

ABS.1.93.32

Sav 11/12/86

69T

3737

+ 350

..... 1

Lord Causton
LATELY PUBLISHED IN SCOTLAND,

IN ONE VOLUME,

THE

ARISTOCRACY OF BRITAIN,

AND THE LAWS OF

ENTAIL & PRIMOGENITURE,

JUDGED BY

RECENT FRENCH WRITERS;

WITH

NOTES BY THE TRANSLATOR.

TO BE HAD IN PARIS

~~AT THE~~

~~CONTINENTAL OFFICE OF THE LONDON ILLUSTRATED NEWS,~~
~~No. 72, PALAIS ROYAL.~~

*Chez Trucery. Boulevard des Italiens No 18. and
Lemoinc. Place Vendôme No. 24 -*

Price Three Francs and a Half.

THE UNIVERSITY OF CHICAGO

THE EAST ASIAN LIBRARY

1957

UNIVERSITY OF CHICAGO

THE EAST ASIAN LIBRARY

THE UNIVERSITY OF CHICAGO

1957

THE UNIVERSITY OF CHICAGO

1957

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

1957

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO





THE
ARISTOCRACY OF BRITAIN
AND THE LAWS OF
ENTAIL AND PRIMOGENITURE.



Not in SLC, 222
or NUC
1st ed

THE
ARISTOCRACY OF BRITAIN

AND THE LAWS OF

ENTAIL AND PRIMOGENITURE,

JUDGED BY

RECENT FRENCH WRITERS:

BEING

SELECTIONS FROM THE WORKS

OF

PASSY, BEAUMONT, O'CONNOR, SISMONDI, BURET,
GUIZOT, CONSTANT, DUPIN, SAY,
BLANQUI, AND MIGNET:

SHOWING THE

ADVANTAGE OF THE LAW OF EQUAL SUCCESSION.

WITH

EXPLANATORY AND STATISTICAL NOTES.

CUPAR:

PRINTED AND PUBLISHED BY G. S. TULLIS.

TO BE HAD OF W. TAIT, EDINBURGH,
AND ALL BOOKSELLERS.

MDCCCXLIV.

18
989

G. S. TULLIS, PRINTER, CUPAR.

TO

WM. SHARMAN CRAWFORD, ESQ., M.P.,

THE STEADY AND ENLIGHTENED ADVOCATE

OF POPULAR RIGHTS,

THESE PAGES ARE RESPECTFULLY

INSCRIBED BY

THE TRANSLATOR.



CONTENTS.

PASSY.

	Page
England at the highest point of European Civilization,	1
Prosperity of Nations Comparative—Influenced by the Justice of their Institutions,	2, 3
The circumstances which at one time made the English Aristocracy the most Liberal of any in Europe,	4-8
Deplorable change in the relative conditions of the Aristo- cracy and the People,	9
Effect of last British War,	10
The great Proprietors, having the control of Legislation, devised Laws which tended to their own Aggrandise- ment,	11-14
The Ascendancy of the Landed Aristocracy finally ac- complished during the Ministry of Pitt,	15-17
Miserable Effects of this on the Comforts of the People,	18-21
Future Prospects of Britain,	22, 23
Only adequate Remedy for its Present Unhappy Condi- tion,	24
Destruction of the Whig and Tory Parties, and separation into Reformers and Anti-Reformers,	25-26
General Diffusion of Liberal Feeling created by a former more Equal Distribution of Property, still prevalent in England,	27-28
Love of Puerile Aristocratic Distinctions,	29
Britain is now divided into two hostile classes, with oppo- site Interests, viz.—the Landed Aristocracy and the People,	30
Hope expressed that the Aristocracy may resign all the noxious Privileges, though this has never yet been wit- nessed in History,	31
NOTE I. Short Notice of Monsieur Passy,	32
„ II. Position of Britain for Commerce,	32

	Page
NOTE III. Reference to Canning's Ministry, . . .	33
„ IV. Outline of French Law, and its Administration, as contrasted with British, . . .	ib.
„ V. The Political Events which have occurred in Britain since 1826, confirm the conjectures made by Passy, . . .	39
„ VI. Additional Acts of Parliament passed by the Owners of the Soil, assembled in Parliament, to exempt themselves from Taxation, . . .	40
„ VII. Injurious effects of the Corn Laws, . . .	41
„ VIII. Acts repealed since 1826, . . .	ib.
„ IX. Pitt forced to undertake the War against France by the British Aristocracy; the Ef- fects of that War, . . .	42
„ X. Advantage of a Law of Equal Succession pointed out by Bulwer, Laing, &c., . . .	43
„ XI. The Aristocracy too late in granting Reforms, . . .	45
„ XII. Prosperous Condition of Prussia since the Abolition of Feudalism by the King, . . .	46

GUSTAVE DE BEAUMONT.

Progress of the Democratic Principle in every Society, . . .	47
Strength of the Aristocracy in England, . . .	48
The Two Antagonist Principles, Aristocracy and Democracy, struggle for Ascendency, . . .	49
Ireland the Theatre of this Combat, . . .	ib.
The People of Ireland, emerged from their Servitude, seek to Destroy the Aristocratic Institutions imposed by England, . . .	50
Object of the Writer to Probe to the Bottom, and find out a Remedy for the Evils of Ireland, . . .	ib.

Comparatively little Change effected on Society by Political Institutions if the Civil Laws remain unaltered, . . .	51
---	----

	Page
Comparison of the English Revolution of 1649 with the French of 1789,	51, 52
Two sorts of Social Evils in Ireland,	53
The Laws of Entail and Primogeniture alike in Ireland and England create an Injurious Monopoly of the Soil,	54
Great Difference between Cultivation of the Land by Small Tenants and by Farmers Owners of the Soil,	55
Comparison between France and Ireland in this respect,	56-59
The only Real Remedy for the Evils of Ireland is to Change the Civil Laws, so that the Possession of the Soil may be Thrown Open to the Acquisition of the Lower Classes,	60
This would benefit even the Great Proprietors,	61
The Change should not be effected by Measures coercive and unjust,	62

The Soil in England is still in the Shackles of a Barbarous Feudalism,	63
The Aristocracy has not only Preserved all of the Feudal Laws favourable to Land—it has struck out of them whatever was hostile to its Interests,	64
The Spirit of the Feudal Aristocracy has descended in England to the Lowest Classes,	65
Feudal Possessions the Objects of Popular Worship and Veneration,	66
<i>Gavel kind</i> in the County of Kent,	67
General Belief in England that, if divided, the Land would not be so productive,	68
Struggle betwixt the English Barons and Norman Kings and Tudors,	69
Alienation of Land in England extremely difficult,	70
The Laws oppose the breaking down of Estates,	71
The Purchaser of a Small Piece of Ground is subject to such enormous expenses, that the minute division of the soil is impossible,	72

	Page
In Ireland, there are greater impediments than in Eng- land to the sale and transmission of real property,	73
To possess the Land, is the passion which animates every mind in Ireland,	74
Feudal Rights not fenced round with the same popular sympathies as in England,	75
The Reasons which explain the Feudal Condition of the Soil in England do not hold good in Ireland,	76
—	
Not only the Law of Entail, but the Law of Primogeni- ture, must be abolished,	77
Explanation of the English Law of Primogeniture,	ib.
This Law influences the moral feelings of the People,	78
Working of the Law of the Eldest Born in England,	80
The younger branches of the Aristocracy are provided for by State Appointments,	81
Estates in England are so many objects of Art,	ib.
Prejudices of Englishmen against a Law of Equal Suc- cession,	83
In Ireland, the passion for Aristocracy stops with those who are, or suppose themselves, members of it,	84
Would the breaking up of Great Properties be a thing to be deplored, if by that means the present wretched hovels, and farmers in rags, were converted into decent habitations, and happy small proprietors ?	85
Effect of the Abolition of the Law of Primogeniture, so as to turn the Scale of Legal Right,	86
Summary of necessary alterations in the Law, to break up the Great Estates,	87
It is an inevitable necessity that the People of Ireland become the owners of the land,	88
NOTE I. Notice of M. Beaumont,	89
„ II. Comparative situation of France under a Law of Equal Succession, and Britain with the Law of the First Born,	ib.
„ III. Public Registers of the Conveyance of Land,	93

	Page
NOTE IV. Additional Argument for a Change in the Law of Succession,	94
„ V. It is unjust that situations in the State, which all pay for, should be set aside for the exclusive use of the Aristocracy—This explains the necessity of so many deputies,	95

A. C. O'CONNOR.

His Personal Knowledge of Britain and of British Statesmen,	97
The English System and the Old French Despotism both founded on Feudalism,	ib.
Origin of Representation in England,	98
Revolution of 1688 and its Effects,	ib.
The Liberties of the People subverted by means of corruption,	99
Hence the Difficulties and Debt in which so industrious a nation as England is involved,	100
The Constituent Assembly of 1791 founded French Liberty on the paternal Law of an Equal Division of Land among all the members of a family,	101
With the Law of Primogeniture, a real Elective and Representative System is impossible,	102
Great Improvement on the French Nation since 1791,	103
NOTE I. Notice of A. C. O'Connor,	104
„ II. Written Speech left by Mirabeau advocating a Law of Equal Succession, delivered after his Death,	104
„ III. Opinions of Sir James M'Intosh, Hallam, and Cobbett, as to the Aristocratical Nature of the Revolution of 1688,	105
„ IV. Probable Motives of the Whig Aristocracy in proposing the Reform Bill,	107

	Page
NOTE V. Outline of the present Educational System in France,	108-118

J. C. L. SISMONDE DE SISMONDI.

In England production is augmenting while the happiness of all classes is diminished,	119
The Landed Aristocracy Uneasy,	ib.
Insecure Position of the extensive Merchants and Manufacturers, as well as Farmers and Retail Dealers,	120
Miserable Condition of the Masses solely dependent on Labour,	121
The New Principles of Political Economy advanced by Sismondi,	122

Property should be divided in the same manner as it accumulates,	123
Error of Legislators in framing Laws to prevent this,	124
Different kinds of Entails in different Countries,	125
Moral influence of Entails on the character of the oldest Son,	126
They induce the Heir to plunge into ruinous extravagance,	127
He borrows money on his personal security,	ib.
At his death his Creditors lose all, hence much distress and bankruptcy,	129
Entailed Estates are seldom improved,	130
All experience shows the ruinous consequences of Entailing Land,	131
English and Scotch Law in regard to Entails,	ib.
Entails, the cause of the ruin of Spain and Portugal,	132

When a Country may be prosperous in spite of Entails, ib.

On the Cultivation of the Soil by its Owners,	133
Of Cultivation by Farmers under Leases,	136

England has risen so high in point of Prosperity, that the inconveniences of her system of Large Farms are not at first perceived,	137
The English Cottager worse off in point of Comfort, Security, and Hope, than the Peasant of any other Country in Europe,	138
The Great Farmer's attention is solely devoted to the production of Corn and Cattle,	139
Yet even for these he requires to be Protected from the Competition of the Peasant-cultivator of the Continent,	ib.
If Large Farms are so beneficial to a Country, we should be able to name the Classes profiting by them	ib.
It is not the Peasantry, the Farmers, nor the Consumers,	140
Doubtful even if the Landlords profit thereby, for the Average Rent in England is below the Average in France,	ib.
NOTE I. Notice of Sismondi,	141
„ II. Laws of Entail and Primogeniture have ruined Spain,	142
„ III. Origin of Entails in Scotland,	ib.
„ IV. Majorats in France,	143
„ V. The Independence of Farmer-Proprietors,	144
„ VI. Metairies Correspond with the Steelbow holding in Scotland,	ib.

E. BURET.

Political Economy in England is made an Abstract Science, having no connexion with Politics or Morality,	146
Reaction against this in Europe,	147
Of the New System, M. Sismondi the best Exponent,	ib.
Not the Indefinite Increase of Wealth in a Nation, but the Wellbeing of the greater Number of its Members, should be the Object of a Social Science,	148
All Laws should be in accordance with those principles	

	Page
of justice and truth which Christianity has infused into Modern Civilization,	148

NOTE.

Probable Cause of the state of Political Economy in Eng- land—our Philosophers unwilling to investigate the Laws influencing the Distribution of Wealth, lest the result should displease their patrons, the Whig and Tory Aristocracy, who dispense all the patronage,	149
---	-----

M. GUIZOT. No. I.

The Principles and Objects which caused the English and French Revolutions, are those to which European society is indebted for all its Advancement,	151
Both Revolutions have pushed forward Civilization in the road which it had followed for Centuries before,	152
They are chargeable with Excesses and Crimes, but so are all other Systems and Institutions,	153
After the Fall of the Roman Empire, Society would accept of no form save Feudalism,	154
Out of this rude Organism arose European Civilization,	ib.
The Aristocracy, the Clergy, Royalty, all have in turn Assisted its Progress,	155
When all these, Alarmed at the Progress of Liberty, Endeavoured to Arrest it, it was then that Revolutions Broke out,	156
These Revolutions gave Leaders to Society who were willing and able to guide it onwards,	156
The British and French Revolutions examined and com- pared,	157
So great the Analogy betwixt them that the first would not have been understood if the latter had not broken out,	160
Satisfactory Change of Public Opinion on this subject,	ib.

NOTE.

Notice of M. Guizot,	162
--------------------------------	-----

M. GUIZOT. No. II.

Generally believed that, in the English Colonies before their Separation from the Mother Country, the State of Society was Republican,	163
This is true only of the Northern States—The Southern States were Aristocratical,	164
Wide Difference between the Religious Democratical Spirit and the Democratical Spirit purely Political,	165
The Revolution hastened the course of things, and gave a rapid Movement to American Democracy,	166
In the Southern States the Aristocratical Institutions soon disappeared,	ib.
Every where in that Country the Democratical Elements have increased, and taken a fixed place in the Institutions,	167

NOTE.

President Jefferson, the Chief Promoter of the abolition of the Law of Primogeniture and of Church Establishments,	168
--	-----

B. CONSTANT.

The French Revolution one of the great epochs of social order,	170
When a hatred of grievances has goaded a people to insurrection, it is not by protecting these grievances by artillery, but by putting an end to them, that tranquillity can be permanently re-established,	171
The real Authors of the French Revolution were—Absolute Power, Despotie Ministers, Insolent Nobles, and Rapacious Favorites,	172
As soon as a pure Despotism becomes impossible, an Aristocracy is a real Scourge,	ib.
England, at present, is only one vast opulent and powerful Aristocracy,	173

	Page
Its National Representation composed of Placemen and Nominees of the Aristocracy,	ib.
The great English Lords have shaken themselves free of the burdens, yet wish to retain the advantages, connected with an Aristocracy,	174
The Tenants now paying rents for their lands, fixed by public competition, are no longer the dependents of their Landlords,	175
At the present day the British Aristocracy is terrified at the rapid progress of Democratical opinions,	ib.
The time for Dependent Inferior Classes is past, like that of Serfs and Vassals,	176
The Division of Property will infallibly take place in England,	ib.
NOTE I. Notice of Constant; the Truth of his Opinions illustrated from the Progress of Political Events in Britain,	
„ II. The Concentration of Landed Property in Britain Denounced by Sir Walter Scott as Destructive to the Country,	177
	178

DUPIN.

Beneficial Effects produced in France by the Abolition of the Law of Primogeniture and Entails,	180
NOTE I. Notice of Dupin,	183
„ II. No Tendency to Extreme Subdivision under a Law of Equal Succession—M. de Morel Vandé's Statement as to this,	184
„ III. The Moral Effects of the Possession of Property are now seen in France—Table of the Comparative Crime in France and England,	185

J. B. SAY.

The Campagna of Rome, formerly so Fertile, now an Evidence of the Evils arising from Vicious Legislation,	187
The Economical Effects of Entails Detestable,	ib.
The British People have Suffered Extensively from the Agglomeration of Property,	188
NOTE I. Notice of J. B. Say, and Opinions of M. Chevalier,	189
„ II. Extracts from the Works of Adam Smith, Lord Bacon, and Lord Kames, condemning the Laws of Entail and Primogeniture,	ib.
„ III. The Clearing of Sutherland, described in a recent Pamphlet, Remedy for such Conduct, as well as for the Refusal by large Proprietors of Sites for Building Free Kirks,	196
“ IV. Trade and Manufactures are in their Nature Essentially Democratical,	198
The Tenure of Land Commission—how Fixity of Tenure may be attained,	200

BLANQUI.

Advantages of Laws being arranged in a Code as in Code Napoleon,	102
The Influence of J. B. Say's Writings in Europe,	202
The True Cause of the Decline of Spain,	203

NOTE.

Before British Law can be gathered into a Code it must first be made Simpler, by the Adoption of Just Laws of Succession,	204
---	-----

MIGNET.

The French Revolution has rendered equal before the Law those whom Christianity had rendered Equal before God,	206
It has made France the most happy as well as the most advanced of European Nations,	207

	Page
Birth and Education of Count Merlin,	ib.
Chosen as Deputy for the Balliwick of Douai to the States-General of 1789,	208
All the Measures for Abolishing Feudalism suggested by him,	209
He prepared the present French Law of Equal Succession,	ib.
In 1815, driven into exile by the Bourbons,	212
Restored to his Country by the Revolution of 1830,	214
Died on the 26th December 1838,	215
NOTE I. Notice of M. Mignet,	216
In Britain the Aristocracy are jealous of those below them,	217
They look upon Literature and the Press as influences from which they have less to hope than to fear,	218
Abolish Primogeniture, and the Aristocracy would be gradually let down to their pro- per level,	219
The Unprivileged Classes are the Strength of the Nation, and have furnished Leaders in all the great Crises of the Modern World,	221
No aid at Reformation to be expected from the Whig or Tory Aristocracy,	223
„ II. The Eulogies on the French Law of Succes- sion cannot be charged with exaggeration,	224
Corroborating Testimony,	225
Opinion of H. Storch,	226
Illustrations from History, showing the great Impulse given to Society when a Free Circulation of Landed Property has been allowed,	227
War has ever been the cherished Occupa- tion of an Aristocracy,	228
Instances from History,	229
The British Debt incurred in War for put- ting down the Bourbons and setting them up again,	231
Concluding Remarks,	232

TRANSLATOR'S PREFACE.

THE plan and design of the tract now offered to the public may be stated briefly. The intrinsic importance of the subjects indicated in its title being taken for granted, it may be observed, that they have not as yet been treated of in this country in the manner demanded by their great moment, or calculated to attract the earnest attention of Reformers. By the most numerous class of writers—those who address themselves to the prejudices and interests of the two great leading parties, the Whigs and Tories—these subjects have either been studiously avoided or discussed in a way far from truthful or instructive. Political Reformers have hitherto almost entirely overlooked the power of the laws in question; they have, in their different projects for changing the form of the representative system, kept their eyes fixed

on the superstructure, without scrutinizing the foundations on which it rests; in their schemes for improving the crop, they have not thought of attending to the nature of the soil that produces it; they have striven to cure the external blotches, without purifying the humours that breed them; they have resorted to topical instead of constitutional remedies.

In the absence of any original treatise, written in a proper spirit, on the Aristocracy of Britain, and the Feudal Laws which support it, it appeared that recourse might aptly be had to the literature of a neighbouring country, where the topics in question have, for a long time, undergone a systematic and searching investigation, by a people whose analytical powers render them more capable of appreciating and discussing such subjects than any other European nation. It is from the works of recent Publicists in France that the present selection has been made; and to explain the principle on which this has been done, a few words will suffice. No recourse has been had to the French writers who flourished towards the middle of the last century, such as Rousseau, Holback, Helvetius, Mably, or the rest of the Encyclopædiasts, because the compiler was aware that, however rich might be

the stores to be found in these classics, there yet exists against them, on this side of the channel, an amount of prejudice militating against the reception of their evidence and argument. Equally little use has been made of the best of writers and orators, such as Sieyes, Barevé, Bailly, Tracy, Desmoulins, and Mirabeau, who wrote and spoke under the immediate influence of the Revolution of 1789, as it might have been said that these were individuals who, actuated by a spirit of anarchy and innovation, attacked indiscriminately all existing institutions, and that their arguments in favour of those which they set up, were no better than visionary speculations or theories, which had not, in their time, received the sanction nor been subjected to the test of experience.

In order to steer clear of objections like these—well or ill-founded, is not worth an inquiry—the Translator has confined the present publication to a series of extracts from the works of contemporary authors—of men of public notoriety and reputation—of different shades of politics—and who, calmly sitting in judgment upon certain institutions of France, that grew out of her Revolution, give forth upon them a mature opinion, the result of the expe-

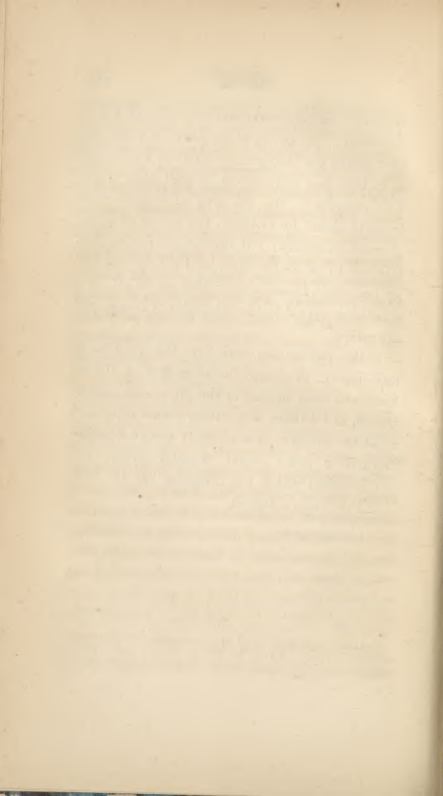
rience of half a century. In estimating the benefits which their own country has derived from the disappearance of its ancient aristocracy, and from the general operation of its Law of Equal Succession, the same writers, knowing Britain through her press, and most of them from personal observation, seem to be equally well qualified to pronounce an opinion on the opposite system still existing among ourselves, and which has also, during the same period, borne some of its most remarkable fruits. Should it be said that their views may be tinged with French prejudices, it may be replied, that they are at least free from English ones, which are so much more strong and besetting, as being interwoven with so many interests, habits, and associations. The people of Britain still linger in the wilderness of privilege ;—the French having long ago reached the promised land, can speak of its advantages to those who lag behind in their thitherward journey.

The French adopted, in 1789, certain principles from our Revolution of 1688 : if they borrowed from us then, they can now pay us back with interest ; formerly our pupils, they are now our teachers ; and the lessons of experience which they in their turn offer, in a spirit

of amity and good-will, merit an attentive consideration. To give and to take, or what has been called the Reciprocity System, holds good as to laws and institutions, as well as in trade. The changes in the old laws of France were brought about by violence, the result of a deplorable necessity; but similar reforms in Britain are to be sought after, and will be attained by peaceable means alone; and, above all, by a strenuous appeal to the principles of reason and of justice.

If this publication shall have the effect of, in any degree, directing the attention of Reformers and their organs in the press to a subject which, at all times important, seems especially so at the present, when events are all tending towards a great social transformation, the single object which the Compiler has in view, will have been attained.

December 1843.



H. PASSY.*

OF THE EFFECTS RESULTING FROM THE PREDOMINANCE OF THE ARISTOCRACY IN ENGLAND.

ENGLAND holds at the present day, in political controversies, the place which the Greeks and Romans formerly occupied. The splendour of her arts and of her industry, the extent of her colonial possessions and of her commerce, the opulence which she has attained to, still more the imposing structure of her Government—all point her out to the attention of Publicists, who, moreover, find, in the monarchial, popular, and aristocratical elements that are blended in her system, bases on which to rear the most opposite theories.

The examination of this subject, which, to some writers, may be a purely optional matter, becomes in the present work one of absolute necessity. England is obviously at the highest point of European civilization, and she has reached it under the sway of a territorial aristocracy. Such a phenomenon, which seems so formal a refutation of the doctrines evolved in the preceding chapters of this work, falls to be elucidated ;

* Aristocracy, considered in its relations with Progress and Civilization. By M. H. Passy. 1 vol. 8vo. Paris, 1826.

and I shall, therefore, proceed to lay bare its causes, trace its progress, and, above all, carefully weigh the consequences of the influence which the domination of the aristocracy exercises over the destinies of so prosperous a country. (Note I.)

And here I beg to be permitted to make a few preliminary remarks. The fact of a nation outstripping its rivals in the career of civilization, although it proves the superiority of its organization is far from attesting the excellence of it. What is prosperity? A condition of which we can only judge by comparison; and who can say to what a height the most flourishing nation might not have reached, if its institutions had been purged of the defects which, without putting a stop to its progress, gave it a tortuous and vitious direction? Rome had conquered the ancient world; and the vanquished nations no more doubted of the superiority of her laws and her manners than of the ascendancy of her arms. Yet how many imperfections disfigured her social condition? The consequences of these fell to ripen with time, which had its course, and Rome, torn by civil wars, beheld her glory expire under the withering despotism of her Tiberius and Neros. (Note II.)

I will further remark, that the present time is ill chosen for speaking of England. Seven or eight years ago, when the misery of the lower orders was at its height—when riotous meetings seemed the precursors of a revolutionary crisis—when on all

sides arose, against the injustice of her institutions, an outcry sanctioned by public suffering—how easy would it have been to point out the defects in her social condition? But now when order is restored (Note III.), and a skilful minister, turning to account the narrow policy which false and restricted maxims have imposed on the other Cabinets of Europe, has thrown open to the trade of Britain the treasures of the American continent, and has supplied its industry with immense means of activity, how shall we draw aside the gorgeous veil that covers her rankling sores? I shall nevertheless do so. The life of nations embraces a long space of time, and, however prosperous they may be at present, it is only in the whole assemblage of facts, and in the order of their development that we ought to seek for the knowledge requisite to form a just notion of the futurity that awaits them. In the brilliant years of Louis XIV., who did not believe in the eternal duration of the French Monarchy? and yet already did the germs which precipitated its downfall begin to appear. Venice closed her golden book amidst the applauses of the statesmen of Italy: she was extolled for having freed herself with so much address from the dissensions kindled in all the neighbouring Republics, by the struggle between the Patricians and the people. But what was the final issue of a policy so wise in appearance? The corruption of the ruling caste, the oppression of the subjects, the progressive ruin of

the national strength, and a downfall, tardy indeed, but not less humiliating that it was silent.

There is yet another point to which I have to solicit the attention of my readers. It is usual to praise the English aristocracy for having defended the rights and liberties of the people ; but although such be the fact, it has neither the continuity nor the extensiveness which have been attributed to it. The result of social circumstances, it followed their course, and changed with them. Thus, under the successors of William the Conqueror, if the great vassals united themselves to the people, it was because that, ill confirmed in their recently conceded domains, they could neither defend themselves against the encroachments of the Crown in their own names, nor prescribe to the other the limits of its authority. Constrained to interest the inferior orders in their cause, they could only do so by communicating to them a share of the rights demanded ; and it is accordingly seen that the greater number of the charters extorted from the monarchs extended their benefits to necessary allies. This proceeding was so entirely the result of position, that at a later period we behold the aristocracy return to the lordly usages of the same class on the continent. So also respectable writers, such as Paley, have regarded the hatred inspired by the galling yoke of the nobility as the principal cause of the enslavement of the Parliaments under the Tudors ; and nothing is more probable that, but for the violence of the religious factions

which sprung out of the Reformation—the arrogant pretensions of the weak and capricious successor of Elizabeth—the diversified errors of Charles the First and his sons—the English aristocracy, like that of the rest of Europe, would have bartered the national liberties for the advantages attached to the exclusive possession of offices and the favour of a despot. However this may be, the point is of small importance to our inquiries. England such as she at present exists being what we have to do with, dates no farther back than the accession of the House of Hanover to the Crown; and it is sufficient for our purpose to consider what was then the organization of the powers to which was confided the maintenance of the public welfare. At that period, the basis of the present order of things was established. The monarch, invested with the prerogatives necessary to the dignity of the throne, shared the right of legislation with the two Houses of Parliament. In that of the Peers sat, by hereditary right, the chiefs of the higher nobility; in that of the Commons, deputies freely chosen by the nation, and whose suffrages had the more weight that at that time the preponderance of wealth was on the side of the people. “What is the wealth of the Lords compared to that of the Commons?” exclaimed the illustrious Chatham about the middle of the 18th century; “a drop of water in the ocean.” This circumstance falls to be kept in view, because it served to mitigate the evils arising from the inequality of rights.

Although derived from the feudal order of things, the civil laws of England were greatly preferable to those of the continental monarchies. They consecrated, it is true, the right of primogeniture, but without admitting substitutions or entails in perpetuity—(Note IV.); and if they favoured the concentration of fortunes, they at least did not present insurmountable obstacles to the circulation of property from hand to hand. Another of their advantages lay in the impartiality of their provisions; they favoured no one, so that every lord had to dread the effects of prodigality or misconduct; and from the equal nature of the chances of fortune arose the maintenance of the relations between the different orders of the community. Thus, in regard to property, England was more equally parcelled out than the great continental states, but it was in her political advantages that she infinitely surpassed them. In fact, whilst in France and Spain the corrupt arts by which the favour of the prince was secured, were for the great the principal means of fortune, the peers of England, invested with a dignity independent of the monarch, and called on to regulate the interests of their country, had before them a wider field of honour and reputation; and of which, if birth opened to them the barriers, they could only distinguish themselves in it by surpassing their rivals in the knowledge of public business. To superior talents belonged by right high offices, lucrative situations, and even popularity itself.

The love of esteem, interest, ambition, all urged them to cultivate their minds; and, in point of fact, the higher aristocracy joined to their lofty character, the appendage of their independence—the liberal sentiments which education induces. From the condition of the other classes emanated a spirit not less beneficial to the nation. Without immunities, exemptions from taxes, or privileges unfavourable to equality, the members of the lower aristocracy were strangers to the pitiable prejudices, which in every other country doomed the privileged orders to vegetate in a destructive sloth; they cultivated their estates, entered into trade, and, notwithstanding the titles with which they were adorned, they composed in the aggregate an opulent and powerful democracy, displaying under the influence of indulgent laws all the strength of the industrial character. To the advantages before noticed, add those accruing from the representative system, trial by jury, good municipal institutions, and, above all, from the freedom of the press, which, by pouring in a flood of light upon the acts of the government, prevented it from deviating from the line traced by public opinion; and you will easily conceive with what activity operated the causes, which, in imparting a wise energy to the mental and physical powers of man, developed and multiplied the national resources. In other respects, England was favoured by circumstances. The expulsion of the Stuarts had not put an end to the hatreds which divided the great families.

The suspicion of a secret attachment to the cause of the Pretender kept the Tories from power ; and the Whigs not being able to cast aside the principles professed by the reigning family of Hanover, became the protectors of public liberty. Thus were weakened the tendencies natural to the aristocracy, and the nation profited by its intelligence without being exposed to its encroachments. Under circumstances so propitious as these, how, it may be asked, did not England arrive at a still higher point of glory and opulence ? In her wars with the most powerful monarchies of Europe, the excellent direction given to her forces made up for their numerical inferiority ; the fleets of France were beaten on every sea, India became one of her dependencies, she possessed herself of our finest colonies, laid waste those of Spain ; and the peace of 1763 left in her hands the sceptre of trade and of the ocean. Within the country everything advanced with the same rapidity. In the space of a few years manufacturing towns doubled their size. Liverpool and Manchester saw their inhabitants increase tenfold ! and in the reign of George II., villages such as Birmingham contained 30,000 souls ! But what was of still greater importance, the spirit of trade and of industry had taken deep root, and the nation formed itself to ideas and manners, which enabled it to bear up against the effects of the abuses hidden in its constitution.

These abuses shewed themselves in the end. In

every country an inequality of rights produces its fruits, and England could not escape from the consequences of a factitious aristocracy. In vain did industry multiply riches—in vain did commerce and the arts offer to the active classes the widest fields of wealth ; it was in conformity even to the basis of the existing order of society that the national resources were developed, and the legislative ascendancy caused to incline in favour of the minority the balance of wealth and power. A deplorable change took place in the relations formerly existing betwixt the classes ; and such was the rapidity of it, that, in 1815, properties which forty years before had pertained to 250,000 families were concentrated in the hands of 32,000 proprietors, and even in the latter fell to be computed the lands of 6000 incorporations, and as many belonging to the Church. So sudden an overturn of the former order of things was no trifling event, and the effects of it, with which England is now menaced, are of a nature to excite the most serious attention. Not only has the concentration of wealth changed the relative strength of the different elements of power, but by aggravating the inconveniences of the aristocratic regime, it has left the masses without any other defence than the enlightenment and spirit emanating from constitutional liberty.

I am aware that many statesmen have sought, in the obstinate wars which for thirty years threw upon a single generation the losses and calamities usually

spread over several, the causes of the modifications introduced into the structure of the social body in England ; and, in point of fact, there can be no doubt that such violent shocks hastened the work of time, and ripened the evils whose baneful germs were nursed in the institutions. At the same time, these wars had a bright side also : they fostered a great mental energy ; they led the rulers to spare the rights of a population compelled to immense sacrifices ; and, if they contributed to vitiate the natural order of things, they at least conduced to preserve in the moral order a salutary vigour. Let us cast a glance over the constitutional order of things in England, and we will perceive how difficult it was to ward off the inconveniences of the accumulation of landed properties. The aristocracy had the preponderance—all powerful in the Upper House, the electoral system gave it a real ascendancy in that of the Commons ; and in the midst of the struggles excited by the ambition of parties, there remained questions as to which their wishes and opinions harmonised. Whigs and Tories, peers and representatives, in their capacity of great proprietors, had tendencies in common—tendencies which actually swayed the legislation, and imparted to it a noxious and partial direction.

God forbid that I should accuse the English aristocracy of wilful injustice or hypocrisy. I know that no aristocracy ever displayed more intelligence or patriotism ; but it is not given to men to discern the

defects of the laws which benefit them ; and in this respect the Whigs were not more clear-sighted nor disinterested than the Tories. Ever ready to exclaim against the abuses of the royal prerogative, the Whigs saw with an indifferent eye the increase of the landed influence ; a number of bills prejudicial to the fortunes of the inferior classes received their support. Parliamentary reform itself was never the object of their sincere efforts ; and it was to the lessening of the feeble influence of the crown in elections that the so much boasted measures of the Rockingham Ministry were confined. (Note V.)

Moreover, it is by facts that the assertions before advanced fall to be supported ; and the very abundance of the former makes a selection from them embarrassing. We will begin with those that relate to taxation :—

At the Restoration, the landed property, says Hume, belonged to the gentry and yeomanry ; and, during the Protectorate of Cromwell, they furnished nearly the sum total of the public expenditure ; suppressed, under Charles II., the land-tax was reimposed by the Parliaments of William, at the rate of twopence a pound ; but, in proportion as the landed interest became strong, the Parliament sought its abolition ; at first reduced to three halfpennies, it was soon brought down to a penny a pound ; and, such was the onward march of things, that, at the present day, when peace has put an end to the property tax,

land does not contribute more than a thirtieth part towards the expenses of the State. The result of such measures is palpable; in untaxing the land its value was increased in a ratio equal to the capital of the taxes taken off, and the rentals of the proprietors were increased at the expense of the rest of the community. (Note VI.) On the other hand, it is proper to observe, that, in supplying the place of the land-tax by other taxes laid exclusively on articles of the first necessity, the latter fell with all their weight on the poor, whilst, on the contrary, the rich were favoured in the consumption of those articles of luxury which their ample means enabled them to procure. Thus did the undue increase of taxation impose a burden on the lower orders, which ought, in point of equity, to have been shared by the opulent classes. Still, I do not mean to assert, that this result was intentionally in the view of the Legislature—publicity always prevents the commission of glaring acts of injustice, but, at the same time, who does not know with what dexterity, amidst the vacillating lights of public discussion, the seductive suggestions of private interest cause the balance to incline to one side. However this may be, other measures were tainted with the same partiality. Thus, under the pretext of securing the nation against the evils of scarcity, premiums, sometimes equal to an eighth part of the price, were granted on the exportation of corn. And what followed? A rise in the price of the article, an increase

in rents, and a consequent augmentation of the incomes of proprietors. (Note VII.) It would be useless to specify in detail all the advantages made to accrue to these proprietors; and I shall only instance a single fact as illustrative of the system followed by the Legislature. In 1792, it was resolved to effect the division of common lands, an object laudable in itself, but what did it produce? A bill, which, in every parish, bestowed them on the richest landlords, seeing, as it was said, that such persons could with the greatest facility bring them into cultivation!

It was the same in regard to the laws intended to regulate the connexion between manufacturers and their workmen. As early as 1350, a statute of Edward III., had fixed the rate of wages; several subsequent acts modified its unjust provisions; but it was only under the reign of George III., that the interests of the working classes were openly sacrificed by laws which prohibited them from combining together, whether with the view of obtaining an increase of wages, or a diminution of their hours of labour. Heavy penalties, extending to three months' imprisonment, were decreed against those who might violate the laws; and, as if in order to make the injustice of them more apparent, a fine of £20 only was imposed on masters who might coalesce for effecting a reduction of wages. (Note VIII.)

Such were the fruits of the aristocratic regime in England. The laws constantly tended to favour the

great at the expense of the people ; and, by little and little, riches and power came to be exclusively shared by the minority.

Another cause accelerated the progress of the inequality of fortunes. In England, where large properties exercise so much influence in elections, every opulent person naturally becomes the object of ministerial solicitude. Does he control the votes of a burgh or a county ? is he by that means owner of a seat in the House of Commons ? let him ask and nothing will be refused him ; church livings, court favours, sinecures, appointments in India and in the Colonies—all are at his disposal. Thus, if wealth confers power, the latter in its turn conducing to the increase of wealth, all the advantages of the social condition become more and more concentrated in the persons of a favoured few.

By this time my readers will have understood to what causes are to be traced the economical change, which, in dispossessing the inferior classes, has delivered over the government to some hundred families, whose names figure in the Court Almanac, under the title of families who have, or pass for having, influence in elections. Whilst everything tends to aggrandise the great proprietors ; the masses, victims of the partiality of the laws, are unable to bear up against the operation of the causes which tend to impoverish them ; and the ancient equilibrium of power and wealth has been entirely destroyed.

It was during the Ministry of Pitt that this revolu-

tion was accomplished. The son of the great Lord Chatham, it was under the auspices of the Whigs that Pitt began his political career. At the outset he advocated Parliamentary reform, and supported the necessity of it, up to the period when, better informed of the state of matters, he discovered the impossibility of making head against the high aristocracy. He then abjured his doctrines; and it was by enlisting himself in the service of the dominant party, and rallying under it by patronage men already united by common interests, that he formed the powerful coalition which maintained him at the helm of affairs during nearly his whole life. It is, besides, sufficiently probable that, endowed with a genius more fit for speculating upon the play of material interests than for appreciating the action of moral impulses, Pitt seconded, in a spirit of honesty, the ascendent march of aristocratical interests. At least, he assigned, as one of the most decisive arguments in favour of the bill for the redemption of the land tax, the advantage which England would derive from the investment of the value of small properties in the public funds; and it is certain that towards this object the greater part of his financial schemes were directed. Unfortunately, circumstances but too well favoured his designs. Crushed under the weight of taxation, the small proprietors regretted their former easy condition; and whilst the hope of regaining it by becoming fundholders was sufficient to decide them to dispose of

their lands, a tempting price was offered for them by the rich, who well knew how and where to find a compensation. In Rome, men contracted debts in order to pay for the suffrages which disposed of high situations. In England, analogous circumstances existed; and in the space of thirty years the number of proprietors was reduced by nine-tenths.

If, to put down all resistance—if, to extract from a nation immense means of action abroad—if, to induce it to lavish with a blind prodigality its blood and its treasure, constituted political skill—Pitt is the first of English statesmen; but, if such a talent be only secondary, and if it is by the selection of a policy promotive of the general welfare, by the use of means calculated, amidst temporary difficulties, to ensure a durable prosperity, that we fall to judge him—Pitt can no longer be regarded as a great man: for, it is evident that, by pursuing too exclusive a system, he threw his country out of the track the most favourable for confirming its prosperity. The aristocracy degenerated into an oligarchy, and Pitt, instead of checking so pernicious a proclivity, threw down the obstacles in its way. (Note IX.)

The fundamental error of his mercantile policy had long been loudly denounced; and it was upon the slippery ground of commercial monopoly, that he wished to base the futurity of the English people. The debt crushed industry; and Pitt, in the hope that the ruin of rival nations would fill up the gulph,

did not hesitate to increase it. Have patience, was it said, in these days of delusion, to the labouring class who demanded work and bread, have patience, the trade of the world will soon be your exclusive patrimony—soon will it bring to your doors the wealth now scattered among all the nations of the earth—soon, the bread which you are now in want of, will you eat in abundance and in joy—soon, will you bless the privations at the price of which you shall have purchased an eternal peace and an unassailable felicity. Peace came; but only to prove that the monopoly of the world—that fifty millions of colonial subjects, and the most admirable industry—but feebly counterbalanced the evils which the agglomeration of riches had inflicted on the masses.

To what a singular state is not Great Britain now arrived! In no country is the soil better cultivated, are the arts of peace more advanced, or manufactures more abundant—nowhere is a more noble use made of the forces of man—nowhere, in fine, are found so much wealth and even luxury—and yet no sooner is trade slightly deranged, than the cry of suffering makes itself heard. It is because, although a nation may be industrious and rich, the means of well-being must be equitably distributed, and all must participate in the advantages that result from the progress of civilization. Wo be to those nations where the magnificence of the few displays itself at the expense of the greater number.

It is only a few years ago since Lord Castlereagh, in the House of Commons, jested upon a reply made by a farmer, who, reckoning among the necessities of life, soap, tea, sugar, and candle, had complained of the hardness of the times. What an ignorance of human nature ! How did he not come to know that as regards comforts, opinion being merely the result of acquired habits, the regrets of a people over the privations which they feel are always legitimate and well founded ? Besides, can it be doubted, that a social instinct does not teach them that an increasing, at least a uniform prosperity, being the price of their obedience to the laws, they have a right to blame the Government as often as these blessings are withdrawn from them ?

We cannot attribute to the enormity of the taxes which weigh on the English nation the retrograde condition of the lower orders. Far from me be the design of disputing either the evils of a debt of eight hundred millions, or those still graver evils arising from an unequal distribution of the taxes ; but it is easy to show, that it is much less in the existence of the debt, than in the influence arising from the accumulation of fortunes, that are to be found the causes of those evils which afflict the body of the people.

What are the effects of a public debt ? One of them without doubt, is the enhancement of the price of provisions and of the rate of wages ; another lies in abstracting from the people the funds of which

the reproductive use would have improved their condition and developed their industry ; but if a public debt falls always to be regarded as a galling burden, it is only fair that all should equally support the weight of it, and that the gradual rise of wages should compensate to the poor the increased price of necessaries. Obligated to expend considerable sums in keeping up its embankments, Holland, during the 18th century, had to make good the interest of a debt not less heavy, relative to the difference of population, than that of England ; but did we see a sixth of the inhabitants living at the cost of the proprietors ? On the contrary, in no country is labour better remunerated and comfort more general.

Further, the increased price of the public funds, the moderate rate of interest, the gradual extension of mercantile enterprises, the abundance of capital—all go to show, that it is not in any decline in the national resources, that we must seek the causes of the numerical increase in the unpropertied class.

In 1816, nearly four millions of persons required relief from the parishes, and sought in vain for work and bread. On this subject it has been said that there were six hundred thousand workmen too many, because the industry that fed them was extinct. But why was it extinct ? It will be replied, because of the transition from a state of war to that of peace ; and this reason is plausible. Still must it be remarked, that other nations disarmed at the same time as

England, and none of them felt so cruelly the effects of the change that took place in the modes of employment and means of industry. England herself had in 1780, as well as in 1763, to undergo the inconveniences of a similar situation: there was then a slight degree of suffering, but no distress sufficiently deep to disturb the public peace and give rise to sanguinary riots. It was because that then the destruction of small properties had not reduced to the state of day-labourers seven-eighths of the community, and perverted to the prejudice of the masses the relations in point of numbers existing betwixt the employers and their workmen. At these periods, the masses still found in their capitals a certain resource against their temporary embarrassments; then, the evils which, in the years that followed the last pacification, afflicted the multitude, only reached a small number of individuals. In 1815, on the contrary, the increasing inequality of fortunes had long acted upon the internal consumption, and England, undergoing the consequences of that law laid down by one of her most celebrated writers, Malthus—namely, “that the excessive wealth of a small number is not so valuable, in respect of real demand, as is the more moderate wealth of the greater number”—saw its working population more numerous and less independent of events—a prey to sufferings the more irremediable as being the result of the concurrence of several causes. Unfortunately these causes, whose operation had been silent, and had lain

hid in the depths of society, escaped attention; and so it fell out, that, amidst the explanations to which recourse was had, no attention was paid to the influence of the change effected in the distribution of wealth. A single prominent fact ought nevertheless to have sufficed to enlighten economists. It was not that riches were wanting to England; the ten or twelve millions which the opulent classes were forced to sacrifice to the poor were paid without much difficulty; an incontestible proof, as seems to me, that the whole mischief proceeded from the inequality of the means of well-being, and that, too, in a country where the manufacturing arts had made the most extraordinary advances, whose commerce had poured in immense wealth, and whose shipping and colonies employed so many hands, and opened so many outlets to the labouring orders.

There exists between England and other countries where wealth is unequally diffused, a difference which it is important to point out. In the latter, if the people suffer without complaint, it is because that, developed strictly in the circle of those resources which legislation traces to them, and having only the ideas and habits natural to their condition, they do not feel the evils of retrogression, and even enjoy the advantages resulting from the gradual improvement of the processes of industry. In England, on the contrary, the people have declined from the operation of laws too favourable to the great proprietary, and from

thence has arisen a spirit of discontent, and a hatred of the existing order of society, to the outbreak of which it would be dangerous to afford an occasion.

A writer of great sagacity, the author of "*The Letters from St James*," has calculated the extent of the chances of peril that so sinister a state of things presents. In his opinion, a ninth part of the population in possession of the lands, capital, factories, productive funds, intelligence, and political power—and disposing besides of another ninth under the head of place-holders, soldiers, salaried retainers, and servants—will easily hold in check the other seven-ninths, that circumstances have reduced to the state of mere labourers. Hitherto, facts have justified this assertion, but will they always remain the same? The causes which have altered the anterior relations will they always cease to operate? This is what is doubtful. From the predominance of the aristocratic element, and partial laws which have insensibly robbed the masses to the advantage of the few, does the evil proceed; and to redress that evil, laws dictated in an entirely opposite spirit, and producing contrary results, are imperiously called for. But is it likely that such laws will be passed? I do not believe it; and yet, so long as the system exists, property will follow the direction traced by it, and the numbers of the unpropertied class will go on increasing.

But where will England find fresh means of supporting herself against the consequences of the concentration

of wealth? She possesses already all those which the state of the civilized world can offer. To the benefits of her former trade, she has lately added those of an intercourse with the republics escaped from the yoke of Spain. But if so many advantages could palliate the defects in her organization, and raise the working classes from a condition so perilous as their present, let it always be borne in mind that nothing is less certain and stable than such advantages. What, in fact, are those colonies, those commercial outlets, that maritime supremacy, and all those resources which British industry with so much skill and activity turns to account? Benefits, which an insurrection abroad, an unfortunate war, unexpected reverses, might annihilate in a day. In Great Britain, more than in any other country, the evils have a positive and fixed character, while the means of resisting them are perishable and precarious.

Such are the economical causes which have committed the destinies of England to a territorial aristocracy. A small number of families excessively rich, and a multitude of mere labourers, have displaced in her bosom the classes whose gradual prosperity formerly kept up harmony betwixt the several parts of the social body; and the disparities of power and wealth make their inconveniences to be felt. No doubt, without the load of public taxes, the evil would not have taken such extension; still, without the continued action of an exclusive and interested system of

legislation, the debt would not have weighed so heavily—and who knows even if it would have existed? for, out of political elements differently combined, would have arisen other doctrines, and another use would consequently have been made of the national resources. Aristocratical institutions—in these alone do we behold the causes of the sores with which England is tormented; it is to these that the knife of the operator must be boldly applied. The abolition of the law of primogeniture—(Note X.), the passing of laws more favourable to the equalization of wealth—a reform in Parliament which shall elevate the democracy—these are the sole and only means of ensuring to that country a prosperity at once durable and worthy of the enlightenment of its people. To all the palliative measures hitherto imagined may be aptly applied the words of Luther, “They cure the warts, and leave untouched the ulcers, or even envenom them still more.”

The doctrine of Parliamentary reform had been thrown forward, and the people had taken fire at it. From the time of the Ministry of Lord North, societies were formed in order to petition for modifications in the representative system; and the great mob of London, in revealing a hidden danger, had made the aristocracy draw closer its ranks. Then came the French revolution, which completely banded together men who had to dread every change that might precipitate them from the top of the social scale. At the

report of the sanguinary victories of Jacobinism all parties were thrown into consternation, and the violence of the threats then directed against authority was such that all the recollections, attachments, and hatreds, which had previously divided the higher classes, were hushed. In the House of Peers, the majority of the great families, the Portlands, the Fitzwilliams, the Spencers, and the Loughboroughs, deserted the cause of the people. In the House of Commons, Windham, Burke, Anstruther, Gilbert Elliot, and a number of other eminent persons left the benches of the opposition. In vain did their old friends pursue them with sarcasms, and apply to them the most cutting and contemptuous epithets;—the blow was struck, the Whig party was rent asunder, and if it did not lose all influence in public affairs, it was indebted for this to the splendour of the talents of Fox, and the prudent sagacity of Lord Lansdowne.

Thus disappeared in England the parties whose counterpoise had raised the nation to the height of glory and opulence. At the present day, the names remain, but the doctrines are extinct—no more Whigs—no more Tories—no more independence; the nation is divided into two great factions—the friends and the enemies of reform. The one, that of the people, but without union in its views, without leaders to guide it, without other bond than a common suffering, and the aversion cherished towards the existing order of things; the other made up of men whom a

happy existence inspires with a conservative feeling and a dislike to political changes. Calm in the days of prosperity, and prone to assail each other in those of calamity, the rulers and the ruled have been driven by the course of events into opposite roads, and everything announces a dangerous collision. No doubt the means of preventing such a crisis exist, and the high aristocracy disposes of them: but will it make use of them? will it reform the abuses of the hierarchy of wealth? will it seek to re-attach the people to the commonwealth by the only ties which can be efficacious and lasting—those of property? This is the question. Far from me be the desire to prophecy; there are in the life of nations circumstances which escape the calculations of human foresight; but whatever may be the influence of these, we may, without incurring the charge of temerity, draw from certain well-established principles probable conclusions.

That no reform can take place unless through a revolution, or by consent of the dominant class, is a truth that clearly appears from an examination of the elements of which the Government is composed. Supreme in the House of Peers, the aristocracy sways the deliberations in that of the Commons. * * * (Here the author gives the statistics of the old House of Commons.) Such are the facts that we must take into account in judging of the futurity of England. Armed with a Parliamentary omnipotence, the aristocracy can do all. Without any other check than its

own prudence, it lies with it to conjure the dangers inherent in the progressive inequality of social conditions. From it alone, in fine, must proceed the sacrifice of those vicious institutions to which it owes so exclusive a supremacy ; but is it in the nature of things to expect from it such a sacrifice? If we consult the lessons of history, the answer will be in the negative.

But it is proper to bear in mind that we cannot exactly predicate from facts occurring in days of ignorance upon the tendencies of modern societies. Civilization has now become an active principle ; it strengthens the morality of intellect ; it purifies the voice of conscience ; and the lights which it strikes out, combating the empire of interests, may, in a certain degree, make up for the want of equity in the laws. England, besides, is indebted for other advantages to her representative system. If more than a day was required for transforming an enslaved into a free people, a longer time is necessary for effacing the traditions, the manners, and the spirit which liberty begets ; and, amid the ruins of the old relations of society, it is certain that moral corruption has not made the strides which the progress of the inequality of wealth tended to induce ; neither the maxims of justice nor the liberal ideas emanating from a better order of things have disappeared ; in the hearts of the rich still exist the generous sentiments which tempered the aristocratic dominion. In no country does the influence of

knowledge react more powerfully against the vices of its institutions ; in none is authority more enlightened or better administered ; and, in fine, everything attests in the rulers a desire to bestow upon the people, in exchange for the rights withheld from them, all the blessings of civilization.

Thus have we lately seen effected in different branches of the administration, a number of beneficial changes. The collection of the taxes—the scale of public expenses—the organization of the law courts—the commercial system—mercantile policy—all have been reformed—everything has taken a turn satisfactory to the lovers of knowledge and of humanity. (Note XI.) All this is no doubt much ; but let it not be forgotten that these reforms, the work of a minister skilful in managing parties, do not go to the bottom of the evil ; they leave intact the elements of oligarchical omnipotence ; and the fate of the bill relative to the rights of the Irish Catholics sufficiently proves the aversion with which that oligarchy looks upon every change whose consequences might in the least degree clash with its interests. Still, without radical changes, it is impossible to heal the sores which grow deeper with time ; to cicatrise them, we must lay a hand upon the holy arch, upon the organic laws ; a new direction must be given to measures, and juster relations be established between the classes and power ; for, destitute of this support, doctrines pass away, knowledge

is perverted, and the checks existing in the intellectual and moral ideas of the governed are thrust aside and disregarded. * * *

If, as has been shown, the spirit of the people has taken a direction dangerous to the repose and tranquillity of the state, there are symptoms which equally attest the strengthening of aristocratical prejudices. Never did a passion for the worn-out frivolities of feudalism exhibit itself so strongly—never did the vanity of the pre-eminence attached to rank, scutcheons, and titular honours, shew itself in a more puerile light than at the coronation of George IV. With what astonishment did we not behold the *élite* of a grave and thinking people attach so much importance to the minutest observances of a Gothic ceremonial, and dispute with each other the functions whose inanity gave rise to no feelings but those of ridicule? Will it be replied that all this was merely the homage paid to formalities closely associated with all that is venerable in the constitution? But when the same tastes and tendencies colour the acts of private life, when to that is added the attachment to abuses which flatter family pride, and when it is said that to lop away some of the exuberant branches of the constitutional tree is to hasten its fall, we may be permitted to judge such doings with greater severity.

After all, what remains clear is, that up to the present time, the action of material causes has tended to separate more and more the views and the interests

of the governed from those of their rulers, and has excited in the people the desire of innovation as well as rendered the aristocracy more tenacious of those maxims by which all change is resisted. What shall be the issue of the struggle between tendencies so opposed to each other? This I know not; but what I know is, that a state of things which separates and disunites the classes of which the community is composed furnishes arms for all sorts of innovators and demagogues, as well as for a monarch, endowed with sufficient courage, to offer to the people, in exchange for public liberties, the spoils of that caste whose greatness oppresses them. (Note XII.)

I have thus passed in review the various facts which most clearly explain the situation of Great Britain, and the singular contrasts which it presents. If extensive liberties, rousing and fructifying the efforts of industry, have produced the shining results of which the nation is proud, the aristocratic preponderance, secretly poisoning the sources of its prosperity, has engendered evils whose increasing pressure becomes a just subject of alarm. Certainly no people have a higher claim on the gratitude of humanity than the English—none have rendered greater services to the cause of civilization—none have adorned their annals with a greater number of glorious deeds—none, in fine, have risen higher in the arts, the sciences, and in commerce; and still are there none who have reason to throw upon the future a more anxious and

disquieting glance. Ah, may England strengthen her destinies and not fall from the high position which she deserves to occupy ! May her aristocracy, instead of confining legislative improvement to secondary changes of an administrative order, generously offer upon the altar of its country the noxious privileges which it enjoys ! But I fear that so noble a sacrifice is above the force of humanity—the logic of private interests conceals its utility. Never yet did ruling castes discover the injustice of which they reaped the fruits ; and when we have seen them come to admit the existence of some of the evils, it was only to try to show how well they were corrected by the liberal sentiments and the wise intentions of those who profited by them.

NOTES TO PASSY.

NOTE I. page 2.

Mons. Passy, who fills a high situation under the Guizot Ministry, is not a Radical in his politics, but belongs to that moderate class of politicians in France who may be styled Tories or Conservatives. The opinions which he expresses in the work from which these extracts are taken, are those common to men of all political parties in that country.

NOTE II. p. 2.

The author might have stated, that Britain owed her wealth and prosperity less to the nature of her institutions, such as they are, than to her geographical position, which, for the last eight centuries, has protected her against the evils of foreign invasion, with which all the continental states have been harassed; and the same physical cause has enabled her to acquire her present maritime and colonial greatness. Had she been a continental in place of an insular country, she would not in all likelihood have possessed the political institutions nor the commercial ascendancy which she now enjoys.

NOTE III. p. 3.

Reference is here made to the administration of Mr Canning.

NOTE IV. p. 6.

This is only correct as regards England and Ireland. In Scotland, entails in perpetuity exist, and lock up a great part of the land in that country. The author might have pointed out the generally defective state of the jurisprudence of Britain as compared with that of France and other continental states following her example, where the laws have been improved, simplified, and condensed by codification, so that justice rendered certain and cheap is brought within the reach of all classes. The municipal laws of Britain, in the complex and vicious state in which they now are, seem to be regarded by the aristocracy as one of its strongest outworks; and all future attempts at a radical reform of them may be considered as hopeless. *Nolumus leges Angliæ mutari*, is their watchword, as it was that of the feudal barons in the olden time. By the immense salaries conferred on all the supreme judges, the latter are thrust into the ranks of the privileged orders, and become imbued with all the instincts, prejudices, and aspirations peculiar to the body which adopts them—a fact which, so long as men are men, cannot fail to give an oblique direction to many of their decisions. The over-pay-

ment of judges becomes thus less noxious in an economical than in a moral point of view, although it is under the former that it has hitherto been considered by Mr Wallace and other law reformers. In France, chambers of commerce—where the judges are popularly elected for short periods, and assisted by legal assessors—decide a great variety of questions, and render jury trial in civil cases, which does not exist, as unnecessary there as it is requisite in Britain. They also determine all bankruptcy questions. Equally popular in their constitution are the councils of *prud'hommes*, for settling all disputes betwixt workmen and their employers. In no other country except in Britain are unstipendiary judges, such as Justices of the Peace and Burgh Magistrates, to be found. Every canton in France possesses at least one resident Justice of the Peace, who must have been bred to the legal profession, and who is paid by the State, whose duty it is to decide a numerous class of small cases, and also to act as a peacemaker in all questions triable by the superior courts. The courts held by Justices for the latter purpose are named courts of conciliation, before which it is imperative, in all cases of difference, for the parties to appear in person, before they can enter their suits elsewhere. The number of incipient lawsuits that are thus amicably settled, without expense or trouble, is immense. But without a previous system of codification, as in France, neither chambers of commerce, councils of *prud'hommes*, nor

courts of conciliation, could be established in Britain; although its unpaid judges, parts of the worst rubbish of the feudal system, might at once be swept away—and this has already been so far effected in Scotland by the establishment of Sheriff courts for the recovery of small debts. In England there can scarcely be said to be district civil courts of any kind except those of the Justices of the Peace.

For the decision of all civil questions of whatever nature or amount, not proper to the other inferior courts before named, there is in the chief town of each *arrondissement* (of which there are upwards of 300 in France) a tribunal of the first instance, composed of several judges, with a bar of advocates, agents, &c. The *proces verbal*, or written record, is very short; and the discussion is entirely oral. After giving forth its sentence, the court has no power to review it; but, unless the case be under a certain value, an appeal may be taken to the *Cour Royale* of the district. There are twenty-five of these *Cours Royales*, whose judgments may again be appealed from to the Court of Cassation, which sits at Paris, and, for greater despatch, consists of several sections or chambers. Should this court of the last resort reverse the sentence, it does so, not on any question of fact, but only on one of law or form; and, in that case, the action is remitted to another inferior court to be tried afresh.

This supreme court has also an appellate jurisdic-

tion in criminal cases of a certain gravity, and in those decided by the chambers of commerce, as well as in some questions of an administrative order. The Court of Cassation not only acts as a check on the inferior judicatories, but its decisions tend to give harmony and uniformity to the law in its general application. There may be said to be no judge-made law in France. Authorities, such as law-books, may indeed be cited in the debates, but are never recited by the judges, whose decisions invariably proceed on the codes. The judgments given forth in all the courts must recapitulate the leading facts, the reasons, and the articles of the Code on which they turn. In each of the tribunaux and higher courts, there is a King's Advocate (*Procureur du Roi*), whose duty consists in summing up the case, and offering his opinion on it, before the court gives its decision, which it does through its president after a private conference. The Procureurs also conduct the trials in the criminal courts; and it is from their ranks, trained as they are by their civil functions to judicial habits, that the vacancies on the bench are chiefly supplied. The initiatory steps of a criminal process, discharged in England by grand juries and coroners, and in Scotland by the procurator-fiscals, are in France entrusted to a special officer, called the judge of instruction, whose fiat may be revised by the Cour Royale.

The French criminal jurisprudence is equally complete as the civil, and forms the subject of a separate

code, and distinct tribunals, with separate judges, where the facts in all graver cases of delict are found by juries, with a right of appeal by the condemned to the criminal sections of the Cours Royales and Court of Cassation. In no country does mercy oftener season justice, nor is the reclamation of offenders an object of greater solicitude.

The judges and *procureurs* are appointed by the Minister of Justice, with yearly salaries, which may range from 2000 to 10,000 francs, according to the locality and the importance of the charge. Owing to the greater number of courts, judges, and other law officers, the judicial department in France is much more costly, but is in the same measure essentially better than that of Britain.

In France, notaries are an important body, who prepare the conveyances of land, and other contracts. Their number is fixed by the state, and each can only act within his own district. Each deposits a high caution money, on which interest is paid by the state.

The official conduct of the different legal bodies is subject to the supervision of councils or boards, whose decisions may be reviewed by the Council of State, a court sitting in Paris, which also takes cognizance of all cases of malversation in the prefects and inferior officers in the different branches of the administration. The Council of State also prepares the draughts of all the laws to be presented by the Ministry to the Chambers, and has even a right of veto (seldom if

ever exercised) on such of them as may be deemed unconstitutional or contrary to the charter.

A *curriculum* of study being imperative, there are established in Paris and other principal towns in France nine law schools or *Facultés de Droit*, in which are taught French Law and Administration, Roman and Public Law, and Legislation, by professors paid by the state, and who receive no fees. The branches of study being, as in all the higher seminaries, much more subdivided than in Britain, the number of professors, in each of these law schools is great, and equal to that of any of the Scotch universities. The annual attendance of law students in the whole is from 4000 to 5000.

The transfer of property in France has been placed upon a footing of absolute security. The conveyance is a short deed, and must be presented and recorded within a short given time in the Registers, of which there is one for every *arrondissement*, and where a tax of 6 per cent on the purchase money is paid to the state, in lieu of a stamp duty. Mortgages, to preserve their preference, must be presented at these Registers at the end of every ten years, but this is done without cost to the parties.

We may close this cursory glance at the state of the law in France, by remarking, that the Codes which Buonaparte completed and put in force, and which, as he said at St Helena, are his proudest titles of renown, were devised, planned, and so far executed by

the Constituent and following Assemblies, and they remain to France one of the most valuable compensations for the sufferings of that revolution which overthrew the aristocracy and all its pernicious accompaniments.

The French codes have been adopted in Belgium, Holland, Piedmont, Naples, in the Rhenish provinces of Prussia and Bavaria, and in Baden, besides having been taken as models in Switzerland and some other states. They were in force in Poland before her last revolution.

NOTE V. p. 11.

The Reform act, passed a few years after this work appeared, may seem to refute the charge here brought against the Whig party; but it is nevertheless far from being unfounded. The weakest section of the aristocracy, the Whigs (like their prototypes, the great barons, in the days of the conquest), stood in need of popular support, and without some measure of reform, giving increased right to the middle classes, they would certainly have been soon driven from power by their more potent rivals the Tories. The inadequate nature of this measure of reform has since passed into a proverb; and all honest and enlightened politicians justly speak of it as an utter failure. It required no ghost to inform us that it left the political preponderance in the hands of the nobility and

great proprietors, but it was left to Lord John Russell to avow, as he lately did in the House of Commons, that such was the original intention and design of its authors.

True to their purpose of thus virtually maintaining in its pristine strength the ascendancy of the aristocracy, every material improvement in the act of reform has been as stoutly resisted by the leaders of the Whig party as it has been by the Tories ; in which respect, as well as in all material points of policy, there is now a visible accord between them, portending an early coalition for their common interests. An extension of the suffrage ; a readjustment of the electoral districts ; ballot ; short parliaments ; and the payment of members, have all been opposed by the Whigs as a party ; not from any professed abstract dislike to such specific changes, but merely and avowedly because they would destroy what is called the balance of the constitution ; or, in plainer language, would transfer to the people that preponderance in the Government now enjoyed by the aristocracy, and which they have worked to the promotion of their own class interests.

NOTE VI. p. 12.

The acts by which the owners of the soil have been exempted from taxation are too numerous to be noticed ; but one of the most glaring instances of the

kind is the exemption from the probate and reversion duties in landed successions. Pitt, in framing the act imposing these duties on personal estates, extended it to land also; but the interested howl of opposition raised by his supporters obliged him to give way, and consent to their exemption. It is known, too, that certain of the assessed taxes and stamp duties press more lightly on the landed interest than on others.

NOTE VII. p. 13.

The author might have carried out the history of the corn laws, whose iniquity is so glaring, and has of late been the subject of so much discussion, as to render any particular notice of them here unnecessary. Suffice it to say, that by taxing the food of the poor to the enrichment of the aristocracy, these laws have inflicted a load of misery on the people, and have injured the capitalists alike by adding to the cost of production, and raising up in foreign nations whose corn is kept out, formidable manufacturing rivals.

NOTE VIII. p. 14.

The combination laws to which the author here refers have since been repealed. The Roman Catholic Emancipation Act has also been passed.

NOTE IX. p. 16.

It is an historical fact that Mr Pitt, if left to the guidance of his own councils, would not have gone to war with France; but the aristocracy, his masters, compelled him, and left him no choice betwixt following out their warlike policy or retiring from office. Ambition overcame principle, and the war was entered upon. Britain had had its revolutions; it had (to go no further back) in the previous century decapitated one King and expelled another. A century earlier, it had put down one Church and established another with the spoils of the first—all without asking the consent of foreign powers. But no sooner did France proceed in the way that seemed fit to her, and by the only one, perhaps, which the force of circumstances left in her choice, to reorganize her government, seize on the property of the Church, and, above all, lop away the titles and feudal privileges of the nobility, than the British aristocracy, in whose ears the demand for parliamentary reform began to ring, took the alarm, and plunged the nation into a war, in the hope of at once restoring their allies the privileged orders in France, and putting down the cry for reform at home. The consequences of that unjust struggle are palpable to all—six hundred millions added to the national debt is one of its bitterest fruits. The old race of the Bourbons, which it set up, have been again driven from their throne; and France, without having either reinstated her no-

blesse in their privileges, or her clergy in their lands and tithes, has become, under the influence of institutions largely democratical, and a spirit of equality and equal rights, a rival more formidable than ever to Great Britain. The war failed in its object in another way. Instead of allaying the demand for a reform in parliament, it strengthened it tenfold; and, after twenty-five years of peace, the aristocracy finds itself in a position more slippery and perilous than it ever was in any former period. It may be remarked in passing, that in treating of Pitt's policy, the author has not taken into account the temporary resources which he created for carrying on the war by a change in the currency, from the baneful effects of which the nation afterwards suffered so much, and which are still in operation so as every now and then to threaten a convulsion.

NOTE X. p. 24.

The happy effects with which the abolition of entails and primogeniture have been followed in France, are well pointed out by Mr H. Bulwer, in his excellent work on that country, "*The Monarchy of the Middle Classes*," in which the economical objections of M'Culloch, and his sect, are refuted in detail. Mr Laing discusses the same subject in a similar spirit in the second chapter of his "*Notes of a Traveller on the*

Social and Political State of France and other parts of Europe." In his "*Journal of a Residence in Norway*," he also takes up the same side of the question, and shews how much Norway has gained both socially and politically, by laws which divide the land equally amongst all the children of a family. Mr Laing computes the number of estates in Scotland at about 3000; but were the laws of succession to be altered, entails put an end to, and property divided according to the ratio it is in Norway, the number would be about 90,000. The agglomeration of property in Britain is regarded by this sensible writer as the certain cause and forerunner of ruin and revolution. Professor Rau-mer of Berlin, in his *Letters on England*, conceived certainly in no hostile spirit, observes, that in countries where the land is held by a great number, the government has nothing to dread from revolutions; but in those where the property is in the hands of a few, the danger is always imminent. The subject matter of this note has also been treated by Mr Wade in his valuable work, "*The History and Political Philosophy of the Middle and Working Classes*," but less at length than we would have expected.

It is fit to state that M. Passy devotes the next chapter of his work to an exposition of the advantages which France has derived from an abolition of the laws of entail and primogeniture, and to shew how much farther advanced she is in this respect than Great Britain. The chapter is full of information and sound reflec-

tion ; but is too long to be embodied here. We shall merely give the concluding paragraph—

“ May France then preserve in all their integrity the advantages so dearly purchased by her revolution ! Justice infused into the laws, a multitude of anti-social prejudices weakened or uprooted, property set free, the hope of arriving at it held out to the artisan, funds devoted to luxury and dissipation transferred into means of useful employment, the road to fortune and distinction opened to all—these are the blessings for which she is indebted to the triumph of equal rights ; it is these that have developed the intelligence and stimulated the energy of the more numerous classes ; these are the causes that have fertilized our fields, increased our intelligence, perfected our arts, and carried wellbeing and the love of order into the humblest cottages of the poor. Wo be to him who would seek to deprive us of such invaluable acquisitions ! ”

NOTE XI. p. 28.

The praise here bestowed seems exaggerated. None of the special reforms noticed have been obtained spontaneously, but have all been wrung and extorted from the Government ; the grand policy of the aristocracy being not only to concede as little as possible, but to make the concessions succeed each other at the longest possible intervals. On this crafty

policy they are pleased to bestow the plausible name of gradual reform, which were it to be carried on in the same slow ratio in which it has hitherto been, several centuries would elapse before all the existing abuses were rectified. Besides, such partial reforms often come too late. May not this be said of Catholic Emancipation? Would a repeal of the Corn Laws now put down those manufacturing rivals which their long existence has created to us?

NOTE XII. p. 30.

Something like this has taken place in Prussia, where the reforms effected during the last reign under the direction of Stein and Hardenberg, by stripping the aristocracy of their ancient privileges, and introducing administrative changes of the most sweeping and popular kind, have rendered Prussia the best governed state in Europe. In that country accordingly, although a constitution has not yet been granted, it has been correctly said by a certain writer, "there are now only two powers, the sovereign and the people." Were a free constitution superadded to the present excellent administrative system, the government would be virtually a republic, with an hereditary president; and hence, perhaps, comes the reluctance on the part of the king to the granting of a constitution.

GUSTAVE DE BEAUMONT.*

PREFACE.

Ireland is a small country, in which some of the grandest questions of politics, of religion, and of humanity, are now debated.

There certainly exists in our day no political phenomenon more imposing and worthy of attention than the progress of the principle of democracy in every society.

This principle seizes upon every people, works its way into every empire; under one form or another, republican or monarchial, free or absolute, it carries into every country the maxim of civil and political equality; it lays hold on every mind, it reaches all conditions, penetrates into every class and every rank; it establishes itself in the manners, from the manners it passes into the laws; it changes the face of the world; the movement which it imparts is constant, general, universal; but it is not everywhere the same. While before the influence of this pervading principle the greater part of the aristocracies in Europe fall down, and present to the eye only decomposition or

* Ireland, Social, Political, and Religious. By Gustave de Beaumont. 2 vols. 8vo. Fourth Edition. Paris, 1841.

ruins—some struck down at a single blow, others reversed slowly—the first, resigned to perish, sink without an effort, the other already subdued, but still struggling ;—there exists a single country, England, where the aristocracy is yet full of life and strength—where civil and political inequality, maintained in the laws, has been preserved entire in the manners—where old feudal privileges are singularly blended with the freshest and proudest liberties ; so that, in viewing the absolute dominion which birth and fortune there exercise, we would believe it to be behind all other nations, while, on considering the wealth and freedom of the people, we would pronounce it more advanced than the rest ; where, in fine, the aristocracy is also attacked, but where it is sufficiently powerful to make head against its enemy—at least to dispute with it the victory for a long time to come.

The British aristocracy is the only one which presents to modern democracy, a noble and worthy adversary. Unlike other privileged orders that, worn out and decrepid, whether by natural infirmity or want of spirit, passively allow themselves to be strangled on their deathbed, the English aristocracy struggles boldly in defence of its rights, and sufficiently shews, by the energy and skill which it puts forth, that it will support its privileges to its dying hour. None is more popular than it, still none is more assailed, because none is so strong or so able, even while it resists, to extend its aggressions ; and

not only is the struggle which it sustains of the most violent and decided character, it is also the most solemn and impressive which can be presented to our view ; for, whilst other aristocracies vegetate or retire into the shade, that of England lives and battles in open day, under the light of its liberties. In this period of social transformation, when two antagonist principles are at issue, it seems as if the English aristocracy remained the only champion of ancient privileges against all the powers of modern equality. It is assuredly a mighty combat which is going on—it is an imposing spectacle presented to the eye—it is an immense drama, unfolding its acts in the face of the world. Well, this combat, this spectacle, this drama, in which England plays so grand a part, has Ireland for its theatre.

It is from Ireland that democracy sends over England the breath of its most ardent passions—it is from Ireland that come the blows the most capable of shaking to its foundations the old edifice of the British constitution.

The people of Ireland, held during seven centuries under the yoke of England, have suffered continual oppression—they have by turns seen their country invaded, and their religion proscribed. Stripped of their standing as a nation, they have been menaced in their religious existence ; and in their efforts to recover the first and preserve the other, they have experienced every description of tyranny—sometimes

violences, massacres, cruelties—at other times silent persecutions—all the horrors of war, followed by all the corruptions of peace—now a violent destruction, then the sufferings and depravities of misery—one day, the sword of the soldier—another, the hand of the executioner. But the people of Ireland, so long enchained, have at length emerged from their servitude; and we now see them, from the depths of the misery which has not ceased with their slavery, ask an account of the past from the country whence all their evils have proceeded. It is this people so oppressed by England that now weigh so heavily on the latter, and who, strong enough to struggle against the causes of their misery, strive to destroy the institutions which England would wish to preserve. One might say that all the outrages which they have suffered—all the injustice which they have endured in past ages—have, at the present time, formed a league to overturn the Government which was either the author of, or the accomplice in, such proceedings.

To explain this extraordinary situation, shew its different phases, develop the difficulties which it causes to England, examine the means tried by the latter to put an end to them, and, after having probed the evil to the bottom, to find out a remedy for it—such is the leading object of the present work. (Note I.)

SECTION I.

WHAT FALLS TO BE DONE FOR ABOLISHING THE CIVIL
PRIVILEGES OF THE ARISTOCRACY—THE NECESSITY
OF MAKING THE PEOPLE OWNERS OF THE SOIL.

To seek to deprive the Irish aristocracy of its political influence, would be of trifling avail, if we did not also attack its social supremacy.

Whatever revolutions may take place in a country, society remains nearly the same, if, when political institutions are changed, the civil laws are not also modified. Political laws change with the passions and fortunes of the parties who succeed each other; civil laws, in which a multitude of interests are involved, do not change. Look at the two great revolutions, which during the last two centuries have shaken the world, that of 1649 in England, and of 1789 in France. In both countries the popular tempest raged with the like violence—the same enthusiasm on the part of the reformers, the same levelling spirit in the political condition; everything was broken in pieces, and trampled under foot; here as there, men demolished the actual world to find materials for constructing a new, an ideal world, in which justice, reason, and truth would reign supreme; and both countries fell into nearly the same mistakes, the one with its philosophy, the other with its religion; they seemed mutually

to copy each other in their sallies, their illusions, and their misery ; each offered its holocaust of royal blood, each had its anarchy and its despotism—the one its Napoleon, the other its Cromwell ; and each fell back upon the past ! the one returned to its Stuarts, and the other to its Bourbons. The parallel seems complete betwixt the two epochs and the two people, if it was not that in France there was more glory and in England less blood.

How did it nevertheless happen that, at the time when the two people found themselves once more at the starting point, the one had completely changed its aspect, while the other reappeared entirely the same as before ?

Scarcely had Charles II. mounted the Royal throne, than English society, for an instant thrown out of its channel, fell back into it, and no vestige of the revolution was seen. Twelve years of reforms, violence, and *coups d'état*, had passed off like a storm, of which a day of calm weather is sufficient to efface the traces. In France, on the contrary, in spite of the political forms which the old society seeks to revive, another people is revealed to our view ; it matters not under what names these forms appear, republic, empire, or monarchy, monarchical France of 1789 has become democratical, and will never cease to be otherwise.

How is it that this difference is so great in its effects, when the causes appear to be alike ? It is because in England when the rage of political de-

struction was at its height, the reformers did not touch the civil laws. They struck down royalty, and left intact the *law of primogeniture*, whilst in France a change was effected, at one and the same time, both in the civil and political order of things. There the work of social reform even preceded the revolutionary crisis. The laws which abolished the feudal servitudes of land, those which substituted in succession equality for privilege, had all been decreed simultaneously with the republic. These laws riveted themselves in the heart of society—in all that is most unchangeable among a people—namely, the soil and the relations of family. The republic passed away, the civil laws remained. The latter had instantly gone to the bottom of the evil, the other had only grazed the surface of the country, not as the breeze which passes, but like a scythe which cuts down what is before it, without penetrating into the soil. It would be a profitless act to strip the Irish aristocracy of its political authority, if, at the same time, we were to leave untouched the civil privileges which are, as it were, the soul of its power. There are in Ireland two sorts of social evils, which it is of more importance to cure than its political. What is essential is, to establish harmony, not only betwixt the rulers and the subjects, but betwixt the working and opulent classes. What, above all, falls to be put a stop to, is, the war waged on society by the labourer, whose profound misery excites so much pity, and whose passions embody so

much danger. It is a bad democracy that which is the enemy of the wealth that creates its employment; but there exists also a good democracy which combats the riches that privilege alone preserves.

But it is the laws of privilege, such as those of entail and primogeniture, which, in England as well as in Ireland, concentrate in the hands of the aristocracy the possession of the whole territorial wealth. The monopoly which these laws establish is doubly injurious, from the evil which it does and the good which it prevents. It locks up the soil in slothful and selfish hands, to which it gives a pernicious vigour, and prevents the land from coming into the power of those who, in cultivating it better, would enrich themselves to the advantage of all. It does not always save from ruin prodigal and improvident proprietors, and it creates an insurmountable obstacle to the people fixing themselves on the soil; and yet can we contemplate Ireland without acknowledging that the real remedy for the misery of the people would be to convert them from a tenantry into a proprietary class?

England shows better than any other country how, under a good aristocracy, the agricultural population may be happy without ever acquiring a proprietary right to the soil; whilst Ireland proves that there are countries where the people are absolutely miserable in the condition of a tenantry.

It is difficult to imagine a country where property

is so ill distributed as it is in Ireland. In England, large farms found on great estates employ few cultivators, but the latter live comfortably. In France, where property is infinitely subdivided, the cultivator is most commonly the proprietor; and farms, where such exist, are sufficiently large to make the condition of the occupants easy and happy. In Ireland, the estates are large as in England, and the farms as small as are the properties in France; in other words, the country combines the evils of great properties with all the inconveniences peculiar to cultivation on a small scale, and without any of the redeeming advantages of the latter.

We have often seen English economists refer to the example of wretched Ireland to prove how fatal has been in France the extreme partition of the soil. But such a comparison can only mislead, in as far as there exists in the agrarian distribution of the two countries only an apparent resemblance. In both countries, certainly, the land is equally covered with a numerous population; but here the analogy begins and ends; seeing that in France all the small cultivators are the owners of the parcels of land which they occupy, whilst in Ireland they are only the tenants.

Because there are found in Ireland a race of wretched cultivators tenantry the small patches on which their miserable cottages are placed, it is concluded that in France, the same indigence is the portion of all who do not occupy a large extent of soil;

yet nothing is less logical than such an inference. It is for himself, it is for his proper advantage, that the French cultivator waters with his sweat the earth, of which all the growth is assured to him; whilst the Irish husbandman sows for another, reaps the harvest of which he never eats; and commonly exhausts the soil in extracting from it the means of paying his landlord. Who does not see that in the first case an equal quantity of land may supply the wants of him to whom, in the other, it would be necessarily insufficient? Who does not perceive that upon a moderate portion of land, the one may be free and happy by the same causes which will necessarily render the other miserable and dependent?

There is an objection often started against the breaking down of estates, namely, that this subdivision going on incessantly, landed property would become parcelled out into such small portions as to render it nearly valueless to its possessors, and to a society made up of proprietors whom such a general cause had impoverished. But such forebodings, are they not exaggerated or chimerical? Do we not find that the partition of the soil in France stops short at the point where it ceases to be profitable? that it is more restricted where the soil bears a lower price, and more operative where a lesser extent of soil represents an equal pecuniary value? When the owner finds it no longer for his interest to preserve a property become too small in extent, he

sometimes disposes of it to a neighbouring proprietor, and at other times leases it out; in the majority of instances he labours it himself, and in that case, however small it may be, he still finds his profit in keeping it; for, when the labour of his ground does not require the whole of his time, nor the fruits of it afford a livelihood, he usually adds to his rural occupations the exercise of some other industry. The greater number of small proprietors in France are at one and the same time cultivators of their own lands, and work for others; some as common day labourers, others as vine-dressers; some are merchants in villages, and others artizans.

But does the land, by being thus subdivided, broken down, and delivered over for its cultivation to the weakest hands, thereby suffer in its value and fertility?

I do not mean to discuss the vexed question of the comparative merits and advantages of large and small farms. I know that it has been argued that a large estate produces more in proportion than several small possessions of the same aggregate extent, because the occupant of the former has at his disposal the capital and modes of culture which are beyond the reach of small proprietors; but I am equally aware, that the answer to this has been—that, in the absence of pecuniary means, each of these small occupiers of the soil expends upon the parcel of which the absolute property is his an amount of activity and personal energy much greater than can be drawn from hired labour—that, all

working on their own account, and under the spur of a wholesome selfishness, succeed, by dint of zeal and industry in extracting from their lands as much if not more than would be obtained by a single proprietor obliged to employ the hands of others; that such an employment of a greater productive force to effect an equal result, is not to be regretted in a country where the people, if not working on the soil, would carry their labour elsewhere, where, perhaps, it is not needed—that, in fine, these small cultivators, urged to great exertions to obtain an equal produce, are not to be pitied, because they find in the interest and the passion to which property gives birth, an inexhaustible source of vigour, which render lighter the harder labour which they undergo. The experience of modern times has shown what a difference in point of value there is between the labour of a hired workman and that of a slave, and it yet remains to be known by how much the labour of a proprietor-cultivator surpasses in value that of the hired workman. (Note II.)

However all this may be, and leaving the settlement of so grand a question to economists, I shall confine myself to observing that, if the economical advantages of the division of the soil are doubtful, the social and political benefits flowing from it admit of no dispute.

Consult all those who have seen in France the condition of the people such as it was previous to 1789, and they will tell you that the people are now infinitely

more happy than they were formerly. And what has been the principal cause of this sudden change? It is owing to the people having become proprietors. But to be convinced of this truth, we have no occasion to have recourse to the traditions of the last century. Let us only look to what passes under our eyes, and who will not be struck with the revolution which has suddenly taken place in the entire existence of a people, who, at one time cut off from all participation in the soil, have now the whole of it among their hands?

The soil is in France the great object of ambition among the working classes. The domestic servant, the day labourer in the country, the manufacturing workman, toil with the sole view of acquiring a small piece of land; and he who attains the object so much coveted becomes not only materially more happy, but morally better. While he covers his body with better clothing, he comes to conceive a higher opinion of himself; he feels that for the time to come he counts for something in his country; formerly, straying from parish to parish, and from one town to another, he had little motive to lead a regular life, and ran few risks in doing reproachable acts. In his temporary residences, he got no credit for years of regularity passed elsewhere, and could also easily conceal the improprieties of his conduct in other places where he had been. But once attached to the soil, he knows that an account will be taken of all he does; from that time thenceforth he becomes guarded in his conduct, as he knows that he

is as sure to suffer all his life from the effects of a bad action as he is of reaping the benefits of an honest course of behaviour. In general, when he purchases his ground, he marries; and in the bosom of the domestic affections speedily acquires habits of order, economy, and foresight. Become better as a man, he is also a more worthy citizen; the country has now taken in his eyes a tangible form—the country, is it not his land? In vain shall it be proved to me that, by breaking down property, a less return is obtained at a greater cost. I will still reply, that I know no other means of covering the surface of the country with inhabitants so happy, so independent, so attached to the soil, and so interested in defending it.

If in France the acquisition of the soil has been for the people so vast a means of progress, what benefits would not result from it to the people of Ireland! In becoming landowners, the lower classes in France passed from a supportable condition to one much superior. Those of Ireland would clear at a single bound all the space which separates a happy condition from one that is most miserable.

The more we consider Ireland, its wants, and its difficulties of every sort, the more are we led to think that this change in the condition of its rural population is the only real remedy for its evils.

So long as the Irishman shall be a mere farmer, you will always see him indolent and wretched. What energy can you expect the poor cultivator to possess,

who knows that if he improves his farm, his rent will be instantly raised, that, were he to increase the fruits of it tenfold, his own share of them would remain the same—who leases his land at so high a rent that in the most favourable years he is in straits—who has ever suspended over his head an arrear, as an incessant threat, which tells him that if, in the coming season, he shall chance to have an extra produce, the benefit shall be lost to him. Imagine him, on the contrary, the owner of the two or three acres, of which now he is only the tenant, with what ardour would he not labour the ground, the fruits of which would be the rewards of his toil? Of what exertions would he not be capable, when he would see a recompense awaiting the close of every operation, a mark of progress at the end of every furrow?

There is reason to believe that from the day in which there should be small proprietors in Ireland, the greater part of the suffering would cease. That fatal competition for small farms, which is not less hurtful to the great proprietors than to the small farmers, would immediately disappear; for, as soon as the people had the means of living on their own lands, they would not seek to farm those of another unless on favourable terms. The rich, in ceasing to have a monopoly of the land, would no longer be exposed to the dislike of the poor; and the small landowner, with his humble cottage and his modest boundaries, would

have nothing to fear from those agrarian outrages now prevalent in Ireland.

What then is wanting for the lower orders in Ireland? To acquire the property of the soil, but not to obtain it by measures coercive and unjust. It is necessary not only to remove the obstructions which are in the way of their becoming proprietors, but to assist them in becoming so. In order that they may attain the object in view, let the means be given them. It is these means that are now wanting; they find it absolutely impossible to acquire the property of the soil, not only because they are poor, but chiefly because in Ireland, as in England, there are only great estates beyond the reach of small capitalists; because in both countries the civil laws, conceived in the interests of the aristocracy, constantly tend to the concentration of the soil in the smallest number of hands, and present invincible obstacles to its division; because, in a word, the laws place the land *extra commercium*. This situation of the land rendering it inaccessible to the people is the real difficulty to be overcome—it is of all the privileges of the aristocracy that which is the most important to destroy; and the gravity of the question which it raises is such that I deem it right to subject it to a separate and careful examination. This will form the subject of the following chapter.

SECTION II.

THE FEUDAL CONDITION OF LANDED PROPERTY IN
ENGLAND.

~~~~~

IN order to understand what is the state of property in Ireland, it is first of all necessary to shew what it is in England.

In the latter country, the soil is still in a feudal state. The men who cultivate it have been free for centuries, but the soil itself has not been emancipated from its ancient shackles, and whilst around it everything has been shaken, changed, or modified, it alone remains the same—an immutable fragment of a society mutilated by time and revolutions. In spite of all the victories which have been achieved by new principles over the old—by the labour which creates over the privileges that preserve—by the spirit of an eternal progress over what is stationary—the land remains, at the present day, what it was seven centuries ago—the feudal basis of a society which exists no longer, the living emblem of a world defunct.

It is a fact well worthy of notice, the skill with which the English aristocracy has preserved entire its civil, amidst the sacrifices which it has at times made of its political privileges. The spirit with which it is animated in this respect, is shewn in nothing more clearly than in all that relates to the soil; and it would

assuredly be easier to obtain from Parliament the concession of Universal Suffrage than a reform of the laws of succession. Besides, the English aristocracy has not only preserved, of the feudal laws relative to land, all that is favourable ; it has also struck out of them all the dispositions hostile to its interests.

The king, under the existing law, is indeed still presumed to be the proprietor of the soil, whose occupants are merely possessors under secondary titles ; but this is a fiction without any reality. This sovereignty is purely nominal, and the heir of an estate in England enjoys in it as absolute a right of property as he who is recognised as such by the law of France. The royal privileges in this matter have all been abolished ; the laws which constitute the privilege of the aristocracy alone remain in force.

The chief purpose of these laws, extorted from feeble princes by their powerful barons, was to preserve to the vassal all his power in the protection of his fief. To accomplish this end, what means did these laws take ? They tended to render the lands inalienable, and to place them beyond the risk of seizure in the hands of their possessors ; and thence came substitutions or entails. They discouraged the proprietor at his death from dividing his lands equally amongst his children, and thence arose the law of primogeniture. At the present day, we see a barony purchased by a merchant protected, if he wishes it, by the same laws which constituted the strength of a military vassal in



the times of Edward I. The spirit of the feudal laws has disappeared—their effects remain. It does not appear that in England attention has ever been directed to such anomalies.

Got up with the view of serving a political object, these civil institutions passed into the manners, and were an instrument in the hands of the government. They have now become models of existence—they gratify the tastes, the passions, and the interests of private individuals, just as they formerly answered a political purpose. What is more, if the spirit of the feudal aristocracy, with its ideas and instincts, has descended in England even to the lowest classes, it is chiefly to the civil laws that this fact is to be attributed. In that country it is very difficult to arrive at the possession of the soil; but whoever succeeds in his attempt finds in the laws an equal degree of protection. The law holds out no higher privileges for the Duke of Devonshire, than for the citizen who has newly purchased an estate. In point of fact, the law considers neither peer, noble, nor commoner; it has not even the proprietor in its eye, but merely the property, which it seeks to aggrandise and perpetuate. But the new owner of an estate is perhaps imbued with still more of that feudal solicitude than is the ancient possessor less dazzled with the grandeur in which he was born.

It is thus no longer necessary to ask how it comes that in England the laws of entail and primogeniture,

which perpetuate the immense fortunes of the nobility, have never been the objects of attack. These laws are as dear to the manufacturer who has just acquired a real estate, as to the heirs of the most illustrious families. They are more especially advantageous to the nobility, who have more land than others, and who, it is said, hold in their hands the half of the soil of England. But finally, these laws are now parts of the common law of the country.

I have often heard it said, that what preserves the English aristocracy is the access which every person of high distinction finds to the House of Peers, the only nobility of the country. I believe that what serves it still more is the means possessed by great capitals of transferring themselves upon the soil into an element of aristocracy—the old feudal estates are preserved by the same law which stamps an aristocratical character on all the fortunes recently acquired.

The stranger who travels over the country is filled with astonishment when he sees feudal possessions the objects of a sort of popular worship and veneration. Still is it not natural that, in a society fond of traditions, men should attach themselves to a single monument of the past which remains entire, and that they should respect it not merely for its own sake, but also for the recollections which it suggests, and of which it serves to perpetuate the remembrance? The soil in England is a thing almost sacred—it is as a sanc-

tuary to which piety is anxious that only a few should gain admission.

If the English aristocracy had shewn itself anti-national, the privileges which preserve its wealth and the civil laws by which they are upheld, would have become odious. The close alliance between the aristocracy and the people has given birth to an opposite feeling. In England men love the feudal soil, and the institutions that perpetuate it; they see little material profit in acquiring it, but they look upon the possession of it as an honour, and even as a glory. There is in England a county (that of Kent) where the feudal law in regard to successions is not in operation. There, it is not the right of primogeniture, but the principle of an equal division amongst all the children of a family (*the gavel kind*) which forms the common law; but this does not prevent, in the county of Kent any more than in Yorkshire, estates from being preserved entire—what is not effected by the law is done by the will of man, and the yeoman of Kent creates by his testament that preference in favour of the first born of his family which the law would not have given him.

Besides, it is not only the great interests of the aristocracy—the aspirations of the new rich—the popular traditions—the recollections and the manners—which in England incessantly concur to lock up the soil in the hands of a diminishing number of possessors. There is an opinion theoretically established and exceedingly popular in that country, that in order to be

productive the land ought not to be divided, and that a *great* estate belonging to a single owner produces more in proportion than several small estates of equal extent, having each a possessor. According to this system, the question is no longer, how to cover the land with inhabitants happy in cultivating it and in living upon its returns ;—what is required is, that the best mode of culture may be applied to the soil, in order that it may be made to produce as much as possible. Agricultural industry is looked upon in the same light as any other industry, as what ought to be confided to the best and most skilful workman ; and if the cultivation of the whole of England would yield a greater return entrusted to a single individual, the general interest would require the recognition of one proprietor, and that the whole country should be turned into a great agricultural factory. In a word, it is with a view to public wealth that great private fortunes are preserved. In such a system, the social and political effects of property are entirely lost sight of, and a question of economy alone remains.

Well or ill founded, this theory is certainly very generally entertained in England, and at the present time it is perhaps the most useful auxiliary of the aristocracy, and the greatest obstacle to the division of the soil.

Thus, not a voice is raised in England to demand the demolition of the well-preserved ruins of the old society, and the continued agglomeration of the soil.

It is not that estates in England preserve, in our time, that absolute inalienable character which it was in the spirit of the feudal laws to impart to them. No ; their inalienability, whose first effect was to place the fiefs beyond the reach of royal confiscation, was too inconvenient for the Norman kings and the Tudors, for these princes not to try to destroy it. Still to no purpose did they ask their parliaments to abolish entails ; the latter ever refused to comply. Then, not being able to change the law, the English kings resolved to falsify it. They entrusted this task to their courts of justice, to which they never appealed in vain. Dependants on the kings, the judges invented the most subtle legal fictions, by the aid of which every species of entail might be broken. Legists have never been wanting to tyrants.

This jurisprudence, inspired by despotism, tended, nevertheless, to the emancipation of the soil. It placed the soil, it is true, under the grasp of the despot, but it rendered it accessible to the purchaser. Yet, scarcely was it established, when the great proprietors strove to elude the jurisprudence contrived for eluding the law. There arose then, a singular conflict between the wiles of the aristocratic interest, ingenious in perpetuating the monuments of its pride, and the profound sagacity of the judge, the servile protector of the liberty of the soil. This conflict still exists in our time, with this difference, that the manners continue the work of the passions, and the judge, rendered irre-

moveable, does by tradition what he formerly did through complacency.

But, even although the lands are alienable, their alienation is extremely difficult. The obstacle arises from the obscurity in which, in England, the titles of the property are involved. The estate is no longer exposed to be attainted by royal confiscation, but no means exist for enabling the purchaser to assure himself that the land which he buys really belongs to him who sells it. Landed property is solely transmitted in England by acts privately passed between the parties; public acts are there unknown. Thence results the facility enjoyed by a proprietor of selling to one what he has mortgaged to another, or gifted away to a third party.

From the earliest times in England, the publicity of the contracts by which property is conveyed has been resisted. I do not know what mysterious veil envelopes the land in that country, and hides from all eyes the vicissitudes of fortune; it seems that in permitting it to 'change masters, it was in view at least to keep secret its new destination, in order that while the soil was passing to another, it should still be believed to be inalienable.

And then, in every aristocratical society where consideration, esteem, and power are so exactly proportioned to fortune, every one aspires to appear richer than he is; every one makes a display of his luxury, and dissembles his difficulties; and nothing is so fa-

vourable to these mendacious deceptions of vanity as the secrecy of contracts. An individual derives a high degree of importance from his estate, which he has long ago mortgaged beyond its value; but no one knows this, and he enjoys his consequence from that ignorance, which would vanish were public records in existence.

But this secrecy of contracts of sale, which prevents the vanity of the rich from being wounded, and conceals the decline of their fortunes, is an insurmountable obstacle to the transfer of land. It is destructive of all security; for who would choose to purchase an estate without a guarantee? It will now be easily understood why in England trade should be preferred to land by those who speculate and wish to enrich themselves. An investment in land does not present any of the chances of gain which trade holds out, and it is not exposed to less hazard.

Finally, when the difficulties on the head of title are got over, the large extent, and the price of the lands in the market, keep away purchasers; and it would be an error to suppose that it is possible for a proprietor to break down his estate into fractional parts so as to bring it within the reach of the poor, or at least of men of moderate fortunes. Everything in England tends to oppose the sale of inheritances, and to keep them in the family. In France, contracts of sale are costly owing to the tax paid to the state; but the transmission of an heritage by succession is not

less expensive. It is known that the expenses in these cases absorb nearly a year's rent. In England, the cost is nothing, absolutely nothing, to a son who inherits his father's estate; but he who purchases is subject to such enormous expenses that, in the present state of things, the sale or purchase of a small piece of ground may be said to be impossible; for the costs of the transfer would greatly exceed the value of the land disposed of.

In France, that which is onerous in the transmission of property is not the deed or act prepared by the notary; it is the tax exacted by the state—a tax which rises in proportion to the price of the lands sold. In England, this tax is very inconsiderable, and the cost attaches chiefly to the contract itself. It is besides not the contract alone which is expensive; it is the examination of the titles, in virtue of which the property which the act has for its object is carried. (Note III.) \* \* \*

It follows from what has been said, that there is in England, in the division of the soil, a point beyond which the breaking down of the land into parts is morally impossible. This limit is found where the expenses of the contract of sale, equal to or greater than the worth of the property sold, destroy the interest of the transaction. But these expenses, which are inevitable, are comparatively less in proportion, as the lands sold are more considerable: and this explains why in England the purchase of large proper-



ties is alone possible, and how the hinderance which incommodes even the rich is an impassable barrier to the poor. It is thus that, even when the soil changes hands in that country, it is never broken down.

---

---

### SECTION III.

THE FEUDAL STATE OF LANDED PROPERTY IN IRELAND.  
THE NECESSITY OF CHANGING IT.

---

THE law by which real property is constituted in Ireland is the same as in England. Thus, the same causes which, in the latter country, tend towards the preservation and integrity of the soil, exercise the same influence in Ireland. (Here the author enumerates some additional obstacles which exist in Ireland to the diffusion of property, arising from the class of middlemen, &c.) \* \* \*

But if it is true that there exist in Ireland still greater impediments than in England to the sale and transmission of real property, it must also be acknowledged that its indivisibility in the former country is not fortified by the same moral and political causes which aid it in the other.

We have seen in England a population which, in place of being covetous of the soil, seeks, in some

measure, not to acquire it, and looks upon it rather in the light of a heavy charge imposed on the wealthy, or as one of the superfluities of luxury and opulence; and in that country, where so many other paths are open to the activity of man, the inferior classes have no perceptible interest in being proprietors: at any rate, it is certain they do not think of becoming so.

In Ireland, on the contrary, in place of being a luxury, land is a necessary; it is the only good to which all aspire—it is the subject of all contracts—it is the passion which agitates every mind—it is the interest which stimulates every intelligence—it is the only fortune of the rich, as it is the only hope of the poor. The land in Ireland is the general refuge. It is not correct to say that in Ireland the people desire the land. They covet it—they mutilate it—they tear it in pieces and quarrel about its shreds—they seize upon it by violence and crime. I will not seek to inquire if in Ireland the people long to become proprietors of the soil, when I see them risking their lives, and taking the property of others, in order to occupy as farmers patches of half an acre. The property of the soil is so far beyond their grasp that it presents itself to them as a chimera after which it would be folly to aspire; and, if they do not pursue it, it is not that they disclaim it, but because the acquisition is beyond their means.

It will, moreover, be easily conceived that the feudal soil of Ireland is not fenced round with the

same popular sympathies which in England protect it from subdivision. Confiscated three or four times, the land of Ireland retraces no recollections but those of violence, persecution, and blood ; it is still, in certain hands, the solemn testimony of an usurpation which scarcely dates back half a century, and those who possess it have, in general, done little else than excite popular hatred.

It must also be granted that those economical advantages which, in England, are imagined to result from the concentration of the soil in few hands, can in no degree follow from a similar system applied to property in Ireland.

England prides herself on an agricultural theory, which, in employing few hands, throws into the workshops of industry all those who are not needed for the culture of the soil. Who does not see, at the first glance, that such a system is absolutely unsuitable to Ireland ? It is not in order to maintain great farms and cultivation on a large scale that the soil is preserved undivided in Ireland,—it is not with a view to public riches that there is maintained in Ireland a regime under which the most fertile lands remain barren, or yield a half of the produce of the least fertile lands in England. And for a country where a population of eight millions of inhabitants have no resource or asylum other than the soil, what can be the worth of that theory whose principal object is to make the least possible use of the land ? If such a system be adapt-

ed to a country where hands are wanting for manufactures, must it not be fatal to a nation where all those to whom the land does not furnish the means of employment are necessarily thrown idle ?

The English labourer, whom the soil repulses, immediately becomes in the workshops of industry a means of wealth for his country. But what can the Irish husbandman, ejected from his miserable cottage, betake himself to ? To what industry can he attach himself in a country where no such industry exists ? Do you believe that, rid of one superfluous labourer, the land will produce more ? This may be ; but society will have to bear the burden of another unoccupied member, whose want of occupation is perilous to it. From the day on which such a labourer quits his land, what can he become, if not a mendicant or a whiteboy ?

None of the moral or political reasons which in England go, if not to justify, at least to explain, the prolongation of the feudal condition of the soil, hold good in Ireland. In the latter country, to become proprietors, is for the people a question of life or death ; but, in spite of this necessity, in order to arrive at the object in view, there are the same obstacles to vanquish as in England, where the people neither feel the desire nor the want of it. The principal obstacles arise, as I have already said, from entails and the law of primogeniture ; to which important subjects I shall therefore shortly revert.

## SECTION IV.

THE LAW OF PRIMOGENITURE IN ENGLAND AND IRELAND.  
THE NECESSITY OF ABOLISHING IT IN THE LATTER  
COUNTRY. RECAPITULATION OF THE PREVIOUS CHAP-  
TERS.

---

It is without doubt necessary that the land should be alienable; this is the first condition, for one cannot buy what is not to be found in the market. Thence the abolition of entails is the first thing to be done. But this would not be enough; the people would not become proprietors if all the lands in the market were of great extent; and they will preserve their vast dimensions in every country where the law of primogeniture prevails.

Nothing, I believe, is more common in France than to mistake the nature of the law of primogeniture which exists in England. It is imagined that the imperative will of the law bestows on the eldest son the whole real estate, and that he takes it under favour of the law, and contrary to the inclinations of his parents. There is nothing of the sort.

The liberty which the proprietor of an estate has of disposing of it, is, as I shall immediately shew, greater than here in the father of a family making a final disposition of his means. He may, if he chooses, divide them equally amongst all his children; he may give

the greater share, even the whole, to one of them, to the last born, or to the youngest of his daughters, and nothing to the rest ; he may cut off the eldest. What do I say?—he may not only give all to one of their number—he may disinherit them in a body, and leave his whole fortune to a stranger. The law imposes on him no restrictions in favour of his children. Let us observe in passing, that if the English legislation merits blame, it is not in being too absolute, but in leaving too much to the discretion of parents. It is in this respect opposed to the French law, which deprives them of all power in the final disposal of their means.

Whilst that in France a misconception exists as to the English law of succession, by attributing to it a despotic power which it does not possess, it often happens that the English fall into a contrary mistake, which lies in considering their law of primogeniture as being absolutely without influence. It is not in the law, say they, that the right of primogeniture resides, but in the moral feelings of the people.

The English who hold this language are right to a certain extent. It is abundantly obvious that, if the right of primogeniture were contrary to the opinions and manners of the country, it would cease to exist, because it is not obligatory ; nevertheless, it has its root in the law. What is the nature and effect of the legal principle ? It is, that if the father does not make a testament, and dispose of his real property in another

manner, the eldest son inherits the whole, to the exclusion of his brothers and sisters, who have absolutely nothing. But what results from this ? It is that, the father preserving silence, the law speaks for him ; and the voice of the law pronounces in favour of the eldest son. Say, if you choose, that the law is not tyrannical since it gives permission to resist its operation, but do not say that it is without influence ; for if the man remains silent and passive, it acts alone, and in that case becomes absolute.

And do not fail to observe the vast influence which the law exercises over the will of the individual, even when it seems to leave him entirely at liberty. It proclaims the principle, that, in case of the father's silence, the oldest of the sons shall alone inherit the estate. Is this not as if the legislator were to declare, that, in his opinion, the conferring of the heritage, without division, on the oldest, is the wisest and best course to follow. If there existed a better and more equitable one, the law, without doubt, would make it the basis of its decision. What is the consequence of this ? It is, that every father of a family, who wishes to share his lands equally amongst his children, finds himself at once in a state of opposition to the law. The latter, it is true, permits him to carry out his wish ; but he knows, at the same time, that, if he do not make a testament in conformity to his feelings, the law will make a contrary disposition. It follows, that, in case of his silence, the oldest son has a right

to the whole heritage. But it is a grave question for a father to change the condition created by the law in favour of one of his children. A father, will he not easily be led to believe, that, in deranging the order of things fixed by the law, he would be guilty of a sort of injustice towards him for whose advantage that order has been established; and how much stronger will not that injustice appear to be, when, at the time his mind is troubled with such doubts, his vanity suggests to him the advantage of handing down entire, and to a single descendant, his beautiful domain, which an equal division among several would break up and dishonour? Beset with such doubts, scruples, and passions, he comes to the resolution of doing nothing—a resolution entirely nugatory, for once more, the owner remaining silent, the law of primogeniture comes in to regulate the succession. (Note IV.)

The privilege in question is, without dispute, the most important of all to the English aristocracy—let us add, that it is also the most indisputably national.

The younger sons suffer less from it than might be anticipated, because the same constitution which excludes them from a share of the paternal estate, indemnifies them by a certain number of privileges reserved for their order. The church, the army, the navy, India, offer appointments of which they have almost a monopoly. If we desired to give a death-



blow to the law of primogeniture, we have only to deprive the younger sons of the great families of that political favour which now makes them overlook the injustice resulting to them from the civil law, and from that time thenceforth the right of primogeniture will appear to them an iniquity. (Note V.)

In order to form an idea of the popular feeling, of which, in England, the law of primogeniture is the object, it is necessary to lay aside for a moment our French ideas on the subject, our philosophical habits, and our democratical manners.

In France, when a succession opens, what excites attention is, the situation of those among whom the heritage falls to be divided. The English law has in view the land more than the individual. The question there, is, not to make an equitable distribution amongst all ; what is held to be important, is to give to the land a possessor worthy of it, and one capable of preserving it entire and undivided.

In order to understand such a state of feeling, it is necessary to take into view all the wealth accumulated on the soil, all the factitious arrangements in connexion with it, and all the artificial transformations which the hand of man has made it undergo.

Estates in England are so many objects of art, each of which forms a perfect whole ; it seems as if it were to be guilty of impiety to make them undergo a division ; each of them is as a picture of Correggio, forming part of a family succession. It is a matter

of absolute necessity that a single heir should possess the estate, and no one would wish to see it mutilated. In certain countries the privilege of succession depends on the drawing of lots ; in England, men obtain it by coming first into the world !

And remark, that these domains, resplendent with luxury and cultivation, are not rare accidents, which are met with only here and there ; they constitute the general state of the country, they succeed each other without a blank from one end of the country to the other, without any intermediate differences to interrupt them, without any contrasting objects to mar their effect. This is the reason why England is so beautiful a country. What a splendid whole ! what admirable taste in the details ! how everything is rich, elegant, and finished ! It seems as if nothing had been done with a view to utility, and that all had been arranged for giving pleasure, grace, and beauty to the landscape. It is so easy to be generous towards the land, which is in itself so prodigal of its bounties. Here are no penury, no obstacles, no small proprietors, whose narrow and petty views oppose themselves to the execution of vast plans ; no small holdings, whose sluggish culture soils, by their proximity, the agricultural improvements of an intelligent husbandry ; no poor roof, whose misery starts up to disenchant the eye—all is grand, magnificent, sumptuous in the country in England.

It is necessary to have seen for a hundred times

those admirable tracks of country, upon which nature has lavished all its gifts, human industry all its wealth, and art so many ornaments—it is necessary to have traversed England at a stretch—to have gone from London to Edinburgh, and glanced at the magical spectacle which is unfolded to the eye, to understand, not the law of primogeniture, but the feeling in regard to it in England, in order to account to oneself how a species of popularity comes to be attached to that privilege without which these beautiful domains that go to form so fine a country would fall under the hatchet of the principle of equality, which divides and breaks down property.

When we boast, in presence of an Englishman, the advantages of our law of succession, which, taking its rise in national equity, gives equal shares to all the children, and unpiteously divides the paternal inheritance, we are almost sure of not being understood, and it seldom happens that our notions do not excite his mirth or incredulity. In general, he does not admit the possibility that such a law can exist in any country, or he thinks that that country must be on the verge of ruin. The ideas of an Englishman in this matter are amongst his most stubborn convictions.

The right of primogeniture in Ireland, is, according to the law, the same as in England ; but there it does not find the same support either from the condition of the soil or from national prejudices and passions.

It is true that in Ireland, as in England, all those

who are in possession of vast domains entertain, for the preservation of these properties, the same aristocratical feeling as the English proprietors, and are equally attached to the privilege which hinders their partition.

It is also true that in Ireland it often happens in regard to the new rich, who purchase a large estate, that they become smitten with the same instincts of pride and proprietary ambition which make them desirous of transmitting their lands entire to the most distant posterity.

But in Ireland, the passion of aristocracy stops with those who are, or who believe themselves to be members of it—and this number is very limited. In England, in juxtaposition to one old fortune, are a thousand others in the course of being created ; it is not so in Ireland, where misery is almost as stationary as the soil itself ; few hope to arrive at fortune, and those who reach it, are hated. Never did I in Ireland hear the people testify, in speaking of the vast possessions of the aristocracy, those kindly and often enthusiastic feelings which I have so often in England heard proceed from the lips of the poor.

We might therefore abolish in Ireland the principle of the law of primogeniture, without there hurting in the slightest degree the national sentiment. If it be true that the civil laws of a people are the expression of their manners, may we not say that, as long as an anti-national aristocracy shall preserve its civil pri-

vileges, there will exist in that country a flagrant contradiction betwixt the manners and the laws ?

We must also admit that the abolition of the law of primogeniture would not cause in Ireland the same disorder as it might occasion in England. There are indeed in Ireland magnificent domains and splendid mansions, but they are only oases in the desert. The rich Irish proprietor usually surrounds his residence with a certain extent of reserved lands, on which he bestows all his care, and where he displays all his luxury and pride. If we cast a look over this narrow space, we would believe ourselves still in England ; but as soon as we extend our view beyond, we are met with the saddest spectacle ; the earth shews itself as poor as its inhabitants ; it seems as if the reflexion of their profound misery ; dirty hovels, fields without fences, a naked surface entirely devoid of trees—all bear the impress of a dreary desolation.

In England, the farm which blends with the precincts of the landlord is rich. In Ireland, at the point where the private domain of the rich ends, there is a sudden breaking off ; and one can scarcely believe that this hideous farm, covered with poverty and suffering, is the dependency of that proud palace which represents such enormous wealth.

Now, do you think that it would be a subject of deep regret, when, by the effect of a new legislation, such immense estates, so horrible to look upon, should come to be divided ? Would the mutilation of great

properties be a thing to be deplored, if all these domains, now charged with wretched hovels and farmers in rags, should be covered with decent habitations and small happy proprietors ?

The abolition in Ireland of the right of primogeniture is absolutely necessary for attaining the end in view. It would be making a considerable change in the law to turn the scale of legal right ; and in place of establishing that the eldest son shall have all the heritage, in the absence of a contrary disposition by his father, to declare that, in case of the silence of the latter, an equal partition shall take place—so that, in order to rob the younger to the profit of the eldest of the family, an express declaration should be requisite.

No doubt such a law would for a long time be of little efficacy, because the manners of the rich would operate against it ; but would it not be the surest and most equitable means of changing the manners ? From the first it would be effectual, as often as the father of a family should voluntarily or otherwise omit to make a will ; and how many are prevented from doing this by the sudden arrival of their last hour ? It would also deprive selfishness of the convenient subterfuge to which it usually has recourse. Of five children, four are left in a miserable condition ; one alone is wealthy. But what can be said ? It is the law that has so ruled it. For the future it might be said to the father, “ That revolting inequality in the condition of those who had an equal claim on your tenderness is your doing—

it results not from any omission on your part, but from a positive act, of which you are the author."

I do not doubt but that in the end such a law would produce the most extensive effects, and lead to the division of a great number of estates. No one has seen France, without having observed with what rapidity this division proceeds, as soon as the rule of an equal partition begins to exercise its dissolvent action. The law of primogeniture being abolished, the splitting up of heritages which would result from it would present at first to the middling classes, born in Ireland, lands of an extent suitable to their means; and there is no doubt that the division, perpetuating itself, would end in rendering property accessible even to the lower classes.

To sum up all, to attain the object in view, it is necessary to break the feudal shackles which enchain the soil—to abolish entails—for the law of primogeniture to substitute that of an equal division—free property from all fetters—no longer leave the question of title uncertain—declare redeemable at a money price every rent in perpetuity—throw open to the public the transfers of land—facilitate the sale of it—open gratuitously to the public the registers where the conveyances of land are kept—offer to these contracts the guarantee of security—and, by simplifying their forms, render the purchase of small properties as practicable as that of great.

I do not pretend to point out the legislative means

by which the evils pointed out may be cured, and I confine myself to saying to those on whom the fate of Ireland depends, "Hasten to pass laws that shall render the soil marketable—divide and fraction property as much as you can—for these are the only means—in reversing an aristocracy that must fall—of elevating the lower classes—these are the only means of bringing the soil within the reach of the people ; and it is an inevitable necessity, that the people of Ireland become the owners of the land.



## NOTES TO BEAUMONT.

---

### NOTE I. page 50.

M. Beaumont is known both as an author, and as one of the most distinguished deputies of the *Gauche* of the Chamber.

### NOTE II. p. 58.

Without entering at large into the question, the author might have referred to one fact, to show the beneficial effect produced on French agriculture by the change in the law of succession, and the partitions which it has given rise to. Before 1789, France had a population of twenty-four millions of persons, and rarely produced sufficient corn to feed them in their then comparatively miserable condition ; so that scarcity was a frequent evil. She has now thirty-four millions, who, in point of general wellbeing and comfort, are the first in Europe ; and she supports them all by the produce of her own soil, having rarely occasion to import corn. While her corn produce has thus increased more than a third in the space of half a century, it appears from public documents that, in regard to the number of bestial, vineyards, olive, and mulberry plantations, and

other productions of the soil, the same extensive augmentation has taken place; and all this, be it remarked, has been effected, although, for the first twenty-five years of the time, the country was harassed and distracted by revolutions and civil and foreign wars. Belgium, whose high state of culture has gained to it the title of the garden of Europe, and Switzerland, where every foot of laborable soil is made productive, have both the same laws of succession as France, and both also are manufacturing countries. The same remarks are strictly applicable to Rhenish Prussia and Bavaria, and to the arable districts of Holland.

But granting it to be the case (which we by no means believe to be true) that the productive power of the land is increased by the system of large farms rented by tenants, and that, for an extra quantity of wheat and cattle raised at home, the comfort and happiness of the mass of the population must be set aside as inferior considerations; surely the advocates of this doctrine must make the same application of it to the rich as to the lower classes. If it be the one all-important problem in this country, "how shall the whole land be made to yield the greatest increase?" what then will be said in favour of the splendid mansions of the aristocracy, in the midst of their vast parks, policies, and pleasuregrounds—of their game preserves, and fields covered with animals kept for pleasure, which absorb and withdraw from cultiva-

tion immense portions of the richest and finest land in the country, that would otherwise be devoted to the production of human food? But on this topic, which the Anti-Corn-Law League has not yet glanced at, we will not expatiate. We will merely observe, in reference to what the author elsewhere states as to the peculiar beauties of England, that, while utility, and not the creation of fine scenery, ought to be the leading objects in the rural arrangements of every country, our own cannot be said to possess a monopoly even of the latter. Where, it may be asked, are the beauties of nature as heightened by human industry more generally to be met with, although the elements may be differently combined, than in many of the departments of France, in Belgium, in the Rhenish provinces, and in Switzerland? Do we not find in these countries landscapes, set off as they are by all the splendour of a southern sky, at the least as varied, rich, and picturesque, and some of them far more grand and romantic, than any to be found in aristocratical Britain? and with what infinitely greater delight must not the philanthropist gaze on the one than the other? Besides, in many of the best and richest farm districts of Britain, the superficial arrangements are directed with a view to utility and not to pictorial effect. We accordingly find the most fertile and best cultivated tracts stripped of most of the objects that are ornamental, fine spreading hedges or hedgerow trees, or cottages with their sheltering clumps; in place of

these, there meet the eye, large angular fields with their stiff stone fences, setting at defiance the waving line of beauty, and naked steadings which, however suitable for their purpose, are clumsy, dreary-looking masses, on which no artist would think of exercising his pencil.

If, again, we visit those places which are the seats of manufactures, little or nothing of what is picturesque or beautiful is to be met with; yet who, on considering the wealth that is there accumulated, and the means of human subsistence resulting from it, would wish to see the objects which there shock the eye and offend the taste removed? Certainly not even the aristocracy, whose estates derive much of their value from such receptacles of industry, and who, besides, must be aware that their monopoly of the soil has driven from the cultivation of it into manufacturing towns and villages an immense mass of people, who, under a more equal division of the land, would have been living upon it.

Let it also be noticed in passing, that the splendid residences and parks of the aristocracy are pictures secluded from the inferior classes, who are only permitted to gaze on them at a distance; for, although their precincts be not, like the Gardens of the Hesperides of old, guarded by dragons—walls, lodges, and park-keepers, and sometimes even spring-guns and men-traps, serve the same purpose, and preclude all near approach. On the Continent, if the people have

fewer of these lordly mansions to gaze at, they have something better in the fine shady walks and bosky alleys that form, as it were, pleasure-grounds and policies for the inhabitants in the immediate neighbourhood of almost every town and village, whose umbrageous trees often rival the finest to be found in the ancestral woods of Britain. These delightful shady summer retreats in France are finely described to us by one of our own poets in the following beautiful sketch of continental scenery and manners:—

“ To kindlier skies, where gentler manners reign,  
I turn, and France displays her fair domain—  
Gay sprightly land of mirth and social ease,  
Pleased with thyself, whom all the world can please.  
How often have I led thy sportive choir  
With tuneless pipe, beside the murmuring Loire ;  
Where shady elms along the margin grew,  
And, freshened from the wave, the zephyr flew ;  
And haply, though my harsh touch faltering still  
But mocked all time and marred the dancer’s skill,  
Yet would the village praise my wondrous power,  
And dance, forgetful of the noontide hour ;  
Alike all ages—dames of ancient days  
Have led their children through the mirthful maze,  
And the gay grandsire, skilled in gestic lore,  
Has frisked beneath the burden of three score.”

NOTE III. p. 72.

In a few of the counties of England, public registers of conveyances of land have been established by consent and custom, and there property is said to

bear a higher value. In Scotland, this system of registration is general, and enforced by the law ; and it may be said to be nearly complete. But the feudal forms of the deeds and the investiture, still so absurdly kept up, render the transfer exceedingly costly, especially in small purchases, and give rise to much uncertainty and litigation.—A reform, in this respect, was attempted by Mr Wallace under the late Whig Ministry, but in vain. It was opposed by the Lord Advocate (Murray), the champion of the law bodies in Edinburgh, and was cushioned by a royal commission packed with Edinburgh lawyers, who, in that case, and for the first time, agreed to act gratis!! This was as if the new doctrines which St Paul preached had been referred to the shrine-makers of Ephesus.

#### NOTE IV. p. 80.

The author might have rendered his argument stronger, by adding, that the father's tendencies in favour of the oldest of his family are often the results of early recollections of his own feelings at a time when he, in his father's lifetime, stood in the situation of heir-apparent. He remembers how eagerly he longed after the whole of the family inheritance, and, at his father's death, with what pride and satisfaction he took possession of it, reckless of the destitute situation of his brothers and sisters ; and the same perverted feelings which made him disregard the latter, in-

fluence him in his conduct towards the younger branches of his own family. Change the law, and suppose such a proprietor to have taken up his property in right of equal succession, an opposite class of feelings will spring up within him, and, reflecting on the hardships which would have been imposed on himself by his father depriving him by a Will of an equal share of the patrimony, he will be inclined to deal with his own children in the same equitable manner he has been dealt by himself.

NOTE V. p. 81.

Granting that these scions of the aristocracy were as well qualified to serve the public in their different departments, as members of the inferior orders of society would be (and they are generally appointed upon a very different principle), may it not be said that a Government is monstrously partial and unjust which confers upon a favoured few those situations which all pay for, and which all ought to have an equal chance of occupying? Does not such a system of partiality and exclusion virtually proclaim that, in order to enable proprietors to keep their estates entire, they are entitled to dispose of the public revenue for porportioning off their younger sons and sons-in-law, and for that purpose to thrust aside the inferior classes? In such a state of matters, may not the people justly exclaim against the exorbitant price they are made to

pay for those pictures of Correggio, for the carving that adorns the capitals of our Corinthian pillars? Were the estates of the aristocracy broken down, the salaries paid by the State—which are now proportioned, not to the services rendered, but to the rank and connexions of those who fill them—would be diminished, and the swarm of deputies that are now needed to supply the deficiency or favour the indolence of the principals would be dispensed with; to say nothing of the sinecures and useless offices which have been created with the view of providing for the relations and dependants of the rich. If it shall be said that men sprung from the middling and lower ranks sometimes obtain places, the answer occurs, *quo modo?* by what channel and by what means?—by the grace and favour of the aristocracy, and most commonly in return for political or personal services rendered to them.



## A. C. O'CONNOR.\*

---

*Haud ignarus mali, miseris succerrere disco.*

---

BORN and bred under the British Government, having long filled high administrative and legislative situations in it—having taken an active part in public affairs, and passed several years in the intimacy of the greatest politicians whom the country has produced, such as Fox, Sheridan, Grey, Erskine, Whitbread, &c.,—having enjoyed the intimacy and the confidence of the whole Opposition of that period, and profited by its lights, I may, perhaps, without presumption, believe myself entitled to express upon the English system an opinion as mature as many who have not enjoyed the same opportunities as myself, and whose knowledge of the matter is derived either from a hasty survey of the country or from books. (Note I.)

The English system and the ancient despotism of France had the same feudal origin ;—both were founded on the entirely feudal law of primogeniture—a law of inequality, of monopoly, and of exclusion.

\* LETTER from General Arthur Condorcet O'Connor to General Lafayette, upon the causes which have deprived France of the advantages of the Revolution of 1830. 1 vol. 8vo. Paris, April 1831.

They had their origin in periods of the most profound barbarism. The king and the barons, clerical as well as lay, almost equal to the king, were everything ;—the people, absolutely nothing, were ignorant as brutes, and treated like them. They had no means of making their interests respected, and this fact forms the real basis of the feudal system. According as the people acquired new lights, and a certain degree of independence, they profited by the quarrels of their barbarous tyrants, to obtain for themselves a small share in the management of their own affairs. The right which they thus conquered was not one of tumult or of anarchy, but the most precious of all, the right of representation. This was not a concession, but the result of necessity ; and, from the day that the people had the choice of their own agents, they began to count for something. Fortified with this right, the nation struggled long for its liberty with diverse success, up to the time when, having punished one despot and driven away another, it arrived at the Revolution of 1688—when the Government received the form, and was founded upon the principles, which it has preserved up to the present time. The theory of this system, such as it was fixed in 1688, is this :—The people charge themselves, by a vote of their representatives, with the necessary taxes ; but practice annuls the theory in two ways : the first is by intrusting the choice of the representatives of the people to a small number of individuals ; and

the second is, by abandoning to the executive power the disposal of all stipendiary places in Church and State, and in attaching to them enormous salaries. These two measures have totally perverted the English Government since 1688. Previous to that period the Crown contested with the representatives the exclusive and absolute right of taxing the country, and asserted this claim by acts of violence directed against the latter, such as imprisonment, but it never tried to corrupt them. They were chosen by the people (for before 1688 the traffic in rotten burghs was unknown), and were thus animated by the spirit and shared in the interests of the latter. If the people suffered, their representatives suffered at the same time; if the people were pillaged by power, they had no share of the booty. Parliaments were then popular, and enjoyed the confidence of the nation. Incorruptible and persevering, they had constantly striven to extend the liberties of the country—liberties which were sealed by the blood of one king, and confirmed by the dethronement of another, who had tried to subvert them. But since 1688, the Crown, in place of exercising a direct despotism by its arbitrary acts, has acquired to itself a power equally boundless in drawing out of the enormous taxes paid by those who obey the laws a sum sufficient for corrupting the majority of those who make them. It results from this change, that the burdens of the people, the power of the sovereign, and the gains of the hereditary aristocracy, have all increased

in the same ratio ; whilst the representative democracy has been completely annihilated. It is in this sense that the partisans in France of this model system maintain that it is the more complete, inasmuch as the national representation is concentrated in a small number of persons, and the executive possesses the means of purchasing the independence of those whose duty it is to defend the rights of the people. In the eyes of such reasoners, the above is the pattern of a representative government, under which a populace, odious and contemned, is kept in order. They have *July* before their eyes, and do not see that such a system can only conduct to a new revolution. A government, like a tree, is known by its fruits ; and what are those which have been reaped in England from the system now sought to be imposed on us ? When the question is one of vast national interest, it is upon facts, numerous, important, and certain, that we must draw for our guidance. Well, before the establishment in 1688, of the system of purchasing up the probity, the independence, the talent, and the honour of the national representation, England did not owe a shilling. (Here the author gives a list of the various debts created, amounting in all to eight hundred millions of pounds sterling.) The evils which this *model system* of corruption have caused to the English people are so profound—the ruin of the country is so inseparable from their existence—that at the end of fifteen years of a general peace, that great industrial nation, which possesses more capital, ma-

chinery, and manufacturing skill, than any other people ever did, struggles in vain against its difficulties, and is unable to lighten the burden of its debt. (Note II.)

\* \* \* \* \*

In 1791, the Constituent Assembly of France perceived, in the Government of Great Britain, certain admirable principles of liberty, and it knew how to adopt and apply them in France. But it discovered also in that Government its corruption, its disorders, its debt, and the ruin which followed in their train ; all which, in place of appearing to that body, to be the basis and guarantee of the liberties of Britain, seemed to it, on the contrary, to be the price which the nation had been obliged to pay for them, and the future germ of their future annihilation. The skilful legislators of France saw how the aristocracy of Britain had fattened on the blood and sweat of the people ; and their genius discerned a principle of destruction at work in that constitution from 1688 to 1789, which it had from its origin, and which must precipitate its fall. They perceived that the great error of the founders of the Government of 1688 (Note III.) was in preserving the feudal and unnatural law of primogeniture, incompatible with equality, and consequently with liberty. The Constituent, on the contrary, founded French liberty on the just and paternal law of an equal division of the land amongst all the members of a family. This is what constitutes the immense distinction between the narrow conceptions of the men of 1688 and

the comprehensive and profound views of the legislators of 1789. The former, in preserving the principles of inequality, preserved with it the abuses and the corruptions which it engenders ; the latter fixed the liberties of France upon a basis as broad as the soil of the country itself. With the law of primogeniture, a real elective and representative system is impossible. Ever will an aristocracy, with its immense fortunes, dictate to the lower orders how they are to vote ; and if we take the franchise from the latter, and confer it exclusively on the middling orders, these will be found to be made up of the tenants and other dependants of the aristocracy. So long as this law shall subsist among them, I defy the English to operate on their representation any reform which will be effectual against extravagance and corruption. (Note IV.) See, on the other hand, what guarantees for order and liberty result from the principle adopted by the Constituent. Its action maintains and incessantly extends equality by the division of properties ; the independance of the people is increased with the easiness of their condition ; the blessings of education are spread over millions of individuals formerly plunged in the deepest ignorance, and bent under the yoke of the darkest superstition. (Note V.) These surprising results have been powerfully increased by the sale of the national lands, and by the immense capital employed during so many years by the purchase in lots of large properties broken up. Here lies the glory of the Constituent

Assembly ; it is under this point of view that France offers the most consoling spectacle ; it is thus that her aspect refutes the base calumnies of the interested partisans of a system of corruption, which represents to us the people as expecting with impatience the time when they shall be again thrown back amidst the anarchy and disorders of '93. I cite them in judgment before the bar of their country, I challenge them to shew the most distant analogy between the nation, such as it was forty years ago, composed of privileged tyrants and oppressed masses animated by hatred and meditating revenge, and that population of our own day, attached to their country by the ties of property, born and trained for freedom upon a soil disencumbered of feudal shackles, and filled with the sentiment of that national glory acquired by so many victories, the least of which might have given lustre to all the blazons of Europe.

## NOTES TO O'CONNOR.

---

### NOTE I. page 97.

The author of this and other publications is one of the Irish Patriots, who were forced by the course of events, upwards of forty years ago, to seek an asylum in France, of which he has ever since been an honoured and distinguished citizen. Possessing an equal knowledge of the country which he left and of that of his adoption, he is in a situation to judge of both, and it will be seen that he goes directly to the root of the evil in the former—the law of primogeniture. He is one of those hardy, indomitable spirits, apparently yet needed in this world,

“Who, stricken hard, strike hard again,  
Nor turn the other cheek, like Wesley.”

### NOTE II. p. 101.

The present law of succession in France forms the subject of one of the finest orations of the leading speaker of the Constituent Assembly, Mirabeau, and derives some additional interest from its having been composed on the eve of the short illness by which he was carried off, with a view to delivery in the sitting of 2d April 1791—at which it was read, after his



death, by his friend Tallyrand. See *Chefs d'Oeuvre Oratoires de Mirabeau*. 2 vols. Paris, 1823.

NOTE III. p. 101.

The late Sir James M'Intosh, in his better days, and before "he to party gave up what was meant for mankind," seems to have been of the same opinion. In his *Vindiciæ Gallicæ*, written as a reply to Burke's attack on the French Revolution, he states—"Our ancestors at the Revolution, it is true, were far from feeling the full force of these sublime truths, nor was the public mind of Europe in the seventeenth century sufficiently enlightened and matured for the grand enterprises of legislation. The science which teaches the rights of man, the eloquence that kindles the spirit of freedom, had for ages been buried with the other monuments of the wisdom and relics of the genius of antiquity. But the revival of letters first unlocked only to a few the sacred fountains. The necessary labours of criticism and lexicography occupied the early scholars; and some time elapsed before the spirit of antiquity was transfused into its admirers. The first man of that period who united elegant learning to original and masculine thought was Buchanan, and he, too, seems to have been the first scholar who caught from the ancients the noble flame of republican enthusiasm. This praise is merited by his neglected though incomparable tract, *De Jure Regni*, in which

the principles of popular politics, and the maxims of free government, are delivered with a precision and enforced with an energy which no former age had equalled, and no succeeding has surpassed. But the subsequent progress of the human mind was slow."

Hallam, in his *Constitutional History of England*, admits that the Revolution Settlement was aristocratical.

Some have thought that it might have been, on the whole, better for Britain that the Stuarts had succeeded in their despotic policy, and that James II. had not been driven from the throne. This is a problem evidently beyond the powers of man, with his limited mental vision, to solve. The Revolution was more religious than political; and, as is shown by Cobbet in his history of the Reformation, chiefly resulted from a dread on the part of the aristocracy of their being obliged to restore the Church property, of which they had robbed the Catholic clergy. Under a despotism, the people would certainly have had lighter taxes if not a better government; if without liberty, they would not have been mocked with its semblance; a popular administration such as that of Prussia might have followed; and the aristocracy being shorn of its privileges and power, the people, having only the despotism of the sovereign to overcome, might ultimately, in the establishment of their liberties, have had fewer difficulties to contend against than they have at present under a rich and

consolidated oligarchy. But it is futile to speculate on what *might have been*. The past being beyond our control, the present only is ours. "Enough for the day is the evil thereof," and for that evil reformers have now to find the remedies.

NOTE IV. p. 102.

The author states, with great truth, that without the abolition of the law of primogeniture any ulterior reform in the representation would be ineffectual. The party motives that seemingly induced the Whigs to present the Reform Bill have already been glanced at; but, in addition to these, it would seem that the Whig aristocracy, the more wary and prudent of the two sections of it, had taken secret counsel together, and said—"Looking at the late revolution in France, the old system can no longer be worked, and is pregnant with danger to the privileged orders, who will now be unable to keep at bay the mass of the people. We must call to our aid the middling classes, restricting their number by a property qualification, and withdrawing the protection of the ballot; and with these plastic auxiliaries, proud of their new franchises, we will be able to maintain the aristocracy in its position, and repulse the inroads of the democracy, at least for a long time to come." Must not the middling class so enfranchised, by this time, perceive, that they are made catpaws to their superiors—that they

have been called in as mercenaries, who fight the battles of others, from which they themselves derive no benefit, nor anything but odium from the non-electors, and persecution from the upper class? Will, therefore, these electors continue much longer to play a part so degrading, unpopular, and unprofitable—but will they not, admitted themselves within the stronghold of power, lend a hand to open the portals to their brethren without, who justly clamour for entrance, and who can no longer be safely excluded.

NOTE V. p. 102.

To give a detailed view of the state of public education in France would require a volume, instead of the short space which we can only devote to so important a subject.

Under the ancient regime, the three dominant powers of the state, the sovereign, the nobility, and the clergy, engrossed, like other privileged orders nearer home, with their own class interests, paid no attention to the instruction of the masses, whose ignorance was looked upon as the best guarantee of what was called public order. The old government having at last fallen to pieces through its own inherent defects and rottenness, the devising of a comprehensive plan of public instruction was one of the first subjects of deliberation in the Constituent Assembly; and the chief supporter of it was Talleyrand, whose

report to the Assembly is regarded as one of the finest relics of that master mind. One of the leading features of the plan was to make the secular, like the religious instruction of the people, entirely gratuitous, and to throw the expense of the one, as well as that of the other, upon the state, to be defrayed out of the general budget. The patriotic views of the Constituent remained nearly inoperative amidst the violent struggles which marked the different stages of the Republic; nor were they carried into effect by Napoleon, who, occupied with his wars and schemes of personal ambition, had little leisure and perhaps still less inclination for the work. His ruling object being to form soldiers and officers, the sciences which ministered to his warlike projects were patronised, and general literature discouraged. From 1814 to 1830, the period of the Restoration, education, both superior and elementary, in so far as it received any share of the attention of the state, was looked upon as a mere instrument in its hands, and in those of its allies, the priests and Jesuits, for swaying the popular mind and re-establishing the ideas and opinions of the ancient regime. Since the Revolution of July 1830, the enlightened policy of the Constituent Assembly has been resuscitated, and carried out in a manner that reflects the greatest credit on the present sovereign and his advisers.

The law of 16th July 1833, on which is based the system of primary instruction that France now enjoys,

had M. Guizot for its author. It is divided into elementary and superior.

“Primary elementary instruction (says the law) necessarily includes moral and religious instruction—reading, writing, the elements of the French language, and of arithmetic, and the legal system of weights and measures.”

For the teaching of these branches, a school is instituted in every commune or parish, (of which there are about 37,000 in France,) or, where the case admits of it, in one of several communes united. The teacher, besides a house, receives 200 francs of salary, charged on the budget of the department, which also undertakes for him the monthly collection of the school fees, whose rates are fixed. A certain number of poor pupils is taught gratis. The attendance is voluntary, and not compulsory, as in Prussia.

Besides these elementary schools, it is ordained “That in every commune which is the head burgh of a department, or one whose population exceeds 6000 inhabitants, a primary superior school shall be established, in which the branches to be taught (over and above those before specified,) are, the elements of geometry, and its applications, especially mensuration and landsurveying, the principles of the physical sciences and of natural history as applicable to the common purposes of life, vocal music, the elements of history and geography, and more especially, the history and

geography of France." The teachers of these schools, besides a house and fees, receive 400 francs of salary each from the department. In case of difference of creeds, the law makes adequate provision for preventing the pupils being interfered with in their religious opinions.

It is proper to state that the remuneration to teachers allowed by the law being inadequate, and some of the departments complaining of the burden imposed upon them, the Government has been of late strongly urged to carry out to their full extent the views of the Constituent Assembly, by allowing the teachers the same salaries as the inferior clergy, abolishing fees, and charging the increased salaries on the general budget of the state.

By the same law provision is made for rearing and instructing teachers for these elementary seminaries, by means of normal schools, of which there are at present about seventy in operation.

By a law, of date 23d June 1836, dame schools for the education of female children are created with suitable provisions.

Private elementary schools of both kinds may be established and licensed under certain conditions, specified in the law of July 1833.

The system of secondary instruction in France is still more complete and better organized than the primary. It is confided to 358 seminaries, established in the towns, called royal and communal colleges, in

which the course of education, although it varies according to the importance of the localities, may be said to embrace the French language and composition, Latin, Greek—two of the modern languages of Europe—moral philosophy, mathematics, and certain of the physical sciences. The teachers in these colleges over and above the salaries paid by the state, receive moderate fixed fees. The pupils reside either in the colleges, where the price of the board is fixed and uniform, or lodge elsewhere.

About a thousand bursaries are shared among the colleges, which entitle the holders of them to board and instruction gratis. They are chiefly appropriated to the poorer districts of the country.

It may be noticed that not only are the branches taught in the primary schools and colleges prescribed, but the mode of instruction, with the different authors and class-books to be made use of, are regulated by the minister of public instruction and his council, who also direct the periodical inspection of the classes. It is by this minister that the teachers of every grade are appointed.

For forming teachers for the colleges and the university chairs, there is a special normal school established in Paris, with a numerous body of professors.

The highest order of public instruction, that of the universities, is upon the largest and most perfect footing.

The law schools have already been noticed. There



are three schools for medicine and pharmacy—at Paris, Strasbourg, and Montpellier. Branches of the university of France, or as they are called, Faculties of Sciences and Letters, are established in Paris, Caen, Dijon, Grenoble, Montpellier, Strasbourg, Toulouse, Bourdeaux, and Rennes. The branches taught at these universities are more numerous than those in the colleges, and the mode of teaching is of course less elementary and of a higher order. The professors in all of them receive fixed salaries from the state, and draw no fees. In their ranks are found the most illustrious names, both in literature and science, that France can boast of.

Besides secondary schools for the education of the clergy, there are five Faculties of Catholic Theology, at Paris, Aix, Bourdeaux, Lyons, and Rouen; and two Faculties at Strasbourg and Mounteban for those of the Protestant church. In these Faculties the lectures are also public, and the professors paid by the state.

The Polytechnique and the Military and Naval schools are destined to the education of engineers and officers. There are also Mechanics' Institutions on the best plan, schools of Mines, of Navigation, of Agriculture, of Veterinary Surgery, and others—all supported and under the control of the state; in short, there is no branch of human knowledge, from the highest to the lowest, theoretical or practical, for the teaching of which sufficient provision has not been

made in France, which, in this respect as in many others, exhibits a striking contrast to Britain, where, for obvious reasons, our aristocratical rulers have not only neglected the great work of public instruction, but have opposed every rational plan that has been hitherto brought forward for forwarding it. In the state budget of France, more than half a million sterling is annually voted for supporting the educational establishments before noticed; and if we add to this sum the expense defrayed out of the budgets of the departments, about a million sterling will be found to be devoted every year to the purposes of education. Compare this amount with the miserable pittances grudgingly voted of late years for education in England and Ireland.

We may here be allowed to say a word upon the religious instruction of France. In that country, although in a population of thirty-four millions, the Catholics count for thirty-two, there is no state religion; but the clergy of all sects and denominations, even the Jewish, are paid by the state, which allots yearly to that purpose about a million and a half sterling—a sum which, although adequate for the support of all the clergy of France, is not equal to the yearly revenues of that standing nuisance the Church of Ireland. The Catholic bishops are named by the Pope from a list furnished by the Government, and the inferior clergy, by the bishops, the prefects having a veto on the nominations of the curates

of the cantons. The Protestant clergy are chosen by their consistories, subject to the approval of the government. This plan of treating the clergy of all sects alike is the next best to the voluntary system ; which latter plan we hope soon to see adopted in Britain, where religion itself is made an engine of political policy, and where the national funds set aside for sacred purposes are at present monopolised by a rapacious oligarchy.

In France, not only is the instruction of the young carefully attended to, but that of the risen generation is not lost sight of. Not to speak of the numerous and immense public libraries of Paris—in all the larger, and even in most of the smaller towns, public libraries exist, having often a gallery of pictures and a cabinet of natural history attached to them. Some of these collections of books, which are all free to the public, are extensive, and their contents may vary from 10,000 to 100,000 volumes. Some of them were voluntary donations or bequests, others formed out of the libraries of the religious houses suppressed at the Revolution, and all of them are now supported out of funds supplied by the state or the municipalities. Although our aristocracy have certainly a right to “do what they like with their own,” we may be allowed to hint to them that a portion of the enormous sums, partly the rents of lands which at the Reformation they took from the Catholic Church, and partly rack rents maintained by unjust corn laws, and which they

now squander on racehorses, packs of foxhounds, and the rearing of game, might be more laudably applied to the endowing of public libraries for furnishing instruction and rational amusement to their less opulent fellow-citizens.

We are aware that many will object to the educational establishments of France, by urging that they form a part of that system of centralization which throws a mass of patronage and influence into the hands of the general Government, and doubtless this is an objectionable feature of the system. But in this world it is so ordered, that there is no good without a certain mixture of evil, and in the condition which France was in at the Revolution, we rather incline to the opinion that such a course was the most desirable; for, it is probable, that not only are these establishments better worked, but that they never would have been generally organized had the matter been left to the localities. The system of centralization, as may be seen from "Thier's History," was founded and acted upon by the Constituent Assembly, as being indispensably necessary for operating and carrying out the extensive reforms which the country required; and whatever drawbacks attach to it, it appears to be gaining favour even among the present Radical politicians of France, as may be gathered from a late work on the subject from the pen of M. M. Cormaine, better known as "Timon."

Although we have been thus particular in pointing

out the efficiency of the French system established by the state for the instruction of the people, we do not wish to be understood as advocating the propriety of adopting the same system in the very different circumstances in which Great Britain is now placed ; being well aware that on no subject is there a greater diversity of opinion than on this. For, while many consider that a well devised scheme of national education is of paramount importance, there is also an influential and increasing class of reformers who hold that the proper sphere of Government is only to protect life and property, and that voluntary efforts on the part of the people themselves, are quite sufficient to accomplish everything else that is desirable. Without, therefore, expressing a decided opinion on this subject either favourable or hostile to the view of those consistent advocates of the voluntary principle who assert its efficiency not in religion alone, but even to educate the people and maintain the poor, we presume that they themselves will freely acknowledge, that although in Britain a compulsory system of religion established by and under the control and bidding of the government is now generally repudiated, there is by no means the same unanimity on the question of education and the maintenance of the poor. In fact, in these latter cases there are other considerations which come into play. Leaving, therefore, these matters to be further elucidated by that more frequent discussion, which, if we do not much mistake the

signs of the times, they will now receive: we beg to point out to the advocates of voluntaryism of all shades, that it is only in a state of society where wealth, moveable and landed, is freely distributed amongst all classes by just laws of equal succession, that their favourite principles can have anything like a fair trial. So soon, therefore, as they have the power of dissevering the unholy alliance of Church and State, they will act most unwisely if they do not at the same time erase from the statute-book, the unjust and unchristian laws of entail and primogeniture.

## J. C. L. SISMONDE DE SISMONDI.\*

---

### PREFACE TO THE SECOND EDITION.—(NOTE I.)

THE observations which I have lately made in England have only tended to confirm me in my NEW PRINCIPLES. I have seen in that surprising country—which seemed to be undergoing a great experiment for the instruction of the rest of the world—production augmenting while happiness diminished. There the great body of the people, equally with its philosophers, seem to forget that the increase of wealth is not the object of political economy, but the means of which it disposes for procuring happiness to all. I sought this happiness in all classes, and was unable to find it anywhere. The high English aristocracy has indeed reached a pitch of wealth and luxury which surpasses all that is to be seen among other nations. Still, it does not enjoy the splendour which it seems to have acquired at the expense of the other classes: security is wanting to it, and in every family privation rather than an easy abundance is apparent. If I entered one of those

\* NEW PRINCIPLES OF POLITICAL ECONOMY OR OF WEALTH, in their Relations with POPULATION. By J. C. L. Sismonde de Sismondi, Correspondent of the Institute of France, of the Imperial Academy of St Petersburg, &c. &c. 2 vols. 8vo. Second Edition. Paris, 1837.

mansions whose splendour is perfectly regal, I heard their lords affirm that, if the Corn Law monopoly, which they possess to the injury of the other classes, were suppressed, their fortunes would be annihilated ; for their estates, which sometimes extend over entire counties, would no longer defray the costs of cultivation. Around these lords I saw families great without example elsewhere in the aristocratic class, several composed of ten, twelve, sometimes more children ; but the whole of the younger sons and the daughters are sacrificed to the vanity of the eldest ; their portions in money are not equivalent to a year's rent of the estate of their elder brother ; they are doomed to grow old in celibacy, and their dependance in the latter part of their lives is a dear price paid by them for the luxury they have enjoyed in their youth.

Below this aristocracy, titled and untitled, I saw trade occupy a distinguished rank. It embraces in its scope the whole world ; its votaries brave the ices of both poles, and the scorching heats of the equator ; whilst each of its heads that meet together on the Exchange has millions at his disposal. At the same time, in all the streets of London, and in those of the other great towns of England, the shops display masses of goods that would suffice for all the markets of the world. But has wealth assured to the English merchant that species of happiness which it ought to guarantee ? No ; in no country are failures more frequent. Nowhere else are the colossal fortunes, which



of themselves would be sufficient to make up a public loan, and to support an empire or a republic overthrown with such rapidity. All complained that transactions were rare, difficult, and little profitable. At the interval of a few years, two terrible crises ruined a part of the bankers, and carried desolation into the manufacturing districts; within the same period, another crisis ruined the farmers, and made its *reactive* effects be felt by the retail dealers. Moreover, commerce, in spite of its immense extension, has ceased to attract to it young men who desire to establish themselves in life; all places are full; and, in the higher as well as in the inferior ranks of society, the greater number of such persons make a tender of their services without being able to find employment and a livelihood.

That national wealth whose material progress strikes every eye, has it finally turned to the advantage of the poorer orders? By no means. The people in England are at the same time deprived of comfort in the present and of security for the future. There are no longer in that country small landowners—these have been forced to give place to day-labourers; there scarcely remain in the towns artizans or masters living comfortably by a small trade, but only great producers; the working man (*industriel*), to employ a word which the system itself has brought into fashion, no longer knows what it is to have a position or standing—he gains only his wages, and as these are not sufficient for him the whole season, he is almost every year re-

duced to the necessity of seeking aid from the parish.

\* \* \* \* \*

I have endeavoured to establish in the work now again offered to the public, that, in order that wealth should contribute to the happiness of all, in as far as it is the sign of the material enjoyments of man, it is necessary that its increase be in conformity to that of the population, and that its distribution amongst that population should take place in a proportion and manner not liable to be disturbed in any great degree. I have proposed to myself to show that it is necessary for the well-being of all that the product or return should increase with the capital—that population ought not to exceed the return requisite for its subsistence—and that the reproduction should be equally in proportion both to the capital which produces it and the population that lives by it. I have at same time made it apparent, that each of these relations may be disturbed independently of the others—that the return often does not increase in proportion to the capital—that population may increase without the return being augmented—that a population more numerous, but more miserable, may demand a less consumption—finally, that reproduction may be in proportion to the capitals that give it activity, and not to the population that stands in need of it; but that, as often as one or other of these relations is disturbed, there is suffering in society. It is upon this *proportion* that my *new principles* are founded. It is in the importance which

I attach to it that I essentially differ from philosophers who have taught in so brilliant a manner the science of economy—from Messrs Say, Ricardo, Malthus, and M'Culloch. These writers appear to me to have kept out of sight the obstacles which would have embarrassed them in the evolution of their theories, and to have come to false conclusions, by not having made certain distinctions, which it would have cost them some trouble to do.

---

---

## SECTION I.

### OF LAWS DESIGNED TO PERPETUATE PROPERTY IN LAND IN FAMILIES.

---

THE interest of society requires that property should be divided in the same manner as it accumulates, and that, in order to give it a rapid diffusion, all should enjoy, in their turn, a species of wealth which has been created by their common exertions. Society thrives through the efforts which each makes to increase his wealth, but it suffers as soon as this activity is suspended; and it is to its detriment that we render stationary an order of things which, for the interest of all, ought to be progressive. It is not thus that legislators have understood the subject. Themselves almost invariably sprung from classes who have amassed riches, they have believed that it was not

enough to insure to the rich the enjoyment of their wealth, but that they fell to make such arrangements as that it should for ever remain with them and their children. What had been acquired by activity, they desire to preserve for sloth, without permitting the activity of others to effect what their own had accomplished ; and they have erected into a maxim of State, that the preservation of old fortunes in old families is essential to social order.

It is a constitutional question, and not one of political economy, to determine to what extent a nobility is necessary for a monarchy, and old extensive estates to the former. But it is the province of political economy to examine what influence will be produced on the development of agriculture and industry by those guarantees which are given to family pride, in the shape of perpetual substitutions (entails), majorats, primogeniture, lineal destinations, and all the other precautions which have been taken for preventing the rich from ruining themselves and from selling their estates. It is likewise the business of the political economist to inquire to what extent such laws have produced the effect expected from them, and have handed down entire the same patrimonies in the same families.

The laws in monarchies have permitted perpetual substitutions of several kinds—those of fiefs, those of commanderies for the religious and military orders, those of simple fees in the way of family dona-

tions, majorats, and substitutions in favour of the second son or the daughter. By these different methods, a proprietor deprives his heirs of the disposal of his fortune ; he leaves to them no power of selling, dividing, or mortgaging it, or of disposing of it by a testament. On the contrary, he compels them to leave his heritage to descend entire, from male to male, to the future representatives of his family, who, before their birth even, are supposed to have a better right to it than the whole contemporary generation. These perpetual substitutions, which the English know by the name of entails, and the Spaniards by that of *majorazgo*, are known in Italy by that of *fide-commisso*, because the present occupant is only regarded as an heir-in-trust, for the benefit of generations yet to come. (Note II.)

\* \* \* \* \*

In a country where an elder brother inherits the whole estate, and still more if the property is entailed, he looks upon his younger brother as alone made for engaging in active and gainful pursuits ; but as for himself, he thinks he does his part if he takes care of the patrimony which his fathers have left him. At an early hour, men represent to him the merit of living as a gentleman ; they keep him a stranger to all occupation, studies, or acquirements, which are spoken of as only suitable for his inferiors, and which, in his presence, are called mercantile, mechanical, and vulgar. They make him understand that, whilst his

brothers seek by different methods to improve their fortunes, to him is confided the honour of supporting the ancient splendour of his house. The name and reputation of this house are always represented to him as the object of a sort of worship. The valets, the artificers who depend upon him, the sycophants who attach themselves to him, vie with each other in relating to him by what luxury his father or his grandfather in their youth rendered themselves worthy of the consideration which they have transmitted to him—what was the number of their lacqueys, of their carriages, their horses, and their hounds—how sumptuous were their feasts—what elegance and taste were displayed in their furniture, in their table, and in their whole domestic life. No other sort of glory than this is held out to the heir of a great fortune; no reputation appears within his reach except what he shall purchase by extravagant expenses. All those who profit by his prodigalities applaud them as long as they last; and the public itself, in looking on the daily spectacle of a pomp that amuses it, forgets that it may be ultimately a sufferer. Thus, in all times and in all countries, the public has shewn itself much more indulgent towards the prodigal than the parsimonious.

On the death of the father of a family, his eldest son who succeeds him finds himself obliged to make good a dowry for each of his sisters, and to pay an yearly sum at least to each of his brothers. The

dowry of a sister is a capital, which he must find the means of extracting from the patrimony ; and if the father at his death have only left lands, and no capital, he must either sell his property, mortgage it by a loan, or give land in place of the dowry. Still, no entailed estate can be sold, burdened, or conceded, and the heir in possession avails himself of the credit which his income supplies to contract without security a debt which he expects to be able to discharge out of his rents.

From this time henceforth, he finds himself engaged with his creditors in a career from which it is almost impossible for him to extricate himself. His luxury, which ought to destroy his credit, contributes for a time to extend it ; and, obliged to support this credit, he already tries, while he deceives himself, to deceive his creditors. He has the debts of his youth to clear off—he must provide for the expenses of his establishment, for those of his marriage ; but no one will refuse him money on his simple word or obligation : merchants are anxious to sell to him, artificers to work for him, domestics to serve him. They give him credit freely for furnishings and service, and they permit him to launch into a long course of difficulties before they withdraw their confidence. The amount of his income is known to the public, who opens its accounts, and remains convinced that, with two, four, or six years of severe economy, he will be able to clear off his debts. Every one flatters himself that he will be

paid as soon as this economy commences ; and, in the meantime, each contributes by fresh acts of credit to postpone the period of it. The merchant puts his own price on the goods which he places to account, and the artificer and the valet so far pay themselves with their own hands from the furnishings of the household. They profit by the profusion and irregularities of the master, so that the consumption increases while less value is given, and without the master daring to complain of those whom he does not pay, and who are rather entitled to complain of him.

Who does not know that over all Europe this is the fate of great fortunes, and that they are rarely seen to arrive at the third generation without falling into the hands of a spendthrift ? The latter, during the greater part of his life, struggles with the difficulties in which he is involved—he juggles his creditors in order to obtain the delays which he knows not how to profit by—he engages in a series of transactions, each more ruinous than the other, to purchase for himself a short respite from his embarrassments—in fine, he endures all the miseries of poverty, all sorts of fears, cares, and humiliations, rather than give up his state, his apparent luxury, or the vain splendour which encircles him, and which no enjoyment accompanies—and he reaches the close of life loaded with debts which he has no means of discharging.

The spendthrift dies at last, and the entailed estate passes entire to the new heir of entail, without the



latter being responsible for the aberrations and acts of his father. This was the intention of the testator who founded the entail, and of the legislator who took it under his protection. In the meantime, all the father's creditors are ruined by his insolvency. They had claims to five or ten times the amount of his rental, which was their capital; and, when this is lost, the nation loses with them. The merchants and others, who had sold to him, stop payment—the artificers and the servants see the sums which they had laid up for old age disappear—the long and painful savings of the classes who economise are swallowed up in a day by the class which dissipates, and to whose members entails ensure the privileges of bankrupts. It is not in this manner that good wealth ought to be divided and find its way back to circulation.

But the entailed property, does it really pass entire to the next heir of entail? We must believe so. The invention of entails in perpetuity certainly prevents fortunes from increasing, but it does not, in one respect, hinder them from diminishing. The proprietor who, during twenty or thirty years, found himself constantly in difficulties, was unable to devote any capital or saving to the improvement of the estate, to the bringing in of wastes, or to the many operations by which the value of a property is preserved.

\* \* \* \* \*

It is not only the chance of being administered by

a spendthrift which impends over entailed properties ; we must also take into account those cases where the family estate does not pass uninterruptedly from a father to his eldest son in the direct line. If the heir of entail has no children, if he has only daughters and natural sons, he finds himself condemned beforehand to leave at his death his whole property to a brother, a nephew, or a cousin, to the prejudice of his widow and his daughters, the objects of his most tender regard. As often as this happens, the sole object of his life is to economise for those whom he loves, and still oftener to injure those whom an opposition of interests leads him to hate—to amass a small fortune, a modest capital, of which he may dispose, he cuts down the wood on his property, removes the furniture from his house, and abstains from every sort of outlay necessary for keeping up the value of an estate which he falls to dispose of in a way contrary to his wishes. How often have we not seen this constant opposition of interests between the present occupant and the expectant—between him who falls to make all the advances and him who would reap the advantage of them—between him who looks forward to the day when the property shall pass from him, and him who, in expectation of it, constitutes himself the guardian of it beforehand—excite animosity, where we would least wish to see it, between a father and his eldest son ? The father strives incessantly to detach some portion of the property under shackles,

he rejoices over every tree that is felled to bring him some crowns that will go to his younger children ; he abstains from planting a single tree or vine, for that would be to expend in favour of the eldest son the money he has laid past for the others. His jealousy of one of his sons is combined with his attachment to the others ; his avarice and his justice, his feelings, good and bad, form an alliance, and their general tendency is to ruin the property confided to his management.

An universal experience might have convinced legislators of the ruinous consequences which entails in perpetuity bring with them ; but prejudices and family pride, which view them as the means of preserving aristocratical interests, often procure for them fresh supporters. In Scotland (Note III.) they exist in all their rigour. In England, where the statute *de donis conditionalibus* (13 Edward I, c. 1.) had given them birth, the judges have constantly tried to destroy them by subtilties, less, it is true, from a worthy motive than to make inheritances liable to confiscation in cases of treason ; and, indeed, since the reign of Edward IV., and especially since that of Henry VIII., a simulate process, known in the English law under the name of "*finés and recoveries*," has given to the tenant-in-tail the means of annulling them ; but the law has taken under its protection the first substitution (*remainder*), and the latter being almost constantly renewed, produces nearly the same effect.

Entails in perpetuity have, for a long time, co-operated in the ruin of Spain and Portugal and their colonies ; they are frequent in Germany ; they were of new permitted in France by Napoleon, who sacrificed the generally recognized interest of the State to the desire of founding majorats for his new nobility ; and they have since been confirmed by the *Restoration* (Note IV.) ; finally, the greater number of the governments re-established in Italy have restored to them their former vigour, out of hatred to the philosophical doctrines by which they were attacked.

To render the effect of entails as pernicious as it has been shewn to be, the concurrence of various circumstances is necessary. When a country such as England has attained a high degree of prosperity, where all the careers are open to the active and the industrious, where places in the Government, in the navy, army, trade, in the Indies, offer countless resources, and when the credit of a father, or an influential brother, is sufficient to establish and promote young men of good education, who have a name but little fortune, the national prosperity and that of family is materially supported, not by means of entails, but in spite of them. If the prosperity of that country were once shaken—if numerous failures ruined its trade—if the increased price of its goods shut them out of the foreign markets—if the disorder of its finances forced it to diminish its army, its navy, and to carry retrenchment into the numberless government offices—if

through all these causes the only active men in the upper class of the people, those who at present contribute so much to its wealth, the younger members of great families, were condemned to inactivity, that country would soon learn, to its fatal experience, what are the ruinous effects of entails, and that in order to their extinction, the pride of family must be attacked, and the whole children called in to an equal participation of the heritage.

\* \* \* \*

On the whole, the legislator has failed in the object which he had in view in founding entails and majorats. He dooms to sloth all the sons of those families whose lustre he wished to preserve; he estranges all of them—the eldest by pride, and the younger by a want of means—from that industry which is the only means of increasing wealth, whilst he leaves them exposed to all the accidents of life, which incessantly attack all that is ancient, and which ought ever to succeed in finally destroying every species of opulence that does not renew itself.

---

## SECTION II.

OF THE CULTIVATION OF THE SOIL BY ITS OWNERS.

---

ONE of the strongest guarantees that public order can possess consists in a numerous class of peasant pro-

prietors. However advantageous to society may be the guarantee of property, it is an abstract idea, which is with difficulty understood by those to whom there appears no guarantee except for their privations. When the property of the soil is taken away from the cultivator, and that of manufactures from the workman, all those who create wealth, and who see it pass through their hands, are strangers to its enjoyments. They compose by much the most numerous portion of the nation ; they call themselves the most useful ; and they feel themselves disinherited. A constant jealousy excites them against wealth ;—scarcely can political rights be discussed in their presence, because there is a danger of their passing from this discussion to that of the rights of property itself, and that they demand a division of it.

A revolution in such a country is frightful. The whole order of society is subverted ; power passes into the hands of the masses, who possess the physical force ; and these masses—who have greatly suffered, and whom want has kept in ignorance—are hostile to every species of law, every sort of distinction, and every description of property. France underwent such a revolution at a time when the great body of the people were strangers to property, and consequently to the blessings of civilization. But that Revolution, in the midst of a deluge of evils, has left behind it many great advantages ; and one of the greatest, perhaps, is the assurance which it gives that a similar

scourge will never return. The Revolution has prodigiously increased the number of peasant proprietors. It is computed that there are, at the present day, three millions of families in France who are absolute masters of the soil which they live upon, and this supposes more than fifteen millions of individuals. Thus there is more than half of the nation, personally and on its own account, interested in all the rights of the community. The multitude and physical force are on the same side with order ; and if the present Government should fall to pieces, the masses themselves would hasten to re-establish another that would protect property and public order. Such is the grand cause of the difference between the Revolutions of 1814, 1815, 1830, and that of 1789.

It is true that the calling of the peasantry to a property in the soil was brought about by much violence, and by the confiscation and sale of the national property of every kind ; but the calamities of wars, civil and foreign, are evils as incident to our nature as are inundations and earthquakes to our residence on the globe. When the scourge has passed, we ought to bless Providence for the portion of good that has resulted from it ; and certainly none can be more precious or lasting than the one we have noticed. Every day does the breaking up of great estates go on—every day are large properties sold to the farmers who cultivate them. The nation is even yet far from having reaped all the fruits which it may expect from

this subdivision of property, because habits are slow in forming, and a taste for order, economy, cleanliness, and elegance must be the result of a longer enjoyment.

In the same way, Switzerland in the old continent, and the free States of America in the new, have not separated the property of the soil from the cares and the benefits of its cultivation, and this is one of the causes of their rapid prosperity. This mode of cultivation, the most simple and natural, fell to be that of every people at its first establishment, and on this account I have named it patriarchal. We find it in the history of all the people of antiquity, although at that period it was defiled by slavery. (Note V.)

---

### SECTION III.

#### OF CULTIVATION BY FARMERS UNDER LEASES.

---

IN our attempts to exhibit the evils which may result from large farms, we have by no means gone into the general question relative to cultivation upon a large and small scale; nor could we do so, in as far as it is one that belongs rather to the science of agriculture than to that of political economy—the nature of the climate, the exposure, the markets, determining the species of crops that ought to be raised, and the nature of the latter fixing the size of the farms or me-



tairies. (Note VI.) The system which is suitable for arable land or meadows is ruinous for vines, olives, and orchards. Large farms are more peculiarly adapted to those returns which are obtained by the use of animals, and small possessions to others which require the constant and often minute attentions of man. It most frequently happens that the choice of them is independent of us, and that the size of properties does not fix the preference to be given to the one or the other. In Tuscany, where culture is on a small scale, a great domain (*una fattoria*) is divided into twenty or thirty metairies. In the Roman States, where culture is practised on a large scale, seven or eight domains are often united, and held by a single farmer.

But, without assigning a preference of the one system over the other, we have only tried to make it be observed how each of them may be carried to excess, and how society possesses no guarantee against that excess in the mere interest of the proprietor. We have seen, in a previous chapter, that in Italy it was often the proprietor who strove to effect the undue extension of the metairies, and thereby rendered miserable the condition of their cultivators. We believe to have also shewn elsewhere, that in England the undue extent of farms is often promoted by the landlords, in opposition to the general interest. England has risen so high in point of prosperity—she has made to agriculture so extensive an applica-

tion of the natural sciences—has carried her breed of domestic animals to such perfection, and has invented so many fertilizing processes and ingenious machines, that we are prevented from perceiving at the first glance the inconveniences which she experiences from her large farms. After having admired those districts so excellently laboured, we must take into account the population which cultivates them; it is less by a half than it would be in France upon an equal extent of soil. In the eyes of certain economists this is a gain—in mine, it is a loss. But this population, less dense, is at the same time much poorer. The English cottager is worse off in point of comfort, hope, and security than is the peasant in almost all the other countries of Europe; and it thus seems to me, that the end for which wealth is created has not been attained in that country.

In looking at England more narrowly, I was grieved to see that the smaller comforts and blessings which nature provides have there been banished along with the men who ought to enjoy them. No orchards, no fruit trees enliven the country; not that the climate repels them, for it is equal to that of a part of France, and better than that of Germany; but the minute attentions which fruit trees require, are beneath a farmer of five hundred acres; and for the same reason he will not be at the trouble to rear poultry. Vessels laden with eggs arrive from Normandy to supply the English markets. There are large herds of cows, and

the dairy displays a cleanliness and elegance quite enviable ; but the farmer does not sell butter, cream, or milk. In fine, the art of gardening is neglected to such a degree that vegetables are only found in the vicinity of large towns, or in the kitchen gardens of the great. The great farmer is only occupied with the corn and cattle markets, and all the petty details of agriculture which produce little money but much enjoyment to the poorer households of the Continent appear to him to be below his notice.

Everything, therefore, has been sacrificed to the object of producing corn ; but, then, how incongruously does it happen that the English farmer is unable to bear the competition of the corn-growers on the Continent, and that he requires to have a monopoly in the sale of his article in order that his fields may reimburse him of his outlay. The free importation of corn is prohibited, and in the present season (1826) it required all the influence of the Minister to obtain from Parliament, on account of the deficiency of the crop, permission to bring in a limited quantity on payment of nearly 20 per cent of duty. But, indeed, it cannot be denied that the science of agriculture has made, owing, if you will, to the system of large farms, immense progress in England. But one still asks himself, who has profited by it ? The peasantry—are they more numerous ? No. The first advantage there sought after is the economy of manual labour. The peasantry—are they happier ? No.

They are neither better fed, clothed, nor lodged, than are those of France ; and they have not the security of the latter. The cottager is never certain of employment for the year, or even for the coming week. In order to subsist, he is perpetually driven to have recourse to the poors' funds and parish aid. The farmers—do they enrich themselves? No. Vast numbers of them were ruined only a few years ago by a fall in the prices of produce. Their landlords squeeze out of them the highest rent the farms can pay, and in spite of all their efforts they are scarcely able to keep themselves afloat. The proprietor, then—does he reap the whole benefit of the progress of agriculture? No. A rent of twenty-five francs (£1 sterling) an acre may be taken as the average rate in England, and that is below the same average in France ; it is besides only obtained in virtue of a monopoly revolting to the nation, and which will not be much longer suffered to endure. The consumer, in fine—does he profit at the expence of the producer? No. He can neither obtain fruit, poultry, milk, nor vegetables ; he buys his butcher meat as dear as he would do on the Continent, and he in vain seeks permission to purchase foreign corn subject to a duty of 20 per cent. In sooth, the system which produces such results is no model for imitation.

## NOTES TO SISMONDI.

---

### NOTE I. page 119.

The work from which these brief extracts are translated is (as stated in a note) an extension of an article on *Political Economy*, contributed by the author to one of the Edinburgh Encyclopædias; and the doctrines put forth in it have obtained many followers on the Continent, among whom will be seen to be Messrs Passy and Beaumont. By the death of M. Sismondi last year, the world of letters lost one of its brightest ornaments, and society one of its most estimable members. The European reputation which he acquired by his various historical, political, and literary publications, may, perhaps, continue principally to rest on his three great works—his *Histories of the Italian Republics*, of the French, and of the *Literature of Southern Europe*. The politics of this eminent writer were liberal; although, towards the close of his life, perhaps owing to his family connexions with the Whig party in England, he was believed to have somewhat moderated his political views. His personal and thorough acquaintance with the state of both England and France, and his calm and philosophical habits of thinking, give weight to his opinions. He is, be-

sides, one of those who render reasons for the political faith that is in them.

NOTE II. p. 125.

The laws of entail and primogeniture in Spain are noticed by writers in that country as having been productive of the greatest mischief, and as being one of the principal causes of the deplorable condition in which it has so long languished. This fact is admitted by the Spaniards themselves ; and one of the first acts of the reformed Cortes was a decree abolishing those laws, under whose operation the aristocracy of Spain has for centuries been the most profligate and debased in Europe ; a fact, of which proofs are to be found, not only in the humorous pages of Le Sage, but which is set forth by a still more eminent novelist, himself the passionate idolater of privileged orders of all times and countries, in the following lines, published in 1811 :—

“ And, if the glow of feudal chivalry  
Beam not as once thy noblest dearest pride,  
Iberia, oft thy crestless peasantry  
Have seen the plumed Hidalgo quit their side,  
Have seen, yet dauntless stood 'gainst fortune, fought,  
and died.”

*Scott's Don Roderick.*

NOTE III. p. 131.

In Scotland, as elsewhere, strict and perpetual en-

tails had their origin in the frequency of civil wars, and the consequent dangers of attainder. The writ of entail, therefore, contains a clause declaring that on the heir in possession being attainted, his right to the estate shall fall, and the property pass to the next heir. Before this device was fallen upon, it was observed in times of civil commotion that the father sometimes joined the one party and the eldest son the other, in order that on whatever side fortune might declare itself the family estate might be saved from confiscation. Canny Scots, verily your ancient aristocracy were also wise in their day and generation.

NOTE IV. p. 132.

Majorats, scarcely known in Britain, are entails constituted by an act of the sovereign or the legislature. These, as well as the substitutions alluded to in the text, were again abolished in France after the Revolution of 1830. The passage referred to in the text had stood in the first edition published in 1827, and had not been corrected in the second, which appeared ten years later. The solitary instance in which an attempt was subsequently made to revive majorats, was in the late case of the Duke of Nemours; but it so outraged public opinion that the measure was quashed by the Chamber of Deputies.

## NOTE V. p. 136.

This passage cannot be better illustrated than by a quotation from the works of the liberty-loving poet of the Seasons—

“Nor ye who live  
In luxury and ease, in pomp and pride,  
Think these lost themes unworthy of your ear ;  
Such themes as these the rural Maro sung  
To wide imperial Rome, in the full height  
Of elegance and taste by Greece refined.  
In ancient times the sacred plough employed  
The kings and awful fathers of mankind :  
And some, with whom compared your insect tribes  
Are but the beings of a summer’s day,  
Have held the scale of empire, ruled the storm  
Of mighty war, then with unwearied hand,  
Disdaining little luxuries, seized  
The plough, and greatly independent lived.”

## NOTE VI. p. 137.

Metairies are a species of farms now hardly known in Britain, although yet sufficiently common in some parts of France and other continental states. On these, the proprietor furnishes the bestial and implements of labour to the tenant, who restores them at their original value, and whose rent is generally paid in a certain share of the produce, though sometimes in money. In Scotland, such farms at one time existed, and were known under the name of *Steel-bow*. In France, farms are usually let on nine years’ leases,



which are seldom clogged with conditions as to cropping, this being left to the discretion of the tenant, and the check of the law. In the southern districts—the most favoured in point of climate—two crops, a white and green crop, are often taken in a season :—

“ And happy in the year’s long sunshine roam  
Which yields its sickle twice its harvest home.”

## E. BURET.\*

---

The proper study of mankind is man.—*Pope.*

---

ADAM SMITH, the Bacon of political philosophy, fixed the science upon the exclusive basis of the theory of value, and it would not be just to reproach him for this, for, although his principal object was the study of the means of wealth, he is the least exclusive of all the economists of his school. This great writer did not confine himself to the study of wealth, or to an examination of the material phenomena of production; but, on the contrary, we find him often occupied with the high questions of social philosophy, such as public education; and we discover in other parts of his work that generous tendency which distinguishes the early school of French economists, that of Quesnay and Turgot. This tendency disappeared by degrees amongst his disciples, especially in England, who materialized his doctrines in adopting and commenting on them, and have formed out of them a science as abstract as that of numbers; having no more connexion with politics and morality than with geometry. The most complete and exaggerated species of political economy, which we are disposed to call absolute,

\* This short extract is taken from a late Prize Essay of the Institute on Political Economy, by M. Buret.

is found in the works of Mr Ricardo, the ingenious metaphysician of rent, in whose writings all the social tendencies disappear: in his eyes, nations are only so many workshops of production—man is a machine, to consume and produce—and human life is a capital—everything is weighed or calculated, and the laws of economy are made to regulate the world.

At a time when political economy was pushed in practice to its extreme lengths, a reaction commenced against it. It was impossible that good sense, apart from science, should not come to rescue from such an exaggerated system the rights of humanity and reason. Besides this, political economy strictly confined in its objects to the theory of wealth, although it was the predominant system, was not the only one. In Italy, where the social sciences had for a long time been successfully cultivated—(see the works of Filangieri and Beccaria)—and where the English political economy had not made its way, moral feeling had never been divorced from the science. There were thus found in Europe, if not in England and in France, the elements of a reaction, of which we will present the history, and for this purpose we believe it will be sufficient to point out its tendencies and scientific results. It is a writer half Italian and half French who is the most intelligent exponent of it, and as it were its champion—we have to name M. Sismondi.

Nothing is more clear and simple than is the idea which has given birth to this reaction. The strongest

objection—the only one that has been brought against the English system of political economy—is, that the object of a social science ought not solely to be the indefinite increase of the aggregate wealth of a nation, but the wellbeing of the greater number of its members ; and that, as is observed by M. Droz, one of the economists the most open to the dictates of conscience and good sense, we ought at least to occupy ourselves as much with man as with his productions, seeing that productions were made for man, and not man for productions.

\* \* \* \* \*

Whatever may be the doctrines reserved by providence for the human race, I think the best means of preparing them is, to labour for the application of those principles of justice and of truth which Christianity has infused into modern civilization ; that is, to avail ourselves of all the lawful means which an enlightened people has at its disposal for promoting its wellbeing and prosperity, and so to act that there may at last come to be no other than citizens in the same state—brothers, knit together by interest and good will in the same community—Christians, children of the same God, in the same religious society—all united by the common bonds of faith, hope, and charity.

## NOTE TO BURET.

---

This criticism on the English school of political economy, though severe, is well merited. In fact, our philosophers, by giving forth so many doctrines opposed to common sense and the natural feelings of mankind as the results of their investigations, have fully justified the ridicule cast on them by Cobbet and others of that school. The deficiency of their conclusions, however, may arise simply from the restricted character of their investigations preventing them from embracing the whole circumstances of the case; and thus, though their reasoning may be correctly conducted, its results must give only a partial and distorted view of the matter. The laws by the operation of which wealth may be distributed, and which are at any rate of equal consequence to society with those regarding its production, have not yet in Britain been adequately examined. Under this head, one would imagine that the effects of a law of equal succession naturally fall to be first investigated. Doubtless it may be said, that for the promotion of human knowledge it is desirable to keep each science in its distinct place, and that it is not the fault of the English economists if their science is inadequate to the full solution of the problem of national prosperity, including distribution as well as pro-

duction, and that, therefore, the accusations brought against them by E. Buret have no foundation but in popular prejudice. But, in answer, we beg to ask how does it happen that those researches regarding the distribution of wealth, confessedly of so much interest to humanity, have not only been hustled out of what seems to be their natural and fitting place, but have been by one and all of our savans totally neglected? If our numerous array of philosophers could not treat of these subjects under the name of political economy, is that a valid reason for throwing them completely out of view? This excuse, when examined, is, at the best, simply evasive. It staves off, but does not meet, such accusations as those brought against them by E. Buret. We suspect there is only one satisfactory reason which can be given for the state of political economy in England—the influence of our dominant class. Our landed aristocracy, Whig and Tory, have for a long period had the whole patronage of the country at their disposal, and our philosophers were disinclined to pursue investigations which might lead to conclusions disagreeable to those patrons to whom they looked for honours and substantial rewards.

# M. GUIZOT.\*

No. I.

---

A Hampden, too, is thine;  
Bright at his call the age of men effulged—  
Of men on whom late times a kindling eye  
Shall turn, and tyrants tremble as they read.—*Thomson.*

---

## PREFACE.

\* \* \* \* \*

The principles, objects, and efforts which have been exclusively attributed to the English Revolution and our own not only preceded them by several centuries, but are the same principles and efforts to which European society is indebted for all its advancement. Was it by its disorders and its privileges—by the debasement of men under its yoke—that the feudal aristocracy took a part in the improvement of the people? No, but it struggled against royal tyranny, and maintained the maxims of liberty. Why have the people heaped blessings on kings? Was it for their pretensions to the right divine and absolute power, or for

\* HISTORY of the ENGLISH REVOLUTION, from the Accession of Charles I. to his Death. By M. GUIZOT. 2 vols. 8vo. Paris, 1841. Second Edition. (The continuation down to the Revolution of 1688 has not yet appeared.)

the prodigalities of their courts? No, but kings attacked the feudal regime and aristocratical privileges; they carried unity into the legislation and the administration, and seconded the progress of equality. And the clergy, whence came their influence? Was it by separating themselves from the people, startling human reason, and by sanctioning tyranny in the name of heaven? No, but they united in one common mass in their churches the high and the low, the poor and the rich, the weak and the strong; they honoured and cultivated the sciences, founded schools, and favoured the propagation of knowledge and the activity of intellect. Let us interrogate the history of the masters of the world—let us examine the influence of the different classes which have presided over its destiny—wherever some good makes its appearance calling forth a lively feeling of gratitude for some service rendered to mankind, it was only a step towards that end which the English Revolution and our own had in view; and in all such cases we ever find ourselves in presence of some of the principles to which the latter aimed to give prevalence.

Let us cease then to paint these revolutions as hideous apparitions in the history of Europe—let us no longer speak of their inordinate pretensions or their infernal inventions—they have pushed forward civilization in the road which it had followed for several centuries before—they professed the maxims and advanced the labours to which, in all times, man



has been indebted for the development of his nature and the amelioration of his condition—they did what, in their turn, constitute the merit and glory of the clergy, of the nobles, and of kings.

I do not think that men can much longer persist in absolutely condemning these revolutions, because they are chargeable with errors, sufferings, and crimes. As to these, we must at once give in to their adversaries, go beyond them in their severity, and notice their accusations only to add to them should they forget them. But if we summon them in their turn, draw up an account of the errors, crimes, and calamities of those times and of those powers which they have taken under their protection, I doubt if they will accept the challenge.

If we seek to be informed in what respects the two Revolutions are distinguished from all other periods, and how, in continuing the common work of centuries, they have merited their name, and actually changed the face of the world, this will appear from what follows.

Different powers have in succession dominated in European society, and marched at the head of civilization. After the fall of the Roman Empire and the invasion of the barbarians—amidst the dissolution of all bonds, and the ruin of all authority—the dominion everywhere fell into the hands of brute force and courage. The conquering aristocracy took possession of everything—of persons and lands, of people and

countries. In vain did some great men, Charlemagne in France and Alfred in England, endeavour to submit this chaos to the unity of monarchical rule. All unity was impossible. The feudal hierarchy was the only form that society was disposed to accept. It invaded everything, the church as well as the state; bishops and abbots became barons, the king was only the first of the feudal nobles. However rude and vacillating this organization might be, Europe owed to it its first steps out of barbarism. It was among the proprietors of fiefs, their relations, sentiments, and ideas that European civilization took its rise.

The people were horribly ground down and oppressed. The clergy alone tried to obtain for them a little reason, justice, and humanity. Whoever did not hold a place in the feudal hierarchy had no other asylum than the churches, nor other protectors than the priests. Insufficient as it was, this protection was still immense; for there was no other. Besides, the priests alone supplied some nutriment to the moral nature of man—to that necessity of thinking, knowing, hoping, and believing—an invincible necessity, which surmounts all obstacles and survives all calamities. The church soon acquired in Europe a prodigious influence. Royalty, in its nascent state, lent it fresh strength in sueing for its support. The preponderance then passed out of the hands of the conquering aristocracy into those of the clergy.

Through its alliance with the church and its own

energy royalty increased its power, and raised itself above its rivals ; but scarcely had the clergy come to its assistance than it sought to enslave them. In its new danger, royalty called to its aid sometimes the barons, become less formidable, at other times the burghers and the people, already strong enough to serve it effectually, but not sufficiently so to exact a high price for their services. By means of the latter, royalty triumphed in its second struggle, and became in its turn the dominant power, invested with the confidence of nations.

Such is the history of ancient Europe. The feudal aristocracy, the clergy, royalty, have, in their turns, possessed and successively presided over its destiny and its progress. It is to their existence and their strifes that Europe for a long time owed all its conquests in liberty, prosperity, and enlightenment ; in a word, its advancement in civilization.

In the seventeenth century in England, and in the eighteenth in France, all contention amongst these three powers had ceased ; they lived together in a state of lethargic peace—it might be said they had lost their historical character, and even the very recollection of the efforts which had constituted their strength, their renown. The aristocracy no longer defended public liberties, nor even their own. Royalty no longer strove for the abolition of aristocratical privileges, and seemed even to look with favour on their possessors in return for their servility. The clergy,

the spiritual power, was afraid of the human mind, and no longer knowing how to direct it, summoned it with menaces to stop in its career. Still, civilization pursued its onward course, and became every day more general and active. Abandoned by its ancient leaders, surprised at their apathy and their irritation, and perceiving that less was done for them in proportion as their strength and demands increased, the people came to think that it behoved them to take their affairs into their own hands, and, charging themselves alone with those functions which no one now discharged, they demanded, at one and the same time, liberty from the crown—equality from the aristocracy—and the rights of human intelligence from the clergy. It was then that revolutions broke out.

These Revolutions, put to profit by a new power, did what was seen to happen in Europe at several other periods. They gave leaders to society who wished, and who were able, to guide it in its progress. Upon this ground alone, the aristocracy, the church, and royalty had by turns possessed the preponderance. The people seized on it in virtue of the same right, by the same means, and in name of the same necessity.

Such is the genuine achievement, the dominating character of the Revolution in England, as well as that in France. After having regarded them as absolutely similar, it has, however, been pretended that they had only common appearances. The first, it has

been said, was political rather than social ; the second desired to change altogether society and the government—the one sought after liberty, the other equality. The one, religious rather than political, only substituted one set of tenets for another—one church for another ; the second, above all philosophical, demanded the full independence of reason. This comparison is ingenious, and so far true ; but it is nearly as superficial and flimsy as the opinions which it sought to rectify. Whilst that under exterior resemblances of the two Revolutions, great differences are discoverable, there lies hid under these differences a still stronger resemblance. It is true, that the Revolution in England, owing to the same causes which made it break out a century earlier than ours, retained a stronger impress of the old condition of society. There free institutions, born in the midst of barbarism, had even survived the despotism which they could not prevent ; the feudal aristocracy, at least a part of it, had made common cause with the people ; royalty, even in the days of its greatest supremacy, had never been absolute entirely and without resistance ; the national church itself had begun a reform in religion, and boldly challenged human inquiry. In everything, in the laws, the creeds, and the manners, the Revolution found its work half accomplished, and, in the regime which it wished to change, it found at once assistance and obstacles, useful allies and still more powerful adversaries. Thus did it present a

strange mixture of elements the most contradictory in appearance, at once aristocratical and popular, religious and philosophical, invoking by turns laws and theories, sometimes imposing a new yoke on the conscience, at other times proclaiming for it an entire liberty ; sometimes strictly confined within the bounds of facts, at other times launching out into the boldest speculations placed between the old society and the new, rather as a bridge for passing from the one to the other than as an abyss to separate them.

The most terrible unity, on the contrary, prevailed in the French Revolution. There the new spirit dominated alone. The old regime, far from taking in the movement the place and the part which belonged to it, only thought of defending itself against it, and only did so for a moment—it was without power as well as without influence. At the period of explosion only one fact remained real and powerful—the general civilization of the country—and, under the influence of it, fell to perish all old institutions, manners, creeds, recollections, and the entire national existence. So many centuries of activity and glory left nothing behind them but—France. Thence came the immensity of the results of the Revolution, as well as its aberrations ; it possessed absolute power.

Without doubt, the difference between the two events is great, and deserves to be taken into account ; it is especially striking when we consider the two Revolutions in themselves as isolated events, by detach-

ing them from general history ; and, if I may so express myself, assigning to each its proper physiognomy and character. But let them resume their place in the history of ages—let us see what they have done for the development of European civilization, and we will find that the resemblance will reappear and rise above all their disparities. Engendered by the same causes, by the decay of the feudal aristocracy, of the church and of royalty, they worked for the same end, namely, the domination of the people in public affairs : they contended for liberty against absolute power, for equality against privilege, for progressive and general interests against those that were stationary and individual. Their situations were different, their forces unequal ; what the one clearly conceived the other had only a crude perception of ; in the career run by the one the other soon stopt short ; upon the same field of battle the one found victory the other defeat ; the one sinned by its cynisme, the other by its hypocrisy ; the one was more prudent, the other more powerful ;—but their means and their success have alone varied ; their tendency was the same in its origin ; their desires, efforts, and progress were directed to the same end ; what the one attempted or accomplished, the other accomplished or tried. Although guilty of religious persecution, the English Revolution saw the standard of the liberty of conscience unfurled in its ranks. In spite of its aristocratical alliance, it founded the preponderance of

the Commons. More occupied with civil order than with anything else, it has, nevertheless, demanded a simpler system of legislation—Parliamentary reform, the abolition of entails and of the right of primogeniture—and, although yet balked in these ulterior expectations, it has still caused an immense step to be made in getting out of the monstrous inequality of the French feudal regime. So great, indeed, is the analogy betwixt the two Revolutions that the first would not have been understood if the other had not broken out.

In our time, indeed, the history of the English Revolution has assumed a new face. Hume had it in his power to mould to his own wish the opinion of Europe; and, in spite of the support of Mirabeau, the declamations of Mr Macaulay had not been able to shake his authority. Of a sudden, men's minds resumed their independence; a number of works prove not only that that period has of new become the object of a lively sympathy, but that the narratives and the judgments of Hume have ceased to satisfy the curiosity and reason of the public. A great orator, Mr Fox—distinguished writers, Laing, M'Diarmid, Brodie, Lingard, Godwin, &c.—have hastened to satisfy this new curiosity. Taking its rise in France, this movement could not fail to make itself be felt there. "The History of Cromwell, by M. Villemain," and "The History of the Revolution, by M. Mazure," incontestibly prove that, amongst us also, Hume no



longer suffices for any one, and I myself have been able to publish the voluminous collection of original memoirs of that period, without wearying the attention or exhausting the curiosity of our reading public.

## NOTE TO GUIZOT.—No. I.

---

M. Guizot is known over Europe as one of the most eminent writers, orators, and statesmen of his day. At one time ambassador in England, and well versed in its history and literature, he now fills the situation of minister of foreign affairs in an administration of which he is virtually the head. The chief of the *doctrinaire* or *juste milieu* party, his political leanings are conservative; and the great objection which his adversaries bring against him is, his supposed admiration of England, and his general bias towards that country. Sprung from a royalist family, whose fortunes were ruined by the Revolution, and driven into exile after his father had perished on the scaffold, few have less reason than he to speak favourably of that event. Still it will be seen that, without denying its immediate evils, he, with the candour of great intellect, acknowledges not only that it was inevitable, but that it has conferred immense ultimate advantages on his country; whilst, in treating of the English Revolution in the cursory way he has done in the extract, he regards it as a great though less advanced step in the progress of civilization; and which, left incomplete, has to be followed up by other changes, amongst which are the simplification of the laws in general, and the abolition of those of entail and primogeniture.

# M. GUIZOT.\*

No. II.

~~~~~

And England sent her men, of men the chief,
Who taught those sires of empire yet to be
To plant the tree of life—to plant fair freedom's tree.

Campbell.

~~~~~

## INTRODUCTION.

\* \* \* \* \*

It is an assertion often repeated and generally admitted, that in the English colonies, before their separation from the mother country, the state of society and the modes of thinking were essentially republican, and that everything tended towards that new form of government.

But a republican government may rule, and has actually ruled, societies exceedingly different, and the same society may undergo great metamorphoses without ceasing to live in a republic.

The English colonies shewed themselves nearly equally decided in favour of a republican constitution. In the north and south of the union, in Virginia and

\* The *Life, Correspondence, and Writings of Washington*, after the American edition, with an Introduction by M. Guizot. 5 vols. 8vo. Paris 1840.

the Carolinas, as well as in Connecticut and Massachusetts, the public wish was the same in regard to the form of the government. Still (and it has been more than once observed) these colonies, in their social organization and in the state and relations of their inhabitants, were very different.

In the south, especially in Virginia and the Carolinas, the soil in general belonged to the great proprietors, surrounded by slaves or small cultivators. There, entails and primogeniture maintained the perpetuity of families; there was a constituted and endowed church. The civil legislation of England, so strongly imprinted with its feudal origin, had been maintained almost without reserve. The social state was aristocratical.

In the north, on the contrary, in Massachusetts, Connecticut, New Hampshire, Rhode Island, &c., the refugee puritans had introduced and established their democratic rigour and their religious fervour. There were found no great proprietors in the midst of an inferior class—no fixedness in the possession of the soil—no hierarchial church founded in the name of the state—no social superiorities legally instituted and upheld: man was left to his own exertions and the care of providence. The spirit of independence and equality had passed from the religious into the civil order of things.

Nevertheless, even in the northern colonies, and under the influence of their puritanical principles, other

causes, too little remarked, modified the character of society, as well as its development. There is a wide difference between the religious democratical spirit, and the democratical spirit purely political. However ardent and untractable the first may be, it draws its origin from, and preserves in its action, a powerful order of subordination and respect. In spite of their pride, the Puritans always bent before a master to whom they submitted their thoughts, their hearts, and their life; and upon the shores of America, when they were no longer obliged to defend their independence against the powers of this world, and governed themselves in presence of God alone, the sincerity of their faith and the austerity of their manners combated the democratical spirit in its tendency towards individual insolence and irregularity. In the bosom of those families, so jealous of their rights, so hostile to all political parade, to all conventional grandeur, the paternal authority was strong and highly respected, and was consecrated instead of being limited by law. Entails, and so far an unequal division, were forbidden; but the father could dispose absolutely of his means, and distribute them at his discretion among his children. The general legislation was not subordinated to political maxims, but preserved the impress of ancient manners. Thus the democratical spirit, although predominant, encountered everywhere checks and counterpoises.

\* \* \* \* \*

But the Revolution, in hastening the course of things, imprinted on American society, in a democratic sense, a general and rapid movement.

In the States, where the aristocratical principle was yet powerful, as in Virginia, it was immediately attacked and vanquished. Entails disappeared ; the church lost not only its privileges, but its official position in the state ; the elective principle entirely took possession of the government ; the right of suffrage received a great extension ; the civil legislation, without undergoing a radical change, inclined more and more towards equality.

The democratic spirit was still more decisive in facts than in the laws. In the towns the population greatly increased, especially that of the lower orders ; in the countries in the west, beyond the Allegany mountains, by a continued and rapid stream of emigration, new states arose, or were in the course of formation, covered by a scattered population in quest of an existence, ever struggling with the stubborn forces of nature and the fierce hatred of savages : half savage themselves—strangers to forms, to the restraints of a dense and civilized state of society—engrossed by the selfishness of their isolation and their passions—bold, proud, rough, and passionate. Thus everywhere, on the seaboard as in the depths of the Continent, in the great centres of population as in the forests with scarce a clearing, in the midst of commercial activity and agricultural life, all the de-

mocratical elements increased, spread, and took in the state and its institutions the place which had been prepared for them, and which they had not at first occupied.

## NOTE TO GUIZOT.—No. II.

---

Primogeniture was abolished at the Revolution in all the States of the Union, and the rule of an equal division established in intestate successions, although it is not imperative, as in France and some other Continental States. The late President Jefferson, from whose pen came the immortal Declaration of American Independence, and to whom Scotland has the honour of having furnished an early instructor in the person of the late Dr Small of Dundee, one of the leaders of the democratic party, has the merit of having been the chief promoter of this measure, and also of the abolition of church establishments, both of which reforms were at first opposed by the federal party. This fact appears from his memoirs and works, published after his death, from which we shall take an extract:—

“ When I quitted the Congress in 1776, it was under the persuasion that our code fell to be revised, and adapted to the republican form of our government, and that, being no longer trammelled with the vetos of councils, governors, and kings, to prevent us from doing what was right, the time was come for reforming the legislation in all its branches, without any other rule than reason, and the promotion of the well-being of those for whom it was intended.” In “ regard



to the law of successions, I propose to abolish the right of primogeniture, and to render real property transmissible in equal shares to the nearest relations, in the same way as personal estate is now divided under the statute of distributions," &c. In a Biography of the Subscribers of the Declaration of Independence, it is mentioned that one of them, James Wilson, was born at Carskerdo, near Ceres, in Fife; and he and a brother afterwards held high appointments under the republic.

See also Stuart's "Three Years in America," and M. de Tocqueville's excellent work "On the Democracy of the United States."

## B. CONSTANT.\*

---

Prone to the dust oppression shall be hurled,  
Her name, her nature banished from the world.—*Campbell.*

---

“THE French Revolution (says Madame de Stael) is one of the great epochs of social order. Those who consider it as an accidental event have carried their views neither into the past nor the future; they have taken the actors for the piece; and, in order to gratify their angry passions, they have attributed to the men of the moment what centuries had been preparing.”

This remark is pregnant with truth. Many discover in the events of the day only the accidents of the preceding. To believe them, if such and such a partial movement had been quelled, nothing of what took place would have happened; by providing for the defect in the finances, the meeting of the States-General would have been rendered unnecessary; by firing upon the people who surrounded the Bastile, the insurrection would have been prevented; if the Third Estate had not been doubled, the Constituent Assembly would not have been factious; and, if that As-

\* Literary and Political Miscellanies. By Benjamin Constant. 1 vol. 8vo. Paris, 1829.

sembly had been dispersed, the Revolution would not have broken out. Blind speculators! who do not see that the deficit in the finances was not a cause, but an effect, and that the same form of government which had occasioned that deficit would soon have created another, seeing that dilapidation is the invariable accompaniment of arbitrary power—that the destruction of the Bastile was not the outburst of a sudden frenzy on the part of the inhabitants of Paris, and that the Bastile preserved to-day would have been of new menaced to-morrow; because, when a hatred of grievances has goaded a people to insurrection, it is not by protecting these grievances by artillery, but by putting an end to them, that tranquillity can be permanently re-established—that the doubling of the Third Estate only furnished additional organs to public opinion, which, if deprived of them, would soon have created others still more formidable—that, by dispersing the Constituent Assembly, the desire for freedom that was then predominant would not have been eradicated—that the force of the Third Estate would have survived as well as its resolution either to receive redress or to take it at its own hand—that the real authors of the Revolution were not those who, acting as its instruments, appeared to be its chiefs. The real authors of the Revolution were the Cardinal Richelieu and his tyranny, his sanguinary commissions, and his cruelty—Mazarin and his tricks of State, that rendered contemptible the authority which

his predecessor had rendered odious—Louis XIV. and his ruinous ostentation, his unnecessary wars, his persecutions, and his dragonnades ;—the real authors of the Revolution were—absolute power, despotic ministers, insolent nobles, and rapacious favourites.

---

As soon as knowledge has advanced, and especially after commerce exists in a country, the despotism of one becomes impossible. Commerce, by conferring on property a new quality, that of circulation, emancipates individuals, and, by creating credit, renders authority dependent.

But, as soon as a pure despotism becomes impossible, an aristocracy is a real scourge ; and this explains why certain people in modern times, such as the Danes, in order to rid themselves of it, have consented to incredible sacrifices.

The question as to the comparative value of a pure despotism and an aristocracy is, at the present day, absolutely futile. I defy the absolute power of one to exist for ten years in any enlightened country. Buonaparte himself was unable either entirely to acquire it or to make it last ; and I defy the aristocracy to prolong *its* existence for another half century.

The English constitution is a constant object of admiration with Madame de Stael. I am far from denying how much we owe to that constitution, whose name alone has rendered important services to liberty. France, in believing to imitate it, has acquired insti-

tutions infinitely better, and a liberty far more real. We have genuine elections in place of rotten burghs. We are preserved from the concentration of property, which is the source of misery and the certain parent of revolutions. (Note II.)

England is, in point of fact, only one vast, opulent, and powerful aristocracy. Immense estates united in the same hands ; colossal fortunes accumulated in the same families ; a body of dependents, numerous and faithful, grouped around every great proprietor, and prostituting to his will those political rights which the constitution would seem to bestow on them only to be sacrificed ; and, as a final result, a national representation composed of placemen and nominees of the aristocracy. Such, up to the present time, has been the political organization of England.

In the midst of this combination of liberty and aristocracy, of dependency and patronage, came a period of distress. The fortunes of the great were no longer found sufficient to keep up their relations with the population that depended on them. Landlords raised their rents and changed their tenants ; masters dismissed their domestics. They saw in all this only a measure of economy ; but it appears to me to contain the germs of a change in the basis of social order, of which the symptoms are already visible.

In every case where the mass of a nation is kept down by main force, it yields its consent to the domination of certain classes only when it believes to see

in the supremacy of the latter, a certain amount of advantage for itself. Habit, prejudice, a sort of superstition, and that inclination in man to consider what exists as what ought to continue, prolong the ascendancy of these classes, even after they have ceased to be useful ; but their existence then becomes precarious, and the duration of their prerogatives uncertain. Thus the clergy saw their influence fall off as soon as they were no longer the depositaries of those branches of knowledge that are required in the civil affairs of life, and the people were no longer willing to render implicit obedience to an order with which they could dispense. The empire of the feudal nobility began to decline when they could no longer tender to their vassals, as the price of the privileges which the latter consented to respect, a protection ample enough to indemnify them for their submission to these privileges. The great English lords possessed neither a monopoly of knowledge like the clergy, nor that of protection like the barons of the middle ages ; but they had that of patronage, and they made that monopoly to be tolerated by the inferior classes, in surrounding and attaching to themselves a numerous tribe of dependents, which they have now thrown off. In doing so, they believed, with a blindness common to all aristocracies, that they were able to shake themselves free of the burdens, and yet retain the advantages connected with them ; but these dependents, cast off by their patrons, came instinctively to see that they were placed

upon a footing of equality ; and in this way a change has been operated in the moral feeling of the people towards the upper classes. The old tenants paying higher rents, or the new ones who replaced the old, are no longer the dependents of the landlords. They are men who have entered into a contract with onerous stipulations and own no obligations except what is there imposed on them. The dismissed servants have added to the numbers of the class who have nothing to lose—a class already become very numerous in England by means of its detestable prohibitory regulations, and its parish laws so horribly inflictive on the poor. In this manner, a great portion of the people formerly the support of the aristocracy have become its enemy.

The first effect of the casting off of the dependent class has produced a second, and these two effects have become greater by a mutual action.

Up to this time, a section of the English aristocracy stood boldly forward in defence of liberty. Feeling themselves beyond the reach of popular commotions, they took a pleasure in limiting to their own profit the power of the crown. The opposition peers were vain in shewing themselves as the tribunes of a people whom they guided. At the present day, this section of the British aristocracy perceives that the helm has escaped out of its hands, and is terrified at the rapid progress of democratical principles ; its march is therefore uncertain—it no longer demands all that it once

demand, and it does not wish to obtain what it demands.

Catholic emancipation has shaken the National Church, and with it all the traditions and associations which, for time immemorial, served as supports to the aristocracy. The foundations of the present order of things in England give way on every side. I do not say that the renovation will be immediate, but it will infallibly take place. The time of dependent inferior classes is past, like that of serfs and vassals. No doubt the prejudices favourable to the concentration of property, are yet profoundly rooted in the popular mind; and, strange to say, among men who are called factious as well as those who are looked on as the pillars of social order. Sir Francis Burdett thinks on this subject as Lord Eldon, and both plead the cause as might be done by a Prussian noble or a Spanish monk. But their pleadings are useless. The division of property—that great scandal in the eyes of the English, that phenomenon which their travellers are unable to reconcile with the present prosperity of France—the division of property will take place in England, and will be effected either by the repeal of the existing laws which forbid it, or by cruel spoliations and by laws giving a sanction to them.



## NOTES TO CONSTANT.

---

### NOTE I. page 170.

Benjamin Constant, who died a few years ago, is too well known, both as a man of letters and an intrepid defender of liberty, to require any eulogium. His is a *clarum et venerabile nomen*, and his authority is of the first order. His opinion as to an aristocracy being a pure and unmitigated evil—a real curse—in every commercial and civilized State, is one that is fast making way in our own country, and every day adds fresh strength to it. The aristocracy and their allies the Established clergy are the authors and abettors of the system of misgovernment and oppression pursued towards Ireland. The tenacity with which the aristocracy cling to the iniquitous Corn Laws has covered them with odium in the eyes of the people, and is stripping them of their remaining *prestige*; their tenantry even are turning their backs upon them. Mr Cobden and the *League* are doing excellent service to the cause of Radical reform. The Corn Laws abolished, as they must shortly be, the English landlords, in order to stimulate improvements on their estates, will be forced to grant leases to their tenants, who will then cease, in some degree, to be their political tools. The same necessity will

lead to the abolition of the Game Laws. Events are everywhere working the overthrow of the aristocracy. Their days are numbered.

NOTE II. p. 173.

The general and unchecked concentration of landed property in Great Britain, which forms one of the many abuses in the civil laws of the country, was, a few years ago, denounced by Sir Walter Scott in the following terms :—

“ What we now see in England took place after the destruction of the Roman Republic, and was the principal cause of the downfall of the Roman empire. The small farms of the primitive Romans had been gradually united—the property of the soil was confined to a small number of great proprietors, and the cultivation of it handed over to slaves. Mercenaries alone were intrusted with the defence of the country, and the empire fell to pieces.

“ If the existing system in England is not changed, it will happen before long, that the total rental of the landlords will be absorbed by the poor-rates. In certain parishes they already exceed the rental ; and in a great number of others they carry away two-thirds of it, and continue increasing in a most alarming ratio. This is a palpable chastisement to those who, from a motive of cupidity as culpable as it is imprudent, have separated from the soil the peasant who cultivates it.

The time will come when the whole rent of the land will be hypothecated to the poor. An agrarian law will thus be in fact established, and, by the strangest and most unexpected of revolutions, the labourers in the country will be substantially in possession of the whole of the rental of that soil in which any participation is now refused them.

“In this respect France, more equitable than England, has also shown herself more politic. Whilst that our laws favour by a continual action the accumulation of landed property, hers, on the contrary, tend to a perpetual subdivision of it. It is possible that the system in France may not be confined within proper bounds, but, even were it carried to an extreme, it is less prejudicial than the opposite one.”

## DUPIN.\*

---

### EFFECTS PRODUCED IN FRANCE BY THE ABOLITION OF THE LAW OF PRIMOGENITURE AND OF ENTAILS.

---

*Æqualis jungat gratia, quos æqualis junxit natura.—S. Ambrosius.*

---

To judge of the advantages gained by the present law of equal succession, it would be sufficient that those emigrants who returned to France in 1814 would recall to mind her condition in 1791, when they left her. It is an erroneous idea, that our national strength or wealth has been diminished by the division of the land into too small portions. Never before were our armies so powerful and trustworthy as since they have been composed principally of citizens, who, proprietors themselves, are personally interested in the defence of our territory. Never before has order been more easily maintained throughout all the country, or were travellers more safe; or, in fine, the whole people more civilized and happy. The abolition of the law of primogeniture, by establishing equality in all fami-

\* Du Droit d'Aînesse. Par M. Dupin, Avocat. (Dedicated by the Author, the eldest of the family, to his two brothers.) 12mo, pp. 120. Paris, 1826. (Note I.)

lies, has caused a greater intimacy of fathers with their children, and of the children with each other. It has put an end to jealousies and fierce hatreds like that recorded of Esau. All receive the same education, the same treatment, and the same inheritance. There is not now one of them born to wealth and power, and the others destined to comparative privation, depression of rank, and unhappiness.

As to the land itself, every candid person will acknowledge that the large entailed properties were the worst cultivated. How many lakes, ponds, and marshes have within the last thirty years been converted into fertile pasturage ! How many extensive improvements have been carried into effect, which would never have been attempted by a proud noble or an uninterested factor !

The lands and forests belonging to religious and other public corporations were formerly wasted ; for each incumbent naturally wished to secure the greatest amount of advantage to himself during his occupancy, without any regard to the permanent benefit of the property. The forest laws, good in themselves, were never properly enforced. But now, even the great proprietors themselves will admit that a far more perfect system of management has been introduced during the last twenty-five years.

A great impulse has been given to industry and the accumulation of property. The frequent transfer of land, while it has enriched the treasury, has facilitated

the better adjustment of the boundaries of estates. If many large properties have been divided, a great number have also been reconstructed. (Note II.) The economy of some has made up for the prodigality of others. Each individual has been prosperous, or the reverse, not from chance or from the circumstance of his birth, but on account of his own industry or idleness, his virtues or his vices. Hence, our cities have been embellished ; our arts have been brought to perfection. Our dwelling houses have not only been increased in number, but have been built more commodious, more convenient, and of a more handsome exterior ; and, in fine, the effect of this new law has been so great that, as if by a new creation, our people have not only become vastly more numerous, but so changed for the better as to be altogether a new people, full of learning, intelligence, and morality. (Note III.)

## NOTES TO DUPIN.

---

### NOTE L. page 180.

The pamphlet from which this short extract is taken appeared at a memorable period of the Restoration, to be afterwards noticed. M. Dupin, the author of it, and of several other more important works, is one of the most eminent public characters of France. As Procureur-General of the Court of Cassation, he occupies the highest law office in the country. During several years President of the Chamber of Deputies, he is still a member of that body, as one of the representatives of his native department of Nevers; and although he can scarcely be classed with any party, he generally votes with the constitutional section of the opposition. He is the private legal adviser of the present King and his family. His eldest brother, Baron Dupin, a member of the Chamber of Peers, is known as the author of several valuable economical works, one of which, relative to the industry of Great Britain, has been translated into English; and another brother is a leading advocate of the Paris bar. The estimation in which the Messrs Dupins are held was marked some years back, on the death of their mother, to whose memory a monument was erected at the public expense with this inscription,

“THE MOTHER OF THE THREE DUPINS.”

## NOTE II. p. 182.

There are many in this country who admit the justice of a law of equal succession, but are afraid that its continued operation would, in course of time, break up the soil into patches so minute as totally to ruin the country. Far from there being any danger of this, it is found, from practical experience of the working of the system in other countries, that there are natural limits to the continued division of the land which come into play to prevent the danger apprehended—these limits existing independently of human law. Thus, in the southern parts of France, where the climate is warm and will bring to maturity the fruits of the vine or the olive, which are most beneficially cultivated by human labour, the land is owned and occupied in portions exceedingly minute; on the other hand, in arable districts, or where, from the vicinity of manufactures, wages are high, and there is an inviting field of employment held out to labourers, cultivation by the plough being rendered necessary, there the division does not proceed farther than to farms of convenient size; while, in districts where the soil is fitted only for pasturage, or is laid out in forests, there you will find extensive tracts belonging to one proprietor.

The general principle influencing the division of land is thus concisely stated by M. de Morel Vendé:—  
“Where there is an advantage in dividing land, the



division will take place ; only, however, to that point where its excess will occasion loss ; and where it is advantageous not to divide, or it may be even to increase, a property, the tendency will then be to its conservation or agglomeration." The statistical returns of France since 1789, showing the number of holders of land at different dates, prove the accuracy of this statement. We thereby learn that under the operation of the new law, framed after the Revolution, the division of land went on rapidly for some years but soon apparently attained a maximum extent, and that for the last thirty years the number of proprietors of land has, in that country, remained nearly stationary.

NOTE III. p. 182.

The general distribution of property among the mass of the people, by bestowing on them a certain amount of worldly independence, clearly tends to develop mental independence as well as ultimately to create habits of morality and virtue. It is seen above that Monsieur Dupin considered that even in 1826 these good results had already been experienced from the change of the law in France ; in corroboration of which we can now adduce the following statistical table made up to a more recent date :—

*Crime in France and England.*—M. Moreau de Jonnes, a statistician of some celebrity, presented a

comparative view of crime in France in 1841 (the latest year reported), and England, including Wales, in 1842. Correcting a misprint by the help of the English tables now before us, it stands thus :—

| FRANCE—Population 34,230,000.  |         |                   |        |                         |
|--------------------------------|---------|-------------------|--------|-------------------------|
|                                | Crimes. | Simple<br>Thefts. | Total. | Ratio to<br>Population. |
| Accused,.....                  | 7462    | 10,744            | 18,206 | 1 to 1900               |
| Condemned,                     | 5016    | 8,839             | 13,855 | 1 to 2500               |
| ENGLAND—Population 15,901,000. |         |                   |        |                         |
| Accused, ...                   | 14,089  | 17,220            | 31,309 | 1 to 500                |
| Condemned,                     | 9,735   | 12,998            | 22,733 | 1 to 700                |

What are termed “simple thefts” here are those which stand in our returns as “simple larcenies.” M. Moreau separates these, and slumps all the other offences of every kind under the name of “crimes.” Taking the two classes together, it would appear that there is nearly *four times as much crime* among 1000 Englishmen as among 1000 Frenchmen. It is material also to observe, that the French returns (as M. Moreau states) embrace the cases which come before the Correctional Police, while police cases are excluded from the English returns. We infer this from the whole number of offenders in London and Middlesex being only 4094. The disproportion between the amount of crime in England and France would seem, therefore, to be even much greater than the statistician makes it.

## J. B. SAY.\*

---

READ in Mr Sismondi the description which he gives of the Campagna of Rome, formerly so fertile, and you will comprehend what evils may arise from a vicious legislation. And what causes does Mr Sismondi assign for such deplorable effects? The defective administration of the Roman estates, and especially the laws which establish entails and large properties.

It is not my province to inquire if, in point of right, a man has the power of disposing of a property after he shall cease to exist, in favour of another not yet in existence, nor to examine the political consequences which such a right draws after it; but its economical effects are detestable. (After a quotation from Sismondi, the author proceeds)—Add to these observations of a judicious historian those of Adam Smith upon entails and the law of primogeniture. (The author here quotes from the *Wealth of Nations* the last paragraph of a passage on this subject, reprinted entire as a note.) (Note II.)

Since Smith wrote this passage, the feudal usages in Scotland have undergone a material change. The English administration introduced into that country,

\* A Complete Course of Practical Political Economy, by Jean Baptiste Say. 2 vols. 8vo. Paris, 1840. (Note I.)

and its improved means of communication, have greatly increased the returns from the land. Still, the people of the British Islands have, generally speaking, suffered extensively from the agglomeration of property. (Note III.)

On the whole, it may be said that an unequal division in families and the rights attached to primogeniture, condemned the oldest sons to inactivity because they have too much, and the younger to the same because of their want of capital; a state of existence, by the by, for which the prejudices of caste too often prepare them before-hand.

Finally, the law of primogeniture has become much less fatal since, from the increased wealth of nations, the greater part of it has come to consist of personal property—(Note IV.); and it is very fortunate that the latter cannot be subjected to entails, and is thus beyond the reach of those unjust laws whose aim is to advantage one member of a family to the injury of the rest.

## NOTES TO SAY.

---

### NOTE I. page 187.

This brief quotation is sufficient to shew what views of entails and primogeniture are entertained by one who holds the first place among the political economists of France, and whose works have acquired to him a European reputation. Had need been, we might also have cited the authority of another eminent writer, M. Chevalier, Professor of Political Economy in the College of France.

### NOTE II. p. 187.

Though it is no part of our plan to produce as authorities in support of our views the writers of our own country, still, as it will no doubt be objected by our opponents that our productions are all of foreign manufacture, the reference here made affords an opportunity of presenting a sample of some that were got up in Scotland, and put together in the good town of Kirkaldy itself, by the hands of no common craftsman, about the middle of the last century. After shewing that the law of primogeniture took its rise among the barbarians who subverted the Roman empire, Adam Smith proceeds—

“Laws frequently continue in force after the circumstances which first gave occasion to them, and

which could alone render them reasonable, are no more. In the present state of Europe, the proprietor of a single acre of land is as perfectly secure of his possession as is the proprietor of a thousand. The right of primogeniture, however, still continues to be respected ; and, as of all institutions it is the fittest to support the pride of family distinctions, it is still likely to endure for many centuries. In every other respect, nothing can be more contrary to the real interests of a numerous family than a right which, in order to enrich one, beggars all the rest of the children.

“ Entails are the natural consequences of the law of primogeniture. They were introduced to preserve a certain lineal succession—of which the law of primogeniture first gave the idea—and to hinder any part of the original estate from being carried out of the proposed line, either by gift, or device, or alienation—either by the folly or the misfortune of any of its successive owners. They were altogether unknown to the Romans. Neither their substitutions nor *fidei commisses* bear any resemblance to entails, although some French lawyers have thought proper to dress the modern institution in the language and garb of these ancient ones. When great landed estates were a sort of principalities, entails might not be unreasonable. Like what are called the fundamental laws of some monarchies, they might frequently hinder the security of thousands from being endangered by the caprice or extravagance of one man. But in the present state of

Europe, where small as well as great estates derive their security from the laws of their country, nothing can be more completely absurd. They are founded upon the most absurd of all suppositions—the supposition that every successive generation of men have not an equal right to the earth and to all that it possesses, but that the property of the present generation should be restrained and regulated according to the fancy of those who died perhaps five hundred years ago. Entails, however, are still respected through the greater part of Europe, in those countries particularly in which noble birth is a necessary qualification for the enjoyment either of civil or military honours. Entails are thought necessary for maintaining this exclusive privilege of the nobility to the great offices and honours of their country ; and that order having usurped one unjust advantage over the rest of their fellow-citizens, lest their poverty should render it ridiculous, it is thought reasonable they should have another. The common law of England, indeed, is said to abhor perpetuities, and they are accordingly more restricted there than in any other European monarchy, though even England is not altogether without them. In Scotland more than one-fifth, perhaps more than one-third, of the whole lands of the country are at present supposed to be under strict entail.

“ Great tracts of uncultivated land were in this manner not only engrossed by particular families, but the possibility of their being divided again was as much as

possible precluded for ever. It seldom happens, however, that a great proprietor is a great improver. In the disorderly times which gave birth to these barbarous institutions, the great proprietor was sufficiently employed in defending his own territory, or in extending his jurisdiction and authority over those of his neighbours. He had no leisure to attend to the cultivation and improvement of land. When the establishment of law and order afforded him this leisure, he often wanted the inclination and almost always the requisite abilities. If the expense of his house and person either equalled or exceeded his revenue, as it did very frequently, he had no stock to employ in this manner. If he was an economist, he generally found it more profitable to employ his annual savings in new purchases than in the improvement of his old estate. To improve land with profit, like all other commercial projects, requires an exact attention to small savings and small gains of which a man born to a great fortune, even though naturally frugal, is very seldom capable. The situation of such a person naturally disposes him to attend rather to ornament which pleases his fancy, than to profit for which he has so little occasion. The elegance of his dress, of his equipage, of his house and household furniture, are objects which, from his infancy, he has been accustomed to have some anxiety about. The turn of mind which this habit naturally forms follows him when he comes to think of the improvement of land.



He embellishes perhaps four or five hundred acres in the neighbourhood of his house at ten times the expense which the land is worth after all his improvements, and finds that, if he were to improve his whole estate in the same manner, and he has little taste for any other, he would be a bankrupt before he had finished the tenth part of it. There still remain in both parts of the United Kingdom some great estates which have continued without interruption in the hands of the same family since the times of feudal anarchy. Compare the present condition of these estates with the possessions of the small proprietors in their neighbourhood, and you will require no other argument to convince you how unfavourable such extensive proprietors are to improvement."—*Smith's Wealth of Nations*, vol. I, p. 153.

Although political economy as a science was in its infancy in the days of Lord Bacon, and the political, economical, and social evils resulting from entails faintly appreciated, a few of them are pointed out by that great writer in his treatise *On the Use of the Law*, wherein, adverting to the statute of Edward I, that was afterwards slightly modified, he says—"The inconvenience thereof was great; for by that means the land being so sure tied up to the heir that the father could not keep it from him, it made the son disobedient, negligent, and wasteful, often marrying without the father's consent, and to grow insolent in vice, knowing that there could be no check of disin-

heriting him. It also made the owners of the land less fearful to commit murders, felonies, treasons, and manslaughters, as they knew none of these acts could hurt the heirs of their inheritance. It hindered men who had entailed lands that they could not make the best of them by fine and improvement; because none upon so uncertain an estate as for the term of his own life would give him a fine of any value, or lay any great stock upon the land, that might yield rent improved. Lastly, these entails defrauded the Crown and many subjects of their debts, because the land was not liable any longer than his own lifetime; whence the king could not commit any office of account to such whose lands were entailed, nor other men trust them with a loan of money."

While on this subject it may be as well to add the following extract from Kaimes' Sketches of the History of Man :—

"Man is by nature a hoarding animal; and to secure what is acquired by honest industry, the sense of property is made a branch of human nature. \* \* \* The sense of property, weak among savages, ripens gradually till it arrives at maturity in polished nations. In every stage of the progress, some new power is added to property; and now for centuries men have enjoyed every power over their own goods that a rational mind can desire; they have the free disposal during life, and even after death, by naming an heir. These powers are sufficient for accomplishing every

rational purpose ; they are sufficient for commerce, and they are sufficient for benevolence. But the artificial wants of men are boundless ; not content with the full enjoyment of their property during life, nor with the prospect of its being enjoyed by a favourite heir, they are anxiously bent to preserve it to themselves for ever. A man who has amassed a great estate in land is miserable at the prospect of being obliged to quit his hold ;—to soothe his diseased fancy, he makes a deed, securing it for ever to certain heirs, who must without end bear his name, and preserve his estate entire. Death, it is true, must at last separate him from his idol : it is some consolation, however, that his will governs and gives law to every subsequent proprietor. How repugnant to the frail state of man are such swollen conceptions ! Upon these, however, are founded entails, which have prevailed in many parts of the world, and unhappily at this day infest Scotland. Did entails produce no other mischief but the gratification of a distempered appetite, they might be endured, though far from deserving approbation ; but, like other transgressions of nature and reason, they are productive of much mischief, not only to commerce, but to the very heirs for whose sake alone it is pretended that they are made.”

Those wishing to read the whole of what Lord Kames says on this subject will find the article from which the above introductory sentences are extracted—entitled *Scotch Entails Considered in Moral and*

*Political Views*—forming the first part of the appendix to the 4th volume of Kames' Sketches of Man.

NOTE III. p. 188.

A striking illustration of the evil effects accruing from the too great concentration of land in the hands of one individual may be witnessed nearer home, the details of which are minutely narrated in a cheap and able pamphlet recently published in Edinburgh, under the title of "*Sutherland, as it Was and Is ; or, How a Country may be Ruined.*" Sutherland is one of the northern counties of Scotland, containing a population of 24,000 inhabitants, the soil of which belongs almost exclusively to the Duke of Sutherland, and it seems that, in latter times, the proprietors have been principally resident in London and have acted on the system of throwing a great mass of small holdings into one large sheep farm, driving the former tenants, thus suddenly deprived of a means of living, into villages along the coast, where they might, as fishers, procure that subsistence denied to them from the glens their ancestors had so long cultivated. This mode of improving the country has been called the clearing of Sutherland. Much credit is due to the able Editor of the *Witness* for bringing under the notice of the public the mass of human misery thus occasioned, and the effect this so-called improvement

has had upon the moral feelings of the population. But does it not appear clear that the remedy for such tyrannical and intolerant conduct on the part of great proprietors is to be sought for, not in the enactment of laws rendering sales compulsory for particular purposes, which are equally wrong in principle with laws prohibiting all alienation, but in the immediate abolition of those laws which create and perpetuate such overgrown estates, and the substitution of a law of equal succession. It is well observed in that pamphlet, that these large proprietors, though nominally subjects of the crown, have far more despotic power, and that their conduct towards their dependants is often more tyrannical than the subjects of Great Britain would submit to from any King or Queen on the British throne. But if, by unjust and unwise laws, we make one man the proprietor of the soil of a whole county, and, of course, surround him with 24,000 helpless dependents, it is not to be wondered at that the result is far from beneficial. The proprietor is corrupted by too much power and wealth, the others by poverty and a debasing dependence. Let the Non-intrusionists join the Reformers in demanding an abolition of the law of primogeniture, the operation of which will soon put an end to all intolerance in the refusing of sites for churches; for, when the land is equitably distributed, some one proprietor will always be found willing to sell a part of his property at a fair market price.

## NOTE IV. p. 188.

The fact here stated, that the introduction of commerce and manufactures into a country mitigates the evil effects which always result from the law of primogeniture, explains satisfactorily why England and Scotland are prosperous as compared with unhappy Ireland, while both are subject to the same system of government. It is fortunate, as stated by M. Say, that it has been impossible to entail personal or moveable property in a line of heirs ; but that is not the only reason why trade and manufactures are in their very nature democratical. The skill and industry absolutely necessary for success in manufacturing pursuits never exist amongst a class of men reared like hot-house plants under an unnatural system of privilege and monopoly. The talents which nature has bestowed upon any one will lie undeveloped if, by human arrangements, "you shelter and weatherfend him from the elements of experience." In accordance with this you will find that our arts and industrial processes have been brought to their present advanced state by the ingenuity of those who have sprung from an inferior class in society. In truth, the trade, commerce, and manufactures of Great Britain have been great fields of employment continually open to the whole people, where superior attention and ability were certain to reap their reward by the attainment of the highest stations. Here, from the very nature of

things, there can be no system of setting aside the highest offices for those born of a particular rank, as in the army, the church established by law, or the offices of State. Here there can be no system of careless absentee-management, as with landed property in Ireland; for continued attention is ever requisite—all are on an equality, and the youthful energy of new firms is ever apt to gain on those which are older, if the latter at any time relax in their exertions. Examine at the present day into the private history of those individuals who compose the first class in any of our manufacturing towns, and it will be seen that they have mostly risen from the ranks—in Tory phraseology, few of them have been blessed with a grandfather. In Ireland, on the contrary, there is only one source of employment, viz., the land; and that, by means of entails and primogeniture, has been placed under the dominion of an impassable monopoly. To impress these truths on the public mind seems to be of the highest importance at present in the peculiar circumstances both of England and of Ireland. In England, the distress in the country is generally attributed to the injurious effects of the monopolies held by the landed aristocracy—who, however, endeavour to throw the blame on the commercial classes and to excite odium against them by calling them the cotton aristocracy. In these circumstances, it is satisfactory to know that cotton is, from its very nature, too perishable and changeable to serve as a fixed foundation

on which to construct any new class holding hereditary privileges.

In Ireland, on the other hand, the misery of the people has become so insupportable that 30,000 soldiers are quartered there, and the aristocratic Government, frightened at the aspect of matters, have now discovered that "property has duties as well as rights," and have issued a commission to inquire into the neglect of the former by the landed aristocracy there. This is called the tenure of land commission. Let us hope that the result will be attended with good, and that the commissioners, loving the interests of their country better than the interests of their class, will recommend that in Ireland the injurious monopoly of land be destroyed by the enactment of a law of equal succession. This is the best and the surest, if not the only, mode of securing fixity of tenure to the cultivators of the soil.



## M. BLANQUI.\*

---

BOTH Justinian and Charlemagne left behind them, in the Pandects and the Capitularies, more durable monuments of themselves than the recollection of their victories. I know no subject of study more instructive and vast than that which is presented in the codes of these two great sovereigns—the one as it were representing the setting and the other the rising sun. It is in these codes that political economy ought to seek for the condition of the people at the two extremities of Europe, at the period when the Roman civilization withdrew to Constantinople to give place to the all but universal monarchy of him who placed on his head the crowns of Germany, France, and Italy. In like manner the code of Napoleon has survived his victories, and will one day do more honour to his memory than the most magnificent monuments of his reign. In it are found embodied the most important social facts of his epoch, just as we discern in the laws of Justinian the clearest traces of the collective wis-

\* The HISTORY of POLITICAL ECONOMY in EUROPE, by M. BLANQUI, Senior, Member of the Institute, Professor of Industrial Economy in the Conservatory of Arts and Trade, and Director of the Special School of Commerce. 2 vols. 8vo. Paris, 1842.

dom of the Romans; laws which under his reign were collected into three different books—the Code, the Pandects, and the Institutes. The latter contain a number of remarkable enactments in regard to property in general. They admit the hereditary principle in property to the fullest extent, rejecting all prerogative of primogeniture, and all distinctions in cases of succession betwixt sons and daughters. On the failure of heirs in the direct line, the property passed to collaterals. Provisions so wisely combined conciliated all interests, and left little room for litigation. (Note I.)

---

The influence of J. B. Say has contributed more than any contemporary writer to diffuse a taste for political economy in France and in Europe. His theories, so naturally applicable to political questions, were studied with avidity under the Restoration as weapons of opposition and attack, and are perhaps indebted for a part of their success to the services which they rendered in the Parliamentary discussions of that period. It was in fact under the influence of his opinions that the first attacks were directed against the economical system of the Restoration. The reactionary Government of 1815 wished to revive the law of primogeniture, entails, corporations, privileges, an aristocracy of the soil, &c. &c., all of which measures were denounced before-hand, in certain chapters of his

*Treatise of Political Economy*, marked by the greatest good sense, without being written for the occasion.

---

Economical Eclecticism has even penetrated into Spain, that old land of absolute doctrines;—and one of its most honourable exiles, M. Florez Estrada, has given us, under the title of “*An Eclectic Course of Political Economy*,” one of the most remarkable treatises which have appeared since that of J. B. Say. The method of M. Florez Estrada bears a certain resemblance to that of the celebrated northern economist, Henry Storch. As a Spaniard, this writer naturally had mainly the interests of his own country in view; and he has pointed out, with much perspicuity, the vices of the economical system under which Spain has been administered since Charles V. The questions relative to tithes, entails, primogeniture, and majorats, are nowhere treated with greater ability than in his work; in which we may perceive still better than in that of Jovellanos (*Memorial on the Expediency of an Agrarian Law*), the real causes of the decline of Spain, and the injury occasioned to that fine country by the bad economical laws with which it has been afflicted for nearly three hundred years.

## NOTE TO BLANQUI.

---

The great advantages resulting to any country from its possessing a distinct code of laws are generally appreciated by the inhabitants of Great Britain, and even by our lawyers themselves—at least in the abstract. But the latter seldom exert themselves to simplify the laws ; and as to arranging them into one well-digested code, they aver that this is beyond the reach of human capacity—the laws and decisions on any single branch being as much as one man can thoroughly master in a lifetime. Now, could any one conceive a more sarcastic reproach against our whole system of legislation. This endless complexity arises principally from this cause, that British law is not founded on a few just and intelligible principles, but is a thing of monopoly and of favouritism, made up of fictions and clothed in antiquated feudal forms. It may well be doubted if it could be reduced into a code, or if it can be comprehended in all its details by any human being, whether subject or judge. Before British law can be codified, British law must be simplified ; and here, as in so many other directions, is seen the immense importance of an equal law of succession in land. The whole of the legislation about entails would be got quit of, as well as the many nice questions as to moveable and heritable property,

the distinction betwixt conquest and heritage, succession by the male and female side—in fact, about one half of our legislation would be removed by this one judicious pruning. The established axiom in natural philosophy is certainly applicable here also: A system of error is always one of complexity—truth alone is simple.

## M. MIGNET,\*

---

For then he was inspired, and from him came,  
As from the Pythian's mystic cave of yore,  
Those oracles which set the world in flame,  
Nor ceased to burn till kingdoms were no more.  
Did he not this for France?——  
They made themselves a fearful monument—  
The wreck of old opinions—things which grew  
Breathed from the birth of time; the veil they rent,  
And what behind it lay all earth shall view.

*Byron.*

---

### HISTORICAL NOTICE OF THE LIFE AND WORKS OF COUNT MERLIN,

*Read in the Public Sitting of the Academy of Moral and Political Sciences,  
16th May 1841.*

OF all the extraordinary changes which have taken place in our time, the most extensive and complete is, without doubt, that which in France has renewed the constitution of civil society. That Revolution has consummated the work begun eighteen hundred years ago by religion, and has rendered equal before the law the men whom Christianity had rendered equal before God. To efface from the soil all trace of the ancient inequalities—to abolish in families the privileges

\* NOTICES OF HISTORICAL MEMOIRS, by M. MIGNET, Perpetual Secretary of the Academy of Moral and Political Sciences, Member of the French Academy. 2 vols. 8vo. Paris, 1843.

founded on the priority of birth and the superiority of sex—to recognise the same rights in those who, sprung from the same stock, fell to be the objects of the same affection—to suppress in the State the differences of classes, and to submit the entire of a great nation to a just and uniform rule—not only to proclaim this mighty equality, but to organise it, to divide property, extend wellbeing, honour labour, and to assign to the rights of each no other limits than the rights of all;—this is what has resulted from that Revolution which has placed society in France at the head of all the societies of Europe, and has rendered it the most happy as well as the most advanced among them.

Philippe Antoine Merlin was born at Arleux, in old French Flanders, on the 30th October 1754. His father was a farmer-proprietor in easy circumstances, who, perceiving growing qualities in his son, bestowed on him a liberal education. Young Merlin was reared in the college of Auchin at Douai. After having finished the course of study at the age of seventeen, he studied the law, to which he was led by a natural aptitude, till twenty-one, when he was received advocate in the Parliament of Flanders. Endowed with an acute and firm mind, assiduous, ardent, well informed, and upright, he soon gained for himself a high reputation and an extensive practice. The fourteen years which run betwixt 1775 and 1789, were the period in which he formed himself by a careful preparation for

the important part which he afterwards took in the public assemblies and in the magistracy.

\* \* \* \* \*

The Bailiwick of Douai chose him its deputy to the States-General of 1789. In this celebrated assembly, the reserve of his character, and the modest simplicity of his habits, did not at first permit him to take a part in the remarkable debates, at the issue of which the popular party, having gained the ascendancy, changed the constitution of France, transformed the three orders of the State into one nation, and made the law the only sovereign of all. But his turn soon came. The political revolution was decided—the social one remained to be effected. This was the work of the ever-to-be-remembered night of the 4th August. Since the coming of Christianity, which had announced to men a pious, moral fraternity, nothing has happened to them so admirable as what was accomplished on that memorable night, in which the spirit of civil charity penetrated every mind—when the nobility, the clergy, the provinces, the towns, borne away by a general emulation of sacrifices, renounced all their privileges—when the feudal regime was abolished—the redemption of tithes decreed—the uniformity of taxation admitted—the emancipation of labour recognised—when particular systems of legislation were abrogated and all inequalities annihilated—when, in fine, amidst the most profound emotions and virtuous enthusiasm, was proclaimed the social gospel of the new world.



But what had been decreed in principle and in a general manner required to be realized in detail and with precision. The great feudal tree, which had formerly overshadowed the whole of France, and whose branches during seven centuries had been lopped off by her kings, still lived in its innumerable roots—it fell to be extirpated from the soil which it exhausted. It was with a view to this that a feudal committee was formed, composed of twenty-four members representing the different provinces in France. Merlin made a part of it along with Tronchet, &c. \* \* \* All the particular measures for wholly abolishing the feudal regime were either suggested or composed by Merlin. He also prepared the new game-laws, which had so great a connexion with property and the due cultivation of the soil. After having concurred in establishing equality in this part of social order, Merlin, whose activity and intelligence had made him be joined to the committee of the constitution, and to that for the disposal of the domains of the State, introduced the same equality into the relations of family. Reporter of the law upon intestate successions, he took for its basis natural equity and presumed affection. He abolished the right of primogeniture and the succession in males, to establish that of an equal division among all the heirs of the same degree—to admit of representation indefinitely in the line direct—and in the collateral, so as to include nephews—to establish the identity of all description of means, real or personal, purchased or

inherited, in the matter of their distribution—to suppress the law which in several provinces prescribed, in cases where there were no children, the return of the paternal and the maternal property to the several lines from which it came, and which thus often deprived the nearest heir of a considerable part of the succession, to confer it, in violation of justice, and in the purely abstract right of families, on a distant heir. He also suggested the abolition of certain privileges which, in the towns and in the country, under different names, paralyzed the transmission of land. Whilst the assembly was decreeing this regime of equality for persons, and of disponibility for property, a voice in a tone of bitterness was heard to exclaim, “You are dividing the land to an indefinite degree;” but the generous assembly, far from being moved by such a menace, replied to it by acclamations.

At a later period he urged the Government to establish the uniformity of the legislation in a country which the Revolution had rendered homogeneous. The wish of M. Merlin was in accordance with that of the public—the moment was come for undertaking this great work with success, and executing it in all its magnitude. To construct a new society on a vast plan, and upon the basis of civil equality, was reserved for a favoured country, which, after having produced philosophers for suggesting innovations, reformers for effecting them, and soldiers to defend them, possessed jurisconsults for reducing them to order. France was

peculiarly adapted for such an undertaking. For three centuries it had been the great school of law, and the country of men the most profoundly versant in the science of justice and in the philosophical knowledge of the law. At the same time, it had marched under the guidance of kings towards political unity—it had tended, by means of its eminent jurisconsults and its magistrates, towards civil union. Cujas, D'Auguesseau, Pothier, and a number of others, had successively made approaches to that important object which the Revolution fell to attain.

What Domat and Pothier had done for the science, the authors of our codes, who were their disciples and continued their work, did for society. In appropriating the labours of these two great jurisconsults, and, faithful to the spirit of the Revolution, they bestowed on renovated France a system of laws the most rational, the clearest, and the most just which any country has ever possessed. “They gave it”—I borrow the eloquent words of Portalis—“with that wisdom which presides over durable institutions, and agreeably to the principles of that natural equity of which human legislators ought merely to be the respectful interpreters.” In this manner they founded that beautiful civil order of things towards which mankind had for a long time been advancing, and which a people placed at their head had now so happily arrived at. I say, so happily, for I am not one of those who dread that, in perfecting itself, the world

draws near to its dissolution, and that the best falls to be the beginning of the worst. I do not believe that families can suffer by the affectionate equality established among the children—that society experiences less security where the individual enjoys a greater wellbeing—and that more equity in the relations of private life can conduct the State to greater disorder. No. Liberty acquired to labour, protection afforded to weakness, justice assured to right, the essences of contracts firmly fixed, property more diffused, wealth better distributed, families more united, the nation more homogeneous—all tend to augment the strength of the country, and to confirm it in that universal civil peace which constitutes the object and the blessings of laws. We would be blind and ungrateful if the inconsistency of our desires and the restlessness of our minds made us possess, without a fervid attachment, what our fathers strove after with so much enthusiasm. (Note II.)

(After having mainly contributed to the organization of the new courts in France, and to introduce the French codes into Belgium, Holland, certain parts of Germany, and Italy, M. Merlin was in 1815 driven into exile by the restored Bourbons ; and the Memoir, after detailing these and other events of his public life, proceeds)—He took refuge in Belgium, but it was not deemed far enough from France ; and an order of the allied powers enjoined the king of Holland to put an end to the dangerous hospitality which

he was exercising towards the aged and the unfortunate. Forced to quit a country contiguous to his own, M. Merlin hoped at least to be able to remain in Europe, and to find an asylum among some other people sufficiently free or powerful to dare to be hospitable. He with that view wrote to England, but the answer was not to repair thither, as he would not be admitted. Then turning towards Prussia, he addressed himself to Prince Hardenberg, with whom he had formerly been in personal communication in framing the treaty of Basle, but he did not even give him a reply.

Thus, obliged to quit Europe, he embarked in a vessel which was to carry him to the United States. His son, who, from his fourteenth year, had served under the Standard of France, and who was then *mareschal-de-camp*, accompanied him. But, not far from Flushing, the ship on board of which he was was cast by contrary winds upon a sandbank, the scene of frequent wrecks. Driven by the fury of the winds, it struck with violence and went to pieces. After ten hours of great suffering, the passengers were on the point of perishing, when the sea became suddenly calm. Before the vessel broke up, M. Merlin was able to regain that land on which the powers of Europe had forbidden him to remain, and which the winds had prevented him from leaving. Then, in appealing to the accident that had befallen him, he beseeched the king of Holland no longer to

regard him as any other than a stranger, whom the elements had thrown upon his shores. This prince, who had been forced to send away an exile, was no longer disposed to execute the harsh orders of his brother Sovereigns against a shipwrecked individual, and, in spite of their repeated injunctions, he permitted M. Merlin to live at Haerlem and Amsterdam, under an assumed name, until he could give way to his own natural generosity and freely receive into his states the wandering remnants of the Revolution.

The time at length arrived when were brought to a close the trials which Providence, in its infinite wisdom, reserved for causes which had abused their powers, and for men who had erred by an inordinate use of their victories or their systems. The Revolution of 1830 restored M. Merlin to his country; and he returned to it with all the advantages of experience. The recollections of the first Revolution of which he had partaken the seductions, felt the vicissitudes, undergone the defeats, and seen once more the triumphs, rendered him extremely moderate. He only sought to enjoy in peace that liberty, to the establishment of which he might render himself the justice to say he had never been a stranger, whether by his labours or his misfortunes. Returned once more to the Academy of Moral and Political Sciences, he assisted, with a persevering assiduity, at all its sittings; bringing to them, in the absence of an active

co-operation, the recollection of his works and the glory of his name.

That man who had dwelt in the palaces of kings, and who had once exercised their authority, that author of important laws, that principal founder of French Jurisprudence, that skilful and indefatigable writer—become old and almost blind, deprived of occupation more necessary to him than power—passed the last eight years of his life in the most humble retirement. He was surrounded by the affectionate care and the respect of his family; universally honoured, he bore with meekness his great reputation; he did not seek after the amusements of the world, to which he had almost ever been a stranger. Shut up almost all his life in his study, he had established intimate relations with the celebrated jurisconsults and the great writers of all times, whom, like Bolingbroke, he might call his dead friends. Although he had been obliged to renounce a constant intercourse with them, he was often brought back to them by an irresistible attraction; and, when he wished to enliven his hours of leisure that had become so long, he caused his secretary to read some pages of that old digest which, during sixty years, had been the faithful companion of all his fortunes. His strength declined by slow degrees, and his life came to a close on the 26th December 1838.

## NOTES TO MIGNET.

---

### NOTE I. page 206.

M. Mignet is known as the author of a *History of the French Revolution*, which has gained him a high reputation, not only in his own country, but, by means of translations, all over Europe. His politics, although liberal, are monarchical, like those of his friend Thiers, to whose party he belongs. He has filled for several years, with great distinction, the place of perpetual secretary to one of the sections of the Institute.

The strain of personal panegyric in which the writer indulges, may perhaps appear excessive and overdone to those who do not attend to the state of public feeling in France in the awarding of honour to talents and merit, abstracted from all considerations of birth and fortune. This feeling is so far peculiar to the French, and traces of it are to be found even under the old regime. Moliere, an actor, was called on to read some of his pieces before Louis XIV. and his court—Voltaire, the son of a notary—Rousseau, of obscure parentage—Marmontel, sprung from a humble family in Auvergne—and many other literary men of the same grade were received in the salons of princes and other great men of their time, and their society



sought after as an honour and a distinction. This feeling, so generous and rational, received its final triumph at the Revolution ; the chief actors in which, as well as many of those who have since figured in the history of the country, were men sprung from the inferior classes of the people. During the war, the Tory writers used to disparage Napoleon as being the son of a poor lawyer of Corsica, and speak of his created generals as a set of low-born upstarts. In the present Ministry of France, Soult, its head, was the son of a country notary ; and Guizot and Villemain, before the last Revolution, were professors at the Sorbonne, with salaries scarcely exceeding the wages of a butler in some of our great families. In England such men would never have emerged, nor risen to high situations in the state.

In Britain, the aristocracy, with an eye to the interests of their caste, have introduced a jealous system of subordination, and have erected into a standard of consideration, birth, titles, and fortune, the peculiar attributes of their own order. Their society is, therefore, the most exclusive in Europe, and men of another grade, however eminent they may be, are only admitted into it by favour, and on a principle of marked inferiority. In France, such factitious distinctions are unknown—titular honours are there at a great discount, or rather without value ; and the French, with their democratical manners, are in use to smile at the homage which our countrymen, mixing in their cir-

cles, proffer to men who may happen to bear the badge of Count or Marquis. In England "'tis from high life high characters are drawn," and every other species of eminence is chilly received, and secretly, if not openly, discountenanced by the great. May it not be asserted that the persecution suffered by Lord Byron, at the hands of his own fraternity, was at least partly owing to his having abjured their order and enrolled himself a member of the republic of letters, and in that capacity emitted opinions that were galling to their pride and subversive of their ascendancy. Even Sir Walter Scott, their obsequious partisan, never found the favour in their sight which he merited by his genius, his incomparable writings, and his private worth; they allowed him to end his life in an obscure office of the law; and it was remarked that his assiduities to George IV., at Edinburgh, were but coldly received by that type of gentility. Burns, whose immortal writings threw into the shade all the coronets of Scotland, after having with difficulty obtained the place of an exciseman, had his promotion stopped, and barely escaped being dismissed, on account of the liberality of his political opinions. In short, it is plain that the British aristocracy look upon the literature and the press in general as influences from which they have less to hope than to fear.

These remarks come from us in no spirit of personal hostility towards the aristocracy, who are men like ourselves, possessing naturally the average share

of human qualities good and bad ; but it is trite to observe, that man is a being of circumstances, and his conduct is moulded according to the condition in which he is placed. Inordinate power, wealth, or rank, exercise over those who possess them a corruptive influence beyond the strength of human nature to resist.

It is also a truism that men banded together in a party or a class, like the British aristocracy, will be unscrupulously guilty of acts of injustice, from the commission of which they would shrink in private life. In all such cases, *numerus defendet*—numbers, habit, pride, interest, and the seeming passive acquiescence of the injured parties, all tend to protect, sanction, and perpetuate the system ; to put an end to which one of the first things to be done is to make the privileged class uneasy, by directing against them the censure and indignation of the people.

Abolish entails and primogeniture, and the aristocracy would be gradually let down to their proper level, and the “bad eminence” which they now occupy, with all the evils resulting from it, would disappear. Reason, justice, expediency, and even Christianity, call for and sanction such a change ; we say Christianity, for its spirit and precepts point, above all, to an equality of civil rights among men ; and it has only to be fairly and properly taught (which we are borne out in saying, it, in this respect, has not hitherto generally been), to conduce more than any other influence

to the great work of social and political regeneration amongst us.

It is almost superfluous to state, that we freely subscribe to all that is said by M. Passy as to the high talents and acquirements of many of our aristocracy; and we have even to add, that the present Houses of Parliament possess men of that order, of whose intellectual endowments the nation may well be proud. But it is not of their talents, but of the anti-popular exercise of them—not of men, but of the system—that we have to complain; for, if the latter is bad, the worse it becomes by being worked by men of superior faculties. The keener the edge of the weapon, the deeper is the wound which it inflicts. The history of the world abounds with sad examples to show that the greatest talents have been, in the absence of proper checks, the most potent for mischief. If we seek for proofs of mental powers almost superhuman, we will find them in Julius Cæsar and Napoleon, men whose ill-regulated ambition and callous selfishness led them to shed the blood of their fellow-beings in torrents, and to trample upon their most sacred rights. The present Emperor of Russia is a man of superior intellect, and the statesmen who co-operate with him in his ruthless and tyrannical policy are at least equally able. Metternich, who, for more than thirty years has directed the anti-progressive system of Austria, is a person of infinite capacity. Yet, while we give in to all the eulogies passed upon the parts and accom-

plishments of our privileged orders, we by no means admit either that these would be lost to the public under a more popular system of government, or that these orders can lay claim to a monopoly of such distinctions. If the inferior classes in this country have not displayed the same governmental powers, it is because the opportunity has been hitherto withheld from them. In France, under the old regime, all the public men who figured in her history were of lofty extraction; but no sooner had the Revolution thrown down the barriers that excluded the other classes from power, than the latter produced a crop of talent that astonished Europe. After the emigration of the officers of the old army, it was said by the enemies of the Revolution, that its armies, commanded by men new to the service, would be easily put down; and yet it was by these officers that that new system of military tactics was invented that not only long led them to victory, but is now in general adoption. It has been the same in all the great crisis of the modern world. The Protestant Reformation was the work of Luther, Melancthon, Calvin, Zuinglius, and Knox,—men sprung from the ranks of the people—while the American Revolution drew its statesmen and leaders from the class of farmers, lawyers, and others of the same mediocrity of condition. Politics, as a branch of knowledge, have certainly no peculiar connexion with birth, titles, or fortune, and can be equally well mastered by men who do not possess these adventitious

advantages, as by those who do. If it shall be said that the aristocracy have more leisure than others to devote to public affairs, are they not more exposed to the seductions of wealth, to indolence and dissipation? In the opinion of a late popular author, politics and war do not require the same extent of capacity and genius as higher branches of literature; and it is a well known fact that, of those who have cultivated the latter with most success, both in ancient and modern times, and in all countries, the vast majority have been men who were born in the inferior ranks of society. The same thing may be said of those engaged in the pursuit of what are called the learned professions, in commerce, and in many of the other departments in civil life. Who, it may be asked, are the early instructors of our aristocracy—who manage their estates and private affairs, and prescribe to them in sickness? Not men of their own order; but others, their inferiors in birth and fortune. Let it not, then, be said that, were the aristocracy to be brought down, the lights would disappear, and that darkness and disorder would overtake us. The old lights would remain like lamps better trimmed, and a galaxy of others, now kept under a bushel, would start up beside them, rendering the illumination at once greater, steadier, and more useful.

It may here be observed that, since the Revolution of 1688, the conflicts between the two great state parties have been little else than a series of struggles

for power, in which the great interests of the people have been often openly sacrificed, and were always secondary. No attempt was ever made by the Whigs—those *preux chevaliers* of liberal opinions—to introduce extensive changes into the structure of the government, so as to place it upon a popular basis; like the Tories, they always strove to keep up the aristocratical ascendancy, and chose either to remain or go out of office rather than propose democratical measures. Their party more than that of the Tories has been instrumental in perpetuating the present system, by their vague liberal professions—by their coquettings with the people, and thus exciting in the latter hopes and expectations that have proved delusive, and whose fallacy is now so apparent that the Reformers have as little confidence in them as they have in the rival faction. Fox, from the generosity of his nature, and his far-seeing mind, was, we believe, sincere in his advocacy of the rights of the people; but he was powerless, owing to his party connexions, and his being dependent for an income on those with whom he acted. All those belonging to the Whig aristocracy, who have, in our day, taken in hand the cause of the people and of reform, have stopt short, recoiled, and some of them even joined the Tories, as often as the supremacy of their order and their class interests seemed to be in peril from a further advance. Without repeating the names of those cited by M. Passy who took fright in 1793, we may notice the cases of Sir

Francis Burdett, Sir Robert Wilson, Earl Grey, Lord Brougham, Lord John Russell, Lord Palmerston, Lord Stanley, Sir James Graham, and Lord Howick. In short, basing our convictions on facts in our recent political history, we are convinced that the people have no aid to expect from the Whig more than the Tory aristocracy, and that it is from themselves alone—from a combination of the middle and lower orders—that the great political and social changes which the country stands in need of must proceed.

NOTE II. p. 212.

The eulogies passed by M. Mignet and other contemporary French writers on the French law of equal succession cannot be charged with exaggeration by foreigners; for who are better qualified to report on its ameliorating effects than those who have seen and felt their benefits? In support of their views, we have already cited the authority of an English writer, Mr Henry Bulwer, who was educated in France, and spent, in a diplomatic capacity, many years there, and from whose work on the present state of that country we now offer a brief extract:—

“When Oliver Cromwell assumed the protectorship of England, one man succeeded to another. The Sovereign changed, and not the country. When Napoleon declared himself Emperor of France, France was



no longer the France of 1789. The Revolution that had mounted to the palace had descended to the cottage—the Revolution that had ruled the capital had traversed the provinces. As the ancient divisions of the country had been cut up into departments and arrondissements, so also the ancient properties of the country had undergone similar transformations and divisions. It was impossible for the Restoration to return to the old government and the old opinions. The moral condition of France could never be the same as it had been, for its material condition had effectually and permanently altered—the Government of Louis XVI. reposed on about two millions and a half of landed proprietors,\* the Government of Louis Philippe has the broader basis of at least five millions. The most important question connected with France is undoubtedly this division of property.” The author then proceeds to notice at length, and refute with entire success, the hostile opinions of M'Culloch and other economists of his school; but as the details into which he enters, and the discussion they give rise to, occupy several chapters, want of space obliges us to refer to his work, which will well repay the trouble of a perusal.

We might also, had it fallen within our plan, have produced the corroborating testimony of some of the first economists of Germany and of the north of

\* This, if not a misprint, is greatly overstated.

Europe;—as it is, we shall merely cite a passage from one of the most eminent of them, H. Storch, whose leanings towards France will not be believed to be over-favourable, when it is known that his work was written during the last years of the late war, nor his ideas be deemed ultra-liberal, seeing that it was specially composed to serve as a course of instruction to the present Autocrat of the North and his brother the Grand Duke Michael. This writer, after noticing the various evils resulting from entails, &c., states—“The Revolution put an end to this obstacle in France (the privileges of property), where the number of small proprietors is at present more considerable than in any other country in Europe. However slender this advantage may appear when we regard it in the light of a compensation for the evils of that terrible catastrophe—looked at abstractly, it is one of the greatest that is possible to conceive; and, if we do not as yet perceive all its salutary influence in the prosperity of that kingdom, it will not be long in becoming apparent, when its Government, adopting the maxims of moderation and wisdom, and renouncing its projects of conquest and ambition, shall confine itself to the cultivation of the arts of peace, industry, and commerce.”

Besides, France is not the only country which can be adduced as an example of the advantages accruing from a breaking down of large properties. There, indeed, the change was sweeping and universal; but

other countries can show, though in a less degree, and on a more limited scale, the same species of results, as often as the lands of the crown, of the nobility, or the clergy, were brought into the market and subjected to a free circulation. Robertson, although a Tory in his church politics, is the most candid and liberal of historians. In his preliminary chapters of his *History of Charles the Fifth*, he states that Henry the Eighth, guided by his passions, continued the policy of humbling the nobility begun by his father Henry the Seventh, and adds—"By the alienation or sale of the church lands, which were dissipated with a profusion not inferior to the rapaciousness with which they had been seized, as well as by the privileges granted to the ancient landholders of selling their estates or disposing of them by will, an immense mass of property, formerly locked up, was brought into circulation. This put the spirit of industry and commerce in motion, and gave it some considerable degree of vigour. The road to power and opulence became open to persons of every condition." The same thing took place in Holland, and in the Protestant States of Germany, through the sale of the church lands; and to that cause is in a great degree attributable the industrial superiority of those countries over other Catholic States, where the property of the church was preserved entire. It is also an historical fact that, in Denmark, the emancipation of the serfs, and the sale or leasing out in perpetuity

of the crown lands, gave so great an impulse to population and wealth, that the national resources were not diminished by the cession made to Sweden of three of her Baltic provinces. In Prussia, the efforts made by Frederick the Second to increase the number of cultivator-proprietors, and similar measures adopted by Joseph the Second in Austria, have been the means of improving the agriculture and increasing the wealth of their States ; and there can be no doubt that the sale of the crown and church lands now going on in Spain and Portugal will be followed by the same happy results. We will not here repeat our remarks on Belgium, Holland, Switzerland, the Rhenish provinces, or Norway, where the law of succession is analagous to that of France ; but, in regard to the last named of these countries, no one can read Mr Laing's work without being struck with the social and political advantages which Norway possesses as contrasted with Sweden, where property is still in a feudal state, and in the hands of a privileged order.

War, which a French writer has defined "*La Crime organisée*," has ever been the cherished occupation of the aristocracy. Turn to ancient Rome, where the Government, although nominally republican, was in the hands of an aristocracy—the Patricians and their Senate—and we find this privileged class perpetually engaged in wars, got up under one specious pretext or another, but really for the purpose of enriching their own order, diverting the attention of the peo-

ple from their affairs, and procuring the means of corrupting the latter. In the eyes of the Roman aristocracy and of the other citizens who took after them, trade and industry were held as ignominious, and fit only for slaves. In the middle ages, military chiefs founded by conquest the feudal aristocracy, and took possession of the conquered territories as well as the inhabitants, who became their serfs. After having established themselves by war and rapine, the feudal nobility carried on for centuries their trade of war, sometimes joining in foreign conquests, but more frequently in civil and intestine dissensions with a view to aggrandisement and plunder. Whoever will analyze the histories of England, Scotland, and Ireland, during these periods will see in the civil wars of these countries little else than so many cases where the Governments, moved by a powerful aristocratical party, persecuted and goaded on a weaker body to revolt and resistance for the purpose of getting hold of the estates of the latter by confiscation. The North Americans, as may be seen from their writings, believed that the war of independence was entered into by our aristocracy with a view to the same species of legal plunder, and who can gainsay their hypothesis? Have not our wars in India been generally marked with the same feature of spoliation? It is clear, also, to a demonstration, that the late war with France was undertaken by the aristocracy, in opposition alike to the principles of justice and the real interests of the people

of this country, and for the sole purposes of maintaining the privileged orders and putting down the demand for parliamentary reform. To have recourse to foreign war is, thanks to the expenses of the last, and the crippled state of our finances, a thing no longer in the power of the dominant caste, who must now fight the popular battle with other and less powerful weapons. They are aware that a foreign war is now another name for a national bankruptcy, and that the latter is synonymous with Revolution.

In reverting to the French law of succession, it may not appear out of place to notice that, during the Restoration, the Bourbons and the restored noblesse, with that fatuity which everywhere distinguishes privileged orders, brought forward a *bill* for re-establishing the ancient law of primogeniture in France, which passed, by a majority and after much opposition, a corrupt Chamber of Deputies; but the Chamber of Peers, though similarly disposed, yet becoming afraid of the consequences, threw it out. This new law was opposed by all the most able and practical statesmen of the day—among whom may be mentioned Talleyrand, Molé, Decazes, Pasquier, Roy, Loriol, and Dupin, (the last the author of an excellent pamphlet on the subject, from which we have already given an extract,) and, had it been passed, it would certainly have precipitated the crisis of the downfall of that infatuated dynasty which the ordinances of July, 1830, at last effected. And yet, for imbeciles like these did

the British aristocracy shed an ocean of blood, and expend some hundred millions of treasure. Sheridan's well known reply to a lady who asked him how our national debt had been created—"that part of it had been incurred in wars for putting down the Bourbons of France, and the rest in setting them up again"—was not more witty than true, and is one of the most telling sarcasms ever launched against our patrician rulers, who yet have the modesty to tell the inferior orders that they are not wise and intelligent enough to have a share in the government of the country. Well may the orders so taxed with incapacity retort on the aristocracy—"you have been weighed in the balance and found wanting,—you have proved yourselves unprofitable stewards,—it is *our turn now*, and the deuce is in it if we do not manage our affairs better than you have done—at least we cannot do worse." We ask the pardon of our betters for our freedom of expression—we are outspoken uncourtly Radicals, who have never moved in the higher circles nor caught the *bon ton*. Mr Fox during a canvass for Westminster was once refused a vote by an elector, who said to him, "I admire your talents, but I curse your principles;" to which he replied, "I admire your candour, but curse your manners." All, then, that we ask from those of the lords of the soil who may deign to cast a glance over our plebeian pages, is, that they will admit our candour; and in so far, we think, we are pretty certain of their

suffrages ;—for the rest, we give notice that we do not mean to break our hearts at what may happen. We have truth, justice, and numbers on our side, and political rights will follow in their train, as has been the case in times gone by—

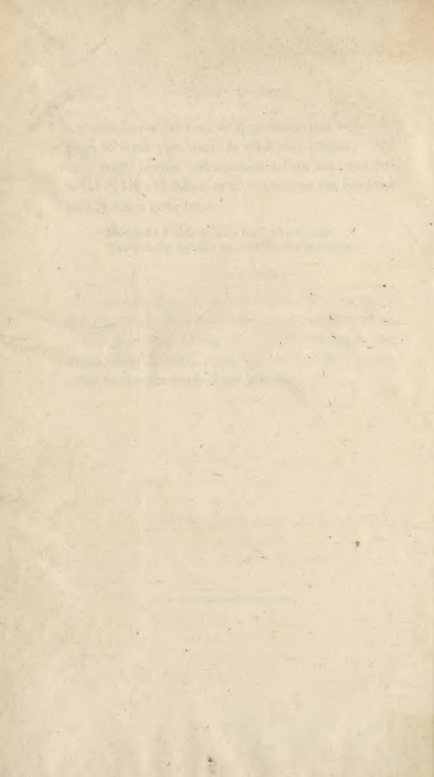
“ Methinks I hear a little bird which sings,  
The people, by and by, will be the strongest.”

---

It was not until the last of our sheets were going through the press that we fell upon a recent work on the “Influence of Aristocracy,” by Mr M‘Intyre, and which, after a cursory perusal, we cordially recommend to the attention of our readers.









A RARE PIECE OF CHARTISM

3737 (Chartism) THE ARISTOCRACY OF BRITAIN AND THE LAWS OF ENTAIL AND PRIMOGENITURE , judged by recent French writers: being selections from the works of Passy, Beaumont, O'Connor, Sismondi, Buret, Guizot, Constant, Dupin, Say, Blanqui and Mignet: showing the advantage of the law of equal succession, with explanatory and statistical notes. Cupar: Printed and published by G. S. Tullis. To be had of W. Tait, Edinburgh ... 1844. xxiii, 232pp. Contemp. continental calf-backed marbled boards (edges lightly rubbed). A fine copy.

First edition of a rare compilation, of Scottish Chartist origin, consisting of selections from the works of French liberal and radical writers attacking aristocratic privilege, many appearing in translation here for the first time. The work is dedicated to William Sharman Crawford, a leading Irish-born Chartist who participated in the drafting of the original Chartist demands (see DNB.) This rare provincial Scottish printing, sponsored in part by the radical Edinburgh bookseller, William Tate, appears to be the true first edition; there was also a London edition of the same year, but an interesting added title leaf tipped into this copy refers to this as "Lately published in Scotland." Intended for distribution on the Continent and printed in France, this added title reads: "To be had in Paris at the Continental office of the London Illustrated News", this being inked out and replaced in ms. by "Chez Truchy, Boulevard des Italiens ..." perhaps indicating the LIN's reluctance to distribute the book. The identity of the compiler-translator is unknown. At any rate, a fine copy of a rare and interesting book. Not in the BLC, OCLC, or the NUC, which does list the London edition. Not in Kress or Goldsmiths'. Not in Harrison & Thompson, Bibliography of the Chartist movement.

\$350.00



