keenly urges the propriety of allowing it to commence in the earliest part of the year, when salmon first approach the estuaries—are in the prime condition—and when, as they are scarce, the price in the market is high. As his ‘engines’ have, owing to their position, the priority of capture, an early commencement would enable him to secure a large proportion of the best fish. On the other hand the public fishermen of the tideway, the more inland land-owners, the lessee of the solid weir, and those gleaners, the anglers—all oppose an early commencement, as depriving them of

their chance for the bounty which nature directs towards them at a later period. They desire that the open season should not commence until the fish begin their ascent. But they often fall into the extreme of wishing to continue to fish too late: at that period when salmon is plentiful enough, but when its presence in the fresh water proves that it is hardly fit for food. Whatever may be the fence months, the lower proprietor must enjoy the advantage of his position: but the law, as it stands at present, has given him a degree of monopoly, in permitting his nets to commence operations at the earliest time at which salmon enter the rivers, and to continue as late as any higher up (except the anglers) may fish.

We will not descant on the marvellous instinct of the salmon, leading her to quit the sea, where only her proper food is to be found in abundance, to traverse hundreds of miles—overcoming manifold obstacles—to secure the vivification of her young in some favourable place. Her transit is not less wonderful than ‘the way of an eagle in the air,’ or of ‘a ship in the midst of the sea.’ We must leave the poetry of the theme, and follow the matter of fact. The ‘throng-time of spawning’ is from the middle of November to the end of December, when pet pools may be seen alive with salmon—advancing in pairs—and forming trenches in the gravel—the ‘procreant cradles’ of their offspring. Should frosty weather occur sooner, the more vigorous fish, and especially the peal, will spawn in October. This early disposition brings two advantages: if the ova are deposited in October, the succeeding temperature being higher than after the month of November, the fry will be hatched in the course of some ninety days; while, if delayed until towards December, between 100 and 140 days will be required, according as the winter is more or less cold. If the fry are developed early we may expect them to come to maturity and resort to the river at an earlier time. The most important advantage is that explained by Mr. Andrew Young, manager of the Duke of Sutherland’s fishings, in his ‘Natural History of the Salmon,’ and by ‘Ephemeræ,’ in the ‘Book of the Salmon’—viz., that *early spawning is sure spawning*. The late fish have to encounter the floods of winter: the current often drives them from the beds, and carries away the spawn they have deposited; the waters continue so high that they cannot return to the beds, and the remainder is lost. On the contrary, the deposit of the autumnal fish has been made where the gravel is not liable to be carried away, or to be left dry.

A gradual decrease has certainly occurred in every district—with *one* exception—that of the only district in which there are *not any* fixed nets; in most the produce is stated to have diminished one-half; in some the falling off has been still greater. Many fishings in the north of Ireland have been altogether abandoned. The take of salmon in the Tweed has been decreasing since the year 1811; according to the Edinburgh Review for April, 1851, the annual average of the last five years is only one-fourth that of the years 1811-15. But the most pregnant fact is, that out of the whole number of salmon kind captured in the Tweed from 1846 to 1850, *four-fifths* were killed as grilse or peal, on their *first* ascent, and consequently *before ever having propagated their species!* It is high time to proclaim a jubilee to the finny tribe in our wasted waters.

Various devices are employed in the wilder districts of ‘the Green Isle,’ and of ‘the land of the mountain and the flood,’ for capturing both fish and fry: and they are curious from their intricate ingenuity. We once visited an old *pseudo* corn-mill, standing on the bank of a noble river in the south of Ireland: the situation is unfrequented: the river rolls over a rocky bed through a deep defile. The walls of the mill were of clay, in its unadorned complexion; the wheel crumbled with rottenness: the mill, therefore, could not have been in use for some years for its ostensible purpose; and, indeed, the owner confessed that it was only used for sharpening reaping-hooks. On examination it appeared that the stream from the waste-gate passed *under* the mill, in the floor of which we found a trap-door, concealed beneath earth and rubbish. At the period that spent salmon descend, an iron grating was let down, which fitted the subterraneous water-passage; an instrument made of iron spikes was then laid in the bottom of the stream, the spikes pointing with the current. On the water-gate being raised, the fish descended until they met the grating, and on turning back they were met by the spikes, which stopped them, it being their habit to work their way against a strong stream close to the bottom. On the gate being closed the channel became dry, and the fish above the grating were easily secured. Four ‘purse-nets,’ each nine feet long, which were set either in these water-courses, or in the narrow passes in the rocky channel of the river, were found concealed on the premises.

Weirs or dams are constructed at some mills abreast of the wheel, with the pretended purpose of keeping up the water ‘to sustain the head-weir,’ but, in reality, to

drive the fish into the waste stream which passes through the mill. Every mill-dam is practically a salmon-trap. The fish are detained in the pools below until floods enable them to pass up, and in the mean time they are liable to be netted by scores. In their descent, after having spawned, they are coerced to leave the river and pass down through the mill-race, where the stream diverges into it, by the depth of the artificial channel, and there they are often gaffed, or speared, or are killed by the wheel. The same cause brings the multitudinous fry, on their descent, into that perilous passage. One of the witnesses in 1824 stated that he had 'seen hundreds of fry lying dead at the bottom of a mill-race, killed by the wheel; and had been told that there were cart-loads and basketfuls taken up from the mill-races into the mill on the tributary streams of large rivers, and that people actually fed their pigs with them.'

Mr. Smith of Deanston invented a ladder, or 'salmon-stair,' of wood or stone, up the watery steps of which, being erected on the lower side of a dam without injury to the milling power, salmon are enabled to pass at all times. The Commissioners observe in their Report for 1846 that 'one of the most important measures in the improvement of the fisheries—(if not in the equalization of the habits of the fish)—namely, the formation of migration-passes over natural and artificial obstacles, has been, with but one solitary example, wholly neglected throughout Ireland by the parties most deeply interested.' These parties are the proprietors of the 'commercially valuable' fishings. The adoption of a different course would equalize the *distribution* of those fish that reach the fresh water: and it is agreeable to their natural instinct, which directs them to the very extremities of streams where—as the springs gush out from the mountain rocks—the gravel is pure from deposit and fitted for the reception of the *ova*. The fish, during the close season, would be enabled to reach the entire range of spawning-ground, while, in the open season, an equitable share would be afforded to all the upper proprietors, thereby allaying the jealousies which at present are a barrier to co-operation between parties whose common interests require unanimity.

While endeavouring to point out mischiefs admitting a cure, in a great measure at least, by amendments of the law, we must candidly admit that some irremediable causes of scarcity have of late years come into action. The excessive rain of recent winters has been alluded to: this, combined with the increased drainage, arterial

and general, of the inland country, has militated powerfully against the productiveness of our rivers. We are not either fishermen or fox-hunters enough to complain of this latter cause, or to sympathize with the old master of hounds, who exclaimed, when reynard took to a drain, 'This fellow, Smith of Deanston, is destroying the country!' But, owing to its effect—that the rain-water flows from the land with rapidity—rivers do not maintain that *medium* state which enables salmon to ascend; the fish, also, turn back from sudden and turbid floods: which, again, sweep away into the pools, or cover down, the gravel among which the spawn has been deposited. The change of climate that has been observed of late years has also acted prejudicially. Our winters are milder, and there is less frost at their commencement. Severe weather is favourable to the *cunabular* operations of salmon, which are found in greatest abundance in the colder latitudes; they swarm in Kamschatka, but are unknown in the Mediterranean.

Let us return to circumstances admitting of remedy. The statistic returns of the Tweed show a great increase of the *eriox*, or trout, a species of fish which, as observed by Mr. T. T. Stoddart (a most agreeable essayist on piscatorial subjects), is 'well known to be a ruthless violator of the spawning beds, and a rival of the grim pike in its depredations among the infant fry.' Every facility should be given for the destruction of this voracious enemy of the salmon. But a still more flagrant evil is the slaughtering of fish which are about to spawn in the fresh water, by means of spears, gaffs, ford-nets, &c., during the fence months. This practice is said to have diminished in Scotland; but, according to the recent Select Committee on the Inland Fisheries of Ireland, has 'very much increased' in the latter country. The penalties provided by the law are less stringent than in Scotland—and protection is consequently attended with more difficulty. We find the lessees of the Foyle, Bann, and Moy, complaining of the cost of proper protection as nearly equal to the rent; while the charge of protecting the Tay was not more than 2½ per cent. on the rent. The late years of distress have aggravated this evil, for the wretched famine-stricken people took the brood-fish on the spawning-beds and devoured them. The Select Committee, however, 'regret the growing up of a neglect on the part of *all classes in Ireland* to protect the fisheries.' It is to this *general* neglect that we wish especially to direct attention. Whence has it proceeded? We answer, unhesitatingly, from *disgust* at the injustice of the Act 5th and 6th Vic., in

legalizing the monopoly of Fixed Nets. The Commission of 1835 notice 'an unusual prevalence of poaching,' and observe that it is 'referable to the conflict of interests' between the lower and the upper proprietors. The Scottish Committee pointedly remark, that 'the heritors upon the upper parts of rivers chiefly possess the opportunity and power to protect the fish during the breeding season.' The Irish Commissioners in 1846 not only censure the absence of attention to preservation on the part of the residents in the upper country, but condemn the apathy of even the very owners of fixed nets, to whom the new law had but four years before given *seisin* of the property of the river fishery; 'to such an extent,' they report, 'has the want of knowledge or reckless neglect of their own best interests been carried, that we believe the instances are very rare where the proprietors of stake, bag, or draft net fishing on the coast have exerted themselves or contributed any money whatever in the protection of the breeding fish in the upper waters.' They also observe that parties fishing the lower waters, if they evade the weekly close time, act with palpable injury to their own interests in 'withholding from the other people (in whose power it is to protect or prevent the increase of fish) any participation in the benefits.' We will not imagine that a fish-bereaved squire would set about the Malthusian proceeding of 'preventing increase,' but must confess he is likely to look leniently on the poaching peccadilloes of his poorer neighbours: and that he would probably, whenever the public fishermen made an onslaught on the obnoxious stake-nets, partake of the gladness of Maxwell—in Red-gauntlet—'that the scoundrels had so much pluck left as to right themselves against a fashion which would make the upper heritors a sort of clucking hens to hatch the fish that the folks below them were to catch and eat.' The law has created a singular anomaly. The marquis of Carabas is lord of the inland territory in which salmon are bred, but Mr. Killemall, who owns the coast, can effectually prevent access of the fish to the marquis except during the fence time: when he is empowered to send his myrmidons into the Carabas country to perform the office of 'Cantelo's patent incubator' for his particular profit.

The lawless pursuit of game, or of the scaly brood, is one of the passions of human nature; as the song declares, 'It is a delight on a shiny night, in the season of the year.' Who but remembers the description of salmon-hunting in Guy Mannering?—or these vivid lines?—

'Tis blithe along the midnight tide
With stalwart arm the boat to guide,
On high the dazzling blaze to rear,
And heedful plunge the forked spear,
Rock, wood, and scaur emerging bright,
Fling on the stream their ruddy light,
And from the bank our band appears
Like genii armed with fiery spears.'

An old Irish Act prescribes thirty-one days' imprisonment, with hard labour and due correction, for 'idle and disorderly persons who go in great numbers, with their faces blacked, and with lights, loops, spears, and other instruments, kill great quantities of salmon, in such places in freshwater rivers as they are preparing to leave their spawn in.' To check this wanton practice, each successive statute was made more stringent than the preceding one. The Act of 1842, however, repealed all these protective provisions, and substituted others of a more lenient kind; the result might have been contemplated.

Would the gentle reader like to do a night's duty 'as water-keeper' in dark December, on some swollen stream, in (say) a disturbed district of Tipperary? Lights have been seen in the glen: the keeper settles his hat on his head, grasps his shillelagh, and sallies out: two of the constabulary are with him, but their regulation stocks are five inches deep, and buckled tight, and one of them soon falls behind to grope for his firelock in a ditch. After stumbling over a score of fences, and emerging from as many pools of freezing water, the gallant fellow comes up with the enemy; the lights are extinguished, but fire flashes in his eyes from a blow with a spear-handle:—*dentibus infrendens à tergo decutit hastas*—he makes a prisoner of a ragged rascal, disguised in face and liquor, and taken 'red-hand.' The case is fully proved at the next Petit Sessions, when the justice of the peace and quorum condemns the malefactor to a fortnight's lodging and food in gaol: a sentence equivalent to mastheading a schoolboy in an apple-tree for robbing an orchard.

Take the economic fact that a well-grown *salmo salar*, stretched on Groves's counter in Lent, is worth—18 lbs., at half-a-crown per lb.—45s. Why, a prime South-Down wether does not fetch so much: and the marine eatable has cost nothing in turnips or hay. Sheep-stealing is punishable by transportation: yet the most prolific ewe only yields a geminical return, while the salmon reckons her progeny by thousands. We acknowledge, indeed, the difference between the two—that the latter is not to be accounted as property until it is taken. But Mr. Babbage's calculating machine could

hardly reckon the value lost to the country by a night's salmon-spearing, when 'the boys' of one side of a river challenge the other side to a slaughtering match. It has been ascertained that the average number of eggs in the roe of the fish is about 15,000. The price of Irish salmon, sold in the London market in 1848, averaged 9d. per lb., or 84l. per ton : 100l. per ton is said to be the general average. Supposing that only five per cent. of the produce came to maturity, and attained an average weight of 8lbs. each, the value of the produce of one pair of fish would amount to 225l. ; so that if five hundred pair were protected, a gain ensues to the community of about 112,500l.

Let the lower proprietors make some concession to the upper and so purchase their assistance. The sources of a river are those of production, and its fruit, like that of a tree, will depend on the nourishment it receives at its roots. The influence of one energetic magistrate, who rejoiced in wielding the rod himself and inviting his friends to do so, or (taking the *argumentum ad crumenam*) who had known the sweets of renting 'leave to sport' to some wealthy *Sassenach*, would be better than a book-shelf of Acts. Let that party also enlist the good will of the anglers by not stinting them to their present meagre privilege of fourteen days' grace. Angling cannot materially diminish the quantity of fish : the very nature of the sport sets a limit to itself. Its slender power is comprised in a few slight twigs, a scarcely perceptible line, and a bait of questionable attraction ; while its opportunities are dependent on clouds, wind, and rain. Nor is the river without deriving countervailing advantages from the presence of the angler. He is naturally a protector of fish : his habits and feelings are in direct opposition to the poacher, and his keen observation, and intercourse with the peasantry, often enable him to assist in checking the practices of the spoiler.

Fly-fishing in the spring is not so much prized as in the summer ; the fish in general are slack or spent, and play with less energy. What the anglers wish, is a plenitude of sport at the season when the state of the rivers and the weather makes it worth while to go out. This is during the autumn—the very time when the 'commercial' fishing is unprofitable and has ceased : and, if a sufficiency of fish and of time were conceded to them at this season, they would doubtless do much conservative service. The argument, 'do not let fish be taken by one means, when they are unfit to be taken by another,' is plausible enough : the answer is, that rod and line can only take by units at

the time that nets are killing by hundreds. As the money paid for 'leave' is not for the value of the fish killed, but for the 'sport,' and as it generally much exceeds that value, the upper proprietors will gain in a greater degree than the lower fishery can possibly lose. We cannot, indeed, acquiesce in any proposition to give unlimited scope to the angler, strong as his claim may be on the score of fair distribution and of his preservative influence. Our richer fisheries must be sustained by the means the law now affords of employing regular water-keepers : nor should the safety of the brood-fish be endangered. But it is a question, in the case of lesser rivers, whether they would not prove more remunerative as angling than as netting waters, and the experiment is now being tried in Scotland.

Much of the soil of Ireland is fertile to a proverb : and her rivers have certain peculiarities calculated to render the salmon tribe remarkably productive. The island is, as Spenser says :—

'Sprinkled with waters more than most on |
ground.'

Her bright streams and broad lakes are more in number than are found in any similar area of country. These waters comprise a vast field of spawning ground, and afford shelter to the parent fish and brood : the tributary rivers flow clearly and rapidly over beds of gravel, and are, therefore, peculiarly suited to the reception of the *ova*. An ever-flowing mountain river, such as we see in Wales and Ireland, and especially in Scotland, is the natural *habitat* of the salmon and its congeners. It is not impossible that as high rents may, at some future period, be received for rod-fishing in the smaller rivers of the Emerald Isle as are realized in 'the Land of Cakes,' where the Lochy and Spean are rented at 470l. a year, and the assessed amount of rental for sport on the Tweed is, even now, upwards of 1000l. Such returns to the landed proprietary will ensure, on their part, the *quid pro quo* of sedulous protection, which will redound to the advantage of the really valuable commercial fisheries in the estuaries. Let us, however, be permitted to lay stress on this consideration :—that the export of iced salmon is of far less importance to Ireland than an influx of warm Saxons to catch the glittering creatures all alive ; for might not the peaceful invaders be *themselves* caught—an advertisement from the Encumbered Estates Court throwing a fly over them in the likeness of an 'eligible investment' ?

- ART. IV.—1. *Dry Leaves from Young Egypt*. By an Ex-political. Third Edition. 1852.
2. *Speech of Viscount Jocelyn in the House of Commons, on the Case of the Ameers of Upper Scinde, June 23, 1852*. An authentic Report, published by request, with an Appendix.
3. *Parliamentary Papers relating to Sindh, 1836–1843*.

THE history of our connexion with Sindh is far from being the brightest page in the annals of this nation. We had our factories for trade at Tatta and Hyderabad, until the dynasty of the Kaloras was overthrown by a conspiracy of wronged Talpurs in 1786. The associated chiefs thus brought to power drove out the Company's agents, and evinced always the greatest jealousy and distrust, whenever any attempt was made by the British Governments to re-establish either commercial or political intercourse. The lower part of the valley of the Indus was consequently as much a sealed book to us as that of Nepal or the mountains of Bootan and Tibet. When Lord Minto, under apprehension of French interference with the politics of the East—consequent upon General Gardanne's embassy to Teheran—sent missions to conciliate and invite to alliance with us the intervening nations between India and Persia, Sindh was one of the countries to which a political agent was deputed; but this mission failed to effect more than the signature of a document binding the Ameers to perpetual friendship, and to the exclusion of all Europeans, and was of no avail to establish confirmed political relations, or to open the resources of the country to our commerce.

In 1828, about twenty years after this, the severe illness of Morad Ali, the ruling chief of Hyderabad, produced an invitation to a medical officer from the neighbouring province of Kutch to go over and try the effect of European skill. Dr. Burnes, who went accordingly, was very kindly received, and the brief narrative he published of his journey was read in India with great interest, for it furnished to the public there the first clear insight into a state of manners, and a polity and forms of administration, strange in their nature, and likely, at some time or other, to be brought either into connexion or collision with us. The rigid abstinence with which we had left the Ameers for upwards of fifty years entirely to themselves, had inspired them with perfect confidence as to our intentions; they looked to us as their natural allies in extremity, ready and willing to assist them

with advice, to use our influence to protect them from violence, and, if necessary, even to give them military support. We were no sooner convinced of this, than we resolved to take advantage of their good disposition on the first occasion. Accordingly, when King William IV. was advised to send a horse and four mares of the Suffolk cart-horse breed to Runjeet Singh, in return for a shawl tent and other magnificent trappings received from the Punjaub, we scrupled not to ask the Ameers at Hyderabad to permit of the royal present proceeding by water to Lahore, where the Sikh Raja held his court. The Ameers, in spite of their repugnance to admit Europeans, granted this favour, and furnished boats and everything else that was needed by Lieutenant, afterwards Sir Alexander, Burnes, who had the horses in charge; and the journey added largely to the information respecting Sindh previously obtained through the visit of the medical officer above mentioned, his elder brother.

From this date forward the Ameers became the victims of a meddling policy, which, before ten years had expired, thrust them out of their country, and reduced them all to the condition of state prisoners, with only one exception, and he too is charged with offences, the retribution for which is even now, while we write, on the point of falling on him. A whole shelf of parliamentary papers has been filled with oriminations and vindications of the part played by the Indian Government in producing these results. Our connexion with Sindh has also been productive of much literary fruit of other sorts. These are histories (so called), and memoirs, and books of travel, and controversial essays, of all sizes—from the grandiose *romance of the Conquest of Sindh* by Sir W. Napier, in which his brother is the Rinaldo, and Lord Ellenborough the Charlemagne, down to the petty pamphlets of subalterns, modestly celebrating the share they took in different operations. For less solid readers there are Mrs. Postans, who has published entertaining Letters, and a Lieutenant Burton, who has made the Sindh and Beloochee literature his particular study; and we have now before us a third edition of 'Dry Leaves from Young Egypt, by an Ex-Political'—a performance at once amusing and instructive, and which is dedicated to Colonel Outram, himself the author of two grave volumes of 'Commentary,' evoked by the representations of Sir William Napier. Yet, notwithstanding this literary deluge—nay perhaps in a great measure owing to it—we will undertake to say that there are very few even of the

reading men of England who have a clear apprehension of the real course of all our proceedings as to Sindh.

When the younger Burnes had delivered his elephantine steeds at Lahore he went on to Simla, where he found the Governor-General, Lord William Bentinck, occupied with instructions, recently received from home, to endeavour to establish a commercial treaty with Sindh, for the purpose of opening the navigation of the Indus to the productions of the United Kingdom, that so they might make their way to the markets of central Asia, which were described as mines of wealth. The information brought by Burnes was useful in the consideration of the mode of carrying out these instructions. There could be no doubt that the principal motive with the authorities of England for enjoining this policy at the particular juncture, was a growing apprehension of the designs of Russia, already dominant in Persia, and the desire to anticipate those designs by establishing relations with the courts and countries lying between India and Persia. It was pointed out to Lord William that a commercial treaty with states constituted like the courts of Hyderabad and Khyrpoor—(which were a mere collection of independent chiefs and princes, each master of a separate territory and exercising in it sovereign right, while the nominal head of the whole was little better than a president in an assembly of equals)—would be only so much waste paper, unless there were resident political officers to see to the execution of the engagement, and to remonstrate when any article might be infringed; that it would be much better therefore, even for trade purposes, to establish in the first instance specific political relations, and to let commerce follow under accessory stipulations; and that this was evidently the wiser course at the juncture, seeing that the real motive for opening communications with Sindh was political. Lord William Bentinck acceded at first to the wisdom of this suggestion, and directed the instructions, even to the Persian letters to the Ameers, to be prepared accordingly; but, when they were taken to him for signature, he coolly said he should like to see how the thing looked the other way, and directed that another set of instructions and letters should be prepared, confined to commerce and the opening of the navigation. They were accordingly so prepared, and the two sets remained with him, in separate boxes, for three months, while he was making up his mind which to send off. He decided for the commercial set only the day before he arrived at Roopur

for his meeting with Runjeet Singh. Although he had no doubt that a political connexion was the more eligible object to which to direct his efforts, he yet hesitated, in the relations which existed between himself and the ministry here, to exceed the precise letter of his instructions. If the communication with India by steam had then been open, the three months Lord William thus took in deliberating would have sufficed for a reference to England and a reply.

In April, 1832, the commercial treaty, having been negotiated by Colonel Pottinger, was signed by the Ameers. The navigation of the Indus was conceded in the following terms:

'The British Government has requested a passage for the merchants and traders of Hindostan by the river and roads of Sindh, and the Government of Hyderabad acquiesces on three conditions. 1st. That no person shall bring any description of military stores by the above river or roads. 2nd. That no armed vessel or boats shall come by the river. 3rd. That no English merchants shall be allowed to settle in Sindh.'

The Government of Hyderabad was to arrange a tariff of duties, and engaged so to levy them as to occasion no custom-house delays. This concession, for such it evidently was in terms as well as in spirit, was made without any equivalent on our side, but was a very imperfect arrangement, that left everything to be settled by further negotiation, before any use could be made of the river Indus and the commercial facilities professed to be opened. In 1834 the duties or tolls of the navigation were adjusted, after a long negotiation, on the following basis, viz.: 19 rupees by the *tatta khurwar*, or ass-load, was to be levied for the entire route up the Indus to Loodiana on the Sutlej; of this toll 8 rupees were to be paid to the Ameers of Hyderabad and Khyrpoor, while 11 were to be divided between the Bhawalpore chief, Runjeet Singh, and the Company. In order to prevent altercation as to the size of boats, it was afterwards agreed to assess all boats at 30 khurwars, as a fair average, and so to levy 240 Tatta rupees for every boat making the voyage up or down. A British agent, *not an European gentleman*, was to reside at the Bundur or port at the mouth of the Indus, to check the account of these tolls; and any goods landed from boats which had paid the rate, were further to be liable to all the local custom duties of Sindh. It is manifest that the Ameers of Sindh yielded in this instance under friendly feelings, though with reluctance, an object on which they were

led to believe the British Government set great value.

In 1833–34 the refugee king, Shah-Shooja, was encouraged to set on foot an expedition for the recovery of his dominions in Afghanistan. He collected a force, under the very eye of the Governor-General, at our own military station at Loodiana; and, receiving an advance of stipend to assist the enterprise, marched down the Sutlej into Sindh, in progress to Kandahar. On his arrival in Upper Sindh, he revived an obsolete demand of tribute, which the Ameers, being worsted in action, were obliged to compromise; and they were made to provide, likewise, supplies and a free passage through their country for the Shah's rabble army. The Shah was defeated at Kandahar, but was nevertheless hospitably received in his retreat through Sindh to his former place of refuge within the British territory. To us the Ameers naturally felt indebted for all the mischiefs thrown on them by that ill-omened expedition; and this was our first return for the friendship of which they had given signal proof on two occasions. But they never reproached us for the countenance we had given to Shah Shooja; and our relations with Sindh were at this time confined to the adjustment of tariffs, and to squabbles about custom-house exactions, or detentions suffered in the navigation of the Indus. As for benefit derived to commerce from the treaties thus concluded, we believe no one but a professed 'Indophilus' ever dreamed of such a thing. Some merchants of India were tempted—we may rather say instigated—to try an adventure:—but although 'cooked' statements of the trade of the Indus were ostentatiously paraded, it was by and by manifest that all hopes in this direction had been disappointed.

Thus matters stood until the eventful year 1838, when the approach of the Persians to Herat, and their siege of that city, frightened Lord Auckland out of every sense of justice and fair dealing. Capt. Burnes was his agent at Kabul, where Dost Mohammed and his brothers were ready to throw themselves into his arms, if he would but give the slightest assurance of support in case of need from the British Government. A little money and a few stand of arms were all that was then desired; but Burnes was rebuked severely for encouraging the expectation, that even this limited aid from us would ever be available to them in extremity. Our Governor-General had at this time before his eyes the treaties of 1809 negotiated with Persia by Sir John Malcolm and with the Afghans by Mr. Elphinstone. In both engagements was an article promis-

ing strict neutrality in any war between the two states. The ground upon which this stipulation was afterwards overruled—viz. that the Persians were acting, in their expedition against Herat, under European influence, and were even aided by Russian officers, which was exactly the danger that both treaties of 1809 were made to provide against—had not then occurred to the head of our Indian Government.

The siege of Herat proceeded. There was danger of its falling every day, and Dost Mohammed was urgently asking Capt. Burnes what he was to do in the peril of such a contingency? Burnes was compelled to be cold and silent, and to promise nothing but advice; when suddenly a Russian agent, Capt. Vickovich, arrived at Kabul, and offered to Dost Mohammed a guarantee against Persian aggression after Herat should fall. Dost Mohammed, in the most friendly spirit, showed this offer to Burnes, telling him that if he could afford any hope of aid from the British Government in case of need, he would far preferably accept it, and reject the Russian overture. Burnes, however, was compelled to hold up his hands and to say that his instructions would not permit him to encourage the least expectation of the kind. 'Then I must close with Russia, and you must take your leave,' said Dost Mohammed; and thus our agent was dismissed, but with much kindness and courtesy.

The Governor-General felt himself to be checkmated by this turn of events, that brought to his door the very Russian influence which had been his especial aim to resist and keep out of Afghanistan. What could he do to avert this danger? In an evil hour he listened to the suggestion to espouse the cause of Shah Shooja, and to restore him to his dominion in Afghanistan, by the march of a British army. Never was anything more ill-judged than this hastily-adopted plan. It would have sufficed for every end the British Government could legitimately have in view, to have proclaimed, that the time was arrived for extending British influence westward, for purposes of defence, and then to have collected an army on the Sutlej in support of the negotiations set on foot, when the tender of money and arms in very moderate supply would have won to our cause every Afghan tribe from the Indus to the further waters of the Helmund.

The Persians failed before Herat—which removed the immediate danger. Our Governor-General had, however, pledged himself to Shah Shooja, and had included Runjeet Sing with him in a tri-partite treaty of aggression and conquest against Afghanistan,

and this scheme must nevertheless be carried out. Now there are but two ways of approaching Afghanistan from India—one through the Punjab and the other through Sindh. The base of the military operations must be laid in one or other country; and Sindh, the Ameers of which had given proofs of such a friendly spirit, was selected to be made the sacrifice upon this occasion. A large British force marched down the Sutlej in November, 1838, while another landed from Bombay at the mouths of the Indus; and the helpless Ameers were compelled, by the joint action of these armies, to accept the hard terms dictated, which placed the whole resources of their country at the disposal of British officers.

In April, 1838, some months before this Afghan expedition was determined upon, the Ameers at Hyderabad had been brought to sign a treaty, allowing the residence of a British political officer at that city, for the settlement of their differences with Runjeet Sing—and Colonel, now Sir Henry, Pottinger was the resident then appointed. On the 26th of June, 1838, the famous tripartite treaty was concluded between the British Government, Runjeet Sing, and Shah Shooja-ool-Moolk, without the participation of the Ameers, or any communication made to them through the recently appointed resident. In the fourth article of this treaty it was provided that the Shah's right over Sindh and Shikarpoor should be arbitrated and adjusted by the British Government; while, in the sixteenth article, the Shah agreed to relinquish his claims of supremacy over Sindh, and all arrears of tribute, upon payment by the Ameers of such a sum as the British Government might determine. But out of that sum fifteen lakhs of rupees were to be paid to Runjeet Sing, which was an alarming indication of the extortion meditated. Colonel Pottinger was now directed to negotiate arrangements with the Ameers upon this basis, and to demand from those of Hyderabad only, twenty lakhs of rupees (200,000*l.*) on account of arrears of this obsolete tribute. He was further instructed to tell the Ameers 'that his Lordship expected from them, as sincere friends and near neighbours, some ostensible display, in the present exigency, of their attachment to British interests, and some concession on their part to the *reasonable* wishes of the British Government and its allies.' Therefore, the fort of Bukur, on an island of the Indus, was to be required from Meer Roostum, the Khyrpoor Ameer, for a depôt; and Shikarpoor was to be asked from the Hyderabad Ameers, as a base to the intended military operations westward.

One cannot wonder that Colonel Pottinger found considerable difficulty in negotiating these terms. Up to the end of October, no advance had been made in the settlement of them with either family of Ameers; and the demand for arrears of tribute was met by the production of a full acquittance under Shah Shooja's seal, written, for greater validity, on a page of the Koran. When Pottinger reported this, he was told that the question of Shah Shooja's claims appertained to the envoy at the court of the Shah, and that he had no concern with it, but, under his instructions, must require the acceptance of the terms offered to the Ameers. The chiefs still hesitated, whereupon accusations and menaces were resorted to. They were accused of treachery for sending 'a slavish Urceza' to the Shah of Persia, and an insulting letter, as it was called, to Shah Shooja, reminding him of his acquittance in the Koran.

The Governor-General's secretary was in October directed to write as follows:—

'It occurs to the Governor-General that it might materially facilitate any negotiations which may eventually be called for with Meer Sobdar, as head of the Hyderabad family,* were that chief informed that we have received overtures from a descendant of the Kalora dynasty, now residing at Bickaneer. His Lordship has reason to know that the individual in question has many powerful adherents in Sindh, and it is not impossible that *his pretensions may be favourably regarded by the British Government*, should it be found that *no member of the reigning family is disposed to accede to the arrangements which are deemed absolutely indispensable to the safety and tranquillity of our Indian possessions.*'

The permanent acceptance of a subsidiary force, and the provision of supplies for our armies in the expedition in progress, were now added to the money demand and surrender of Shikarpoor and Bukur. To enforce the acceptance of these terms, Lord Auckland, we see, scrupled not to resort to the threat of restoring the old Kalora dynasty, exiled sixty years before, and to support this threat by the movement of two armies, from the north and south, each more than sufficient to overpower all resistance. What could the poor Ameers do when so pressed and so menaced? Meer Roostum submitted at once; he signed the treaty pro-

* Although Sobdār was son of Fateh Ali, the eldest brother, yet Nur Muhammad, the son of Murad Ali, the youngest of the Chār Yār, as the four brothers were called, was regarded as the Rais or Chief of Lower Sindh. The Governor-General, therefore, was not quite accurate in calling Sobdār 'head of the Hyderabad family.'

sented to him by Burnes, and, paying the money demanded, gave up his fort of Bukur to the Bengal army as it advanced. The Hyderabad Ameers, however, did not yield until General Sir John, afterwards Lord Keane, arrived before the gates of their capital.

On February 5, 1839, the Hyderabad treaty, containing these conditions, was signed, and the first instalment of ten lakhs, on account of Shah Shooja's claims, was paid before the 13th of the same month. Besides accepting a subsidiary force of 5000 men, in co-operation with whom the Ameers engaged to furnish 3000 when required, they were to disburse an annual tribute of three lakhs, and to give up altogether the toll settled to be paid to them on boats navigating the Indus. They likewise bound themselves to submit to our arbitration, upon all points of difference between themselves, or with neighbouring states. Thus the independence of Sindh was destroyed, and its resources were placed during the war entirely at the disposal of the British officers. Unpalatable as all this must have been to the Ameers, who had for sixty years been enjoying the luxury of being let alone, the change of their circumstances was susceptible either of aggravation or the contrary, as the British political agents appointed to the two courts might be well or ill disposed. We will say this of Colonel Pottinger, that he very unwillingly enforced these hard terms; and when appointed afterwards agent in Lower Sindh, he did his best to conciliate the Ameers, and to reconcile them to their new position. He was generally the advocate of their claims, and while endeavouring to obtain for them relief from any palpable injury occasioned by the presence of our armies, sought invariably to mitigate the mortifications of their humbled pride. But to Khyrpoor—where Meer Roostum had merited even more favour by his prompt and unqualified submission—a man of a far other stamp was appointed first British political agent. Mr. Ross Bell was a Bengal civilian, of the Delhi school, haughty and unconciliatory, with absurd notions of his personal and official consequence. The author of '*Dry Leaves from Young Egypt*' was for some time an assistant under this functionary, and he tells us that the first display of temper on his part was the refusal of a chair to Meer Roostum's head and favorite minister, Futeh Mohammed Ghoree, which elicited the natural remark, 'What! is he the angel Gabriel?'

Mr. Ross Bell was accompanied into Sindh by native adventurers and dependents, hangers-on of the Delhi administrative establishments. With these, Ali Morad,

the ambitious brother of Meer Roostum, came early into close understanding; and all Mr. Ross Bell's acts, in consequence, exhibited a partisan feeling for the interest of this chief, and a prejudice against the head of the family, and the minister to whom he had given his confidence. Sad, indeed, was the condition of Meer Roostum, when assailed by domestic treachery and intrigue, and deprived, by reason of this prejudice, of the natural resource of a fair hearing from the agent of the power which controlled his destinies, and adjudicated his differences and disputes with those around him.

And here we would remark, that one great—nay, we may say, the principal—value which these '*Dry Leaves*' will possess in the estimation of most readers is, the insight they afford into the details of official employment under a political agent, and into the interior working of that system which has filled, especially of late years, so many blue-books. The veil is withdrawn from many a mystery, and characters are exhibited in their real frailty and imperfection. But we are dealing with the British policy towards the Ameers of Sindh, and have no desire to dwell on the faults or foibles of individual subalterns.

Mr. Ross Bell, after a short career, died of the Sindh fever; and Major Outram, who had succeeded Pottinger in Lower Sindh, was then vested with the political charge of the entire country. This officer has left a very different reputation amongst men of all classes in both divisions of the province. Severely indeed was the fidelity of the Ameers, both at Hyderabad and Khyrpoor, put to trial when the Afghans were in arms against us to a man, and the reports of disasters, and many clear evidences of weakness, combined with a fellowship in religious feeling with our enemies, to excite them to turn against us, and make an effort to recover their independence. We sincerely believe that we owe to the respect both families of Ameers entertained for our then agent, and to the wisdom and prudence of his measures, the retention of Sindh at this juncture in nominal allegiance; whereby we were enabled to make its resources available for the support of the force in Kandahar, without which this force, being isolated like that of Kabul, not only would have been in no condition to retrieve our reputation by its march on the scene of our calamities, but would have felt the utmost difficulty in a retreat. Undoubtedly, during this awful crisis the Ameers more than once hesitated, and held consultations, and communicated with those who endeavoured to instigate them to break with us; but who in their situation

could be expected to do otherwise? Was it not enough to soothe the minds of our august leaders that these unfortunate men were, after all, restrained from joining the enemy? Was no consideration to be shown for associated chiefs, who *de facto* rendered us aid when they might have destroyed us? Was no allowance to be made for the many inducements by which they were tempted to the opposite course? No sooner, however, was our position retrieved by the triumphant return of our armies to Hindostan—no sooner were we independent of any reliance on the Ameers for help—than we turned on these our only helpers in extremity, and commenced a course of policy which ended in their speedy ruin and expulsion from their native land. Outram, the officer in the position of peril during the troubles of Afghanistan, and who might be expected therefore to take an exaggerated view of the intrigues and cabals in which the Ameers at one time engaged, and of which he would necessarily be the first victim, described them 'as caused by a distrust of our intentions; and, with one exception—the attempt of Meer Roostum's minister, Futeh Mohammed Ghoree, to embroil us above the passes through the agency of Mohammed Sherif—as of a petty character, such as ever abound at Oriental courts.' Again, on the 21st of May, 1842, he wrote of the Ameers that he 'did not think such changeable, puerile, and divided chieftains were ever likely to enter into a very deep or dangerous conspiracy.' This, be it observed, was at a date proximate to Colonel England's repulse, and before either Sir G. Pollock or General Nott had received permission, or had been provided with the means, for an advance on Kabul.

But let us pass on to the time when the return of our armies from Afghanistan had silenced every voice that was raised against us in Sindh, and for ever stopped the disposition or desire to cabal for our injury. Outram had some time antecedently proposed to commute the tribute of 3 lakhs, settled by the treaty of Hyderabad as to be paid by these Ameers, for the permanent transfer to us of Kurache, Shikarpoor, and Sukkur—and he thought the evidence we possessed of the intrigues in which they had engaged was sufficient to warrant the dictation of these terms, which, if accompanied by a relinquishment of all present and future pecuniary claims, would not, he conceived, be unacceptable to them. But Lord Ellenborough, the new Governor-General, who arrived in February, 1842, and who in June had proceeded up the country and taken upon himself the entire direction of these affairs, deemed the terms too moderate, and

directed a cession of territory east of the Indus, for reward of the chief of Bhawalpoor, to be further exacted from the Ameers. Subz-ul-kot had rather recently been wrested by them from this chief—its restoration therefore was not an unreasonable demand to make in retribution for their faulting somewhat in allegiance. This, we presume, was all that Lord Ellenborough contemplated, or intended to require from the Ameers by his instructions to Outram above referred to; but by a hasty order, subsequently issued on November 3rd, 1842, he directed the cession to be demanded of all the territory extending from Bhawal Khan's frontier to Roree, which doubled the mulct to be exacted for these intrigues, and raised the annual sacrifice to nearly 8 lakhs and a half of rupees, out of a revenue in the whole not reaching 30 lakhs. The Governor-General was evidently misinformed in respect to the geographical limits of the Bhawalpoor claim; but Sir Charles Napier—who had succeeded Colonel Outram at this time, uniting the military command with full political powers—though the probable misconception was explained to him, made no reference to ask what the Governor-General really wished by these second orders, till after he had brought matters to the crisis of the battle of Meeanee and capture of Hyderabad.

But this is a minor point in the career and proceedings of this officer. General England's division of the Kandahar army had already descended the passes into Sindh, so as to be out of all danger, when Sir Charles Napier first arrived to take upon himself the joint functions vested in him by the Governor-General. He had never before served in India, and knew none of its languages, and very little of the customs or habits of the people; but he appears to have gone into Sindh predetermined to embroil matters and produce a crisis. On passing through Hyderabad, on his way to Sukkur, the head-quarters of the army of Sindh, he made four peremptory demands from the Ameers there, without troubling himself much to inquire whether the strict letter of the treaties they had signed warranted his enforcement of them. At Sukkur he found a letter from Lord Ellenborough, announcing the intention 'to inflict upon the treachery of any ally who had evinced hostile designs against us during the late events, so signal a punishment as should effectually deter others from similar conduct;' but it was added, 'the Governor-General would not proceed in this course, without the most complete and convincing evidence of guilt in the persons accused.' Upon this Sir Charles Napier determined to act. He sought dili-

gently for the proofs required. There was produced to him a letter with the signature of Meer Naseer Khan, of Hyderabad, addressed to Beebruk Boogtee, chief of a robber tribe, and purporting to be written while he was in actual hostility with us. Another letter, produced as intercepted, bore the seal of Meer Roostum, and urged Rajah Sheer Sing of Lahore to join in measures of a hostile character. Both these letters were at once alleged to be forgeries. With respect to the one to Beebruk Boogtee, there was no likelihood that such a communication should ever have been addressed to him by Meer Naseer; and the grounds given by our Ex-Political for concluding it to be unauthentic, in pages 231 and 232 of the 'Dry Leaves,' seem to us unanswerable. The letter to Sheer Singh came to hand through Ali Morad, whose intrigues it was designed and fabricated to support; the subsequent conduct of this chief leaves no doubt that he was familiar with the practice of forgery. There was a third 'intercepted letter' addressed to Dewan Sawun Mul of Mooltan, but this was all along, it seems, allowed to be of doubtful authenticity—and like the others is now known for a forgery.

Sir Charles Napier, upon measuring the seals with his compasses, and receiving the philological illumination of his assistant Captain Brown, who is expressly stated by Colonel Outram to have been unable to read Persian, the language of both letters and seals, assumed at once the guilt of the Ameers. He determined to hold *all* the Ameers responsible for the breach of faith which he conceived the letters to establish; for he 'would not be played off like a shuttlecock, and told, this was done by one Ameer, that by another, and so have a week's inquiry to find out who was responsible for the aggression.'

He began with Meer Roostum, the Khyrpoor chief, an old man of eighty-five, of whose amiable disposition every British officer ever brought into relation with him has spoken most highly. Rumour had told this Ameer that, friendly as he had uniformly endeavoured to prove himself, the British Government yet intended to make on him some further demands. In the words of Sir William Napier, 'All becoming vague was magnified, and the reinforcement of Sukkur by General England's column led them (the Ameers) to imagine that the demand would be very great.'

There had been a feud raging for some time amongst the Khyrpoor Ameers. Meer Roostum naturally wished to secure the succession to his eldest son Meer Mohamed Hoosein. This, however, was opposed by

Ali Morad, who, as next living brother, claimed a superior right to the chieftainship by the custom of the family, as evidenced by the course of succession at Hyderabad. This feud had shortly before reached the point of a regular battle at Nounuhur, where the faction of Ali Morad obtained the victory, and a hollow treaty was then concluded, the conditions of which, settling the territorial rights of the respective chiefs, were, for greater solemnity, written on the fly-leaf of a Koran. The rival princes, however, still retained their partisans in arms, and it was represented at Sukkur that in fact the purpose of both was hostility against us. Sir Charles Napier thereupon moved rapidly with a body of troops towards Khyrpoor—a measure not at all calculated to allay the alarm he knew to be felt there. When Meer Roostum solicited a meeting for purposes of mutual explanation, it was for some unaccountable reason peremptorily refused; nor would Sir Charles, either by letter or by message through an assistant, state the nature of his intentions, or do anything to relieve this chief from his anxiety. Ali Morad, his treacherous brother, did his best all the while to work on his fears, and make the old man believe that even his person would not be safe if he trusted himself at an interview with the General. Nevertheless he sought it earnestly; and only after being refused this means of stating his readiness to submit in all things to the wishes of the British Government, did he yield to his brother's insidious suggestion to trust *him* with the whole negotiation.

Captain Brown, an old assistant of Mr. Ross Bell, who was still surrounded by the Delhi native officials, with whom Ali Morad was in good understanding, was at this time the confidential adviser of Sir Charles Napier. Through this channel Ali Morad contrived soon to obtain influence. Having procured the commission to negotiate on behalf of Meer Roostum, and for the Khyrpoor family in general, he represented the old chief to the General, as intriguing to deprive himself of his rights, and fomented the belief that he only was faithful, and that his rivals were armed and prepared for resistance. He thus obtained from the General an assurance that Meer Roostum would not be permitted to invest his son with the turban to the prejudice of the brother's claim, and, receiving an exhortation to be faithful, was led to hope, by the very terms in which this was conveyed, that an anticipated investiture was within his reach by causing a forfeiture for infidelity.

Using Sir Charles Napier as the tool and instrument of this base intrigue, he induced

him still to refuse Meer Roostum an interview, and took a writing to that effect from the General, which contained, besides the refusal to see the old man, a recommendation to him to abide in all things by his brother's advice. He then made his victim understand his exhortation as an injunction to abdicate in his own favour. Unwillingly Meer Roostum consented, and the terms of the abdication were settled in a family conclave, and written in a Koran—Meer Mohamed Hoosein, the son, alone continuing absent, and refusing to be a party to the arrangement.

The false brother, not content with having succeeded thus far, still urged to Meer Roostum the danger of coming near the General, who desired, he said, to make him prisoner, and thus induced his aged brother to fly to the desert for security. This flight Sir Charles Napier construed as an act of confirmed hostility, warranting the forfeiture of all the Chief's estates and property. With the full concurrence of Ali Morad, nay even at his instigation, the scheme of forfeiture was carried out with a sweeping hand. The possessions of all the Khyrpoor Ameers were seized for the British Government, with exception of those of Ali Morad, to whom was assigned, besides his patrimonial estates, a separate appanage for the turban. In the settlement of these assignments the record inscribed in the Koran at the time of Meer Roostum's abdication, viz. on 29th of December, 1842, was received as conclusive evidence of both titles, and Ali Morad was placed in possession of all the villages and pergunas there inscribed as belonging to him, either by right of inheritance, or as attached to the turban. It was represented, even before Sir Charles Napier left Sindh, that this record had been falsified, but no endeavour was made to ascertain the truth of that allegation while the General remained. Ali Morad, it appears, had changed the word 'deh,' meaning village, into 'perguna,' meaning district, besides making other additions. Fearing that the alterations would be detected, he subsequently caused the whole fly-leaf of the Koran to be abstracted, and a new leaf, fairly written, to be inserted in its place. Finding or recollecting that a copy of the original had been taken for deposit amongst the official records of the province, he was compelled by bribery and intrigue to procure that that also should be changed so as to be made to correspond.

The discovery of this fraud, and its full establishment, after a fair trial before a British Commission, is the cause of the recent degradation of Ali Morad, and of the measures now in progress in Upper Sindh.

The whole villany of Ali Morad, and his consummate treachery to his brother, are now matters of undoubted history, yet it was at the instigation of this chief, and to carry out his views, that Sir Charles Napier adopted his violent proceedings against Meer Roostum and the other Khyrpoor Ameers. To the Governor-General and to the authorities and public of this country he represented the forced abdication, and the confiscations which followed, as a just punishment inflicted on a faithless ally. In charity to Sir Charles, we must suppose that he was the dupe of Ali Morad's artifices. Even granting, however, that the mischief sprang from his inability to discriminate between the honest man and the villain,—between the fidelity of a well-meaning, open-hearted friend, and the designs of an unprincipled intriguer, seeking for power, even at the price of the ruin of every member of his own family—the result has been most damaging to the British reputation, not only in India, but wherever the report of these transactions has spread.

So much for the punishment of the Khyrpoor Ameers. Having effected this seizure and confiscation, with a promptitude and vigour that in a better cause would have won our admiration, Sir Charles hurried down to call the Ameers of Hyderabad to a similar reckoning. Colonel Outram was still there as British negotiator, but the harshness of the demands made since Sir Charles had arrived in Sindh induced these Ameers to doubt our real intentions, and even to distrust this negotiator. The arrival at Hyderabad of the aggrieved Roostum confirmed all the Ameers in the belief that even submission would give them no security against a General so disposed: hence the resolution to gather adherents—hence the cabals and consultations which produced the outbreak that drove away Colonel Outram, and brought on the battle of Meanee. It is not our purpose to describe this battle at length, nor to follow closely the after proceedings. The plunder of the palaces at Hyderabad, even to the women's wardrobes and jewels—the imprisonment of every member of the family and every faithful adherent of the Ameers—their shipment to Bombay and ultimately to Calcutta, where many died—are not all these matters of notoriety, that have been talked and written about till the public is nauseated with the discussion? No one believes at this day that the Ameers of Sindh, by their conduct before, or during, or after the Afghan outbreak, deserved more than friendly advice and warning. We doubt if the Governor-General originally intended more; yet what

have they received through Sir Charles Napier's ungovernable determination, at whatever cost of confounding the innocent with the guilty, to achieve a conquest!

It is time to say something more of the volume quaintly entitled 'Dry Leaves from Young Egypt.' Its author is a Bombay officer, highly distinguished as an Oriental scholar, whose command of the Persian language, with other qualifications, led to his selection for political employment in Sindh, at the time when our army was advancing through the Boolan Pass to Kandahar. He gives the history of his travels and personal adventures in the form of a lively journal—the notes for which must have been kept from day to day. He was on duty at Shikarpoor when the Murree outbreak gave the first taste of disaster that we experienced after the triumphant march of our troops from the Bengal frontier all the way through Kandahar to Kabul. His account of Lieutenant Clarke's death and Major Clibborn's defeat, and of the impressions the news created as it spread, is very graphic, and we doubt not quite true. His official career in Sindh closed very soon after that event; a residence of two years and a half in the climate of Shikarpoor and Kutchee, at a time when in no part of that territory was there a comfortable house, having produced its too general effect, in destroying his constitution, and compelling a recourse to a sea voyage for restoration. He descended the Indus in the height of the rains, at the same season that he had sailed up, and stopping at Hyderabad, where he assisted at Outram's conferences with the Ameers after the death of Meer Noor Mohammed, continued his voyage down to Tatta, and thence crossed westward to Karachee, and took passage in a steamer to Bombay in the month of September, 1841. He thus avoided the greater anxieties of the period of the Afghan outbreak, and was not a witness to the injuries inflicted on the Ameers by Sir C. Napier; but he is the warm advocate of their cause, and the last chapter of his book is an appeal on behalf of Upper Sindh, in which the case of the Khyrpoor Ameers is stated with a force that it is not possible to resist.

As we have said before, however, we believe the cause of the Ameers to require at this day no advocacy. The Court of Directors have uniformly felt and admitted that these chiefs were grievously injured, and no one out of the Napier family, unless it be Lord Ellenborough—who, though guarded in his original instructions, yet approved and ratified the General's proceedings—would now say that they were just, or indeed consistent with those instructions. The recent convic-

tion of Ali Morad, after a fair trial, and the measures taken and now in progress for his punishment, have set that part of the question at rest for ever. If, however, there be any who would wish for a clear summary of the case of the hardly used Ameers, including the outrageous treatment suffered by their women and dependants, we especially commend the feeling speech of Lord Jocelyn, who has spared no pains to master a most painful subject.

Still it by no means follows, because a territory was gained by violence and injustice, that therefore it can be given up again, as our Ex-Political scarcely hesitates to call for. The act of restoration may lead to greater injustice, involving many more in ruin, and placing lives and property in greater jeopardy, than the first injustice towards the reigning family whom we displaced. There is in all these cases an interest of the population, and of those whom our system induces to settle, and clothes with rights under the guarantee of law, and of proclaimed institutions, that, once created, never can be abandoned. It will be urged that the recent proceedings against Ali Morad have placed fresh territory in our hands, which might even now be appropriated in jageers without injury to any one's rights;—and the able advocacy of Lord Jocelyn, at this particular juncture, seems to point to some such arrangement as to the land, or at least its revenues. In respect to the territory, the question is certainly open; but if grounds of political expediency are to have any sway in its determination, we should still say that the wiser course would be to assign the revenue, and to let the administration follow the fate of the rest of Sindh, and be made to conform to the system generally introduced. We doubt indeed if it would be for the interest of the Ameers themselves to re-establish them as petty chiefs within their ancient territory; for, upon any occasion of outbreak, they would be made, from their position, to take a lead in the disturbance, and so would become the first victims; and no prudence could save them from the suspicion of fomenting disaffection. They have lost their sovereign rights, like many other rulers of Hindoostan of much higher family and pretensions, yet may live happily in any city of India of their own selection, enjoying the luxuries of life, and, as nobles of a race with historical recollections, secure of the respect due to their rank and to their misfortunes. Their condition, improved under the sense of retributive justice, which has at length forced its way to the hearts and convictions even of those who in the first instance sanctioned

these proceedings, will be far more enviable than the feelings of those who were the instruments for inflicting the wrong.

It is beyond doubt that, like all Asiatic princes, the poor Ameers looked upon themselves as sovereigns by divine right—each owning no obligation to administer the territory he possessed, otherwise than as a property for his own profit and pleasure. But most of the Ameers appear to have been moral, and even religious, men, with a desire to earn a good repute: all were remarked as possessing exceedingly good manners, and some of them very amiable dispositions. The attempt of Sir C. Napier to represent them as a parcel of profligate, reckless intriguers, drunkards, bang-smokers, and opium-eaters, is to our mind the least justifiable part of all this genius's very questionable sayings and doings. The evidence in the Ameers' favour collected in the Appendix to the speech of Lord Jocelyn, is far from being the whole. One meets ever and anon persons who have seen service in Sindh, and, as far as we have observed, all such of our officers as had intercourse with these chiefs, concur in recognizing more especially the virtues of Meer Roostum and Meer Sobdar. But the proceedings against the Ameers were not suggested nor justified by charges affecting their personal characters. Those charges were only thrown in as a make-weight afterwards, to prejudice readers of this country against the victims of our oppression and extortion.

The whole affairs of the East India Company are about to undergo once more a deliberate Parliamentary scrutiny. We do not expect that the fate of Sindh will *now* be overhauled with anxious minuteness by the Committees for the general investigation; nor does the noble mover for the recent papers connected with it indicate any intention to demand a separate Committee on this melancholy subject. Yet it will be impossible, that in an inquiry made for the very purpose of determining what classes of administrators may be most fitly trusted for the future, the manner in which those employed in Sindh were led blindfold into a course of measures of which the nation is now ashamed, should not receive, at some stage, its own modicum of attention.

We have spoken freely of Sir Charles Napier; but let it not be imagined that we would ascribe all the wrongs of the Sindh Ameers to any one person, or to one class of officers exclusively. The injuries they suffered did not begin with Sir Charles. Three Governors-General in succession, Lords William Bentinck, Auckland, and Ellenborough, had all their share in the ruin

of Sindh. The first negotiated the commercial treaties, and then sent down Shah Shooja to plunder and extort from his new ally; the second inflicted on Sindh the misery of its selection as a base of military operations for the execution of his designs in Afghanistan, and, in their prosecution, wantonly trampled on the independence of the country; the third, lending a credulous ear to tales of intrigue and disaffection—charges really involving little criminality if true—let loose a wild soldier to satiate his rude hands with violence, and to beggar alike the innocent and the guilty.

Lord William Bentinck indulged in visionary hopes of commercial prosperity, in which the rulers of Sindh were to participate. He had that excuse for intermeddling with the affairs of the province, but he sent no British functionaries to humble its rulers by incessant demands, degrading to their national spirit of independence. That step in advance was the act of his successor, and resulted from the false move against Afghanistan, which was said to create a necessity for obtaining the command of the resources of Sindh. Nor even if that enterprise were meritorious, and its exigencies undeniable, could these justify the means by which this Governor-General made those resources available to his purposes, and sent his residents and agents to overawe and over-ride the native sovereigns. It will be pleaded that if the negotiators were not always well chosen, that is a sort of accident for which a Governor-General is entitled to have much allowance made, for he cannot have a fore-knowledge of the characters of all whom he must occasionally be called upon to employ. We must say, on this point, that the manner in which Mr. Ross Bell behaved towards Meer Roostum, and his minister Futeh Mahommed Khan Ghoree, and lent himself to the wicked intrigues of Ali Morad, must early have been seen and checked, if the supervision at headquarters had been effective. This, however, was a temporary evil, from which the death of Mr. Bell completely relieved the Ameers; for after the appointment of Colonel Outram, whose milder counsels and habits of direct intercourse had reconciled them to the presence of a British agent, they had no complaints or grounds of dissatisfaction, except such as arose from the necessity of furnishing the aids required by our armies in Afghanistan. It must also in fairness be admitted that Lord Auckland had no desire to violate the integrity of Sindh, or to trench on the independence of its Ameers, further than was requisite to carry out his views upon the regions beyond. It was Lord El-

lenborough who took up the idea of visiting the duplicity of hesitating allies with severe punishment, and who picked out Sindh and its rulers to be made an example in the face of other powers. But he still required, as a condition, that guilt should first be clearly established; and there can be no doubt, that, had Colonel Outram continued political agent, the Ameers would have met with fair consideration, and the mulct inflicted would have been commensurate with the specific errors susceptible of proof. The ruin of Sindh was consummated by the supersession and removal of Outram, and by the choice of a Napier to be vested with unlimited discretion in carrying out the Governor-General's views of conditional retribution.

This appointment was one result of a change of system, for which the new Governor-General took to himself at the time no small credit, and for which he is exclusively responsible. Lord Ellenborough went out to India impressed with a strong prejudice against the method, always previously pursued in that country, of selecting for political and administrative functions, separate persons from those vested with the military command. Is such a separation of authority wise? or shall India be subjected in future to mere military occupation, and be governed only by military law? That is the point. The 'political' officers, employed extensively by Lord Auckland, were men selected for supposed competency for civil charge, because possessed of the same qualifications that are required from civilians. Of their competency, on the general average, for the duties committed to them, there was never any question, and several cases of most marked merit rise promptly to our recollection; but because they were mostly military men, there was an unworthy jealousy felt by many of their own profession, who saw their juniors transferred in this manner to situations of superior authority, and with emoluments much exceeding their own. It was a popular thing at the mess of regiments to ascribe every failure to the fault or shortcomings of these *politicals*; but was it for a Governor-General either to participate in, or play into and encourage such a feeling?

The appointment of Sir C. Napier, a division general of the Queen's service, first to the charge of political relations, and afterwards to be Governor of Sindh, is still trumpeted by a few as an evidence of the wisdom and superior efficiency of this system of united military and civil control. Most assuredly it produced a result, in the conquest of the province, which, under the

other system, never could have been consummated; but if it be found, as we think now must be fully admitted, that with Outram and his assistants, the superseded politicals of Sindh, every idea of anything like consideration for native habits and feelings departed at once and disappeared;—if, in the opinion of all impartial judges, ten years after the events, the *Conquest* achieved by one Napier and sung by another, must be set down as a course of harsh and barbarous aggression, for which reparation is due, and the only difficulty now is in what form to award it;—how then will stand the question, whether it was wise or not to combine all powers in one rough English General? The system here exemplified would expose every part of our frontier, and our relations with every native chief, to the danger of being similarly embroiled; and if the Indian Governments admitted the obligation of uniting these extensive powers, and vesting the discretion of their exercise with the chance officer of the military roster, who might succeed to the command of the troops, it would part for ever with its means of controlling the conduct and proceedings of such a subordinate.

The question before us is quite distinct from that of reserving political and administrative functions exclusively to members of the civil service—that is, to specially educated civilians. No one claims for this class of servants of the East India Company the monopoly of the qualifications for important public employ. Wherever these exist among servants upon whose fidelity and integrity the governing body has a sufficient hold to guarantee the public interests, let the Government be free to select them. If they are found in the military profession—whether in the higher or lower grades of it—let them, in God's name, be made available. It is high talent that we most want in India, and it would be an unworthy course to refuse employment to the fittest man, because it might so happen that, in the routine of military service, a senior officer might be brought into the situation to receive advice from him, and to be required to submit even to his direction, in matters not strictly professional.

A few words more upon the local peculiarities of Sindh. The Indus is the source of all the claims it possesses to be in any respect a desirable acquisition. But for this magnificent river, Sindh would be—like the deserts of Makran to the west, and the desolate Thur which separates it from Hindoostan to the east—a region in which the wild ass and the camel only could find subsistence. But the great body of waters

sent forth from western Tibet, and from the snowy Himalaya, finds through the province a channel to the Indian Ocean; and the inundations of the tropical monsoon, and of the summer meltings of those perpetual snows, fertilize a wide tract on either side of their course, in a manner precisely similar to that which has ever marked the land of the Pharaohs. The name of 'Young Egypt' was hence given to Sindh by the earliest of our fellow-subjects who found themselves there in the character of Josephs, laying in stores of grain for the wants of our marching armies—and it has retained this name, until it has found a place in conspicuous type on the title-page of the book we are reviewing.

The Indus, so like the Nile in many respects, brings down a much larger body of water, and yet, by reason of the force of the torrent, and of the sands and shoals over which it flows, is much less easy of navigation. The river will of course always be a highway of commerce, not only with cities and stations on its banks, but with Upper Hindoostan and Central Asia; but it wants the great desideratum of a navigable channel at its mouth, opening a port for ships. Karachee, which is beyond the delta of the Indus to the west, is the only emporium at which sea-borne commerce can find its exchange for products of the interior: and that is but a bad port, difficult of access at all times, and most dangerous during the south-west monsoon, when the whole coast of the country is a lee-shore, exposed to the violence of the wind and sea. The mouths of the mighty Indus are universally barred by the action of this monsoon. In this respect the Ganges has an immense advantage; and so long as large ships can unload at Calcutta, there is no fear of the commerce of India being withdrawn from that quarter for the sake of the nearer route to certain upper provinces afforded by the Indus.

Our Ex-Political, crossing the desert from Deesa, and proceeding through Kutch to Tatta, went by water to Hyderabad in the month of July, when the river therefore was at its highest. He made this voyage in three days, assisted, of course, by the southern winds which prevail at that season. By the same aid he made a journey of forty miles in one day from Hyderabad to Mazinda; he tells us this distance 'occupied the fleet of boats under Major B.—, of H. M. 2nd Infantry, twenty-five days;' but his own party 'avoided the main stream, which was too violent to be stemmed, and sailed up several narrow branches from it;'

a plan available only during the season of inundation.

Between Mazinda and Sehwan there is a tract through which the river flows in a narrow channel with great impetuosity, and is stated to have a depth of *sixty fathoms!* The *facilis descensus* here suggests a ready method of mail communication:—

'It is not uncommon to send a letter down the river by a water-courier. This person places the epistle in the folds of a huge turban, and, divesting himself of his other apparel, steps into the stream, with a large skin inflated with air. To the legs are fastened two hoops, into which our friend inserts his nether members, and, taking the full-blown hide lovingly to his bosom, floats down with the current to his destination. It has a droll effect, meeting a great Turk's head thus hastening on its mission, and bobbing up and down with every undulation of the river.'

At Sehwan our author left the main stream—the current there, and above, being even more formidable than that he had found in the narrow channel. By the Aral he made his way to the Manchar Lake, a pestilent, weedy shallow, terribly infested with mosquitoes and every other noxious animal, or thing. From this lake the Nara, a winding stream running parallel to the Indus for more than one hundred miles, and which formed perhaps its ancient bed, carried him nearly to Larkhana in upper Sindh; but he was ten days occupied in sailing or towing up the Nara, and then entered a canal, to avoid still the main stream. Where this canal joins the great river, he says

'The current is more violent than I have yet seen it; and trunks of trees, bushes, and dead cattle are whirled furiously along in it.'

Next day, August 10th, he says—

'My other boat came up during the night, and as soon as it dawned, attempted the rapid, but was driven back. We then got out of the boats and towed them out of the canal down the stream to some little distance, in the hope of crossing, and thus eluding in some degree the fury of the current. We crossed, and just as we reached smooth water the boats grounded, within a few yards of a tremendous lahar, or rapid; at last we got them off, and they drove across the lahar. As we entered the enormous surges, dark, and crested with foam, the crew set up a shout to their patron saint.'

Abundant hazards are known to those who have made the passage up the Ganges, at the same season—but though both rivers present many perils to steamers, we have reason to think those of the Indus much the more formidable. This point, however, is

about to be well tested—the Company having ordered a set of river steamers, to be constructed of iron, drawing little water, for the purpose of establishing a regular communication for traffic and for passengers between Hyderabad and Lahore. It is a very long voyage from Tatta to that city, or to Ferozepoor, and it must be a rich cargo, and the prospect of large profit, that would tempt an adventure of merchandise on speculation, by an ordinary river-boat up such a stream. Its relative merit, compared with the Ganges, as a route of communication with the Punjab and Upper Hindoostan, is about to be put to a fair and immediate trial; for the Court of Directors, in anticipation of the establishment of steam-vessels for the voyage, has determined to send, by Karachee and the Indus, the recruits and reliefs for the European regiments employed in that quarter. We shall therefore soon learn whether the route is preferable to the Ganges for such a purpose, on the score of time, of facility of navigation, and last, but not least, of salubrity.

ART. V.—1. *Memoirs of the Life and Writings of Thomas Chalmers, D.D., LL.D.* By his Son-in-Law, the Rev. William Hanna, LL.D. 4 vols. 8vo. Edinburgh, 1852.

2. *Posthumous Works of Dr. Chalmers.* 9 vols. 8vo. Edinburgh, 1852.

3. *A Biographical Notice of Dr. Chalmers.* By the Very Rev. E. B. Ramsay, M.A., F.R.S.E. Edinburgh. 4to. 1849.

THERE is some tough reading in Dr. Hanna's book. It is by far too bulky for its subject, important as we admit the subject to be. It is one-sided likewise, as indeed the reader had every right to expect that it would be, and seeks to effect its purpose sometimes by means even more objectionable than a *suppressio veri*. Nor do we think that even in regard to points fairly stated, it always states them well. At the same time we readily acknowledge that Dr. Hanna is a writer of considerable ability, and we give him entire credit for sincerity in the zeal which he blazons. But our business is more with the subject of the biographer's filial admiration, than with his own merits, literary, theological, or otherwise.

Chalmers was born at Anstruther, a small town in Fife, on the 17th of March, 1780. His father, a dyer, ship-owner, and general merchant there, attained to the dignity of

Provost. His mother was the daughter of a wine-merchant in the neighbouring borough of Crail. They were a respectable couple in their station, industrious, frugal, and of good report. Their union proved to be more than ordinarily fruitful; they had not fewer than nine sons and five daughters, of whom one only died in childhood.

Thomas—the sixth branch from the parent olive—was sent to the parish-school when only three years of age. Neither his father nor his mother, it appears, could find time to instruct him at home; and the nurse, to whose care he was committed, behaved cruelly to him: so the little urchin shouldered his satchel unrepiningly, and went forth day by day with his elder brothers. But the rector's sight had almost wholly failed, and the usher was indolent. The future doctor mounted from class to class regularly till he reached the highest, and passed out of that as ill-instructed a boy as probably ever came from the hands even of a Scotch dominie.

The family had furnished more than one minister to the Kirk; and that calling, as might be expected, was held in great esteem in the house. Indeed, the provost, being himself a ruling elder, inherited much of the spirit of his clerical ancestors; and young Thomas was encouraged in the choice which he seems very early to have made of a profession. Accordingly, on attaining his twelfth year, he was entered as a student at St. Andrew's, and took his place under the Professor of Humanity—that is Latin. But here his defective training told sorely against him. He could not construe the easiest of the class-books: he was quite unable to follow the eloquent Dr. Hunter in his prelections. He lost heart, and became a complete idler. Golf, foot-ball, and fives engrossed a much larger portion of his time than Ruddiman; and all the hours not given up to play were spent in desultory reading—the mere indulgence of a teeming fancy—as is proved by the fact that, though of course in those early days tales and legends took fast hold upon his memory, he could not recollect how the words which conveyed them to his mind were formed. Chalmers never wrote a hand which even a printer could decypher without labour and sorrow. His orthography in those early days would have shocked Aunt Tabitha or even Winifred Jenkyns.

Though terribly unlettered, Chalmers was not a coarse-minded or rude boy. His temper was mild; his disposition singularly amiable; all his companions liked him; and a lad whom the future Lord Campbell and Dr. Leyden selected for their friend must

have had more to recommend him than a mild temper and an amiable disposition. The truth is, that an intellect naturally fine and patient of labour was still running to waste for lack of guidance. As a mere infant, Chalmers exhibited unmistakeable evidence of an imaginative temperament. His father used to read the Bible to his children on a Sunday evening; and, being a Calvinist of the stern old school, read as often at least out of the Old Testament as out of the New: among all his auditors there was not one on whom the touching stories of the patriarchal and Levitical times made half so deep an impression as on little Thomas. It is told of him that having listened to the tale of Absalom's death and David's sorrow, he suddenly disappeared, and was found, after considerable search, walking backwards and forwards excited and absorbed, and repeating to himself the words, 'Oh my son Absalom! oh Absalom, my son, my son!' He was then not quite three years old. Had proper pains been taken with him in school, and beside his mother's knee—though we probably should not have had to notice the biography of a leading divine—it might very possibly have been our duty to review the career of a distinguished scholar, not impossibly of a pre-eminent poet.

After spending two winters in a class with which he could not keep up, Chalmers became at the commencement of his third session a student of mathematics. That he had any natural bias for the investigation of abstract truth we must take the liberty to doubt. His writings give no indications of a mind prone to grapple closely with an argument, and dissatisfied with conclusions that rest upon other than geometrical proof. But the science was new to him, and, which perhaps gave to it additional attractions, he saw that it was equally new to his class-fellows. Now at last he could hope to start fair; and his energies awoke. From being the idlest he became the most industrious boy in the class. Every task was mastered; every exercise completed and shown up. Dr. Hanna says that this was his intellectual birth-time. Perhaps it was; but more than the birth of intellect marked it. It led the way by a very simple process to habits of thinking on the most important of all subjects, which had well nigh made shipwreck of a noble nature, and were not cast aside without much suffering many years afterwards.

The concluding quarter of the last century, with perhaps the first decade or something more of the present, will long be remembered as a season of much religious and political scepticism in both sections of the Uni-

ted Kingdom. In England, it is true, the philosophy of the French Encyclopedists made little way, except within a particular circle. There might be, there always is, a vast amount of practical infidelity among the rabble; and Priestley and Godwin did their best to propagate, in classes above the rabble, doctrines not more wholesome. But our seats of learning were uncontaminated; and the clergy, however careless they might be—(and of their too common carelessness there can be no doubt)—neither entertained in private nor publicly taught views subversive of revealed truth or hostile to established government. The case was different in Scotland; there an ill-regulated taste for metaphysical inquiry led multitudes of all ranks into the adoption of views which had no other connexion with the deductions of their favourite science than arose out of an exaggerated admiration for the genius of David Hume. Moreover the terms of intimacy on which that arch-infidel and other gentlemen of his colour lived with the moderator of the General Assembly, and the leader of the Church, were not without the worst effects upon the clergy—among the younger portion of them especially. They saw that to attain to eminence in their profession, very rigid opinions on points of faith were not necessary. The ambitious turned their attention to almost any subject, whether of literature or of science, rather than to theology; and of their pulpit oratory the tone became by degrees as decorous as the stiffest admirer of Blair and the fathers of the moral school could desire. Meanwhile the clerical aspirants for professorial chairs—and in a church with hardly any prizes strictly her own such aspirants are numerous—sought their chairs like philosophers, and not seldom like philosophers made use of them. Their public prelections were rigidly confined to the discussion of the sciences which they engaged to teach; their private conversation, to which only the cleverest pupils were admitted, took a much wider range. There ethics and politics were handled with a freedom which could not fail to make an impression upon the ingenuous minds of their auditors, who, whatever might have been their home training, seldom quitted such symposia unchanged. We should be sorry to malign either the living or the dead; but it is our deliberate opinion, that with the exception of France, there was not a more infidel country on the face of the earth than Scotland sixty or seventy years ago; and we further believe that she was mainly indebted for this bad distinction to the active exertions of her professors, and the indifference, disguised under the title of

moderation, which generally distinguished the teaching of her more accomplished and influential clergy.

Professor Vilant had become almost wholly *functus officio* when Chalmers entered the mathematical class; it was in consequence taught by the Rev. Dr. James Brown, a skilful teacher, but a free-thinker as well in religion as in politics.* The son of a miller near St. Andrews, he had worked his way by industry and talent, and not long previously been presented by the College to the living of Denino, about four miles off. Dr. Brown was much taken with young Chalmers's zeal in his mathematical studies. He invited him to his house, introduced him to his two most intimate friends, the late Sir John Leslie and Professor Mylne, and soon succeeded, with their assistance, in delivering him from all the prejudices in which he had been brought up. The Calvinism of the back-shop went first by the board, and the Toryism which sustained it followed. Chalmers devoured Godwin's *Political Justice*, and yearned for the coming regeneration of the world. He cast aside his Bible, and gave himself up to the contemplation of the power, the wisdom, and the goodness of the Supreme First Cause. He entered the mathematical class a thoughtless, idle, imaginative boy; he passed out of it a transcendental philosophist and a democrat.

Though the direction which his thoughts had taken was no fortunate one, much was gained for him by putting them in motion at all. He learned by degrees to reduce them into shape, and to arrange the results upon paper. He was his own instructor in this art, adopting such models as came first to hand; Godwin, and the two professors under whom he sat, were his masters. He became a member likewise of a debating club, wherein political subjects were discussed; and by and by joined a theological association, where he greatly distinguished himself. This was after his admission into the Divinity Hall, where he took his seat for the first time in November 1795, and within which he continued to show himself regularly till 1798. Yet all this while his creed was as far removed from that of the Apostles as it could well be. As was to be expected, the prelections of the worthy Dr. Hill interested him very little. He was ready enough to discuss with any one the doctrine of philosophical necessity, and verged nearer and nearer every day to Pantheism. But neither the evidences of Christianity nor the theological system of Calvin (to which Dr. Hill mainly directed the attention of his pupils) had any charms for him. He read mathematics and chemistry,

while others read divinity; yet both his public prayers and his class exercises attracted more notice than those of any other student.* He seemed to have sprung all at once to the full measure of his intellectual stature, and became, as a matter of course, conceited, arrogant, and vain.

It was a common practice with divinity students to enter during vacation time as tutors into the families of country gentlemen, and to look for preferment through their interest; which at the period we treat of was potential and rarely refused. Chalmers, partly with a view to establish a connexion for himself, partly that he might relieve his father from an immediate expense, sought and obtained a situation of the sort in the spring of 1798: but the laird and lady seem to have been very silly people. They evidently did not know what was due to themselves, far less to the tutor of their sons. But his letters to his father, while suffering under probably absurd enough treatment, breathe a spirit scarcely worthy of his mental stature, and his biographer's comments on the whole transaction make things worse. The climax is that Chalmers quitted the place after five months' trial, and never sought for another. He returned to College, completed his course in the Divinity Hall, applied to the Presbytery of St. Andrew's to be admitted to his trials; and, though not quite nineteen years of age, carried his point. It was a highly irregular act on the part of the Presbytery, which, from time immemorial, had received no candidate under twenty-one. But Chalmers had a friend in the body who raked up an old Church statute, which he persuaded his colleagues to read according to his own peculiar interpretation; and on the assurance of this gentleman that the candidate was 'a lad o' pregnant pairts,' the 'lad' took his place in the Sessions-house. He passed with credit; and on the 31st of July, 1799, received a 'licence to preach the gospel.' It is rather curious that, entertaining the opinions which he did, Chalmers should have taken this step. No doubt the step was not, like ordination to the diaconate among us, irrevocable. The licensed preacher, or probationer, of the Kirk is still a layman. He is not so much as entitled to prefix the term Reverend to his name: and may at any moment return into civil life. But that Chalmers ever thought of stopping short at

* It is the custom in Scottish colleges for the students of divinity to conduct the public worship of the class by turns, and each, as he assumes this office, is supposed to extemporise a prayer. Chalmers, awake to the beauty and the force of the Lord's Prayer, used invariably to paraphrase it.

the point where the probationer's license carried him, there is nothing whatever to indicate. The truth seems to be that the transcendentalism which used to fill his mind when a boy with lofty visions of divine things, had subsided by this time into commonplace scepticism. He had no faith in anything, not even in the fixedness of moral right; and was prepared to earn a livelihood, either by preaching ethics, should a kirk fall to his share, or by turning his talents, of which he entertained a sufficiently exalted opinion, to any other account that might present itself.

Immediately after receiving his licence Chalmers set off to visit his eldest brother James at Liverpool. The journey, on foot, occupied a fortnight. On the 25th of August he preached for the first time in the Scotch church at Wigan; and on the following Sunday delivered the same discourse in a chapel at Liverpool. James—a sharp, eccentric man—wrote thus to his father:—

'It is impossible for me to form an opinion of Thomas as yet; but the sermon he gave us in Liverpool, which was the same as we had in Wigan, was in general well liked. His mode of delivery is expressive, his language beautiful, and his arguments very forcible and strong. His sermon contained a due mixture both of the doctrinal and practical parts of religion; but I think it inclined rather more to the latter. The subject, however, required it. It is the opinion of those who pretend to be judges, that he will shine in the pulpit; but as yet he is rather awkward in his appearance. We, however, are at some pains in adjusting his dress, manner, &c., but he does not seem to pay any great regard to it himself. His mathematical studies seem to occupy more of his time than the religious.'

Chalmers had expected to meet four of his brothers at James's house, and proposed to instruct the youngest—a sailor—in the principles of navigation. But the pupil did not arrive till October; and the lessons were scarcely begun when the prospect of some appointment—of what nature we are not told—recalled Thomas to Edinburgh. The appointment he did not secure: but he took lodgings, and made Edinburgh his head-quarters for two years. He supported himself entirely by teaching; and attended the lectures of Dr. Hope on Chemistry; Dr. Robison on Natural Philosophy; and Dugald Stewart on Moral Philosophy. Of Robison he entertained the highest opinion, as did all who enjoyed the benefit of that admirable man's acquaintance. Stewart took his fancy less, and Hope he appears to have disliked and despised—probably that

successful professor gave less attention to his papers than he conceived them to deserve.

It is said by persons who are not likely to be misinformed, that the private life of Chalmers during a portion, at least, of his residence in Edinburgh was far from correct. Dr. Hanna is entirely, perhaps naturally, silent on the subject, but if he were aware of the fact, he ought in our opinion to have stated it frankly. For he acknowledges that Chalmers was by this time a disciple of Mirabaud as well as of Godwin, and Mirabaud did not so much as pretend to inculcate a strict moral code. But, whatever might be the extent of Chalmers's corporeal dissipation, his mind became by degrees better regulated under the wise teaching of Dr. Robison. Before the clear and unanswerable reasoning of the Christian philosopher Mirabaud's wretched materialism gave way, and Chalmers so far regained the place from which he had fallen, that a belief in the existence of a spiritual God, and in the responsibility of man in a future state, settled itself once more in his understanding.

In the spring of 1801 a negotiation was opened, through an old college friend, with a view to his settlement as assistant to the minister of Cavers, a retired parish in Teviotdale. Chalmers preached there;—and, his discourse being approved of by the unsophisticated congregation, the incumbent agreed to give him the post. Before entering upon his new duties, however, he paid a visit to St. Andrew's, where he found or fancied reasons for believing that his father's services, in support of the Hopes and Dundases, had met of late with an unworthy return. The virtuous indignation of a friend of the people stirred within him. He felt more and more the urgent need of 'political emancipation for the masses;' and being unable to restrain himself, wrote to the minister of Cavers, his future chief, what we must be permitted to designate a very silly letter. Meanwhile new and better prospects opened before him. The death of one of the St. Andrew's professors bid fair to occasion a vacancy in a parish of which the College was patron, and Chalmers, like a prudent youth, made interest to secure the reversion. He had many friends among the professors, and a promise was made, that, if any such contingency befel, he should not be forgotten.

For eleven months, or thereabouts, Chalmers officiated as assistant to Mr. Elliot, in Cavers. The greater part of the time he resided in the neighbouring manse of his friend Mr. Shaw, at Robertson; latterly he

occupied lodgings in Hawick. He seems to have made himself sufficiently popular with all classes, and won the hearts of the farmers in particular by the hearty and jovial manner in which he threw himself into their carousals. But his wishes aspired all the while to a position of a different order. Dr. Brown had been removed to a chair in Glasgow, and the gentleman who succeeded to the care of Professor Vilant's class was about to resign it; Chalmers lost no time in canvassing for the assistantship, and he gained it. Forthwith his undivided attention was turned to the preparation of mathematical lectures. He withdrew from society, and laboured so assiduously at Hawick, that September 1802 found him ready for his course in St. Andrew's.

In October the parish of Kilmany fell vacant, and in the following November Chalmers was presented to it. He entertained no scruples then on the subjects of plurality and calls. He knew that for half the year it was physically impossible that he could reside in Kilmany, but his thoughts were much more occupied with visions of literary distinction than with anxiety about the spiritual wants of any. We hear of no opposition made at the moment, but opposition arose by and by, and Chalmers seems to have had his own impetuous and overbearing temper to thank for it. The truth is, that with the 'intellectual birth' of which Dr. Hanna speaks, there came a prodigious change in the whole moral bearing of the man. He became suddenly conscious of power which he lacked judgment to control, and lost his balance entirely. Nothing would serve him but to strike out new and startling methods of teaching. He treated the boys in his class as if they had been the free citizens of a free republic; he made himself extremely popular among them, but it was at the expense of the popularity of his colleagues; and when the venerable professor under whom he served presumed to grant certificates without consulting him, he seized the first opportunity of a public examination in the college hall to rate him soundly. Dr. Vilant was astonished, and the rest of the authorities scandalized, nor can any one be surprised to learn that from that time forth the favour of the *Senatus Academicus* was withdrawn.

Chalmers was ordained to the parish of Kilmany on the 12th of May, 1803. He had counted, as we have intimated, on being permitted to retain office as assistant professor, but he was deceived. Dr. Vilant at once gave him notice that after the close of the session his services would be dispensed with; and assigned as a reason that

his manner of conveying instruction to the students was unsatisfactory. This was to wound Chalmers in two very sensitive parts at once. He was removed from an occupation which he liked, and driven back upon duties that were uncongenial to him, and—worse still—his abilities were called in question. The college had declared war against him; he resolved to march, like another Hannibal, into the enemy's country. In a word, it soon became known that, on the return of the students to St. Andrew's, the young minister of Kilmany intended to open mathematical and chemical classes there on his own account. His father, among others, wrote earnestly to dissuade him from doing so—and his answer is highly characteristic of the man at this period:—

'I believe the measure will be opposed by a certain party of the St. Andrew's professors, but I am sure they will not be able to ruin the success of my intended proceedings without having recourse to dishonourable practices. These artifices I shall be obliged to expose for my own vindication, but my chief anxiety is to reconcile you to the idea of not confining my whole attention to my ministerial employment. The fact is that no minister finds that necessary. Even at present I am able to devote as much time and as much attention to other subjects as I will be under the necessity of doing next winter; and, after all, I discharge my duties, I hope, in a satisfactory manner. With regard to non-residence, that is to last only for six months. I have never been called to any incidental duty through the week but once, and I have the assurance of my two neighbours that they will attend to every ministerial office that may be necessary. Your apprehensions with regard to the dissatisfaction of the parishioners are, I can assure you, quite groundless. I feel the footing on which I stand with them, and am certain that no serious or permanent offence will ever be excited.'

The winter came, and with it the great campaign of science opened. Both town and gown were thrown into a ferment. Hard words passed, orally and in writing, with threats of prosecution, and we know not what besides; but the impetuosity of the lecturer carried the day; his rooms were crammed. It was to no purpose that the professors changed their lecture hours with a view to empty the private classroom of their rival. Chalmers met them at every turn, quietly changed his hours in like manner, and retained the whole of his pupils. At last, audacity and superior talent prevailed. The *Senatus* found that it could do nothing—and the rivals one by one made overtures of peace; but another and more formidable enemy advanced upon the rear of the victor. The *Presbytery* threatened to take the matter up, and to

proceed against Chalmers on a charge of neglecting his parish. We regret not to transcribe the whole of the paper which Chalmers prepared to give in as his defensive. It is as perfect a specimen of egotistical rhodomontade as ever came under our observation; but the concluding sentences are all that we can give:—

‘Compel me to retire from my classes, and you give a blow to the religious interests of my parish which all the punctualities of discipline will never restore. You render me the laughing-stock of the country: you cover me with infamy; you render me the object of public contempt and public execration. Compel me to retire, and I shall be fallen indeed; I would feel myself blighted in the eyes of all my acquaintances; I would never more lift up my face in society; I would bury myself in the oblivion of shame and solitude; I would hide me from the world; I would be overpowered by the feelings of my own disgrace; the torments of self-reflection would pursue me; they would haunt my dreams; they would lay me on a bed of torture; they would condemn me to a life of restless and never-ceasing anxiety. Death would be to me the most welcome of all messengers; it would cut short the remainder of my ignominious days; it would lay me in the grave’s peaceful retreat; it would withdraw me from the agitations of a life that has been persecuted by the injustice of enemies, and still more distracted by the treachery of violated friendship.’

Whether this awful storm in a puddle struck the Presbytery with terror, or that they thought it better to avoid a collision which might bring past irregularities to light, the evidence does not show; but the threatened proceedings against Chalmers never came on, except in the shape of a resolution by one minister, which nobody supported, and Chalmers continued to lecture throughout the session of 1804, as he had done in 1803, to large classes and with great credit to himself.

Between this date and the close of 1806 Chalmers seems to have led a life of much mental exertion and physical eccentricity. Not satisfied with lecturing in the winter at St. Andrew’s, he took it into his head to lecture to his parishioners at Kilmany during the summer: more, as it appears, to the amazement than the edification of his audiences.* We find him next Lieutenant and Chaplain to a regiment of volunteers. But the most important of his proceedings

was his candidature, first, for the professorship of mathematics at St. Andrew’s, and next for a similar post in the University of Edinburgh. He was defeated on both occasions; but his Edinburgh struggle, if it accomplished nothing else, was the cause of his first appearance before the public as an author. The death of Dr. Robison having vacated the chair of natural philosophy, Mr. Macknight, one of the ministers of Edinburgh, and for some years Dr. Robison’s assistant, made interest for the place in opposition to Mr. Playfair, who, though ultimately successful, appears for a while to have anticipated a different result. Playfair (also a parish minister) used all legitimate means of canvass, and addressed over and above a letter to the Lord Provost, in which he not only alleged that there were few Scottish clergymen who had attained to any eminence in mathematics or natural philosophy; but that the vigorous and successful pursuit of these sciences was incompatible with clerical duties and habits. This was an insult not only to himself, but to the whole of his order, which Chalmers could not brook. He drew up and printed a pamphlet in which he lashed the reverend philosopher in a style of which, only a few years later, he was heartily ashamed.

In the December of this year one of his brothers—the gallant commander of a letter of mark—died of consumption. The contemplation of his peaceful end operated, according to Dr. Hanna, in awakening in Thomas’s heart better thoughts of that religion which he still taught without much believing it. This may be true; but of anything like a conversion, in the sense which Dr. Hanna would apply to the term, we can discover no trace. That his republican propensities, which in fact appear never to have been very inveterate, wore away as the French revolution held its course, there can be no doubt. He had long ago returned to the full Tory creed of his parentage, and now hated Buonaparte with all the intensity of a good Volunteer officer. But as to religious doctrine his opinions remained in that state, which, robbing a man of all the comfort that arises out of a steadfast faith, keeps him still theoretically sensible of the moral beauty of Christianity, and convinced of its perfect adaptation to the wants of human nature. Indeed his mind was too full of secular projects—he was too anxious to win a name for himself among the choice intellects of the day—to leave much room for higher considerations, except when forced to entertain them; and hence it came about that, though extremely popular in his parish both as a man and a

* Among other experiments the powers of some bleaching liquid were exhibited, which led to the following colloquy between two old women. ‘Our minister,’ said one, ‘is naething short o’ a warlock; he was learning the folk to clean claes *but* (without) soap.’ ‘Eh, woman,’ replied the other, ‘I wush he would learn me to make parritch *but* meal.’

preacher, he does not seem to have succeeded in forming the characters of individuals, or rendering the general tone of society more pure and spiritual than it had used to be. At the same time his life was not a useless one. Whatever came under the observation, either of his senses or his understanding, he examined thoroughly. He took a lively interest in national affairs, and earnestly desired to contribute his quota to the general instruction of the public mind. With this view, after an agreeable journey through the heart of England, including a visit to Oxford and Cambridge, and three weeks in London, not one hour of which was wasted, he returned to Kilmany, and sat down to the composition of his treatise on 'The Extent and Stability of National Resources.' The subject was not new to him, for he had been an early student of Adam Smith and other authorities in political economy. And taking the Tory side of the question, he handled it extremely well, bating only this point—that he gave the preference to direct over indirect taxation. Mr. Spence's pamphlet, entitled 'Britain Independent of Commerce,' got the start of him, however;—and as the two writers not only travelled over the same ground, but took, as far as they went, the same views, the latter publication, though unquestionably of higher intrinsic worth, met with less attention than the former. Chalmers printed this book in Edinburgh, and sent copies to London, for which he secured the active patronage, among other old friends, of the great rising genius of his own district, David Wilkie. But though the author watched every review, and did his utmost to stimulate the sale, it never came to a second edition. He was a good deal mortified—but not discouraged from further exertion.

We have now arrived at a stage in the history of this remarkable man, of which it is not too much to say that it constituted the hinge on which the tendencies of his whole moral existence turned. On the 27th of August, 1808, his sister Barbara, to whom he was greatly attached, died; and the smitten sorrower began almost immediately to take a deeper view of the things both of time and of eternity. He felt no disposition to withdraw into privacy; quite otherwise. Indeed, he appeared in the following spring for the first time in the General Assembly, and made a telling speech on the augmentation of poor benefices.* But secular objects began to take a

secondary place in his meditations, and the distinctive truths of Christianity more and more to be brought forward in his pulpit. His journal also exhibits tokens of a growing desire to conform in his personal habits more than he had heretofore done to the precepts of his Master. Perhaps it would be to try any honest diarist by too severe a test, were we to draw a strict estimate of his moral condition from the entries which he makes. But undoubtedly there are expressions in the journal of Dr. Chalmers which lead to the persuasion that both now and to a late period in his life the animal propensities were more than ordinarily strong in him. From the year 1808, up well nigh to the abrupt closing of the book, we find constant lamentations over the turbulence of the flesh, with earnest, and we doubt not, effectual prayers for strength to put it down. From a somewhat overweening estimate of his own powers, and an irritable impatience of contradiction, he seems never to have entirely freed himself. But he undoubtedly strove to master these weaknesses; and, when conscious of having fallen into them, deeply lamented it.

He was in the first stage of this transition state when another incident added strength to the religious impulse. His uncle, Mr. Bellenden, a retired master of the navy, a man of great piety and worth, was found one evening in his bed-room dead, in the attitude of prayer. A panic fell upon the household, from which Chalmers did not escape. He fancied that he too was to die soon and suddenly; and the idea grew into something like conviction when a fever laid him prostrate. Then, indeed, he communed with his own heart, and spared it not.

than the poverty occasioned to many of his brethren by the holding back of their just dues. Whatever benefit the free-trade system may have accomplished for other orders of men, it has operated cruelly upon the ministers of the Established Church of Scotland. Their salaries depend, from year to year, upon the *fiars*, or average price of grain. They can demand the market value of so many bolls of meal, and no more; and the fall in the price of agricultural produce has already deprived them, in many instances of a full third, in no case of less than a fourth, of their incomes. Think of educated gentlemen reduced from 300*l.* or 150*l.* a year, to 200*l.* and 100*l.* respectively! We believe that, as yet, the clergy of the Church of England are less seriously affected. They have had a seven years' average to come and go upon; but this term of grace, like that of their brethren in Scotland, is pretty nearly expended, and when it dies out, we shall without doubt hear more of their sufferings. It was very cruel first to force upon them a commutation of tithes, of which the fairness depended upon the maintenance of the market value of wheat by protective laws, and then to repeal those laws without providing for any possible benefit to be derived from an extended cultivation of any kind, or from any other source whatsoever.

* If Chalmers had lived to the present time, and continued true to the Church of his fathers, he would have found other and graver ground of complaint

Writing to a friend from Fincaigs, a farmhouse to which he had withdrawn while the manse at Kilmany underwent repair, he thus expresses himself. How different is the tone of this letter from the flippancy and egotism of earlier specimens!—

'My confinement has fixed on my heart a very strong impression of the insignificance of time; an impression which, I trust, will not abandon me though I again reach the heyday of health. This should be the first step to another impression still more salutary, the magnitude of eternity. Strip human life of its connexion with a higher state of existence, and it is the illusion of an instant, an unmeaning farce, a series of visions and projects, and convulsive efforts, which terminate in nothing. I have been reading Pascal's Thoughts on Religion: you know his history—a man of the richest endowments, and whose youth was signalised by his profound and original speculations in mathematical science, but who could stop short in the brilliant career of discovery; who could resign all the splendours of literary reputation; who could renounce, without a sigh, all the distinctions which are conferred upon genius, and resolve to devote every talent and every hour to the defence and illustration of the Gospel. This, my dear sir, is superior to all Greek, to all Roman fame.'

Some time before this Chalmers had agreed to assist Dr. (now Sir David) Brewster in the Edinburgh Encyclopædia; and among other papers undertook one upon Trigonometry. He now wrote to entreat that the article 'Christianity' might be entrusted to him; and proposed to reside three or four months in St. Andrew's, in order that he might have constant use of the college library. His request was acceded to, and he sat down to the self-imposed task with all the ardour of one scarcely less anxious to gather conviction for himself than to convince others. That he succeeded perfectly there is no room for doubt. Making notes all the morning, like a student anxious to overtake the truth, he gave up his evenings to a course of reading which seems to have moulded the stuff acquired by the understanding into a living principle. Wilberforce's Practical View, Pascal's Thoughts, Scott's Force of Truth, Baxter on Conversion, and Young's Night Thoughts appear to have been greatly esteemed. Writing to his brother Alexander in 1820, he says:—

'I stated to you that the effect of a very long confinement about ten years ago upon myself was to inspire me with a set of very serious resolutions, under which I wrote a journal, and made a laborious effort to elevate my practice to the standard of the Divine requirements. During the course, however, I got little satisfaction, and felt no repose. I remember that somewhere about the year 1811 I had Wilber-

force's "View" put into my hands, and, as I got on in reading it, felt myself on the eve of a great revolution in all my opinions about Christianity. I am now most thoroughly of opinion—and it is an opinion founded on experience—that on the system of "Do this and live" no peace, and even no true and worthy obedience, can ever be attained. It is, "Believe in the Lord Jesus Christ and thou shalt be saved." Where this belief enters the heart, joy and confidence enter along with it. The righteousness which we try to work out for ourselves eludes our impotent grasp; and never can a soul arrive at true and permanent rest in the pursuit of this object. The righteousness which by faith we put on secures our acceptance with God, and secures our interest in his promises, and gives us a part in those sanctifying influences by which we are enabled to do with aid from on high what we never can do without it. We look to God in a new light; we see him as a reconciled father: that love to him which terror scares away re-enters the heart, and with a new principle and a new power we become new creatures in Jesus Christ our Lord.'

Had Chalmers been more familiar with our best divines, or more at home in the niceties of the learned languages, he would have known that such expressions, when used under the impulse of feeling, however pure, are likely often to mislead. Indeed, it is the misfortune of the party to which he henceforth attached himself, that by the indiscriminating use of terms, which are just and proper only in the sense applied to them by the inspired writers, they offend the judgments of the earnest and the thoughtful almost as much as they abuse the credulity of the ignorant. Men do not succeed now, any more than long ago, in 'putting on the righteousness which is of faith,' except after continuous self-control, vigilance, and prayer: for it is 'the narrow way,' as we read, 'that leads to life,' not the broad and easy path of mere impulses. In like manner, though the expression 'Believe in the Lord Jesus Christ and thou shalt be saved,' be strictly apostolic, it is one which neither an apostle nor anybody else could safely address, except to persons who had given some evidence at least that 'they were pricked at the heart'—if they did not, like St. Peter's auditors on the day of Pentecost, go farther and demand, 'Men and brethren, what shall we do?' Repentance—change of mind—*μετανοια*—must precede faith, wherever men are living in practical forgetfulness of the obligations under which, as members of Christ's Church or family upon earth, they have come. At the same time we are far from accusing either Chalmers, or the authors from whom he mainly derived his views, of the smallest desire to countenance the impious absurdities of Antinomianism. The

utmost extent to which they go is to yield, in their own persons, too much to feeling; and to lead others, by their manner of expressing themselves, it may be, into a worse error. They are perfectly right in attributing all the praise to God—all the merit to the atonement. But while they speak of the righteousness that is of faith, and rejoice in the justification that comes freely in Christ Jesus, they would do well to remember that the same authority which establishes these truths establishes another, namely, that each individual man is required 'to work out his own salvation with fear and trembling,' and 'to labour that he may make his calling and election sure.'

From this time forth Chalmers was an altered man. He ceased to prosecute mathematical researches. Chemistry he abandoned, except as a subject for social discussion; and devoting himself to the work of his calling, visited, preached, conversed, and wrote, as if the single object of his exertions were to advance the moral and religious welfare of his fellow-creatures.

In the year 1811 he began to write for the 'Christian Instructor,' an Edinburgh magazine, of which the late Dr. Andrew Thomson was editor. There was an asperity in Thomson's criticism which outraged, from time to time, the less atrabilious nature of his contributor; yet Thomson had many manly and generous qualities—on the whole they worked in a very friendly spirit together—and the 'Christian Instructor' made its way with a considerable section of the public. But perhaps the most interesting episode in Chalmers's history at this time was his correspondence with Mr. James Anderson, the son of a banker in Dundee, who, when a youth of eighteen, had been fascinated by his reputation as a man of science, and sought his acquaintance. The young man's advances were met with cordiality; and a friendship as romantic as any of which even classic tradition makes mention, sprang up between them. At first their letters discussed literary and scientific subjects merely; by and by religion began to mix itself up with these things, and Chalmers, in explaining the change which had been wrought on himself, touched a new spring in the moral being of his friend. Dr. Hanna's selection from this correspondence will, we suspect, be regarded by many as the most deeply interesting chapter in the book before us; and the sad blighting of hopes called forth at its opening will not detract from its merits.

The course of life begun in 1810 and continued through 1811, was steadily followed out in 1812. His theological reading ex-

tended itself, and embraced, among other books, Lardner's Jewish and Heathen Testimonies, Prideaux' Connexion, Macknight's Credibility, Hannah More's Practical Piety, Buchanan's Researches, The Life of Doddridge by Orton, and Paley's masterpiece, the *Horæ Paulinæ*. This is rather a strange medley no doubt, yet in one respect it suited well the peculiar temperament of the mind engaged:—for there could be no system, no groundwork indeed on which to rest one, in desultory study like this; and Chalmers was the last person in the world to systematize on matters of faith. But better things were added. Chalmers read the Bible carefully in English, and began to study the New Testament in Greek. It was the first time he appears to have undertaken this labour, and it soon became a labour of love. Many years afterwards, when referring in his correspondence to the process now going on in his own mind, and which he was then desirous of seeing stirred in another, he says:—

'But there are other books which might be as effectually instrumental in working the desirable change; and in defect of them all there is the Bible, whose doctrines I well remember I then saw in an altogether new light, and could feel a power and a preciousness in passages which I formerly read with heedlessness, and even with disgust. I do think, that without disparagement to human authorship, which in many instances is in the highest degree helpful to the inquirer, still the main road to light and comfort, and a solid establishment in the way that leadeth to life everlasting, is the reading of the Scriptures with prayer.'

The British and Foreign Bible Society, which had been struggling into existence during some years in England, made about this time its views and principles known in Scotland. They were zealously embraced by Chalmers, who wrote pamphlets and got up local associations in its support. Meanwhile his exertions, both in the pulpit and by frequent pastoral visits at their own homes, to bring his people to a sense of their position as professing Christians, were unintermitting. His hospitalities, likewise, though simple—perhaps rude—were unbounded; and he acquired over a continually widening circle of acquaintances, an influence which seemed to become firm in exact proportion to the Christian purposes which it was meant to serve.

In August of this year Chalmers was married to a Miss Pratt—a propitious union, founded on sober and elevated sentiments. His life, from this date up to the early winter of 1814, was perhaps as happy as can well be the lives even of good men. As a preacher he grew continually more effective.

He spoke from the heart, with an eloquence and power which told equally upon the unlettered peasant and the fastidious scholar; and the effects showed themselves, not alone in the crowded state of his church, but in the daily turning of sinners from the error of their ways. Dr. Hanna has recorded details of the impression made upon two country lads by one of his appeals, which will well repay perusal. Neither was his pen idle. He defended, in the *Christian Instructor*, the cause of missions to the heathen against the merciless onslaught of Sydney Smith in the *Edinburgh Review*; and, at the earnest request of the proprietors of the *Edinburgh Encyclopædia*, consented to correct and bring out as a separate publication the article 'Christianity,' which had attracted so much notice in its original shape. His studies began also to be turned a good deal to the subject of pauperism—on which he seems to have at an earlier period taken up a strong impression in favour of Malthus's views—but of this matter hereafter. His family correspondence refers to little else than the religious impressions to which he was himself subject, and which he desired to communicate to others; while his contributions to the periodical press all tended in the same direction, namely, to elevate the religious principle, and to combat such objections as, either directly or indirectly, were brought against the authority of the Bible. Among other works which he reviewed in the '*Instructor*' was Cuvier's *Theory of the Earth*, which, appearing at this time in an English dress, created a great sensation in Edinburgh. And to Chalmers belongs the merit of having first endeavoured to accomplish that reconciliation between the discoveries of geology and the Mosaic account of the cosmogony, which is now universally accepted as complete, both by philosophers and divines.

His fame as a preacher had by this time spread far beyond the limits of Kilmany; and the tone of his later writings was rapidly removing whatever prejudice his more youthful escapades, both in conduct and opinion, might have created against him. By and by a vacancy occurred in the Tron Church of Glasgow; and it occurred to certain members of the Town Council, the patrons, that it would be well to present him to the living. A good deal of negotiation and coquetting followed; but the result was that several esteemed citizens were deputed to steal, so to speak, upon Chalmers's privacy, and to judge for themselves whether his ordinary style of pulpit eloquence were as effective as general rumour described it. One and all, they returned from their recon-

noissances perfectly satisfied, and a powerful discourse delivered at the funeral of the minister of Bendoeh, in Perthshire, consummated the triumph of the orator.* But a good deal remained to be done: Chalmers—to his honour be it told—declined to give any specific pledge that he would accept the benefice, were it even offered, and positively refused to strengthen by any canvass of his own the hands of his supporters. His friends, however, were earnest and indefatigable; and in spite of 'the Duke of Montrose, Sir Islay Campbell, the College interest, and the late and present Provosts,' they by and by carried their point. The matter being thus arranged, Chalmers no longer hesitated. All his wishes had been on the side of the translation throughout; indeed, the very record which he committed to paper of the balancing of arguments in his own mind, shows that with him, as well as with most men, the pure ore of principle did not escape some slight intermixture of alloy. The letter also which he addressed to a Mr. Tennant of Glasgow, while as yet the issues of the contest were doubtful, will bear more than one interpretation. In form, it is a refusal 'to help on, by any declaration or step,' the result which his correspondent was seeking; in substance, it is as able a canvassing document as ever proceeded from the pen of one who is expected to say *Nolo episcopari*; and being widely circulated, it produced among the town-councillors the effect which, without doubt, it was expected to do. But conceding all this—allowing, as we think his best friends must do, that Chalmers could not but desire, on many accounts, to be removed to a wider sphere, it is past dispute that for the people of Kilmany he entertained a sincere affection; his parting from them was a very painful duty to himself: to his poor parishioners it was the severance of their heart-strings.

Chalmers's first sermon in the Tron Church of Glasgow was delivered on the 30th of March, 1815. It riveted the attention of a crowded audience, and established at once the popularity of the preacher. More than one light spirit was then first reached, rebuked, and overawed. Week after week sustained and heightened the impression made. He soon won the hearts as well as the admiration of his new flock, and he never lost them. We can make no attempt to delineate in full his mode of life

* Mr. Honey, the minister here alluded to, an old college friend of Chalmers, on an occasion of shipwreck off the coast at St. Andrew's, made his way, in the dead of winter, through a furious surf, and saved a whole sloop's crew; the exertion was too great for his strength, and a two years' decline ended in the good man's death.

and course of labour during the eight years of his ministrations in this great city. But certain leading objects which he sought to accomplish, and the means which he devised of achieving them, stand quite apart from the ordinary tenor of a pastor's career, and must not be passed without some, however inadequate, notice.

Before Chalmers removed to Glasgow he was fully aware of the general state of feeling which pervaded that great mart of commerce, and of the parts which the Clergy were expected and accustomed to enact in society. The religious principle appears to have nearly lost itself in mere formalism. Most people, at least among the better orders, took their hebdomadal places in church—but as they were not drawn thither by any desire of spiritual edification, so the effects of these Sunday exercises were very little visible in their proceedings during the week. They bought and sold—schemed and speculated—ate, and drank, and slept—with characters which rose and fell according to their successes or mishaps in business. The Clergy were quite incapable of making head against this evil. Some of them had long laboured beyond both their strength and their means—and Dr. Hanna should not have omitted to say so distinctly :—but their numbers were totally inadequate, and many inconvenient, not to say bad, customs had been forced upon them by their parishioners. They were kept employed in matters which ought not to have been thrown upon them. As managing committee-men on almost all occasions of secular improvement they played a conspicuous part. No charitable scheme, whether public or private, could be carried on without them; and in such sewerage and scavenging as then occupied men's attention they were great. But in, it seems, the majority of the parishes even the routine visits of Minister and Elders had fallen into disuse—so that the poor were quite neglected, except when the pastor himself dispensed to them from his scanty revenue, or they came for their dole out of some benevolent fund. The more important parishes had so completely outgrown the educational arrangements made by the constitution of the Church, that a vast majority of the children of the working classes were growing up in worse than heathen ignorance. Meanwhile, the citizens—not content to throw the burthen of public business upon the pastors—insisted on their attendance at all symposia, whether public or private. No birthday dinner could be eaten, no civic feast occur, but that the city clergy must be present; and from the unbounded hospitalities of individuals the absence of the minis-

ter of the parish would have been considered as a personal slight. Men so situated could hardly find time either for private study, or the decent discharge of their official duties; and not a few, in utter weariness of heart and spirit, were found to have neglected both.

Before he quitted Kilmany, Chalmers expressed his determination to break through these customs at all hazards. He adhered to that determination. For a brief space, and with the single view of not giving offence, he accepted the invitations of his parishioners and opened his doors to their visits at all hours; but as soon as he could make the citizens understand that it was their good, and not his own, which he was seeking, he withdrew from the vortex of social intercourse, and never entered it again. He largely increased, instead of diminishing his own influence by the proceeding.

Again, after attending for a good while to every *secular* call, and sitting many an hour at a time in grave deliberation as to whether a gutter should be shut up or left open, he resolved to break loose from this species of thralldom in like manner, and he adopted a very original method of making his people aware of the fact. On the 13th of October, 1816, the Doctor—for he had now received that degree in Divinity from the Glasgow University—gave out as the text of his morning's discourse the words 'Then the twelve called the multitude of the disciples unto them, and said, Is it reason that we should leave the word of God and serve tables?' This was followed by such a minute detail of the multifarious exactions that were made upon the time of the ministers of Glasgow—of the calls to which they were subjected, within doors and without—the papers they were required to sign, the schedules to fill up—that curiosity soon grew into wonder, with a considerable tendency to the ridiculous. Nor will our readers be much surprised at the varied effect of a discourse which contained, among others equally peculiar, the following passage :—

'I have already said much of the interruption and the labour which the public charities of the place bring along with them; and yet I have not told you one half the amount of it. I have only insisted on that part of it which takes a minister from his house, and from which the minister, at the expense of a little odium, can at all times protect himself, by the determinate habit of sitting immovable under every call and every application. All that arrangement which takes a minister away from his house may be evaded—but how shall he be able to extricate himself from the besetting inconveniences of such an arrangement as gives to the whole population of a neighbourhood a constant

and ever moving tendency towards the house of the minister? The patronage, with which I think it is his heavy misfortune to be encumbered, gives him a share in the disposal of innumerable vacancies, and each vacancy gives rise to innumerable candidates, and each candidate is sure to strengthen his chance of success by stirring up a whole round of acquaintances, who, in the various forms of written and of personal entreaty, discharge their wishes on the minister, in the shape of innumerable applications. It is fair to observe, however, that the turmoil of all this electioneering has its times and its seasons. It does not keep by him in the form of a steady monsoon—it comes upon him more in the semblance of a hurricane; and like the hurricanes of the atmosphere, it has its months of violence and its intervals of periodical cessation. I shall only say, that when it does come, the power of Contemplation takes to herself wings and flies away. She cannot live and flourish in the whirlwind of all that noise and confusion, by which her retreat is so boisterously agitated. She sickens and grows pale at every quivering of the household bell, and at every volley from the household door, by which the loud notes of impatience march along the passage, and force an impetuous announcement into every chamber of the dwelling place. She finds this to be too much for her. These rude and incessant visitations fatigue and exhaust her, and at length banish her entirely; nor will she suffer either force or flattery to detain her in a mansion invaded by the din of such turbulent and uncongenial elements.

The discourse thus begun in the morning, was resumed and carried through in the same spirit of mixed irony and pathos in the afternoon, and it effected its purpose. From that day forth, Chalmers ceased to be at the beck and call of every applicant for the insertion of a name in the *Town Hospital* books; and meetings summoned to decide whether pork broth or ox-head should be administered in that admirable institution saw him no more. But Chalmers had cut out work for himself, and others too, far more in the spirit of the calling to which he had devoted his energies.

We have spoken of the decay, both of ministerial and diaconal superintendence, among the poor of too many districts in Glasgow. Chalmers determined to revive both in the Tron parish. Attended by one of his Elders, he began in January 1816 a course of action which, on the most moderate computation, he perceived would require at least two years to render it complete. There were about twelve thousand souls within his bounds, and he determined to visit each family in its own domicile. It was a tremendous task, and could not have been got through at all, had he attempted more in the first instance than to address a few kindly words of inquiry and good will to the various households, as he stood on

the threshold of each. 'Doctor,' said an old and pious widow, 'you will surely not leave me without offering up a prayer.' 'If I were to pray in every house I enter,' replied he good humouredly, 'it would take me ten years to get through the work'—and so with characteristic impetuosity he rushed from house to house, dragging a reluctant and very weary Elder after him. But he soon discovered that this method of proceeding would accomplish little. He bethought him of enlisting on the side of Christian benevolence the sympathies of a younger and less apathetic class of persons than had heretofore supplied elders to the Kirk in that city, and he succeeded. Having paved the way by a skilfully arranged speech, which he delivered at an anniversary meeting of the Glasgow Bible Society, he caused the names of certain parties, in whom he reposed confidence, to be proposed to the Kirk Session; and on the 20th of December, 1816, they were ordained to the eldership. On that occasion the Doctor delivered to them a charge, in which will be found embodied the leading principles of that scheme for the management of the parochial poor, of which we shall presently speak at some length. But it may be well if, ere going farther, we remind our southern readers of the nature and duties of the eldership in Scotland.

The Elder, sometimes confounded with the churchwarden and sidesman among ourselves, is quite different from both. He has no charge whatever of the fabric of the church, nor has he any control over the pews. His functions are partly spiritual, partly material. His ordination—for such is the term, and the hands of his pastor and the other elders are laid on his head at his induction—without conferring on him the character or authority of a minister, entitles him to visit from house to house, and to pray and read and expound the Scriptures with the inmates. Thus far he becomes a semi-spiritual person, while in his lay capacity he takes his turn to stand beside the plate into which the offertories of the congregation are thrown, and afterwards helps to distribute the alms so collected. 'Till Dr. Chalmers came to Glasgow,' says Mr. David Stow, the able superintendent of the Training Institution for Schoolmasters, 'parochial Christian influence was a mere name; it was not systematic—it was not understood; there was not the machinery for the moral elevation of a town population. The people were let alone. Some of the elders of the Tron Church were excellent men, but their chief duty was to stand at the plate, receive the free-will offerings of the congregation as

they entered, and distribute them to the poor by a monthly allowance. Their spiritual exertions were but small, and almost exclusively confined to a few of the sick.' Chalmers revised all this. He assigned to each of his young elders a district, and exhorted and charged him to look after it; and as the best spirit animated his hearers, a new light was not slow in breaking over some of the most benighted portions of the city. We strongly recommend to the consideration of our own London clergy whether or not a device analogous to that which Chalmers rendered so effectual might not by them be adopted. Far be it from us to undervalue the help that is rendered to religion by Scripture-readers and Ladies' Visiting Associations. In a great majority of cases we believe that Scripture-readers are sincere and pious men, and more than one instance occurs to us in which the poor have owed to such ministrants all that they ever knew of the Bible. But, as a class, the Scripture-readers are not fitted to acquire or permanently to exercise an influence over a parish for good. They are too much taken from an order in society which is little, if at all, raised above the humblest; their acquirements rarely enable them to go beyond the mere reading of the English text, and that sometimes imperfectly. Now we are humbly of opinion that if the co-operation of the laity is to be appealed to at all—and without the co-operation of the laity we confess that to us any continuous effort to Christianize society seems impossible—we must not rely upon hired agents taken from among the poor. Chalmers well says, 'I know of nothing which would tell more effectually in the way of humanizing our families than if so pure an intercourse were going on as an intercourse of piety between our men of reputable station on the one hand, and our men of labour and poverty on the other. I know of nothing which would serve more powerfully to bring and to harmonize into one firm system of social order the various classes of our community.' He thus expands his view:—

'I know not a finer exhibition, on the one hand, than the man of wealth acting the man of piety, and throwing the goodly adornment of Christian benevolence over the splendour of those civil distinctions which give a weight and a lustre to his name in society. I know not a more wholesome influence, on the other, than that which such a man must carry around him when he enters the habitations of the peasantry, and dignifies by his presence the people who occupy them, and talks with them as the heirs of one hope and of one immortality, and cheers, by the united power of religion and of sympathy, the very humblest of misfortune's generation,

and convinces them of a real and longing affection after their best interests, and leaves them with the impression that here at least is one man who is our friend; that here at least is one proof that we are not altogether destitute of consideration amongst our fellows; that here at least is one quarter on which our confidence may rest—aye, and amidst all the insignificance in which we lie buried from the observation of society, we are sure at least of one who, in the most exalted sense of the term, is ever ready to befriend us, and to look after us, and to care for us.'

There may be—there doubtless is—some poetic exaggeration in this picture, particularly if we compare it with the working of the visiting societies which are usual here in England, and with their results. But let us not forget that in a large majority of cases our visitors are not *men* of a better station;—and the question is—can *women* of pure minds and cultivated feelings be quite in their proper place among the slums and back alleys of the Seven Dials? They either never encounter at all the male portions of the households which they take under their charge, or else they suffer for it. But *men* could face the contaminations which in the beginning of such a career are sure to meet all who intrude into the haunts of misery and vice, and in the end—if earnest in the work—would root them out. Nor let us be told, in times so pregnant with change, that it is contrary to the spirit and constitution of the Church of England to secularize the office of the ministry. Is that office not secularized by the support which it derives from the labours of the Catechist and the Scripture-reader? Would it suffer more damage if we borrowed from the Kirk an institution which seems to unite in itself the functions of the Lay-visitor and the Scripture-reader, and, from the social position of the individuals on whom the duties would devolve, holds out the assurance that the work would be far better done? This is too grave a subject to be touched upon without much reflection: and we feel bound to express our conviction that the Church of England must either strengthen herself by increased reliance on the zeal of her lay-members, or—in spite of all her, as we think, unrivalled merits—she will be unable to maintain her position in the country, which, if she went to the wall, would inevitably undergo a root-and-branch revolution. She must, we say, take in the lay-strength that she might command, and not in one but in every possible way. Take, for example, the question which now so much agitates the clerical mind—the revival of synodical action. Is any person in holy orders so little informed of the state of public feeling as to

suppose that the Houses of Convocation will ever be permitted to meet for the transaction of serious business so long as their Constitution shall remain as it now is? But give to it the modification which a judicious intermixture of the lay element would afford, and the whole bearings of the case are changed. We can perfectly understand the reluctance of the responsible servants of the Crown to submit its supremacy in causes spiritual to be canvassed by exclusive assemblies of clerks. As a body the clergy are not men of business, and their tenacity on points where the rights or privileges of their own order seem to be affected surpasses that of women. But let lay lords, in fair proportion, either nominated by the Crown or chosen, like the Scotch and Irish representative peers, by their own body, sit with the bishops, and lay-commoners co-operate with clerks in the House of Proctors, and the objections of those whose duty it is to be jealous of the prerogatives of the Crown would—or ought to—fall to the ground. In fact, some arrangement of this sort appears to be quite as much due to the dignity of the Crown as to the rights of the Church; for the repeal of the Test and Corporation Acts and the measure of Roman Catholic Emancipation entirely changed the position in which both Church and Crown had previously stood towards the legislature. So long as it was necessary, to entitle him to a seat in either House of Parliament, that a man should at least profess to be in communion with one or other of the established Churches, both Crown and Church had all the security against unjust laws in the government of the latter which they could reasonably desire. But now, when all religious tests are abolished, it seems not only equitable, but necessary, that, as far at least as questions of doctrine and discipline are concerned, the Church, subject to the Crown's approval, should legislate for herself. *The Church*, however, has another and higher sense than the common application of the term. It is one thing to give to *the Church* a right to legislate on these heads; it is quite another to commit the power exclusively to her Clergy; and the clergy will do well if they take the earliest opportunity of proving that the former is the object which they seek in the agitation now going forward.*

And so, we are inclined to say, it would be both just and politic to act in all arrangements subordinate to the highest. Why might not every diocese have its synod, every archdeaconry its sub-synod, and every parish its court of session—the decisions of each court being subject to an appeal to the court above—all ultimately looking to Convocation and the Crown? We venture to assert that the revival of a system of action like this, which is entirely consonant with the usages of the third and fourth centuries, would do more to attach the laity of England to the church of their fathers than all the efforts of all Tractarians, whether High Church or Low Church, put together; and we further believe that the work of the ministry itself would be done with ten-fold greater effect, because, in every sidesman or elder, chosen on account of his piety and moral worth, the clergyman would find a zealous and intelligent co-operator.

Chalmers's next step was to establish Sunday-schools for the hitherto neglected children of the poor. And here again he looked about for earnest volunteers, who soon gathered round him in sufficient numbers. He divided the parish into districts, and, hiring a room in each, he opened it for school purposes, and placed it under the general superintendence of one of his unpaid teachers. The districts varied in size according to the condition of the inhabitants, some comprehended only single *closes*, others ranging over several streets:—but the schools were all conducted on the same principle. No young person was admitted unless he were able to read the Bible with tolerable fluency. Thus the disheartening labour of teaching the alphabet was spared, and the opportunity afforded of at once entering upon the sense and purpose of the Scriptures, and the institution of the Christian scheme. It was the custom of the Society to hold periodical meetings, when results and methods were compared. At the end of two years 1200 young persons appeared regularly and cheerfully in these district Sunday-schools, where with excellent discipline the greatest kindness was shown to them; and it was the more valued that it never came in the shape of gifts, prizes, or even of medals. Another most important link was thus formed between the people and their pastor, for the voluntary teach-

* We cannot pretend to discuss, incidentally, a question so important as is involved in the revival of Convocation. But on one head our mind is quite made up. A convocation which should meet when Parliament met, and continue sitting while Parliament sits, would destroy any church in the world in one session. The field of labour is too limited; and when men invested with certain powers meet day

after day, having no real business to transact, they seldom fail to make business to their own and the public hurt.—If ever Convocation is to be called into active life again, it must be in a new form; and as a body which shall meet not regularly, but on such occasions only as may demand the grave consideration of the Church.

ers were soon invited to act as assistants to the elders. They visited the parents of the children, and the benefit to all parties was immense.

Notwithstanding Chalmers's now unrivalled reputation and authority in the place, his schemes found no immediate favour among the wealthier even of his own parishioners. These took occasion to signify their aversion to a new and systematic interference with the proper domestic culture of the young. A good deal was said, too, about requiring the laity to undertake the duties of the clergy, and a general spread of fanaticism was predicted as the inevitable consequence of the effort, should it succeed. Chalmers encountered this hostility in his own way. He delivered from his pulpit such a vigorous defence that at all events the mouth of the reprover was shut. The work went on, and its beneficial results were ere long patent and undeniable.

The fame of these proceedings was not confined to Glasgow. Chalmers's reputation had by this time risen to a pitch beyond that which had ever before been reached by any Presbyterian minister in Scotland. Neither his parochial visitations nor the Sunday-schools interfered with the growth of his eloquence, or with his appeals to the press. There was a custom in Glasgow which imposed upon the clergy the duty of preaching by turns in the Tron church on Thursday. Chalmers entered into it heartily, and there delivered the Astronomical Sermons which were collected and published in 1817. Crowds went to hear him. Merchants and clerks deserted their desks—students in the college absented themselves from their classes—operatives quitted their looms—that they might listen to one who spoke so eloquently of the wonders of Creation. It happened that at this time the principal charge in the collegiate church of Stirling became vacant, and the Magistrates offered it to Chalmers. His acceptance would have at once added considerably to his income, and relieved him from a pressure of labour which already began to overburthen him; but he unhesitatingly declined. He believed that there was a peculiar line of duty chalked out for him, and he would not abandon it.

It was at this period that for the third time he visited London. On former occasions he had come and gone unnoticed, save by a few private friends; but now it was a very different case. His Astronomical Sermons had been read by all the leading wits of the day. Canning was in raptures—Sir James Mackintosh full of them. Bobus Smith—*frater haud impar* of the immortal

Sydney—permitted himself to be carried away with the stream. Besides these, Wilberforce, Romilly, Huskisson, Lord Binning, Lord Elgin, Lord Harrowby, and many more of rank and influence, forthwith sought him out. They formed part of his congregation wherever he preached, and vied with one another in their anxiety to do him honour in society. If the balance of a judgment so beset did lean for a moment to one side, who will wonder? Yet there is nothing to show that any lasting impression was made upon the character of the man. He never ceased to be the same impetuous, enthusiastic, earnest—perhaps vain yet simple-minded—person, that he had been from the hour when study, in the anticipation of sudden death, fairly awoke the religious principle within him.

The management of the poor had long been to Chalmers a favourite object of inquiry; and in 1817, after his return from London, he undertook to write an article on it for the Edinburgh Review. In this eloquent though somewhat verbose performance there were abundant traces of that perplexity of ideas into which a hasty devouring of blue-books had thrown him. Out of chaos, however, arises order; and Chalmers, after unmitigated abuse of the English poor-law system, sat down to devise some expedient of his own by which pauperism might be met independently of all compulsory rating whatever. This affair constitutes another marking feature in his career.

Though the law of Scotland, like that of England, had always recognised the right of the destitute to be supported, the practice of levying rates for the purpose was, in 1818, so nearly ignored in practice, that except among the border districts, where the influence of English example told, not twenty country parishes acted upon it. Voluntary contributions at the church doors made up the ordinary fund out of which relief was supplied. Where the population was scanty, this system of parochial management worked well. Individuals might, and often did, suffer great privations; but the spirit of independence was kept alive; and while the assessed parishes of England were paying on an average about 1000*l.* annually for the maintenance of the poor in every 1000, in the unassessed parishes of Scotland the expenditure never rose above 50*l.*, and often fell as low as 10*l.*

This was the case in rural districts, and it sufficed; in crowded towns, except where valuable *mortifications* supplied the gap, assessment had been found unavoidably necessary.

In Glasgow, although the indigent were required to apply to the elders of their districts, it did not rest with the elders to grant relief. All that even a particular Kirk Session could do was to place the name on its own poor-roll, and present this monthly to the committee of the Town Hospital. The collections at the church doors, as well as the proceeds of the assessments, were all handed over to this Hospital, which thus became the general almoner for the city. It was not likely that, under such a system, any great pains should be taken to inquire into the cases of individuals, who did not become chargeable so much to their own parishes as to the town at large; and fresh names were the more readily taken on the roll, that in exact proportion to the growth of pauperism in any particular district, the fund placed at the disposal of the Kirk Session became relieved; for it was part of this anomalous system that the proceeds of the compulsory rate were applied only where the Kirk Session made it appear that the poor had outrun the extent of the voluntary collections.

'We know not,' says Chalmers, 'how it was possible to devise a more likely arrangement for lulling the vigilance of those who stood at the outposts. To station one body of men at the entrance of pauperism, and burden them only with the lighter expenses of its outset, from which they have a sure prospect of being relieved by another body of men, who stand charged with the trouble and expense of its finished maturity, there could scarcely have been set a going a more mischievous process of acceleration towards all the miseries and corruptions which are attendant on the overgrown charity of England.'

It had come to be Chalmers's fixed opinion that neither in town nor in country can ordinary pauperism ever get ahead of the wise distribution of voluntary alms. But then, to accomplish this, he explained that town parishes must be subdivided, that more churches must be built, and that to each Kirk Session must be left the uncontrolled disposal of its own funds. He had returned but a short time from London when, as a step preliminary to all others, he began to agitate strenuously for a large increase of churches.

Preaching and publishing, and addressing public meetings and private circles continually, at last he so far prevailed, that to a new church, already in progress, the city authorities agreed to annex a distinct population, and to leave the entire management of pauperism, as well as in educational things, to the minister and kirk-session. An offer of this new charge—the parish of

St. John—followed as a matter of course; and the terms on which he accepted it are clearly explained in a letter to the Provost.

After dwelling on the necessity for a strict enforcement of the law of residence as between the new parish and the others in the city, so that there might be no intrusion or confusion of paupers, he thus guards the expression of his confidence in the adequacy of a body of elders to provide, from the voluntary alms of the people in a parish, for all legitimate claimants:—

'I beg to be distinctly understood that I do not consider the revenue of the kirk session to be at all applicable to those extraordinary cases which are produced by any sudden and unlooked-for depression in the state of our manufactures. Nor, if ever there shall be a call for pecuniary aid on this ground, do I undertake to provide for it out of our ordinary means, but will either meet it by a parochial subscription, or by taking a full share of any such general measure as may be thought expedient. Your lordship will not fail to observe that if the new cases of pauperism accumulate upon us at the rate at which they have done formerly they would soon overtake our present collections. And yet my confidence in a successful result is not at all founded on the expected magnitude of my future collections, but upon the care with which the distribution will be conducted,—a care and an attention which I despair of ever being able to stimulate effectually, till I obtain an arrangement by which my session shall be left to square its own separate expenditure by its own separate and peculiar resources. At the same time I can also, with such an arrangement, stimulate more effectually than before the liberality of my congregation; and with this two-fold advantage, I am hopeful, not merely of being able to overtake the whole pauperism of St. John's, but of leaving a large surplus applicable to other objects. What I propose to do with the surplus is, to apply it, as we are able, to the erection and endowment of parochial schools, for the purpose of meeting our people, not with gratuitous education, but with good education, on the same terms at which it is had in country parishes.'

Chalmers wrote this letter on the 3d of August, 1819. On the 9th, having withdrawn, for relaxation and sea air, into Fife, he received a communication from Sir George Mackenzie and Dr. Brewster, entreating him to allow his name to be introduced into the list of candidates for the chair of Natural Philosophy in Edinburgh, just rendered vacant by the death of Playfair. This was a sore temptation; for amidst all his triumphs as a preacher, author and political economist, Chalmers had never been able to wean himself from the desire of finally reaching the position of professor in one of the universities. But he resisted it manfully, and used the opportunity as means whereby his views,

in regard to the management of St. John's parish, might more strenuously be enforced. He had still many difficulties to surmount—many mortifications to suffer—but in the end he prevailed. On the 26th of August he preached his first sermon in St. John's church, as minister of that parish.

Of the success which attended his scheme during the three years and a half that he superintended it, there can be no question. The population amounted to 10,000 souls. The expenditure on the poor, when he entered upon his ministration, including sessional relief and relief from the town hospital, did not fall short of 1400*l*. He took all the sessional poor in hand at an annual outlay of 190*l*; all the town hospital pensioners for 90*l*; and reduced the general expenditure to 280*l*. per annum. But his collections at the church door never fell short of 480*l*., so that he had a fund at his disposal, amounting annually to 200*l*., wherewith to execute his more general purposes for the benefit of the parish. The liberality of his people seemed to expand in proportion as the views of their pastor triumphed. After endowing a parochial school to the extent of 500*l*., the session of St. John's still retained in hand a balance of 800*l*., which had flowed in from various sources, and was rendered applicable to every conceivable emergency. But the grand result unfortunately confirmed an opinion, which had been expressed with unnecessary acrimony during the progress of the experiment, that as only Chalmers could have set such a machine in motion, so no hand except his own would ever be able to keep it in work. The truth is, that he had by this time gained such a perfect ascendancy over the minds of a little knot of devoted admirers, that there was no amount of personal exertion which they hesitated to undergo at his bidding. Chalmers's system is, we doubt not, too familiar to the recollections of the great majority of our readers to render a minute description necessary here. Its chief merit lay in a wise distribution of labour, and the exercise of untiring vigilance on the part of agents, who, having each a limited district to superintend, soon made themselves acquainted with the real condition of its inhabitants. But they were agents of a sort which nothing less than devotion to an individual, rather than to a cause, ever brings into play. And it is very certain that long before he withdrew from the field Chalmers himself had begun to doubt whether, in the face of a constantly growing population, the struggle could be permanently sustained. At all events, the fact is indisputable, that his departure was followed by so strong a tendency to collapse,

that after a few years of sickly existence the child of his proudest affections died.

Meanwhile, the success which attended his early endeavours inspired him with an earnest desire to bring over the legislature and the people, in both sections of the United Kingdom, to his opinions. He therefore entered into correspondence with all the Poor Law Reformers of the day. He made a tour of England for the express purpose of visiting its workhouses, and examining on the spot the plan by which individual parishes managed their poor. Wherever he came he was a welcome guest, whether in the castle or the parsonage. In London his reception was, if possible, more cordial than in 1817, and he added many estimable names to the list of his friends. But the result was not so decisive as he expected. Even Malthus, though he heartily agreed in condemning the lavish distribution of relief, and the whole theory on which it rested, could not be brought to believe that the St. John's system would be found sufficient for the general requirements of Britain.

The reader will perceive that for some time back our sketch has been rather of the public than of the private life of Chalmers. We have taken no notice, for example, of the interesting communications which he kept up with more than one religious patient, particularly with a Mr. Thomas Smith, a young man who sought and found in him a guide to peace and a lively faith before he died. Neither have we paused upon the epistolary intercourse between him and Wilberforce, Clarkson, and other philanthropists. Besides his astronomical sermons, he had now published two series of Parochial Discourses, of which the circulation was most extraordinary. He was in the midst of his papers on 'The Christian and Civic Economy of Large Towns' when George IV. visited Edinburgh in 1822, and he on that occasion was received in a distinguished manner at the King's levee. He had watched beside his father's dying bed, and laid the head of the old man reverently in the grave, and his journal shows that there was present to him at all times, and under every change of circumstance, a deep sense of God's love and of his own responsibility and waywardness. At last a prospect of comparative repose was presented to him. The parish of St. John's grew too large; he was pressed by the heritors to accept an assistant, and made choice of the afterwards celebrated Edward Irving. But all would not do. An additional church became absolutely necessary, and he found it impossible to effect that purpose except as a mercantile speculation. It was very painful to him to issue

a prospectus wherein the building of the church was proposed to be undertaken by shareholders of 100*l.* apiece; and still more bitter was his disappointment when, after the edifice arose, neither argument nor entreaty could prevail upon the authorities to allow it the same privileges which had been conceded to the new parish of St. John's. It became, in fact, a chapel of ease, with a minister standing towards the incumbent of St. John's in the same position in which Chalmers formerly stood towards the Town Hospital. His whole theory of pauper management was thus struck at, and the tie that bound him to Glasgow snapped asunder.

In February, 1817, Chalmers had refused the invitation of the magistracy of Stirling to remove thither. In January, 1822, he had declined, in like manner, the offer of a church in Edinburgh; but when, in November of the same year, a proposal was made to him to accept the chair of moral philosophy in the University of St. Andrew's, a different feeling was stirred. He knew that rest from parochial toil was become necessary. He met Principal Nicoll in Edinburgh, and finding that the best spirit towards him prevailed within the walls of the college, he consented to be put in nomination. On the 18th of January, 1823, he was unanimously elected, and at once, and without consultation with any one, accepted the appointment.

The removal of Chalmers to St. Andrew's gave a complete change to the colour of his existence. He seemed, during his last year at Glasgow, to be filling up by redoubled exertion the measure of his usefulness as a minister; and the solemn manner in which he bade farewell to his deacons, his Sunday-school teachers, his Kirk session, and the members of his congregation generally, will not be forgotten so long as any member of the latter body survives. We find him, henceforth, besides ably conducting the business of his class, laying himself out to take a part in church politics, without however relaxing in his endeavours to recommend to general adoption his own theory of pauper management. But his labour was now with the head only; and, being voluntary, it was incessant. He soon became a prodigious favourite with his pupils, whom he treated at all times with the most generous confidence. He did not get on quite so well in the *Senatus Academicus*.

The year 1824 found the Rev. Doctor sitting in the General Assembly, as Elder for the borough of Anstruther. He had long ere this thrown the weight of his influence out of doors into the scale of the evangelical party. On the present occasion he spoke

and voted to sustain a decision of the presbytery of Glasgow against the admission of Principal Macfarlane to the High Church in that city—which living had usually been held by his predecessors in the academical dignity. The distinguished presentee triumphed by a large majority of votes; but the general course of the debate had no tendency to impress the defeated section of the house with any overwhelming sense of their weakness. They determined to persevere in a general attack upon pluralities as a principle, and accordingly, in the session of 1825, the question was resumed with vigour, and lost by a majority of twenty-six only. This was somewhat ominous of greater things to come. Yet, as far as our present purpose is concerned, perhaps the most striking incident in the debate was a little skirmish between Chalmers and one of the speakers on the opposite side. The latter—Dr. Hanna does not give his name—closed his address by quoting from an anonymous pamphlet a statement to the effect, that 'after the satisfactory discharge of his parish duties a minister may enjoy five days in the week of uninterrupted leisure, for the prosecution of any science in which his taste may dispose him to engage.' All eyes were instantly turned upon Chalmers. But the doctor was nothing abashed. Having risen to speak to some other part of the question, he embraced the opportunity manfully to declare that they were his words which the adversary was quoting. 'Verily,' continued he, 'I believed that my unfortunate pamphlet had long ere now descended into the tomb of merited oblivion. But since that gentleman has brought it forward in the face of this house, I can assure him that I feel grateful.' He then referred to the early blasphemies and contrite end of Lord Rochester, and, acknowledging that his was a position analogous, in some measure, to that of the penitent wit, he concluded in these words:—

'I now confess myself to have been guilty of a heinous crime, and stand a repentant culprit before the bar of this venerable house. I was at that time more devoted to mathematics than to the literature of my profession; and feeling grieved and indignant at what I conceived an undue reflection on the abilities and education of our clergy, I came forward with that pamphlet to rescue them from what I deemed an unmerited reproach, by maintaining that a devoted and exclusive attention to the study of mathematics was not dissonant to the proper habits of a clergyman. Alas, sir, so I thought in my ignorance and pride. I have now no reserve in saying that the sentiment was wrong, and that in the utterance of it I penned what was most outrageously wrong. Strangely blinded that I was! What, sir, is the object of mathematical science? Magnitude, and the propor-

tions of magnitude! But then, sir, I had forgotten *two magnitudes*. I thought not of the littleness of time—I recklessly thought not of the greatness of eternity.'

The line which Chalmers henceforth took up was that of a reformer of abuses in the church and in the university system of Scotland. He urged the General Assembly to pass a law whereby better attendance at the Divinity Hall should be required of candidates for the ministry. He combated pluralities, and after long delay carried his point. But his great aim was to multiply churches and ministers, and to render each independent of all the rest, as well in civil as in ecclesiastical affairs. His success in collecting subscriptions was very great. So early as 1827 funds were provided for building twenty new churches in Glasgow alone. But neither would the heritors recommend nor the Civil Courts allow the assignment to each of a separate district and jurisdiction, so that the multiplication was of chapels of ease only, of which the incumbents derived their incomes entirely from pew-rents, and were not, as respected membership in Church Courts, admitted to the status of parish ministers. The consequences were unfortunate.

By the old law of Scotland the right of presentation to chapels of ease was secured to the patrons of parishes within which they might be built. Once, and once only, this law had been set aside, when Government agreed to build and endow chapels in the Highlands, on condition that the Crown should have the patronage of them. But on the present occasion it was judged inexpedient to expend any portion of the public money in church-building, and the Crown could have no pretence whatever for interfering with the rights of parochial patrons. The party with which Chalmers acted took advantage of this short-sighted policy, and abused it. They raised a cry that it would be impossible to collect funds, unless some voice in the choice of ministers were given to the parties subscribing; and they succeeded in carrying an Act of Assembly, whereby the patronage of chapels of ease was vested in a majority of pew-renters. No arrangement could have been more specious in appearance, or more pregnant with mischief. It introduced every possible element of discord into the Church: for between two functionaries placed in the same district, under circumstances so different, and with powers so unequal, no sympathy could arise. The presentee, strong in his position as member of a Church Court, could hardly fail of seeing in the elected of the people an inferior and a rival. The

elected of the people was prone to pay back the pride, real or imagined, of the presentee, with interest. The one affected to despise, the other courted, the applause of the people. The one became a stickler for Church laws as they were—and especially for the established doctrine as to the rights of patrons;—the other hated both, and did his best to bring them into general discredit.

Whatever might be the case in other quarters, by Chalmers neither the evils of which we are now speaking, nor the obvious results to which they opened a way, appear to have been observed. He saw nothing in the new law, except a means of multiplying places of worship throughout the land, and accepted cheerfully the laborious office of Convener to the Committee of Church Accommodation which the Assembly proceeded to appoint. But he had other matters to trouble him.

Among many grounds of difference between his colleagues in St. Andrew's and himself, two deserve some notice. The first affected the attendance of students at St. Leonard's—the old Church of the University; the second turned upon a practice of no older date than 1784, under which certain funds, originally applied to building purposes, were divided once a year by the professors among themselves. Chalmers desired, in the former case, to get rid of an ancient statute, and to leave the young men free to worship wherever they chose. In the other he entertained such serious doubts of the propriety of late arrangements, that he declined accepting his dividend when audit-day came round. There was much heart-burning on both subjects, as may be supposed. But perhaps what he most especially rendered himself distasteful by was the zeal with which, after a brief sojourn, he threw himself into the work of creating a deeper religious feeling in the place. He opened his parlour every Sunday evening to the students of the Moral Philosophy Class, to whom he read and explained the Scriptures. He put himself at the head of a Missionary Society, into which a large number of the students from all the classes entered. Great alarm was expressed lest a spirit of fanaticism should be evoked, which might work more of evil than of good to the Established Church; and the Magnates of the University refused so much as to grant the use of the College Hall for the Society's meetings. It is but fair to add, that though dissatisfied to the last with the line which he had taken in regard to Church attendance and the Candemas dividend, many of his brother professors fell in by degrees with his views on the subject of Christian instruction to the

poor of St. Andrew's and the University Missionary Society. Some even worked with him.

Meanwhile the papers on the Christian and Civic Economy of large towns were continued. A third volume appeared in 1826; and in the spring of the following year he received a pressing offer of the Chair of Moral Philosophy in the new University of Gower-street. We should have been better pleased, for his own sake, had Chalmers's reply contained a somewhat more decided refusal than it does. It is not agreeable to find one so earnest in his personal conviction that there can be no sound foundation for a moral life except in the faith of Christianity, coquetting, so to speak, with a body which openly, and without disguise, professed to act upon a principle diametrically the reverse. But this was Chalmers's weakness. He lacked the moral courage which enables men to speak the truth plainly and without disguise in all situations, and so he left the London University in doubt whether he regarded the omission of a theological course from their scheme as a defect or an excellency. But if he did not sternly reject, he, at all events, evaded the offer, and the project fell to the ground.

It was a peculiarity of Chalmers that, let his occupations be what they might, he always managed to have time enough for travel. In 1826 he revisited London, where his former assistant, Mr. Irving, was rising into fame—and, among other novelties, made the acquaintance of Coleridge. The conversation of that wonderful man seems to have had no charms for him; and of Irving he now took the just dimensions. In 1827 he made a trip to Ireland, and was greeted on his return with the unsolicited offer of the valuable Crown living of St. Cuthbert's, Edinburgh. But, though he declined a parochial charge, he could not bring himself to refuse the Professorship of Divinity, to which the town-council of Edinburgh unanimously elected him. Certainly, one of the first notices which we find in his journal, subsequent to his nomination to that office, does not speak in very decisive language of his own fitness to discharge the weighty duties connected with it. 'November 9.—Have begun to read a little of Greek, Latin, and Hebrew each day.' A Professor of Divinity who begins with getting up daily a lesson in Greek, Latin, and Hebrew, must find himself sorely beset when in the course of his lectures some difficulty, not to be solved without critical skill, happens to arise. But Chalmers trusted, perhaps, as much to the want of scholarship in his auditors as to his own ge-

nius; and we never heard that his method of conducting the important class over which he was called thus suddenly to preside failed to give satisfaction.

By this time the political current had set in at head-quarters in the drift which it still continues to follow—having at last brought us to a point beyond which sincere friends of the monarchy scarcely venture to look. In 1828 the Test and Corporation Acts were repealed, and in 1829 the Roman Catholic Emancipation Bill passed into law. Chalmers was favourable to both arrangements, and resisted, in the General Assembly, the motion to petition against them. But to the next move in the same course—the Reform Bill of 1830—he offered all the resistance in his power. Meanwhile, however, between the triumph of the Duke and the breaking up of his administration, Chalmers was called to London, in order that he might be examined before the Committee on the Poor Laws, of which Mr. Spring Rice, now Lord Monteagle, was chairman. As usual, he mixed in the very best society—the great in intellect as well as in station vying with each other to show him kindness. It was on this occasion that George IV., on the recommendation of Sir Robert Peel, was pleased to mark his sense of the merits and services of the great Presbyterian divine, by nominating him to be one of his Majesty's chaplains in ordinary for Scotland.

We find Chalmers appointed in 1832 to the honourable office of Moderator to the General Assembly. By this time the Reform Bill had become the law of the land, and a large party in Scotland, rendered giddy by that success, began eagerly to press for more. And as the Scotch either are or profess to be as much moved at all times by religious as by political considerations, first the law of patronage and then the connexion between Church and State became frequent objects of attack. By and by the assailants, cheered by all the signs of the times, grew more bold; and a society for bringing about the dissolution of all religious establishments was formed. It had no more decided enemy than the Moderator. He well knew, and had often taught, that, however judicious it may be to throw individuals on their own voluntary exertions for the supply of wants of which the pressure is direct, it is both injudicious and morally wrong to leave the religious training of a nation to private care. For in exact proportion to the extremity of their need, men neglect religious instruction, so that, in every state where the system of voluntarism prevails, it is by the few who stand comparatively in little need of pastoral superin-

tendence, not by the corrupt many, that the ministers of religion are supported. Chalmers was, therefore, a strenuous advocate for the maintenance, wherever it still existed, of an Established Church, and for the setting up of one wherever it was wanting. But, either because he had already gone too far with those who were helping him in his great church-building schemes, or that the constitution of his mind was so illogical as to be unable to follow premises to their obvious conclusion, he hesitated to resist the movement which began thus early and undisguisedly to be made towards the overthrow of the rights of patronage in his own Church. We think a letter of February 1833 shows that he was not without some misgivings. It was in answer to certain questions put by Mr. Grant, now Lord Glenelg:—

‘I should deprecate any specific legislation on the subject of patronage—and am disposed to regret that the Lord Advocate did not give his consent to a special committee for taking it into consideration. This is the only practical measure which I would venture to suggest; and I do think that by this means the Legislature may attain to a solid and comprehensive view of the question in all its bearings—which would be much facilitated by the testimony of many of our clergymen, who, I know, are bestowing their anxious thoughts upon the subject. However patronage is to be modified, there is one principle which I think the Church ought to abide by, and that is its own ultimate power of deciding (even after a presentation is laid upon the table) whether, viewing all the circumstances of the case, it is for the Christian good of the population of that parish that the presentation should be sustained. The concurrence of the Ecclesiastical Court has been too much lost sight of for half a century as an indispensable element for the validity of every induction.’

The principle here laid down is perfectly sound and just. Before conferring the sacred character, the functionary, or Court, which alone has authority to do so, ought to be fully satisfied of the eligibility of the candidate in all that relates to moral worth, soundness of faith, and competent scholarship. But is it quite easy, when dealing with a society constituted like the Church of Scotland, to say wherein this sacredness of character consists, or to determine exactly to what court or functionary the right of conferring it belongs? Neither in theory nor in practice is the institution of a priesthood recognized in the Kirk. She has her ministers, and all men style them Reverends; indeed a few, such as the Deans of the Chapel Royal and the Principals of Universities, are called Very Reverends—and the Moderator of the General Assembly is, we

believe, addressed as Right Reverend. But still we must respectfully ask what is it that confers upon a layman his status as a minister of the Established Church? Certainly not the laying on of the hands of the Presbytery *per se*—for the Presbytery has no power to lay on hands except upon conditions; but the admission of the individual to a benefice, with cure of souls attached, which begins with presentation, is carried on by trials, and consummated, and nothing more, by what, in the language of the Kirk, is called ordination. On the other hand, the Church of England, the old Episcopal Church in Scotland, the Episcopal Churches of the United States, of India, and of the British colonies, all recognize the existence of a priesthood, which stands quite apart, in itself, from either the possession of a benefice or a cure of souls. The sacred character belonging to it is conferred only by the laying on of the bishop's hands; and, except by sentence of a church court, can never be erased. In practice our English bishops, before they ordain, require their candidates to exhibit what is called a title; and the reason is, that a bishop ordaining without a title is bound to maintain his poor deacons or priests till they shall be otherwise provided for. But the title has nothing whatever to do with the conferring of holy orders, which in the colonial churches are conferred every day, as they may be conferred at any moment in our own church, on persons who neither have nor ever expect to obtain any legal cure or benefice whatever.

Again, though it be perfectly true that with us the Bishop is entitled, and by the Canons required, not to admit to a benefice within his diocese any priest of the soundness of whose doctrine or the purity of whose life there is cause to doubt, it is not pretended either that the granting of letters of induction or the withholding such letters affects in any way the spiritual character of the presentee. The presentee was an ordained minister when he came before his diocesan with the deed of presentation in his hand. He continues to be an ordained minister, whether the diocesan agree to complete the deed by granting letters of induction, or refuse them. But the Bishop, if he refuse, must be prepared to assign his reasons, and to have their validity tested before a higher tribunal; for the right to present to a benefice is a civil right, of which the law is justly jealous: it must not be barred except upon grounds which shall bear the closest investigation. The particular court to which in England this right of supervision is entrusted, may or may not be appropriate in its constitution. That is a question

with which at present we have nothing to do. But that some such court is necessary, no thinking man can doubt, any more than he will be persuaded that it interferes, or can interfere, with the *spiritual authority* of the Bishop in the proper acceptance of that term. In Scotland the case is quite otherwise. There presentation is as much an ingredient in the composition of the sacred character as ordination. The Presbytery cannot ordain without it. If it refuse to ordain, having no reasonable ground of refusal, it interferes at once with an important civil right, and throws back the rejected presentee on his status as a layman.

But the views of the party which was now carrying Chalmers along with it went far beyond the mere negation to the clergy of a priestly character. At the best, the minister of a Scottish parish is but the moral and religious teacher of his people. His Church can see no mystery in her sacraments, and recognises no divine authority in any particular class of men to dispense them. With strange inconsistency she declaims about sacred things and the keys; yet holds up to ridicule the idea of an 'Apostolical Succession.' The business of her *office-bearers* is to preach, and one of the main purposes for which Presbyteries, Synods, and the General Assembly exist, is to take care that both the preaching and the lives of these gentlemen shall edify the congregations committed to their charge. Hence at all stages in her existence the Church of Scotland has invited her lay members to object, if they see reason, to presentees before they shall be ordained to particular parishes—and we believe that there is not on record an instance of an obnoxious presentee having been forced by the civil power upon a parish after his case has been fairly tried before the Presbytery and judgment given against him. But the demand of the party—now identified with the word *Veto*—was, not that the parishioners should have the right of objecting to a presentee, assigning the reasons, and leaving the Presbytery to decide upon them; but that the bare refusal of a majority to accept an individual as their pastor should constrain the Presbytery, no questions being asked, to reject him. This sufficiently provided for the work of obstruction. What was to follow? Were the people, after rejecting the patron's candidate, to name one of their own—and was the Presbytery bound to accept *him* as they had rejected his predecessor? This would throw all power, spiritual as well as secular, into the hands of the laity; for ordination granted on compulsion is the work not of the party ordaining, but of the party

compelling to ordain. Thus the minister would avowedly, as well as virtually, take rank with any other lecturer chosen by a voluntary association to instruct them. Or was the ancient law of lapse to hold good, and, the patron's nominee being kept at bay beyond the legal time, was the right of presentation to devolve upon the Presbytery or the General Assembly? Here we have as complete a revolution effected in the management of the secular affairs of a church as ever was sought and carried through by the Bishop of Rome in the most rampant days of popery. It appears to us that from this dilemma, as we have just stated it, there is no escape; and that Chalmers was not wholly blind to the nature of the difficulty in which his more wily allies by little and little involved him, there is ample proof even in the narrative of Dr. Hanna.

We are far from disputing that there had often appeared a most blameworthy absence, among the patrons of the Scottish benefices, of due regard to the spiritual wants of the people in the nomination of ministers. Both there and here the abuse of church patronage was great—and the Evangelical party in the Kirk would have deserved the gratitude of the nation had they striven to correct an evil which cannot long hold out against the weight of public opinion honestly applied. Indeed this was manifestly the desire of Chalmers in 1833, when, a few days before the Assembly met, he called a number of influential clergymen and elders together for deliberation. 'His suggestion,' says Dr. Hanna, 'was, that without resorting to its legislative, the Church should employ its judicial authority in effecting purer appointments. It had been by a series of individual decisions that *the call* had been reduced to a nullity: by a series of opposite decisions let it be restored to significance.' In other words:—the people, discouraged by the contemptuous treatment awarded to their objections, have ceased to inquire into the characters or to attend to the trial discourses of the gentlemen nominated by patrons to minister among them. Let the Church reassert her legitimate authority, calling upon her lay members to offer objections—wherever there shall seem to be ground—and by giving to such objections all the weight which they may deserve; but as to attempting, by any legislative proceedings in the Assembly, to over-ride the Acts of Parliament which secure to patrons their rights, the Church will act at once unwisely and unlawfully if she adventure on anything of the sort. It would have been well for the Kirk, as well as for the lasting reputation of one of her brightest ornaments,

had Chalmers possessed moral courage enough to adhere to this decision.

Whether he put forth the whole of his powers in pressing the adoption of these views upon his friends, we cannot tell. It is certain that they were not adopted, and that he himself—strange to say—was prevailed upon to take the lead in proposing to this very Assembly of 1833, a resolution materially opposed to them. But still, Dr. Chalmers's resolution (which Dr. Hanna, for reasons best known to himself, has not reprinted even in an appendix) breathed a spirit very different from that which pervades the famous Veto Act of 1834. It appears also that it was not concocted without the advice and assistance of Mr. (now Lord) Cockburn—then Solicitor-General for Scotland under Lord Melbourne's Government—and that the Government was willing to purchase a little passing popularity, even if the price should be the entanglement of the Church of Scotland in very serious difficulties. What Dr. Hanna has omitted we shall take the liberty to supply. Here is Chalmers's resolution:—

'That the General Assembly, having maturely weighed and considered the overtures now before them, do find and declare that it is, and has ever been since the Reformation, a fixed principle in the law of the Church, that no minister shall be intruded into any pastoral charge contrary to the will of the congregation; and considering that doubts and misapprehensions have existed on this important subject, whereby the just and salutary operation of the said principle has been impeded, and in many cases defeated, the General Assembly further declare it to be *their opinion* that the dissent of a majority of the male heads of families resident within the parish, being members of the congregation and in communion with the Church at least two years previous to the day of moderation—whether such dissent shall be expressed with or without the assignment of reasons—ought to be of conclusive effect in setting aside the presentee (under the patron's nomination) *save and except where it is clearly established by the patron, presentee, or any of the minority*, that the said dissent is founded in corrupt and malicious combination, or not truly founded in any objection personal to the presentee in regard to his ministerial gifts or qualifications, either in general or with reference to that particular parish; and in order that this declaration may be carried into full effect, that a committee shall be appointed to prepare the best measures for carrying it into effect accordingly, and to report to the next General Assembly.'

By this proposition the Assembly was requested to express an opinion upon a particular case, and to devise means of meeting a particular difficulty; but it neither placed the patron at the mercy of a mob, nor de-

nied the right of the Presbytery to determine on the qualification of a candidate for the ministry. Now this is a very different thing from decreeing and determining that such and such a course shall hereafter be followed, and that any deviation from it on the part of the Presbyteries shall be visited with Church censures. Compare with it 'The Overture and Interim Act on Calls,' proposed and carried by Lord Moncrieff next year in an Assembly of which Chalmers was not a member, and judge of the candour of Dr. Hanna, who would fain persuade his readers to believe that the one was a mere repetition of the other. The words of 1834 are:—

'The General Assembly declare, That it is a fundamental law of the Church that no pastor shall be intruded into any congregation contrary to the will of the people; and in order that the principle may be carried into full effect, the General Assembly, with the consent of a majority of the Presbyteries of this church, do declare, enact, and ordain that it shall be an instruction to Presbyteries that if, at the moderating in of a call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the Church, shall disapprove of the person in whose favour the call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the Presbytery rejecting such person, and that he shall be rejected accordingly, and due notice thereof forthwith given to all concerned; but that if the major part of the said heads of families shall not disapprove of such person to be their pastor, the Presbytery shall proceed with the settlement according to the rules of the Church;—and further declare that no person shall be held to be entitled to disapprove, as aforesaid, who shall refuse, if required, solemnly to declare, in presence of the Presbytery, that he is actuated by no factious or malicious motive, but solely by a conscientious regard to the spiritual interests of himself or the congregation.'

The proceedings of the General Assembly, though extremely interesting to the members of that body were not in 1834 watched with very curious eyes even in Edinburgh, much less in London. The Veto Act passed, and the order of the universe received no shock. Chalmers, who, as we have just said, took no active part in pressing it forward, seems, like the majority of persons out of doors, to have been blind to its inevitable consequences. He had been requested by the Bishop of London to contribute to the Bridgewater Treatises, and produced a work 'On the Adaptation of External Nature to the Moral and Intellectual Constitution of Man,' of the merits of which we expressed our opinion soon afterwards (*Q. R.*, vol. 50, 1833). He next made a

tour of the cathedrals of England, and by and by, in his still ardent zeal to decry the voluntary principle in Church matters, lectured to crowded audiences in the Hanover-square Rooms. Meanwhile literary distinctions of all sorts poured in upon him. The French Institute elected him into their body; Oxford conferred on him the honorary degree of Doctor of Laws. Much flattered with the former compliment, he made an interesting excursion into France—but nothing diverted him from his great object. He was determined to fill Scotland with churches and chapels in communion, at least, with the Establishment: and the erection of upwards of 220 followed upon the incessant exertions which he made. But clouds were gathering in the horizon, and almost imperceptibly he suffered himself to be encircled by them.

A few months after the passing of the Veto Act the Earl of Kinnoul presented to the parish of Auchterarder, in Perthshire, Mr. Young, a licentiate, and therefore fully eligible in law to go on to ordination. It does not appear that in the first instance any active opposition was offered. Mr. Young preached on two successive Sundays; the attendance, said to have been small, was not hostile; for though only two parishioners when invited came forward to sign the call, not one, *suo motu*, protested. The Presbytery, dissatisfied with this state of things, invited opposition, and soon got it; out of three hundred heads of families two hundred and seventy-eight objected, and the Presbytery declined to sustain the call. The case was appealed, as matter of course, to the Synod of Perth and Stirling, and afterwards to the General Assembly, which, in 1835, repelled the objections taken to the decision of the primary Court, and instructed the Presbytery to 'proceed in the matter in the terms of the Interim Act of last Assembly.' Our readers in general must well recollect the startling incidents which followed. The Court of Session was applied to by patron and presentee for redress; it decided against the Presbytery, and the Presbytery falling back upon the General Assembly for support, that body directed its law officer to carry the question into the House of Lords. The decision of the Lords fully maintained that of the Court of Session; and Lord Chancellor Brougham, in delivering his opinion, very distinctly stated that the Presbytery which should persist in disobeying the decree of the Court of Session would expose itself to 'the consequences, civil and other, of disobeying the positive and clear order of a statute.'

According to Dr. Hanna, Chalmers had

never cordially approved of the Veto Act; he even meditated a motion for its repeal, desiring to substitute a general declaration against the principle of intrusion, with a resolution to deal with particular cases as they should occur; but the language of the Chancellor and the other *learned* Peers impressed him with such a settled dread of worse things, that he made up his mind to adopt the law as his own, and to co-operate for the maintenance of it with its original promoters. Lord Melbourne was written to, and, at his suggestion, it was resolved to send a deputation from the Committee of General Assembly to London. But Dr. Hanna, who takes care to inform us of this, goes considerably beyond the line of historical fact when he adds that 'it was with the express concurrence and sanction of Government that the Veto Law had been originally passed.' The Lord Advocate (Jeffrey), in a letter cited (May, 1883), goes no farther than to say that, in the opinion of the writer—who carefully guards himself from being understood as speaking officially—the Government must be much gratified by the Assembly's adopting such a resolution' as Chalmers had brought forward that year, and failed to carry. However, we cannot say that either by the Whigs, or the Conservatives who by and by ejected them, were Chalmers and his brother delegates very handsomely used. The Auchterarder case was not slow in provoking others of a like description. In 1835 the Crown presented a Mr. Clarke to the living of Lethendy; the people vetoed the presentation, and the Presbytery rejected the presentee; and by and by, in 1837, still more complicated difficulties arose. A Mr. Edwards having been presented to Marnoch, the Presbytery of Strathbogie, on receiving a well-signed deed of veto, refused to put him on his trials. The trustees of the patron (a minor) presented another man—whereupon Mr. Edwards applied for and obtained an injunction from the Court of Session against the induction of this individual. The consequences brought matters to a crisis. Not willing to incur the risks of disobedience to the civil power, and perhaps disliking both the principle and operation of the Veto Act, a majority of the Presbytery of Strathbogie made haste to amend the decision. Mr. Edwards was put upon his trials, accepted, and regularly inducted as minister of Marnoch. Such occurrences could not fail of exciting the deepest interest. The Church had set herself in direct opposition to the State. She had passed a law which affected private rights in civil life to a large extent, and she

refused, on religious grounds, to amend it. To detail the appeals and remonstrances that followed, the decisions of Courts, the reclamations of Presbyteries, and the efforts made by the majority in the Assembly to get a bill brought into Parliament for the confirmation of rights which that majority had resolved, at all hazards, to maintain, would require far more space than we have at our disposal. For the Assembly, emboldened by the apparent apathy with which at first its attempt to set the ecclesiastical above the civil power was received, had of its own accord conferred upon the ministers of chapels of ease all the privileges which the constitution gives only to parish ministers; and the voices of those new intrans, who perfectly well understood their position, were loud against concession in any shape. That Chalmers grieved over the confusion which he had contributed to bring on, all his letters, as well as his journal, show. Unfortunately he had accepted the ostensible lead in a party of which many were more adroit as well as far-seeing than himself. He was but an instrument, in these controversies, of Dr. Candlish, Dr. Gordon, and one or two more, who, not perhaps anticipating that their projects would be so resolutely opposed, had made up their minds, at all hazards, to render the Church dominant or to destroy it; and led him on, by little and little, to a point whence there was no honourable retreat.

The majority of the Presbytery of Strathbogie, by whom Mr. Edwards had been inducted, fell at once under the censure of the Committee of Assembly. They were required to reconsider their decision: they refused to do so, and sentence of suspension issued against them. They took no notice of such suspension, farther than to apply to the Court of Session for a decree prohibiting the minority from acting as a presbytery without them, and to prevent ministers sent down by the Assembly from officiating within their bounds. That the granting of the latter of these prohibitions was a flagrant outrage on the principle of ecclesiastical liberty cannot be denied.

The Assembly having failed in finding support from the Whigs, turned, through its committee, to the Tories, and a great deal of correspondence took place between Dr. Chalmers, on one part, and Sir George Clerk and Lord Aberdeen on the other. It is evident, even from the few letters which Dr. Hanna has judged it expedient to publish, that the wish at least to compose the differences which had unhappily arisen was very strong on all sides. Chalmers did not scruple to express his readiness to give up

the Veto Act, in letter; and Lord Aberdeen went as far towards supporting it in spirit as a statesman could well do. Indeed, his lordship, in his anxiety for peace, went on one occasion further than seems to have been quite prudent, considering the purposes which he had in view. Writing to Dr. Chalmers on the 1st of February, 1840, he says:—

‘In order to prevent farther misapprehension, I will explain by an imaginary case in what manner I understand the proposal, and the mode of its operation. It is agreed that in all cases the people objecting to a presentee shall assign the reasons of their dissent, be they what they may. Now, let us suppose that any number of persons should object to a presentee because *he had red hair*. This would, no doubt, be a very bad reason; but if they persevered in their hatred of red hair, and the presbytery found it consistent with their sense of duty, and the dictates of their own consciences, they might give effect to the presentation by rejecting the presentee. But then the reason of dissent on the part of the people, as well as the rejection by the presbytery, would be recorded; and if the superior Church Courts should confirm the decision, the matter would then terminate. It is to this publicity, and to the common sense and justice of mankind, that I look for a security against arbitrary and capricious proceedings in any quarter.’

Had the imaginary case of the *red hair* been omitted, the real purport of this letter would have been obvious to all the world. It advocated the necessity of assigning reasons in all cases of veto, and imposed on the presbytery the responsibility of deciding as to their weight. But the selection of an objection so very little likely to occur, and the conceding to the presbytery of a right to accept it as valid, was very unfortunate for the noble Earl’s argument. The non-intrusion party understood the matter in the sense which they preferred, and complained, with some show of reason—we do not say with more than some show—of having been deceived.

But we must hurry forward to the closing chapters in this memorable history, which, if we could only forget that there was, in point of fact, no cause worthy of the effect produced, would be quite sublime. The Government was changed in 1841—but things went on from bad to worse, and in May, 1842, the General Assembly met under a settled impression that a crisis was near. From the presbytery of Strathbogie a double return had been made; and there presented themselves, in order to be entered on the roll, two sets of members,—one elected by the minority which had paid obedience to the decree of the Supreme Court,

another chosen by the recusant majority—themselves lying at the moment under Church censures. Without the slightest hesitation Mr. Dunlop—an active partisan of the legal order—moved that the return of these latter should be disregarded; and in opposition to Dr. Cook, who affirmed that the Assembly ought not to treat the returning parties as deposed members, Dr. Chalmers said:—

‘Moderator, this is the first time in my life that I ever heard it asserted that the dissent of a minority superseded the sentence of a court passed by an overwhelming majority. The proposition is in substance, that those deposed by the General Assembly of 1841 shall nevertheless be allowed to sit as members in the General Assembly of 1842. Why, sir, the proposition is so very monstrous, so fully comes in conflict—so palpably and immediately comes in conflict—with a first principle, that I cannot hold it to be a case for argument at all. But that such a proposition should even be thought of, is a very instructive fact.’

Of course, the fact which the eloquent speaker alluded to was the state of anarchy into which the Church had fallen, and the determination manifested by her enemies to rob her of what he and his adherents considered to be the last relics of independent authority. And so entirely was the spirit of the meeting enthralled by his appeal, that the young barrister’s motion was carried by an overwhelming majority. But the struggle did not end here. No sooner was the Assembly met for the transaction of business than the representatives from the recognised presbytery of Strathbogie informed the house that interdicts from the Court of Session had been served upon them, prohibiting them from taking their seats as members. The announcement was received in silence. The Assembly directed that the names of the interdicted members should be inserted in the roll, thus identifying the acts of these gentlemen with those of the Church; and forthwith entered upon proceedings against such ministers as had exhibited a too ready acquiescence in the decrees of the civil courts. Besides other examples made, all those ministers who held communion with the recusants of Strathbogie were suspended from the exercise of their judicial functions as members of Church Courts till the meeting of the March commission of the following year.

Had the Assembly stopped short at this point—had there been discretion enough in the majority to adhere to the terms of the original dispute—it is by no means impossible that even yet grounds of honourable compromise might have been found. We

are ready to repeat that neither from Whigs nor Tories had the Church of Scotland received such treatment as might have been expected. Lord Melbourne’s supercilious levity was most offensive;—Lord Aberdeen’s courteous gravity was no sufficient offset for what was regarded as cold over-caution; while Sir Robert Peel and Sir James Graham either were, or appeared to be, so overshadowed by the terror of priestly domination, that all attempts to bring the Church’s case in its simplicity before them failed. Still nothing that had occurred in such quarters will justify the proceeding into which the Assembly now hurried. A resolution was moved to the effect that patronage lay at the root of all the evils under which the Church laboured, and that therefore patronage ought to be abolished. Then, even more clearly than on previous occasions, the Church and the State came into direct and vehement collision. The Act of 1712 gave back to patrons the rights of which, during a season of political and religious confusion, they had been deprived—and for a hundred and thirty years the Church itself had acquiesced in the arrangement. Now the Church, speaking by the voice of her representatives, pronounced the law to be iniquitous: 216 members supporting the resolution, while 147, and no more, opposed it. And, finally, as if to throw up an impassable barrier between herself and the civil power, the Church adopted as her own a document proposed by Dr. Chalmers, and denounced, in her ‘Claim of Rights,’ as tyrannical and impious, everything that had been done throughout the last century, whether by the Court of Session or the Legislature, to regulate or control the right of patronage and the manner of institution to benefices.

The transmission of this document to Sir Robert Peel, through the hands of the Lords Commissioners, was the last official act of the Assembly of 1842. Not one of the party which achieved the triumph anticipated that any good to the Church would result from it. But they had freed their own consciences, and returned to their respective parishes strengthened to meet any possible consequences. ‘The Church’s principles’ (says Dr. Hanna) ‘were faithfully declared; her final purpose thus solemnly announced; she committed her ways to God, and waited the evolutions of his will.’ Chalmers crossed over to Ireland, and spent his summer in apparent tranquillity, amid the exquisite scenery of Carlingford Bay. It was, however, in fact, a season of much toil and anxiety. His correspondence was incessant, and he threw his whole heart into

a labour—in his case—of conscience, undoubtedly. Mr. Campbell of Monzie's Bill, to which the more moderate of the party had looked forward with hope, was arrested ere it came to a second reading, on a technical objection. Mr. Maule urged the Prime Minister to remove this objection, by consenting, in the name of the Crown, to the introduction of the measure. But Sir Robert Peel declined to do so, and the Bill was lost. Worse things followed. Lord Kinoul and Mr. Young raised an action of damages against the Presbytery of Auchterarder, as compensation for injury sustained by patron and presentee in consequence of the rejection of the latter, and obtained a decree. The finding of the Court of Session was confirmed on appeal, and the point was settled—that in the opinion of the highest civil tribunal, the obligation to 'receive and admit' except on good cause shown to the contrary, still lay upon the Presbytery, and was a *civil obligation*, of which the violation was punishable under the common law of the land.

The announcement of this decision of the House of Lords was received by Dr. Chalmers and his friends gravely, but in a resolute spirit. All equally felt that their battle-field was narrowed; but while some suggested the fitness of an immediate secession, others—and Dr. Chalmers took the lead among them—still recommended delay.

'I have no idea,' says the Doctor, in a letter to one of his sons-in-law, *'of instant resignation*. We must not go out in driblets, but in a compact and entire body; and one step clearly, in my view of it, remains to be done ere this great compact movement should take place. To go out now would be receiving our doom as an establishment from the civil court; or at the bidding of a mere fellow and co-ordinate with ourselves—for the House of Lords, in its judicial capacity, is nothing more. We should not quit the establishment till we have obtained from Parliament a deliverance, whether by an adverse proposition, or a refusal to entertain our cause.'

But though thus fighting for delay, Dr. Chalmers had contemplated no other result than one. He therefore suggested that, previously to the meeting of next Assembly, a Convocation of 'all the right-minded clergy' should be held; and this plan being at once adopted, a circular, signed by thirty-two influential persons, invited the whole of the 'Evangelical Ministers of Scotland to meet at Edinburgh on the 17th of November.'

The Convocation met on the day appointed, at seven o'clock in the evening, in a small chapel (Roxburgh Chapel) in an obscure part of the Old Town. Four hundred

and fifty ministers were present, a larger number than in Scotland ever had met in council before, and Dr. Chalmers was called to the chair. The proceedings were solemn and decorous. Declining the assistance of law agents, and with doors closed, these 450 ministers discussed among themselves the state and prospects of the Church, and concurring in the views of their chairman, that their business was 'to fix the point beneath which it was impossible for the Church to act,' came to the following Resolution:—

'That as the principle involved in these decisions—[various decisions of the Court of Session and House of Lords]—and particularly in the recent Auchterarder judgment, is that of the supremacy of the civil courts over those of the Established Church in the exercise of their spiritual functions, so the members of the Convocation declare that no measure can in conscience be submitted to, which does not effectually protect the Church against the exercise of such jurisdiction of the civil courts in time to come.'

It was felt by all who listened to the terms of this Resolution, that every one who appended his signature to the deed, pledged himself to abandon his living, and to secede from the Establishment, in the event of a perseverance by the Government in its present line of policy. To Chalmers, indeed, this issue had so long been evident, that he was already prepared with a plan for the organisation of an independent Church, and for the raising of funds out of which places of worship might be erected, and a maintenance provided for their ministers. No sooner was the vote carried, than he requested and obtained permission to read the document in question. His brethren listened respectfully, as they were ready to do to anything proposed by him; but not ten, we are assured, out of the whole body, regarded it otherwise than as 'the visionary anticipation of a too sanguine imagination.' Yet it became, well nigh verbatim, within a very few months, the charter of a religious society, which has already built 800 churches, maintains 800 ministers, and is adding from day to day to their number.

The signatures attached to the vote of Convocation amounted on the first day to 270. These rose by and by to 333; and Chalmers exclaimed—'Then we are more than Gideon's army—a most hopeful omen.' His joy, however, was that of one who counts not upon any immediate deliverance from a difficulty, but on the courage of himself, and of a devoted band of associates, to dare all, and if need be to suffer all, for conscience sake. It is to be regretted that there

should have been suffered to mix itself up with this feeling a bitter spleen against a party in the Church of England, which was contending for a principle not unlike that for which Chalmers and his friends were willing to become martyrs—as well as a disposition, scarcely more creditable, to conciliate dissenters, whom, but a few years previously, the Doctor had gone considerably out of his way to vituperate. For the Puseyism of which he entertained so much horror rests upon precisely the same general assumption which pervades all the speeches, as well as the recorded resolutions, of the founders of the Free Kirk—namely, that in matters of faith and church discipline the civil power has no right to interfere; with this remarkable difference however in the two cases, that Puseyism confines itself strictly to points of doctrine and ecclesiastical discipline, while the Free Kirk contrives so to intermingle questions of temporal beneficence and spiritual teaching, that no casuists, except her own, have ever been able to disentangle them.

The resolutions of the Convocation, being embodied in a Memorial, were transmitted to her Majesty's Cabinet, and after a brief delay the answer arrived. Though bearing the signature of Sir J. Graham, it cannot be described as either a very logical or a very courteous document. It took no notice whatever of the *memorial*; but, adverting to certain Addresses which the General Assembly had transmitted to the Crown, entered into a detailed examination of occurrences long gone by, and wound up by declaring that to yield to the Church's demands would 'lead directly to despotic power.' Never, surely, was a great cause argued on both sides with more unwise *finesse*. If their reasoning was subtle, however, the acts of the belligerents were straightforward enough, and one by one they hurried on the catastrophe.

Among other effects produced by the recent attacks on patronage, the return into the bosom of the Church of a body of dissenters known as the *Associated Synod* deserves especial notice. It was a consummation highly prized by the Evangelical party, who lost no time in voting the ministers of the Synod to be members of the Presbyteries within which their respective meeting-houses stood; and took steps to attach a territorial district to each. One of these ministers, Mr. Clelland, of Stewarton, had been received as a lawful member into the Presbytery of Irvine, and the Presbytery was further engaged in allocating to him a pastoral district, when the Court of Session

interfered. Against the interdict issued it was competent to the Assembly to appeal, as it had done in the Auchterarder case; but—the House of Lords being now considered as decidedly a hostile tribunal—it was resolved to go at once to the Legislature.

A petition, drawn up by the Commission of Assembly, was accordingly presented to the Commons on the 7th of March, 1843; and Mr. Fox Maule—(now Lord Panmure—ever a fervent and steady ally of Chalmers's)—moved that the House should resolve itself into a Committee, to consider the grievances of the Kirk. Mr. Campbell of Monzie, Sir George Grey, Mr. Rutherford, Mr. P. M. Stewart, spoke in favour of the motion. Sir James Graham, resisting it, called upon the House to put an extinguisher at once upon the expectations of the Church, 'because he was satisfied that such expectations could not be realized in any country in which law, or equity, or order, or common sense prevailed.' Lord John Russell—more tender in speech—coincided in all Sir James Graham's opinions; while Sir Robert Peel expressed his hope that 'an attempt would not be made to establish a spiritual or ecclesiastical supremacy above the other tribunals of the country; and that, in conjunction with increased attention to the duties of religion, the laws of the country would be maintained.' The debate occupied two nights, but the result was never for a moment doubtful. Mr. Maule's motion was lost by a majority of 240 votes to 76.

It is not necessary to continue our narrative further in detail. While Dr. Cumming wrote pamphlets to prove that there would be no secession—or that if it did occur the numbers of seceding ministers would be very small—while Dr. Leishman assured Lord Aberdeen that the whole affair would end in smoke—while those apparently best informed even among the citizens of Edinburgh affirmed 'that not forty would go out'—little short of four hundred brave hearts set themselves to prepare for an issue which they felt to be inevitable. Each explained to his congregation the point at which the controversy had arrived, and prayed for Divine support. But forthwith, under the guidance of Chalmers, a machinery of wider agitation was prepared. Associations were entered into, and public meetings held, collectors appointed, and, six months before the Free Church had any existence, considerable funds had been gathered in, both for the erection of places of worship and the maintenance of ministers. And then, and not till then, Chalmers and his friends of the Convocation drew breath, like men ready

for the final act of all. Writing to a correspondent in America on the 19th of April, 1843, he says—

‘Our crisis is rapidly approaching. We are making every effort for the erection and sustentation of a Free Church, in the event of our disruption from the State, which will take place, we expect, in four weeks. I am glad to say that the great bulk and body of the common people, with a goodly proportion of the middle classes, are upon our side, though it bodes ill for the country that the higher classes are almost universally against us. Notwithstanding this, however, we are forming associations for weekly payments all over the country; and I am glad to say that they amount, by this day’s post, to 408. We expect that by the meeting of our General Assembly the country will be half organized, and are looking for a great additional impulse from the disruption, when it actually takes place. I am hopeful that ere the summer is ended we may number about a thousand associations, or as many as there are parishes in Scotland, so that unless there be an attempt to crush us by persecution, I have no fear of our getting on. But the Lord reigneth, and He alone knoweth the end from the beginning. Let us look to His providence and grace, without which there can be no security from without, nor vital prosperity within.’

The day of trial at length arrived. On the 19th of May the Assembly had been appointed to meet. From as early as four o’clock Edinburgh was astir; and, as the morning advanced, the grave countenances of all who met and conversed in the swarming streets showed that for no gala purpose had they quitted their shops and their offices. Towards noon the great gallery in Holyrood House was thrown open, and the Marquis of Bute, Lord Commissioner, received the most crowded levee which had been witnessed for years. Just as it was at the fullest, a portrait of William III. which hung opposite to the spot where the representative of majesty stood, got loosened and fell heavily upon the floor. ‘There goes the Revolution settlement,’ exclaimed a voice from the throng; and the words were received as if some prophet had spoken. There was profound silence throughout the gallery for several moments.

At the close of the levee the Lord Commissioner proceeded to St. Giles’s Church in his state coach, drawn by six horses; a magnificent cortège followed, and cavalry escorted them. There was a sermon, according to custom, by the Moderator of the last Assembly: and the frequent allusions made to things past and things about to come fell like so many warning notes upon the ears of the audience. By and by the members of Assembly proceeded in a body to its Hall, which was crammed to suffocation, except in

the space railed off for their own occupation. Dr. Welsh, the out-going Moderator—a divine of great personal authority—took the chair, and soon afterwards the Lord Commissioner entered. He was received with every mark of respect—Moderator, members, and audience all rising to greet him; after which a prayer was offered. And now expectation, which had already been wound up to the highest pitch of excitement, became positively painful, when the Moderator rose and said:—

‘Fathers and brethren, according to the usual form of procedure this is the time for making up the roll. But, in consequence of certain proceedings affecting our rights and privileges—proceedings which have been sanctioned by her Majesty’s government, and by the legislature of the country; and more especially in respect that there has been an infringement on the liberties of our constitution, so that we could not now constitute this court without a violation of the terms of the union between Church and State in this land, as now authoritatively declared, I must protest against our proceeding further. The reasons that have led me to come to this conclusion are fully set forth in the document which I hold in my hand, and which, with permission of the House, I will now proceed to read.’

It will be enough to transcribe the close of this document:—

‘We protest that in the circumstances in which we are placed it is and shall be lawful for us, and such other Commissioners chosen to the Assembly appointed to have been this day held, as may concur with us, to withdraw to a separate place of meeting, for the purpose of taking steps, along with all who adhere to us—maintaining with us the Confession of Faith and standards of the Church of Scotland—for separating in an orderly way from the Establishment, and thereupon adopting such measures as may be competent to us, in humble dependence on God’s grace and the aid of the Holy Spirit, for the advancement of his glory, the extension of the Gospel of our Lord and Saviour, and the administration of the affairs of Christ’s house according to His holy Word; and we now withdraw accordingly—humbly and solemnly acknowledging the hand of the Lord in the things which have come upon us because of our manifold sins and the sins of the Church and nation: but, at the same time, with assured conviction that we are not responsible for any consequences that may follow from this our enforced separation from an Establishment which we loved and prized, through interference with conscience, the dishonour done to Christ’s crown, and the rejection of his sole and supreme authority as King in his Church.’

Dr. Hanna tells the sequel in these striking sentences:—

‘Having finished the reading of this Protest,

Dr. Welsh laid it upon the table, turned, and bowed respectfully to the Commissioner, left the chair, and proceeded along the aisle to the door of the church. Dr. Chalmers had been standing immediately on his left. He looked vacant and abstracted while the Protest was being read: but Dr. Welsh's movement awakened him from the reverie. Seizing eagerly upon his hat, he hurried after him with all the air of one impatient to be gone. Mr. Campbell of Monzie, Dr. Gordon, Dr. McDonald, and Dr. Macfarlane,* followed him. The effect upon the audience was overwhelming. At first a cheer burst from the galleries, but it was almost instantly and spontaneously restrained. It was felt by all to be an expression of feeling unsuited to the occasion; it was checked in many cases by an emotion too deep for any other utterance than the fall of sad and silent tears. The whole audience was now standing gazing in stillness upon the scene. Man after man, row after row, moved on along the aisle, till the benches on the left, lately so crowded, showed scarce an occupant. More than 400 ministers and a still larger number of elders had withdrawn.'

Thus was consummated at once the greatest and most eventful schism that perhaps ever occurred in any national church since the foundation of Christianity in our land. Neither the compulsory defection of the non-conforming clergy from the Church of England in the sixteenth century, nor the severance of the Evangelical from the Lutheran party in Protestant Prussia, can for a moment be compared with it. Both of these, with all the other secessions of which ecclesiastical history makes mention, had some plea of conscience and purity of doctrine, as well as of discipline, to urge. But the disruption of the Kirk of Scotland arose out of no diversity of opinion in regard either to the creeds or to the constitution of the body so torn. The seceders took with them the Westminster Confession of Faith, the Catechisms, and the government by Kirk Sessions, Presbyteries, Synods, and a General Assembly, of the Church which they abandoned. The party abandoned retained all these in their integrity; and, as usually happens in like cases, a spirit of rancour was kindled between them immediately, which became bitter in proportion to the shadowy nature of the barrier, which, when regarded in a spiritual and not a political point of view, was thenceforth to divide them. It was a great misfortune to Scotland, this schism; and it threatens to be an enduring one.

As to Chalmers—though his biographer strives to make it appear that in the answer of a good conscience he found perfect peace

—there is palpable evidence even in the work now before us, that he was never the same man again. He felt that, in pursuing an unattainable object, he had sacrificed much good that lay within his reach. He had become the leader in a rebellion against not the Church alone, but all the principles and opinions of his earlier life. He continued for a while to labour with his pen as diligently as before; and being nominated to the twofold office of Principal and Theological Professor in the Free Church College, he taught, during the winter months, pretty much as he used to do when occupying the Divinity Chair in the University of Edinburgh. His summers were chiefly spent in travel; mostly canvassing in behalf of Free Church funds—now and then in search of health and recreation for himself. But there is no hiding the fact that everything was done under the pressure of great mental despondency. Even his exertions to Christianize the neglected closes and alleys of the Scottish metropolis, though vigorously and, up to a certain point, successfully made, were not made in the spirit of hopeful and joyous faith which characterised similar efforts both in Glasgow and St. Andrew's. In a word, Chalmers does not appear to have been quite at peace within himself—it seems certain that, in spite of the wonderful liberality of the body to which he belonged, he never reposed any confidence in the voluntary principle as an efficient instrument for extending Christianity through the land.

On the 7th of May, 1847, Chalmers reappeared in London. He had withdrawn himself of late almost entirely from Church business, but, being invited to appear as a witness before a Committee of the House of Commons which had been appointed to inquire into the refusal by certain landed proprietors of sites for Free Churches, he undertook the journey, and stood it well. He has given in his diary a rather ludicrous account of his examination by Sir James Graham, in the course of which he appears to have thrown out a good deal of gratuitous abuse of the Church of England. But we need not stop to point out inconsistencies at this period either in the words or deeds of one whose more vigorous days had exhibited so many inconsistencies. If he satisfied nobody else, he delighted his Free Church adherents. Though no longer the lion that he used to be, he was still coveted and caressed by a large circle in the metropolis. He preached in the Mary-le-bone Chapel, and his note-book contains this entry:—'The Church thin when we first entered it, but becoming full, with a good many in the passages, before I began.' There is

* The late Dr. Patrick Macfarlane held the living of Greenock—the richest, we believe, in the Church of Scotland.

no further notice of the crowding of the great and the scientific to listen; and he finds leisure to dine quietly in the coffee-room of the Athenæum, at the same table with Dr. Whewell. Of course a man of Chalmers's temperament could not but be conscious that the sphere of his usefulness was narrowed. But the effect seems to have been to subdue and humble, not at all to irritate or sour his spirit; he was pleased with every mark of attention shown to him, and made a record of it. He remained barely a week here, and then returned home by way of Oxford and Gloucester. On the 30th of May he wrote to his sister, Mrs. Morton, a letter which, though finished and dated, he never folded up.

'He went out,' says Dr. Hanna, 'after writing this note into the garden behind the house, sauntering round which he was overheard by one of his family, in low but earnest tones, saying, "Oh, Father! my heavenly Father!" On returning to the drawing-room he threw himself into his usual reclining posture. During the evening, as if he had kept his brightest smiles and tenderest utterances to the last and for his own, he was peculiarly bland and benignant. "I had seen him frequently," says Mr. Grennel, "at Fairlie, in his most happy moods, but I never saw him happier. Christian benevolence beamed from his countenance, sparkled in his eye, and played upon his lips. Immediately after prayers he withdrew, and, bidding his family remember that they must be early to-morrow, he waved his hand, saying, A general good night."

About eight o'clock next morning a neighbour, who had expected to receive from him a packet of papers, sent to inquire whether they were ready. The housekeeper, who had been long in the family, knocked at his door, without, as it seemed, making herself heard. She opened it, spoke, received no answer; threw wide the window-shutters, and approached the bed. He sat in a half-recumbent position, with his head reclining upon the pillow, quite dead.

Such was the sudden but calm termination of a career as brilliant, as varied, certainly as eccentric—perhaps as useful—as has ever been run by one placed in the comparatively humble station of a Scottish Presbyterian minister. That popular enthusiasm made at the time a great deal too much of Chalmers his warmest admirers will now, we suppose, acknowledge. His style is generally turgid, often confused, unnecessarily disfigured by uncouth phrases and words coined for the nonce, and remarkable for nothing more than the perpetual repetition of some favourite idea in terms which seem intended to create in the unob-servant reader a persuasion that new truths

are brought before him. But there is a potency in it, notwithstanding, which carries us along—often indeed against the better pleadings of our judgment. In truth, we consider him one of the poorest reasoners, both as a moralist and a divine, that ever strove to convey his own views of things to the minds of others; and of his political economy experience has long since shown that it is both based and built up upon a delusion. Of his gigantic powers as a pulpit orator there can, indeed, be no doubt; there was a fervour in his manner, a persuasiveness in his tones, a charm even in the coarse Fife accent, of which he never got rid, that arrested the attention and kept it fixed on the preacher all the time that he was speaking; and if at the close of the discourse the auditors sometimes failed of determining the exact point which it was designed to establish, they never separated without having received a strong general impulse to good. Nor was his influence less effective in private conference than in public appeals. Whatever he took up, he took up in earnest, and there is a magic in earnestness which rarely fails of going much further with such as observe it than any extent of argument—be it ever so logical.

Of the posthumous works which his son-in-law has been induced to publish, we cannot on the present occasion say much. The general impression made upon our minds by a laborious perusal of them, is that as far as the literary reputation of the author is concerned, they had better have been suppressed. Except two volumes entitled *Institutes of Theology*—a third made up of notes on Butler's Analogy, Paley's Evidences, and Professor Hill's Divinity Lectures—and a volume of Sermons, there is little or nothing to reward a second perusal. His *Daily Scripture Readings*, in three volumes, show that during the last ten or twelve years of his life he never permitted twenty-four hours to pass without making annotations on some portion of the Bible; while his *Sabbath Scripture Readings*, in two volumes, are made up of reflections and prayers all arising out of an exercise substantially the same. We doubt whether the writer of these very pious, though sometimes not very profound lucubrations, ever intended them to meet other eyes than his own. The 'Prelections,' though doubtless very useful for the purposes of Class instruction, which they were intended to serve, put in no claims whatever upon public attention, either for originality of idea or grace of illustration. Moreover, whatever in them was of any real value had already been embodied word for word by the author in the Second Book of his Chris-

tian Institutes. But the error of redundancy, which always blemished the style of Chalmers, appears to have fallen in regard to more than style upon his biographer.

The Institutes of Theology are set forth in four books—of which the first is introductory, dealing with Ethics and Metaphysics in the abstract; the second, a treatise on Natural Theology; the third, an enlargement of the old Essay on the Evidences; and the fourth, a sort of Dissertation on the Subject Matter of Christianity. In the treatment of these topics Chalmers seldom pretends to introduce what is absolutely new; but whenever he does venture out of the beaten track, he loses himself. For example, in considering the existence of moral right, he denounces at once the theory of Expediency, and that conclusion which resolves virtue into an observance of the law of God. Of course, there remains for him no alternative except to fall back upon 'the moral sense'—though he endeavours to conceal his object in a multiplicity of words which if they do not mean this, mean nothing. What can the reader make of such a statement as the following?—'In the Divinity alone it is that virtue has its fountain-head and its being—not, however, in the fountain-head of the Divine Will; but higher than this, and superior to this, in the fountain-head of the Divine Nature.' In the Divine Nature there can be neither virtue nor vice. There is absolute perfection—a state quite apart from any in which either virtue or vice can prevail. For the very term *virtue* means a successful effort to conform a fallible nature to some standard higher than its own; and this, if it be not produced by a 'moral sense,' or instinct to good, can spring only from a knowledge, more or less perfect, of the will of the Supreme rewarder of virtue and punisher of vice.

Chalmers was a man of genius. His faculties were large, though ill-regulated. His impulses were stronger at all times than his judgment, and his language more fluent than his ideas. As a scholar he was very defective. Even in the 'Daily Scripture Readings' this fact is continually forced upon us. As for example, in the wonderment which he expresses at page 98 of vol. i., in regard to the causes from which the antipathy of the Egyptians to shepherds, in the days of Joseph, could have arisen!—and his method of handling the character and proceedings of Balaam, especially with reference to the sacrifice by that impostor of seven bullocks and seven rams!! But to counterbalance these defects, Chalmers possessed energy, patience of labour, and an enthusiastic love of truth, which he might

fail to overtake, at times, both in theory and in practice, but which he never ceased to follow throughout the whole of his career. He was a great man, and has left a stamp upon the character of the age which will not be easily effaced.

We are happy to conclude in the words of a highly esteemed dignitary of the Episcopalian Church in Scotland—the Dean of Edinburgh. His 'Biographical Notice,' read soon after Chalmers's death to the Royal Society of Edinburgh, well deserved to be published in a separate form. The main objects and honours of the doctor's career are thus elegantly stated in its last page:—

'His greatest delight was to contrive plans and schemes for raising degraded human nature in the scale of moral being. The favourite object of his contemplation was human nature attaining the highest perfection of which it is capable—and, as that perfection was manifested in saintly individuals, in characters of great acquirement adorned with the graces of Christian piety. His greatest sorrow was to contemplate masses of mankind hopelessly bound to vice and misery by chains of passion, ignorance, and prejudice. As no one more firmly believed in the power of Christianity to regenerate a fallen race,—as faith and experience both conspired to assure him that the only effectual deliverance for the sinful and the degraded was to be wrought by Christian education, and by the active agency of Christian instruction penetrating into the haunts of vice and the abodes of misery; these acquisitions he strove to gain for all his beloved countrymen; for these he laboured, and for these he was willing to spend and be spent. From the fields of earthly toil and trial he has been removed, and he has entered into his rest. The great business of Christian benevolence, and the contest with ignorance and crime, are left in other hands. But his memory will not die, nor his good example in these things be forgotten. His countrymen will do his memory justice. Of the thousands who were assembled to witness the funeral procession which conveyed his earthly remains to the tomb, all felt conviction that a Great Man had fallen in Israel,—that a Scotchman had gone of whom Scotland might be proud,—a Scotchman who had earned a name in his country's annals, and a place in his country's literature, which will not pass away.'

ART. VI.—*Memoirs of the Right Honourable Henry Lord Langdale.* By Thomas Dufus Hardy. 2 vols. 8vo. 1852.

WHEN Curll, the piratical bookseller, gave the first example of publishing the Lives and Letters of persons recently deceased, Dr. Arbuthnot pleasantly called him

a new terror of death; but such works as that now before us are worse than Curll's inflictions. Curll had but one victim at a time. Mr. Hardy kills many birds with one stone. The first and greatest sufferer is, of course, poor Lord Langdale himself. Mr. Hardy's blind and bungling partiality for 'his lamented master's' memory has contrived to render him often ridiculous, and occasionally something worse, and he has raised or revived some questions of a personal character which will not, we think, insure from the public the encomiastic solution at which Mr. Hardy has himself arrived.

We have in the next place to complain that, by publishing the private letters of third persons which he happened to find in Lord Langdale's papers, he has, as we think, wantonly and unwarrantably invaded the confidence of private life. For instance, he discovers amidst the rubbish of Lord Langdale's closet a dozen letters or notes written by Sir Francis Burdett, one of Mr. Bickersteth's earlier friends and benefactors, in those turbulent days in which he was so hot and so rash in that line of radical politics which he afterwards as signally repudiated. These letters are (except one to be hereafter specially noticed) for the most part mere familiar gossip and of no curiosity or importance; but Sir Francis's party-zeal sometimes bursts forth with a violence which, if he had remembered it in after days, his good sense would have regretted, while the idea—could it have occurred to him—of its being published for history, would have revolted equally his good nature and his good taste. Mr. Hardy may probably have meant no harm, and he may possibly not appreciate exactly the indelicacy of such a publication; but it may not be amiss to remind him for his future guidance, that in point of law neither Lord Langdale himself, nor his representatives, had any right to publish Sir Francis Burdett's letters. The law on this point is clear and settled. The *material* substance of a letter belongs to the person to whom it is addressed, but the property of the *mental* production, especially as regards publication, and, above all, publication for profit, remains in the original writer. If, therefore, Mr. Hardy had not asked and obtained the consent of Sir Francis Burdett's representatives to the publication of these letters, we are sorry to acquaint him that he is just as much a pirate as the aforesaid Curll.

A third complaint is that there are many individuals still living—some of them of high rank and eminent stations—some of our own, but more of opposite politics—whom, because they happened to fall in with

Lord Langdale in their passage through life, Mr. Hardy assumes a right to drag into his volumes, and to handle them with as little ceremony, as little delicacy, and often as little knowledge of their personal history, as if they had been dead a hundred years. But of living men we suspect that Mr. Hardy will be himself the greatest sufferer, and will find that he has exchanged a respectable though humble and somewhat dusty reputation as an antiquarian, for the ridicule of having in this work left behind him a *record* of more presumption and ignorance—leavened, we fear, by a little personal spite and bad faith—than we remember to have seen in a work that affected to be *historical*.

Lastly, and by us most seriously regretted, is the pain which Mr. Hardy's indiscretion is likely to inflict on Lord Langdale's family and friends. It might be doubted whether Lord Langdale's uneventful and comparatively undistinguished life required or even justified a professed biography; but there can be no doubt that all that can be fairly called biographical in the work might have been more distinctly told in half—nay a quarter—of its bulk; and the process by which it has been inflated to its present size is a combination of bad taste and bad workmanship on the part of Mr. Hardy—the ill effects of which must necessarily, though undeservedly, fall on Lord Langdale himself. But there is something still more serious. The dogmatic tone assumed by Mr. Hardy—the arrogance with which he challenges for Lord Langdale an indisputable superiority in talents, integrity, independence, and public services above all his legal contemporaries and judicial colleagues—and the utter, and indeed ridiculous inadequacy of the evidence of any such pre-eminence, must necessarily awaken a reacting spirit of inquiry and criticism, which, however temperately pursued, cannot but give pain to those whose natural feelings lead them to adopt the whole extent of Mr. Hardy's delusion. We, for our part, shall deal with all such points as gently as Mr. Hardy will allow us, and we are glad to be able to say at once, that, after abating the exaggerations of the injudicious panegyric, we find there and *aliundè* satisfactory evidence of the amiability of Lord Langdale's private, and the general integrity and respectability of his professional character. We say *aliundè*, because it is one of our main complaints against Mr. Hardy, that, while he swells his pages with trivial and useless details of Lord Langdale's youth, he leaves us strangely unacquainted with what we may call the *personality* of the man,

and indeed seems rather desirous to conceal some of the most critical and influential circumstances of his life.

Henry Bickersteth was born on the 18th of June, 1783, at Kirkby Lonsdale, and was the third son of Mr. Henry Bickersteth, a medical practitioner of that place, and of Elizabeth, sister of the late Dr. Batty.*

Mr. Bickersteth senior was of considerable local repute, and no doubt of some literature, for he published a work called 'Medical Hints for the Use of Clergymen,' of which we do not remember to have heard before, but its title gives us a favourable impression of the practical benevolence and good sense of the author—and this is in some degree confirmed by a statement which we have heard, that he was intrusted for many years with the personal care of a lunatic gentleman of large fortune, for which he received a liberal allowance. Mrs. Bickersteth belonged to a clever family, and was probably both an amiable and intelligent woman, but Mr. Hardy's account of her is an early example of the absurd exaggeration with which he treats everything connected with his hero :—

'His mother was highly gifted, and far in advance of the age she lived in. She was one of those few women of the period who understood and strictly practised the rule of right and wrong. She endeavoured to infuse into the minds of her children those pure moral and religious principles which imbued her own; and it was from her, principally, that the subject of the present memoir first acquired those exalted feelings that pervaded every thought and action of his life.'—i. 4.

For this startling encomium, which reflects not a little on poor Mr. Bickersteth senior, and very largely on the moral and intellectual qualities of 'the women of the age,' we naturally expect some kind of evidence, and Mr. Hardy obligingly supplies it :—

'The following illustrates the probity and conscientiousness of her character. As Henry and his brother John, when mere children, were returning one evening from a visit to their grandmother, they found in the road a large log of wood, which they dragged home with considerable difficulty, thinking it would make an excellent plaything. "Where did you get it?" asked their mother, as they triumphantly showed her their prize.—"We found it in the road," was the reply.—"Then it is not yours," she

* They had five sons and two daughters; the eldest went to sea in 1796; John, the second, and Edward, the fourth sons, commenced life as clerks in the Post-office, but subsequently took orders; Robert, the youngest, still follows his father's profession at Liverpool. The eldest daughter married the Rev. T. Cooper, rector of Coppenhall; and the younger, Charlotte, the Rev. Mr. Mayor.

said, "so you must take it back again, and replace it where you found it."—*This lesson was never forgotten*; Lord Langdale often related it in after years, and it probably passed through his mind when he adopted the significant and appropriate motto "*Suum cuique*."—i. 5.

This maternal admonition—*never forgotten*, as Mr. Hardy triumphantly observes—may have checked in the future judge and peer a disposition to petty larceny—but we can hardly accept it as a proof that Mrs. Bickersteth was '*in advance of her age*,' and still less that she and a '*few others*' were the only women of the period who *understood and practised the rule of right and wrong*. What *practising* the '*rule of wrong*' may mean is not very clear, but it sounds as if Mr. Hardy believes that all our mothers and grandmothers, save Mrs. Bickersteth and the nameless '*few*,' were little better than the disciples of Messrs. Peachum and Lockit.

The young Henry was educated at the free grammar-school of Kirkby-Lonsdale, one of those old-fashioned foundations which it is now the cant to undervalue, but to which we believe that England owes more in the spread of sound literature and good morals than to any other class of educational institutions. As Boswell took such pains to enumerate Dr. Johnson's pedagogues, Mr. Hardy takes care to tell us that the master at this time was the Rev. Mr. Dobson. That is certain; but he has unfortunately not been able to determine whether the name of a local lecturer from whom Lord Langdale received his first notions in mathematics was *Dawson* or *Steevens*, or whether indeed he ever received any such lessons at all, though the zealous Biographer has diligently consulted his Lordship's brother, the Reverend Mr. Bickersteth, and his schoolfellow, Professor Sedgwick; for unluckily Mr. Bickersteth's support of the *Dawson* theory is only a '*tradition*,' while Mr. Sedgwick, in favour of *Steevens*, seems to confess that he can produce only dim recollections of a *hearsay*; and so Mr. Hardy, after a page and a half of disquisition, professes to leave the matter *in dubio*, though rather, we think, leaning to the opinion that the future Lord Langdale had attended neither.

Mr. Hardy laments that of his boyish days few reminiscences have been preserved: some, however, he has fortunately recovered and judiciously published :—

'He often used to visit his grandmother at Burton in Kendal, and one day, being there, as he persisted in going out, though the weather was cold and stormy, the old lady shut the door upon him, saying, "Henry, you make me tremble;" very soon afterwards he came back, and opening the door gently said, "Do you tremble

now, grandmother?" and complied with her wish to remain at home.—i. 7.

'In after life,' says Mr. Hardy, 'Lord Langdale used to talk of his school-days.' Only one specimen of this talk is produced, but that is so striking and characteristic that we readily believe that it could hardly be exceeded by anything that has been forgotten. It is a gem!

'Foot-ball was a favourite game, and often gave occasion to broken shins. At the end of the field where they played foot-ball was a railing, and on the other side of the railing was a precipitous descent to the river, and he said to see the way the boys jumped over the railing and rolled down the descent after the ball was astonishing.'—i. 8, 9.

These are the great judge's own words!—now placed beyond the reach of oblivion by the diligent and appropriate care of a keeper of our National Records.—Mr. Hardy has also recovered one, and but one, he laments to say, of his Lordship's schoolboy letters, which of course he gives *in extenso*, but of which our readers will perhaps be satisfied with our assurance that the pith is, that at the summer examination of 1797 he obtained a prize for Latin translation, and that, pending the decision, the boys were in great excitement, and made a violent noise—but when 'the masters came into school all was quiet in a moment.'—i. 9.

Henry left school in 1797, and was apprenticed to his father, who was resolved that he should '*enter the shop*,' a phrase which Mr. Hardy's elegance translates into, should be '*brought up to the medical profession*,' but which we prefer, as it tells plainly, what Mr. Hardy seems to wish to sink—the particular department of the profession followed by the old gentleman.

In that shop Henry served for a year, when his father sent him to London to extend his medical studies; a resolution on the part of Mr. Bickersteth senior which entitles him to the special approbation of Mr. Hardy, for having (i. 11)—

'felt that parents were bound to give their sons every possible advantage in the profession or business for which they are destined.'

A noble resolution, which, as Mr. Hardy evidently thinks, places Mr. Bickersteth, like his wife, *as in advance of his age!*

This resolution, though a superior man might no doubt arrive at it on general principles, is however the less surprising in Mr. Bickersteth's case; for his wife's brother, Dr. Batty, who had originally begun his medical career in Mr. Bickersteth's shop at

Kirkby Lonsdale, was now practising in London, and was willing to receive his nephew into his family, and to superintend and forward his education.

Young Bickersteth seems to have been a diligent student and a very anxious speculator as to his own future fortunes; and accordingly, about 1800, he began to consider to which branch of the profession he should finally devote himself. This question became the subject of some dutiful and, considering the writer's age, judicious letters to his parents. Though rather opposed to his father's predilection for the apothecary line, he was not insensible to its immediate advantages, and referred himself to his decision; but, before the point was settled, he removed, by the advice of Dr. Batty, in the autumn of 1801, to Edinburgh, to pursue a general medical education.

Here, besides following the various courses of lectures with assiduity, he became a member of a Medical Debating Society, in which he took a lively interest, and 'was a frequent and good speaker;' being, as Mr. Hardy with his usual felicity adds, 'very energetic yet eloquent;'—qualities which, if he ever possessed, he showed little of at the bar, and nothing at all, as Mr. Hardy himself admits, when a member of the House of Lords.

A hundred and thirty pages are filled with letters which he addressed to his friends at home from Edinburgh, or to his friends in Edinburgh from home—some personally critical on the various professors,* some on medical debates and theories, some puerile, all prosy—such as do no discredit to a student of barely eighteen years old—but the publication of which is a gross abuse of private confidence, and a sad exhibition of the art of *book-making*. The only point of these tedious epistles worth noticing is the diary of a walk with his brother Robert through the Lake district, which, says Mr. Hardy,

'is so graphically written and so excellent a guide-book for a similar tour, that I think it right to insert it in THIS BOOK.'—i. 80.

And he does so bodily. Now we will venture to assert that nothing was ever less *graphic*, nor, to a tourist, could be less useful, than these loose notes which Bickersteth, no doubt, made for the mere amusement of his family, in whose custody they probably remained forgotten by the writer. It is very unfair to mix up the reputation of Lord

* There is one, particularly coarse and unjust, upon one of those gentlemen, still living and generally respected both for his eminent abilities and amiable character. Mr. Hardy's raking up this trash is quite unjustifiable.

Langdale with these juvenilities; which we only notice for the sake of Mr. Hardy's grave suggestion that his *Life of Lord Langdale* may also serve as a *Handbook to the Lakes*. In truth the work appears to us quite as good for the one purpose as for the other.

Bickersteth was suddenly recalled from Edinburgh (without a degree) to attend to the business in Kirkby Lonsdale, during the absence of his father in London—'a grievous,' he says, 'but necessary sacrifice.' He it seems found little to do, and that little was listlessly done; and the result of this experiment was his decided distaste for the *apothecary line*:—

'He wrote to Mr. Henderson from Kirkby Lonsdale in anything but a healthful tone of mind. He was evidently disgusted at being removed from the studies and friends he loved at Edinburgh, to be buried alive in a remote country town, and chained to the mere *practice* of a profession he absolutely disliked.'—i. 96.

It was about this period, and with these views, that he decided on going to Cambridge, where he was entered of Caius College, 22nd of June, and came into residence in the last days of October.

The pecuniary means of the family seem to have been very narrow—little more than the produce of a small shop and local practice—with, as we have heard, the profit on the care of the lunatic; and Mr. Hardy gives, with a candour that contrasts oddly enough with his general silence on all personal subjects, many instances of the difficulty in which they all were for matters and sums comparatively inconsiderable—a few nightcaps, a suit of mourning, sums of 10*l.*, 20*l.*, and 30*l.*, solicited under the pressure of absolute necessity, *even after Bickersteth was called to the bar!* But we are not sorry for these revelations: the tender reluctance of the struggling youth to press upon his family, and their painful endeavours to supply his necessities, are the most amiable circumstances that the work records. We by no means wish to hold up Bickersteth's ultimate and most unexpected success as an encouragement to wild speculation in the lottery of life, but a useful lesson may be learned from the resolution, the patience, the economy, and the honourable pride with which he bore and conquered such spirit-breaking difficulties.

At Cambridge, however, he found assistance in one, and afterwards another, of those scholarships which the prospective wisdom and charity of pious founders have provided for such cases, and which have helped forward so many eminent ornaments both of

our Church and State. It was chiefly these scholarships that enabled, and the prospect of a fellowship (at length obtained) that encouraged poor Bickersteth to pursue the career that led him to wealth and honours.

The entry of his matriculation—which states merely that having been educated in *publicâ scholâ de Kirkby Lonsdale sub magistro Dobson per sexennium, annos natus xx admissus est*—slides over the unusually long interval between *Magister Dobson* and Caius College; but it is obvious that four or five years of London life, Edinburgh studies, and provincial practice, must have placed him far in advance of all the men of his year in everything but school classics, and even in these we may be sure he was not deficient. He had read—as we know from a private letter to an early friend, Mr. Swainson, which we have seen—Virgil, Horace, and Cicero, at school; how *much* of them we know not, but he was probably well grounded in Latin; and we find that for many months before he went to Cambridge he had '*worked hard at Greek*,' to ensure himself a decent collegiate rank.—(i. 112.) We notice the comparative maturity of his age when entering at Cambridge, for the sake of an observation which he makes to Mr. afterwards Dr. Henderson—his chief correspondent—and which Mr. Hardy calls '*humorous*':—

'Yesterday I entered college. You would laugh at the mummery and nonsense of this place. Every student decked in a square-topped cap, and a flowing gown; such regular attendance required at chapel and the dinner-table; *gates locked upon men of sense!* at a particular hour, &c.'—i. 128.

It seems strange that he and Henderson should not have been prepared for caps and gowns, chapels and dining halls, at an English University; and, however a medical student, who had been for four years his own master in London and Edinburgh, might have disliked finding '*gates locked on men of sense*,' a '*man of sense*' might have been expected to perceive at once that the rule was made for '*men*' in a totally different condition both of age and experience, and that the *habituê* of Great Windmill-street and the Canongate was an anomaly in the quiet walks of Caius.

Bickersteth seems to have remained at College the remainder of Michaelmas term, that is, about six weeks; but while spending the Christmas holidays with Dr. Batty in London, he had a serious fit of illness which delayed his return to Cambridge:—

'Fortunately, however, about this time Dr.

Batty was requested by the Earl of Oxford to recommend him a physician to travel with his family in Italy. Dr. Batty well knew his nephew's fitness and qualifications for such an office, [?] and considered that it would be an admirable thing for him to commence life under the auspices of *so kind and influential a patron*, while, at the same time, the change, he knew, would be highly beneficial to his health. Accordingly, having received the consent of his parents, Mr. Bickersteth left London on the 31st of March, 1803.—i. 160.

And after passing through France at the feverish moment that preceded the rupture of the peace of Amiens—not ill-described in three or four letters to his friends at home—he joined the Oxford party at Florence on the 4th of May, 1803.

This was assuredly the first step in Lord Langdale's good fortune. It was no doubt '*an admirable thing* for him to obtain so *influential a patron*'—but, strange to say, after this single statement, Mr. Hardy never once admits, but, indeed, vehemently denies, that Lord Langdale had any obligation whatsoever to the influence or patronage of any man, and maintains that he, *alone* of all his contemporaries, rose to a high position by his own unaided and independent efforts. The subjoined paragraphs, which follow the announcement of Bickersteth's arrival at Florence, are, however, *very nearly the whole* of what Mr. Hardy chooses to tell us—from first to last—of Mr. Bickersteth's acquaintance and connexion with the Oxford family:—

'Edward, fifth Earl of Oxford, was born 20th of February, 1773. He was the eldest son of the Hon. and Rev. John Harley, Dean of Windsor, and Bishop of Hereford, and succeeded his uncle, the fourth earl, at a very early age. In consequence of friendships formed at the university, Lord Oxford quitted the political party to which his family had been for two generations attached, and was a steady Whig for the greater part of his life. Nearly at the end of it, his dislike to the repeal of the corn-laws converted him into an adherent of the Protectionist policy.

'Lord Oxford's friendship with Mr. Bickersteth began in 1803, and was warm and consistent to the end of his life. He placed the most unbounded confidence in Mr. B.; and in the latter years of his life delighted in being his guest.

'Lord Oxford died under Lord Langdale's roof, after an illness of some duration, December 28th, 1848. His last conscious expressions were those of grateful affection towards his old friend, then his son-in-law.

'Lord Oxford married Jane Elizabeth, eldest daughter of the Rev. James Scott, rector of Itchin, near Southampton. Lady Oxford died November 20th, 1824.—i. 177.

As we believe that this connexion gave, if

not the first, at least the final colour to Mr. Bickersteth's political opinions, and eventually to his future fortunes, it will not be here out of place to say something of those opinions—a point of considerable importance in the life of most public men, but which Mr. Hardy treats, as we think, very evasively. He hardly admits that Bickersteth had any politics at all, and strenuously denies that, such as they were, they had any influence whatsoever on his fortunes. The very contrary is, we may safely say, the truth—and the notorious truth—though, except on one occasion, which we shall notice presently, his life was too obscure to afford any very public demonstration of his views. He seems to have adopted the *liberal* notions which were especially in vogue in Edinburgh at his day; we find that his friend Henderson had made him a present of the portrait of Condorcet, which he carefully preserved—a circumstance that leaves no favourable impression of the religious or political principles which these young men then entertained. Again, when Bickersteth, by his residence on the Continent, had seen the actual working of Buonaparte's system, he takes, in a letter to his brother, a very high *anti-Gallican* tone, from which he says, '*You will of course think my politics much changed—I grant it,*' (i. 193); and he adds just after, '*I am writing you a letter full of politics, which may perhaps annoy you exceedingly*' (ib.). Again—

'I understand there are bright genii among you who have discovered that England is ruined, and the war with France unnecessary; but however I may admire and adore the gentle power of peace, my cry should be War! war! perpetual war! till this overgrown power is lessened. . . . Were I to tell you half how patriotic I am grown, you would say *my enthusiasm has veered about*, and I was grown most prejudiced and *illiberal*; but, however, I think I am right, and I care but little about *what I thought long ago*.'—i. 195-6.

And again; we have a long letter to Dr. Henderson, strongly deprecating the increase of the democratic element in our society and government, and the alarming preponderance which *town* population were already obtaining over that of the *country*. In short, it would seem that his continental lesson had converted him from any revolutionary propensities, and that he returned to England almost, if not quite, a Tory—certainly a Pittite. We shall see, as we proceed, the probable cause of a subsequent change of opinion.

The Oxford family escaped from Buonaparte's arrest by the kindness of the Queen

of Etruria. They made their way by Ancona and Venice, and thence—with frequent pauses when they had got beyond Buonaparte's reach—to Vienna, Prague, and Dresden, till, 'in September, 1804, they arrived at Lord Oxford's seat, Eywood, in Herefordshire, where, with the exception of a hurried visit to Kirkby Lonsdale, Bickersteth remained till the following March.' These six months must have been a period of great anxiety to Bickersteth; he was still acting as a medical friend at Eywood, and attended Lord Oxford through a dangerous illness, during which, adds Bickersteth, in a letter to his parents, 'Lady Oxford hardly ever left his bedside' (i. 213). This and the mention of a slight accident in a gondola at Venice are, we think, the only occasions on which there is any allusion to *Lady Oxford* throughout the volumes—a strange omission, if, as we have always heard, her Ladyship shared Lord Oxford's good-will towards Bickersteth; and we shall see that when he speaks of his expectations from the Oxford connexion he always and emphatically uses the plural number, and calculates the degree of interest which *they* might exert for him; and who can be meant by '*they*' but Lord and *Lady Oxford*?—there was no other grown-up person in that family.

His medical success, on the occasion of the Earl's illness, seems to have only increased his dislike to the medical profession. Lord Oxford expressed himself so grateful to him as the preserver of his life, that Bickersteth had 'no doubt that his Lordship would exert himself to procure him the means of extricating himself from a profession which he could not like.' (i. 213). This prospect, however, luckily failed. The object of his aspirations was a commission in the army; and so far was he from justifying Mr. Hardy's hyperbolic praise of despising and even spurning, patronage, that we find him very rationally, but also very anxiously, calculating and inquiring how he might best avail himself of the influence which he hoped Lord Oxford might possess. He writes to his parents, 19th September, 1805:—

'By the numerous services I have rendered to Lord Oxford and his family ever since I first knew them, I feel myself entitled to every interest *they* can exert for me; but politically—[Mr. Hardy quæres *prudentially*?]—speaking, I cannot think it worth while for me to spend all my money at Cambridge, waiting for the chance. I have inquired about the interest *they* could exert for me in the army, and I find that *they* are connected with two or three persons of the first consequence, and would be very happy to make

any application for me. Indeed, so sanguine are *they*, that they think they could obtain for me immediately a lieutenant's commission for nothing, and afterwards assist me in getting advancement. If *they* should be able to obtain this commission for me directly, I should really like to accept it; but if it is refused, *I should give up all thoughts* of the plan, for I am not desirous of going to work in uncertainty. They have not yet applied, but would do so the instant I asked them; therefore pray write to me immediately.'—i. 221-2.

His parents disapproved, and expressed some regret at 'his unsteady and unsettled conduct;' but he still urged his point with much earnestness, and a grave calculation of profit and loss—the great prize that then presented itself to him being that of 'the possibility of becoming an *aide-de-camp*.' His parents do not appear to have been persuaded; but it turned out that the Oxfords could get him nothing more than an ensigny—if that—and he seems even to have doubted their zeal in his behalf (i. 234). Whether some vague prospect of a military life might have influenced Bickersteth's conversion to Mr. Pitt's war system, which we have just noticed, and whether the subsequent disappointment may have turned his politics back into the old channel, we cannot say—but the result of the latter was that he reluctantly determined to stick by Cambridge—where he had still his scholarship, and the prospect of a fellowship.

But here again he found that he should have some difficulty in obtaining a *medical* degree, and having been in his perplexity and distress advised by a judicious friend to adopt the general line of university education, and to read for a degree in Arts, he fortunately took that course—turned all his energies in that direction, particularly to mathematics—became distinguished as '*a desperately hard student*'—and finally, on the 20th of January, 1808, had the 'good fortune,' as he modestly calls it, of becoming Senior Wrangler and first Smith's Mathematical prizeman—honours great in themselves, but unusually so on this occasion, as his competitors were Bland, the author of '*Equations*,' who was second Wrangler—the present Bishop of London third—and Professor Sedgwick the fifth. Bickersteth's age may have given him some advantage over his competitors, but the distinction was remarkable. Mr. Hardy notes as a curious circumstance that there were at the same time on the Bench four Judges who had attained this double honour—Sir Frederick Pollock, Chief Baron, in 1806; Lord Langdale, Master of the Rolls, in 1808; Sir Edward Alderson, one of the Barons of the Exchequer, in 1809; and Sir William Maule,

one of the Justices of the Common Pleas, in 1810.

After this success Bickersteth had no great difficulty in deciding on the law as his profession: he entered himself at the Inner Temple in April, 1808, and brought to his new studies the same sagacious diligence that had distinguished him at Cambridge. In the beginning of 1810 he became a pupil of Mr. Bell, first an equity draughtsman, and afterwards a Chancery lawyer of the first eminence. There is no hint given how Bickersteth contrived to bear the expense of his tuition, for he had nothing, it seems, at this time but his junior fellowship at Caius, worth, he says, 30*l.*, and the small sums painfully doled out to him by his family. It is possible that Mr. Bell, who was also a Westmoreland man, may have lowered, or even wholly remitted the usual fee of one hundred guineas, for in one of his letters to his father, in which he hints that Bell does not take much trouble about him, he adds, that he always expresses '*great gratitude to you*' (i. 246).

On this slender thread of connexion Mr. Hardy hangs a long biographical notice of Mr. Bell, exhibiting some additional specimens of inaccuracy and absurdity which, though they have nothing to do with Lord Langdale, are too characteristic of Mr. Hardy and his book to be passed by. After repeating a good, but not a true, story, that when George IV. asked, upon the Vice-Chancellorship of England being vacated by Sir A. Hart, who was fittest for the office, his Majesty was told that the soundest lawyer in Westminster Hall was a gentleman who unfortunately could neither *write*, *walk*, nor *speak*—alluding to Bell's execrable handwriting, constitutional lameness, and strong northern accent—Mr. Hardy proceeds to say that—

'Sir Lancelot Shadwell was preferred to Mr. Bell on account of his politics. Liberal principles had not as yet won the favour of the Government, and Mr. Bell was passed over.—i. 242.

All this is unfounded. Politics, in the general sense of the term, had nothing to do with Sir L. Shadwell's promotion: he was as a lawyer reputed fully adequate to the duty, and experience confirmed that opinion; but he happened also to be an intimate connexion and friend of Lord Ripon, then (1827) at the head of a *compound ministry*, which were so far from excluding *liberal principles*, that his Cabinet included Lord Lansdowne, Lord Carlisle, and Mr. Tierney; and it is well known that a Chief Judgeship was pressed on Mr. Brougham, whose politics

were at least as liberal as Mr. Bell's—and rather better known.

When Mr. Bell, at about the age of 65, gave up his *court* business and confined himself to *chamber* practice, most people accounted for it on the *Solve senescentem* principle. But such a commonplace motive does not satisfy Mr. Hardy.

'One of the circumstances that redounds greatly to Mr. Bell's honour is the fact that he retired from the open practice of his profession while still in good health and full business, in order to give his juniors a share in the practice which would otherwise have continued to fall into his hands.'—i. 243.

This would have been a degree of promiscuous philanthropy of which we believe no lawyer was ever before suspected.

Here, also, Mr. Hardy introduces in honour of Mr. Bell a *jeu d'esprit*—which he however garbles, and of which he knows not either the author, or the occasion, or the gist. It happened that Mr. Vesey, the reporter, being suddenly called out of the Court of Chancery, requested Mr., now Sir George Rose, to take a note of the argument, which he did, accurately enough, it is said, in the following lines:—

'Mr. Leech made a speech, 1
Angry, neat, and wrong;
Mr. Hart, on the other part,
Was right, but dull and long;
Mr. Parker made that darker
Which was dark enough without;
Mr. Cook quoted his book;
And the Chancellor said, I DOUBT.'

Besides some minor mistakes Mr. Hardy has transmuted the two last lines into a *limping* compliment to his friend, Mr. Bell—

Mr. Bell spoke so well
That the Chancellor said I doubt.'

Mr. Bell was not in the cause, nor of course in the original rhymes, and the praise of having spoken '*so well that the Chancellor said I doubt*' loses the best point of the epigram, for whether Mr. Bell or any one else had spoken ill or well, the Chancellor would have been equally made to say '*I doubt*.' But the strangest part of Mr. Hardy's blunder in this trivial matter is the proof it affords that the biographer of Lord Langdale and the severe censor of Lord Eldon's judicial character has never taken the decent trouble of reading Mr. Twiss's *Life of the great Chancellor*—for in that work is to be found a nearly genuine copy of the verses: the version we have given is slightly different but more exact.

Mr. Hardy concludes his biographical sketch by an account of Mr. Bell's death and burial, which becomes ludicrous by his bungling pedantry.

'Away (says Mr. Hardy) from the strife of Courts and the *fumum strepitumque Romæ*—

—we expect, of course, that he is about to say that his friend passed in rural repose the evening of his life. Not at all. Mr. Bell died in Bedford Square, on the 6th Feb. 1836, and it was only his 'ashes' that escaped the *strife, and noise, and smoke of the town* by having been buried at Milton in Kent—where, Mr. Hardy proceeds to say in the same figurative and classical taste—

'his posterity have taken root, enjoying in dignified, but not useless seclusion, the fruits of their father's well-spent life.

His SALTEM meminisse juvabit.'—vol. i., p. 243.

What this may mean we leave to *Oedipus*, and return to our main subject.

Mr. Bickersteth now took chambers in No. 3, Fig-tree Court, Temple, where he lived with extreme economy, in constant and severe study, supported in this long and anxious probation by a growing confidence in what he says everybody told him—that 'perseverance must eventually succeed.' He of course mingled little in society, but in an early letter from the Temple, 6th of August, 1810, he announces to his friends in the country an acquaintance, which—though Mr. Hardy takes but little and imperfect notice of it—had, we believe, the most important influence on his future fortunes.

'About once in two or three weeks I go to Roehampton, six miles from town, and stay all night at the Burdetts', with whom I became acquainted at Florence, and walk home again the next morning.'—i. 245.

Now, presuming that by '*the Burdetts*' he meant Sir Francis Burdett, we cannot account for Mr. Hardy's assertion a few pages after—

'During Mr. Bickersteth's residence abroad he became acquainted with Mr. Jones Burdett, who, on his return to England, introduced him to his brother, Sir Francis Burdett, and their acquaintance soon ripened into friendship.'—i. 254.

This excludes all idea of Lord Oxford's having been the immediate link of acquaintance between Sir Francis and Bickersteth—whereas it seems from the latter's own statement that he had become acquainted with Sir Francis Burdett at Florence; but, whether at Florence or in London, certain it is that it was in the society of the *Oxfords* that

he made that acquaintance; and there can be no doubt that these connexions—about which Mr. Hardy thinks proper to make such a mystery—decided his hesitating politics, and, combined with his subsequent success in his profession—gave him among the *Liberals* a weight and consideration, which, on their long subsequent accession to power, designated him as one of the foremost candidates for office, and eventually, after a delay (which we shall hereafter explain), raised him *per saltum* to the Bench and the Peerage.

We are by no means casting any reflection, either in Lord Langdale's case or as a general principle, on the reciprocating system of party attachments and party favours—it is inevitable in popular governments, and all that can be expected is that the unquestionable competence of the individual should be a condition precedent on the obligations of party. It is Mr. Hardy's arrogant assertion of Lord Langdale's *exclusive* superiority over all his contemporaries in the qualities of independence and self-reliance, that forces us to remind him that none of the most eminent of those contemporaries—Lord Eldon, Sir William Grant, Lord Gifford, Lord Lyndhurst, Lord Brougham, Lord Cottenham, or Lord St. Leonards—owed so much to early connexion and patronage as Lord Langdale. He had already—even before he was called to the bar—secured and reckoned upon as likely to promote his advance in life the favour of the *Oxfords* and '*the Burdetts*' and that favour connected him with the party by which he ultimately attained a station to which his own not brilliant abilities would—unassisted—never have reached, nor even aspired. In all this there was nothing that we see objectionable: Bickersteth fulfilled the main condition; he was competent—*nec ultra*—to the office ultimately conferred on him, but we cannot, therefore, allow Mr. Hardy, whether from blind partiality or ignorance, to distort his friend's overrated merits into an invidious reflection on everybody else—and needlessly too, for we repeat that Bickersteth's personal and professional character was sufficient to justify the favour of his political friends.

We were not aware, till Mr. Hardy informed us, how early and zealous a partisan Bickersteth had become under this influence. Before he was called to the bar he was, it seems, deep in Sir Francis Burdett's turbulent councils, and may be almost called a fellow conspirator. When Sir Francis forced a reluctant government to take legal measures against him, we can have no doubt that Bickersteth was one

his confidential advisers—he was the first to visit him in prison, and was the person intrusted to manage his quiet exodus from the Tower, by crossing over to Surrey in a wherry to the disappointment of a formidable mob which had been organised to conduct him in a triumphal procession through the illuminated and intimidated capital. We believe that this prudent resolution was formed from Sir Francis's own apprehension, or perhaps from some private information, that a serious insurrectionary movement might have grown out of the intended procession; but however that might be, we are glad to conclude, from Bickersteth's having been the person charged with conveying Burdett over the water, that *he* approved his friend's judicious course; and the appearance that the procession assumed that evening—notwithstanding the evasion of its intended hero—showed how perilous it might have become. Sir Francis, to say the truth, had an inordinate love of popularity—was profuse of verbal violence—and not at all shy of risking his own purse or even person in the way of fine and imprisonment—but he was always in his heart averse to both the immediate risks and incalculable dangers of popular tumults; like all demagogues of a higher order he hated in proportion as he knew the democracy—and *his bark was ever waur than his bite*. The true key to the earlier conduct of this distinguished, and in private most amiable man, seems to be that while very young, with a very large fortune, and a very high spirit, he took to politics, as others do to play, racing, yachting, or the like, more for occupation and excitement than with any serious object; and having fallen in with the dreamer Bentham and the schemer Horne Tooke—two men to whom from various causes 'the world was no friend nor the world's law'—his eager but remarkably ductile temper was seduced by their morbid influence into extreme opinions—with *him* hardly more than speculative, but felt and urged by *them* with all the sincerity of disappointment and rancour. Nor are we quite sure that there may not have been also something of personal pique mixed with Sir Francis's patriotism, for we remember to have heard (but really forget on what authority) that he had very early in life been offended by some kind of neglect or repulse from Mr. Pitt; and this is rendered more likely by Mr. Hardy's statement, that Sir Francis had returned to England in 1793, from a continental tour of some years, with strong *anti-revolutionary* impressions. Though we hold Mr. Hardy's individual judgment very cheap, we can venture to quote the follow-

ing as a summary of Sir Francis's character—politics apart—in which all of whatever party will agree.

'He died on the 23rd of January, 1844, within two days of completing his 74th year. As a friend, filled with benevolent impulses, Sir Francis Burdett stands pre-eminent. He might have been selected, not only for his personal appearance, but also for his mental culture, winning address, and dignified manners, as a perfect specimen of an English gentleman.'—i. 259.

Soon after these hazardous scenes in which Mr. Bickersteth played a part unnoticed by the public, but no doubt duly appreciated in his own political circle, he was called to the bar. He seems to have continued in great pecuniary straits, and was particularly distressed by the want of books—the tools, as it were, of his trade and daily bread, but which, even with the aid wrung from his family, he could but slowly and scantily acquire. He was even at one moment driven to the thought of abandoning the law and all that it had already cost him, and retiring to the humble security of his Cambridge fellowship. This modicum, however, and the prospect of an early increase of its amount, supported him through his despondency. He respectfully but decidedly rejected, Oct. 1814, a proposition from his father to join him in medical practice at Liverpool, whither the old man had now removed—and manfully and fortunately persevered in the profitless and all but hopeless labours of the Temple.

It has been thought a proof of an inertness of disposition that he did not in this extremity seek, as so many other afterwards eminent lawyers have done, some resource in the industry of the press. We do not feel this. It is not every able man who can write, still less write profitably; and we think that, on the whole, Bickersteth made a truer appreciation both of his own talents and his professional interests in not being for a moment diverted by the small and precarious gains of subaltern literature from his great ultimate object. It was probably this dogged addiction to the *porro unum necessarium* that enabled him in better days to repay and more than repay to the various members of his family all that they had contributed to his advancement. No doubt he kept these humiliating difficulties from the knowledge of his usual London acquaintance, but they did not escape the friendly suspicion of Sir Francis Burdett, who on the 26th Nov. 1813, addressed him the following kind and generous letter, to the publication of which by *Lord Langdale's friends* the strictest delicacy cannot object. It is

indeed one of those exceptional cases in which the right of publication seems reasonably to belong to the receiver.

'DEAR BICKERSTETH,—I have five hundred times been upon the point of speaking to you upon a subject I very much wished to do, but have been fearful of offending you ;—yet I know not why, since you are sure to take a thing as it is intended. Without any more preface, I am very desirous, if I could tell how, to serve you ; and after revolving a variety of things this has occurred to me. I know that it is often of the greatest importance to a man, in the commencement of any career, to have the command, in cases of emergency, of a sum of money—don't be alarmed. Now, if you would allow me to be your banker to a certain extent, say five hundred pounds, the whole of which, or any part, you might draw for whenever occasion made it desirable, and replace it at your own convenience, I have thought this might, in the beginning of an arduous profession, be of great service to you and no detriment whatever to me, and, therefore, I have flattered myself that the offer, proceeding as it does from a just esteem of your character, would not be by you rejected ; if it should not, as I have set my heart upon it it will not, pray write two words,—and mind, two words only—or, rather, three—I accept it—and never further mention made of it between us. Now the murder is out ; I hope I have not done wrong. I am, however, confident you will take it as intended.'

Soon after this he began to creep into humble business ; and in January, 1814, another of his hopes was realised by his being elected to a senior fellowship in his college. The emoluments, however small, were at that time considerable to him. Nine years later (1823), he attained an upper class of the fellowship, limited to the four seniors, which for a time, increased his income, whatever it may have previously been, by 60*l.* but, as it turned out, to no ultimate advantage. The case was this. In October 1825, after Bickersteth had been two years in his higher position, the college found that a special fund, from which the four seniors were paid, had so much increased that, by a fresh distribution, those gentlemen, instead of their extra sum of 60*l.*, might receive 220*l.* a-year each. This rate, however, dissatisfied the junior fellows ; and on their complaint the share of the four seniors was reduced to 140*l.*, and so it remained till the spring of 1830, when the junior fellows again complained of the injustice of this distribution. By this time Mr. Bickersteth had acquired a high station at the bar, and the Master of the college, glad no doubt to have so great a legal authority interested in the question, communicated the complaint to him, adding, however, that he need not be uneasy about it,

as the right of the four seniors was quite clear. This, however, did not satisfy Mr. Bickersteth, and he desired to see the original grant. Even to him, eminent in the profession and interested in the question, a *great reluctance was shewn* about the production of the documents, and it was not till after much *suspicious delay and evasion* that, on the 13th of October, 1830, they were confidentially communicated to him. On perusing them, Bickersteth was convinced that he and his colleagues had actually been receiving money to which they were not entitled, and immediately set off to Cambridge to acquaint the Master and other seniors with this result. They did not agree with him, and he was driven to insist on a general meeting of the fellows for the further investigation of the matter. Meetings were held on the 27th and 28th of October, where Mr. Bickersteth proved his case, and with much trouble got a new and proper scale of payments adopted ; and not contented with that, he immediately paid back the whole of the excess that he had received, with four per cent. interest, amounting to the sum of £773 15*s.* Such is Mr. Hardy's statement of the facts.

Bickersteth's conduct in making this restitution was no doubt prompted by an honourable feeling ; but Mr. Hardy is not contented with saying that. He demands our admiration for '*a beautiful trait of character*,'—'*spirited and magnanimous conduct*,' in which '*his conscientious spirit shines pre-eminently bright*.'—(i. 299.) This language seems to us not merely exaggerated but extremely injudicious ; and as the case makes a very prominent feature in Mr. Bickersteth's uneventful life and overrated character, we shall be excused for entering into a closer examination of the panegyric.

Mr. Hardy asserts that—

'*As soon as a doubt of the senior fellows' right to receive this stipend was raised he felt uneasy, and could not rest till he had satisfied himself.*'—i. 294.

Now this seems to us not quite consistent with the facts. In 1823, the year of his election, he received an undue *excess* of income ; in 1825 that excess was *suddenly* more than *quadrupled* ; this produced a *remonstrance* from the junior fellows, in consequence of which the great excess was *reduced* by one half ; and finally, in 1830, the question took a still more formidable shape, as above stated. Now, is it not somewhat strange that these fluctuations of income, accompanied by successive complaints, counter-claims, and remonstrances, should not have excited the attention of any man of common sense, but especially of an astute

Chancery lawyer, to whom this fellowship and the slightest variation of its revenue had so long been a matter of the deepest interest? Can it be truly said, that '*as soon as the doubt was raised he felt uneasy, and could not rest till it was satisfied*'? Every fluctuation in his receipts ought to have suggested a doubt to him; but the doubt was as distinctly raised by others in 1825, as it was subsequently in 1830. Lord Langdale himself was, it appears, far from taking, on reflection, Mr. Hardy's approbative view of the matter; he, on the contrary, thought it necessary to leave, in his *private diary*, a confession and apology as follows:—

'I became one of the four Senior Fellows in 1823, and received an increase of stipend to the amount of 60*l.* a-year, without thinking that there was, or could be, any doubt of my right. I rarely attended college meetings, and, when I did so, ran down to Cambridge and concurred in what passed upon the information I then received, and in the reliance that what they proposed was for the general benefit. In 1825, at a meeting of the Master and Seniors, it was proposed to increase their stipends. I asked if it was clear that we were entitled to do so. I was told it was; and without looking at any document, or knowing the nature or particulars of the Foundation, but giving entire confidence to the Master and the other Seniors, but particularly the Master, who said he knew the Foundation, &c., I concurred in the vote of increase. *I pretend not to justify or excuse the proceeding; it was a grave fault in all, and perhaps worst in myself, to apply money to our own benefit without examining the documents for the purpose of ascertaining whether we had authority or not—but so the case was.*'—i. 298.

This acknowledgment is creditable to Lord Langdale's candour, but it becomes provokingly ridiculous when Mr. Hardy ventures to add that—

'Lord Langdale's humility in blaming himself on this occasion [in a private diary!] is as beautiful as any example of that virtue in ancient or modern history.'!!!—i. 299.

The conclusion of this affair is curious, and, we think, not more satisfactory. A bill was filed in Chancery to compel the other seniors to make the same restitution which had been voluntarily made by Bickersteth; and the cause came on seven years later, before Bickersteth himself, as Lord Langdale, Master of the Rolls, who heard the cause by *consent of the parties*—a consent which we think ought not to have been given nor accepted in a case in which Lord Langdale was a virtual party, and might have been a real one if the decision had not been—as it was—*against the restitution*. Suppose that the Court had decided (as

Lord Langdale's *private* conscience did) that the parties should refund, the Master in Chancery, to whom the case would be of course referred, might not be satisfied with Lord Langdale's calculation of the excess, nor with *four* per cent. interest, when the legal rate was *five*, and might, and would no doubt, we presume, by some supplemental process, have called him to further account. He was therefore virtually a party.

We observe that, in the *report of the case*, (2 Keen, 150) there is no intimation either that Lord Langdale had any connexion with the college, or that he heard the cause *by consent*.

Mr. Hardy, by giving his Lordship's *judgment* in his Appendix, seems to invite legal criticism upon it; to that we profess ourselves incompetent—but one point strikes our unlearned mind as remarkable—namely, the allowing—though, as his Lordship says, '*with very much hesitation*'—the defendants—acknowledged delinquents—not only to keep the sums they had improperly distributed amongst themselves, but to have *their costs defrayed out of the fund they had thus abused*.

Costs are sometimes given to trustees when they have acted irregularly, but under a long practice, and without any suspicion of *mala fides*; but here Lord Langdale's own memoranda show that the practice was recent, introduced by the actual defendants, and with those evident marks of *mala fides*—of consciousness of wrong-doing—that we have already noted in italics. Again; Mr. Bickersteth's restitution was right or wrong: if right, Lord Langdale's *judgment* ought to have supported it; if wrong, as his *judgment* decided, it was doubly wrong, for it placed his colleagues in a state of painful, invidious, and *undeserved* suspicion as compared with himself, and it was probably the inducement which made the plaintiffs enter into the costly experiment of a Chancery suit to oblige the other fellows to a similar restitution. In whatever light this matter be looked at, we can see no grounds for Mr. Hardy's description of it as '*a beautiful trait of character*,' and '*spirited and magnanimous conduct*.' On the contrary, it seems to us that Lord Langdale's self-condemnation for the too easy receipt of the money was rather more gentle than the case deserved—too much like Sancho Panza's penitential stripes; that Lord Langdale's hearing the cause *by consent* was at least indiscreet, and the worse for being *by consent* in such a case; and, finally, that his *judgment* as to the costs could only have rested on the assumption of long practice and *bona fides*, which he knew to be at least doubtful.

Mr. Hardy has introduced this unlucky episode under the date of 1814, when Bickersteth obtained his senior fellowship, and to that period we now return.

We have seen that Mr. Hardy has revealed, with needless details, the pecuniary miseries of Bickersteth's position, but he still leaves us at a loss to imagine whence his expenses at Cambridge, and for many years in the Temple, could have been defrayed. The small occasional remittances of his parents were obviously very inadequate auxiliaries to his poor fellowship. 200*l.* 3 per Cents., sold out by his brother Edward (how obtained is not stated), did not quite defray the stamps and other official expenses of the call to the bar; and, until Sir Francis Burdett's liberal offer in 1813 (and Mr. Hardy does not tell us whether it was accepted or not), we find no trace of any additional resources. In January, 1814, he obtained, as we have seen, his senior fellowship; but no mention is made of what its actual value may have been prior to the undue increase in 1823. It could not have been much, for at the close of *that same year* we find him deploring the painful necessity of drawing 30*l.* more from his parents, which, however, he hopes he may be able to repay.

As Mr. Hardy chose to lead us through the painful portion of his pilgrimage, we are sorry that he has not exhibited also the progress of his prosperity; it was evidently not rapid; but Mr. Hardy states that before he confined himself to the Rolls he had attained an income of 6000*l.* a-year, and his loss by that resolution, which Mr. Hardy had just before treated vaguely and lightly in the phrase of '*some cost*,' he subsequently states at no less than 2000*l.* a-year. We suppose that Mr. Hardy must have what he thinks authority for this assertion—the only precise one in the whole book upon the subject of income; yet it seems to us very unlike the general course of human affairs that a man only of seventeen years' standing at the bar, forty-four years of age, and rising in general estimation, should have voluntarily made such a sacrifice as 2000*l.* a-year. Mr. Hardy says that it was for ease and health's sake; but as it occurred at the very period that Bickersteth asked and obtained a silk gown, and as Mr. Hardy adds that his business in the Rolls immediately and largely increased, we hesitate to believe in any such diminution of income or any equivalent increase of leisure and relaxation.

His friendship for Burdett, and his connexion through him, as we suppose, with Bentham and the Radicals, induced him to take a very hot interest in the great Westminster election of 1818—when Sir Francis

was placed in a kind of antagonism to Sir Samuel Romilly, and, though returned, was only second on the poll—a great mortification to the popular candidate. Bickersteth's conduct on this occasion seems to have made more noise than any other event of his life till his peerage, and was, it is owned, generally disapproved. The public at large were disagreeably surprised at seeing a Chancery lawyer so entirely out of his element. The Tories of course censured Bickersteth's extra-professional zeal, and the Whig members of both the legal professions were offended at his supporting—against their especial favourite Romilly*—not only Burdett but a Radical of inferior note. On this subject Bickersteth writes (we presume in that private Diary which Mr. Hardy frequently quotes)—

'I soon felt the effects of my imprudence—not only did my business diminish, but persons with whom I had up to that time lived on terms of courtesy and good-fellowship, at once grew cold to me. I cannot forget the feelings which I experienced in going up Lincoln's Inn Hall the first time after the election was over: some of my fellow barristers whom I had liked, and many with whom I had always been on good terms, absolutely turned away from me. I felt this treatment severely, but I was satisfied that I had done right, and I resolved to adhere steadily to the business which remained to me, and trust to that for getting over the undeserved reproach. I succeeded; the cloud after a time passed away—my business returned—I was again recognized by the men who had turned from me.'—i. 327.

All this might have been forgotten but for Mr. Hardy's *record*; but there must have been, we think, a very unseemly degree of party violence to have excited so much disapprobation, and prompted the penitential record of the Diary.

As a counterpoise to this check Mr. Hardy hastens to tell us—

'So highly was Mr. Bickersteth esteemed by his friends that in the year 1819 he was offered, through the Honourable Douglas Kinnauld, a seat in Parliament, and to be brought in without expense;—but, to their great surprise, he declined.'—i. 332.

Now we believe that Mr. Douglas Kinnauld had no *seat* to offer. What probably he offered was a *contest*, in which Bickersteth would have been beaten as Kinnauld himself was, with, as it was said, considerable pecuniary damage. On this offer, whatever it was, Bickersteth noted in his Diary, that

* Mr. Hardy, whose acquirements in French seem to equal his skill in the classics, says that 'Sir Samuel Romilly was the *nom de guerre* of the Whigs.'

if he were rich he would accept it, but that his 'poverty' would not permit him to devote himself to politics, and he therefore preferred remaining as he was. Though he may not have thought himself rich enough to waste any of his time in the House of Commons, we cannot doubt he must have been already making an income that placed him above 'poverty.'

Soon after this (May 1819) Sir Francis Burdett involved himself and Bickersteth in another scrape by publishing a letter to his constituents on the Manchester Riots, which, beyond all question, was a most incendiary libel. It was written in Leicestershire, sent to Bickersteth in London, and by him conveyed to the printer. Proceedings having been threatened against Bickersteth, and in default of him against the printer, Sir Francis wrote to the Secretary of State confessing himself to be the author—and he was accordingly tried and convicted. Notwithstanding the apparent manliness and candour of Burdett's avowal, and the abhorrence professed by Bickersteth and the Benthamite school for all legal chicanery, Mr. Hardy reproduces, and endeavours to justify, a quibble raised by Sir Francis's counsel on the technicalities of the *publication*, which was pushed to the farcical extent of bringing Bickersteth to make affidavit that *he* had not been in Leicestershire in any part of the month in which the letter was dated. We do not quarrel with Mr. Hardy having his opinion (however inconsistent with his general doctrines) on the point of law—but we complain that he confuses and misstates the case, and in one point wilfully and partially. We have seen that Sir Francis's motive in confessing the authorship was to protect in the *first* instance Bickersteth—but our biographer—unwilling to exhibit his hero—the future judge and great law-reformer—as having been in jeopardy of a *criminal prosecution*—slides silently over *Bickersteth's* danger, and states only that the menace which brought Sir Francis forward was against *Mr. Brooks*—the printer. This may seem a trifle, but it stamps the character of the book—at once silly and sly.

These were the scenes and the studies in which Mr. Bickersteth was preparing to shine forth, as what Mr. Hardy thinks the grand characteristic illustration of his life—a *law-reformer*. Indeed he tells that as early as his call to the bar he was already entitled to that honourable distinction. We confess, however, that even in Mr. Hardy's own papers we cannot discover any claim that he had then or for very many years later to any such reputation, except that he was a

political reformer of the highest or lowest Radical school:—a thorough disciple of Bentham, who thought *all* law a mere combination of nonsense and knavery, and whose object is summed up by one of his ardent admirers, (quoted by Mr. Hardy,) in the title of the '*great SUBVERSIVE*.' It may seem not improbable that the leader of Sir Francis Burdett's mobs, and the publisher of his libels, and the echo of the Lamentations of Jeremy over the rotten state of human society, was in theory sufficiently *subversive*—but we have many years to wait before we can find him in anything like the sober character of a practical law-reformer—and even then he was a very perfunctory one.

The first we find of anything of the sort is that in 1825 he gave, before a Commission of Chancery Inquiry, an evidence which delighted Bentham—chiefly because it countenanced his most absurd and impracticable scheme of *codification*.* Mr. Hardy produces a long abstract of this evidence, which seems to us very commonplace, and neither to touch the real cause nor offer any effective remedy of the grievance. In 1827 Mr. Bickersteth subscribed, with Mr. Joseph Parkes and some others, to set up the '*Jurist*,' a paper on reform principles. In 1828 he, at Lord Lyndhurst's request, was chairman of a committee of several professional gentlemen, who, under his Lordship's directions, met to consider of some practical improvements in the business of the court; finally, in June 1835, he drew up certain '*Notes and Suggestions on the Court of Chancery, written at the desire of Lord Melbourne*;'—and these four instances—none (unless perhaps the second) voluntary—are the only practical (if indeed they can be called practical) claims that can be advanced for Mr. Bickersteth as a law-reformer.

In the interval of his hero's few and far-between appearances, Mr. Hardy pursues the history of law reform and the successive reformers of the day, written with equal malevolence against individuals, and ignorance or misrepresentation of the general subject. We shall select a few examples which will sufficiently characterise the rest. He begins with an attack on Lord Eldon, whose

'indecision, doubts, and over-cautiousness, added to the various duties he had to perform

* *Codification*, for a country that sometimes passes 200 new laws in a year, is about as practicable as a printed and perfect catalogue of the Museum Library, that receives an annual addition of 20,000 volumes. If our laws had been codified at the date when Bentham first proposed it, what would the code be worth now?

in the cabinet, in Lincoln's Inn Hall, and on the woollack, produced a chaos of confusion and an overwhelming array of business in the House of Lords and in the Court of Chancery. Hundreds of causes were remaining to be heard; thousands of suitors had abandoned proceedings, and many were ruined under grievous oppression, merely because they were unable to afford the money or the time necessary to enable them to proceed. Even those who found the means and expended the money and time necessary to get their causes ready for hearing, were kept in suspense for an unreasonable length of time, uncertain whether they were thereafter to be rich or poor; many from the tardy steps of justice were unable to form or settle their plans in life, and were kept in a state of the most harassing wretchedness.—This is no overcharged statement of the miseries attendant on the suitors of the Court of Chancery, but a *veritable picture* of the then state of things.—i. 349.

This Mr. Hardy vouches for as a *veritable picture* of Lord Eldon's mal-administration in 1812. Now mark! We turn over sixty or seventy pages and we arrive at the first distinct appearance of Bickersteth as a Chancery reformer—in the Notes for Lord Melbourne just mentioned. We find in the third paragraph of those Notes the following confession:—

'At the present time (June 1835) the accumulation of arrears is not quite so great as the long illness of the late Master of the Rolls, together with other reasons, had made it in the time of Lord Lyndhurst; but it is *considerably greater than it was in the year 1812*, when it was considered sufficient to make the appointment of a new judge necessary.—i. 424-5.

Thus, although these reformers had been near twenty-five years at work—though an additional Law-lord had been added to the peerage to help the Chancellor in appeals—though a Vice-Chancellorship had been created, and men of eminent activity had filled that post—and though the Master of the Rolls had been called into more regular and extensive duties—there were more arrears in 1835 than in 1812; Mr. Hardy's '*veritable picture*' of which date insults and traduces the soundest, most indefatigable, and, on the whole, perhaps the greatest Chancery lawyer that this country has ever seen.

We have already noticed the injustice and inaccuracy of Mr. Hardy's account of the appointment of Vice-Chancellor Shadwell, but we have a still more serious complaint as respects the successive appointments of Sir John Leach as Vice-Chancellor and Master of the Rolls. He says:—

'For services rendered the Prince Regent in obtaining evidence to convict the Princess of

Wales of adultery, Sir John Leach had been raised to the second judicial seat in the Court of Chancery, though neither his legal learning nor his judgment entitled him to such a mark of distinction; he had, however, acquired a reputation for a knowledge of legal principles, and the more refined subtleties of equity practice; and these, added to large perceptive powers which involved a facility of disentangling knotty and complicated cases, were thought by the Prince Regent sufficient qualification for a judge of that lofty station.—i. 376.

And to this text he subjoins a note—

'See Lord Brougham's character of Sir John Leach, in his *Statesmen of the Times of George III. and IV.*'

Mr. Hardy's attempt to shelter this injurious character against a Judge and a Sovereign under Lord Brougham's authority is altogether unjustifiable. Lord Brougham's feelings and expressions towards either George IV. or Sir John Leach, on the Queen's case, were more than sufficiently bitter—but of Leach's appointment he says nothing like what Mr. Hardy imputes to him—he does not say that Leach owed his promotion to George IV. personally nor to the cause that Mr. Hardy states—nor does he in any way question the fitness of the appointments—but on the contrary fully admits Leach's qualifications as an *equity* judge:—

'With great quickness of parts, an extraordinary power of fixing his attention upon an argument, and following steadily its details, a rare faculty of neat and lucid statement, even of the most entangled and complicated facts, considerable knowledge of legal principles and still greater acquaintance with equity practice, he was singularly ignorant of the world, and had no kind of familiarity with the rules or the practice of evidence in the courts of common or criminal law.'—*Statesmen, tit. George IV.*

Mr. Hardy adopts and amplifies Lord Brougham's last observation as a disqualification of Sir John Leach for the Equity Bench: we need only ask him what *his* model Master of the Rolls knew of common or criminal law? In truth, so little that he refused a mixed Equity and Common Law judgeship, from feeling his own incompetence to the latter branch of it. In another point, too, Mr. Hardy misrepresents Sir John Leach; he says (i. 377) that, on his elevation to the Rolls,

'He affected to believe that it was a lighter and less responsible place where he might enjoy the *otium cum dignitate*, and that it was conferred on him more as the reward of past services than of duties to be performed. In this, as many other instances, he suffered himself to be deceived, because he saw more pleasure in indulging *dolce far niente*, and affecting the *nonchalance*

of fashionable life.—It never occurred to him that the Master of the Rolls possessed higher rank, larger emoluments, and great patronage, and that the public had a right to demand proportionate service.'

This, all who are old enough to remember the time know to be untrue, for Leach was commonly accused of being over expeditious in his work; and he had had in fact, as Vice-Chancellor, nay long before at the bar, just the same habits of fashionable society which Mr. Hardy vituperates in him as Master of the Rolls. Mr. Hardy crowns this misstatement by some additional nonsense of his own, for he tells us that Leach thus acted (as he did *not* act) '*from idiocracy of mind*' whatever that may mean in Mr. Hardy's vocabulary.

The result of the Commission of Chancery Inquiry, before which Bickersteth had given evidence, was, that Lord Lyndhurst—then Sir John Copley and Attorney-General—undertook to prepare a Bill for the reform of that Court, and with that view was induced to apply to Bickersteth to know whether he had any objection to give him his opinion on the subject. In reply to this natural, and, as we should have thought, complimentary application

'I told him,' writes Mr. Bickersteth, 'none whatever; that I thought the subject of great public importance, and that any information which I possessed was entirely at the service of himself or of any one else who chose to ask for it, whether it was the Attorney-General or John Williams'—

—John Williams (afterwards a *nobody* Whig puisne judge) having been a very pertinaacious assailant in the House of Commons of Lord Eldon and the Court of Chancery. Bickersteth adds, that the Attorney-General 'seemed pleased with his answer, and intimated that he would communicate with him again, which, however, *he did not at that time.*' (i. 368.) Any one who did not know Lord Lyndhurst's singular amiability, both of mind and manners, would wonder that he *ever* renewed the subject with so churlish a respondent. He soon after, however, became Chancellor, and a promotion of King's counsel being expected, Mr. Bickersteth applied to be included in it. His standing in the profession perfectly justified the request, and Lord Lyndhurst granted it, not merely readily, but with a degree of private courtesy more graceful at least than Mr. Bickersteth's ostentatious indifference between 'the Attorney-General and John Williams.'

Before the fall of the Duke's Government in November, 1830, his Chancellor had, it seems, brought Bickersteth into a better temper:—

'With him I never had any political relation, and about politics I had no communication with him; but with respect to reforms of the Court of Chancery he seemed desirous of knowing what I thought, and of doing what on consideration appeared to him best and practicable. I spoke to him without disguise or reserve—he heard me without impatience, and without taking offence—and I incline to think that nothing but overcaution prevented him from doing much more in the way of reform. I have always felt grateful for the personal kindness which he showed me, and I am impressed with the idea that he sincerely meant well for the public.'—i. 386.

This, which was penned soon after Lord Lyndhurst's first resignation, does, after all, but scanty justice to that great judge and able statesman, who *did* more in the way of reform than Bickersteth had *talked* in all his life. And in fact, the most important measures to which Mr. Hardy endeavours to attach Mr. Bickersteth's name, were originated, superintended, and passed by Lord Lyndhurst—Bickersteth's share being that he acted, at Lord Lyndhurst's request, as chairman of the *committee* of eminent lawyers before mentioned, whom his Lordship had requested to assist him with their advice. It is but justice to add that Bickersteth appears ever after to have spoken with cordial and grateful regard and esteem of Lord Lyndhurst.

Very different seem to have been for several years his feelings towards Lord Lyndhurst's successor.—It must strike every reader of these volumes, which affect to be in so peculiar a degree dedicated to the glorification of law-reform and law-reformers, that the name of Lord Brougham scarcely appears, and when it does, it is rather with the imputation of his having been an *anti-law-reformer*. For this strange twist in Bickersteth's mind—for Mr. Hardy evidently, and, indeed, avowedly, writes from Lord Langdale's notes and from recollections of his conversation—there seem to be two reasons: first, Bickersteth was an absolute Benthamite, and Bentham—always paradoxical—professed to be dissatisfied with what he thought the tameness and overmoderation of Mr. Brougham's successive movements in the direction of law-reform. We used to think at the time that Mr. Brougham's propositions came quickly enough, and went far enough; we thought, and experience has shown, and Lord Brougham saw—when his high office brought him into the practical handling of such cases—that very gradual and measured steps are not merely the safest, but in fact the only practicable mode of advancing—we had almost said any,—but certainly any *legal* reform.

Such, however, was not the notion of Jeremy, whose brain seems to have grown hotter under the snows of age. That there had before this supervened any manifestations of a decided estrangement, we are not told—but the total absence of the name of Brougham in friendly connexion with those of Bentham and Bickersteth suggests such a suspicion. Mr. Hardy confesses, indeed, that the philosophical Bentham was so childish as to have taken great disgust because the new Chancellor had broken a dinner engagement with him (i. 388); but—whatever may have been the precise cause—it is certain that Jeremy's dissatisfaction with Lord Brougham burst forth very soon in an abusive pamphlet, which, in spite of its violent personality, hastened to follow the rest of that sage's still-born progeny into oblivion.

But besides any sympathy in Bentham's quarrel (and, in truth, we do not suspect Bickersteth of any great sympathy in any other man's quarrel), he certainly had a special and, as it appears to us, most unreasonable grievance of his own. This is opened by Mr. Hardy in the following paragraph:—

'In the new Ministry, Mr. Henry Brougham had been appointed Lord Chancellor, and raised to the peerage: and it was currently reported that Mr. Bickersteth was to be made Solicitor-General: and there is no doubt of his having been named to that office by Lord Grey; but opposed by the new Chancellor, though he had known him many years as the friend of Bentham, as well as an earnest law-reformer.'—i. 387.

We need not say that we were not in the secrets of that Cabinet, but we were not in those days without either interest or means of information as to what was going on, and we certainly have *very great* 'doubt' that either Lord Grey made, or Lord Brougham opposed, any such nomination; we even go so far as to doubt whether Bickersteth was so much as thought of at that time by *any one* but the circle of Benthamites. He was to the public all but wholly unknown—we might say, unheard of—except in the newspaper reports of Chancery cases.

Mr. Hardy goes on to say:—

'It seems, from documents before me, that Lord Brougham never had a thought of recommending Mr. Bickersteth to be made Solicitor-General, for he had given out that he was a Tory and was too much of a follower and admirer of Lord Lyndhurst to be trusted by the present Ministry.'—i. 388.

There is no doubt that—in that *curée* of places where all men, Whig or Radical or Benthamite, who had been combined in the general opposition to the Tory Government, were ravenous for a share of the spoil, and

proportionably offended if their patriotism was not rewarded by some of the good things against which and their possessors they had so long declaimed—there is, we say, no doubt that Bentham, and probably Bickersteth himself, expected that the general triumph of the *Liberal* allies would be marked by some prominent distinction conferred on Bickersteth; but the truth is, that the Benthamites estimated both themselves and their man too highly. The Grey Government had to provide for more important persons, and Mr. Hardy's palliative suggestion that Bickersteth was passed over as being 'a Tory and a follower of Lord Lyndhurst,' is made the more ridiculous by his adding, as a further grievance, that Mr. Horne, whom the new Chancellor did appoint Solicitor-General, was, 'if he had any politics at all, a Tory also;' (i. 389)—the truth being that Mr. Horne had been in Parliament and was known as a moderate Whig, and that Mr. Bickersteth was, beyond the Rolls Court, scarcely known, and only as a *Radical*.

The result, however, of all this was, that Mr. Bickersteth was deeply mortified and offended with Lord Brougham—this breaks out through every sentence of Mr. Hardy's transcripts from the Bickersteth papers and of his own incidental observations:—

'Much as Lord Brougham had talked of and recommended law-reform, he did not, when he had the opportunity, take any active steps to forward it; unless, indeed, the Act for the establishment of a Court in Bankruptcy can be called his, and adjudged as a beneficial act to the community.'—i. 389.

'If the Bankruptcy Act was his'? If not, whose was it? But is that all? Is *Hansard* too modern a Record for Mr. Hardy's attention? Did Lord Brougham not introduce in 1830, before he was a month in office, and conduct almost to its last stage, a Local-court Bill? Did he not early in 1831 open, in a long and elaborate speech, a wide field of Legal Reform, and bring in three or four bills in furtherance of it? Was there not a Chancery Bill in 1833, and another in 1834, both introduced by Lord Brougham? And is it not notorious that he was supposed at the time to be inclined to go both further and faster than his colleagues or either House of Parliament were likely to approve?

Lord Brougham, whether aware or not of Bickersteth's discontent, seems to have acted with fairness and kindness towards him: he offered him the first judicial office of rank in his gift—i.e. the Chief Justiceship of a Court of Review—which was 3000*l.* a-year with a seat in the Privy Council. This, Mr. Hardy

says, Bickersteth refused, because he disapproved the Court of Review, and would not attempt the responsibility of working it. We cannot assert that this may not have been Bickersteth's motive, or one of his motives, but we suspect that some degree of vexation at not having been sooner thought of contributed to this refusal. Again, in February 1834 a seat on the Exchequer Bench became vacant, and Lord Brougham offered it to Bickersteth, with a view to an arrangement for extending and improving the Equity jurisdiction of that Court—but Bickersteth again declined on the motive we have already mentioned—viz. that he was unwilling to undertake the *common law* duties which he would also have to administer as a Baron of the Exchequer. Were not these offers steps, at least, in the direction of that reform of which Bickersteth is now called the champion? He might have reasons of his own for declining to lend his hand to help Lord Brougham; but it is really too bad that Mr. Hardy should therefore task Lord Brougham with having attempted nothing. Mr. Hardy proceeds to give a very inaccurate account of some other proposals for filling up the Exchequer vacancy—but as it has no relation to Bickersteth, and introduces very unnecessarily the names of persons still living, we pass it over with a general protest against its authenticity. Some of the statements are absolutely fabulous.

In April 1834 Mr. Bickersteth appeared before the Privy Council as counsel for the University of Cambridge against granting a charter to the London University. On this occasion, he is represented as having *rebuked* Lord Brougham in answering a supposed case that the Chancellor had put. Mr. Hardy says:—

'It was the common belief at the time that the Chancellor felt much mortified and galled at it; be that as it may, he certainly did not exhibit the slightest unfriendliness, disrespect, or want of cordiality to Mr. Bickersteth on the occasion; and it should be stated in reference to this subject that, at a subsequent period of his life, Lord Langdale, when alluding to that part of the speech in question, spoke of it with regret, and said, "That answer was too sharp, but I was provoked to give it at the time."—i. 395-6.

We have heard from persons who were present on this occasion that they discovered nothing of *rebuke*, and we ourselves can see in Mr. Hardy's own report of the passage (too long to be extracted) nothing said by Mr. Bickersteth that could have the appearance of even sharpness, but the concluding words—

'That is the answer I give to your Lordship's question'—

—which certainly might by gesture and tone be swelled into an impertinence—yet, even if thus aggravated, did not as Mr. Hardy admits, provoke any sort of notice from Lord Brougham. But Mr. Hardy is so indiscreet as to add that Lord Langdale *often said* that he thought that speech (meaning the supposed *rebuke*) *was so pleasing to King William, who disliked Lord Brougham, and liked the prerogative tone of the whole speech*, that it ultimately made him *Master of the Rolls* (i. 395). Well may Mr. Hardy descant, as he often does, on Lord Langdale's modesty and even humility, in confessing that he owed his great judicial promotion to a royal caprice and a saucy ebullition of temper—that he himself was sorry for it. We shall not, however, allow Lord Langdale to do himself this injustice, for it appears from the documentary evidence, afterwards given by Mr. Hardy, that Lord Melbourne had fixed on Bickersteth for Master of the Rolls before he mentioned it to the King, and waited his (Bickersteth's) consent to do so (i. 447). And in a previous passage it is stated that when, in April 1835, Lord Melbourne expected and wished the King to object to the reappointment of Lord Brougham as Chancellor, the King very constitutionally declined to do so, saying, 'My Lord it is for you, the head of the Government, to name whom you please, and submit your choice for my confirmation' (i. 415). We doubt whether this was said concerning Lord Brougham, for we doubt that any such proposition was made by Lord Melbourne in 1835—but we know that it was the language the King held on similar occasions, and it is therefore evident that the King's supposed approval of Lord Langdale's *prerogative* and saucy speech could have had no share in his promotion, which was entirely and exclusively Lord Melbourne's; and which, indeed, surprised all the world—the King and Bickersteth himself included.

In September 1834 Sir John Leach, the Master of the Rolls, died in Edinburgh, where Lord Brougham, then still Chancellor, happened also to be, and, judging that Sir Christopher Pepys, then Solicitor-General, must succeed to that office, his Lordship wrote to his secretary, Mr. Le Marchant, in London, '*to offer the office of Solicitor-General to Mr. Bickersteth.*' So writes Mr. Hardy; but this phrase is a misstatement of the case—trivial in itself, but important when we find Mr. Bickersteth indulging his old spleen and refusing the office on the ground of the indecorous style of the *offer*,

which should, he said, have been made by the Prime Minister. Mr. Hardy does not produce the words of Mr. Le Marchant's letter, but the summary he gives of it is this:—

'Mr. Le Marchant wrote to him stating that the office of Solicitor-General would in all probability be vacant by the promotion of Sir Christopher Pepys to the Mastership of the Rolls, and that the Chancellor was anxious to have the vacancy filled by him, Mr. Bickersteth, as he was satisfied that he could name no one more acceptable to the King, the profession, and the country at large.'—i. 397.

Now those who affect to be punctilious should be themselves exact. It is clear that the Chancellor did not, in Mr. Hardy's curt phraseology, direct Mr. Le Marchant to *offer the office*—but only to state the probability of a vacancy and the Chancellor's anxiety to see it filled by Mr. Bickersteth for the flattering reasons above quoted. If the *overture* so reservedly and delicately made had been favourably received by Bickersteth, no doubt a formal *offer* from the Prime Minister would have followed. But we must further observe how much the captious temper in which Bickersteth evidently was, overlooked the peculiar circumstances of the case. Leach died in *Edinburgh*, where the Chancellor happened to be; in those ante-railroad times a letter and reply between Edinburgh and London occupied five or six days. Every one knows that no Minister could fill up such an office without previous communication with his Lord Chancellor—nay, we might say, not otherwise than by his advice; and therefore Lord Brougham, out of his regard for Bickersteth, and to diminish the obvious inconvenience of delay in disposing of the post, made at once an *overture* to Bickersteth, the result of which would decide his advice to Lord Melbourne. What could be more natural and proper? Perhaps Mr. Bickersteth may have been so nice as to think that the overture should have been made in the Chancellor's own hand—we can suppose many reasons why his secretary was employed. First, Lord Brougham evidently did not intend that it should have been made in writing at all—he may not have known where Bickersteth might be found—and in fact Mr. Le Marchant only *wrote* because Bickersteth chanced to be in Derbyshire. As soon as Lord Brougham and Lord Melbourne were aware that Bickersteth had taken huff, they both wrote in the kindest terms to renew the offer and to disavow any the least intention on the part of either to have been wanting in any either personal or political etiquette or respect. But Bickersteth was steady in his refusal. Its alleged motive is

so manifestly futile, that, as he was a man of very good common sense, we must look deeper for its real cause. We do not doubt that he was very angry with Lord Brougham for not having proposed him for Solicitor-General in 1830—it is at all events quite clear that he would not *then* have taken offence at such an *offer*—*now* we believe there was a much stronger motive still; the Ministry of September 1834 was in a most precarious and indeed moribund condition; it, in fact, survived Sir John Leach only two months, and Bickersteth, who was a very prudent and calculating man, was glad of any reasonable pretence for not stepping into a sinking boat. He was right. Sir Robert Peel's experimental ministry failed—Lord Melbourne speedily returned under better auspices—and, instead of a Solicitor-Generalship of six weeks, Bickersteth obtained, just previous to the next Session of Parliament, the Rolls for life and a peerage.

On the first formation of that Ministry Lord Melbourne hesitated about a Chancellor—this, Mr. Hardy, who, we suppose, thinks Mr. Bickersteth should have been at once appointed, calls 'a *scheming* policy, not sufficiently considered, and not distinguished for courage.' 'Lord Melbourne,' he says, 'deemed it expedient for *the purposes of party* to put the Great Seal in commission' (i. 413); Pepys, Master of the Rolls, being first commissioner. Mr. Hardy thinks that this was done

'with the object of keeping open the place for Lord Brougham, in the hope that a letter he had written to the King would, in time, have the effect of removing his Majesty's personal objection.'—i. 415.

We believe this to be wholly unfounded. We at least never heard of any such letter, and we should rather believe the earlier statement made by Mr. Hardy, that Lord Melbourne was acting under 'a *scheming* policy;' that is, that the difficulty of reconciling and arranging the rival claims of his followers, not only for the Great Seal itself, but for the other law offices likely to be vacated by its disposal, was the paramount cause of Lord Melbourne's hesitation. He may also have sincerely thought—or, in pursuance of the '*scheming* policy' attributed to him, have professed to think, that such a delay would afford the best chance for effecting some improvement in both the legal and political branches of the Great Seal while it was yet in abeyance. On the score of anxiety for that object he invited Bickersteth to give him his views of Chancery Reform, and he did so in June 1835, in the 'Notes and Suggestions' to which Mr. Hardy attaches

so much importance, but which, as we have already said, seem to us narrow and commonplace in their view both of the difficulties and of the remedies. We are sure that it is not by any shifting or changing of the characters or numbers of the Judges that the evil of delay is to be removed, but by a reform in the *procedure* and in the inferior machinery, which has been a cover and not a check to chicanery. Lord Brougham and Lord Lyndhurst both made large and useful amendments in this direction, and the rules lately promulgated by Lord St. Leonard's and the whole Chancery Bench have gone still further. The chief novelty is the *printing* the bill—an obvious economy of time, labour, and expense, which, though in use in the House of Lords, the Privy Council, and Doctors' Commons, was never before, that we know of, proposed for Chancery. Even now we hear that there are dissentient opinions on this point; but we are much mistaken if it and the other rules shall not abridge and limit in a remarkable degree the hitches, costs, and intricacies of a Chancery suit. There has also been introduced into the 16 Vict. c. 80 (the Master in Chancery's Bill) a recognition and of course a calling into operation of a power which we should have supposed must have been always inherent in the Great Seal—that of superintending the progress of suits and compelling parties to proceed with reasonable speed. It appears a grave reproach to the law and to the Court, that suits should be allowed, through ignorance or chicanery, to sleep for years. It seems to have been the traditional opinion that the Court had no right to interfere of its own motion. When Lord St. Leonard's was Chancellor of Ireland, however, he exercised this power under an inferential construction of an Act of Parliament. He compelled the parties to bring in all old causes, several of very ancient dates, and he disposed of them all before he resigned the Seal. Chancery has often incurred the obloquy of delays which it does not create, but which it suffers. Such cases will under the recent statute involve the responsibility of the Chancellor personally, and he will have himself to see that no wilful devices are rewarded by needless procrastinations.

After a delay of above six months, during which Lord Melbourne had taken no notice of Bickersteth or his paper, the Minister was forced by public clamour and private pressure to appoint a Chancellor, and Sir Christopher Pepys received the Great Seal, with the title of Lord Cottenham. We shall not follow Mr. Hardy into the view—imperfect, and not very complimentary—which he takes of the way in which

Lord Melbourne managed to satisfy his rival partisans, and to enable him to name Mr. Bickersteth *Master of the Rolls*—a point on which Lord Melbourne seemed more determined than we should have expected either from his own easy temper or from any public or private claims that, as far as we see, Mr. Bickersteth could have on him. We really believe that he thought him—as he was—the best Chancery lawyer of the party, and felt that, for every reason, an eminent Chancery lawyer ought to be placed in that office. But we cannot so well account for the pertinacity with which he forced on Mr. Bickersteth the peerage as a condition of the office. It seemed unnecessary, and was almost unprecedented.* No Master of the Rolls had been, as such, created a peer. Bickersteth seems himself to have been sincerely averse to the peerage—we cannot guess why; he hints indeed at his old excuse for declining a seat in Parliament—'poverty;' but in his circumstances, as Lord Melbourne pressed upon him, this pretext appeared a preposterous one. Lord Melbourne's motive was, probably, what he professed, that he contemplated some measures of law reform, in which he thought Bickersteth would be a useful assistant; he may have also wished to have a second Law-lord to support a rather inert Chancellor, and to counterbalance in some degree the great legal authorities that were not connected with the Government. But, after all, we must confess that the peerage of Langdale is a mystery of which neither these nor any other considerations that occur to us, afford a satisfactory explanation.

On the 16th of January, 1836, Mr. Bickersteth was sworn of the Privy Council, on the 19th appointed Master of the Rolls, and on the 23rd created Baron LANGDALE—a title very improperly selected and conferred, because it was that of an ancient family of that *name*, which may not be extinct though the peerage is; and Bickersteth had no other claim to it, that we can discover, than that he once in his youth scrambled over Langdale Pikes in Westmoreland. We think, therefore, that in taking his title he a little forgot—what Mr. Hardy was so enraptured of—his mother's lesson and his own motto of *Suum cuique*!

When the honey-tongued Hardy tells us that 'in the House of Peers Lord Langdale could hardly be said to shine' (ii. 47), we may be excused from dwelling on his parlia-

* The single exception (if it can be called one) is, that Lord Gifford, who had been, while Chief Justice of the Common Pleas, created a peer, in order that he might assist the Chancellor in the House of Lords, was subsequently made Master of the Rolls.

mentary labours. He spoke on none but legal subjects; and even on them less often and effectively than might have been expected even from an inferior man. We know not that he originally introduced or essentially forwarded any measure of legal reform—'unless indeed'—to employ Mr. Hardy's own words concerning Lord Brougham's Bankrupt Law—'unless indeed the Act for the amendment of the laws respecting Wills can be called his, and adjudged as a beneficial act to the community.' 'It is generally called Lord Langdale's Act,' says Mr. Hardy;—but, as he is forced to own 'that it has not worked well,' he hastens to repudiate it on the part of his patron, and fathers it on one of his Benthamite friends, a Mr. Tyrrell—but, whoever drew it, it is '*Lord Langdale's Act*,' and a more copious source of litigation, injustice, and oppression, was never inflicted on the country; some of its nonsense has been lately repealed, but where is the redress for those who have been robbed by this pretended reform?

Having little or nothing to tell of Lord Langdale's parliamentary career, Mr. Hardy expatiates on his meritorious exertions elsewhere. His services in the Record department—which by a new Act (1838) was united and consolidated under the Master of the Rolls—may have been as active and judicious as Mr. Hardy—a competent judge, we are willing to suppose, of those matters—represents them;—but he need not have swelled out his volume with a long correspondence about very small details—appointments, salaries, locality of officers, &c.—which, however interesting at the moment to Mr. Hardy and his colleagues, are already of no importance at all. We should not do justice to Mr. Hardy if we did not give another example of the classical tenderness with which, on closing this topic, he pays poetical honours to the memory of Lord Langdale, as he had before done to that of Mr. Bell. Lord Langdale had chosen the site and approved the plans of a new Record-office in *Chancery Lane* :—

'The excavations were even made for the foundations of the Repository; but, *alas!* another hand was destined to lay the first stone.—*Magnis tamen excidit ausis.*—ii. 189.

Instead of Mr. Hardy's being, as we set out by saying, a *terror of death*, he contrives to make even that of his friends ridiculous.

He dedicates also a chapter to his hero's labours as a trustee of the British Museum, of which it seems his lordship thought it worth while to keep notes, which Mr. Hardy expands, but which, for *Lord Langdale's sake*,

might as well perhaps have been omitted. Being an *ex officio* trustee of the Museum, and also a member of the Commission of Inquiry (1848), of which Lord Ellesmere was chairman, Lord Langdale had furnished his colleagues with a sensible paper of suggestions for a Report. A statement soon after appeared in *The Observer* that the Commission had agreed to a Report—of which it gave a sketch, including some of the heads of Lord Langdale's paper. Lord Langdale, on seeing the Sunday print, concluded that the Commissioners must have agreed upon and printed a Report—for how else could his identical suggestions have got out?—whereupon, knowing that he had not been consulted about any Report, and that no copy of the supposed Report had been sent to him, he took fire at the indignity and commenced an angry correspondence with the Secretary and Chairman of the Commission;—and although they most civilly explained to him that there never had been any such Report—that what appeared in the newspaper had got there they could not guess how—and that all their real proceedings had been duly communicated to his lordship—yet he was not to be appeased; he continued to sulk, and refused to sign the actual Report when finally agreed on. We notice this anecdote to mark Mr. Hardy's indiscretion in thus dragging into light foibles which every man may have, but which nobody but '*a goodnatured friend*' would think of publishing. The fact, however, is an additional proof of Lord Langdale's over-readiness to take offence even with friends and associates. We dare say that this passed in Lord Langdale's own mind, as it does with Mr. Hardy, for manly pride and independence;—the rest of the world will only see and regret infirmity of temper.

Mr. Hardy has further stuffed out his volume with certain memoranda and thoughts of Lord Langdale's on several occasions; two or three are worth notice :—

'Before his elevation to the Bench, in politics Mr. Bickersteth was neither Whig, Tory, nor Radical, but a thorough Reformer.'—ii. 101.

It is not clear whether this is given as Mr. Hardy's own opinion, or whether it be copied, as the context is, from Lord Langdale's notes; whichever it may be, the assertion that Bickersteth was not what is called a *Radical* is manifestly, and on Mr. Hardy's own partial evidence, unfounded. 'Mr. Bickersteth,' he says (i. 323), 'was now (1818) known as a disciple of Bentham and a friend of Burdett's, at that time scornfully denounced as *Radicals*.'—of Ben-

tham, the 'great subversive'—of Burdett, who invites him to an assemblage of 'Radicalism,' and concludes one of his notes '*Radicals for ever!*' And let us not refuse Lord Langdale the merit of consistency at least in his opinions; even office and the peerage did not extinguish these *Radical* elements, as we find from another of the Memoranda (about 1847), viz.:—

"The only way to prevent bribery is either to make the *electoral districts* so large that bribery would be impossible, or to make *Parliaments* of very frequent occurrence."—*Either of these would indeed,* adds Mr. Hardy, '*be a radical measure*, but he thought the consequences would not be revolutionary, and that, on the contrary, people would become rather indifferent about it, and everything would go on quietly.'—ii. 107.

That is, and in hardly plainer words, *universal suffrage* and *annual Parliaments*! And yet all that their noble and learned advocate can say for these grand Radical desiderata—this panacea for all evils—is the lame and impotent conclusion that they would only *do no harm* because no one would care a fig about them. O the altitude of nonsense!

On the trial of Lord Cardigan, who was acquitted by the House of Lords on a charge of fighting a duel, we find Lord Langdale carping at Lord Denman's conduct as High Steward.

'Lord Langdale was not satisfied with the way Lord Denman delivered his *judgment*.—He thought that Lord Denman should have read the *Prisoner a lecture*,' &c. &c.—ii. 93.

For a great law lord, discussing a great criminal case, this is mighty loose, and, we must add, mighty foolish talk. Lord Denman had no *judgment to deliver*: and we should have liked to have seen Lord Langdale venture—and he had just as much right as Lord Denman—to *read a lecture* to a Peer who had just been unanimously acquitted, and was therefore no longer a Prisoner. Such sage supererogations may as well be left to the Mansion House.

The last of these memoranda that we shall notice is of a more serious character. Considering the high place which Mr. Hardy arrogates for Lord Langdale, and considering the imputations that he so loosely casts on the supineness and insincerity of other—or, as he insinuates, *pretended*—reformers, it was strange enough to find Lord Langdale himself doing so little in that line—nothing, in fact, but the *Will Act*—but we were certainly not prepared for such an explanation of his inaction as the following:—

'Speaking on another occasion of the proposed reforms in the offices of the Court of Chancery, he said, "I am determined *not to put myself forward* as the attacking party, but I am willing to march side by side with the Lord Chancellor [Cottenham]; I will *not take upon myself the odium of the assault*, and leave the Chancellor the grace.'"—ii. 94.

Thus then this bold, independent, indefatigable, fearless, uncompromising Reformer—brought into the House of Lords expressly to forward those reforms which his whole previous life was, we are told, passed in advocating—*shirks* the duty on the poorest, the paltriest of motives—shrinking from the risk of some annoyance to himself, and jealous lest the Lord Chancellor should have a larger share of the grace!

Though we are told that Bickersteth constantly intermingled Shakspeare with his law reading, he had not, it seems, profited by honest Dogberry's instructive maxim that, 'an two men ride of a horse, one must ride behind.' If the Chancellor and the Master of the Rolls will ride the same hobby, the Master must ride behind. But the inference that must be drawn from such an avowal is too serious for pleasantry, and so little creditable that we wonder that even Mr. Hardy's blindness could have selected it for publication.

The volume concludes with a reprint of some of Lord Langdale's judgments as Master of the Rolls; we are inadequate judges of such things. We have already noticed with no great satisfaction that on the Caius College case. There is a longer and more pretentious one on the Duke of Brunswick *versus* the King of Hanover—the point we think was of no difficulty, but the judgment is well reasoned and sound in substance, though too verbosely and profusely expressed. Sir William Scott or Sir William Grant would have comprised twice as much within half the length. But the most considerable and important of the judicial performances, both in the subject and in the handling of it, is the judgment of the Privy Council in the Gorham case, which Lord Langdale chiefly drew up, and delivered. To this, however, Mr. Hardy adds a copious selection from his preparatory notes, which contain little else than extracts from Cardwell and other common synodical works.

About this time the ill health of Lord Chancellor Cottenham and the consequent interruption of his duties occasioned so much public inconvenience that, though he struggled most pertinaciously against such a result, his retirement became inevitable; it was the general opinion that Lord Langdale was most likely to be his successor; but his

aversion to accept the Great Seal appears to have been well known. Lord Brougham—with whom he seems latterly to have renewed habits of friendly intercourse, had in conversation, some time before, combated that feeling, and Lord Lyndhurst, on the 5th of April, addressed to him the following letter :—

Turville Park, April 5th.

'MY DEAR LANGDALE,—I am told that nothing will induce you to accept the Great Seal: I do not believe it. You are not a man to prefer your ease and private interest to that of the public. There is no person as Chancellor so well calculated to complete the reforms of the Court, every day becoming more necessary and urgent, as yourself. There is no object of more importance to the public welfare, or which, when accomplished, will redound more to the credit and honour of him by whom this great good shall be effected. Consider this well, and weigh it in all its bearings. Your sincere friend (blind as a mole),
'LYNDHURST.'

In replying, Lord Langdale handsomely and properly says to Lord Lyndhurst :—

'Bearing in mind, as I always do, that it was from your spontaneous favour that I received the first step in the profession—a step which no other would have given me—and without which I must have remained in the position in which you first saw me—I always consider myself indebted to you for my subsequent progress, and, in some sort, accountable to you for the use which I ought to make of it.'

He then proceeds to explain what induced him to persist in his resolution—namely, the old hackneyed doctrine of all the Benthamite school, that the duties attached to the Great Seal were too various and too onerous to be executed by one man, and that for this, as well as for constitutional reasons, the Chancellor should be severed from all political functions and influence. We will not now enter into this great question, on which, though much may be said on both sides, we have come to a conclusion that *under the present constitution of England*, the union as it now exists of the political and judicial duties of a *Lord High Chancellor* is, upon the whole, the best, if not the only satisfactory arrangement. Lord Langdale's vague projects would, we are confident, have been found impracticable.

He, however, acted according to his original view. When, on Lord Cottenham's reluctant resignation, Lord John Russell, on the 25th of May, 1850, pressed the Great Seal on his acceptance, he, after some slight hesitation, occasioned by the importunities of his friends, finally refused it. Mr. Hardy gives us the following 'curious memoran-

dum' as the result of the reconsideration which, at Lord John's request, he had given to the subject. It is a kind of balance-sheet of the state of his mind :—

'CONTRA.

Persuasion that no one can perform all the duties that are annexed to the office of Chancellor.

Certainly that I cannot.

Unwilling to seem to undertake duties, some of which must (as I think) be necessarily neglected.

No reason to think that the extensive reform which I think necessary will meet with any support.

No particular party

zeal, and no capacity

to acquire any.

Declining health.

'PRO.

Salary 14,000*l.* instead of 7000*l.*

Pension of 5000*l.* assured (instead of 3750*l.* not assured).*

Patronage for benefit of connexions much needing it.

Some, though small and doubtful hope of effecting some further reform in Chancery.'—ii. 250.

Although this paper assumes such a business-like form, and though we have no doubt that Lord Langdale persuaded himself that the *contra* side expressed his real motives, we very much suspect that they did not do so completely. The two last items on that side of the account—the absence of *party zeal* and *declining health*—were probably more influential than all the rest. We believe that he was sincerely, and we think very rationally, satisfied with his present lucrative and honourable, easy yet eminent position: one so easily acquired, and yet so much beyond all that he could a few years before have expected that it might well have contented a more ambitious and adventurous nature than his had ever been. He had said as much to Lord Brougham in the conversation we have alluded to, and this, we are satisfied, was the substantial, and, as we think, very sufficient motive, which he was glad to dress even to his own imagination in the more presentable garb of consistency in his professed principles of Chancery Reform.

He was not, however, destined much longer to enjoy the advantages he so justly appreciated. The apprehension of declining

* We have to apologise for having inadvertently in our last Number (Article *Roebuck and Martineau*) stated the Chancellor's retiring pension, under the last regulation, at 6000*l.* We should also have recollected that when that regulation was made—under Lord Brougham's tenure of the Great Seal—the increase of the pension from its old rate to 5000*l.* was proposed and sustained as a moderate compensation for extensive rights of patronage then severed from the Chancellorship.

health mentioned in the memorandum was but too well founded. A very few months after he had refused the Great Seal he was forced to interrupt his own judicial sittings, and before the close of the year to offer his resignation: he suspended it for above two months at Lord John Russell's request; but at last, on the 25th of March, 1851, he took leave of the Court, replying with dignity and feeling to a well-merited expression of respect and regret offered him by Mr. Turner on behalf of the Bar.

He did not survive a month—he had removed on the 10th of April to Tunbridge Wells, but was next day seized by paralysis. His brother, the surgeon of Liverpool, hastened to his assistance, but nothing could be done. He lay for a week in a state of consciousness, patient and resigned to a fate which he seemed to know was inevitable.

'On the morning of Friday, the 18th of April, the early rays of the sun streamed into the chamber of death. At eight o'clock Lord Langdale was no more. The following Thursday his remains were laid, according to his right as a Benchman, in the vault of the Temple Church.'—ii. 357.

Mr. Hardy concludes all by saying—

'Here let no useless eulogium be passed on the dead. If in the tale of his life, *simply told*, his greatness of mind and his high character have not amply appeared, no set form of description or praise could avail.'—ii. 357.

We heartily wish that Mr. Hardy had had the good taste, or indeed the common sense, to perform his task on the principle thus enounced. If he had contented himself with claiming for Lord Langdale his own merits, without attempting to heighten them by the depreciation of others—if he had praised the industry of his youth—admired the virtues and success of his middle age—and expatiated on the eminence of his later days—in a less exclusive, controversial, and arrogant style, he would have found no dissent—certainly none from us. We were favourably impressed by all we had heard or seen of Lord Langdale's private and professional life, and we respected his political sincerity; and whatever there is in our foregoing remarks on him that may sound like disapprobation, will be found to have arisen entirely from Mr. Hardy's provocation. He has driven us to the alternative either of ratifying his misstatements by our contemporaneous acquiescence, or of repelling them with a severity that we wish might have fallen on Mr. Hardy alone. No one can

doubt Mr. Hardy's personal respectability—no man can doubt his affectionate regard for his '*lamented master*;' but the family of a distinguished person ought to reflect very maturely before they select an editor for his papers and a biographer for his career.

ART. VII.—1. *Correspondence relative to the recent Discovery of Gold in Australia.* Presented to both Houses of Parliament by command of Her Majesty.

2. *Twelfth General Report of the Colonial Land and Emigration Commissioners.*

3. *Address of the Anniversary Meeting of the Royal Geographical Society, 1852.* By Sir R. I. Murchison.

4. *Lectures on Gold, delivered at the Museum of Practical Geology.* 1852.

5. *A Ride over the Rocky Mountains to Oregon and California.* By the Hon. Henry J. Coke. 1852.

6. *Four Months among the Gold Finders in Alta California.* By J. T. Brooks, M.D. 1849.

7. *Across the Rocky Mountains from New York to California.* By William Kelly, Esq. 1852.

8. *A Tramp to the Diggings in 1852.* By John Shaw, M.D.

9. *Australia, with latest Intelligence from the Diggings.* By John Fairfax, Esq. 1852.

10. *Tables showing the legally appointed Weight of British Gold and Silver Coin.* By James H. Watherston, Goldsmith. 1847.

11. *Letter to Thomas Baring, Esq., M.P., on the Gold Discoveries.* By F. Scheer. 1852.

12. *Remarks on Mr. Sheer's Letter.* By Andrew Johnson, Bullion Office, Bank of England. 1852.

13. *A few Words on the Gold Question.* By E. H. Browne, Stock Exchange. 1852.

Among the accidents which have influenced the fortune of the world will hereafter be ranked the erection of a saw-mill on a branch of the Sacramento. An officer in the Swiss guards of Charles X.—'a good old Dutchman' according to Mr. Coke—who received an ugly wound while fighting against the barricaders of July, found France no place for him when the conspiracy of Messrs. Lafitte and Co. triumphed. He crossed the Atlantic and proffered his services to the Mexican government. He served well, we must suppose, for very speedily he was rewarded with a grant of land in Alta Cali-

foria, comprising some 700 or 800 square miles—the extent of a fair-sized English county!

Three hundred years had elapsed since Cortes discovered the Californian peninsula. Some years later a Spanish navigator visited the coast further north, and took formal possession of it, but, strangely enough, the adventurers, in their eager search for gold, overlooked the richest prize of the New Continent. The valley of the Sacramento yields yearly a greater treasure than in the first fifty years after the discovery of America could be wrested from the ancient kingdoms of Mexico and Peru. Some Jesuit missions were early established in Lower California, but, so far as any real use of the country was concerned, it might as well have remained unknown. The missionaries did their best to secure themselves from intrusion by representing the soil as barren, the climate pestilent, the people cruel and treacherous. Nothing but zeal for the glory of God could render life bearable in such a region. They established themselves in Alta California at about the same time that they were expelled from the chief kingdoms of Europe, and had they manifested any true capacity for government, they might have retrieved in the New World their losses in the Old. But their policy has very little corresponded with the idea entertained of their profound and subtle wisdom. Their aim has been always *isolation*—as if isolation could have any other consequence than to dwarf or deform the standard of man. The illustrious nobility of Spain, who pride themselves on their constant intermarriages, exhibit Grildrags and mannikins as the descendants of the chivalry which rolled back the wave of Mahomedan conquest. Intellectual exclusiveness leads to yet more miserable results. All trace has long been lost in the Jesuit missions of the higher qualities ascribed to their founders. Enthusiasm was represented by bigotry—piety by juggling—and benevolence by tyranny. The rule of Francia in Paraguay and of Rosas in Buenos Ayres sufficiently illustrates the tendency of Jesuit teaching.

The travellers who at rare intervals visited the coast of California could do little to dispel the gloomy fictions of the missionaries, and when they spoke vaguely of rocks abounding in ores, or of the black soil appearing, when turned up freshly to the sun, intermingled with scales of gold, these things were set down among the strange sights which travellers are privileged to see. When the Jesuits fell in Spain, a commissioner was sent out to report on the real condition of this peninsula, but though

his report was highly favourable, and distinctly mentioned gold mines, and though he himself at a subsequent date became minister of the Indies, no steps would seem to have been taken to test this reported richness of the soil. A glance at any of our best maps of a dozen years old will show how little was then known of that wide region which stretches from Cape San Lucas to the Oregon boundary, and from the Rio del Norte and the Rocky Mountains to the Pacific Ocean. Basil Hall notices that before the arrival of the Conway at San Blas, no English man-of-war had ever anchored in that port.

The Santa Fé traders were among the first to perceive the commercial importance of Alta California. Of all the heroes of commerce, we are inclined to rank as the most marvellous those merchant bands who set forth on a journey of two thousand miles through an unexplored country where not a vestige of civilized life existed—with broad and rapid rivers to ford—precipitous rocks to scale and descend—paths to force through mountain passes, and roads to form over swamp and morass—dependent wholly on chance for supplies of water and fodder—certain of the hostility of tribes of Indians whose hunting grounds they invaded—and, should they ever reach their point, likely to meet with a rough reception there. Many pens have been busied with the burning prairie—the stampede—the awful storms which sweep over those oceanic solitudes—the night attack of savages—the tortures of extreme thirst—the liability to destruction from the theft or death of cattle—the hopeless disappearance of individuals who ventured too far from the waggons—yet it is felt that descriptions can give but a faint idea of the realities.

The way once opened was never suffered to be closed; and by and by companies of adventurers were formed for other purposes than trade. The easy acquisition of Texas was remembered, and the piratical expedition recorded by Kendall—though ending in defeat and cruel suffering—only stimulated further the more restless part of the States' population to seize a country which it was evident there would be no force to defend against a determined assault. And ere long their own feeble government found it necessary or expedient to yield to the fast-spreading movement of the popular mind.

Faithful to the Mexican government, our veteran turned out with his people when the territory was invaded—although it seems most probable that he saw from the first the hopelessness of the contest. Of

the few settlers in California hardly any knew their government save by its extortions. It vexatiously interfered with their concerns, but it did not protect them. Their interests were on the side of the invaders, and they very cheerfully concurred in the arrangement which enrolled their territory under the flag of stars and stripes. Captain Sutter returned uninjured to his estate, and had soon cause, in the increased prosperity of his clearing, to be well satisfied with the change. He was the first white man who had established himself in that district where the *Americanos* joins the Sacramento. Without the slightest idea of the treasures beneath his feet, he had by degrees brought two or three hundred acres into cultivation. The Indians troubled him at first, but he had taken the precaution to bring some guns with him, and on an attack he threw a shell into the midst of their force, which effectually dispersed them, and inspired a salutary dread of his power. Subsequently they became useful, though never very safe, neighbours, and assisted the Captain in building his fort and tilling his fields.

He had been settled ten years before he contracted with a Mr. Marshall for the erection of a saw-mill on the *Americanos*, a few miles from his fort. The 'tail-race' being too narrow for the water to run off freely, the mill-wheel was taken out that the whole body of water in the dam might rush through, and widen the race to save the trouble of digging it out. A great body of loose earth was carried away by the torrent, and the next morning, while Mr. Marshall was surveying the work, he observed some shining yellow spangles on spots where the water had laid bare the bank. At first he would not take the trouble to stoop for them, but his eye being caught by a particle of superior magnitude, he picked it up, and found that it had all the appearance of pure gold. He then collected some twenty or thirty similar pieces, and imagining these might be the fragments of some treasure buried by the Indians, he examined the neighbouring soil, and found it to be more or less auriferous. In joyful excitement he hurried off to Captain Sutter. They commenced a search together, and soon satisfied themselves that the soil was teeming with gold—they picked up an ounce of the ore from the sand without trouble. The next morning they continued their exploration, and found gold in abundance up the South Fork. With his knife the Captain picked out a lump of an ounce and a half from the rock.

They had prosecuted their search quite

secretly, as they thought, but a Kentuckian, employed at the mill, had 'guessed' and 'calculated' on their unusual movements; he followed in their steps and imitated their actions. When the gentlemen returned to the mill they were met by their workmen, who showed a handful of the glittering dust. Whether the captain and his companion were learned in the mysteries of mica and pyrites we are not informed, but they did their best to convince the men that what they took for gold was some worthless mineral. While the colloquy was proceeding, an Indian, who had elsewhere seen enough of gold mines, decisively exclaimed, 'Oro, oro!' Concealment was no longer possible. The captain, that he might be first in the field, hired a gang of fifty Indians, and set them at work. The news spread; fresh hands poured in, and the results of their operations were soon beyond the dreams of the 'good old Dutchman.'

The first announcement of the discovery was received with incredulity beyond the immediate neighbourhood. But presently, when large and continuous imports of gold from San Francisco placed the matter beyond doubt, there ensued such a stir in the States, as even in that go-a-head region is wholly without parallel. Numbers of every age, and of every variety of occupation, pushed for the land of promise. Many were accompanied by their families, and most, under the excitement of the hour, overlooked their physical unfitness and their inability to procure necessaries. The waters of the Humboldt, from their head to their 'sink'—a space of nearly 300 miles—are in the dry season strongly impregnated with alkali; and it was here that they first began to faint. Some died from thirst—others from ague—others fell beneath the burdens they attempted to carry when their last animals dropped into the putrid line which grew thicker at every step. Beyond the 'sink' the diminished bands had to encounter sixty or seventy miles of desert, where not a blade of herbage grew, and not a drop of pure water could be procured; and those who pushed safely through this ordeal had still to ascend the icy slopes of the Sierra Nevada, when the rigours of winter were added to all other difficulties. At different points—one being almost in sight of the golden land—overwearying groups had formed encampments, in case perhaps some help might reach them. It is to the credit of the settlers that, on hearing of this, they strained their resources to the utmost to afford relief. Yet, when all was done, a sick, destitute, most wretched horde of stragglers was all that remained of the

multitude, who, full of hope and spirits, had commenced the prairie-journey.

Enterprise and energy have now overcome or smoothed the worst difficulties of the route. A great central railroad has been projected, and will probably at no distant time be formed. As it is, says Mr. Kelly in the preface to his entertaining 'Journey across the Rocky Mountains,'—

'Replenishing depôts have been established at convenient points in the wilderness; the faint Indian trail has become a beaten thoroughfare; the morasses no longer threaten to engulf the traveller; the rapid rivers are ferried over; the thicket is pierced; the forests felled; the rugged pass smoothed; there is a well in the desert; and the terror of retribution keeps the Indians in awe.'

To this time the stream of life flowing into California has kept continually increasing. Upwards of 20,000 souls, and about 50,000 animals, forming a scattered train of 700 miles in length, passed Fort Kearney in the month of May last. In this multitude the strangest contrasts were seen; ladies on spirited steeds, in full Bloomer costume, or in the more modest equestrian habit to which we are accustomed, and men gallantly mounted with Kossuth hat and plume, swept by the humble pedler driving ass or mule, and toil-worn women leading their children by the hand. Some had their little stock of provisions strapped on their backs; others trusted to hand-carts and wheelbarrows. 'The journey would be pleasant,' writes one of the company, 'but for the vast number of graves along the road. There are about eighty graves to the one hundred miles so far, that is, new ones. The old ones are nearly obliterated, and their places no longer known to man.' The passage depicts well the recklessness with which in the States life is squandered in the pursuit of gain. By sea the arrivals are even more numerous; upwards of 10,000 landed at the port of San Francisco in May, and about an equal number in June. In the first six months of the year 10,000 Chinamen had arrived to claim part in the golden harvest; 4000 more followed in the first fortnight of July; and eighteen women, in the costume of the Celestial empire, had come in from Hong Kong. The population of California was about 200,000 at the commencement of the present year; it will be 300,000 by its close.

Great disorders are inseparable from this amazing influx of a mixed population into a new country. Among the diggers the refuse iniquity of every race in the world is to be found. The gains of many are promptly

spent at the gaming-table; and knives and revolvers are freely used in the broils which ensue. The very nature of the grand pursuit—crowding such a congeries together in a narrow space and ever and anon throwing masses of treasure into the hands of some two or three half-maddened comrades, offers powerful incentives to crime. It seems, however, that the great majority have the sense, if not the virtue, to recognise the necessity of preserving some kind of order; their ferocious justice restrains the reckless ruffianism which would probably be able to defy any other force. In general, we must add, respect is manifested for the rights of property. The patience of the diggers has sometimes been severely tested. In the remote districts, when intercourse with the towns has been interrupted by the floods, provisions have risen to a most unreasonable rate. There are instances where flour—less from scarcity of the commodity than from the necessity of the people—has advanced in a day or two from half a dollar to a dollar and a half per lb. The diggers submitted to the extortion rather than make any illegal demonstration against the store-keeper. They hang a thief without mercy; but they never think of hanging a baker. The monkish maxim, *Laborare est orare*, seems especially true of men who, snatched from infamous haunts and habits, discover that it is given to them to commence a new and better career. It is in the diggers' favour, let them be as bad as they may, that they must work hard to be even moderately successful. The habit of toil is salutary; and the speedy acquisition of larger sums than they ever hoped to possess may be likely to convince the most hardened that they have an interest in maintaining the law.

Wherever a rich field is discovered, a township springs up in its neighbourhood, and the necessities of life are now usually to be procured on reasonable terms. San Francisco is becoming one of the most crowded, as it is certainly one of the most magnificent, harbours in the world. The railroad across the isthmus of Panama is approaching completion. A rival line, in anticipation that the traffic will be sufficient for two, has been started; and already the seaboard of California is brought within a month's passage of England. A line of telegraphic communication, of 2400 miles in length, has been decided on, which, stretching westward from Natchez, on the Mississippi, will reach the Pacific above the head of the Californian Gulf, and skirt the coast to San Francisco. The coasts of the Atlantic and the Pacific will thus be brought into instan-

taneous intercourse. Years—months even—accomplish for this new country the work of centuries; its exports already amount in value to one-fourth the exports of the United Kingdom. The agricultural capabilities appear great; the crops this summer, we hear, are astonishing; and there is every chance that Yankee enterprise will open other and deeper sources of wealth when that which lies on the surface is exhausted. It is marked out by position as a great seat of commerce. The barriers of the Celestial Empire having been fairly broken, that intercourse is not likely to end with a passage to and fro of some thousands of Chinese labourers. The States now possess a thousand miles of sea-coast on the Pacific, enough to found a magnificent empire of itself. What Venice was to the restricted trade of the middle ages, San Francisco may probably become to the commerce of our own and future times—the great medium of communication between the East and the West, and the entrepot for the choicest productions of both. ‘The enterprise and energy of our citizens,’ says a letter of June last, ‘have become a proverb. The growth of the city is fairy-like; whole rows of good substantial brick edifices continually being erected.’ Besides English newspapers, a French, a Spanish, and a German one have been established.

With the Californian discovery science had nothing to do. It was otherwise with Australia. Sir R. Murchison in his latest address to the Geographical Society reminds them that, when he first filled their chair, in 1844, he noticed a forthcoming work by Count Strzelecki on the physical geography of Australia; and declared that on an examination of that traveller’s collection of rocks, fossils, and maps, he could not but recognize a singular uniformity between the Australian Cordillera and the auriferous Ural mountains. Two years later he received evidence of the truth of his conjecture in some specimens of gold quartz sent to him from Australia. Thus confirmed, he strongly advised a body of Cornish emigrants to select Australia, and to seek for gold among the *débris* of its older rocks. His advice, printed in the Cornish papers, and transmitted to Sydney, stimulated inquiry, which was so far successful that in 1848 he received several letters from persons in the colony, stating that they had detected gold, and expressing anxious hope that Government would so modify the law as to make it worth their while to engage seriously in mining speculations.

In that same year, 1848, Murchison addressed a formal communication on the sub-

ject to Earl Grey, but that statesman did not take any steps in consequence, because, says Sir Roderick, ‘as his lordship has since informed me, he feared that the discovery of gold would be very embarrassing to a wool-growing country.’ More nonsense has been written on the ‘auri sacra farnes’ theme than on almost any other. It is remarked by one of the acutest of the French novelists that money can hardly, in one sense, be ill-spent, as it so rapidly flows from wasteful to industrious hands. We are inclined, however, to think that the converse is more true, and that money can hardly be ill-saved. In its more literal sense the phrase will not better stand scrutiny. If in any country the collection of gold is more profitable than the rearing of sheep, we know no reason why it should not preferably be followed. We were quite unprepared for such pastoral predilection in the Colonial Office under Lord Grey’s presidency. To realise Arcady in New South Wales and convert convicts into Strephons might be a very amiable conception, but would hardly justify the minister of a great commercial empire—above all, a zealot of *Free Trade*—in an attempt to cushion rich sources of mineral wealth opened in a colony under watch of his intelligence.*

By the despatches of Governor Fitzroy we learn that it was some time in 1849 that a formal application was made to the authorities at Sydney to know what reward would be given for the discovery of a gold district. The applicant was a Mr. Smith—who produced a specimen of gold imbedded in quartz. The reply was a very proper one, that they could enter into no blind bargain on the subject, but that if Mr. Smith chose to trust Government, he might rely upon being rewarded in proportion to the value of his discovery. The Governor does not seem to have been sorry that this answer proved unsatisfactory:—like his chief, Lord Grey, he feared that gold-seeking might ‘agitate the public mind, and divert the attention of persons engaged in industrial pursuits from their proper and more certain avocations.’

Nothing further was heard of Mr. Smith, nor of gold-finding,—though the news from California must have been eagerly studied until April 30th, 1851, when Mr. Hargraves

* We believe most of our readers are aware that Murchison finally developed his views on the Distribution of Gold throughout the Earth in an article of this Journal for 1850. But it is due to him that we should state the fact; for, on the title-page of an Italian translation of that article lately forwarded to us the authorship is ascribed to Herschel—the translator adding that Sir John was rewarded for it by the Mastership of the Mint!!!

addressed a letter to the Secretary at Sydney, stating that he had explored a considerable tract—that he had succeeded beyond his expectations as to gold—and that he would point out the localities on being assured of 500*l.* upon the truth of his representations being ascertained. This Mr. Hargraves had left Australia to try his fortune in California—but, being struck—though Dr. Shaw says he had no scientific pretensions—with the similarity of structure between the Sierra Nevada and the Blue Mountains of New South Wales, he soon returned. To him the reply was the same as to Smith. Hargraves prudently resolved to trust to the justice of Government, and named the Macquarie river with the Lewis and Summerhill creeks branching from it. His communication was referred to the Geological Surveyor, but he was too sharp to wait the movements of officials; he set some labourers to dig at Summerhill Creek; and before the Surveyor could reach the spot, the Government had received notice (May 8) from the Commissioners of Crown Lands at Bathurst, first, that several ounces of gold had been found,—next (May 15), that a man had found a piece weighing thirteen ounces, and that the excitement among all classes was intense, hundreds being already on their way to the new diggings.

On the 19th the Geological Surveyor arrived there, and found about 400 persons occupying a mile of the creek, each collecting with merely a tin dish from one to two ounces daily. The Governor felt the necessity of acting with promptitude. A proclamation was issued, asserting the rights of the Crown to all gold found, and a system of licensing was established:—each licence being fixed at 1*l.* 10*s.* per month, payable in advance, and no one to be eligible for a licence unless he could prove that he was not absent from hired service without leave.

The town of Bathurst lies beyond the range of Blue Mountains which forty years ago were thought to form an impassable barrier to the colony on the west. When they were crossed in 1813, a wide and well-watered pastoral country was revealed; and General Macquarie appreciated the discovery. He passed the mountains in person, and founded the township of Bathurst, 121 miles from Sydney. The gold-field at Summerhill—promptly christened Ophir—lies 40 miles north-west of Bathurst over a now clear and defined road, fit for a carriage, and extending to the verge of the settled country. By Sir Charles Fitzroy's care, police stations were now established along the whole line of road, and a govern-

ment escort for the conveyance of gold was set-a-foot, the charge being one per cent. on the value.

The Government was fortunate in finding an active and intelligent officer to carry these regulations into effect. Mr. Hardy, the Commissioner appointed, arrived at the diggings on the 2d of June, and immediately began issuing licences. He found about 1500 persons assembled; they were so orderly that he did not need a single policeman, and far from offering resistance to the payment of the licence-fee, they were glad to be placed under the supervision of Government. Those who had not money to pay the fee gave gold, which was received at 3*l.* 4*s.* the ounce for that obtained by washing, and 2*l.* 8*s.* by amalgamation. Each little company had a space marked out fronting the creek, 15 feet of frontage being assigned to a party of from three to six. Hardy by and by estimated that about 800 were working regularly. The remainder were mainly old and feeble persons, who came and went—now afresh trying their luck, and then afresh despairing.

During June he issued 605 licences, and the earnings of the diggers were computed at 30,000*l.*, which would give nearly 50*l.* for each monthly licence.

Notwithstanding the numbers congregated, provisions were moderate in price: meat 3*d.* per lb., tea 2*s.*, and sugar 6*d.* The only exception was flour, which at first sold for 7½*d.* per lb., but it fell in a few days to less than half that price. In fact, the diggers were living as cheaply as they could do at Sydney—for 10*s.* or 12*s.* per week.

On the 3rd of June the Council, to their honour be it said, bestowed on Hargraves 500*l.*, and an appointment as Commissioner of Crown Lands. He was at the same time informed that it would be for the Imperial Government to grant him such further remuneration as his discovery might be thought to deserve. Considering that gold is now produced in Australia at the rate of at least five millions per annum, it is to be hoped that this enterprising man will receive some additional reward.

By the end of May winter had set in: the nights were frosty, and the small ponds covered with ice. Those persons who had arrived without tents or clothing, hoping to pick up a fortune in a day, were grievously disappointed at the toil and time required to collect but a moderate quantity of the coveted ore. Many had come on foot from Sydney; long and weary as the route had been, they saw no resource but to retrace it, and their dismal representations served to cool the excitement which had set in. Those,

however, who had been more provident and were better fitted for the work, continued their labours with general though by no means uniform success. Four men, working on the slopes of Lewis Pond's Creek, obtained one day two ounces, and the next seven. The Commissioner estimated that at these creeks there was profitable employment for 5000 diggers:—but they were soon to be deserted for richer ground.

The Government's Geological Surveyor, Mr. Stutchbury, in the course of his explorations, found that gold was distributed over the bed of the Turon river, and much more evenly than in other places. This stream flows, like the Summerhill and Lewis Creeks, into the Macquarie, but twenty or thirty miles further to the east. The water-course of the Creeks is steep, rugged, and narrow. The Turon runs through a spacious valley, in a broad and level course, between much higher hills, but miles distant on either side, and all formed of mica-slate without quartz-veins, whereas at Summerhill the quartz-veins are abundant. The stream is without any of the abrupt elbows and narrow gorges which mark the Creeks, and, as a consequence, the gold is more evenly distributed and much finer in the grain. This fine gold he found diffused through the soil 'as regularly as wheat in a sown field'—but the yield was not in this part of the river very large. It was suggested that nearer its source the ore would turn up more abundantly, though of coarser grain, and, trial being made, within four days three men found ten pounds weight of gold. A thousand men were speedily congregated at the Turon, and the average of each man seemed to be about an ounce daily. By and by, after careful travel, Mr. Hargraves reported the course of the stream to be auriferous for at least 130 miles.

Some 20 miles north of the Turon is the Meroo, another tributary of the Macquarie, and branching from it is the Louisa Creek. By this creek a native shepherd in the service of Dr. Kerr discovered gold embedded in masses of quartz. He struck one of the blocks with his tomahawk, and the pure ore was at once revealed. The gold was contained in three blocks of quartz, lying 100 yards distant from a quartz vein. The largest of the blocks weighed 75 lbs. gross, and 60 lbs. of gold were taken from it. Unfortunately the blocks were broken up for greater convenience of transit; the largest piece of gold then weighed 6 lbs. 4 oz. The whole mass of gold taken from the quartz weighed 106 lbs. It was promptly taken to the Australian Bank at Bathurst, and was subsequently seized by the Com-

missioner on the part of the Crown, as Dr. Kerr had taken out no licence, and a royalty of 10 per cent. was reserved on gold in place. But as this was the first discovery of the kind, the Government remitted its claims, and Dr. Kerr became the undisputed possessor of the 6000*l.* prize. It may be supposed that the surrounding country was diligently explored: the search was for some time unsuccessful; but at last another lump of gold, also embedded in its natural matrix of quartz, was dug out from the clay, about 25 yards from the spot where the former blocks were discovered. The weight of this lump was 336 ounces, and it was sold by public auction for 1155*l.* With such prizes in the wheel it is easy to account for the restlessness of the diggers.

The next discovery of magnitude was at Araluen, 200 miles south of the Turon, and between 160 and 170 miles south of Sydney. The Araluen is a tributary of the Deni river, which empties itself into the ocean near lat. 36° S. Mr. Hardy expresses ere long his opinion that its wide valley would prove 'the most extensive digging yet discovered. . . . Even at the present height of the water persons can make from 15*s.* to 30*s.* each per diem. . . . Several thousand diggers would not exhaust the locality for many years.'—Other gold fields, since revealed, in New South Wales, and some of them rich ones, have their places in the map of the latest blue-book. They extend from the tributaries of the Condamine and the Brisbane, in the Moreton district, on the north, to branches of the Snowy River, in Gipps's Land, to the south—a distance of 700 miles. But the richest were to be eclipsed by the discoveries in the sister colony.

Nothing whatever had been known of Port Philip until 1836—when some stockmasters from Van Diemen's Land, noting its beautiful pastures, carried thither large numbers of sheep and cattle. Sir Thomas Mitchell, appointed to report, termed it Australia Felix. A town was speedily commenced on the Yarra Yarra, and, though the site was ill-chosen as a port, Melbourne became, almost as soon as founded, a flourishing settlement. In 1850 the district had assumed so much importance that it was formed into a separate colony, and the name of Victoria conferred upon it. Here the traders and farmers were now groaning over the tidings from Sydney. Their best hands had at once started for the gold-fields, and, if this went on, what but ruin could be anticipated? To keep the people at home a meeting was held, and 200 guineas proposed as a reward to the discoverer of a

gold-field within 120 miles from the town of Melbourne; nor did they wait long before such discoveries were announced—first, at Anderson's Creek, only 16 miles off—next, at Clunes, on one of the head-waters of the West Loddon, 90 miles to the north, and then at Ballarat, near the remarkable volcanic hill Bonninyon. Before the worth of the other diggings could be tested, the superior richness of this field attracted all adventurers. The discovery was announced in August last year, and the regulations adopted at Sydney were immediately put in force by Governor Latrobe, but with far less effect from the scant resources at his disposal.

The Ballarat diggings are situated near the source of the river Lea—the richest locality being appropriately termed Golden Point. It was visited by Mr. Latrobe, who states that it presents superficially no feature to distinguish it from any other of the numerous forested spurs which descend from the broken ranges at the foot of the higher ridges, and bound the valley on either side. Though gold is to be found in greater or less quantities in the whole of the surrounding country, this particular point has a superficial structure different from that of others. In his despatch of October 10 Mr. Latrobe says:—

'Roughly stated, a section of a working shows, under the superficial soil,—

1. Red ferruginous earth and gravel;
2. Streaked yellowish and red clay;
3. Quartz gravels of moderate size;
4. Large quartz pebbles and boulders; masses of ironstone set in very compact clay, hard to work;
5. Blue and white clay;
6. Pipe clay below which none of the workings have as yet been carried.—Gold has been detected, I believe, in all the superior formations, even in the superficial soil. But by far the richest deposit is found in the small veins of blue clay, which lie almost above the so-called "pipe clay;" in which no trace of the ore has been discovered. The ore is, to all appearance, quite pure. It is found occasionally in rolled or waterworn irregular lumps, of various sizes, sometimes incorporated with round pebbles of quartz, which appears to have formed its original matrix; at other times without any admixture whatever, in irregular rounded or smooth pieces—and again in fused, irregular masses of pure metal. The seams break off and thin out, continually. The closest proximity to a rich vein can afford no certain assurance that labour will be similarly rewarded. I however witnessed the washing of two tin dishes of this clay, of about twenty inches in diameter, the yield of which was no less than eight pounds weight of pure gold, and I have seen two or at most three cubic inches of the same yield four ounces.'

Mr. Latrobe found about 2500 persons assembled; and he says—

"One party is known to have raised sixteen pounds weight at an early hour of the day, and to have secured thirty-one pounds weight in one day's work. Many parties of four men have shared, day after day, ten ounces per man. I can testify to the fact of ten pounds weight and upwards being the produce of a single working during one of the days of my visit, and I have no reason to believe that this case was an isolated one."

The effect of this discovery was almost completely to empty Geelong and Melbourne—neither of the towns being distant above sixty miles. In a few weeks, however, the excitement here, as in the sister colony, cooled down; the product, though in particular instances larger, seems to have been less regular than on the Turon and Araluen, and numbers returned to their former employments. Up to the month of October the steady workers do not seem to have exceeded 3000; but the discovery of yet more productive diggings at Mount Alexander, about forty miles north of Ballarat, and seventy-five of Melbourne, raised the fever higher than ever.

The discovery was accidental. A shepherd found gold encased in a piece of quartz which he picked up on his folding ground. A careful examination showed gold in a seam of compact quartz of about a foot in thickness. A party followed up the seam, and in the course of a fortnight took from it, and from narrow layers of clay in the adjacent rock, gold to the value of 300*l.* or 400*l.* But here, as in so many other places, Nature had beneficently spared man the labour of breaking up the rock, and had spread out her richest treasures ready to his hand. In the bed of a creek, descending from the Mount, and facing a junction with the East Loddon river, gold was found abundantly diffused in the gravelly soil. When these tidings were published people flocked, not only from every part of Victoria, but from Van Diemen's Land, from South Australia—even from the rich grounds of the Turon and Araluen. Seamen slipped from the ships in harbour, thriving shops were shut up, and respectable men left situations of trust to take their lot with the diggers. By December it was computed that 12,000 were assembled in an area of 15 square miles.

The Governor and Council inconsiderately resolved to raise the licence fee to 3*l.* per month. The diggers met to the number of several thousands, and resolved on resistance. The Government was in no position to enforce its act, and had to draw back;

thus affording a dangerous evidence of its own weakness and of the diggers' strength. Mr. Latrobe complains bitterly of the insignificant force at his disposal, and seems seriously to apprehend some lawless and desperate outbreak from the hordes of adventurers thus suddenly drawn together. Mr. Latrobe, in fact, seems to have shared in the excitement of the hour, and imagined, with the Australian papers, that the world was about to be turned upside down. There is something strongly resembling exaggeration in the statements he furnishes of the distress of Government from the desertion of clerks and officers. It has been reported that his domestic servants left him *en masse*, and that he was reduced to the necessity of grooming his own horse and chopping wood to light a fire for his breakfast. These afflictions, however, do not darken any page of his despatches; nor, when we examine in detail the reports supplied him from the heads of departments, do we find that wholesale desertion we had been prepared to shudder over. It is true that an augmentation of 50 per cent. was ordered on all salaries not exceeding 250*l.*, and that salaries of 250*l.* and of 350*l.* were advanced respectively to 350*l.* and 500*l.* Some considerable increase was, in fact, unavoidable from the rise in price of necessaries. The only departments which seem seriously to have suffered are those of the police and the harbour-master. Governments, like private individuals, must expect to pay for labour what it is worth. These discoveries altered the conditions of society. Those on the lowest rounds of the ladder suddenly found themselves at the top of it.* Able-bodied men became the most valued members of the community. It is contrary to all our notions that a policeman or a scavenger should be entitled to as high wages as a government

clerk. Not often can the rude labour of the nervous arm assert equality with the skilled hand or trained head. Mr. Latrobe found it difficult to accommodate himself to the change; and there was some reason in the complaint of the Victorians, who found themselves destitute of efficient protection, while a stream of gold produced by their labour was flooding the treasury. The large sums returned by the licensing system could hardly have been turned to better account than by hiring labour at what it was worth to preserve order, to collect the government dues, and to form roads through districts suddenly thronged with traffic. A liberal outlay for these purposes would perhaps have been true economy, as from the insufficiency of the government staff thousands of diggers evaded payment of the licence fee, and thus set a bad example by showing how easily the official regulations might be defied. The last accounts—among others the shrewd pages of Dr. Shaw—represent matters as mending. The police force has been strengthened; men are not difficult to be procured when due wages are offered; the constables receive 5*s.* 9*d.* per day and their rations; and a commencement has been made in the very necessary work of forming roads to the chief gold-fields, as it was feared that necessaries might rise to famine prices from the old paths being cut up in the winter months. As it is, an instance is recorded of the rate of carriage from Alexander to Melbourne being as high as 90*l.* per ton.

The increase in the Victoria revenue is without parallel. The licences alone in the last quarter of 1851 yielded 25,481*l.*, and in the first quarter of 1852 the amount rose to 48,597*l.*, a much larger sum than was produced by the whole general revenue in the corresponding quarter of the previous year. The chief items in these returns mark more plainly than any description could do the influence which the diggings have already exercised over the fortunes of the colony. The general revenue from customs, postage, &c., which in the last quarter of 1850 was 31,330*l.*, rose in the last quarter of 1851 to 42,041*l.*, and in the first three months of 1852 to 75,272*l.*! The crown revenue from the sale of lands, licences, &c., which was 37,008*l.* in the last quarter of 1850, increased to 102,307*l.* in the last quarter of 1851, and to 156,827*l.* in the first quarter of 1852. The total revenue of the first three months of 1851 was 49,118*l.*, and of the corresponding period in 1852, 232,099*l.*! At this rate Victoria, our youngest child in Australia, has a revenue about equal to the kingdom of Saxony. We must imagine our Chancellor of the Exchequer to be in possession of

* One stockmaster whose hands had deserted him went to the diggings to induce them to return to shear his flocks, and made up his mind to submit to their own terms. 'Well, master,' said the fellows, after a consultation, 'we'll return and do the job, provided'—'Yes,' interrupted the master, joyfully, 'I agree,'—'provided we have the wool.' As he was turning away they offered him 15*s.* a day to stay and be their cook. A Melbourne paper of May last has the following paragraph:—'How ARE THE MIGHTY FALLEN!—A member of the Legislative Council of Victoria was seen a few days ago retailing apples at the diggings. Another gentleman, well-known in South Australia as an old colonist, hospitable country gentleman, and M. L. C., is now wending his way on foot to the same centre of attraction, his outer man clad in a blue shirt, and carrying a heavy *swag*.' The 'ladies' of the diggers flaunt through the streets in the richest silks and satins the stores can furnish, while some of their lords in their holiday excursions scorn to drink anything but champagne.

some fifty millions per quarter, when he had only reckoned on the customary thirteen, to appreciate the fortunate state of the Victoria treasury, or to understand those complaints of Mr. Latrobe's inertness and of the insufficiency of the police-force which such outrages as the robbery of the Nelson treasure-ship call forth from the colonists.*

A rise in the price of provisions was to be expected:—it, however, has not been of so alarming a nature as might be anticipated from Mr. Latrobe's language. The government contracts for 1852, as compared with 1851, show a rise in bread from $1\frac{1}{4}d.$ to $2\frac{1}{4}d.$ per lb.; fresh beef from $1\frac{1}{4}d.$ to $2d.$; tea $1s. 1d.$ to $1s. 4d.$; sugar $2\frac{1}{4}d.$ to $2\frac{3}{4}d.$; brandy $15s.$ to $17s.$, &c. The latest reports of the Melbourne markets quote good bullocks at $3l. 5s.$ to $4l.$ each—sheep $8s.$ to $10s.$; fine flour $25s.$ per cwt. These are certainly not famine prices. The charges of retailers have, of course, risen more considerably, but will soon fall as supplies are brought from other ports. By the enhanced price of all manufactured articles, a field is opened for the industry of the mother country, which, it is obvious, will not be neglected.†

* The governors of the sister colonies manage to be on better terms with the people. Sir Charles Fitzroy recently paid a visit to the Turon diggings, and was rapturously received. Upwards of a hundred diggers in their usual costume, met him at dinner at Captain Broomfield's. In responding to the hearty cheers which greeted his health, we learn 'his Excellency said he could perceive that many a warm and friendly heart towards him was beating under the red shirt of the digger. He further alluded to the admirable obedience and respect to the laws which had been shown by this community under such exciting circumstances, and finally sat down amidst a tremendous burst of applause.' Sir F. Young is not less popular in South Australia. The establishment of a mail between Adelaide and Mount Alexander is a sign of the excellent spirit of his government. Some of Mr. Latrobe's regulations appear unnecessarily stringent, as, for instance, that the escort shall take no parcels of gold of less than a pound weight.

† At the late Sheffield Cutlers' Feast this point was effectively noticed by Lord E. Howard:—'At the present time, when no man, not even the most intelligent—when neither the hardworking merchant nor the greatest financial authority could tell what was likely to be the result, or even the probable extent, of the gold discoveries, that wonderful phenomenon that had recently occurred in the world—when in search of that metal our most distant colonies were becoming thickly peopled—it was impossible to doubt that the tendency of events was to open large markets for the commerce of this country; and he was quite sure that Sheffield would not be behind in her commercial relations with those new communities, and that a market for her wares would be found wherever the British name or even the foot of man had penetrated.' Other speakers dwelt on the improved state of the town. One said that six years ago there were in that borough some thousands of unoccupied houses—now they were at a premium; and Mr. Denison asserted that the other towns of the West Riding were more prosperous than had been

We fear Mr. Latrobe is not to be taken as a safe authority on the general earnings of the diggers. His imagination is in a ferment on this as on other points. As a proof of 'the wonderfully great yield,' he mentions that a pound weight of gold a day is a moderate remuneration for a party; that there are instances of as 'much as fifty being the result of a few hours' labour; and that 'many parties within a very limited period have secured forty, fifty, and even seventy pounds weight.' Among the payments of gold brought down by Government escort he instances the following:—

'Eddy and Gill (five in company) 3008 ounces raised in seven weeks.

'D'Arcy (four in company) 2222 ounces in eight weeks.'

This would give nearly 2000*l.* to each man—a product so great as to suggest a doubt whether the whole was actually raised by the individuals who claimed it. We are not without data for a tolerably correct average. Taking the actual amount shipped from Melbourne to the end of March last, and allowing for the quantity supposed to be at the diggings and waiting shipment, it would appear that about 700,000 ounces had been raised in Victoria. At $3l.$ per ounce this would be worth 2,100,000*l.* The licences issued up to the same date were 49,386. Dividing the gold by this number, we get 42*l.* 10*s.* as the average monthly earnings of each licensed digger, but as a great number of persons evaded payment of the licence-fee, the real earnings of the diggers must have been considerably less. In New South Wales the government regulations were more strictly enforced. The amount raised there to the end of March may be taken at 320,000 ounces, and the value at 960,000*l.* The licences issued were 30,781, and by the same rule these figures give 31*l.* 3*s.* as the monthly average, which is probably very near the truth, the most intelligent of the Commissioners commonly speaking of 1*l.* per day as the diggers' earnings.

At Adelaide this golden news had not only the effect of drawing away the bulk of the labouring population, but of draining the colony of money to purchase the gold, which offered by far the most profitable and certain investment that could be found. While

previously known; that they were accumulating wealth more rapidly; and that comfort and sanitary improvement were increasing in an equal ratio. The accounts from other manufacturing districts are similar; at Manchester 'every spindle and every loom is in full employ;' yet, according to some economists, the gold discoveries have had no effect in producing this gratifying change.

Governor Latrobe lugubriously feared that the discovery would prove 'anything but a blessing,' and regarded with a troubled mind the efforts of 'the disreputable or unthinking agitators of the day,' and 'the language and demeanour of many portions of the press,' to whose comments his Excellency seems to have been needlessly sensitive, Governor Young in the sister colony deplored the stagnation of business and the absence of that stimulus which made Victoria so bustling. One required that 'a regiment at least' should be stationed at Melbourne to preserve order; while the other offered a reward of 1000*l.* for the discovery of gold in South Australia, and made every preparation for thankfully receiving the bright stream, even to the issue of proclamations and the preparation of forms of licence, whenever its sources should be opened. So eager was the expectation of the colonists, that some clever hands—as they would be styled on the other side the Atlantic—attempted to secure the reward by stratagem. They took the commissioners to some creeks in the Mount Lofty ranges, and washing the black alluvial soil, produced from it four small pieces of gold. 'Every portion that was washed, whether taken from the banks of the stream, or a few yards distant from it, yielded a small piece of gold. Altogether 14 grains were obtained.' A government notice, stating the fact, was immediately put forth, and the deputy-surveyor was directed immediately to proceed to the spot, and 'cause plots of ground to be measured off' and licences to be issued according 'to the terms already published.' But—for the prudence of the Government we are happy to say—the notification contained a warning that the quantity of gold yet found did not exceed *two shillings in value*. A considerable number soon gathered, and commenced digging and washing with great eagerness; but neither by them nor by the careful researches of the commissioners was a trace of gold found; and these last could come to no other conclusion than that the gold which had been produced in their presence 'was not a natural deposit of the soil from which it was then taken.' Up to the latest date it does not appear that any gold has been discovered in South Australia, though the geological formation of the country about Adelaide is said to be highly promising.

One of Sir F. Young's measures has excited much controversy. To attract capital to Adelaide he established—as we understand—an office for assaying and stamping bars of gold, directing that it should be a legal tender at 71*s.* per ounce, and that the

banks should issue notes at that rate on gold deposited with them. The immediate effects of this measure were beneficial. It brought a considerable amount of treasure into the colony, restored the circulation, and stimulated the land-sales and the general course of trade. As the gold is intrinsically worth a higher price, it may be held that there can be no permanent loss. But it is difficult to understand how that policy can be good which artificially enhances the value of gold in one government of Australia, while it is left to find its own value in others; or how the banks can avoid inconvenience, as notes are issued in Adelaide on gold at 71*s.* per ounce, while in Melbourne and Sydney the rates are respectively 63*s.* and 64*s.* Though the principle of the measure be sound, no attempt should have been made to carry it out, we think, unless in concert with the other governments.

For the convenience of the colonists it has been suggested that a mint should be set up in Australia; and on this subject Mr. Watherston's tract, as well as the Blue-book correspondence, deserves to be well considered. It would be contrary to all experience to expect that the same perfection could at once be achieved in a new establishment that it has cost our mint centuries to attain; and the reputation of our coin, standing so deservedly high all over the world, might seriously suffer from unavoidable inaccuracy in that portion of it which issued from Australia; while, against the issue of a distinct colonial coinage, there are weighty, and, as we think, decisive objections, though, of the two evils, we should esteem that the least. Assay offices might, however, safely be established in the capitals of the Australian colonies, and at a very trifling expense. All that our mint purports to do, in theory at least, is to return the gold sent to it divided into pieces of a certain weight and fineness. Supposing that colonial assay-offices formed the gold they received into bars of not less than a pound or half a pound, and stamped each with its true weight and quality, they would perform, in a manner sufficiently exact for colonial uses, what our mint does for the general coinage of the empire. The gold thus stamped might be made a legal tender, and form the basis of an Australian currency, at such a rate per ounce as would fairly cover the charges of its transmission to England.*

* Australia will soon be abundantly supplied with coin. 'The shipments on freight (says the *Times* of Sept. 13) are understood to amount to about 2,000,000*l.*, and estimating the additional sum taken out by emigrants, it is probable that the value of the total quantity exported equals that of the gold re-

The gold-fields discovered thus far stretch in a south-westerly direction from the Moreton district to Ballarat, a distance exceeding one thousand miles: the line is everywhere marked by mountain ranges, from which innumerable streams flow into the principal rivers. Gold is also said to have been found in Van Diemen's Land, though the produce has not yet been sufficient for any judgment to be formed of the value of the discovery. It is to be recollected that that search for gold which has been diligently maintained in the Old World since the first period of recorded history, and which has in the aggregate produced an amount of treasure beyond all calculation, has scarcely yet commenced in Australia. The extent and richness of the deposits found in the first year of inquiry can be regarded as but specimens of the wealth which lies yet unexplored in her virgin soil.

The encouragement which these discoveries will certainly give to emigration from England is a very important point. It is more than half a century since an amiable and ingenious man tormented himself and his readers by speculations on the miseries which would, according to all probability, overwhelm civilized countries from a superabundance of population. We do not remember whether any date was fixed on for the commencement of the calamity among ourselves; but as it was laid down as a first principle that no increased production of food could possibly keep pace with the increase of population, the danger became more imminent year by year. Since the issue of Mr. Malthus's Essay our population has doubled in number, and yet we are in this year (1852) likely to experience a scarcity of hands for the work set before us, as a great empire, to accomplish. What a comment does this fact supply on those daring theories, which go to the length of questioning the wisdom and goodness of the Almighty Creator and Governor of the Universe!

From all our colonies on the Southern Ocean the cry is for more people. We can send them nothing they value so highly as labour. The settlers, without exception, see their way to new enterprises and greater profits, if they had but more hands to help them. In New South Wales the Legislature passed an address, urging the continuance of immigration, and voted a sum of 100,000*l.* for the purpose, to be raised by loan on the land revenue. 'A deputation

of gentlemen interested in New South Wales,' say the Colonial Emigration Officers, 'have already waited on us to press for its immediate expenditure.' 'Never,' says a Sydney paper of 1st May last, 'was labour so difficult to procure as it is at the present time, nor do we believe that wages, taking all classes of operatives together, were ever so high.' In Moreton Bay labour is so needed that the people pray for a separation from New South Wales that they may be supplied with convicts. From Victoria 113,000*l.* has been sent over by Governor Latrobe, to be spent in immigration for the present year; and he writes that 'several gentlemen possessing property and influence have urged, that, if emigrants could not otherwise be obtained, *paupers should be obtained from the union workhouses, and foreigners from the continent of Europe.*' Sir F. Young, from South Australia, states the general wish, 'that the stream of emigration at the expense of the land-fund should continue to flow into the colony as heretofore.' Sir W. Denison, from Van Diemen's Land, presses that convicts may be sent out on probation, and that the whole 30,000*l.* voted by Parliament for emigration purposes may be spent in providing passages for labouring men and their families to that colony.

There were two obstacles in the way of these suggestions—first, the difficulty of procuring desirable emigrants. To remove this, the Commissioners have twice lowered their scale of deposits, which now stands at 2*l.* and 3*l.* a head for agricultural labourers, 1*l.* for women and married men, and 10*s.* for children. The age for the minimum rate of deposit has been advanced from forty to forty-five, and families with not more than four children under twelve are admitted to a free passage. The deposit for certain classes of artisans and mechanics and their wives has been reduced from 5*l.* to 2*l.* each. Special missions were sent to localities where it seemed likely that emigrants might be obtained: one, for example, to the isle of Skye and another to the north of Ireland. As the result in great part, no doubt, of these 'stimulating' measures, the Commissioners have now on their books the names of some thousands more than it will be possible to provide with a passage.—The scarcity of shipping presents a second and a more serious obstacle. The freight paid by the Commissioners in past years to the various ports of Australia was from 13*l.* to 15*l.* per head; this year the contract price has risen to 17*l.* 19*s.* per adult for Geelong, and 18*l.* 19*s.* for Portland Bay. The emigration to Australia was—

ceived.' The diggers must be largely benefited by these shipments of coin, as the gold, which in London would realize 4*l.* per ounce, has not always brought them 3*l.*

	In 1850.		In 1851.	
	Ships.	Emigrants.	Ships.	Emigrants.
New South Wales	3	725	3	794
Victoria	2	538	3	1040
South Australia	5	1200	8	2100
	10	2463	14	3934

In the first six months of 1852 the numbers were—

	Ships.	Emigrants.
New South Wales,	6	1791
Victoria	19	7253
South Australia	10	2901
	35	11,945

For the later months of the year the Commissioners proposed, if possible, to despatch ten or twelve ships a month.—Yet even this emigration will probably be insignificant compared with that effected by private effort. A glance at the daily advertisements excites amazement at the sudden extension of our commerce in that direction. From fifty to sixty first-class ships, varying from 500 to 2200 tons, leave the ports of Liverpool and London each month. Steamers of magnificent dimensions are pressed into the service, and new ones, better adapted to the length of voyage, are on the stocks. The Great Britain, of 3500 tons, sailed at the close of August, with between 600 and 700 passengers. It is computed that during the summer the emigration to Australia has been at the rate of 20,000 persons monthly.

During the last five years the emigration from the United Kingdom has averaged 284,534 persons a year, and 'it now,' say the Commissioners, 'exceeds the highest estimate of the annual increase of the population.' In the second quarter of this year there were abstracted from us—

By death	100,813
By emigration	125,112
	225,925

The births amounted to 159,136, showing a decrease in the population for three months of 66,789 souls! Previous to 1847 the largest number who emigrated in one year was 129,851 in 1846; last year the number was 335,966, and it appears likely that this year it will be still greater. In last August 61 emigration ships sailed from Liverpool, having on board 21,907 persons. The number in the corresponding month of 1851 was only 16,714. The amount of money sent over by the emigrants who had established themselves in other lands, to assist the emigration of their friends, amounted in 1851 to 990,000*l*. It is observed by the Commissioners that those who depart, include a large proportion of the youngest, the healthiest, and most energetic of the adult population,

on which the excess of births over deaths mainly depends. In the case of Ireland we watch such an operation without regret; for it opens the fairest prospect of relief from the long-rooted evil of a pauper peasantry. But in England we have no surplus of that class from which the Commissioners pick their emigrants—men in the prime of life, of steady industry, and good character. Some apprehensions are not unreasonably expressed that we shall soon feel the need—if the need is not felt already—of those artisans and labourers whom we are using unnecessary efforts to send from our shores.* Emigrants of another class we could better spare. We have amongst us a superfluity of ingenious and educated men. In Australia many such might, no doubt, find some occupation better suited to their adventurous disposition than any they can innocently pursue at home—and perhaps succeed in scrambling their way to fortune.

It must be confessed, however, that *gold-digging* is no child's play. 'The whole is an operation of great labour and uncertainty,' writes one Sydney official; 'it is hard work compared with shepherding or but-keeping, but it is not hard work to able men,' reports another. A Bathurst paper informs us that at the Turon 'the labour is extremely heavy, and the works of an extraordinary character; many parties have dug from twenty-four to thirty feet deep, and some of them are *actually tunnelling under the bed of the river*.' Again, from Major's Creek, 'the labour is immense, the depth of the holes would be pronounced by Dominie Sampson prodigious, and the constant exertion required in pumping, draining, &c., calls into exercise the patience and perseverance of the most industrious.' At one spot we hear of *two* men sinking a shaft 130 feet deep. The general report of the diggers is, that they have 'a squalid unhealthy appearance, from exposure, privation, and dust, sore eyes being universally prevalent.' We therefore recommend those persons here, who, seduced by Mr. Latrobe's despatches, and by the visions of Sofala and Mount Alexander, are on the point of throwing up good situations and of engaging first-class berths for Sydney or Port Philip, to try a little amateur digging in their suburban gardens just to see how they relish the work. Let them mark off a surface of 12 feet by 20, and dig it 30 feet deep. Then let them convey the earth round their bounds a suffi-

*The *Times* (Sept. 25) comforts us by the assurance that, in case of need for labour whether agricultural or manufacturing here, we may count on ready supplies from Denmark, Belgium, Germany—and Normandy! What a pity it is Malthus is gone!

cient number of times to represent the miles that must often be traversed to get at water, and afterwards carefully wash it. Or, if they have no fancy for dry diggings, let them turn the pipe of the New River Company which supplies their premises, into their partially excavated 'claim,' till the water rises to the height of their chin, and then dig, and pump, and bale until they have got to the required depth. Let them retire from their labour at night to sleep on the ground under shelter of a canvas tent; and—if they find this way of spending their autumn holidays more agreeable than a ramble through Switzerland or a sojourn on our own coast—if, moreover, they do not mind either ugly language and ruffianly threats or ague and ophthalmia—then they may depart and take their chance of earning 20*l.* or 30*l.* a-month by the drudgery of a *navie*.

There are exceptions to all rules—and just as in our late battles under Lord Hardinge it did not escape observation that the most daring of the *private* dragoons were often English *Gentlemen* of fallen fortune—several of whom in fact had once held commissions in Her Majesty's army—so among the diggers, in spite of their red shirts, Dr. Shaw's eye at once detected a not inconsiderable sprinkling of 'Aristocrats;' but, in spite of everything, as a rule, the rough work must be done by the horny hands. Whatever effect it may have on their condition, to them belongs the toil and the profit. The mere superficial diggings are rarely of much value. One experimenter says:—

'On the third morning we commenced on a bed of red marl, which we found more difficult to work than stone; from its close and compact texture, it turned the points of the picks so as to render it necessary to have them repointed and sharpened every hour. My hands soon blistered to such a degree, that the blood oozed from them down the handles of the tools. Notwithstanding the great exertions made by every one of the party, some days elapsed before we got through the stratum of red marl; and on testing it in the usual manner not a grain of gold was obtained. When we got through the red marl, we expected that our labour would be comparatively light to what it had been, but we were sadly disappointed. On commencing work, we found that the yellow marl was much harder than the red, and resembled cement. We could only chip small pieces about the size of a crown-piece, in addition to which it was intermixed with large pieces of quartz we had to break before it could be thrown out; the jar of the tools was most distressing to the hands. After a week's hard work we got through this formation.'—*Hall's Practical Experience*, pp. 25-7.

After all only three or four ounces were got from this hole, and another had to be

sunk with equal labour. On the seventh day the blue clay was reached, and gold to the value of 415*l.* obtained in a few hours. Fortunate claims are frequently sold over and over again, the product becoming richer as the depth increases. In California, Mr. Coke relates,—

'Three Englishmen bought a claim, 300 feet by 100 feet, for 1400 dollars. It had been twice before bought and sold for considerable sums, each party who sold it supposing it to be nearly exhausted. In three weeks the Englishmen paid their 1400 dollars, and cleared 13 dollars a day besides for their trouble. This claim, which is not an unusually rich one, though perhaps it has been more successfully worked, has produced in 18 months over 20,000 dollars.'

In Australia the like trafficking in claims is common, but, from the depth to which they are carried, they are to be considered rather as small mines than mere surface diggings.

It would be vain, as we have already said, to attempt any calculation of the ultimate proceeds from discoveries so recent. Up to the first week in June last it is certain, from the actual exports, that the total gold raised in *Australia* must have amounted to about 4 000,000*l.* in value—and the produce was still increasing. For the last week in May the government escort started from Alexander with 37,000 ounces, but, finding the load too heavy, left 6,000 ounces behind. We have seen that the deposits first discovered were deserted, not from any failure of production, but from richer fields being found. They remain to reward later comers; and as other tracts are explored, new treasures, we doubt not, will be revealed. The number of diggers at present, judging from the licences issued, can hardly reach 20,000; at what rate will production proceed when emigrants from England, from China, from California, flow into the ports of Sydney and Melbourne? It seems moderate to assume that 50,000 labourers will be scattered over the various Australian gold-fields before the end of this year; and, taking their earnings at—(what is for the moment below the mark)—20*l.* per month—we have a yield equal to 12,000,000*l.* yearly.

The total produce of California up to the 10th of January, is stated by Mr. Scheer at about 62,000,000*l.*; but his figures, taken from a gold circular published at San Francisco, must be much too high. From 35,000,000*l.* to 40,000,000*l.* would probably be nearer the mark. The careful inquiries of Mr. Birkmyre, whose tables appeared in the *Times* of May 21, give 17,339,544*l.* as the amount raised last year; he adds—

'It is confidently expected by the Americans that the recent discoveries of very rich deposits in various districts will raise the exports for 1852 to 21,041,660*l*. This, moreover, is a very moderate allowance, as the exports alone in the first three months are known to have amounted to 3,900,000 dollars more than those of the three corresponding months of 1851.'

The main fact here is the continuous increase in the rate of production.* The diggers now carry forward their works on a larger scale. One of the finest pieces of gold yet raised, weighing 26 lbs., was found 60 feet below the surface. Canals are being constructed to carry water to rich grounds, and further discoveries are announced.

'An English company had purchased the Mount Ophir vein, and were about to erect new and extensive machinery upon it. The miners at Carson's Creek, Angels, and San Andreas, were averaging 12 dollars per day. New and valuable diggings had been discovered at Soldiers' Gulch, Calaveras County; and exceedingly rich cayotte diggings on the middle fork of the Yuba; shafts had been sunk to the depth of 30 feet, and as much as 115 dollars had been taken out of a single panful of the dirt. The Bay State Company, at the Marmaduke-hill diggings, were cutting a tunnel of 500 feet in length through the solid quartz rock.'—*Times*, August 30, 1852.

From the day when Captain Sutter set his Indians to work, the amount raised in California has been advancing almost month by month.

With the rapid development of these new fields of supply there appears no reason to apprehend any failure from older sources. The yield of Russia in 1851 is calculated in Erman's Archives at more than 60,000 lbs. Troy. This may have been exceeded in former years, but as it has advanced from about 13,000 lbs. in 1828 (according to Humboldt's estimate), and as it is likely, from the heavy duties levied by the Russian government on the produce of private mines, that a much less quantity is exported than is actually raised, there is no ground for supposing that the average of some years past is materially declining.

The produce of gold from California and Australia must therefore be regarded as a clear addition to the treasure of the world. Sir Robert Peel wrote to Murchison in March 1850:—

* Official Report of Deposits of Gold from California at the various United States' Mints in 1848 44,177 dollars.
Ditto, 1849 6,147,509 "
Ditto, 1850 36,074,062 "
Ditto, 1851 55,938,232 "

—*Hussey and Co's Circular*, San Francisco, July 30, 1852.

'On the 6th May, 1844, in bringing in the Bank Charter, I adverted to the rapid increase of the annual supply of gold from mines within the dominions of Russia, and recommended those who wished for a diminution in the standard of value to benefit the debtor, to consider whether their objects might not be effected by natural causes—the decreasing relative value of gold in consequence of more abundant supply—without the aid of legislative intervention.'

The like argument was used by Sir Robert when he introduced his new tariff in 1845. He endeavoured to show, by the rise in the market price of commodities, that the purchasing power of the sovereign was diminishing, and that a relaxation of our import duties was justifiable on that ground. He adds, in his letter to Murchison—

'Your arguments are powerful to show that there is no probability (risk, I should say) of precipitate and violent disturbance. It takes a long time and a great disproportion in the amount of supply, to affect the relative value, throughout the world, of two such articles as gold and silver. The united influence of Siberia and California will, however, I think, justify my inference of 1844 that there is a tendency towards diminished value on the part of the gold. An extraordinary increase in the supply of both gold and silver might concurrently take place, not affecting their relative value between each other, but affecting the price of all other commodities, estimated with reference to the precious metals, and the interests of debtor and creditor.'

The views of Peel on this subject are to be taken with reserve. He was nervously and unduly anxious to maintain at what he considered its due height the purchasing power of the pound; and it is probable that in 1844–5 he mistook an advance in prices, from local and adventitious circumstances, for a depreciation in the value of precious metals. But, at all events, he is a good authority to show that, previous to the discovery in California, there was no tendency from scarcity of gold or failure of supply to appreciation in its relative value. The amount then produced was sufficient to maintain a moderately high range of prices. We do not, however, find sufficient data for determining what that amount actually was. Mr. Birkmyre supposes that in 1846 there was raised from—

North and South America	£1,301,500
Russia	3,414,427
Austria	282,750
Piedmont, Spain, and Northern Germany	20,696
Africa	203,900
Borneo	305,900
Ava, Malacca, and other countries	317,519
	£5,846,752

This *total* is exclusive of China and Japan ;—but even so we think it must be understated, as it would scarcely appear sufficient to cover the consumption of gold in arts and manufactures, its loss by wear of coinage, and its disappearance from the various accidents of life. But though we raise the amount as high as eight or ten millions in value, that quantity will probably be exceeded threefold by the recent discoveries.

There are eminent men both in science and in the City who reason that this enormous increase will have very little practical effect; that the mass of property in the world is too vast, and the operations of trade too extensive, and too much carried on by mere instruments of exchange having no intrinsic value, to be affected by the production of some extra millions, whether they be numbered by tens or hundreds; and that it is probable the supplies will fail before the value of the metal can be depreciated to any sensible extent. In stating the 'opposing forces,' Mr. Scheer appears to rely most on the enormous value of the productive property of the civilized world, which he rudely estimates at 28,780 millions; and his arguments lead us to infer—though we do not know that the conclusion is expressly stated—that the increased quantity of gold produced can only affect other property in the ratio that one amount bears to another. For instance, if we suppose the stock of gold within a limited term to be increased by 100 millions sterling, then as 100 millions are to 28,000, so will be the influence on prices by the increased supply. But a little consideration will show that this reasoning is fundamentally erroneous. In showing how small a part is borne by the precious metals in the shape of coined money in the larger operations of commerce, he says—

'They may be found to be only *measures of value*, without giving value, and we may not perhaps be far wrong in looking upon them much in the light in which we regard other measures—the pound, for instance, and the bushel; the greater or less number of which in use would not alter the weight or bulk of the commodities to be weighed or measured.'

The leading idea here is so well expressed that we wonder the author did not perceive the right deduction from it. The quantity of gold contained in a sovereign is strictly a measure—the same as a yard, a pound weight, or a bushel—and there is nothing in the mere multiplication of these measures to affect the value of the commodities they mete—so long as *their capacities remain the same*. But if the capacities of any of these

measures be altered, then the value of the commodities will be proportionably altered, though the measures retain their former denominations.—Supposing it to be enacted that the bushel should contain twelve gallons instead of eight, it is not to be doubted that, if wheat were before 5s. the bushel, it would rise to 7s. 6d. If, on the contrary, the bushel were reduced from eight gallons to six, wheat would fall from 5s. to 3s. 9d. If, again, it were enacted that the sovereign should contain only three-fourths of its present amount of gold, is it not equally sure that the sovereign—after perhaps some interval of plausible talk and anxious experiment—would, instead of buying four bushels, buy only three?

Here, to some extent, the analogy ceases. The value of the sovereign may be diminished in other ways than by diminution or increase of quantity, which the bushel or the yard measure cannot be. The sovereign which will purchase two cwt. of flour here, will not purchase one at San Francisco. Practically, its purchasing power is equally reduced by depreciation in the value of gold from increased supply, as by a reduction of the quantity contained in it.

To a 'disturbed confidence, not a contracted currency'—the phrase is Mr. Johnson's—Mr. Scheer—whom we take to be a disciple of Mr. Tooke's—would ascribe those panics of which our commercial history of late years has presented so many sad examples. He supposes that as cheques, bills of exchange, &c., suffice to carry on the bulk of commercial transactions,

'those masses of *money tokens* must exert their peculiar influences on matters of traffic, and have their share in the prices of commodities.'

He does not attempt to show how slips of paper 'intrinsically worth nothing' can have the influence he ascribes to them—but we can perceive a plausible and in degree a satisfactory solution of the difficulty. These securities are to a great extent the instruments by which commodities are exchanged, and therefore they may decide the relative value of commodities, without more than nominal reference to their money value. They may in foreign trade, for example, serve to exchange—not by a direct but by a circuitous operation—cotton for tea and iron for tobacco. In home trade the same action may take place on a smaller scale, and through more numerous ramifications; and in this way it is intelligible that commodities according to their scarcity or abundance, or their cost of production, may adjust their relative value one to the other, without much use of the circulating medium,

But their price in pounds and shillings—that is, their denominational as distinct from their real value—their relation to gold and silver apart from their relation to other commodities—must have direct reference to the greater or less facility with which the precious metals can be collected, and to the stock of them which exists in the world.

Seeing, as Mr. Scheer does, that gold is a measure of value, we wonder that he should lay so much stress on the amount of commodities or property to be measured by it. The number of bushels of wheat in a granary must vary according to the capacity of that measure which we call a bushel, as the number of ounces in a bar of silver according as we use avoirdupois or troy weight; but the quantity of wheat, be it one quarter or a million of quarters, or of silver, be it ten ounces or a thousand, will have no influence on the capacity of the measure or weight. Nor, considered purely as a measure, can the value of the pound sterling be affected by any increase in the amount of the commodities to be measured; but we have already stated in what respect it differs from other measures—i.e., that its capacity varies with the increase or diminution of gold, and by consequence with the amount of that vast mass of property to which it bears a relative value. If the stock of gold in the world remained the same while goods or property increased twenty per cent., the value of the metal would become appreciated by the disturbance of the relative proportions; that is, supposing there were no economising contrivances of banking, by which the balance was in degree restored. The rule, then, for determining the capacity of gold as a measure of value, is, not to say:—as 100 millions of gold increase is to 28,000 millions of property existing, so will be the rate of advance in prices;—but as the stock of gold in the world (say 300 millions) is to the amount of existing property (say 28,000 millions) so will be the advance in the nominal value of that property by an addition of 100 millions to the stock of gold.

When Mr. Scheer tells us that 'the precious metals are but a small and indefinite part of the great mass of circulating medium,' the obvious answer is that they are its entire foundation; and when he speaks of the use or waste of gold and silver as perpetually abstracting from the superfluity and tending to preserve the purchasing power of the remainder, it may be replied that this loss on the increased supply can amount only to a small percentage, leaving the remainder a clear addition to the existing stock.

It may be argued that with greater abundance of the precious metals there will be a greater proportion abstracted for use in arts; but it does not appear that this greater use is likely to arise until that action takes place which Mr. Scheer supposes will not occur—viz., a decline in their relative value. We extract a pleasing passage from his Appendix:—

'The progress of civilization discloses mankind under new and unexpected aspects. Rightly considered, it would appear that all men might produce—and vast numbers do produce—a great deal more than they consume; hence the vast accumulation of property. Mutual assistance, designedly given in private or public enterprises, or unconsciously, as in large cities or communities, further enlarges the powers of production. Consumption, on the other hand, proceeds on different principles. No one can eat more than one dinner in a day, nor wear out more than two or three suits in a year. Beyond that, expenditure implies the maintenance of others. . . . An African petty sovereign will have his thousands of attendants, his harem of five thousand black beauties, his herds of slaves, executioners, and the like, deemed necessary to his regal state. In wasteful expenditure he outstrips the sovereigns of more civilized nations. The wealth and influence of the latter are used for better purposes, and progressively more so. Men of station and rank now lead the way in useful enterprises. They have greater satisfaction, we may suppose, in erecting a bridge, or constructing a railway, than in building a palace. Such is pre-eminently the case in England. Thus we might say, that whilst production leads towards constant extension, consumption diverges in the opposite direction of curtailment.'—Scheer, p. 38.

Applying this to the consumption of gold, it seems likely that the tendency of the age is towards economy, rather than extravagance in its use. In former times a wealthy noble might be ambitious to possess a service of gold, to dazzle his guests withal; but the same character now would perceive gilding to be equally showy, and would hardly care to keep under lock and key an amount of treasure sufficient to permanently improve his estates, and add a considerable sum to his yearly revenue. The exceptions are rare and ridiculed.

His calculation is that, according to the increased production of gold in 1700–1800 over 1600–1700, the present century should have a supply of 1908 millions sterling. But as only 445 millions have yet been furnished, he assumes that there is—

'a balance due of 1463 millions, which, spread over forty-nine years, would make an annual sum of thirty millions necessary that this century may be closed in respect to the precious metals analogous to the last. But considering

the accelerating rapidity of increase in the population, an additional two-thirds, in round numbers fifty millions per annum, will in reality do no more than preserve the equilibrium. As 800 did not in the last, so 2800 millions would, probably, not in the present century disturb the range of prices.'

The reasoning here is palpably defective; for, to prove that the 2353 millions assumed to be due to the last half of this century would do no more than preserve the equilibrium of prices, Mr. Scheer was bound to show that the 445 millions received on the first half of this century failed to preserve the equilibrium. Peel, as we have seen, held that, with the limited amount of gold received up to 1844, there was a tendency to depreciation in its value. Mr. Scheer has entirely overlooked that economising tendency of our time in the case of the precious metals—and of gold particularly—which he has himself so well shown to take place in the general commerce of life. It is that economy which has enabled this century to do with a much smaller quantity of gold than might have been thought necessary.—Mr. Scheer seems to be aware that facts are against him:—

'We must not form our judgment on the experiences of former times.... Even if precedent were to be our guide, the records of former times are obscure; their correctness and the inferences drawn from them may be fairly questioned, and analogy is not to be trusted when in our days very anomalous fluctuations of prices have run counter to popular opinion or theoretical deductions.'

The fact that prices have greatly and universally advanced since the discovery of America is notorious, and it is difficult to see what other explanation can be given of it than the increased supply of the precious metals. Mr. Scheer makes no attempt to show how they can be excepted from the rule which regulates the value of all other commodities. What, in effect, can become of the increased supplies, unless greater facility is afforded to their possession by diminished value? It is the interest of no one to hoard them. They become productive only by use, and, as with all other articles, they can be brought into more general use only by being made cheaper. Assuming that their increase will be more rapid than that of other great products of the earth, whether used for food or for manufactures, it seems very conceivable that their value will decline, notwithstanding a tendency to the cheaper production of those commodities with which they are compared.

That the first symptom of their depreci-

ation, a general rise in prices, would have the effect of stimulating production, cannot be questioned. But it would very soon be seen that that rise was in great part delusive. It would be met by higher rates of labour, higher prices of all the great staples of agriculture and commerce, and higher cost of living. Though commodities, from the wholesome stimulus of superior activity, would be relatively cheaper, they might be nominally dearer; and that anomaly, which has often puzzled mankind, would be presented of greater abundance combined with rising rates.

The absorbing power of the great banks of the world is sufficient in ordinary times to preserve the equability of the precious metals, and to prevent those variations in their value which would otherwise probably take place with the occasional influx of treasure or fluctuation in the exchanges. But there must be a point at which this power of absorption ceases, and that point it seems likely is not far from being attained. If we inquire what has become of the increased supplies since the Californian discoveries, we find the stock of bullion in certain banks rising as follows:—

	1848.	1852.	Increase.
Bank of France . .	£3,534,165	£24,025,112	£20,490,947
Bank of England .	12,826,108	1,926,127	9,100,019
Banks of New York .	1,404,125	2,029,448	625,323
	£17,764,398	£27,980,687	£10,216,289

If we suppose that the other banks of the world have increased their stock of bullion in anything like the same proportion, it is easy to understand where the produce of California has gone to, and how it is, that being in great measure locked up, the circulating medium of the world has expanded so little, and that no very signal effect has yet been produced on prices.

A considerable addition has, however, been made to the gold coinage of the three countries during the same period. According to Mr. Birkmyre's tables:—

'The average yearly coinage of gold during the first thirty years of this century was,—in Great Britain 1,700,000*l.*; France 1,300,000*l.*; in the United States 55,000*l.*; total 3,055,000*l.* The following is a statement of the recent gold coinage in the same countries, beginning with the year in which the gold discovery was made in California:—

	Great Britain.	France.	United States.	Total.
1848 . .	£2,451,999	£1,224,472	£786,565	£4,473,036
1849 . .	2,177,000	21,084,382	1,875,158	5,136,540
1850 . .	1,491,000	3,407,691	6,662,854	11,561,545
1851, 1st 10 months }	—	10,077,252	12,919,695	—

As our own coinage for 1851 is left in blank by Mr. Birkmyre, we quote some details from Mr. Hunt:—

'From November, 1850, to June, 1851, the Bank of England issued 9,500,000 sovereigns, being at the rate of 18,000,000 a year; and so great is the demand for our gold coins, that Sir John Herschel informs me, since November last there have been coined at the Mint 3,500,000 sovereigns and half-sovereigns, and the rate of production can scarcely keep pace with the increasing demand.'

As the proportional increase in the circulating medium has been far greater in the United States than in the other countries, it is there that we should look for the greatest increase in prices;—and accordingly the letters agree that a very great rise has taken place there in all descriptions of property. The value of house property has, they say, doubled in the last four years.

To assume, as several writers before us do, that there has been no advance in prices *here*, because there has been no material change in the value of silver and grain—the commodities with which they say gold can best be compared—is by no means conclusive of the question. The production of silver has been for some years increasing, and the quantity thrown on the market by the Bank of England of late years must have had a sensible influence in checking a rise. In September, 1846, the amount of silver Bullion held by the Bank was equal to 2,710,077*l.*,—the amount having been swelled by the sycee silver from China. The amount held by the Bank on the 28th of last August was only 18,967*l.* The difference, taking it at 5*s.* per ounce, would amount to the enormous quantity of four hundred and forty-eight tons weight. Yet, notwithstanding the release of this quantity and increased supplies from the mines, silver barely maintains its relative value to gold, and perhaps, judging from the small quantity held by the Bank, and the complaint beginning to prevail of the scarcity of silver coin, may not do so long.

A succession of good harvests would alone have had a tendency to depress the price of grain; but to this must be added the abolition of all protective duties since 1849. In the absence of data for estimating the influence of these causes in keeping down prices, every one will form his own opinion of what rates would probably have prevailed but for the gold discoveries. Mr. Scheer proclaims that the bulk of the gold received by this country has passed through it as through a sieve. A great proportion of it has, of course, gone to pay for our imports from grain-growing countries; and the question is, in what position this country would have been placed without those arrivals of gold? It can hardly be doubted that grain must

have ruled much lower than it has done, so as to render its importation less profitable—or that the continuous demand for bullion would have reduced our stock even lower than it was in 1847. In October, 1848, the amount of Bank of England notes in circulation was £17,505,718; on August 14th, 1852, it was £22,952,555. At the former period Consols were 84; at the latter 100. It will hardly be denied, we imagine, that the increase in the circulating medium, if it has had no influence in directly raising prices, must have had a tendency to prevent their depression. The amount of gold sent to grain-growing countries must have materially tended to keep up the price of their produce. That there has been a rise—and a considerable rise—in the value of all kinds of landed and house property, is a fact beyond all dispute. The height to which public securities have risen is, however, of itself sufficient to prove that realized property must be advancing in value.

So far as we can at present venture to prognosticate, the superior abundance of gold will very materially lessen the chance of those commercial panics which, since the currency settlement of 1819, have been the plague of the industry of this country. Were the amount of bullion in the world to remain fixed, or nearly so, our stock, by an adverse action of the exchanges, might still be inconveniently reduced at one time as compared with another; but with an increased supply continually proceeding, all apprehension of any sudden drain—of contraction of the currency—and of restricted credit must disappear, and legitimate enterprise will feel itself secured from those unexpected shocks to which it was before exposed. Nor can we be sufficiently grateful that these discoveries have come at a time when, from the rash change in our commercial system, they were eminently needed.

It may be argued that a general rise in prices can hardly be regarded as a general benefit; that to the bulk of any community the action must be wholly indifferent; and that if beneficial to some it must be injurious to others. We have, however, the fact universally established, so far as we know, that every great advance in national prosperity has been coincident with rising, and every marked decline with falling, prices. The treasure of the Roman empire, which had been 358,000,000*l.* under Augustus, sank to 70,000,000*l.* under Justinian; and it would, perhaps, be impossible to exaggerate the misery caused during those five centuries by attempts to maintain the exactions imposed at a more prosperous time. It is to be observed that industry, as a

general rule, is set in motion by those who have fixed payments to make; and that, as those payments are rendered easier or more difficult by an increase or diminution of the precious metals, the prosperity, not only of the employers of labour, but of all dependent on them, must augment or decline. Independently of state burdens, which may even become heavier with the declining wealth of a country, those who set industry in motion commonly do it with other capital than their own. The farmer rarely cultivates his own land; the manufacturer not often conducts his business on his own premises: not one trader in a hundred can call the shop his own in which he sells his goods. Many of these, and of the other productive classes, trade with borrowed money: and besides fixed rents and taxes, have fixed interest to pay, and other fixed obligations to fulfil. The difference to them between a rise and fall in price to but a moderate extent, when either action is continuous, is all the difference between prosperity and ruin; and it is impossible for any country, hardly for any class, to thrive on their decline. On the contrary, those who have fixed payments to receive constitute the luxurious rather than the productive classes: *fruges consumere nati*, they must flourish, if they flourish at all, from the industry which renders their property productive; the creditor or landlord can rarely suffer from the prosperity of debtor or tenant. But when a contrary action takes place, it is not difficult to understand how wealth may accumulate, or appear to accumulate, from the increase of luxury, while men decay.

Under an action by which gold becomes slowly depreciated in value, property producing a fixed income is undoubtedly placed at a disadvantage as compared with the property which may yield a greater or less income according to the character of the times; but we do not know that this is to be regretted; most persons are free to choose what investment they please; and the steadiness and certainty of one class of property may more than counterbalance the probability of an increased income from another.

Hitherto the holders of public securities have, by the high rates to which their stocks have risen, been the greatest gainers by the abundance of money. Whether the rate of interest they receive will be reduced is a point not resting with the present or any other government, but dependent on the question what influence the gold discoveries will have on the rate of interest generally. Should public securities rise much higher

than at present, it would be a proof that so moderate a rate was no longer tenable, and by that index our Finance Minister must rule his conduct. He cannot prescribe the rate of interest which shall prevail, but he may, and should, make the best bargain for the public which the prevailing rate will admit of. Were the Three per Cents. to reach 109, it would show that money in the funds was only worth $2\frac{3}{4}$ per cent., and if to 120, only $2\frac{1}{2}$ per cent. In either case, a careful Minister would have no choice but to reduce the interest on the public debt to the marketable rate, as is commonly done with Exchequer Bills. Or were there reason to suppose that prices were kept down through fear of such reduction, that would in itself be so unsatisfactory as to call for ministerial interference or explanation. But the power of government in every case of conversion must be limited by the necessity it is under to keep the stock it converts at a rate equal to, or above, par. No change can be carried out in that large portion of our debt—amounting to three-fourths of the whole—which would have the effect of reducing its marketable value below 100*l.* money for the 100*l.* stock, or our Financier might find himself in the awkward predicament of being called on to actually pay off the debt he only proposed to convert. That the apprehension of such a change inconveniently depresses the Three per Cents. at present is clear from the relatively higher price of the Three-and-a-Quarter per Cents., on which interest at 3 per cent. is guaranteed for twenty years after 1854; but neither from the price of that particular stock, nor from the general state of the interest market at this time, does it appear that a reduction, even to the extent of one quarter per cent., could be attempted on any considerable portion of our debt with a reasonable prospect of success.

We look to other sources of relief. In the expansion of our trade, the increasing commerce of the world, the rapid growth of our colonies, we hope to reap the fruits of this latest gift of Providence. Whenever we see movements of great masses of men, as lately towards California and now towards Australia, we think we can recognize Divine design more plainly than in other facts of history. The singular manner in which gold is spread over certain tracts of the earth, the ease with which it can be collected by individual effort, and the universal opinion entertained of its value, seem to point it out in an especial manner as one of the agencies by which intercourse between nations is to be promoted, and the social condition of man raised.

- ART. VIII.—1. *Three Years of Free Trade, addressed to the Electors of the United Kingdom, by One of Themselves.* Mortimer. 1852.
2. *Letters (1, 2, 3, 4, and 5) to the President of the Board of Trade, On the Balance of Trade, ascertained from the Market Value of all Articles Imported as compared with the Market Value of all Articles Exported during the Five Years 1845–50.* By C. N. Newdegate, Esq., M.P. (Third Editions.) 1851.
3. *The Finances and Trade of the United Kingdom in the Beginning of the Year 1852.*
4. *By Authority. Pastoral of his Eminence the Cardinal ARCHBISHOP OF WESTMINSTER—appointed to be read in all the Catholic Churches and Chapels in the Archdiocese of Westminster and Diocese of Southwark.* 1852.
5. *The Lenten Pastoral of the Cardinal ARCHBISHOP OF WESTMINSTER, together with the Time of the Exposition of the Blessed Sacrament, Retreat, and Compline Services in the London Churches and Chapels for Lent.* 1852.
6. † *An Appeal for the Erection of Catholic Churches in the Rural Districts of England, with some Animadversions on the Pretensions of the Established Church, and on the recent Approximation of her Worship to that of Rome.* By the Catholic Bishop of Bantry, on behalf of the Society 'de Propaganda Fide' [Signed, † GEN. L. BANTRY]. 1852.
7. *Letter to the Right Hon. the Earl of Derby, from John Archbishop of Tuam.* 1852.

It is the common practice of belligerent parties to endeavour to inspire confidence by exaggerated statements of their strength. Such arts are useful in armies and mobs, and even in more select popular assemblies, for momentary effect! But reasonable men who have to deal with permanent interests, and to provide for a series of events, whether in public or private life, will take the very opposite course. They will be as liberal in estimating the adverse force as exact in measuring their own. The first and most effectual process towards ensuring success in any problematical object is to calculate scrupulously the chances of an opposite result. We therefore have no desire, and the contrary of any interest, in attempting to deceive ourselves or our readers as to the result of the late general election. To say that it is satisfactory would be not only to belie our present impressions, but all the principles and opinions which we have for so many years professed. We do not believe

that any House of Commons elected under the Reform Bill could be entirely satisfactory to the friends of the Monarchy, nor afford to the crown that *steady and independent* influence on the administration of affairs that the theory of the Constitution contemplated. This is in fact no more than was foretold in that sagacious and celebrated question—*How the King's government is to be carried on?* We do not believe that that question will receive a satisfactory answer under any circumstance that we can at present foresee. But it is our fate to be thrown on such times, and it becomes our duty to make the best of them—to endeavour to maintain the portion—still a large one—that is left of our ancient institutions—to resist any further encroachments—to await with courage, and to use, if they should present themselves, with sagacity and prudence, any of those favourable contingencies that so often diversify the anticipated course of political events.

Durate et vosmet rebus servate secundis.

Nor are we without some strong gleams of encouragement. If the general result of the elections has been less satisfactory than might be wished, it is in many considerable respects more so than we had looked for. In the first place, we are informed by those who ought to be and who we believe are the best authority on the subject, and whose calculations are confirmed by a comparison with the statements of various adverse parties, that there is, in the new house, a decided preponderance against any fresh revolutionary measures, and that on any question involving the immediate defeat of his administration Lord Derby may expect in the whole house a majority of 348 against 306!

If this be so—narrow as such a majority may seem—we are safe for a season; for it is only on such a question that the most discordant and ill-assorted Opposition that we ever remember or have read of could be combined in one common effort; and on individual measures we have so much confidence in the practical good sense and enlightened views of the present Ministers as to believe that they will propose nothing which the manifest interests of the people do not require, and which the *real* public opinion of the country will not ratify. We are well aware that there are three parties—none of them considerable in itself—but powerful, and even formidable, in combination; viz. that portion of the Whigs who think it a point of honour to stick by their party and to follow their leaders in their old struggle for office; the Radicals, who also may look to office, but only as a means to

their great end and aim—a total political subversion; and the Irish *Brigade*, as it is called—that is, members returned by the influence of the Popish priests, who individually are the very reverse of insensible to the sweets of patronage, but whose ultimate objects are the overthrow of the Protestant Church, the confiscation of Protestant property, and the dissolution of the Union. We are aware, we say, that these three sections will be always ready to turn out a Conservative administration, however little agreed as to what is to follow; but the two former sections are not beyond the reach of public opinion, and the feeling of their constituencies, as well as their distrust of their allies, will probably restrain in many of them the mere spirit of faction. These, we admit, are speculations; but they may, we think, afford to ministers useful suggestions as to their measures, and to us a reasonable hope of their parliamentary success.

The numerical detail of the elections indicates a Conservative preponderance.

We have taken some pains to inquire into the state of public opinion in the country generally, and we are satisfied that it is substantially in favour of an anti-revolutionary ministry, not only by an immense majority of all the more intelligent classes, which ought to direct public opinion, and which of the long run always do so, but also of the great mass of the people themselves. We do not pretend to have any accurate measure for the latter class of opinions, and we know that ten revolutionary brawlers make more din than a hundred of their soberer adversaries; so that the balance of demonstration and noise is, and always has been, on that side, even when the balance of numbers has been the other way, as we believe it now to be. Our adversaries are so proud of the large proportion of their friends who have been returned, and talk so loudly of the popular numbers they represent, that we have been induced to examine the English returns with the last Population Reports, and we find that the populations represented by Conservatives are no less than 9,458,000 as compared to 8,447,000; and when we recollect that this last sum includes so large a proportion of those classes of town populations which, though of the greatest number, are certainly of the least weight, it gives still more importance to the Conservative majority.

Of the principal topics debated in those elections the most prominent, by the noise that the Opposition made about it, and by the success which they affect to say has crowned their efforts, is, in our opinion ex-

pressed long before as well as immediately previous to the elections, of no immediate importance at all—we mean, of course, what is called FREE-TRADE. Culpable as were the means by which Sir Robert Peel's measure—subsequently called for popular effect Free-Trade—was carried, and erroneous, and even fraudulent, as was its pretended principle, we never thought that any ministry could attempt, either in party policy or on national considerations, to repeal a decision so recent, or arrest violently the progress of so great an experiment. The ministry must, no doubt, have wished that the country had shown a stronger participation in the suspicion and anxiety with which they regarded the progress of the experiment, but they wisely declined to take their stand on that point, and the Protectionist candidates in general followed their example. It was not worth the while of any Protectionist to hoist an opposite flag and try a counter cry, when it was foreknown that it could have no practical result; or to advocate a return to the Corn-laws, which no one thought of imposing, and which never can be reimposed without a very different expression of public opinion from what the late elections have exhibited.

All this, however, is now of little consequence—the grand experiment, as we have always wished since it was attempted, is to proceed to a full and fair trial. It will certainly—as to corn at least—meet no interruption from the present parliament, but it will not proceed unobserved and unscrutinized, and we are glad to know that men of talent, honour, and sagacity, in and out of parliament, are employing themselves in noting and registering for future use the results as they are realized.

The short and sensible pamphlet that stands at the head of our article exhibits from the official returns a practical view of the facts, as far as they have developed themselves, to the end of 1851, from which we have abstracted and grouped together a statement of some of the least disputable tests of national prosperity during the last two years of each system:—

POOR-RATES				
	England.	Scotland.	Ireland.	Totals.
	£	£	£	£
1845 & 1846	13,591,629	713,698	672,288	14,977,615
1849 & 1850	14,994,639	1,066,573	3,242,903	19,266,115
Increase of poor-rates . . .				£4,278,500

And this notwithstanding the low price of provisions and the immense emigration, both of which must have operated a vast reduction of the poor rates, if they had not been counterbalanced and overpowered by the general distress; and be it further observed, that 1846 was the year of Irish famine, and

that 1849-50 were years of what is called prosperity, yet in these prosperous years the distress in Ireland was quintupled, in Scotland increased 60 per cent., and in England by near a *million and a half*!

That is the *pecuniary* result—next we have the *moral* test, to which, even while we write, we find the free-trade newspapers appealing in support of their doctrines:—

CONVICTIONS FOR CRIME.

	England.	Scotland.	Ireland.	
1845 & 1846 ..	35,546	7,606	15,740	58,892
1849 & 1850 ..	41,538	8,825	38,310	88,673

Increase of crime 29,781

And this again in spite of—what is admitted to be a great preventive of crime—cheap food and the immense emigration, which latter may be in some sort considered as a transportation for *crimes uncommitted*.

Next we have the surest test of the ease and well-doing, and both physical and moral improvement, of the working classes:—

DEPOSITS IN SAVINGS-BANKS in England, Scotland, and Wales:

1845 & 1846	£62,492,118
1849 & 1850	55,733,573

Decrease of earnings . . . £6,758,535

Next we have the most unerring test of all:—

NUMBER OF EMIGRANTS from England, Scotland, and Ireland:

1845 & 1846	223,352
1849 & 1850	580,547

Decrease of working hands . . . 357,195

These last figures—and many details of recent emigration given in a different article—enhance in a most signal degree all the pamphleteer's other calculations;—but for this alleviation of so many burthens, how largely would all his preceding balances have been swelled!

We do not ascribe all his plainly unhappy results to mere Free-Trade—other causes may have assisted—but we produce them in answer to the songs of triumph of the Free Traders on the unprecedented and still growing prosperity of the country under the Free Trade regimen.

But there is another and still more important ingredient in this inquiry which coincides with and corroborates all the writer's other arguments—the PRODUCTION OF FOOD:—

WHEAT sold in English Markets.

	Qrs.
1845 and 1846	12,625,202
1849 and 1850	9,142,257
Decreased production of English wheat	3,482,945

There is no return from Scotland, nor from Ireland for the years 1845, 1846—but the Irish return for the next year, 1847, compared with that of 1850, offers still more formidable results.

WHEAT grown in Ireland.

	1847.	1850.
Qrs.	2,926,733	1,550,196

1847 was the year next following the famine, and was itself indeed a famine year, and was probably much below the average produce, yet we find that from that no doubt diminished figure in an interval of three Free-trade years the produce of wheat had further diminished by 1,376,000 quarters, or nearly one-half! Thus then—

	Qrs.
Adding this decrease in Ireland	1,376,000
To the decrease in England between 1845 & 1850	3,482,945
We have a decrease in the year 1850 of	4,858,945

But this is not all. In addition to this positive decrease, we must take into account the progressive increase which had been for some years going on—at the average rate of about 800,000 quarters per annum; so that, if not suddenly arrested in 1846, the produce in 1850, instead of 9,000,000 of quarters, would probably have been 16,000,000—as a substitute for which we imported in that year about 5,000,000 quarters of foreign wheat, of the estimated value of 7,500,000*l.*; and of all kinds of corn (including wheat) about 10,000,000 of quarters, and to the value of about 14,000,000*l.* sterling. We do not pretend that the whole of this enormous sum has been lost to the British farmer, because he no doubt turned many of the acres thrown up for wheat into some other, though (unless under peculiar circumstances) a far less profitable, culture. Nor do we say that the whole sum passed into the pocket of the foreign grower, because his freight, brokerage commission, insurance, &c., were to be paid out of it; but the broad fact is indubitable—that 14,000,000*l.* sterling have passed from the British to the Foreign wheat market.

Perhaps some may still listen to the daring statement—or more adroit insinuation—that this enormous outlay for foreign corn is compensated by the *increased export* of our manufactures. If this were true,

what would it be but robbing Peter to pay Paul—impoverishing the agriculturists to benefit the manufacturers? But it is not true. We were, we believe, the first to notice the extraordinary fact established by the Board of Trade accounts for 1839–44, that our *imports* from the chief corn-growing countries were regularly and continuously in an inverse ratio to our *exports* to them. We exhibited this fact for the above-mentioned years in the cases of *Denmark, Russia, Prussia, and Germany*—of which we then had the returns. We have now a return from 1847 to 1851, with respect to Russia, Prussia, and France, from which countries we derived in 1850 our largest supplies of corn and to an *unprecedented amount*, and the upshot is that in all these cases, as in the former, the amount of our general exports seems to be wholly uninfluenced by our importation of corn; or rather indeed that it has diminished just as our importation of corn has increased—for instance—

	1845.	1850.
IMPORTS of Corn from	Qrs.	Qrs.
Russia . . .	184,053	953,368
Prussia . . .	523,977	1,354,691
France . . .	82,740	1,019,410
	790,770	3,327,469
Increased IMPORTS . . .		2,536,699
	1845.	1850.
EXPORTS of all kinds to	£	£
Russia . . .	2,153,491	1,454,771
Prussia . . .	577,999	424,480
France . . .	2,791,238	2,401,956
	5,522,728	4,281,207
Decreased EXPORTS . . .		1,241,521

Thus, while our imports of *Corn* from these three countries increased in five years by 2,530,000 quarters, our *whole* exports to them fell off by 1,241,000*l.*, when, *a priori*, we might have reckoned on a large increase. These are serious results, which we leave to the meditation of the public, and to the explanatory comments of further experience.

For the repeal of the Corn laws, however, there was, no question, a plausible motive in a diminution of the prices of food—and though we are satisfied that, on the long run, the food of the working man can neither be said to be cheaper nor dearer but with reference to the wages which are to buy it, and which must inevitably follow sooner or later the prices of food, yet, as wages are slower in their descent (though not in their rise) than the prices of food—while these moreover are occasionally influenced by circumstances of a peculiar and unforeseen cast, as, for example, here of late by the in-

flux of gold and consequent efflux of able-bodied labour—we can find no difficulty in admitting that a sudden cheapness of provisions must for a season produce additional ease and comfort to the people. The popularity, therefore, of Sir Robert Peel's *corn measures* does not surprise us,—though, we must repeat, we have no doubt that, but for influences which *he* could never have anticipated, this popularity would have been ere now extinct; but there is another portion of the system the adoption of and the persistence in which does seem to us entirely unaccountable—the REPEAL OF THE NAVIGATION LAWS. We believe that, as a mere question of the prices of articles, it is, in our present circumstances, of very little importance: the *difference* of freight between foreign and British shipping—though all-important to the British ship-owners—can make very little difference when the imported article comes to be retailed out to the general consumer. On the most bulky articles, such as corn and sugar, it would be hardly perceptible, while on the smaller and higher-priced articles it would not be at all so;—on the aggregate of corn consumed in these countries it would be a fraction on the quarter of wheat too small to be calculated, and on the 4 lb. loaf wholly imperceptible.

The pamphlet entitled '*Finance and Trade of the United Kingdom*'—attributed to, and we believe acknowledged by, Mr. Cornwall Lewis, late Secretary of the Treasury, and which has been cried up as a most able and authoritative exposition of the advantages of this free-trade system—adduces *two* instances and *two only*—but of course the most flagrant that he could find—of the inconvenience and injury which the navigation laws inflicted on the consumers of this empire. These pregnant examples, in deference to this high authority, we shall exhibit to the wonder and perhaps the amusement of our readers.

'Of the *hindrances to commerce* which by the same measure [the repeal of the navigation laws] were removed it is manifestly impossible to give any account, but some idea may be formed on the subject by a glance at the following list of importations during the year 1850, which would have been illegal previous to that year.'—p. 25.

Then follows the enumeration of fifteen articles, of which we shall exhibit five—not selected for effect—for the others are all *ejusdem farinae*, and any other five, or—except for the space they must occupy—the whole *fifteen*, would have suited us equally well.

'Peruvian Bark.—Hanse Towns, Holland, France, Sardinia, Austria, Italy.

Coffee.—Russia, Denmark, Prussia, Hanse Towns, Holland, Belgium, France, Portugal, Spain, Italian States.

Indigo.—Russia, Hanse Towns, Holland, Belgium, Spain, Italian States.

Raw Sugar.—Russia, Sweden, Prussia, Hanse Towns, Holland, France, Portugal.

Tea.—Russia, Sweden, Norway, Prussia, Hanover, Hanse Towns, Holland, Belgium, France, Portugal, Spain.—*Ib.*

Mr. Lewis is not indeed so frank as to specify the *quantities* or *value* of these articles which each of those countries has sent us:—but on the very face of the thing, will not our readers smile at the 'hindrance' that this country must have suffered for near 200 years prior to the 1st January, 1850, in not being allowed to import *Peruvian Bark from Trieste, Sugar from Sweden, and Tea from Norway and Hanover?* The gravity with which the ex-Secretary of the Treasury laments these prohibitions, reminds us of that which Mr. Shandy, in his solicitude for the health of his brother Toby, earnestly advises him in the matter of diet, 'to abstain as much as he possibly can from the flesh of GRYPHONS.'

But it is worse than ludicrous. There is *not one* of his fifteen articles which could have reached one or more of the destinations whence he laments that they could not be brought into England without having passed by all the ports of England from Penzance to Aberdeen. Is it like buying in the cheapest market that a cargo of tea should be carried past the mouth of the Thames to Norway, or of raw sugar to Prussia, and after having incurred all the loss of time, the freight, the tolls, and the risks of the North Sea and the Baltic, be brought back to the Thames again? *Thirteen* of his articles he laments could not heretofore have been imported from the Hanse Towns; *all* are articles that must have passed from the places of production up the British Channel and the North Sea. What benefit is it to the British consumer at Liverpool, Bristol, Southampton, London, or Hull, that they should come charged with the additional expenses of a voyage to Hamburg? It may have happened, no doubt, that by some strange accident a small parcel of tea may have somehow got to Norway, and that since the 1st of January, 1850, the said tea may have, by a like strange accident, been re-exported to England; but what would be the hindrance to trade if it had either waited to come in the Gottenburg packet, or, indeed, not come at all? We have not been able to ascertain

the importation of tea from *Norway*; but having been so fortunate as to obtain the return from *Hanover*, we are sorry to say that it proves that Mr. Lewis has stated the *very contrary* of the fact in this *important* instance; for we find that, in 1849, *one pound*—i. e. 16 oz.—of tea constituted our import from Hanover; and in 1850 there was not a grain! Mr. Lewis's introduction of Russia is equally absurd. Russia imports a small quantity of choice tea, by *direct overland carriage*, from the north-eastern provinces of China. It is obvious that the quantity of tea so conveyed can be of no importance whatsoever; but if it were, why should it not come in one of the abundantly numerous English ships that sail from St. Petersburg? But even in this small article the fact is the very reverse of Mr. Lewis's statement. In the year 1849, out of 53 million pounds of tea imported, 20 lbs. came from Russia; and in 1850, 12 lbs. only came, and *not one pound in foreign ships!*

But a still more general and conclusive answer to the whole of this writer's deductions is the infinitely small importance of which the aggregate of all his cases would be. We have taken the trouble of going, with the help of Mr. Newdegate's valuable tables,* through the whole fifteen items; and we find that in that very year 1849, in which England is represented as pining for the *want of these articles*, there were large, and, in most cases, enormous, *exportations* made of them *all*, to the aggregate value of no less than near four millions of pounds sterling (exactly £3,861,566). We spare our readers the long and useless details of this sum. They will be satisfied with a few samples—some of them very important ones. Mr. Lewis laments that in 1849 we were cut off from our supply of *Indigo from Russia, the Hanse Towns, Holland, Belgium, Spain, and various Italian States*—a formidable array of contributory nations, whom the new policy brought to our market in 1850—and with what result? This, unluckily—that, whereas the import of the prohibitory year was 81,449 cwts., the import of the Free Trade year happened to be only 70,482 cwts., being a falling off of above one-eighth of the whole.

* Mr. Newdegate's Letters to the late and present Presidents of the Board of Trade, with the copious tables subjoined, afford a most curious and valuable picture of our import and export trade in all its details, and exhibit a general balance against this country which calls for the most serious attention of Government and the public. Mr. Newdegate's industry in making this vast collection of facts, and his ability in handling them, are very remarkable and highly creditable.

Again; take his instance of PERUVIAN BARK; what proportion do the imports on which he relies bear to the whole importation? 28 cwt. out of 10,000 cwt.!

Again; let us take COFFEE, the supply of which from *Russia, Denmark, Prussia, Hanse Towns, Holland, Belgium, France, Spain, Portugal*, and the various *Italian States*—in short, of all Europe—was prohibited in 1849: it turns out that there were imported in the prohibitory year 63,300,000 lbs., while in the boasted Free Trade year of 1850 the importation was only 50,800,000 lbs., being a falling off of one-sixth.

And again; of SUGAR, the importation of 1849 was 6,925,851 cwts., value £8,917,034, while that of 1850 was only 4,933,558 cwts., and the value £6,413,571: a falling off of close on 2,000,000 of cwts., and £2,500,000 of value.

And again; of TEA, the total import for 1849 was 53 millions of pounds, that of 1850 only 50 millions; and of his long list of contributory states we can find but two—Holland and the Hanse Towns—that have sent us any teas in 1850, or even in 1851. We beg pardon—we must modify this assertion—on looking closer we find that Belgium sent us 18 lbs. in 1850, and 3 lbs. in 1851; and that France, though she sent nothing in 1850, contributed in 1851, like Hanover, one pound—i. e. 16 oz.

So much for the first of Mr. Lewis's catalogue of *hindrances* to importation created by the law as it stood in 1849. The other instance which Mr. Lewis produces is this:—

'That a cargo of Spanish wool might be lying unsaleable at Rotterdam while the article was scarce and *exorbitantly dear* in Yorkshire, and only a ship under the Spanish, Dutch, or English flag was privileged to bring it to us for use.'—p. 25.

Now as Rotterdam happens to have a very large commercial navy of its own, and is moreover a great resort of English shipping, we think it would have been no difficult matter to have sent the wool in a Dutch or British ship, Rotterdam being one of the nearest, if not the very nearest, port to the coast of Yorkshire where the wool was so 'exorbitantly dear,' and, in fact, nearer to Hull and London than Belfast is to Liverpool, or Cork to Bristol! Had Newcastle, Whitby, or Hull no *Argo* to send with a cargo of coals, or cottons, or anything, or *nothing*, to bring back, within twice forty-eight hours, this *golden fleece*? Verily Mr. Lewis's brains must have been a *wool-gathering* when he sends us to Rotterdam for the shearings of Andalusia.

When such are his premises, we may be

excused from following him far into what we presume he would call his reasonings, which have the single merit of being consistent in their absurdity. One specimen will suffice. He omits, as far as he possibly can, all reference to *foreign* shipping; he omits *altogether* any hints of the *increase* of foreign shipping introduced into our trade. He gives us long lines of figures concerning *British* shipping, which have no relation whatsoever to the points in debate; but as to *foreign* shipping not a line—not a figure; but he does better: he *assumes* that a powerful foreign competition, if we should be blessed with such an advantage, would be a great relief to the British owner, particularly in times of distress. For this astounding proposition our candid readers will require the evidence of the author's own words:—

'Let us imagine—if our mercantile marine were of adequate tonnage to carry on the whole trade of the country in a year of great prosperity—what would be the case when the reverse of this condition should be experienced?—Must it not be that, the tonnage being greatly beyond what could obtain employment, our shipowners would be found competing one with another for the conveyance of the lessened quantity of merchandise!—that a part of the ships would be idly rotting in our harbours, while those of them which succeeded in obtaining employment must do so, through the home competition that would rise, at a ruinously reduced rate of freight?

'It is THEREFORE manifestly to the interest of our shipowners that FOREIGN VESSELS should be allowed to COMPETE WITH THEM.'—p. 30.

Are we awake while we read, or was Mr. Lewis awake while he wrote this—as it seems to us—extravagant nonsense—that, if home competition should become ruinous to the shipping interest, the superaddition of foreign competition is to set all right?

But this logic, incomprehensible as it is, deals with but a part—and that the least important part—of this great question. It is not to the *commercial* effect of the repeal of the Navigation Laws that we look with the most apprehension. It is to our *national safety*—doubly perilled, first, by the discouragement of our native seamen, and again by the encouragement and increase of those foreign—and, probably, at no distant day, hostile—navies. *The danger is great and growing!* too great, indeed, to be episodically treated. We have heretofore opened our general views of it (Q. R., vol. lxxxi., p. 306), and shall probably have an early occasion of treating of it more at large. We have touched on it at present only with reference to Mr. Lewis's commercial fallacies. We ought perhaps to apologise for the space we have expended on the exposure of this

grave-looking, but in truth very flimsy, pamphlet; but considering Mr. Lewis's late employment as financial Secretary of the Treasury, and his reputation with his party, we thought it worth while, on this important branch of our subject, to give the public some means of measuring his authority.

We have said so much on the Free Trade questions that we may not be supposed to have varied, in any degree, our principles on that subject; and because we think it fair to the grand experiment itself, as well as to all the great interests concerned, to keep the public attention alive to the results as they successively arise; and we do so the rather because, though the issue of the elections precludes the revival of the *corn* question in any shape, and though more urgent, yet hardly more important, subjects may postpone the consideration of the *Navigation* question, we would not have the agricultural and shipping interests for a moment suspect that their distresses are overlooked, or their claims abandoned.

The questions which at this moment appear to press most on public attention are Finance, the Elective Franchise, and Popish Aggression. We shall venture to offer a few observations on each of these important topics.

As to Finance, they will be at this moment very few, and of necessity, very vague. There has been, no doubt, considerable expectation, not unmixed with anxiety, raised on this subject, and we hear buzzing around us some natural, and a good deal more of affected curiosity, as to the intentions and plans of the Chancellor of the Exchequer. But the Budget is a long way off—and neither friendly suggestions, nor hostile taunts, will, we apprehend, induce the ministers to make premature revelations, or even to enter into unseasonable discussions. We say this, not from having any anticipation that the Finance of the future year is likely to be of any peculiar character, or essentially different from the present. We have in a preceding Article expressed pretty fully our views as to the probable effects, by and by, of the influx of gold from California and Australia; but we by no means inferred that its principal and more lasting effects would be sudden. As respects 1853, we foresee no probable diminution of the public charges, nor any considerable either defalcation or increase of the public resources. We have no doubt that the Government will exhibit skill and good sense in the treatment of these matters; but we all know the cards that they must have in their hand, and we do not pro-

mise ourselves either any serious alteration in the general balance-sheet, nor any extensive manipulation of details. Nor, in fact, do we desire it. We can imagine no change that could, in the nature of things, do more than shift some burden, or share of a burden, from one man's shoulders to another's, and—*weight for weight*—we should rather leave it on the shoulders that have been used to bear it, and which generally, from habit or some adjusting and compensatory circumstances, feel it less than a new and unprepared victim. Our taxation is, unfortunately, something like the atmosphere which envelops us all and on all sides, with an enormous pressure, only supportable by its universality—and comparatively imperceptible unless when it is made the subject of experiments. Some of our grandest experiments in finance have failed. Mr. Pitt's sinking fund has not had fair play, and circumstances overpowered it; Lord Grenville's and Lord Lansdowne's mortgaging of taxes, and Lord Liverpool's and Lord Bexley's dead weight-alleviation scheme—both signally failed; and we do not believe that it has been reserved, even for our enlightened days, to find that philosopher's stone of finance—how to alleviate taxation or pay off debt, out of any other source than a surplus income—whether the surplus arises from economy in the expenditure, prosperity in the branches of the receipts, or such a private accumulation of capital as may raise the funds to a height that admits a reduction of the interest. We are satisfied that if the foreign speculations of twenty years ago, the more recent Joint Stock companies, and above all, the investments in Railroads, had not absorbed superabundant capital, our 3 per cents. would have been long since reduced to $2\frac{1}{2}$; and it is evident that they have been, and must continue rising, in proportion as the circle of private investments, and especially on Railroads, shall be narrowed. We have, within these few years, seen mortgages reduced from 5 per cent. to $3\frac{1}{2}$, and even to 3. Let us wait patiently for the results of this gradual accumulation of capital and of these wonderful changes in the aggregate gold of the world and distribution of population, of which we have already treated in the previous article.

We perceive that there are among our agricultural friends those who still cling to the notion that some new distribution of our burdens might at once relieve the landed interest. We wish we could believe it. We admit that the so-called *Free Trade* was a mere fraud; the sole design was against the landed interest. The only

free trade has been in their produce—corn, timber, and wool. We admit, also, that there are numerous charges which fall most heavily and directly on the land. But we cannot believe that any arrangement of them could be so made as to repair the injury done to agriculture. The alleviation, whatever it might be, must be general in its application.—Agriculture would have but a proportionate or perhaps an inferior share. The compensation, if adequated and distributed amongst the agriculturists alone, would only be protection in a more invidious shape, and could only occasion greater and more reasonable dissatisfaction. The defalcation of revenue that any considerable relief should occasion must necessarily be repaired elsewhere, and would be sure to fall back on the land, the basis of all wealth, and consequently of all taxation. If any alleviation can be found for the burdens of the farmer that shall not be liable to these and many other objections which we need not detail, most happy should we be at such a prospect; but we totally distrust, and we most earnestly hope that no Conservative in Parliament will propose or countenance any such experiments, which we firmly believe would be not only fruitless in themselves, but, in all likelihood, productive of further and most disastrous consequences. At all times the greatest power, and therefore the greatest security of the land, is its *vis inertiae*. That at all events is its best policy under the complicated aspects of this moment.

We do not suppose that any extension of the Franchise will be proposed in the earlier session, and even if we expected such a proposition, we know not what more we could say than a repetition of our anxious hope that it will be resisted in whatever shape it may assume, by the general sense of the nation. That it will be produced with a large following, in the ulterior course of the session, we expect; and it may ultimately, under the principles and the operation of the Reform Act, become too strong for us; but, at least, we can promise ourselves that the whole Conservative party in Parliament—ministers and members—will strenuously oppose it in all forms, at all risks, and with the whole force of its collective authority and individual energies.

We are prepared for some early trials of strength between the coalesced oppositions and the Government. If we are to judge by the pilot balloons let off in the newspapers, the intended topics are either so factious or so futile that in themselves they need, we think, give the Government no uneasiness, and we see many reasons for a strong im-

pression that the feelings of the country will not permit the existence of the ministry to be determined by questions raised, not on important public subjects, but selected or fabricated with the mere view of bringing all the discordant elements of the opposition into, *pro hac vice*, one common point of attack. We trust in the good sense of Parliament to resist any such intrigue.

But there is a great Constitutional question—in principle as well as in its immediate aspect the greatest that has presented itself in our times—which will assuredly from one side or the other be brought into discussion, and which we trust that the Government, so far from wishing to evade, will be forward to meet;—that is, whether we are to uphold the fundamental law of this land ever since it has had anything like a representative Government—confirmed, and, as our ancestors believed, established, at the Revolution—and by right of which alone the Queen sits on her throne—that this is a PROTESTANT country, and that ours is a PROTESTANT Constitution!

It cannot be denied that the admission of Papists to the Franchise, to the Legislature, and to Privy Counsellor's Office, was a practical departure from that principle; and yet it is curious and important to observe how each of these concessions was granted under the more specific stipulations on the part of the Protestants, and the most solemn professions on the part of the Papists, that it should in no wise disturb the Protestant Church or the Protestant Constitution. The course of concession began by the Act of 1791, which was founded on a 'Declaration' of principles previously signed by all the Catholic clergy and laity of England of any note, and the original of which, for greater solemnity, was deposited in the British Museum. In that weighty historical Document we find this item:—

'And we do solemnly declare that no church, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, hath, have, or ought to have, any jurisdiction or authority whatsoever within this realm that can, directly or indirectly, affect or interfere with the independence, sovereignty, laws, constitution, or government thereof; or the rights, liberties, persons, or properties of the people of the said realm, or of any of them, save only and except by the authority of Parliament; and that any such assumption of power would be an usurpation.'—*Butler's Hist.*, iv. 22.

This voluntary Declaration, promulgated by the Roman Catholics themselves, became the foundation of all the protective engagements required of them in the Act of 1791, and in all the successive Relief bills.

In the Irish Act of Relief, 1793, which *inter alia* gave the *elective franchise*, the safeguard of the following oath was relied on:—

'I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church establishment for the purpose of substituting a Catholic establishment in its stead; and I do solemnly swear that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion, and Protestant Government in this kingdom. So HELP ME GOD.'

The best comment on this sacred pledge is the history of all recent elections in Ireland, and especially of the last, in which the overthrow of the Protestant religion was the avowed, the proclaimed object of the whole Popish party—priests, candidates and voters.

Next came the General Emancipation Act, 1829. This bountiful Bill, which was to open halcyon days for Ireland, made two stipulations in protection of the Protestant Church—and they were gladly accepted by the Catholics. The first was the oath to be taken by the Catholic members at the Table:—

'I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church establishment as settled by law within this realm; And I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom: And I do solemnly, in the presence of God, profess, testify, and declare that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So HELP ME GOD.'

Such is the oath taken by every Roman Catholic member!

We have seen every day and night, since that test was enacted, that it has been kept by the most prominent persons who had taken it, exactly as if it had pledged the swearer in the very opposite direction. The second stipulation of that Act, as to ecclesiastical dignities and habits, has served only to produce the prohibited practices with more audacious ostentation.

Now, we ask, are these solemn compacts to be binding only on one side? We gave the Roman Catholics successive indulgences and advantages, on certain conditions and pledges on their parts; are they to be at liberty to repudiate the obligations of the contract, and to retain all its benefits? Common sense and common justice reject such a conclusion, and we invoke a fair and full performance of the contract—that is, of the Law.

But there are two steps more to be considered.

There still remained in the Statute Book the two Acts of the 1st and 13th Elizabeth, against the introduction of Popish Bulls into this country. In 1844 a Roman Catholic Peer, Lord Beaumont, introduced a Bill to repeal those Acts (and several others), on the distinct ground that they were wholly obsolete, and though perhaps necessary in Elizabeth's time, were mere rubbish in ours. We are willing to believe that when Lord Beaumont used this language he was not aware of what was preparing at Rome, and for which the eventual success of his measure opened the door. In 1846 the Bill for repealing the Acts of Elizabeth, against Bulls, having proceeded all along on the assertion and assumption that the offence was as obsolete as witchcraft, was about to be passed, when the Bishop of Exeter and Lord Brougham observed that the danger might possibly not be so visionary as it was thought, and on their suggestion the penalties (of high treason) only were repealed, the Act itself remaining as it was in other respects. It seems to be doubtful what the legal effect of this state of the law is; some imagine that, deprived of its express penalties, it is a *brutum fulmen*: others conclude that the *malum prohibitum* becomes a misdemeanour; but in either case the natural course would be (as we have before said) to pass an Act to declare expressly that any infraction of the 13th Elizabeth shall henceforth be held to constitute a misdemeanour, punishable with fine, imprisonment, or banishment. The present state of the affair is disgraceful. Here is a law which in 1846 the Legislature advisedly refused to repeal; and here are Cardinal Wiseman and his suffragans setting it at open defiance.

The last step of the series of violation of contracts, and of defiance of the law, is the worst. In the autumn of 1850, the danger which had been voted in 1846 visionary and obsolete, burst out in a full blaze, of what has been justly called *Popish Aggression*. Encouraged, no doubt, by the repeal of the penalties of the 13th Elizabeth, and by the encouragement of the Irish Catholic prelates by the late Ministers, the Bishop of Rome presumed to establish a Romish hierarchy in England with local and territorial titles—a direct usurpation of temporal power:—for though he had the spiritual right of consecrating Dr. Wiseman a bishop, he could have no right to carve out for him the diocese of Westminster. It has been advanced in defence of this aggression, that those *diocesan* and *local titles* are necessary to the spiritual efficiency of Roman Catholic pre-

lates. Nothing can be more, or more notoriously, untrue. The very practice of appointing *Bishops in partibus* is an admission on the part of the Roman Pontiffs, and a standing proof, that *dioceses are temporalities*, which the Pope has no power to create in any independent State. Upon what other principle could it be that in France, in Spain, in Portugal, in Germany—even in Italy—and (till this century) in Ireland—and (till 1850) in England—whenever episcopal functions were required beyond what the laws of the State recognized, they were supplied by a nomination to an imaginary bishopric *in partibus infidelium*, as it is termed, that is, to some ruined city—generally in Asia Minor or Africa—where history or tradition had placed a see of the early Church? For instance, we all know that Cardinal de Retz, the prototype of priestly agitators, though acting as Archbishop of Paris, was technically no more than Archbishop of *Corinth*. At the breaking out of the Revolution there were in the French Church a Bishop of *Thermopylae*, acting as Bishop de Laon, and a dozen other deputy Bishops of *Sidon*, of *Amyclea*, of *Babylon*, &c., who had full spiritual authority, but to whom the Pope never pretended to assign a territorial title within the kingdom of France. For upwards of two hundred years the Roman Catholic Church in England had been governed, down to our own day, by *Vicars-Apostolic*, under the titles of *Bishops of Chalcedon*, *Adrumetum*, *Callipolis*, *Tiberiopolis*, *Madaura*, and the like. The respectable Dr. Poynter, and Dr. Walsh, predecessors of Cardinal Wiseman—whom we never heard of by any other title than *Vicars-Apostolic* of the London, or—as it was cautiously denominated—the Southern district—were known at Rome as the Bishops of *Halia* and *Cambyropolis*; and so little did these gentlemen arrogate any episcopal style even amongst themselves, that we find in the discussion which took place on the celebrated ‘Declaration,’ that the four *Vicars-Apostolic*—who had then the titles *in partibus* of *Aconia*, *Comana*, *Telmessus*, and *Hierocæsarea*—are denominated in their own minutes under the humble form of *Mr.*, or sometimes *Dr.*—as *Mr. Thomas Talbot*—*Mr. Gibson*—*Dr. Sharrock*—and *Dr. Berington*. There is no other allusion to any episcopal rank than that on some occasions, where the ordinary clergy are styled *Reverend*, they were designated as *Right Reverend*; but no episcopal title—not even that *in partibus*—is ever given; and they were called no otherwise than *Vicars-Apostolic* of the Northern or Western, Midland, and Southern or London

Districts. Nay, to this hour we find that the Pope has not yet ventured to invade the sturdy Protestantism of Scotland, and that the Roman Catholic *Districts* in Scotland are still administered by bishops *in partibus*, as Dr. Carruthers of *Ceramus*, Dr. Murdoch of *Castabala*, Dr. Kyle of *Germanicia*, Dr. Smith of *Parium*—all ruined cities of Syria and Asia Minor. So also in Lower Canada, and in the East Indies and Gibraltar, we find *Vicars-Apostolic*, with bishoprics *in partibus*. Surely what has sufficed for the spiritual exercise of the Roman Catholic religion for several ages and in all nations—even in *Rome itself*—where there are at this day abundance of these bishops *in partibus*—would be sufficient in our times and country. It is surely enough that we admit and sanction and protect the full and free exercise of their religion. Upon what doctrine of Law or Gospel are we further bound to tolerate their vanity and submit to their usurpation?

In October, 1850, Dr. Wiseman published (dated from Rome) his creation as Archbishop of Westminster, and his authority and intention, under the Pope’s appointment, to—

govern and continue to govern the counties of Middlesex, Hertford, and Essex, as *Ordinary* thereof, and those of Surrey, Sussex, Berkshire, and Hampshire, with the islands annexed, as *Administrator* [for the new Bishop of Southwark, not yet named], with Ordinary jurisdiction.’—*Wiseman’s Pastoral*, p. 6.

In this announcement every word seems chosen to include temporal at least as much as spiritual jurisdiction, and is, we confidently believe, in a style and a tone that would not be borne in the most Romish kingdoms of Europe.

This gross aggression of the *Bishop of Rome*—or rather, it may be suspected, some remonstrance of the *Bishop of Durham*—startled even the latitudinarian mind of Lord John Russell, who hastily, and, as it seems, without any clear view of what he was about, published his celebrated Letter, which, whatever may have been his Lordship’s view, had the effect of raising the spirit of the country against this audacious usurpation. The Church of England had not needed his *alarum*; but her clergy, though distrusting his motive, were willing to accept his services—while the Dissenters were glad to show at once their adherence to Lord John, as a party leader, and their old long smothered antipathy to Popery. Lord John seemed bewildered at his own success. The remedy was as slow as the appeal had been precipitate. Several months were spent in

concocting it—that is, in trying to dilute the spirit of his Letter into such a state of weakness as might not offend the palates of his Irish followers. He had sounded the alarm in October 1850, and it was not till the 1st of August, 1851, that the Bill received the Royal Assent. The Royal Assent it received indeed—but no Ministerial execution; and there it has lain on the Statute Book as dead as the 13th *Elizabeth*, and with this aggravation, that the non-execution of the new law, so hotly introduced as essential to the safety of the Protestant Church and the dignity of the British Crown becomes an insulting mockery on both. Was Lord John Russell frightened at the weapon that he had drawn; or was it that, knowing as he did that his ministerial days were numbered, he was desirous of transferring the undiminished responsibility and embarrassment of his measure upon his Successor?

However that may be, his Successor, we trust, will not be wanting to the exigency. It is not now a mere question of Popish Aggression—it is a *defiance of the British Law by British subjects*, and the Law must be vindicated. Dr. Wiseman, not at all deterred by the new Act, published early in this year what he calls a *Lenten Indult*, which he prefaces in this style:—

‘*NICHOLAS by the divine mercy of the holy Roman Church, by the title of St. Pudenciana, Cardinal Priest, and ARCHBISHOP OF WESTMINSTER, &c., &c.*

The long impunity of the usurpers of Episcopal titles in Ireland has, no doubt, encouraged this new outrage, and it is evident that whatever measures of repression are applied in England must be extended to Ireland. The Government will be, no doubt, menaced with the resistance of Ireland. But when has Government not had to meet resistance from Ireland? Hear the voice of that venerated oracle which now only speaks from the grave:—for whom the country, we trust, will never cease to feel and to show the gratitude and deference due to her greatest glory. Hear once more what *he* thought it necessary to say in the House of Lords on the last reading of the Ecclesiastical Titles Bill:—

‘The DUKE OF WELLINGTON said, that having prevailed on the House to accept the Emancipation Act of 1829, and having always been anxious that its provisions should be adhered to, he viewed the Bull and other documents which appeared last year with great regret and alarm, because he felt they could not be passed over without legislation on the subject. He had been at a loss to understand what was the object of the Pope in making this change in the

Roman Catholic hierarchy in this country, till it was explained by Cardinal Wiseman’s gratuitous and unmerited attack upon the Dean and Chapter of Westminster, which showed the object to be antagonism. The Relief Act was meant to do away with the penal enactments against the Roman Catholics, but not to touch the laws on which the Reformation was founded. In 1846, however, an Act had passed repealing the laws which prohibited, among other things, the introduction of Papal Bulls into this country; had that not been done, Cardinal Wiseman could not have published the Pope’s Bull here, and no legislation would have been necessary. They could not now take their stand on the Relief Act alone, but must meet the Papal rescript by a fresh measure. *As for the effect which it would produce upon Ireland, he had no fear.* The Relief Act was to have put down all agitation; yet in the very month in which it was passed, Irish agitation recommenced, and the Crown had repeatedly since then been forced to come to Parliament for measures to put down agitation in Ireland. His advice to their Lordships was *to do what was just and necessary* to maintain the power and the prerogative of the Crown, and to rely on the support and good wishes of the *loyal people in Ireland* as well as in this country.’—*Debates*, 21 July, 1851.

HE ‘*had no fear*’ of the result in Ireland! He knew Ireland, and he knew that with the support of the *loyal portion* of Ireland, in common cause with this Protestant country, there is nothing to be feared anywhere from a due execution of the law; and without sending a soldier more to Ireland, we answer for it, from all experience, that if the *Queen’s Government* resolves to enforce the law upon Dr. Cullen or Dr. M’Hale, it will be found as easy as it was to send O’Connell to Newgate, or to smother Smith O’Brien’s rebellion in the cabbage-garden. Tirades in newspapers, denunciations in chapels, philippics in the House of Commons, we shall have in a flowing abundance; but if the Ministry be firm, if it shows a resolution neither to be intimidated nor diverted from its duty, there will be in Ireland, in any such event, not only no rebellion, but not so much as a riot. Nothing—no, not even, we believe, the fanaticism of the priests—can make a rebellion in Ireland while the Government and the Houses of Parliament are united to maintain the local force of the law and the imperial authority of the Crown.

Reluctant as every man, and as ministers above all must feel to have recourse to penal measures, how is it to be avoided when the constitution in general, and even the law of last session, is contumeliously violated—torn up, as it were, and thrown in their faces? But even while we write, the imperious necessity of vindicating the law is forced upon the Government by an addition—

al audacity. Lest the general aggression—rather inflamed than moderated by the Act passed against it—should not be sufficiently offensive, Dr. M'Hale, the titular Archbishop of Tuam, has addressed a letter to the Earl of Derby, as the first Minister of the Crown, dated from 'St. Jarlath's, Tuam, the Feast of the Seven Dolours of the Blessed Virgin,' and signed, 'JOHN ARCHBISHOP OF TUAM.'

The letter thus signed is evidently meant to bring the efficacy of the Ecclesiastical Titles Bill to the test—and we do not see how the First Minister can decline the challenge. The date of the letter, too, is not insignificant. It means Sunday, the 19th September—two or three days after the arrival at Tuam of the news of the Duke of Wellington's death.* Did Dr. M'Hale—in the unholy virulence with which he desecrated not merely his Feast of the Seven Dolours but the Christian Sabbath—mean to add to the claims on public gratitude of that illustrious man, by this indication that the absence of that sagacious head and unconquered hand has rendered more hopeful and more audacious the treasonable conspiracy against the Irish Church and the unity of the Empire?

But grave as the circumstances of this provocation undoubtedly are, the text of the letter contains still more serious matter—it boldly proclaims a combination of perjury and, as it appears to us, treason—for we know not how else to characterise a conspiracy not merely to violate but to nullify the most important conditions of the Act of Union. The professed object of this letter is to set Lord Derby on his guard against the statements of the Protestant missionaries that they have been making serious progress in the conversion of the Roman Catholics in the West. This Dr. M'Hale negates with a coarseness and a vehemence—we might say rage—that confirms us in our joyful belief of what he denies; but this is only an introduction to an announcement that, so far as the Established Church from making any progress in Ireland, it is itself doomed to inevitable and early destruction:—

'The result of the recent elections in Ireland has filled them (the adherents of the Protest-

ant Establishment) with an alarm which they are awkwardly endeavouring to conceal; and the loudness and audacity of their boasts, at a time when the world has witnessed the decline of the *Parliamentary Establishment*, and the vigorous reaction of a people whom its votaries proclaimed to be prostrate, are but too evident signs of their terrible apprehensions.

'We can exhibit to the judgment of the impartial, incontestable evidence that the fate of the *Protestant Establishment* is sealed. The *Times*, the faithful organ of the Establishment—if such a wayward and capricious thing can deserve the name—may fret, and fume, and roar, and again and again labour out the dusky volumes of its tiring rage on the incorrigible tenacity with which the Celtic race cling to ancient usages; and other less noisy, and as harmless literary engines, may follow in the same train. They are all doing our work, and unconscious instruments as well as witnesses of the ruin of the *Protestant Establishment*, since they are diffusing far and wide the terrors that have seized its supporters.

'Does the return of eleven Catholic representatives out of the scanty quota of thirteen from the province of Connaught, and in the face of the most frightful opposition, afford any proof or presumption of any extraordinary additions for the Saxon Establishment among the Celtic inhabitants of the western region?

'It is this conviction of the deep-seated reverence of the Catholic people of Ireland for their religion, and their unconquerable resolve not only to maintain it, but to carry on a vigorous, and legitimate, and constitutional opposition to the *Moloch of the Establishment*, that has recently sent over such a motley crew of parsons and readers to this country, and is sending back, by way of a commercial interchange, such huge cargoes of lies and inventions regarding their triumphs in the west of Ireland. Such artifices will no longer do, for in the fate of every successive Administration that refuses to extinguish this national nuisance it will appear that the days of the *Establishment* are numbered.'

Let us here pause for a moment to observe that this Dr. M'Hale is one of the body of religionists who were admitted to the power with which the Establishment is thus threatened, on the strength of the solemn engagement and condition that we have already quoted. How they have kept it fifty years of covert perjury had witnessed—and at length an archbishop of their church comes forward to avow, to justify, and to harvest the produce of the crime. But he proceeds still higher. Not only has this lax morality been so successfully inculcated on the ignorant peasantry, but Dr. M'Hale does not scruple to announce a similar conduct in their representatives:—

'When pressed by the *serried array of half the representatives of Ireland*, who can break up a more vigorous administration than yours, to relieve at once the country from this incubus that

* We have had some difficulty in ascertaining the day of the Feast (as Dr. M'Hale terms it) of the Seven Dolours—it is not in the French or Belgic calendars, nor in the Missal of the Apostolic Vicars of England, published in 1840; nor does it appear in *L'Art de Vérifier les Dates*; but we find in Dolman's *Catholic Directory* that one of its celebrations is the 19th September, which was this year the 15th Sunday after Trinity.

has oppressed all its energies, it will not do to adjure them to wait until you see the result of the new ninth or tenth reformation in the regions of the south or west of Ireland. No, they will not wait; nor will they listen to those arguments of persuasion which Tory as well as Whig Ministers know so well how to wield; for this very Celtic people, who are represented in England as Protestant converts, have instructed their representatives not to wait, nor take office, nor favour of any kind, from any minister, until the country is eased of the burden of that establishment with which calumny has not blushed to connect them.'

The representatives in question are one and all admitted to the House of Commons on the taking at the table of the house a solemn oath,

'That they will not disturb or endanger the Protestant Church as now by law established.'

We well knew how loosely this engagement had been interpreted by the majority of the Irish Roman Catholic members in votes incidentally affecting the Protestant Church; but such naked and direct perjury as Dr. M'Hale now—not surmises—not suggests—but requires and commands—we shall not believe till we see it consummated.

Dr. M'Hale leaves no loop-hole by which they can escape—he boldly, and so far honestly, avows the whole design—the Irish Protestant Church is to be annihilated, and by the votes of those who have sworn to defend it.

'It is high time that such insane and frustrate projects [as building churches] should be abandoned. Those ecclesiastical funds so long misused should, after the life-interests of their present occupants, revert to their own original purposes of promoting Catholic piety, charity, and education. Too long has their usufruct been squandered, with no other result than propagating dissensions and upholding an unholy ascendancy. It is fortunate that there remains such a fund for the erection and endowment of Catholic schools and the building of Catholic churches, and, should it extend so far, to serve as an outfit for the purchase of Catholic glebes, all as free and independent of any sinister interference of the secular power as were those funds when first abstracted from those pious uses.

'It will be an act of just and tardy restitution of property long diverted from its legitimate objects; and as to the prospective maintenance—the daily bread of the Catholic clergy—they will exclusively rely on that rich fund that has never failed them—the spontaneous offerings of a grateful people, to whom protective measures for the fruits of their industry no longer to be deferred will give additional cheerfulness in discharging the duties of their religion. As for the Protestant establishment, dream no longer of upholding it in Ireland; treat it like the question of free trade, yielding to the

inevitable necessity of events which statesmen cannot control. The Catholic people of this country are resolved not to be content until they witness its legislative annihilation. The axe is already laid to the root, and, as time has but too well attested the baneful vices of its influence, it is in vain you will endeavour to avert its inevitable fall.' (Signed) JOHN, ARCHBISHOP OF TUAM.'

We appeal to the common sense, to the honesty, to the honour, to the conscience of the country at large, whether this is to be borne—whether such an outrage on justice, on good faith, on special laws, on the unity of the empire, and on the constitution in general, is to be endured? Can it be endured with safety to the State?

We know not whether Dr. M'Hale is thought to be in his right mind, or whether, not being insane, he sees in the aspect of the House of Commons, or feels from the temper of the times generally, some encouragement to the desperate attempt which he thus announces; but whether mad or mischievous, we are sure that he is mistaken. He will neither escape the national Law nor shake the Imperial Parliament. He has challenged Lord Derby to the Court of Queen's Bench; Lord Derby will meet him. He menaces us with his fifty-five Irish representatives in the House of Commons—they, such at least as are men of honour and conscience and regard their oaths, will fail him; and even if they were all to be staunch to a perjured cause, they would still kick the beam; they are enough, says he, to overthrow a stronger government than Lord Derby's—they are just strong enough to do what fifty-five men can do with the qualification oath in their mouths and Dr. M'Hale about their necks. Lord Derby expects no vote from them. He is not only not afraid of them, but he reckons their opposition as no inconsiderable portion of his strength. The dictator of St. Jarlath is out of his element at St. Stephen's. He has seen a succession of weak governments bidding for the wavering and venal support of this Irish Brigade, by concessions, by compacts, by jobs—and he thinks that in the present balance of parties the Brigade is to decide the day. That happy Irish practice of harvesting between two showers is past. The Government expects nothing from them. They rank them as adversaries as decided as Messrs. Cobden and Bright—and to Messrs. Bright and Cobden they willingly concede the full support of Dr. M'Hale and his eleven lieges and forty-four allies.

This clears the field of all intricacies and doubts, at least on Lord Derby's part: how far the fifty Irish gentlemen referred to may be willing to obey Dr. M'Hale is another

question—a question for themselves; but assuredly they create neither hopes nor fears in the prospects of the Conservatives. We know the *worst* that they can do, and we think it the *best*. It will unite and consolidate the great Protestant feeling of the *United Kingdom*—and the vigorous execution of the Act against Popish Aggression will be supported by larger majorities than originally passed it. Does Dr. M'Hale believe that from his den—the lion's den he loves to call it—he can defy the law? We tell him that the police will take him as easily as they did Priest O'Brien of Six-Mile-Bridge. Does he reckon that no jury can be found to convict him? Juries convicted Smith O'Brien and Daniel O'Connell. Does he despise the paltry penalty of 100*l.* for each offence, imposed by the Emancipation and Ecclesiastical Titles Acts? That penalty is indeed paltry in pecuniary amount, but it would be immense in public opinion; and the Conservative party that consented to pass those Acts with a penalty so apparently inadequate, acted on the prudent—or, at least, tolerant principle that in matters so delicate as those of religion and conscience the law should appeal to public opinion in the lightest and most indulgent form. We care not whether Dr. Wiseman's or Dr. M'Hale's proceedings are visited by a penalty of 100*l.* or 1000*l.* If the first cannot bring them to reason, the latter would not; and if they were to persist in defying the moderation of the law, they would find that its moderation, pertinaciously abused, would very soon assume the frown and the rod of more imperative and efficacious severity. Such, at least, is our hope and belief; such are the only principles on which society can be maintained and governed; and such is the sovereign legislative authority by which Dr. Wiseman and Dr. M'Hale *must be taught* that they are, like all the rest of us, subjects of the Crown of England, and amenable, and, if necessary, penally amenable, to its laws.

It has been suggested that prosecutions would fail for defect of evidence. Let us see it tried. Let us see the Doctors Wiseman and M'Hale repudiating by a negative plea the titles they have assumed—let us see them in a court of justice denying facts which all the world knows to be true. But allowing them the common privilege of pleading 'not guilty,' in the evasive sense of not denying the fact but the guilt—let us see whether those through whose agency the material part of the offence must be committed—secretaries, registers, vicars-generals, and the like—can combine to defeat the law—let us have, or at least try to have,

their testimony to the facts. We hope that the law of England, indulgent as it is to parties on their defence, is not in such a disgraceful state of impotency as not to be able to extract evidence of facts notorious to all the world—avowed—boasted of *extra curiam*, by the culprits themselves—and as to which there exists 'a cloud of witnesses'—a dark cloud, we admit, but one from which the lightning of truth may assuredly be elicited.

But suppose the contrary result—suppose it should fail to be proved that Dr. Wiseman calls himself *Archbishop of Westminster*, and that Dr. M'Hale signs himself *Archbishop of Tuam*—suppose our laws of 1829 and 1850 are to be defeated by such a quibble—let us know the fact—and we shall then see whether the indignant common sense of the country and the insulted authority of Parliament will not find a sufficient remedy for so disgraceful an anomaly.

We have, in all that we have hitherto said of this Popish aggression, treated it as a merely domestic concern, but we would not be supposed to have forgotten the diplomatic elements of the case. The personal condition of the Pope, and the precarious circumstances of the Poppedom—both now in the hands of France, and, if that force were withdrawn, certain to be in the hands of some other external power—give rise to very grave considerations; but we still adhere to the opinion which we have so often and so fully expressed, that open diplomatic relations with the Court of Rome, and by and bye a *concordat*, would afford the best chance of accommodating the difficulties raised by these turbulent priests, and would tend to purify the religion itself from the political taint it has unhappily received in these countries from its alliance with agitators and anarchists. We abstain from entering into any detail of our hopes and fears on this subject; but one thing cannot be denied, that the Pope is (whatever else he may be) a temporal Prince of Italy, and that there is neither law nor reason in our not having the same temporal relations with him as other powers have who reject his spiritual supremacy as decidedly as we do. The first difficulty seems to be this:—The Pope treats no Sovereign—not even the Emperors—on a footing of equality. He sends them not *Plenipotentiaries*, not *Ambassadors*, but *Nuncios*—that is, he does not negotiate, but communicates his pleasure. '*Nuncio*,' Johnson defines, '*a spiritual envoy from the Pope*.' We will not receive '*a spiritual envoy*,' and the Roman Pontiff will send us, it seems, no other.

His pretensions on this point are an absurd anachronism—a mistake of the nineteenth century for the middle ages—of the reign of Victoria for that of King John. But be it so. There is no absolute need either of resident Ambassadors or Nuncios to conduct such occasional relations as we require with Rome. Special missions will, as it seems to us, suffice for all useful purposes, and to those we can see no objection, though we confess that we should be very sorry to see permanently amongst us a *Legate* or a *Nuncio*—a Pandolfo or a Campejo. To this we add, that every State is strong in its diplomacy in direct proportion to the stability and strength of its own internal Government, and that therefore we believe that the best step to any agreement of any kind with the Sovereign of the Papal States would be the vindication of the law of England against these Wisemans, Cullens, and M'Hales—men of no other weight or consideration than that which any turbulent or seditious agitator may always acquire; they are, in fact, not a whit of more importance than Hunt, Cobbett, Smith O'Brien, or O'Connell—all bugbears of their day.

*** NOTE to the Article on Kaye's History of the War in Affghanistan, in our last Number (July, 1852).*

WE have had the honour to receive a *Memoran-*

dum in reference to some passages of this article, from a statesman who held office at the period of which Mr. Kaye's History treats; and on the point which immediately concerns our correspondent we at once admit that some apology is due. Mr. Kaye, in pp. 256-7 of his second volume, cites two despatches 'written out to the Supreme Government' of India, as *proofs* that 'the Court of Directors,' in December, 1840, and June, 1841, clearly foresaw the probable results of such a line of policy as was actually followed in the support of Shah Soojah, and that 'Leadenhall Street' had escaped 'the delusion' which in other and still higher quarters had spread and prevailed as to that matter. Mr. Kaye certainly should have noted that those despatches were 'written out' by the '*Secret Committee*' of the Court of Directors; because he must have known, if he reflected at all, that, on matters connected with questions of *peace and war*, no such despatches can be sent to India except by that '*Secret Committee*,' and that, in point of fact, that '*Secret Committee*' is, as to all such questions, merely the organ, or rather channel, by which communications from the English Ministry are forwarded to India.

We regret that we had overlooked this error of Mr. Kaye, and repeated his inferences without adding some words of caution. The date of the second despatch, June 2, 1841, is manifestly—as our Correspondent says—wrong; because the paper contains an allusion to the surrender of Dost Mohammed (Nov. 3, 1840) as a very recent event:—the real date was *January 29, 1841*. Mr. Kaye cites both despatches as from '*MSS. Records*;' and we can readily suppose that the blunder as to the date of the second was caused by hasty reading of a '*MS.*' It is no business of ours to explain Mr. Kaye's access to '*MSS. Records*;'—the '*MSS. Records*' in these cases of a '*Secret Committee*'—or to justify the freedom he has adopted in the use of such papers.

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