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Brouzhamel

MEMOIRS  
of the  
*Right Honourable*  
LORD BROUGHAM.



BROUGHAM HALL, WESTMORELAND.

LONDON  
THOMAS AGNEW,  
42, Holborn Hill  
1840



# MEMOIRS

OF THE

RIGHT HONOURABLE HENRY,

LORD BROUGHAM.

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————— " I have seen  
The dumb men throng to see him, and the blind  
To hear him speak."

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BY

J. HARWOOD, Esq.

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## TO THE READER.

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"He was a man, take him for all in all,  
I shall not look upon his like again."—*Shakspeare.*

THE above quotation may most aptly be applied to the extraordinary man, a brief sketch of whose political life and private character we profess to give in the following pages. "Brief it certainly is, and a sketch it must be;" we think we hear the reader exclaim, on taking up and opening our miniature volume, we bow with submission to the opinion thus expressed, for the most potent of all reasons—because it is congenial with our own. But, although we readily acknowledge its brevity, we presume to flatter ourselves we have, in our limited space, by a judicious husbanding of our means, accomplished more than has been done by some of the noble lords' more voluminous and wordy biographers. It has been our object not to waste a line, much less a page, on useless or extraneous remarks; our labours have been confined strictly to a memoir of the noble lord; to a narrative of the political

"Battles, sieges, fortunes he has passed,  
From year to year; to the very moment  
We are bade to tell it."

And in the performance of our task, in speaking of the noble and learned Lord, we have studiously refrained from following the multitude of his admirers in eulogizing, and still more studiously have we avoided delineating him as the intriguing ambitious statesman which party-feeling has frequently pourtrayed.

We are well aware that the pages of our country's history present to us men of sterner political virtue, of more rigid patriotism, than Lord Brougham has, on some occasions, displayed; Hampdens or Sidneys, who would have preferred to stand forth the champions of their country's liberties in the Commons House of Parliament, or even on the scaffold, to all the honours which the prince or the peerage could have conferred on them; but where, in the present age, are such men to be found? And, with all the drawbacks which can be alleged against him by his bitterest opponents, the name of Lord Brougham must be registered to posterity with those illustrious men who have been recognized as among the greatest benefactors, not only to their own country, but to mankind in general.

*January, 1840.*

## MEMOIRS

OF

HENRY, LORD BROUGHAM & VAUX.

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### CHAPTER I.

EVEN amongst those who have most distinguished themselves by their talent, and conferred honour on this country by their conduct, since the commencement of the present century, there are but few who will bear comparison with the eminent individual of whose public and private life we purpose giving a brief memoir in the following pages. Indeed, whether we consider him in his progress at the bar, or trace him in his career as a representative of the people in Parliament; whether we look at him as presiding over the highest court of equity in the empire, or review his conduct whilst in the performance of his duties as a peer of the realm, the occupant of the Woolsack, and Keeper of the King's Conscience, Lord Brougham, the individual in question, will be found to stand pre-eminent, for eloquence and ability, in all those situations.

In speaking thus of the talent and eloquence of Lord Brougham, we wish, however, not to be considered as his unqualified panegyrists; or as undertaking to defend all his measures as a politician, or to approve his conduct on all occasions as a statesman. The acts of his Lordship, in both those characters, are before the public; it is our duty, as historians, to relate events as they are, truly and impartially, and leave it to our readers to form a

judgment on the facts thus submitted to their consideration.

The family of Lord Brougham has, for a long series of years, we believe we may say from a period anterior to the Conquest, been domiciled at Brougham Hall, in the county of Westmoreland; the family has also possessed a residence, and considerable landed property, at Scales-hall, in Cumberland, where Henry Brougham, Esq., the father of his Lordship, occasionally resided. Mr. Brougham married, early in life, Eleanor, the only daughter and heiress of Dr. James Syme, D.D., and niece of Dr. Robertson, the latter gentleman being well known in the literary world as the author of "The History of Scotland," and other historical works of sterling and long-established reputation. The fruits of this marriage were six children, of whom Henry, the present Lord, is the eldest. James, the second son, represented in Parliament successively the boroughs of Tregony and Downton, and subsequently, that of Winchelsea; Peter, the third son, died in the East Indies in 1800. John, who was a wine-merchant, died at Boulogne, in September 1829; and William, the youngest son, a master in Chancery, and member for Southwark at the time of passing the reform-bill, is since dead. Mary, the only daughter, remains unmarried.

LORD BROUGHAM was born at Edinburgh, on the 19th of September, 1779. Some accounts say, in a house at the head of the Cowgate in the Old Town, whilst others contend that the New Town has a right to claim the honour of being his birth-place, his Lordship having first seen the light in an apartment of a house situate at the corner of St. Andrew's Square. The following anecdote relative to this important event, whilst Lord Brougham states that

his birth occurred in the New Town, certainly confirms the contrary statement, and marks the head of the Cow-gate as the *locus in quo*. The anecdote which is related by Mr. Chambers is as follows:—“The birth and existence of this illustrious orator,” says Mr. Chambers, “depended upon a chance-circumstance. The father of Mr. Brougham, it is well known, was proprietor of Brougham-hall, and a fine estate in the North of England, which still forms the patrimony of the family. He was about to be married to a lady in his own neighbourhood, to whom he was passionately attached, and every preparation was made for the nuptials, when, to Mr. Brougham’s great grief, his mistress died! To beguile himself of his sorrows, he determined to travel, and came to Edinburgh, where, wandering about on the castle-hill to view the city, he happened to enquire of a fellow-idler, where he could find a respectable and comfortable lodging. By this person he was directed, not to the New Town, or to any of the fashionable hotels, for, at that time, no such thing existed in the Scottish capital, but to Mrs. Syme, sister of Principal Robertson, widow of the Rev. Mr. Syme, minister of Alloa, who then kept the largest and most genteel boarding establishment in town, in the second flat of *Mac Lellan’s Land*, head of the Cow-gate. Here Mr. Brougham forthwith proceeded to settle himself; and, though he did not at first contemplate a permanent residence in the city, he soon found occasion to make that resolution; for, falling in love with Miss Eleanor Syme, who was a young lady of great merit and beauty, he abandoned his early sorrows, and espousing her, lived principally for the rest of his life in Edinburgh.

Leaving, however, this question of locality to be

decided by those who may wish to pursue it further, one fact we have established beyond controversy, namely, that Edinburgh was the birth-place of Lord Brougham,—that there he passed his infancy,—and further, that at the High School of that city he received his early education. That he was eager for the acquirement of knowledge, and indefatigably laborious in the pursuit of it, the brilliant career exhibited in his subsequent progress through life affords the most unanswerable proof.

At the age of sixteen, young Brougham entered the University, where he soon became remarkable for his intellectual powers, of which he exhibited a very extraordinary specimen in the composition of an essay on the difficult doctrine of optics. At this period he was not yet seventeen years of age. This proof of precocious intellect was transmitted, through the medium of a friend, Sir Charles Blagden, to the Royal Society. Our young student, on this occasion, had not confined himself to observations alone, but had illustrated his opinions and arguments by the detail of a series of experiments, illustrative of the doctrine of the inflection, reflection, and colours of light. The merits of this production were so highly estimated by the Society, that it was honoured with a place in the account published by them of their transactions during the year 1796. The Transactions of the Society, published in 1798, contain a second paper forwarded to the Society by Mr. Brougham during that year, containing some general theorems in the higher geometry.

With a foundation for literary fame, thus early and substantially laid, it is no wonder that our young aspirant was encouraged to press forward in pursuit of the goddess to whose service he had devoted himself; accordingly, notwithstanding his

youth, we find him soon after distinguishing himself as a member of the Speculative Club; a society established in Edinburgh, the object of which was the acquirement of a more extensive knowledge of science and literature, and the promotion of eloquence among its youthful members, by affording them an opportunity of attaining that degree of modest assurance and self-possession, so indispensably necessary to constitute a public speaker. In this society Brougham found himself associated with Southey, Scott, Horner, Jeffery, Dr. Thomas Brown, and many other individuals who have since become eminent and conspicuous characters in literature and politics.

About this time, 1800, Mr. Stuart, now Lord Stuart de Rothsay, was appointed to a temporary mission to one of the Northern Courts; his Lordship, after the conclusion of the business on which he was employed, contemplated, previous to his return, a more extended tour through the northern parts of Europe; on this occasion, Mr. Brougham obtained permission to accompany his friend in his journey. After an absence of some months he returned to Edinburgh, and was soon after called to the Scottish bar, and commenced his career as an advocate.

The narrow sphere of the Court of Session was, however, by far too confined a field of action for the aspiring genius of Brougham. Soon after his being called to the bar, namely, in the year 1802, *The Edinburgh Review* was established, and he immediately became a contributor to that periodical. It was soon whispered abroad that the pen of the young advocate was employed in promoting the objects and interests of the proprietors of the work which we have named; and his friends and admirers gave him credit for being the author of many articles

which appeared in its pages, which he probably never saw in manuscript, or indeed in any shape, until after they had issued from the publisher's office. Amongst these bantlings which he was thus forced to father, were reviews of some of the productions of Wordsworth, Southey, and Coleridge; if he was really the writer of many of these, they certainly are not distinguished by that master-mind, the vigour of which characterizes his subsequent productions in the same class of literature. The best of the productions, of which he was said to be the author at this time, and of his right to claim it as his own, there can scarcely remain a doubt after the testimony given by Moore, in his life of the poet of Newstead Abbey, was his critique on Lord Byron's *Hours of Idleness*. The spirit of good-nature certainly did not reign supreme in the critic's breast at the time of his writing it; how far justice guided his pen is a question which subsequent opinions given, by a judgment more matured, even by himself, will best answer. As one of the earliest productions of Mr. Brougham's pen, it may not be uninteresting to the reader; we shall, therefore, insert it at length, from the work in which it first appeared.

#### CRITIQUE ON BYRON'S HOURS OF IDLENESS.

“The poesy of this young lord belongs to the class which neither gods nor men are said to permit. Indeed, we do not recollect to have seen a quantity of verse with so few deviations in either direction from that exact standard. His effusions are spread over a dead flat, and can no more get above or below the level, than if they were so much stagnant water. As an extenuation of this offence, the noble author is peculiarly forward in pleading minority. We have it in the title-page, and on the very back of the



volume; it follows his name, like a favourite part of his *style*. Much stress is laid upon it in the preface; and the poems are connected with this general statement of his case, by particular dates, substantiating the age at which each was written. Now, the law upon the point of minority, we hold to be perfectly clear. It is a plea available only to the defendant; no plaintiff can offer it as a supplementary ground of action. Thus, if any suit could be brought against Lord Byron, for the purpose of compelling him to put into court a certain quantity of poetry; and if judgment were given against him, it is highly probable that an exception would be taken, were he to deliver, *for poetry*, the contents of this volume. To this he might plead *minority*; but, as he now makes voluntary tender of the article, he hath no right to sue, on that ground, for the price in good current praise, should the goods be unmarketable. This is our view of the law on the point, and we dare to say, so will it be ruled. Perhaps, however, in reality, all that he tells us about his youth, is rather with a view to increase our wonder, than to soften our censures. He possibly means to say, 'See how a minor can write! This poem was actually composed by a young man of eighteen, and this by one of only sixteen!'—But, alas! we all remember the poetry of Cowley at ten, and Pope at twelve; and, so far from hearing, with any degree of surprise, that very poor verses were written by a youth from his leaving school to his leaving college, inclusive, we really believe this to be the most common of all occurrences; that it happens in the life of nine men in ten who are educated in England; and that the tenth man writes better verse than Lord Byron.

“His other plea of privilege, our author rather brings forward, in order to waive it. He certainly,

however, does allude frequently to his family and ancestors—sometimes in poetry, sometimes in notes; and while giving up his claim on the score of rank, he takes care to remind us of Dr. Johnson's saying, that when a nobleman appears as an author, his merit should be handsomely acknowledged. In truth, it is this consideration only that induces us to give Lord Byron's poems a place in our Review, beside our desire to counsel him, that he do forthwith abandon poetry, and turn his talents, which are considerable, and his opportunities, which are great, to better account.

“ With this view, we must beg leave seriously to assure him, that the mere rhyming of the final syllable, even when accompanied by the presence of a certain number of feet; nay, although (which does not always happen) those feet should scan regularly, and have been all counted accurately upon the fingers,—is not the whole art of poetry. We would entreat him to believe, that a certain portion of liveliness, somewhat of fancy, is necessary to constitute a poem; and that a poem in the present day, to be read, must contain at least one thought, either in a little degree different from the ideas of former writers, or differently expressed. We put it to his candour, whether there is any thing so deserving the name of poetry in verses like the following, written in 1806, and whether, if a youth of eighteen could say anything so uninteresting to his ancestors, a youth of nineteen should publish it.

Shades of heroes, farewell! your descendant, departing  
From the seat of his ancestors, bids you adieu!  
Abroad, or at home, your remembrance imparting  
New courage, he'll think upon glory, and you!

' Though a tear dim his eye, at this sad separation,  
'Tis nature, not fear, that excites his regret;  
Far distant he goes, with the same emulation;  
The fame of his fathers he ne'er can forget.

'That fame, and that memory, still will he cherish,  
 He vows that he ne'er will disgrace your renown;  
 Like you will he live, or like you will he perish;  
 When decay'd, may he mingle his dust with your own.'

"Now we positively do assert, that there is nothing better than these stanzas in the whole compass of the noble minor's volume.

"Lord Byron should also have a care of attempting what the greatest poets have done before him, for comparisons (as he must have had occasion to see at his writing-master's) are odious—Gray's Ode on Eton College, should really have kept out the ten hobbling stanzas 'on a distant view of the village and school of Harrow.'

'Where fancy, yet, joys to retrace the resemblance  
 Of comrades, in friendship and mischief allied:  
 How welcome to me, your ne'er fading remembrance,  
 Which rests in the bosom, though hope is denied.'

"In like manner, the exquisite lines of Mr. Rogers, 'On a Tear,' might have warned the noble author off those premises, and spared us a whole dozen such stanzas as the following:—

'Mild Charity's glow,  
 To us mortals below,  
 Shows the soul from barbarity clear;  
 Compassion will melt,  
 Where this virtue is felt,  
 And its dew is difused in a Tear.

'The man doom'd to sail,  
 With the blast of the gale,  
 Through billows Atlantic to steer,  
 As he bends o'er the wave,  
 Which may soon be his grave,  
 The green sparkles bright with a Tear.'

"And so of instances in which former poets had failed. Thus, we do not think Lord Byron was made for translating, during his non-age, Adrian's Address to his Soul, when Pope succeeded so indif

ferently in the attempt. If our readers, however, are of another opinion, they may look at it.

' Ah! gentle, fleeting, wav'ring sprite,  
 Friend and associate of this clay!  
 To what unknown region borne,  
 Wilt thou, now, wing thy distant flight?  
 No more, with wonted humour gay,  
 But pallid, cheerless, and forlorn.'

" However, be this as it may, we fear his translations and imitations are great favourites with Lord Byron. We have them of all kinds, from Anacreon to Ossian; and, viewing them as school exercises, they may pass. Only, why print them after they have had their day and served their turn? And why call the thing in page 79 translation, where *two* words (*thello leggine*) of the original are expanded into four lines, and the other thing in page 81, where *mesonookteoy's poth' orais*, is rendered by means of six hobbling verses? As to his Ossianic poesy, we are not very good judges, being, in truth, so moderately skilled in that species of composition, that we should, in all probability, be criticising some bit of the genuine Macpherson itself, were we to express our opinion of Lord Byron's rhapsodies. *If*, then, the following beginning of a 'Song of Bards,' is by his Lordship, we venture to object to it, as far as we can comprehend it. 'What form rises on the roar of clouds, whose dark ghost gleams on the red stream of tempests! His voice rolls on the thunder; 'tis Orla, the brown chief of Othona. He was,' &c. After detaining this 'brown chief' some time, the bards conclude by giving him their advice to 'raise his fair locks:' then to 'spread them on the arch of the rainbow;' and 'to smile through the tears of the storm.' Of this kind of thing there are no less than *nine* pages; and we can so far venture an opinion in their favour, that they look very

like Macpherson; and we are positive they are pretty nearly as stupid and tiresome.

"It is a sort of privilege of poets to be egotists; but they should 'use it as not abusing it;' and particularly one who piques himself (though indeed at the ripe age of nineteen) of being 'an infant bard,'—('The artless Helicon I boast is youth;')—should either not know, or should seem not to know, so much about his own ancestry. Besides, a poem above cited on the family-seat of the Byrons, we have another of eleven pages, on the self-same subject, introduced with an apology, 'he certainly had no intention of inserting it;' but really, 'the particular request of some friends,' &c. &c. It concludes with five stanzas on himself, 'the last and youngest of a noble line.' There is a good deal also about his maternal ancestors, in a poem on Lachin-y-gair, a mountain where he spent part of his youth, and might have learnt that *pibroch* is not a bagpipe, any more than duet means a fiddle.

"As the author has dedicated so large a part of his volume to immortalize his employment at school and college, we cannot possibly dismiss it, without presenting the reader with a specimen of those ingenious effusions. In an ode, with a Greek motto, called "Granta," we have the following magnificent stanzas :—

- \* There, in apartments small and damp,  
The candidate, for college prizes,  
Sits poring by the midnight lamp;  
Goes late to bed, yet early rises.
- \* Who reads false quantities in Sele,  
Or puzzles o'er the deep triangle;  
Deprived of many a wholesome meal,  
In barbarous Latin doom'd to wrangle.
- \* Renouncing every pleasing page,  
From authors of historic use;  
Perferring to the lettered sage,  
The square of the hypothenuse.

' Still harmless are these occupations,  
That hurt none but the hapless student ;  
Compared with other recreations,  
Which bring together the imprudent.'

" We are sorry to hear so bad an account of the College Psalmody as is contained in the following attic stanzas :—

' Our choir would scarcely be excused,  
Even as a band of raw beginners ;  
All mercy, now, must be refused,  
To such a set of croaking sinners.

' If David, when his toils were ended,  
Had heard these blockheads sing before him,  
To us, his Psalms had ne'er descended ;  
In furious mood he would have tore 'em.

" But whatever judgment may be passed on the poems of this noble minor, it seems we must take them as we find them, and be content ; for they are the last we shall ever have from him. He is at best, he says, but an intruder into the groves of Parnassus ; he never lived in a garret, like thorough-bred poets ; and ' though he once roved a careless mountaineer in the Highlands of Scotland,' he has not of late enjoyed this advantage. Moreover, he expects no profit from his publication ; and, whether it succeeds or not, ' it is highly improbable, from his situation and pursuits hereafter,' that he should again condescend to become an author. Therefore, let us take what we get and be thankful ; what right have we poor devils to be nice ? We are well off to have got so much from a man of this Lord's station, who does not live in a garret, ' but has sway' of Newstead Abbey. Again, we say, let us be thankful ; and with honest Sancho, bid ' God bless the giver, nor look the gift horse in the mouth.' "

The attack thus made upon him by the Northern critic, was not suffered to pass by unnoticed by Lord Byron ; it produced soon after, on the part of

his Lordship, "English Bards and Scotch Reviewers," a work in which he fully avenged himself, and punished his adversary.

The years 1802 and 3 were passed by Mr. Brougham in close and constant application to the duties of his profession; and his success was commensurate with his exertions; in fact, the progress which he made at the bar was more rapid than that usually achieved by others devoting themselves to a similar pursuit. His professional avocations did not, however, wholly occupy his time; his active mind still led him to the consideration of other subjects besides those connected with the law; literature, politics, and commercial questions, each in their turn claimed his attention; and, in the course of the year 1803, the public were taken by surprize by the publication of a very elaborate work, under the title of "An Enquiry into the Colonial Policy of the European Powers." The style of this work was such as added much to his reputation as a writer; and the arguments which it contained, especially those appertaining to West India slavery, were such as at once to display the acute, active, and practical mind of the writer; and, although some of the opinions set forth in this his first essay as a political writer, at least, his first important essay, were afterwards, upon more mature reflection, abandoned by him, or greatly modified; still the writer was acknowledged, on all hands, to have displayed, in the course of the work, deep thought, and extensive information on the subject under his consideration.

The publication of this work prepared the way for Mr. Brougham's introduction to the English bar; and that object was greatly expedited by his having been retained in the celebrated Roxburgh case, in which he made a most successful debut be-

fore the House of Lords, as junior counsel on the part of Lady Essex Ker. In 1807, he was called to the English bar, by the Society of Lincoln's Inn: this circumstance was followed by his removal from Edinburgh to London, and his almost immediate *entrée* upon that stage on which he was destined, subsequently, to perform so important a part. At this time, his old friend and school-fellow, Mr. Francis Horner, was also admitted to the English bar, and commenced his course of practice in the Chancery; Mr. Brougham selecting the Court of King's Bench as his field of operations.

Mr. Brougham did not remain long at the English bar unnoticed or unemployed. His reputation had preceded him from the Northern Capital, and we find him early in 1808 engaged in a case of more than common importance, embracing a question of great commercial interest; and, upon the discussion of which, at no very distant period, he was doomed to take a leading part, not as an advocate, but as a member of the Legislature in his place in the House of Commons. Some of the principal merchants of London, Liverpool, Manchester, Birmingham, Bristol, and other commercial towns, had at this time presented a petition to the House of Commons against the celebrated orders in council, relative to our trade with America. The petitioners were chiefly merchants engaged in that trade, against which branch of commerce, the orders in council, it was contended by the petitioners, operated most injuriously, and with great partiality and injustice. The prayer of the petition asked leave for the petitioners to be heard by counsel, and to examine witnesses at the bar of the house; and leave having been obtained, Mr. Brougham was selected by the merchants to support their interest on this highly important



occasion. In the decision thus come to for the choice of an advocate, the petitioners were probably influenced by the reputation which the work published by Mr. Brougham in the preceding year, and to which we have already alluded, had acquired in the commercial world. Be that as it may, our youthful advocate most readily undertook the task assigned to him; and, by the manner in which he performed it, shewed that he was not unworthy the confidence which had been reposed in him. On the 16th of March, 1808, he appeared at the bar of the House of Commons, and in a clear and able address opened the case of the petitioners. He then proceeded to call and examine witnesses in support of the prayer of the petition. The examination of witnesses was not concluded until the 1st of April, and a few days subsequent to that date, he addressed the house in an able speech, which occupied upwards of four hours in the delivery, and in which he commented with great force and eloquence, and with much ingenuity, upon the evidence which he had produced in support of the petitioners' case. On this, his first essay, he was not wholly successful; the petition for the repeal of the orders was not adopted, but the ability with which the question had been argued by Mr. Brougham was acknowledged by all who heard him; and the result proved most important in its consequences to him; his reputation as an advocate was established by it, and his practice, both in Westminster Hall and on the circuit, increased ten-fold.

## CHAPTER II.

It has already been stated, that about the year 1802 Mr. Brougham accompanied his friend and fellow-student, Mr. Stuart, on a tour which the latter at that time made through some of the northern states of Europe. It is not generally known that, at a subsequent period, namely, about the year 1806, he paid a second visit to the continent. This second excursion was to the southward; and, if rumour spoke truly, was undertaken at the suggestion and under the sanction of Mr. Pitt, then at the head of the government of this country. It will be recollected that 1806 was the period at which the successful career of Bonaparte, in the north of Europe, had nearly extinguished all hopes of making any effectual resistance to his progress in that quarter. Fortunately, however, for Europe, and for the world at large, the spirit of resistance to tyranny, which appeared to be crushed and annihilated in the north, shewed some faint symptoms of reviving in the south. A disposition to resist the military despotism of Napoleon, began about this time to display itself in various parts of Spain; and hopes were awakened that the cause, which had been so unsuccessful in the other parts of the continent, might still be brought to a fortunate issue in the Peninsula. Mr. Pitt was impressed with this idea; but, wishing for fuller and more correct information than written communications could supply, he determined on dispatching a trusty agent to Spain, from whose personal observations he might learn what the real state of that country was; and Mr. Brougham was the person selected

by the premier for the performance of this highly-important and very difficult service. Doubts, we know, have been expressed by some, of the correctness of the assertion, that he was ever thus employed by Mr. Pitt; but we believe that those doubts have been removed by subsequent circumstances, and that the fact is now fully established. Certain it is, that, for the alleged performance of this delicate and very arduous mission, Mr. Brougham has, by the ultra-liberals, been, on more occasions than one, accused, most unjustifiably, of having, at that period of his career, been engaged as a secret agent in the service of a tory minister; whilst, on the other hand, the friends of Mr. Pitt's administration, referring to the confidence reposed in Mr. Brougham on this occasion, have asserted that he was at this time on the eve of joining their ranks, and giving his support to the government of that day. Whether he did, indeed, contemplate such a step, will now probably remain for ever a secret; if, however, he ever entertained the idea, the death of Mr. Pitt at this period, and the accession of the whigs to power under Mr. Fox, induced him, fortunately for his own future fame and political consistency, to abandon it altogether.

To return to our narrative, from which the recollection of this incident has caused us a little to digress. We do not find that the year 1809 was marked by any circumstance of material importance in Mr. Brougham's career. After his appearance at the bar of the House of Commons, in 1808, as counsel for the Merchants, petitioners against the Orders in Council, he continued his professional career steadily and successfully, and with increasing reputation. At the commencement of the following year (1810), however, a new path to his ambi-

tion presented itself. The death of the Marquis of Lansdowne occurred at that time, and, by that event, his son Lord Henry Petty, then chancellor of the exchequer, was removed to the House of Peers, where he took his seat as Marquis of Lansdowne. This circumstance caused a vacancy in the representation of the borough of Camelford, and that borough being under the influence of the Earl of Darlington, since Marquis of Cleveland, through the friendship of that nobleman, Mr. Brougham was returned to Parliament, to supply the vacancy occasioned by Lord Henry Petty's removal to the Upper House, and took his seat accordingly, as representative of the borough of Camelford.

It may not be out of place here, to quote the observations of a contemporary writer in "Johnstone's Edinburgh Magazine," when, commenting on this part of Lord Brougham's history. "Lord Brougham's competitor and school-fellow, Francis Horner," says the writer in question, "entered the Chancery Court about the same time that Brougham entered the King's Bench, and was at once brought into Parliament by the whig family of Lansdowne, his political patrons; but the lord-chancellor had struggled on for four or five years as a barrister, before he attained the distinction of becoming the nominee representative of the whig pocket-borough of Camelford. His patron was the Earl of Darlington. Mr. Brougham has stood seven or eight contested elections; one for Liverpool, against Mr. Canning; several in Westmoreland, opposed by the Lowther family; and one in the Stirling district of the Scotch burghs; but, during his whole parliamentary career of 21 years, he never represented any constituency having even the show of freedom, until the growing spirit of liberty triumphed in his re-

turn for the county of York, immediately before his elevation to office. If any man ought to have been a radical parliamentary reformer, Mr. Brougham, with his experience and consciousness, ought to have been that man. He was so, in fact, though in no degree that could alarm the whig party. Lord Althorp, Lord John Russell, and Mr. Lambton, were permitted to take the lead here, and they went further."

We do not take upon ourselves to say whether, in giving this opinion, the writer in the Edinburgh Magazine has come to a right conclusion; nor will we determine whether the whole political course adopted by Lord Brougham has been that of a "radical reformer." Thus much is certain, in all the discussions, parliamentary and popular, upon the subject of Parliamentary Reform, in which his lordship has taken a part, he has invariably supported that measure. At the time the Reform Bill was discussed, he formed a part of the Government of the day. The post which he filled was the exalted one of lord-high-chancellor; and, as such, he was the keeper of the king's conscience, and, we may presume, was in possession of all the political sentiments, at least, of the sovereign; and, in every stage of the bill, it had his warmest support.

In the early part of the session of 1810, Mr. Brougham took his seat in the House of Commons, and, on the 5th of March, in that year, Mr. Whitbread brought forward a motion, censuring the Earl of Chatham, for having privately transmitted to the king a narrative of particulars connected with the then recent expedition to the Scheldt. On this occasion the newly-elected member for Camelford delivered his maiden-speech in that assembly. Great expectations and anticipations had been

formed of the effects likely to be produced by this political *debut* ; but, as we have seen in the case of first appearances on some other stages, where previous reports had raised expectation too high, disappointment and failure followed. Still, though not brilliant, or equal to what his established character for eloquence had led his admirers to expect, it was acknowledged to have been distinguished by pertinent remarks and perspicuous illustrations. It was also characterised in the delivery by an unassuming manner, which insured the favorable opinion of the House, and secured for him its full attention on subsequent occasions, when he presented himself to their notice.

Amongst the important subjects which came under the consideration of the House, during the session of 1810, no one occupied more of public attention than did that relating to the Slave Trade. To this subject, so interesting to our colonies, Mr. Brougham had devoted much of his attention ; he had, as we have already observed, some years previous to this period, published his opinion upon that disgraceful traffic, in his work on Colonial Policy, published in 1803. The opinions there expressed by him on the subject had gained him great credit with the abolitionists, and his entrée into parliament now, when his judgment might be supposed to be more matured, and his powers improved, was hailed by that party as an event greatly to be rejoiced at. The abolition of that inhuman and anti-Christian traffic in the flesh and blood of our fellow-creatures was a theme to which British humanity ever lent a willing ear. The opinion of Mr. Brougham, as regarded the unholy principle of the trade, had undergone no change ; enthusiastic as ever on that point, he lost no time in seeking an

opportunity to call the attention of Parliament to the subject; and he, accordingly, gave notice of his intention to bring forward, on the 15th of June, a motion, having for its object, to call the attention of the House to the inefficiency of the Slave-Trade Abolition Act; and to the extent of its evasion by foreign powers. Accordingly, on the day appointed he brought the subject forward, in a speech of great force of argument and eloquence, in which he adduced proofs of the extent to which the traffic still existed; and detailed various instances of cruelty exercised upon the naked, defenceless children of Africa, to shew that the system of torture which had originally characterised this abominable traffic, had been in no degree ameliorated. He concluded his speech by moving an address to the crown, praying that His Majesty would be graciously pleased to persevere, and, if possible, to increase his efforts to induce foreign powers to abandon the trade; and, further, that he would be graciously pleased to issue such orders to the officers of his navy, as would effectually check the commerce still carried on by British subjects in defiance of the law. The following are extracts from the speech with which Mr. Brougham prefaced his motion on this occasion:—

“It is now,” said he, “three years since this abominable traffic has ceased to be sanctioned by the law of the land; and, thank God, I may therefore now indulge in expressing feelings towards it, which delicacy, rather to the law than to the traffic, might, before that period, have rendered it proper to suppress. After a long and most unaccountable silence of the law on this head, which seemed to protect, by permitting, or, at least, by not prohibiting the traffic, it has now spoken out; and the

veil which it had appeared to interpose being now withdrawn, it is fit to let our indignation fall on those who still dare to trade in human flesh, not merely for the frauds of common smugglers, but for engaging in crimes of the deepest die; in crimes always most iniquitous, even when not illegal; but which are now as contrary to law as they have ever been to honesty and justice. I must protest loudly against the abuse of language, which allows such men to call themselves traders or merchants. It is not commerce, but crime that they are driving. I too well know, and too highly respect, that most honourable and useful pursuit, that commerce, whose province it is to humanize and pacify the world—so alien in its nature to violence and fraud—so formed to flourish in peace and in honesty—so inseparably connected with freedom and goodwill, and fair dealing, I deem too highly of it to endure that its name should, by a strange perversion, be prostituted to the use of men who live by treachery, rapine, torture, and murder! and are habitually practising the worst of crimes, for the basest of purposes;—when I said murder, I spoke literally and advisedly. I meant to use no figurative phrase; and I know I was guilty of no exaggeration. I was speaking of the worst form of that crime. For ordinary murders there may even be some excuse. Revenge may have arisen from the excess of feelings honourable in themselves. A murder of hatred, or cruelty, or mere blood-thirstiness, can only be imputed to a deprivation of reason. But here we have to do with cool, deliberate, mercenary murder; nay! worse than this; for the ruffians who go on the highway, or the pirates who infest the seas, at least expose their persons; and, by their courage, throw a kind of false glare over



their crimes. But these wretches durst not do this; they employ others as base as themselves, only that they are less cowardly; they set on men to rob and kill, in whose spoils they are willing to share, though not in their dangers.—Traders, or merchants, do they presume to call themselves! and in cities like London and Liverpool, the very creations of honest trade? I, at length, will give them the right name, and call them cowardly suborners of piracy and mercenary murder. \* \* \*

“What has the Divine Legislator said on this subject? There is a most false and unfounded notion, that the sacred writings are silent upon it; I shall prove the contrary. ‘Whosoever,’ says the scripture, ‘stealeth a man, and selleth him, or in whose hands he shall be found, shall surely be put to death.’ And what is our gloss or application on this divine text? ‘Whoever,’ saith the English law, ‘stealeth a man, and tortureth him, and killeth him, or selleth him into slavery, for all the days of his life, shall surely pay £20.’ I trust that this grievous incongruity will, at length, be done away.”

The address was agreed to without a dissenting voice; and the speech of Mr. Brougham secured him, at once, the support and interest of those who favoured the abolition.

The foregoing extracts shew the language used by Mr. Brougham, in June, 1810; since that time 30 years have rolled over our heads. We have seen new revolutions in France, Spain, and Portugal; new dynasties established, or old ones restored. We have witnessed the Reform Bill passed in England, and we have had Mr. Brougham transformed into Lord Brougham, presiding over the House of Peers as lord-chancellor, and recognized by all as a highly-influential member of the government of

the country. Treaties on the subject of the Slave-Trade have been entered into with foreign powers, and immense amounts of British capital have been sacrificed, and sums of money paid, to induce those governments to unite with England in putting down and extinguishing this horrid traffic altogether; yet, still we see America, France, and Spain, carrying on the trade openly, or conniving at their subjects doing so; and, even up to this time, it is not quite clear, that British subjects and British capital are wholly withdrawn from its abominable influence. "Why," it is said by some, "has not Lord Brougham, with all the influence he possessed, done more towards putting an end to this crying evil? More might have been done, had inclination gone hand-in-hand with profession and ability." This is unjust and unreasonable; there may be, and undoubtedly are, many points in Lord Brougham's political life open to, and deserving of censure; but, there are two great and important national questions on which, even his most inveterate political opponents must acknowledge that, although his lordship may not yet have done so much as was expected from him, yet, that all his endeavours respecting them have been guided by a sincere and noble ambition to accomplish those objects. We allude to the establishment of a system of national education, and the utter abolition even of the name of negro slavery.

Though Mr. Brougham had now become deeply immersed in parliamentary proceedings, and took a leading part in almost every question at all relating to commerce; still he found leisure to attend to his professional duties at the bar; and it was no unusual occurrence to find him, on the morning succeeding a long and heavy debate in the Com-

mons, in which he had taken a prominent part, one of the earliest in attendance on the judges of the Court of King's Bench at their sitting, and one of the last to quit the court previous to its rising. Indeed, this had become imperative upon him, owing to his increasing business. The retirement of Lord Erskine had made an opening in a certain class of cases, to a great portion of which Mr. Brougham had succeeded; we mean political prosecutions, in which he was invariably retained on the part of the defendant. About this time it was, that the attorney-general of the day thought fit to institute a prosecution against the Messrs. Hunts, proprietors of the London journal the *Examiner*, for the insertion in that paper of an alleged libel. The libellous article had been copied from *Drakard's Stamford News*, and was in the form of a letter, reprobating the system of flogging in the army. Mr. Brougham was retained as counsel for the defendants, and his defence of his clients, by its boldness and ingenuity, elicited the applause of the attorney-general, Sir Vicary Gibbs; whilst, by Lord Ellenborough, who presided at the trial, it was characterised, in his summing up to the jury, as "a speech of great ability, eloquence, and manliness." The chief-justice's summing up, however, was decidedly for a conviction; his lordship declaring that the article in question was a gross and mischievous libel. But, notwithstanding this opinion, so decidedly given by the judge, the jury thought fit to return a verdict of "Not guilty." It was the speech of Mr. Brougham, delivered on this occasion, that first drew upon him the dislike of the Prince-Regent; a feeling which never subsided, but was entertained by him even after he ascended the throne, and to the last moment of his existence; and, at the time of

Mr. Brougham's second return to parliament, it was rumoured that the Prince-Regent exerted his personal influence to the utmost to prevent his election. Mr. Brougham was not unmindful of the feeling entertained towards him by the sovereign, and suffered no opportunity to escape of shewing his resentment of it. Towards the latter part of the king's reign, when allusions to subjects likely to be unpleasant to the royal ear, were frequent in parliament, Mr. Brougham usually contrived to have himself pitted in debate against Colonel Mac Mahon, or some other of the king's personal friends. On such occasions, Mr. Croker generally reserved himself to reply to Mr. Brougham, and, as parties then stood, it was considered no trifling distinction to be thought of importance enough to elicit castigation from such a source.

The acquittal of the Messrs. Hunts did but whet the appetite of the attorney-general against Drakard, the proprietor of *The Stamford News*, in which paper the alleged libel originally appeared; the indictment against whom was set down for trial at the following assizes, held at Lincoln, in March, 1811. Mr. Brougham was here also retained as counsel for the defendant. At the trial of this indictment he adopted the same bold and fearless line of defence as that pursued by him on the previous trial of the two Hunts; his speech was said to have been even more forcible and eloquent than that addressed to the court and jury in Westminster Hall. The reader may judge of its character, from the following extracts:—

“ I entreat you, Gentlemen,” said Mr. Brougham, “ to reflect on the publication which is charged in the indictment with being libellous; and which has been commented upon by the gentleman opposite,

and I beg to recall to mind the comments he has made upon it. He has told you that it has a tendency, and must have been published with an intention to excite mutiny and disaffection in our army, by drawing a contrast unfavourable to our service when compared with the French; and that it will induce the soldiers to join the standard of France, and to rebel against their officers; and, lastly, that it will prevent persons from entering into the service. Can Sir Robert Wilson, gentlemen—can General Stewart—or can the gallant veteran officer, whose very expressions the writer has used—by any stretch of fancy, be conceived to have been actuated by such intentions? Were they such madmen, as to have desired to alienate their men from their officers, and to disincline others from entering into the army of which they were commanders, and to which they were the firmest friends; to disincline men towards the defence of their own country, and lead them to wish for a foreign and a French yoke? Can you stretch your fancy to the thought of imputing to them such motives as these? You see the opinions they have given to the world. With what arguments, and with what glowing—I will even say violent—language they have expressed themselves, and shall it be said that this defendant, who uses language not so strong, has published a work which has that fatal tendency, or that he was actuated by so infernal an intention? An intention which in these officers would argue downright madness—but an intention which, in the author of this publication, would show him fit only for the society of demons! Unless you are convinced, not only that what is innocent at Westminster is libellous here—but that what is commendable in these officers is diabolical in the defendant—you cannot sentence him to a

dungeon for doing that which has obtained the favour of the sovereign, and the gratitude of the country for those distinguished men.

“ I have heard so much about invidious topics, about dangerous subjects of discussion ; I have seen so much twisting of expression to give them a tendency to produce disaffection, and I know not what besides, in the people of this country—that I am utterly at a loss to conceive any one subject—whether it be relative to military discipline, or to civil polity—that is not liable to the same objection. I will put my defence on this ground. If any one of those subjects which are commonly discussed in this country, and particularly of those relative to the army, can be handled in a way to prevent expressions from being twisted by ingenuity, or conceived by some to have a tendency to produce discontent—if any mode of treating such subjects can be pointed out to me, in which we shall be safe, allowing the argument of my learned friend to be just, I will give up this case, and confess that the intention of the defendant was that which is imputed to him. Is there, to take an obvious instance, a subject more common-place than that of the miserable defect which now exists in the Commissariat of our army? I only select this, because it comes first to my thoughts. Has it not always happened, that in the unfortunate necessity of a retreat, all mouths have resounded with the ill-conduct of the Commissariat? Has it not been said, in the hearing of the army and of the country, that the distresses of our troops on a retreat were increased by their want of food, occasioned by the inadequacy of our Commissariat? But we have not only been in the habit of blaming particular instances of neglect—we have also taken upon ourselves to blame

the system itself. Nay, we have gone further, we have placed our Commissariat in comparison with that of France, and we have openly and loudly given the preference to the enemy. And why may not the defendant do the same with reference to another point of military discipline? Can you fancy a subject more dangerous, or which is more likely to occasion rebellion, than that of provision, if you tell the soldier that, through the neglect of his government, he runs the risk of being starved, while in the same breath you add that Buonaparte's troops are well supplied, through the attention which he pays to this most important branch of a general's duty? Yet, gentlemen, no one has ever been censured—nor has it been said that it was his intention to excite confusion—because he has condemned that part of our military system which relates to providing the soldiers with food.

“In truth, we must submit to these discussions, if we would have any discussion at all. Strong expressions may, indeed, be pointed out here and there in a publication on such topics, and one may be more strong than another. When he is heated, a man will express himself strongly. And am I to be told, that, in discussing a subject which interests all men, no man is to express himself with force? Is it the inflammatory tendency of this publication—or is it, in one word, the eloquence with which the writer has treated his discussion, that has excited the present prosecution? If he had treated his subject dully, coldly, stupidly, he might have gone on to the end of time; he would never have heard a breath of censure, seen a line of information, or produced an atom of effect. If warmth is not to be pardoned in discussing such topics, to what are the feelings of men to be confined?”

“ I shall, perhaps, hear—Confine yourself to such subjects as do not affect the feelings—to matters that are alike indifferent to all men—go to arithmetic—take abstract points of law—“ tear passion to tatters” upon questions in addition and subtraction—be as warm as you please on special pleading—there is a time sufficient for the workings of the heart—but beware of what interests all mankind, more especially your own countrymen; touch not the fate and fortune of the British army. Beware of those subjects which concern the men who advance but to cover themselves with victory, and who retire but to gain yet greater fame by their patient endurance; men who then return to their homes, covered with laurels, to receive the punishment of the lash, which you inflict on the meanest and most unnatural of malefactors! Let us hear nothing of the “ charnel-houses” of the West Indies, as Sir Robert Wilson calls them, that yawn to receive the conquerors of Corunna! Beware of touching on these points; beware of every thing that would animate every heart; that would make the very stones re-echo your sound, and awaken stocks to listen to you. You must not treat such subjects at all, or else you must do it coolly, allowing yourselves to glow by some scale, of which my learned friend is no doubt in possession; you must keep to a line, which is so fine, that no eye but his can perceive it.

“ This may not be—this must not be! While we continue to live in England it may not be—while we remain unsubdued by that egregious tyrant, who persecutes all freedom with a rancour, which only oppressors can know—that tyrant, against whom the distinguished officers, whose works I have quoted, have waged a noble and an efficient resistance—and



against whom this defendant, in his humbler sphere, has been zealous in his opposition;—that tyrant, whose last and most highly-prized victory is, that which he has gained over the liberty of discussion. Yet, gentlemen, while that tyrant enslaves his own subjects, and turns them loose to enslave others, no man under his sway dare attempt to do more than calmly and temperately to discuss his measures. Writers in his dominions must gauge their productions, according to the standard established by my learned friend—they must measure their argument according to his rule—and regulate the warmth of their language to a certain defined temperature. When they treat of the tyrant's ambitious and oppressive policy—when they treat of the rigours of his military conscription, they must keep to the line which has been this day marked out in this Court. Should they go beyond that line—should they engage in their subject with an honest zeal, and treat it with a force likely to gain conviction—that is to say, should they treat it after the manner of the writer of this composition which is now before you—they may lay their account with being dragged forth to be shot without a trial, like the unbappy bookseller of Nuremburg, or with being led in mockery to a Court; and, after the forms of a judicial investigation are gone through, consigned by the decision of the judges to years of imprisonment.

“And yet, Gentlemen, there is some excuse for Buonaparte, when he acts in this manner. His government, as he well knows, is bottomed in injustice and cruelty. If you search and lay bare its foundation, you must necessarily shake it to its centre—its safety consists in silence and obscurity! Above all, is it essential to its power, that the cruelty of his military system should not be attacked, for on

it does he rest his greatness? The writer, therefore, who should treat, in a nervous style, of the rigour of his conscription, could expect nothing but severe punishment.

“ But happily, gentlemen, things in this country are a little different. Our constitution is bottomed in law and in justice, and in the great and deep foundation of universal liberty! It may, therefore, claim inquiry. Our establishments thrive in open day—they even thrive, surrounded and assailed by the clamour of faction. Our rulers may continue to discharge their several duties, and to regulate the affairs of the State, while their ears are dinned with tumult. They have nothing to fear from the inquiries of men. Let the public discuss—so much the better. Even uproar, gentlemen, is wholesome in England, while a whisper is fatal in France!

“ But you must take it with you, in deciding on the merits of this publication, that it is not upon our military system that the defendant has passed his reflections—it is not our military system that he condemns. His exertions are directed to remove a single flaw which exists on the surface of that system—a speck of rottenness which mars its beauty, and is destructive of its strength. Our military system he admires in common with us all; he animadverts upon a taint and not upon its essence—upon a blot which disfigures it, and not upon a part of its structure. He wishes you to remove an excrescence, which may be pulled away without loosening the foundation, and the rest will appear the fairer, and remain so much sounder and safe.

“ You are now, gentlemen, to say, by your verdict, whether the mere reading of this publication—taking all its parts together—not casting aside its limitation and qualifications—but taking it as it ap-

pears in this paper—you are now to say, whether the mere perusal of it in this shape, is likely to produce those effects which have been described by the counsel for the prosecution—effects which have never yet been produced by the infliction of the punishment itself. This consideration, gentlemen, seems to deserve your very particular attention. If you can say aye to this, you will then bring your verdict against the defendant—and not only against him, but against me, his Advocate, who have spoken to you much more freely than he has done—and against those gallant officers who have so ably condemned the practice which he condemns—and against the country, which loudly demands an attention to its best interests—and against the stability of the British Constitution.”

Such was the speech delivered by Mr. Brougham on this occasion; in the course of its deliverance the Court was frequently interrupted by bursts of applause from the audience, every attempt to repress which was found to be unavailing. Notwithstanding this eloquent appeal, however, and in the face of the previous decision of a London jury, the Lincoln jury thought fit to return a verdict of guilty against the defendant.

## CHAPTER III.

THE session of 1811 was distinguished by various and highly-important discussions on the commercial state of the country and the currency question, in many of which Mr. Brougham took a part, and soon assumed a very prominent position in the ranks of opposition. Early in the session, a committee had been appointed to enquire into the state of commercial credit. This committee had reported that great embarrassment and distress prevailed among manufacturers generally, but with those engaged in the cotton trade in particular. The exports of cotton manufactures in 1807 from Great Britain, the report stated, amounted to £9,846,900; in 1809, they had increased to between 15 and £16,000,000; and, in the first nine months of 1810, the amount of exports, in this branch of trade, fell little short of £14,000,000. At this period it was that the distress among the manufacturers began to be apparent. The pressure was chiefly felt in Glasgow and its neighbourhood; and the Scotch Banks sharing in the distress, their capital being locked up in bills, the payment of which was suspended, were incapacitated from affording the manufacturers any assistance. Other branches of trade were affected, though not to the same extent as the cotton trade; and the general distress was greatly aggravated, at this period, by the extent to which the system of warehousing had been carried. Since the opening of the West India and London Docks, Great Britain, under the warehousing act, had become a free port, where foreign goods of almost every description were brought and deposited, to be exported again with-

out payment of importation duties. Of this, the merchants of other countries, whether neutrals, enemies, or allies, had eagerly availed themselves. While importations from all parts of Europe, not the result of a demand for them, had been thus occasioned, the produce of Spanish and Portuguese America, from which we formerly received little property direct, except hullion, came to fill the warehouses; and, for a time, to exhaust the capital of our merchants, and to cause the existing pressure. The committee proceeded to observe, that there had been a severe commercial pressure in 1793, and relief had then been afforded by an issue of exchequer-bills; and, they were of opinion, that a similar parliamentary relief would now be highly expedient, inasmuch as it would afford our manufacturers and merchants time gradually to contract their operations, to collect their means, to withhold from immediate sale articles which at present would fetch only most ruinous prices, and to keep up the employment of their machinery and workmen, though upon a reduced scale; and they would thus be enabled, by spreading the pressure over a longer space of time, to meet it with consequences less ruinous to themselves, and less destructive to the interests of the community at large. The committee, therefore, under these circumstances, recommended an issue of exchequer-bills to the amount of six millions, to be applied as suggested, to be repaid by the merchants by instalments; the first instalment of one-fourth to be made in January, 1806, by which time the merchants might reasonably expect returns from America for their exports to that country; and the remaining instalments to be paid at intervals of three, six, and nine months.

On the 11th of March, the house resolved itself

into a committee of the whole house, to take this report from its committee into consideration ; long and warm discussions followed, in the course of which, many curious and important circumstances connected with the trade of the country transpired, into a detail of which, however, neither our limits, nor the object of this brief memoir, will permit us to enter. The bill was introduced and read a first time. On the question for the second reading, Lord Folkestone took the sense of the House, when there appeared for the second reading 113 ; against it, 16. The bill was read a second time on a majority of 97. The third reading passed without a division. The bill also passed in the Lords, although not till after long discussion, and with a growing opposition, in which Lords King, Lansdowne, Lauderdale, and Grenville took a part. The chief grounds of opposition to the bill were, that parliament ought not to be called on to interfere for the purpose of relieving individual distress, brought on by injudicious and incautious speculation ; that such interference would only operate to lessen that feeling of prudence, arising from a fear of personal inconvenience and its consequences, which was the best and most efficient check to ill-advised adventurers. It was further argued, that the proposed relief, instead of operating beneficially, would, in fact, tend to increase the evil, by adding to the source in which it originated, an excessive paper circulation. In all these discussions, Mr. Brougham took a part in opposition to the bill.

This discussion upon commercial credit was soon followed by one on the state of the currency. A committee had been appointed in the preceding session, on the motion of Mr. Horner, to inquire into the cause of the high price of gold bullion, the

state of the circulating medium, and the exchange between Great Britain and foreign parts. This committee reported, "that there was an excess in the paper circulation, of which fact the most unequivocal symptom was the very high price of bullion, and, next to that, the low state of the continental exchange; that the cause of this excess was to be found in the suspension of cash-payments; there being no adequate provision against such an excess, except in the convertibility of paper into specie; and that the unfavourable state of the exchange originated in the same cause, and was further increased by the anti-commercial measures of the enemy." The committee added, "that they could see no sufficient remedy for the present, or security for the future, except the repeal of the suspension-act; this they thought could not be done with safety at an earlier period than two years from the time of their report; but they recommended that early provision should be made by Parliament for this purpose."

This report excited much discussion, both within and without the walls of Parliament. The press literally swarmed with pamphlets; the journals of every party teemed with dissertations. Bullion was the topic in all companies; the traveller left it in debate when he went out of the coffee-room, and found it in progress when he entered the stage-coach. At length, Mr. Horner moved a string of resolutions, embodying in substance the report of the committee. In the debate which followed, upon these resolutions, on the one hand it was maintained, that the standard value of gold, as a measure of exchange, could not possibly fluctuate under any circumstances; though its real price was, unquestionably, subject to all the variations arising from the increase or diminution of the supply; that

bank-paper, measured by this standard, was depreciated; and that the consequences of this depreciation was, to render our exchange with the continent unfavourable—to occasion infinite loss to creditors—give an undue advantage to debtors—and materially injure all money-incomes. But here two questions arose, one of which had never been mooted before. What was meant by depreciation? and what was the real standard of value? In the attempt to explain these it was found that a subject, which at first appeared exceedingly simple, was, in reality, infinitely complicated; it was, in fact, hunted into the regions of metaphysics, and lost in darkness. This point, however, was proved, that gold cannot be kept at a maximum, and that its value, like that of all other commodities, must depend upon the proportion which the supply bears to the demand; and that, for the last fifty years, the supply had been gradually lessening, while the demand had rapidly increased; that the increased demand for gold arose, not only from our increased foreign expenditure, but from the increased luxuries of modern fashions; the gilders and trinket-makers having fifty-fold the employment which such workmen found in the days of our fathers; and it was computed that at the time of making this report, gold to the amount of half-a-million was annually consumed in the manufacture of watches alone. Guineas, therefore, had become more valuable as gold than as money; and, such being the case, it was vain to suppose that any law could preserve them from the crucible, and equally vain to assume the price of gold as the standard of value.

With regard to depreciation, it was argued, that whenever a paper-currency had been depreciated, the depreciation had shewn itself by an outward and



visible sign, which it was impossible to mistake; it had been openly at a discount; and, in support of this opinion, the practical men appealed to the examples of America, France, Spain, and Portugal; and, with regard to excess, they argued there could be none, so long as bank-notes were issued only in exchange for something which represented actual property.

Mr. Horner felt that some persons, who might agree with him in his general principles, would yet differ from him in the practical conclusion which he proposed to draw from them; he, therefore, divided his resolutions. The theoretical ones were, on a division, rejected by 151 to 75; the concluding one, which would have restored cash-payments at the end of two years, by the still greater majority of 180 to 45. Mr. Vansittart, who took the lead on the part of the practical men, as the anti-bullionists called themselves, afterwards moved a series of resolutions, declaring, that bank-notes were not depreciated; that the political and commercial relations of the country with foreign powers were sufficient to account for the unfavourable state of foreign exchanges, and the high price of bullion; that it was highly important that the restriction on cash-payments should be removed whenever it was compatible with the public interests; but that to fix a definite period, earlier than that of six months after the conclusion of peace, which was the period already fixed, would be highly inexpedient and dangerous. The debate on Mr. Horner's original resolutions had occupied the house four nights, and that upon Mr. Vansittart's took up three nights in their discussion, after which they were adopted by a large majority.

This question, although thus strongly contested,

did not originate in any spirit of party, and the opinions of the bullionists were supported by Mr. Huskisson and Mr. Canning, men who stood free from all taint of factious opposition; still the discussion produced mischief abroad, and threatened to produce still greater injury at home. As regarded the Continent, it encouraged Buonaparte to persevere in his decrees; and, at home, though the question had not begun in faction, it was soon made subservient to factious purposes; and, it is worthy of remark, that while a clamour was raised against the Bank of England, the clamorers were silent respecting country-banks, whose issues were larger in amount by one-third, and far more objectionable in every point of view. Some of the anarchists called upon the people to hoard their money against a day of need, which, they said, was fast approaching; and this mischievous advice, which was long and perseveringly repeated, was so far listened to that, over a great portion of the country, the silver currency gradually disappeared. This scarcity of small-change circulating medium was most felt in the West of England, where the inn-keepers, being unable to provide change, frequently suffered whole stage-companies to breakfast, or dine, and leave the reckoning unpaid, trusting to the honour of utter strangers, and the doubtful chance of seeing them again, for subsequent payment.

In a state of society, such as prevails in this country, this want of small currency can never exist long; if it be not provided by government, the people will provide it for themselves. This they had done with copper money in the year 1796, and now they began to do it with silver. The Bank issued tokens, as they were called, of three shillings and one shilling and sixpence each; and, as these

were found not equal to the demand, many of them disappearing in the same manner as the regular coinage had done, provincial and local tokens were circulated by such manufacturers and tradesmen as were wise enough to profit by the necessities of the times; and, whilst thus benefitting themselves, afford a temporary accommodation to their immediate neighbourhood. Whatever were the inconveniences suffered however, or the speculative opinions entertained respecting paper-money, upon one point all men acted alike, as if by mutual agreement, the twenty-shilling bank-note was universally received in payment for twenty-shillings worth of property of any description, except minted gold; and, whilst this continued to be the case in every shop and every market, the question of depreciation could do no greater mischief than that of affording to disputants an inexhaustible subject of dispute, to the great annoyance of plain, well-disposed men, who desired to be quiet.

It was not long, however, before an attempt was made to produce an actual depreciation. Lord King gave notice to his tenants that he would no longer receive bank-notes at par; but that his rents must thenceforth be paid either in guineas, or in an equivalent weight of Portuguese gold coin, or in bank-notes amounting to a sum sufficient to purchase such an equivalent weight. Lord King had, probably, no worse motive in this proceeding than the design of enforcing his own opinion as a bullionist, and perhaps a desire to annoy, as far as possible, the existing ministers; but had his aim really been to bring about national bankruptcy, and throw every thing into confusion, by the destruction of public credit, he could not possibly have taken more effectual means to effect his object. His ex-

ample was immediately followed by a few designing and dishonest persons, who were glad to avail themselves of a means by which they could defraud their tenants, without becoming amenable to the law. Perhaps no individual, whose intentions were not treasonable, ever committed a more mischievous act than this of Lord King. Luckily Parliament was still sitting, and Lord Stanhope, more quick-sighted on this occasion than the ministry, gave the alarm, and brought in a bill for preventing the current gold coin of the kingdom being paid for a greater sum than its current value; for preventing Bank of England notes from being received for any smaller sum than they were issued for; and for staying proceedings, upon any distress, by tender of such notes. "The Bank of England," said the noble Earl, on bringing in his bill, "is one of the bottom planks of the ship of England, and woe be to us if we permit it to be bored through."

So strangely insensible were the ministers to the imminent danger in which the country was placed by the proceedings of Lord King, that Lord Liverpool, on the 2d of July, declared, in the house, his intention of moving an amendment, on the second reading of Lord Stanhope's bill, with a view of throwing it out. This opinion, however, the ministers, on reflection, abandoned; but, on the second reading, the bill was opposed by Lord King, who defended with much earnestness the course he had adopted, as one of justice to himself, and wholly consistent with law. Lord Holland also opposed the bill, and contended that Lord King had done no more than justice towards himself and his family. Lord Lauderdale said, he felt ashamed of the house when he reflected on the manner in which the bill was urged on; and Lord Grenville also, in opposition to the bill, declared he

could not recollect, in the whole course of his life, ever having seen the ministers of the crown placed in so disgraceful a situation as that in which the passing of this bill would place them; it had been left for Robespierre, for the Jacobin Club, and for the present ministers, to determine thus arbitrarily upon the actions of individuals. "I know," said his lordship, "and I love the character of Lord King; I know the private virtues that adorn him, the kindness of his temper, the benevolence of his heart; and if I were called on to name the last man in the empire likely to do an act of injustice and oppression, it would be my noble friend."

All this might be true, and yet Lord King's conduct, he acting under a mistaken impression, might be as mischievous to the country, and as oppressive to his tenants, as it was felt to be by every man in England, who was not enslaved by party prejudices, or infatuated by theoretical notions. Lord Stanhope replied, in a powerful speech, to the arguments adduced against the bill, in the course of which his Lordship observed, "when I came down to the House, I imagined that ministers would have thrown out my bill, but the arguments of my noble friends against it have made converts of his Majesty's servants, a task which I could not accomplish, so I have to return them thanks, right and left." The second reading was then carried by a majority of 62 to 36. Lords Grenville, Essex, Jersey, Grey, Lansdowne, King, Cowper, Lauderdale, and Holland, entering their protest against it, "as manifestly leading to the compulsory circulation of a paper currency; a measure necessarily productive of the most fatal calamities." The arguments against the bill were repeated in its subsequent stages, but it ultimately passed by a majority of 43 to 16.

In the Commons it met with as strenuous an opposition as it had encountered in the Lords. Among its opponents were Sir F. Burdett, Sir S. Romilly, Mr. P. Moore, Mr. Calcraft, Mr. Sheridan, Mr. Creevy, and Mr. Brougham. The latter proposed a string of resolutions on the subject, previous to the House going into a committee on the bill; they were, however, after a long discussion, negatived without a division, and the measure was ultimately adopted by a majority, on the question, "that this bill do pass," of 95 to 20; the bill thus passing by a majority of 75.

About this time the attention of Parliament was called in an especial manner to the state of the negro population in our West India colonies; and to the cruelties exercised by the planters towards their slaves. Among the most atrocious acts of this description, may be enumerated the conduct of a planter, named Huggins, a settler in the Island of Nevis. This wretch, accompanied by his two sons, brought thirty-two of his negroes into the public market-place at Charlestown, and stood by to see them flogged with cart-whips by two expert floggers. Many of these victims of cruelty were females, one of whom received 212 lashes, another 291, one man 187, another 242, and another 365. Five magistrates were within sight and hearing of this atrocious scene of cruelty and torture, not one of whom thought fit to interfere to prevent its being perpetrated, although authorized by law to do so; by the law no master or magistrate being allowed to inflict in any case more than thirty-nine lashes. The House of Assembly of the island passed resolutions, declaring "that Huggins had been guilty of an act of barbarity altogether unprecedented in Nevis, and the House further pledged itself to promote the

strictest investigation of this cruel proceeding, so disgraceful to humanity, and so destructive of the best interests of the West India colonies." Huggins was accordingly indicted and brought to trial. His son-in-law's overseer and his own, were on the jury; in fact, ten out of the twelve jurymen were known to be his intimate friends or his dependants. The facts were public, and acknowledged on the part of the criminal. The defence was, that the punishment was necessary; with all the ingenuity of counsel, however, and the evidence of a son-in-law of Huggins, who was deeply implicated in the guilt of the transaction, it could not be proved that any one of the thirty victims of his barbarity had ever lifted a hand, or even uttered a contumacious word against a white man. Their crime was, having run away to avoid carrying out manure during the night, a practice contrary to the provisions of the amelioration-act. Huggins was nevertheless acquitted. One of the women was never able to work again after her flogging, and died in a few months of atrophy. The coroner's inquest, consisting of three persons, pronounced "that she had no marks of violence appearing on her body, and that she died by the visitation of God in the natural way, and not otherwise." Two of the three persons who returned this verdict were on the jury which acquitted Huggins, and the coroner was one of the magistrates who had beheld the flogging of the poor woman with unconcern. It was stated that Huggins had, on a previous occasion, shot one of his slaves, that the body was thrown into a negro hut, the hut set on fire, and that and the body consumed to ashes together.

At the time the scene which we have just described was acting at Nevis, by Huggins, Governor

Elliott made an example of another criminal at Tortola, in the person of a planter, named Arthur Hodge, who had, previous to his settlement in Tortola, been a gentleman-commoner of Oriel College, and was as remarkable for his polished manners as for his cruelties. This monster, the outline of whose crimes it would be painful to recite, was convicted of murdering one of his slaves, after having committed several similar murders, and destroyed a greater number of slaves on his estate than even Huggins himself. The jury who found Hodge guilty strongly recommended him to mercy, and, although the judges and the council and assembly were firm in the discharge of their duty, and persisted in carrying out the sentence, the governor found it necessary to proclaim martial law in the island to ensure its execution. Such was the state of things at Nevis and Tortola; at Barbadoes they were still worse. Lord Seaforth, the then governor of that island, recommended to the house of assembly, that the murder of a slave should be made felony, the existing punishment being only a fine of eleven pounds four shillings sterling. The answer of the assembly was, that they understood their own interests, and knew how to repel insults and assert their rights.

Bad as we have shewn the colonial laws to have been, even where the British government had possessed sufficient influence to modify and make them somewhat less repugnant to the common principles of justice and religion, a motion was made in the House of Commons, on the 13th of June, 1811, to introduce those laws into Trinidad, in place of the Spanish Code, the continuance of which had been guaranteed to the inhabitants upon its capture and subsequent cession. We have already seen Mr.



Brougham, in the preceding session of Parliament, making a splendid and eloquent appeal to the House, urging the adoption of measures tending to put an end to the slave-trade altogether. It is not surprising, therefore, that we find him on the present occasion strenuously opposing the proposition now brought forward. Mr. Brougham contrasted the code which it was proposed to establish, with the provisions made by the Spanish ordinance of 1789 for the protection of slaves. That ordinance, Mr. Brougham said, enacted that every one who had slaves, of whatever class and condition he might be, should be obliged to have them instructed in the Roman Catholic faith, so that they might be baptized in the first year of their residence, and afterwards to maintain a priest for them; the master could not oblige any slave to work who was more than sixty years of age, or less than seventeen, nor employ a female slave in any work not suitable to her sex. He could not hinder his slaves intermarrying with the slaves of any other master; and in such cases, if the estates were at a certain distance from each other, the wife was to follow her husband, his master purchasing her at a valuation set upon her by qualified men, mutually chosen. In case of his refusal to do so, the master of the wife must make the purchase. The slave who was indolent, or neglected his work, was not to be punished with more than twenty-five stripes, which were to be imposed only by the master or the steward, and must be such as caused neither contusion nor effusion of blood; in all cases of crimes, the power of punishment belonged to the law, and not to the master. Fines were appointed for the master or steward, who should fail in any of the provisions relating to instruction, food, clothing, relaxation, and dwellings

of the slaves ; or neglect the children, the old, and the infirm. Cruelty was considered as a crime ; every crime committed against a slave, was to be punished as if it was committed against a free man ; and whenever a slave died, or disappeared, the master within three days was to inform the magistrates, that it might be entered in the official register ; failing to do this, he was compelled to prove either his absence or his natural death."

"If," said Mr. Brougham, "there be any objection to this code, it is that it is too mild,—too near perfection. Are we then to depart from this model of perfection, and in its place to adopt that under which Mr. Huggins scourged to death a miserable being, and was acquitted on evidence that would not have proved satisfactory to any but to the twelve slave-drivers by whom he was tried and acquitted? When we talk of English law, we talk of it by reference to English judges, to English juries, and to English feeling and principles. It is a mockery to talk of transplanting the English law to the West Indies, when only the name is carried thither, and all the true English feeling left behind. There the law of England serves only as the engine of fraud and oppression, rendered doubly disgraceful because carried on under the pretence of law and justice. This is under the pretence of justice to the whites, to load the other miserable wretches with oppression unbounded." The question was negatived without a division.

This discussion, relative to colonial law and the treatment of slaves in our colonies, was followed by one on another subject, which, at this time, came frequently under the consideration of Parliament. We allude to the practice of flogging in the army. On this, as on all other questions in which the cause

of the weak was to be advocated against the strong, Mr. Brougham was found fighting the battle of the oppressed party. Thus, upon the present occasion, he took an active and energetic part in a discussion having, for its object, to put an end to that cruel and barbarous system of corporal punishment. The time had not then nor has it yet arrived, when that degrading practice of flogging our fellow-creatures may be put an end to; but the period is not far distant. The voice of public opinion is decidedly against it, and public opinion will ultimately prevail.

Six days before the conclusion of the session, Mr. Brougham moved for minutes of a court-martial, held at Barbadoes, on Lieutenant Richards, of his Majesty's guard-ship *Dart*, observing, "that his duty, as a member of Parliament, would not permit him to pass over circumstances which he was in possession of, and that he brought them forward as forming a case calling for further information. A seaman on board the *Dart* was under confinement for very bad behaviour, and during that confinement made a very great noise. The captain was on shore, and this lieutenant, being much irritated, went to the prisoner and inflicted a further punishment,—a punishment which he, with great pain and regret, believed existed in the navy—the punishment of gagging. This punishment consisted in stopping the mouth with a piece of wood of larger or smaller dimensions, which, according to its size, was calculated to produce inconvenience, torture, and even suffocation. In this instance a large piece of iron was used. The lieutenant then went ashore, leaving the man without any sentinel over him, and on his return the man was dead. The body was soon disposed of by being thrown overboard without any inquiry or inquest being held on it. The lieutenant

was tried, but whether for murder or breach of discipline he, Mr. Brougham, did not know, but he was acquitted, and dismissed the service. This, he contended, was not the only case of oppression and cruelty in the navy which had come to his knowledge, and which called for investigation. A naval captain on the western station, about two years ago, acted with such severity towards his crew, that to a man they expressed their discontent. One man, who had been flogged once or twice, said, that if he were sentenced to be flogged again, he would leap over-board. This observation being reported to the captain, he replied, "I will try the gentleman." Accordingly, the man was again sentenced to be flogged, and actually leapt into the sea. At this time the vessel was under an easy press of sail, and there was a general cry of "heave to, heave to—lower the boat." But the captain said, "No; if the gentleman prefers that ship to this, he is welcome to sail in it;" he would not permit any attempt to save him, and the man was drowned.

In reply to these serious charges against the practices of some of our naval officers, the first Lord of the Admiralty observed, he had no objection to produce the sentence of the court-martial, which would shew the substance of the charge and the judgment of the Court, but a strong case must be made out to justify the production of the minutes of evidence; the adoption of that course would be to try the prisoner a second time. The man who was punished was a very bad character. He got drunk, and was disorderly; the captain put him in irons, and went on shore. Soon after, the man became riotous; the ship was a small one, and it was obvious that, when a man thus conducted himself, it was necessary to enforce order by rigorous measures, for it was im-

possible, as when on shore, to put a man of that description away. The lieutenant accordingly ordered that he should be gagged, which was done; but he still persisted in cursing and abusing the service, and blaspheming his God and his king. The first gag was taken out, and a larger one was put in; in doing this, the lieutenant acted very improperly. Lieutenant Richards then went on shore, leaving the man with his bands tied behind him. There was another person near him in confinement; but no sentry over them. The man was extremely intoxicated, and in the course of the afternoon he died. The boat's crew could not row on shore, because of the wind; the body became offensive, and was thrown over-board. Under these circumstances, Lieutenant Richards was tried for his life; and it was the opinion of the Court, that the man did not die from gagging; but that the Lieutenant's conduct was so far bad, that he was incapable of serving his Majesty; and he was accordingly dismissed the service.

Lord Cochrane dissented from Mr. Brougham on this occasion; gagging, his Lordship said, might be made a cruel punishment if improperly applied, but not so if judiciously practiced. "The naval service," his Lordship observed, "would be much better and more respectable, if the prisons were not so frequently emptied into men-of-war." After some observations from Sir Richard Bickerton, Mr. Yorke, Mr. Croker, and Mr. Percival, condemning the system practiced by persons pretending to be reformers of abuses of throwing out anonymous accusations, which, Mr. Percival observed, "were nothing less than accusations against the whole service," Mr. Brougham's motion was negatived.

## CHAPTER IV.

THE session of 1812 was opened on the 7th of January of that year, and the Houses continued without interruption, except for the usual recesses at Easter and Whitsuntide, to sit until the 30th of July. The speech at the opening, as well as that at the conclusion of the session, was delivered by commission. The important events which pressed themselves upon public attention, and imperatively called for the attention of Parliament, in the course of these seven months, gave rise to frequent and animated discussions in the House of Commons, in most of which Mr. Brougham took an active part. Amongst those in which he was most conspicuous we may enumerate the discussions relative to the Droits of Admiralty, Colonel M'Mahon's Sinecure, the Roman Catholic Claims, the Leather Tax, the East India Company's Affairs, the King's Household Bill, the Change of Administration on the death of Mr. Percival, the Orders in Council, Corporal Punishments in the Army, and the Preservation of the Public-Peace Bill. The first among these various subjects which we shall notice, is the discussion on the question relative to the appropriation of the Droits of Admiralty.

Some questions of considerable importance, and closely connected with the revision of the civil list, (a course rendered necessary by the unfortunate malady under which his Majesty laboured, and the establishment of a regency in the person of the Prince of Wales) were agitated during the present session. It had been avowed by ministers, in the course of the discussions on the Household Bill, that

the deficiencies arising on the civil list had been from time to time partly made up out of a fund denominated "The Droits of Admiralty," and which had, from the earliest periods of English history, vested in the crown. The king, in ancient times, had a right to this fund in his character of Lord-High-Admiral of England; and, as that great office had not, for a century past, been conferred on any individual, the droits, it was contended, remained vested in the crown. This fund is partly composed of profits arising from the sale of wrecks, of prizes, and of goods belonging to pirates; ships detained, or taken, previously to a declaration of war, such as come into port in ignorance that hostilities have commenced, and all those which become prize to non-commissioned captors, are sold, and the profits arising from the sale are thrown into this fund. Its gross amount, at the time this question was brought before Parliament, was £7,344,677. From this sum, however, several deductions had to be made. The payments to captors amounted to £2,336,745; to neutral claimants £406,554. To the receivers-general, to law-charges, and various miscellaneous payments, £715,373. Large sums had also been paid out of this fund to indemnify officers for the costs incurred in admiralty-courts; the balance, therefore, at the period in question, could not have exceeded £3,000,000. The question for the consideration of Parliament was, whether the constitution really placed this large sum under the absolute and unrestricted controul of the crown.

By those who argued in support of that opinion, it was contended that, from the earliest period of English history, the maxim universally prevailed, that "all prize vests in the crown." Some old statutes, indeed, passed in the reigns of Edward III.

and Richard III., had either omitted to mention prize as the peculiar property of the crown, or had given all prize taken at sea to the captors. Great constitutional lawyers had also declared, that the Droits of Admiralty, as well as all other prerogatives of the crown, were granted for the attainment of certain specific purposes; and, that the specific purpose, in this case, was the guarding and maintaining the rights and privileges of the sea. Lord Coke states, that tonnage and poundage were granted to the crown for safeguard of the seas, and that it pertains to the Lord-High-Admiral to see these droits administered. He guards this opinion, however, by adding, that the guard of the seas belongs not to the High-Admiral alone, but to private adventurers also, who fit out vessels for that purpose. But opinions of a date so ancient, it was contended, could not be implicitly relied on, with reference to the circumstances of the present times. In judging of the question, whether the Droits of Admiralty belonged to the crown as matter of right, or were subjected to the controul of Parliament, it was safer to look to more modern authorities. When the civil list was originally established, in the reign of William and Mary, various rights and prerogatives of the crown were formally surrendered; and, in all the acts re-establishing the civil list at the beginning of succeeding reigns, several branches of revenue, the exclusive property of the sovereign, had been collected into one aggregate sum, and named specifically as the surrender which the crown agreed to make, in consideration of the civil list granted by Parliament. Nothing, however, was surrendered by the crown, but what was specifically mentioned; and, as the Droits of Admiralty were not included in this specification, they were evidently left with



the crown, on the same footing on which they had been previously claimed. Such had been the course pursued at the commencement of the reign of George III.; that sovereign, in consideration of his civil list being fixed by Parliament at £800,000, gave up several branches of revenue, which were specifically enumerated, but the Droits of Admiralty were not enumerated in the list. The rights of the crown, therefore, to this fund, it was said, remained undisputed and undisputable. They were left with the sovereign in aid of his civil list; and, unless some gross abuse in their application could be made out, Parliament had no right to interfere.

In reply to these arguments, Mr. Brougham addressed the House in a speech characterized by his accustomed eloquence and force of reasoning. He first attempted to shew that the crown had no claim to the fund distinguished as "Droits of Admiralty," and next, that even supposing the right to be proved, it was proper that Parliament should interfere to prevent its existing any longer. He considered the subject as one of great importance, inasmuch as it involved the consideration of one of the most valuable privileges of the House of Commons; the privilege of granting or withholding supplies, the great, and indeed, the only security which the people possess against the influence and encroachments of the crown. He dissented entirely from the statement set forth on the other side of the House as to the amount of this fund, which, he said, did not fall short of £8,000,000 sterling. He strongly urged the absurdity and impropriety of permitting funds to such an enormous amount to remain at the disposal of the crown, without any interference on the part of Parliament to controul their application. He referred to the famous ship-

money case, which was argued in the reign of Charles I., and in which it was held, by the most eminent judges of that day, that all the profits arising from captures at sea, as well as the profits of letters of marque, ought to be applied to the guarding and protecting our maritime and national interests generally, at sea, and could not, upon any principle, be considered as constituting a right by prerogative. He maintained, that, even in the worst of times, not only parliamentary grants, but royal prerogatives, were considered as destined to the service of the country; and he quoted a *dictum*, repeated by Sir William Scott, in the Court of Admiralty, *capta bello cedunt reipublicæ*, and from this he inferred, that prizes must belong to the state and not to the crown. Mr. Brougham further urged, that, before the Revolution, the expences of the war were not regularly supplied by Parliament, but generally by the crown, from those very funds which were now described as the private property of the king. That Parliament had frequently interfered even with the prerogative of the crown, when that prerogative was abused; and, upon this principle, the temporalities of bishopricks had been taken from the crown, when a shameful and lavish use had been made of them. The principle of parliamentary interference with the royal prerogative rights had, he said, been recognized in the reigns of William and Mary, and in that of Queen Anne; and even in the present reign, and in this very case of Droits of Admiralty, an act had recently been passed, which directed the commissioners of Dutch prizes to pay the prize-droits into the Bank of England, and not to the receiver-general of droits. As to the mode of receiving and issuing the various sums which composed the fund in question, it was most

unconstitutional ; they were received by the Registrar of the High Court of Admiralty, and remained in his hands, or in the hands of the commissioners of prizes, or in the Bank of England, but never found their way into the exchequer, and the money was afterwards drawn from the Bank in a manner which inferred no responsibility. It was taken out, not only under the authority of the privy-seal, but, in frequent instances, of a warrant under the sign-manual only ; and might, therefore, be applied to purposes most detrimental to the real interests of the crown, and of the country. "This objectionable fund," said Mr. Brougham, "also gives the crown an interest in commencing hostilities in a way the least honourable to the nation, and the least consistent with that good faith, candour, and magnanimity, which form such proud features in the character of the English people. From this fund it is, also, that the most worthless minions of faction will, in all probability, be remunerated ; men, whose names the minister of the day would not dare to place openly on the same pension-list with such names as those of Nelson, St. Vincent, and Wellington." He concluded his eloquent and powerful address, by moving a resolution, declaring the opinion of the House, "That the possession by the crown of funds raised otherwise than by a grant of Parliament, is contrary to the principles of the constitution ; that it is the peculiar duty of the House of Commons to enquire into the nature of all such funds ; that the prodigious increase in the value of the Droits of Admiralty calls for the immediate interference of the legislature ; that their amount is now nearly eight millions ; that this enormous sum has been at the disposal of the crown, although Parliament has made ample provision for the royal

expenditure; and that the House of Commons, having taken these matters into consideration, will adopt the most efficient means for bringing this fund under the immediate controul of Parliament."

In answer to the arguments put forward by Mr. Brougham in support of his motion, it was contended, that the precedents and authorities which had been relied on to prove the right of Parliament to interfere with the fund in question, were all of an ancient date, and prior to the Revolution; that since that important national event, there had been in the Commons House of Parliament many intelligent lawyers, men extremely jealous of the prerogatives and influence of the crown, none of whom had ever questioned the right of the sovereign to the Droits of Admiralty; that it had been the practice, for a century past, to fix the revenue of the crown at the beginning of each reign; and, as continual applications to Parliament to supply the gradual increase of expenditure, which unavoidably arose from the depreciation of money and the increase of prizes, would lead to great inconveniences, it was far better that a fund should remain at the disposal of the crown, from which such unavoidable deficiencies might be supplied, this fund, at the same time, being held subject to the controul of Parliament, which could, at any time, interfere to resist abuses in its application. The history of parliamentary interferences with the royal prerogative would shew that it had not been usual, and was not constitutional, wantonly to trench upon any prerogative, until a case of abuse should be clearly established; and, as it was not seriously pretended, in the present instance, that abuses existed, there could be no reason for acceding to the motion. On the House proceeding to a division, the motion was negatived

by a majority of 93 to 38. Mr. Brougham then moved, that the question should be taken into consideration in a committee of the whole House, but this motion was also negatived.

On the 17th of January, 1812, there was presented to the House a return of the population of England, Scotland, and Wales. Upon this occasion, Mr. Rose observed, that on the face of this return it appeared, that, between the years of 1801 and 1812, there had been an increase in the population of 1,600,000. In September, 1802, the whole population amounted to 10,471,000; by the present return, the total number was 11,901,900. The increase had taken place in the proportion of 14 per cent. for England, 12 per cent. for Wales, and 13 per cent. for Scotland. There was another peculiarity in this return; the increase of males and females was in equal proportions. Mr. Brougham gave full credit to the accuracy with which these returns had been made up, but differed in the conclusion which had been drawn from them; he expressed an opinion that no real increase had taken place in the population of Great Britain. The apparent increase arose from the returns made by distant counties being more correct than those of 1801, in consequence of the prejudice which then existed in the mind of the people against giving information having been removed. He strongly recommended to the government to obtain a census for Ireland also.

In this session, also, another question connected with the royal family was brought forward, upon which the debates were long and interesting, and in which Mr. Brougham, as usual, took a prominent part on the side of opposition. A bill was introduced for making provision for the four princesses!

the proposed grant for the four was £36,000, or £9000 per annum to each of those illustrious ladies. This proposition, moderate as it was, met with a warm and determined opposition. The members who opposed the grant did not confine themselves strictly within the usual limits of debate; they endeavoured to mix up the question before the House with other topics with which it had no obvious connection. One of the subjects selected on this occasion, was one upon which they believed they might, with more than ordinary advantage, press upon the Regent and his ministers. On this occasion, for the first time, the private differences between the Prince and Princess of Wales were publicly mentioned in Parliament. "I have heard," said Mr. Whitbread, "that the queen is about to hold a drawing-room; of course, no hopes can now exist of his majesty's recovery, for if there were any such hopes entertained, such a step, I presume, would not be resorted to; but, in case that drawing-room is held, I would wish to know, is there to be any public appearance of the Princess of Wales? This is no private concern; the public have a right to demand why the acknowledged consort of their Regent does not appear in public as such. No affectation of delicacy can be permitted to stand in the way of a nation's anxiety upon a question of so much national importance. If any man can satisfy the public upon this topic, it is the Right Hon. gentleman, Mr. Percival. They know him to have been at one time the zealous adviser and devoted adherent of the Princess of Wales. They believe him conscientiously to have undertaken her defence—to have written her vindication—to have published it. That vindication is said to have contained in it an attack upon her royal consort. It is known to have been

an attack upon his Royal Highness, and the Regent's first minister is known to have been the author of it; and, after he had published it—after it had been read by one and by one hundred, it was bought up at an enormous price,—bought up by the private secretary of the Right Hon. gentleman. I ask him now, Does he retain his former opinion of the unexceptionable conduct of the Princess of Wales? I ask him if he did not lately, in this house, solemnly record his confirmation of this opinion? and, if it is now what it was the other night, I call upon him to explain, if he can, his apparent desertion of her just claims to that respect, notice, provision, and consideration due to her. These are questions which, as he values his own consistency—as he values the character and claims of the Princess—and, as he respects the Prince-Regent, his master, he is bound to answer." Questions of a similar nature were also put to the minister by Mr. Tierney, who wished to learn why, when this addition to the income of the younger branches of the royal family was proposed, no notice whatever was taken of any increased provision for the Princess of Wales, who stood in so much nearer a relation to the throne and to the Regent. Why had "The Book," as it was emphatically called, been bought up at such an extravagant outlay of money. He had been told, that different sums, from £500 to £2000, had been given to individuals for a single copy of this celebrated effort of the Right Hon. gentleman in the way of romance-writing. Messrs. Whitbread and Tierney were severely censured by Mr. Adam, Mr. Lockhart, Mr. Ellison, and Mr. Courtnay, for this attempt, on their part, to interfere in the private affairs of the Prince and Princess of Wales. The attempt they designated as being, in its character at once indelicate and unparliamentary.

In reply to the questions which had been put to him, Mr. Percival assured the House, that neither from what had come to his knowledge, in his character as counsel for Her Royal Highness, nor in the situation which he at present held, could he recollect any thing which it was possible to bring as a charge against Her Royal Highness the Princess of Wales. Any further reply or information on the subject which had been alluded to, he did not feel himself bound to give. If the House were desirous of making any addition to the income of Her Royal Highness, he would communicate their wish to the Prince-Regent. The resolutions for giving to the four princesses the increased allowance of £9000 a-year, was then adopted without a division.

The events which, at this period, engaged the attention, not only of Parliament, but of the whole country, and, indeed, of Europe in general, with regard to Great Britain, were of the utmost importance. It is not within our province to write a history of the country; but, from the high reputation which Mr. Brougham had already acquired, in the senate and at the bar, and which had drawn public attention in an especial manner towards him; and from the effects which those events, both in their progress and in their results, had upon his future political life, although he does not appear as taking any very active share in them out of Parliament, they may fairly be said to form a portion of his political history. It will not, therefore, be out of place, or uninteresting, to introduce here a brief sketch of the state of parties at this time, and of the consequences to which that party-feeling gave rise.

The ministerial party, of which Mr. Percival was at this time as the leader, numbered among its supporters many very able men. Its chiefs unanimously con-



curred in a profound reverence of the opinions and principles of Mr. Pitt, in whose school they were bred, and to whose memory they looked with feelings of veneration. It can scarcely be necessary to say, that Mr. Pitt's leading maxims were, persevering resistance to the dangerous ambition of France—a jealousy of the principles which had been drawn forth in the course of her revolution, and a firm determination, in all circumstances, to sustain the high rank of Great Britain in the scale of European powers. The principle of their foreign policy, therefore, was vigour; in their domestic government, they professed themselves favourable to moderate and practical improvement, but decidedly hostile to intemperate innovation. They considered the mechanism of such a government as that of England, to be a great deal too fine and delicate to be touched with impunity, by the rash hand of reform, or, rather, of empiricism, which it was the great object of their policy to counteract and repress.

Such was the state of the ministerial party at the commencement of the year 1812. Their political opponents had been tried as ministers, and had failed; and the disappointment of the public had been in proportion to the high expectations which had been formed of the whig leaders. The period at which the Prince of Wales would, as regent, come into the enjoyment of the unfettered exercise of the royal authority, was fast approaching; and a deep interest was felt by the two political parties, as to the choice which the Prince, when released from restrictions, would make of a ministry. The political attachments which His Royal Highness had formed in early life, as well as his selection of private friends, had closely connected him with the

whig party; and, it was supposed, that when left at liberty to act according to his own opinions, he would be guided by the predilections of his youth. When called, however, to the exercise of the sovereign authority, and to a more serious consideration of the politics of the country, he became persuaded that the men in whom his father had reposed confidence, acted on principles which were best calculated to secure the honour and safety of the empire. Unless it could be supposed, therefore, that the Prince should have condescended to the spirit of party; that he should have indulged his own predilections at the expence of the public interest, over which he was called to preside; there could be no foundation for the charge brought against him, of having deserted his early friends. It ought to be recollected, also, that the persons properly included in this description were no longer among the candidates for power. Fox was no more; and Sheridan had, in a great measure, ceased to take any share in public business. The existing leaders of the whig party possessed few of those qualities which had recommended their departed friend to the favour of the Prince of Wales; they had, of course, no claim to his friendship; which, even in a matter of private arrangement, might have justified a marked partiality.

As soon as the restrictions expired, the regent addressed a letter to the Duke of York, in which, after adverting to the state of the country, and to public topics generally, and especially to the system upon which the government was in future to be conducted, he expressed his fixed determination to avoid any measure which might lead his allies to suppose that he meant to separate himself from them, or to abandon the cause in which they had

been mutually engaged. His Royal Highness concluded his letter with the following observations:—“I have no predilections to indulge, no resentments to gratify, no objects to obtain, but such as are common to the whole empire. If such is the leading principle of my conduct, and I can appeal to the past as evidence of what the future will be, I flatter myself with the support of Parliament, and of a candid and enlightened nation.” In conversation with those about him, His Royal Highness expressed a wish that some of the individuals with whom the habits of his early life had been formed would strengthen his hands, and constitute a part of his government; and that a vigorous and united administration, on the most liberal basis, might thus be formed. In pursuance with this wish, the letter of His Royal Highness, to which we have referred, authorized the Duke of York to communicate the sentiments of the Prince-Regent to Lord Grey, who would make them known to Lord Grenville; and a copy of the letter was at the same time sent to Mr. Perceval.

Lords Grey and Grenville, on receiving the communication of the Prince-Regent's sentiments from the Duke of York, confined their answer to those passages of the Prince's letter which they supposed to have more immediate reference to themselves. They expressed an earnest desire to assist in healing the divisions of the country, and uniting both the government and the people. They disclaimed all personal feelings; but, on public grounds, they declared, without reserve, the impossibility of their uniting with the existing administration. The differences of opinion betwixt them and the ministers were, they said, too many and too important to admit of such an union. This answer was too de-

cisive to admit of any attempt to accomplish a fair and honourable union between Lords Grey and Grenville and the ministers, as the Prince-Regent had hoped and anticipated. In this hope he was disappointed, and determined, as he was not to admit personal inclination or favouritism to interfere with what he considered to be the interests of the country, he immediately signified his pleasure to Mr. Percival, that he should consider himself as prime-minister. This announcement to Mr. Percival was followed by some changes, of no great importance, in the ministerial arrangements. The seals of the foreign department were resigned by the Marquis of Wellesley, and he was succeeded by Lord Castlereagh as foreign secretary.

After the distinct and unequivocal terms in which Lords Grey and Grenville had declined the proposals made to them by the Prince-Regent, it might have been imagined, that no one would for a moment have indulged a hope of accomplishing a coalition, however anxiously it might have been desired. A few days after the restrictions had expired, however, a motion was brought forward in the House of Lords, by Lord Borringdon, for an address to the Prince-Regent, praying "his Royal Highness to form such a cabinet as should unite, as far as possible, the confidence and the good-will of all classes of the people, and thereby effectually call forth the resources of the empire." In the course of the debate which followed upon this motion, Lord Grey again declared the utter impossibility of himself, or those who acted with him, forming any union with the administration then in power. The noble Lord who brought forward the motion had declared, that he did not intend his motion should be construed as directed against the present ministers; to him

(Lord Grey), it appeared to be nothing less than a motion for their immediate removal. Other noble Lords took a similar view of the question. The motion was negatived by an overwhelming majority, and the ministers selected by the Prince-Regent were thus confirmed in their stations by the approbation of Parliament.

The ministers, thus strengthened by public opinion, and by the declared opinion of Parliament, were proceeding to carry into effect, with vigour, that system of policy which they had determined to adopt in the government of the empire, when they were arrested in their career by an event unparelled in the history of this country; and which, by its atrocity, excited among all ranks of persons in the empire a feeling of horror, accompanied by regret, and created an extraordinary sensation in every part of Europe. We allude to the assassination of Mr. Percival, whilst on his way to the House of Commons, on Monday the 11th of May, 1812. The alarm created in the metropolis, and indeed throughout the country, when first the dreadful circumstance became known, was great in the extreme. The public, in the first instance, and most naturally, associated the assassination of the prime-minister with political feelings and revolutionary plots, and all their attendant evils of riot, plunder, and massacre; though it ultimately appeared, upon investigation of the lamentable transaction, that the sanguinary crime had its origin either in the vindictive passion, or the insanity of the assassin. The following are some of the circumstances connected with the commission of this appalling murder, as detailed in the publications of the day:—

On Monday, the 11th of May, about half-past five in the afternoon, as Mr. Percival was entering

the lobby of the House of Commons, he was shot by a person of the name of Bellingham, who had taken his station by the door leading from the staircase. Immediately on receiving the ball, which entered his left breast, Mr. Percival staggered, and fell at the feet of a gentleman who was standing in the lobby, near the second pillar. Mr. Percival uttered the word murder, or murdered, as he fell. He was soon recognized by the persons around, and the body was conveyed into the Speaker's apartment; but, before they reached it, the unfortunate gentleman had ceased to exist. On the arrival of the surgeon, who had been immediately sent for, it was ascertained that the ball, which was of an unusual size, had penetrated the heart near its centre, and passed completely through it. Amidst the horror and dismay occasioned by this tragical event, no attempt was for a few minutes made to secure the assassin; but when a person at length exclaimed, "Where is the villain who fired?" Bellingham, who had remained unobserved, stepped up and said, "I am the unfortunate man." He had thrown away the pistol with which he had perpetrated the murder; he made no attempt, however, to escape, but at once resigned himself into the hands of the bye-standers, who placed him on a bench near the fire, and ordered the doors to be immediately closed. The prisoner, having been searched, was then conveyed to the bar of the House, where he was recognized by General Gascoigne, one of the members for Liverpool, and after a few minutes he was conveyed to the prison-room belonging to the House. A magistrate having been sent for, an examination of witnesses took place, when it appeared that the assassin had often, of late, been seen in the gallery of the House, and had, on the day of the assassina-

tion, been observed watching every member who entered the lobby, until his victim appeared; the circumstance, however, excited no suspicion. General Gascoigne stated, that he had seen Bellingham frequently, and that he had received many letters from him, many petitions and memorials respecting some claims on government, which were said to have originated in services performed by the assassin in Russia, for which he had received no remuneration. The assassin himself, when questioned on the subject, said, "My name is Bellingham—it is a private injury—I know what I have done—it was a denial of justice on the part of government." He added, "that he had, for more than a fortnight, watched for a favourable opportunity for effecting his purpose—that he had implored for justice in vain—that he had made application to every person likely to procure him redress—and that he had, at length, been driven to despair, by being told at the public offices that he might do his worst. I have obeyed them," said he, "I have done my worst, and I rejoice in the deed." The examination having concluded, he was conveyed to prison about one o'clock in the morning, under an escort of dragoons.

A coroner's inquest was held on the body on the following day, and, after hearing the evidence, a verdict of "wilful murder," was returned against Bellingham. At this time, a more than usually ferocious spirit seemed to have taken possession of the public mind; and when Bellingham was put into the carriage, which was to re-convey him to Newgate, an attempt was made to rescue him. The soldiers were execrated as murderers, and even during a part of the following day, a mob collected in Palace-yard and its neighbourhood, and indulged in the most atrocious exclamations. In this state

of popular turbulence, it became important that the trial and punishment of the assassin should follow his crime with as much rapidity as possible; and, as the sessions had commenced at the Old Bailey, it was determined to bring Bellingham to trial on the Friday following. His conduct previous to, and at the trial, entirely did away with every plea upon which a defence of insanity could have been set up on behalf of the prisoner, as had been at one time contemplated. The evidence was clear against him, and the jury, without hesitation, returned a verdict of guilty, and he was ordered for execution on the following Monday. The hour of execution arrived, and to all the inquiries made of him by the Lord Mayor, and the clergyman who attended him, he persevered in declaring that the act for which he was now to suffer had been entirely his own, and that he had no accomplice. He still seemed insensible of the enormity of his crime. The sentence of the law was soon carried into effect; the crowd dispersed, and the tranquillity of the metropolis was re-established.

Thus perished the Right Hon. Spencer Percival, in the 50th year of his age; a man not more distinguished by the extent of his talents, than he was by the possession of almost every public and private virtue. The latter gained him the love and respect of all who had the happiness of knowing him. Mild, affable, sincere, a tender husband, an affectionate parent, a kind and faithful friend. It might be said of him, that he possessed all the virtues which are at once the ornament and the solace of private life; and such was the singular fortune of this leader of a great political party, that even those who most differed from him on public party-questions, and might be called his political enemies, vied with his friends



in the panegyrics which they pronounced upon his spotless and amiable private character.

The death of Mr. Percival threw the country generally into the utmost consternation; an opinion prevailed, on the minds of most public men, that his colleagues would not be able to carry on the government, deprived, as they had thus prematurely been, of his acknowledged talent and influence. The ministers themselves appeared to entertain a similar opinion; and, entertaining such an impression on their minds, they determined to gratify the seemingly-expressed opinion of the people, and to seek that accession of strength which it was thought they stood in need of. Overtures were accordingly made by Lord Liverpool to the Marquis Wellesley and Mr. Canning, for their joining the administration; the basis of which overtures was, that Lord Liverpool should continue at the head of the government, and that Lord Castlereagh should still retain his situation of foreign secretary. The result of this first overture, and the explanations which followed it, was, that Lord Wellesley and Mr. Canning both positively declined to form part of the administration, assigning, as their reason for declining, the avowed sentiments of ministers in opposition to what was called the Catholic Question. On the failure of this negotiation becoming known to the public, Mr. Stuart Wortley brought forward a motion in the House of Commons, for an address to the Prince-Regent, praying that he would be pleased to take such measures as might enable him, in the circumstances of the country, to form a strong and efficient government. This motion had the warm and energetic support of Mr. Brougham. It was opposed, however, on the ground that to address the Prince-Regent on the present occasion would be an unconstitutional interference with the prerogative of the

crowd; and Mr. Ryder, by way of getting rid of the motion, moved as an amendment the order of the day. The original motion was, however, carried by a small majority. The address was presented to the Prince-Regent, and an answer returned, "that it should be taken into consideration."

This address, and the answer of the Prince-Regent, led to further negotiations and endeavours to form an administration, in which Lords Grey and Grenville, Mr. Canning, and the Marquis of Wellesley, should be included; and his Royal Highness expressed his pleasure to Lord Wellesley, that he should take on himself the task of forming such an administration. A correspondence followed between those noble lords, Mr. Canning, and Lord Moira; but no arrangement could be made, for forming an administration, in which Lord Liverpool, Lord Castlereagh, and the other colleagues of Mr. Percival should be included, or on a basis upon which a grant of Catholic emancipation should constitute a principal feature of cabinet policy. All attempts at accommodation having failed, Lord Liverpool, on the 8th of June, announced in his place, in the House of Peers, that his Royal Highness the Prince-Regent had been graciously pleased to appoint him first commissioner of the treasury, and that his Royal Highness had given authority to complete, with all possible dispatch, the other arrangements of the administration. These arrangements were soon completed, and the administration, differing but little in its construction, (Mr. Vansittart having been appointed chancellor of the exchequer), from that of Mr. Percival, was soon formed, comparative tranquillity was restored in the ministerial circles, and the regular business of Parliament recommenced its usual course.

The relation of the important events, of which a

brief detail has been given in the preceding pages, has, in some degree, diverted our narrative from its regular course; we must, therefore, now retrace our steps, to notice some of the proceedings in Parliament which took place at an earlier period of the session, and in which Lord Brougham was more particularly engaged. Among these, the most important was the discussion which took place on the celebrated Orders in Council. These Orders, in their operation, pressed with peculiar hardship on the commerce of America; and the American government was loud in its complaints of their injustice, and urgent in its demands for their abolition; indeed, so greatly irritated were the commercial classes of the American citizens against the system adopted by our country, under the Orders in question, that the best-informed persons, on both sides the Atlantic, were of opinion, that, should the British government persevere in maintaining these obnoxious commercial regulations, war between the two countries would be unavoidable.

As an orator, and, in a great degree, the champion of his party, Mr. Brougham was expected to take a part in all Whig-discussions; but there were certain topics peculiarly his own. And, whenever great labour and research were required, or extraordinary difficulties were to be encountered, his party-friends of older or higher standing invariably gave way to him. Thus, we have seen that, on the question respecting the Droits of Admiralty, the whole weight of the debate was thrown upon him. The opposition had now determined to attack the ministers upon their Orders in Council; and, upon this occasion, Mr. Brougham was selected as the person best qualified to stand in the front of the battle; and, if he did not effect the entire re-

scinding the Orders, his efforts led the way to that measure of justice and sound policy, so far as respected America. Mr. Brougham, it will be recollected, had, in 1808, been heard at the bar of the House, as counsel for the merchants of Liverpool, Glasgow, and other manufacturing towns, against these Orders; he was, therefore, well acquainted with the subject, from his previous attention to it; and his greatest efforts, during the present session, were to be discovered in the strenuous exertions which he now, as a member of the legislature, made to obtain their repeal. On the 3rd of March, he first brought the subject under the consideration of the House, in a motion for the appointment of a select committee, to take into consideration the state of trade and manufactures, particularly with reference to these Orders in Council, and the license-trade. He prefaced his motion by a long and able speech, and a debate of great length followed; his motion was, however, ultimately negatived, by a majority of 216 against 144.

On the 28th of April, the subject was again brought forward by Lord Stanley, who moved, that the petitions from Birmingham, Liverpool, Manchester, Glasgow, &c. against the Orders in Council, be referred to a committee of the whole House. After a few observations from Mr. Percival, Mr. Rose, Lord Castlereagh, Mr. Stephens, and Mr. Brougham, the motion of the noble lord was agreed to. In the proceedings of this committee, which was occupied six weeks in the examination of witnesses, Mr. Brougham took a very conspicuous part; and, shortly after the committee had concluded its labours, namely, on the 16th of June, he, in an admirable speech, which occupied nine hours in the delivery, and was listened to by the

House throughout with the greatest attention, moved an address to the Prince-Regent, praying him to repeal or suspend the obnoxious Orders. He concluded his address to the House in the following words:—

“Never did we stand so high, since we were a nation, in point of military character. We have it in abundance, and even to spare. This unhappy and seemingly interminable war, lavish as it has been in treasure, still more profuse of blood, and barren of real advantage, has at least been equally lavish of glory; its feats have not merely sustained the warlike fame of the nation, which would have been much; they have done what seemed barely possible; they have greatly exalted it; they have covered our arms with immortal renown. Then, I say, use this glory, use this proud height on which we now stand, for the purpose of peace and conciliation with America. Let this and its incalculable benefits be the advantage which we reap from the war in Europe; for the fame of that war enables us safely to take it;—and who, I demand, give the most disgraceful counsels?—they who tell you we are in military character but of yesterday—we have yet a name to win—we stand on doubtful ground—we dare not do as we list, for fear of being thought afraid—we cannot, without loss of name, stoop to pacify our American kinsmen?—Or I, who say we are a great, a proud, a warlike people—we have fought every where, and conquered wherever we fought—our character is eternally fixed—it stands too firm to be shaken—and on the faith of it we may do towards America, safely for our honour, that which we know our interests require? This perpetual jealousy of America! Good God! I cannot, with temper, ask on what it rests? It drives me to a passion to think of

it. Jealousy of America! I should as soon think of being jealous of the tradesmen who supply me with necessaries, or the clients who entrust their suits to my patronage. Jealousy of America! whose armies are yet at the plough; or making, since your policy has willed it so, awkward (though improving) attempts at the loom—whose assembled navies could not lay siege to an English sloop of war. Jealousy of a power which is necessarily peaceful as well as weak, but which, if it had all the ambition of France and her armies to back it, and all the navy of England to boot; nay, had it the lust of conquest which marks your enemy, and your own armies, as well as navies, to gratify it, is placed at so vast a distance as to be perfectly harmless! And this is the nation, of which, for our honour's sake, we are desired to cherish a perpetual jealousy, for the ruin of our best interests!

“I trust that no such phantom of the brain will scare us from the path of our duty. The advice which I tender is not the same which has at all times been offered to this country. There is one memorable era in our history, when other uses were made of our triumphs from those which I recommend. By the treaty of Utrecht, which the execrations of ages have left inadequately censured, we were content to obtain, as the whole price of Ramilies and Blenheim, an additional share of the accursed Slave-Trade. I give you other counsels. I would have you employ the glory which you have won at Talavera and Corunna, in restoring your commerce to its lawful, open, honest course; and rescue it from the mean and hateful channels in which it has lately been confined. And if any thoughtless boaster in America, or elsewhere, should vaunt, that you had yielded through fear, I

would not bid him wait until some new achievement of our arms put him to silence, but I would counsel you in silence to disregard him."

Mr. Brougham, ultimately, withdrew his motion, on an understanding with the ministry, and a pledge given by Lord Castlereagh, that so far, at least, as America was concerned, the obnoxious Orders should be suspended. The promised document, officially announcing their suspension, not having appeared in the next publication of the Gazette, Mr. Brougham, on the 19th of June, called the attention of the House to the omission; and, after some comments on the temporizing comments of ministers, said, unless the document appeared in the Gazette of the following Tuesday, he would move a call of the House for Thursday; and would, on that day, submit a motion on the subject. On the day in question, however, the promised document, revoking the Orders in Council, as regarded America, appeared in the Gazette; and Mr. Brougham, alluding to it, expressed the high satisfaction which he felt at the conduct of ministers in adopting such conciliatory language towards America, observing, at the same time, that, should it not excite a corresponding amicable feeling on the part of that country, he would certainly support government in ulterior measures. Lord Castlereagh expressed the gratification which he felt at Mr. Brougham's expression of approbation of the conduct of government. His Lordship said, the Orders had been "revoked," because the word "suspension" was not to be found in the Non-Intercourse Act, and the President of the United States was empowered to repeal that Act, on condition only that the Orders in Council were revoked.

The Orders in Council, which were, in a political

point of view, at one time considered of so much importance, were thus, in some measure, abandoned; and, although the most enlightened men were of opinion that this concession would not satisfy America, or insure her friendship, yet it was expedient, perhaps, to manifest that anxiety for relieving the distresses of the country, which is the peculiar characteristic of a wise and humane government. It was predicted, indeed, that the Americans would not repeal the Non-Importation Act; that they would insist on many other points besides the Orders in Council, to which they had originally confined themselves; and that, profiting by the spirit of concession, and the love of peace which had been shewn by England, they would bring forward claims which every British statesman would consider as inadmissible.

Events, so long anticipated, at last arrived, and, on the 18th of June, the President of the United States intimated his approval of an act of Congress, by which war was declared against Great Britain. The message, announcing this opinion on the part of the President, asserted, that "the British cruizers had violated the honour of the American flag, and seized persons sailing under it; that the seizure even of British subjects, without trial or enquiry, was contrary to the law of nations; but, under pretence of searching for them, thousands of American citizens had been torn from their country, and compelled to fight for their oppressors. That, the British cruizers had violated the rights and the peace of the American coast; that, the blood of American citizens had been shed wantonly, in the very harbours of the United States; and, instead of punishment, the highest rewards had been bestowed, by the British government, on the persons guilty of these atrocities. That, by means of a nominal



blockade, without the presence of an adequate force, the commerce of America had been plundered on every sea ; and, at length, Great Britain had resorted to a sweeping system, under the name of Orders in Council, which had been so contrived, as to suit the political views and commercial jealousies of England, and satisfy the avidity of her citizens."

These were some of the serious charges brought against Great Britain in the President's message, and on which the American legislature determined to resort to hostilities against Great Britain. The acts which followed this declaration on the part of America, demanded from the British government the adoption of prompt and vigorous measures. The first military operations of the Americans were attended with the most serious disasters. Their general, Hull, who had undertaken to invade Upper Canada, ended his short career by surrendering himself and the whole of his army, together with the strong fort of Detroit and 43 pieces of cannon, to the British major-general Brock ; while, on the other hand, the British frigate the *Guerriere*, of 38 guns, fell in with the American frigate the *Constitution*, carrying 46 guns, much heavier than those of the *Guerriere* ; the crew of the American vessel were double the number of that of the *Guerriere*. An obstinate action ensued ; the *Guerriere* lost her mainmast by the first broadside ; the rest of her masts soon went overboard ; still she continued to fight until ready to founder ; when obliged to strike, she was in such a state that the Americans found it necessary to set her on fire, and were thus deprived of the satisfaction of carrying her in triumph into port.

The Americans were destined for a time, most unexpectedly, to enjoy an apparent triumph at sea. The Macedonian frigate was, on the 25th of Decem-

ber, captured, after a severe and desperate action, by the American frigate *United States*. The disproportion in the weight of metal, the number of men, and the size of the vessels, were not less conspicuous, in this instance, than in that of the *Constitution* and the *Guerriere*, yet the action was obstinately contested; and the British frigate surrendered only in consequence of a number of untoward accidents, which could not have been foreseen, but not till she had been reduced to a state which sufficiently evinced the bravery and perseverance of the officers and crew.

Such were the results of the first operations of the second American war; a war which had been undertaken by the government of the United States from the most unworthy motives; from a system of policy which sought to undermine the energies of the British empire, and to support the ambition of France; to overwhelm the only state which resisted, with any effect, the arrogance of despotism, and had struggled manfully in defence of the independence of nations. The glory of the British arms was fully sustained, by the operations of that little band of heroes to whom the defence of Canada was entrusted. The military prowess of the Americans had appeared contemptible in the eyes of the world; nor had their naval efforts gained them any great credit with those who were capable of reflecting on the prodigious advantages under which their short-lived triumphs had been gained, and on the energy and resolution which had been evinced by British sailors, even at a moment when all the chances of war and every combination of circumstances conspired against them, to a degree which must have repressed the ardour of all but those in whom heroism is an innate and indestructible principle.

## CHAPTER V.

THE next parliamentary measure of importance, in which Mr. Brougham took an active and leading part, was his opposition to the bill introduced by the government during this session, for imposing a heavy additional duty on leather. On the 26th of June, the report of the committee on the bill was brought up. On this occasion, Lord Althorpe moved, as an amendment on the motion for receiving it, "That the report be received that day three months." The amendment was supported by Mr. Brougham, who objected to the imposition of the proposed duty, on the ground of the severe burthen which it would impose on the lower classes, and especially on those engaged in agricultural pursuits. The duty, being imposed by weight, would therefore fall heaviest on the coarser description of leather; that sort used in the manufacture of shoes and boots worn by poor people. The shoes worn by farmers' servants, he calculated, would be increased in price, by the extra duty, at least one shilling and sixpence per pair; which, estimating the quantity of shoes consumed by that class of persons at two pair a year each man, would impose a tax of three shillings annually on each individual, whilst the wealthier and higher classes, who wore light shoes, would escape comparatively tax-free. With regard to husbandry, he said, the adoption of the proposed duty would operate as a tax of £2 per annum upon every farm of 200 acres. He considered the introduction of this measure as an attempt, on the part of the chancellor of the exchequer, to impose on the lower classes a poll-tax; a poll-tax, not on the head, indeed, hut on

the fact; to a measure so unjust he would give his most strenuous opposition. The chancellor of the exchequer, in reply to Mr. Brougham, said, even acknowledging that the measure would tax agriculture as the honourable gentleman had described, the improved state of the agriculturists could well afford to bear it. He denied that the burthen of the tax would fall on the poor; it was on the rich, who wore a variety of shoes, and who consumed leather in saddles, harness, and many other articles, that the burthen would principally fall. On a division, the amendment was negatived by 60 to 46. The bill subsequently passed by a considerable majority.

Another measure, brought forward this session, gave to Mr. Brougham further opportunities of displaying his application and attention to all subjects connected in any manner with the liberties of the people. On the 10th of June, Lord Castlereagh presented to the House the report of the secret committee appointed to enquire into the disturbances which had for some time past existed in the northern counties. The report set forth the particulars of various acts of insubordination and riot, of secret meetings and associations, having for their object seditious and revolutionary movements, and calculated to disturb the peace, and endanger the safety of his Majesty's loyal and well-affected subjects. The report having been read, his lordship addressed the House upon its contents, dwelling at considerable length upon the several instances of insubordination and riot, which the evidence taken before the committee had disclosed; and concluded his address by moving for leave "to bring in a bill, to make further provision for seizing and securing arms, to prevent tumultuary meetings, and all assemblies of persons, whose object was to promote a

system of insubordination; and, to give more complete and extensive powers to the magistrates." His lordship further explained, that the proposed law was to be limited, both as to the time of its existence and the extent of its operations. It was not to continue in force longer than gave sufficient time for assembling Parliament, and affording an opportunity to that body to act as circumstances might require; and its operation was not to extend beyond the limits of the disturbed districts. The bill was opposed, on its introduction, by Mr. Whitbread, who contended that the evidence taken before the committee would not justify the adoption of such a measure. On this occasion, Mr. Brougham also opposed the measure. The disturbances, he said, originated in the disgraceful and mischievous system of espionage to which the government had resorted; the want of employment had rendered the people dissatisfied, and the persons employed as spies took advantage of that dissatisfaction and distress, to betray the lower classes into acts of insubordination and outrage against the laws. In one case, upon the trial of a man accused of riot, evidence was given before the judge, who presided at Lancaster, that on the occasion of the alleged disturbances, a well-known government spy was heard to propose, not only to destroy the manufactories, but also to burn the Work-house. "Well, but," said the man to whom he made the proposal, "don't you know that you would, by so doing, burn the poor people who are in the house."—"O!" said the spy, "the devil seize that—never mind—don't you mind that!" These spies, Mr. Brougham said, were paid most extravagantly; some forty and some fifty shillings a week, besides all their expences. Notwithstanding the opposition the bill met with, it

was read a second time by a majority of 131 to 16 ; and, finally, it was read a third time, and passed without a division.

This was the last important measure of the session in which Mr. Brougham took a part, a prorogation taking place soon after ; and, on the 29th of September, a proclamation appeared in *The Gazette*, dissolving Parliament. Writs were issued immediately for the election of members of the new parliament, and were made returnable on the 24th of November following, the day fixed for its meeting.

The course which Mr. Brougham had pursued in Parliament, throughout the session just terminated, and more especially his able and successful opposition to the Orders in Council, which had proved, in their operation, most injurious to the trading interest, had rendered him exceedingly popular with all classes ; and, at the general election, which took place at this time, he received a pressing invitation to offer himself a candidate for the representation of the populous town of Liverpool. The other Whig candidate was Mr. Creevey. The two candidates on the Tory interest were Mr. Canning and General Gascoigne ; the latter gentleman had represented the borough in the preceding Parliament. The election commenced on the 8th of October, and was continued with great spirit and obstinacy until the 16th. At the commencement of the contest, and for several days, from the state of the poll, it was anticipated that Mr. Brougham and Mr. Canning would be the successful candidates, but the friends of Mr. Canning and General Gascoigne having formed a junction, the two Tory candidates soon acquired an overwhelming majority ; and, at the final close of the poll, the numbers were, for Canning 1631 ; for Gascoigne 1532 ; for Brougham 1131 ; for Creevey 1068. Mr.

Canning and General Gascoigne were declared duly elected. At a subsequent period, in 1818, when engaged in a contest for Westmoreland, Mr. Brougham, in one of his addresses to the electors from the hustings, alluded to this severe struggle for Liverpool in the following terms:—"The last and the only time I had a contest, I was opposed to persons of liberal feelings, and enlightened minds; men who would have scorned to carry a point by clamour, or resort to tricks to overpower an adversary. To be opposed—as I was then—to a man like Mr. Canning, was a high honour; to be defeated by him, was no disgrace. He was a man who took no undue advantage of his opponents—who conducted the contest fairly and honourably, and who added to his triumph the praise that it was won by laudable means. Opposed, during a long contest, to this distinguished orator, a man of the greatest talents and most accomplished mind of the day; no angry feeling was produced, no reason for complaint was given on either side; and, as we met as friends at the beginning of the election, so we parted at the end, with mutual thanks and congratulations on the manner in which it had been conducted."

Whilst Mr. Brougham's attention was thus directed to the progress of the contest at Liverpool, he was also nominated for the Inverkeithing burghs; but here, as at Liverpool, the Tory interest was too strong for him and his supporters, and Mr. Brougham was again in a minority. Thus defeated in two efforts, he determined not to make any further attempt to get into Parliament at this time; and, acting on this determination, he remained out of Parliament from 1812 to 1816; and this interval he appears to have devoted entirely, and without

interruption, to the duties of his profession, in which he was now rapidly rising. On the 9th of December he was again engaged to defend Messrs. Leigh and John Hunt, the proprietors of the Examiner newspaper, who were indicted in the court of King's Bench for a libel on the Prince-Regent. The libel purported to be a reply to some fulsome praises which appeared in the Morning Post, in doggerel verses, addressed to the Prince; and was as follows:—"What person, unacquainted with the true state of the case, would imagine, in reading these astounding eulogies, that this *glory of the people* was the subject of millions of shrugs and reproaches? That this *protector of the arts* had named a wretched foreigner his historical painter, in disparagement or in ignorance of the merits of his own countrymen? That this *Mecænas of the age* patronized not a single deserving writer. That this *breather of eloquence* could not say a few decent extempore words? if we are to judge, at least, from what he said to his regiment, on its embarkation for Portugal. That this *conqueror of hearts* was the disappoinder of hopes? That this *exciter of desires*, (bravo! Messieurs of the Post;) this *Adonis in loveliness!* was a corpulent gentleman of fifty? In short, that this *delightful, blissful, wise, pleasurable, honourable, virtuous, true, and immortal PRINCE*, was a violator of his word; a libertine, over head and ears in debt and disgrace; a despiser of domestic ties; the companion of gamblers and demireps; a man who has just closed half-a-century without one single claim on the gratitude of his country, or the respect of posterity?"

The solicitor-general, Sir W. Garrow, who conducted the prosecution, having addressed the jury, and proved the publication of the libel, Mr. Broug-



ham, for the defendants, made a brilliant and forcible appeal to the jury; in which he was several times interrupted by Sir W. Garrow and Lord Ellenborough, for introducing subjects irrelevant to the case before the Court. After urging everything that zeal and eloquence could enforce or suggest in favour of his clients, he sat down, as he said, in full assurance of obtaining a verdict in their favour.

Lord Ellenborough summed up to the jury; and, in concluding his address, observed, it would ill become him to flatter any person, however high and exalted his rank; he had never done it, he never would. He did not sit there as the commendator of the Prince-Regent, but, was it to be endured that His Royal Highness should be described as a man who, after living half-a-century, had never done a single act which should demand the approbation of his country or of society? It was holding up that illustrious person as one who had been worthless for the past, and was hopeless for the future; who would live in the world without benefit to it, and quit it without being regretted. He was confident there was not one of the 12 gentlemen whom he was addressing, that could lay his hand on his heart and say, this was not a foul, atrocious, and most malignant libel. The jury retired for about ten minutes, when they returned with a verdict of guilty against both the defendants.

In the following term the defendants were brought up for judgment. They declined occupying the time of the Court, either by a personal address, or by the appearance of counsel; but put in affidavits in mitigation, in which they disclaimed being actuated by personal malice, by a love of slander, or by the pursuit of gain; and, that they were conscious of no motives which were not

honourable in the writing and publishing the alleged libel. They further stated, that, in consequence of the heavy expences to which they had been subjected by three previous prosecutions, in one of which they had been acquitted, and in the other two never brought to trial, their pecuniary resources were exhausted ; and, a heavy fine, if such was now inflicted, would be ruinous to them ; they, therefore, expressed a hope that the Court, in the judgment it was about to pronounce, would take that circumstance into consideration. After a short consultation with the other judges, Mr. Justice Le Blanc pronounced the judgment of the Court, which was, that they should pay a fine of £500 each, and be severally imprisoned for two years—one in Cold-Bath-Fields' prison, the other in the new gaol, Horsemonger-Lane ; and each give security for five years in £1000 for good behaviour.

About this time Mr. Brougham was engaged, as counsel, in a case which excited considerable interest in the sporting world. It was an action brought by a gentleman named Gilbert against Sir Mark Sykes, for the recovery of £2000, being the balance of a sum alleged to be due to the plaintiff, upon a wager made between him and the defendant on the life of Napoleon. By the terms of the wager Sir Mark had undertaken, in consideration of receiving 100 guineas down, to pay to the plaintiff one guinea per day so long as Napoleon should live. The wager was entered into shortly after the peace of Amiens, at the table of Sir Mark, after dinner. The conversation had turned on the uncertain tenure of Bonaparte's life at this time, when the defendant, in the warmth of argument, offered to pay to any person, who would give him 100 guineas down, one guinea per day so long as the French emperor

should live. The plaintiff, who was one of the company, immediately called out "done," when the defendant, by his looks, expressed displeasure at being so suddenly caught; and the company, by calling out "no, no; no wager," shewed clearly the displeasure which they felt by this part of the plaintiff's conduct. The plaintiff, however, on the following day, sent to the defendant the £105, which Sir Mark accepted; and, for nearly three years, went on paying at the rate of one guinea per day, in weekly payments, to the plaintiff. At length, Sir Mark refused to pay any longer, and Mr. Gilbert brought his action to recover the amount of the payment, which, he contended, had fallen into arrear. The action was tried at York, before Mr. Baron Thompson, and the jury found a verdict for the defendant; thereby declaring the wager null and void.

In Trinity term, 1812, Mr. Park applied to the court of King's Bench, on behalf of Mr. Gilbert, for a rule, to shew cause why the verdict should not be set aside, and a new trial be granted. On the 12th of June, the question came on for argument before the Court. The rule for a new trial was opposed by Mr. Topping, Mr. Scarlett, and Mr. Hurlock, and supported by Mr. Park, Mr. Richardson, and Mr. Brougham. The Court, however, confirmed the verdict, on the ground, that the wager in question was contrary to law, contrary to morality, and contrary to Christianity.

The new Parliament met on the 24th of November. One of the first measures introduced by the chancellor of the exchequer was, a Bill for the Better Regulation of Gold Coin. It will be recollected that Mr. Brougham had, in the previous session, moved a string of resolutions on this important sub-

ject, the consideration of which was postponed till the present session. The bill now introduced had proceeded to its last stage; and, on the 14th of December, Mr. Brougham, being no longer a member of the House, Mr. Whitbread, on the third reading of the bill, called attention to these resolutions, when they were all negatived on a division, and the bill was read a third time.

It was soon after the commencement of the session of 1813, that Mr. Brougham first became the recognized legal adviser, and confidential friend of the Princess of Wales; and it is generally believed that the letter addressed by that ill-fated Princess to the Speaker of the House of Commons, dated the 1st of March, 1813, was written under his advice, and with his assistance. Her Royal Highness's letter to the Queen, written about the same time, was also said to have been dictated by the same adviser. Certain it is, that Mr. Brougham was in frequent communication with the Princess of Wales, at this period; and that, on the 12th of July, on the evening of which day the Princess Charlotte caused so great an excitement by her extraordinary elopement from Warwick-house, where she was then residing, and sought an asylum with her mother at Connaught-house, Mr. Brougham was the first person to whom the Princess, in her distress at the untoward step adopted by her daughter, sent, to command his attendance and advice in this emergency. The following is the account given by the journals of the day of this extraordinary freak, on the part of the heiress-presumptive to the crown:—

“This singular and unexpected royal elopement,” observes one of the leading journals, “has created a most extraordinary sensation; the following is an outline of the circumstances attending it:—The

Prince-Regent, disapproving of the visits and epistolary correspondence of the Princess Charlotte, and likewise of the conduct of some of her household, determined that some change should take place in her establishment. With this view, His Royal Highness, accompanied by the Bishop of Salisbury, went on Tuesday evening, July the 12th, to Warwick-house, and, as is alleged, without any previous notice, informed the Princess Charlotte that Mrs. Knight, and the rest of her household, as well as all the servants attending upon her, were dismissed; and, that her Royal Highness must forthwith take up her residence in Carlton-house, and afterwards be removed to Cranbourn-lodge. It was also intimated to Her Royal Highness, that the Countess Dowager of Rosslyn, the Countess of Ilchester, the two Misses Coates, and Mrs. Campbell, were actually in the next room in readiness to wait upon her. The manner in which this intelligence was communicated, accompanied, as it was, by a declaration that she was to be under their sole superintendence, and was not to be permitted to receive either visits or letters, threw the Princess into despair. It is not to be supposed, from this account, that Her Royal Highness has done any thing, or is capable of doing any thing, that can disgrace a woman and a princess; but only that, in the unhappy disputes which sever her royal parents—wherein neutrality is difficult—she is of one party. In the midst of, or immediately after, the conversation of which she had been an unwilling auditor, Her Royal Highness quitted the room, descended the back-staircase with the rapidity of youthful limbs and an ardent spirit, darted through the kitchen, and in an instant was seen in Warwick-street, alone, but with her hat and pelisse on. From

Warwick-street she proceeded up Cockspur-street, into the Haymarket, and, at the stand opposite the Opera-house, she sprung into a hackney-coach with the utmost haste. She was wholly unattended, and the transaction occupied but a few minutes. From thence she proceeded direct to her mother at Connaught-house, where her presence was probably as unexpected as her absence from her own mansion was embarrassing to the visitants there. The Princess of Wales was not at home when her daughter arrived; but a groom was dispatched to Blackheath, to request her immediate return to town. The groom met Her Royal Highness on the way, and delivered the Princess Charlotte's note, acquainting her with what had occurred; upon learning which, Her Royal Highness immediately drove to the Parliament-house, and eagerly enquired for Mr. Whitbread, who was absent, and for Earl Grey, who had left town several days before. She then proceeded to her own house in Connaught-place, where her daughter communicated to her the particulars above stated, and where Mr. Brougham, who had been sent for from Mr. M. A. Taylor's, had already arrived.

“ The flight of the Princess from Warwick-house, was soon made known to the Prince-Regent, at the Duke of York's, where a large party had assembled. Notice of it was also sent to the queen, who had a card-party, which she immediately quitted. A council was called, and Lord Eldon and Lord Ellenborough were consulted. Rumour says, that a *habeas corpus* was to have been issued to bring back the person of Her Royal Highness to Carlton-house; but the Duke of York, in the mean time, proceeded to Connaught-house, and stated to Her Royal Highness her father's commands that she should accompany him back. Mr. Brougham had previously ac-

quainted Her Royal Highness, that, by the laws of the land, she must obey her father's commands ; and when the Duke of York gave her an assurance that she should not be immured, or treated with the severity which had been threatened, she consented to return with him ; and, accordingly, at a little past three o'clock on the Wednesday morning, Her Royal Highness was conveyed to Carlton-house. Here she found that all the persons by whom she had been previously served, had been removed from attendance on her, except Mrs. Lewis, who had followed her to Connaught-house, with her night-clothes, and who was permitted to return with her in the same carriage along with the Duke."

Soon after this occurrence, namely, on the 9th of August, the Princess of Wales left this country for the continent. She embarked at Worthing, on-board the Jason frigate, commanded by the Hon. Captain King. Her Royal Highness was accompanied by Lady Charlotte Lindsay, and a little boy, afterwards well known to the public under the cognomen of Billy Austen.

In the month of November, subsequent to the departure of the Princess of Wales for the continent, Mr. Brougham was retained as counsel on behalf of a man, named George Houston, who had been indicted for the publication of a work entitled *Ecc Homo*, containing a gross and blasphemous libel on the Christian religion. The defendant had suffered a verdict of guilty to go against him by default, and he was brought up for the purpose of receiving the judgment in the Court of King's Bench. After the Attorney-general had addressed the Court in aggravation of punishment, Mr. Brougham attempted an argument in mitigation of the defendant's conduct, and urged, in his favour, the feeling of contrition which he had discovered for his offence, by suffering

judgment to go by default. The Court sentenced the defendant to pay a fine of £200, and to be imprisoned in Newgate for two years.

On the 10th of December, 1814, Mr. Brougham appeared in the Sherriffs' Court, as counsel for the defendant, in the case of the Right Hon. the Earl of Roseberry v. Sir Henry Mildmay, Bart. The Earl of Roseberry had brought an action against Sir Henry Mildmay, for criminal conversation with his wife, Lady Roseberry, in which he had laid his damages at £30,000. Judgment had been suffered to go by default, and a writ of inquiry, to assess the damages, had issued, in compliance with which, the parties now appeared by their counsel before the Sheriff. The plaintiff's case was opened by the Attorney-general, Sir W. Garrow, with much ability, and he having substantiated his statement of facts by evidence,

Mr. Brougham addressed the Court on behalf of Sir Henry Mildmay, and in mitigation of damages. He observed, that, although he stood there professedly and openly as the advocate of the defendant, he begged they would dismiss, from their minds, any suspicion that he was about to offer any captious or cavilling defence. Such an intention, he could assure them, was the furthest from his thoughts and his purpose. He had the happiness, if, at that moment, he might call it such, to be acquainted, not with one only of the three noble houses whose character, and feelings, and interests, were mingled up in the present cause, but with all of them; he might boast the honour of a close intimacy with them, and he was proud to acknowledge the profound esteem which he felt for them; indeed, he knew not for which of them his esteem and attachment was the greatest; in consequence of the situation in which he stood, and the



feelings which such a situation might naturally be expected to create, he was the more anxious to give what little aid he could to the gentlemen of the jury, to enable them to deliver a verdict which might assuage, as far as any verdict could assuage, the affliction and sorrow which had been produced by the melancholy transaction then under their consideration. But, if they were to guide themselves by all that had fallen from his learned friend—if they entirely trusted to his inflamed and exaggerated statements, heightened by all those powers of eloquence which his learned friend so well knew how to employ, they would not satisfy the justice of the case; they would not render that service to those noble houses which was sought for, nor would they render that service to the noble client of his learned friend which he knew he was desirous to obtain for him. Sir Henry Mildmay entered so completely into the feelings of the noble plaintiff, that he desired they would give him no ambiguous compensation. While, however, they dealt out to the plaintiff those just, but moderate damages, which the nature of the case required, they were to guard against such heavy and excessive ones as would carry misery and ruin into one branch of the family, cut off its principal member, and drive him into hopeless exile from his native country for the rest of his life. That was a proportion of punishment which, he was sure, the case itself did not demand—which no one could wish—and which, he firmly believed, not even the noble plaintiff himself desired. With regard to that noble person, his instructions bound up his hands; he was forbidden to utter a word, to breathe a syllable, which might be construed into the slightest allusion to the conduct of Lord Roseberry. An advocate knew no feelings but those of his client, and, therefore, he

was silent. Over-charged comments weakened more than they benefitted a cause, yet nothing was more common than for an advocate to fall into the error of portraying a case immediately under consideration, merely because it was under consideration, as the most atrocious, the most dreadful, the most horrible, the most abominable, that had ever been known. Such indiscriminate appeals were most injurious, not only to the general, but even to the individual, interests of justice; and, in the present case, the exaggeration was most obvious. They had frequently heard, and those walls had frequently witnessed, cases of atrocity to which the present bore no resemblance. They had seen instances where an individual had devoted his whole life to the undoing of some unwary female; incapable, at the same time, of love—incapable of any passion but lust—gazing, with profane eyes, round the fairest ornaments of society, whom he might devour, and, already satiated with indulgence, stinging into activity appetites dull from torpor; real spoilers of female innocence, who added to the zest of guilt the savage delight of triumphing, with unmanly exultation, over their victim. The records of the Court testified to another case, of a man, who, for a wager, undertook to accomplish the ruin of a matron; he succeeded, and met the punishment he deserved. Thank God, such cases were indeed rare; but others were not so; in many, the husband was related to the seducer by ties of blood, or the seducer himself was a married man, and thus guilty of a double adultery; but, in the present case, there was no plighted faith, no blood relationship, no attempt to palm upon the husband a spurious bastard issue; he begged he might not be misunderstood. He did not mean to say that, because, in the present case, there were none of these aggrava-

tions, there was no guilt ; he did not mean to deny that a crime had been committed ; the record proved the contrary ; and, if it did not, he should be ashamed if he attempted to delude their common sense, by arguing that no criminality existed. But he would say, that when his learned friend extended to the offence of the defendant that extremity of censure which he had applied, and called for such severity of punishment, he performed the very worst service he could to the general cause of justice and morality. He appealed to the jury whether the Attorney-general could have depicted the defendant's conduct in more vivid colours—whether he could have called for more ample damages, if Sir Henry Mildmay had stood before them a hoary-headed adulterer, practicing upon the senses of his victim—allied to the husband by ties of blood, himself a married man, seeking to impose upon the injured party a spurious progeny, and not making the deluded woman even his mistress, but only the minister to his own unnatural and impotent lust. Was that, indeed, the case of the defendant ? was it not, on the contrary, the very reverse, and without one lineament of resemblance ? He wished, however, the jury would consider what damages such a case, if it came before them, would deserve, and deducting the amount from the damages now asked, assign the difference as an adequate compensation for the one then before them. They had heard the connection which subsisted between the parties ; it was one, not of blood, but merely of marriage. The Attorney-general, however, characterized the crime of the defendant by the epithet of “ multiplied incest,” because Sir Henry Mildmay had been married to the sister of Lady Roseberry, while another sister was married to a brother of the defendant. How

his learned friend, with his acknowledged accuracy, came to make such an assertion, he knew not; but it did so happen that there was no multiplied incest, or incest at all. Had Sir Henry Mildmay married one sister, and his brother another, and the defendant had seduced the wife of his brother—then, indeed, there would have been some room for such a phrase. But as to the question of incest itself, his learned friend could not but know, that if a man married his wife's sister after the death of his wife, no incest was committed. Men's feelings were not so repugnant to that species of relationship, as to justify his learned friend's expressions; whatever technical and precise distinctions prevailed in the law with respect to it, by which marriage, so contracted, became null and void, if challenged. The very connection, however, that subsisted between the defendant and Lady Roseberry, became the snare into which they both unhappily fell. When he lost his wife, an amiable and lovely woman, he sought consolation in the company of her sister, who bore a strong resemblance to his departed lady; and, it was not very unnatural, though much to be lamented, that love should have arisen out of such a case. It happened that Lady Roseberry loved her sister as ardently as her husband had done, and to console him for his loss, became a melancholy satisfaction to her. Thus, those two young persons, in the height of blood, had, by degrees, their feelings so excited—their fancies so exalted—that their judgments were laid asleep, and they knew not the awful precipice upon which they stood. He had a right to say their judgment was lulled asleep, for it was even so with Lord Roseberry himself, who was free from that greatest of all deluders, self-delusion, and confided in that relationship which had betrayed

the defendant, and the unhappy lady, his partner in the offence. They awoke at last from their trance; and, if he were permitted, he could produce numberless letters, and numerous witnesses, which would prove the agony, the sorrow, the wretchedness, which the conviction of their transgression had excited in their minds. He should be asked, perhaps, why, when they discovered their error, they did not at once come to the resolution of abandoning it, but that very remedy pre-supposed the offence. Happy had it been for them if any strong necessity, any over-ruling power, had stepped in to check their mad, their infatuated career. He knew but one person in the world who could effectually have done so; but his hands were tied up, and he could not tell the jury who that person was, because he was enjoined not to breathe even a whisper which might affect the conduct of the plaintiff. He could not tell them what effects might have followed from that interposition, if it had been exerted in 1813; what beneficial result might have ensued, if, instead of a conditional veto, a positive prohibition of intercourse between the defendant and Lady Roseberry had been pronounced. He deplored, without blaming, that such was not done; he was sorry that some such precautionary measures as were so wisely resorted to, between the Tuesday and the Saturday, had not been earlier employed, and they would have ensured success. He should not detain them, however, any longer; but only entreat them once more, as men of plain and ordinary understandings, not to separate, without looking at the case calmly, dispassionately, and impartially. They would then be prepared to give such damages as would amply vindicate the character of Lord Roseberry, and that was all they had to consider; as men were in the

habit of saying, or pretending to say, that in such cases it was not pecuniary damages they required, it was not their wife's dishonour which they wished to coin into money, but their own honour which they sought to justify."

Mr. BIRCHALL, the under-sheriff, then proceeded to sum up to the jury, which he did very summarily, when the Court was cleared of strangers, and the jury, after deliberating for nearly two hours, delivered a verdict, through their foreman, Sir Nathaniel Conant, for the plaintiff—damages *fifteen thousand pounds*.

The session of Parliament of 1815 terminated on the 12th of July, on which day the Prince-Regent went in state to the House of Peers, and delivered a speech in person to both houses, after which parliament was prorogued to the 22d of August. A dissolution followed almost immediately after, and, in the new Parliament, which met on the first of February, 1816, Mr. Brougham resumed his position on the opposition bench, as representative for the Whig borough of Winchelsea, for which place he had been returned through the influence of the Earl of Darlington. Mr. Brougham resumed his senatorial duties with a greatly-improved reputation as a lawyer, and with a fame deservedly improved as a political man and an orator, by the use which he had made of his time and talents during the period of his exclusion from Parliament. That in the estimate formed of him by his friends and admirers, his powers were not over-rated, the position which he sustained, in all the important questions brought forward in the session which followed, fully proved. The first day of the session was not permitted to pass over without his giving his opponents a proof that his energies and activity had, in no degree

diminished since they had last met him in the same arena. The Prince-Regent, in his speech, when speaking of the commercial and manufacturing portion of the community, was made to express himself in the following terms:—"His Royal Highness is happy to inform you, that the manufactures, commerce, and revenue of the United Kingdom are in a flourishing condition." In the debate which followed on the address, moved in the Commons by Sir T. Aekland, Mr. Brougham, advertng to the above paragraph of the Prince-Regent's speech, strongly objected to it, and commented on it with great severity. "Was it to be tolerated," he said, "that ministers should thus make their royal master insult the country, by stating, that our commerce, revenue, and finances were in a flourishing state, when a general stagnation of trade prevailed—when shops were every where empty—tradesmen's books filled with debts, not one per cent. of which could be recovered." Alluding to the slave-trade, still carried on by Spain, he said, "he hoped that contemptible tyrant, Ferdinand, who had behaved so inhumanly to his best friends—who had treated so ungratefully those who had raised him to a throne which he disgraced; whose slightest offence was the illegitimate usurpation of his father's sceptre, would be prevented from extending the effects of its reign into Africa. From our connection with that great slave-dealer out of Europe, and maker of slaves within it, we might be supposed to have some influence over him. He also reprobated the intention of continuing the Property Tax, the Malt Tax, and other taxes, which were a burthen upon the people, whilst our great military and foreign establishments were a robbery upon the public." The address was ultimately carried by a majority of 90 to 23.

On the 12th of February, the chancellor of the

exchequer called the attention of the House to a consideration of the state of the country, and to a review of the several items of expenditure, for which it would be necessary to provide, in support of the establishment for the current year. The Right Hon. Gentleman wished to be understood by the House, as not contemplating a peace-establishment in the estimates which he was now about to propose; in future years, a great reduction might confidently be anticipated. Among the items of expenditure now to be provided for, he stated, the army, £9,300,000; commissariats, £680,000; barracks, £258,000; extraordinaries, £2,000,000; navy £7,000,000; ordnance, £2,000,000; miscellaneous, £2,500,000; payment to the Bank £1,500,000; India debt, £1,000,000; exchequer-bill interest, £2,000,000; sinking-fund on exchequer-bills, £260,000; debentures, £900,000; making a total of £29,298,000, from which deduct, for Ireland, £2,910,354, and the sum required for England would be £26,487,646. To meet this expenditure, he would take, as ways and means, the surplus of grants, after discharging debts in the Peninsula and America, £3,000,000; surplus consolidated-fund, £2,500,000; land and malt, £3,000,000; customs and excise, war-taxes, £6,000,000; property-tax, £6,000,000; lottery, £200,000; Bank allowance, £6,000,000; making a total of £26,000,000. Upon hearing this statement, Mr. Brougham asked what diminution of expense might be expected during the next year. (The chancellor of the exchequer replied, 10,000 seamen.) "Then," observed Mr. Brougham, "the utmost that can be expected is a reduction of £5,000,000, which will leave the military establishment at an annual sum of £25,000,000. Let the House reflect on the rapidity with which these establishments grew from war to war; and how, on



the conclusion of every peace, the country was left loaded with a military expenditure, continually increasing. 149,000 men were now to be saddled upon us, in all probability, for a permanency; and these exclusive of 20,000 men for India. It was true, as the Right Hon. Gentleman said, the East India Company were bound to defray the expences of this latter army; but were we not perpetually making good the arrears of the Company? Were we not perpetually giving them loans, and was it not, therefore, mockery to say that the East India Company would pay for these troops? Then there were to be 11,000 men in the Mediterranean; the whole army of England, in peace, used to be between 4000 and 5000 men; but this was in better times—in better times with respect to money, and, if he might speak of any thing but money in a committee of supply, in better times for the constitution. Now, however, the Mediterranean alone, it seemed, required 11,000 men. Then, again, there were the seven or eight Ionian Islands saddled on us; if productive of nothing else, they were rich in patronage. There must be governors, secretaries, commanders-in-chief, and commissaries; added to Port-Admirals, and the whole apparatus of patronage; and these were, no doubt, the latent inducement with the noble lord and his colleagues for hurthening this country with their protection. In the West Indies, where there used to be 7000 men, there were now to be 13,000. He believed the Dutch colonies were kept, on the representation of a certain small class of merchants, (whose faces were as well known at the Treasury as that of the chancellor of the exchequer) who, having invested their capital in loans to those islands, from which they received valuable consignments, induced government, by persuasions and threats, to keep

Demerara, Essequibo, and Berbice, to fill, more completely, our already-glutted markets; to have more sugar, more coffee, more cotton, lest they should lose their consignments and risk their capitals. In conclusion, he expressed a hope that the Leather and Malt Tax would be repealed, and that the House would not suffer the proposition for an Income Tax to pass." The latter part of Mr. Brougham's hopes was fulfilled; the Income Tax, as will be seen hereafter, was refused, but the estimates were, with very little alteration, adopted.

At this time two measures were introduced into Parliament by Lord Castlereagh, which attracted much public attention. His Lordship, on the 19th of March, moved for leave to bring in two bills, the one "To provide more effectually for the safe custody of the person of Napoleon Buonaparte;" the other, "To regulate the intercourse of neutral vessels with the island of St. Helena, so long as that person should remain resident on the island." This proposition, on the part of government, gave rise to some debate within the House, but it formed the subject of much wider and more animated discussions without the walls of Parliament. Among the people a great diversity of opinion existed, as to the legality or justice of the course adopted by the British government towards the fallen ruler of France, the late absolute dictator of the continent of Europe. By many it was argued that our detention of his person, and, more especially, his transportation to, and imprisonment on, a comparatively barren rock, surrounded on all sides by the sea, and separated from the other habitable portions of the globe by thousands of miles of dreary ocean; when he had, in his misfortune, voluntarily thrown himself on our liberality, and sought protection in our well-

known and established character for hospitality towards the unfortunate, was equally an act of injustice, of cruelty, and of impolicy; and one which would continue a blot on the page of British history, and a stain on the national glory to the end of time. On the other hand, it was contended that no breach of national faith had been committed—that no duty of hospitality had been outraged—that no law of nations had been violated by the government of this country, in its detention of the ex-emperor. That Napoleon's restless ambition, his well-known bad faith, and his notorious disregard of every moral obligation, rendered extraordinary precautions necessary for securing his person, and thereby preserving the future tranquillity of Europe. That the allegations of his having voluntarily thrown himself upon the magnanimity of the Prince-Regent, and the liberality and hospitality of England were unfounded; for, that it was not until he had laid hidden for several days on the coast, looking, in vain, for an opportunity to escape to America; and, that he felt convinced his enemies would soon be upon him—that he adopted the bold resolution of throwing himself on the mercy of England, and of making an appeal, for life and liberty, to the people whom he had so often denounced as enemies of the human race, and so repeatedly declared he would exterminate as a nation. It was also urged, that he never expected his appeal to the magnanimity of the Prince-Regent would be attended to; but, at the same time, that a rejection of it, and the withholding the protection solicited, would subsequently furnish a theme of declamation for himself and his adherents. No pledge, it was said, had been broken, in conveying him to St. Helena, inasmuch as none had been given. That exile to an is-

land, which all previous accounts had represented in a favourable light, with a numerous suite of attendants, and with every gratification that could be procured, except the pursuits of ambition, seemed to be no very hard lot for one who had so wantonly broken the peace of the world; yet, that he and his adherents had succeeded in persuading many persons to believe that the English government had acted most unjustifiably, in sending him to such a fatal climate as St. Helena was now represented to be; and, further, that he was treated in his unmerited exile with great and uncalled-for rigour. Such were the arguments used on both sides. The time has scarcely yet arrived when party-feeling has so far subsided, as to enable us to form a cool and un-biased judgment upon the question. One fact, however, is stated, not generally known, which, if correctly stated, relieves England from the responsibility which has heretofore been cast upon her by the assertion, that, in the subsequent disposal of the person of Buonaparte, after his surrender to Captain Maitland, Great Britain acted upon her own unfettered will, uncontroled by any other power. The fact to which we allude, is, that previous to the battle of Waterloo, a treaty was entered into between Great Britain, Russia, Austria, and Prussia, by which it was stipulated that if, in the course of the war, Napoleon should be captured, he should be considered as the prisoner of the four allied powers, and not of the one by whose troops he might be taken; that he should not be either confined in prison, or suffered to reside in the European, or continental dominions of either of the four powers, but be sent to St. Helena, and there remain, with only such restrictions as should be judged necessary to prevent his escaping.

In applying for leave to bring in the bills to which we have alluded, Lord Castlereagh adverted to the doubts which had arisen in the minds of many persons, whether it was competent to the crown to detain Bonaparte a prisoner after the termination of the war. Of these doubts he did not himself partake. As to the justice and policy of detaining Bonaparte in custody, he apprehended that no doubt could exist. As a sovereign prince, we were warranted in detaining him, in consequence of his breach of treaty. He was also a prisoner of war; and, as a native of Corsica, a subject of France, which power had declined to claim his restoration. With regard to his personal treatment, it was proposed to extend to him every indulgence that was consistent with his safe custody; and, that he would experience the most liberal treatment, as a prisoner of war. The bill would apply to Bonaparte only, and would not extend to affect the liberty of Count Bertrand, or any of the ex-emperor's followers.

Mr. Brougham, in the course of the discussion which followed, observed, that, though a difference of opinion might exist upon some points connected with the measure, he believed there was an unanimous concurrence with the government, as to the propriety of detaining Bonaparte in custody. In his opinion it was legal to detain a prisoner of war, whose restoration was not claimed by that power of which he was the subject. The bill, subsequently, passed both Houses, and received the royal assent in due course.

Notwithstanding the general opposition expressed by the public, against the imposition of a Property Tax, the chancellor of the exchequer still persevered in pressing that measure. The petitions against the measure poured in from every quarter, and discus-

sions upon them occurred nightly on their presentation. Mr. William Dundas, in presenting a petition from Edinburgh against the tax, numerously signed, declared, that he dissented entirely from every allegation contained in it, and was decidedly favourable to the proposed tax. Mr. Brougham, upon this, took occasion to say, that there was no interpreter of the public feeling of the people of Scotland, in the House; in Edinburgh, from which place the honourable member, Mr. Dundas, derived his seat, there were but eighteen or, at most, twenty-five electors. This, and some other remarks, of a similar character, called up Mr. William Douglas, the member for Kircudbright, who asked Mr. Brougham upon what authority he had ventured to insinuate that his, Mr. Douglas's, constituents were indisposed to commit their petitions to his charge; he valued his independence as highly as any member of that House, and was prepared to defend it against the honourable gentleman's assertions either there or elsewhere. Mr. Brougham, in reply, said, the House had nothing to do with the honourable gentleman's intentions elsewhere. He had certainly observed that it was somewhat singular, that the five burghs represented by the honourable gentleman should all have sent their petitions, on this occasion, against the tax, to him, Mr. Brougham, to present. Lord Castlereagh, on a subsequent evening, during one of the discussions which arose on the presentation of a petition in favour of an Income Tax, took the opportunity of observing, that no one could assert truly, that all the petitions presented were against the tax on property. Indeed, an honourable and learned gentleman, who came down to that House regularly, to plead against a Property Tax, could not obtain a hearing in another

place. His lordship alluded to a meeting which had been held a few days previous to this time, and at which Mr. Brougham had attended, but did not address the meeting. This observation called up Mr. Brougham, who rose amidst loud cries of "chair" and "order," to reply to the personal insinuations of the noble lord. The fact was, he said, that he went to the Westminster meeting merely as a spectator. He had not, indeed, a right to be there in any other character; he was not a householder in Westminster, and had no vote. He left the meeting before a single observation was made upon himself or any of his friends, and not for the reason which had been assigned by the noble lord. After several long and animated discussions, the House, at three o'clock in the morning of Tuesday, the 20th of March, divided on Mr. Vansittart's resolution in favour of the tax. The resolution was negatived by a majority of 238 to 201. The Property Tax was therefore negatived by a majority of 37. This decision was received with long and reiterated shouts of congratulation, which were heard through all the avenues leading to the House, and communicated the result to the strangers who, even at that late hour, were loitering about the lobbies, waiting to learn the result. On the day following this decision, Mr. Methuen, after noticing the advance which had recently been made in Mr. Croker's salary, from £3000 to £4000 a-year; and in Mr. Barrow's, from £1500 to £2000, concluded by moving a resolution, that the House approved the Order in Council, dated January 15th, 1800, which provided that the salaries of the secretaries and clerks of the Admiralty should be lower during peace than in time of war; and, that it considered any departure from such rules as an unnecessary

expenditure of the public money. Mr. Brougham supported the resolution proposed by Mr. Methuen, and concluded a long and animated speech with the following apostrophe:—"If the House do but assent to the motion of the honourable gentleman, then it will establish its claim for ever to the gratitude of the public; then it will be too late for the profligate expenditure of the Court to be tolerated or continued. It is not the squandering of one sum only, but the deliberate and systematic disregard of the cry of economy, which excites indignation; and it is full time now for us to cease turning a deaf ear to the awful voice of the people." These observations on the part of Mr. Brougham called up Mr. Wellesley Pole, who said, the honourable and learned gentleman had, that night, thrown off the mask, and it was useless to expect candour from him; [great confusion and cries of "order"—"chair" from all sides;] and silence being restored, the Speaker said, to state that candour was not to be expected from any honourable member was unparliamentary. Mr. Wellesley Pole bowed to the decision of the chair; but still he contended that no man, who was friendly to the House of Brunswick, would have used such language as Mr. Brougham had used that night; [here the uproar and confusion in the House became indescribable; the cries of "chair"—"order", &c. rose to absolute tumult, which prevailed for several minutes;] when silence could be obtained, Mr. Pole again proceeded. The honourable gentleman had asserted, that a profligate system prevailed in the Court, which was oppressive to the country. That the errors of the Stuarts were comparatively harmless; that they were only religious bigots; but, that there was somebody in this country, (and no doubt could be



entertained who was meant,) who, placed in the loftiest station, had no feeling for the people. [Shouts from all sides of the house.] Whether that was a decent mode of treating the royal family, placed on the throne at the glorious revolution, he would leave it to the House to decide. ["Hear"—"hear."] Mr. Brougham, who had been absent from the House during a part of Mr. Pole's address, having returned, said he understood the honourable gentleman had charged him with being no friend to the House of Brunswick. This, he conceived, was a charge that could not be allowed to pass unnoticed; and he would sit down, to afford the honourable gentleman an opportunity of giving some explanation. Mr. W. Pole explained, that what he said was, that he should be sorry if the principles of the honourable gentleman accorded with those of His Majesty's ministers. With this explanation Mr. Brougham professed himself satisfied, and continued—he was a sincere friend to the House of Brunswick, and fully sensible of the inestimable benefits which the country had derived from that family. He wished them, at present, better advisers, who would be more capable of preserving them safely on the throne. After this stormy discussion, the House divided, when Mr. Methuen's motion was lost by 159 to 130; majority 29.

On the 9th of April, Mr. Western, the member for Essex, having moved the order of the day for the House going into a committee, on the subject of agricultural distress, Mr. Brougham addressed the committee in an able speech on that subject. After having taken an extensive review of the existing distresses, and traced them, as he said, to their origin, he gave the following outline of the remedies

proper to be applied to the existing evils. He declared his approbation of the Corn Bill, which had been introduced by Mr. Robinson in the previous session, and declared his conviction that the opposition which had been raised against the measure originated in mere clamour. He did not approve of bounties on exportation; such a system, he contended, was only forcing exportation by taxes, taken out of the pockets of the farmers. The warehousing of grain was another system which had his decided disapprobation, as being productive of no good whatever. Had the farmer no yard of his own? Had he no barns to keep his grain in? Or, was he less afraid of the rats in His Majesty's warehouse, than in his own stack-yard? He could not agree in the opinion, that this warehousing of grain had any effect on speculation; the merchant acted in a very different manner; and, instead of waiting for the Gazette announcing the price of grain to be 80s., he had persons going round the country, like riders travelling for orders, who examined the corn-fields, and collected grains from the different fields, which they put up for samples, and docketed; and, by subsequent examination of these samples, the merchant could form a pretty accurate judgment how matters would stand for the next year; so that, in fact, while some farmers were trusting to the announcements in the Gazette, the corn-merchant was already possessed of a complete knowledge of their corn-fields. With regard to the poor-rates, he deplored the inequality which existed in the levying of them. The hope of being, if in necessity, supported by them, made families indifferent to the obligations of morality, and the calls of industry. In this view they became an inlet to vice, and excited to transgressions. He detested the plan of supporting

able-bodied, healthy persons, in poor-houses, by means of these rates; and suggested the propriety of adopting a system, based on the principle of Mr. Malthus, but more lenient; not to prevent poor people, who were unable to maintain a family, from contracting marriage; but, that none but impotent people should be supported by the rates. Tithes he considered a remediable evil; and he suggested, as one means of alleviating the existing distresses of agriculture, the permitting a free exportation of wool. Such a measure, he considered, would not only prove beneficial to the agriculturalist, but would also be of great advantage to the commercial portion of the community. The sinking-fund was another source from which he thought much relief, for the present distress, might be drawn; he would propose that £7,000,000 of that fund should be so appropriated. By the aid of this sum of £7,000,000, the chancellor of the exchequer would be enabled to make an abatement in the Leather and Assessed Taxes; a considerable reduction might also be made in the malt-duty; a relief from the heavy pressure which those duties imposed upon the middling classes would be a great boon bestowed on the people at large, and an incalculable benefit to trade generally. He trusted also that government would endeavour, as far as they possibly could, to open the colonies of South America, not to the exclusion of North America, but in unison with it. By doing this, the minister would confer a lasting advantage, not only on the agriculturalist, but on all other branches of trade and commerce in which the country was engaged. At the conclusion of his speech, Mr. Brougham was highly complimented by Lord Castlereagh, upon the able and luminous statement which he had

made; which, the noble lord observed, was characterized throughout by a tone of candour and liberality, which was the surest pledge that could be given by him, that the important question before the House would absorb all the minor considerations of party, and be discussed only with the most earnest desire to benefit the country.

On the 8th of May, Mr. Brougham introduced a bill into the House, the object of which was, the better security of the Liberty of the Press. On moving for leave to bring in the bill, he stated, that the measure would embrace three points. First—It would enable the truth, in cases of libel, to be given in evidence, though not pleaded as a justification. Secondly—It would go to restrain the practice of *ex-officio* informations. And, thirdly,—It would extend to the regulation of special juries. One provision, which he contemplated introducing into the bill, would have for its object, to take away the right which the counsel for the Crown, under the existing system, claimed, in trials for libel and seditious words, to reply on the defendant's counsel, even though the defendant should have called no evidence. The bill was introduced; but Mr. Brougham, finding he had no chance of carrying it through the House successfully, afterwards withdrew it.

One of the great political events of the year 1816 was the bombardment of Algiers. The Dey of Algiers had rejected the demand of the Prince-Regent of England, that, for the future, captives taken in battle should not be condemned to slavery. An attack was, about this time, made by the Algerines on a settlement at Bona, on the coast of Algiers, which was under the protection of the British flag. It is not certainly known, that the outrages committed in this attack were sanctioned by the dey,

or were only the effect of national antipathy on an unbridled and licentious soldiery; however, to enforce his demand, and to punish this insult to the British nation, the Prince-Regent appointed Lord Exmouth to the command of a fleet of ten sail-of-the-line, with several smaller vessels, for the express purpose of forcing the Algerines to unite their efforts in the common cause of humanity, for the abolition of slavery.

In the attack on Algiers, which followed this appointment, Lord Exmouth was ably seconded by a Dutch squadron under Admiral Van der Capellen. The Algerines fought with great steadiness and courage, and the loss sustained by the English was very considerable; but the Dey was, ultimately, obliged to make his submission, to save his capital from total destruction. The demands of the Prince-Regent were, eventually, complied with; the stipulated conditions agreed to; and the British admiral sailed from Algiers, on the 3rd of September, with the cheering conviction that he had not left behind him one Christian prisoner. This is, perhaps, the only great battle, or, at all events, one of the few on record, undertaken from the purest motives of humanity—to obtain a general good by a partial evil. It is illustrative of the character of the Prince-Regent, as well as of the great nation which he governed.

On a subsequent occasion, namely, on the 18th of June, in the following session of Parliament, Mr. Brougham, in moving for the production of papers connected with certain negotiations which had been entered into with the Dey of Algiers, took occasion to comment, in strong terms, on the conduct of Lord Exmouth, who, he said, with a fleet under his orders, had negotiated a treaty highly disgraceful to

this country, inasmuch as it sanctioned the ransom of captives, and stipulated the payment of an annual sum, on the part of the Neapolitan and Sardinian governments, on the promise that no more captives should be made. All states, not parties to this treaty, might now be plundered without redress; and, in fact, there had been an increase of depredations on the Roman and Tuscan coasts. On the assurance of Lord Castlereagh, that enquiries should be instituted on the subject alluded to, Mr. Brougham said, he would then, upon that understanding, refrain from bringing forward any motion relative to it, for the present.

It was during this session that Mr. Brougham commenced those labours and exertions, with respect to national education, which have since so greatly and deservedly distinguished him; and so eminently displayed his enlightened views, as regards the present and future welfare of his fellow-creatures. His continued perseverance, and the good which his efforts have already produced, should he effect nothing more, have entitled him to the lasting gratitude of his country. On the 21st of May, he first brought the subject under the consideration of the House, and concluded a most eloquent address, by moving for the appointment of a committee, to enquire into, and to report their opinion to the House on this important question. The motion was agreed to, and a committee was appointed. The instructions given to the committee limited their labours, on this occasion, to an inquiry into the state of education among the lower orders in the metropolis. On the 20th of June, Mr. Brougham brought up the report of the committee. Among other important facts, the report stated, that, in the metropolis alone, 120,000 poor

children were destitute of the means of obtaining education, though the amount of the public and private funds, appropriated to the purposes of affording instruction to the poor, exceeded £70,000 per annum. In this sum, however, was included the Charter-House, Christ's-Hospital, St. Paul's, and Westminster Schools. The committee has carefully investigated the situation of these public institutions; and it was with great satisfaction they reported, that scarcely an instance of abuse was to be found existing in any of the public establishments enumerated. One flagrant case of abuse, Mr. Brougham said, had been forwarded to him from the country, where £1500 had been left for the endowment of a school. The lord of the manor was invested with the controul of the fund; and this person had appointed his own brother the master of the school, with a large salary, whilst the duties were to be performed by a deputy, whose income was fixed at £40 a-year. The person thus selected to instruct others was ignorant in the extreme, a carpenter by trade, and not possessed of a single qualification fitting him for the performance of the duties to which he was thus appointed. It appeared that £18,000, under the old plan, educated only 3000 children; whereas, upon the new plan, the same sum was sufficient to provide instruction for, at least, 30,000. If children were only educated, instead of being hoarded, clothed, and lodged, the benefit of education might be extended to all the poor requiring it. He would recommend that a parliamentary commission should be appointed, which should progress through the country, and have power to examine persons upon oath; and that, in order to secure effectual persons to perform those duties, these commissioners should be paid.

## CHAPTER VI.

THE parliamentary recess, and the long vacation in the courts of law, afforded to Mr. Brougham leisure for some relaxation from the incessant application which his senatorial and professional avocations had, for some months previous, imposed upon him, and from which his health had visibly suffered. With a view of recruiting his exhausted strength, he determined on visiting the continent; a course to which he was the more inclined, by the opportunity which it would afford him of paying his respects to Her Royal Highness the Princess of Wales, who had, some time before her quitting England, selected him as her principal legal-adviser. The Princess was at this time at her residence, the Villa D'Este, on the lake of Como, and had expressed an anxious desire to see Mr. Brougham, in consequence of her having, as was stated at the time, then recently discovered a conspiracy which had been formed against her, by one of her servants, named Maurice Crede, a German, and the Baron d'Ompeda, the object of which was to ruin the reputation of Her Royal Highness. To accomplish this object the more effectually, Crede undertook to introduce the Baron into the Princess's apartment, by means of false keys. The plot was arranged with great art, and it was only by a most fortunate and singular concurrence of circumstances that its success was frustrated. Her Royal Highness detected Crede in an intrigue with one of her women, named Annette, and had directed that he should be dismissed; in hopes of regaining his situation, and, in a fit of remorse, Crede revealed the whole plot, in a letter to



the Chevalier Tamassia, to whose good offices he recommended himself, to be re-admitted into the Princess's favour. The following is a copy of the letter:—

“MONSIEUR LE CHEVALIER.—I address myself to you, Sir, to obtain the greatest of favours, for which I shall be eternally grateful. I was yesterday dismissed from the service of Her Royal Highness the Princess of Wales, for having intrigued with her waiting-woman Annette. This event, which has thrown me into the utmost consternation, has awakened in my heart a remorse which had agitated me for some time, and which I feel a necessity of imparting to you, in the hope that you may interest yourself for me, and get me to be received again into Her Royal Highness's service. I must then confess that I merit my disgrace, since I suffered myself to be seduced by a certain Baron M. d'Omp-teda, to betray the best of mistresses and the most generous of princesses.

“It is about a year ago that this baron was to take all possible steps, through the intervention of a certain Ambrose Cesati, who came to Como, to discover the place where my mistress slept, and to endeavour to procure false keys of her apartment. I persisted for some time in refusing to have any concern in this plot, but at length the Baron's threats, who told me I was a ruined man if I did not listen to him, together with the money he offered me from time to time, corrupted me, and I was weak enough to accept the commission, although fully persuaded that there was no foundation whatever for the Baron's infamous suspicions. I must say, nevertheless, with the utmost sincerity, that the guilt of my conduct went no further than

answering the questions put to me by d'Ompteda in the conferences I had with him, in which he interrogated me closely upon the situation of the different apartments in the palace, as well as concerning the persons who were about the Princess. This, Sir, is my confession; have pity upon an unfortunate man, who, knowing his fault, seeks to repair it by repentance, hoping thus to be enabled, through your aid, to return to the path of honour. I am, Sir, your very humble servant,

“ MAURICE CR DE.

“ *Como, Nov. 3d, 1816.*”

Upon this subject, as well as others, the Princess was desirous of conferring with Mr. Brougham, who accordingly passed some days with Her Royal Highness at Como; and, on quitting the Villa D'Este, he proceeded to visit the institution of M. Fellenburg, at Berne, in Switzerland. This institution consists of a seminary for the education and the moral and religious improvement of the poor; an academy for the richer classes of society; an agricultural institution for a limited number of pupils; and a manufactory of agricultural implements. There is also a similar one at Yverden, conducted by M. Pestalozzi, which he likewise visited on this occasion. He afterwards published a very interesting paper in the Edinburgh Review, on the merits of both these establishments, as connected with the subject of general education; and, at a subsequent period, namely, in 1818, when before the parliamentary committee at that time sitting, on the enquiry into the question of general education, he entered into a long detail of the particulars connected with both the establishments to which we have alluded above.

The meeting of Parliament in February, 1817, recalled Mr. Brougham once more to the arena in which he had already so much distinguished himself. On the 13th of March, he called the attention of the House to the consideration of the agricultural and commercial distresses of the country; and, in a speech distinguished for its great power of reasoning and liberal sentiments, and displaying, in a striking manner, his extensive knowledge of all the subjects connected with the trading, commercial, and agricultural interests of the country, proposed a series of resolutions to the House, in which he attributed the distress under which the country was then labouring to an excess of taxation; he censured the ministry, in severe terms, for the line of foreign policy which they had adopted—a policy which had sacrificed the interests of the empire at large, by failing to secure for us those advantages in commerce which our influence at foreign courts had given the people a right to expect and to demand. A long debate followed upon these resolutions. They were, however, all negatived on a division, by a majority of 118 to 63.

On the 11th of July, Mr. Brougham again brought the subject under the consideration of the House, in the form of an address to the Prince-Regent, strongly condemning the foreign and domestic policy of ministers, whose measures, the address said, had “neither been calculated to fulfil the hopes, to alleviate the sufferings, nor to recover the affections of the people.” The address, however, was negatived without a division. The other subjects of importance, in the discussion of which, Mr. Brougham took a prominent part, during this session, were—first, the debate on the proposition of the government to suspend the Habeas Corpus Act;

on the address in answer to the Prince-Regent's speech; Mr. Tierney's motion for a committee on the Public Expenditure; Mr. Canning's Embassy to Lisbon; the Civil Service Compensation Bill, and some others, on all of which questions he invariably voted with the opposition.

The session of 1818 was opened, by commission, on the 27th of January. On the 9th of March, the Attorney-general introduced a bill to indemnify ministers for the suspension of the Habeas Corpus Act. This measure met with strong opposition, even on its first stage, from Mr. Brougham, who highly censured the measures of the government, which had led to such a violation of the constitution. The House divided on the question for the first reading, when the numbers were—for the first reading, 190; against it, 64. Majority for the first reading 126. Mr. Brougham also took a part in the discussions upon the Royal Dukes Marriage Bill, the Tythe Law Amendment Bill, the Repeal of the Septennial Act Bill, the Budget, and Parliamentary Reform. But his great effort during this session was directed towards the appointment of a committee, to enquire into the state of education among the lower orders of the people. On the 5th of March, he moved for, and obtained, the appointment of a committee, with powers much more extensive than those entrusted to the committee of the previous session. In the present case, the labours of the committee were not confined to the metropolis, but extended over the whole kingdom; and, in the course of the session it made no less than five reports, each containing a great mass of very valuable and important information. It may not prove uninteresting to the reader, to have a somewhat more detailed account of the progress of this great national question, to the con-

sideration of which, Mr. Brougham, even at this early period, had devoted so large a portion of his time and attention. Very early in the session, he mentioned the subject in the House, but said he should postpone moving the appointment of the committee, until he had made some enquiries as to the correctness of certain statements which had been made to him. If these statements should prove correct, they would shew the necessity of strictly enquiring into the appropriation of charitable funds. A gentleman, resident in Berkshire, had stated, that the returns under the act of 1788, commonly called Mr. Gilbert's act, had not been faithfully made; and that, in his own county, the incomes of charities which had been returned at £7000 a year, amounted in reality to £20,000. This statement, Mr. Brougham said, would shew the futility of calling for returns without a strict local investigation. On the 27th of April, on Mr. Brougham's moving the committal of the bill, Lord Folkestone said he should object to the exceptions made in the bill, as regarded Oxford, Cambridge, and other public schools; and, Mr. Canning observed, that, although he should not object to the bill going to a committee, he wished to guard himself against being considered as having given his approval to the bill, to many parts of which he had very strong objections. After some further conversation, the bill was committed *pro forma*.

On the 8th of May, the order of the day for going into the committee having been read, Mr. Brougham entered, at great length, into a detail of the nature and objects of his bill. The object, which was, he said, to give instruction to the poor, was one to which he did not anticipate any opposition; but he was aware that much difference of opinion might

exist as to the details of a measure so important. The subject had been introduced some years before, by Mr. Whitbread; but Mr. Percival was of opinion that the proposition was premature, and recommended that, before any thing was attempted, a commission should be appointed to examine into the state of charitable foundations, and other institutions for educating the poor.

The committee had been appointed, and had made considerable progress in their investigation; many flagrant instances of abuse had been discovered, and had remained unnoticed, because the law, as it at present stood, did not afford a remedy. "Some have said," observed Mr. Brougham, "that a remedy may be found for the evil complained of in an application to the Court of Chancery, or to Parliament. If any body tells me that the statute of charitable uses affords a remedy, I answer, that the grossest abuses being every where notorious, the remedy has only been thrice resorted to for more than half a century; and only once within the last thirty years; and I bid him look at the fate of that one attempt to obtain justice." Mr. Brougham concluded his speech with the following peroration:

"It is impossible for me to close these remarks without expressing the extraordinary gratification which I feel, in observing how amply the poor of this country have, in all ages, been endowed by the pious munificence of individuals. It is with unspeakable delight that I contemplate the rich gifts that have been bestowed—the honest zeal displayed, by private persons, for the benefit of their fellow-creatures. When we enquire from whence proceeded those magnificent endowments, we generally find that it is not from the public policy, nor the bounty of those who, in their day; possessing princely

revenues, were anxious to devote a portion of them for the benefit of mankind—not from those, who, having amassed vast fortunes by public employment, were desirous to repay, in charity, a little of what they had thus levied upon the state. It is far more frequently some obscure personage—some tradesman of humble birth—who, grateful for the education which had enabled him to acquire his wealth through honest industry, turned a portion of it from the claims of nearer connexions, to enable other helpless creatures, in circumstances like his own, to meet the struggles he himself has undergone. In the history of this country, public or domestic, I know of no feature more touching than this, unless, perhaps, it be the yet more affecting sight of those, who, every day, before our eyes, are seen devoting their fortunes, their time, their labour, their health, to offices of benevolence and mercy. How many persons do I myself know, to whom it is only necessary to say—there are men without employment—children uneducated—sufferers in prison—victims of disease—wretches pining in want—and straightway they will abandon all other pursuits, as if they themselves had not large families to provide for; and toil for days, and for nights, stolen from their own most necessary avocations, to feed the hungry, clothe the naked, and shed upon the children of the poor that inestimable blessing of education, which alone gave themselves the wish, and the power to relieve their fellow-men! I survey this picture with inexpressible pleasure, and the rather because it is a glory peculiar to England. She has the more cause to be proud of it, that it is the legitimate fruit of her free constitution. Where tyrants bear sway, palaces may arise to lodge the poor; and hospitals may be the most magnificent

ornaments of the seat of power. But, though fair to the eye, and useful to some classes, their foundations are laid in the sufferings of others. They are supported, not by private beneficence, which renders a pleasure to the giver, as well as a comfort to him who receives; but by the hard-won earnings of the poor, wrung from their wants, and, frequently, by the preposterous imposts laid upon their vices. While the rulers of any people withhold from them the enjoyment of their most sacred rights—a voice in the management of their own affairs, they must continue strangers to those noble sentiments—that honest elevation of purpose, which distinguishes freemen, teaches them to look beyond the sphere of personal interest, makes their hearts beat high, and stretches out their arms for the glory and the advantage of their country. There is no more degrading effect of despotism, than that it limits the charitable feelings of our nature, rendering men suspicious and selfish, and forgetful that they have a country. Happily for England, she has still a people capable of higher things; but I have been led away from my purpose, which was only to express my admiration of those humane individuals, whose conduct I have so long witnessed—of whom, if I have spoken very warmly—it is because I feel much more for them than I can describe—and whose deserts are, indeed, far, far above any praise that language can bestow."

The bill passed the Commons, and was sent to the Lords, where, after receiving several modifications, one of which went to confine the investigations of the commissioners to those charities only which were connected with education, the measure was also adopted. The restriction was repealed in the following session. When the commission, under this act, was issued,



the public expressed great surprize and dissatisfaction that Mr. Brougham's name had been omitted, since his indefatigable industry and intimate acquaintance with every thing connected with the objects of the commission, rendered him the most proper person of all others for the appointment.

This was the last important measure of the session. Parliament was dissolved a few days after the passing the bill, and, at the general election, which followed shortly after, Mr. Brougham, in compliance with a requisition numerously and respectably signed by the freeholders, offered himself as a candidate for the county of Westmoreland. Mr. Brougham's family were highly respectable, and had long been closely connected with the county; but the interest of the Lowther family was, at this period, irresistible there. Mr. Brougham could have had no prospect of success from the first; neither his family's influence, his highly-appreciated talent, nor his splendid parliamentary career, nor all these united, were sufficient to insure him a victory; he was defeated, but not beaten. The poll continued four days, and, at its close, the numbers were—for Lord Lowther, 1211; for Col. Lowther, 1157; for Mr. Brougham, 889. The defeated candidate was not, however, dismayed by the result; on the contrary, in his farewell address to the electors, he avowed his determination of renewing the struggle at every opportunity, and of never retiring from it until he had established the independence of the county. The following is an extract from the speech of Mr. Brougham, delivered by him in the Castle-yard, at Appleby, at the conclusion of the election:—

“The result of this day's contest has filled different persons with opposite feelings. Good men,

who see, in the state of the poll, the cause of independence defeated; and the usurpation of your rights perpetuated; mourn over it. Wicked men see in it the disunion of the county prolonged; and please the malignity of their nature with a long prospect of struggle and disturbance. The minions of corruption shout at the temporary failure, as a respite given to that system by which they are upheld, and in which they riot and fatten. Wise men, alone, see the result in its proper light; as a great blow given to oppression, and as a foretaste of certain victory, which nothing but imprudence can frustrate; and which firmness and perseverance must ultimately ensure. There are some weak intellects, who, instead of looking at the justice of a cause, suffer themselves to be carried away by the event, and these men may despond; but men of wisdom regard its merits more than its temporary success—they resolve to exert themselves for it with confidence in the issue—they ask only, Does it deserve to succeed? and then leave the event to Providence, looking for the reward of their exertions in their own breasts, and careless of what passes without. The short-sighted and fickle men, who are the sport of events, unable to bear good fortune with moderation, cannot support adversity with firmness, but are as timid and dejected by the one, as they are domineering and insolent in the other. While the sky was overcast, while the day was in suspense, while the danger existed, they durst not declare themselves—they sailed under false ensigns—they were afraid to show their colours—they hid themselves in holes and corners, and you might be in the presence of a multitude of them, without being able to see, hear, or feel them; while they shrunk from observation; conscious that they were not respected, and

that they ought to be despised; but when the storm was over, when they saw that the danger was passed, and that their safety was secured; then they came forth, as has been seen to-day, from their hiding-places, like swarms of despicable vermin; scattering about their filth and slime; and the face of the earth was, I cannot say peopled, but bespattered with the venomous reptiles. Then their cowardly voices were raised, to utter the cry of short-sighted insolence, and to hail, not a final triumph, but a short respite from the fate which awaits them. Such a cry, it is the duty of you, the independent freeholders, to despise, like the croaking of a reptile—to despise them as they deserve to be despised, and as they despise themselves; but you ought to go one step further—these reptiles are contemptible; but you should bear in mind, that they are also noxious, and steps should be taken, which, in any future struggle, must secure the independence of the county against their efforts.”

Mr. Brougham being thus defeated in his struggle for the representation of Westmoreland, and no precaution having been adopted to reserve a seat for him in any other place, found himself excluded from Parliament during the short session of 1818. His exclusion was not, however, of long continuance, for, in the session of 1819, we find him again taking his seat for Winchelsea. But, although not in the Senate, he was not forgetful of or negligent in promoting, to the utmost of his power, the cause which he brought forward, and so powerfully and successfully advocated towards the close of the preceding session. We allude to his efforts to obtain a parliamentary investigation of the system of misappropriation of charitable funds. In September, 1818, he published “A Letter to Sir Samuel Romilly, upon

the Abuses of Charities; with an Appendix, containing Minutes of Evidence taken before the Education Committee." The degree of popularity which this little work obtained was extraordinary; in a very short time it passed through ten large editions, and still the demand for it continued. The effect produced by it upon the public mind was as extensive as its circulation had been; and, although numerous opponents to it sprung up, and various attempts were made by writers of considerable talent to gainsay its arguments, or to disprove the facts which it set forth, every effort to achieve either of those objects failed; the effect produced by Mr. Brougham's letter continued undiminished. The following extract will serve to shew what were Mr. Brougham's opinions on this most important subject:

"I take it," says Mr. Brougham, "to be a principle which will admit of no contradiction, that the existence of any permanent fund for the support of the poor—the appropriation of any revenue, however raised, which must peremptorily be expended in maintaining such as have no other means of subsistence—has, upon the whole, a direct tendency to increase their numbers. It produces this effect in two ways—by discouraging industry, foresight, economy—and by encouraging improvident marriages; nor is the former operation more certain than the latter. It is equally clear that this increase will always exceed the proportion which the revenues in question can maintain. To the class of funds directly productive of paupers, belong all revenues of alms-houses, hospitals, and schools, where children are supported, as well as educated; all yearly sums to be given away to mendicants, or poor families; regular donations of religious houses in Catholic countries; the portion of the tythes in this

country which went to maintain the poor before the statutory provision was made ; and, finally, and above all, that provision itself. But charitable funds will prove harmless, (and may be, moreover, beneficial), exactly in proportion as their application is limited to combinations of circumstances out of the ordinary course of calculation, and not likely to be taken into account by the labouring classes, in the estimate which they form of their future means of gaining a livelihood. Thus, they may safely be appropriated to the support of persons disabled from working, by accident, or incurable malady, as the blind and the maimed ; and we may even extend the rule to hospitals generally, for the cure of diseases ; nor can orphan hospitals be excepted, upon the whole ; for although, certainly, the dread of leaving a family in want, is one check to improvident marriages ; yet the loss of both parents is not an event likely to be contemplated. In like manner, although the existence of a certain provision for old age, independent of individual saving, comes within the description of the mischief ; it is, nevertheless, far less detrimental than the existence of an equal fund, for maintaining young persons, and, more especially, for supporting children. Keeping these remarks in our view, let us add to them the consideration, that, as the Poor Laws have been administered, the character of the labouring classes has suffered a material injury, from which it ought by all means to be restored ; and we shall come to the conclusion, that the application of charitable funds, to purposes of education merely, will be the best means of expending them on a large scale ; and that, next to this, such donations are to be preferred, as directly encourage independence ; for example, a provision for the old age of persons who never received alms

in any shape; and for defraying the first cost of erecting saving-banks. The employment of these resources in helping industry by the supply of tools, is a more doubtful application of them, but far more harmless than the methods generally in use. Perhaps, after the uses now mentioned, no expenditure of eleemosynary revenues can be devised more safe, than reserving them rigorously for periods of extraordinary distress; and then bestowing them upon persons above the lowest classes, so as to prevent the ruin of householders.

“I am very far, however, from asserting, that any such strict limitation of the charitable funds already existing ought to be attempted. I only state the principle upon which the legislature should proceed, wherever it is justified in interfering. What circumstances may authorize that interference, cannot be, with any advantage to the subject, described in general terms. But that no rights are, in reality, infringed, by taking a fund destined to support the poor, in a way likely to increase their numbers, and using it so as to perform some act of charity, without increasing the numbers of charitable objects, seems abundantly evident. No man can be supposed to have desired the existence of paupers; every donor assumed that, independently of his bounty, there were such needy persons in being, and he intended to relieve them. Could he have foreseen that an alteration in the form of his gift must reduce their numbers, he would have adopted it. In like manner, the poor are not, with reference to this point, an existing body of persons, like the church, or any other corporation, who have rights of property. They form a class into which no man enters voluntarily; and whatever restricts their numbers, by diminishing poverty, benefits the com-

munity. So that no violation of property will be committed, by using any fund given to the poor, in a manner different from its original destination, provided the result were infallibly to lessen their numbers, and still to employ it in works of charity. We both accurately and conveniently speak of the poor, as a body having rights, when we complain of those who have misapplied their property, by converting it to their own use. But the class of paupers cannot, with any correctness of speech, be said to be defrauded by an act which keeps others from entering into it. This injury can only be done to persons who were manifestly never in the donor's view, persons voluntarily making themselves paupers, to take advantage of the gift."

We neglected to notice, in its proper place, the reference made by Mr. Brougham, in his place in Parliament, of a transaction which, at the time of its taking place, was commented upon by all parties with much severity, and which still continues to affect very seriously the political state of Europe. During the visit of the Emperors of Russia and Austria, and the King of Prussia, to Paris, in 1815, the Emperor Alexander, at the suggestion of a female enthusiast, well known to the public as the Baroness de Krudener, conceived a plan of an association between the Christian potentates of Europe, who had taken a prominent part in putting an end to the tyranny of Napoleon, by which they should bind themselves to govern, in future, their subjects with justice and equity; or, in other words, a compact or secret engagement, by which they should be bound to assist each other on any political emergence which, in the then still unsettled state of the continent, might not unnaturally be anticipated. This convention, of which we have

since occasionally heard so much, and which still exists, and is so well known by the name of the Holy Alliance, though that name was not given to it by those with whom it originated, was accordingly entered into by the three sovereigns of Austria, Russia, and Prussia; and has since been acceded to by most of the other sovereigns of Europe. The Prince-Regent of England, having been invited to join in it, wrote to each of the three sovereigns, who were its foster-parents, the letter of which the following is a copy:—

*Carlton House, October 6th, 1815.*

“MY DEAR BROTHER AND COUSIN.—I have had the honour to receive Your Majesty's letter, together with a copy of the treaty between Your Majesty and your high allies, signed at Paris, on the 26th of September. As the forms of the British constitution, which I am called upon to maintain, in the name and in the place of the king, my father, prevent me from acceding to the treaty, in the form in which it is laid before me, I choose this way to convey to the august sovereigns who have signed it, my entire concurrence in the principles which they have expressed, and in the declaration which they have made; that they will take the divine precepts of the Christian religion as the unalterable rule of their conduct in all their social and political connections, and confirm the union which should always exist between all Christian nations. It will be ever my serious endeavour to guide my conduct, in the situation in which Divine Providence has placed me, according to these holy principles, and to co-operate with my high allies in all measures which are calculated to contribute to the peace and welfare of mankind. I



remain, with the most unalterable feelings of friendship and regard, my dear Brother and Cousin,

“Your Majesty’s Brother and Cousin,

“GEORGE, P. R.”

In the course of the session of 1816, Mr. Brougham, in moving for the production of certain papers, took the opportunity of launching the thunder of his eloquence against “The Holy Alliance,” the three great continental powers having then assumed to themselves that impious appellation. Speaking of this political league, under its assumed religious name, he observed, “I always think there is something suspicious in what a French writer calls *les abouchemens des rois*. When crowned heads meet, the result of their united councils is not always favourable to the interests of humanity. It is not the first time that Austria, Russia, and Prussia, have laid their heads together. On a former occasion, after professing a vast regard for truth, religion, and justice, they adopted a course which brought much misery on their own subjects, as well as on those of a neighbouring state. They made war against that unoffending country (Poland), which found little reason to felicitate itself on its conquerors being distinguished by Christian feelings. The war against Poland, and the subsequent partition of that devoted country, were prefaced by language very similar to that which this treaty contains, and the proclamation of the Empress Chatherine, which wound up that fatal tragedy, had almost the same words.

It is, perhaps, a subject of congratulation, that the forms of our constitution did not admit of a compliance with the request of the three sovereigns; for, had the Prince-Regent acceded to their wish,

and become a party to the treaty, it would have placed him in a difficult position, when, at a subsequent period, the sovereigns adopted measures wholly adverse to the principles of the English government and the sentiments of His Royal Highness.

The session of 1819 afforded Mr. Brougham many opportunities of displaying his extraordinary powers of argument, and extent of information. Amongst the subjects to which he principally directed his attention during this session, were, the investigation of a complaint preferred against the *Custos Rotularum* of Limerick; the moving Resolutions relative to the Income and Expenditure of the Country; his defence of the Education Committees, from certain charges brought against them by Sir Robert, then Mr. Peel; and, subsequently, in the short but important session of 1819-20, he took a leading position in opposing the address in answer to the speech of the Prince-Regent, delivered at the opening of the session. He spake at considerable length, also, on a motion submitted to the House, respecting Mr. Owen's plan for ameliorating the condition of the poor. But his greatest exertions in this session, and those which gave the most annoyance to his opponents, were those directed by him against the celebrated Six Acts, brought in by Lord Castlereagh. In the frequent and animated discussions which took place upon these bills, the bitter irony and cutting sarcasms with which he attacked the foreign secretary, were frequently such as, almost, to overcome the stoicism or good-nature with which the noble lord generally parried the attacks of his adversaries, or rendered their arrows pointless.

In the autumn of 1819, Mr. Brougham formed a matrimonial union with a lady named Spalding, who, at the time of the union taking place, was the

widow of John Spalding, Esq., and by whom she had a family then living. Mrs. Spalding was the daughter of the late Thomas Eden, Esq., uncle to Lords Auckland and Henley. By her present marriage she has two daughters, but no son. Those who have the pleasure of knowing her, describe Lady Brougham as a lady of a most amiable disposition, and as being highly accomplished. Whilst on the subject of Lord Brougham's little affairs of the heart, we may mention an anecdote which is told in the fashionable world; and is one of the *on dits* of which time has not destroyed the credit. To those who are in the habit of attending the debates in the House of Lords, the bickerings which occur between the Marquis of Londonderry and Lord Brougham, and the bitterness with which the ex-lord chancellor is in the habit of attacking the noble marquis, have frequently proved a source of amusement, both to the peers in the body of the House, and the more humble auditors assembled upon sufferance in the gallery; and many of the latter, not in the secret, have expressed their astonishment at the rancour apparently engendered, as they supposed, by a difference in political opinion between those noble opponents. Such, however, is not the origin of that spirit of opposition which displays itself between them. They are now rivals in the arena of politics; but, if report speaks truth, they have formerly been rivals in the field of love, and on that occasion the noble marquis was the successful competitor. Early in life, it is said, Mr. Brougham was counsel, on some occasion, for the late Mr. Michael Angelo Taylor, who was the guardian of Lady Vane Tempest. The lady had a splendid fortune; and Mr. Taylor, influenced by friendship for his young, learned, and eloquent friend,

determined that the hand and fortune of his lovely and wealthy ward should be the reward of his transcendent talent. The mother of Lady Vane Tempest had, however, formed other views for her daughter; she had selected for a son-in-law, the gallant Sir Charles Stuart, then a favourite at Court, the brother of the influential minister of the Crown, and the representative of his sovereign at the Court of Vienna. The young lady, on this occasion, appears to have agreed in opinion with her mamma; rather an extraordinary coincidence, perhaps, but such was the fact. The interposition of the lord-chancellor was prayed by the ladies, and Lord Eldon, after a sufficient time devoted to doubting, found the balance of his opinion inclining to the side of beauty and valour; he determined in favour of the gallant soldier, and against the special pleader. Mr. M. A. Taylor lost his ward, but his friend had a more severe cause of regret at this decision; he was deprived both of the lady and her fortune. The recollection of days gone by may be bitter, but revenge is said to be sweet; Lord Brougham may, perchance, feel this gratification when he, by the force of his eloquence and his satire, makes the Marquis of Londonderry pay the debt of obligation incurred by Sir Charles Stuart.

## CHAPTER VII.

THE year 1820 proved a most eventful one in the life of Mr. Brougham. The death of George III., which took place on the 29th of January in that year, led to events, which, in their progress and results, raised the queen's principal law-adviser, and able and fearless advocate, to a height of popularity which few individuals have ever obtained. The accession of the Prince-Regent to the throne materially altered the situation of the Princess of Wales; indeed, that royal personage no longer existed. The wife of the heir-apparent had become queen-consort, and as such held a rank, and had become possessed of rights and privileges, which gave her great importance and influence in the state. Her Majesty had now been for six years absent from this country, and strange were the rumours and reports which had been imported through different channels from the continent, relative to her conduct and course of life in the places at which she had been resident during the period of her absence from England. Public curiosity was greatly and generally excited respecting her, and various were the opinions and speculations formed, as to the course which the king would adopt towards his royal consort, now that she had by law, supposing that she had not by misconduct, forfeited her rights, become the partner of his throne and the legal participator of all the prerogatives and privileges attached to the person of queen-consort. But, although men wondered what would be, no one attempted publicly to moot the question. The king was proclaimed—the government remodelled—

the form of prayer for the royal family was revised—the name of the Princess of Wales was struck out of the liturgy—but that of the queen was not inserted in its place. A partial expression of surprize was sometimes heard at this seeming neglect of Her Majesty's rights, still no extraordinary sensation appeared to be created by the omission. Though it was in its nature a measure which involved the greatest publicity, yet it gave rise to no discussion in the House of Commons; it called forth no expression of public feeling in the country; nor was it thought worthy of the reprobation of those public journals of the day, which were usually most on the alert, to discover assailable points in the conduct of ministers. At length, on the 18th of February, during the debate on a royal message, announcing an early dissolution of Parliament, Mr. Hume inquired whether, as the annual income of £35,000, which had been settled on the Princess of Wales, had now ceased, the same provision was to be continued to Her Majesty the queen, or whether any alteration was to be made in it. To this question Lord Castlereagh replied, that every care would be taken that no inconvenience should be felt in the quarter alluded to from the dissolution of Parliament. Mr. Brougham spoke immediately afterwards, but although he indulged in a severe invective against all the ministers, and in bitter sarcasms against Lord Castlereagh in particular, he did not, in the most distant manner, allude to the situation of the queen; nor utter one sentence relative to the conduct which the government of the day were adopting towards his royal mistress. His friends, and those of his party, imitated his forbearance; it would appear, therefore, that the opponents of ministers did not at this time consider that her majesty had hitherto

experienced any harshness or injustice at the hands of the government.

On the 21st of February, in the committee of supply, Mr. Hume again adverted to the situation of the queen; he strongly censured the system of neglect which was adopted towards her; he wished to know why it was that an address of condolence had not been voted to her on the death of the late king; and why her name had not been inserted in the liturgy, in compliance with precedent. He would ask, Was her majesty to be left to wander as a beggar on the continent, or was she to depend for support upon the mere bounty of some person, or persons, in England? In reply to Mr. Hume, Lord Castlereagh expressed regret that any attempt should be made to press so delicate a question into discussion; and repeated his assurance that the high personage alluded to was not likely to experience any inconvenience, harshness, or inattention. The observations of Lord Castlereagh called up Mr. Tierney, who said, he did not agree with the honourable gentleman who had brought this subject forward; blind rumours, and ambiguous expressions, were abroad relative to the individual alluded to; and he never would consent to vote any sum of public money to a person labouring under a heavy cloud of suspicion. The passing over the queen's name in the liturgy was a proof that ministers believed there were grounds for suspicion. One thing was certain, either the king had been betrayed, or the queen had been insulted. He, therefore, called upon ministers, in the name of Justice, and in the name of the English monarchy, to give Parliament some satisfaction, or to submit the whole case to its investigation.

Mr. Brougham, as her majesty's legal adviser, differed from his honourable friend in most of the points he had taken; it did not appear to him, as

regarded the present matter, of any consequence whether the queen was recognized by any of the modes alluded to by his Right Hon. Friend. Being the wedded wife of the king, the moment he succeeded to the crown, she became Queen of England, by a title as indisputable as that of the king himself. She was not the less so, because her name did not appear in the liturgy, or in any order of council. As little could her rights be affected by the noble Lords preferring to call her "a high personage," rather than to describe her by the title to which she had just succeeded. These things were, in his opinion, "trifles light as air," and if the Crown should be pleased to pay £35,000 a-year to her majesty, Parliament, he thought, ought not to interfere. As to any rumours which were afloat, he must state most distinctly that he was wholly unaware of any foundation which there was for them. He shut his ears to all such rumours, and so long as her majesty remained the king's wife, he knew and should treat her only as queen-consort. But, if a charge should ever be brought forward against her, he should deal with it as an honest member of Parliament, and endeavour to do justice between the parties most concerned. Never was there a question in which temper and moderation were so indispensable. The voice of party ought to be extinct upon it; for no man could calculate the consequences which might follow. He deprecated, therefore, every thing like an appeal to turbulent passions; he protested against the broaching of such a question at a moment like the present, when the only effect must be to defeat the ends of justice, and to drag the subject through the mire of every election hustings. These were his feelings, standing as he did, in the peculiar situation of having pro-



fessional duties to perform on the one hand, and a public duty to discharge on the other.

From these proceedings two inferences may be drawn; first, that the conduct adopted by ministers, under the existing circumstances, was wise and prudent; inasmuch as no part of it was blamed, either by their political opponents, or by those who, from inclination or situation, were the peculiar protectors of her majesty's interests. The second inference to be drawn, is, that they who had the best means of knowing what line of conduct her majesty's situation ought to recommend to her, must have believed, that her most advisable line of policy was not incompatible with that which ministers were pursuing. The immediate and pressing parliamentary business having been disposed of by the 13th of March, both houses were on that day prorogued. A dissolution followed immediately after, and writs issued for a new election. On this occasion, Mr. Brougham again became a candidate for the representation of his native county, Westmoreland. That county was not, however, destined to be the field of his triumph; the Lowther interest set all his efforts at defiance, and he was again defeated, after a severe contest of seven days' continuance. On this occasion, he ran his opponents hard; the numbers being, at the close of the poll—for Lord Lowther 1530; Colonel Lowther 1412; Mr. Brougham 1349. Thus disappointed once more in his great object of ambition, he again took his seat for Winchelsea, for which place he had been returned for the third time. On the 21st of April, the new Parliament assembled; the session was opened by commission, the indisposition of his majesty preventing his going down to the House to deliver the speech in person from the throne.

The magnitude of the subjects brought under the consideration of both branches of the legislature at

this time, and the interest which they excited in the public mind, rendered the proceedings of the first session, of the first parliament, assembled under the reign of George IV., some of the most important recorded in the pages of our parliamentary history. At this critical era, Mr. Brougham's exertions, as a public man, surpassed those which had distinguished him at any former period of his career. His labours, on taking a review at this distance of time, when we can look at them with the eye of steady and cool reflection, appear to be almost incredible. With the increased difficulties which he had to encounter, however, Mr. Brougham's strength, and capacity for meeting and surmounting them, seemed to increase in proportion. Thus, although at this time fully occupied, as we might reasonably have presumed him to be, with his attention to the affairs of the queen, we find him taking a part in the discussion of almost every important question brought before Parliament. Amongst the first of these, in order of time, was the settlement of the Civil List, a question always of great importance, at the commencement of a new reign, but at this time rendered more peculiarly so by the differences which existed between the sovereign and his consort. This question was brought under the consideration of the House of Commons on the 2d of May, when the chancellor of the exchequer moved certain resolutions on the subject; a future day was fixed for their discussion, and in the interval, namely, on the 5th of June, Mr. Brougham moved the following resolution, on the order of the day, for the House going into a committee of supply:—"That it is expedient, with a view to the arrangement of his majesty's Civil List, to take into consideration the droits of the crown and admiralty, four and a half per cent. West India duties, and other funds not

usually deemed to be within the controul of Parliament, and to make such provision, touching the same, as may be consistent with the honour and dignity of the crown, the interests of the subject, and the maintenance of the constitution." In support of his motion, Mr. Brougham contended that nothing could be less calculated than was the present mode of arranging the Civil List, either to support the honour and dignity of the crown, or to promote the comforts and convenience of the sovereign. Any person could at once tell what was the income of the French king, or of the President of the United States, but as to the real income of the King of England, only an expert accomptant, or a man well versed in the science of finance, could form even a guess upon the subject. Was it fair, he would ask, to mix up with the little which the king was allowed, and little enough he was prepared to admit it was, to defray his private expences, and to keep up his honour and dignity, the salaries of the judges, the income of the chancellor of the exchequer and his friends, presents to foreign ministers, and various other claims and allowances to officers, great and small, of all sorts and conditions. Some of them it was below the dignity of a sovereign even to name, and all below his true honour and character to have mixed up and and confounded with his own person and demands. But it was said, that "to simplify matters in the way he suggested, would be beneath the dignity of the crown." Suppose there might be some slight defalcation of dignity, was there no advantage in preventing great defalcations of a pecuniary kind, which had been perpetually occurring from the absurd, confused, and Gothic mode, still obstinately retained, of keeping the accounts; and, after all, where would be the

loss of dignity, if the people told their prince "you shall be paid largely, liberally, cheerfully, and without a murmur from the people, who well know that your interests and theirs are inseparably united—paid; not, indeed, as at present, but by a fixed, constant, determined grant out of the consolidated fund."

"The true principle of the Civil List," said Mr. Brougham, is, "that whatever appears to be necessary for upholding the dignity and state of the monarch, shall be cheerfully and liberally given; not voted once for all, but to continue so long as circumstances required it; and when circumstances altered, that Parliament should make new arrangements to meet those alterations. The House might convince itself, from the experience of the past, that these permanent arrangements could never be fully acted upon; the departure from them, however, was invariably to the disadvantage of the people; it was only when the Civil List, either from extravagance or mismanagement, became poor and embarrassed, that parliamentary interference was sought for. His late majesty reigned sixty years, and, during that period, there were six new arrangements. Upon the arrangement of 1760, the necessity of a new organization became evident in 1769; in that short period of nine years, the Civil List had contracted debts, and become embarrassed to the amount of £8,000,000; and, in 1777, eight years after this enormous debt had been paid off, it became necessary to grant a further allowance to his majesty, on account of the Civil List, of £60,000 per annum. An arrangement for life could not proceed upon any conceivable principle. The only impartial course would be for Parliament to take possession of the hereditary revenues, to place them at the disposal

of the consolidated fund, and to pay from the latter a sum sufficient to maintain the dignity of the Crown. That was the only course which would satisfy the public, enforce economy, and prevent abuse." Mr. Brougham then proceeded to state several curious instances of the manner in which the sums that constituted the droits of the Crown accrued to it. In 1817, the sum of £130,000 fell to the Crown, in consequence of the death of a rich lunatic; in 1807, an individual, who had no heirs, died intestate; his property, to the amount of £47,000, went to the Crown. In 1816, the Crown came into £62,000 in the same way. In 1804, prize-money, to the amount of £105,000, was paid on one occasion; and in the same year there was another sum of £40,000, and a third of £55,000, paid on the same account. In 1806, these droits were augmented by a further payment of £155,000; and at one period there came in nearly the whole proceeds of the Dutch prizes, amounting to £1,650,000, and from Spanish condemnations about £2,200,000 was derived.

There was another source of revenue, Mr. Brougham observed, which, although not so important as those to which he had already alluded, was still of considerable magnitude. He meant the revenue derived from the Leeward Islands, from Gibraltar, from Scotland, &c. How were the large sums thus received disposed of? Why, in pensions. It was not under the controul of Parliament, and might be applied to good or bad purposes; no one but the noble lord and his friends could say which. It might all be applied to corrupt uses, or to the furtherance of special jobs; he would not contend that such had been the uses to which the funds had been applied, he merely alluded to the possi-

bility of their abuse. If these funds were suspicious in their application, in their origin they were ten thousand times worse. As every prize, made prior to a declaration of war, formed part of them, they were, in fact, premiums for commencing war without the usual proclamation; and, on these funds ought to be written, in indelible characters, "The purchase-money of the honour, the good faith, the pure and unsullied good name of England." If he wanted a proof of their being so, he had only to refer to the Dutch war, in the time of Charles II. That war was undertaken for the purpose of seizing the Smyrna fleet, for which perfidious action Providence punished that monarch, by overwhelming him and his ministers in discomfiture and disgrace. But, to come to later times, What did they think of the Dutch? What of the Spanish prizes? £2,200,000 were acquired by attacking unarmed and defenceless men—men who knew no reason for such a proceeding, except that they had dollars on board their ships. His advice, therefore, was, that the Crown should be requested to resign those funds, receiving in their stead an ample remuneration, and that the royal dignity should henceforth be wholly maintained out of the consolidated-fund. It was now the commencement of a new reign; and if, in opposition to the clear law of the question, in opposition to the constitutional view of its principle, in the face of numerous precedents of mischievous abuse derived from history, if the House neglected to wipe away a foul blot on the honour of the country, by giving up a vile relic of feudal barbarism, useless for any national purposes, and serving only as an occasion of calumny to our carping rivals and bitter enemies; if now, when this mischief could be done away, without injury to the Crown, and with bene-

fit to the people, the House should suffer the opportunity to be lost, it would, in fact, go the length of saying, that these droits ought to remain for ever a lasting anomaly in the law and constitution, a perennial source of abuses, and a perpetual stigma on the character of the country."

At the conclusion of Mr. Brougham's speech, Mr. Canning rose to reply; and, in a speech of much eloquence and force, replied to the arguments used by the honourable mover of the resolution. In the course of his address, Mr. Canning emphatically declared, that he and his colleagues would reject with disdain any boon which was offered as an inducement to barter away the royal prerogatives. The rights to which Mr. Brougham had alluded in his speech, Mr. Canning said, "had been vested by our ancestors in the hands of the Crown, where they were best placed, to be exercised, as every prerogative of the Crown ought to be, for the benefit of the people, for whose advantage the royal prerogatives existed."

The motion was supported by Sir James Mackintosh, Mr. Macdonald, Mr. Marryat, Sir Robert Wilson, Sir Joseph Yorke, and Mr. Tierney; and opposed by the chancellor of the exchequer and Mr. Bragge Bathurst; and finally, on a division, was negatived by a majority of 273 against 145.

The measures for the arrangement of the civil-list having been disposed of, a new subject was brought before Parliament, of as great, or even greater importance, as a general question, to the people, viz. the distress which existed among that large class of His Majesty's subjects engaged in agricultural pursuits. From the commencement of the present session of Parliament, the cry of agricultural distress had been loud, and almost universal.

The tables of both branches of the legislature had been loaded with petitions, stating, in strong terms, the extent of the existing evils, and imploring Parliament to apply a remedy. The great evil complained of, was the large importation of foreign corn; and the remedy sought, the imposition of a higher duty, and increased restrictions on the importation of grain and other agricultural produce. The remedy thus sought by the agriculturalists did not, however, coincide with the wishes and opinions of another large and equally-important body of the people. The manufacturing class were also at this time suffering severely from want of employment and low wages, the result of the severe existing pressure upon all branches of commerce. To them, therefore, cheap bread and low-priced provisions were matters of vital importance; and they naturally looked with a jealous eye to the proceedings of the landed proprietors, and stood prepared to oppose, in every possible way, any parliamentary measure, having for its object to raise the price of corn, and, indeed, all the other indispensable necessaries of life, at their expence, and for the benefit of the agriculturalists. Frequent and sharp discussions had taken place in the House of Commons during the session, upon the presentation of petitions; and at length, on the 30th of May, the subject was brought regularly and more fully under the consideration of the House, upon a motion of Mr. H. Sumner, the member for Surrey, "for referring the numerous petitions presented during the session to the House, from the different agricultural districts, to a select committee, to consider the matter thereof, and to report their opinion to the House." A long debate followed upon this motion, in the course of which Mr. Brougham stated his opinion on



the subject to the following effect :—"The motion," he said, "should have his support on general principles. Agriculture," he considered, "was entitled to special protection, because many public burthens pressed unequally upon it; and, because much poor land had been brought into cultivation, which could not now be thrown back into its former state without immense misery to individuals, and great injury to the public." In support of these positions, he observed, "that nothing was more common than to see a manufacturer erect a fine tall building, a matter of great ornament to the neighbourhood, no doubt, but certainly of great use to him. This building was erected on a comparatively-small portion of land; and within its four walls were carried on the manufacture of two very important articles, cotton and paupers! and though this manufactory produced to its proprietor an income of £30,000 a-year or upwards, yet he only paid Poores'-Rates as for an income of £500; while his poor neighbour, who rented land to that amount, paid the same proportion, though his income was not the fourth part of his rent. Besides this, there were the Bridge-Rates, the County-Rates, and those other blessings which were heaped on this favoured class, the agriculturalists. They, of course, were not to murmur at all those imposts, nor were they to raise their voices for the same privileges which the other classes enjoyed. It was stated to be an erroneous policy to purchase dear corn at home, whilst it could be bought at a much cheaper rate abroad; and, it was added, that the effect of this would be, to force men to cultivate bad land at a great expence. Though he might agree with this principle in the abstract, yet the question here was not, whether, at such an expence, you ought to bring

poor land into cultivation; but, it should be considered, that we had already encouraged the cultivation of such land. The circumstances in which the country had been placed were such, that even poor land was eagerly sought and diligently cultivated. It was hedged, and ditched, and improved, so as to have become the depository of a large portion of British capital; it would be idle to say that this was done in other times, and under other circumstances; for, if we were to go back, we might, with as much reason, extend our view to the Heptarchy; the fact was, that capital had been so employed—that this land was now under cultivation—that it contained the capital—he might almost say, the life of the cultivators. He would mention one fact, which had come within his own knowledge. Some time ago, there were two or three cargoes of corn in the port of London, which, but for the Corn-Laws, would have been purchased at 37s. per quarter. Now, on the principle on which the present motion was opposed, this corn ought to have been purchased, because it would have been cheaper than any which we could grow; but, then, if that principle were extended, what would be the consequence? The inevitable consequence would be, that, in the next season, seven or eight millions of acres would be thrown out of cultivation, and those dependent on them out of employment. Was there any man bold enough to look such a difficulty as this in the face? It would be said, this might be very good logic for the farmer, but it would not be so for the consumer. Let that objection be examined; and, after all, what did it amount to? That we inflicted a certain calamity on the cultivator and landlord, in order that the consumer might eat his quartern-loaf an half-penny cheaper. To that point

he would confine himself; and he contended, that the destruction of one portion of the community could not be considered as a benefit, because another portion gained by it. This was a proposition which no philosopher or political economist had ever attempted to deny or to dispute. He would suppose the case of a community, consisting of 1000 individuals, and that a law should be invented, by which 500 of those individuals should be destroyed, and which destruction would render the remaining half twice as rich as they were before; would any man attempt to say, that, in such a case, he would confer a benefit on the community? According to the theory of those who opposed this motion, such a law would be most salutary for the 500 who survived; but he would be acting against every principle of political economy and public justice that he was aware of, if he did not state, that such a law would be most unjust to the individuals destroyed, and most injurious to the remainder, as a community."

The motion was opposed, both by the ministers, and by many of the leading members of the opposition. Mr. Robinson and Mr. Huskisson, both members of the administration, opposed it. Lord Milton and Mr. Coke also opposed the appointment of a committee, and Mr. Ellice moved the previous question. Upon a division, the amendment was negatived; and the motion of Mr. H. Sumner, for the appointment of a committee, was, to that gentleman's great surprise, and to the surprise of those who voted with him, carried by a majority of 150 to 101. This unexpected result, as appeared from the declaration of Lord Castlereagh to some of his friends, was caused by the incautious security of ministers, who persuaded themselves that the ques-

tion would not be pressed to a division. Upon the motion for the appointment of the committee on a subsequent day, however, Mr. Robinson moved a modified resolution, confining the labours of the committee to an inquiry into the best mode of ascertaining the average price of corn. This motion was opposed by Mr. Brougham, but supported by Mr. Tierney, and ultimately carried by a majority of 251 to 108.

Although the party-political questions which were brought forward in the course of this session were, indeed, of intense interest, and occupied Parliament in their discussion a more than customary portion of time; still several measures were introduced, having, for their object, the improvement of the condition, the manners, and the general character of the people at large. First, in importance in this description of measures proposed, were those relative to the state of education among the lower classes. Upon this subject we have already seen Mr. Brougham exerting his energies, and directing his utmost efforts, to introduce those improvements which all were ready to acknowledge as necessary, but the labours and difficulties of effecting which, few persons, if any, were to be found ready to encounter. Notwithstanding the very important investigation, in which, about this time, it became apparent that the queen's attorney-general would shortly find himself engaged; he had not lost sight of the great question of the establishment of a system of general national education. This is made apparent by his having, on the 28th of June in this year, brought the subject forward in the House of Commons in a speech, which, though not the most brilliant of his parliamentary exhibitions as a specimen of eloquence, was one of the most elaborate

and most instructive ever delivered in that assembly. On the occasion in question, Mr. Brougham rose to address a very full house, and "to move for leave to bring in a bill to provide for the better education of the poor in England and Wales." He commenced his address by adverting to the report previously presented to the House by the educational committee, and, in doing so, he acknowledged the zeal and alacrity which the clergy of the established church had exhibited, in collecting and communicating to the committee an immense mass of local and detailed information, which the committee, without such aid, could not have obtained by any efforts of their own; but without which, no correct notions of the actual state of education in different parts of the country could have been formed. From the interest thus displayed by that body of persons on this important question, he drew this inference, that the superintendence of any plan of improvement which the House might think fit to adopt, could not be entrusted to any set of men with more propriety than those who had exerted themselves so ably and cheerfully in furnishing materials to form the foundation on which he was to proceed. In support of this opinion, he read numerous statistical details, which had been extracted by the committee from the various returns made by clergymen resident in different parts of the kingdom, and contrasted them with the comparatively loose speculations and calculations of the most distinguished arithmeticians and theoretical political economists; and, from this comparison, said, the value of the clerical assistance which the committee might have received, might, to a certain extent, be inferred. After describing, in animated terms and in glowing colours, the importance of knowledge to the poor, and controverting

some of the strong objections put forth by the opponents of a system of general education; he stated the following important facts, which, among others, had been proved in evidence before the educational committee:—

“In endowed schools,” Mr. Brougham said, “165,432 children were educated; and, in unendowed schools, 490,000 had the benefit of instruction, making a total of 655,432; to which might be added 11,000, as the number educated in unendowed schools in 150 parishes, from which no returns had been made. This number constituted about one-fourteenth or one-fifteenth of the whole population of England, according to the returns of 1811; and, from these statements of clergymen, founded on the personal knowledge of their own parishes, it appeared that the children requiring education, as compared with the whole mass of the population, amounted to about one-tenth. It was, therefore, evident that a very large proportion of the children requiring education were without its benefits. This proportion, too, was greater than was at first apparent; inasmuch as of the number above stated as receiving education in unendowed schools, 52,000 were at dames’ schools, which, though useful from their tendency to inculcate habits of regularity and discipline, could scarcely be regarded as seminaries of instruction, since the children sent to those schools were merely infants, who usually discontinued their attendance just as they attained an age when they became capable of learning any thing. Deducting, therefore, these 52,000, the proportion of those who had the means of education, as compared with the whole population, would be as one in sixteen, and even this scanty means had existed only since the establishment of Lancasterian schools in the year

1803. Those schools, in number 1520, received about 200,000 children, so that, in 1803, not more than one-twentieth part of the population had afforded to them the opportunity of obtaining education in any shape whatever. Bad as this state of things was, in Wales they were still worse. In the principality, before 1803, the proportion was one-twenty-sixth, and even in 1820 it was only one-twentieth. In Scotland, on the contrary, the proportion of the population having the benefit of instruction was one-ninth or one-tenth. In Holland, also, the proportion was one-tenth; in Switzerland, one-eighth of the people received instruction. In France, in 1817, the proportion was one in thirty-five; but, in less than two years subsequent to that period, no less than 7120 new schools were opened; and, an addition of more than 200,000 was made to the number of children educated, so that, in 1819, the proportion was increased to one in twenty-eight.

To the number of children educated in England, in endowed and unendowed schools, taken as has been stated at 656,000, might be added 50,000 for children educated at home, and 100,000 for those who attended Sunday schools; in the latter, however, little could be learnt, and none of the regular habits inculcated by constant discipline under the eye of a master were obtained. In this view of the subject, the total amount of children receiving education of any kind in England was 750,000; but, as the whole number requiring education was upwards of 950,000, it was evident that more than 200,000 remained uneducated; in other words, every fifth child was deprived of the opportunity of acquiring knowledge. There were in England 12,000 parishes or chapelries; of these 3500 had not a vestige of a school, either endowed or otherwise, and no greater

facilities for education were to be found in those places, than existed among the Hottentot tribes. Of the remaining parishes, 3000 had endowed schools; and the other 5500 relied entirely upon unendowed schools—of course, fleeting and casual.

“Such,” Mr. Brougham observed, “was the general map of education in England; but, in the different counties, it varied very much; for instance, in the metropolitan county, the average was only one twenty-fourth, and deducting the dames’ schools, no more than one forty-sixth; thus, the county which contained the capital of this mighty empire, was three times worse educated than the country at large; and was, in fact, worse provided with the means of instruction than any district in Christendom. In Lancashire, Somersetshire, and Wiltshire, the average was one twenty-fourth, and it was the same in the six midland counties, Buckinghamshire, Bedfordshire, Cambridgeshire, Huntingdonshire, Northamptonshire, and Hertfordshire. In Essex, Norfolk, and Suffolk, the proportion was one in twenty-one; and in the four northern counties, taken together, the average of children educated was one-tenth of the population; in Westmoreland alone, the proportion was one-seventh. The proportion, too, of those who received education gratuitously varied greatly in different districts. In the four northern counties, the number of children educated free was 16,300; of those who paid for their education, 37,000. In Westmoreland, out of 2700 children, only forty-eight were educated free. In the six midland counties, 20,000 received a free education, and 18,000 paid for instruction. In Wiltshire and Somersetshire, 16,000 were free; 11,000 paid. In the three eastern counties, 30,000 were free scholars, and 24,000 paid. In Scotland, on the con-



trary, though all the children were educated, there was scarcely one whose parents, or friends, did not pay something for their education."

Having stated these facts, Mr. Brougham proceeded to detail the plan by which he proposed to provide, in some measure, the deficiency of supply, which, he contended, it was evident, from his statement, existed in England. He divided his statement under four heads; first, the foundation of schools, with the mode of defraying the expences attending their support. Secondly, the appointment and removal of masters. Thirdly, the admission of scholars, and the mode of tuition; and, lastly, the means of making old educational endowments available, in some degree, for carrying into effect the improved plan. With respect to the first part of his plan, he would provide that the Grand Jury at the quarter-sessions, the actual incumbent of the parish, any two justices, or any five resident-householders; or, if two chapelries, or parishes, joined in the application, four householders of each were empowered to present to the quarter-sessions a complaint that there was no school in the parish, or chapelry, or sufficiently near, to be available to the inhabitants, or that there were not two schools; or, in a very extensive and populous district, three schools, where such number was necessary; due notice of the complaint to be given a month before the quarter-sessions; and, at the request of five householders, the parish-officers, if so called upon, were obliged to resist the application. An estimate of the expence of the contemplated school-house to be furnished, and the decision of the magistrates to be final. It was also desirable, that while measures were adopted for bringing home education to the doors of all—all should pay a little towards it; he

should, therefore, propose that the instructor should receive a small sum from each of his pupils, and that his fixed salary, in addition to this emolument, should not exceed £30, nor be less than £20, per annum. But, as cases might arise, in which it would be desirable to secure the services of a master of superior abilities, he should suggest that the inhabitant-householders of the parish, or chapelry, at a meeting held for the purpose, with the consent of the resident parson, should be empowered to increase the master's salary, providing two-thirds of the householders present assented. To pay the salary and expences, the parish-officers were to be empowered to levy a school-rate half-yearly, under the order of the justices in quarter-sessions assembled. The expence of building the school-house to be advanced, in the first instance, by the treasurer of the county; but, finally, to be repaid out of the consolidated-fund. The school having been thus planted and endowed, the next consideration would be the power of appointing, or removal of the master. He would be required to have a certificate of his qualifications, signed by the clergyman and three householders of the parish in which he had previously resided for twelve months, or by the clergymen and two householders of two parishes. He was not to be less than twenty-four or more than forty years of age. He was to be a member of the established church; and, for his election, a meeting of the inhabitant-housekeepers, rated to the school-rate, was to be held in the church, due notice of such a meeting having been previously given. The senior parish-officer to preside, and, in case of an equality of votes, to have the casting-vote. The election having been thus conducted, the successful candidate was to be subjected to the examination of

the clergyman of the parish, who might still, if he thought fit, reject him, and direct the parish-officers to proceed to another election. The parson was also empowered to enter the school-room at all hours, and to examine the children. The bishop of the diocese might also visit the school at all times, either in person or by the dean, or the archdeacon, or by his chancellor. The visitor might remove the master, and he might also direct the master, after a service of fifteen years, to be superannuated, with a pension not exceeding two-thirds the amount of his salary. In thus uniting this system so closely with the Protestant establishment, he was aware that he should have to encounter the opposition of the seceders, who would be ready to say, "you are creating a new system of tythes;—you are placing in each parish a second parson, whom we must pay, though we cannot conscientiously attend to his instructions." The objection was not without force, and, on a former occasion, he had given way to it; but he was now convinced, that those who objected ought to yield to the inestimable advantage of securing the services of such a body of men as the established clergy were, and of increasing and insuring the durability of the system, by giving it that deep root which nothing new could acquire, without being grafted on old stock, and thereby participating in all the strength that had been imbibed through a long course of years, in which that stock had flourished. A religious education was essential to the welfare of every individual, and the church had a direct interest in promoting such a system. What, then, could be more natural, than that the clergy should have a controul over those who were selected to assist it? and, as far as individual merit was to have any weight on such a discussion, the zeal and

alacrity which the established clergy had manifested in procuring for him the necessary information, and the warm-hearted interest which they took in the education of the poor, entitled them to all confidence, and pointed them out as the persons destined by Providence to assist in that great work.

As to the admission of children, the first regulation was, that the parson, with the parish-officers and assessors, were, on the appointment of each new master, to fix the rate of quarter-pence, which was to be not less than two-pence, nor more than four-pence per week; and, for the children of persons receiving parish-relief, was to be, in all cases, two-pence per week, or two shillings per quarter, to be paid by the parish-officers, if the parents were unable to defray so small an expence. The parson, with the parish-officers as assessors, might also direct the master to admit certain children gratis, but no distinction was to be made, in the school, between these and the rest of the children. Parents were left at liberty to agree with the master for extra hours, or extra tuition, as they might think proper. The parson, at each appointment of a new master, was empowered to fix the course of teaching according to the state of the parish, and to notify the times of vacation, not exceeding twice a-year, either a fortnight at each time, or a month at once. The scriptures alone were to be taught, and no other religious book; the parson selecting, if he pleased, the passages to be rehearsed. No book, of any kind, was to be used in the school, without his permission; nor was any form of worship to be allowed in it, except the Lord's Prayer, and passages of the Scriptures. The children were to attend church once every Sunday, either with their parents, or with the master; dissenters, of course,

being at liberty to take their children to their own churches or chapels. Every Sunday morning there was to be a school-meeting, for teaching the Church Catechism and other portions of the Liturgy; all the children were to attend, except the children of such dissenters as might object. Reading, writing, and arithmetic, were to be taught in all the schools, to all the children of a fit age. As to the expence of the plan, if the average was taken from Devonshire, the county most deficient in the means of education, the charge for purchasing ground, erecting schools, &c., would amount, for the whole kingdom, to about £850,000. Taking the average from Cumberland, it would be only £400,000. Striking a fair medium, about £500,000 would probably be sufficient. The annual cost of their maintenance would be about £150,000.

Such were Mr. Brougham's views with respect to the mode of planting and endowing schools, the admission of scholars, the election of teachers, and the system of instruction to be adopted in them. The next portion of his plan related to the rendering available to this new project of education, existing endowments; and rendering them more effective, in the education of the poor, than they at present were. This he proposed to effect by five clauses, or regulations, introduced into his bill, intended, first, to supply defects in trusts; secondly and thirdly, to enable trustees to improve the administration, or application of funds; fourthly, to provide for cases of failure, total or partial, in the object of the charity; and, fifthly, to create necessary checks. To supply defects in trusts, he proposed, that when the trustees were reduced below the requisite number, those who remained should be empowered to fill up the vacancies; that, if all the

trustees were gone, new trustees should be named by the founder, heir-at-law, or the visitor, if there was no such heir-at-law; and, if there was neither visitor nor heir-at-law, that the legal estate should be vested, if above £5 a-year, in the clerk of the peace, to be administered under the order of quarter-sessions; or, if it was below £5 a-year, in any three of the charity-commissioners. To enable trustees to improve the administration of their funds, powers of selling, borrowing, exchanging, &c. were to be given them; all papers for conveyances, receipts, &c. were to be furnished free of stamp-duty. The improvement of the application of the funds of existing endowments was a more difficult subject. Under this head Mr. Brougham proposed two declaratory clauses, to secure the intentions of founders; and two enacting clauses, for altering the laws of foundations, in order the better to effect their obvious objects. The first declaratory clause was, to allow trustees to contract with the masters of grammar-schools, to teach reading, writing, and arithmetic, by themselves or by assistants, on the same terms as in ordinary schools; the second was, to enable trustees to make the number of children, now limited, and not confined to grammar, unlimited; and to limit or prohibit the taking of boarders. In many instances, the master, so far as the foundation was concerned, did nothing but receive the salary, while he kept, perhaps, 50 boarders, at £100 per annum each boarder. He professed, indeed, to be ready to teach the poor, but, in fact, he drove them away. "My school," he would say, "is open to teach you Latin, Greek, or Hebrew, but nothing else. I will teach you nothing that can be of any use to you." The difference between what was done, and what might be done by

existing endowments, was strongly illustrated by the difference between their actual efficacy, in different parts of the country. In Cumberland, eight schools, containing 500 boys, cost £292 annually. In 16 other counties, 101 children were educated at an expence of £3123. In the one case, the average cost of a boy's education was, for the year, 11s. 6d.; in the other, about £31. The proposed alteration would not degrade the head-master from the rank of a gentleman, because he would still devote himself to the same branches of education which now occupied him; and the lower classes might be entrusted to an usher. The advantages arising from these regulations would be, not merely a great gain in point of economy, but, by thus connecting parish-schools and grammar-schools, the door of preferment would be opened to parish-schoolmasters, their character would be raised, and they would take a higher station in society. It was further proposed, that charitable establishments, originally designed for boarding, lodging, and clothing, as well as educating the poor, if found deficient in funds, should, in future, be confined to education only; for there was no worse charity than that of cloathing and boarding. In Bedford, £30,000 a-year was so employed, and yet the town was overwhelmed with paupers. Trustees would also be empowered to treat with the minister and parish-officers, or two justices of the peace, for having the children permanently taught in the parish-school, when the founder's intention was, that they should be taught in other schools, and that intention had been frustrated by the inadequacy of the funds. Where there was no endowed school, the funds were to be applied in aid of the parish-school. Lastly, where there was a failure in the objects of

the trust, the trustees were empowered to appeal to the commissioners of charitable uses. These failures were, in many cases, fatal; in others, partial. Under a late decree in chancery, the Tunbridge-school was entitled to property of more than £4500 of yearly rental. £500 a year was quite as much as was wanted for that school, and the superfluous £4000 would be sufficient to provide for the support of 200 schools, in which the poor children of the whole county of Kent might be educated. Mr. Brougham concluded, by moving for leave to bring in the bill.

Lord Castlereagh expressed the satisfaction with which he had listened to the perspicuous speech of Mr. Brougham, but declined giving any opinion at present on the proposed plan. His Lordship also expressed a hope, that the bill, out of regard to the important interests involved in it, would not be pressed during the present session.

Mr. Brougham declared he had no wish that the measure should be urged hastily on, as, independently of the advantages accruing from its discussion in that House, great advantages would arise from discussion out-of-doors, among the clergy and the friends of the Established Church. Though, therefore, as an individual, he would like to see his bill pass during the session, he should cheerfully submit to such delay as, to the House, might appear most advisable. Leave was then given to bring in the bill.

On the 11th of July, the bill was brought in, and read a first time, and ordered to be printed. Its provisions no sooner became known throughout the country, than discussions upon their merits arose among all classes of society; and, certain it is, that they gave satisfaction to no party. The



adherents of the Established Church wholly overlooking the extraordinary powers and patronage which its provisions conferred on the clergy, who were, as we have seen, to have been invested with the superintendence and sole controul over this new system of national education, were dissatisfied with a scheme which admitted the children of Dissenters as participators in its benefits, equally with those whose parents were the staunch supporters of the Church Establishment. Many of the Dissenters, on the other hand, were not only dissatisfied, but also greatly alarmed at a plan which, if adopted, would give to the clergy of the Establishment an overwhelming power, and render the Dissenters wholly dependent on them, as regarded the selection of teachers, and the mode of instruction to be adopted in these national schools. Thus, the measure gave satisfaction to no party. A contemporary writer in *The National Library*, speaking on the subject, says—

“The rival systems of Bell and Lancaster, and the consequent struggle between the clergy and the liberal party, with other concurring causes, made the nation peculiarly alive to the interests of education; and the lamented death of Mr. Whitbread, whose services now appear totally forgotten, conspired to devolve its guardianship upon Mr. Brougham. The appointment of a committee to inquire into the state of education in the metropolis, was the first step gained. The report of this committee led to the appointment of the general commission. The indignation of the profifiers by the existing abuses was extreme. The examination of charters and deeds of endowment was considered a species of treason; to call in question the wisdom and purity by which the endowed seminaries were ma-

naged, the first step towards revolution. Up to this point, the services of Mr. Brougham to the country, in forcing investigation, and exposing flagrant abuses, were of incalculable value; but he was more successful in detecting errors, than in devising remedies. His plan of national education, brought forward in 1820, is liable to so many objections, and, indeed, so thoroughly vicious in principle, that it is not easy to conceive how he could ever have entertained it. The parochial system of Scotland appears to have been floating in his head; but, though this scheme, as seen every day in its working, is acknowledged to be far from perfect, Mr. Brougham's was much more objectionable. It contemplated the extinction of every thing resembling public opinion and popular influence in the machinery and objects of education, and placed the training of youth as completely in the power of the established clergy, as is possible in either a Protestant or Catholic country. Nor is it surprising that pregnant suspicions were entertained of the motives of its deviser, by many of the alarmed Dissenters. We shall enumerate a few of the provisions of Mr. Brougham's bill. Every parish was to be entitled to have one or two schools, under certain circumstances. Of these schools, the master was—

“First—Required to have a certificate of qualification—from whom? *From the clergyman of the parish*, in which he had resided for the previous year, and three householders.

“Secondly—*He was to be a member of the Established Church.*

“Thirdly—Though chosen by the inhabitant householders, who were to pay for his support, and have their children taught by him, the parson of the parish might examine, and reject him.

“Fourthly—Although passed by the clergyman of the parish, this master, a member of the Church, and chosen by the householders, might still be removed at any time, by the suggestion of the bishop of the diocese, if his lordship chose to formally visit the school, and condemn the teacher.

“Fifthly—No book, of any kind, was to be used in the school, without the clergyman's permission; nor was any form of worship to be allowed in it, but the Lord's Prayer, and certain passages of scripture.

“This project was not only unaccountable, as proceeding from Mr. Brougham, but, at variance with the enlightened state of the public mind in the 19th century. It is the grand blunder of Lord Brougham's public life. Hitherto he had rather paid court to the Dissenters; but this looked so extraordinary a scheme of playing into the hands of the Church, that, while many of the Dissenters, and many Churchmen also, imputed its formation to ignorance of the subject, not a few ventured to question the sincerity of the concoctor; nor is it, we admit, easy to conceive of Lord Brougham as so utterly blinded to the nature of his own plan. The most knowing of the Tory party were delighted with it, though many of the prejudiced still hung off, thinking no good thing *could come from that quarter*. The Dissenters, and all but the ignorant and bigoted Churchmen, caught alarm. The framer of the bill, we have said, found himself in the extraordinary position of being still doubted by the high Tories, and denounced by the whole body of Dissenters,—hitherto, and since that period, his main, and only true supporters. Lord Brougham may cling to the Establishment as he sees fit. It will never trust to him. The *Schoolmaster* has

broken faith with the bishop. The breach can never be repaired.

“ We sincerely rejoice to say that this Education Bill, cheered by the *knowing* Tories, was knocked on the head by the vigilant Dissenters. The clauses we have enumerated were, each and all, calculated to alarm liberal men. From the moment the bill was first read, it was watched, as the cat does the mouse, by the central committee of the “ Protestant Society for the Protection of Religious Liberty.” A deputation of that body waited upon its framer, to remonstrate on its principle and clauses ; and Mr. Brougham then saw his error. He, at least, abandoned his ill-advised and mischief-fraught measure, though he was not at once prepared to admit that its condemnation was just. There is this much to be said for Mr. Brougham. National education might appear to him a good, worthy to be purchased at any price, and received in any form. The question was not, whether all children should be trained under the influence of Churchmen, but, whether they were to receive some kind of education,—the worst being immeasurably better than none at all. This, we apprehend, is the fair construction to be put on this erring step on his part.”

Such was the opinion entertained by all parties of the public, with respect to this celebrated measure ; a measure, the framing and concocting of which must have cost Mr. Brougham incalculable labour ; and which, however we may differ in opinion as to its merits, as a political measure, all must acknowledge, he brought forward with a degree of candour and a display of talent, which scarcely any other member of the House of Commons

could have approached. Of the character of the measure, no one, who looks at its provisions for a moment with an unprejudiced eye, can fail to perceive that those provisions were extremely advantageous to the Established Church. That the Dissenters felt this, there can be no doubt; still, even a Dissenter must at once have perceived that its general tendency, when adopted, would have been to benefit public morals, and to raise the character of the people generally; and, it may be a question, whether, taking that view of the subject, a conscientious Dissenter ought not to have supported it, although it might, in its operation, have increased the influence of a particular religious system of which he could not entirely approve. Be that as it may, Mr. Brougham, on perceiving that public opinion was not with him, bowed at once to its decision. The bill, as we have already stated, was read a first time, but pressed no further;—it was withdrawn previous to the termination of the session.

## CHAPTER VIII.

A memoir of an individual holding so conspicuous a situation in the discussion of all great public and political questions, as Lord Brougham has done for many years past, must, to a certain extent, be a history of his own times; indeed, his Lordship is so mixed up with every public event, that it is quite impossible to separate the history of his public career from that of his private domestic circle. If this observation applies to the earlier part of Lord Brougham's history, it will be found still more applicable to that portion of his career, upon which we are now about to enter.

We have already hinted, that, during the absence of the Princess of Wales on the continent, reports extremely prejudicial to her character had been current, both abroad and in England. It was not of mere common acts of imprudence that she was suspected. The charge against her was that of living in a state of absolute adultery with one of her own establishment; a man whom she had raised from the rank of a menial servant to that of principal officer and controuler of her household. The honor of the crown required that these rumours should not be wholly disregarded; it was, indeed, considered necessary to ascertain on what foundation they rested, and how much of truth or falsehood there was in them. To effect this object, two modes of proceeding were open for adoption; one public and notorious—the other private, though not clandestine. To have adopted the first course would have been indelicate and cruel; it would have been, in effect, to say to the whole world—The Princess of Wales

is suspected of immoral conduct; let all who have any curiosity come and listen to the enquiries which the honour of the British crown requires should be instituted. A private investigation was, therefore, determined on, as being the most convenient and most delicate mode of proceeding. In pursuance of this determination, in 1818, Mr. Cooke, a gentleman in extensive practice at the Chancery Bar, and Mr. Powell, an eminent solicitor, were dispatched on a secret mission to Germany and Italy, to make enquiries, and collect evidence, relative to the Princess's conduct. The personal character of Mr. Cooke was a sufficient guarantee that the enquiry would be conducted with delicacy and integrity. This proceeding was, however, subsequently the cause of much anxiety to the Prince-Regent, and produced an almost unprecedented degree of agitation among the people. The cry of spies and informers was raised from one end of the kingdom to the other. The Prince-Regent and his ministers were, for a time, alike unpopular; but, unless it can be contended that the Prince, whatever might have been the conduct of the Princess of Wales, had no right to enquire into that conduct, the unpopularity which rested on his Royal Highness was not justified by the circumstances of the case. Considering the rumours which had reached this country, justice to the Princess of Wales required investigation; and certain it is, that if enquiry was to be instituted, it could not have been entrusted to any one better qualified for the performance of so delicate a task than Mr. Cooke. The evidence, which was at this time collected, was kept a profound secret. It was, probably, considered that, supposing the charges against Her Royal Highness to be true, it would be sufficient punishment to keep her still in the state

of banishment, in which she had now been for several years. The situation of Her Royal Highness, at this time, was one of a most distressing kind. Though no specific charges had been brought against her, she had been formally excluded from the English Court; and that exclusion had led to consequences abroad, which must have been most mortifying to a high-spirited woman, such as it is acknowledged on all hands the Princess was. The ministers of this country at foreign Courts were instructed not to recognize her; and if, after this slight shewn to her by them, any Court should still determine to give her a public reception, the instructions to our ambassadors generally, were, that they should not assist at such public reception. These instructions were first issued in 1817, in answer to an application from the British envoy at Wirtemberg, for directions as to the manner in which he was to behave towards the Princess if she should visit Stutgard, which she had at that time announced her intention of doing. These instructions were, at the time they were given, considered by the Prince-Regent's advisers as the necessary result of the Princess's exclusion from the British Court; but, looking at all the circumstances of the case, at this distance of time, and divested of all political and party-feeling, it does not appear that any such interference with Her Royal Highness's reception at foreign Courts could have been called for or justified. The disagreements existing between the Prince-Regent and his consort, and the mutual feeling of dislike which was now generally known to pervade the mind of each of those royal persons towards the other, might furnish sufficient reason for the Prince to refuse admission into his own presence the wife for whom he had no affection or



respect; still, what justification could these personal quarrels and disagreements furnish for thus interfering with the wanderings of an unfortunate female; and, using that influence, which ought to have been exerted only for her protection, to prevent her reception at the Courts of foreign princes, who might be disposed to extend to her the respect which her rank entitled her to, until she had, upon full and open investigation, been declared to have forfeited, by her own misconduct, all claim to that respect. At the time to which we are now alluding, no such charge could be brought forward against the Princess. She had not been deemed unworthy the presence of George III., down to the last moment of that venerated monarch holding the reins of power; and, from that time, to the period of her exclusion from her husband's Court, and her consequent departure from the shores of Britain, it had not been proved that she had done any thing to forfeit the rights and privileges belonging to her exalted situation in society. On the other hand, it may be proper to state, that at the time the instructions to our ministers at foreign Courts, to which we have alluded, were issued, the rumours concerning the recent impropriety of her conduct had been generally prevalent in this country.

In the month of June, 1819, a communication was received by Lord Liverpool from Mr. Brougham, who had already been publicly recognized as the principal legal adviser and friend of Her Royal Highness. This communication contained a proposal from Her Royal Highness's principal counsel, in substance as follows; namely, That her then income of £35,000 a-year should be secured to her for her life, instead of terminating with the demise of the Crown,—that she should undertake, upon

such an arrangement being made, to reside permanently on the continent, and not to assume, at any time, the rank or title of queen of England. This proposal, however, was stated to be made without any authority from the Princess, or knowledge of it on her part; and, therefore, the reply of Lord Liverpool only stated, that there would be no indisposition, at the proper time, to entertain the principle upon which the proposal was grounded, if it met with the approbation of Her Royal Highness. At this time, the negotiation did not extend beyond Mr. Brougham's communication and Lord Liverpool's reply.

To the declaration then made by Mr. Brougham, that this proposal was his own act, unauthorized by the Princess, he has always adhered; and, when this act of his, as the legal adviser of Her Royal Highness, has been animadverted upon, or censured, he has repeatedly defended it, on the ground of its being only a suggestion on his part to Lord Liverpool, intending to convey to his Lordship an opinion that if such an offer should be made to Her Royal Highness by government, he, as her Royal Highness's principal legal adviser, would recommend to her to adopt a course, of which the suggestion then made by him should form the basis. From these circumstances, it is not unreasonable to infer that Mr. Brougham must then have believed that it would be prudent in his royal client to purchase an income for life, at the price of renouncing the splendor of the royal dignity which awaited her, and of exiling herself for ever from that country, the throne of which she might have anticipated sharing at no very distant period. It is not to be supposed that Mr. Brougham would have, wantonly and unadvisedly, recommended to Her Royal Highness to

sacrifice her high and valuable rights and privileges, and to have received as compensation a paltry annuity, falling far short of the amount of income enjoyed by many a British merchant, unless he had possessed a knowledge of facts and circumstances which induced him to think that the basis of negotiation proposed by him, would be advantageous to his royal client. Indeed, the conduct of Mr. Brougham on this occasion does appear altogether extraordinary, and is such, as without some explanation, which has never yet reached the public, cannot be understood. That part of the transaction not the least extraordinary, is, that Mr. Brougham, an unauthorized agent, as he declares himself to have been, should have commenced, of his own accord, a negotiation by which a royal title, and a claim to share the first throne for magnificence and power in Europe, was to be bartered away. To say that such a course of proceeding on the part of the agent was presumptuous, is not to apply to it too strong an epithet.

Connected with this transaction, appears to be the journey which the Princess of Wales, in the month of September, 1819, took to Lyons, avowedly to meet Mr. Brougham. She waited for him in France some time; but although, at this season of the year, neither his professional nor his parliamentary duties could have interfered to prevent his going to the continent, he permitted her Royal Highness to wait in vain; and, at length wearied out, and finding that there was no chance of a personal interview with her legal adviser, she, on the 26th of January, 1820, quitted Toulon and returned to Leghorn. Thus, at a certain time, we have a proposal made by Mr. Brougham to the Prince-Regent's government, on behalf of, but unauthorized,

as he asserts, by the Princess of Wales. Shortly after such proposition is made, Her Royal Highness is found at Lyons, waiting in expectation of consulting personally with her legal adviser; she passes several weeks there, in expectation of seeing him. Is it not strange, that, under such circumstances, no communication should be made to Her Royal Highness by Mr. Brougham, relative to what had passed between him and Lord Liverpool? yet there is no record of any such communication. In fact, the agreement, in point of time, between Mr. Brougham's proposal and the Princess's journey to France, with the avowed purpose of consulting personally with him, does afford a strong presumption that those two events were not entirely independant of, or unconnected with, each other.

By the accession of the Prince-Regent to the throne, which event took place on the death of George III., on the 29th of January, 1820, Her Royal Highness had become, *de facto* and *de jure*, queen of England; and the necessity of determining what line of conduct should be adopted towards her was become imperative. The general opinion, founded on the reports current in the highest quarters at this time, was, that the king wished at once, and promptly, to adopt decisive measures, and to take steps for obtaining a divorce. To this course ministers were opposed, but the king was obstinate; he would not bend; and it was reported, and indeed currently believed, that ministers, being equally firm, resigned, and that their resignations were accepted. An attempt was made to form a new administration, having at its head the Marquis of Wellesley; but the noble Marquis could not succeed in forming a cabinet. The king was obliged to submit; Lord Liverpool and his colleagues resumed office; and

his majesty abstained from taking any immediate steps, with a view of dissolving his matrimonial ties.

The grounds of policy on which ministers declined commencing proceedings against the queen, and even opposed themselves to the declared wishes of their sovereign, may be easily discovered. However strong their own opinion might be of her majesty's guilt, they were fully aware of the difficulty there might be in establishing that guilt by legal evidence. The king was not at this time popular, and the opinion of the public was, that his conduct towards his wife, especially immediately after his marriage, had not been in perfect accordance either with the rules of morality, or with the dictates of a generous feeling. If she were attacked, there was little doubt that she would recriminate on him, and the scenes which would be thus forced on the world could have only one effect—that of degrading the Crown in public estimation, and exciting ferment in the mind of the populace. Some part of the public would adhere to her, for the purpose of annoying ministers; others from animosity towards the king; another, and a most mischievous party, from a wish to overturn the constitution of the country; and a fourth party would embark in her cause, from the influence of pity for a persecuted, or prosecuted female; and, it is not improbable that this latter feeling had some influence with ministers themselves. A prosecution against her, for her supposed improper conduct, would be no less than to put her on trial for her life; and it is not surprising, that those ministers, who, in former times, protected her against very grave charges, should be averse to take steps of such severity against a daughter of the house of Brunswick. They appear, indeed, to have been convinced that her conduct had been such as

to render it improper she should be allowed to preside over the Court of England; but the question with them was not—Shall we, or shall we not, commence criminal proceedings against the wife of the sovereign? They considered they had merely to decide, Shall we wantonly or unnecessarily commence criminal proceedings against her? Or shall we allow her to lead an obscure life in foreign countries, not formally deprived of the crown, yet sharing in none of its real privileges; disgraced herself, but placed in a situation which rendered her incapable of disgracing the throne? That she would consent to some such arrangement they had every reason to suppose, forming their opinion upon the proposition already made by Mr. Brougham, which, even if unauthorized by her, a point on which they probably entertained some doubt, shewed thus much; namely, that her principal professional adviser thought it would be wise in her, and that probably she would not be unwilling, to agree, in consideration of a liberal annuity, to spend all her days abroad, and to abstain from assuming the royal style of England. The line of policy which they adopted cannot, therefore, be condemned, as altogether unwise, impolitic, or illiberal, towards the unfortunate person most immediately interested. Believing her guilty, they could not consent to her being permitted to take her station here, at the head of our wives and daughters; that enough would be done if she consented, as Mr. Brougham appeared to think she would, to live in comparative obscurity abroad; and that, therefore, it would be needless and most unwise to tamper with the public peace and morals of the people, by the indecent exposures which would be inevitable, if steps were taken to obtain a formal divorce, while all the essential good which

could be obtained by such a public exposure would be effected by the more gentle and less hazardous means which they proposed to adopt.

Acting upon these principles, the only decided step which they took, was the omission of her name in the liturgy. This was a necessary result of the line of policy which they had adopted, inasmuch as, although they did intend to bring her to an open trial, yet neither did they design in any way to treat her as queen. Mr. Brougham, we have already seen, did not remonstrate against this omission; on the contrary, he spoke of it, in his place in Parliament, as "a trifle, light as air;" and, from what he said, when Mr. Hume injudiciously endeavoured to bring the question under discussion, it is evident that he still thought, and earnestly desired, that an amicable arrangement might be effected between her majesty and the government. The fact is, that in the month of February some negotiations did take place between Lord Liverpool and Mr. Brougham, and in the course of these negotiations no intimation was thrown out by Mr. Brougham, that the change in her majesty's position would create any difficulties in the way of an amicable arrangement of the question. On the subject of the omission of her majesty's name from the liturgy, Mr. Brougham stated, that the manner in which the form of prayer had been arranged, and the omission of the name of His Royal Highness the Duke of York as heir-presumptive to the crown, as well as the queen's name, seemed to him to remove any unfavourable inference which might otherwise have arisen with respect to her majesty, and therefore put an end to all objections, or ground of complaint, on that subject. He, therefore, avowed his readiness, not merely to submit to her majesty a proposal formed

upon the basis which he had before suggested, but also to recommend it to her acceptance. A memorandum was accordingly drawn up, containing the terms which the government were inclined to grant to her majesty, and which were the same as those mentioned by Mr. Brougham in his communication with Lord Liverpool in the preceding year, except that instead of £35,000, the proposed annuity was £50,000. This memorandum was transmitted by Lord Liverpool to Mr. Brougham on the 15th of April, to be by him communicated to and recommended to her majesty's acceptance.

The memorandum was accompanied by a letter from Lord Liverpool, which contained the following sentence :—“ On her majesty's consenting to an engagement upon the above conditions, Mr. Brougham is desired to obtain a declaration to that effect, signed by herself; and, at the same time, a full authority to conclude, with such person as his majesty may appoint, a formal engagement upon these principles.”

The conduct adopted by Mr. Brougham, after receiving this important document from Lord Liverpool, has been the subject of much comment, and given rise to great difference of opinion. Instead of communicating its contents, either personally or by letter, to her majesty, he kept it by him for a considerable time; not communicating with ministers on the subject, or forwarding to Lord Liverpool the slightest hint that any change in the sentiments of her majesty, or in his own opinion, which might operate to interfere with the progress of the negotiation, had taken place. When pressed in Parliament for an explanation on this point, his defence has always been weak and unsatisfactory. He has contented himself with stating, that he could not be



absent from the House more than six or seven days, a time not sufficient for a visit to the other side the Alps; and that, if dispatch was absolutely necessary, Lord Liverpool might have chosen some other channel of communication. It is, however, quite evident, that it was most desirable, if not absolutely necessary, that the proposal of the king's government should be made through her majesty's attorney-general. He it was who originally suggested the terms of that proposal; he had approved of it, and had engaged to recommend it to the acceptance of his royal mistress. The same offer, conveyed to her majesty by a stranger, would have borne a very different aspect, and would have had a very different chance of ultimately terminating in an amicable arrangement. It is evident, therefore, that Lord Liverpool chose the proper and the best channel of communication; Mr. Brougham undertook to make the communication, but he neither made it, nor does it appear that he informed the government of his having neglected to do so. If his personal attendance on his royal mistress really was, as he has stated, inconvenient or impracticable, still he might have communicated the proposal of the government to her by letter or otherwise; have advised her acceptance of it, and obtained from her the powers necessary for coming to a final arrangement. It has been said, in defence of Mr. Brougham's conduct, in delaying to forward the proposition of government to her majesty, that the terms of it were harsh and unreasonable; but how stands that part of the question? The terms were originally suggested by Mr. Brougham, as fit and proper to be offered to the Princess of Wales, and if it would have been advisable and prudent in the Princess of Wales to have agreed never to have assumed the royal title, there could be nothing unreasonable in

proposing to her, after the crown had descended to her husband, that she should abstain from using the style of queen.

At all events, it is important to recollect, that, on the 15th of April, Mr. Brougham received the memorandum containing the terms that were offered to her majesty. They did not appear to him at that time either insulting, harsh, or extravagant; they excited in his mind neither indignation nor contempt. He considered that they were such as might not only be laid before his royal mistress with propriety, but such as she would do well to accede to. In short, he received the propositions; he kept the memorandum of them; he undertook to communicate them to the queen, and it was understood that he would recommend to her majesty to accept them. They were, therefore, sanctioned by his deliberate approval; and, if ministers were liable to any blame, for not having conceded to the queen the full enjoyment of all the privileges, legal and honorary, attached to her rank, Mr. Brougham must submit to bear a portion of that blame with Lord Liverpool and his colleagues.

It is true, indeed, that on the day before he set out for the continent, accompanied by Lord Hutchinson, he wrote a letter to Lord Liverpool, stating that he could give no opinion on the proposals transmitted through him, till he had seen her majesty; and that he could not pledge himself, that, after hearing her case, he would not advise her to come home immediately. But this letter cannot overthrow the facts which preceded it; indeed, it is in itself a fresh proof, that he looked upon himself as the organ of negotiation with the queen, and that, so far as he was then acquainted with her situation, the terms offered her were not objectionable.

In the mean time, her majesty remained in Italy,

without shewing any intention of returning to England. No information had been sent to her of the death of George III. ; she first learnt that, to her, melancholy event, from the public journals ; and it was in the same way that she gained information of her name having been omitted in the Liturgy. On learning the news of the King's death, and the accession of George IV. to the throne, the Queen set out for Rome, which city she reached the latter end of February. On her arrival in the capital of the Papal dominions, she applied for a guard-of-honour, as Queen of England. In answer to her application, Cardinal Gonsalvi stated, by letter, that, "as no communication had been made on the subject to the Papal government, by the King of England and Hanover, or his ministers, his Holiness did not know that the Queen of England was in Rome, and, in consequence, could not grant her a guard-of-honour."

Whilst these events were passing in Italy, reports were circulated in England, and credited also, that her Majesty's arrival might be daily expected ; indeed, so strong was the opinion entertained on this subject, that, on the 18th of April, it was announced in the metropolis, that her Majesty had reached Calais, and would be at Dover in the course of the day. Her Majesty was not, however, so hasty in her movements. After a protracted stay at Rome, she at last set out for Milan, where she stopt several days before she proceeded to Geneva, which place she reached on Tuesday, the 9th of May. There she remained for some time, detained, as was reported, by indisposition ; but, probably, uncertain as to the step she should next take. Whilst there, she sent Vassali to London, with letters for Mr. Brougham, requesting him to meet her

at Geneva; or, if so long a journey was inconvenient to him, at one of the sea-ports of France; so that not even at this time does she appear to have been very anxious to reach England. Upon Vassali's arrival in London, a consultation is said to have been held by Mr. Brougham and Mr. Denman, at which some other of the Queen's friends assisted. Mr. Brougham, on this occasion, stated that he could not, consistently with his professional duties, go so far as Geneva; and, further, that many difficulties would be thrown in the way of negotiation, if her Majesty remained at such a distance. It was, therefore, determined that Vassali should immediately return to Geneva, with an humble request that her Majesty would lose no time in proceeding to Calais, or some other French port, from whence she could more easily communicate with England, than she could possibly do from Geneva. At this time, also, Mr. Alderman Wood, accompanied by Lady Anne Hamilton, set out to meet her.

The departure of Alderman Wood and Lady Anne Hamilton to join her Majesty, and the reports which daily reached England of the Queen's progress towards the coast, revived the expectations of many persons here of her speedy arrival in this country. Much doubt of her Majesty's return to England was, however, still entertained by many; at length, all speculation on that subject was put an end to, by a statement made by Mr. Brougham, who had, on the third day of Easter term, taken his seat within the bar, as her Majesty's attorney-general; and, now, in addressing the Court of Chancery, on the 18th of May, said, in reference to an answer which her Majesty was called on to make to a bill then pending, that her Majesty's answer would be put in immediately on her return

to England. The bill thus alluded to by Mr. Brougham was entitled "The Earl of Liverpool and Count Munster v. her Majesty the Queen, Thomas Coutts, Esq., and Others." Application had been made, on behalf of her Majesty, to the noble plaintiffs, as the executors of the Duke of Brunswick, calling on them to deliver up to her two instruments executed by her brother, the late Duke of Brunswick, acknowledging himself to be indebted to her in the sum of £15,000, which he had received from her as a loan. The attorney-general had previously moved for, and obtained an injunction, restraining the defendants from delivering up to her Majesty, or to any other person on her behalf, the documents in question. This was the first time on which Mr. Brougham had publicly appeared in the character of her Majesty's attorney-general.

From Dijon, her Majesty had despatched a courier, charged with a letter to Mr. Brougham, in which she informed her attorney-general, that it was her intention to be at St. Omer's on Wednesday, May 31st, (but she did not reach that place till Thursday, the 1st of June,) and requesting him to meet her, that they might confer upon the step which she was about to take in immediately proceeding to England. At the time of the departure of this courier, her Majesty had not been joined by either Lady Hamilton or Alderman Wood, although she had received letters from them, announcing their intention to meet her on the road; and, on the 7th of June, they did join the Queen at Monthard. Her Majesty received the worthy Alderman and her Ladyship with great condescension, and expressed much pleasure at their arrival; and, in consultation with the Alderman, she repeated her de-

termination to proceed immediately to England, there to assert her rights as Queen, and to meet the malevolence of her secret enemies.

In pursuance of this plan, she wrote letters to the Duke of York, the Earl of Liverpool, and Lord Melville. Her letter to Lord Liverpool contained a demand, that a palace should be assigned to her as a residence, and prepared for her immediate reception. That to Lord Melville, required of his Lordship, as first lord of the admiralty, that a royal yacht should be dispatched to Calais, to receive her on board, on a day which she named, and to convey her to England. And, in her letter to the Duke of York, she repeated both those demands; and to his Royal Highness she protested, in strong language, against the manner in which she had been treated.

These letters having been dispatched to England, her Majesty and suite pursued their route to St. Omer's, where they arrived, after a tedious voyage. Mr. Brougham had previously communicated to his royal mistress, his intention of being at St. Omer's ready to receive her; circumstances, however, occurred which prevented his reaching that place until two days after her Majesty, namely, on the Saturday evening. He was accompanied by his brother and Lord Hutchinson. They were most graciously received by the Queen; and Lord Hutchinson announced that he had a proposition to make to her from the King; but her Majesty declared that it was her determination to abstain from taking into consideration any proposal, or giving any answer, till she arrived in England. In this state, things remained till next day, and preparations were made for the Queen's departure for Calais, in order to her embarkation on board a packet, no yacht having been sent, or answer given to her application

for one. On the following morning (Sunday), however, Lord Hutchinson stated the object of his mission, which was to propose, on the part of his Majesty, that a pension of £50,000 per annum should be settled on her Majesty, upon condition that she should renounce her title of Queen, refrain from using the name of the royal family of England, and never return to this country; and, in the event of her not acceding to those terms, she was told, that, immediately on her placing her foot on the British shore, a message would be sent down to Parliament, and in all probability proceedings would be instituted against her. These propositions the Queen heard with great indignation; immediately quitted the room, and was soon after on her road to Calais, accompanied by Alderman Wood, Lady Anne Hamilton, and the other persons comprising her suite. On the following day she embarked on board the Prince Leopold; her carriage and luggage were shipped on board the Lady Jane packet, and both vessels sailed at half-past six the next morning. Lord Hutchinson and Mr. Brougham had been left at St. Omer's; and, when on her road to Calais, the Queen met a courier from London, who was proceeding with all speed to St. Omer's, with dispatches for both those individuals.

The following is a more particular detail of the circumstances attending the mission of Lord Hutchinson and Mr. Brougham to her Majesty, at St. Omer's, and the failure of which proved, afterwards, so fatal to the happiness, and even the existence, of that unfortunate princess:—Mr. Brougham, accompanied by Lord Hutchinson, quitted Dover for the Continent, on the afternoon of Friday. They reached Calais in a few hours, and, on the Saturday morning, proceeded to St. Omer's. Mr. Brougham,

as is well-known, went professionally as the adviser of the Queen; Lord Hutchinson, as the friend of the King, and the bearer of proposals from his Majesty, as well as from the government. On their arrival at St. Omer's, Mr. Brougham was first introduced to her Majesty, who was taking coffee; after a few complimentary observations on both sides, Mr. Brougham announced to the Queen, that Lord Hutchinson, who had formerly been a warm friend of her Majesty, and who was now a confidential friend of the King, had come, in the spirit of sincere friendship, to both, to make some proposals in his Majesty's name. The Queen immediately answered, that she should be most happy to see Lord Hutchinson forthwith; his Lordship was accordingly introduced, and took coffee with her Majesty, who conversed on indifferent subjects, till his Lordship rose to go away; when her Majesty said, that, as she understood he had some proposals to make to her from the King, she would wish to see them in writing, and without delay. In consequence of this request, Lord Hutchinson wrote the following letter to Mr. Brougham, as the official adviser of her Majesty:—

“SIR,—In obedience to the commands of the Queen, I have to inform you, that I am not in possession of any proposition or propositions, detailed in a specific form of words, which I could lay before her Majesty; but I can detail to you, for her information, the substance of many conversations held with Lord Liverpool.

“His Majesty's ministers propose, that the sum of £50,000 per annum be settled on the Queen for life, subject to such conditions as the King may impose. I have also reason to know, that the con-



dition likely to be imposed by his Majesty are, that the Queen is not to assume the style and title of Queen of England, or any title attached to the royal family of England. A condition is also attached to this grant, that she is not to reside in any part of the United Kingdom, or even to visit England. The consequence of such a visit will be an immediate message to Parliament, and an entire end to all compromise and negotiation. I believe that there is no other condition; I am sure none of any importance. I think it right to send you an extract of a letter from Lord Liverpool to me; his words are—'It is material that her Majesty should know confidentially, that, if she shall be so ill-advised as to come over to this country, there must be an end to all negotiation and compromise. The decision, I may say, is taken to proceed against her as soon as she sets her foot on the British shore.' I cannot conclude this letter, without my humble, though serious and sincere application, that her Majesty will take these propositions into her most calm consideration, and not act with any hurry or precipitation on so important a subject. I hope that my advice will not be misinterpreted. I can have no possible interest which would induce me to give falacious counsel to the Queen. But let the event be what it may, I shall console myself with the reflection, that I have performed a painful duty imposed upon me, to the best of my judgment and conscience; and in a case, in the decision of which the King, the Queen, the government, and the people of England are materially interested. Having done so, I fear neither obliquy nor misrepresentation. I certainly should not have wished to have brought matters to so precipitate a conclusion, but it is her Majesty's decision, and not mine. I am

conscious that I have performed my duty towards her with every possible degree of feeling and delicacy. I have been obliged to make use of your brother's hand, as I write with pain and difficulty, and the Queen refuses to give any—even the shortest delay. I have the honour to be, with great regard, Sir, your most obedient humble servant,

“HUTCHINSON.”

Mr. Brougham lost no time in presenting the letter of Lord Hutchinson to her Majesty, who, the moment she had read it, expressed the utmost indignation, and appealed to Mr. Brougham for his opinion. Mr. Brougham observed, that, certainly those were not the terms he should counsel her Majesty to accept; at the same time, he begged her Majesty to consider what terms she did require. Her Majesty best knew what was befitting her real situation. The Queen promptly replied—“My determination is soon formed; I shall set out immediately for England,—it is in London, and London alone, that I shall consent to consider any proposition of the King of England.” Her Majesty then requested Alderman Wood, whose kind assistance she had hitherto so frequently experienced, to order horses to be immediately put to the carriages, and to dispatch a courier to prepare horses on the road between St. Omer's and Calais; she was particularly anxious on this last point, having, evidently, a strong apprehension that the French government might endeavour to intercept, or, at least, to retard her journey to the coast, by refusing horses. At half-past five she left St. Omer's, in company with Lady Anne Hamilton; her female attendants followed in another carriage; and a third carriage contained Alderman Wood, his son, and Young

Austin. Mr. Brougham did not make his appearance, even to hand her majesty to her carriage; Lord Hutchinson also remained out of sight; thus, the professional friend of the queen, and the confident of the king, were left behind, to mingle reflections on the event that had just taken place. From these circumstances, it might have been supposed that some difference of opinion had taken place between her majesty and her attorney-general, and that she had preferred to follow the advice of Alderman Wood. We know not how this might have been, but certain it is, that Mr. Brougham could have been no party to, or, indeed, at all aware of the terms which Lord Hutchinson was instructed to offer to her majesty; with his acuteness, he would at once have anticipated that, putting all views of insult and degradation out of the question, if her majesty was guilty of the offences with which she was charged, she had no right to receive £50,000 annually from the people of this country; and if, on the contrary, she was innocent of the charges brought against her, then no human being living had a right to call on her to renounce her claim to her just titles, privileges, and dignity, to which, as the wife of the king of these realms, she was justly entitled. In fairness to Mr. Brougham, it must also be observed, that although Lord Hutchinson and he travelled in the same carriage, the former had never, in the most distant manner, hinted at the nature of the terms which he was instructed to offer to her majesty for her acceptance of them, until they were mentioned by his lordship in the presence of the queen. Lord Hutchinson is described by a spectator, at both interviews with her majesty, but especially at the last, to have been so agitated as to be scarcely able to articulate;

whilst the queen was, on the contrary, high-spirited, firm, and decisive throughout.

It is not our intention to follow her majesty in her progress from the French shore to the British metropolis; our task here is not to write a history of Queen Caroline, but to sketch a brief memoir of her eloquent, and, as he proved himself throughout the strict investigation to which the conduct of that unfortunate lady was subjected by her opponents, her powerful and unflinching advocate; and, in doing this, it becomes necessary that we should, with as much brevity as is consistent with intelligibility, notice those portions of the proceedings, both in and out of Parliament, relating to her, in which, as her principal legal adviser, Mr. Brougham took a part. As we have already stated, her majesty quitted Calais on the 5th of June, and at one o'clock on that day she first placed her foot on British ground, as Queen of England. Her reception at Dover, Canterbury, Sillingbourn, Rochester, Chatham, and, indeed, her entire progress along the road, from her landing to her arrival in the capital, presented a triumph of popular opinion, and an enthusiastic display of love and devotion towards an individual, of which we know no parallel instance. On her arrival in the metropolis, which she did on the evening of that day, her majesty proceeded at once to the residence of Mr. Alderman Wood, in South Audley Street, where she took up her temporary residence.

On the day subsequent to that of her majesty's arrival, namely, on the 6th of June, 1820, Lord Liverpool brought down to the Peers the following message from the king:—

“ G. R.—The king deems it necessary, in con-

sequence of the arrival of the queen, to communicate to the House of Lords certain papers, relative to the conduct of her majesty since her departure from this country, to which his majesty recommends the serious and immediate attention of the House. The king has felt a most anxious desire to avert, by all the means in his power, a necessity as painful to the people as to his own feelings ; but the step taken by the queen leaves him no alternative. The king feels the utmost confidence, in making this communication, that the House of Lords will adopt that course of proceeding which the justice of the case, and the honour and dignity of his crown require."

Lord Liverpool then presented the papers alluded to in the message ; they were contained in a green bag, which was sealed up. His lordship stated, that he intended to propose that his majesty's most gracious message should be taken into consideration the following day. In the other House of Parliament, the proceedings possessed more interest. Lord Castlereagh brought down a message from the king, similar to that delivered in the Lords, and his lordship also deposited on the Speaker's table a green bag filled with papers, and securely sealed up. He stated, that he should on the morrow move that the papers which he had laid on the table should be referred to a secret committee for examination.

Mr. Bennett.—Mr. Speaker, seeing no member near me disposed to put a question to the noble Lord, and with a full conviction of my own humility, I still feel most anxious to know from him, whether a letter which has this day appeared in one of the public journals, and which purports to be a letter from Lord Hutchinson to the legal adviser of the Queen of England, is, or is not, a genuine docu-

ment? Whether Lord Hutchinson had instructions from the minister of the Crown to call upon the Queen of England to lay down her right and title—a right held by the same constitutional securities as the right of the king himself—for a bribe of £50,000 a-year? I do feel most anxious to have an answer to this question; because, hardy as I know his majesty's ministers to be—so hardy, to use the words of my Right Honourable Friend Mr. Tierney, as even to betray the king and insult the queen; I still cannot believe, that even they will venture to authorize such a proposition,—a proposition, for which there are no words strong enough to convey an adequate impression. To call it treason to the monarchy, might be considered as extravagant, but I cannot consider it as any thing less than an act of treachery towards the throne of Great Britain.

Lord Castlereagh could not help admiring the peculiar temper under which the honourable member rose to put his question. It must be felt by the honourable member as a most auspicious state of mind, under which to discuss one of the most grave and important questions, perhaps, ever submitted to the sober and deliberate consideration of Parliament; a consideration in which was involved no less than the dignity and honour of the Crown, and the peace and tranquillity of the country. With such an impression of that most grave and important deliberation, the honourable member must allow him to say, that even out of tenderness to him he would decline answering the question. Mr. Beaumont did not consider the question put by his honourable friend as at all calculated to throw any impediment in the progress of the course proposed to be adopted by the noble lord.

Mr. Creevy said, so convinced was he of the pro-

priety of the question, put, with so much feeling, by Mr. Bennett, that had it not been put, it was his intention to have moved for the production of the papers connected with the late negotiation at St. Omer's. The Queen of England was to be prosecuted now, for what? why, for having dared to set her foot in England.

Sir R. Wilson said, there never was a message so calculated to excite the most serious impressions, as that communicated from the throne that evening. He trusted, however, that pending the prosecution, it would be felt a paramount duty to protect the queen from any further indignity. He particularly adverted to the indignity of compelling the Queen of England, when she arrived at Calais, to sail in a common passage-boat; to hoist the standard of England in a hired conveyance. Was it no indignity that the Queen of England had no roof, no asylum, no house to which she could go, but has been obliged to accept the hospitality of a honest individual, a humble subject of his majesty.

Lord A. Hamilton enumerated the various insults to which the queen had been subjected, by the measures adopted towards her since the death of the late king. Amongst other outrageous and illegal acts adopted towards her, as he must assume, by the advice of the present ministers, was the gross insult of excluding her majesty's name from the liturgy. This proceeding was contrary to the first principle of English law and justice; it was, in fact, condemning a person unheard. By this act, the queen of these realms has been deprived of a privilege not denied to the poorest and meanest of her subjects.

Mr. Denman censured, in very strong terms, the cold, calculating, temperate, manner and tone in

which this important proceeding had been commenced by his majesty's government: a proceeding full of such weighty consequences, not only to the illustrious lady most nearly concerned, but also as regarded the people at large, the tranquillity of the country, and the security of the monarchy.

Mr. Brougham, at the present moment, would not enter into the merits of the subject, even at the length at which his honourable and learned friend had done. Unhappily—he said this unfeignedly—unhappily, not only for the illustrious parties concerned, for that House, for Parliament, and for the country, a resolution appeared to have been taken, which rendered any longer silence on the subject almost impossible. The time had, at length, arrived, when all men would be called upon to make up their minds upon this most important question, and when his lips would be unsealed from that silence which he had hitherto observed. At present he should only say, and it was but fair to give the noble lord this warning, that, in his opinion, at least, as a member of Parliament, his majesty's government would have not only to perform and succeed in the task of proving a strong case against her majesty, but to succeed in another task, foremost in point of time, and of paramount importance, that of clearly and satisfactorily convincing the House and the country that there was no longer any possibility left of postponing or suppressing the discussion of this question. In what way soever the merits of this case were decided, in his view of it, he thought that decision a question of inferior importance, compared with that of shewing that the mere fact of her majesty's landing in this country rendered all further forbearance absolutely impossible. This was so manifest, that he should be



wasting the time of the House, were he to urge the point any further. He took it for granted, that the noble Lord and his colleagues had addressed themselves to this consideration, and were prepared to stake their places on the event. He would only add, in his own justification, and in justification of a noble lord who accompanied him upon a recent occasion, that since his entering the House that evening, he had read, with very great astonishment, in one of the public newspapers, a long statement, purporting to be an account of what passed at St. Omer's, which, he repeated, in justification of himself and the noble Lord, who was still absent, was, in many respects, a most inaccurate, and in some material particulars, a very garbled statement. Through what channel this statement had been made public, or through what breach of confidence the subject had obtained this very extraordinary degree of premature publicity, it was not for him to determine; and it was hardly necessary for him to add, for the House would not, he was convinced, suspect him of so much indiscretion, that not one tittle of these premature disclosures had transpired with his sanction, or concurrence.

On the motion of Lord Castlereagh, it was then ordered that the papers contained in the bag, delivered by his lordship at the table, be kept in the custody of the Clerk of the House.

Thus was passed the Rubicon, and thus commenced, before Parliament, these extraordinary proceedings—proceedings unprecedented in the history of this country, and which created, and for a period of many succeeding months, kept up an excitement in the public mind, not only in the metropolis and its immediate neighbourhood, but throughout every part of the United Kingdom, which, at one time, went

nigh to destroy the public tranquillity, and to shake to their foundation the monarchy and the throne. By whose advice the letter addressed by Lord Hutchinson to Mr. Brougham, during the celebrated negotiations at St. Omer's, was made public, has never yet been clearly demonstrated; though little doubt remains on the mind of any one, that it was with the sanction and through the medium of the individual who, at that time, rendered himself so conspicuous as the private friend and zealous partizan of the unfortunate and ill-advised Caroline. But, although it may never become matter of record, as an established fact, by whose advice, and through whose means, the letter of the noble Lord found its way into the columns of the daily journals, the effect produced by the disclosures thus prematurely made, are no longer matter of doubt. The injudicious publication of that ill-advised (to characterize it by no harsher epithet) document, and the precipitate journey of the queen to this country, at that critical moment, annihilated every chance of prolonged negotiation, and rendered any further effort on the part of those wiser counsellors who still advised forbearance, and the avoidance of further publicity between the illustrious individuals most nearly concerned, impossible.

The reputation which Mr. Brougham had acquired, both in Parliament and at the Bar, as being the chosen or voluntary champion of the defendants in all those prosecutions in which the influence of the government, or the gross subserviency of the Crown lawyers, sought to stifle public opinion, had made him exceedingly popular in the country. It was, therefore, natural that the friends of the queen should have advised her majesty to select him as her chief defender in the prosecution now about to

be instituted against her. In that character he had been summoned by his illustrious client, to attend her, as we have already stated, on the continent, immediately after the death of George III. The delay which occurred, on his part, in joining her majesty, the circumstance of his travelling to St. Omer's in company with Lord Hutchinson, the friend of the king, and the bearer of propositions, so derogatory, as it was said, to the queen's honour, the coolness with which he was represented to have received the announcement of those propositions by Lord Hutchinson; and, ultimately, the departure of her majesty from St. Omer's, accompanied by Alderman Wood alone, whilst Mr. Brougham remained behind with the king's friend, unnoticed, as it appeared, by his royal mistress, and negligent, on his part, of the respect and attention which he was bound to pay her, gave rise to rumours, apparently not wholly void of foundation, that her majesty's attorney-general had ceased to be actuated by that energy which had previously given animation to his exertions in the cause of his royal mistress. Subsequent events, however, proved there was no foundation for these doubts. There might be great difference of opinion about that most unhappy and disgraceful affair; there could be but one impression of the conduct of the champion of the queen. Mr. Brougham's early efforts to procure an amicable adjustment of the dispute told greatly to his advantage with all moderate persons, who were even disposed to be *King's men*; and his able, zealous, and uncompromising advocacy of the cause in which he was compelled to embark, by the mad step on which the reluctant government were thrust by the passions and inflamed personal feelings of the king, and the evil counsels of a handful of parasites, men and

women, of the Court, completed his triumph. When the queen, rejecting the offer which Lord Hutchinson was empowered to make her, at St. Omer's, as we have seen, and Lord Castlereagh brought down the famous green-bag, and the royal message, and laid them on the table of the House of Commons, Mr. Brougham still deprecated the measure as altogether impolitic and unwarranted; and, to give time for adjustment, advised delay even of the preliminary discussion. But no moment was lost by the fore-doomed government; Lord Castlereagh made his *exposé*, and the trial proceeded.

The gigantic efforts of Mr. Brougham at this crisis, throw every other period of his life into the shade. In this cause his whole mind, and soul, and heart, were embarked. He appeared, for the time, like a man inspired—carried out of himself, and sustained by the strength of a mighty purpose, under difficulties which would have crushed even the physical energies of a man less powerful in intellect, less excited, and less devoted. The speeches of Lord Brougham upon that memorable trial alone would fill a volume. Those who heard them spoken aver that, wanting the inspiration of tone, attitude, eye, and voice, the effect of those orations is comparatively cold and flat; and that may be; yet, who can ever forget how these words of power reverberated throughout this land, rousing its million echoes to its loneliest extremity. Some specimens of Mr. Brougham's eloquence on this trial we shall give. His speeches then possessed that quality in which his oratory is generally felt most deficient—the power of touching the hearts, as well as affecting the minds of his auditors. Returning from this digression, we shall now resume our narrative.

On Wednesday, the 7th of June, Lord Liverpool

moved the order of the day for taking into consideration his majesty's most gracious message. His lordship said, the course he should propose to adopt would be, after moving the address to his majesty, thanking him for his gracious communication, to move for the appointment of a secret committee, for examining the papers presented to the House relative to the conduct of the queen. This course was opposed by Lord Holland, and supported by Lord Lansdowne, Lord Donoughmore, and the Lord Chancellor. The latter learned Lord said, a secret committee was intended to protect innocence; in fact, what were the grand juries of the country but secret committees. If the committee reported that a judicial proceeding should be had, he knew how to deal with it. If, on the contrary, it reported that a legislative proceeding should be adopted, he should know how to treat that also. But if, in this case, there must be a trial, God forbid it should not be public.

The motion for the appointment of a secret committee was then agreed to; and the 8th of June was named as the day when the ballot for the committee should take place.

## CHAPTER IX.

WHILST these proceedings were going on in the Lords, the queen, acting on the advice of her council, addressed the following message to the House of Commons :—“The queen thinks it necessary to inform the House of Commons, that she has been induced to return to England, in consequence of the measures pursued against her honour and her peace for some time past, by secret agents abroad, and lately sanctioned by the conduct of the government at home. In adopting this course, her majesty has had no other purpose whatsoever, but the defence of her character, and the maintenance of those just rights which have devolved upon her by the death of that revered monarch, in whose high honour and unshaken affection she had always found her surest support. Upon her arrival, the queen is surprised to find that a message has been sent down to Parliament, requiring its attention to written documents; and she learns, with still greater astonishment, that there is an intention of proposing that these documents should be referred to a secret committee. It is, this day, 14 years since the first charges were brought forward against her majesty. Then, and upon every occasion during that long period, she has shewn the utmost readiness to meet her accusers, and to court the fullest enquiry into her conduct. She now, also, desires an open investigation, in which she may see both the charges and the witnesses against her—a privilege not denied to the meanest subject of the realm. In the face of the sovereign, the Parliament, and the country, she solemnly protests against

the formation of a secret tribunal to examine documents, privately prepared by her adversaries, as a proceeding unknown to the laws of the land, and a flagrant violation of all the principles of justice. She relies, with full confidence, on the integrity of the House of Commons, for defeating the only attempt she has any reason to fear.

“The queen cannot forbear to add, that even before any proceedings were resolved upon, she was treated in a manner too well calculated to prejudice her cause. The omission of her name in the liturgy; the withholding the means of conveyance usually afforded to all the branches of the royal family; the refusal even of an answer to her application for a place of residence in some one of the royal mansions; and the studied slight, both of English ministers abroad, and of the agents of all foreign powers over whom the English government had any influence, must be viewed as measures designed to prejudice the world against her, and could only have been justified by trial and conviction.”

The reading of the message was accompanied by the most profound silence; the passage in which her majesty demanded an open enquiry, being the only one upon which any sensation was displayed. That demand was received with loud cheering from every part of the House.

Immediately after the reading of the queen's message, Lord Castlereagh rose to move the order of the day for taking into consideration the message of his majesty. After some preliminary observations, the noble Lord said he must, *in limine*, protest against the insinuations which had been thrown out against ministers, of having come down to Parliament either in the spirit of persecution, or of prosecution. Never had a more gracious communi-

cation, he would contend, been made by the sovereign to Parliament, than was that sent down by his majesty, and now under their consideration. The king sought their advice; but, until the House had ascertained the nature of the information to be laid before them, how was it possible for them to give that advice? His majesty's ministers now sought to obtain the information to which he referred, and, as the most convenient and the most delicate mode of obtaining it, so far as the illustrious individuals most nearly interested in the question were concerned, they recommended the proceeding by a secret committee. They countenanced no mode of accusation against the illustrious lady, whose message had just been read from the chair, or against the humblest of his majesty's subjects, in which the fullest publicity did not form a part, or in which the accused was not allowed every opportunity of examining and cross-examining those who supported the charge, and of rebutting the accusation, by means of all those safeguards of personal liberty, which spring from the spirit of public justice. The result of an investigation by a secret committee would not decide the guilt or innocence of the illustrious individual charged, or at all affect the merits of the ultimate question. The enquiry of the committee, however, he should contend, ought, in justice to her majesty, to be secret, though he should strongly recommend that her majesty's attorney and solicitor-general should both be present during the investigation, upon the result of which would depend the course to be adopted in future upon this most important question. He could assure the House, and honourable gentlemen opposite, that no person could consider the step, which ministers had considered it their duty to adopt



on this occasion with more pain than he did; but the duty had arisen, and however painful it might be to personal feeling, her majesty's servants had felt that they could not shrink from the performance of it. The conduct of his majesty on this subject was clear and distinct, and the honourable gentleman, Mr. Brougham, had been put in possession eight months before of the course intended to be adopted towards her majesty in the event of her landing in this country. At the same time, he could not but applaud the conduct of her majesty, if conscious of innocence; she came over to this country to prove that innocence; but he regretted, and must strongly condemn, that criminal advice which led her majesty to make an appeal to the lower orders, and to the popular feeling of the multitude, and thereby to endanger the peace, and perhaps the safety of the country. While he said this, he begged to be understood as fully acquitting her majesty's legal advisers of deserving to be included in that serious charge, or of giving, in the most distant manner, the sanction of their approval to such a course of proceeding. After some further observations, Lord Castlereagh concluded by moving, that the papers sent down to the House by his majesty be referred for examination to a secret committee.

Mr. Brougham rose to reply to the speech of Lord Castlereagh, and in the course of a long and very able address, delivered with his accustomed energy and eloquence, observed the noble lord himself had not risen with more pain than he did; but he could only feel satisfaction that the hour had at length arrived when this question could be fully and fairly met. He was fully aware of its importance; he was anxious that the honour, the dignity, and the popularity of the king should be sustained.

The illustrious lady, whose cause he advocated, appealed not to mobs, to which the noble lord had been pleased to allude. Her majesty would reprobate, as much as the noble lord could do, the adoption of such a course. She made her appeal to the law, and to justice; she did this with confidence, and, for sagacity and propriety of mind, he had seldom met any lady that surpassed her; and yet how unhappily had she been situated. She had been removed from that salutary domestic controul and comfort which were the best preservatives of female proprieties; had she enjoyed these advantages, endowed so largely as her mind was by nature, how fortunate would it have been for the country. As it was, it was now left to him to become her feeble advocate, and to defend her against charges, the most serious which could be preferred against one of her sex; charges aggravated in their importance by the elevated rank and station which the illustrious individual, against whom they were preferred, held in the state and in society, as the first female in this great empire. It had devolved on him to pray, and to implore the justice of the House, in setting out on this enquiry, which was now so unhappily forced upon them. Above all, he implored the House to consider her majesty innocent of the charges brought against her, till the contrary should be proved. He must remind the House, that before any charge could be brought against her majesty, there was much to be done. He trusted there would be some discussion, even before the noble lord obtained his little snug enquiry up-stairs. The noble lord had alluded to certain recent transactions and recent publications, which had reference to her majesty, the spirit and tendency of which the noble lord had strongly condemned; and, in making this

allusion, the noble lord had declared that he acquitted him, Mr. B. and his learned friend, Mr. Denman, of having sanctioned them by their approval. The noble lord was right in saying that all which had been done had been sanctioned by him, but still some allowances ought to be made for a female unprotected and almost friendless, coming to this country, after an absence of six years, and under such circumstances as those in which her majesty was placed; and it was not surprising if her majesty had listened to what she considered as friendly and well-meant advice, even though that advice was not precisely the result of absolute wisdom. Some things had occurred which might appear like appeals to the people; but, under the peculiar circumstances of the case, he would repeat, allowances ought to be made for her majesty's situation. The noble lord had expressed his surprise that the queen, in her message, should have complained of the appointment of a committee, as if that committee had been a tribunal of ultimate judicature, which the noble lord said was not the fact. He, Mr. Brougham, knew that, as well as the noble lord did; he knew very well that any decision of that committee would be powerless beyond the threshold of their committee-room; but that of which her majesty complained, was, that the proposed mode of proceeding was novel, and contrary to law, and adopted with a view of serving certain purposes. Why did not his majesty's advisers, on this occasion, follow established precedents? There were the bills of attainder, and other great monsters of the reign of Henry VIII.; why not take them as the model of these modern proceedings? No, the noble lord, the organ of the present ricketty and shattered ministry, dare not follow those precedents. The noble lord, to

attempt any thing of that kind even, would require no ordinary power; but to pass such a bill as was now sought for, through the medium of a secret committee—to condemn, without any public hearing—the noble lord would find to be still more difficult, and infinitely beyond the compass of any power which he possessed. Therefore, for the noble lord to say what the committee would not do, he should take as no concession; nor should he counsel her majesty to consider it as any; and, as an argument, it was not even an approximation to one; it possessed not even the shadow of a shade of reason in its favour. As to the comparison between the committee and a grand jury, there was no analogy. A grand jury was sworn; it was impartial, and it was impartially selected. The party impanelled had no peculiar interest in the question at issue. A grand jury certainly decided on *ex parte* evidence; but what sort of evidence was offered here? Letters and papers, with or without names, he knew not which, forwarded from beyond the Alps, the result of a commission sent by God knew whom. He was in utter ignorance of the contents of the green bag; but this he knew, that all the evidence was within the bag, except some persons might be called to prove signatures. They were the result of a ten months' residence at Milan. A man of high rank and learning, who stood particularly high in the profession to which he belonged, and who had been esteemed by all who knew him up to that ill-fated hour in which he engaged in this business, had procured this evidence. This expectant Master in Chancery had obtained the contents of the bag. That individual, who had so far forgotten himself, who had so far lowered himself, as to engage in such a transaction, had gone about prying into all

corners, and mixing in the lowest conversations, to pick up idle and malicious gossips, to further the object he had in view. He had mixed with barge-men on the lakes, and ferrymen on the rivers; with the company of ale-cellars and wine-houses; and had collected up and treasured the evidence of cast-off menials. He had gone to the impure source of every pollution, and by such means, and with such materials, had the green bag been filled. He would not say that such base work ought not to be performed; it might be requisite to resort to such means to procure evidence, but such base work ought to have been performed by hands as naturally base and mean. The noble lord had said, that all the committee, if appointed, could do, would amount to nothing; but this he, Mr. B., denied. The report of a committee of that House was no light matter, and he would like to have gentlemen reflect how they would like to have their conduct so examined, and then to be made the subject of a report of a committee. How would they like to be examined in privacy and darkness, on documents as darkly procured? What would they not give of their earthly goods to escape from such a report? The noble lord said, he could appeal to the House afterwards; so he might, but not all the oily rhethoric of the noble lord could prove, that, if the committee, on this occasion, should only say "aye," the queen's reputation was not traduced and blasted! Besides, many things might happen after such an unfortunate result, and before the queen could accomplish the objects requisite to prove her innocence; and then, where was the essence which could wash out the blemish of such a report? No; it was vain to liken the secret committee to a grand jury. Here the object was to get confirmed the result of a pre-

vious enquiry, on which the ministers had already expressed their opinion. Let them act upon that opinion without going to a committee—let them act on their personal responsibility, without seeking to shelter themselves behind names more respectable than their own. Why did they not do so? Why, because prizing their places so highly, and holding to office and its sweets so fast, they did not dare to meet this question in a fair and manly manner. He spoke the language of the constitution, when he said they should proceed on their own responsibility; but they sought to proceed by a tribunal which was unknown either to the law or the constitution. As to the value of the opinion of either party which he had named, he would as soon have that of the committee as of the ministers, except that the opinion given by the latter would leave no stain behind it. The proposed course of proceeding was gross, glaring, and unpardonable injustice; and, after the experience which they had already had of green bags and secret committees, they had little reason to be partial to them. He and his learned friend were not to be placed on the committee; he thanked the noble lord for having adopted such a decision, because it would spare him the pain of seeing the forms of justice half pursued, while the substance was wholly abandoned. Her majesty had commanded him to call for a full, fair, and open investigation; the speedier in its commencement, the more gratifying would it be to her; the more ample it was, the more decided would be her satisfaction. But that it would be a short investigation, he who knew the course of such proceedings felt to be impossible. Therefore, no time was to be lost, for, if the enquiry went on, they might expect to sit to no ordinary period of the summer; but, in

calling for enquiry, her majesty protested strenuously and decidedly against a secret one. Whether the body, by whom her case was considered, was designated a grand jury, a secret committee, a select committee, a private tribunal, or an inquisition, she cared not; but she required that the body called on to pronounce an opinion on her conduct, whether intermediate or ultimate, should enable her to hear evidence, to see the witnesses adduced against her, and to confront them by every means within her power. He, as a member of Parliament, in the discharge of his duty to the House, and to the country, implored gentlemen, once more, to take into their consideration all the circumstances he now finally laid before them. His last prayer to the House on this occasion, the last wish he could breathe on the subject, was, that the negotiation which, unfortunately, had not been brought to a favourable issue, might not be broken off, all at once, and for ever! but, if it were possible that the country should be spared those calamities to which such an enquiry must give rise, he implored the House to consider how much more virtuous an act they would do, by avoiding such an investigation, rather than by shewing their constancy and perseverance in steering, however successfully, through these accumulated difficulties.

Mr. Canning, in reply to Mr. Brougham, said, enquiry had been forced upon ministers against their inclination; they had left nothing undone to avoid it. In July, 1819, ministers had received a communication, pointing out the terms now offered. He did not mean to state that the queen was a party to the proposal, though, from the quarter from which it came, no idea could be entertained that it would be considered discreditable to her majesty to accede

to those terms. In 1814, he, Mr. Canning, advised the Princess of Wales to reside abroad; and the same advice he would give, under similar circumstances, to his nearest relative. He had given that advice to her royal highness, because "Faction had marked her for its own." Certainly, the case was not altered now; on the contrary, faction was now more powerful than ever. With an aching heart he went to this investigation; and, if he could, consistently with his duty, he would have retired from it; but he knew that no endeavour had been left untried, to avert this calamity. Ministers had been disappointed in their endeavours; and the cup of expectation had been dashed from their lips—the country would suffer for it.

Mr. Brougham repeated his assurance, that her majesty had no knowledge, whatever, of the negotiation alluded to by the right honourable gentleman; the whole was a secret transaction, and his lips were sealed, until the result of this investigation was known; but, then, he would produce the original terms of that negotiation as his defence. He never had been employed by Lord Liverpool; neither that noble lord, nor any of his colleagues, had ever presumed to ask him to become their agent. The first proposal came from a quarter of much higher rank and importance than any of his majesty's ministers. The government had its own agent, and that agent was Lord Hutchinson; and, among the terms offered by that noble lord to her majesty, were those requiring that the queen should abandon that title, and not assume any one borne by a branch of the royal family of England. Mr. Brougham added, he was ready to admit, that, in his opinion, if her majesty could reconcile it to her feelings to submit to this proposition, she had bet-



ter, whilst the differences which existed between her and her illustrious consort remained so strong as they then were, stay on the continent. After some further discussion, Mr. Wilberforce, with a view to afford time for bringing about such an accommodation as should prevent further public discussion on this most unfortunate topic, moved an adjournment of the debate until Friday, the 9th of June instant. This motion was agreed to, and all persons looked forward with anxiety for the resumption of this important discussion, or for some communication from ministers to Parliament, stating, that further disclosures on this painful subject would be avoided; and, in fact, late in the evening of Friday, the following communication from her majesty was delivered by her solicitor-general, Mr. Denman, to Lord Liverpool:—

“The queen, in compliance with the advice of her counsel, and of several members of the House of Commons, thinks it proper to inform Lord Liverpool, that she is ready to receive any proposition that is consistent with her honour, which his lordship may be disposed to make on the part of his majesty’s government.”

There is reason to believe, that it was not without great difficulty, and the most urgent solicitations on the part of her majesty’s legal advisers, backed by the opinions of several members of the Commons, that she was brought to consent to make even the above communication to Lord Liverpool.

She repeatedly declared, that her anxious desire was, to submit herself and her cause, in the fullest and most unequivocal manner, to a strict Parliamentary investigation, and to throw herself entirely

on the wisdom of Parliament for justice, and the full recognition of all her legal titles, rights, and privileges. She expressed, at the same time, a full confidence in her own innocence, and declared, that she was not to be intimidated, by threats of personal danger, into a forgetfulness of what was due to her own honour, or to the dignity of the Queen of England. In consequence of this communication, further discussion, in the Lords, was postponed; and, at a late hour, on the evening of the 9th, in the Commons, Lord Castlereagh, alluding to her majesty's communication to Lord Liverpool, moved a further postponement of the debate to the following Monday.

Mr. Brougham, on this occasion, alluding to some observations made by Lord Castlereagh, said, he fully concurred in the view which the noble lord had taken, of the importance of this subject; and, he also understood, as he hoped the House did, that the operation of the present motion would be that of merely keeping matters in precisely the same state as they were on the last night of the discussion; it was, in fact, to be understood, that no difference had taken place in the sentiments of either party. With respect to the delay in making the communication to which the noble lord had alluded, he, Mr. Brougham, could assure the noble lord, that it did not originate in any design on the part of the advisers of the queen, to take the noble lord or his colleagues by surprise, but was owing to a misunderstanding as to which side should begin. This arose from a feeling of delicacy on the one hand, and a supposition on the other, that the party which took the first step might seem to give up something of their original demand. The motion of Lord Castlereagh for adjourning the debate to

the following Wednesday was then agreed to. In the House of Lords, on the same evening, a very different course of proceeding was adopted. In that House, Lord Liverpool moved the order of the day, for proceeding to halloo for the secret committee, pursuant to their lordships' order of the night preceding. Lord Kenyon immediately rose, and proposed, as an amendment, the postponement of the ballot until the Monday following. This amendment, after a long debate, was negatived by 108 to 79; and a committee, of which the following peers were appointed members, was ordered to set on the following Tuesday:—His Grace the Archbishop of Canterbury, the Lord Chancellor, the Lord President of the Council, the Duke of Beaufort, the Duke of Northumberland, the Marquis of Lansdowne, the Marquis of Buckingham, the Earl of Liverpool, the Earl of Donoughmore, Earl Beauchamp, Viscount Sidmouth, the Bishop of London, Lord Redesdale, Lord Erskine, and the Earl of Lauderdale. The Marquis of Lansdowne and Lord Erskine declined acting on the committee, and Lord Ellenborough and Lord Hardwick were named in their place.

The whole of Thursday, and a part of Friday, were allowed to pass over, and no step was taken towards an amicable arrangement. The ministers considered it would be derogatory to the dignity of the crown, to make the first advances; the queen, on the other hand, was afraid that, in beginning a negotiation, she should appear to be making improper concessions. Both, no doubt, believed that backwardness, in making any proposals, would be construed into a consciousness of having right on their side; and, that whoever made the first step

would shew an eagerness for reconciliation of which advantage would be taken by the other party. At length, however, her majesty's reluctance gave way to the remonstrances of her legal advisers, and, on Friday afternoon, the following communication was made on her behalf to Lord Liverpool:—

“ The queen commands Mr. Brougham to inform Lord Liverpool, that she has directed her most serious attention to the declared sense of Parliament, as to the propriety of some amicable adjustment of existing differences being attempted, and submitting to that high authority, with the gratitude due to the protection she has always received from it, her majesty no longer waits for a communication from the ministers of the crown, but commands Mr. Brougham to announce her own readiness to consider any arrangement that can be suggested, consistent with her dignity and honour.

“ *One o'clock, 9th June, 1820.*”

To this communication from her majesty, Lord Liverpool returned the following answer:—

“ Lord Liverpool has had the honour of receiving the queen's communication of this day; and begs leave to acquaint her majesty, that a memorandum, delivered by Lord Liverpool to Mr. Brougham, on the 15th of April last, contains the propositions which Lord Liverpool was commanded by the king to communicate through Mr. Brougham to her majesty. Her majesty has not been advised to return any answer to those propositions; but, Lord Liverpool assures her majesty, that the king's servants will still think it their duty, notwithstanding all

that has passed, to receive for consideration any suggestions which her majesty or her advisers may have to offer upon those propositions.

“*PINE HOUSE, June the 9th, 1820.*”

On Saturday morning, the 10th of June, Messrs. Brougham and Denman waited upon her majesty, with whom they had a consultation, which lasted about an hour. The preceding communication having been made known to Mr. Brougham, by her majesty's command, he hastened to Westminster Hall, and sent a message to Mr. Denman, who was at that time pleading in the Court of King's Bench. A long conference took place between the two learned gentlemen, in one of the chambers of the Court of Exchequer. After the conference, they proceeded to Portman Street, where they had an audience of the queen, which lasted until five o'clock; after which, the following answer was returned by her majesty to Lord Liverpool's communication:—

“The queen commands Mr. Brougham to inform Lord Liverpool, that she has received his letter, and that the memorandum of April 15th, 1820, which the proposition, made through Lord Hutchinson, had appeared to supersede, has also now been submitted to her majesty, for the first time.

“Her majesty does not consider the terms there specified as at all according with the condition upon which she, yesterday, informed Lord Liverpool she would entertain a proposal, namely, that it should be consistent with her dignity and honour. At the same time, she is willing to acquit those who made this proposal, of intending anything offensive to her majesty; and, Lord Liverpool's letter

indicates a disposition to receive any suggestions which she may offer.

“ Her majesty retains the same desire which she commanded Mr. Brougham, yesterday, to express, of submitting her own wishes to the authority of Parliament, now so decisively interposed. Still acting upon the same principle, she now commands Mr. Brougham to add, that she feels it necessary, before making any further proposal, to have it understood, that the recognition of her rank and privileges, as queen, must be the basis of any arrangement which can be made. The moment that basis is established, her majesty will be ready to suggest a method, by which she conceives all existing differences may be satisfactorily adjusted.

*“ June the 10th, 1820.”*

On the same day, Lord Liverpool addressed the following note, in reply to her majesty's communication :—

“ Lord Liverpool has had the honour of receiving the queen's communication, and cannot refrain from expressing the extreme surprise of the king's servants, that the memorandum of April the 15th, the only proposition to her majesty which was ever authorized by his majesty, should not have been submitted to her majesty until yesterday. That memorandum contains so full a communication of the intentions and views of the king's government, with respect to the queen, as to have entitled his majesty's servants to an equally frank, full, and candid explanation on the part of her majesty's advisers.

“ The memorandum of the 15th of April, while it proposed that her majesty should abstain from the

exercise of the rights and privileges of queen, with certain exceptions, did not call upon her majesty to renounce any of them. Whatever appertains to her majesty by law, as queen, must continue to appertain to her, so long as it is not abrogated by law.

“The king’s servants, in expressing their readiness to receive the suggestions for a satisfactory adjustment, which her majesty’s advisers promise, think it right, in order to save time, distinctly to state, that any proposition, on which they could feel it to be consistent with their duty to recommend to his majesty, must have for its basis, her majesty’s residence abroad.

“*June the 11th, 1820.*”

The queen’s answer to this note of Lord Liverpool was as follows:—

“The queen commands Mr. Brougham to acknowledge having received Lord Liverpool’s note of last night, and to inform his lordship, that her majesty takes it for granted, that the memorandum of April the 15th was not submitted to her before Saturday, only because her legal advisers had not the opportunity of seeing her majesty until Lord Hutchinson was on the spot, prepared to treat with her. Her majesty commands Mr. Brougham to state, that, as the basis of her recognition, as queen, by the king’s government is admitted; and, as his majesty’s servants express their readiness to receive any suggestions for a satisfactory adjustment, her majesty, still acting upon the same principle which has always guided her conduct, will now point out a method by which it appears, to her, that the object in contemplation may be obtained. Her majesty’s

dignity and honour being secured, she regards all other matters as of comparatively little importance, and is willing to leave everything to the decision of any person, or persons, of high station and character, whom both parties may concur in naming, and who shall have authority to prescribe the particulars, as to residence, patronage, and income, subject, of course, to the approbation of Parliament.

*"June the 12th, 1820."*

On the 14th of June, Mr. Favell moved, in the Court of Common Council, in the City of London, that "a loyal address of condolence and congratulation be presented to her majesty Queen Caroline, upon her arrival in England."

Mr. James Williams seconded the motion.

Sir W. Curtis moved an amendment to the previous question; and

Mr. James seconded the amendment.

On a division, there appeared, for the previous question, the lord mayor, five aldermen, 18 commoners, and two tellers—total 26.

Against it, three aldermen, 103 commoners, and two tellers—total 108. Majority for the original motion, 82. The address was then adopted; and, on a day named by her majesty, was presented to her by the lord-mayor, accompanied by several aldermen and a numerous body of the Common Council.

In the mean time, namely, on the 14th of June, Lord Liverpool, in the House of Lords, moved, that their lordships' order for the meeting of the secret committee, on the 15th of June, should be discharged; and an order made for its assembling on the 17th. The noble lord assigned, as a reason for this postponement, that negotiations were then



pending between the illustrious parties concerned, which, he trusted, might lead to such an arrangement as would render any meeting of the committee unnecessary.

In the Commons, on the same evening, Lord Castlereagh moved a similar postponement of the adjourned debate on his majesty's message. In doing this, the noble lord expressed his hope that gentlemen would, on this occasion, refrain from making any remarks, but reserve themselves until the subject should be regularly brought forward, and a full explanation of all the circumstances, relative to the pending negotiations, could be given.

Sir M. W. Ridley declared it was not his intention to transgress the bounds within which the noble lord had requested gentlemen to confine themselves that evening; but he was desirous to express his most anxious hope that every individual, both in that House and out of it, would evince a disposition to forward the views of the noble lord, and abstain from such observations or statements as were calculated to do injury to the cause of either of the illustrious individuals concerned, while these negotiations were pending.

Mr. Brougham fully concurred in the motion of the noble lord, and with the recommendation of the honourable baronet, from whose earnest recommendation of refraining from comment, he had derived the utmost satisfaction. He could assure the House, most solemnly, that the illustrious person, and her legal advisers, had no other wish than that of the most scrupulous concealment. They anxiously desired that no disclosure should be made; indeed, he had seen nothing disclosed that was at all analogous to truth—nothing like the real facts. If any thing of that sort had transpired, it must either

have been through incredible indiscretion, or a most unpardonable breach of confidence. The queen, he must, at the same time, state, was accommodated in a way which presented favourable means of access to officious intruders, more than if her residence were better suited to her station.

Lord Castlereagh, consistently with the spirit in which he had brought forward this motion, could not enter into the subject of accommodation, from which, in his opinion, under all the circumstances, he thought the honourable and learned gentleman would have done well to have abstained.

Mr. Brougham assured the noble lord he meant nothing offensive, by alluding to the queen's present accommodation. He knew that she had had offers of a more suitable residence, and of money to any amount. He merely mentioned it, to shew that her situation was more liable to intrusion, and to the propagation of disclosures, than it might otherwise have been. His allusion was purely incidental. The motion for postponement to Friday was then agreed to.

On the 14th of June, Mr. Brougham transmitted the following note to Lord Liverpool:—

"Mr. Brougham presents his compliments to Lord Liverpool, and begs to inform him, that he has received the queen's commands to name two persons to meet the two whom his lordship may name on the part of his majesty's government, for the purpose of settling an arrangement. Mr. Brougham hopes to be favoured with Lord Liverpool's nomination this evening, in order that an early appointment, for a meeting to-morrow, may take place."

In consequence of this communication, Lord Cas-

tlereagh and the Duke of Wellington, on the part of the king, and Mr. Brougham and Mr. Denton, on the part of the queen, met at the house of Lord Castlereagh, in St. James's Square, and, in order to facilitate the proposed personal discussions, it was suggested by Lord Castlereagh—

“ First—That the persons named to frame an arrangement, although representing different interests, should consider themselves, in the discharge of this duty, as not opposed to each other, hut as acting in concert, with a view to frame an arrangement in compliance with the understood wish of Parliament, which may avert the necessity of a public enquiry into the information laid before the two houses.

“ Second—The arrangement to be made must be of such a nature, as to require from neither party any concession as to the result to which such inquiry, if proceeded in, might lead. The queen must not be understood to *admit*, nor the king to *retract*, anything.

“ Third—That, in order to facilitate explanation, and to encourage unreserved discussion, the substance only of what passed should be reported; and, further, that whatever might pass in the first conference should not be considered as pledging either party to any opinion.

These preliminaries being agreed upon, the questions to be discussed were—

First—The future residence of the queen abroad.

Second—The title which her majesty might think fit to assume, when travelling on the continent.

Third—The non-exercise of certain acts of patronage in England, which it might be desirable that her majesty should refrain from exercising, if residing abroad. And

“Fourth—The suitable income to be assigned for life to the queen, residing abroad.”

It does not come within the scope of this work, to give in detail the whole history of the enquiry into the conduct of her majesty, or to dwell at large upon those portions of it which do not bear particularly upon a memoir of her majesty's attorney-general. It will, therefore, be sufficient to state, that the protraction of the discussions upon these several points submitted to the commissioners, led to several postponements of the proceedings, in both Houses of Parliament, upon this most important question. At length, on the 22d of June, it being then generally understood, that the negotiation for bringing about an amicable arrangement between their majesties had, in fact, failed, Mr. Wilberforce, in the House of Commons, previous to a notice before given, submitted the following resolution to the House:—

“Resolved—That this House has learned, with unfeigned and deep regret, that the late endeavours to frame an arrangement, which might avert the necessity of a public enquiry into the information laid before the two Houses of Parliament, have not led to that amicable adjustment of the existing differences in the royal family, which was anxiously desired by Parliament and the nation.

“That this House, fully sensible of the objections which the queen might feel, at taking upon herself the relinquishment of any points in which she might have conceived her own dignity and honour to be involved, yet, feeling the inestimable importance of an amicable and final adjustment of the present unhappy differences, cannot forbear declaring its opinion that, when such large advances had been made towards that object, her majesty, by yielding

to the earnest solicitude of the House of Commons, and forbearing to press further the adoption of those propositions on which any material difference of opinion is yet remaining, would by no means be understood to indicate any wish to shrink from enquiry, but would only be deemed to afford a renewed proof of the desire which her majesty has been graciously pleased to express, to submit her own wishes to the authority of Parliament; thereby entitling herself to the grateful acknowledgments of the House of Commons, and sparing this house the painful necessity of those public discussions, which, whatever might be their ultimate result, could not but be distressing to her majesty's feelings, disappointing to the hopes of Parliament, derogatory to the dignity of the Crown, and injurious to the best interests of the empire."

The motion was supported and seconded by Mr. S. Wortley.

Mr. Brougham, on this occasion, addressed the House at considerable length; he said, he should endeavour to express himself on this important question with candour, with a sincere respect for his honourable friend, and in concurrence with what he considered to be the feelings of the country. He should now call the attention of the House to the result of the late negotiations, and the unfortunate failure that had taken place. But, although they had failed, he would declare it as his opinion, that, in the course of these negotiations, not a little had been gained for her majesty. For the only basis on which the queen would consent to treat, was, that of being fully recognized in her high rank and title, and this basis, although at first refused, was now fully acknowledged. The only point on which her majesty was always inflexible—that which

admitted of no alternative, and for which she looked up to no equivalent, was an unqualified recognition of her rights and privileges as Queen of England; and that recognition was granted before the conferences were opened. He should notice another material point which had been gained by her majesty. Without attempting to impute blame to any one, he must say, that the queen, on her arrival lately in this country, was not treated in any way with that respect which was due to her exalted rank; but since the commencement of the negotiations, a very different treatment was proposed to be observed towards her; for, instead of being allowed to travel in a common packet, all the pomp, pride, and circumstances which usually attended the voyages of the highest royal personages were now offered to her, in case of her departing from the country. Some persons might think that he over-rated those advantages; but these little things were of considerable moment; indeed, they were of as much value as the omission of them would be a mark of degradation. In this instance, therefore, a material point had been gained. There was another circumstance, however, where no small advantage was gained. If the queen was not to be recognized at foreign Courts, something very nearly approaching to such recognition was conceded to her. In whatever country she should reside on the continent, she was to be announced to the Court of that country by the representative of the sovereign, as Queen of England, and there to be treated as such; and, last of all, there was a further proceeding, which he did not consider as immaterial; that was, the consent given that addresses should be presented to the king and queen by both Houses of Parliament, and that these addresses should be presented to them together.

Now, would any gentleman recollect that four months ago, there was no possibility of getting the gentlemen opposite to mention the name of the queen; she was then called an "illustrious lady;" "a person of high consideration;" "a great lady;" "a lady of great distinction;" "a lady of high character, whose interests were deeply connected with this or that question," with fifty other studied paraphrases, for the purpose of avoiding that word now so ready in all mouths—"The Queen." Nothing was now heard of but "the queen," "her majesty's rank," "her majesty's dignity," "her majesty's honour," "her majesty's law advisers," "her majesty's rights," and so on. Now, her majesty was to have yachts for the channel; frigates and ships-of-war for the Mediterranean, or to go to and fro as she pleased; and, last of all, came the addresses of his honourable friend, in which her majesty was admitted to possess all the rights and privileges of queen. This address was to be carried to the foot of her majesty's throne, thanking her, in the name of Parliament, for her gracious condescension. However the queen's advisers might have resolved to proceed upon the enquiry, and to open the green bag, he would ask, whether it behoved Parliament to sanction the queen's resistance until a step further was granted. It had been said, that the question of the liturgy was not so much a *sine qua non*, as a thing that ought not to be contended for. He could at once supersede the necessity of this argument. The liturgy certainly was not so far a *sine qua non* as not to admit of an equivalent. Her majesty required such a basis as should support her honour and her dignity. When the question of residence came to be discussed in the late conferences, it was considered that, from motives of con-

venience to the queen herself, and from the inconvenience which would arise if two separate Courts were held in this country, it might be more agreeable to her majesty's wishes, and more conducive to her personal comforts, to go abroad. The question then was, whether such a departure from the country would not be liable to a very great misconception, while charges were still hanging over her majesty, without being rebutted, and whether something was not to be done in order to prevent such misconstruction of her majesty's conduct. Her legal advisers, therefore, in order to settle this matter first, required that her name should be restored to the liturgy. Having assisted at the negotiation, he considered it necessary to state this fact. From what he was in the habit of noticing in various places—from what he could collect to be the sense of that House—and from the overwhelming majority which was known to exist in favour of the queen, out of doors, he was sure that the restoration of her majesty's name to the liturgy would render the success of a negotiation certain, without the possibility of any dishonour to her majesty. He solemnly assured the House, that this very thing would produce all the effect that could be wished for, and he was sure it was the only remaining obstacle to an accommodation. By placing the name in the liturgy every obstacle would be surmounted. This was a fact; and he had no more hesitation in asserting it, than in asserting that he was then standing on the floor of that House. Without meaning to throw any blame upon ministers, to whom he had been so often opposed, he must, in common with many others, express his deep regret at her majesty's name being excluded from the liturgy; but by how much more the act ought not to have been done, by so much



the more ease it might now be undone. It might now be, with every kind of propriety, undone, on the ground that the doing it was not only impolitic, but illegal. There was no law which gave to the king the power of altering the liturgy by an order in council. The law said, that in all prayers relating to the royal family, the names should be changed from time to time, and suited to the present occasion. Nothing more was to be done than this. At the demise of one sovereign, the name of his successor was inserted, and instead of Queen Charlotte, the words Queen Caroline ought now to be introduced. This he conceived to be sufficient for Parliament, to enable it to get out of the great difficulty in which it was now placed. It was no answer to his argument, to say that the queen was prayed for together with the other branches of the royal family; whether the exclusion of the name did, or did not, exclude her majesty from the prayers of the church, was not the question now to be considered, for it did not follow that the king could have legally ordered that exclusion to take place. The real question was, whether the act was not unlawful and unconstitutional? In matters of this kind, every thing was a degradation which was contrary to old established usage. Former queens of England had always been prayed for by name, and to cease thus to pray for a queen could only tend to degrade her in the eyes of the world. The allusion which had been made to the queen of George I., was only an offensive aggravation of the wrong done in the present instance. His honourable friend had said, that the duke was not prayed for by name; but it should be understood that the Duke of York was only heir-presumptive to the Crown; and that, as circumstances might occur, by which he would cease to be

heir-presumptive, it would be an awkward thing to pray for him now by name, and hereafter to take his name out of the liturgy; but, if his royal highness was heir-apparent the case would be different, and there was no instance of the wife of a sovereign being struck out of the liturgy. The queen-consort was invested with very high and peculiar prerogatives; she enjoyed many privileges above all other women; and, what was of most importance for the House to consider, she ought to be viewed as the stock which the people of the country were to look up to for the continuation of the royal line, and for the preservation of the line of succession to the throne. He was not alluding to the present queen; he was speaking of the queen of England generally; and if, by any sort of degradation, a suspicion were to fall upon a queen of England, the greatest evils might fall on the nation, in case of a disputed succession to the throne. Every possible protection should, therefore, be afforded to the queen, and every care should be taken that the succession should not be tainted, even by the suspicion of a spurious offspring; yet, in opposition to those sound constitutional principles, see what the ministers had done. The king and queen were living separate; it was possible they might come together again; no matter whether the queen was fifty-two or twenty-two years of age. While thus separated, an order in council is issued for degrading her, and an imputation thrown out on her character, which might bring into dispute the succession to the throne. The same thing might be done with any other queen; and every one must see how contrary such a course would be to the fundamental principles and the safety of the constitution. As ministers, then, were the authors of this act, he called upon them to undo

it. Let the concession that was now required come from them; it would be no more than making an atonement for their error. The queen could not accede to any thing until this concession was first made; for, if she did, she was degraded every Sunday in every church in England. He cared not whether foreign countries knew of this omission in our liturgy or not; it was sufficient that the injury was known all over this kingdom. His proposition was to carry an address to the foot of the throne, for the restoration of the queen's name in the liturgy. Why should ministers be afraid to carry up this address? Let them not fear that any such act of justice would lead to their discountenance by the king, for his majesty was too noble to feel any resentment towards them for what they should do on such an occasion; but if they should be displaced for such an act, let them not be afraid that it would cause the loss of their places; for, after such an act of generosity and justice towards an oppressed and calumniated female, he wished to see the men who would be so rash or presumptuous as to take the places from which they were removed, for an honest and conscientious discharge of their duty. What he had said was this, and he called upon any man in the House to controvert it, that, if complying with the wishes of the House of Commons, any set of ministers were to lose their places, he should like to see the man that would accept power, after having refused to comply with those wishes. He would fain hope that the House had got to the close of these preliminary discussions, and that any further agitation of the question should take place only with a view of final adjustment. He fervently prayed that this might be the last time that any preliminary business would be discussed. He entreated the

House to consider how the matter stood, and the crisis at which they had arrived. They were going on from day to day, revolving this most unpleasant subject, and nothing final was doing. "We are going on," observed Mr. Brougham, "from day to day, and doing nothing final; but something else is going on elsewhere—something is doing in other places—much irritation—great and serious discontent—factious intermeddling—much misrepresentation of facts—and misapplication of them to factious purposes. All this, I will not say, has happened, but by every day's delay is rendered more probable. I express my fervent hopes, therefore, that these discussions will terminate, from the sincerest conviction that their termination will be for the public interest, as well as in reference to my own private feelings, to which it is most painful thus, day after day, to be compelled to differ from so many of those persons whom I most respect and esteem.

These observations were replied to by Lord Castlereagh, Mr. Canning, and others, whilst Sir Francis Burdett, in an able and eloquent speech, supported the rights of the queen, and pronounced a most severe and bitter philippic against ministers for the line of conduct adopted by them upon this most important and distressing subject. Speaking of the illustrious parties most nearly interested in this unhappy dispute, the honourable baronet observed, "When he considered the misfortunes of this high-minded and unhappy lady, placed as she was in a situation which afforded her no defence, such as other women were able to command, without controul of any kind, and broken from almost all connection with her family, he could not hesitate to declare that even if she had misconducted herself in the manner attributed to her, there did not exist a

person, with the feelings of a man, who would not shed tears of pity for her, instead of pursuing her with the arm of vengeance, under the mask of friendship. The king, he believed, to be incapable of conduct so little calculated to keep up the dignity of the crown. For his majesty there were a variety of excuses. Who could tell what the conduct of those pick-thanks and miscreants might have been, who had collected their information from sources as vile or, if possible, viler than themselves. They might have misled the king's judgment, and irritated his passions. For his majesty there was great excuse; but what apology was there for ministers? There was nothing to blind their judgment; and, if they saw that base persons were whispering in the royal ear, their minds were calm, and they had the additional obligation of an oath to speak the truth to the sovereign. If they yielded to his passions, they were the worst of traitors. If ministers had advised his majesty to send down the *green bag* without due consideration, they must answer for it. They were not to consider whether she was abroad or not; their duty ought to have been, and was, to pursue one steady and inflexible course, seeking for truth, and supporting justice; but such had not been their course. They said, the queen may riot abroad as much as she likes, and we will supply her with the means of doing so; it is only when she comes home that the *green bag* is to make its appearance. The good sense of the House, he was convinced, was with him, and the opinion of a majority of those who heard him was, that that bag should never be opened. The honourable member who moved the address had said, the bag contained such abominable disclosures of filth as must stifle all morality. He, Sir Francis, believed the bag to

be as false as it was filthy. He was not in the secret, but, from the reports abroad of the way in which information had been sought for and obtained, he had a right to say the information contained in that bag was false; and, at all events, that this Pandora's box, without hope at the bottom, whether it contained truth or falsehood, ought never to be opened. \* \* \* Supposing, even, that her majesty was as deeply dyed in guilt as her bitterest enemies asserted, the people out of doors, if she were convicted on green-bag information, would believe her to be as white as snow."

In the course of a long debate which followed, Lord Castlereagh observed, that the opinion of her majesty's attorney-general appeared to have undergone a most extraordinary change. On a former night, in reply to some observations made by Mr. Hume, the learned gentleman thought the exclusion of the queen's name from the Liturgy a matter of so little importance, that he designated it "a trifle, light as air;" now, however, according to the honourable and learned gentleman, this "trifle, light as air," has become of so much importance, as to form the only important point in the question between their majesties. "I solemnly assure the House," says the learned gentleman, "that this very thing would produce all the effect that can be wished for: and I am sure that it is the only remaining obstacle towards an accommodation; and that, by placing her majesty's name in the Liturgy, every obstacle will be removed." These remarks again called up.

Mr. Brougham, who observed, he was misunderstood, when he said, speaking of her majesty's name having been omitted in the Liturgy, that it was "a trifle, light as air." What he said was,

that he considered the recognition was a trifle; for her claim to the title of queen was clearly independent of any such recognition in the Liturgy. She was the queen of England, so long as she continued the king's wedded wife; and, whether her name was inserted in the Liturgy or not, it could not alter that paramount fact. It had been suggested that the House should adjourn, to afford an opportunity for learning the queen's determination. He did not consider an adjournment necessary for such a purpose, any more than it would be necessary, in passing an Order of Council, to send to America to learn how it was likely to affect those to whom it applied. It had been said that the queen was soundly advised, when dissuaded from returning to this country. He, Mr. Brougham, had not dissuaded her from returning; that question had never been started; he had persuaded her to suspend her departure for a few days, until a courier should arrive at St. Omer's from this country; but he never advised her to abstain, altogether, from coming to England. It had been said, also, that the advice which prompted her to a hasty return was far from being judicious; but, he verily believed that her only adviser in that step had been her own great spirit. It reflected great honour on her majesty, though it would not have reflected the same honour upon any person who had advised her to adopt such a step. It shewed her consciousness of innocence, and her fearlessness to meet her accusers. Much had been said on the proposals of Lord Liverpool to the queen, which had remained in his possession for some months, without having been produced. He had not, he said, received that communication as one to be forwarded *quam primum*, but as one on which it would be necessary to have

a personal interview. Her majesty, at the time he received it, was in Italy. He could not go there to deliver it, on account of the necessity of his being in attendance in his place in Parliament, ready to defend the interests of her majesty, if they should become, incidentally, the subject of debate. It was not, then, the proper time to relate the extraordinary circumstances which had prevented its delivery by the hands of Lord Hutchinson, who would have discharged his duty conscientiously. He had not, as stated, expressed surprise and indignation at the proposal made by Lord Hutchinson; but her majesty did express those feelings.

The motion of Mr. Wilberforce was, ultimately, carried by a majority of 391 to 124; and it was agreed that Mr. Wilberforce, Mr. S. Wortley, Sir Thomas Ackland, and Mr. Banks, should wait on her majesty with the resolution. Accordingly, on Saturday, the 24th of June, the deputation waited upon her majesty. In their way to the queen's residence, the gentleman composing it were greeted by the assembled mob with the loudest expressions of disapprobation. Her majesty received them in her drawing-room. She was attended by Lady A. Hamilton; and had, on her right hand, Mr. Brougham; on her left, Mr. Denman; both in their wigs and gowns, as if at court. On the entrance of the deputation, who were in full court-dresses, they were severally presented by Mr. Brougham; each of them knelt and kissed her majesty's hand. Mr. Wilberforce then read the resolution of the House of Commons.

Her majesty then delivered to Mr. Brougham the following answer; which he read by her majesty's command, and delivered it to Mr. Wilberforce:—

“I am bound to receive, with gratitude, every



attempt, on the part of the House of Commons, to interpose its high mediation for the purpose of healing those unhappy differences in the royal family, which no person has so much reason to deplore as myself; and, with perfect truth, I can declare, that an entire reconciliation of those differences, effected by the authority of Parliament, on principles consistent with the honour and dignity of all the parties, is still the object nearest my heart. I cannot refrain from expressing my deep sense of the affectionate language of these resolutions. It shews the House of Commons to be the faithful representative of that generous people to whom I owe a debt of gratitude that can never be repaid. I am sensible, too, that I expose myself to the risk of displeasing those who may soon be the judges of my conduct. But I trust to their candour, and their sense of honour, confident that they will enter into the feelings which alone influence my determination.

“ It would ill-become me to question the power of Parliament, or the mode in which it may at any time be exercised; but, however strongly I may feel the necessity of submitting to its authority, the question, whether I will make myself a party to any measure proposed, must be decided by my own feelings and conscience, and by them alone. As a subject of the state, I shall bow with deference, and, if possible, without a murmur, to every act of the sovereign authority; but, as an accused and injured queen, I owe it to the king, to myself, and to my fellow-subjects, not to consent to the sacrifice of any essential privilege, or withdraw my appeal to those principles of public justice, which are alike the safeguard of the highest and the humblest individual.”

The members of the deputation then made their

bows and retired ; and, on their departure from her majesty's residence, they received a repetition of those compliments with which they were greeted on their arrival. Mr. Brougham and Mr. Denman soon afterwards also left her majesty. As the learned gentlemen entered their carriage, they were loudly cheered, and the crowd expressed a desire to take the horses off, and to draw them in triumph to their residences. This mark of popular devotion was, however, strenuously resisted by Mr. Brougham ; and, at length, though with evident reluctance, the people were persuaded to yield to his wishes. They, however, asked whether her majesty had given up her rights ; and being answered in the negative, received the announcement with loud cheers.

## CHAPTER X.

IN consequence of the queen's rejection of the advice contained in the resolution of the House of Commons, presented to her by Mr. Wilberforce and his colleagues, in the deputation, ministers found themselves placed under the necessity of proceeding to the investigation of evidence before the secret committee; and this measure having been decided upon, a communication on the subject was made to her legal advisers. Upon receiving this intimation, her majesty lost no time in presenting a petition to the Lords, remonstrating against the course of proceedings about to be adopted, and praying to be heard by counsel at the Bar of their Lordships' House. The petition was presented to their lordships by Lord Daere, on Monday, the 26th of June, and, after it had been read, his lordship moved, that, in compliance with her majesty's wish, expressed in her petition, counsel should be called in, and heard upon it at the Bar.

The motion was agreed to unanimously, and counsel being called in, Mr. Brougham, Mr. Denman, and Mr. John Williams, appeared at the Bar as counsel for her majesty, and Mr. Vizard as her solicitor. The petition having been again read, Mr. Brougham addressed their lordships as follows:—

“MY LORDS,—I have the honour to attend at this Bar, as counsel for her majesty the queen. I understand it is the pleasure of your lordships, that we should now be heard on the subject of the matter contained in the papers on your table. It might, perhaps, be more consistent with what I owe to my illustrious client, if, feeling the extreme importance

of the interests concerned, and sensible of the feeble powers which it falls to my lot to bring to the discharge of such a duty as devolves upon me, I were to entreat your lordships for a few hours' delay, in order that I might be enabled to discharge that duty with more effect than can be expected under the circumstances in which I appear before you. But I have the command of my illustrious client to forego all considerations personal to myself, and to encounter all minor risks to which her cause may be exposed, rather than there should seem to exist, on the part of her majesty, the smallest disposition to delay enquiry, or to impede your lordships' wishes for an immediate investigation into the charges brought against her. It is the more necessary for me, standing here on the part of the illustrious petitioner, to make this statement to your lordships of the command of her majesty as expressed to me, because it is above all things important to the interests of her cause, that the application which we make this day should not be understood to be, in the vulgar sense of the word, an application of delay. it is not for a delay of the prosecution that we ask—it is not for a delay of the judgment which must result from that prosecution, and which must be a judgment of honourable acquittal. I say *must*, because I feel that she is guiltless, and because I feel that you are just; and because she is guiltless, and because you are just, and because the petition is founded on principles of law which must be set at defiance before you can be advised to reject the prayer which it contains, I ask your lordships to consent to that prayer as a necessary step towards the fair and equitable investigation which her majesty is entitled to request at your hands. Her majesty's conduct is about to be brought into ques-

tion. We have a right to know what proceedings are about to be instituted in the two Houses of Parliament. His majesty's message, the foundation of those proceedings, states, that the bags laid before both Houses contain papers, by way of charge, against the queen, and that those charges relate to the conduct of her majesty during her residence abroad. What the nature of those charges is—what the nature of the testimony by which they are to be supported is—how it has been raked together—who have been the tools, or how, or by whom, they have been set at work to procure the evidence, or information, as it is called by a figure of speech, but as I must call it more truly, the odious matter contained in the bag, I will not stop to enquire. It is enough for me to know, what I can collect from the message, that whatever may be found in that bag, be it creditable or be it odious, with respect to those from whom it has proceeded, is only meant and intended to impeach the character of the queen, by something falsely alleged to have taken place abroad. Now, we know that her majesty, while abroad, resided at a considerable distance from this country, that the greater part of the time she passed across the Alps and the Appenines, and the smaller part across the Alps, but that, during the whole of the time she was placed at so great a distance from the seat of the tribunal before which she is now to appear, as to render it physically impossible to procure the witnesses, depositions, or correspondence, which must be necessary to her defence, at any period within the compass of five or six weeks from this moment in which I am addressing your lordships. It would require so much time barely to send letters and receive answers; but if your lordships are further to wait until the witnesses are

collected, whose presence is absolutely indispensable, without whom it is impossible that I can cross-examine a single individual of those wretches—, I beg your lordships' pardon, those persons—by whose testimony the charges are to be supported, it will require an addition of five or six weeks longer to the time I have mentioned. Do not, my lords, do not let it be said or fancied, nor let it be whispered elsewhere by those who will not state it in their places, and under the public eye, that this is the plea of guilt. My lords, it is the plea of innocence. The more innocent the queen is, the more abominable, and base, and treacherous, those are who are to be brought against her—the more essentially necessary does it become that she should have at hand those witnesses, documents, and communications, which she knows she can have to overwhelm her adversaries with confusion. Reflect upon the peculiarities of her majesty's case, which are not of her own making, but which distinguishes it from other cases by difficulties and embarrassments peculiar to itself. When an English man or an English woman is placed in a situation where it becomes necessary that they should defend their characters, and who, in the most upright walk of life, can be assured, that by foul contrivances he may be reduced to such a necessity, your lordships will remember, that such English man or English woman has one safeguard and shield. The witnesses are all English; there is no foreigner amongst them, whose principles may hang negligently or loosely about him; whose testimony may be doubtful though it cannot be disproved, who may deny the obligation of an oath, or who, admitting the obligation, may suppose that his conscience will stand excused, in consequence of the want of some sanc-

tion, which our practice does not require, and our forms do not recognize. What is her next security? The witnesses are her own countrymen. They are known to her—they are known to the judge who tries her, and to the counsel who pleads for her. The press, too, is at her hand—it describes the manner in which the witness gave his evidence—his conduct in the Court, and those circumstances of manner which have their weight in influencing the opinion as to the credibility to which his depositions are entitled. The third security is, that she has a compulsory process by which she can bring forward witnesses, and compel them to speak the truth, however reluctant to do so. Against that process, neither bribes, nor threats, nor promises, nor procurement can prevail. But how is her majesty situated? The witnesses, in her case, are all foreigners, with whom the obligation of an oath may be relaxed by their belief in the efficacy of subsequent confession. Though I speak before an assembly of bold men—of men, I am persuaded, as bold even as the distinguished Duke of Wellington, in whose presence I perceive that I am also speaking, I do not hesitate to pronounce it as my firm belief, that there is not one amongst you who would not tremble with apprehension, if his wife or his daughter was to be exposed to the statements of such a cloud of witnesses. Her majesty cannot compel the attendance of those who could speak in her favour. They may refuse, and she has no power to force them, nor has she inducements to hold out that might conquer their disinclination to quit their homes and domestic circles. She is not in a situation to be followed—she has been disowned in foreign countries, and neglected at home, so that she is unable to array, either by threats, or bribes, or force, or fear, or ex-

pectation of courtiership, numbers of those upon whose testimony her justification must depend. The witnesses against her are not her neighbours—their characters are not known; they may be persons who care not what they say at home, and still less even what they swear in a remote part of the world. What conscious innocence then must support that illustrious woman, who, under all these circumstances, says to us, “Go on—ask no delay.” But it is my duty, and if I neglect it, it is your duty, my lords, as her judges, to see that she does not suffer through her own fearlessness, and that the innocence of an accused party shall not be brought by its own magnanimity into danger. That is precisely the object of this application. I wish for an opportunity to know more of the witnesses. What I have already discovered of some, makes me anxious to know more of the rest. Now I will pray any lawyer to tell me—I will beseech any one, who has ever witnessed a trial, to tell me how I can proceed to cross-examine a single witness without knowing something of his neighbourhood, his habits, and his character? To put the case of one which has come to my knowledge. Amongst those who appear against her majesty, is one who has been discharged from her service for robbing her of 400 Napoleons. This can be proved by two witnesses; one of whom is at Rouen, in France, and he is an English naval officer—no Italian spy—no Hanoverian baron—but an English officer, who has bled in the cause of his country. Should not the instance of this individual render me cautious of all the rest, and especially as I have reason to know that the other witnesses can be treated in the same manner if I have time afforded to me for enquiry? I ask no favour of your lordships—I ask but justice—I



ask you, as the queen's judges, into which you have erected yourselves, Whether you will drive me to defend her majesty under the disadvantages I have described? If I demanded any thing which could lead to the suspension of the proceedings, or to delay the result of the enquiry for a single hour, I should immediately abandon that demand, for I should have her majesty's directions to do so. But I only ask you to pause at the commencement, without protracting the conclusion; for, after the secret tribunal has reported, you must give time for the production of this evidence; so that whether you agree to it in the one stage or the other, the ultimate result must come, when the same hour strikes, in both cases. I am presuming, perhaps I ought not, that after you have determined on a parliamentary enquiry, and sent the echo of the charges all over the land, with greater or less accuracy, according as the proceeding is public or private, (if public with greater, and if private with less) I have presumed, that her majesty's character being thus blackened by uncontradicted statements and reports, you will, out of the exuberance of your justice, allow some delay to enable her to bring forward the evidence on which she relies for her acquittal. I have assumed this, because there is no court of justice, whether in England or Milan, in which such an application could be resisted. If you are British judges, it is impossible that you can refuse it. If you refuse it, I am bound to say that you cannot deserve the character. I submit to your lordships, whether you will now permit the delay required, or whether you will delay the permission until it be too late to answer the purpose for which it is intended; as it must be, if you postpone it till the preliminary investigation has taken place. All I ask is, that you

will not proceed to hear the cause in a manner which must lead to the condemnation of any individual, however innocent. I ask for that which every British court of justice must grant, where no one can be put upon his trial without being allowed time to bring forward his witnesses; and the refusal of which, the most innocent man who hears me, must feel to operate as a sentence of outlawry from his country. I have a right to assume, from the votes of Parliament, and to cite the authority of one branch of the legislature, as at least worthy of attention, that we are now about to enter on an investigation, which one branch of the legislature has pronounced 'distressing to the feelings of her majesty, disappointing to the hopes of Parliament, derogatory to the dignity of the crown, and injurious to the best interests of the empire.' I feel the more confident, when I reflect on this, that in an investigation which the House of Commons has so described, the delay of two little months will not be considered too great an indulgence for the purpose of furthering the ends of justice, and providing that a legal injury should not be committed on the character of the first subject in the realm." Mr. Denman was heard in support of Mr. Brougham's application, and their lordships, on the motion of Lord Liverpool, ordered that the petition should be taken into consideration on the following day.

In the Commons, on the same evening, Lord Castlereagh, after urging the necessity of some delay, previous to resuming the adjourned debate on his majesty's message, that the course to be adopted by the lords might be ascertained, proposed a further adjournment to the following Thursday week, on which day he would bring forward a motion, founded on the answer of her majesty to the address of

that House. He had no hesitation in saying, that he should desist from making that motion, if the House of Lords should have, in its judicial character, instituted anything which must, in due course, come down to that House. The noble lord said, he was prepared to take this upon himself. All he was anxious for was, that, in the discussions which might arise upon this important question, party-feelings should be excluded from any share in them.

Mr. Brougham concurred, from the bottom of his heart, in the sentiments uttered by the noble lord, and implored all sides of the House, from that moment henceforth, through the whole course of, he feared, the now inevitable inquiry, to let the voice of party cease; to suffer no factious, or personal, or political feeling to interfere in the prosecution of this most important question, in order that no shadow might be said to cross their path towards the attainment of substantial justice. On the part of her majesty, he had to express the infinite satisfaction which he knew she felt, on finding that, at length, there was some chance of her obtaining justice on constitutional principles. On finding that there was an end of that dark, inquisitorial, unconstitutional, unjust, and, he would add, illegal proceeding, which it was the tendency of the green bag accompanying the message from the throne, to institute against her. Her claim, from the beginning, had been for an open inquiry; her protest had been against an invisible tribunal. He had not, however, to thank the noble lord for this favourable change. He had to felicitate Parliament, the country, and the queen herself, who had declared, with one unanimous voice, that secret trial should not be the course adopted. It seemed that the noble lord intended to propose, in his motion,

some measure of a legislative nature, to meet the inquiries of the other House. On this ground he should lay claim, on the part of her majesty, to a short delay. He should not have ventured to make such a proposal, had not the reasons for such a claim been most just and satisfactory. The queen was anxious to proceed; and for her, and on his own account, he should deprecate all delay, but one which was rendered necessary by local distance. It was a journey of three weeks to the place which had been her majesty's chief place of residence, and it would require three weeks to return with the witnesses and evidence necessary for her defence. Should the House, therefore, as proposed by the noble lord, on Thursday se'ennight, proceed to the inquiry, how could her majesty be in a condition to meet it? Five or six witnesses, on the side of inculpation, might be examined, and all on that side be over. If this partial course were open, all the country would see its nature; if it were secret, it would be still worse; for, a secret entrusted to 21 members in one House, and to 16 in the other, according to the common adage, had but little chance of being kept. How would any man, he would ask, like the honour of his wife or his daughter to depend on the secrecy of 36 gentlemen, having wives and daughters of their own, even should they be the most honourable and prudent of men? It would be impossible that some part of the secret would not leak out of those orifices for emitting secrets which were to be found in every family. The evidence would issue out, more or less, but its venom would circulate fully through the country. Let any man place himself in the position of her majesty—let him figure to himself the inevitable ruin of character which must ensue from this inter-

val of three or four months, before the exculpatory evidence for her majesty could be produced? He, therefore, put in a claim for delay; but let him not be misunderstood; it was a delay which would not retard, for a single hour, the ultimate decision of this important question.

After a long discussion the House divided; when there appeared to be—for Lord Castlereagh's motion, 195: against it, 100; thus leaving a majority, against the delay proposed by Mr. Brougham, of 95.

On Wednesday, the 28th of June, the secret committee of lords met. They at first assembled in Lord Shaftsbury's private room; but, that place not being considered as sufficiently secure from interruption, they first adjourned to the robing-room, and finally, to the old House of Lords, where the investigation of the contents of the green bag commenced, and was carried on. The usher of the black-rod, and other officers of the House, were in attendance in the adjoining apartments, and suffered no person to approach the committee-room. Constables were also placed in all the avenues leading to the old House of Lords, to keep them clear of strangers. Messrs. Brougham and Denman, as her majesty's attorney and solicitor-general, were in attendance, and presented a sealed letter from her majesty, expressing the sentiments of their royal client, upon the unprecedented and most extraordinary proceedings now about to be commenced against her. The learned gentlemen remained, in waiting, a considerable time, in expectation of receiving an answer to the letter; but, no answer being returned, they withdrew; and the investigation commenced.

On Tuesday, the 4th of July, Lord Harrowby presented to the House of Lords the report of the secret committee, couched in the following terms:—

“That the committee have examined, with all the attention due to so important a subject, the documents which have been laid before them; and they find that those documents contain allegations, supported by the concurrent testimony of a great number of persons in various situations of life, and residing in different parts of Europe, which deeply affect the honour of the queen; charging her majesty with an adulterous connection with a foreigner, originally in her service in a menial capacity; and attributing to her majesty a continued series of conduct highly unbecoming her majesty's rank and station, and of the most licentious character.

“These charges appear to the committee to deeply affect, not only the honour of the queen, but also the dignity of the crown, and the moral feelings and honour of the country. That, in their opinion, it is indispensable that they should become the subject of solemn inquiry; which, it appears to the committee, may be best effected in the course of a legislative proceeding; the necessity of which they cannot but most deeply deplore.”

The report having been read by the clerk, Lord Liverpool gave notice that, adopting the course recommended by the committee in their report, he should, on the following day, introduce a bill on the subject. With regard to the course of proceedings which it might be thought fit to adopt, he should be disposed to consult the convenience of the illustrious person who was the object of the charge.

On the following day Lord Liverpool introduced the celebrated Bill of Pains and Penalties; the bill was read by the clerk, and was in substance as follows:—

“An Act, entitled an Act for depriving Caroline Amelia Elizabeth, Queen of Great Britain, of and

from the Style and Title of Queen of these Realms ; and of and from the Rights, Prerogatives, and Immunities, now belonging to her as Queen-Consort.

“ Whereas, in the year 1814, her majesty Caroline Amelia Elizabeth, then Princess of Wales, but now Queen of England, being at the Court of Milan, engaged in her service one Bartholomo Pergami, otherwise Bartholomo Bergami, a foreigner of low situation in life, and afterwards the most unbecoming and indecent familiarities took place between her royal highness and the said Bartholomo ; and her royal highness not only advanced him to a high situation in her household, but received also many of his relatives into her service, in inferior and other situations, and bestowed on him, the said Bartholomo, various marks of distinction and favour ; and took upon herself to confer upon him the order of knighthood ; and pretended to institute an order of knighthood, without the authority of your majesty ; and conducted herself, both in public and private, in various places, with indecent and offensive familiarities and freedoms towards the said Bartholomo ; and carried on with him a most disgraceful, licentious, and adulterous intercourse, to the great scandal of your majesty’s royal family, and to the dishonour of the kingdom ; and manifested a most scandalous, disgraceful, and vicious conduct towards the said Bartholomo. We, therefore, the Lords spiritual and temporal, and Commons of Great Britain, in Parliament assembled, humbly pray your majesty that it may be enacted ; and be it, therefore, enacted, that from and after the passing of this act, the said Caroline Amelia Elizabeth be wholly deprived of and from the style and title of queen of these realms ; and of and from the rights, prerogatives, privileges, and immunities, now be-

longing to her as queen-consort ; and that she shall and may be, from and after the passing of this act, for ever displaced from, and be utterly incapable of, exercising or enjoying the same ; and that the said marriage between his majesty the king and the queen be, and the same is hereby wholly dissolved and annulled, to all intents and purposes."

On the motion of Lord Liverpool, it was ordered that copies of the bill be presented to his majesty, to her majesty, to the king's attorney-general, and to the queen's attorney-general.

On the following day, at 12 o'clock, Sir Thomas Tyrwhitt waited on her majesty with the bill. Her majesty received it with great calmness, and apparent temper. The words which she used were but indistinctly heard. They were, however, in substance as follows ; her voice gaining firmness as she proceeded :—" I am sorry that it comes so late, as 20 years ago it might have been of some use to his majesty ;" intimating, perhaps, that such a proceeding then might have affected her daughter. In what followed she was more calm and collected, and clearly audible. " But, as we shall not meet again in this world, I hope we shall in the next, where justice will be rendered me." She requested Sir Thomas Tyrwhitt, if he had an opportunity, to convey these sentiments to his majesty. Sir Thomas is represented as having been much affected, when delivering the message to her majesty. The worthy knight had not seen her from the time when she was resident in Carlton House.

Thus was introduced the bill which, in its progress, disclosed to public view scenes of profligacy and licentiousness which, among the most abandoned and degraded classes of society in this country, cannot find a parallel. How far the picture is



drawn by the witnesses examined in support of the bill, or heightened by perjury and misrepresentation, it is not our duty, here, to inquire; it is not a life of the unfortunate Queen Caroline that we are writing, but a brief memoir of her majesty's highly-talented advocate; and, in the performance of that task, we have felt it necessary to allude to those portions of the queen's history in which Lord Brougham was an important, if not the principal actor. This description may be said, perhaps, to apply to him throughout the whole of the proceedings on what has been denominated "The Queen's Trial;" but, the limits which we have prescribed for ourselves in the present work, will not permit of our going at length into those proceedings; and, we must, in our future notice of them, as we have done in our preceding pages, confine ourselves to such selections as will suffice to render our narrative intelligible to the reader.

On the day following that on which Lord Liverpool introduced the Bill of Pains and Penalties, namely, on the 6th of July, Lord Dacre presented a petition from her majesty, complaining of the course which had been adopted, in introducing a bill founded upon the report of a secret committee, which report originated in an opinion, formed on the examination of secret and unauthenticated papers, no person having been present, on her part, in that committee. Her majesty also complained, that her attorney and solicitor-general had been refused a hearing by their lordships; and concluded her petition by repeating her prayer that her counsel might be heard at their lordships' bar, and afforded an opportunity of stating her claims.

After some conversation, their lordships agreed

that her majesty's counsel should be heard. Counsel were then called in, and.

Mr. Brougham addressed their lordships: he stated that her majesty had, the preceding evening, been, to her great surprize, served with an official copy of a bill presented to, and read a first time in their lordships' House. The preamble to that bill contained charges of a most grave and serious nature against her majesty,—against the illustrious personage for whom he appeared. Her majesty's objection was to the situation in which such a proceeding on the part of the House placed her; she also wished to be heard with respect to the mode of proceeding, as well as to the time. The proceedings, as the case stood, might either be gone into entirely, or only in part, which would obviously operate as a very serious disadvantage to her majesty. Her majesty was also desirous of being heard, with respect to certain matters, which, she thought, would produce a very important effect. On these matters, she conceived, the present was the time at which, with ordinary fairness to herself, their lordships could most properly be addressed; and she therefore desired that the attention of the House should now be generally called to those points. Their lordships' rejection of her majesty's petition of the previous day, had been attended with great disadvantage to her. They were told of things happening,—indeed, they saw them set forth in every newspaper,—yet it was held that her majesty could legally know nothing of such things. Thus, the document which had been published as their lordships' report, might be a fabrication, and a gross libel on the committee itself. In fact, what purported to be the report of the committee, went

further than the bill itself did; upon the former, there was much matter which would not be confirmed by the passing of the bill, or negatived by its rejection. These were the only points upon which he had received instructions.

Lord Liverpool said, he had distinctly stated that, on Monday, the 17th, he should propose the day which he should think proper for the second reading of the bill; that course he still meant to pursue. No further intimation was given to her majesty's legal advisers at this time. The queen afterwards applied for a list of the witnesses who were to be examined against her, but this application was refused; and, soon afterwards, the House adjourned to the 17th of August, the day fixed for the second reading of the bill. On that day the House met, and there was an extremely full attendance of peers. The Duke of Leinster moved that the order of the day, for the second reading of the Bill of Pains and Penalties, be rescinded. The motion was negatived without a division; and, upon the motion of Lord Caernarvon, the following question was put to the judges: namely, "If a foreigner, owing no allegiance to the crown of England, violates, in a foreign country, the wife of the king's eldest son, and she consents thereto, she commits high-treason, within the meaning of the act of the 25th of Edward III.?" To this question the learned judges replied, through Lord-chief-justice Abbot, "We are of opinion that such an individual, under such circumstances, does not commit high-treason within the meaning of that act."

It was then ordered that counsel should be called in. In support of the Bill there appeared the king's attorney and solicitor-general, Sir Robert Gifford and Sir John Copley; the king's advocate-general,

Sir Christopher Robinson; Dr. Adams, and Mr. Parke. On the part of the queen appeared her majesty's attorney-general and solicitor-general, Messrs. Brougham and Denman; Dr. Lushington, Messrs. John Williams, Tindal, and Wilde. Mr. Maule, solicitor to the treasury, assisted by Mr. Powell, a solicitor, appeared as agent for the bill, and Mr. Vizard as agent for the queen. On the motion of Lord Kenyon, it was agreed that the queen's counsel might now be heard against the principle of the bill.

Mr. Brougham said, his first objection to the bill was, that it was a private law made for a particular case, and for the punishment of a particular individual. It was also a retrospective law, for, confessedly, nothing illegal had been done. Again he would ask, why was not the ancient recognized law of impeachment resorted to in preference to a measure which, however it might be directed by justice, could not be treated as judicial. Such measures, he contended, were suitable only to extreme cases, and he denied that there was any thing in the case of the queen to render an extraordinary measure necessary. The danger of any taint to the succession to the throne (the only danger which could be anticipated) had never been surmised. Had the charge been brought against the queen when Princess of Wales, there could be no doubt that it might have been disposed of by the ordinary course of law; but she should not be placed in a worse situation by the delay of an accusation from which she had never shrunk. One of the advantages which the bill retained, was the right of recrimination. "But," said Mr. Brougham, "the right of recrimination, on the part of my client, I could not exercise without directly violating her express injunc-

tions; nor is it in my contemplation to resort to it, unless I am driven to do so by an absolute and overwhelming necessity. In obedience to the same high command, I lay out of my view, as equally inconsistent with my own feelings, and those of my client, all arguments of another description, in which I might be tempted to shew that levity, or indiscretion, criminality, or even criminal intercourse, (for why should I be afraid to use the term?) cannot be held fatal to the character of the country, or to the honour and dignity of the family governing it; but that argument, and every thing resulting from it, I willingly postpone till the day of necessity shall arrive, and in the same way I dismiss, for the present, all other questions respecting the conduct or connections of any of the parties. These I say not one word about; they are dangerous and tremendous questions, the danger of discussing which, at the present moment, I will not even trust myself to describe. At present, I hold them to be needless to my client; but when the necessity arrives, an advocate knows but one duty, and cost what it may he must discharge it." Mr. Brougham then alluded, at some length, to the enquiry into the conduct of the Duke of York in 1809, and comparing it with the proceedings before the House, asked whether the two cases could be reconciled upon any principle but this, "The male members of the royal family may do what they please, however exalted their station, however intimately connected with the crown, and the interests of the people; but, let the tooth of slander once fix upon a defenceless female of the family, who has been allowed and encouraged to expatriate herself, then she must be persecuted and prosecuted, under the hypocritical and disgusting pretence, that the character of the country and

the honour of the crown are at stake. The people at large, however," he added, "will, in their homely language, assert that it is an attempt to accomplish one thing under the colour of another; 'here is a man,' they will say, 'who wants to get rid of his wife; he talks of the honour and safety of the country, yet its dearest interests, its peace, its morals, and its happiness, are to be sacrificed to gratify his desires.'" Mr. Brougham then adverted to the dangerous example of wantonly tampering with so high and sacred an institution as that of marriage, and cited the doctrine of Sir W. Scott, in the dissolution of the marriage contract the public was a party no less interested than the individuals released from its ties.

Mr. Denman followed Mr. Brougham, and supported his arguments; and the attorney-general then proceeded to open his case in support of the Bill, which he did in a very long and able address; witnesses were then examined. The number of witnesses examined, and the length to which their examinations and cross-examinations extended, occupied their lordships' attention daily, with the exception of Sundays, until the 8th of September. On the following day, Saturday the 9th, on the application of Mr. Brougham, the further consideration, and second reading of the Bill, were postponed to Tuesday, the 3d day of October, to which day their lordships adjourned.

On the 3d of October, at ten o'clock in the forenoon, their lordships again met, and after some preliminary arrangements, which occupied the House about an hour, counsel were called in, and the queen's attorney-general was informed that their lordships were prepared to hear him.

Mr. Brougham then proceeded to address their

lordships on the part of her majesty. It was not, he said, the novelty nor the magnitude of the cause confided to him, which dismayed him; but the knowledge of its strength, and the fear that his best exertions must be inadequate to it. This fact, for the first time, threw the cause into doubt, and exposed him to the condemnation of the millions of their lordships' fellow-subjects, who were watching the progress of these proceedings with intense interest and anxiety. It was another misfortune to him, that, in the discharge of his duty to his client, he might be called upon to act a part, which (though not in the opinion of their lordships) might be thought by others inconsistent with the loyalty of a good subject. It was, however, a gratification to him, that his cause did not require of him that he should go back beyond her majesty's departure from England in 1814, nor to recur to a recriminatory defence; this defence he was happily enabled, by the strength of his case, to waive; but he should always contend that he had a right to employ it, if necessary. An advocate should know no person but his client; no object but his client's vindication; and, in his client's cause, should the destruction of his country oppose itself to his views, the advocate must then forget even the duty of the patriot.

The length of Mr. Brougham's address on this occasion, in which he took an extended review of the mass of evidence which had been produced in support of the Bill, and commented upon the discrepancies which presented themselves, between the attorney-general's statement and the stories told by the different witnesses, and the gross contradictions of the witnesses themselves, relating to the same alleged acts of criminality and imprudence on the part of her royal highness, renders it impossible for

us here to give it entire. We cannot, however, refrain from giving the following extracts from a speech, which was acknowledged by those who heard it, to have been one of the most masterly, eloquent, and effective addresses ever delivered in either House of Parliament:—

“If necessary, my lords,” said Mr. Brougham, “I will not hesitate to recur to recrimination, even at the hazard of incurring the appalling responsibility to which I have alluded; but, if I do not deceive myself, no such necessity can arise. I deny it, as foul and false, that her majesty’s advocates ever acknowledged her majesty to have been guilty of levities—I deny them all. It is true, that her majesty has been compelled to exchange the society of British nobility for that of Italians; but will your lordships, who have excluded her from your families, urge or receive this as an accusation? Under this persecution and exclusion she still enjoys one consolation—a knowledge that she possessed the affections of her child.

“The marriage of this child, which was known to all Europe, was, however, kept a secret from her mother; it was only by accident that her royal highness the Princess of Wales heard of an event in which the happiness of her daughter was so nearly concerned; but, my lords, will your lordships believe it? Will after-days give credit to the fact? the heart-breaking intelligence of the death of this only, this dearly beloved, this almost idolized child, was communicated to her expatriated mother by accident also! But, my lords, if this persecuted princess had not heard of the death of her daughter by accident, she would soon have known it, for the death of the Princess Charlotte was announced to her mother by the immediate issuing of the Milan



Commission. \* \* \* See, my lords," continued the learned gentleman, "the unbappy fate of this illustrious woman! It has been her lot always to lose her surest stay, her best protector, when the dangers most thickened around her; and, by a coincidence almost miraculous, there has scarcely been one of her defenders withdrawn from her, that his loss has not been the signal of an attack upon her existence. Mr. Pitt was her earliest defender and friend in this country. He died in 1806, and but a few weeks afterwards, the first enquiry into the conduct of her royal highness commenced. He left her as a legacy to Mr. Percival, her firm, dauntless, most able advocate, and no sooner had the hand of an assassin laid Mr. Percival low, than she felt the calamity of his death, in the renewal of the attacks which his gallantry, his skill, and his invariable constancy, had discomfited. Mr. Whitbread then undertook her defence; and when that catastrophe happened, which all good men lament, without any distinction of party or sect, again commenced the distant grumbling of the storm; for it then, happily, was never allowed to approach her, because her daughter stood her friend, and there were those who worshipped the rising sun. But, when she lost that amiable and beloved daughter, all which might have been expected here—all which might have been dreaded by her if she had not been innocent—all she did dread—because, who, innocent or guilty, loves persecution; who delights in trial, when character and honour are safe? All was, at once, allowed to burst upon her head; and the operations commenced by the Milan Commission. And, my lords, as if there were no possibility of the queen losing her protector, without some most important act being played in this drama against her, the day

which saw the venerable remains of our revered sovereign consigned to the tomb—of that sovereign, who, from the first outset of the princess in English life, had been her constant and steady defender—that same sun ushered the ring-leader of the band of perjured witnesses into the palace of his illustrious successor. Why, my lords, do I mention these things? Not for the sake of making so trite a remark, as that trading politicians are selfish—that spite is twin-brother to ingratitude—that nothing will bind base natures—that favours conferred, and the duty of gratitude neglected, only make those natures the more malignant. My lords, the topic would be trite and general, and I should be ashamed to trouble your lordships with it; but I say this once more, in order to express my deep sense of the unworthiness with which I now succeed such powerful defenders, and my alarm, lest my exertions should fail to do what theirs, had they been living, must have accomplished.” \* \* \*

Mr. Brougham then proceeded to comment on the course adopted by his majesty's attorney-general, in omitting to call the ladies who had been in attendance on the queen. “Is this,” said he, “an occasion, on which the prosecutors shall be allowed to come forward with half a case. Is the attorney-general to be at liberty to say, ‘These witnesses I shall not call; true, they are the best, they are unimpeachable; if they depose against the queen she is utterly undone; but I will not call them; they are your witnesses, not mine; do you call them, they come from your vicinity; they are not tenants of Cotton Garden,\* and, therefore, I dare not—I

\* Cotton Garden—a place contiguous to the House of Lords, to which the witnesses against the queen were taken, on their landing in this country, and kept during the trial.

will not produce them; but when you call them, we shall see what they will state; and if you do not call them;—‘if we do not call them;—in the name of justice what if we do not call them? For shame, my lords, in this temple—this highest temple of justice, to have her most sacred robe so profaned, that I am to be condemned, in the plenitude of proof, if guilt is;—that I am to be condemned, unless I run counter to the presumption, that rules all courts of justice, that I am innocent until I am proved guilty, and that my cause is utterly ruined, unless I call my adversaries’ witnesses. My lords, my lords, if you mean ever to shew the face of those symbols, by which justice is known in your country, without making them to stand an eternal condemnation of yourselves, I call upon you instantly to dismiss this case, for this reason, I will not say another word upon the subject.”

In conclusion Mr. Brougham observed, “My lords, if the queen had frequented company below her station—if she had been proved to have committed any guiltless unworthiness, I could still, as I contend, have stood on high ground; but I have no reason to take such ground. What is the proof against her majesty? Guilt there is none; levity there is none; unworthiness there is none; had there been any of the latter, I might have appealed upon a ground which always supports virtue in jeopardy—the tenor of her former life at home, while she enjoyed the protection of the late king; in my hand, my lords, I hold a testimonial from that beloved prince, which I am sure cannot be read without the deepest sense of its importance being felt by your lordships, and the deepest sorrow expressed, that he who wrote it has been no longer spared to us. The plainness, the honesty, and in-

telligible manly sense of this letter is such, that I cannot refrain from the gratification of reading it. It was written, as appears by the date, in 1804, and is as follows :—

“ ‘ WINDSOR CASTLE, *Nov. 13th, 1804.*

“ ‘ MY DEAREST DAUGHTER-IN-LAW AND NIECE.—Yesterday, I and the rest of my family had an interview with the Prince of Wales, at Kew; care was taken, on all sides, to avoid all subjects of altercation or explanation; consequently, the conversation was neither instructive nor entertaining; but it leaves the Prince of Wales in a situation to shew whether his desire to return to his family is only verbal or real. I am not idle in my endeavours to make inquiries that may enable me to communicate some plan for the advantage of the dear child for whom you and me must, with so much reason, interest ourselves; and, its affecting my having the happiness of living more with you, is no small incentive to my forming some ideas on the subject; but you may depend on their not being decided upon without your thorough and cordial concurrence, for your authority, as a mother, it is my object to support. Believe me, at all times, my dearest daughter-in-law and niece, your most affectionate father-in-law and uncle,

“ ‘ GEORGE R.’

“ This, my lords, was the opinion which this good man, not ignorant of human affairs, no ill judge of human character, had formed of this near and cherished relation; and upon which, in the most delicate particular, the care of his grand-daughter, and the heiress of his crown, he honestly, really, and not in mere words, always acted.

“ Such, then, my lords, is this case; and, again let me call on your lordships, even at the risk of repetition, never to dismiss, for a moment, from your minds, the two great points upon which I rest my attack upon the evidence; First—That they have not proved the facts by the good witnesses who were within their reach, whom they have no shadow of pretext for not calling; and Secondly—That the witnesses, whom they have ventured to call, are, every one of them, injured in their credit. How, I again ask, my lords, is a plot ever to be discovered, except by the means of these two principles? Nay, there are instances in which plots have been discovered, through the medium of the second principle, when the first had happened to fail. When venerable witnesses have been seen to be brought forward—when persons, above all suspicion, have lent themselves for a season to impure plans—when nothing seemed possible—when no resource for the guiltless seemed open—they have, almost providentially, escaped from the snare, by the second of these two principles; by the evidence breaking down, where it was not expected to be sifted; by a weak point being found, where no pains, from not foreseeing the attack, had been made to support it. Your lordships recollect that great passage—I say great, for it is poetically just and eloquent—in the Sacred Writings, when the elders had joined themselves, two of them, in a plot which had appeared to have succeeded, ‘for that,’ as the Scriptures say, ‘they had hardened their hearts, and had turned away their eyes, that they might not look at Heaven, and that they might do the purposes of unjust judgments.’ But they, though giving a clear, consistent, uncontradicted story, were disappointed, and their victim

was rescued from their gripe, by the trifling circumstance of a contradiction about a mastich-tree. Let not man call those contradictions, or those falsehoods which false witnesses swear to from needness falsehood, such as Sacchi, about his changing his name; or such as Demont, about her letters; or such as Majocchi, about the banker's clerk; or such as all the others belonging to the other witnesses, not going to the main body of the case, but to the main body of the credit of the witnesses—let not man rashly and blindly call those accidents—they are dispensations of that Providence, which wills not that the guilty should triumph, and which favourably protects the innocent.

“Such, my lords, is this case now before you! Such is the evidence in support of this measure—inadequate to prove a debt—impotent to deprive of any civil right—ridiculous to convict of the lowest offence—scandalous, if brought forward to support a charge of the highest nature which the law knows—monstrous to ruin the honour of an English queen! What shall I say, then, if this is their case—if this is the species of proof by which an act of judicial legislature, an *ex post facto* law, is sought to be passed against this defenceless woman! My lords, I pray your lordships to pause. You are standing on the brink of a precipice. It will go forth your judgment, if it goes against the queen; but it will be the only judgment you ever will pronounce, which will fail in its object, and return upon those who give it. My lords, from the horrors of this catastrophe—save the country—save yourselves from this situation. Rescue that country, of which you are the ornaments, but in which you could flourish no longer when severed from the people, than the blossom when cut off from the root and stem of

the tree—save that country, that you may continue to adorn it—save the crown, which is in jeopardy—the aristocracy, which is shaken—the altar, which never more can stand secure amongst the shocks that shall rend its kindred throne. You have said, my lords, you have willed—the Church and the king have willed, that the queen should be deprived of its solemn service. She has, indeed, instead of that solemnity, the heartfelt prayers of the people. She wants no prayers of mine. But I do here pour forth my supplications at the Throne of Mercy, that that mercy may be poured down upon the people of this country, in a larger measure than the merits of its rulers may deserve, and that your hearts may be turned to justice.”

Mr. Brougham was followed by Mr. Denman and Mr. Williams, both of whom addressed their lordships at considerable length, and commented with great ingenuity upon the evidence which had been produced in support of the Bill. Her majesty's attorney-general then proceeded to call his witnesses, in the examination of whom the House was occupied until the 30th of October. Among the witnesses examined was Mr. Powell, the solicitor who accompanied the Commission to Milan. On this gentleman being called, and previous to his being examined, Mr. Brougham put the following question:—Who is your client, or employer in this case? (cries of “No! No!!”) and the witness was ordered to withdraw, whilst their lordships decided whether the question could be put.

Mr. Brougham—“My lords, it is a very important question; and I have no object in putting it, except for the purposes of strict justice. It is most important for us to put this question to the present witness. He is the very first that has appeared at

this Bar in the course of these proceedings, who could give us any information on the subject. Is it not of great importance to ask of this witness, who is the solicitor in this cause, who his client is, when we are acting as counsel for a defendant open and avowed? If I knew who the person was, *non constat*, that I could not bring forward document, speeches, and communications, without number against him, and highly important to the case of my client; but, up to this moment, I have never been able to trace 'the local habitation, or the name' of the unknown being who is the plaintiff in this proceeding. I know not but it may vanish into thin air—I know not under what shape it exists—

“ ‘If shape it might be called, that shape had none,  
Distinguishable in member, joint, or limb,—  
Or substance, might be called, that shadow seem'd,  
For each seem'd either—what seem'd his head  
The likeness of a kingly crown had on.’

“ If I could see it, I might interrogate it, and bring out of its own mouth—if mouth it had—who and what it is. Whether it be a man; or if it be, but the *likeness* of a kingly crown it wears. It may be some shapeless form without a head, or head without the semblance of a body; but highly and vitally important as it is for my client to know who is her principal accuser, and highly indispensable as it is for me, who am her advocate, to put such questions to the witness as I am legally entitled to ask, and upon which I should have a right to insist in any of the courts below, I am met at every step by 'you can't ask this question'—'you must not put that question;' but, my lords, how can I discharge my duty to my illustrious client, if I am to be debarred from putting questions to the witnesses



indispensable for her defence; and which, as an advocate, in any of the courts below, I should have an undoubted right to put, especially as they tend, in no degree, to infringe the rules of professional confidence?" These arguments on the part of Mr. Brougham produced no effect. The lords were of opinion the question should not be put.

The evidence, as we have before observed, occupied their lordships until the 30th of October. The king's solicitor then replied upon the evidence, and, on the 2d of November, the House proceeded to discuss the question, for the second reading of the Bill. After a long debate, their lordships divided; and the numbers were—for the second reading, 123; against it, 95; majority in favour of the second reading, 28.

This decision, on the part of their lordships, created, out of doors, an extraordinary sensation. Both parties claimed a victory. By those who supported the Bill, it was contended that the carrying the second reading was, in fact, a judicial condemnation of her majesty; since no peer could have given such a vote, unless he was conscientiously persuaded of her guilt. On the other hand, it was contended by her majesty's partizans, that the smallness of the majority proved the innocence of the accused party; and, that little or, indeed, no credit was given to the evidence which had been brought forward in support of the Bill. At all events, with the second reading may be said to have terminated, what is strictly called the judicial proceedings on the Bill of Pains and Penalties. Its fate was anticipated by every one who could be brought to consider the subject with an unprejudiced eye; for it was well known, that, should it pass the Lords, even with a majority of 28, when it was

presented to the Commons, supported by so small a number, that House would immediately reject it. Scarcely any one, however, believed that it would ever pass the Lords; the general opinion entertained by moderate men was, that, should ministers meet with much opposition in the committee, or on the third reading, ministers would, themselves, abandon the measure. The result proved that this opinion was well founded. On the day following the second reading, Lord Dacre, previous to the House going into a committee, presented the following petition from her majesty:—

“The queen has learnt the decision of the Lords upon the Bill now before them. In the face of Parliament, of her family, and of the country, she does solemnly protest against it. Those who avowed themselves her prosecutors have presumed to set in judgment upon the question between the queen and themselves. Peers have given their voices against her, who had heard the whole evidence for the charge, and absented themselves during the defence. Others have come to the discussion, from the secret committee, with minds biassed by a mass of slanders which her enemies have not dared to bring forward to the light.

“The queen does not avail herself of her right to appear before the committee; for, to her, the details of the measure must be a matter of indifference; and, unless the course of these unexampled proceedings should bring the Bill before the other branch of the legislature, she will make no reference whatever to the treatment experienced by her during the last 25 years.

“She now, most deliberately, and before God, asserts, that she is wholly innocent of the crime laid to her charge; and she awaits, with unabated

confidence, the final result of this unparalleled investigation.'"

The petition from her majesty having been read, the House went into a committee on the Bill. The preamble being settled, the Archbishop of York, who voted against the second reading, rose to oppose the divorce clause. He was followed on the same side by the Bishops of Chester and Worcester, and several other peers. On a division, however, the clause was retained by a majority of 120 to 62. Most of the ministers, and many of the early friends of the Bill, were in the minority. The grounds on which noble lords opposed this clause were, that they could not consent to an enactment in which, from its nature and character, it was impossible that the same means of defence, and the same advantages of equal justice could be afforded to the accused as in other cases of a similar description.

On Friday, the 10th of November, the question was put that the Bill be read a third time. On this occasion, Lords Morley and Fortesque spoke against the Bill, and Lord Ellenborough also expressed his determination to vote against the third reading. The Bishop of Gloucester declared that he could not consent to retain the divorce clause, and therefore he should oppose the Bill altogether; several other peers expressed similar opinions, and, on the question being put, the third reading was carried by a majority of nine only, the numbers being for the third reading 108; against it 99.

On the majority being declared, Lord Dacre said, he had been intrusted with a petition from her majesty, praying to be heard by counsel against the Bill, when he was interrupted by Lord Liverpool, who expressed a hope that such a course would be rendered unnecessary by what he was about to state.

He could not pretend to be ignorant of the state of public feeling with regard to this measure; and the opinion of their lordships that this Bill should be read a third time, had been expressed by a majority of nine only. Had the third reading been carried by as considerable a majority as that which decided on the second reading, he and his colleagues would have felt it their duty to have persevered in the measure, and the Bill would have been sent down to the other House of Parliament. In the present state of the country, however, and with an opinion so nearly balanced, just evinced by their lordships, ministers had come to a determination not to proceed further with the enquiry, and he should therefore now move, "That the further consideration of the Bill be adjourned to this day six months."

Lord Liverpool's motion was agreed to, without comment, and their lordships adjourned to the 23d of November.

The Commons had adjourned to the same time; and, on the day appointed, both Houses met. Previous to that time, however, Mr. Brougham had sent a written communication to the Speaker, and to Lord Castlereagh, stating, that a message would on that day be delivered from the queen. The Speaker returned for answer, "That he would take the chair a quarter before two o'clock." The Right Honourable Gentleman entered the House at that time, prayers having been read, and two new members sworn in at the table. Mr. Denman, about five minutes past two o'clock, rose with a paper in his hand, which he said was a communication from the queen. At the same time the Deputy Usher of the Black Rod entered the House, amidst the loudest cries for Mr. Denman from about fifty members, and shouts of withdraw, addressed to the

Black Rod. Mr. Denman continued standing, with the paper in his hand, and did not for a moment give way. Not a word which the Usher uttered was heard; his voice was drowned by the vehement cries of "Shame, shame," from the opposition. Having delivered his message, the Black Rod withdrew—a pause ensued—when Mr. Tierney rose, and observed, that not one word of what had fallen from the Deputy Usher had been heard, and how, then, did the Speaker know what was the message, or whether he was wanted at all in the other House? The uproar still continued, and Mr. Bennett exclaiming, with a loud voice, "This is a scandal to the country," the Speaker rose, and proceeded down the body of the House, amidst continued cries of "shame," and loud hisses from the opposition benches. Lord Castlereagh, the Chancellor of the Exchequer, and a number of the ministerial members, accompanied him to the Upper House, where the royal assent was given by commission to several public and private bills.

The commissioners then declared that they had it in command from his majesty to declare Parliament prorogued to the 23d of January following. No speech was delivered by the commissioners, nor a word of explanation given.

Thus terminated the proceedings on the ever-memorable Bill of Pains, Penalties, and Degradation, the progress of which had, for many weeks, kept the country, from one end to the other, in a state of excitement and agitation. A highly-respectable periodical of the day, "The Annual Register," contains the following pertinent observations on the enquiry, and its results:—

"Probably," says the writer in question, "no measure was ever introduced into Parliament, in the

success of which the crown took a deeper interest than in that of the Bill for the degradation of the queen. It was a measure, too, in behalf of which many sound reasons might be urged; for it was much less difficult to assign grounds for believing her majesty guilty, than to find out pretexts for saying that she was innocent. Yet, in spite of all the royal influence—in spite of the strong case which ministers made out—in spite of the aid which they derived from the co-operation of some of the ablest members of the opposition—they were, notwithstanding, obliged to yield to the general clamour, and to abandon their measure. Such a result, whether it was wise, or unwise, just or unjust, in the particular case, ought, at least, always to be recollected, as a noble proof of the independence of our aristocracy. Our nobles disregarded the displeasure of the crown, and chose rather to yield to the current of popular prejudice, thinking that the most effectual mode of reducing her majesty to insignificance, was to abstain from all measures against her. There was one circumstance, of a nature not to be openly avowed in debate, but which had great weight with many of the peers. They felt convinced that the Bill would not be passed by the Commons, and they opposed it for that reason. Since it was not to pass finally, the sooner it was stopt in its progress the better. Whether it would have received the sanction of the Lower House, had it been permitted to proceed so far, it is not easy to divine; but it is obvious, that the difficulties of the enquiry, felt to be considerable in the Lords, would have been increased a thousand fold in the Commons. That House could not examine witnesses on oath; it could not have the benefit of the opinions of the judges; the advocates, on both sides, were members;

so that whatever they could not say or do in one capacity, would be said and done by them in the other. It is impossible to guess what course the enquiry would have taken there, how it would have been conducted, or to what extent it might have been spun out. The failure of the Bill, though a defeat to ministers, was far from being a triumph to the queen; for, surely, it could have been no matter of exultation to have been pronounced guilty of adultery, and worthy of degradation, by a majority of the highest assembly known to our law; and to have been declared guilty, even by the greater number of those who were unwilling to concur in any measure of punishment. The party, however, hailed it as a triumph. On the evening of the day on which the Bill was abandoned, and on those of the following Saturday and Monday, scanty illuminations took place in some quarters of the metropolis, less the ebullition of zeal, than the fruits of precaution, against the outrages of a mob that paraded the streets. Addresses of congratulation poured in upon her; and resolutions were passed at various meetings, condemning the ministers and recommending their removal. The ministers, however, remained in their places; and, from the day when the Bill was abandoned, her majesty began to grow less an object of public interest, and to fall gradually into comparative insignificance."

## CHAPTER XI.

CONSIDERING the brief limits to which this memoir of Lord Brougham must, of necessity, from its form and plan, be confined, it may be thought by some of our readers that we have devoted too large a portion of our space to the transactions immediately connected with the queen's trial. But when, on the other hand, the importance of the subject in an historical point of view is considered, and when the influence which the part his lordship played in the defence of his illustrious client, and subsequently, on both the political and professional career of her chief advocate, is recollected, we trust that, with the far greater portion of those who may peruse these pages, we shall stand excused from the charge of having been unnecessarily prolix in our notice of this portion of his lordship's history. Our notice of the public movements of her majesty, subsequent to the defeat of the Bill of Pains and Penalties, or rather its abandonment by Lord Liverpool, must, however, necessarily be concise. In the session of 1821, frequent discussions arose in Parliament, relative to the queen, in most of which Mr. Brougham took a leading part. His greatest effort, however, at this period, was that made by him before the privy-council, on the 4th and 5th of July, when, in an able and eloquent argument, which occupied their lordships' attention the entire of their sitting through those two days, he urged, with great force, although, as is well known, unsuccessfully, her majesty's claim to be crowned with the king at the approaching coronation. In reply to her majesty's application, subsequently made to Lord Liverpool, to learn what



arrangements had been made for her reception at the coronation, which ceremony had been fixed for the 19th of July, she was answered, that the crown, using its undoubted prerogative, would not have her included in the ceremony; and she was afterwards informed that her attendance at the coronation would not be permitted.

On Thursday, the 19th of July, the long-expected ceremony took place. At half-past eight in the morning, the doors of Westminster Hall were closed against the admission of more company, and at half-past ten his majesty entered the Hall. The procession moved from the Hall to the Abbey, where the ceremony of the coronation took place, and at four o'clock the king returned to the Hall. His majesty then returned to the Speaker's house, where he remained until six o'clock, at which hour he again entered the Hall, and, attired in his robes of state, and wearing the crown on his head, he took his seat on the throne at the head of the table, and the dinner commenced.

The preparations for this grand banquet were most judicious and splendid. Three hundred and twelve persons, besides the members of the royal family, sat down to dinner. The tables, five in number, were seven feet wide, and each person had two feet space allotted to him. The backs of the chairs were Gothic arches, covered with scarlet, and the Hall was floored with blue cloth. The ceremony of the champion took place between the first and second courses, and the other homages allowed by the Court of Claims were performed after the second course. At twenty minutes before eight, the king rose and quitted the Hall, and thus terminated the ceremony; the guests and the spectators separating soon afterwards. The whole pageant was magnificent and splendid beyond all precedent, and

never did his majesty appear in better spirits than he did throughout this fatiguing day.

It is with pain and extreme regret, that we advert to one circumstance connected with this impressive ceremony. We allude to the conduct adopted by the queen. That unfortunate princess, who was on this occasion, as on many others, very ill-advised, appeared during the ceremony at the several entrances of the Abbey and the Hall, and at each was refused admission. The populace, incensed at this conduct towards the queen, collected in mobs, and broke the windows of the houses of his majesty's personal friends, and those of the chief officers and ministers of state. This was the last public humiliation which, living, this unfortunate princess was doomed to experience; the mortification of this moment embittered the few remaining days of her existence, and most probably hastened her death, which event occurred on the 7th of August following. Thus terminated her earthly sufferings and anxieties; but her spirit remained undaunted and energetic at the moment of its separation from its mortal coil, as it had ever shewn itself throughout her eventful life. The disgraceful scenes of riot and bloodshed which took place at her funeral-procession, in its progress from Kensington to Whitechapel, are still fresh in the memory of the nation; and the mention of them, even now, awakens in the minds of those who took a lively interest in them, feelings so painful and unpleasant, that it must appear far better to let the whole fall into oblivion than, by unnecessary description or discussion, to revive the memory of a contest, the principal parties in which are now withdrawn from all the petty cares of this mortal life, and are sheltered, both from enmity and flattery, in the repose of the tomb.

The death of the queen deprived Mr. Brougham,

for a short period, of his rank as counsel; and her late majesty's attorney and solicitor-general took their seats at the bar. Mr. Brougham did not, however, remain long in this situation; he was soon again called to the honours of the silk gown; and his practice continued to increase rapidly. One circumstance we must introduce here, although not quite regular in the order of time; we allude to Mr. Brougham's very able defence of Mr. Williams, the proprietor of the *Durham Chronicle*, who was indicted for a libel, inserted in that paper, upon the clergy of the northern counties. The case came on for trial, at the assizes for the county of Durham, in the summer of 1822; and the alleged libel imputed to the clergy of the city of Durham the crime of hypocrisy and other sins, as exhibited in their conduct, in omitting to order the bells of that city to toll on the death of her late majesty. The conduct of Mr. Brougham, on this occasion, shewed that it was no common-lawyer's part which he had acted, in defending the late queen. One year had now elapsed since the death of that illustrious lady; a question of libel, in which her majesty's name was implicated, had arisen, and Mr. Brougham was engaged as counsel for the defendant. Sir James Scarlett was counsel for the crown, and opened the case to the jury with his accustomed force and ability. Having put in the libel, proved its publication, and gone through the other steps necessary for the prosecution, Mr. Brougham rose to address the jury on the part of the defendant. After some preliminary observations, he proceeded as follows:—

“ My learned friend has asked if the defendant knows that the Church is established by law? He knows it, and so do I. The Church is established

by law, as the civil government—as all the institutions of the country are established by law—as all the offices under the crown are established by law, and all who fill them are by the law protected. It is not more established, nor more protected, than those institutions, officers, and office-bearers, each of which is recognized and favoured by the law as much as the Church; but I never yet have heard, and I trust I never shall, least of all do I expect, in the lesson which your verdict this day will read, to hear that those officers and office-bearers, and all those institutions, sacred and secular, and the conduct of all, whether laymen or priests, who administer them, are not the fair subject of open, untrammelled, manly, zealous, and even vehement discussion, as long as this country pretends to liberty, and prides herself on the possession of a free press.

“If there is any part in England in which an ample license ought more especially to be admitted in handling such matters, I say, without hesitation, it is in the very bishopric where, in the 19th century, you live under a palatine prince, the Lord of Durham; where the endowment of the hierarchy, I may not call enormous, but I trust I shall be permitted, without offence, to term splendid; where the establishment, I dare not whisper proves grinding to the people, but I will rather say, is an *incalculable*, an *inscrutable* blessing—only it is prodigiously large! Showered down in a profusion somewhat overpowering, and laying the inhabitants under a load of obligation overwhelming by its weight. It is in Durham, where the Church is endowed with a splendour and a power unknown in monkish times and popish countries; and the clergy swarm in every corner, as if it were the patrimony of St. Peter,—it is here, where all manner of conflicts are

at each moment inevitable between the people and the priests, that I feel myself warranted, on *their* behalf, and for *their* protection—for the sake of the establishment; and as the discreet advocate of that Church and that clergy—for the defence of their very existence—to demand the most unrestrained discussion of their title, and their actings under it. For them, in this age, to screen their conduct from investigation, is to stand self-condemned; to shrink from the discussion of their title, is to confess a flaw. He must be the most shallow, the most blind of mortals, who does not at once perceive that, if that title is protected only by the strong arm of the law, it becomes not worth the parchment on which it is engrossed, or the wax that dangles to it for a seal. \* \* \*

“I have, hitherto, all along assumed that there is nothing impure in the practice, under the system. I am admitting, that every person engaged in its administration does every one act that he ought, and which the law expects him to do. I am supposing that, up to this hour, not one unworthy member has entered its pale—I am even presuming that, up to this moment, not one of those individuals has stepped beyond the strict line of his sacred functions, or given the slightest offence or annoyance to any human being. I am taking it for granted that they all act the part of good shepherds, making the welfare of the flock their first care; and only *occasionally* bethinking them of *shearing*, in order to prevent the too luxuriant growth of the fleece proving an incumbrance, or to eradicate disease. If, however, those operations be so constant, that the flock actually live under the knife—if the shepherds are so numerous, and employ so large a troop of the watchful and eager animals

that attend them, (some of them, too, with a cross of the fox, or even of the wolf, in their breed,) can it be wondered at, if the poor creatures thus *fleeced*, and *hunted*, and *barked* at, and *snapped* at, and, from time to time, *scorried*, should now and then bleat; dream of preferring the rot to the shears; and draw invidious, possibly disadvantageous, comparisons between the wolf without and the shepherd within the fold. \* \* \*

“For those who have caused the pain, to complain of the outcry, and seek to punish it—for those who have goaded, to scourge and to gag, is the meanest of all injustice; it is, moreover, the most pitiful folly for the clergy to think of retaining their power, their privileges, and their enormous wealth, without allowing free vent for complaints.”

\* \* \* \* \*

“I will now, gentlemen, read you the alleged libel; and you will then see the head and front of my client's offence. It is as follows:—

“‘We know not whether any actual orders were issued to prevent the customary sign of mourning, but the omission plainly indicates the kind of spirit which predominates among our clergy. Yet these men profess to be followers of Jesus Christ, to walk in his footsteps, to teach his precepts, to inculcate his spirit, to promote harmony, charity, and Christian love! Out upon such hypocrisy!’”

This was the head and front of Mr. Brougham's client's offending. Mr. Scarlett, we have said, had already spoken. Mr. Brougham read, or recited, the above passage, and went on—

“That you may understand the meaning of this passage, it is necessary for me to set before you the picture my learned friend was pleased to draw of the clergy of the diocese of Durham, and I shall

recal it to your minds almost in his own words. According to him, they stood in a peculiarly-unfortunate situation. They are, in truth, the most injured of men. They all, it seems, entertained the same generous sentiments with the rest of their countrymen, though they did not express them in the old, free, English manner, by openly condemning the proceedings against the late queen; and, after the course of unexampled injustice, against which she victoriously struggled, had been followed by the needness infliction of inhuman torture, to undermine a frame whose spirit no open hostility could daunt, and extinguish the life so long imbittered by the same foul arts; after that great princess had ceased to harass her enemies, (if I may be allowed thus to speak, applying, as they did, by the perversion of all language, those names to the victim which belong to the tormentor,) after her glorious but unhappy life had closed, and that princely head was, at last, laid low by death, which, living, all oppression had only the more illustriously exalted—the venerable clergy of Durham, I am now told, for the first time, though less forward in giving vent to their feelings than the rest of their fellow-citizens, though not so vehement in their indignation, at the matchless and unmanly persecution of the queen—though not so unbridled in their joy at her immortal triumph, nor so loud in their lamentation over her mournful and untimely end—did, nevertheless, in reality, all the while, deeply sympathize with her sufferings, in the bottom of their reverend hearts! When all the resources of the most ingenious cruelty hurried her to a fate without parallel—if not so clamorous, they did not feel the least of all the members of the community—their grief was, in truth, too deep for utterance.

Sorrow clung round their bosoms, weighed upon their tongues, stifled every sound; and, when all the rest of mankind, of every sect, and every nation, freely gave vent to feelings of our common nature, THEIR silence, the contrast which THEY displayed to the rest of their species, proceeded from the greater depth of their affliction. They said the less because they felt the more! Oh, talk of hypocrisy after this! Most consummate of all the hypocrites!

“ Judging before-hand, no doubt, any one must have expected the Durham clergy, of all men, to feel exactly as they are now, for the first time, ascertained to have felt. They are Christians; not worldly at least. They profess the gospel of charity and peace; they beheld oppression in its foulest shape, malignity, and all uncharitableness, putting on their most hideous forms. Measures pursued to gratify prejudice, in a particular quarter, in defiance of the wishes of the people, and the declared opinion of the soundest judges of each party; and all with the certain tendency to plunge the nation into civil discord. If, for a moment, they had been led away, by a dislike of cruelty and of civil war, to express displeasure at such perilous doings, no man would have charged them with political meddling; and, when they beheld truth and innocence triumph over power, they might, as Christian ministers, calling to mind the original of their own Church, have indulged, without offence, in some little appearance of gladness. A calm, placid satisfaction, on so happy an event, would not have been unbecoming their sacred station. When they found her sufferings were to have no end; that new pains were inflicted, in revenge for her escape from destruction; and new tortures devised, to exhaust the



vital powers of her, whom open lawless violence had failed to subdue; we might have expected some slight manifestation of disapprobation from holy men, who, professing to inculcate loving-kindness, tender mercies, and good-will to all, offer up their daily prayers for those who are desolate and oppressed. When, at last, the scene closed, and there was an end of that persecution which death alone could stay; but when not even her unhappy fate could glut the revenge of her enemies, and they who had harassed her to death, now exhausted their malice, in reviling the memory of their victim. If, among them, during her life, had been found some miscreant of a priest, who, to pay his court to whoever had joined in trampling on the defenceless—even such a one, bore he the form of a man, with a man's heart throbbing in his bosom, might have felt even *his* fawning, sordid, calculating malignity, assuaged by the hand of death; even *he* might have left the tomb to close upon the sufferings of his victim. All probability, certainly, favoured the supposition that the clergy of Durham would not take part against the injured, because the oppressor was powerful; and that the prospect of emolument could not make them witness, with dry eyes and hardened hearts, the close of a life which they had contributed to embitter and destroy. But I am compelled to say, that their whole conduct has falsified those expectations. They sided openly, strenuously, forwardly, officiously, with power, in the oppression of a woman, whose wrongs, this day, they, for the first time, pretend to bewail, in their attempt to cozen you out of a verdict, behind which they may skulk from the inquiring eyes of the people. Silent and subdued in their tone, as they were on the demise of the unhappy queen, they

could make every bell in all their chimés peal, when gain was to be expected by flattering present greatness. Then they could send up addresses, flock to public meetings, fill the press with their libels, and make the pulpit ring with their sycophancy, filling up to the brim the measure of their adulation to the reigning Monarch, Head of the Church and Dispenser of its Patronage.

“In this contrast originated the defendant’s feelings, and hence the strictures which form the subject of these proceedings. I say the publication refers exclusively to the clergy of this city, who have been guilty of this mark of disrespect towards her late majesty. I deny that it has any reference whatever to the rest of the clergy, or evinces any designs hostile either to the stability of the Church, or the general character and conduct of its ministers.

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“Gentlemen, you have to-day a great task committed to your hands. This is not the age, the spirit of the times is not such, as to make it safe either for the country, or for the government, or for the church itself, to veil its mysteries in secrecy; to plant in the porch of the temple a prosecutor brandishing his flaming sword, the process of the law, to prevent the prying eyes of mankind from wandering over the structure. These are times when men *will* enquire; and the day most fatal to the Established Church, the blackest that ever dawned upon its ministers, will be that which consigns this defendant, for these remarks, to the horrors of a gaol, which its false friends, the chosen objects of such lavish favour, have far more richly deserved. I agree with my learned friend, that the Church of England has nothing to dread from external violence. Built upon a rock, and lifting its head towards ano-

ther world, it aspires to an imperishable existence, and defies any force that may rage from without. But let it beware of the corruption engendered within and beneath its massive walls; and let all its well-wishers, all who, whether for religious or political interests, desire its lasting stability, beware how they give encouragement, by giving shelter, to the vermin bred in that corruption, who '*stink and sting*' against the hand that would brush the rottenness away. My learned friend has sympathised with the priesthood, and innocently enough lamented that they possess not the power of defending themselves through the public press. Let him be consoled; they are not so very defenceless—they are not so entirely destitute of the aid of the press as through him they have represented themselves to be. They have largely used that press (I wish I could say '*as not abusing it,*') and against some persons very near me; I mean especially against the defendant. Not that they wound deeply or injure much; but that is no fault of theirs; without hurting, they give trouble and discomfort. The insect brought into life by corruption, and nestled in filth—I mean the dirt-fly—though its flight be lowly and its sting puny, can swarm and buzz, and irritate the skin and offend the nostril, and altogether give nearly as much annoyance as the wasp, whose nobler nature it aspires to emulate. These reverend slanderers—those pious back-biters—devoid of force to wield the sword, snatch the dagger; and, destitute of wit to point or to barb it, and make it rankle in the wound, steep it in venom, to make it fester in the scratch. The much-venerated personages, whose harmless and unprotected state is now deplored, have been the wholesale dealers in calumny, as well as the largest consumers of the

base article,—the especial promoters of that vile traffic of late the disgrace of the country—both furnishing a constant demand for the slanders by which the press is polluted, and prostituting themselves to pander for the appetites of others; and now they come to demand protection from retaliation, and shelter from just exposure; and, to screen themselves, would have you prohibit all scrutiny of the abuses by which they exist, and the mal-practices by which they disgrace their calling. After abusing and well-nigh dismantling for their own despicable purposes the great engine of instruction, they would have you annihilate all that they have left of it, to secure their escape. They have the incredible assurance to expect that an English jury will conspire with them in this wicked design. They expect in vain! If all existing institutions and all public functionaries must henceforth be sacred from question among the people; if, at length, the free press of this country, and, with it, the freedom itself, is to be destroyed, at least, let not the heavy blow fall from your hands. Leave it to some profligate tyrant—leave it to a mercenary and effeminate Parliament; a hireling army, degraded by the lash, and the readier instrument for enslaving its country—leave it to a pampered House of Lords; a venal House of Commons; some vulgar minion, servant of all work to an insolent Court; some unprincipled soldier, unknown, thank God! in our times, combining the talents of a usurper with the fame of a captain; leave to such desperate hands, and such fit tools, so horrid a work! But you, an English jury, parent of the press, yet supported by it, and doomed to perish the instant its health and strength are gone—lift not you against it an unnatural hand. Prove to us that our rights are safe in your keeping;

but maintain, above all things, the stability of our institutions, by well guarding their corner-stone. Defend the Church from her worst enemies, who, to hide their own misdeeds, would veil her solid foundations in darkness; and proclaim to them, by your verdict of acquittal, that henceforward, as heretofore, all the recesses of the sanctuary must be visited by the continual light of day, and by that light all its abuses be explored!"

Throughout the whole of this eloquent address, Mr. Brougham was repeatedly interrupted by the enthusiastic applause of those who heard it; an expression of feeling which the exertions of the officers and the repeated admonitions of the presiding judge were wholly ineffectual to restrain. The speech was one of the best and most effective ever delivered by him; it came warm from the heart, and it was evident to all who heard it, that, in its delivery, Mr. Brougham was much less the advocate of Mr. Ambrose Williams, the defendant, than he was the panegyrist and defender of his deceased illustrious client, Queen Caroline. After the learned judge had summed up the evidence, and commented upon various parts of it, the jury retired, and, after being out of Court upwards of five hours in deliberation, returned a qualified verdict of guilty against his client.

To return to the thread of our narrative. In the months of November and December, 1820, public attention was called to a nuisance of an extraordinary character, and which reached a most unprecedented height, in a sudden and almost imperceptible manner. This nuisance had its origin in the licentiousness of the public press. Newspapers, placards, pamphlets, and caricatures, of the most disgusting and immoral description, were exposed to sale in

every quarter of the metropolis; and from thence were circulated through all parts of the country. In several loyal addresses presented to his majesty about that time, this circumstance was pointedly alluded to; and many individuals, of distinguished rank and character, directed their attention to the subject, and suggested to the government various means of putting a stop to the evil, no one of which, however, received the sanction of, or was acted upon by the ruling powers of the day. At length, in the month of December, 1820, a meeting of several private gentlemen took place in London, convened for the express purpose of taking into consideration the propriety of forming an association on constitutional principles, similar to that established in 1792, for supporting the laws, for suppressing seditious publications, and for defending the country against the fatal influence of disloyalty and sedition. The result of this meeting was, that a committee was immediately formed to draw up a statement, embracing the general views and objects of the society. In a day or two after their appointment, the committee made a report, which was ordered to be printed; and, on a subsequent day, namely, on the 22d of December, every paragraph of the report underwent discussion, and the substance was formed into an address to the public. This address was considered so sound in its principles, that many persons of distinction came forward, and gave the support of their names to the association, and further aided it by pecuniary contributions. One of the first acts of the association was, to draw up a brief "Exposition of the English Law of Libel," which they caused to be distributed to every dealer in pamphlets, newspapers, and caricatures, as an admonition to them; and setting forth the danger into

which they would run, should they still persist in selling, or otherwise circulating any immoral, indecent, or seditious publication, in future. Many of these persons submitted to the admonition thus given them, and abandoned the infamous traffic in which they had been engaged. Others, however, persevered in their evil practices, encouraged by the profits attached to them. Against these latter, bills of indictment were preferred by the society. Several of these persons, alarmed at the consequences likely to result from their folly or wickedness, gladly purchased their peace, by the payment of a sum of money to the society, and the abandonment of the nefarious trade in which they had been engaged.

It cannot be denied, that the exertions of the society were extremely useful to the public, in putting down the evil complained of; but, at the same time, it must be acknowledged that an institution, formed as that which we are now describing was formed, was particularly liable to abuse in the exercise of its powers. From the vagueness and uncertainty of the Law of Libel in a free country, it is scarcely possible, in the keenness of ardent discussions, to avoid falling under its lash; and it is only in the responsibility of the law-officers of the Crown, and their presumed reverence for the constitution, that the public has any assurance the law will not be enforced, except in cases in which its spirit, as well as its letter, has been infringed, and the public tranquillity interfered with. Upon these grounds, there must always be a strong objection to the encouragement or sufferance of prosecutions for public offences under the Law of Libel, except by the authorized and recognized law-officers of the crown. Upon this principle, therefore, a sound constitu-

tional one, there soon arose, in the public mind, a feeling decidedly adverse to the association, even among persons of whose attachment to the constitution no doubt could be entertained; and many there were, who, not satisfied with disapproving of it, as inexpedient and too liable to abuse, even went so far as to pronounce it an illegal combination; and among others Mr. Brougham, on the 23d of May, 1821, took an opportunity, in his place in the House of Commons, to direct the attention of the Speaker to the proceedings of the society, at the same time insisting strongly on the danger of prosecutions, conducted by means of a common fund, and against individuals selected at the discretion of political prejudice. A few nights afterwards he again adverted to it, and, in a forcible strain of sarcastic observation, exposed the absurdity and presumption of a circular letter, which had been addressed by the secretary of the society to the magistracy of the kingdom generally. He commented, in strong terms, on the unconstitutional nature of the society, reprobating its proceedings as illegal, and as tending to poison the sources of justice, by destroying the impartiality of juries. Mr. Scarlett and Mr. Warre agreed in opinion with Mr. Brougham, and although the solicitor-general defended the legality of, and contended that such an institution was strictly constitutional, these successive attacks had the effect of reducing the activity of the society, and of retarding greatly the activity of its agents. At length, on the 23d of May, Mr. S. Whitbread moved "an address to his majesty, praying that he would be graciously pleased to direct the attorney-general to enter a *noli prosiqui* upon all indictments preferred by the society. Mr. Brougham supported the motion; he admitted that the society might, indeed, legally in-



dict; but he asserted that it was not legal for them to use the process of the law in an arbitrary manner, by holding it in *terrorem* over the king's subjects; and, without authority from situation, without the powers or privileges of office, to go into any peaceable citizen's shop, and say to him—"If you do not agree to certain terms, which I shall please to impose, I will indict you; and you shall take the consequences of resistance." Mr. Scarlett followed on the same side. The attorney and solicitor-general opposed the motion, which, after a long discussion, was withdrawn. The society had, however, received its death-blow; and, soon after, it fell into silent oblivion, and was not again heard of.

On the 5th of February, 1822, Parliament assembled for the despatch of public business. The king, in person, opened the session by a speech from the throne; and the public business of importance commenced almost immediately. Mr. Brougham attended at the commencement of the session; and, throughout the whole of its duration, continued to take an active part in every debate of importance. One of the first measures brought under the consideration of the House, was the state of Ireland; and the adoption of certain measures, to put down the spirit of insubordination and outrage which existed in that important portion of his majesty's dominions. To effect this object, two measures were proposed by the government; one of which was the re-enactment of the Insurrection Act, the other The Suspension of the Habeas Corpus Act; which latter measure provided—That any person, who should be in prison, in Ireland, for high-treason, suspicion of high-treason, or treasonable practices, might be detained in custody, without bail or mainprise, until the 1st of August following; to which date, also,

the operation of the Insurrection Act was to be confined.

Lord Londonderry, in moving for leave to bring in these Bills, urged the necessity of adopting the measures now recommended, on account of the alarming height to which the disturbances in Ireland had, at this time, reached. The opinion of the Lord-Lieutenant, and, indeed, of the Irish government generally, was, that no addition to the military establishment would be sufficient to put down those disturbances, unless the government was also armed with extraordinary powers. Mr. C. Grant, Mr. Dawson, and Sir H. Parnell, concurred with Lord Londonderry, in his view of the question; but the proposed measures were strongly opposed by Sir John Newport, Mr. C. Hutchinson, Mr. Spring Rice, Sir F. Burdett, and Mr. Brougham. Mr. Brougham objected, more especially, to the bringing in of the Bill for suspending the Habeas Corpus Act; which, upon the case made out by ministers themselves, he said, was evidently not a remedy applicable to the cure of the evils complained of. Ministers had admitted, that neither political nor religious animosities were mixed up with the present disturbances; and a Suspension Act could only be a fit or useful remedy in cases of religious or political dissensions, when violent and mischievous agitators were stalking abroad, whom it was desirable the government should have the power of removing at once from the centre of their mischievous operations. The opposition thus made by Mr. Brougham was, certainly, ingenious; but a moment's reflection will serve to shew that it was founded on fallacy. It assumed that rebellion, if it did not spring from religious or political motives, was not rebellion; that mischievous outrage,

or opposition to government and the laws, however destructive of property, or reckless of the safety, and even the lives of the loyal, peaceable, and well-disposed subjects of the realm, ceased to be treason against the state; and, therefore, could not require that the arm of the law should be strengthened, so far as to enable those who had the guidance of it to meet and combat successfully with the extraordinary exigencies of the case; whereas the fact is, that wherever there is a concerted system of opposition to the constituted authorities, no matter from what source that opposition may spring, such system must, in reason, imply secret agency and the combination of numbers. The precautionary measures of the principal agents in such a case may be so well arranged as to render proof of any overt-act, on their part, impossible; yet it may be imperative on a government to arrest the progress of such an agency, or to risk the safety of the state; and, to enable them to effect that object, the Suspension of the Habeas Corpus Act may become a measure of necessity or prudence, even supposing the combination against the law and the public peace to originate in some cause wholly unconnected with religious opinions or wild political theories. On the occasion in question, the suspension of the Act was a measure peculiarly applicable to the state of Ireland, where schemes of treason existed on so large a scale, that bodies of 5 or 600 men, trained and armed, and led on by desperate and determined leaders, were frequently found arrayed against the regular military force. Parliament appeared to entertain a full conviction of the necessity of both the measures now brought in by Lord Londonderry; leave was given to bring in the Insurrection Act without any division; and, on the other question,

the noble lord's motion was carried by a majority of nearly three to one, the numbers being—in favour of the Bill, 195; against it, 68.

On the 29th of April, in this year, Lord John Russell brought forward the question of Parliamentary Reform. The subject had, for some time previous to this period, ceased to excite much interest in the House or in the country. The noble lord's speech on this occasion, however, exhibited so much of industrious research, and contained such an extensive mass of information, that it obtained in the House a most attentive hearing, and created, out of doors, an extraordinary sensation. The noble lord concluded his address by moving the following resolution:—"That the present state of the representation of the people in Parliament requires the most serious consideration of this House." After a long debate, in the course of which Mr. Brougham spoke in support of the motion, the House divided; when the resolution was negatived by 269 to 164. The strength of the minority, on this occasion, held out to the friends of reform a rational hope of ultimate, though not immediate triumph. This hope was greatly increased by the circumstance of finding, in their ranks, the names of several young men, the representatives of noble families, whose future efforts could not fail to add great weight and influence to the cause. In the list of the minority, on this occasion, we find recorded the following titled-members of the House of Commons: Lords Althorpe, Barnard, Belgrave, W. Bentinck, Clifton, Duncannon, Ebrington, Folkestone, A. Hamilton, A. Hill, Milton, Normanby, Nugent, F. Osborne, Ossulston, J. Russell, Sefton, Stanley, W. Stewart, Tavistock, Tichfield, and C. Townsend.

The question was not again brought forward, in

a direct form during this session, but in substance it was again presented to the House on the 24th of June by Mr. Brougham, who, on that day, moved a resolution, "That the influence possessed by the crown is unnecessary to the maintenance of its due prerogatives, destructive of the independence of Parliament, and inconsistent with the well-government of the state." This resolution Mr. Brougham introduced by a speech, in which he displayed his accustomed eloquence, and gave another specimen to his opponents of the extraordinary talent which he possesses for irony and sarcasm, auxiliaries which, on this occasion, he called to his aid, with singular brilliancy and success. Commencing from the year 1780, in which year the House of Commons put on record an avowal of its opinion upon the undue influence possessed by the crown, he proceeded to shew the progressive increase of that undue influence up to the period in which he was then addressing the House, which increase, he said, had originated in the vast multiplication of our military, naval, and civil establishments; and the effect of which might be seen in the uniform and servile compliance of the House with different administrations, professing the most opposite principles. In conclusion, he observed, that he wished not to take the House by surprize, and would, therefore, state that he should consider his resolution, if adopted, as nothing less than a pledge to parliamentary reform. The Marquis of Londonderry replied to Mr. Brougham, and the motion was ultimately negatived by a majority of 216 to 101.

One of the principal subjects of discussion in this session was, the distress which pervaded every branch of the agricultural interest. Indeed, the question had rather increased than diminished in

interest, since it was last agitated in Parliament in the preceding session; and immediately after the debate on the Irish Habeas Corpus Suspension Act, Mr. Brougham, probably with a view of ascertaining how far the country gentlemen were likely to abandon the government, moved the following resolution:—"That it is the bounden duty of this House, well considering the pressure of public burthens upon all, but especially the agricultural classes, to obtain for the suffering people of these realms such a reduction of taxation as may be suited to the change in the value of money, and may afford an immediate relief to the distresses of the country." Upon this occasion, Mr. Brougham introduced his motion by a speech of considerable length, but one certainly not characterized by his usual ability. The two principal points on which he rested the support of his motion were, first, that taxes were the cause of the existing distress of the country; and, secondly, that the agricultural interest was burthened with more than a due proportion of those taxes. Many of the arguments advanced by him might well have been expected from Mr. Western, or from Mr. Curwen, whose doctrine had ever been, that the first duty of government was to obtain for landlords the highest possible rents; but his speech displayed none of that wit and brilliancy which usually distinguished his addresses in the House of Commons, and, but for the occasional flashes of sarcasm by which it was illuminated, no one who heard it would have believed that he was listening to the eloquent advocate of the ill-fated Queen Caroline. The whole of his address was an attempt to flatter the landed interest. The resolution was opposed by Lord Londonderry, on the ground that it contained no specific proposition for retrenchment, and

as leading to no practical purpose; and the motion was negatived on a division by 212 to 108. On the 18th of February, Lord Londonderry moved for, and obtained the re-appointment of the agricultural committee. The committee made its report on the 1st of April, and, on the 29th of the same month, the House proceeded to take the report into consideration. On that occasion, Lord Londonderry proposed a string of resolutions, thirteen in number, the first of which was as follows:—"That his majesty be enabled to direct exchequer-bills, to an amount not exceeding one million, to be issued to commissioners in Great Britain, to be by them advanced under certain regulations and restrictions, whenever the average price of wheat shall be under 60s. per quarter, upon such corn, the growth of the United Kingdom, as shall be deposited in fit and proper warehouses." This resolution met with strong opposition, and among its most strenuous opponents was Mr. Brougham, who characterized it as the most ridiculous contrivance which had ever been invented. The device amounted to neither more or less than this; "Whereas there is a difficulty in obtaining a demand for corn, and the farmer cannot sell, God forbid that the government should come into the market as a corn-dealer to buy, because the government ought not to become a purchaser, and particularly in corn; that being acknowledged, by all political economists, to be one of the most absurd of fancies; therefore, let not government become a buyer, but only a hirer of corn—a hirer by the month of so much as the farmer has not sold; God forbid that government should resort to corn-dealing, but let it betake itself to pawn-broking, and let the three golden balls be fixed in the front of the treasury." Several other gentlemen

spoke against the resolution, and, at length, the Marquis of Londonderry declared that he had himself opposed it in the committee; and that, since the originators of it did not now come forward in its support, he was quite ready to withdraw it. The first resolution was accordingly withdrawn. The others, after a long discussion, upon propositions submitted by Mr. Western, Mr. Ricardo, and Mr. Huskisson, all of which were negatived, were agreed to, and a bill founded upon them was introduced, and finally adopted.

The other important discussions, in which Mr. Brougham took a part, during this session, were those on the Naval and Military Pensions, on the Navy Estimates, and on the Salt Tax.

The year 1823 commenced with the fairest prospects for the country. The state of agriculture, as well as that of commerce, had considerably improved; indeed, national prosperity was evidently on the increase. The death of Lord Londonderry, instead of breaking up the administration, a circumstance anticipated by many, had produced a contrary result. Lord Liverpool was still prime-minister, and his cabinet had been strengthened by the introduction of several individuals of acknowledged talent, and possessed a very considerable share of public favour. Lord Londonderry had been succeeded by Mr. Canning as foreign secretary, and ministerial leader in the House of Commons. Mr. Vansittart, elevated to the peerage by the title of Lord Bexley, and thus removed to the Upper House, had for his successor in the office of Chancellor of the Exchequer, the honourable F. Robinson, now Lord Ripon; whilst the office of President of the Board of Trade was given to Mr. Huskisson. These judicious appointments had not only given an accession of talent to Lord Liverpool, but had also



tended greatly to strengthen his government, by adding considerably to its popularity.

Such was the state of government, and such the temper of the people at the commencement of the session of Parliament. The Houses met at the usual time, and, although all was quiet without doors, there was considerable warmth of discussion within, in which Mr. Brougham, as usual, sustained a very conspicuous part. At an early period of the session, the conduct of the Holy Alliance, so far as regarded its interference with the affairs of Spain, became a subject of discussion; and, on that occasion, he made an admirable speech, censuring the conduct of the allies. The debates on the subject of Spain occupied a considerable portion of the attention of Parliament, and in all of them Mr. Brougham took a leading position. His attention was also given to the question of Catholic Emancipation, and to those relating to the Abolition of Slavery, the Scottish Law Commission Bill, Ex-officio Informations in Ireland, and the Delays in the Court of Chancery. In the course of these discussions, Mr. Canning and Mr. Brougham were generally opposed to each other, and in the speech made by the latter on the Catholic question, he charged Mr. Canning with having exhibited "a specimen, the most incredible specimen, of monstrous truckling, for the purpose of obtaining office, that the whole history of political tergiversation could furnish." Mr. Brougham had no sooner uttered these words, than Mr. Canning rose and declared the accusation to be false; the right honourable gentleman was immediately called on by the Speaker to retract the offensive expression which he had uttered, but for a long time he refused to do so. After much confusion, and great exertions being made by the mutual

friends of both parties, a qualified withdrawal of the charge on the one hand, and the denial on the other was made; but a long time elapsed before the parties were brought to a satisfactory explanation.

In this year, Mr. Brougham, in conjunction with Dr. Birkbeck, took an active part in the establishment of the London Mechanics' Institution. In effecting this, he displayed an extraordinary interest, and, by way of giving publicity to the institution, and its objects, as well as to benefit its funds, he shortly afterwards published a pamphlet, entitled "Practical Observations upon the Education of the People, addressed to the Working Classes and their Employers." The sale of this work was unusually extensive; it passed rapidly through upwards of twenty numerous editions, the profits upon which were of great advantage to the fund of the infant institution. Whilst the work itself, being so universally read, led to the establishment of societies in various parts of England, founded upon the same principle as that which governed the Metropolitan Establishment. The following are extracts from the work:—

"Why should not political, as well as all other works, be published in a cheap form, and in numbers? That history, the nature of the constitution, the doctrines of political economy, may safely be disseminated in this shape, no man now-a-days will be hardy enough to deny. Popular tracts, indeed, on the latter subject, ought to be much more extensively circulated for the good of the working classes, as well as of their superiors. The interests of both are deeply concerned in sounder views being taught them; I can hardly imagine, for example, a greater service being rendered to the men, than expounding to them the true principles and mutual

relations of population and wages; and both they and their masters will assuredly experience the effects of the prevailing ignorance upon such questions, as soon as any interruption shall happen in the commercial prosperity of the country, if, indeed, the present course of things, daily tending to lower wages as well as profits, and set the two classes in opposition to each other, shall not of itself bring on a crisis. To allow, or rather to induce the people to take part in these discussions, is, therefore, not merely safe, but most wholesome for the community, and yet, some points connected with them are matter of pretty warm contention in the present times; but these may be freely handled, it seems, with safety; indeed, unless they are so handled, such subjects cannot be discussed at all. Why, then, may not every topic of politics, party as well as general, be treated of in cheap publications? It is highly useful to the community, that the true principles of the constitution, ecclesiastical and civil, should be well understood by every man who lives under it. The great interests of civil and religious liberty are mightily promoted by such wholesome instruction; but the good order of society gains to the full as much by it. The peace of the country, and the stability of the government, could not be more effectually secured than by the universal diffusion of this kind of knowledge. The abuses which through time have crept into the practice of the constitution, the errors committed in its administration, and the improvement which a change of circumstances require, even in its principles, may most fitly be expounded in the same manner. And if any man, or set of men, deny the existence of such abuses, see no error in the conduct of those who administer the government, and regard all innovation

upon its principles as pernicious, they may propagate their doctrines through the like channels. Cheap works being furnished, the choice of them may be left to the readers. Assuredly, a country which tolerates every kind, even the most unmeasured of daily and weekly discussion in the newspapers, can have nothing to dread from the diffusion of political doctrines in a form less desultory, and more likely to make them be both well weighed at the time, and reserved for repeated perusal. It cannot be denied, that the habit of cursory reading, engendered by finding all subjects discussed in publications, which, how great soever their merits may be, no one looks at a second time, is unfavourable to the acquisition of solid and permanent information. \* \* \*

“ Happily, the time is past and gone, when bigots could persuade mankind that the lights of philosophy were to be extinguished, as dangerous to religion; and when tyrants could proscribe the instructors of the people, as enemies to their power. It is preposterous to imagine, that the enlargement of our acquaintance with the laws which regulate the universe, can dispose to unbelief. It may be a cure for superstition—for intolerance it will be the most certain cure; but a pure and true religion has nothing to fear from the greatest expansion which the understanding can receive by the study either of matter or of mind. The more widely science is diffused, the better will the Author of all things be known, and the less will the people be ‘tossed to and fro by the sleight of men, and cunning craftiness, whereby they lie in wait to deceive.’ To tyrants, indeed, and bad rulers, the progress of knowledge among the mass of mankind is a just object of terror; it is fatal to them and their designs; they know this by unerring instinct, and un-

ceasingly they dread the light. But they will find it more easy to curse than to extinguish. It is spreading, in spite of them, even in those countries where arbitrary power deems itself most secure ; and in England, any attempt to check its progress would only bring about the sudden destruction of him who should be insane enough to make it."

The ground which Mr. Brougham had lost with the Dissenters, by the course which he adopted in bringing forward his education scheme, he fully recovered by his conduct, and the exertions which he made in the establishment of the Mechanics' Institution. He also, about this time, obtained a still further hold upon their affections, by the part he took in the House of Commons, on behalf of Mr. Smith, the persecuted missionary of Demerara. On moving an address to the crown, respecting the trial and condemnation of Mr. Smith, Mr. Brougham made the following observations :—

"The frame of West Indian Society, that monstrous birth of the accursed Slave Trade, is so feeble in itself, and, at the same time, surrounded with such perils from without, that barely to support its demands, the most temperate judgment, the steadiest and most skilful hand ; and, with all our discretion and firmness, and dexterity, its continued existence seems little less than a miracle. The necessary hazards, to which, by its very constitution, it is hourly exposed, are sufficient, one should think, to satiate the most greedy appetite for difficulties, to quench the most chivalrous passion for dangers. Enough, that a handful of slave-owners are scattered among myriads of slaves. Enough, that in their nearest neighbourhood, a commonwealth of those slaves is now seated triumphant upon the ruined tyranny of their slaughtered masters. Enough,

that, exposed to this frightful enemy from within and without, the planters are cut off from all help by the ocean. But to odds so fearful, these deluded men must needs add new perils, absolutely overwhelming. By a bond which nature has drawn with her own hand, and both hemispheres have witnessed, they find leagued against them every shade of the African race, every description of those swarthy hordes, from the peaceful Eboe to the fiery Koromantyn. And they must now combine in the same hatred the Christians of the old world with the Pagans of the new. Barely able to restrain the natural love of freedom, they must mingle it with the enthusiasm of religion,—vainly imagining, that spiritual thralldom will make personal subjection more bearable;—wildly hoping to bridle the strongest of the passions in union and in excess—the desire of liberty irritated by despair, and the fervour of religious zeal by persecution, exasperated to phrensy. But I call upon Parliament to rescue the West Indies from the horrors of such a policy; to deliver those misguided men from their own hands. I call upon you to interpose while it is yet time to save the West Indies; first of all the negroes, the most numerous class of our fellow-subjects, and entitled, beyond every other, to our care, by a claim which honourable minds will most readily admit—their countless wrongs, borne with such forbearance—such meekness—while the most dreadful retaliation was within their grasp; next, their masters, whose short-sighted violence is, indeed, hurtful to their slaves, but to themselves is fraught with fearful and speedy destruction, if you do not at once make your voice heard, and your authority felt, where both have been so long despised.”

On a subsequent night, whilst speaking again on

a motion upon this subject, Mr. Brougham says, "The motion conveys a censure, I admit; but, in my humble opinion, a temperate and a mitigated censure. The law has been broken; justice has been outraged. Whoso believes not in this, let him not vote for the motion. But whosoever believes that a gross breach of the law has been committed; that a flagrant violation of justice has been perpetrated! is it asking too much at the hands of that man, to demand that he honestly speak his mind, and record his sentiments by his vote? In former times, this House of Parliament has not scrupled to express, in words far more stringent than any you are now required to adopt, its sense of proceedings, displaying the triumph of oppression over the law. When there came before the Legislature, a case remarkable in itself; for its consequences yet more momentous; resembling the present in many points; to the very letter, in some things resembling it—I mean, the trial of Sidney—did our illustrious predecessors, within these walls, shrink back from the honest and manly declaration of their opinion, in words suited to the occasion, and screen themselves behind such tender phrases as are resorted to,—‘Don’t be too violent—pray be civil—do be gentle, there has only been a man murdered, nothing more—a total breach of all law, to be sure; an utter contempt, no doubt, of justice, and every thing like it, in form as well as in substance; but that’s all: surely then you will be meek, and patient, and forbearing, as were the Demerara judges to this poor missionary; against whom, if somewhat was done, a great deal more was meditated than they durst openly perpetrate; but who being condemned to die, in despite of law and evidence, was only put to death by slow and wanton severity!’ In those days,

no such language was holden. On that memorable occasion, plain terms were not deemed too strong, when severe truth was to be recorded. The word 'murder' was used, because the deed, of blood had been done. The word 'murder,' was not reckoned too uncourtly, in a place where decorum is studied somewhat more scrupulously than even here. On the journals of the other House stands the appointment of Lords' Committees, 'to inquire of the advisers and prosecutors of the murder of Lord Russell and Colonel Sidney;' and their lordships made a Report, upon which the statute is passed, to reverse those execrable attainders."

The sole crime which Mr. Smith had committed, as appeared from the evidence produced at his trial, was the having devoted the whole of his life to the temporal and spiritual improvement of the poor slaves of the colony. He was an offender in exactly the same degree as the Baptist missionaries in Jamaica. He was tried by a court-martial and condemned almost without evidence, or rather against, evidence; and was confined in a prison, where he languished for a few months, when he was saved by death from the extreme punishment the colonial authorities had all the inclination, but wanted the courage to inflict. The motion, for further enquiry, as brought forward on this occasion by Mr. Brougham, was lost, after a debate which occupied two nights.



## CHAPTER XII.

THE session of 1824 was opened on the 3d of February. The temporary indisposition of his majesty prevented his going down to the House of Peers on this occasion; the royal speech was, therefore, delivered by commission. The address, in reply to the speech, was moved in the Commons by Mr. Rowland Hill, and seconded by Mr. Daly. In the discussion which followed, Mr. Brougham strongly opposed the address. In commenting upon that part of the speech which referred to our foreign policy, he asked, "what had we gained by that policy? where was the preponderating controul of our influence visible? Once we could boast of a proud pre-eminency in governing the destinies of states, but no man could point out its existence now. Either we had the power, and refrained from using it, suffering the beam which upheld liberty and the independence of nations to be kicked by despots, and the balance overpowered; or we had suffered ourselves to be duped and cajoled, and shut out from the European system. One mode of estimating the sense entertained by the continental powers of the conduct and station of England was, to see in what light foreigners viewed them. It was now the proverbial talk abroad, when the politics of England were discussed, that she was no longer entitled to deem herself a first-rate controuling power—no, nor even a second-rate; but that she must take her place as an insular power, where nature had put her, or where she had put herself." Mr. Canning replied to the arguments of Mr. Brougham, and the address was, as usual, car-

ried by a large majority. We have already adverted to the course taken by Mr. Brougham, relative to the persecution of Mr. Smith, the Demerara missionary; and, in the course of this session, we find him taking a part in the debate on Financial Affairs, and also in those which took place on the delays in the Court of Chancery; on Mr. Abercromby's complaint against Lord Chancellor Eldon, and on several other subjects.

It was towards the conclusion of this session that the rencounter occurred between him and Mr. Robert Gourlay, of stone-breaking notoriety. The occurrence was related in the journals of the day, in the following terms:—"Outrage on Mr. Brougham. At a quarter past four o'clock yesterday afternoon, (the 11th of June) as Mr. Brougham was passing through the lobby of the House of Commons, a person who walked behind him, and held a small whip in his hand, which he flourished, was heard by a bystander to utter, in a hurried and nearly inarticulate manner, 'You have betrayed me, Sir; I'll make you attend to your duty.' Mr. Brougham, on encountering this interruption, turned round and said, 'Who are you, Sir?'—"You know me well," replied the assailant. Mr. Brougham perceiving the person still pressing upon him, passed on towards the door of the House of Commons, and took no further notice of his assailant. The bustle, however, which this rencounter occasioned, attracted the attention of the constables in attendance, and also of several of the members, who, at the time, were passing along the lobby; particularly of Mr. Littleton and Sir G. Robinson, who were entering the House at the instant. The consequence was, that the individual was taken into custody by Cook the constable, and the whip wrested from him. On being ques-

tioned by Mr. Littleton, the prisoner stated his name to be Robert Gourlay. He said, he had at one time presented certain petitions, which had given rise to considerable discussion in the House, complaining of oppression, which he had suffered from the local authorities in Canada; subsequently he had been residing in Wiltshirc, where he had been so far reduced in his circumstances as to be obliged to accept employment on the roads, as a parochial labourer, at stone-breaking. He had lately been engaged in a Chancery suit with the Duke of Somerset, respecting a question of property in a farm, which he said of right belonged to him. When removed into one of the committee-rooms, in custody of the constable, and of Mr. Gifford, one of the messengers of the House, he let fall his head on his hand, as a person labouring under the relapse incidental to violent excitement would do. He complained greatly of the neglect of Mr. Brougham, respecting the presentation of a petition from Canada; and on being, in the course of the evening, told that if he would express contrition for the outrage he had committed, Mr. Brougham would instantly move for his discharge, he refused to make any apology to that gentleman, but said he had no objection to petition the House. He added, that he was determined to have a fight with Mr. Brougham, because he had shamefully deserted his cause, and taken up that of a dead missionary." Subsequent enquiry shewed that Gourlay was, and had for some time previous to the commission of this outrageous assault, been labouring under the effects of insanity.

The year 1825 was one of great importance to Mr. Brougham, as regards his political life; at no period of which, did his reputation, as a lawyer, or his popularity as a political man, stand higher; and,

as a proof of the estimation in which he was held as a scholar, and the rank which he occupied in the world of literature and science, we may state that he was this year elected to the high and honourable appointment of Lord Rector of the University of Glasgow. On this occasion, his triumph was rendered the more conspicuous by the rank and reputation, in the world of letters, of his opponent—no less illustrious an individual than Sir Walter Scott. To carry off the palm from such a competitor was, indeed, an honour; and if to add to his triumph was possible, that addition was made to it in the mode of its achievement. The contest was a most severe one; the decision rested on a casting vote, and that casting vote was given in favour of Mr. Brougham, by Sir James Mackintosh. The wand of the wizard of the North was, on this occasion, shorn of its power; the spell was for a short time, not indeed broken, but suspended; and the great magician, after a struggle, in which he lost no honour, resigned the laurel to his powerful and highly-talented competitor.

The ceremony of the installation of the new Lord Rector took place at Glasgow on the 6th of April. On this occasion, Mr. Brougham delivered an inaugural discourse to the assembled students, which, for eloquence of composition, and for taste and judgment of arrangement, equalled any similar exhibition which had preceded it in the present age, and surpassed most. What renders this exquisite and finished oration still more worthy of admiration is, that it was entirely composed amidst the hustle and fatigue of the northern circuit. The following extracts will give the reader some idea of the nature and character of this splendid production of the Lord Rector's mind :—

“ I feel,” said Mr. Brougham, “ very sensibly, that if I shall now urge you, by general exhortations, to be constant in the pursuit of the learning, which, in all its branches, flourishes under the kindly shelter of these roofs, I may weary you with the unprofitable repetition of a thrice-told tale ; and if I presume to offer my advice touching the conduct of your studies, I may seem to trespass upon the province of those venerable persons, under whose care you have the singular happiness to be placed. But I would, nevertheless, expose myself to either charge, for the sake of joining my voice with theirs, in anxiously intreating you to believe how incomparably the present season is verily, and indeed the most precious of your whole lives. It is not the less true, because it has been oftentimes said, that the period of youth is by far the best fitted for the improvement of the mind, and the retirement of a college, almost exclusively adapted to much study. At your enviable age, every thing has the lively interest of novelty and freshness ; attention is perpetually sharpened by curiosity ; and the memory is tenacious of the deep impressions it thus receives, to a degree unknown in after-life ; while the distracting cares of the world, or its beguiling pleasures, cross not the threshold of those calm retreats ; its distant noise and bustle are faintly heard, making the shelter you enjoy more grateful ; and the struggles of anxious mortals embarked upon that troublous sea, are viewed from an eminence, the security of which is rendered more sweet by the prospect of the scene below. Yet, a little while, and you too will be plunged into those waters of bitterness ; and will cast an eye of regret, as now I do, upon the peaceful regions you have quitted for ever. Such is your lot as members of society ; but it will be your own fault

if you look back on this place with repentance or with shame; and be well assured that, whatever time—ay, every hour you squander here on unprofitable idling, will then rise up against you, and be paid for by years of bitter but unavailing regret. Study then, I beseech you, so to store your minds with the exquisite learning of former ages, that you may always possess, within yourselves, sources of rational and refined enjoyment, which will enable you to set at nought the grosser pleasures of sense, whereof other men are slaves; and so imbue yourselves with the sound philosophy of later days, forming yourselves to the virtuous habits which are its legitimate offspring, that you may walk unhurt through the trials which await you, and may look down upon the ignorance and error that surround you, not with lofty and supercilious contempt, as the sages of old times, but with the vehement desire of enlightening those who wander in darkness, and who are by so much the more endeared to us, by how much they want our assistance.”

After exhorting his auditors to study well, and meditate much, on the beauties of our old English authors, the poets, the moralists, and perhaps more than all these, the preachers of the Augustan age of English letters, the Lord Rector continues—

“It is but reciting the ordinary praises of the art of persuasion, to remind you how sacred truths may be most ardently promulgated at the altar—the cause of oppressed innocence be most powerfully defended—the march of wicked rulers be most triumphantly resisted—defiance the most terrible be hurled at the oppressor’s head. In great convulsions of public affairs, or in bringing about salutary changes, every one confesses how important an ally eloquence must be. But in peaceful times, when

the progress of events is slow and even as the silent and unheeded pace of time, and the jars of a mighty tumult in foreign and domestic concerns can no longer be heard, then too she flourishes—protectress of liberty—patroness of improvement—guardian of all the blessings that can be showered upon the mass of human kind; nor is her form ever seen but on ground consecrated to free institutions. ‘*Pacis comes otique socia, et jam bene constitutæ reipublicæ alumna eloquentia.*’ To me, calmly revolving these things, such pursuits seem far more noble objects of ambition, than any upon which the vulgar herd of busy men lavish prodigal their restless exertions. To diffuse useful information—to further intellectual refinement, sure forerunner of moral improvement—to hasten the coming of that bright day, when the dawn of general knowledge shall chase away the lazy, lingering mists, even from the base of the great social pyramid; this, indeed, is a high calling, in which the most splendid talents and consummate virtue may well press onward, eager to bear a part. I know that I speak in a place, consecrated, by the pious wisdom of ancient times, to the instruction of but a select portion of the community. Yet, from this classic ground have gone forth those whose genius, not their ancestry, ennobled them; whose incredible merits have opened to all ranks the temple of science; whose illustrious example has made the humblest zealous to climb steeps no longer inaccessible, and enter the unfolded gates, burning in the sun. I speak in that city, where Black having once taught, and Watt learned. The grand experiment was afterwards made in our day, and with entire success, to demonstrate that the highest intellectual cultivation is perfectly compatible with the daily cares and toils of working men; to show, by

thousands of living examples, that a keen relish for the most sublime truths of science belongs alike to every class of mankind.

“ Let me indulge in the hope, that among the illustrious youths whom this ancient kingdom, famed alike for its nobility and its learning, has produced to continue her fame through after-ages, possibly among those I now address, there may be found some one—I ask no more—willing to give a bright example to other nations, in a path yet untrodden, by taking the lead of his fellow-citizens—not in frivolous amusements, nor in the degrading pursuits of the ambitious vulgar—but in the truly noble task of enlightening the mass of his countrymen, and of leaving his own name no longer encircled, as heretofore, with barbaric splendour, or attached to courtly gewgaws, but illustrated by the honours most worthy of our rational nature—coupled with the diffusion of knowledge—and gratefully pronounced through all ages by millions, whom his wise beneficence has rescued from ignorance and vice. To him I will say, ‘ *Homines ad Deos nullâ re propius accedunt quam salutem hominibus dando: nihil habet nec fortuna tua majus quam ut possis, nec natura tua melius quam ut velis servare quamplurimos.*’ This is the true mark for the aim of all, who either prize the enjoyment of pure happiness, or set a right value upon a pure and unsullied renown.”

As being closely connected with the ceremony of Mr. Brougham’s installation as Lord Rector, and, indeed, as arising almost entirely out of that transaction, it may not be out of place here to notice the splendid entertainment given to him at this time by his fellow-citizens at Edinburgh. The journals of the day described the banquet in the following terms:—



“Edinburgh, April the 5th. One of the largest dinners ever provided in Edinburgh was this day given to Mr. Brougham, to celebrate his arrival in his native city, in his way to Glasgow, to be invested with the office of Lord Rector of the University of that place. The assembly-rooms were appropriated for the reception of the company. At half-past six o'clock the assembled guests sat down to a dinner, comprising all the delicacies attainable, whether in or out of season, accompanied by the most splendid and delicious wines which money could procure. The cloth having been withdrawn, after the king, the Duke of York and the army, the Duke of Clarence and the navy, and the Duke of Sussex, had been given as toasts,—

“The chairman, Mr. Cockburn, then a very eminent member of the Scotch bar, rose to propose the health of their highly-talented guest, Mr. Brougham. In the course of an eloquent address, with which he introduced the toast, and in which he made some allusions to the queen's trial, Mr. Cockburn observed, ‘It is now almost twenty years since Mr. Brougham ceased to be one of the citizens of Edinburgh, and had quitted his native city to begin that splendid career of public life which he had so successfully pursued; but he did not then leave them without conferring upon them the honor of entitling them to say, that though himself of an English family, it was in Edinburgh he had received the whole of his education; it was in that town that he had formed his earliest, and, as many thought, his dearest friendships and associations; and there it was that he first exhibited and established his claim to those great, natural, and highly-cultivated and acquired powers, which, to his friends, who then knew and appreciated them, made it not matter of speculation,

but of certainty, that he must inevitably distinguish himself as the highest in any walk of ambition to which his duty or his inclination should at any time lead him. How far that perfect conviction of the earliest friends of Mr. Brougham was justified by the result, it was unnecessary for him to repeat on this occasion. Nearly twenty years, as he had already observed, had now elapsed since he quitted them, and from that day to this, their accomplished friend had gone on in the display of successive achievements, of such brilliancy, that the preceding one seemed so great, that it was deemed impossible to be surpassed, until the succeeding one eclipsed it with its glory; until, at last, he exhibited, in his pregnant history of mental progress, one of the noblest and most cheering spectacles which a free country could present in her annals—the spectacle of a young man, going forth into public life, supported by his principles and talents alone, and triumphing in their independent success. So advancing, too, without the advantages of a great private fortune, or hereditary connections, but merely by innate worth, by a sagacious selection of his objects, and the abilities with which he pursued and enforced them, acquiring, in this pure and gratifying way, an influence over his countrymen, greater, far greater, than was ever obtained on any previous occasion, merely by the single aid of the intellectual resources of a single man.’ ”

It is needless to say that the toast was received with enthusiasm. Mr. Brougham’s speech, acknowledging the compliment paid to him, exhibited even more than his usual energy, and was conveyed in even stronger and more severe terms, when alluding to political opponents, and expressing difference of opinions, than usually characterizes his speeches,

either in or out of Parliament. Adverting to the queen's trial, he said, "There was one part of his learned friend's speech to which he must particularly allude, as having given him great pain. His friend had talked of the trial of the late queen; never had he before, either in public or in private, heard so great a profanation of the attributes of those judicial proceedings, which, by profession and habit, he had been taught to revere, than, to use the name of 'Trial,' when speaking of such an event. It was no trial he said, and so said the world—the subject was gone by and not introduced by him—but still the phrase, when dropt, must be corrected, for 'Trial' it was none. Was that a trial where the accused had to plead before those that were interested in her destruction—where those who sat on the bench of justice, aye, and pretended to be her judges, had pre-ordained her fate? Trial, I repeat, there was, there could be none, where every channel of defamation was allowed to empty itself upon the accused, borne down by the strong arm of power, overwhelmed by the alliance of the powers and the principdoms of the state, and defended only by that innocence, and that law, which those powers and those principdoms, united with the powers of darkness, had combined to destroy. Trial, it was none, where every form of justice was obliged to be broken through on the very surface, before the accusers could get at the imputed grounds of their accusations. This, forsooth, a trial! call it not so for the sake of truth and law. While that event deforms the page of their history, let them be silent about eastern submissiveness—let them not talk of the Agas, the Pachas, and the Beys—all judges also—at least, so they call themselves, while they are doomed to remember, that they have had, in their

own times, ministers of their own crown, who, under the absolute authority of their own master, consented to violate their own pledge, to compromise and stifle their own avowed feelings, and to act as slaves crouching before the footstool of power to minister to its caprice. Let them call that a trial which was so conducted, and then I will say the queen was tried, at the time I stood for fifty-six days witnessing the sacrilegious proceedings."

On the day following that on which the banquet described above was given to Mr. Brougham, at Edinburgh, the ceremony of the instalment of the Lord Rector at Glasgow took place. That ceremony over, the Lord Rector returned to London, to resume his attendance on his senatorial and professional duties.

We must now resume the regular thread of our narrative, which we have somewhat diverged from, with a view of giving, in a more connected form, the detail of proceedings in Scotland, consequent upon Mr. Brougham's assumption of the dignity at this time conferred upon him by his fellow-subjects in the northern part of the empire.

On the 3d of February Parliament assembled, and the session, as usual, was opened by commission. Lord F. L. Gower moved the address in answer to the speech, and Mr. Alderman Thompson seconded it. On this occasion, Mr. Brougham took the lead in the debate on the opposition side of the House. He observed, that in giving his assent, and in joining his congratulations to those contained in the address upon many of the points noticed in the speech, he could not claim for himself any extraordinary stretch of candour. He was rather withheld, as indeed were many of the friends around him, by a feeling of modesty, from giving their due meed of praise

to the measures alluded to; since those measures which were now the theme of so much eulogy were measures which the gentlemen on his side the House had urged years ago, but in vain, upon those who, at that time, were intrusted with the administration of the country. For years, the House had been told, that it was either a wild chimera, or a dangerous innovation, to talk of the doctrines of a free trade, and of the right of men to employ their capital, and their industry, according to their interests, their wishes, aye, or even according to their caprices. At one time, when it pleased the ministry to view them with contempt, these doctrines were described as a visionary code, specious in theory, but impossible in practice; and, at another, when it pleased our rulers to excite alarm against them, they were viewed with as much detestation and abhorrence as if they had been a leaf taken out of that book which some men thought they could never sufficiently detest and abhor, "The Rights of Man," by Thomas Paine.

He had himself heard them treated as idle chimeras by one set of ministers, and as Jacobinical innovations by another; and yet he, who had seen them first contemned and then abhorred, had now the happiness to say, that they had reached the consummation of their glory, not merely in being adopted by ministers, but in being publicly recognized, both in the speech which had just been delivered to them from a high quarter, and also in the addresses which were about to be returned to it by both Houses of Parliament. The House would see that it required but little candour in him to approve those parts of the speech which referred to the late mercantile reforms. Eight years ago he had himself expounded—very inadequately, he admitted, but

still he had expounded—the very alterations in the navigation-laws, which had lately been adopted; and, by so doing, he had drawn down upon himself the heavy disapprobation of a great guardian of the commercial interests of the country—the late Mr. Rose. He had ventured, however, to preach them more than once; ineffectually, indeed, at the time, but, as it now appeared, with undeniable ultimate success. At the same time, he had also proposed the changes which had recently been adopted with regard to the silk-trade. They were assailed, on his first propounding them, with great and extraordinary severity; he was told, over and over again, that nothing could be more speculative, nothing more absurd; that though they might appear very plausible in theory, every person in trade considered them inapplicable to practice; and he was even met by the taunt, that what he advanced might be very true, but that it looked very much like an ingenious sophism. Ministers had, however, sanctioned such principles; they had carried into effect all the detestable nostrums of that side of the House; they had taken an entire leaf out of the book of their opponents; they had even enacted measures to legalize the damnable heresies of Adam Smith and the Scotch economists, and to stamp with that odious name the opinions of their adversaries; nay more, the country was now called on to thank God for having ministers who had courage to support such measures, though it was formerly called upon to thank God for having ministers who had courage to oppose them.

His majesty's ministers would, he hoped, go on in the course on which they had entered. If they did not, their work would only be half accomplished. What they had done was chiefly to be

prized as a pledge, that a better policy than the past would be pursued in future. For example—they had adopted the recommendations which he had proposed in 1817, regarding the navigation and the silk laws. Now, another of the measures which he had recommended was one that had never been described, as either so chimerical, or so abominable, as either of those which had been recently adopted, and might be easily carried into effect. Let the wine duties be at once reduced; and let there be, not only a reduction, but an equalization of those different wine duties for all foreign countries—in fact, a general and total revision of that arrangement which was made under the name of the Methuen Treaty, at a time, and under circumstances, when a far-different foreign and domestic policy prevailed from that which ought, at present, to regulate the affairs of such a kingdom as Great Britain. One good effect which would immediately arise from such a revision, would be the establishment of a better understanding with the French government, the lowering the duties upon other French articles, and the increase, which, he had no doubt, would be consequent upon such a reduction, of the foreign consumption of British manufactures.

But, was the display of liberal policy to stop here? Were the ministers never to do justice nearer home? Were they never to listen to the voice of Ireland? Was it there, alone, that sound policy was to be overlooked? and that, too, where one half of the empire was concerned. Measures, once designated by some of the members of the cabinet as Jacobinical, had, at length, been carried by the wisdom and manliness of the right honourable gentleman (Mr. Canning); who, backed, as he was, by public opinion on this question, backed by those who filled

the benches around, would have triumphed, even had he been obliged to have left office on such grounds. Was he not bound, then, to follow up his principles, and let Ireland have the benefit of them, by giving to the Catholics the relief which they sought? "I ask," said Mr. Brougham, "of friends of Catholic emancipation, in his majesty's government, why, having, as councillors of the king, been enabled to carry measures which were opposed by the self-same persons who refused Catholic concession, they do not exercise, in the latter case, the power which has been triumphant in the former? They have not made the experiment. How, then, can they tell that it would not be successful? Of what are they afraid? What is their ground of alarm? Do they think that any one of their coadjutors, some man of splendid talents, of profound learning, of unwearied industry, would give up his place. Do they think he would resign his office? That he would quit the great seal? A more chimerical apprehension never entered the brain of a distempered poet. Many things may surprise me; but nothing would so much surprise me as that the noble and learned individual to whom I allude should quit his bold of office while life remains. In his generous mind, expanded, as it has been, by his long official career, there is no propensity so strong as a love of the service of his country. The more splendid the emoluments of a situation, the more extensive its patronage, the more he is persuaded that it is not allowed to a wise and good man to tear himself from it. I contend, therefore, that the right honourable gentlemen underrate the firmness of their noble and learned colleague. Let them make the experiment; and if they succeed in wrenching



power from the gripe, I shall thenceforward estimate them as nothing short of miracle-mongers. His present station the noble and learned lord holds as an estate for life ; that is universally admitted. The only question is, whether he is to appoint his successor. By some it is supposed that he has actually appointed him ; and, I own, I have observed several symptoms of such being the case. However, I do entreat that the perseverance of this eminent person may be put to the test. Let the right honourable gentleman say he will resign, if the Catholic question is not carried in the Cabinet. Let the noble and learned lord say that he will resign, if it is carried. I am quite sure of the result. The Catholic question would be carried. The noble and learned lord would retain his place. He would behave with the fortitude which has distinguished him in the other instances in which he has been defeated ; and the country would not be deprived of his services for a single hour.

“ It is not surprising that the Catholics of Ireland have, at length, become impatient ; and, that out of that impatience has arisen that association which we are called upon, in his majesty’s speech, to put down by strong legislative measures. The speech talks of ‘associations,’ in the plural ; and not without an object. I warn the House, however, not to be taken in by the contrivance. That little letter, *s*, is one of the slyest introductions that Belial ever resorted to in any of those speeches which are calculated to ‘make the worse appear the better reason ; to perplex and dash maturest councils ; for his thoughts are low.’ I am perfectly aware by whom that *s* was added. I know the hand-writing. I know the reflection which passed through the mind of the writer. ‘I must put the

word in the plural. It will then be considered as applicable equally to Orange and to Catholic associations; and the adversaries of both will be conciliated.' Let not that little letter, *s*, however, deceive a single person. Whatever affectation there may be, of holding the balance even between the Catholic and the Orange associations, it will be only a nominal equity. It will be like one of those 'subtle equities' so well known in the Court over which the noble and learned lord to whom I have been alluding, presides. Let the proposed measure be carried, and the Catholic association will be strongly put down with one hand; while the Orange association will receive only a gentle tap with the other."

Mr. Brougham concluded by stating, that he refrained from pursuing a direct course on this occasion, and taking the sense of the House on the address, in consequence of the absence of many zealous friends, who agreed with him on the subjects to which he had alluded.

On the 17th of February Mr. Brougham presented a petition from the members of the Catholic association. The petitioners stated, that they understood it was in contemplation to pass a Bill, then pending in the House, the object of which was to restrain the undoubted right of the people of Ireland to meet and petition Parliament for a redress of grievances; and, more especially, to dissolve the association of which the petitioners were members; and praying to be heard, at the bar of the House, against the second reading of the Bill. On the same evening Mr. Brougham moved, that the Catholic association should be heard by themselves, their counsel, or agents and witnesses, at the bar of the House, in support of their petition. After a

long debate, in which Mr. Brougham and Mr. Peel took the most conspicuous part, and each with great credit to himself, so far as regarded a display of energy and talent, in support of the view which he took of the question under consideration, the motion was negatived by a majority of 222 to 89. On the 21st of February the second reading of the Bill was carried by a majority of 253 to 107; and, on the 25th of February, the third reading took place; the numbers being—for the third reading, 226; against it, 96.

On the 23rd of March Sir F. Burdett introduced a Bill into the House of Commons, having for its object the relief of the Roman Catholics. The Bill was read a first time; and the second reading was fixed for the 19th of April. That evening, and the whole of the 21st, were occupied by the discussion; which was led on the one side by Mr. Canning, and on the other by Mr. Peel; and, ultimately, the motion for the second reading was carried by a majority of 268 to 241; and the third reading was, ultimately, fixed for the 10th of May. Between the second and third reading, however, a circumstance occurred, calculated to produce a very considerable effect on the fate of the Bill. On the 25th of April, the Duke of York rose in his place in the House of Peers, and delivered his celebrated declaration. The station held by his royal highness in the country, namely, that of heir-presumptive to the crown, but, still more, the universal love and respect which all classes and descriptions of persons felt for that illustrious individual, gave to his declaration, so solemnly and manfully made, a weight and influence which created a great sensation, and produced a deep impression throughout the country on both parties. The importance attached to it

by those who differed from the sentiments expressed by his royal highness, was shewn by the course adopted by Mr. Brougham on the following evening, in the House of Commons. Speaking upon a question before the House, he observed, it was not for him, in a debate on the Elective Franchise in Ireland, to allude to what passed in the other House of Parliament, except as matter of history. He had, however, heard of sentiments, delivered in another place, which gave him an alarm, not only for good government, but for the safety of the constitution of this country, and for the stability of the monarchy, as by law established, and settled at the revolution of 1688. The passage to which he alluded had given such deep and serious alarm, that, he protested before God, he could not believe his ears, when the news was brought to him that morning. It was impossible for him, even now, to believe what was stated. The papers must be filled with libels—false and scandalous libels. For no man living could believe that a prince of that House, which sat on the throne by virtue of the revolution of 1688, should promulgate to the world, that, happen what would, when he came to fill another situation——”

Mr. Plunkett rose, at this period, to call his learned friend to order. Whilst Mr. Brougham had confined himself, as he had understood him to state he intended to do, to the proceedings of the other House of Parliament, as to matters of history, he should not have interrupted him; but, when he found his learned friend was proceeding to allude to what had passed, so recently, in another place, and to designate the person to whom his observations applied, in terms which could not be misunderstood, he felt it to be a duty, which he owed to

the House, to the illustrious person alluded to, and to the great cause in which he believed his honourable and learned friend was sincerely interested, to prevent him continuing a course of observations, in his present heat of temper, which he was satisfied he would, in his calmer moments, regret having made.

Mr. Brougham resumed:—He had no doubt that the right honourable gentleman meant nothing but kindness to him, and also to the Catholic question; but it seemed to him, that his right honourable friend had interrupted him before the proper time had arrived. No member had a right to interrupt another, because he suspected that such other was going to be disorderly. Good God! was ever such a thing heard of? In the Parliament to which the right honourable and learned gentleman formerly belonged, such a course might have been pursued: but, it was the privilege of a member of an English Parliament to go on, free from all interruption, until he said something disorderly. If he did any thing disorderly, he did it at his peril. His words might be taken down. He would never utter, in that House, or in any other place, words which he would have the slightest objection should be taken down. He spoke for the privileges of the House; but he also spoke for the consistency, credit, and character of the House. Had no man ever before heard of an allusion to another place? Scarcely a debate took place in which some allusion was not made to it; something under the flimsy shelter of the phrase “another place, which it is not allowed me to name.” If the members of that House habitually adverted to proceedings in the House of Peers, if he, himself, had heard the words of the lord-chancellor canvassed in it, not twenty-four hours after the noble lord had uttered them; if the lord-

chancellor himself had afterwards, in the House of Lords, repeated the words, and coupled that repetition with a reply to the observations which they had called up; if all this had been done, was it not an unworthy course which was now attempted to be taken against him? Was it not base, for the House of Commons to say, "you may attack the bishops, the woolsack, the lords, collectively or individually, if you will; but, if you only glance at the heir-presumptive to the crown, privilege shall rise up against you, even before the words, which are to constitute the offence, can be uttered." An honourable and learned member, himself the most disorderly in all the world, shall get up and complain that you are out of order, not because any thing irregular has been, but, *quia timet*, merely because he apprehends that something may be said, Would not the ominous news of the day in which he was speaking go forth, through all England and all Ireland, as the knell of despair rung over the Catholic question, and those interested in it, for ever? Ought not the knowledge of that news to operate upon the House? Fair, honest warning was given to the Catholics, and to the country; they had reasonable and candid notice. But, though this frankness was honest and conscientious, still the Catholics had not a less honest and conscientious avowal of obstinacy to deal with; for, no monarch, who ever sat upon the English throne, had been prepared for such resistance to his people, on behalf of the Catholics, as was now, not only meditated, but avowed against them. \* \* \*

He respected the conscientious feelings of every man. Heaven forbid that he should not give to the honest differences of opinion in others, the same degree of toleration which he claimed for his

own; a want of conscientious frankness was the last charge he would bring against any man; but, it did happen, that, sometimes, the men who had the most of that frankness, unless, at the same time, they were men of enlightened understanding, were, of all others, the most irreclaimable; and that, in fact, all hope of recalling them from their errors—so help them God—(cheering and laughter) was but visionary.

The declaration of the heir-presumptive, certainly, created a great sensation, and drew forth much difference of opinion throughout the empire. Many, there certainly were, who, although they did not concur with the vehemence exhibited by Mr. Brougham in the course he had adopted, yet disapproved of the conduct of the Duke of York; not, indeed, because they considered his sentiments, as expressed in his declaration, as erroneous, but, because they thought the time injudicious which he had selected for their avowal. The great majority of the people were, however, of a different opinion; and, concurring in the principles to which his royal highness had declared his adherence, they, generally, applauded his manly avowal of them. The Bill, it is well known, passed the Commons; and was forwarded to the Lords, by whom, on the 17th of May, it was rejected, on the motion for the second reading, by a majority of 178 to 130.

During the whole of this session, one of very considerable importance, Mr. Brougham was a constant attendant in his place in Parliament, and took a part in almost every question of magnitude brought forward for discussion. Amongst those in which he stood forward, most conspicuously, may be noticed, The debate on the Judges' Salaries Bill, and those on the Duke of Cumberland's Annuity

Bill; The Delays in the Court of Chancery; and that on the Expulsion of Mr. Shrewsbury, a missionary from Barbadoes. In the course of this session he also introduced a Bill for Incorporating the London University, then recently established; and, in the establishment of which he had taken a very active part. In consequence of the opposition with which the Bill, on its introduction, was threatened, he afterwards withdrew it.

On the 6th of July, the session was terminated by commission.



## CHAPTER XIII.

THE session of 1826 commenced, as usual, in February; and, in its progress, Mr. Brougham took a part in the discussions, which arose upon the Address in answer to the King's Speech; the State of the Country; the Bill for allowing Counsel to address Juries on behalf of Persons charged with Felony; the Promissory-Note Bill; the Practice of the Court of Chancery, and the Corn Laws. On the 10th of May, in this year, he also moved a resolution, expressing the regret of the House at the course adopted by the West India Colonial Assemblies, in neglecting to comply with the resolutions passed by the House of Commons in 1823, respecting the condition of the slaves at that time, and expressive of the opinion of the House, as to the necessity which existed for the introduction of some important alterations into the system of slavery then existing in the colonies. The resolution now proposed by Mr. Brougham, went the extent of pledging the House to take the subject into its consideration early in the next session, and to the adoption of such measures as might then appear to be necessary for carrying the resolutions of 1823 into effect. This motion led to a long and animated discussion, which terminated in its rejection by a majority of 100 to 38. At the close of the session of 1826, a dissolution took place, and, at the general election which followed, we find Mr. Brougham again in the field as a candidate for the representation of Westmoreland. But, however much his popularity might have increased in other parts of the empire, it was soon made evident, that, in his own country, and among

his own kin, his influence had retrograded rather than otherwise. His opponents had, on the other hand, become numerically stronger, as appeared by the number of persons who voted for each candidate, when compared with the result of former contests. At the close of the poll, which was kept open for nine days, the numbers were—Lord Lowther, 2097; Colonel Lowther, 2024; Mr. Brougham, 1378. This was the last time of Mr. Brougham's contesting the county of Westmoreland, where his opposition to the Lowther family had entailed upon Lord Lonsdale an enormous expence, and at one time shaken his lordship's influence in the county to its foundation.

At the meeting of the new Parliament, Mr. Brougham once more took his seat for Winchelsea, for which place he had been returned for the fourth time on this occasion. On the opening debate of the session, that on the address in answer to the speech, we find Mr. Brougham again taking a leading position on the side of opposition. The same course was adopted by him upon the motion respecting the Newspaper Stamp Duties, the Grant to the Duke and Duchess of Clarence, the Catholic Claims, the Disfranchisement of Penryn Bill, the Corn Laws, the Trade with India, the Budget, the Court of Chancery, the Conduct of Lord Charles Somerset at the Cape of Good Hope, and West India Slavery.

One of his best parliamentary efforts during this year, (1827) was, however, made by him in the early part of the session, in the important debate which took place on the subject of the interference of this country in the affairs of Portugal. On this occasion, Mr. Brougham delivered an admirable speech, in support of the government measures; and, soon after, on the formation of Mr. Canning's Ad-

ministration, in May 1827, he, for the first time, addressed the Speaker from, to him a novel situation in the House of Commons, the ministerial benches. In explanation of his change of position, and in defence of his consistency, Mr. Brougham commenced by stating, "That as Mr. Canning had successfully established a system of liberal and manly foreign policy, that gentleman should, in the course of his administration, have from him (Mr. B.) 'that which he had a right, in point of consistency, to demand—a cordial, zealous, and disinterested support.'—'I have,' said Mr. Brougham, in the course of the discussions relative to the change of ministry, 'quitted a situation in this House, which, considering the influence of opinion and feeling, was, in the highest degree, grateful to me; and in which I was surrounded, and (if I may be permitted to say so), supported by one of the largest, the most important, the most honourable, and, now I may say it, for I was privy to all their councils, and my motives cannot be suspected, the most disinterested opposition that ever sat within the walls of this House; men who supported what they deemed right, though it kept them out of power, and confirmed their adversaries in office; and who persevered in that course year after year, without a possible hope of benefit ever accruing to themselves. I have quitted that honourable and eminent situation, enough to gratify the ambition of the proudest of men, on an express stipulation which utterly excludes the possibility of my taking office. I have done so deliberately and advisedly. I shall be sufficiently gratified in watching the progress of those opinions to which I am attached, both as to our foreign and domestic policy. When I say that I have not become a party to any arrangements with

regard to office, I wish it to be understood, however, that the union which has taken place between parties lately divided, will have my cordial and uniform support. My taking office would have stood in the way of those arrangements, and I, therefore, at once, voluntarily, and without waiting for a suggestion from any one, resigned all my claims to office. It is unpleasant to be forced to dwell on matters that are wholly personal to one's self; but, as has been most truly stated this night, the character of a public man belongs to his country; and to his country he ought not to be slow in furnishing the means of properly estimating his motives."

We have already noticed, that, on the death of Queen Caroline, Mr. Brougham, who, previous to that event taking place, had, as her majesty's attorney-general, assumed the silk-gown and taken his seat with the king's counsel within the bar, relinquished the distinguishing robe of office and his station in the Court, and once more took his seat, according to seniority, with the junior counsel behind the bar. So strong was party-prejudice at this time, that, notwithstanding the acknowledged professional merit of Mr. Brougham, and the high celebrity which he had gained as an advocate, he was suffered, term after term, and year after year, to remain undistinguished, whilst others, far inferior to him in talent or pretensions, were advanced to that rank in the profession from which he was thus, from political feelings, excluded. It was not until Trinity term, 1827, that tardy justice was done to his merits; on the first day of that term, Mr. Brougham having received a patent of precedence, again assumed the silk-gown, and took his seat within the bar.

It has been stated that Mr. Brougham succeeded

Mr. Whitbread as an educational reformer, and it may, with equal truth, he asserted, that as a reformer of our legal system, he assumed the post left vacant by the lamented death of Sir S. Romilly. It is true, that, on the death of that eminent lawyer, Sir James Mackintosh took up the subject of law reform, but Sir James Mackintosh, however well-qualified by talent and acquirements he might be for the task, and with whatever feeling of good-will towards its performance he might be actuated, he wanted the activity and the energy required to carry out the Herculean labour; his efforts, therefore, were not characterized by any remarkable vigour, and for a time, until Mr. Brougham stepped forward as its advocate, the cause languished, and made little or no progress.

A contemporary\* writer, speaking on this subject, says, "It is rare, indeed, that even the strongest and most manly mind, bred in the technicalities of law, and engaged in its intricacies, subtleties, and subterfuges, wholly escapes being narrowed and warped by their practice. A lawyer is proverbially adverse to substantial reforms in the practice or principles of his own profession, even when he does not go the pious length of regarding it as something too sacred and mysterious to be approached. Mr. Brougham's habitual mingling in public life, his knowledge of all human affairs, and his capacity for business, had preserved him from this slavish bigotry; and equally frank in admitting the evil, he had only differed from the most fundamental law-reformers, as to the nature and extent of the remedy. He would correct where they would frame anew, conceiving the inherent vices of the system too deeply seated for cure. He would cautiously, perhaps too cautiously, try preliminary experiment, where they saw no

\* Johnstone's Edinburgh Magazine.

chance for amelioration, save in total subversion and reconstruction; but even this course of experiment had been opposed,—and Mr. Brougham's law-reforms, though something has been accomplished, lie rather in attempts and wishes than in deeds. The fault is not wholly his; and the appointment of a new commission, of which some of the members are men who have brought the principles of an enlightened and liberal philosophy to bear on the science of jurisprudence, augurs favourably for the disposition Mr. Brougham still entertains as a law-reformer; and that the scheme he would favour must be as comprehensive as the outline he sketched in the beginning of 1828, when moving an address to the Crown upon this subject. His six hours' speech upon that occasion touched upon many of the most glaring abuses of our legal system, of which none is more reprehensible than the appointment of judges for party reasons. 'One-half of the bar,' said Mr. Brougham, 'is thus excluded from the competition; for no man can be a judge who is not of a particular party. Unless he be the known adherent of a certain system of government,—unless his party happen to be the party connected with the crown, or allied with the ministry of the day, there is no chance for him; that man is surely excluded. Men must be on one side of the great political question to become judges; and no one may hope to fill that dignified office, unless he belongs to the side on which courtly favour shines; his seat on the bench must depend, generally speaking, on his supporting the leading principles of the existing administration.' Thus we see Mr. Brougham was not always the cautious or half-and-half law-reformer, which he is sometimes reproached with being."

The speech of Mr. Brougham here alluded to, is one delivered by him in the House of Commons, on

the 7th of February, 1828, and which occupied six hours in the delivery. This speech presents one of the most splendid and useful efforts of his whole parliamentary career. It relates to the constitution and practice of our courts of justice, and the state of the law; and Mr. Brougham's motion was for an "Humble Address to His Majesty, respectfully requesting that his majesty may be pleased to take such measures as may seem most expedient for the purpose of causing due enquiry to be made into the origin, progress, and termination of actions in the superior courts of common law in this country, and matters connected therewith." The debate was adjourned to the 29th of the same month, when the motion was adopted. Our limits will not admit of our giving entire this admirable speech; we cannot, however, refrain from making the following extracts:

"If we view," said Mr. Brougham, "the whole establishments of the country—the government by the king, and the other estates of the realm,—the entire system of administration, whether civil or military,—the vast establishments of land and of naval force by which the state is defended,—our foreign negotiations, intended to preserve peace with the world,—our domestic arrangements, necessary to make the government respected by the people,—or our fiscal regulations, by which the expence of the whole is to be supported,—all shrink into nothing, when compared with the pure, and prompt, and cheap administration of justice throughout the community.

"The great object of every government, in selecting the judges of the land, should be to obtain the most skilful and learned men in their profession, and, at the same time, the men whose character gives the best security for the pure and impartial administration of justice. I almost feel ashamed,

Sir, to have troubled you with such a truism ; but the House will presently see the application I am about to make of it. Sorry am I to say that our system of judicial promotion sins in both these particulars. Government ought to fill the bench with men taken from among the most learned lawyers and most accomplished advocates—men who have both knowledge of the depth of jurisprudence, and sagacity to apply it—men, who, from experience, as leading advocates, possess the power of taking large and enlightened views of questions, and of promptly seizing the bearings of a case. There cannot be a greater error than theirs who fancy that an able advocate makes a bad judge ; all experience is against it. The best judges in my time, with the exception of the present lord-chief-justice,\* than whom no man can discharge his office more excellently and efficiently, have all of them been previously distinguished in the profession as advocates. But not only should the choice be unconfined by the legal acquirements and professional habits of the practitioner ; there ought not to be, in choosing judges from the bar, any exclusion or restriction. He alone ought to be selected, in whom talent, and integrity, and experience, most abound, and are best united. The office of judge is of so important and responsible a nature, that one should suppose the members of government would naturally require that they should be at liberty to make their selection from the whole field of the profession—that they would themselves claim to have the whole field open to their choice. True, no law prevents such a search for capacity and worth ! True, the doors of Westminster Hall stand open to the minister ! He may

\* Lord Teuterden.



enter those gates, and choose the ablest and the best man there, be his talent what it may, be his character what it may, be his party what it may; no man to whom the offer is made, will refuse to be a judge. But there is a custom above the law—a custom, in my mind, ‘more honoured in the breach than the observance,’ that party, as well as merit, must be studied in these appointments. One-half of the bar is thus excluded from the competition; for no man can be a judge who is not of a particular party. Unless he be the known adherent of a certain system of government,—unless his party happen to be the party connected with the crown, or allied with the ministry of the day, there is no chance for him; that man is surely excluded. Men must be on one side of the great political question to become judges; and no one may hope to fill that dignified office, unless he belongs to the side on which courtly favour shines; his seat on the bench must depend, generally speaking, on his supporting the leading principles of the existing administration. \* \* \*

“How can I, or any one conversant with the practice of the law, adequately express the benefits of having a cheap redress for petty wrongs, when we daily witness the evils of the opposite system! How often have I been able to trace bankruptcies and insolvencies to some law-suit, about ten or fifteen pounds, the cost of which have mounted up to large sums, and been the beginning of embarrassment! Nay, how often have we seen men in the situation described by Dean Swift, who represents Gulliver’s father as ruined, by gaining a chancery-suit, with costs! \* \* \*

“Speaking from experience, and experience alone, as a practical lawyer, I must aver, that I consider the method of juries a most wholesome, wise, and

almost perfect invention, for the purposes of judicial inquiry. In the first place, it controuls the judge, who might, not only in political cases, have a prejudice against one party, or a leaning towards another; but might also, in cases not avowedly political, where some chord of political feeling is unexpectedly struck, if left supreme, shew a bias respecting suitors, or, what is detrimental to justice, their counsel or attornies. In the second place, it supplies that knowledge of the world, and that sympathy with its tastes and feelings, which judges seldom possess, and which, from their habits and station in society, it is not decent that they should possess, in a large measure, upon all subjects. In the third place, what individual can so well weigh conflicting evidence, as twelve men, indifferently chosen from the middle classes of the community, of various habits, characters, prejudices, and ability? The number and variety of the persons is eminently calculated to secure a sound conclusion upon the opposing evidence of witnesses or of circumstances. Lastly, what individual can so well assess the amount of damages which a plaintiff ought to recover for any injury he has received? How can a judge decide half so well as an intelligent jury, whether he should recover, as a compensation for an assault, fifty pounds, or a hundred pounds damages, for the seduction of his wife or daughter, fifteen hundred or two thousand, or five thousand pounds damages? The system is above all praise; it looks well in theory, and works well in practice.

“I must, once more, press upon the attention of the House the necessity of taking a general view of the whole system, in whatever inquiries may be instituted. Partial legislation on such a subject is pregnant with mischief. Timid men, but still more

blind than they are timid, recommend taking a single branch at a time, and imagine that they are consulting the safety of the mass. It is the very reverse of safe. In the body of the law all the members are closely connected; you cannot touch one without affecting the rest; and, if your eye is confined to the one you deal with, you cannot tell what others may be injured, and how. Even a manifest imperfection may not be removed without great risk, when it is not in some insulated part; for it oftentimes happens that, by long use, a defect has given rise to some new arrangement far beyond itself, and not to be disturbed with impunity. The topical reformer, who confines his care to one flaw, may thus do as much injury as a surgeon who should set himself about violently reducing a luxation of long standing, where nature had partially remedied the evil, by forming a false joint, or should cut away some visceral excrescence in which a new system of circulation and other action was going on. Depend upon it, the general reformation of such a mechanism as our law, is not only the most effectual, but the only safe course. This, in truth, alone deserves the name of either a rational or a temperate reform. \* \* \*

“The course is clear before us; the race is glorious to run. You have the power of sending your name down, through all times, illustrated by deeds of higher fame, and more useful import, than ever were done within these walls. You saw the greatest warrior of the age—conqueror of Italy—humbler of Germany—terror of the north—saw him account all his matchless victories poor, compared with the triumph you are now in a condition to win—saw him condemn the fickleness of fortune, while, in despite of her, he could pronounce his

memorable boast, 'I shall go down to posterity with the code in my hand!' You have vanquished him in the field; strive now to rival him in the sacred arts of peace! Outstrip him as a lawgiver, whom in arms you overcame! The lustre of the regency will be eclipsed by the more solid and enduring splendour of the reign. The praise which false courtiers feigned for our Edwards and Harrys, the Justinians of their day, will be the just tribute of the wise and the good to that monarch under whose sway so mighty an undertaking shall be accomplished. Of a truth, sceptres are most chiefly to be envied for that they bestow the power of thus conquering and ruling thus. It was the boast of Augustus—it formed part of the glare in which the perfidies of his earlier years were lost—that he found Rome of brick, and left it of marble; a praise not unworthy a great prince, and to which the present reign has its claims also. But, how much nobler will be our sovereign's boast, when he shall have it to say, that he found law dear, and left it cheap; found it a sealed book—left it a living letter; found it the patrimony of the rich—left it the inheritance of the poor; found it the two-edged sword of craft and oppression—left it the staff of honesty, and the shield of innocence!"

The motion for an address to his majesty was, as we have already stated, adopted unanimously. The result was the appointment of a commission, to investigate; and among the salutary legal reforms to which that investigation has already led, we may enumerate—the increase in the number of judges—the abolition of the great session in Wales—the opening of the practice in the Court of Exchequer—the abridgment and simplification of pleadings in common actions—the alteration in the times of

holding the law-terms and quarter-sessions; and the establishment of uniform rules of practice in the three superior courts.

In the course of this session, Mr. Brougham also took a part in the debates on the Catholic question,—the Test and Corporation Acts—the Slave Trade—the Delays of the Court of Chancery; and the Stamp Duties in India. In speaking against the address moved in reply to the king's speech, delivered at the commencement of the session, Mr. Brougham observed—

“Against one paragraph of this address I am most anxious to record, at once, my unqualified dissent; having, at the same time, the fullest and firmest conviction, that that dissent will be re-echoed from one end of the kingdom to the other. I mean to allude to the manner in which the late glorious, brilliant, decisive, and immortal achievement at Navarino was described, as being a matter to be lamented. This is the first time I ever saw men anxious to come forward and refuse credit where it had been called for, and set at nought the most splendid achievement of their arms. It has been reserved for some of the men of these times to triumph and be afraid—to conquer and to repine—to fight, as heroes did, the contest of freedom, and still to tremble like slaves—to act gloriously and repine bitterly—to win, by brave men, the battle of liberty in the east, and, in the west, to pluck from the valiant brow the laurels which it had so nobly earned, and plant the cypress in their stead, because the conqueror had fought for religion and liberty. I hail, as a bad omen, the designation of a great naval achievement as an ‘untoward event.’

\* \* \* \* \*

“I have no fear of slavery being introduced into

this country by the power of the sword. It will take a stronger, it will demand a more powerful man even than the Duke of Wellington to effect such an object. The noble duke may take the army, he may take the navy, he may take the mitre, he may take the great seal—I will make the noble duke a present of them all. Let him come on with his whole force, sword in hand, against the constitution, and the energies of the people of this country will not only beat him, but laugh at his efforts. Therefore I am perfectly satisfied there will be no unconstitutional attack on the liberties of the people. These are not the times for such an attempt. There have been periods when the country heard with dismay that ‘the soldier was abroad.’ That is not the case now. Let the soldier be ever so much abroad in the present age, he can do nothing. There is another person abroad—a less important person—in the eyes of some, an insignificant person—whose labours have tended to produce this state of things. The schoolmaster is abroad; and, I trust more to the schoolmaster, armed with his primer, than I do to the soldier, in full military array, for upholding and extending the liberties of my country. I think the appointment of the Duke of Wellington is bad, in a constitutional point of view; but, as to violence being, in consequence, directed against the liberties of the country, the fear of such a result I look upon as futile and groundless.”

In the course of the session of 1829, the Marquis of Cleveland, having determined on giving his support to the Duke of Wellington’s administration, to which Mr. Brougham was opposed, the latter, holding his seat for Winchelsea, of which borough the Marquis was the well-known and avowed pa-

tron, felt himself bound, in honour and conscience, to vacate his seat; he accordingly did so, and was, in consequence, for a short time out of Parliament. Previous to resigning his seat, however, he gave his support to the Catholic Relief Bill, as introduced by the Wellington government. He also, in the debate which took place on the affairs of Portugal, on the 1st of June, 1829, again delivered his sentiments to the House on that subject; in doing which, he observed—"With respect to the character and conduct of the man who now rules the destinies of Portugal, I am unwilling to detain the House by any observations of mine on his enormities; I leave his conduct exposed to the reflections of my right honourable friend.\* We are not, I agree, to be governed in our conduct by the character of this individual, odious as it is. Though I believe the whole conduct of the man to be detestable—though he deserves not to be mentioned in comparison with any modern petty despot, but, rather, to be classed with the prodigious monsters of antiquity—Don Miguel is still, *de facto*, monarch of Portugal—the more is the pity. As long as he confines himself to Portugal, however, we may sincerely wish that there may be a speedy term to his degrading tyranny; however we may offer up our prayers that the days of his frightful cruelty may be numbered, and a speedy end be put to his reign of terror and bloodshed, still we have no right to interfere; it is more than ever incumbent on us to keep England free from any danger of being involved in foreign hostilities—a duty, second only to that of preserving peace at home. Therefore, so long as Don Miguel remains in his own country—except that we

\* Sir James Mackintosh.

should hold him a usurper, and refuse to acknowledge him as the legitimate governor of that country—beyond that I care not; but, let him beware of going beyond the limits of Portugal; for, if he exceeds them, he makes it imperative upon me to inquire into his title—I am bound to examine it—I am bound to investigate the right he claims of governing Portugal. He has done so; he has exceeded his limits; he has blockaded Terceira; and there he is no more a king, *de facto*; there Donna Maria is not only the sovereign *de jure*, but *de facto* also; there Don Miguel, that foul pretender and usurper, is not only not a king, but he is not a usurper *de facto*; his usurpation is confined within certain limits—in Portugal it wore a tangible shape, in Terceira he is a traitor and a conspirator. In Donna Maria the fact and the right coincide; she is the rightful and the actual sovereign of Terceira. Why, then, should I not be suffered to go to Terceira? Because Don Miguel does not like me to go there. Thus Don Miguel establishes a paper-blockade, for it is nothing more; therefore we acknowledge the blockade, and not only so, but we co-operate with him. Is this, or is it not, neutrality? Is this acting up to that sacred law which we profess to follow, and which is the corner-stone of that peace which it gave me pleasure to hear so praised, not by my right honourable friend, merely, but by the right honourable gentleman opposite\*—which is not only consistent with the real interests of the country, but which it is our first, and paramount, and sacred duty, to preserve inviolate? Peace, at all times, is the dearest object of my heart, but it is doubly and trebly dear at the pre-

\* Sir Robert Peel.



rent moment, when we are suffering under the effects of a war of a quarter of a century; when we are smarting and bleeding at every pore (I may say so without a figure), it becomes the first and bounden duty of the government, and ought to be an object nearest its heart, that nothing should be done, or said, or whispered in the ear, or even dreamed of, that might put that peace to risk. Happy am I to hear that we have become more sensible of the blessings of peace; that the ardour of military glory, and the thirst of fame, that curse of nations, especially amongst our neighbours who have been greater admirers of it, and greater sufferers from its effects than even ourselves, no longer govern our policy; most heartily do I rejoice at hearing this mania stigmatized as it has been this night. \* \* \*

“Though many may think that the crimes of Don Miguel, and the sufferings of his unhappy subjects, give us a right to interfere with his government, and to tear him down from that height which, by his crimes, he has ascended, yet, however anxious might be my wish to see that tyranny put an end to, I should be the last man to counsel stirring one step for the purpose of obtaining an object, which, though greatly to be desired, can only justly, can only safely, can only lawfully, be accomplished by those who live under his government. I would counsel, strictly and vigorously, non-interference, with reference even to Don Miguel, not that I hate his tyranny less, but, that I love peace and its principles more.”

Mr. Brougham also, in the course of the same session, previous to his resignation, took occasion to refer to the introduction of a Bill, by himself, into Parliament, 11 years before, under the provi-

sions of which, commissioners had been appointed to enquire into the state of the public charities of the country. He now entered, at length, into an explanation and detail of the proceedings of the commissioners, by which it appeared, that, in the interval which had elapsed between the time of their appointment and that at which he was speaking, they had investigated upwards of 19,000 charities, a number amounting to more than half the existing charities in the kingdom.

Mr. Brougham did not remain long excluded from Parliament. In the beginning of 1830 he took his seat for Knaresborough, of which place the Duke of Devonshire had the patronage.

The measure of most importance in which Mr. Brougham took the leading part, in the session of 1830, was his Local Courts Bill. The principal provision of this Bill went to the establishment of local courts, for the administration of justice in questions of debt or damage; their jurisdiction, in the one case, being limited to debts not exceeding £100, and in the other, to questions of damage, where the amount of damage was under £50. Mr. Brougham proposed that, in the first instance, the operation of the Bill should be confined to the counties of Kent, Durham, and Northumberland. The measure was introduced by him on the 2d of April, 1830, in a speech, displaying great ability and much professional information, and characterized by sound policy and justice. "If," said Mr. Brougham, "it were asserted that there was any country in which a man, in order to recover a debt of £6 or £7, must begin by expending £60 or £70—where, at the outset, to use a common expression, he had to run the risk of throwing so much good money after bad—it would at once be said, that,

whatever other benefits or advantages that country enjoyed, at least it was not fortunate in its system of law. But, if it were added, that, in addition to spending £60 or £70, a man must endure great difficulties, anxiety, and uncertainty, infinite bandying to and fro, and moving about from province to province, and from court to court, before he could obtain judgment, then our envy of the country where such administration of the law and legal institutions existed, would be still further diminished. If to this information it were added, that, in the same country, after having spent £60 or £70, the adversary of the creditor would have the power of keeping all his property out of his way, so that, after all his expense, all his delay, and all his anxiety, it would still be doubtful whether he could obtain a single farthing of his debt; if, furthermore, it were stated, that, in the same country, if the debtor were solvent, and willing to pay what the law required from his hands, the creditor would receive, it is true, his original claim of £6 or £7, but not the whole £60 or £70 which he had expended in costs to recover it, by about £20; so that, on the balance, he would be some £13 or £14 out of pocket by success, over and above the amount of the debt which he recovered, after being exposed to a variety of plagues and the annoyance of these proceedings—if we were told of such a case, would not the natural enquiry be ‘whether it was possible that such a country existed?’ Sir, the individual to whom this strange information was given, if he supposed it possible that such a country existed, would, at least, pronounce it to be one of the most barbarous and unenlightened in the world. That it must be a poor country, he would think quite obvious; and, equally obvious, that it must

be of no commercial power—of no extent of capital—of no density of population, because those circumstances would necessarily produce, from hour to hour, transactions involving important and valuable interests. Nevertheless, I need not remind the House—for every one who hears me, or does not hear me, must be aware (many to their cost) of the fact—that such a country, so unfortunately circumstanced, is no other than that in which I now speak—ENGLAND. \* \* \*

“ I propose to add to the power of the judge, the right of calling the parties, if they please, before him; that is, if one is desirous of it, and the other has no objection. That they should go before him—that it should be compulsory to receive his opinion—that he should act as judge of conciliation, and endeavour to reconcile their differences. When a man goes into court, in many cases, no person is more likely to be led into error, as to the probable termination of the cause, than the party interested. In almost all instances he is, more or less, misled by the advice he receives. I do not say that gentlemen of the bar give opinions that an action is maintainable, when they know that it is not. God forbid! I believe that there is no set of men less apt to do so. I believe they are more apt to dissuade—to throw cold water upon law—and to give doubtful opinions and discouraging advice. I say, this is the common course of the profession. I say, that in ninety-nine cases out of a hundred it is so. But, great as my feeling is for the profession—strongly prepossessed as I am of its high honour,—of its great integrity—of all those qualities which entitle it to respect—and much as I hope that the exceptions are rare—yet, I will not say that there are no exceptions, even in that profession to which

I have the honour to belong. Still less will I take upon myself to deny, that there are always to be found men, in the other branches of the profession, who will tell their client, that he is sure to gain that which they ought to know there is every probability he will lose. But this I do know, that every day there are cases where the advice of the counsel is kept back from the client—where the opinion is obtained on a false statement of facts; and, in all these cases, the man the most ignorant of the chance of success or failure, is the unfortunate client—dragged into a court of justice. I do not say he is always dragged—he is sometimes coaxed; and they, who ought to put him on his guard, mislead and urge him on, and he finds, too late, that he has been deceived and ruined.

“ I have heard it said, that when one lifts up his voice against things as they are, and wishes for a change, that he is raising a clamour against existing institutions—a clamour against our venerable establishments—against the law of the land. But this is no clamour against the one or the other; it is a clamour against abuses—it is a clamour raised against the grievances that are felt. Mr. Burke, who was no friend to popular clamour, who was no ready hot-headed enemy of existing establishments, no undervaluer of the wisdom of our ancestors, no scoffer against institutions as they are, has said, and it deserves to be fixed in letters of gold over the hall of every assembly which calls itself a legislative assembly, ‘Where there is abuse, there ought to be clamour, because it is better to have our slumbers broken by the fire-bell, than to perish in the flames in our bed.’ I have been told by some, who have little objection to the clamour, that I am a timid and a mock reformer; and, by others, if I go

on firmly and steadily, and do not allow myself to be drawn aside by either one outcry or another, and care for neither, that I am a rash and daring innovator, and that I am taking, for the subject of my reckless experiments, things which are the objects of all men's veneration. I disregard the one as much as the other of these charges. I know the path of a reformer is not easy; honourable it may be, it may conduct to honour, but it is obstructed by the secret workings of coadjutors, and, above all, it is beset by the base slanders of those, who, I venture to say, some of them at least, know better than others the falsehood of the charges which they bring against me. But I have not proceeded in this course rapidly, hastily, or rashly, for I have actually lived to see myself charged with being in name a reformer, but, in truth, in league with the abusers of reform, in secret and corrupt league with those who batten on these abuses.

“It has been asserted that I have so acted, in order to obtain high professional advancement,—I, who have refused the highest judicial functions,—I, who, at the very time these slanders were propagated, was in the act of preventing this proposition from being made to me—upon political principles—upon public principle, as well as upon personal feelings. Did I regard the slander? Was I stung with such false opprobrium? or did I change my colour, or falter in my course; or did I quicken my course? Not I, indeed—

*False honour charms and lying slander scares  
Whom, but the false and paltry?*

It has been the lot of all men, in all ages, who have aspired at the honour of improving, instructing, or mending mankind, to have their paths beset by

every persecution from adversaries,—by every mis-construction from friends; no quarter from the one, no charitable construction from the other;—to be misconstrued, misrepresented, borne down, till it was in vain to bear down any longer; but truth will survive, though calumny has its day. A reformer must proceed in his career—not misled on the one hand by panegyric, nor discouraged by slander on the other. He needs no praise. I would rather say, ‘Woe to him when all men speak well of him.’ I shall go on in the course which I have laid down for myself, pursuing the footsteps of those who have gone before us, who have left us their instructions and success—their instructions to guide, and their success to cheer us.”

Such were the arguments by which Mr. Brougham supported this measure. The Bill was introduced, but in consequence of the opposition denounced against it by several of the law-lords; and above all, in consequence of the changes introduced into the government upon the death of George IV., and the accession of the Whigs to power, it was not persevered in at this time; at a subsequent period of the year 1830, Mr. Brougham having been raised to the peerage, and taken his seat in the other House of Parliament, one of his first parliamentary measures was the introduction of a Bill, similar to that brought forward by him in the Commons, to the other branch of the legislature. In the course of this session, Mr. Brougham also spoke against a proposition, for introducing in the election of members of Parliament vote by ballot; and, on the 13th of July, he, in a most eloquent speech on the subject of Colonial Slavery, moved the following resolution:—“Resolved, That this House will, early in the next session, take into its most serious consid-

ration the state of slavery in the colonies of this country, with the view of mitigating, and finally abolishing the same; and more especially, with the view of amending the administration of justice in the said colonies." Mr. Brougham concluded the eloquent address, with which he introduced this motion, in the following terms:—

"I trust that at length the time is come, when Parliament will no longer bear to be told, that slave-owners are the best lawgivers on slavery; no longer suffer our voice to roll across the Atlantic in empty warnings, and fruitless orders. Tell me not of rights—talk not of the property of the planter in his slaves. I deny the right—I acknowledge not the property. The principles, the feelings of our common nature rise in rebellion against it. Be the appeal made to the understanding or to the heart, the sentence is the same that rejects it. In vain you tell me of laws that sanction such a claim! There is a law above all the enactments of human codes—the same throughout the world, the same in all times—such as it was before the daring genius of Columbus pierced the night of ages, and opened to one world the sources of power, wealth, and knowledge; to another, all unutterable woes;—such it is at this day: it is the law written by the finger of God on the heart of man; and by that law, unchangeable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they shall reject with indignation the wild and guilty fantasy, that man can hold property in man! In vain you appeal to treaties, to covenants between nations. The covenants of the Almighty, whether the old covenant or the new, denounce such unholy pretensions. To those laws did they of old refer, who maintained the African trade. Such treaties did they cite, and



not untruly; for by one shameful compact you bartered the glories of Blenheim for the traffic in blood. Yet, in despite of law, and of treaty, that infernal traffic is now destroyed, and its votaries put to death like other pirates. How came this change to pass? Not, assuredly, by Parliament leading the way; but the country at length awoke; the indignation of the people was kindled; it descended in thunder, and smote the traffic, and scattered its guilty profits to the winds. Now, then, let the planters beware—let their assemblies beware—let the government at home beware—let the Parliament beware! The same country is once more awake—awake to the condition of negro slavery; the same indignation kindles in the bosom of the same people; the same cloud is gathering that annihilated the slave-trade; and if it shall descend again, they on whom its crash may fall, will not be destroyed before I have warned them; but I pray that their destruction may turn away from us the more terrible judgments of God!”

The proposition led to a long and very animated discussion. Upon a division, however, the motion was negatived by a majority of 56 to 27.

## CHAPTER XIV.

THE death of George IV., which took place on the 26th of June, at a quarter past three in the morning, led to events of great importance to Mr. Brougham; the first of these was, the prorogation of Parliament, which took place on the 23d of July, and on the following day, the 24th, a gazette-extraordinary announced a dissolution, and writs were immediately issued for a new and general election. The borough of Knaresborough would again, through the influence of the Duke of Devonshire, have been open to Mr. Brougham, but his fortunes had now opened to him a higher and more important sphere of action, as regarded his subsequent parliamentary career. Previous to the dissolution taking place, that measure being, however, considered as certain, he had been invited, by a large and highly-respectable body of the freeholders of the county of York, to offer himself as a candidate for the representation of that county. Flattered by this invitation, to become the representative of one of the most populous, extensive, and important districts of the empire, he instantly determined to comply with the wishes of the requisitionists, and immediately commenced his canvass. The other candidates on the Whig interest were, Lord Viscount Morpeth, the Hon. William Duncombe, and Richard Bethell, Esq. The only opponent upon the list of the Tories was Mr. Stapylton; the contest was neither severe, nor of long continuation. The Tory party appeared to have decided on making no effort on this occasion, for their candidate polled no more than 94 votes. The following was the state of the poll as regarded

the other four candidates at the close of the second day:—Viscount Morpeth, 1464; Mr. Brougham, 1295; Mr. Duncombe, 1123; Mr. Bethel, 1064; and Mr. Stapylton, as we have before observed, 94. The latter gentleman, convinced that he had no chance of recovering his lost ground, gave up the contest, and the four first-named candidates were declared duly elected. Mr. Brougham was, on this occasion, returned for the largest county in England, free of expence, although wholly without property or influence; and, except so far as character and reputation had made them acquainted with him, quite unknown to the electors. This was, indeed, a great triumph to him, and was an event almost unprecedented in the annals of election-contests in the county of York. Certain it is, that this extraordinary success added greatly to the already-extensive influence possessed by the new member for Yorkshire with his party. Mr. Brougham himself felt that such was the fact, for, in his address to his new constituents, he observed, "that it would arm him with an extraordinary, and vast, and important accession of power to serve the people of England;" and, at a subsequent time, referring to this, his triumph in this contest, he described it "as the highest honour of his life, the pride and exultation of which could never be eradicated from his mind, but by death; nor in the least degree allayed by any lapse of time—the most splendid distinction which any subjects could confer on a fellow-citizen."

On the opening of the new Parliament, Mr. Brougham took his seat for Yorkshire. On his first entering the House, and proceeding to the table to take the oaths, he was loudly cheered by those of his party who were present; he took, as usual, his seat on the opposition benches, and assumed a lead-

ing part in the busy and important discussions which took place at this crisis. On the second day of the session, he had given notice of his intention to submit a motion, on that day fortnight, on the subject of Parliamentary Reform. Previous to that day arriving, however, circumstances arose, which induced him to postpone for a time his motion, and subsequent events led to his abandonment of it altogether. The Duke of Wellington's declaration, made in his place in the House of Lords, of his hostility to any reform, had raised such a cry throughout the country as shook his administration to the centre; and some differences of opinion having taken place in his cabinet, it soon became evident that his Grace could not long sustain his influence, or maintain his situation at the head of the government. The correctness of this opinion was soon apparent, for, on the 15th of November, Sir H. Parnell moved in the House of Commons to refer the settlement of the Civil List to a select committee; this motion was opposed by Sir Robert Peel, and a long and animated debate followed. Upon a division, the minister found himself in a minority, the numbers being—for the motion, 233; against it, 204; majority in favour of Sir Henry Parnell's motion, 29.

The defeat which the minister had thus met with, would not by many have been considered as one of vital importance. A man of less independent principle than the Duke of Wellington would not have hesitated to adopt those means which are in the power of every minister, for dividing his opponent's forces, and by dividing conquer, and have regained the influence which he had thus lost for a moment; but the independent spirit of the Duke would not submit to such a course; the House of Commons having once decided against him on an

important measure of his government, he at once determined on no longer retaining the reins of government, after he had lost the power of controuling the movements of the machine. He considered that he had lost the confidence of Parliament; and the day following that on which the division to which we have alluded took place, the Duke came down to the House of Peers early, and, in his place, announced that he had tendered his resignation to his majesty, and that his majesty had been graciously pleased to accept it, and that his government was, therefore, at an end. On the same day, also, Sir Robert Peel, in the House of Commons, communicated to the House the resignation of himself and his colleagues, who only held the seals of office until their successors should be appointed.

It does not come within our province to enter in detail into the difficulties and delays which took place in forming the new administration; at length, the task was accomplished, and Lord Grey's cabinet was completed. The greatest change created by this important and political event was, the removal of Mr. Brougham from the House of Commons and the representation of Yorkshire, and placing him in the House of Peers, as Keeper of the King's Conscience and Lord High Chancellor of Great Britain. On the 22d of November, in that character, although his patent was not then made out, Mr. Brougham took his seat on the woolsack, as Speaker of their lordships' House; but on the following day, Tuesday the 23d, the patent being then complete in all its forms, his lordship was introduced in form by the Marquis of Wellesley and Lord Durham, and took the oaths and his seat as Baron Brougham and Vaux, of Brougham, in the county of Westmoreland.

In the succeeding part of this narrative, we shall

have to view the object of it in a position very different to that in which we have hitherto seen him. Heretofore he has been in the situation of a member of the popular branch of the legislature, an opponent, and a most active and powerful one, of the government and its measures; at all times ready to stand forward the strenuous advocate of the rights of the people, and the vigilant opposer of every attempt on the part of the aristocracy or the crown, to trespass on the people's rights. In future, we shall have to watch his conduct, to scrutinize his actions, as one of the aristocracy, as a member of the peerage, as holding a very prominent and important appointment in his majesty's government; and, as we may presume, the individual, who, from the office which he holds, enjoys, in the most eminent degree, the confidence of the sovereign. So far as popular opinion could be collected on such a question, the advancement of the member for Yorkshire to the peerage, and his appointment to the great seal, were circumstances which alike gave general satisfaction throughout the country. True it is, that a party in the House of Commons did attempt to raise up a charge against him of an abandonment of principle, and a sacrifice of the interests of his constituents, who had so recently and so triumphantly elected him; but the reception which he met with from the freeholders of Yorkshire, on paying them a visit soon after his exaltation to the peerage and his acceptance of office, afforded abundant proof that however much they might regret his loss as a representative, they, by no means, disapproved of the course which he had adopted on this occasion. They responded warmly to the sentiment contained in the following paragraph of the address which he made to them on this occasion:—

"Far," said his lordship, "from disabling me to discharge my duty to my country—far from rendering my services less efficient, my change of position will but enlarge the sphere of my utility, whilst it holds out to me the gratifying prospect that, in serving my king, I shall, at the same time, be better able to serve my country."

Certain it is, however, that, on the breaking up of the Wellington administration, Earl Grey thought something less than the chancellorship might have satisfied their able and ambitious ally; but the noble earl soon discovered his mistake. The member for Yorkshire had, by the result of his contest for that important county, greatly risen in estimation with the public outside, and with parties inside the walls of Parliament; his influence had increased in proportion. He was not backward in letting Earl Grey know what his views and expectations were; the premier demurred, Mr. Brougham took his seat for Yorkshire—declared he would not accept of office—gave notice of a motion on the subject of Parliamentary Reform—but escaped the peril which might have attended his bringing forward such a motion at that particular crisis, by consenting to take the great seal, and, at the same time, his seat in the House of Peers, as Lord Brougham and Vaux, on the day previous to that on which his motion for reform stood for discussion in the House of Commons. There were, doubtless, many who regretted that Yorkshire should, so soon, have been deprived of her highly-talented and distinguished representative; but there were few, indeed, except bitter political rivals, who did not feel a degree of satisfaction at his obtaining that highly-bonourable station, at the head of his profession, which he had, by his sacrifices to the public, and the talent dis-

played by him in the discharge of his duties in the senate, and at the bar, so fairly achieved.

In the House of Commons, and with the weight of popular opinion in his favour to back him, Mr. Brougham was an immense power, the force of which scarcely any minister could resist. Removed to the Upper House, much of that power was lost; still, even in his new situation, Lord Brougham was much more than a pageant; yet it was soon evident that his influence was diminished; this was fully proved by the fate which attended the four first measures introduced by him into the House of Peers, in the session of 1830, namely, the Local Courts Bill, the three Bills for Regulating the Court of Chancery, and that for Establishing a Court of Bankruptcy; these were all abandoned almost as soon as introduced. That Lord Brougham felt this there is no doubt. A writer in the *Edinburgh Journal*, advertng to these circumstances, says—

“At an earlier day, Mr. Brougham, the philosophic statesman, had an idea of a higher and purer glory than even that which surrounds the lord high chancellor of England. ‘To me,’ he said, in concluding the long speech on the iniquitous state of the law, from which we have already given an extract,—‘To me, much reflecting on those subjects, it has always seemed that there is no prize of ambition, which a man can honestly covet, so desirable as the glory of having been the humble instrument of directing the attention of the legislature to these high matters. I value it far above office, whose patronage would be irksome—whose emoluments I disregard; content, like the rest of my industrious countrymen, with providing, by the labour of my own hands, for my own necessities. As to the power which belongs to great place, in which, as



has been truly said, 'Men are thrice servants,' I have lived for nearly half-a-century, and have learned that its real worth can only consist in the ability it affords to aid our fellow-creatures in obtaining our just rights. *That power I possess.* The grievances of my countrymen I can assist in redressing, whether as their advocate in this House, or as their coadjutor out of it. This power no minister can give—no change can take away.' We would have all the young patriots in Parliament engrave these words on their door-posts, as the Hebrews did the law; remembering, however, that one change may take away this power—change in the conduct of the possessor."

Although it does not come within the plan of the present work, to enter into a detail of Lord Brougham's various labours as chancellor, or into a critical review of the manner in which his lordship performed the various duties attached to that high and responsible office, it may not be, here, out of place to state one or two facts, as proofs of the indefatigable industry and untiring labour with which he discharged the duties immediately attached to his own court. In the first year of his presiding, Lord Brougham concluded his sittings on the 1st of September, having sat only two days later than his predecessor (Lord Eldon) did in the previous year. Yet, by making his sittings longer each day, he was able, in the course of a few months, to hear 120 appeals, including a long list of arrears; and, at the termination of the sittings, he had the gratification of stating to the Bar, that he had not left a single appeal unheard, or one petition unanswered.

But it was not in his own court, only, that Lord Brougham's industry and application were conspicuous; he was still as active as formerly in the dis-

charge of his parliamentary duties. In the early part of the session of 1831, his lordship again introduced his Bill for the Establishment of a Court of Bankruptcy, and the measure became a law in the course of the session. On the 28th of September, 1831, he brought in a Bill to Provide for the more Expeditious Administration of Justice in the Court of Chancery; and, on the 7th of October, in the same year, he, in a speech of extraordinary force and brilliancy, supported the second reading of the Reform Bill. The following extracts will enable the reader to form some idea of the weight and importance of the arguments used by the noble lord on this occasion, and of the style of eloquence by which they were enforced:—

“A noble lord, a friend of mine, whose honesty and frankness stamps all he says with still greater value than it derives from mere talent,\* would have you believe that all the petitions, under which your table now groans, are, indeed, for reform, but not for this Bill, which he actually says the people dislike. Now, is not this a droll way for the people to act, if we are to take my noble friend's statement as true? First of all, it is an odd time they have taken to petition for reform, if they do not like this Bill. I should say, that if they petition for reform, whilst this particular measure is passing through the House, it is a proof that the Bill contains the reform they want. Surely, when I see the good men of this country—the intelligent and industrious classes of the community—now coming forward, not by thousands, but by hundreds of thousands, I can infer nothing from their conduct but that this is the Bill, and the only Bill, for which they peti-

\* Lord Wharnccliffe.

tion! But, if they really want some reform, other than the Bill proposes, is it not still more unaccountable that they should one and all petition, not for that other reform, but for this very measure? The proposition of my noble friend is, that they love reform in general, but hate this particular plan; and the proof of it is this, that their petitions all pray earnestly for this particular plan, and say not a word of general reform. Highly as I prize the integrity of my noble friend—much as I may admire his good sense on other occasions—I must say, that, on this occasion, I desery not his better judgment, and I estimate how far he is a safe guide, either as a witness to facts, or as a judge of measures, by his success in the present instance; in either capacity, I cannot hesitate in recommending your lordships not to follow him. As a witness to facts, never was failure more complete. ‘The Bill,’ said he, ‘has no friends anywhere;’ and he mentioned Bond-street as one of his walks, where he could not enter a shop without finding its enemies abound. No sooner had Bond-street escaped his lips, than up comes a petition to your lordships, from nearly all its shop-keepers, affirming that their sentiments have been misrepresented, for they are all champions of the Bill. My noble friend then says, ‘Oh, I did not mean the shop-keepers of Bond-street in particular; I might have said any other street, as St. James’s, equally.’ No sooner does that unfortunate declaration get abroad, than the shop-keepers of St. James’s-street are up in arms, and forth comes a petition similar to that from Bond-street. My noble friend is descried moving through Regent-Street, and away scamper all the inhabitants, fancying that he is in quest of anti-reformers—sign a requisition to the church-

wardens—and the house-holders, one and all, declare themselves friendly to the Bill. Whither shall he go—what street shall he enter—in what alley shall he take refuge—since the inhabitants of every street, and lane, and alley, feel it necessary, in self-defence, to become signers and petitioners as soon as he makes his appearance among them? If, harassed by reformers on land, my noble friend goes down to the water, the thousand reformers greet him, whose petition (Lambeth) I this day presented to your lordships. If he were to get into a hackney-coach, the very coachmen and their attendants would feel it their duty to assemble and petition. Wherever there is a street, an alley, a passage, nay, a river, a wherry, or a hackney-coach, these, because inhabited, become forbidden and *tabooed* to my noble friend. I may meet him, not on the ‘accustomed hill,’ for Hay-hill, though short, has some houses on its slope, but on the south side of Berkeley-square, wandering ‘remote, unfriended, melancholy, slow,’ for there he finds a street without a single inhabitant, and, therefore, without a single friend of the Bill. If, in despair, he shall flee from the town, to seek the solitude of the country, still will he be pursued by cries of ‘Petition, petition! The Bill, the Bill!’ His flight will be through villages placarded with ‘The Bill’—his repose at inns holden by landlords who will present him with the Bill; he will be served by reformers in the guise of waiters—pay tribute at gates where petitions lay for signing—and plunge into his own domains to be overwhelmed by the Sheffield petition, signed by 10,400 friends of the Bill.

“But, then, we hear much against the qualification adopted, that is, the particular sum fixed upon. My noble friend, who lives near Birmingham, sneers

at the statesmen of Birmingham, and at the philosophers of Manchester.\* He will live—I tell him, he will live to learn a lesson of practical wisdom from the statesmen of Birmingham, and a lesson of forbearance from the philosophers of Manchester. My noble friend was ill-advised, when he thought of displaying his talent for sarcasm upon 120,000 people in the one place, and 180,000 in the other. He did little, by such exhibitions, towards gaining a stock of credit for the order he belongs to—little towards conciliating for the aristocracy which he adorns, by pointing his little epigrams against such mighty masses of the people. Instead of meeting their exemplary moderation, their respectful demeanour, their affectionate attachment, their humble confidence, evinced in every one of the petitions, wherewithal they have in myriads approached the House, with a return of kindness—of courtesy—even of common civility—he has thought it becoming and discreet to draw himself up in the pride of hexameter and pentameter verse—skill in classic authors—the knack of turning fine sentences—and to look down with derision upon the knowledge of his unrepresented fellow-countrymen in the weightier matters of practical legislation. \* \* \*

“ But we are told these petitions are from the mob. If there is the mob, there is the people also. I speak now of the middle classes—of those hundreds of thousands of respectable persons—the most numerous, and by far the most wealthy order in the community; for, if all your lordships’ castles, manors, rights of warren, and rights of chase, with all your broad acres, were brought to the hammer, and sold at fifty years purchase, the price would fly up and

\* Earl of Dudley.

kick the beam, when counterpoised by the vast and solid riches of those middle classes, who are also the genuine depositaries of sober, rational, intelligent, and honest English feeling. Unable, though they be to round a period, or point an epigram, they are solid, right judging men, and, above all, not given to change. If they have a fault, it is that error on the right side, a suspicion of state quacks—a dogged love of existing institutions—a perfect contempt of all political nostrums.

“The system, we are told, works well—because, notwithstanding the manner of its election, the House of Commons sometimes concurs immediately in opinion with the people; and, in the long run, is seldom found to counteract it. Yet sometimes, and on several of the most momentous questions, the run has, indeed, been a very long one. The Slave Trade continued to be the signal disgrace of the country, the unutterable opprobrium of the English name, for many years after it had been denounced in Parliament, and condemned by the people all in one voice. Think you, this foul stain could have so long survived, in a reformed Parliament, the prodigious eloquence of my venerable friend, Mr. Wilberforce, and the unanimous reprobation of the country? The American war might have been commenced, and even for a year or two persevered in; for though most unnatural, it was, at first, not unpopular. But could it have lasted beyond 1778, had the voice of the people been heard in their own House? The French war, which in those days I used to think a far more natural contest, having, in my youth, leant to the alarmist party, might possibly have continued some years. But if the representation of the country had been reformed, there can be no reason to

doubt that the sound views of the noble earl,\* and the immortal eloquence of my Right Hon. Friend,† whose great spirit, now freed from the coil of this world, may be permitted to look down complacent upon the near accomplishment of his patriotic desires, would have been very differently listened to in a Parliament unbiassed by selfish interests; and of one thing I am as certain as that I stand here—that ruinous warfare never could have lasted a day beyond the arrival of Buonaparte's letter in 1800.

It works well! whence then, the phenomenon of Political Unions,—of the people everywhere forming themselves into Associations to put down a system which, you say, well serves their interests? Whence the congregating of 150,000 men in one place, the whole adult male population of two or three counties, to speak the language of discontent, and refuse the payment of taxes? I am one who never have either used the language of intimidation, or will ever suffer it to be used towards me; but I also am one who regard those indications with unspeakable anxiety. With all respect for those assemblages, and for the honesty of the opinions they entertain, I feel myself bound to declare, as an honest man, as a minister of the crown, as a magistrate, nay, as standing, by virtue of my office, at the head of the magistracy, that a resolution not to pay the king's taxes is unlawful.

“I am asked what great practical benefits are to be expected from this measure? And is it no benefit to have the government strike its roots into the hearts of the people? Is it no benefit to have a calm and deliberate, but a real organ of the public opinion, by which its course may be known, and its

\* Earl Grey.

† Mr. Fox.

influence exerted upon state affairs, regularly and temperately, instead of acting convulsively, and as it were by starts and shocks? Good God! Will men never learn wisdom even from their own experience? Will they never believe, till it be too late, that the surest way to prevent immoderate desires being formed, aye, and unjust demands enforced, is to grant, in due season, the moderate requests of justice?

“ You stand, my lords, on the brink of a great event—you are in the crisis of a whole nation’s hopes and fears. An awful importance hangs over your decision. Pause, ere you plunge! There may not be any retreat! It behoves you to shape your conduct by the mighty occasion. They tell you not to be afraid of personal consequences in discharging your duty. I, too, would ask you to banish all fears; but, above all, that most mischievous, most despicable fear,—the fear of being thought afraid. If you won’t take counsel from me, take example from the statesmanlike conduct of the noble Duke,\* while you also look back, as you may, with satisfaction upon your own. He was told, and you were told, that the impatience of Ireland for equality of civil rights was partial, the clamour transient, likely to pass away with its temporary occasion, and that yielding to it would be conceding to intimidation. I recollect bearing this topic urged within this hall in July, 1828; less regularly I heard it than I have now done, for I belonged not to your number—but I heard it urged in the self-same terms. The burthen of the cry was—It is no time for concession; the people are turbulent, and the association dangerous. That summer passed, and the ferment subsided not.

\* The Duke of Wellington.



Autumn came, and brought not the precious fruit of peace,—on the contrary, all Ireland was convulsed with the unprecedented conflict which returned the great chief of the Catholics to sit in a Protestant Parliament. Winter bound the earth in chains; but it controlled not the popular fury, whose surge, more deafening than the tempest, lashed the frail bulwarks of law founded upon injustice. Spring came—but no ethereal mildness was its harbinger, or followed in its train,—the Catholics became stronger by every month's delay, displayed a deadlier resolution, and proclaimed their wrongs in a tone of louder defiance than before. And what course did you, at this moment of greatest excitement, and peril, and menace, deem it most fitting to pursue? Eight months before you had been told how unworthy it would be to yield when men clamoured and threatened. No change had happened in the interval, save that the clamours were become far more deafening, and the threats, beyond comparison, more overbearing. What, nevertheless, did your lordships do? Your duty—for you despised the cuckoo-note of the season, 'not be intimidated.' You granted all that the Irish demanded, and you saved your country. Was there, in April, a single argument advanced, which had not held good in July? None, absolutely none, except the new height to which the dangers of longer delay had risen, and the increased vehemence with which justice was demanded—and yet the appeal to your pride, which had prevailed in July, was in vain made in April, and you wisely and patriotically granted what was asked, and ran the risk of being supposed to yield through fear.

“ But the history of the Catholic Claims conveys another important lesson. Though in right, and

policy, and justice the measure of relief could not be too ample, half as much as was received with little gratitude, when so late wrung from you, would have been hailed twenty years before with delight; and even the July preceding, the measure would have been received as a boon freely given, which, I fear, was taken with but sullen satisfaction in April, as a right long withheld. Yet, blessed be God, the debt of justice, though tardily, was at length paid; and the noble duke won by it civic honours which rival his warlike achievements in lasting brightness—than which there can be no higher praise. What, if he had still listened to the topics of intimidation and inconsistency which had scared his predecessors? He might have proved his obstinacy, and Ireland would have been the sacrifice.

“Apply now this lesson of recent history,—I may say, of our own experience, to the measure before us. We stand in a truly critical position. If we reject the Bill, through fear of being thought to be intimidated, we may lead the life of retirement and quiet, but the hearts of the millions of our fellow-citizens are gone for ever; their affections are estranged; we, and our order, and its privileges, are the objects of the people’s hatred, as the only obstacles which stand between them and the gratification of their most passionate desire. The whole body of the aristocracy must expect to share this fate, and be exposed to feeling such as these. For I hear it constantly said, that the Bill is rejected by all the aristocracy. Favour, and a good number of supporters, our adversaries allow it has among the people; the ministers, too, are for it; but the aristocracy, say they, is strenuously opposed to it. I broadly deny this silly, thoughtless assertion. What! My lords, the aristocracy set themselves in a mass

against the people—they who sprang from the people—are inseparately connected with the people—are supported by the people—are the natural chiefs of the people? *They* set themselves against the people, for whom peers are ennobled—bishops consecrated—kings anointed—the people, to serve whom Parliament itself has an existence, and the monarchy and all its institutions are constituted, and without whom none of them could exist for an hour? The assertion of unreflecting men is too monstrous to be endured—as a member of this House, I deny it with indignation. I repel it with scorn, as a calumny upon us all. And yet are there those who, even within these walls, speak of the Bill augmenting so much the strength of the democracy, as to endanger the other orders of the state; and so they charge its authors with promoting anarchy and rapine. Why, my lords, have its authors nothing to fear from democratic spoliation? The fact is, that there are members of the present cabinet, who possess, one or two of them alone, far more property than any two administrations within my recollection; and all of them have ample wealth. I need hardly say, I include not myself, who have little or none. But even of myself I will say, that whatever I have depends on the stability of existing institutions; and it is as dear to me, as the princely possessions of any amongst you. Permit me to say, that, in becoming a member of your House, I staked my all on the aristocratic institutions of the state. I abandoned certain wealth, a large income, and much real power in the state, for an office of great trouble, heavy responsibility, and very uncertain duration. I say, I gave up substantial power for the shadow of it, and for distinction depending upon accident. I quitted the elevated station of repre-

sentative for Yorkshire, and a leading member of the Commons. I descended from a position quite lofty enough to gratify any man's ambition; and my lot became bound up in the stability of this House. Then, have I not a right to throw myself on your justice, and to desire that you will not put in jeopardy all I have now left?

“But the populace only, the rabble, the ignoble vulgar, are for the Bill? Then what is the Duke of Norfolk, Earl Marshal of England? What the Duke of Devonshire? What the Duke of Bedford? I am aware it is irregular in any noble lord that is a friend to the measure; its adversaries are patiently suffered to call peers even by their christian and surnames. Then I shall be as regular as they were, and ask, does my friend John Russell, my friend William Cavendish, my friend Harry Vane, belong to the mob, or to the aristocracy? Have they no possessions? Are they modern names? Are they wanting in Norman blood, or whatever else you pride yourselves on? The idea is too ludicrous to be seriously refuted;—that the Bill is only a favourite with the democracy, is a delusion so wild as to point a man's destiny towards St. Luke's. Yet many, both here and elsewhere, by dint of constantly repeating the same cry, or hearing it repeated, have almost made themselves believe that none of the nobility are for the measure. \* \* \*

“My lords, I do not disguise the intense solicitude which I feel for the event of this debate, because I know full well that the peace of the country is involved in the issue. I cannot look without dismay at the rejection of the measure. But grievous as may be the consequences of a temporary defeat—temporary it can only be; for its ultimate, and even speedy, success is certain. Nothing can now stop

at. Do not suffer yourselves to be persuaded, that even if the present ministers were driven from the helm, any one could steer you through the troubles that surround you, without reform. But our successors would take up the task in circumstances far less auspicious. Under them, you would be fain to grant a Bill, compared with which, the one we now proffer you is moderate indeed. Hear the parable of the Sybil; for it conveys a wise and wholesome moral. She now appears at your gate, and offers you mildly the volumes—the precious volumes—of wisdom and peace. The price she asks is reasonable; to restore the franchise, which, without any bargain, you ought voluntarily to give: you refuse her terms—her moderate terms—she darkens the porch no longer. But soon, for you cannot do without her wares, you call her back; again she comes, but with diminished treasures; the leaves of the book are in part torn away by lawless hands—in part defaced with characters of blood. But the prophetic maid has risen in her demands—it is Parliament by the year—it is vote by the ballot—it is suffrage by the million! From this you turn away indignant, and for the second time she departs. Beware of her third coming; for the treasure you must have; and what price she may next demand, who shall tell? It may even be the mace which rests upon that woolsack. What may follow your course of obstinacy, if persisted in, I cannot take upon me to predict, nor do I wish to conjecture. But this I know full well, that as sure as man is mortal, and to err is human, justice deferred enhances the price at which you must purchase safety and peace;—nor can you expect to gather in another crop, than they did, who went before you, if you persevere in their utterly abominable husbandry of sowing injustice and reaping rebellion.

“ But among the awful considerations that now bow down my mind, there is one which stands pre-eminent above the rest. You are the highest judicature in the realm; you sit here as judges, and decide all causes, civil and criminal, without appeal. It is a judge's first duty never to pronounce sentence, in the most trifling case, without hearing. Will you make this the exception? Are you really prepared to determine, but not to hear, the mighty cause upon which a nation's hopes and fears hang? You are. Then beware of your decision! Rouse not, I beseech you, a peace-loving, but a resolute people; alienate not from your body the affections of a whole empire. As your friend, as the friend of my order, as the friend of my country, as the faithful servant of my sovereign, I counsel you to assist with your uttermost efforts in preserving the peace, and upholding and perpetuating the constitution. Therefore, I pray and I exhort you not to reject this measure. By all you hold most dear,—by all the ties that bind every one of us to our common order and our common country, I solemnly adjure you,—I warn you,—I implore you,—yea, on my bended knees, I supplicate you—Reject not this Bill!”

The debate, of which this splendid address formed a part, occupied the attention of their lordships for five entire nights; it commenced on the Monday evening at six o'clock, and was continued, by adjournment, through Tuesday, Wednesday, Thursday, and Friday, and terminated, after a division, at a quarter-past six o'clock on the Saturday morning. The result of the division appears to have been anticipated. Lord Grey, in his reply, observed, to this measure he was pledged, and he would never consent to introduce one less efficient. To this observation, a peer on the opposition benches cried out, “ then resign.” “ The noble lord,” said Lord

Grey, "calls out 'resign,' but I tell him that to do so would be a culpable abandonment of my duty to the king. What I will do rests with myself to consider of; but I will never abandon my king so long as I can be of use to him. I am bound to him, by the strongest obligations, and by ties of gratitude greater than any subject had ever reason to maintain for so kind a master. He has treated me with such uniform confidence, and, on all occasions, accepted my offers of service with such kindness, that I should be ungrateful indeed if I could abandon him. Under a strong sense of the many favours I have received at his hands, I feel that the king has a right to command my services, and no one shall ever have to reproach me with having abandoned him, while I can make myself a useful servant, by carrying measures beneficial to the country. \* \* \* I have done my duty to the best of my ability, and I will continue to do it; but if Parliament shall think fit to withdraw its confidence from me, I shall be ready to resign office, which I did not covet, and to return to the society of my family, with the happy consciousness that I have done my best to serve my king and country." The noble earl, who was much affected whilst delivering these sentiments, sat down, amidst continued cheering.

The division followed immediately after, and the numbers were declared to be—for the second reading, 158; against it, 199. Majority against the Bill, 41. The discontent expressed out of doors at this decision, on the part of their lordships, was great in the extreme. With the disposal of the Reform Bill, the business of the session terminated, and, on the 20th of October, Parliament was prorogued to the 22d of November. The cry throughout the country, on the part of the supporters of the

Bill, was, "Create new peers;" and the propriety and impropriety of adopting such a course was freely discussed, not only by the public press, but, as was generally believed, by Lord Grey's cabinet, among the members of which a division of opinion on the question was said to exist. The great obstacle to the adoption of the measure was, however, the reluctance expressed by his majesty to have recourse to this measure. The king, it was stated, was decidedly opposed to setting, what he considered, a dangerous precedent, by the creation of such a number of peers as would have been required to give the minister a majority upon the Bill; his majesty arguing, that although the object now to be obtained might justify the act on this occasion, yet that, at some future period, an ambitious monarch, or a corrupt minister, might, acting on the precedent thus furnished, adopt a similar course, for the purpose of carrying a measure dangerous to the constitution and to the liberty of the subject. The idea of creating new peers was, therefore, for the present, abandoned; and, on the 6th of December, Parliament again assembled for the dispatch of business. On the 17th of December, the Reform Bill was once more read in the House of Commons a second time, on a division of 324 to 162. On Friday, the 23d of March, the Bill was read a third time, and passed by a large majority. On the same day it was sent to the lords, and read a first time, and the second reading fixed for Monday, the 9th of April.

As the day on which the second reading of the Bill approached, the public feeling became most intense. The first question asked in all quarters, and in every circle, was, "What will the lords do?" Reports had gone abroad, stating that Lords Harrowby and Wharncliffe, who had so strenuously opposed



the Bill six months before, had since then altered their opinion, and would now support it. Credit was given to these reports, and the hopes of the friends of the Bill were greatly raised by them. Alluding to these reports, a periodical of the day says, "We honour the statesmanlike prudence which scorns the praise of consistency, which might be theirs, who, under altered circumstances, pursue the same course they formerly deemed the right one. The Conservative principle is one which we can never abandon; but how is it to be maintained? By exasperating a powerful, already irritated, and excited people? or by granting them what, in reason, may be granted? In the name of safety, we would say the latter. We, indeed, are told that such was not the course pursued by Mr. Pitt, and he 'weathered the storm.' So he did; but that storm was not like the resistless movement now witnessed. The King, half the House of Lords, and the whole House of Commons, did not unite in his day to call for reform of the representation of the people. Why did not those who now talk so disdainfully of popular clamour, prove its insignificance in November 1830? Then it was the storm arose, but where was 'the pilot' to 'weather it.' The pilot of that day conqueror though he had been at Waterloo, was content to fly from the helm. He tried to oppose reform, as Mr. Pitt had done, but the task was too much for him. It is useless, then, now to talk of what was accomplished forty years ago, by other hands. It has been shewn that the same thing cannot be effected now. The Duke of Wellington made the attempt and failed. He ventured to draw the bow of Ulysses, but overstrained himself and fell."

On Monday, the 9th of April, the peers met at

the usual hour. All the avenues leading to the House of Lords were crowded by one o'clock in the day, and as their lordships arrived in succession they were greeted with cheers or groans, according as they were supporters or opposers of the measure. There was an unusually full attendance of peers, and at six o'clock precisely, Lord Grey rose, and, in a speech of great force and eloquence, moved the second reading.—Lord Ellenborough moved as an amendment, "That the Bill be read a second time that day six months." Lord Melbourne, Lord Bathurst, the Marquis of Salisbury, the Bishop of Durham, Lord Haddington, and the Marquis of Londonderry, spoke in the course of the evening, and at a late hour the debate was adjourned. On the following evening it was resumed, and continued through Wednesday, Thursday, and Friday evenings, by adjournment. On the last night of the debate, Lord Brougham addressed their lordships in an argumentative speech, less distinguished, indeed, by those brilliant flights of fancy with which his speeches generally abound, but certainly not less convincing and powerful in its reasoning than the most distinguished and admired of his senatorial efforts. His lordship observed, in one part of his address—

"It is said that, if you examine the returns of any place, you will find the householders of £10 greatly more numerous than those of £20—meaning by £10 householders those who hold houses of from £10 to £20 annual value, and by £20 householders, those of £20 and upwards. I think that, generally speaking, you will find more houses of £20 and upwards, than below that amount. It must not be supposed, that that large class of houses between £10 and £20 are merely £10 houses. You must not take a *minimum*, and erect it into a

*maximum* ; therefore, to say that the inhabitants of the small tenements of £10 will overwhelm the richer classes who occupy those of £20, £30, £40, £50, and £100 value, is an assertion unsupported by any arguments or facts. Take, as an instance, the town of Warwick ;—it has 300 voters who inhabit houses of £10 and upwards, but under £20 ; and about 215 who hold houses of £20 and upwards ; the smaller are, therefore, in the proportion to the larger tenements as three to two. But of these £10 houses, perhaps 100 or 150 are houses of the value of £14, £15, and from that up to £20 ; therefore, the highest of the smaller houses approach very near to the lowest of the larger houses. I cannot, therefore, see how the £10 householders will overwhelm those of the higher classes, or how the representation will, by such means, be thrown into the hands of men of little or no property. The £10 householders do not form a distinct class of voters, for nothing can be more obvious, than that they blend into those of a larger description, almost by imperceptible gradations.

“ Noble lords are accustomed to take their ideas of £10 houses from what they see of that class in a great town. I would recommend them to go into one of those towns on which this franchise is to be conferred. They will find, that it is not the common day-labourer that can afford to give £10 a year for this house ; is it possible for the man who is earning 10*s.*, 12*s.*, 13*s.*, or 14*s.* a week, to afford to pay 3*s.* 10*d.* of it for his weekly house-rent ? Such a man will occupy a much inferior tenement. The persons paying that rent will be men in the situation of respectable shopkeepers and tradesmen, overseers in some manufactory, or foremen, at least ; persons respectable in every point of view, with re-

ference to their station; and do you think that there is such a difference in point of communication, connexion, and influence, between the tenants of these different houses, that the man who occupies a house of from £20 to £30 a year struts by his poorer neighbour, who is the holder of only a £13, £14, or even a £10 house?

“My lords, I will not now enter into the question whether the rich man or the poor man has the greatest interest in the preservation of tranquillity; but it is sufficient for me that the poor man loses his all, and that he is the first who will suffer in a convulsion long before acts of spoliation take place sufficient to ruin the rich man;—public calamity, the want of bread, and all the evils that follow in the train of a convulsed state of the country, would be sure to press with the most grinding effect upon the humbler classes. Your lordships might suffer if every man were frantic enough to dream of unsettling the established institutions of his country, and to introduce confusion into this empire; but who would suffer first, and most severely?—who but the humbler classes, not excepting the day-labourer, the artizan, and the agricultural labourers? But the men who would suffer most of all, are those individuals of the middle,—aye, even to the humbler portion of the middle class,—to whom this measure proposes to give the franchise. Why, then, my lords, be afraid to trust those classes?—why be afraid that such a Parliament as they would return would dream of unsettling the constitution of the country?—why not trust those classes, who are, at least, as worthy of trust as those whom you trust now?—why not admit those whose interests and feelings, it must be allowed, are most adverse to any violent change? Suppose, my lords, that there

exists a worse portion of the people (and I entreat your lordships' attention to this point),—suppose the existence of any such portion, bent upon mischievous designs,—the populace we may call them,—men over whom you have no hold,—men who have no stake in the country—men tossed about by every gale of opinion,—men to whom agitation is described as natural—the supporters of those opinions about which so much alarm has been expressed,—if there be a body of men of this sort in the country, I ask whether any one thing can be conceived more effectual towards reclaiming them, and bringing them back to a sense of their duty to their country, and to a right view of their own interests, than the course which this measure pursues? for it affords an opportunity of reclaiming these misguided individuals, by placing among them persons capable of controlling them by their influence, and of gaining them over, by their advice, to the interests of both,—men not very far above themselves, but renting small £10 houses; and by giving them an interest in the preservation of the institutions of the country. \* \* \*

“Hitherto, patronage has been carried to such an extent, that no honest ministry can possibly carry on the government. That has been one of the charges brought against the existing system; but when you have a reformed Parliament, ministers will not, with such patronage existing, be able to carry government on at all. I have no expectation that a reformed House of Commons will bear down the official patronage of the crown, which is essential to its efficiency, and which the public service requires. But I am quite sure it will do one thing—it would be unfortunate if it did not,—it will not allow patronage even to the most moderate amount

to exist merely as patronage, and for the purpose of patronage, and in order to enable a government to carry on the affairs of the country, which, without that patronage, could not steadily pursue its course. But, my lords, it will nevertheless afford a ready and energetic support to a government wisely and honestly intent on doing its duty to this country. Beyond what is necessary for that purpose, no support will be given; but government must stand on its own merits alone, and the merits of its measures; and must not trust to the influence arising from mere patronage, any more than it can trust to the influence of nomination boroughs.

“ When education has made such progress as it has done, and when I look to the further progress it may reasonably be anticipated to make in a few years, I can trust with implicit, with cheerful, with increasing, daily increasing, and, I will add, with exulting confidence, in the plain good sense, the rational, consistent, regular, and peaceful opinions and wishes of the majority of the people. It is proper that there should be some restriction in the right of voting, for the purpose of avoiding the evils which will always attach to too numerous assemblies of the people, and for the purpose of preventing too vast an expence at elections, and the mischief which would arise from not drawing any line at all; but, it is not from any distrust that I have of even those classes to whom this measure does not give the elective franchise, that I assent to this restriction; for, I am sure, if you will remove the great and obvious grievance of our time, and of times long past, owing to the state of the representation,—if you destroy the system of nomination you will restore yourselves to a place in the affections of the people, which the existence of that grievance has

caused you to lose :—that is the great and capital grievance of all :—once remove it, and I, for one, entertain not the slightest apprehension from the power and conduct of even those who are below the humblest class to whom the franchise will, by this Bill, be given.

“ My lords, we have heard of other plans of reform which have been brought forward, as it has been rightly said, too late. I confess, I look upon these plans with all but suspicion, when I consider the time and occasion of bringing them forth,—their not having been broached during the time which has elapsed, since the 8th or 9th of October last, up to the present day,—their having met with so little countenance from either side of the House ;—all this tends very greatly to excite my distrust as to the beneficial effects which these plans would produce if adopted.

“ A Right Reverend Prelate has said, that the anxiety for this measure is nearly gone by, though it has not entirely subsided. Do not, my lords, imagine such to be the case—do not let any man among you deceive himself ; the anxiety has not nearly subsided,—it has not nearly gone by,—it exists as strongly and as intensely as ever, with this difference only—that it has stood the test of disappointment and long delay, and, as was justly observed during the debate, of the ‘ hope deferred, that maketh the heart sick.’ It is, I say, as strong and as intense as ever ; and you may rely on it, that from one end of this land to the other, the people,—the intelligent, the thinking, the rational, the honest people, and that, too, not merely of this metropolis, but of every town, village, and hamlet in England, and, if possible, still more in Scotland, are waiting, in breathless suspense, the event of this night’s dis-

cussion. I hope and trust, my lords,—I confidently hope,—nay, I fully expect, that your decision will be such as to diffuse universal joy throughout the country, and terminate that painful suspense which this Bill has so long occasioned. Should such, my lords, be the result of your votes this night, greater than ever will be the affection, gratitude, and respect which the people will bear towards you.

At seven o'clock on Saturday morning, the 14th of April, the House divided, and the numbers were, —for the second reading, 184 ; against it, 175. Majority in favour of the second reading, 9.



## CHAPTER XV.

THE triumph thus obtained by ministers on the second reading of the Reform Bill, was but of short duration. On the 7th of May, the House went into a committee on the Bill, when Lord Lyndhurst proposed, as an amendment, to postpone Schedules A and B of the Bill, until Schedules C and D should have been disposed of. Lord Grey had been previously advised that such an amendment would be proposed; and further, that however simple it might appear, it contained within itself a conspiracy against the Bill, and that, if carried, it would inevitably defeat the whole measure. His lordship, therefore, opposed the amendment, and the House proceeded to divide upon the question, when ministers found themselves in a minority of THIRTY-FIVE. The further proceedings on the Bill were then postponed, and on the following day, Tuesday, the 8th of May, Lord Grey, accompanied by Lord Brougham, repaired to his majesty, who was at Windsor, and having communicated to his majesty the result of the division on the preceding night, submitted at once to his majesty a proposition for the creation of such a number of new peers as should be sufficient to secure the ministry a majority in the future proceedings on the Bill; both the noble lords strongly urged on the king the necessity of adopting this course, as the only chance left of carrying the measure; and intimated, at the same time, that unless the advice they now gave should receive his majesty's sanction, they were prepared to resign. The king received their lordships with his accustomed kindness, and promised to give them his answer by nine

o'clock on the following morning. The answer was accordingly returned by the time appointed, and proved to be a negative. A tender of their resignation on the part of ministers followed immediately, and was immediately accepted.

As this narrative does not profess to be a history of the government, but a Memoir of Lord Brougham only, it must necessarily be confined to those transactions in which his lordship was more especially engaged. The resignation of his lordship was tendered to his majesty, and accepted on Wednesday, the 9th of May, and on Saturday the 12th, Lord Brougham, at the rising of the court, took leave of the Chancery Bar. After informing them that he should leave no cause undecided, and a very trifling arrear in the business of the court; and briefly alluded to the improvements he had contemplated, in our equitable judicature, he concluded his address as follows:—

“ Upon quitting this court, I should, in ordinary circumstances, feel nothing but the pain of parting with those to whom my kind and respectful thanks are so justly due, for the unvaried respect and kindness which I have experienced from them. But, in my voluntary retirement from hence, which is only painful as it causes this separation, I am supported by the principles which have directed the course I pursue. I am more than supported. The personal feelings to which I have adverted are lost in those which now compel me, I trust, without any undue sense of pride, to regard the abandonment of power at the command of public duty, not as misfortune, but glory.”

In the mean time, his majesty had entrusted to the Duke of Wellington the task of forming a new administration. All his Grace's attempts to accom-

plish that task having, however, failed, it being found impossible to gain the confidence of the House of Commons, he resigned into the hands of his majesty the authority he had received to form a government, and in the early part of the following week the king sent for Lord Grey, and having stated to his lordship that circumstances had occurred, which would render the success of the Reform Bill no longer doubtful, that nobleman and his colleagues, including the lord-chancellor, were induced to retain the seals of office, and Lord Brougham resumed his seat on the woolsack.

On the 4th of June, the birth-day of George III., the Reform Bill was read a third time in the House of Lords, by the vote of a majority of the peers present of nearly four to one, the numbers being—for the third reading, 106; against it, 22; majority 84; and on Thursday, the 7th of June, the Bill received the royal assent by commission; the commissioners being the Lord Chancellor, Earl Grey, the Marquis of Lansdowne, Lord Durham, Lord Holland, and the Marquis of Wellesley. There were but few peers present on this occasion; but among the few was the Duke of Sussex, who was observed to exchange warm congratulations with the lords' commissioners, on the Bill thus becoming a part of the law of the land.

The passing of the Reform Bill was quickly followed by the prorogation of Parliament, and that by a dissolution; a new parliament, to be elected under the provisions of the new system, being summoned to meet soon after Christmas. On the 29th of January, 1833, the day on which the writs were made returnable, the peers assembled at two o'clock precisely, when the Lord Chancellor, the Duke of Richmond, the Marquis of Lansdowne, Earl Grey, and

Lord Auckland, took their seats as commissioners. About one hundred of the newly-returned members of the House of Commons attended at the Bar, and the commission, authorizing the assembling of Parliament, having been read, the Lord Chancellor addressed them as follows:—

“ My Lords and Gentlemen,—We have it in command to acquaint you that his majesty will, as soon as the members of both Houses shall have been sworn, declare, in person, the cause of his calling together this Parliament; and, Gentlemen of the House of Commons, it being necessary that a speaker of your House should be chosen by you from among yourselves, it is his majesty’s pleasure that you repair to your usual place of meeting, and forthwith proceed to choose a fit and proper person as speaker, and present such person here on Thursday next, at two o’clock, for his majesty’s royal approbation.” The Commons then retired to their own House, and at once proceeded to the election of a speaker, as recommended by his majesty, when Mr. Hume proposed E. J. Lyttleton, Esq., one of the members for Staffordshire, as a fit and proper person to fill the chair of the House. The motion was seconded by Mr. O’Connell. Lord Morpeth then proposed as an amendment the Right Hon. Charles Manners Sutton as speaker, and this proposition was seconded by Sir Francis Burdett. The election of the Right Hon. Gentleman was carried without a division.

On the Thursday following, Mr. Sutton, accompanied by several members of the Commons, attended at the Bar of the lords, when the Lord Chancellor communicated to him his majesty’s approval of the choice which the Commons had made. The business of the session commenced regularly on Tuesday, the 5th of February, on which day William

IV. went to the House, and, in person, opened the first session of the first reformed Parliament, by a speech from the throne. The address, in reply to the speech, was moved by the Marquis of Conyng-ham, and seconded by Lord Kinnaird; and, after a debate of some length, was agreed to, without a division. In the Commons, the mover of the address was Lord Ormelie, and the seconder Mr. John Marshall; an amendment, having for its object the repeal of the union with Ireland, was proposed by Mr. O'Connell, and seconded by Mr. Cobbett; but, after a debate, which occupied four nights, the amendment was negatived, and the address carried by a majority of 428 to 40.

The session proved one of considerable interest, and, upon many of the measures brought forward, the opposition to ministers was unexpectedly strong. The question on which they were met with the most formidable and determined hostility was the Irish Church Temporalities Bill. So formidable was the opposition of the lords to this measure, that ministers, fully anticipating a majority against them on the motion for the second reading, had prepared themselves for resigning, and report had named the speaker, Mr. Manners Sutton, as the new premier. When the day of trial arrived, however, they met with an unexpected reprieve. Some change of opinion had been effected in the mind of the Duke of Wellington, by which his Grace was induced to withdraw his opposition to the Bill; and, although the Duke of Cumberland and Lord Eldon still opposed the measure, the second reading was carried by a considerable majority.

On the 29th of August, Parliament was prorogued by his majesty in person. In the course of this session, Lord Brougham introduced several Bills,

having, for their object, the carrying into effect several reforms in our jurisprudence. Of these, the first in order was a Bill, introduced by him on the 7th of March, intended to carry into effect certain recommendations made by the law-commissioners in a report then recently presented by them. One of the most important of these recommendations related to the practice of special pleading, and gave to the judges a power of regulating those pleadings. The next provision of the Bill related to the old statutory limitations which were to be regulated by this measure, so far as regarded their duration. In cases of bond, the duration was to be fixed at ten years. Another provision of the Bill was directed to remedy the hardships to which sureties for crown-debtors were liable under the existing system. This Bill ultimately passed the lords. His lordship, on the 28th of March, again introduced a Bill, for the Establishment of Local Courts, by which he proposed that courts having local jurisdiction should be established throughout England and Wales. In these courts he proposed that a serjeant-at-law, or a barrister, of not less than ten years standing, should preside as judge, and should take cognizance of actions of debt, and of pecuniary damage. In the former, the maximum to be £20, in the latter, £50. It was also proposed that these courts should have an equity jurisdiction to the extent of that possessed by masters-in-chancery and commissioners of bankrupts. Another important feature of the Bill was, that which contemplated giving relief to persons imprisoned for debt. It proposed to relieve from imprisonment all debtors who had gone through their examinations, and made a satisfactory disclosure of their affairs. The Bill was read a first and second time, and passed through

the committee, but was thrown out by their lordships on the third reading. In the course of the session, Lord Brougham also introduced Bills for the Regulation of the Practice in the Court of Chancery, and in the Ecclesiastical Courts; a Bill for Establishing a Court of Appeal in Chancery, and one for Amending the Course of Proceedings in the Insolvent Debtors Court. None of these measures were, however, pressed beyond the second reading, or the committee.

On the 4th of February, the session of 1834 commenced. On the 26th of March, Lord Brougham introduced a Bill for Improving the System of Administering Justice in the Criminal Courts of the Metropolis. This Bill led to the establishment of the Central Criminal Court, a measure which has proved of the utmost utility in the administration of justice, as regards the metropolis and metropolitan counties, and the adoption of which has been attended with great convenience to the public. In the course of this session, also, his lordship brought forward a Bill for Assimilating the Practice of the Irish Court with that of England.

In the course of this session, his lordship had occasion to bring under the consideration of their lordships a question of breach of privilege, in which he was the party interested, against the proprietors of the Morning Post. The breach of privilege complained of was contained in an article inserted in that paper, professing to be comments upon a judgment pronounced by his lordship in the case of *Solarte v. Palmer*, which had been investigated before their lordships on a writ of error. The writer of the article charged his lordship with having done such an act of cruel oppression, that the journals of the House must be garbled for the reversal or con-

cealment of it. The writer concluded with stating, "that if what he reported were true, Lord Brougham was unfit to preside as a judge, to sit in Parliament as a peer, or to move in society as a gentleman." Then followed this proposition, to which Lord Brougham observed, he wished particularly to call their lordships' attention, as it was one in which he was confident they would fully agree. "If," said the writer, "what we tell you is false, there never was committed a grosser breach of privilege, than that to which we are to-day guilty." His lordship utterly denied that there was any truth in the statement made by the writer, but having called their lordships' attention to it, he should take no further step on the subject.

Lord Grey, after stating that the charge was wholly unfounded, declared his opinion that the publication was a gross breach of privilege, and moved that the editor of the paper should be ordered to attend at the Bar of their lordships' House on the following day. The Marquis of Londonderry, the Duke of Wellington, and other noble lords, agreed in opinion with Lord Grey, whose motion was agreed to.

At the time named in their lordships' order, Mr. Bittlestone, the editor of the Post, attended at the Bar; and, in answer to the questions put to him by Lord Brougham and others, he acknowledged that he was responsible for whatever appeared in the paper; but, at the same time, he declined to state who was the person that wrote the article in question. Lord Brougham then observed, that as he was the only person concerned in the affair, he wished the enquiry to proceed no further, and he accordingly moved, "That Mr. Bittlestone be discharged, with a reprimand."



This course was opposed by several noble lords, and Lord Denman moved, that "Mr. Bittlestone should be committed to the custody of the serjeant-at-arms." The motion was agreed to, and Mr. Bittlestone was accordingly committed to the custody of the serjeant. Here he remained for two days, when Lord Wynford, having been entrusted with a petition from him, praying to be discharged, the petition was ordered to be taken into consideration on the following day. Lord Brougham then moved that Mr. Bittlestone should be brought to the bar, reprimanded by the lord-chancellor, and discharged on paying his fees. This motion was carried, and next day he was brought to the bar, reprimanded, and ordered to be liberated on paying his fees.

On the 15th of August Parliament was prorogued by the king, in person, until the 25th of September.

During the parliamentary vacation in this year, Lord Brougham made his northern tour; in the course of which, he visited Glasgow, Inverness, Edinburgh, and other places of note, at all of which he was received with the warmest expressions of respect, and, in more than one of them, public banquets were got up for the purpose of doing him honour. At the Edinburgh festival, given in honour of Lord Grey's visit to that city, the lord-chancellor, Lord Durham, Sir J. C. Hobhouse, and others of the ministers were present. On the health of Lord Brougham and his majesty's ministers being given, his lordship returned thanks for himself and his colleagues. "He felt, he said, "deeply grateful to the meeting for the compliments which had been paid to them; and, actuated by that feeling, himself and his colleagues would continue in the course which they had begun, without looking behind them, except only to take example by the colleague whose

irreparable loss they had lately sustained—alluding to Lord Grey's recent resignation—and to whose unparalleled services this most splendid national tribute had been so appropriately paid. He had not been before an assemblage of his fellow-citizens of Edinburgh since his accession to office; but now, after having been for four years a minister of the crown, he repeated the very words which he had addressed to them nine years before. 'His hands were clean' in taking office, in holding, in retaining it; he had not sacrificed one feeling of a public nature; he had not deserted one friend; he had abandoned no principle; he had broken no trust; he had done no job; to the best of his knowledge he had promoted no unworthy man; he had not stood in the way of any man's fair promotion; he had not deserted the people; and, in office, or out of office, he never had feared, and never would fear, the people of England. On the contrary, it was his glory and delight to meet them on every occasion; to give them an account of his stewardship, and to tell them what he thought, even when he happened to think differently from them. That minister only knew half his duty, who had merely learnt to fight for the people against the frowns of power, and would not do good to the people according to his conscience, even in spite of the people themselves. He did not, however, think it possible that he and the people could ever seriously differ. He agreed entirely in the view taken of public affairs by his noble friend, Lord Grey. Let the government of the country, strong in the support, both of the crown and the people, proceed steadily, firmly, and unflinchingly, to the discharge of their duty, by promoting the progress of liberal opinions; but let them not be hurried out of their course either to the

right or to the left; or forward in their career, either faster or further, than sound reflection, calm deliberation, and statesmanlike prudence entitled them to go. The present ministers would go on, heedless of the attacks of hasty spirits; men of great honesty, no doubt, and of much zeal, but of no reflection at all—men who would travel towards their object, but in such a hurry, that they would not stop to get the linch-pins put into the axletree; that would go on a great voyage of discovery, but would not take time to see whether they had a compass on board—men who, when within five minutes of a port, would run the vessel on the breakers;—men who would build an edifice, but would not wait to see whether there were rooms to live in, or use the plummet, or the line, though the first story might tumble about their heads. He respected the good intentions of these persons, but he would not get into their carriage without looking to the linch-pins. Such men were no safe guides for a British ministry."

Whilst the Melbourne cabinet were thus triumphing securely in their imaginary strength, and relying on the stability which they flattered themselves the united confidence of the king and the people gave to their government for its prolonged existence, a blow was impending over them, which, at the moment they least anticipated such an event, was to cause their sudden dissolution. The circumstance to which we allude was the death of Earl Spencer, which event occurred in the early part of the month of November of this year. On the demise of the noble lord, his eldest son, Lord Althorpe, succeeded to the earldom, and consequently to a seat in the House of Peers. His promotion to the peerage removed him from the Lower House, and, at the same

time, left two important posts of the government vacant; those of chancellor of the exchequer, and ministerial leader of the House of Commons. These were losses which Lord Melbourne was not prepared immediately to supply. Whether any real difficulty would have been ultimately found in selecting another individual, possessing sufficient weight and influence to become leader, or adequate financial talent to enable him to fill the vacant office of chancellor of the exchequer, does not appear; certain it is, that in a very high quarter such an opinion seemed to prevail. Such must have been the opinion of the king, who, it is said, intimated so much to Lord Melbourne immediately on learning the news of Lord Spencer's death. So soon as that circumstance was made known to him, his majesty sent for the Duke of Wellington, to consult with his Grace on the formation of a new government. This step, on the part of the king, decided at once the fate of the Melbourne cabinet. His lordship, Lord Brougham, and the rest of the ministers, immediately tendered their resignations, which were accepted; and the Duke of Wellington received full powers to form, in conjunction with Sir Robert Peel, a new cabinet. Sir R. Peel was at this time abroad, and, as report said, sojourning with his lady and family at Rome. Expresses were immediately forwarded to him at Rome, and other places in Italy, and as it was impossible but that some time must elapse before the Right Hon. Baronet could reach this country, the Duke of Wellington was sworn in one of the secretaries of state, and took on himself, *ad interim*, the entire of the government, until Sir Robert's arrival.

Whilst things were in this state, Lord Brougham took a step which greatly astonished, not only the

public generally, but his most intimate friends. The ex-chancellor wrote a letter to Lord Lyndhurst, then chief baron of the exchequer, but who, it was well known, would be his lordship's successor in the chancellorship, should the Wellington and Peel administration be formed, offering himself as successor to his lordship in the situation of chief baron, without receiving any salary beyond his retired allowance of £5000 a year as ex-chancellor, stipulating, at the same time, that the unavoidable expences of travelling, &c. should be allowed him. The reply of Lord Lyndhurst stated briefly, that it was not intended to fill up any of the vacant offices until Sir Robert Peel's return, when his lordship's letter should be submitted to him, and it would be for Sir Robert to decide on his lordship's offer. The inducements which operated with Lord Brougham to make this offer are unknown. Some persons have been illiberal enough to insinuate, that it originated in a feeling of jealousy towards an old rival at the Bar, who, it was generally believed, would have the appointment. Whatever might have been his lordship's motives, certain it is, that for a moment Lord Brougham sacrificed reputation to some unexplained feeling, and the result was disappointment, and we doubt not chagrin; his offer was not accepted. Sir James Scarlett was, on the return of Sir R. Peel, appointed lord-chief-baron, and raised to the peerage.

The resignation of Lord Melbourne, and the appointment of Sir R. Peel to the premiership, led, at the end of the session, to a dissolution of Parliament. The new elections concluded in the beginning of February of the following year, 1835; and, on the 19th of February, the new House of Commons met, and proceeded to the election of a Speaker. On this occasion, Sir Charles M. Sutton

was again nominated for that high and important office. The right honourable gentleman was proposed by Lord F. Egerton, and the proposition was seconded by Sir Charles Burrell. As an amendment to this proposition, Mr. Denison, the member for Surrey, proposed the name of the Right Honourable James Abercrombie as a fit person to fill the chair, and the motion of Mr. Denison was seconded by Mr. Orde. As the decision of this important question was considered as one which would shew the relative strength of the two parties, it was expected the contest would be a severe one, and this expectation proved to be not unfounded. A long and animated debate took place on the question, and terminated in a division, when the opposition proved victorious; the numbers being—for Mr. Abercromby, 316; for Mr. Sutton, 310. The result of this struggle was considered by many as decisive of the fate of Sir Robert's Peel's administration, and such, indeed, appeared to be the fact. The government struggled on through the month of March, against a strong and overwhelming opposition. On Monday, the 30th of March, on the order of the day for the House going into a committee of supply being read, Lord John Russell moved as an amendment the following resolution:—"That the House resolve itself into a committee, to take into consideration the state of the Irish Church, with a view of applying any surplus revenues, not required for the spiritual cure of the members of that church, to the religious and moral instruction of the people, without distinction of religion." This resolution was strongly opposed by the government, but after a debate, which occupied four nights, was carried by a majority of 322 to 289. On a subsequent night, Lord John Russell followed up his success, by moving a second

resolution, namely, "That it is the opinion of this House, that no measure upon the subject of Tithes in Ireland can lead to a satisfactory and final adjustment, which does not embody the principle contained in the foregoing resolution." This resolution the noble lord also carried, on a division, by a majority of 285 to 258. This second defeat led to the dissolution of the Peel administration. On the following evening, Wednesday, the 9th of April, the Duke of Wellington in the Lords, and Sir R. Peel in the Commons, announced the resignation of ministers; and the fact, that they continued to hold office only until their successors were appointed.

On Saturday, the 18th of April, a gazette-extraordinary appeared, containing a list of the new administration, at the head of which appeared the name of Lord Melbourne, as first lord of the treasury; Lord John Russell, Lord Palmerston, the Marquis of Lansdowne, Mr. Spring Rice, Lord Howick, Lord Duncannon, Sir J. Cam Hobhouse, Lord Auckland, and Mr. C. P. Thompson, also were members of the cabinet. Lord Brougham's name was also in the list, but he had no seat in the cabinet. The post assigned to his lordship was, that of lord-keeper of the great seal, and chairman of the House of Lords. On the first day of Parliament meeting, after the formation of the new cabinet, the arrangement, with respect to the great seal, and the appointment of Lord Brougham as lord-keeper, was alluded to in the House of Commons by Mr. D. W. Harvey, when the chancellor of the exchequer stated, that the arrangement was to be but temporary. Mr. Harvey said, he was not fully satisfied with this answer, and should the arrangement be extended beyond what might be deemed a short time, he gave the right honourable gentleman no-

tice that he would submit a motion to the House, with a view of bringing the subject under formal consideration.

In the course of this session, Lord Brougham resumed his labours on the subject of National Education. On the 18th of May, he moved a series of resolutions, containing facts and statements, tending to shew that, notwithstanding all which had been done for the cause of education, the means yet adopted for extending it among the people were lamentably deficient, and the deficiency was mostly found to exist in large towns and populous districts. The average means of all England allowed education to one in twelve, but how were these means applied? Which were the counties most neglected? Why, Middlesex and the County Palatine of Lancaster. In these two counties the means of education were scanty, in proportion as the population was numerous. In London, Westminster, Southwark, and some of the great manufacturing towns of the north, the average of education, instead of being one in twelve or thirteen, was one in nineteen or twenty. His lordship considered that the existing system of education in the national schools did not commence at a period sufficiently early; he should strongly recommend the establishment of infant-schools, as an arrangement which must prove highly beneficial. He should now merely move that the resolutions be printed and circulated, and when time had been afforded to their lordships to give them due consideration, he would then move for leave to bring in a Bill founded upon them. The speech of Lord Brougham, on this occasion, was worthy of his best days. It was calm, philosophical, and full of information; unruffled by the acerbities and personalities to which he never should descend, and



which are unworthy of his gifted mind, and his high eloquence. Henry Brougham should never have taken a gewgaw coronet, nor have hidden his proud head in a title. The House of Commons was his sphere, and the scene of his triumphs. When he left that arena he lost more than half his power; his strength then departed from him. Henry Brougham was never cast in a courtier's mould; he could not be an *Ostrich*—a fluttering court-fly; he was made for the people, and not for the palace; and the last office he should have accepted was that of lord-keeper or lord-chancellor. In the former office he did not long continue. It was evident to all who saw him discharging the duties of it, that it was not the situation in which he should have been placed;—it was not the sphere of action to which his lofty and commanding talent, or the energies of his extraordinary mind should have been, or indeed could be limited. Of these facts he was himself well aware; he felt that at Windsor he was proscribed; at Westminster he was powerless; he was shunned by the crown, severed from the people, and discarded by those colleagues who once trembled at his voice. In this position it was not possible that Lord Brougham could long remain; and, all things being prepared, the Melbourne government feeling persuaded that they could now stand, not only without the aid of their former associate, but even against his opposition, once so formidable, determined on putting an end to the farce. Accordingly, the gazette of the 15th of January, 1836, announced the appointment of a chancellor in the person of Sir Charles Pepys, who, on receiving the great seal, was also elevated to the peerage by the title of Baron Cottenham, and on the assembling of Parliament, which event took place on the 4th of February, his

lordship took his seat on the woolsack, as Speaker of the House of Peers.

With this event, it may be said, Lord Brougham's connection with the Melbourne government terminated; and, for the future, his votes and speeches may now be taken as those of a free and independent peer of Parliament, unshackled by any official ties or restraints.

To trace his lordship's parliamentary career, from the commencement of the session of 1836 to the present time, or even barely to enumerate the subjects in the discussions upon which he has taken a part, would carry us beyond the limits of this memoir, the concluding pages of which must be devoted to the notice of the public transactions in which his lordship has taken a more than usually prominent part. We cannot, however, refrain from entering here into a brief review of the merits of Lord Brougham as a chancellor, when compared with those of his predecessors of our own time, and with the learned person his immediate successor.

For more than half a century, nearly all our chancellors have been taken from the chancery court. Thurlow, Roslyn, and Eldon, were chancery pleaders. The short Whig administration of 1805-6 certainly selected Lord Erskine, a King's Bench lawyer; but, on his retirement with his party, in the latter year, Lord Eldon again returned to the chancery. To Eldon succeeded Lord Lyndhurst, and he was followed by Lord Brougham, both from the King's Bench, and both able men. The former with a perception quick and clear as light; generally speaking, of indolent habits; but, at all times, equal to great efforts when his energies are called forth. For the first year of his presiding over the court of chancery, his ignorance of the rules of the court was evident;

but his reading and memory rendered him subsequently much more efficient. Lord Lyndhurst was subsequently appointed Chief Baron of the Exchequer, and is acknowledged on all hands to have made a much better chief baron than he did a chancellor. His mind is a legal one of the first order, but when appointed to the chancery court, he had not studied equity; the experience of four years in that court gave him, however, a competent knowledge of that branch of our jurisprudence; he took that knowledge with him to the exchequer, where he found it most useful to him in the discharge of his duties as chief baron. Lord Brougham, with as high a range of mind, and more extensive acquirements, ranked lower at the Bar; he had much miscellaneous business, but was seldom engaged where any legal questions of difficulty were likely to arise; his practice was lucrative on the northern circuit, and in colonial appeals, then heard at the Cock-pit; in the Court of King's Bench he did comparatively little; with equity his acquaintance could have been but slight, when he was unexpectedly called to preside in the first Equity Court in Westminster Hall; but his application was intense, his industry unwearied. His judgments were always deliberate, and prepared with equal research and care, but he was too fond of interrupting counsel and of hearing his own voice; and, by indulging in this propensity, he frequently, both on the chancery bench and woolsack, exposed a want of legal knowledge, which, with a less rage for speaking, might have remained undiscovered. He wanted the patience of Lord Eldon, and the coolness of Lord Lyndhurst. His greatest errors sprung from acting on impulse—not on reflection.

Lord Brougham, however, deserves and will long be remembered, for the useful and extensive reforms

introduced by him, not only in Chancery, but in the other law-courts; and he proved his disinterestedness by the suppression of more than one lavish sinecure, and the abandonment of the patronage which their continuance would have given him. Such was Lord Brougham acknowledged to be, even by his opponents, when he was thus passed over and shelved, as it were, by Lord Melbourne and his cabinet; while men, not possessed of one-tenth of his high acquirements, were advanced to offices of high rank and emolument in the state.

The present chancellor, Lord Cottenham, is a man of excellent plain sense, and a sound lawyer. He is a gentleman by birth and manners, and presides in the House of Peers with courtesy and firmness; and on the Chancery Bench with the calmness of conscious capability, and a judgment matured by experience, gained while presiding at the Rolls, and as first commissioner of the great seal. It will be for his future biographer to record his public services, when he shall have ceased to hold the high and important office which he now fills.

It has been supposed by many that Lord Brougham, when in office, was disregarding of the outward appendages of form and state belonging, by custom, to the high situation which he filled. Those who entertain this opinion, have formed a very erroneous opinion of his lordship's character. Whilst chancellor, he shewed as much facility in the observance of the small etiquettes of his office as in the performance of its more important duties. Napoleon was not more at home at the Tuileries, or a greater adept in the usages of the Bourbon Court, than was the lord-chancellor in his new official and courtier costumes. No fear of his falling into the error committed by the minister Roland, and forgetting

the buckle and substituting the simple shoe-tie, which so much insulted sensitive royalty. We are tempted again to draw on the columns of a respected contemporary, *The Edinburgh Magazine*, for the following description of one of the lord-chancellor's levées whilst in office. The visitor to the levée was a gentleman of celebrity in the literary world. The writer observes—

“Unfeigned respect for, and a slight personal acquaintance with Lord Brougham, led me to attend one of his levées. This could not be done without some inconvenience, and not the least part of it was the necessity of being equipped in full court apparel. The practice of receiving the respects of the public on stated occasions, is sufficiently ancient fully to authorize it; but it was either wholly discontinued, or not much observed in the latter days of Lord Eldon.

“It is remarkable that the levées of Lord Lyndhurst should have passed off in quietness, although from the known love of display of this fashionable lawyer, there is no doubt that they were not neglected. If, however, his levées had been attended with the same magnificence, it is certain that the fact must have attracted public notoriety. It was reserved for Lord Brougham to illustrate the ancient custom, by the splendour of those who chose to be dutiful to the lord-chancellor. It was, indeed, thought that the Whig lord-chancellor would care little for a custom in which there was no manifest utility. He had declared that the gewgaws of office delighted him not; but it is a great mistake to suppose that Lord Brougham is inattentive to the ceremonies with which his high place is surrounded. A careful observer will see clearly that imposing forms are perfectly agreeable to his mind; nobody could

ridicule form better, so long as he held no situation which required the observance of customary rules ; but, elevated to his present distinction, it is plain that he enjoys all the little peculiarities of his office. Let any one observe with what studied dignity he performs the duty of announcing the royal assent to acts of Parliament ; he assumes a solemnity of tone for which his voice is not ill fitted, but which is unusual with him. These small circumstances, and many such which might be mentioned, show that state is not uncongenial to his mind. Why should it ? His weakness consists in the unreal contempt for what is not really contemptible. His levée is held on a Saturday evening, at the unsuitable hour of ten o'clock ; it was rather late before I could come up, and I found the whole square in the vicinity of his residence crowded with carriages. The chancellor took his place at a corner of the room, backed by his chaplain, and was soon encircled by the visitants ; his dress remarkably plain, being a simple suit of velvet in the court cut. The names were announced from the bottom of the stairs, and each person, as he entered, walked up to the chancellor, and paid his respects. The numbers were so great that it was impossible to devote any marked attention to each ; as soon, therefore, as the visitor had made his bow he retired into the throng, or took his departure through the adjoining room. The Archbishop of Canterbury came early, and was very kindly received ; he was followed by the Archbishop of York, and several other bishops, whose attendance gave proof that, differ as they might from Lord Brougham, they surely did not consider him an enemy to the Church. There is something uncommonly bland in the appearance and expression of the primate. Brougham evidently likes his

Grace. The most remarkable visitor of that evening, was the Duke of Wellington;—the crowd was astonished, and I dare say the chancellor himself was surprised when his name was sent up—I doubt if they had ever met in the same room before. Their political lives, with the exception of the Catholic Question, were one unvarying course of opposition, if not enmity. I suspect that, for a time, the Duke despised the talk of the lawyer; and, on the other hand, Brougham has often declared, that the respect which he entertained for military glory was not very lofty. Some of his bitterest tirades were levelled at the Duke personally. No one will deny that it was high-minded in the Duke to lay aside resentment of every sort, and offer this mark of respect as well to the man as the office. The chancellor was flattered by the attention, and shook the Duke by the hand very cordially. Jeffrey appeared extremely *petit* in his court-dress, and did not seem very much at home; he was acquainted with but few of his fellow-visitors, and had too much good taste to occupy much of the chancellor's attention. They did not seem to hold any conversation beyond the usual common-place enquiries.

“Ascending the stairs, I met with a hobbling old lord—Carnarvon by name. There is nothing very courtly or dignified in the appearance of this nobleman. He has been a Whig the greater part of his life; but affects to be greatly dismayed at the Reform Bill, and has more than once run a tilt against the ministers, but with no very marked success. Arm-in-arm with Lord Carnarvon came the gay and good-looking Earl of Errol, blooming with the most healthful roseate; and immediately behind followed Sir Robert Wilson. Time and hard service had made little impression on a set of not very ex-

traordinary features. There is a buoyancy about this historic soldier, which bespeaks a good heart. There were half a dozen lords-lieutenant in the room, among whom I particularly observed the Duke of Argyle. I am told that his Grace is a man of talent; his fine features, the remains of what rendered the Marquis of Lorn one of the most eminently-handsome men of his time, are now thoughtful and melancholy. The present administration has given the great seal of Scotland to the Duke of Argyle; and in duty he is found at the levée of its chancellor. Along with his Grace were several other peers of ducal rank, but whose fortunes were no way interesting to me. After I had paid my respects to the chancellor, there came tripping up the Marquis of Bristol, with a springy step, which he must surely have acquired at the old court of France; for I am sure that no such movement could be attained on English ground. The elasticity of this noble lord was such, that when once put in motion, he continued to spring up and down in the manner of the Chinese figures, which are hawked by the Italian toy-venders. He had no sooner left the chancellor, than he was laid hold of by a fidgetty solicitor, who was the only member of his class in the room, and who, I understand, is a sort of favourite of the chancellor. The obsequious grin, and the affected ease of this worthy, do not convey any very favourable impression on his behalf. He was solicitor for the queen, and in this capacity formed an intimacy with her chief counsel, which an ill-natured person would perhaps think makes him now forget, in some measure, the great disparity betwixt their present condition. The chancellor gave no discouragement to his familiarity. [The chancellor has, however, done something better—given this ‘obsequi-



ous' person a lucrative appointment, which the Tories rail at as a sinecure.] A certain Sir Something Noel came up immediately afterwards, of whom nothing more remarkable could be told than that he was the relative of Lady Byron; and is, I suppose, the same person of whom Byron expresses himself favourably, when a temporary illness of his lady, shortly after their marriage, looked rather gestatory. A variety of lords, squires, generals, *ossa innominata* followed, for whom the chancellor cared perhaps about as much as I did. At length, Sir James Scarlett was announced, and the chancellor left his place to meet him. His welcome was very hearty. Brougham was doubtless gratified by this token of respect from a man who was indisputably his leader in the courts, and for whose forensic abilities it is known that he entertains, and has often expressed, the highest admiration. The chancellor remained longer in conversation with Sir James than any of the other distinguished persons who appeared. Indeed, his anxiety to show this attention produced rather awkward effects. While they were closely together, Jocky Bell, as he is commonly called, the very eminent Chancery barrister, came in sight; but he was suffered to waddle about for some time before he caught the eye of the chancellor. Before the conversation with Sir James was finished, there were a good many others in the same unreceived plight; and the chancellor was obliged to give them a hasty discharge. The Speaker of the House of Commons was then announced. Brougham and he met as warm friends, though certainly men having little in kindred. The last person of note who arrived, before I departed, was Sir Thomas Denman. The chancellor was engaged with some one at the moment, and nothing

passed betwixt them but an exchange of bows. It was nearly ten years since I had seen Brougham and Denman together,—the queen's trial was then the all-engrossing topic of public consideration. Who could then have foretold that these men would have, in so short a space, won the confidence of a sovereign, whom they attacked with a degree of virulence, which, even in those days of party violence, was generally condemned? The change in feeling is creditable alike to all."

## CHAPTER XVI.

THE session of 1836 brought under the consideration of Parliament several measures of law-reform and especially of reforms connected with the Court of Chancery. These measures were principally introduced by the newly-appointed chancellor, Lord Cottenham; they were most of them, however, founded on Bills previously introduced in former sessions; or on suggestions thrown out by his lordship's predecessor in office, Lord Brougham. True it is, that they had not on this occasion the powerful support which their originator's eloquence and acute reasoning would have given them, in consequence of his absence from Parliament during the greater part of this session, an absence occasion, as was alleged, by the state of his lordship's health, which was represented as very precarious, and as requiring retirement and quiet as the only chances for its restoration. Certain it is, that his lordship's health was, at this time, much impaired, and that such was assigned as the reason of his retirement at this time from public business; but, by those more immediately in the secrets of the state, it was asserted confidently that other reasons existed for his lordship's non-attendance in Parliament at this particular period; nothing less, in fact, than a request on the part of Lord Melbourne and his colleagues, that he would refrain from doing so, it being well known that to many of the important measures of the Melbourne cabinet, then pending, the late lord-chancellor was decidedly hostile, and that, had he joined in the discussions which took place upon them, he must unavoidably have spoken and voted

against his old associates in office; and further, that in the then state of parties such an opposition would have endangered the longer existence of the Melbourne cabinet. Unwilling as his lordship was to embarrass, and much more so to overturn the Whig government, he was induced to withdraw altogether from Parliament, and thus by his silence give his passive support to a cabinet, to whose measures he felt it impossible to give a more active or efficient assistance.

On the death of William IV., and the accession of her present majesty, it became necessary that a provision, suitable to the rank and dignity of the mother of the reigning sovereign, should be made for Her Royal Highness the Duchess of Kent. Accordingly, on the 12th of December, the following message from her majesty was delivered to the Lords by Lord Melbourne, and to the Commons by Lord John Russell:—

“ Her majesty, taking into consideration the provision already made by law for the support of Her Royal Highness the Duchess of Kent, her majesty’s beloved mother, her majesty relies with confidence in the zeal and loyalty of the House of Lords, and their readiness to concur in making such provision for Her Royal Highness as her near proximity to the throne may seem to require.”

Lord Melbourne, on the following day, moved that an humble address be presented to her majesty, thanking her majesty for her most gracious message, and expressing the readiness of their lordships to take the recommendation contained therein into their immediate consideration.

After some observations from Lord Ellenborough, Lord Lyndhurst, and the Duke of Wellington, Lord Brougham expressed a wish to know whether they

were about to do any thing by which the House would be pledged, or merely to acknowledge the message of her majesty. If the address merely went to express the attachment of the House to her majesty, and her illustrious mother, and the thanks of the House were to be given to her majesty, and an assurance that her illustrious mother should have a provision befitting her position, then no person could entertain an objection to the address; but if the House was to be held as pledging itself to concur in any measure which might come from the other House, their lordships ought to pause until they knew what was the amount of the provision that would be proposed for the queen's mother. What was the extent of the income of Her Royal Highness? Was it £16,000, or £22,000 per annum? According to the spirit of the act of 1831, the income of the Duchess of Kent was fixed at £22,000 per annum; but, according to the letter of the act, it was fixed at £16,000. In addition to the £12,000 a-year, which she previously enjoyed, £4000 was granted to her during her own life, and £6000 during the joint-life of herself and her illustrious daughter, in consideration of the additional expence arising from her daughter's education. But the additional expence had now ceased, and there was consequently the £6000 to be taken into consideration, as being added to the £16,000 a-year, the letter of the act giving to the amount the sum he had stated, but the spirit giving the whole amount during the joint-lives of the two illustrious individuals, because those expences for which the grant had passed had ceased. By the statute as to the words, such was the case, but the spirit of the act gave also the additional sum to Her Royal Highness. For aught he knew, the entire grant might not be

sufficient to meet the expenditure entailed upon Her Royal Highness; but they were nevertheless to consider whether, by agreeing to the address now before them, they could hereafter draw back, if they were so disposed, and say that the £6000, though not so in form, had not been an actual addition, a grant fixed for Her Royal Highness's use. The recommendation of provision came before their lordships now in no tangible shape for the queen-mother——

Lord Melbourne—Not the queen-mother, but——

Lord Brougham.—The noble lord was more accustomed to the language of courts now than he (Lord Brougham) was. His noble friend's language was expert——

“ His tongue was well attuned to courtly airs,”

(loud laughing from the opposition side of the House), and he was not, therefore, surprized that his noble friend had corrected him. He, (Lord Brougham) knew, technically speaking, that there was a difference between the expressions “ the mother of the queen and the queen-mother.” He was about to say, when his noble friend interposed, that there was not sufficient data for the House to proceed upon, as respected the future provision for the “ mother of the queen.” There might be sufficient revenue, and yet their lordships might be pledged, a circumstance he wished to avoid. There was great danger in these hasty votes. If too much was voted, it was always kept; if too little, the Parliament made it up as a matter of course. The balance, however, was sure to be against the country. He did hope, therefore, that before any final arrangement was made, the matter might be revised; and that the answer which he had so often heard re-

peated in the course of his parliamentary experience, "It is a bargain with the crown—it cannot be revised—wait until the next succession, and then you may alter it—would not in the present instance have to be repeated."

The address was, however, agreed to, without a dissentient voice, except that of Lord Brougham, who not only said "non-content" to the motion, but also entered his protest on the journals of the House against it.

On the 20th of February, 1838, Lord Brougham made his last great effort in the cause of Negro Emancipation. On this occasion, he moved a series of resolutions, having reference to slavery in the colonies. In introducing these resolutions, his lordship made one of the most powerful appeals to the feelings of his hearers that ever was delivered in that House of Parliament. In concluding his address, when urging the immediate termination of the apprenticeship system, he observed, "I regard the freedom of the negro as accomplished and sure. Why? Because it is his right—because he has shewn himself fit for it—because a pretext, or the shadow of a pretext, can no longer be devised for withholding that right from its possessor. I know that all men now take a part in the question, and that they will no longer bear to be imposed upon, now that they are well informed. My reliance is firm and unflinching upon the great change which I have witnessed—the education of the people unfettered by party or by sect—from the beginning of its progress, I may say from the hour of its birth. Yes, it was not for a humble man like me to assist at royal births with the royal prince, who condescended to grace the pageant of this opening session, or the great captain and statesman, in whose presence I

am now proud to speak ; but with that illustrious Duke and with the father of the queen, I assisted at that other birth, more conspicuous still. With them, and with the lord of the house of Russell, I watched over its cradle—I marked its growth—I rejoiced in its strength—I witnessed its maturity—I have been spared to see it ascend the very summit of supreme power, directing the councils of the state, accelerating every great improvement—uniting itself with every good work—propping honourable and useful institutions—extirpating abuses in all our establishments—passing the bounds of our dominions, and in the new world, as in the old, proclaiming that freedom is the birthright of man—that distinction of colour gives no title to oppression—that chains now loosened must be struck off, and even the marks they have left effaced, by the same eternal law of our nature which makes nations the master of their own destiny, and which, in Europe, has caused every tyrant throne to quake. But they need feel no alarm at the progress of right, who defend a limited monarchy and support their popular institutions—who place their chief pride, not in ruling over slaves, be they white or be they black—not in protecting the oppressor, but in wearing a constitutional crown—in holding the sword of justice with the hand of mercy—in being the first citizen of a country, whose air is too pure for slavery to breathe, and on whose shores, if the captive's foot but touch, his fetters of themselves fall off. To the resistless progress of this great principle, I look with a confidence which nothing can shake ; it makes all improvement certain, and all change safe, which is brought about by its influence. The time has come—the trial has been made—the hour is striking ; you have no longer a pretext for hesitation, for



faltering or delay. The slave has shewn, by four years' blameless behaviour, and devotion, unsurpassed by any English peasant, to the pursuits of peaceful industry, that he is as fit for freedom as any noble lord whom I now address—I demand his rights—I demand his liberty, without stint, in the name of justice and of law—in the name of reason—in the name of God, who has given you no right to work injustice. I demand that your brother be no longer trampled upon as your slave. I make my appeal to the Commons, who represent the free people of England; and I require at their hands the performance of that condition for which we have paid so enormous a price—that condition which their constituents are looking, with such breathless anxiety, to see fulfilled. I appeal to this House, the hereditary judges of the first tribunal in the world—to you I appeal for justice. Patrons of all the arts that humanize mankind, under your protection I place humanity herself. To the merciful sovereign of a free people, I call aloud for mercy to the hundreds of thousands, in whose behalf half a million of her Christian sisters have cried aloud, that their cry may not be raised in vain. But first I turn my eye to the throne of all justice, and devoutly humbling myself before Him, who is of purer eyes than to behold any longer such vast iniquities—I implore that the curse hanging over our heads of unjust oppression be averted from us—that your hearts may be turned to mercy—and that over all the earth His will may at length be done!"

The House divided upon the sixth resolution, proposed by Lord Brougham, which recommended the immediate abolition of the apprenticeship system in the colonies, when there appeared—for the resolution, 7; against it, 31. The resolution was, therefore, negatived by a majority of 24.

At the close of the session of 1839, an event occurred which brought Lord Brougham before the public in an entirely new position. At this period a magnificent banquet, distinguished by almost unprecedented splendour, and intended to convey a demonstration of public feeling towards the Duke of Wellington, was got up in honour of his Grace, by the inhabitants of the Cinque-ports; and, on this occasion, Lord Brougham appeared as the eulogist of the illustrious hero of a hundred battles, and delivered, in the presence of hundreds of assembled guests, an oration in his praise, which, by its eloquence, elicited the admiration and the plaudits of every one who heard it, whilst to the hundreds of thousands who had afterwards the opportunity of reading it in the public prints, the noble lord's address gave rise to comments, characterized by the bias which difference of political opinions gave to those who uttered them. These commentators were by no means so unanimous in their commendations of Lord Brougham as the 1200 assembled guests at the banquet had previously been; still no one attempted to deny that the powers of oratory, and the splendour of his lordship's eloquence were most conspicuously apparent on this memorable occasion. This grand entertainment, given by the Cinque-ports, in honour of their illustrious Prince-Warden, took place at Dover on the 30th of August, and the preparations made for the reception of their distinguished guest by the committee, under whose superintendance the whole was got up, may be judged of by the following particulars:—

“As there was not a room in Dover capable of accommodating so large a company as that expected to assemble on this great occasion, a temporary building, styled ‘the Pavilion,’ was erected for that purpose, at the cost of nearly £1200, under the superin-

tendance of Mr. Edmunds, of Margate, architect. It stood, including its covered ways and entrance lobbies, upon 20,420 feet of ground; the area alone, occupied for the purposes of the dinner, being 120 by 130 feet. There had been consumed in its erection 400 loads, or 20,000 cubic feet of timber, and it had taken 100 men 60 days in building."

The structure was thus described in the journals of the day:—

"The Pavilion in which the banquet was given is erected on the Priory Meadow, directly opposite the large hall called the Maison Dieu. This structure is composed entirely of wood, and though the decoration of the interior of the building has been, of course, the principal object of attention, yet the exterior has also a very elegant appearance. The entrance to the dining-hall is by three distinct passages, all of which lead to the side opposite the chairman's table. The shape of the hall is nearly square, and the flooring of the side portions is made to rise gradually, so as to enable the gentlemen dining there to have an uninterrupted view of the entire scene. A long gallery, occupying the whole of one side, opposite the chairman, is appropriated to the use of ladies. The chairman, with his illustrious guest, and other distinguished persons, will sit on a raised platform at the upper end. The decorations of the hall are exceedingly gorgeous and gay. Every part of the inside of the building, with the exception of the roof, is covered over with pink and white striped drapery; and the walls at regular distances are additionally ornamented by a variety of escutcheons, rare paintings, and tapestry. The ceiling is divided into three distinct compartments, and supported by separate rows of pillars, likewise tastefully decorated with drapery. In front of the two first

rows knights in armour are placed, and it seems as if these mute representatives of ancient glory had again assumed their mortal forms, in order to assist in honouring the greatest warrior of modern times. In all parts of the hall floats a profusion of flags; and the effect of this picturesque scene, when filled with the company, and lighted by the gas chandeliers, must be brilliant in the extreme."

On the 30th of August, according to public announcement, this splendid banquet, distinguished by almost regal pomp, took place. The weather was most propitious, and the assemblage of persons in the town immense.

"The arrival of the Duke in Dover, at half-past four, was announced by a salute of 19 guns from the heights. Along the entire line of streets through which he passed, which were crowded by elegantly-dressed ladies and gentlemen, the illustrious Duke was most vociferously cheered. As soon as he reached the Pavilion the band of the 11th Dragoons struck up, in a most effective and spirit-stirring manner, 'See the conquering hero comes.' The Duke, who appeared in buoyant health and spirits, was dressed in the habiliments of Prime Warden, and accompanied by Mr. Walker, Mayor of Romney, and Speaker of the Cinque-ports, who officiated as chairman of the meeting. As he walked up the centre of the Pavilion, his Grace was greeted with indescribable enthusiasm. It might literally be said

———— "such a noise arose  
As the shrouds make at sea in a stiff tempest."

On reaching the dais, or raised platform, dinner was immediately announced.

"On the right side of the chair sat his Grace the Duke of Wellington, the Marquis of Bute, Viscount

Loftus, Lord Fitzroy Somerset, Viscount Strangford, Lord Sondes, Lord Forester, Lord Lyndhurst, Hon. and Rev. W. Neville, Right Hon. C. Arbuthnot, Sir F. Pollock, M.P., Hon. Colonel Wingfield Stratford, Hon. Robert Spencer, Sir F. Burdett, M.P., Sir A. Murray, Bart., Sir W. Curtis, Bart., Sir W. Young, Bart., Rear-admiral Moore, Lieutenant-general Sir J. Lyon, Lieutenant-general Gosselin, Lieutenant-general Montresor, Lieutenant-general Ashe, Rev. Drs. Knox and Molesworth, J. P. Plumpton, M.P., Captain Boldero, M.P., R. Rushbrook, M.P., and Mr. H. C. Hoare.

“ On the left side of the chair sat the Rev. John Maule, Earl Cardigan, Earl Brecknock, Viscount Canterbury, Viscount Marsham, Lord Maryborough, Lord Wharnccliffe, Lord Brougham, the High Sheriff, General the Hon. Sir Edward Paget, the Right Hon. Sir Edward Knatchbull, M.P., Mr. Justice Williams, the Hon. and Rev. — Stapleton, the Hon. and Rev. W. Eden, Sir Arthur Hazlerigg, Bart., Sir. P. P. Acland, Bart., Sir J. Croft, Bart., Vice-admiral Sir T. Baker, Colonel W. C. Smith, Colonel Sir W. Warre, Lieutenant-general Sir F. Mulcaster, Mr. F. Bonham, M.P., Mr. J. Palmer, M.P., Mr. Lowther, M.P., &c.

“ The Rev. J. Maule said grace.

“ After dinner *Non nobis* was sung in excellent style, by Messrs. Clifton, Hawes, Bellamy, Ferrall, Hawkins, Hobbs, Fitzwilliam, Broadhurst, Chapman, and eight gentlemen of the Canterbury choir.

“ The Chairman, as the first toast, proposed, ‘ The health of the Queen. A long and happy life to her, and may she ever reign in the hearts of her people.’ Three times three. ‘ God save the Queen.’ ”

The healths of the Queen Dowager, and the rest of the Royal Family, the Archbishop of Canterbury,

and the clergy of the diocese, were drank with the usual honours.

At this juncture the gas, which had been before kept under, was let on, and shed a brilliant flood of light over the whole scene, and silence being called for, Lord Brougham, who, on being announced, was greeted with immense applause, said,—“ I rise to perform the duty which has been cast upon me, and to enjoy the honour I feel my fellow-citizens have bestowed upon me; and, although I am well aware that on such an occasion as that of this day's solemnity, no man has a right to retain any personal feelings on his own behalf, but that all private and selfish and individual considerations are necessarily absorbed in the celebration of this great day, and in honour of this great man—yet, I feel, that, called upon as I have been, and standing to perform this grateful and honourable duty, it would be affectation—it would be ingratitude—it would be insolent ingratitude—if I were not to express the feelings which glow within my bosom, at being made the humble instrument of expressing those feelings which reign predominant in yours. It is these feelings that bear me up against all the difficulties of the position in which your choice has placed me. Enough for my own feelings:—now for my mighty subject. Yet the choice you have made of your instrument and organ as it were on this occasion, is not unconnected with that subject; for it shows that on this day, and on this occasion, all personal, all political feelings are quelled—all strife of party is hushed, and that we are incapable, whatever our opinions may be, of refusing to acknowledge transcendent merits, and denying that we feel the irresistible impulse of unbounded gratitude. And I, therefore, have been asked to do this service, as if

to show that no difference on subjects, however important—no long course of opposition, however contrasted on public principle—no political hostility (for any other than political never could be felt)—not even long inveterate habits of public opposition—are able so far to pervert the nature, so far to stifle the natural feelings of our hearts—so far to obscure our reason, as to prevent us from feeling, as we ought, boundless gratitude for boundless merits—to pluck from our minds an admiration proportioned to such transcendent genius in peace and war, of him who is our guest; or to lighten and alleviate that painful feeling, that deep sense which the mind never can get rid of when it is overwhelmed by a load of gratitude—a debt too boundless to be repaid. Party—the spirit of party may do much, but it cannot so far bewilder the memory and pervert the judgment and quench and stifle the warmth of the natural affections, and eradicate from our bosoms those feelings which do us the most honour and are the most unavoidable, and, as it were, dry up the kindly juices of the heart, and with its fell malignant influence on other occasions, it cannot so far dry up those juices as to parch it like the very charcoal, and render it almost as black. What else have I to do if I had all the eloquence of all the tongues that ever were attuned to speak? what else can I do, and how would a thousand words, and all the names that can be named, speak so powerfully, or even the tongue of an angel speak so powerfully, as that very one word—Sir Arthur Wellesley, Duke of Wellington—the hero of a hundred fields, in all of which his banner has waved in triumph; who never—I invoke both hemispheres, bear witness Europe, bear witness Asia—who never advanced but to cover his arms with glory—mighty captain, who never

advanced but to be victorious—mightier captain, who never retreated but to eclipse the glory of his advance—performing the yet harder task of unwearied patience, of indomitable fortitude, of exhaustless resources, of transcendant skill—the wonders, the miracles of moral courage never yet subdued—despising all that thwarted him with ill-considered advice—neglecting all hostility, so he knew it to be groundless—leaving to scorn reviling enemies, jealous competitors, lukewarm friends—ay, hardest of all, to neglect—despising even a fickle public—casting his eye forward, as a man ought, else he deserves not to command men—casting his eye forward to the time when that momentary fickleness of the people would pass away; well knowing that in the end the people is always just to merit. No doubt, men are apt to be misled by the loud voice of fame, and to confound together the landmarks that separate the departments of human merit; often they may be taken in with the tinsel and the glitter, rather than attend to the die which guarantees the purity of the coin, and the weight which is the test of its value. Oftentimes you hear them praise, justly no doubt, martial deeds of high emprise; and devoting their admiration and lavishing their applause on the conqueror's success on a well-foughten field; but if Salamanca, and if Talavera, and if Vimeira, and if the Douro, and Assaye, and Toulouse, and Waterloo—if these dazzle upon the medallion which attempts, and vainly attempts, to perpetuate his fame, sober-minded and reflecting men will pause ere they hold that these are the greatest achievements of his life. The reflecting mind will look back, and will point the admiring look to a contemplation of Torres Vedras, the well and long-sustained lines, and retreats, and battles, and victories gained



in adverse circumstances, such as the splendid achievements of Busaco. All reflection teaches us that that is the very test of genius which shows its resources to be of inexhaustible fertility in difficulties—which shows its movements to be nimble and swift as lightning, altering with varying circumstances—which shows a firmness, an almost super-human firmness, to keep by its own counsel, and look forward to the success it feels and knows it has earned. But that is a moral courage of a higher nature than any that is known or comprehensible by the vulgar brain. To whom are we to compare this warrior—this great statesman?—who has surpassed Marlborough in the field—who has surpassed Temple in negotiation—who stands worthy to be ranked as a statesman, and higher praise there is none—worthy to be ranked with the illustrious head of his noble house—the greatest statesman of the age he adorns. When I said I had but to pronounce a single name and my task my done, much more may it be asked why, having enlarged a little further on this fruitful topic—this topic of inexhaustible fertility—why I still persevere and go on? Oh! there is a pleasing satisfaction to the mind in reflecting upon all his great merits; and it is because I feel there is at this moment but one individual of the vast, the countless multitude I am addressing, to whom it is not grateful that I persist in these observations. I willingly run the risk, or rather encounter the certainty of giving that one individual uneasiness, than avoid going on when I know that all desire to linger a little longer in dwelling upon so marvellous a history. Shall I then go back to former ages, and ask if there be any comparison of his victories with those of Caesar—who, if he equalled him in any, surpassed him in but one par-

ticular, and that the worthless accomplishment of practised oratory; he, our guest, being also in his own person, as I by long experience and observation can attest, among our most powerful, most efficient, and most successful debaters? Julius Cæsar led the disciplined and accomplished armies of Rome through the almost unresisting medium of savages without knowledge, without discipline, without rule, without art—ill commanded, and worse equipped. He led his Roman legions through them almost as a boat cuts through the wave, or an eagle cleaves the air; and it was only after he had brought them back in triumph, and inured them to war by many campaigns, that for the first time he met a disciplined force, but under a warrior exhausted by years, and crossed that river which all the confidence of all the armies in the world would never once have tempted our illustrious chief even to let a thought cross his mind that he should ever dream of crossing it—I mean that rubicon which separates the obedient, the peaceful, the loyal citizen from the traitor to his country and the usurper. Shall the comparison be made or hinted at, only in order instantly to be dismissed, with the greatest of all the captains of antiquity—I mean the Carthaginian leader? But his consummate talents were debased, and their extraordinary growth was stunted and stifled by an undergrowth of the most abominable vices that can debase or deprave humanity. Or shall it be the modern chief—the greatest next to him of modern warriors? But he, Napoleon, commanded, and did not conflict with the armies of France; he commanded, and did not meet in battle his own disciplined marshals; but our chief, after defeating all those marshals, one after another, ended his glorious career by overthrowing that chief himself. But it

is as true—it is a more striking truth, and it is more useful to all public purposes, to contemplate that I should recollect the other, the vaster difference which separates those chiefs of ancient days and of other countries by an impassable gulf from ours; they were conquerors inflamed with the thirst of ambition; they spilt rivers of blood to attain their guilty end; they were tyrants, and nothing could satiate their ambition at home but the slavery of their fellow-creatures, as nothing could satiate it abroad but the deluge they poured out of their blood. Our chief has never drawn his sword but in that defensive war, which alone of all warfare is not a great crime. He has never drawn his sword against the liberty of any people, but he has constantly unsheathed it, and, blessed be God, he has triumphantly unsheathed it, to secure the liberty of all. The servant of his prince to command his troops, but the soldier and defender of his country; the enemy of her enemies, be they foreign or be they domestic; but the fast friend of the rights of his fellow-subjects, and the champion of their lawful constitution. The tempest which resounded all over the world is now, thanks to him, hushed; the shock which made the thrones of Europe to quake, and the horns of the altar themselves to tremble, has, thanks to him, expended its force. We may, thanks to him, expect to pass the residue of our days without that turmoil of war in which our youth was brought up; but if ever the materials of some fell explosion should once more be collected by human wickedness in any quarter of the globe—if the hushed tempest should again break loose from its cave—if the shock which is felt not now should once more make our institutions to quiver, happy this nation that knows to what wise counsels to look.

Happy the Sovereign that has at his command the right arm that has carried in triumph the English standard all over the globe—happy the people who may yet again confide, not their liberties indeed for that is a trust he would spurn from him with indignation—but who would confide in his matchless valour for their safety against all the perils which Providence may yet have in store for them. You of the Cinque-ports stand at the advanced post to danger; if that danger should ever approach, through your lines the enemy that may dare to defile our shores must pierce; and over your bodies I know he will walk should he pursue his career towards the heart of the realm. But upon whom have we placed the command, and who is he whom we oppose face to face to the peril? As some gallant ship which is destined to convey the thunders of England against any hostile power has planted on her prow the image of a Nelson or a Jervis, but only, as they have been taken from us, to remind their descendants of their great feats in arms, and to stimulate them to exertion, whereby those feats may be emulated, so have you not the lifeless image but the living warrior—the conqueror of a hundred fields—planted on the outermost point of the island—on the advanced posts—in face and front of all enemies—to command you, to encourage his country, to make his Sovereign secure, to make the independence of England perpetual, and to hurl as great dismay among all ranks of the land-troops as the cannon and the might of Nelson and Jervis hurled defiance and destruction among the fleets of our enemies. Then would be seen—what God forbid I should ever live to witness the necessity of, or feel the occasion for—then would be seen what is needless and superfluous—Wellington coming forth

a veteran warrior to add one bright page more to the history of his imperishable renown." The noble and learned lord concluded, by giving the "Health of the Duke of Wellington," which was responded to with an intensity of enthusiasm which beggars all description.

In the order of events connected with the individual, whose public and private life this brief Memoir professes, though but imperfectly, to detail, we have now to advert to an occurrence which, at the time it took place, caused a most extraordinary sensation, not only in the metropolis, but throughout the country. Soon after the Wellington banquet took place, Lord Brougham left London for the north, and, at the time to which we are about to allude, was entertaining a party of private friends, among whom were Mr. and Mrs. Shafto, and Mr. Leader, the honourable member for Westminster, at Brougham-hall, of which circumstance the town had been informed, through the medium of the fashionable columns of the Morning Post and Morning Herald, a few days before, when, on the evening of the 21st of October, the town was thrown into the utmost consternation by the following announcement in the Globe newspaper:—

*"Globe-office, Six o'Clock.*

"We are sorry to hear that there is a report in town this evening, very generally credited, that Lord Brougham was killed, yesterday, by being thrown out of his carriage; and that Mr. Leader, M.P., who accompanied him, shared his fall, and is so dangerously injured that his life is despaired of.

"Should the rumour, unfortunately, be confirmed, the public will have lost a servant of great and varied talents—as well as of a kindly and generous nature. To very many of Lord Brougham's princi-

ples and opinions we are strongly opposed. In many respects, we deem him to have been an unwise and dangerous councillor; yet we are little disposed to question the honesty of purpose with which he sought to carry his opinions into action.

“ ‘The web’ of Lord Brougham’s public life has indeed, ‘been a mingled yarn—good and ill together.’ But his impulses were of an honest kind, and his death will not, in many quarters, be untended with deep and lasting regrets.”

The *Morning Post* of the subsequent day contained the following remarks:—

“London was last evening stunned with horror and with grief at the news from Westmoreland of the sudden and violent death of Lord Brougham from an unfortunate accident. The full particulars of this most melancholy event are not yet authentically known, but of the fact of Lord Brougham’s death we believe there is no doubt. We confess to such a stunning of the spirits, and subduing of the heart at the news of this frightful termination of Lord Brougham’s life, that we fear we cannot write about the event as our readers may possibly expect that we should.

“Lord Brougham was one of the greatest, and perhaps the most extraordinary, men of his time. The range of his intelligence was prodigious—the versatility of his mental powers amazing. But that in which he was distinguished above all other men was, in a long-enduring passionate energy. Other men have had far more perseverance—more cool determination to do what they had resolved upon doing; but no man ever dashed onward, and kept himself for long and long at a fearful and desperate speed, as did Lord Brougham.

“As an orator, he, in his time, distanced all com-

petitors. There were far more elegant speakers—more skillful rhetoricians; but in Demosthenic force and clearness, and in the physical requisites for captivating and conquering a great assembly by the powers of oratory, no man of his time was equal to Lord Brougham. Nor was he wanting in skill, though it was not precisely of the rhetorical cast. Even in the most terrific storms of passionate invective, there seemed to be an under current of cool reason at work, inventing arguments, and suggesting sarcasms. He had imagination to create, wit to combine, and a torrent of language at command, which suited itself to every mood and phrase of intellectual employment.

“ Upon matters of political opinion it has been our fate always to differ from Lord Brougham. Even of late, when others of our party were wholly with him, we felt that we could not be so. But we cannot dwell upon that now. He is gone—torn away by a horrid and violent death, while his mind was yet in its full vigour, and his spirits as elastic and buoyant as ever! We have no feeling now with respect to him but that of grief. The most wonderful genius that belonged to public life is no more, and we, as belonging to the public, are grief-stricken mourners over his untimely grave.

“ The public—political opinions or prejudices apart—will feel that—

“ ‘ A mighty spirit is eclipsed; a power  
Has passed from day to darkness—to whose hour  
Of light no likeness is bequeathed—no name—  
Focus at once of all the rays of fame.’ ”

The Morning Chronicle, The Times, The Courier, and other journals, in announcing the death of his lordship, also gave, with great freedom, and with as great variety of sentiment and language, a sketch

of his public career. On the subject of his private good qualities, no difference of opinion prevailed; all were favourable. Certain it is, that no individual could be found who did not express the deepest regret, at the accident, which, in so untimely and melancholy a manner, deprived the country and society of so bright a genius. Providentially, however, the public regret was of short continuance; the report of his lordship's death was soon found to be erroneous, and *The Times*, in the course of the day, announced positively, in a second edition, that the report was wholly unfounded. *The Post* of the following morning contained the following information:—

“ We yesterday published some remarks upon the death of Lord Brougham, under the melancholy conviction that this event had taken place. Lord Brougham, we have now reason to know, is in perfect health. The subjoined communication, received at a late hour last night, fully states the particulars, on a knowledge of which we felt justified in believing that a fatal accident had occurred to the noble lord. It will not be very easy to excuse the criminal levity that could have devised so wanton an outrage on the feelings of the community.

“ *To the Editor of the Morning Post.*

“ Sir—I have seen the following paragraph in the *Morning Herald* of this day, relating to the reported death of Lord Brougham:—

“ “The rumour that the noble and learned lord had been killed—“kicked to death,” as the rumour had it—was set on foot, we are told, by a well-known fashionable Count, who, having received a letter from Mr. Shafto yesterday morning, in which the accident was mentioned, took the letter to White's, and *by way of a joke (!)* read it publicly



in the coffee-room, in such a way as to justify the rumour that the result of the upset was the death of Lord Brougham.'

" I believe this paragraph alludes to me, because I did mention to many persons in the course of yesterday, that I had seen a letter from Mr. Shafto, announcing the dreadful accident to Lord Brougham. The statement, however, that I took the letter to White's, or any other Club-house, and read it by way of joke, is an infamous falsehood, which I cannot refer to without indignation. The letter which I saw I considered to be genuine; and you will readily believe, Sir, that my feelings yesterday evening were any thing but jocular. The person who could suppose that I could be capable of making a joke about Lord Brougham's death can know nothing of me, nor (I should think) of the feelings of a gentleman.

" The facts of this business, so far as I have had anything to do with them, are as follow:—

" Mr. Montgomery, a friend of Lord Brougham and Lord Wellesley, called upon me on Monday afternoon, in a state of the most distressing grief. He had received a letter from Mr. Shafto, dated Brougham-hall, Saturday, detailing the dreadful occurrence very nearly as it was detailed in your paper of this morning. Mr. Montgomery, when he called upon me, was on his way to Fern-hill, to communicate the contents of this letter to Lord Wellesley, and I never saw any one in a more deplorable state of grief and agitation than Mr. Montgomery was. This morning I had a letter from Mr. Montgomery, written at Fern-hill, and he was as strongly as ever under the distressing conviction of Lord Brougham's death. It has since come to my knowledge that Mr. Shafto's letter was intended as

a joke. I leave others to explain the motives for so heartless a hoax. I have the honour to be, Sir, your obedient servant.

Cte. d'ORSAY.

"Tuesday Evening, Oct. 22, 1839."

The following is a copy of Mr. Shafto's supposed letter, alluded to by Count d'Orsay, in his communication with the editor of the Post.

*"To Alfred Montgomery, Esq.*

*"BROUGHAM, Oct. 19, 1839.*

"DEAR ALFRED,—I have but just time to send you a line, to tell you of a terrible accident which happened here to-day, and has almost bewildered me. We were going to see an old castle, when the carriage, a horrid old thing from the inn, broke down, the splinter-bar and axle being completely worn through; and, after being dragged some way on, we were dashed into the ditch. I escaped; but Lord Brougham was kicked by one of the horses, and, being stunned by the kick, could not get away from the carriage, which fell on him, and crushed his head. He died on the spot. Leader is so much injured from his fall that he can scarcely survive. Leonard is away shooting, and I am in a shocking state—alone in the house, and scarcely know what to do. I send you this that you may tell Lord Wellesley.

Yours truly,

"R. SHAFTO."

Such were the details of this extraordinary affair, as given in the public journals of the day. The writer of the disgraceful forgery, addressed to Mr. Montgomery, has not yet been discovered. This is a circumstance much to be regretted. The author of so heartless a fabrication deserves well to be held

up to public scorn, and reprobation. The following account of the accident appeared in the *Carlisle Journal* of the succeeding week, and may be considered as containing an accurate statement of all the particulars, and of its consequences, to all the parties who were sharers in it. After some observation on the report, which had gained currency, of Lord Brougham's death, the journal continues,—

“ An accident did befall Lord Brougham and his party on Saturday last, which might have been attended with very serious consequences, and which we will here relate. On the morning in question, his lordship proceeded in an open carriage, and post-horses, hired for the purpose of Mr. Sheffield, of the George Inn, Penrith, from Brougham-hall, with the intention of visiting Highhead Castle, a ruin, of which his lordship is one of the co-proprietors, situated about twelve miles north-west of Penrith. His lordship was accompanied by Mr. Leader, M.P., and Mr. and Mrs. Shafto. When near Thomas's Close, about three miles from Highhead, on descending a hill, the axle-tree of the carriage broke, the horses began to plunge, and the post-boy was thrown from his seat. The affrighted animals then set off, dragging the broken carriage after them. Fortunately, the accident was seen by some husbandmen near the place, who ran and got hold of the horses, and Lord Brougham and his party got out of the carriage unhurt. The post-boy, it was found, was much injured, and Mr. Shafto's servant had received a bruise on one of his legs, but was not much worse. His lordship appears to have been much vexed by the accident, and immediately sent off express to Penrith, with the following letter to the George Inn:—

“ ‘ *Thomas' Close, Saturday.*

“ ‘ Send immediately a post-chaise to bring us back. Your carriage is broken to pieces, and your driver is very much hurt. I never saw so scandalous a thing done by an inn-keeper.

“ ‘ BROUGHAM.’

“ The letter was marked ‘immediate ;’ but his lordship does not appear to have waited for the chaise, for he and Mr. Leader walked to Penrith, whence he dispatched a surgeon to attend the post-boy.

“ On Sunday, the noble and learned lord and his party set off for Keswick, and thence, we understand, proceeded into Borrowdale, and amidst the wild and rugged mountains of that district his lordship probably read the melancholy intelligence of his own death. He returned to Brougham-hall on Thursday, where he entertained a party to dinner.

“ The affair naturally excited great interest throughout the country. Three reporters from London arrived at Penrith on Tuesday to attend the inquest.”

But although Lord Brougham was thus preserved by Providence from a premature death, a short period only was to elapse before his lordship should experience, in the person of one dear to him as himself, the power of the relentless tyrant. In the space of one short month from the day on which the public voice was raised in expressions of regret for the supposed death of the parent, that parent had to mourn the loss of his only daughter, Miss Brougham, who had, for some time, been in ill health, although she was not considered in danger, died at Brighton, to the inexpressible grief of her noble father, who was thus left childless.

The funeral of this lamented young lady took

place on Wednesday, the 4th of December, on which day, at half-past eight o'clock in the morning, the remains of this beloved daughter were deposited in that part of Lincoln's-inn which is enclosed, and appointed for the burial of the dead. The procession passed through the City, attended by Lord Brougham, as chief mourner, the Right Hon. Lord Denman, Chief-justice Tindal, Mr. Vizard, barrister, Mr. Miller, of the Bankruptcy Court, and Mr. Charles Phillips, barrister. The deceased was in the 19th year of her age, and is represented as having possessed a most amiable and affectionate disposition, and was deservedly beloved by all who knew her. This is the only instance on record of the interment of a female in the burying-place of Lincoln's Inn. Hitherto it has been reserved exclusively for the resting-place of the benchers of the Inn; but the noble and learned lord made an application for permission to have his daughter laid there, accompanied by a statement that it is his intention to be buried in the same grave himself. A special meeting of the council of benchers was called, to take the application into consideration. They unanimously agreed that the privilege asked for should be granted, and which has been regarded as a mark of the highest respect and esteem in which Lord Brougham could possibly be held by that learned body. Lord Erskine applied to the same tribunal to have his lady buried in the same place, but, though he was also a bencher of Lincoln's Inn, that request was negatived.

Having thus brought this brief memoir of his lordship to a conclusion, it may not be improper or out of place here to hazard an opinion upon his lordship's character as an orator and a statesman. On the first point, no one who has had an opportunity of hearing Lord Brougham speak, can doubt

that he is a perfect master of every branch of oratory. His style of eloquence is distinguished by its energy and irresistible force—by nobleness of sentiment—and by an inexhaustible flow of language; the aptness with which he illustrates his arguments; and the occasional vehemence, or solemnity of manner with which he enforces or sustains any position which he takes up, are only to be paralleled by the bitterness of his irony and the fierceness of his invective. His voice, though not loud, is extremely clear; and his utterance, though rapid, is particularly distinct and audible. With respect to his lordship's political principles, there are few, even of his most violent opponents, who will not allow his sentiments to be liberal, and his views enlarged. He has, on all occasions, proved himself the enemy of tyranny, corruption, injustice, and intolerance, the advocate of the oppressed, the friend of humanity, and the intrepid defender of popular rights.

Those who have had the honour of Lord Brougham's personal acquaintance, represent him as a man of the most amiable manners, a kind friend, and an agreeable companion. Lord Brougham, as we have already stated, married, in 1819, Mary Anne, eldest daughter of Thomas Eden, Esq., the brother of Lords Auckland and Henley, and who, at the time of her marriage to Lord Brougham, was the widow of Colonel Spalding. The fruits of this marriage were two daughters, namely, Sarah Eleanor, who died very young, and Eleanor Louisa, whose recent loss his lordship is now deploring. In default of male issue, the title, on his lordship's death, will become extinct.

THE END.









