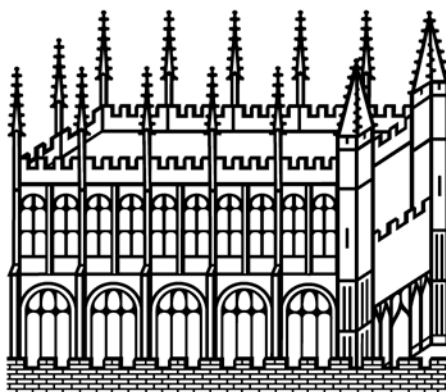




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THE PRESS
AND
THE PUBLIC SERVICE.

[*Extract from the Times of February 6th, 1857.*]

“THE EARL OF CARDIGAN put a question to the Secretary of War in regard to a recent publication on the Crimean campaign, by an officer of the staff, in which he asserted that his character had been maligned.

“LORD PANMURE replied : ‘Although the noble earl charges a particular officer with being the writer of the book to which he has referred, let me remind him that, as far as the authorities at the Horse Guards are acquainted with the facts, that book was written under an anonymous signature. The Commander-in-Chief (who would have been present in his place to-day had he not been in attendance on her Majesty), upon receiving an application from the noble earl to redress, through the means of a court-martial, the injury which he had sustained from that book, stated that he did not conceive that it was his province to take notice of anonymous military publications ; because such a precedent once established would lead to inevitable confusion in the administration of the discipline of the army ; and that moreover it appeared to him, as it appears to me, that the noble earl had a recourse open to him by an appeal to the civil courts of the country, whereby he might have obtained reparation for the defamation of his character.’ ”

THE PRESS

AND

THE PUBLIC SERVICE.

BY

A DISTINGUISHED WRITER.

"Non mihi, sed patriæ."

—
"Fidei coticula crux."



LONDON:

G. ROUTLEDGE & CO. FARRINGDON STREET;

NEW YORK: 18, BEEKMAN STREET.

1857.

270. c. 265.

DEDICATION.

DEDICATED to the Memory of THE RIGHT HONOURABLE GEORGE CANNING. Endowed with a rare combination of talents, an eminent Statesman, an accomplished Scholar, an Orator surpassed by none; he united the most brilliant and lofty qualities of the mind with the warmest affections of the heart. Raised by his own merit, he successively filled important offices in the State, he became Principal Secretary for Foreign Affairs, British Ambassador at Lisbon, and finally First Minister of the Crown. He was the most remarkable Anonymous Writer of his generation.

P R E F A C E.

"This Bill cares not a fig whether you are guilty or innocent."

*Fox's Speech on Lord North's Bill to empower His Majesty to
secure Persons suspected of the Crime of High Treason,
Feb. 10, 1777.*

THE principal Secretary of State for Foreign Affairs * has recently asserted his right to question persons in his department respecting their supposed connection with anonymous publications.

This minister has further maintained, that, in consequence of secret information confidentially communicated to him, a suspected person may be called upon to furnish conclusive proof to satisfy his lordship, and to enable his lordship to convince others that such person is not in any way connected with anonymous works attributed to him, either as the author or one of the authors; or by having furnished materials for the works to any other person, or in any other manner whatsoever.

The evidence required by the principal Secretary of State for Foreign Affairs to establish these negatives,

* George William Frederick Villiers, present and fourth Earl of Clarendon.

must comprise the distinct denial of the supposed author, corroborated by explicit declarations or affidavits from the publishers and editors of the anonymous works in question.

In the event of the suspected person being unable to obtain affidavits, or declarations, from perfect strangers, who may be interested in concealing the real author or authors, or who may not even be acquainted with him or them, the suspected person will be deprived of his profession without any form of trial. He will be punished by the degrading sentence of dismissal from his employment, and he will be declared incapable of holding any other appointment.

It is now sixty-five years since Mr. Fox asked whether it was agreeable to the law of England that the onus in cases of libel should lie on the person accused, to prove his innocence, and not on those who accused him, to prove his guilt? The noble Secretary for Foreign Affairs is the first British statesman who has yet answered that question in the affirmative. If the solid and brilliant abilities of the distinguished nobleman who at present fills that high office, however, cannot impart an irresistible weight to any side of a public question which he chooses to espouse, his opinions are far too important to be treated with levity or disrespect. When they do not excite our accustomed veneration, therefore, they can scarcely

fail to arouse a well-founded and a wide-spread alarm.

In a recent case the proofs demanded by his lordship were actually obtained ; but the matter appeared seriously to affect the interests of publishers, editors, and men of letters. It appeared likely to furnish a most hurtful and dangerous precedent. It has therefore become necessary for their future guidance to bring the subject under public notice.

It is hoped that no impropriety will appear in so doing ; because it is obvious that the moment an application for affidavits was made to publishers and editors, their freedom and property were menaced. The matter at once passed beyond the limits of official etiquette, and might decorously be discussed by any person. It concerns, indeed, far too deeply the liberty of the Press and the constitutional rights of Englishmen, to be affected by the conventional forms of a class.

The solemn questions really at issue are : Whether publishers and editors can be indirectly forced to betray their clients, and be thus virtually compelled to destroy the right of anonymous writing, on which the liberty of the Press is chiefly founded ? Whether the refusal of publishers and editors to reveal the name of an anonymous writer, or their inability to do so from ignorance, may be the means of ruining innocent men ? Whether persons in a certain department of the

public service can be condemned to an infamous punishment upon mere suspicion? Whether persons in that department may be interrogated upon the secret accusations of unknown informers? Whether a particular minister may at any time constitute himself prosecutor, judge, and jury in a case of libel? Whether a large class of persons may be punished without any form of trial in a manner unrecognized by the law, and with a severity altogether disproportioned to the alleged offence imputed to them? Whether they can be punished on suspicion of such alleged offence by pains and penalties far beyond those inflicted for the same offence when clearly proved against any of the rest of their countrymen?

It must not be forgotten, also, that a matter which seems only to concern a few insignificant persons to-day, may to-morrow affect some of the highest personages in the realm: for if a law be good in one case, it is good in all. This is a novelty in our Constitution which would constantly suspend misery and degradation over some of the happiest and most respectable homes in the kingdom. If the innovation proposed by the Foreign Secretary is to become law, it may one day apply to a premier as clearly as to a penny postman: all Englishmen are equal before the law.

A Sovereign, misled by secret information confidentially communicated, might insist that an obnoxious

minister should give proof sufficient to satisfy the Crown and the leader of the opposition that he had not written some anonymous work attributed to him. If a premier could submit to the humiliation of requesting an affidavit from a Catnach, such a person might possibly decline to give it. The rumour would be far too valuable to Mr. Catnach for him voluntarily to suppress it. Under such circumstances, even the most respectable publisher might refuse an affidavit. He might say with perfect propriety, "I cannot conscientiously furnish an affidavit that any man is not the author of this work. Popular opinion, sir, attributes it to you. I have no proof to the contrary. Indeed, the manuscript was sent to me with your card, and with directions which I believed to have come from you, or I should not have published it. You may say your card was stolen, and that you never gave any such directions, nor heard of the mysterious manuscript. This may be true, but I have only your word for it, and that when you are in danger of losing your place, and being tried for high treason. If you are not the real author, I am sorry to see you in so painful a position; but the law is to blame, not I."

To serve the country in very humble employments, also, has hitherto been often a laudable object of ambition among Britons. Many a man who has attained celebrity and respect in some calling or profession feels proud of

a public appointment. Would it be wise in any statesman to turn such a feeling into mockery? Should the Lord Chancellor have the power to call upon a Queen's counsel or Government solicitor to furnish proof that he had not written an objectionable article in the *Times*; and if the editor of that journal decline at any time to make affidavits on such subjects, should the suspected person be deprived of his profession and his bread? A. is a medical man, in a practice worth £1,200 a year. Some patron offers him a Government appointment worth £700. He has a large family, and many claims upon him; but, after full and careful consideration, he agrees to accept £700 a year, which he fancies to be secure, rather than a precarious £1,200, which involves high house-rent and a carriage. He feels also flattered at the distinction conferred upon him. But if his appointment arouses the anger and jealousy of B., a worthless, envious, man in the same profession, B. may deprive him of his appointment before he has held it six months. Should B. once resolve on the gratification of his envy and malevolence, an abominable plan will be easy of execution. B. may write something disagreeable to A.'s immediate superior. He may get this work published by his brother or son, an obscure printer. He may then furnish secret information to the proper quarter, and A. will be ruined. The gentleman, who six months

before was a prosperous physician, will have to begin life again penniless, with a blasted reputation, and health broken by insult and anxiety.

Countrymen, this case may be his to-day, it may be yours to-morrow. From the Premier to the exciseman and the policeman, stand forward and protest against this new test for the public service. Let it not be said that our servants may obey the laws, earnestly strive to do well, be industrious, conscientious, patriotic; but their fortune and happiness shall at all times be entirely in the power of any printer in the kingdom. Such a person will only have to publish a work objectionable to some man in office; furnish secret information that the individual he desires to injure is the author of it; refuse to give the affidavit requisite to clear him, and any one in the public service of Great Britain may be ruined.

No person can for a moment suppose that a statesman, believed to be one of the most conscientious and upright men in the kingdom, would act from any but the highest motives. If it were possible to suppose the contrary, there would be no reason to shrink from the inquiry; but it is only just to assume the contrary. If there is any mistake in the conduct of a minister so widely popular, it arises probably from the extreme difficulty of the question at issue, and the great division of opinion upon it.

The object of this little book, therefore, is not to set forth anything which could possibly be construed into a censure, either open or implied, upon Government or any public man. A minister, however, whose integrity no one can dispute, may sometimes get into a situation which there is no defending, without forfeiting the dignity of his character, or prejudicing his reputation for wisdom.

It is, therefore, with a sincere feeling of respect and deference for a man, so high in office and public esteem, that some arguments are here put forth against the right he has claimed; and it is anxiously hoped that the sentiment which has dictated those arguments will not be misinterpreted; for a compliment of the most delicate nature can only be implied in the confidence which appeals to a statesman's magnanimity and liberality of mind to reconsider his views upon a subject involving so much happiness and so many interests.

Nothing remains but to lay down the pen with the courtesy of a debater who bears no malice. We admire his lordship's abilities; we admit that he may possess excellent taste and excellent temper. But the claim he has put forth appears to us, after calm and long reflection, to be founded in error, to be in the highest degree dangerous; and the principle he has asserted to be such as, if followed out in practice to its legiti-

mate consequences, would infallibly produce the destruction of our liberties.

For this opinion we shall proceed to give our reasons with that freedom which the importance of the subject requires, and which his lordship we feel sure would invite us to use, but, we hope, without rudeness, and we are sure without animosity. On almost every point upon which the opinions we have ventured to urge are opposed to those of the Minister, they are supported by the authority of some statesman eminent as a defender of existing establishments, and of some lawyer remarkable for the extent of his knowledge, and the correctness of his views upon the constitutional laws of the kingdom. If the Press is to remain free; if we are right in our principle, we shall humbly acknowledge that the success of our arguments is due to no merit of our own. If we are proved to be in error, we shall be the first to admit it, and admit our defeat. But in either case, examination and inquiry into so grave a matter may do much good, and cannot possibly prove injurious to any one.

The following pages will endeavour to show: that the liberty of the Press is the most valuable of our constitutional rights; that it rests chiefly on the privilege of anonymous writing; that the virulence of personalities is more than equalled by the intemperance of recriminations; that government persecutions of

writers are needless, mischievous, and unjust; that the Law is fully sufficient to satisfy any one who has reasonable ground of complaint against the Press; that it may be expedient to consider how far, in the present general state of enlightenment, official secrets are useful to the cause of constitutional government; that public servants should enjoy the same rights as the rest of their fellow-subjects; that petty tyranny should not be allowed to feed fat its ignoble grudges merely by pronouncing the word subordination; and, finally, that the dismissal of any person from the public service because he is unable to prove that he is not an anonymous writer, is an act at once improper, cruel, and unconstitutional.

To conclude, it would be impossible to use more stirring and manly language than that recently employed in the House of Lords by the noble Foreign Secretary himself. The matter immediately at issue may be indeed a "miserable affair;" but if a principle is involved in it, and a right has been violated, Englishmen would be guilty of a complete dereliction of duty if they allowed it to pass unnoticed.

LONDON, *March* 19, 1857.

THE PRESS AND THE PUBLIC SERVICE.

CHAPTER I.

THE LIBERTY OF THE PRESS.

THERE must be either something very simple and loveable, or a vast deal of demure impudence, in the man who can fancy he has anything new to say about the Liberty of the Press in England. Nobody pretends to doubt it. Nobody pretends to dispute it. Any serious discussion on the subject seems like reviewing passages in our history which bear date nearly two hundred years ago. The most recent of the arguments on both sides are as old as the time of Swift and Steele. An uninitiated person would be wholly unable to comprehend the utility of further speech or writing on the matter; for the curtest summary of the reasons which have been already used, is conclusive to all who can either learn or blush.

It is doubtful, however, whether the true state of the case is very well understood; whether any one can tell clearly how far the Liberty of the Press extends, how far it is a delusion, and how far a reality.

Plain country gentlemen, and brave boys from college,

honestly believe that every question as to the right and propriety of free political writing, has long been satisfactorily set at rest. Every student of constitutional law can tell glibly from Hallam and Bentham—from the speeches of Fox and of Burke, of Erskine and of Macintosh, or from the living pages of Macaulay—how the mischiefs which arise from a free Press may be easily and effectually obviated; and that experience has repeatedly shown British statesmen the peril and the utter fruitlessness of all attempts to curb it.

A man must have thought little, or to little purpose, who is not in our days prepared to admit that any restriction which abridges the freedom of expression is a plain invasion of the rights and property of Englishmen. Restraints upon the Press serve but to enthrall the judgment and conscience of the nation; to bind it over in slavery to any party for the time in power; to condemn it to an unreasoning faith in one set of doctrines to-day, and in another set of doctrines to-morrow. They constitute, indeed, only a direct method to involve it in hopeless ignorance and error.

Our title to the hard-won honour of a Press perfectly free is indeed so clear and indisputable, that it is strange we should not be allowed to enjoy it in peace. Its freedom was prepared by Bacon and Milton, by Halifax, Somers, and Locke. It was urged by the most eminent men among the founders of our constitution. The splendid rewards which were held out to slaves by the Stuarts, could bring no opponent of consequence into the field against it. At last it was conceded to us under William III.; and it is the greatest of the long

list of benefits which the reign of that politic prince conferred upon us.

Statesmen differing as widely as Bolingbroke and Harley, as Walpole and the Grenvilles, as Pitt and Fox, as Canning and Sir R. Peel, have all acknowledged the inestimable value of that magnanimous concession. A list of the churchmen who have contributed to sanctify and secure it would comprise almost every divine remarkable for piety and learning during the last two centuries ; Burnet and Atterbury, Butler and Warburton, Lowth, Watts, Hurd, Horne, John Wesley, Nathaniel Lardner, with the respectable names of Bloomfield, Maltby, and Archbishop Whateley. Among the lawyers who have defended it in times of danger will be found most of those who have been distinguished at the bar or on the bench. All the literary men of note have added to their reputation by asserting it.

The obstinate contention, however, still goes on, the distressing strife between Power and Reason. The result, indeed, is always the same. Power is ultimately worsted in a cause which it cannot avow without humiliation, and in which it cannot strike with safety. Still, it rarely gleans wisdom from the past ; and none but the very highest order of statesmen can be brought to see the error and impolicy of engaging in a struggle where all is to be lost and nothing is to be gained ; where victory, the heat of argument once over, would be more melancholy to a patriot than defeat. Every new generation is obliged to rescue the most precious of its privileges from the insidious encroachments of

power, and to write in defence of the liberty which is the foundation of all other liberties ; which is essential to everything that can with propriety be termed good government.

Yet, if the freedom of the Press originally worked its way in this country, against numbers and prejudices ; if, in times of its infancy, the most bigoted and powerful oppressors could not prevail against it ; surely when confirmed by time, and rooted in the affections of the people, it will be impossible to overthrow it. The attacks upon it which are sometimes made by good and conscientious men, must be classed with those weaknesses by which the greatest pay tribute to their mortality. Such a mistake, however, can only arise during the overwhelming pressure of public business, from the weariness of mind which is the penalty of overthought, and of tasking the most generous nature too hardly. The Press is to us what the militia was to Charles I. If we were to lose all our other liberties, it would ultimately bring them all back again. The liberty of the press, and the liberties of the country, must stand or fall together. Other liberties have been held under governments ; but the liberty of opinion keeps government itself in subjection to duty. It has therefore always been the last right that subjects have been able to wrest from power. When yielded, it has been yielded like a banner to a foe, shred by shred, with fears and misgivings always ludicrously falsified in the sequel. Thus, the publication of debates in Parliament, seemed to the most liberal statesmen of the old school a practice full of danger ; it is now regarded

by the most prejudiced, as a safeguard of the constitution, tantamount to all the rest put together. It is certain, also, that the Press has become respectable, in proportion as it has become free. Restrictions which suppressed truth and reason, made it licentious in the worst sense. When John Bunyan was in prison for expounding the Gospel to the poor, Wycherley was the most popular poet in England. When piety and virtue were gagged, iniquity and ribaldry were let loose. Now all may speak, no man offers an insult to religion or morality.

Political liberty depends altogether upon the frequent and genuine manifestation of the public will. A free Press provides Parliament with the means of profiting by the information of the public. It enables electors to act with some knowledge of the conduct of their representatives. It informs legislators of public opinion. It informs the people of the acts of legislation. It conduces to the maintenance of order; and prevents the stern necessity of revolutions. For nearly all that keeps up in us, permanently and effectually, the spirit of regard to liberty and public good, we must look to the unshackled and independent energies of the Press. It is as the air which Liberty breathes; if she has it not, she dies.

The Press virtually governs this country, because public opinion governs it, and is represented in no other way. For some months during the year it is the only check on the conduct of the Government and the power of the Crown. It is as important to a prime minister as to anybody else; for, if it did not exist, he

might be replaced by his own footman, without power of appeal or demur. When Parliament is sitting, it is only in the language of irony that it can be said to represent the nation. One man seats half a dozen members; another three or four—all his dependants. Government has great influence; money has great influence: the Press is, therefore, the real representative of popular feeling—the Parliament of the people. It has not been abused. It has made of Englishmen a race of earnest and thoughtful patriots, differing widely from the unruly populace of despotic states. So far is it from being true among us, that no stable Government could exist with it, all admit that no good Government could exist without it. On the other hand, there is no freedom of the Press in Turkey—no power to complain; yet, of all countries, Turkey is that in which revolts and revolutions are the most frequent and the most violent.

A free Press is a real censorial power lodged in the impartial hands of the people. It gives them the right to express their disapprobation of public evils. It is a beneficent power, which begins where other checks fail; it touches matter out of the reach of the law; it indicates, it does not punish; it is the mildest, yet the most effectual, restraint that could be devised for authority. In all liberty there is, indeed, some danger; but so there is in all power. The question is, in which there is most danger, in power limited by this check, or in power without this check to limit it. When complaints are freely heard and deeply considered; when evils are speedily reformed, then only is

the utmost bound of civil liberty attained, which wise men in our age and country are entitled to expect. The greater the number of temptations to which the exercise of political power is exposed, the more necessary is it to give to those who possess it the most powerful reasons for temperance and good conduct. There is no reason more forcible than is furnished by the consciousness of acting under the perpetual superintendence of the public. The public compose a tribunal which is more powerful than all other tribunals put together. An individual may pretend to disregard its decrees,—to represent them as formed of fluctuating and opposite opinions, which destroy one another ; but every one feels, that though this tribunal may err, it is incorruptible ; that it continually tends to become enlightened ; that it unites all the wisdom and all the justice of the nation ; that it always decides the reputation of public men ; and that the judgments it pronounces are inevitable. The enemies of publicity may be collected into three classes: the malefactor who seeks to escape the notice of the judge ; the tyrant who would stifle public opinion because he fears to hear its voice ; and the timid or indolent man, who complains of the general incapacity, in order to screen his own. Absolved from the beneficent censures of the Press, men in office, especially abroad, might dispense with being just, provided they were cautious not to infringe the letter of the law. But, happily, no man can now count upon secrecy ; and irregularities are immediately divulged. Fortunately for England, the juryman knows that his verdict, the judge that his

charge, will be laid before the public — a public, keen, discerning, merciless to corruption. There is no man in office who does not feel compelled, in almost every instance, to choose between his duty and the surrender of his reputation. Without publicity no good would be permanent; with it no evil can continue.

A foreigner, who visited our police-courts, told Lord Mansfield he was surprised to find them so thinly attended by the public. "No matter, sir," replied the Chief Justice, shrewdly; "we sit every day in the newspapers." To say that an English judge is incorruptible is, therefore, scarcely to praise him.

Public and free deliberations respecting the laws, measures, and conduct of official persons, also, are sure to operate in favour of the Government. If their position is not utterly untenable, it enables them to refute objections, to confound false reports, to prove the necessity of the sacrifices required from the people. Government has always far greater means of employing the Press than are possessed by the Opposition. The Opposition must also assist them, even against its will; for when they are in the right, who resists, strengthens. Finally, ministers are enabled to assure themselves of the success of a measure, before they risk their reputation upon it, by submitting it frankly to public discussion; allowing it, prudently, to stand or fall by its own merits; or amending it according to such useful suggestions as they may receive in the course of the argument. Hurtful and wide-spread prejudices, publicly combated, soon begin to have less dominion; the

multitude are secured from the tricks of demagogues and the cheats of impostors.

In countries where unfettered discussion is fairly permitted, the people are every day more easily managed by honesty and good sense. A habit of reasoning penetrates all classes of society. The passions, accustomed to a public struggle, are kept in check. They lose that morbid sensibility which, among nations without liberty and without experience, renders them the sport of every alarm and of every suspicion, at once timid and arrogant, equally despicable in their transports and their subjection. Even in circumstances where discontents are greatest, the signs of uneasiness are not the signs of revolt. The nation relies on those trusty friends whose public character ample knowledge has taught them to respect; and legal opposition being permitted to every measure, prevents even the idea of illegal resistance. If the general wish of the country be opposed for a time by too powerful a party, it knows that the cause is not decided without appeal; and hence persevering patience becomes one of the most prominent virtues of a free state. Men, convinced they are in the right, console themselves with the reflection that it is the character of error to possess but a transitory existence when exposed, while truth is indestructible, and needs only to be generally known that it may prevail. The main difference between a despotic and an undespotic Government is, that in the latter some faculty of effectual resistance is purposely left to the people. It was the right of remonstrance which so long preserved

the liberties of Geneva, and it has done more than everything else put together to maintain our own.

The Press is infinitely more serviceable to the reputation of public men than injurious to them. It is their security against malignant representations and calumnies. It is not possible, where it is free, to attribute to them false discourses, nor to hide the good they have done, nor to give their conduct an unfair colouring. The liberty of the Press is also the surest guard of a private good name. Where there exists no safe means of communicating with the public, every one is exposed to the secret shafts of malignity and envy. The official loses his popularity, the merchant his credit, the humble man his character, without so much as knowing who are his enemies, which way they carry on their attacks, or the nature of their accusations. But where there exists a free Press, an innocent man may immediately bring the matter into open day. All differences of rank, fortune, and society are equalized. He may crush his adversaries at once by a demand to lay before the public the grounds of their imputations; and falsehood only raises the fame of those it has attacked.

The functions of the Press are not always ungracious. To commend just reasoning, felicitous illustration, candour, fairness, modesty, equanimity, is required of it as much as to denounce qualities of an opposite nature. It has as strong a sense of excellence as of error. It is as prone to praise as to blame. Its plaudits result in no imperfect accents of abortive eulogy. They are the permanent record of the lusty huzzas of a great

people. It represents things much as they are—a faithful mirror. Vice, indeed, in all its meanness and deformity, but good in its sanctity, honour in its spotlessness.

Cheering as the liberty of the Press is to good men, they who suppose that it is no restraint on bad ones, and no impediment to bad measures, know nothing of the case. Ministers and magistrates have in reality little punishment to fear, and few difficulties to contend with, beyond the censure of the Press, the spirit of inquiry it excites among the people, and the knowledge that wherever there is an abuse there will be a clamour. This constitutes, indeed, practical self-government, which is the only righteous government, the government which the Almighty has left to His creatures.

Whoever fairly considers the present condition of England, and compares it with the past, will understand how great and good a thing the liberty of the Press has been. The noble thoughts and writings of free men have infinitely advanced the science of government. Much that was dark to the greatest of the dead is made clear to us by the light of the many intellects which are now, by God's blessing, permitted to cheer each other, and to co-operate for good ends. No fanatic primate could now roast heretics in Smithfield; no judge could sentence a witch to be drowned; no king could conjure gold into his treasury with the teeth of a Jew; no blacksmith could count upon public sympathy if he knocked down the tax-gatherer.

Thoughts never die. If the Press be only really free

in one country, its healthy influence must be felt in all. Hence, the public opinion which is now beginning to govern the earth. The subtle influence which is felt from Pekin to St. Petersburg, from Washington to Siam. No post-office regulations, no clipping out of heterodox passages, can extinguish the electric spark of a new idea. Eve could as easily have forgotten the shame of her nakedness, as men can go back to their ignorance who have once tasted also the fruit of that immortal knowledge-tree which grew in Paradise. We cannot now be made less capable, less thirsty after knowledge. We cannot grow again as uninformed as we were. No vicissitude in the world's affairs, short of the complete extinction of mankind, can henceforth ever restore the empire of the world to ignorance. Although the winged words of thought may be seen only by a policeman in his closet, yet will they sink into his mind, and come forth again in some form or other at the appointed season.

The freedom of the Press, therefore, in any country should be anxiously and conscientiously preserved as a blessing to the whole world. It should not be used as a means of meddling with the affairs of foreign states; but only as a means of disseminating those sound general principles on which depend the happiness and prosperity of all. Its part towards foreign governments is neither to reprove nor to lecture them. Example in such cases is better than precept. But it must not be overlooked that our Press speaks in English to English people. Foreign governments, if they can, may deprive their subjects of the power of reading; but they must

not deprive Englishmen of the power of instructing themselves. If our Press is objectionable to any government, the remedy is in their own hands. They may refuse to allow English publications to enter their country. They may prevent their people from learning English. They may refuse to grant passports for England. But we cannot consent to sit in darkness, for fear our lights should frighten strangers, who have no business to be looking at them.

It is difficult for a man of ordinary experience to feel much enthusiasm about the generality of newspapers. The nation owes, indeed, a deep debt of gratitude to the conductors of the *Times*. In a day of great national peril and humiliation, they formed an honourable band of gentlemen, who were proof to every seduction, sneer, and menace, which could be directly or indirectly brought to influence them: to the threats of a censorship, to the imputation of the worst motives. They fearlessly told on their sad and painful truths, till the great heart of the nation was stirred to its inmost depths, and the evils discovered by their untiring and dauntless energy, by their courage and fortitude, which shrunk from no form of privation or of death, were happily remedied. An idle argument has, however, sometimes been used against the interference of the Press in such matters. The Government, it is said, will not be dictated to by newspapers; any cause or individual censured by them shall be supported; any cause or individual whose claims are advocated by them shall find it a disadvantage. Yet, what matters it to wise men whence advice comes,

so that it is good advice. Government should never feel that restraint irksome, which only constrains it to be just. Its power is not private property, to be used according to the suggestions of pride or caprice ; but a public trust. The problem Government should seek to solve, therefore, is how to use it rightly for the public weal.

The *Times* has grown too mighty a power to be influenced by small motives ; it has, therefore, during many years, been the consistent opponent of every abuse, however intrenched and protected, which has been made plain. But it has justly felt that its influence was decisive, and has thoughtfully paused for irrefragable proof. It has seldom, therefore, been in the van of attack, but in the centre ; and its great arm has thus smitten down evils so ancient and so vast, that any other arm would have been lifted against them in vain. The *Post* and one or two other newspapers have also done fair service, on many occasions. But the abominable and contemptible trick of hedging and diplomatizing, which has nonsensically been thought essential to statesmanship, is fast seizing hold of journalism, and there are few papers in Britain that either can or will speak plainly. It is this wretched mixture of weakness and cunning, which has tended so often to lower the influence of newspapers. The reason they do not always flourish, when supported by the requisite ability, is that they are not always honestly and truthfully conducted. The persons connected with them have often some trumpery private object which they serve to their own loss and disrepute. But

it is never difficult to predict that any body of gentlemen, who agree to look at public questions on higher grounds than party grounds, will earn both success and reputation. The public is always gratified to hear the truth, and eagerly supports every respectable literary enterprise.

There is a small part of the newspaper press, however, quite able to praise itself; and it does so with a downright straightforward effrontery, sometimes amusing, and sometimes contemptible. Scarcely any great author has long remained connected with it. Coleridge tried it, and a fellow whose name is never remembered but in connection with the great poet, got into an ignoble dispute with him, and has left some coarse abuse of the man of genius. Moore and Scott tried the same experiment, but the result in every case was discouraging. Between writers of books and writers of newspapers, there is often, to the shame of human nature, a great deal of positive jealousy and ill-feeling. A man of genius, who would live by the Press, must sell his principles, forget his wisdom, and mar his wit; for the class of speculators who trade upon principle, wisdom, and wit, are seldom very good judges of the commodity they purchase. There is, therefore, a small portion of the Press which is nothing but a sturdy sham. *Verba et voces*. It can be bought like other things. It can be influenced by cajoleries, by jealousies and enmities, by likes and dislikes. It is free from none of the taint which clings to most earthly things. Hence men, by no means illiberal in their general views, have learned to con-

found the honest with the dishonest, and to look on newspapers with little respect or kindness.

The fault, however, does not even here rest so much with the newspapers as their readers. If a newspaper does not express the ideas and sentiments which happen to be in fashion; if subscribers do not read their own prejudices repeated in decent language, they soon cease to read it at all. A leader by Strafford or Filmer would disgust the Carlton. An article by Milton or Locke would disturb the temper of the Reform Club. Everybody agrees to be satisfied with a compromise, no matter how unsatisfactory; and to stop half-way in their course of good. But when all this is freely admitted, when all is granted that can in any way be urged against it, our free Press is still the most admirable of our institutions. It is really surprising, all things considered, not that there is so much objectionable in it, but that there is so little; and that newspaper writers are as fair and upright a body of gentlemen as they undoubtedly are.

Notwithstanding a great deal of fustian and bad taste, with many other things as little to be commended, a free Press must, in its nature, be an instrument of good. It is as much as can be hoped from any human institution, that the good shall greatly exceed the evil of it. There is nothing quite perfect. It is certain that a free Press, under the least favourable circumstances, is more conducive to the public welfare than a censorship, however disguised, under the best.

The Press, indeed, has fallen under the very power it has created. It must be the friend of all opinions

which can stand the test of time. It requires, however, all the native vigour of truth to prevail against a popular delusion; and until a principle is thoroughly established and widely admitted, it can seldom hope for effectual help from newspapers. It is, perhaps even better thus.

For the great man's work goes on imperceptibly; and his thoughts, filtered through a thousand channels, make their devious way to the troubled sea of human affairs, calming it, purifying it, stemming its fierce tides. One by one, the eternal truths, which perhaps herald the coming of God's kingdom, are made known to us. They are turned and twisted to suit the views of this party and of that; they are opposed, ridiculed, mis-stated, denied; still something of their divinity remains throughout all changes: once admitted into the mind of the people, they can never be expelled; and, at last, those who saw truth as through a glass darkly, behold it face to face. The long strife is won. That which yesterday seemed but the vision of some ardent dreamer, shall to-morrow be a fact in our daily lives. The use and the beauty of it shall be felt and recognized by all. He who was first elected to reveal it may have passed away successful; but he left the pious legacy to happier heirs; while his hand stretches out from the tomb, and within it, kindled at no earthly fire, is a torch which cannot be quenched, to light them on their mission.

CHAPTER II.

ANONYMOUS WRITING.

THERE is no reason why a patriot should always be a martyr. A very good and great divine, who has but just passed away from us, writes amusingly: "I love liberty; but hope it can be so managed that I may have soft beds, good dinners, fine linen, &c., for the rest of my life. I am too old to fight or to suffer." This was a very frank confession, but it is full of plain homely good sense. The more helps, therefore, we can find to protect such lovers of liberty in time of peril the better, or liberty may chance to keep few friends. Now an admirable device to preserve them in good heart is the right of anonymous writing. It is the principal point, indeed, in which our Press differs from that of despotic countries. It is the very essence of a free and useful Press. It permits men to write when they would fear to speak. Anonymous writing is a surer guarantee against injustice and oppression than any form of government could be. Even the most liberal and popular executive wields fearful instruments of quiet and insensible tyranny, which the victims of them can neither escape nor resist, but which they may expose and bring to shame. Instances of harshness and iniquity every day occur, of which the law can take no cognizance, and which would have no chance

of hearing or redress, were it not for that tribunal which is always open gratuitously and to every complainant. Neglected or unrewarded merit, which can obtain no audience from men in power; long services which have been discarded or superseded to make way for the high-born and the favoured; sufferers under unjust and brutal exertions of undeniable power;—all these can make their appeal to a judge whose authority is the greatest, and to a court whose publicity is the widest, in the realm. In Great Britain, scarcely any public or private iniquity can now be done in a corner. Silence can never be counted upon; secrecy is never safe. The right of anonymous writing is a protection the value of which cannot be exaggerated. It is one that no power can silence, no money can corrupt, no flattery can lull to sleep. To abolish it would be to bid the soldiers of truth go forth to attack the fortresses of error without armour, while any fool might launch poisoned arrows at them in security. To stand up for it stoutly, therefore, is not to encourage a nameless body of literary men in a course of doubtful honour, but it is to protect life, to insure property, to fence the altar, to guard the throne, to give space and liberty to all the finer powers of man, and lift him up to his right place in the order of creation.

In estimating the high tone and character of the Press, the chief cause must never be forgotten which secures and maintains it. It is a good thing that the Press should be exempt from all the small vanities of authorship. Whatever influence a newspaper writer may wield, he generally remains unknown. The names

even of the editors of journals which exercise the most important influence on public events, are scarcely heard beyond the circle of their own private friends. Year after year they toil on with unequalled ability, energy, and public spirit, yet in complete obscurity. Connection with political literature among us leads neither to office nor reputation. There is nothing to gratify vanity nor ambition in such a calling. The suppression of anonymous writing would undermine the healthful power of the Press more perhaps than any measure which could be devised, and would take from it a great guarantee of its earnestness and sincerity.

We are already a great deal too much disposed to be swayed by authority rather than argument, to consider the man who says a thing more than the thing said. Unfortunately, the world is much too apt to be misled by presumption. It cannot understand that wrong is not right because it is sanctioned by power. Any gentleman who puts on an important look, and a proud, grave, imperious manner, has only to speak nonsense decisively to cheat it at once out of its senses and respect. He may maintain opinions neither true nor likely, but he conquers by astonishment and awe. Wise men will be seen waiting open-mouthed to learn the opinions of a solemn dolt, instead of trying to form just opinions for themselves. They like better to know what is thought by such a person than what ought to be thought. They are fond of strutting after some stalking error in the livery of truth. They prefer being puzzled to being convinced. It is long before laughter

succeeds to veneration, and they who doffed their caps to Sir Oracle, perceive he is a goose.

Were all writings signed, therefore, the public would devour with eagerness and curiosity the feeblest and most unsound reasoning of a man in office, but pass lightly over, or perhaps not read at all, the unanswerable logic of a writer unknown to fame. The public would lose also, or silence, many of their safest guides and best instructors. Many unsparing condemnations which ought to be expressed, many grave charges which ought to be brought forward, would be suppressed if the shelter of the anonymous were withdrawn. One of two risks would be incurred. Either things which ought to be said would remain unsaid—facts which ought to be dragged to light would be hushed up and concealed; either the task of correcting delinquents, detecting jobs, and dealing out the fittest measure of refutation and of blame must be abnegated, or it must be left to literary bravos. A far higher and more conscientious class can now venture to undertake the functions of censors and denouncers than would be willing to wield the lash, had they to do so without a mask. To say the harsh things which ought to be said, to make the fierce onslaught which needs to be made, to stigmatize the evil deeds which it is for the interests of the public should be ruthlessly exposed, is pleasant and easy only to the unfeeling and malignant.

One of the most important services rendered to the nation by anonymous writing consists in the exposure of abuses in the various departments of Government.

These abuses are chiefly known and most thoroughly comprehended by officials. To suppress the right of anonymous writing would be to close the mouths of such persons completely, as long as power, vanity, and jealousy remain inseparable. Nothing can be clearer, therefore, than the value and necessity of anonymous writing in this case. It enables a Government servant to make the same reply as was made by an engineer, who had invented a new piece of ordnance, to the Government of Geneva. The magistrates, cowed by France, told him that he could not be permitted to fire his piece and exhibit its powers in the republic. "Very well," said the man, "that makes no sort of difference, for I can very easily fire over the republic."

Many instances occur in which statesmen and public functionaries may be highly blameable, without committing offences for which they may be impeached or punished by law. Moreover, no person can contend, with a grave face, that public-spirited men should institute impeachments, instead of exposing official delinquencies by the short and efficient means of the Press. An impeachment is a parliamentary proceeding, competent only to a majority of the House of Commons. To use no machinery for the abatement of any public nuisance, but one so cumbrous, would be indeed an agreeable arrangement for official wrong-doers. They might well feel secure in their places, and amuse themselves with the destruction of the country at their leisure, if they were never to hear the voice of censure till it was recorded in the votes of Parliament. Such an idea is absurd. Whoever thought of telling a man who had

beaten another in self-defence, that he ought to have submitted in the first instance, and then indicted for the battery, or brought an action for damages? A gentleman who so demeaned himself would be generally ridiculed and avoided. Such an argument was never even used in answer to a case of verbal provocation. But it is said, that some latitude may be allowed to self-defence, in order to repress aggression or insult, and to prevent others from beginning an affray. The principle of anonymous writing may be defended on precisely the same ground. It gives to individuals a power of exposing and punishing offences which no other vengeance can reach, and which each individual has an interest in repressing. Assaults upon our liberties by bad rulers, injustice, malevolence, unprovoked outrages of superiors upon inferiors, and a thousand other evils of the same kind.

An anonymous writer has no advantage over his opponent. He merely chooses a field in which a powerful opponent can have no advantage over him—a fair field and no favour. He may be as easily answered and refuted as if he signed his name, and he will be heard always under protest. For his opponent to skulk and lie in ambush, therefore, to talk of anonymous writing, to abuse his adversary for choosing equal arms, is but one of the shifts and contrivances of conscious weakness and error. It is mere cowardly begging the question. What have names to do with facts and reasons.

Members of Parliament, advocates at the bar, clergymen in the pulpit, are each protected by their respective

privileges. They are not personally responsible in private for the expression of opinions which may affront men in power. Anonymous writing gives the same privilege to the author, nothing more. He enjoys this privilege, moreover, with a far higher claim to it; for as he derives neither personal honour nor repute from his labours, however successful, he is at least entitled to demand that he shall not be subjected to personal inconvenience.

It has been sometimes said that men of rank and consideration cannot condescend to answer anonymous accusations. This is untrue. They always condescend to answer if they have anything to say. If not, they look out for some plausible fallacy to cover their silence and confusion. The real inconvenience of which complaint is made by corrupt people, is easily detected. A public man has grossly erred; his misconduct is properly and truthfully exposed; he has no defence, or a weak one. When, therefore, he is convicted by the voice of the nation, he is angry, because he cannot send for a constable to take his accuser into custody for the breach of the peace. Such tactics may be very clever; but as they would transfer punishment from the guilty to the innocent, and perpetuate all kinds of abuses, it is by no means for the public interest that they should be permitted to succeed.

Lord Bolingbroke, in a much more dignified age than ours, wrote anonymously to the *Examiner*, and was answered anonymously by Lord Chancellor Cowper in the *Tattler*. Judge Blackstone and Lord Mansfield both defended themselves anonymously from anonymous

attacks. Archbishop Secker defended the memory of Dr. Butler, bishop of Durham, from an anonymous attack in the *St. James's Chronicle*. Mr. Croker, Secretary to the Admiralty, answered Malachi Malagrowth. Some of the proudest gentlemen in the kingdom replied to the recent work of an officer on the staff of Lord Raglan.

The private motives which may induce a man to write anonymously are as numerous and powerful as any which could influence a reasonable being. In early life, every author, not utterly blinded by vanity, must be conscious that his style is unformed, his thoughts immature, his arguments doubtful, his knowledge small.

The mind has its youth as well as the body; and something ought in fairness to be allowed it. The greatest intellects that have adorned the annals of mankind have not always shone steadily and early. Young men see clearly, but they do not see far enough. They are so eager to remove a stumbling-block as not to perceive that the cumbrous mass is sometimes the keystone of a valuable arch. There is a Quixotry also about them which often leads them into needless hostilities. They seldom estimate quite correctly the strength of an adversary, or the degree of his culpability. They have not yet learned that in the very best men there will be always something to condemn and something to pardon.

But a young man need not think it shame to follow Milton, and covenant with his readers that for some few years he may go on trust with them. Wisdom is

not raised from the heat of youth nor the vapours of wine, like the trifling jests which flow waste from the pens of vulgar scribblers and trencher-loving parasites. Many weary years must pass in toil and vigils before the bright countenance of perfect truth appears at last through the quiet and still air of delightful musings, and the seraphim come with the hallowed fire of the altar to touch and purify a student's thoughts.

Nevertheless, circumstances or necessity may compel a young man to write, however poor an opinion he may have of his labours; and it is unjust to force on him in riper years errors which he has long ago, perhaps, discovered, regretted, and outlived. It cannot be said that a man ought not to write till his mind is ripe. Some of the most delightful books in the language have been written by mere boys. Keats and Chatterton were still youths when they died. It would have been as hard to silence Pascal in his teens, as to oppose the rise of Pitt to power at a time when other men have hardly left off cricket; but it would be incredibly absurd to suppose that either wrote or thought as wisely in their youth as in their manhood. On the other hand, a man may alter his opinions, like Strafford, so that his first thoughts may be better than his last. It is for the public to judge these things. No man is obliged to adopt opinions merely because they have been written.

Locke wrote anonymously because he feared to be engaged in personal quarrels, which would have prejudiced his arguments. Men will sometimes yield to

correct reasoning when they will not to those by whom it is employed.

For rich men the advice of Johnson on this point was as plain and sensible as usual: "If the authors who apply to me have money, I bid them print boldly without a name."

"Observe," says Scott, in a letter about the 'Quarterly Review' to Mr. Sharpe, "carefully, this plan is altogether distinct from one which has been proposed by the veteran Cumberland, to which is annexed the extraordinary proposal that each contributor shall place his name before his article, a stipulation which must prove fatal to the undertaking. If I did not think this likely to be a well-managed business, I would not recommend it to your consideration." Again, he says, "As strict secrecy would be observed, the diffidence of many might be overcome."

No man can be blamed for not choosing to be persecuted. A writer may begin to conceal his name from modesty, and continue to do so through prudence. There may not be danger in writing the truth to-day, but there was yesterday, and there may be again to-morrow. It is never possible to calculate on the feelings of those in power. It is remarkable that Luther thought at first that his well-deserved censure of abuses in the Church would be received with favour by the pope. He was miserably deceived. Had Wickliffe written anonymously, perhaps he would not have been harried into a palsy for translating the Bible.

The influence of fear has been constantly put forward with great insolence as the chief reason which

induced writers to conceal their names. It has been very loudly asserted that there is something cowardly in anonymous writing; but this opinion will appear, on examination, to be only one of those which the world has been content to receive without thought. It would not be courage that would induce a man alone and defenceless to expose himself voluntarily to a band of armed fanatics, however the welfare of society might be interested in their suppression: an unreasoning fanaticism equal to their own might indeed urge him to do so, and so might rashness, madness, or despair. As for courage, what more can the people ask of their champions than that they should expose themselves to the risk of a long and disheartening conflict with men in high places? This risk they always incur; for though it is impossible that an anonymous writer can be discovered, he is likely to be among the suspected, and the mere suspicion is enough to ruin his worldly fortunes. A man who attacks an abuse is like one who attempts to pull down an old house. If he succeeds in so gigantic an attempt, the ruins are certain to fall on his own head, and overwhelm him. The gain is to those who stood aloof. It is for the lookers-on to dance and make merry upon the site. It was surely courage enough in Sampson to fall beneath the ruins of the temple he overthrew. There was no need for him to brave the stones of the Philistines, while he shook the pillars which supported it. True courage consists in meeting fairly an equal enemy with equal weapons. David was the champion of the chosen people. He is supposed to have acted directly under

divine guidance; but he did not offer to fight Goliah with a club. He used a sling, which put him upon more equal terms with his adversary. The giant might have used a sling also; David could not use a club. There is no reason in the laws of honour or of war why David should have fought hand to hand with a stronger man than himself. Goliah had the best of his legs and his strength. He might easily have run away; but if they were to fight, the pious hero determined it should be on even terms.

What opinion could be entertained of the prudence or discretion of any general who engaged his army in a battle where defeat was certain. "We must fight," said a thoughtless officer to a renowned commander in front of a superior enemy. "That," answered one of the most valiant captains of a valiant age, "that will be as I please." It is fortunate for society that anonymous writing enables the opponent of any powerful abuse to give a vulgar bully, who charges down upon him with an army of furious sycophants, the very answer that was made by the great duke of Schomberg.

It is very easy to tax a writer with cowardice because he refuses to commit an act which is tantamount to suicide. Cowardice, however, is really on the other side,—that worst, basest, and most revolting cowardice, which would award punishment to an honest adversary in an argument, because he cannot be refuted by reason.

A fellow who challenges an anonymous writer to avow himself, gives but a small proof of courage. He only braves a single enemy when his blood is warm.

The author may expose himself to a thousand. Some may fight, some might murder, some might calumniate, some might ruin him. A writer may well hesitate before laying himself open to the ignoble vengeance of those who, perhaps, could and would effectually silence him by starvation. A rascal who is a dead shot will not shrink from an encounter with a philosopher, who, perhaps, notoriously never fired a pistol in his life. A scamp drunk with wine and rage cannot fairly claim credit for valour by threatening a man who may be obliged to allow himself to be bullied without resistance, who may be a bishop, or old, or blind, or one-handed.

Again, a person in high authority, or his favourite, needs no courage to call a subordinate to account in the most offensive manner for any writing, however harmless, which may affront them. They will not fight: they fear no consequences; they expect to be met on ground which gives them every advantage. No prudent writer will submit to this, and accept an adverse judgment. If he did so, he might voluntarily allow a man in power, or his dependant, to blacken him for life by any verdict, no matter how unjust, passed upon any publication, or passage of a publication, no matter how innocent. He might voluntarily place himself under the ban of a sentence which, in the eyes of many thoughtless persons, would degrade both himself and his labours.

Personal fear in such cases may be put altogether out of the question. Fear truly, but fear of a very different kind, may sway a writer. He may fear for the

progress of a sound principle if subjected to the open condemnation of high authority. He may not fear the day of judgment, but the day of no judgment.

Nothing can be more different than personal and political fear. It is the flimsiest of artifices to confound them together.

If a man really desire to serve his country, why should he take a step which would put it in the power of any bravo, with a pistol or a bludgeon, to silence him for ever?

What is called the law of honour, is sometimes put in force by cunning people to enable them to practise very dishonourable arts. For instance, grave moralists and philosophers have reluctantly admitted that duelling is sometimes justifiable, and sometimes inevitable. Some of the most eminent men in the world have fought duels. But suppose a body of subtle and shameless rogues take advantage of this to push an empty-pated fellow forward, to offer a mortal insult to a man whom they wish out of the way; is that man to be blamed who sees through the paltry trick and despises it; who contemptuously declines to enter on a deadly struggle with a fool, at worst merely the silly tool of others' malice? Why should he become the dupe of so shallow an artifice? A great rogue always puts a small one foremost. Is it necessary to the public welfare that a useful writer should be exposed to the deadly resentment of some of the most powerful and unscrupulous people in the country? Appeals to cold iron are no better proofs of a man's honesty, than hot iron and burning ploughshares were of female chastity.

Any bully may acquire a cheap reputation for courage who challenges an anonymous writer, but what is the reputation worth? It neither clears his character nor establishes his innocence. When there is no argument against a writer but a fist or a pistol, his position must be very strong indeed. An anonymous writer is not entitled to shrink from an encounter of wits with his adversary; but he may fairly say, "You shall not break my head because it is not so thick as yours. You shall not bring into a discussion elements which do not belong to it. If you can reply to me, do so; but you shall not murder me if I can help it, because I have the better of you in reasoning."

Assuming, however, that an anonymous political writer sometimes may feel personal fear, is it ill founded? The spirit of revenge is so universal, that no man can be known to censure an abuse with safety. Wise men will not write for a punishment of this kind. Had De Foe not written anonymously against the frightful excesses of the Mint and Friars, the lawless ruffians who found sanctuary there would have torn his heart out in their rage. A savage fool, one Blaney, chivied Swift into a ditch on the strand, towards Howth.

In 1702, John Tutchin wrote some able articles in the *Observer*. He was prosecuted, but set free. One night the unfortunate newswriter was waylaid by a gang of ruffians, and beaten so cruelly that he died of his wounds.

A near relation of Lord Castlereagh openly expressed his wish to shoot Peter Finnerty, a writer in the

Chronicle, who had commented in very just terms on the Walcheren expedition.

A political writer may object to have his head punched, to be beaten with bludgeons, or to be assassinated; but is this a valid reason why his opinions should be fallacious, and that the man who punches his head, or maims or murders him, is entitled to the honour of having refuted him? If a hard fist is to become the evidence of political truth, there will be joy at the Seven Dials, and in the purlieus of Whitechapel. The Billingsgate pet may strut with perfect confidence into the House of Lords, overturn the Chancellor, and rout the bench of Bishops. If the fighting system had prevailed among our fathers, Molyneux might have been Premier. He might have entered public life with the utmost assurance, and knocked down everybody who stood in his way. He might have answered every argument with a black eye or a backhander. He might have broken Lord Chatham's head with his own crutches, and doubled up the great commoner with a single punch. But how would such a method of settling disputes appear to sober people? Who would have liked to see the difference between Locke and Filmer, or between Bentley and Boyle, settled by a stand-up scuffle with dictionaries? Perhaps there were many owners of rotten boroughs, fresh from the banks of the Cam and the Isis, who could have thrashed Earl Grey in three rounds. But this would not have proved that he was wrong in carrying the measure of parliamentary reform. There were certainly farmers in Yorkshire

and Bucks, who would have settled the corn-law question by a wrestle with Mr. Cobden in three minutes. But the qualities which make a statesman do not necessarily make a prize-fighter. A man may argue correctly, and be a weak hitter.

Few scholars and statesmen would not shrink from this new tax upon eminence. It is possible to have wisdom without the fortitude to become a martyr. Many valuable men would not have firmness enough to meet beggary and blows as the meed of ennobling and anxious toil, or shame and wounds for honourable aspirings. But shall men, who may be as timid and as great as Lord Bacon, or John Locke, unnerved by the confinement which long studies ask, be scared from conferring their priceless benefits upon mankind by ruffians confident of the applause of society? If so, unhappily their choice may be soon made, and improvement will march but slowly.

To sum up, the fact of a man writing anonymously is certainly not a reproach to him in any sense that can be conceived, either as a gentleman of birth, honour, or piety. Charles I. was an anonymous writer, and so was Louis XVI. All the great Tory statesmen and all the great Whig statesmen, all the bishops and all the lawyers of repute, since the Revolution, have followed so excellent an example. Even the pious Mrs. Hannah More was an anonymous writer, and gave us her ideas upon marriage with greater freedom in consequence. Therefore, this tower of strength and bulwark of the liberties of the Press may be strenuously defended without a blush or a misgiving. It may be

defended in the name of truth, as the most fearless and redoubtable opponent of error. It may be defended in the name of reason, as often the only possible opponent of error ; and it may be defended in the name of the law, as the unalienable right of all Englishmen.

CHAPTER III.

QUESTIONS.

QUESTIONS coming from men in authority with respect to anonymous writings, ultimately resolve themselves into an intolerable inquisition, wholly at variance with the laws of the land and of society. They become, indeed, such a serious interference with civil liberty, that if evasive replies were not admitted, as they are by universal custom, no intercourse whatever could go on between persons in office and men of letters.

No man in power would ever enter upon an inquiry respecting anonymous writings, if he had previously considered its difficulty. He will be foiled at every step of the investigation. He will find it impossible to obtain reliable proofs; for without personal confession there will always be a link in the chain wanting. Personal confession, if he should succeed in extorting it, cannot be trusted.

Unless the questions asked apply to participation and furnishing information, they are idle; if they do so apply, they are worse. Shall a person who may have furnished matter, however insignificant, either in conversation or otherwise, intentionally or otherwise, or in any other manner whatsoever, for a publication,

be held accountable to his official superior for the whole of it? If a writer in a periodical has penned an article upon salad, shall he be answerable for an article on patronage written by another person? Shall the Liberty of the Press thus become subject to restrictions which would at once destroy and defeat all the best purposes for which it was established? Shall any man, under any circumstances, be bound to criminate himself?

If the right of anonymous writing is a legal right, it can by no means be properly challenged. Any magistrate who should raise a question on the subject would run serious risk of bringing his authority into contempt, for he would have plainly exceeded the power delegated to him by the constitution, and have thus violated the law it is his peculiar function to protect.

Such questions on the part of a superior to an inferior are twice wrong. In the first place, because, if answers were enforced, this would establish not only a censorship but an inquisition; and an inquisition is worse even than a censorship; for the first would institute a vindictive law, and the latter would merely be a protection.

Questions are wrong in such cases, also, because they clearly hold out rewards for lying and punishments for truth. No conscientious man would wilfully do this; and no prudent man would surely lay himself open to the hurricane of ridicule which fell on the questioning bishops of a generation ago.

Questions may be dangerous to the innocent, from

the magnitude of the temptation offered to falsehood. When a bishop of London told the assassin Felton that, unless he would confess, he should be put to the rack,—“If it must be so,” he answered, “I do not know whom I may accuse in my extremity; Bishop Laud, perhaps, or any lord at this board.” “Sound sense,” says Wooton, “though in a bad mouth.”

It can be nothing but solemn and refined banter in any public man to pretend to feel indignation on the subject of anonymous writings. Such inconsiderate jesting, however, would place him in a very awkward position. If not himself an anonymous writer, he is nearly certain to be the employer of many; and it is ludicrously indecorous in any man to affect a horror of that which he himself notoriously practises. If anonymous writers are an abomination in his sight, how can he cherish and protect them for his own purposes, and only grow cross and angry when they serve the purposes of others, or their own? If the authorship of an anonymous work is not certain, it is but a sneer or an insult to question any man concerning it. If it is certain, why question him? It is shocking to inquire for a lie. If a man is questioned, it is obvious his denial should be sufficient to exculpate him; because in no court of law can a suitor refuse credit to his own witness. The value of such evidence, however, let Sir John Bowring, her Majesty's minister plenipotentiary in China, declare. In this diplomatist's edition of Bentham's “Deontology,” it is explained with peculiar frankness and point. “There is an instrument of tyranny,” says Sir John, “and consequent source of annoyance,

against whose intrusions it is most desirable to find protection: it is that of impertinent interrogation. It assumes various shapes, and sometimes produces evil of no inconsiderable amount. Its powers of annoyance vary with the situation of the person who asks the question, as compared or contrasted with that of him who is expected to answer it. Where an individual in a superior situation asks a question of an inferior, which that inferior is known to be unwilling to answer, what is the question but the interference of despotism on the part of the questioner; and what to the party questioned but a cause of suffering and of mendacity—self-preservative mendacity? When a monarch inquired of an anonymous writer (his subject and servant), in the presence of others, whether he was the author of certain works whose authorship the monarch knew was intended to be kept a profound secret, the interrogation was an exhibition of tyranny, a lie-compelling tyranny. But to avoid collision, prudence requires, not that the intrusion of offensive questionings should be met with offensive answers, but rather that they should be turned aside by good-humoured management. ‘What a question!’—‘You are not serious, surely!’—‘Thereby hangs a tale!’—a facetious quotation, the singing of a line of a ballad, an appropriate look or gesture” (adds Sir John), “may relieve the mind of its embarrassment, and prevent the mischief of imprudence.”

To insist upon a man furnishing conclusive evidence that he is not the author of any publication, is to require proof of a negative, or, in other words, to

demand an impossibility. Were such a practice to be admitted as part of the law of the land, it would give to the civil authority a power never arrogated to themselves even by the dullest and most determined bigots in religion.

A Jew who denied his faith, a Catholic who conformed, a Protestant who acknowledged the pope, were never asked for further proof that they had forsworn their errors. The only proof required of loyalty to Cæsar was the payment of the penny. To require proof in such cases would be not only to establish an inquisition, but to give to that inquisition such means of tormenting mankind as no inquisition ever held. Unscrupulous power might henceforth choose its victims, and none elected to suffer could escape.

Viewed in any light whatever, also, questions are unjust, because they would establish a vexatious and improper inequality before the law. An inferior could not question his superior; why should a superior be able to question an inferior? If a powerful man could not be questioned, it is oppression to question a weak one. One of the most painful instances of questioning on record is that to which was subjected no less a man than Edmund Burke. The universal opinion of his contemporaries fixed on Burke as author of the letters of Junius. Conversations, pamphlets, paragraphs, and caricatures, arrived simultaneously at that conclusion. All his enemies—and the accusation alone made many—told him so. All his friends, including Dr. Johnson, believed it; his relations firmly believed it. In vain he tried to convince the ministry of his

innocence. The belief was general: Lord Mansfield was implacable; Sir William Draper, who fancied everybody to be Junius, and Mr. Gerard Hamilton, who may have had his own reasons, clamorously accused him. Even his old friend the bishop of Chester joined the band of his persecutors. At last Tommy Townshend questioned him by letter.

No party, however contemptible or infamous, has ever been in want of a Tommy Townshend. He was one of those men who appear always proud to serve as tools to wiser people than themselves; to be made use of by men who laugh at them, who despise them for their folly, and who leave them to roar and bellow nonsense to the moon as soon as it suits their purpose. But though Tommy Townshend was a contemptible puppet, Burke knew very well that behind him loomed the cautious anger of Mansfield, the legal acuteness of Blackstone, the powerful dukes of Bedford and Grafton, with their interminable clans, and the popular marquis of Granby. The contest was unequal, and he prudently declined it. The great statesman's answer to Mr. Tommy Townshend, therefore, was well considered and memorable. "His friends," he said, "he had satisfied; his enemies, who had advanced this charge for malignant purposes, he never would satisfy." Townshend again addressed him, stating that some of his backers required "a more positive and distinct negation,—an unqualified disavowal of all participation in the letters." It appears probable that this was an attempt to entrap him into a private admission, which was afterwards to be used publicly against him. If so, it was a small device enough. Burke,

like most Irish gentlemen of his time, was in debt ; he was supporting his indigent relations ; he had refused official emoluments which other men, who called him an adventurer, had not scrupled to accept ; the best years of his life had been consumed in the public service, and had been ill requited ; he had been taken from a vigorous pursuit of literary reputation, from every effort to make himself rich ; and now his last hopes were at stake. He might, indeed, have exchanged politics for literature, but such an exchange, however advantageous and tranquillizing, is made by few persons while they can avoid it. The law, the church, the state, then engrossed, as they still engross, all honour and all respectability. Mr. Boswell considered his club degraded by the admission of Adam Smith and Gibbon—a degree of disgrace, *levior quædam infamiæ macula*, attached, as it still attaches, to a literary life. He might in vain, therefore, have reasoned that he would act wisely and bravely to throw off the contemptible trammels that fettered him. He had had experience enough to know that literary men are by no means free ; and that to give up his public career for such independence would be merely exchanging servitude for slavery.

His situation as a public man, if recognized as having any share in the authorship of a book so offensive to power, was one which could not be contemplated by the coldest without emotion. He had not yet obtained that position as a party chief, when he could defend himself by deputy—profit by bold acts and escape their consequences. No half-denial, no dignified

silence, would have served him. There were many persons who would have listened to none of those exculpatory explanations, which it was undoubtedly in his power to offer; who would never have been brought to see the difference between a part and the whole—between the wise thoughts of the philosophic statesman and the grovelling nonsense of scurrilous folly. All the avenues of political life would have been barred to him for long, or at least till the people were roused, as they always are roused at length, to speak out for an honest man under persecution.

Such a hope, however dear it has been to many, would have been particularly distasteful to him. Burke was a Conservative in politics, and something more than an aristocrat in feeling. With him the people were a swinish multitude; and henceforth he would be classed among the rabble. His ears might also have been cut off, and his nose slit by a resolute judge.

His position with his private friends would have been intolerable; Johnson would have rolled his great body about, and perhaps have pondered long; but if Burke had been restrained, as he probably was restrained, by motives of private honour towards others from satisfactorily clearing himself, the good old man would at last have turned away his head. Goldsmith and the rest of the club would have been fairly frightened out of their wits. Fox would have snarled, Pitt would have sneered. Every ground of defence would have been cut from under him. All the doors in Bloomsbury would have been closed to him. Few would have liked to speak for him, and still fewer would have dared to do so.

There was one also on whose pale cheek and altered looks he did not perhaps dare to think, whose humiliation he could ill have borne, whose long sweet hope in him it would have been torture to see marred.

He could not confess, or he must confess to a humiliating falsehood. He could not explain without placing others, probably, in a most cruel and unfair position. He was obliged to answer, because silence would have been tantamount to confession; and he could not deny, however carefully he chose his words, without an apparent equivocation, from which he must have shrunk with an absolute spasm of despair. The throes of his anguish must have been pitiable. The dullest imagination may conjure up that terrible scene with fearful distinctness. It is impossible to recall any passage in history more pathetic than that which relates that a man like Burke was forced by an insect like Townshend into so distressing a position. It was not that he could have been obliged to tell a lie. He would probably rather have been burned at the stake than have done that. The bare thought is enough to scare a strong man into dotage. But that he should have been shamelessly tricked into a trap, where he might appear in the eyes of any human being to huckster with his self-esteem and bargain with his honour, must have been almost sufficient to overthrow his reason. An ordinary man might have consoled himself, but the mind of Burke must have been positively numbed with horror. There are griefs in life so overwhelming and inexplicable, that the stoutest heart will quail at them. There is no resource in such afflictions but prayer.

Burke was a devout man ; perhaps he entered into his chamber, and having fastened the door, he prayed with sweat and anguish that the strange plot against him might fail. If so, his prayer was answered. But it is impossible to reflect on the cruel ordeal through which he passed without the deepest sympathy ; and unborn generations of Englishmen will read with indignation, that a creature like Tommy Townshend was put forward by a corrupt clique to defraud one of the best and wisest men who ever lived of his well-earned reputation.

The attempt to humiliate the great Irishman signally failed. To the final question of Mr. Tommy Townshend Burke replied with grave irony, "pledging his honour that he knew nothing whatever of the writer." An answer which may have been perfectly true as far as it went.

Whether what a man says under such complicated circumstances is clear or not of falsehood, must depend altogether on the manner in which the question is put. If chalk and charcoal were mixed together in equal parts, and a man were obliged to answer whether the mass were black or white, he would have some difficulty in replying to such a question, either by yes or no. If all attempts at explanation were drowned by a senseless repetition of the inquiry, he might say yes or no with equal truth, if compelled to speak, and he could obviously only adhere to the truth by finding a reply like that of Burke, which said nothing. The impropriety of such a course was not on his part, but on that of the inquirer.

Junius repeatedly said that he should never reveal himself. He made the most explicit declaration to that effect. If he had broken this promise to the public, he must have told a distinct falsehood. If he was about to tell a falsehood, indeed, he might as well tell one lie as another ; but there was more reason for an inquirer to expect that he would keep his word when voluntarily given, than that he would break it to please the first person who asked him an impertinent question, merely because that question was stupidly reiterated.

Extorted evidence of any fact is as valueless as any other security obtained by fear ; it can be at once cancelled by law ; and no one is entitled to be offended if a purely legal matter of this sort is treated on purely legal principles.

It is altogether taking an unfair advantage of any man to make him a witness against himself on his own trial, and then complain that he makes the only legal defence which is possible to an illegal persecution. Any person unjustly assailed by power, may surely intrench himself behind the technicalities of the law in self-defence, for one of the main ends of all laws is to protect the innocent. No man charged with an imaginary offence, of which he is not morally guilty, can be seriously blamed for making use of a flaw in the indictment to escape his tormentors. He no more tells a lie than a prisoner who has killed a man by accident, departs from the truth when he pleads not guilty to a charge of murder. The burden of proof in all cases lies naturally with the accuser.

So thoughtful a man as Burke, also, must have had much higher grounds than personal feelings for refusing to answer the questions of the Townshend clique, or any one else, on such a subject as this. He might have felt himself for a moment the depository of an important constitutional right, which it became him to defend to the utmost extent of his power. If Junius had made statements which were untrue, they might be refuted; and in any case there was the law of libel to protect any one who might have to complain. With respect to interrogatories, they were altogether wrong; but had he refused to answer, he might have as well admitted the charge, a charge which was probably, at least in part, a false one. The only possible course, therefore, was that which he took. Confession or denial, indeed, had nothing whatever to do with the matter at issue. Such questions should not be as to the man who wrote a thing, but as to the thing written. It is a strange argument to oppose a supposition which no man can prove, to facts which perhaps prove themselves. If it were once admitted that an anonymous writer, when questioned, is obliged to avow himself, he may as well be obliged by law to put his name to his writings; for whenever it becomes the interest of any person to question him, he will be questioned, and the fancied right of anonymous writing becomes a delusion—a snare for the unwary. This would altogether do away with the chief end of anonymous writing, which is to enable individuals to correct public evils without exposing themselves to the vengeance of interested parties.

The importance of the principle which Burke maintained had long been evident, and he had some notable precedents. On the 8th of June, 1688, Archbishop Sancroft and six bishops, furnished by the ablest lawyers in England with full advice, were summoned to the palace of James II. to answer for the authorship of a petition which the courtiers of those days had agreed to term a libel. The document was lying on the table. The chancellor took the paper up, showed it to the archbishop, and said, "Is this the paper which your grace wrote, and which the six bishops present delivered to his majesty?" Sancroft looked at the paper, turned to the king, and answered, "Sir, I stand here a culprit. I never was so before. Once I little thought that I ever should be so; least of all, could I think that I should be charged with any offence against my king; but, since I am so unhappy as to be in this situation, your majesty will not be offended if I avail myself of my lawful right to decline saying anything which may criminate me." "This is mere chicanery," said the foolish king, determined to lose his crown: "I hope your grace will not do so ill a thing as to deny your own hand." "Sir," said Bishop Lloyd, whose studies had been much among the casuists, "all divines agree that a person situated as we are may refuse to answer such a question." The king, as slow of understanding as quick of temper, could not comprehend what the prelates meant. He persisted, and was evidently becoming very angry. "Sir," said the archbishop, "I am not bound to accuse myself. Nevertheless, if your majesty positively commands me to answer, I will do

so, in the confidence that a just and generous prince will not suffer what I say in obedience to his orders to be brought in evidence against me." "You must not capitulate with your sovereign," said the chancellor (it was the infamous Jeffreys). "No," said the king, "I will not give any such command. If you choose to deny your own hand, I have nothing more to say to you."

In the November of 1688, also, the lords Halifax, Clarendon, and Nottingham were summoned likewise before James II., and interrogated as to whether they had written an invitation to the prince of Orange to invade England. Halifax refused to answer. "Your majesty asks me," said he, "whether I have committed high treason. If I am suspected, let me be brought before my peers. And how can your majesty place any dependence on the answer of a culprit whose life is at stake? Even if I had invited his highness over, I should, without scruple, plead not guilty." Bishop Compton was also summoned into the presence of the king and questioned. The bishop was in a strait; for he was actually one of the seven who had signed the invitation. "Sir," he replied, "I am quite confident there is not one of my brethren who is not as guiltless as myself in this matter."

Precedents more recent than the statesmen and divines of the Revolution were in plenty.

Swift systematically denied his works on principle. Though rewards were offered for their author, Parliament interfered, and his publishers were imprisoned, Harding, who was among them, said he would rather

perish in jail than be guilty of the treachery of revealing an author's name; and Swift writes that—

“Not a Judas could be found
To sell him for £300.”

Burke's greatest contemporary was clearly on his side. Johnson never would own all his works, and at his death burnt large masses of papers. When Boswell told him he had felt a strong inclination to steal two manuscript volumes of memoirs, Johnson answered, “If you had done so, I believe I should have gone mad.” No one can listen to the doctor's general opinion also on this subject without respect and attention. He was the greatest moralist of the last century. Divines and statesmen have unanimously agreed that they could be guided without disgrace by the principles of the author of “Rasselas,” and the “Vanity of Human Wishes.” Now, in answer to a direct question from Boswell on the subject, that great and good man emphatically declared it was his opinion that an anonymous writer when questioned, “might think he had a right to deny.” The care with which these words are reported, and the delicate nicety of the expression, is remarkable. They appear to mean that opinions were so divided on the subject that, for all one of the profoundest reasoners of his time could see, any person in such an extreme case might fearlessly use his own judgment, and act as he thought fit. If he was willing to suffer the loss of his ears like Daniel Defoe, if he was willing to be sent from jail to jail like Grotius or

Galileo, he might avow his writings; but if hope was not quite dead within him, if he thought that he might yet do good service to mankind when the folly which persecuted him had overthrown itself, he might deny them, and he would be justified in doing so. The doctor has also a passage which is still more distinct, "Suppose," he says, "a man had confided his secret to me. I must keep it. Must I then do for another what I may not do for myself?" The depositor of another's confidence can neither forfeit his good faith nor betray his friend.

There was but one higher tribunal to which a Christian philosopher could appeal for guidance, and its decision in many instances had, happily, been plain.

It would have been the foulest sacrilege to believe that the patriarchs, the apostles, and even the Redeemer himself, had left us examples of error. And if this could not be believed, the inference, on the purest grounds of religion and morality, was perfectly clear, that whenever a man is questioned with an obvious view to persecution, he has a right to be silent, or, if silence is not permitted, to evade the question. It would be monstrous to suppose that Divine Wisdom, or any human code drawn up by sane men, could have imposed on us a law by which a man's own virtue and integrity could be used by bad men to destroy him, and that the divine command had placed a power in the hands of the wicked and foolish, to injure the good and wise. There is deep wisdom and moral in that verse of the Old Testament, which says, "Thou

shalt not seethe a kid in its mother's milk." Indeed, there is scarcely an event which can occur in human life, or a difficulty in human conduct, which may not be regulated by a reference to the instructions which have been left us by Him who knew all forms of human misery and oppression, who sanctified every suffering but remorse. We err only when we depart from the teaching of the infallible guide and example of the Most Highest.

Men as great and good as Burke have also in our own generation decided on this question far less scrupulously than he decided. Walter Scott praised his own works, reviewed them, and assured John Murray that he had never read a line of them till they were printed. The secret of the Waverley novels was confided to upwards of twenty persons. No one betrayed it. Mr. Adolphus wrote a book to fix it on Scott. Scott urged that the case had not been made out. Although he had the highest respect for the royal family, he denied his writings to the Prince Regent in the plainest and gravest terms. He said "he had no pretensions to the authorship of 'Waverley.'"

The last case which need be cited at length is that of Sydney Smith. He was emphatically an honest man. He was courageous and sensible. He was remarkable for his fearless love of truth. Lord Melbourne said, with keen self-reproach, "there was nothing he more deeply regretted, on looking back on his past career, than not having made Sydney Smith a bishop." Well, this great, good, and fearless man, who should have been a bishop, and was something infinitely better, denied

his own writings in a most distinct and remarkable manner. In 1807 he wrote "Peter Plymley's Letters." They were from beginning to end a satire on the misconduct of the Government. Though he held a crown living, he would speak the truth on public questions. Government were angry; they were not disposed to shrink from the disgrace of a persecution; but all they could find out was that the manuscript had been taken to Mr. Budd, the publisher, by the earl of Lauderdale. Somehow or other, however, it came to be conjectured that the incumbent of Foston was Peter Plymley.

The case was peculiar. The shelter of the anonymous had alone enabled him to advocate the Catholic claims. It would have been impossible for him to do so openly. He was one of the inferior clergy of the Establishment. His opinions, wise and good as every one has since acknowledged them to have been, were against the declared sentiments of the bishops and dignitaries of the Church to which he belonged. He would, therefore, have placed himself in the position of a man writing against the universal sentiment of his profession, and using the sharp weapons of wit and ridicule to expose the errors of his spiritual superiors. Such a course would have been highly insolent, indelicate, and impolitic. The protection of the anonymous alone could save him, and give a chance to his opinions. Inquiries soon began; Sydney Smith not only denied the authorship of his work, but humorously states, in a friendly letter to Lady Holland (July 14, 1807), that "he has obtained the book from the adjacent town, and read it with some entertainment." "My conjecture," he

adds, "lies between three persons, Sir Samuel Romilly, Mr. Arthur Pigott, and Mr. Horner, for the name is evidently fictitious." In another letter to Lady Holland, he says, "Dugald Stewart is extremely alarmed by the repeated assurances made by me that he was the author of 'Peter Plymley's Letters,' or generally considered so to be." In a letter to Earl Grey, he says, "I wish I could write as well as Peter Plymley." Again, he says, "I will write one or two pamphlets, but I shall never own them." In his eyes such questions were only fit for banter. Other men of that day were of the same opinion. Lord Grenville could not be called a person drunk with democratic delusions, yet Lord Holland wrote to Sydney Smith from Dropmore, of the "warm and enthusiastic way he spoke of Peter Plymley,"—"rallying" Lord H. "on the affectation of concealing the author." The whole thing was a joke, and a very wise and bright one. It was impossible, indeed, to treat such a subject seriously. Finally, the right of an author to disavow writings published anonymously, is maintained in our own time by one of the most learned and pious of living prelates. Archbishop Whately, in a note to his "Elements of Logic," avows himself an anonymous writer, but distinctly claims his right of denial.

To say even who was not the author of an anonymous work, might indicate who was, if a case should ever occur in which suspicion could only attach to two persons.

An editor who betrayed a correspondent would render himself peculiarly infamous. He would commit

not only a breach of contract but a breach of trust,—a trust which the principle on which he is supposed to conduct his business has invited. Any editor, therefore, who should, under any pretence whatever, give up the name of a contributor, in answer to inquiries, should state that he acts against the rules established among his brethren, or he commits a fraud. Also of two things he does one. Either he gives up to punishment a worthy fellow-labourer in a good cause, or, with a turpitude from which felons often in their drink recoil, he informs against his accomplice in a bad one.

As for persons who will not be bound by the laws of honour, should such exist, a cogent argument has been employed to convince them, that if they decline to act as gentlemen, they will be looked upon as criminals. Turning king's evidence will cover them with deserved infamy; but it will not save them from punishment. In 1809, Cobbett was tried for an article in the "Political Register," in which he censured a disgraceful case of flogging in the militia. Sir Vicary Gibbs, a narrow-minded lawyer, was set to work by an imprudent ministry, and a verdict of guilty was obtained. Cobbett was sentenced to pay a fine of 1,000*l.*, to be imprisoned for two years in Newgate, and to give bonds for 3,000*l.* that he would keep the peace for seven years. Hansard, the printer of the "Register," together with two of the vendors of the publication, were also punished, though they sought mercy of the authorities by confessing their share of the transaction, and by giving up the name of the writer of the article. A mere private individual who should worm himself

into the confidence of an author to inform against him, must necessarily be looked upon as a false witness, false either to the Government or the man who has trusted him—a liar or a traitor.

If it may be fairly assumed that an anonymous writer may deny his works; that no honest man will betray him; and that no rogue will dare to do so,—what evidence remains? Rumour. But what is popular rumour when fairly examined? The more widely a fact is really known, the easier must it be to obtain proof of it; whereas of popular rumours there is commonly no proof at all. As soon as a man acquires a reputation, his name is in everybody's mouth. All must have something to say about him, and much is nonsense.

If a writer's own denial, corroborated by that of the publisher of the obnoxious works, is not sufficient to exonerate him, any man may have the authorship of any anonymous book fixed upon him by a cabal determined to compass his ruin. If denial and corroboration are valueless, what is the value of interrogatories?

To prove anonymous writings were written by any particular person is simply impossible. Who wrote "Eikon Basilike," Charles I. or Bishop Gauden? Who wrote the pamphlet for which Locke was turned out of his fellowship? Who wrote all the other anilities that were attributed to the greatest reasoner of his generation? Who wrote the works which were ascribed even to Roger L'Estrange, the licenser of the press? Did George or William Cavendish write the life of Wolsey? Did Lady Packington write the "Whole Duty of

Man?" If so, who can prove the fact in any case? Who was George Psalmanazar? "Sir," said Swift, in answer to Bettesworth, "it was a piece of advice given me in my early days by Lord Somers, never to own any writings laid to my charge, because, if I did this in some case, whatever I did not disown afterwards, would infallibly be imputed to me." "My custom," he says also, in a letter to Harding, "is to dictate to a 'prentice who can write in a feigned hand; and what is written we send to the printer by a blackguard boy." This was nearly true. The dean's butler was his faithful secretary.

Junius wrote in a feigned hand, and left his letters at a coffee-house. Peter Plymley sent to his publisher by an earl. Proof escapes wherever it is sought. There is nearly always a copartnery in political writings. One of the papers for which Steele was prosecuted was written by a Mr. Moore, of the Inner Temple. Walpole and Pulteney clubbed their wits to write a satire on Lord Oxford. Steele, Addison, Hoadley, Lechmere, and Marshall, wrote the "Crisis." Moore gives a curious instance of literary copartnership in a review on "Ritson," which appeared in one of the early numbers of the *Edinburgh Review*. The "Rolliad" and the "Probationary Odes" were written in platoons. The writers themselves cannot always remember their separate parts, and the most unjustifiable liberties have been taken with manuscripts. Barber, the printer who was patronized by Bolingbroke, showed him Swift's manuscript pamphlet, "Free Thoughts on the State of Public Affairs." Bolingbroke immediately made addi-

tions to it more favourable to his own intrigues against Oxford.

The "Guardian" complained that the *Examiner* distorted one of his papers about "Ants" into a political satire.

Coleridge relates that some editors for whom he wrote garbled his papers so as to leave but little intelligible, and that little ruinous to his literary reputation and his character as a gentleman. He remonstrated, and received for answer, that the said editors had bought his goods, and should use them as they pleased.

As for convictions by comparison of style, the notion is absurd, for nearly every petty writer mimics the style of the literary kings of the age; and of all things in literature, a fresh style is the rarest. Psalmanazar imposed on bishops and dignitaries of the Church. Chatterton's imposture was believed by many. The Shaksperian forgeries of Ireland deceived such judges as Lauderdale, Somerset, Burgess, Parr, Pinkerton, and the poet laureate. Burke wrote such a wonderful imitation of Bolingbroke ("Vindication of Natural Society"), that it deceived everybody. The poems of Ossian deceived Gray, Home, and Blair. What eloquence was wasted to prove the celebrated Dunning to be Junius. The defence of single-speech Hamilton against the same accusation rests only on his denial to Lord Temple, who was also suspected, with no less than twenty-eight other persons. Lord George Sackville was furiously suspected. The circumstantial evidence was particularly strong. Talent, politics, personal feeling; Sir W. Draper's belief again. Yet now we have

ample proof that he was guiltless. "I cannot," writes Junius angrily, "be confounded with Peter Porcupine," a lampooner for whom the public, as usual, had very generally mistaken him.

"I believed Burke to be Junius," said Johnson, "because I know no man but Burke who is capable of writing the letters." "To hold that Junius was Mr. Francis," writes Lord Brougham, "is libelling that gentleman's memory . . . He certainly was not Lord Ashburton, or any other lawyer." This is against the almost universally received opinion; but it is the opinion of a great lawyer, of a Lord High Chancellor of England. If many are not convinced by it, therefore, how shall matters so vexed be satisfactorily decided by any gentleman who may happen to be in power, though perhaps he never in the whole course of his life spent an hour in balancing legal probabilities? The law, righteously administered, can be content with nothing short of conclusive proof; it cannot allow conjecture to magnify suspicion into certainty, or no man could sleep secure in his bed who had an artful enemy.

There is no end to the freaks of suspicion. Even foreigners are not protected from the absurd accusations of irritated vanity. D'Alembert complained that he was accused of having written Walpole's squib against Rousseau.

Smollett, who appears to have done his best to deserve the distinction, generally got the discredit of all articles of an offensive nature which appeared in the *Critical Review*. Time has, however, exculpated him in many cases. Poor Murphy also, who never wrote a line in the obnoxious periodical, was gibbeted by

Churchill, under the belief that he was one of its contributors.

The well-known satire called "All the Talents," published during the Grenville ministry, was attributed to several people ; but at last suspicion fixed tenaciously on George Canning. The secret was well kept. Stockdale himself, who published it, knew not whence it came. The author is now known to have been a Mr. Barrett.

The famous answer of the Prince of Wales to Mr. Pitt, on the regency question, was supposed, by some of the best-informed of his contemporaries, to have been written by Sheridan ; but an extract of a letter from Sir Gilbert Elliott, given by Moore, proves that it was composed by Burke.

One of the founders of the *Edinburgh Review*, says he was incited to his article on the "Curates' Salary Bill," by Sir William Scott. He cites, also, an extraordinary case of disputed identity, mentioned by a M. Fievée, who wrote some letters on England in 1802. "Comment," says M. Fievée, speaking indignantly of Anglomania in French philosophers—"Comment nous ont-ils présenté l'Encyclopédie ? Sous quel patronage ont-ils élevé ce monument immortel ? Est-ce sous l'égide des écrivains dont la France s'honorait ? Non, ils ont choisi pour maître et pour idole un Anglais, Bacon ; ils lui ont fait dire tout ce qu'ils ont voulu, parce que cet auteur, extraordinairement volumineux, n'était pas connu en France, et ne l'est guère en Angleterre que de quelques hommes studieux : mais les philosophes sentaient que leur succès pour

introduire des nouveautés, tenait à faire croire qu'elles n'étaient pas neuves pour les grands esprits ; et comme les grands esprits français, trop connus, ne se prêtaient pas à un pareil dessein, les philosophes ont eu recours à l'Angleterre."

Mr. D'Israeli, in "Vivian Grey," very pleasantly ridicules any idea of finding out anonymous authors. "Who is the author of Tremaine?" asks a young lady, naively.—"Oh, I'll tell you in a moment," is the reply, "It's either Mr. Ryder, or Mr. Spencer Percival, or Mr. Dyson, or Miss Dyson, or Mr. Bowles, or the duke of Buckingham, or Mr. Ward, or a young officer in the Guards, or an old clergyman in the north of England, or a middle-aged barrister on the Midland Circuit." The choice was by no means more various than was offered about the authorship of Pelham.

Even apparent confessions have often been notoriously used to mislead us, for there are men whose minds are so diseased as to seek notoriety at any price. Examples even are numerous of persons, under some delusive impulse or motive, confessing to acts which they have not done, even when they have knowingly incurred torture or death by doing so. Persons have owned themselves to be witches and necromancers. The value of personal confession is altogether overrated. Had Sir Philip Francis confessed himself to be Junius, would this have closed the controversy? Had he even produced proofs, and shown the original letters addressed to him by Woodfall, and the identical volumes bound in vellum sent to him by his own directions, he could not have satisfied a sceptical inquirer. He might,

like Boyd, have been a pretender; his documents, like those of Chatterton or Ireland, might have been fabricated.

No good or sensible man would covet the reputation of Junius; but there have been a host of aspirants to it. General Lee, an officer in a service supposed to cherish the most sensitive notions of private honour, is said to have told an American gentleman, with much circumstantiality, that he was Junius. The Rev. Philip Rosenhagen, a divine, who ought to have considered a lie with still more delicate abhorrence than a layman, tried to persuade Lord North that he was Junius. The value of rumour as to what any man uttered even on his death-bed is uncertain. "Save my country, Heaven," was the grand farewell to life said to have been spoken with the last breath of Pitt. His nurse, on being interrogated, said he asked for barley-water.

One final instance of disputed authorship should still be cited. At this time a discussion, begun by Pope, has just been revived, respecting the writer of those immortal works of genius, which now for more than two hundred years have illustrated the name of William Shakspeare. If inquiry should end by fixing the authorship of some of them upon Bacon, it will only be an additional proof of the curious uncertainty of almost every fact in literary history. Great men have estimated with mournful truth the low value of a scholar's fame. Some have despised it, some have rejected it, some have been indifferent to it. It has been thrown like a waif upon the strand, for any of the

coast folk who prowl by the great waters of learning to seize on and appropriate as they listed.

Men deny their writings and their loves, says the philosopher of Dourdan, as if it were a crime to have either head or heart. No lady can possibly be bound to confess that she is thirty-five years of age. No gentleman can be bound to own that he is an author. Both crimes are equally heinous in the eyes of society. To serve mankind, we must first have the power to rule them. He who endeavours to confer upon them a benefit without being able to enforce its acceptance, must cautiously prepare to avoid the effects of their strange resentment; for whosoever tries boldly and openly to do good without the hope of honour or reward, too often reaps nothing but misery for his labour.

CHAPTER IV.

PERSONALITIES.

ONE of the best arguments against personalities is that brought forward by Archbishop Tillotson. His Grace wisely holds up for imitation the prudent meekness of St. Michael in his discussion with the devil; and assures us, on the authority of St. Jude, that "he durst not bring a railing accusation, because the devil would have been too hard for him at railing, being better skilled in that kind of weapon and more expert at that kind of dispute."

The success of a mere personal satire is the vulgarest of triumphs. It places a writer on a bad eminence, where no gentleman would condescend to remain. Solomon says, that oppression makes wise men mad. Wise men, therefore, have been personal satirists; but to have written one line of personal satire, is a mistake that a good man who had been goaded into it would be the first to regret, and it is one of which a scholar would be ashamed. The vulgar-minded only admire such things. Their appetite for satire is as depraved as their appetite for pickles. Nothing marks the booby more certainly than a sneer. Men of sense despise personal censures, and for very sufficient reasons. A. says that B. is a bad man; this, if true, is tolerably well known to all whom it may concern.

Why trouble the world about B.'s backslidings? He is probably no worse than a great many other people. C., if judged sternly, is likewise a bad man. We have no right to estimate people by too high a standard, and then grow angry when they fall below it. A., the censor, also must know himself to be a bad man, whereas he is perhaps accusing B. or C. from mere hearsay and the interested scandals of enemies. A. must know himself to be a bad man, because, if he knows anything, he must be aware that he is disobeying the express command of God,—“Judge not, that ye be not judged.” He must also know the penalty of disobedience to this mandate,—“For with what judgment ye judge, ye shall be judged.” We are bid not to pass sentence upon each other, because we are incapable of doing so with justice. No man is able to see into the heart of another, or to judge him aright. Therefore the command, like all those that were given us by the Divine Master, is at once pious and politic. It points the way to heaven through the gardens and pleasant places of the world.

As for retribution, no man can feast on vengeance with impunity. Wrong and injustice, also, are so general as to be almost the conditions of life. We are constantly made to understand the nothingness of those worldly advantages which we can but enjoy for a day and a night, and a night and a day. Reflection makes us indifferent to the baubles which are generally snatched by the worthless, and are valueless for any good purpose when obtained. We see that nothing need really be desired but health, strength, and sense.

Why battle for more? Why care if everything else is withheld or torn from us?

Personalities commonly betoken anger; but a man with even moderate powers of mind will soon learn to look upon the world with very different feelings from those of animosity. He will pity evil-doers too tenderly and regretfully to be offended at them. He will know that the worst part of mankind is seldom intentionally malignant, that it is merely thoughtless and ignorant; and there is hardly any conceivable occurrence in human affairs which will disturb his equanimity or lessen his benevolence.

Attacks upon private character, upon private grounds, are improper in every case. No one has a right to ransack the secret habits of any man, and hold them up to public view. To publish even his concealed vices, is an injury done to him and to society. Still more does this remark apply to his frailties and eccentricities.

In public life, all who have watched political discussions, are aware that harsh language is the source of half the difficulties which stand in the way of reforms.

Fox, who was the most consummate master of debate ever known in England, carried to the highest pitch the art of avoiding everything which might irritate his opponents. In his most animated moments, he was always master of himself, and never wanting in a scrupulous regard to politeness. Indeed, there is no secret of eloquence more persuasive than benevolence. A really able and experienced man will always take care to show himself modest in his superiority, and generous in his strength.

Personalities are contemptible, both as a sign of awkwardness, and a sign of weakness. They may as easily be employed in the worst cause as in the best. To have them at command demands neither labour nor intellect. They are only convenient to those who desire to speak without the power of thinking. They place ignorance and industry, genius and folly, on a par in the contest. They prove nothing whatever.

A man may be told of his mistakes, errors, and misrepresentations, without one word inculcating his motives. Politeness is the chivalry of debate. It by no means prevents those who practise it from unhorsing an antagonist, and cleaving him to the chin; it merely enjoins them a lofty and effective courtesy for their own sakes. A little prancing and capering round the lists merely puts a well-bred *destrier* in good temper and in good mettle. It wins the smiles of the fair, and the homage of the crowd.

The most sharp and energetic denunciation may be applied to measures and opinions. It may be shown that they tend to establish tyranny or anarchy; but there should be no imputation that anybody foresaw or designed such consequences. This is, indeed, but just. It is difficult even to know our own true and secret motives. There is temerity in pretending to develop those of others. From our own experience, we ought to know how easy it is to be deceived. The complimentary epithets bandied about between Members of Parliament, and which sometimes make us smile, were, therefore, very wise inventions. The observation of such rules, when argument grows warm,

requires an effort ; but this very circumstance proves that it is necessary.

Politeness is especially conformable with prudence, and anxiety for the success of the cause advocated by it. If an antagonist is in error, he may receive the truth if skilfully presented to him ; but if his motives are impugned, he is offended and provoked. He no longer possesses the quiet of mind necessary for reasoning and attention. He becomes heated ; the fire communicates from one to another ; his friends make common cause with him, and resentments which are prolonged for a lifetime carry into political opposition all the asperity of private quarrels. Personalities are disastrous to any cause ; they make it enemies too many and too fierce. It is not enough for a sensible man to exclude mere personalities from his speech and writing ; he should scrupulously guard against all violent and bitter expressions as signs of clumsiness, still more than as signs of ill-temper. Perfect good-humour is an indispensable to useful discussion, and to the complete freedom of opinion.

Nevertheless, personalities of a certain kind are not only justifiable, but necessary. All private considerations must yield to public duty. If the principle were once admitted that no man was personally responsible for his acts, delinquents of all kinds would have a claim to shelter themselves from public scorn. It would avail nothing to expose crime or folly, if the guilty and the ignorant reaped nothing but reward from them. A fraudulent trustee might say, " Stop, my Lord Chancellor, you and your court may decide as you please on

the abstract question of breaches of trust. I have no objection in the world to your so doing. Severity to one in such cases is mercy to many; it is highly laudable. But you must not censure me; for that would be indulging in offensive personality. The principle on which I have acted is wrong, I grant; but I am a person. The laws of society grant me complete indemnity from the consequences of my misconduct. A person is like a king, he can do no wrong. Confine your attention, if you please, to principles."

This is no fanciful possibility. Criminals of the worst kind actually have endeavoured to escape punishment by such means. The 2nd of September, 1720, was a sad day in England. The great South-Sea bubble had just burst. In vain the Duke of Portland tried to console the frantic dupes. In vain Mr. Hungerford, a highly-respected public thief of the period, made a magniloquent speech in the House of Commons, in defence of swindling. In vain Mr. Secretary Craggs praised the conduct of fraudulent directors. It was very well known that Sir John Blunt, with the most wily of his accomplices, had sold out his stock; and every fool who had aspired to be a knave was ruined. The ciphering cits, whose upstart pride and profusion had disgusted Steele, were aghast. In the space of eight short months had been seen the rise, progress, and fall of a mighty commercial fabric, which, being wound up by mysterious springs to a wonderful height, had fixed the eyes and expectations of all Europe; but which fell to the ground, because its foundations were laid in illusion and credulity.

The very name of a South-Sea director was synonymous with that of robber. Blunt, Craggs, Aislalie, Stanhope, Janseen, Sawbridge, and Eyles, were execrated by the whole nation. Craggs, who was a Secretary of State ; and Aislalie, who was Chancellor of the Exchequer, were the most deeply implicated.

Under these circumstances, Mr. Shippen accused Craggs in the House of Commons ; Craggs retorted with a ridiculous charge of personalities, and, according to the custom of the time, offered to fight the Parliament. This was, however, too much for the generation which gave birth to Mohun, and the cunning bully was obliged to apologize.

Had he lived in our day, he would have escaped. Walpole, and the seventeen peers who had spoken against the national madness, were all of them marked men. Had Mr. Secretary Craggs, therefore, lived in our time, he might have accused Cowper, Sunderland, North, or Wharton, of having lampooned him, and there would have been an end of it. The torrent of public indignation would at once have been arrested, if he had only boldly asserted that Walpole was the anonymous author of the "South-Sea Ballad" which was being sung about the streets, or that he had "furnished" matter for some squib about the "Globe Permits," or suggested the South-Sea playing-cards. If Mr. Secretary Craggs had not liked to attack men so powerful as Walpole and the peers, he need only have fixed on Mr. Trenchard, a petty official in Ireland, as the author of Cato's Letters, and he would have been

exonerated : the ruin and disgrace would have fallen on his accuser.

As an official malefactor, he might then have safely sneered at the resentment of the people ; and he would have been obsequiously allowed to screen himself by a stratagem which no defendant in any other country or circumstances in the world could employ with the smallest chance of success.

Long after the widow-and-orphan plunderer Craggs had paid the penalty of his rascality, persons had the effrontery to complain against reports of judicial proceedings as libellous ; but, at last, Lord Ellenborough set this question at rest (*Rex v. Fisher*), by deciding that "the benefit they produce is great and permanent ; the evil that arises from them is rare and accidental." No man can reasonably feel surprise that he is personally accused, for public objects, of public misdeeds that can be fairly proved against him. "Measures, not men," is but the common cant of affected moderation ; a counterfeit language fabricated by knaves for the use of fools. How can measures and men be separated ? What is the use of attacking measures, if those who advise and those who execute them are never to reap anything but advantage from folly and misconduct ?

This argument indeed may be easily translated into plain English. Attack abuses, but do not attack those who batten on them. Express your horror of crime, but compliment the criminal. Let every one profit by the worst corruptions, as long as possible, in perfect honour and security. All censures are admissible but

those only which are of any use. Anything may be asked but the one thing wanted—Reform. This is an excellent and charming theory, only it is impracticable. To reform and not to chastise is, unhappily, impossible. To attack evils in the abstract, without touching persons, may be safe fighting, indeed; but it is fighting with shadows. The fact is, whenever men's interests are attacked, their resentment is certain. A sure way is found to blacken the opponent of every species of evil, and so to shift the argument, if possible, from the real point at issue. Persons whose conduct cannot be defended are fond of retorting on their censors with a flat general charge of scurrility and falsehood. This is an ingenious device, by which guilt, with the utmost effrontery, appeals for aid to some of the best sympathies of human nature. But any power or society which constitutes itself the protector of men who merely add cunning to crime, is false to its highest duties, and abuses its influence.

It is very easy for a man to cry out he has been defamed. The question to be considered is whether he has been rightfully or wrongfully defamed. We should carefully ascertain whether any expressions a writer may have used are open to just exception. Whether they are really malicious and improper, or whether they have been falsely represented to be so. Not only should we learn whether the conduct of the accused has been described in harsh language, but, also, whether it merited to be so described. Criminals are always averse to having their crimes called by right names. An adulterer likes to be called a man of gallantry, and

a stock-jobber a man of business; but adultery is not gallantry, and stock-jobbing is not honest business.

The matter, therefore, at issue is, Shall we squeamishly stand up in defence of corrupt people, and punish all who call them to account for the general good? Shall we suffer punishment to fall on criminals or on their accusers? Political invective and public censure must be nicely distinguished from personal insult, or a great many wrongs might be inflicted with impunity.

Individuals among us are representatives of political opinions; and all our political publications are necessarily filled with personalities. No single writer amongst us is free from them. These personalities, however, are not the arms of private malice, but the fair and legitimate weapons of political warfare, without which no public evil could be attacked at all. They are the weapons which Englishmen, and emphatically English gentlemen, have now used for two centuries to maintain their opinions and assert their rights. Did the fiercest satirist ever use language harsher than that which daily passes unchallenged at the hustings, in the House of Commons, and at the bar? If any one in authority be enamoured of gentle words, let him give us the advantage of his example in the next debate with the Opposition. Let the private secretaries of ministers be instructed to order the editors of ministerial papers to omit every word that can offend the gentlemen of the Administrative Reform Association. Everybody would then be on equal terms. It cannot be expected, however, that the Opposition will leave them all the lively airs,

set their own political anthems to the melodies of Sternhold and Hopkins.

A vast concern is constantly expressed for the liberty of the Press, and the utmost abhorrence for its licentiousness. But by the licentiousness of the Press is meant every disclosure by which any abuse is brought to light, and exposed to shame. By the liberty of the Press is meant only publications from which no such inconvenience is to be apprehended. A sham approbation of liberty is employed as a mask for real opposition to all free discussion. To write so ill that nobody will read ; to censure evils in terms so weak that no hatred is excited against them, this is liberty ;—to write boldly and well ; to strike terror into the guilty ; to rouse the attention of the public to the defence of their highest interests, this is license. This is the crime which is punished by timid and corrupt rulers with the greatest severity they still dare to inflict.

Whoever writes or speaks in a plain straightforward manner, is immediately hunted down with the cry that "He has gone too far." Nothing is more absurd than this charge, which is always brought against sincerity. It is bandied about also by the oddest people ; even Jeffrey taunted his colleagues with it. But if every man who attempts to do a public service is to be hooted at under the pretence that he has gone too far, perhaps some gentlemen jobbers will kindly state how far a man may go on the right road before he reaches the wrong one. Is it when he goes too near the goal, and puts their spoil in peril ? Every hearty writer has gone too far to please bigots and cowards. Swift,

whose perception was peculiarly keen, saw through this trick at once, and appealed to public prudence for protection.

“ If not quite lost to common sense,
Assist your patriot in your own defence ;
That stupid cant—‘ He went too far ’ despise,
And learn that to be brave is to be wise.”

Many of those who are so ready to condemn a writer for a careless or inadvertent expression uttered in the height of his zeal for a good cause, do not even trouble themselves to read the book they condemn. They condemn it on the authority of others who have not read it. No terms can be held to please presumption and ignorance like this.

Let it not be said that reflections on the conduct of official men are a persecution and an annoyance, to which an honourable man ought not to be exposed. A notion to any such effect can hardly be advanced with a grave face. Censure is a tax upon eminence, and exposure to even unjust imputations the inevitable appendage of office. If men were pressed into office without reward, they might have some ground for complaint at its inconvenience : but they choose their own service. It belongs to the nation to dictate the conditions on which they can safely be permitted to rule it. A butler does not think himself aggrieved because, from time to time, his master goes over the family plate. Honest men have no absurd sensitiveness of this kind ; they would rather have their conduct exposed to inquiry than otherwise, because they are then certain to reap the reward of virtue.

The man who will not accept an office but on condition that his conduct in it shall remain exempt from all imputation, cannot intend that his conduct shall be what it ought to be. He is at heart a tyrant; he wants nothing but the power to glut himself or his parasites with public spoil in security; to commit any evil he pleases for his and their advantage, without incurring the responsibility of the worst steps which it may suit his caprice to take.

It is, therefore, of most dangerous example, and of most corrupting tendency, ever to commit unobserved power to public men, or to let their faults pass uncensured. The errors and crimes which involve the interests of millions, cannot claim from charity, worthy of its name, the same indulgence which may be gracefully accorded to the frailties of private men, whose transgressions commonly only injure themselves.

It would be doubtless an excellent thing indeed, if we could invent a machine which would inflict wounds severe enough to defend us, and heal them when our danger was past; but no man, since the time of Telephus, has been able to do this. He died, and his invention appears to have been buried with him.

As long as there are such things as printing and writing, there will be libels. It is an evil arising out of a much greater good.

Even perfect impartiality in discussion is inconsistent with the advocacy of any cause or the conduct of any controversy. If exacted, it would convert every argument into a mere dry and naked summing up of evidence, with far less leaning towards either side

than most judges show in their observations from the bench.

It is necessary to strike on one side or the other. A person praised the impartiality of Johnson in the speeches he wrote for the House of Commons, and said that he had dealt out reason and eloquence with an equal hand to both parties. "That is not quite true, sir," said the Doctor; "I saved appearances well enough, but I took care that the Whig dogs should not have the best of it."

As to party censures and misrepresentations like this, they must be borne patiently. They are inevitable in all countries where the Press is free. They can only be corrected by the gradual improvement of public taste and the growth of political honesty.

A truly great statesman can well afford to smile at mere jibes. There was a dispute at a dinner at Lord Tankerville's, between Burke and Fox, as to who had been oftenest the subject of caricatures. Burke carried it. He then detailed the lampoons which had been published against him so humorously as to keep the table in continual laughter. "My dear Doctor," also said Johnson to Goldsmith, very sensibly, "what harm does it do any man to call him Holofernes?" "I should," observed Franklin, when abused by the sycophants of power in his day, "think myself meaner than I have been described, if anything from such a source could trouble me."

Every prudent politician has held the same opinions. Sidney Smith exhausted the keenest ridicule on Lord

John Russell, and Lord John wished to make a prelate of him.

Lastly, it may console the worst public men, to reflect that they can scarcely commit any crime without supporters and defenders. "Far be it from me," said Lord Thurlow, with a dry wit exquisitely pungent, "to express any blame of any official person, whatever may be my opinion, for that I well know would lay me open to hear his panegyric."

No respectable publisher would now print a scurrilous lampoon; but ideas as to what constitutes a lampoon differ widely. The only redress against a fraud for which the law has made no provision, is the exposure of it; and we cannot safely allow a public man to escape censure by the artful trick of branding with disgrace the denouncer of his crime.

It is a lampoon to say of a public man that he has bandy legs, or that he has too much stomach, because such imputations can tend to no purpose but to cause private pain. It is not, however, a lampoon to say that any man's political conduct is improper, and to point out why it is so, whatever the cause may be; for by so doing a public good is obtained, against which no man's mortification can for an instant be weighed. Even personal defects may be mentioned, if, by reason of such defects, a public man is rendered unfit for his duties. If an overseer had become blind, if a judge had grown deaf, it would not be indecorous or unfeeling to mention even circumstances so distressing, if the persons suffering from such absolute disqualifications insisted on retaining their places to the injury of the public service. It

would be perfectly proper to say that a man got drunk, if when drunk he could or would not perform his public duties. A magistrate who appeared drunk upon the bench would be a scourge of society; his dismissal on such grounds would become necessary to the happiness of thousands.

The general rule is clear. The feelings and interests of individuals must always be sacrificed, if the sacrifice be necessary for the benefit of the community.

Junius was guilty of a low lampoon in writing that the Duke of Bedford ill-treated his son; but it was no lampoon to comment on the general report that his grace had been bribed by the French court to negotiate the peace of 1763. Lord Granby's mismanagement of army patronage ought to have been sternly exposed. He indulged his whims and caprices, his likes and his dislikes, at the expense of the state; he paid private services by salaries taken out of the public purse; he was ignorant and short-sighted; he neither understood the interests of his party nor the means by which his own reputation could be honourably secured. This might be easily proved. If the real strength of any government is closely examined, it will be found to consist mainly in the reputation of the able men who belong to it. Lord Granby neglected able men, and misapplied the honours and emoluments of the state for the gratification of his friends. What could be said, therefore, of the prudence or honesty of a minister who acted thus; who now and then, indeed, bought up at any price some mouldy influence defunct half a century before, and insulted those who had created a living

influence on the times? But the errors of Lord Granby's youth ought never to have been made public, because the public were not affected by them. The Duke of Grafton's intrigue with Nancy Parsons, also, was an affair for society and his grace's own conscience, not for a newspaper. But there was good reason to inquire why he bestowed a pension of five hundred pounds public money on Sir John Moore. It was mere vulgar insolence to speak of Mr. Bradshaw as a "cream-coloured parasite;" but his secret dealings with Lord Bute were justly open to animadversion. The anti-jacobin ought never to have invaded Fox's retirement at St. Anne's Hill with coarse buffooneries; but his doings in Ireland and his connection with the Prince of Wales were fair game. There was much in Mr. Canning open to objection; but we ought never to have heard of his relations coming to London by the waggon. The smallness of Mr. Sturges Bourne and the price he paid for Moulsham Hall should never have furnished occasion for comment. Writers who indulge in scandals of this kind commit, moreover, a very notable error in judgment. They must be ill acquainted with the character of Englishmen; they must be ignorant of the first principles and noblest duties of their art, if they outrage the sanctity of private life. It is astonishing, nevertheless, to mark how silly people will go in search of a lashing, and how loudly they cry out when they are hit. It is positively painful to think how the brilliant and genial mind of Sheridan must have been tortured before he could have found gall enough to write the "School for Scandal." Poor fellow; he was so provoked as

even to put malice into the sweet lips of Lady Teazle. It would be well if the aggressors in society would remember that authors are not like so many sandal-wood-trees. They cannot always give a perfume to the axe that smites them.

The just limit between political and private censure is now far better drawn than in the time when courts of justice had not deigned to acknowledge the theoretical liberty of the Press, and no writer except of the most broken reputation, could venture on the calumnies which passed uncensured a generation ago. With respect to the trumpety complaint of the increasing licentiousness of the Press, it is almost as old as the Press itself, and it is utterly groundless. The supporters of Pelham and Walpole, though professedly Whigs, cried out against the liberty of the Press, as tending to produce insubordination and republicanism ; yet at this time the principles of constitutional monarchy are more firmly rooted in England than ever, and we have no riots which cannot be quelled by a few special constables. These and similar assertions, however, are systematically made by jobbers, to create alarm among the aristocratical classes, and furnish specious pleas against the redress of abuses. The Press in England is supposed to be free, and it undoubtedly grows daily more Conservative in its tendency. We have no living writer like Peter Pindar. There is no existing newspaper conducted with the mingled acrimony and ability of the old *Chronicle*, or the *Examiner*. There is no modern representative of the *Edinburgh Review* of half a century ago. It is certain that the Press was

never so temperate as it is now. To assert that it is becoming audacious and unscrupulous in its attacks, is merely a convenient fallacy, employed to draw inquiry from the improper proceedings of those who use it. The writers of former times were certainly not so measured in their language, or so guarded in their topics, as those of our own age. They inveighed against the government with all the force of passion. They stung it with the sharpest shafts of satire. Writers who had great names to injure and to lose, suffered themselves to be hurried away in the heat of their invective into the most indefensible personalities. The highest ornaments of English literature have indulged in effusions for which, by the law of libel, they might have been ignominiously punished. Heaven forbid that they should have any imitators in our day ! But Tadpole and Taper would be startled if they knew that the crime for which they would be willing to award a disgraceful penalty was the passport to that immortality by which the names of Dryden, Pope, and Swift, continue to live familiar among us.

It is remarkable, even, that their very best writings invariably contain matter consolatory to our desponding countrymen, who look upon libellous writings as the appointed sin of our own day.

Among the most respectable of our writers is Alexander Pope. He was President of the Republic of Letters in the Augustan age of England. Let any one take up the prologue to the Satires, and read his highly-finished character of a nobleman, an avowed favourite at court, who held the high offices of Privy Seal and Vice-

Chamberlain. The first part is too coarse for re-production. Let us take the concluding lines. The Poet of Reason calls the nobleman "an amphibious thing, a trifler, a fop, a flatterer. He is effeminate, corrupt, vain-glorious. He resembles the Devil whom the Rab- bins say tempted Eve; for he has the face of a cherub, and the body of a reptile. His beauty is such as shocks the beholder; his wit is mean; his pride licks the dust. Nobody will trust him."

The Moral Essays are almost entirely made up of such characters affixed to persons either living or recently deceased, and they are unquestionably among the first productions of the master. It would be superfluous to cite the black sketch of Wharton.

Swift, who was a churchman, holding government preferment, thus introduces to us one of the most prominent men of his time:—"Thomas, Earl of Wharton, Lord Lieutenant of Ireland, by the force of a wonderful constitution, hath passed some years his grand climacteric without any visible effect of old age on his body or on his mind, and in spite of a continual prostitution to those vices which usually wear out both." The rest of the picture is a faithful filling up of this outline.

In a tract, entitled "A Short View of Ireland," he says that Lord Chief Justice Whitshed is a perjured traitor. In a subsequent publication, he defends himself from a charge, which had, it seems, been made against him, of having treated the Chief Justice with "an appearance of severity," by saying that "he lays it down for a postulatum which will be universally granted, that no little creature of so mean a birth and

genius had ever the honour to be a greater enemy to his country and to all kinds of virtue." He also attacked Dr. Hering, a court chaplain, afterwards Archbishop of Canterbury, for preaching against the Beggars' Opera, in Lincoln's Inn, and affirms that the play will do more good than a thousand sermons, from so stupid, so injudicious, and so prostitute, a divine.

In "Gulliver's Travels" the description of the House of Lords is not quotable. "Drapier's Letters" were prosecuted. The pamphlet on the "Public Spirit of the Whigs" was complained of by all the Scotch peers, and a reward was offered for the discovery of its author.

Of the tone in which the *Examiner* was conducted by Swift, Bolingbroke, and the rest of the Tory wits, we may learn from the language used about the Duchess of Marlborough — "Insolent woman; the worst of her sex; a fury; an executioner of divine vengeance; and a *plague*."

It would be endless to speak of Dryden. His most perfect and original poem of any length, the "Absalom and Achitophel," is one deep and rapid torrent of the most vehement invective. The sketch of a Whig poet, by the laureate, is also noticeable. "Readers are requested to stop their noses at his approach. He is a ton of midnight work. His name is Og. He passes his time in treason taverns. He is bulky, but there is nothing lost in him, for every inch that is not fool is rogue. He is a monstrous mass of foul corrupted matter, as all the devils had spewed to make his batter. He curses God whenever wine has given him courage to blaspheme. He has reason to do so if man can have

reason, for he is oppressed by Heaven with a rich paunch and a poor pocket. Heaven would not trust him with wealth, because Heaven had learned, in old time, what it was to pamper a Jew, and,

“To what would he on quail and pheasant swell,
That even on tripe and carrion could rebel.”

A most courtier-like effusion certainly !

The best of Dr. Johnson's poems are, perhaps, the Imitations of Juvenal. “London” is throughout a piece of sneering at the government ; abuse of its unwillingness to break the peace with Spain ; and praise of happier times, before “excise oppressed, or English honour grew a standing jest.” It attacks the Parliament, the courts of justice, special juries, and paid spies.

Let no one think that these were merely expressions which slipped from the great moralist's pen in the immaturity of his intellect. His greatest and most elaborate work, the Dictionary, was published while the ferments that attended the excise scheme of Walpole were fresh in every one's recollection. He therefore defines the excise as “a hateful tax levied upon commodities, and adjudged, not by the common judges of property, but by wretches hired by those to whom excise is paid.” Subsequently in the *Idler* (No. 65), he describes a commissioner of excise as “one of the two lowest of all human beings.” Boswell tells us that the Board laid a case before the Attorney-General for his opinion. He deemed it libellous, but advised the “honourable commissioners to take no further steps.” The office of Attorney-General was then filled by a wise and great man. It was Lord Mansfield.

From Johnson the transition is easy to his friend and contemporary Edmund Burke. Let us examine his famous "Thoughts on the Causes of the Present Discontents." It is from beginning to end a fierce attack on the ruling powers. He describes the ministers as knots or cabals of men, who have got together, avowedly without any public principle, in order to sell their conjoint iniquity at the highest rate, and are therefore universally odious. The favourites he compares "to Janissaries, who derive a kind of freedom from the very condition of their servitude, act just as they please, provided they are true to the ruling principle of their institution, and carry themselves with a lofty air to the exterior ministry." He then sums up the effects produced on parliament by "this unnatural infusion of a system of favouritism into a popular government, and breaks forth into that famous description of the state of the House of Commons and of its duties. To these abuses Burke ascribes "the present discontents." The Government, however, persevered, the Parliament continued lethargic. They were awakened by a war and the loss of thirteen colonies. A few years afterwards a quiet gentleman was seen about London, and he was ambassador for the United States of North America.

Burke's attack on Paul Benfield, and his allusion to that person's connection with Mr. Pitt, are well known. He calls Benfield "a criminal who ought long since to have fattened the region kites with his offal." To go back before the time of Anne, it is enough to say that Rochester's libel on Charles II. is too foul for description. To come nearer to our own time, who is not

familiar with the tremendous things of the "Political Register," the "Rolliad," and the "Antijacobin." The grave also has but just closed over one whose great and beloved name will always be associated with some of the severest personal satires in our language. Stern truths cannot be spoken in honeyed words.

The highest kind of satire belongs to the highest kind of poetry. Isaiah and Jeremiah were satirists. St. Paul was eminently a satirist. A great satirist must be a kind man, or how should he sympathize with public suffering? He must be a good man, or how should he be able to excite indignation against evil? He must be a man of high aspirations, for he will hardly serve any personal object by satire. Voltaire, Rousseau, Cowper, Crabbe, Byron, Jeffrey, Giffard, were all satirists; and in our own time, what must we call Macaulay, Brougham, Playfair, and Hazlitt?

How can the charge of severity be avoided. No one will accuse Maria Edgeworth of virulence in her writings. She was assuredly no ferocious calumniator. That admirably balanced mind, that sweet and temperate nature, never indulged one hateful thought. Yet the gentle author of the *Moral Tales* gives us, in one of the best novels we possess, a conversation well worth recording for its homely good sense:—

"Frankly and sincerely," said Mr. Percy, "I detest and despise the whole system of patronage."

"That's very strong," said Mr. Falconer; "and I am glad, for your sake and for the sake of your family, that nobody heard it but myself."

"If the whole world heard me," pursued Mr. Percy,

“I should say just the same. *Strong, very strong!* I am glad of it; for (excuse me, you are my relation, and we are on terms of familiarity) the delicate, guarded, qualifying, trimming, mincing, pouncet-box, gentleman-usher mode of speaking truth makes no sort of impression. Truth should always be strong, speaking or acting.”

One word more. Personalities have frequently taken the form of ridicule; and ridicule has been called the test of truth. It is not, however, by any means the test of truth; but it is a fortunate circumstance for mankind, that those who have no fear of anything else may be reached by it. Ridicule is harmless when it offers no offence to public morals, when it betrays no confidence, insults no hearth, and keeps strictly within its province. A little laughter does foolish people more good than all the arguments in the world. They cannot understand when they are outargued; but their irritability soon shows that they know when they have become the object of universal derision.

A great deal has been said of the illiberality of ridicule; but it is the proper weapon against folly, as satire is the proper weapon against vice. It is not needed, indeed, to recommend truth to wise men, but to scare away rogues by a view of the stocks. It confounds fools, and destroys their prejudices. As their prejudices are very dear to them, they grow angry, but they are convinced for all that. The lancet is not needed for the healthy, but for the ulcered:—“*Ridentem dicere verum quid vetat?*” We may laugh without bitterness. There has been a mirth and playfulness in

the best of men,—in Phocion, in Socrates, in Luther, in Sir Thomas More. Those who have been the richest in wit and humour have also been the simplest and kindest-hearted. Such were Fuller, Bishop Earle, La Fontaine, Matthès Claudius, Charles Lamb, and a host of others. “Le méchant,” says De Maistre, shrewdly, “n’est jamais comique, le vrai comique n’est jamais méchant.” No one need wear a perpetual frown because he is in earnest. Plato sported with truth, and made it lovelier ; so did Cervantes and Shakespeare. A laugh is perfectly consistent with the deepest feeling. Men sometimes smile because they will not weep ; leaving those to hate them who are too dull or too angry to answer smile for smile. Olivia has told us why Malvolio disliked the clown.

The greatest students seem to have loved wit and laughter as two of the *sprightlier* angels sent down from heaven to reconcile men to life. Guilt only is jealous of merriment, because it can so rarely learn to smile.

“Grave with glad thoughts” is a phrase worthy of a great poet. So were Boccacio, Chaucer, Goethe, Tieck, and Scott. A man who has no humour in him has only half a mind. But the pen that portrayed the desolation of Lear, and the agony of Othello, gave us also the infinite mirth of Falstaff, and the buffooneries of Bottom.

CHAPTER V.

RECRIMINATIONS.

THE licentiousness of recriminations has been always studiously forgotten by those who cry out loudest against the licentiousness of the Press ; yet the recriminations of evil-doers, whose guilt has been proven by writers, have always been singularly ferocious and impudent. They have pursued their ignoble vengeance with shameless effrontery. Every device that low cunning could hatch ; every vile, sly trick that could be planned by virulent malignity and irritated baseness, has been infamously practised to draw public indignation from rascality to those who have exposed it.

These artifices have commonly succeeded, because they have been unopposed. Society has been duped, because writers have sometimes bowed their heads for ever beneath the calumnies which have assailed them, and suffered in silence ; because they have sometimes been too surprised or disheartened to reply, and because they have sometimes disdained to do so. They have too often become unnerved and dejected, or angry and bitter. The world, which is always right in its instincts, has not been to blame. If writers supinely allow the odium which naturally attaches to vice to be fixed upon them without protest, they are not entitled to complain that society, at last, believes them cul-

pable, and punishes them with reluctant severity. Their silent submission, and false pride, has too often made them accomplices in their own ruin. But if good men are condemned to the chastisement of the worthless, it is only when they are too much shocked and hurt to defend themselves against shameful accusations.

The consequences of their silence, however, have been often truly painful to themselves, and have stigmatized mankind with undeserved opprobrium. At the suggestion of vindictive and unscrupulous roguery, balked of its nefarious gain, we have rewarded all who have spoken the truth to us with ostracism. We have done our best to abase them. We have unblushingly joined the harpy crew of wily sharpers who have tried to break their hearts.

With strange imprudence we have leagued ourselves with abuse-mongers and hooted at the projectors of every reformation. We have made our noblest benefactors pass lives devoted to our service in disquiet and in danger. We have bowed down all public spirit with the heaviest penalties. A reward has been held out to all who would tear down civil virtue and insult it. Indiscretion has clutched at that reward; but it might have remembered the sheep who were cozened into sending away their shepherds and their dogs, that they might be devoured by the wolves at pleasure.

To attack any abuse, no matter how disgraceful, is certain to secure a new lease for it. It is sure to demolish its opponent and to live on his spoils. His mutilated remains are used with brazen insolence to scare

off others from the hive of corruption. The way to truth grows at last like the path which led to the dragon's den. Every step is strewn with the bones of brave men, who have paid with their lives and fame for their attempts to destroy a monster.

Let any writer boldly tear the veil from some foul and festering public sore. From that moment he is set upon, pulled in pieces, and hounded to his grave by a scoundrel pack in full cry after him. They claim a right to say what they please of him. They assume a natural superiority over him. Being of different opinion he is of an inferior species, and justly liable to be tortured, worried, and harried like any other vermin. They propagate any falsehoods about him that suit their turn. The more barefaced the imposition the more pious the fraud. He is a foe to abuses! That of itself implies all other crimes and misdemeanours. It being granted that he has endeavoured to do good in any direction, they have a clear right to heap every outrage and indignity upon him. He cannot complain of that which is no more than a commutation of punishment. He is an enthusiast in the cause of reason and progress: it follows that he is a liar and a villain. He is against corruption: he must therefore be a Ghoul. If it be once admitted that he is a fearless writer of sense, spirit, and celebrity, it results, as a matter of course, that he is of low life, parentage, and education. Every miserable hireling runs a-muck at him. Every goose cheers the truculent scamp on. His mind and his morals are handed over to some drunken anatomist to be dissected without

mercy, like the body of a condemned malefactor. The disproportion between facts and allegations only points the moral more strongly against their victim. The odiousness of his conduct in differing with power and its sycophants is such that no colours can be black enough to paint it. If he is not indeed guilty of all the petty vices and absurdities imputed to him, it is plain that he ought to be so as a fiction in loyalty, for the credit of their opinions. He is a bad parasite; he connives but indifferently at a job. He is, therefore, a bad writer and a bad man. He is entitled, in short, neither to justice nor mercy. All who volunteer to deprive him of his livelihood or his good name by any means, however atrocious or dastardly, are at once greeted with the warmest thanks and congratulations of a large body of the most influential rogues in the kingdom. The vocabulary of invective is copious; but those whose refinement is shocked by the licentiousness of the Press are masters of its resources, and the arts of recrimination have exhausted them all.

It is worthy of observation, that the bishop at whose suggestion Burke was questioned about the authorship of Junius, addressed the rising statesman in language extraordinarily coarse and fierce. Lord Hillsborough, also, who complained of the personalities of Junius, called him "a wretched scribbler," "a worthless fellow," "a vile incendiary," "a false (!) liar," "snarler," "contemptible thing," "abandoned tool," "diabolical miscreant," "impudent scurrilous wretch," "rascal," "scoundrel," "barking cur," "barking animal,"—arguments on a level with their politeness.

Sir William Draper, who was a fair type of his class—a stupid, well-meaning, imprudent man, called Junius “viper,” “monster,” “ruffian,” “assassin,” “base man.” His writings were “florid impotence.” Sir William took the same opportunity of attributing to himself all the cardinal virtues. He was possessed, he said, of womanly sensibility, high honour, courage, constancy, fidelity in friendship, fortitude, innocence, and disinterestedness. The account was at least equal.

Junius was accused of “deism,” “atheism,” and “dissent;” of “vanity,” of “total want of self-esteem,” “insane boldness,” “abject fear,” “sordid love of gain,” “arrogant contempt of money,” “cowardice,” “rashness,” “ignorance of public affairs,” and “betrayal of official secrets.” There must have been an error somewhere, or he must have been a most extraordinary piece of human mosaic.

Burke once read to the House of Commons a curious paper, purporting to be a bill of charges furnished by the editor of the *Public Advertiser* to a Major Scott. In this account was an item, “For attacking the veracity of Mr. Burke, 3s. 6d.”

Fox observes in his speech on the India Bill, that it was “the profession of several people to abuse him.”

“We killed Canning,” said a pert official to a popular statesman, “and we will kill you if you do not join us.”

It is good to have a foolometer. Fox had a friend whom he averred was the exact representation of all common-place English prejudices. He never failed to consult him, and had no surer safeguard throughout

his political career. It is good also to have a rogueometer. Stand forth, then, Jeremy the wise, and tell us with thy keen wit how to judge the slanderers of the good and great—acquaint us with the real characters of these gentry, their small objects and base designs. Make them throw off their disguises and speak out for themselves.

First Slanderer: "I am a dignified nonentity, a ridiculous abuse-fed incumbrance on the public purse. The money with which I live in idleness and evil, the power which I exercise over better men than myself, the repute I enjoy, depend on the undiminished continuation of abuses in the public service. These abuses are my screen, pleasure, and profit. Therefore, I very naturally call good men naughty names to deter them from attempting to alleviate those evils in which my comforts have their source."

Second Slanderer: "I am a snug old fellow in the receipt of many thousands a year, public money, for doing nothing. I have palaces to live in, and well-dressed slaves to flatter my vices and humours. I have no more wit than honesty; and have never been able to open my mouth to pronounce any articulate sentence in the whole course of my life. Nevertheless, hearing a cry of 'No sinecures!' I am come to join in the shout of 'No innovation!' in hopes of drowning by this defensive hiss and cackle the cry which chills my blood and makes me tremble."

Third Slanderer: "I am an artful jobber. I have bought a seat in Parliament, to sell my votes for a succession of good jobs. I am too sharp a fellow not to

see in the language of a determined enemy of public abuses, a material injury to this branch of trade. Therefore, I say, 'Down with him !' He is dangerous. He is a bull in our china-shop. He is throwing back stones at our glass house. He is unfit for decent society. He should be despatched to death by small clerks."

Nothing is new. Even the twists and shuffles of a jobber's rage are as old as the time of Aristotle. They are easily explained. The most miserable worms that crawl the earth under the form of men, would not dare cry out, "Hurrah for waste, oppression, corruption, and nepotism !" But they take off their hats boldly, and shout, "Hurrah for our old institutions !" They cannot bellow out, "Down with civil courage !" "Death and dishonour to virtue !" So they try to misrepresent and blacken the brave and good.

Such devices, however, are not merely an indication of artfulness on the part of those who use them, but also of sheer contempt for the judgment of those to whom they are addressed. Such tricks are too flimsy not to be understood by the meanest capacity. By the redress of evils the public prey would be snatched out of corrupt hands. The abolition of abuses translated into such language as jobbers best understand, plainly signifies, no dignity supported by depredation, no pompous sinecures for friends, no starved show-clerks to baffle and defy inquiry, no hiring flatterers and pampering parasites with public money. No wonder the jobbers grow angry. If a policeman endeavours to prevent the robbery of a house, he is immediately set upon and bludgeoned by the burglar and his gang.



Public depredators will not give up their booty without a struggle.

It was very long before the courts of justice in Jersey would put down smuggling; because the judges, counsel, attorneys, crier of the court, grand and petty jurymen, were all smugglers; and the high sheriff and constables were running goods every moonlight night.

An attack upon any abuse is immediately felt through all the gradations of small plunderers. The acquittal of any official thief or malefactor diffuses the liveliest satisfaction among his cronies and accomplices. The defeat and confusion of an honest man affects every dealer in abuses, just as a victory over a foreign enemy influences the funds. Great is their consternation, however, and implacable their resentment at the rise of a reputation which is to be built on the security and welfare of mankind.

There is even a particular sort of grin with which the most infamous calumnies are uttered by these petty Jesuits. It is a grin made up of malicious triumph, with a dash of concealed foreboding and trepidation at the bottom. It is accompanied by a subsequent chuckle or a grimace of regret, according to the person spoken to.

Those jolly roysterers, commonly called good fellows, are always very indignant against the enemies of corruption; for a large part of the revenues of public abuses is usually spent in pleasure and festivities. Pleasant gentlemen of this sort are very fond of gaiety and feasts. They feel offended at any project for curtailing their enjoyments. They do not, they cannot,

with minds fuddled by jokes and claret, go deeply into any question. They consider honesty as a churl. They do not understand that he is a public benefactor. They would be surprised, and perhaps grieved, if forced by plain demonstration to admit that their laughter is very often but the echo of many groans; and that money wasted in profligacy is usually filched from the honest rewards of toil, or the consolation of misery.

Even the ladies range themselves against those who are always among the most respectful of their admirers. But fair, unreasoning, delightful, pitiless Amazons, why always use your bright artillery on the wrong side? Your praises are hymned by immortal harpers whenever your white plumes appear nodding in the van of Genius. It is said, that once upon a time, when the Dublin mail was robbed, a soft female voice was heard exclaiming from a hedge, "Shute the jintleman, Patrick dear." The fact was, that the jintleman had remonstrated against the energetic proceedings of her husband, and the lady acted with true female instinct when his interests were in peril. Every philosopher, however, who has had the smallest experience of the world will be prepared to admit that the ladies are always in the right. Tyburnia and Belgravia are, indeed, two discreet virgins, who are ever to be found leaning on the arm of power; but what would power be worth if our womenkind did not set some value on it? It is their smile which makes the barren possession priceless in the eyes of the young, who can see no other good in it. It is their respect which, even for the old and wise, gives to a closely-watched slavery something

of the dignity of freedom. Lastly, it is their sweet sympathy and belief in good which reconciles just men in authority to the envy and detraction which follow them as shadows.

The best of mankind have been successfully harried by small enemies. "Great is Diana of the Ephesians," cried Demetrius the silversmith; and his fellow-craftsmen raised an uproar against the Apostle without difficulty. The Ephesians were perfectly ready to be damned, that Demetrius and his friends might continue to make silver shrines for the moon. St. Paul was twice beaten with rods, and once stoned by similar worthies. When he and Barnabas waxed bold, and preached the word of God to the Gentiles at Antioch, the Jews stirred up the devout and honourable women and the chief men of the city, and raised a persecution against them.

When the Apostles had healed the lame man who was laid daily at the Beautiful Gate of the Temple, all the people ran together unto them. They remained, greatly wondering under Solomon's Porch; but no man durst join himself to them.

Of the ten lepers whom Christ cleansed in Samaria, but one remained to thank him, and he a stranger.

When Jesus drove the buyers and sellers out of the Temple, the rulers would have destroyed him. Neither did his brethren believe in him; and no man dared praise him openly, for fear of the Jews.

"Shall Christ," said the Pharisees, "come out of Galilee?" when some officers said, "Never spake man like this man."

millions of their fellow-men happy or miserable; there have been even avowed professors and teachers of this kind of profligacy. One Hamilton (Gerard being his other name) was a scamp of this sort; he wrote a book on what he impudently styled parliamentary logic.

In this shocking publication he deliberately recommends every vice that could disgrace a statesman—jesuitism, misrepresentation, premeditated lies of addition, substitution, and suppression. He was a shrewd fox, was this Hamilton; he had watched parliamentary tactics closely for forty years; he was a curious observer of character. It is humiliating to human nature to own that he was right after a fashion. Indeed, he put the value of his abominable scheme to the best practical test possible. Four years after he had been visited by a fit of the palsy, he was visited by a fit of virtue. A seat in Parliament was no longer an object to him, and he resolved to become a martyr to his literary reputation. The sly rogue, therefore, wrote to a noble lord, who had offered to return him for a family borough, and respectfully requested that the “power of thinking for himself might be included in the gift.” This startled the patron out of all self-possession, and “his confidence,” as the nomination imposture was called, found another object.

Hamilton was now fully authorized by experience to guarantee the truth of his dastardly theory. The miserable sinner, therefore, actually drew up a series of formal instructions for ruining honest men, and bringing their great designs to nought.

“It is,” writes this fearful gamester, “an artifice to

be used, to begin some personality, or to throw in something that may bring on a personal altercation, and draw off attention from the main point" in a debate. "If your cause is too bad," he pursues, "call in aid slander; if an opponent is powerful, he must be made obnoxious; if helpless, contemptible."

Hamilton's book was that of a sharper. Why he called it "Parliamentary Logic" it is not easy to understand. The whole scheme rests on the most trumpery of exploded fallacies. If a measure is inexpedient, why not show it to be so? If a measure is good, does it become bad because it is proposed by a bad man? If bad, does it become good because a good man has produced it? Such shallow artifices prove nothing.

It is the saddest of truths, that all must prepare for suffering who desire to act greatly. In proportion only as knowledge is unimportant, can it hope for a favourable reception. A man who invents a new toy may escape martyrdom: he who relieves mankind from a great inconvenience will hardly do so. The bigot's story has always been the same:—No inoculation!—no turnpikes!—no learning!—no popery!—no parliamentary reform!—no administrative reform!—down with Jenner!—hurrah for Welsh rioters!—down with Hamilton!—down with the duke of Norfolk and Lord Shrewsbury!—down with Earl Grey!—down with the *Times*!—hurrah for rampant jobbery!—let parasites and sycophants flourish for ever!

There can be no surprise that flattery of the powerful and the meanest cunning should open the road to

riches and favour, that the way to wealth and fine houses should often be closed to honesty ; but the case of any nation becomes serious when the vilest sycophancy and the most abandoned corruption is the only recognized or possible path to honours in the state, and when talent or civil virtue is openly denounced as a permanent bar to all promotion or security in the public service.

There are two circumstances in English history which might puzzle the profoundest speculator. They may be stated in the form of questions. How was it that so accomplished a sycophant as James Boswell did not found a new dynasty ? Was it because he flattered the wrong people ; and, right in his theory, he erred only in practice ? Secondly, how was it that we have no record of the murder of the man who first invented or introduced spectacles ? How did all the people with weak eyes conceal the inevitable effects of their vengeance against their benefactor ? Was the ingenious man slyly induced to commit suicide, or did he disappear suddenly in a fright and become a hermit, or wear an iron mask ?

Every sensible person who has ever lived among us has been attacked with bitter and relentless hostility. "My brother Bobus," says Sidney Smith, "avers that if he saw a man walking into a pit he would not advise him to turn the other way." As a matter of prudence Bobus was right. It really matters little what any one has written or said, if it has been to any good purpose whatever, the miserable harpies who feed on garbage have immediately fastened on him as their foe. Men—

and Englishmen—have been offended at toleration, at liberty, at the compassion of ladies, and at the courage of soldiers. They blamed the arguments of Locke and the government of Cromwell. They burned Alice Lyle, and petitioned Parliament against the grant of a pension to Wellington, on the ground that he had “exhibited with equal rashness and ostentation nothing but a useless valour.”

All the qualities which command the gratitude of posterity have been punished by insult and detraction. No reports are more readily believed than those which disparage genius to soothe the envy of conscious mediocrity. All who would live in comfort and honour, or who desire to act advantageously for their own interest, must make up their minds to give up every attempt to do good. It is melancholy to remember that Bacon was obliged to crawl on bended knees for pardon to the minion of a dotard, and that England's greatest son remained for days in an anteroom, a mark for mockery to the lackeys of a sodomite. Bacon had, indeed, erred, yet it was but a poor triumph to the insolence of authority to abase further a mind so vast, to conjure the grosser atoms out from a lofty nature, only that fools might see the philosopher was made from some of the same weak clay as themselves, and that they might claim kindred with him and despise him.

Milton was obliged to hide himself in Cloth Fair. Wickliffe was teased into a palsy for translating the Bible; Sir Thomas More was murdered for preferring his conscience to his king; Raleigh was

murdered; the works of Buchanan and Baxter were burned at Oxford; Locke was turned out of his fellowship for a book he never wrote; and the most shameful traps were laid to punish his gratitude to his friend and patron, the fallen Lord Shaftesbury. Penn pleaded for his pardon afterwards, and would have obtained it, but even the timid spirit and extraordinary self-command of Locke at last revolted against his persecutors, and he told the officious Quaker that "he had no occasion for pardon, having been guilty of no crime." It is hard to add that a large part of that great philosopher's time was spent in controversies with abusive dunces.

The conduct of the doctors of the age to Hervey was simply infamous. "Oh," said a French dunce, "I know that fellow Descartes—there is nothing in him; he is quite a common person." Another said that he was "a dangerous, chimerical fool." He died in exile. A Mons. Regis, whom no human being remembers, successfully harried Malebranche. He was assisted in worrying the searcher after truth by a Mons. Arnauld, equally obscure. Pope was badgered into writing the "Dunciad;" Adam Smith was long considered as a dreamer; Pitt did not fully comprehend the "Wealth of Nations;" Fox arrogantly declared it "*past understanding*." It is so painful even for great men to acknowledge a superior or a peer, that a generation passed away before the doctrines of Adam Smith were generally admitted. As for the majority of the people, it is of course evident that the commanding minds of the age are years of thought and study in advance of

them. A stupid sergeant "Shook his head at Murray as a wit."

The treatment experienced by the Quaker Lancaster shows the very first rudiments of learning to have been an object of fear and dislike to some of the most powerful men of the country.

It is not long ago that a posthumous son was accused of murdering his father. He had, of course, written a sensible book. Unblushing assertors of falsehood seem to have a race of easy believers, provided on purpose to be deceived,—people who will not believe the truth, but who are always ready to believe anything else.

"I am about to open the subject of classical learning in the *Edinburgh Review*," says Sidney Smith; "it will give great offence."

Winsor was ridiculed for years before he could make the Londoners believe in the brilliancy and utility of gas. Macadam had the same struggle before we would consent to travel ten miles an hour instead of six. Franklin was obliged to conceal his discoveries in electricity, for fear of being mocked as a madman. The tale of steam and railroads is as pathetic as any in history. Writers make enemies from the most extraordinary causes. An Edinburgh reviewer mentioned casually the names of Joseph Hume and Mr. Croker. "I meant no harm," he says, "but I have made two bitter enemies." A Mr. Hall, an officer in the army, paid a compliment to the gallantry and humanity of the American army. It was at once resented at the Horse Guards.

It would seem as if men of letters had obsequiously

aided their traducers, and deliberately conspired against their own honour and happiness. No literary man defends another; and when any writer is singled out for persecution, he stands alone. Even where authors have been above jealousy, they appear to have been smitten with a species of infatuation which has absolutely deceived them into decrying each other as a duty. They have appeared oppressed with the value and beauty of their own endowments, and bashfully deferred to the contemptuous opinions of those whose minds were too narrow, and whose hearts were too vile, to appreciate the grand practical utility of truth, or to admire the rarity of civil courage. So they have tried, with a touching modesty and good faith, to magnify the dolts who asserted superiority over them, and to lower their own station and respectability. The social position of men of letters has not been so low for several generations as it is now. The opinion entertained of them is much the same as the opinion of actors, expressed by a peer at the trial of Lord Mohun for the murder of Mountfort: "After all, the fellow was but a player; and players are all rogues." The most insignificant of mankind think they are entitled to sneer at an author. Had Foote's Papillon lived in our day, he would probably have said: "As to authors, whatever might happen to me, I was determined not to bring disgrace on my family; so I resolved to turn footman." The labour of the hands is far better remunerated than the labour of the brain. A profound book, the fruit of long and serious thought, would probably consign its author to a jail, if he could sup-

port himself till its completion. Government will give none of their sinecures to men who would condescend to employ their leisure in the service of mankind. They will purchase, readily enough, a mouldy and corrupt influence, defunct half a century ago ; but they are careful to insult those who have created a living influence on the times. The pensions which are awarded to philosophers are far more inconsiderable than kind-hearted old ladies leave for the maintenance of the cats who survive them. How is it possible that the dignity of genius should not disappear under circumstances like this ?

Nothing is more likely to damage a man in any grave profession than the reputation of an author. No mechanical art, no trade, but offers richer rewards than are given to those whose lives are spent in study for the good of millions. A tumbler in his carriage splashed Corneille on foot. Johnson was offered a pair of shoes by charity ; Garrick made £100,000.

There is a class of impudent oaves going about who say that authors are fit for nothing but writing ; as if authorship was, or could be, a separate profession. Writing is merely a means of communicating information to the people. Books, worthy of the name, are the fruits of long practical experience and deep thought. The best writer on theology must necessarily be the most useful religious instructor, and therefore the best bishop. The best writer on law must be the best man for Chancellor ; the best writer on medicine, the best physician ; and the writer who could ennoble the infinitely small science of modern politics into something

honest and great, would infallibly make a useful public servant.

If the objection made to literary pursuits as a disqualification for the public service could ever have the smallest force, it is impossible to imagine any three cases where it could be more fairly supposed to apply than in those of Newton, Locke, and Adam Smith. All three were philosophers, deeply engaged in the most abstruse and absorbing studies : yet Newton was the best Warden of the Mint of whom we have any record ; Locke was an admirable Commissioner of Trade ; and Adam Smith an excellent Commissioner of Customs. Indeed, to say of an eminent literary man that he is unfit for any kind of mental exertion, is to say of a strong man accustomed to toil at the plough, that he could not carry a small sample of oats to market. All the ablest rulers have understood the importance of employing literary ability. It was especially evident to the two greatest monarchs of modern times—William III. and Napoleon I. William, the most consummate diplomatist who ever sat upon a throne, repeatedly entreated Locke to go on an embassy to the emperor, or the elector of Brandenburg, where English interests were then most seriously involved. The reign of Napoleon has given to history the names of a greater number of prominent literary men than any other period in French annals, except that of Louis XIV. The Government of the United States of North America, also, has always been honourably anxious to reserve its highest distinctions for men of letters ; and the names of Irving, Bancroft, and Everett, have given

to their foreign embassies an extraordinary dignity and value.

A man, indeed, who has never given any public evidence of capacity may be a wise and able man ; but he is not entitled to claim our belief that he is so. A writer whose works are before the world, however, has plainly a claim to appeal to them as a proof of his capacity. Persons, therefore, who arrogantly despise the practical abilities of authors as men of business, can only remind us of one Dr. George, who entertained considerable doubts whether the great king of Prussia, with all his victories, knew how to conjugate Greek verbs in *μν*.

But here again, the error cannot be charged upon society. The authors themselves have been in fault. They have constantly stepped down from the hard-won eminence, on which they have spoken great truths for the service and instruction of the world, to mingle unobserved in the crowd below ; and when men have turned with sparkling eyes to ask for their masters and friends, knaves and charlatans have cunningly stepped into their vacant places to receive the heartfelt applause and the magnificent rewards which were offered to toil and wisdom.

It is impossible to reflect without concern and sorrow on the slight esteem in which literary men appear resolved to hold themselves—the inferior and improper position in which they seem determined to remain. The impertinent folly by which Congreve affronted Voltaire, and which offends us in Walpole ; the sentiment which induced the “proud Boswell,” insect as

he was, to consider his club disgraced by the admission of Gibbon and Adam Smith, still influences the literary mind. It persists in affixing a stigma on itself, and aping the pranks and foppery of fools. One of the most brilliant and profound writers of the age, who, after having overcome more serious obstacles than ever before stood in the way of an English statesman, has at length attained high political distinction, is the chief supporter of a scurrilous paper, which lets itself out for hire, to calumniate and hunt down any struggling man of letters likely to attain political distinction. One of the most justly popular and admired of our authors tells Government plumply to buy up men of genius if they become troublesome enough to be worth buying ; and if not, to leave them in convenient neglect and obscurity. This, however, may be fine irony and but a stroke of characteristic humour in our greatest master of prose satire.

Many of our authors, certainly, possess a most unhappy resemblance to the cannibals described by Captain Cook, whose eyes immediately lit up with delight when a brother was slain : and to Sir Edward Bulwer Lytton alone belongs the honour of having worthily vindicated the dignity of his calling to the present generation.

No wonder that our Governments are unjust to literary men when thus encouraged by themselves. No wonder that our public men consider a writer who may be able to sway opinion from one hemisphere to the other, as a person infinitely less respectable than a small clerk in a red-tape office. Our ministers are justly entitled to condemn men who despise themselves.

One of the most prominent of our statesmen, therefore, superciliously calls the anxious toils by which most of the greatest personages who ever lived created their renown, "the employment of the Pen." A trumpery little newspaper, said to have been thoughtlessly chosen as the organ of a great literary politician, calls the labour by which its patron obtained his reputation, "the art of stringing sentences together," as if it were enough for a writer to understand the meaning and property of words, to range them in order, to turn neat and harmonious phrases of nothings. Its patron could have told it, had he deigned to do so, that great thoughts are but the language of great souls, and a writer must have the rarest gifts of wisdom and fancy, deep thought, sound judgment, a cultivated delicacy of taste, and exquisite wit, if he would have his works touch the deep heart of the people, or their popularity last longer than a day. The fame of the soldier or the minister may be gained by others; it may be a lucky accident: that of the author must be always won by merit and labour. There is no more painful toil than to make a great name in literature. Death overtakes us before the task is well begun.

To say of writers that they have many infirmities, is merely to say that they are mortals who must pay tribute to their mortality. But their weakness and follies are only common to mankind, and their genius and great qualities are their own. The ribaldry of a few hired literary bravos, therefore, it may be said, matters little; but the first literary periodical of our time is at once ignorant and guilty in this matter,

and it has recently praised Government in extravagant language for having given a place usually reserved for retired servants, to a gentleman of high character, immense learning, and European reputation.

What marvel, then, that all the literary genius of the age is cowed and hides itself? It has taken the mean opinion held of it to heart. It is learning to look regretfully on callings more esteemed than letters. It has grown ashamed of itself. Yet scholars may surely be forgiven, if they remember with pride that the fame of Lord Albans is only preserved by his writings; that Southampton will be remembered to the latest ages only by his discerning friendship to Shakspeare; and England has contemptuously forgotten the nicknames of Addison, to think with respectful affection of the "Spectator."

In some low minds there is a malignant passion to destroy the noblest works of art and freedom. The Vandal and the monk found equal gratification in it. Their modern representatives are distressingly numerous; while, unfortunately, we have in Britain no hostile barbarians to exterminate our Vandals; no high-walled convents to shut up our monks, and let them exhaust their raging envy among themselves. This is really melancholy, because it is absurd to say that detraction does not wound true greatness—that the taunts of vulgar contempt and crazy enmity cannot offend a man who is above them. No man is above the law of nature.

Men of genius are not invulnerable. Socrates died when poisoned. Cato himself could smart. Those who

struck him hurt him. He was not insensible to shame, nor to hunger, nor to cold. He could not suffer without being disquieted.

St. Paul and the early Christians had more virtue than Cato and the Stoics; but they own that they were rendered miserable by the persecutions they endured. "*Si tantùm in hac vita sperantes sumus, miserabiliores sumus omnibus hominibus.*" Even the Redeemer paused in his beneficent career, grieved by the fierce rancour of his blind assailants; and saying that a prophet was not without honour save in his own country, he did not many works among them, because of their unbelief.

Charity may doubt whether calumny and evil-speaking really arise from malignity. Scandal is often merely poverty of wit. In some persons the vice of abusing others is an incontinent humour which they cannot restrain. In some it appears a desire for amusing themselves and taking exercise. They get all in a glow with it. In some it is a silly desire to raise a laugh; in others, a wish to avow high principles, no matter how, or at whose expense, in the belief that this may remove the mean opinion which they are conscious is entertained of them.

Some sneer to gain attention, and from the mere love of talking. So respectable a man as Rogers owned to that cruel offence.

A great deal of calumny is soluble into nonsense of this sort, and a man who can repel the injuries he receives from it with dignity, need not despair of converting them into triumphs, and making the falsehoods of his antagonists redound to their own discomfiture.

Malignity, even when it exists, is merely another form of ignorance. The deepest and truest knowledge always teaches kindness and brotherhood. It is sure to inculcate a love of human nature, perhaps even a respect for it. No earnest thinker can contemplate without awe and tenderness its honest aspirations to be good; its humility in secret; its sensitive conscience; its exquisite happiness when it has strength to be worthy; its bright soul, which seems always struggling to fly with feeble pinions.

The world is assuredly good and kindly: the people generally desire to do right, and to act justly; but experience is a cruel doubter of individuals. Men who run the terrible race of public life soon begin to grow reserved and stern. People call them cold and crabbed; but pain of heart has too often petrified their feelings. The more open and kindly any great writer or statesman may be at the commencement of his career, the harder and sadder he will probably become at its close. Nothing but a nature thoroughly genial, a temper too sweet to be disturbed by the fiercest malignity and the basest ingratitude, spirits so buoyant as to resist depression with perpetual elasticity, can possibly save a good man's character from being soured by the bitter fruit of his own virtues.

Calumny is too apt at last to teach a mournful indifference to the world's blame and to its praise. Men find out by patient and sad analysis of the motives which actuate human conduct, that the first may spring from causes which elevate its object, and the latter from causes which degrade it. There is

but one tribunal to which a good man will care to appeal. It is his own conscience. The approval of the watchful monitor within his own breast will console him through every trial. But who, that is not borne up by the consciousness of a great and noble mission, and the firm support of a single heart, is likely to stand for any time the pelting of the pitiless storm which bursts on the head of honesty—the precipitation of nicknames and foul words from such a height; the thundering down of huge volumes of dirt and rubbish; the ugly blows at character. It is a hard battle to fight, and there is no gain in victory. The enemy, meanwhile, are well intrenched on the heights of place and power; they can hide or appear at will; they can skulk behind their ramparts; those whom they assail are exposed to every missile; the honour of their friends and companions in arms is shamelessly purchased; their brethren appear as witnesses against them. Letter-opening, questioning their servants, bribing the shop-boys of publishers, intimidating women, are among the commonest of the arts practised by those who have neither generosity nor justice.

Nevertheless, an arrow shot at the sun misses its mark after all. Sacrilege is a crime, but it cannot lower the majesty of God. He who strikes must be stronger than he who is struck, to overthrow him. Vice is not stronger than virtue, nor falsehood than truth.

If a good man, therefore, persevere in a good cause, he will at last reap his reward. The husbandman is pierced by the wind and drenched by the rain, but he

gathers in his harvest. Thus obstacles give way; slanderers and bigots die off; they are succeeded by men whose minds are imbued with truer principles, and who do not feel their reputation pledged against improvement.

In the hottest of the good fight, also, let no man of real genius complain of his lot, or in his own heart rebel against it. For sorrow is as the manna of the wilderness, God's diet for his chosen people. One year of such nourishment will make a man better and wiser than ten years of prosperity.

What matters it that genius is usually despised and avoided. Great men are best alone. They are perhaps happiest when most persecuted by the world, and borne up only by the strength of their mighty hearts. Crowds and adulation would be merely irksome to them, and society rather a degradation than an enjoyment. The courser cannot marry its paces with the steer. Kings have few friends. Men of genius have fewer. The gulf between great minds and small is sometimes too vast for social intercourse to leap without an effort almost painful. Every great man, also, has his course appointed and his cross to bear.

Let him bear it, doubting nothing. Without the small jealousy of the Cecils and the tipstaff of the goldsmith, what might we have had of Bacon? It was grief and debt, the sharp spur of scorn, and the golden leisure of solitude, that made him all things. He had small cause afterwards to regret that he had been held as "a man of no great depth" by that good queen to whom he paid the finest compliment on record. If he

had few friends in early life, he had one who was well worth many. What brawling patron of a bull-fight, what ruffling captain of an ordinary, what official prig like Robert Cecil, or solemn mediocrity like Burleigh, could offer him the magnanimous heart of Essex?

Moreover, whenever true genius is insulted, it is sure to take its own beneficent revenge. We crush it with griefs hard to bear; it gives us back the perfume of wondrous endurance and sweet thoughts. Blind authority knows not what it does when it places its rough heel upon a noble mind: yet, guided in its own despite by divine omniscience, it does well. It teaches genius to wander among the flowers of its own soul, till, turned astray upon no meaner errand, it culls them all, and offers us the garland.

A great man, at the height of his reputation, however, has no right food for vanity, nor an humble man for envy of him. Neither made one hair of his own head; both are entirely dependent the one upon the other. If a philosopher were obliged to live alone and support himself, what time would he have left for philosophy. Strong arms are as necessary in the world as strong brains, and their possessors to the full as happy. The balance of all things even here has been adjusted by Almighty goodness very evenly, if we judge aright, and see with cleansed eyes.

One man is great because his parents were rich and idle. One is a worthless dunce because his father fell asleep early, exhausted by noble toils unrewarded. One is great because his mother suckled him, and gave him

strength and health to battle with the difficulties of life. Another is feeble and wretched because his mother died in giving birth to him, and he fell an orphan to the care of strangers. When distinction is attained, where is the pride of it? It is often only a remedy that men seek for grief and loneliness. In much wisdom is much sorrow, and a man will scarcely be renowned and glad together.

Let us thank God with overflowing gratitude that He has given us all the blessed hope of death. Should we be permitted to remember anything about this brief life when it is once over—this life which is but as a vapour that appeareth for a little time and then vanisheth away—with what a pitying smile we shall look back on its struggles and vexations. The oppressed and the oppressor, learning at last to know each other, will be estranged no longer; and the wretched will only wonder that they should ever have repined at griefs that lured them another step on the road to heaven.

It is time to close a chapter already too long; a few words more, then, and it shall end. It is not because religion and philosophy may afford consolation to misery that those who wantonly inflict it upon others should be permitted to escape with impunity.

It may be asked why these hideous old sores have been dragged to light, why the history of some of the gravest crimes committed by society should be studiously recapitulated, when the tone of public feeling has grown so much more healthy during the last generation? Words. The evil here indicated is as rank as ever,

Society is still silly and cruel enough to echo the foul lies which are invariably got up by corrupt people against every one who can be convicted of desiring to be useful. There is a quaint old French proverb which says, "He must be a good man, I hear so much evil of him." If slanders are invariably to follow brave public deeds wrought among us, it should become an English proverb also. The calumnies of corrupt coteries will then happily be understood to disprove themselves, and they will only point out to the judicious the proper objects of their gratitude and respect.

Till then, old and stale as this sad story is, it should be perseveringly repeated. The lessons of life have been, indeed, long learned, and nothing is new. But this makes a sad matter only sadder. Whence comes it that these things are universally admitted to be true, and are yet looked upon in servile silence by a country which has been hitherto accustomed to make great efforts for its prosperity and safety?

The most regrettable and improper part of the present state of things, is the strange manner in which we appear to have made up our minds to it. We seem to consider the destruction of all our valuable men as pre-ordained; as a part of the natural order of human affairs, which was, is, and must be, for ever and ever. Thus we see some fine fellow periodically get up, and measure his strength against the giants. All at once he disappears; nobody asks after him: but Mr. Jobber shakes his head shrewdly at Mr. Easy, and says casually, "Ah, Mr. Valiant would have done well in public life, but you see he attacked abuses, and got everybody

against him." "Very true," says Mr. Easy, and looks upon what has been said to him as a most satisfactory explanation.

The mere utterance of this base coinage of argument is not the principal mischief. If there were no thoughtless receivers of bad money, there would be no coiners. It is the reception of counters for gold which constitutes the ultimate evil. Laws are not made to punish coiners, but to prevent the ruin of honest tradesmen. Thus with slanders, people should be as ashamed to hear as to utter them; ashamed to be known to turn towards the political smasher with any other feeling than hatred and contempt.

It is for this good and righteous end that the practice of calumniating writers and politicians should be held up to view in the strongest and clearest colours; till, reprobated by general opinion, it becomes universally considered as arrant roguery. The moment it is divested of its power to break hearts and palsy honest hands, will form a great epoch in the history of mankind. The serpents who trail their slime over the footsteps of our heroes, will slink away when they see that the lash is ready poised to destroy them.

The use, therefore, of steadily reiterating over and over again this disgraceful story, is to make society understand its highest interest. The solemn warning should be repeated till the jobber's artifice becomes placarded in every house, and only reminds us all of the shabby piece of bombast paraded by the impostor Jenkins to the Vicar of Wakefield. Whenever or

wherever a malicious or discreditable story is told against a public benefactor, let us act on the prudent suggestion of Bentham, and having recognized the cheat by his stale trick, bow demurely to the self-convicted scoundrel, and say, "Your servant, Mr. Ephraim."

CHAPTER VI.

PERSECUTIONS.

WHEN recriminations are countenanced and supported by the authority of a government; when they begin to have a serious influence on the fortunes and happiness of its subjects; when they thwart honest and lawful ambition at every step; when they act as a permanent bar to employment or promotion in the public service; when they interfere, by the actual imposition of heavy penalties, with the right of private judgment; when they virtually deprive freemen of their liberty and nations of wise counsel,—they become persecutions.

When Government propagates its opinions by means which have no reference whatever to their truth or falsehood, by arbitrarily uniting certain unfair advantages with one set of ideas and certain unfair punishment with another set, it wanders into one of the most melancholy errors that can be committed by authority.

Persecution is merely a compound of folly and wickedness. Besides the direct injury which it inflicts on society, it defeats its own object; and it strengthens the conviction of those opinions against which it is directed. Persecution is a combination of all that is weak and deplorable in our nature. It is the senseless activity of an idiot destroying his own happiness, with the malignity of a demon blasting that of others. A

violent persecutor is frequently an unbeliever in his own creed. Sometimes he has no creed at all. Nothing is more common than for such people to be persuaded of they know not what nor how, and to be headstrong in maintaining their absurd notions precisely in proportion as they have ill considered them.

The puny attempts at intolerance in our own day would be altogether ludicrous, were it not for the sufferings of the victim. In other respects they are absurd from their pretensions, and contemptible from their impotence.

Even the rudest peasant knows the value of an argument that can only be supported by violence. Jupiter, says Lucian, had a discussion with a countryman. They talked with ease and freedom till they differed. Then Jupiter turned angrily round, and menaced his opponent with a thunderbolt. "Ah, ah!" said the clown; "now, Jupiter, I know you are wrong; you are always wrong when you appeal to your thunder." The gods of Olympus were but men; and, unfortunately, it is not so easy to human weakness to adopt a right opinion after having avowed its opposite, as before. If such then be the case even between equals, how must it be when the concession cannot take place without mortifying the pride of rank as well as the pride of wisdom. Hence our sorrow.

The world seems averse to cheap benefits. It has only been purged from its ignorance by the tears of those who have enlightened it. But woe unto those who have caused such tears to flow.

Had not Wickliffe been suppressed as a schismatic

and an innovator, perhaps neither Husse, Jerome, Luther, nor Calvin, had ever been known. It is the nature of suppressed truth to rise again, and grow strong: stifle it in one place, and it springs up in many others.

It would be laughable, if it were not shocking, to see men who have acquired the current quantity of information on any subject, constantly parading it as the perfection of knowledge, and attempting to stifle every symptom of improvement, lest their own personal consequence should be scratched. Truth is the daughter of Time, not of Authority. This doctorial and profound nonsense therefore should be rallied. Plato, Socrates, Aristotle, were but men; who can pretend to be more? No sane person would wish us to pack up his miserable stock of acquirements, and label it complete, merely that the trumpery little bundle should bear his name.

The wisest and most judicious fall in some things behind the spirit of the age as they grow old, and are apt to commit strange mistakes respecting the value of new ideas. Bacon rejected the theory of Galileo with scorn. Milton saw him grown old, a prisoner of the Inquisition for thinking otherwise than the Franciscan and Dominican friars, among whom indeed were many wise men. He was made to promise on his knees never again to teach his theory of the motion of the earth and the sun. As part of his punishment he was directed also to write every week the Seven Penitential Psalms. But how did the bigots of that age profit by all this sharp pain and humiliation ruthlessly inflicted upon a learned man? The Jesuits, says Pascal in the

last of his incomparable letters, have obtained a papal decree condemning Galileo's doctrine about the motion of the earth. It is all in vain. If the world is really turning round, all mankind together will not be able to keep it from turning, or to keep themselves from turning with it.

Opinion is always changing. "Paradise Lost" was nearly wrecked by the censorship; and the copyright produced only a sixth part of the sum charged by the House of Commons as the price of its author's release from custody. Indeed, he narrowly escaped hanging. "Paradise Lost" is now held the finest poem in our language, and has been even considered as inspired.

John Locke was persecuted during two reigns. A foolish king took away his livelihood; but there came a wise king at last, who entreated him to keep a great place on any terms, and he died the friend of Pembroke and of Peterborough, surrounded by all that should accompany old age, a courtier's honoured guest.

A Colonel Sackville was severely persecuted for speaking disrespectfully of Oates and Bedloe. Blackstone's "Commentaries" were read with applause in those very schools where, eighty years before, books had been publicly burned for containing the damnable doctrine that the English monarchy is limited and mixed. Men of high dignity in both Houses of Parliament derided railways as impossible. Even the Edinburgh reviewers sneered at the penny postage. The fortunes of the most persecuted men in our own day have been seen to change as strangely as ever. Richard Lalor Sheil was the object of a government prosecution for

sedition in 1827. His wife's relation, Sir William M'Mahon, wrote "that a sense of public duty rendered it impossible for him to identify himself with a person holding and expressing such opinions!" Who remembered Sir William M'Mahon when Sheil was Master of the Mint, or Minister at Florence? An apter illustration of the changes of sentiment which are constantly taking place among us, can hardly be found than in Erskine's speech on the trial of Paine. That great lawyer said Lord Mansfield had treated his opinions respecting libels as those of a child who lisped its prattle out of season. "Yet," he added solemnly, "I have lived to see it resolved by an almost unanimous vote of the whole Parliament of England, that I have all along been in the right;"—an awful lesson of caution to bigots. Any man in power, also, about to venture on a persecution against the humblest person for disagreeing with him, would do well to read the trial of Hone, an obscure bookseller, by Lord Ellenborough. The judge was made in open court to sue for pity to his intended victim.

The Duke of Wellington, it is said, exposed to candid and discerning men the first signs of the weakness of his administration when he began to prosecute for libels. Soldiers expect to be shot at. Public men must expect to be attacked, and sometimes unjustly. They should by no means be freed from this salutary apprehension. It keeps up among them the excellent habit of considering their conduct as exposed to scrutiny, and makes them properly careful. On the part of the people, it keeps alive the expectation of wit-

nessing such attacks. The friends and supporters of Government always fight at an advantage, and their forces must be weak indeed if they are beaten.

An upright minister labouring for a while under a strong popular prejudice, should be borne up by the consciousness of his innocence, and endure with patience the severest imputations. He may safely wait for the tide to turn. But the guilty man, who hears nothing in the reproaches of the public but what he knows to be true, and whose conscience is already upbraiding him, cannot enjoy any such comfort. When a man's own heart takes part against him, the weakest hand can inflict a wound, and he must bear its smart. In any case, however, one of the chief reasons which should guide a prudent minister in avoiding quarrels with the Press, is that the sympathy of the people is invariably against the Government, and success is more disgraceful than failure. Such discussions are at once imprudent and unpatriotic. They serve no purpose whatever, but to bring annoyance and humiliation on all who enter upon them.

If the liberty of the Press could be still put down by persecution, could men's ideas be put down with it? The Christian faith, once a schism, spread over all Asia long before any gospel or epistle was seen in writing, and when governments were infinitely more absolute than any the world is likely to see again. Power cannot free itself from difficulties and opposition merely by binding the pen. What then is the use of this petty tyranny? and if anything could be gained by it, is effective persecution any longer possible? A bloody

and unsparing massacre, like that which put down the Albigenses, might, indeed, put down political writers. But the time for such wholesale proscriptions is gone by in England. The punishments which governments are still able to inflict are sufficient to irritate, but not sufficient to destroy. The war is between power on the one side, and wit on the other. The power is happily under far more restraint than the wit.

Were this otherwise, were free speech and free writings still punishable according to the caprice of every person patronized into a great place; could a Hyde or a Jeffreys again take his seat on an English bench, to commit judicial murders more foul than any in our history, what good could be hoped from them?

From minds subdued by the terrors of punishment, there could issue no works of genius to expand the empire of human reason. There would appear none of those masterly compositions on the general nature of government, by the help of which the great commonwealths of mankind have founded their establishments; much less any of those useful applications of them in critical conjunctures, by which our own constitution has often been brought back to its just standard. Under the debasing dread of chastisement, all the great lights of civilization must be extinguished; for men could not communicate their free thoughts to one another with a lash poised over them.

Let an English Government always take care to make its administration correspond with the true spirit of the constitution, and nothing will ever endanger it. Let it seek to maintain abuses by severity and coercion,

neither laws nor arms will long support it. It is never in such fear of being brought into ridicule and contempt as when disfigured by the indiscreet zeal of ignorance and fanaticism. It had better adopt almost any course of conduct than that which shows it in no other light than taxing, punishing, and restraining.

Public opinion is the basis of all legitimate authority; it is both the interest and duty of Government to attend much to it. When Government persecutes a popular author, it sets public opinion at defiance, and is like a man who wantonly injures the foundations of his own house. There is no constitutional maxim more true than that the representatives of public opinion should be respected. It is wrong, and it is unsafe for authority ever to lay hands upon them.

If Government suffers sometimes severely from the effects of popular ignorance, this arises usually because it has taken away the key of knowledge. If it is ever assailed with blind fury, that is only because it has required an equally blind submission. The people are generally right in their disputes with Government; they have no interest in disorder. Whenever, therefore, they make complaints, they should be heard at least with respectful attention. If they judge one way and Government another, it is the duty of a representative ministry to accept the judgment of their countrymen. If they have any objections to offer, the pen should settle the controversy, not the sword. Power applied to influence opinion is merely a means of upholding fallacies, and no English Government will surely profess to study Arbuthnot's art of "con-

vincing people of salutary falsehoods for some good end." Should they do so, it will be well to keep their design a profound secret, for the people will naturally ask, To what end? To an end which appears good in the eyes of authority or in the eyes of the people? The Opposition also in such a case would be entitled to ask whether the right of coining political falsehoods was a monopoly belonging exclusively to the Government, as the right of printing almanacs was formerly reserved to the universities.

Books that acquire a wide and immediate circulation are but the language of the times. If not seen in print, it will be heard in riots: there is the utmost rashness and folly in trying to suppress it. The punishing of wits, says Bacon shrewdly, enhances their authority. A forbidden writing is thought to be a certain spark of truth that flies up in the face of those who try to tread it out. It does not follow, because libels are a sign of discontents, that the suppression of them should be the remedy for discontents. Despising them often checks them best, and severity only makes a wonder long-lived. The surest way to prevent discontents is take away the matter of them; for if there be fuel prepared, it is hard to tell whence the spark may come to set it on fire. To give liberty for griefs and discontents to evaporate is the best and safest course. To choke them but injures the constitution of the state, as suppressed ulcers do that of the body.

The honour and dignity of Government is always best consulted by forbearance in such cases. It ought

to feel too certain of its rectitude to care who questions it. Magnanimity in politics is the truest wisdom, for mercy is not opposed to justice. To be compassionate can offend no man's self-esteem, since compassion does not consist in the weakness of the means for punishment, but in the benignity of the judge. A little generous prudence on the part of authority towards those who differ with it would moreover unite us all in one general and brotherly search after truth. An author may not indeed be quite right—no man is so. But even the errors of one writer often serve as guides to his successors.

“Behold,” says the Areopagitica very grandly, “this vast city. The shop of war has not more anvils and hammers to fashion out the plates and instruments of armed justice than there be pens and heads there, sitting by their studious lamps, musing, searching, revolving new notions and ideas wherewith to present, as with their homage and fealty, each approaching reformation. Others as fast reading, trying all things, assenting only to the force of reason. What could be required more for a nation, so pliant and so firm, to seek out knowledge? What need of punishments to coerce our judgments?” There is also in persecutions imminent danger of inflicting pain on the wrong man; and the honour of Government is far more concerned in the protection of the innocent than in the punishment of the guilty.

Suppose even that the judgment of a writer should be obviously unsound, it is the part of authority rather to cure such errors of judgment than to chastise them.

It is but a poor thing for a physician to have the better of his patient in a dispute; the complaint or its causes ought to be removed. Authority never wants the means of force; but when a prudent and enlarged policy does not precede and attend it, a Government may take what name it will, but it is, in fact, despotic.

To stifle free speech or writing is merely to send men away out of the world, like unsuccessful merchants from an eastern bazaar, *sans déplier*, so that we are none the better for the goods they brought us. Philosophy and common sense will hardly reject advantages of unknown magnitude that cost nothing; they will see in all differences of opinion that the subject in question requires examination, and that it is likely to obtain it. Anger, vexation, sentences, penalties, acts of authority, are but the weapons of anility; and they are ultimately powerless. Truth may remain for a time proscribed and in obscurity; but she only awaits a favourable moment to step forward again into the daylight, and she always shows herself anew, refreshed and stronger, on the very ground where she has been beaten down. One victory error may obtain over her and survive its triumph, but a second is fatal to it.

Macaulay has a fine explanation of the great Chancellor's maxim, that "dry light is best." Men are never so likely to settle a question rightly as when they discuss it freely. A government can interfere in a discussion only by making it less free than it would otherwise be. Men are most likely to form just opinions when they have no other wish than to know the truth, and are exempt from all influence either of hope or

fear. Power can bring nothing but the influence of hope and fear to support its doctrines; it carries on controversies not with reasons, but with threats and bribes. Instead of a contest between argument and argument, we have a contest between argument and force; instead of a discussion, in which truth, from the natural constitution of the human mind, has a decided advantage over error, we have a contest, in which truth can be victorious only by accident.

No matter what may be the strength of an English Government, it will never gain its ends by intimidation. De Foe made the pillory in which he had stood the subject of a popular ode, and established a review in Newgate.

The rays of ministerial indignation collected on any man serve only to illuminate, they cannot consume. A writer may be persecuted into fame, but not into obscurity; the meanness of the cause throws an air of ridicule on any minister who engages in it. In the persecution of Wilkes the Government made itself not only odious, but absurd; and one of the most contemptible impostors of his time was thus raised to an extraordinary height of popularity, from which he never fell till he ceased to enjoy the prestige of official resentment. A man so thoroughly unprincipled as Wilkes, could only have acquired the support of the people by the senseless animosity of the Government. But Englishmen have always a generous sympathy with the weaker side; and to gain their protection, it is only necessary to be oppressed. If authority persist in its insane course in spite of warnings, also, the question

soon becomes transferred from the rights and interests of one man to those of all. From wishing success to the cause of an individual, the people are at last forced to unite with him in their own. The case of Wilkes is not the solitary case in history. The trial of Sacheverell disturbed all England, and made a very foolish fellow looked on as a martyr. Had Lord Carteret seized Swift as the author of "Drapier's Letters," a revolt in Ireland would have probably shown how deeply private wrongs sometimes move the public. The prosecution intended against Peter Plymley might have ended as awkwardly. It would have required very little sense or logic to show the absurdity of the sparkling sophisms which Madame de Staël was weaving at Copet. A review would have demolished her reputation in France as it did in England; the severity of Napoleon made her at once famous and almost respected.

The recognized punishments which experience has shown can be awarded without much observation to fearless writers, are surely discouraging enough. A long and hopeless professional career, the chuckling grin of noodles, the sarcastic leer of jobbers, is certain. Political honesty is not a profitable business, and it has few followers. The Government has places, rewards, sinecures, pensions, titles, bawbles, secret-service money, official news, to propagate its opinions and defend its acts; it may surely dispense with persecution. The conduct of Government must be improper and corrupt to an almost inconceivable degree if the whiff of a pamphlet can damage it. No good thing was ever so damaged; many evil ones have been thus overturned.

No writing could impair the authority of an upright judge; even the satire of Beaumarchais would not have compelled the French Parliament to put a degrading stigma on a magistrate less culpable than M. Goetzman.

In England the ruling power has scarcely ever real grounds for apprehension. The progress party, though usually the most numerous, is never the most influential. We have a determined partiality for all established things. We are a nation of bowers-down. The progress party are ashamed of one another. They are jealous, disunited, unorganized. Nothing whatever is to be feared from them, for they have never any concerted plan of action. Their attacks consist merely in the irregular onset from time to time of a few young enthusiasts, who scorn the danger of the assault because they do not know it. The rest are always ludicrously ready to join the yelp of every cur that barks at the heels of a comrade. For all the purposes of constitutional opposition, the progress party are little better than an undisciplined rabble. They ultimately win, indeed, every battle; but they never gather the fruits of victory. They are successful only when their assailants are weary of repulsing them, and shocked at their slaughter. Then corruption takes possession of the field that honesty has won, and composedly claims the reward of a triumph. The friends of power, on the other hand, are always a compact and formidable body, firmly united and proud of their cause. They run no danger. They are secure in defeat, victorious even when overthrown or retreating.

If by some strange accident the progress party comes

into power, it straightway becomes retrograde. It never dreams of rewarding its adherents. There was much truth in the words of Lord Stowell, to the tremendous curate : " Ah, Mr. Smith, you would have been in a different situation, and a far richer man, if you had belonged to us." Indeed, it was left to the magnanimity of Lord Lyndhurst to give him any reward at all.

There is a very evident reason for all this. No Conservative party in England could hold office if it did not really act on the most enlightened principles of Government known among us. No Liberal Government could remain in power a month, if it were not well known to be essentially Conservative. A Tory Government is always most favourable to the people.

Patience, said Pitt, is the quality most essential for a minister, and a statesman is hardly fit for his trade who is not pen-and-ink proof. Nine-tenths of the follies and difficulties of authority arise from nervous apprehension of that which is never likely to happen. But if, whenever some speech or writing startles a man in power, he is to be privileged to lose his wits, the most painful consequences may ensue. If imaginary evils in the distance can afford reasonable excuse for punishing a writer, we are no further advanced than in the time of King Herod ; for this is precisely the principle on which he instituted his massacre. Fear of consequences, unsupported by reasons or probability, is merely the argument of a driveller to a driveller.

Persecutions directed against men of letters are shocking, because they are always one-sided, and there-

fore unjust. Any writer who pleases may commit treason against the country with safety and applause. He may lament the dangers of constitutional government; reprobate the peevishness of parliamentary opposition; recommend us to look only to the excellence of ministers for quiet comfortable government; and he will be extolled from the confines of Paddington to the farthest limits of Belgravia.

Viewed in any light, persecutions are equally wrong. If, however, they are adopted to show the necessity of a censorship, and prepare the public mind for it—an idea recently stated by a high legal authority in a court of law—it may be well to examine that matter. If a censorship of the Press could ever be re-established, how could any political writer ultimately escape persecution, when the principles of Government alter with every change of ministry? Suppose the censorship of the Press to be virtually restored under some disguise to save appearances, the old objection to it must always recur. The censorship must be a political office, to be conferred by every succeeding Government on the most zealous of its supporters. The publication or suppression of books will then depend on any caprice or hide-bound humour that the creature of some powerful patron may be pleased to call his judgment. This evil is by no means imaginary; and as it always has occurred under a censorship, it is not unreasonable to suppose that it always would do so. Those who had authority to license books formerly, constantly clashed in their opinions. Thus it appeared in the parliamentary proceedings against Richard Montague, that

the Archbishop of Canterbury had disallowed his book and tried to suppress it. The other bishops all approved it, and hastened its publication. Such disputes were frequent and endless.

As for putting down the Press by any such obsolete machinery, the idea is almost insane. The most powerful Governments have never been able to make the censorship anything but a lugubrious farce. The censorship at Rome was a cunning piece of statecraft, contrived by the senate as an additional means of securing their authority. Those who are familiar with Roman literature will scarcely want to know how it worked. In later time, it is the censorship which has damped the glory of Italian intellect, and the sparkle of the wits of France,—which has obscured the sound, homely sense of Germany, and silenced the patriot songs of Spain.

What does a censorship, therefore, practically effect? To put down the right of free remonstrance is only to put down patriotism, and encourage jobbery, by a promise of secrecy, and consequent impunity, for the worst corruptions. To silence the demands and grow angry at the counsel of honest men, is to have no defence against the petty coercion of cliques and coteries. It is merely to convert public life into a series of mysterious tricks, in which the vilest intriguer will infallibly win the game.

Once restore the censorship under any mask, or in ever so modified a degree, and the result cannot be contemplated with calmness. Nearly every political writer has been obnoxious to Government, from Lil-

burne and Tutchin to Cobbett and Mr. Hunt. The most harmless writings have been adjudged, by men with a high reputation for wisdom, as deserving of punishments that it causes a shudder to mention. All history is full of the most shocking instances of such intolerance. A countess of Salisbury was beheaded for writing a letter to her own son. A member of the Restoration Parliament suggested that an insignificant writer named Drake should be hanged up, and roasted at a fire made of his own writings. Bacon was severely punished for the only honest speech he ever made in Parliament, and rewarded for torturing one Peachum, on a Star-chamber prosecution for treason contained in some passages of an unpublished sermon stolen from his study. The enemies of the Press have always been of the same type—bigots and cowards. Rulers of a different order have, of course, held opinions more favourable to it. Harrington's "*Oceana*" was seized by Cromwell as a libel. The author went to the Protector's daughter to beg it back. Entering her apartment, he snatched up her child, and ran away. She rushed after him. "I know," said Harrington, turning to her, "you feel as a mother; feel, then, for me. Your father has got my child." The "*Oceana*" was restored, Cromwell merely observing, drily, "If my government is made to stand, it has nothing to fear from paper shot." A statesman, as calm and magnanimous as Cromwell, has also left his successors some notable advice. "That man," said William III. of a troublesome subject, "wishes to become a martyr, and I am determined to disappoint him." He knew that

the reputation of a martyr-maker is much more easily gained than lost, and that the martyrs of one generation become the saints of the next. Finally, a very fine remark of Napoleon I. on this subject is mentioned in the autobiography of M. Arago. It requires, however, as much judgment to act on good advice as to give it; and nothing will convince a certain sort of obstinacy till it comes to open shame.

The meanness of political hatred has been absolutely wonderful. Strange, the Jacobite engraver, complained that the English Government caused him to be forbidden access to the picture-galleries of Italy. A Mr. Carteret Webb, solicitor to the Treasury, employed a thief named Currie to steal a manuscript essay of Wilkes's for prosecution. A man of classical taste and attainments was the editor of an opposition paper, and he published a pathetic poem. The first announcement of the work in a Government print set out with the statement that the author had been recently relieved from Newgate. Keats was said to have been crushed, as a warning to genius how it keeps company with honesty, and as an infamous means of inoculating the rising talent of the country with timely and systematic servility. The *Chronicle* and the *Examiner* were prosecuted for printing that the successor of George III. would have a fine opportunity of becoming popular. The *Examiner* was again prosecuted for an article against flogging in the army.

There is no end to this kind of tyranny when it once begins. At the time of the "No Popery" cry, Mr. Percival had every newspaper not devoted to the

Treasury under prosecution at once. Sir Vicary Gibbs was attorney-general. He was a man as violent in his disposition as contracted in his views, and he pursued the Press with relentless ferocity. He filed his informations by the score, and though he did not venture to bring many of his cases to trial, he harassed his victims by anxiety and delay. He exhausted them by costs. His caprice was equal to his bigotry: he would prosecute the man who copied a passage, and let the original publisher go free; or he would prosecute both together and bring the copyist first to trial. If discomfited, he would then let the author go free; or he would first try the copyist, and though defeated by his acquittal, afterwards try the original publisher in some other county. To show the mere party feeling, however, by which this man was influenced, a single instance will suffice. There was one, only one, *ex officio* information left him by his upright and independent predecessor. The atrocious nature of that libel could not admit of a dispute; it was a scandalously false charge of an offence almost amounting to murder, with the design of making the soldiery mutiny. This prosecution Sir Vicary Gibbs abandoned at once, because the libel was directed against those who had formerly turned Sir Vicary and his friends out of office, and because it was published in a newspaper devoted to his party. Happily for England, however, it was Sir Vicary's truly painful fortune to be defeated in most of his attempts to crush the Press, and he caused those discussions of the *ex officio* power which first brought it into hatred and then into disuse.

Let us hear no more of it, or we should very soon hear too much. There has certainly not appeared for the last fifty years a political work that might not by one person or another, by one party or another, have been made the subject of an *ex officio* prosecution. How many political libels, moreover, have daily issued from the Press against both individuals and bodies of men in the highest stations; yet has there ever been one of these prosecuted or punished when it was not levelled against persons in power? Can a single instance be produced of any attempt ever made by Government to check the utmost scurrility of the Press when it was directed against any person or party in opposition? Punishments, therefore, can only be looked upon as party vengeance; and it seems to require more than common hardihood to assert that the Government may systematically employ a libellous Press as part of the machinery of administration, while it can punish without disgrace any one who merely attempts to set the nation right on public affairs. The question therefore is, Can Government be allowed to pay bodies of anonymous slanderers with secret-service money to libel whole parties of gentlemen?—to pounce with especial malignity upon any member of the Opposition who may distinguish himself? And are none to stir a pen against them? If the Government insists upon having open-mouthed defenders, is it fair fighting to gag its adversaries?

Cardinal Richelieu says, indeed, in his political testament, that subjects with knowledge, sense, and reason, are as monstrous as a beast with hundreds of eyes

would be, and that such a beast will never bear its burthen peaceably; whence he infers that it is impossible to promote despotic power while learning is encouraged. His eminence assures us that the people must be hoodwinked, or rather blinded, if one would have them tame and patient drudges. In short, you must treat them, says he, everywhere like pack-horses or mules, not excepting the bells about their necks, which by their perpetual jingling may be of use to drown their cares. His eminence the late Cardinal Wolsey was also deeply impressed by similar sentiments, and with a courage worthy of his perspicacity, observed to his colleagues, "We must destroy the Press, or the Press will destroy us." The apostate Julian, who wished to destroy the Christians, forbade them all heathen learning. The devil whipped St. Jerome in a Lenten dream for reading Cicero. The Bible was long prohibited in England, and is still prohibited in many places by churchmen who think their flock should remain in ignorance.

This is plain dealing and consistent policy. It is mistaken, but intelligible. To talk, however, of liberty and free government, public good and national happiness, requiring any limitations of the Press, is to speak of liberty in chains. There can be no more glaring barefaced folly than to say the support of a free constitution and liberal institutions requires the muzzling of any human being who lives under them.

It can scarcely be credited, therefore, that England, the knight errant abroad, should attempt to play the ogre at home; that she should declaim against all

oppression, and be herself an oppressor; that she should cry out against despotism, and be herself a despot. This is a bitter satire on our philanthropy, and a melancholy negative of our professions. Our sentiments are so lofty, our deportment to foreigners so haughty, no one could suppose we were hypoerites, and could be found out taking the diversion of private tyranny after the most approved patrons of that amusement.

To conclude. A tree is known by its fruits. What fruits has this tree of persecution produced but evil fruits? Let us turn then with the homage of our whole hearts to liberty and to justice. If it is a vain dream to look for their reign on earth,—if there are questions on which some say they dare not hope, it is surely more impious to dare despair. Let us take courage, too, from the past. There was a time when men expiated political honesty at the scaffold and at the stake. It is over. Let us trust, with strong but humble minds, then, that the time will soon pass, also, when it may still be punished by the long slow torture of social degradation, professional ruin, perpetual exile, and a broken heart.

CHAPTER VII.

THE STATE OF THE LAW.

No man can tell precisely what is or what is not a libel. Bentham, with caustic humour, defined it as "anything that may at any time displease anybody." The severity of our law of libel, says Hallam, is an evil beyond any complete remedy, and evidently renders the liberty of free discussion more precarious than could be wished. Our law of libel has been declared by French jurists to be even stricter than theirs; for ours is an avenging law, and theirs a preventive one.

It is proper to speak with great diffidence on legal subjects; but it certainly appears that no Englishman can venture to write boldly on any subject in perfect safety without an attorney at one elbow and a counsel at the other. A writer may flirt with an abuse, indeed, as charmingly as he pleases; but the moment his intentions grow serious, he may be called to account by its guardians. The problem is even still unsolved, whether we must have the Government for critics as well as for rulers.

It is held in the law-books, that an attack on the reputation of a dead man is actionable. There is no modern decided case to that effect; but so late as in 1790, the proprietor of a newspaper called *The World*

was found guilty of a libel against a deceased Earl Cowper. The court granted an arrest, chiefly on the ground of informality in the indictment. In *I Lord Raymond*, 486, there is a case where judgment was arrested on an indictment for a libel on persons "to the jurors unknown," because they could not properly say that the matter was false and scandalous when they did not know the person of whom it was spoken. Had even this case, however, been brought before *Scroggs*, he would have overcome the difficulty. That bad man was so shameless an enemy to the liberties of his countrymen as to explain initials, translate asterisks, and declare imaginary persons to be real ones.

The power of anonymous writing will not evade the anger of any one who holds himself aggrieved by the Press. Though *Junius* remained a shadow, *Woodfall* was fined. One object of vengeance may be always found. If a Government does not like to risk so unpopular a proceeding as an attack on the Press, it may choose a convenient instrument. The case of the *Dean of St. Asaph* was a private prosecution for a state offence.

The greater the truth, the greater the libel, has become a popular proverb, and every one admits that in some cases there is some good in this doctrine. Since *Mr. Fox's Libel Bill* of 1792, however, declaring the right of juries to find a verdict on the whole matter, persons justly accused have been rather shy of actions for libel. Nevertheless, the law can have lost little of its power to punish, when a travelling tailor could

recently obtain £400 damages from the most powerful journal in the world. Most of the verdicts in recent cases have been equally severe.

Even the Star-chamber, however, held that there was a difference between defamatory and reformatory writings, and punishment for libel in our time is under some important restrictions.

The law denounces as libellous all writings published with intent, and having a tendency, to revile, or ridicule, or degrade the Christian religion, the holy Scriptures, the Established Church, or any of its rites,—the Sovereign and the Government, the Houses of Parliament, the courts of justice, the magistrates,—or, in short, any private individual, however humble or obscure. There must be, 1st, a publication; 2nd, a writing or other sign or representation; 3rd, an offensive tendency to vilify and lower in public estimation; 4th, a malicious intent to produce such effect. But the noxious or defamatory tendency of the writing will not alone constitute it libel, where the circumstances are such as to negative a wicked or malicious, and to raise a presumption of honest and conscientious motive in the publisher. To the Supreme Being alone error may never be imputed.

A writer who has stated the truth may, indeed, be prosecuted by indictment; but the serious disadvantages to which such a proceeding subjects the prosecutor renders it comparatively of rare occurrence and inefficient operation. No proceeding can be successfully supported where the publication is made under such circumstances as show the writer's motive to have been

laudable, and the publication necessary or useful for any fair and legitimate object.

A writer may thus expose the follies or mistakes of any one, and make use of ridicule, however pungent. If the reputation or pecuniary interests of the person ridiculed suffer, it is *damnum absque injuriâ*. The liberty of the Press would be gone if an action could be maintained by a criminal, or a fool, whose crime, or whose folly, had been exposed for the benefit of society. No person would have purchased the works of Sir Robert Filmer after he had been refuted by Locke; but he could not even in that age have maintained an action against the great philosopher, who was labouring to enlighten and ameliorate mankind. Every man's public actions and opinions are and should be liable to criticism, exposure, and ridicule, if they are wrong or ridiculous. Were this otherwise, the actions of the silly must become precedents for the wise; and the first person who discussed any question would maintain a monopoly of sentiment and opinion respecting it. This would tend to the perpetuity of error. The rule is clear; the public conduct of all public men is fairly open to the severest scrutiny, and those who cannot bear it should retire into private life.

It was long ago observed by the great founders of British liberty, that the power of punishment in arbitrary hands often became a dreadful engine of persecution, jealousy, and revenge. Wisely, therefore, have the laws now guarded our safety on such a point by the most studious precautions. No person can be convicted of high treason committed more than three years before

the indictment is found; no paper or writing can be produced in any proceeding for libel, either civil or criminal, more than two years after its publication. Trial by jury is emphatically necessary before any punishment at all can be legally inflicted for libel. It is expressly provided that no magistrate shall be sole judge of the criminal nature of any publication, because it might easily happen with regard to a point which highly excites the jealousy of the governing power, that magistrates might exert themselves with so much spirit and perseverance that they might at length virtually destroy the liberty of the Press. Whether the authority of the judges, therefore, is exerted at the motion of a private individual, or at the instance of Government, their sole office is to declare the penalty established by law. It is to a jury alone that it belongs to determine on the matter of the law, as well as in the matter of fact. The jury must determine not only whether the writing which is the subject of the charge has really been composed by the man charged with having composed it, or whether it be really meant of the person named in the indictment, but also whether its contents are criminal.

Experience has fully shown the necessity of these admirably devised precautions for the protection of our liberties. In former times it constantly happened that charges of treason and libel were brought forward by corrupt governments to free themselves from redoubtable opponents. The law, sensible of the unequal contest in which a subject may be thus engaged, has assisted his defence with extraordinary indulgence.

By two statutes enacted since the Revolution, every person indicted for high treason must be furnished with a copy of the indictment, a list of the witnesses to be produced, and of the jury to be impanelled. This list must be delivered to him ten days before the trial. He is also permitted to make his defence by counsel, and the distinct testimony of two credible witnesses, at least, is required to convict him.

Even Government is not permitted to call its own servants and subordinates arbitrarily to account on the weak charge of libel ; and the law has been admirably laid down on this point in Erskine's fine defence of Captain Baillie. That great lawyer solemnly admonished the court to mark the malignant nature of the prosecution and to defeat it. He besought them to consider that even by discharging the rule with costs, the defendant was neither protected nor restored. He entreated their lordships not to rest satisfied with fulfilling their judicial duty, but, as the strongest evidence of foul abuses had by accident come collaterally before them, to protect a brave and public-spirited officer from the persecutions his writings had brought upon him, and not suffer so dreadful an example to go abroad into the world as the ruin of an upright man for having faithfully discharged his duty. "Fine and imprisonment!" passionately exclaimed the great constitutional lawyer—"the man deserves a palace!"

The defendant, he observed, was not a disappointed, malicious informer, prying into official abuses because without office himself—but himself a man in office. He was not troublesomely inquisitive into other men's

departments, but conscientiously correcting his own, doing it pursuant to the rules of the law, and, what brightened the character of his conduct, doing it at the risk of his office, from which the effrontery of power had already suspended him, without proof of his guilt. Erskine then gravely censured the first Lord of the Admiralty for the impropriety of which he had been guilty towards his subordinate.

Lord Mansfield (who was on the bench) interposed, reminding the indignant advocate that the minister was not before the court.

“For that very reason,” replied Erskine, “I will bring him before the court. He has placed other men in front of the battle, in hopes to escape under their shelter: but they are not of dignity enough to vindicate the combat with me. And if he keeps this injured man suspended, or dares to turn that suspension into a removal, I shall then not scruple to declare him an accomplice in their guilt, a shameless oppressor, a disgrace to his rank, and a traitor to his trust.”

Is not the law of libel severe enough? Is power fettered too tightly? Does any rational man contend that knaves should pocket money for injury sustained by the exposure of their knavery? Would we return to the judicial murders, the insane cruelties, and ruinous fines of the past? If so, let us, at least, pass five minutes in recalling them to memory.

The absurd restrictions on the Press,—the bloody and ferocious punishments inflicted upon writers, were for centuries the foulest disgrace to our annals. All books of law were revised by the chancellor, or one of

the chief justices; all books on history and politics by a secretary of state; all books on heraldry by the king-at-arms; all books on divinity, physic, or philosophy, by the Archbishop of Canterbury or the Bishop of London. If printed at either university, they were revised by its chancellor. While these laws were in full force, scurrilous and obscene publications, of course, abounded to an extraordinary degree. There was a way of getting over the restrictions, indeed, when mere obscenities were to be slurred over; and John Dunton, in the history of his life, hints that unlicensed books could be published by a bribe to one Robert Stephens, a messenger of the Press, whose business it was to inform against them. The Press was manacled, that she might ransom herself, when most guilty, from a low rogue.

A long catalogue of literary martyrs disgraced every reign in our history subsequent to the introduction of printing. Even Elizabeth mutilated Stubbs, and put Penry to a cruel death, for their writings. In 1630, a Doctor Alexander Leighton, who published an "Appeal to Parliament against Prelacy," was condemned to be imprisoned in the Fleet for life; to be fined £10,000; to be degraded from his ministry; to stand in the pillory; to be whipped; to have his nose slit; to have his ears cropped; and, further, to be branded on the cheek.

Lilburne, when only twenty years old, was whipped, pilloried, fined, and imprisoned, on a charge of importing books from Holland. Burton, Bastwick, and Prynne were each fined £5,000, imprisoned, pilloried, and branded for the same offence.

Prynne also wrote a book displeasing to certain mountebanks. The queen of Charles I. had taken part in a masque subsequent to the printing of the book: but Bishop Laud was Prynne's enemy, and did not scruple to aver that the publication was intended to throw discredit on her Majesty. He was convicted on this absurd charge, and he was sentenced to be pilloried, to lose his ears, to pay a fine of £5,000, and afterwards to suffer imprisonment for life. His book was directed to be burnt by the common hangman. The licenser was fined £50.

Sparkes, another of the defendants in the same action, was condemned to pay £500, and to stand in the pillory. It was, moreover, decreed that the pillory should be set up in St. Paul's Churchyard.

"It is a consecrated place," interposed the Archbishop of Canterbury.

"I cry your grace's pardon," answered Lord Cottington, who pronounced the sentence, "then let it be in Cheapside."

Noy, the Attorney-General who prosecuted, laughed at Mr. Prynne as he was suffering in the pillory.

On yet another occasion, Prynne was indicted, with some others, for writing books against the hierarchy, and was not even allowed to defend himself. It is pleasant to remember that Prynne came afterwards to honour, and Laud to the scaffold.

One midnight, in the October of 1763, a printer named Twyn was seized by the unscrupulous myrmidons of the law. He was a very ignorant man. When questioned, he said that he thought he had printed

mettlesome stuff, but knew no hurt in it. Roger L'Estrange, however, dragged him before Chief Justice Hyde, who then disgraced the English bench.

"I humbly beg mercy," cried the terrified wretch; "I am a poor man, my lord, and have three small children; I never read a word of it."

"I'll tell you what you shall do," responded the Chief Justice,—“ask mercy of them that can give it; that is, of God and the king.”

"I humbly beseech your lordship to intercede with his majesty for mercy," piteously whined the abject wretch.

"Tie him up, executioner," roared Hyde; and he proceeded to pronounce such a sentence as it makes the blood curdle to copy.

"I speak it from my soul," began the cold-hearted sycophant, "I think we have the greatest happiness in the world in enjoying what we do under so gracious and good a king [it was Charles II.]; yet you, Twyn, in the rancour of your heart thus to abuse him, deserve no mercy."

After a good deal to the same effect, the sanguinary judge ordered that "Twyn be drawn upon a hurdle to the place of execution; that he be hanged by the neck, and, being alive, that he be cut down, and that his body be mutilated" in a way of which decency forbids the mention; and that his entrails should be afterwards taken out, "and he still hanging the same to be burned before his eyes; his head to be cut off; and his head and quarters to be disposed of at the pleasure of the king's majesty."

"I humbly beseech your lordship," again cried Twyn, in his agony, "to remember my condition, and to intercede for me."

"I would not intercede," replied Hyde, "for my own father in this case, if he were alive." The unhappy printer was then led back to Newgate, only to leave it for Tyburn, where his awful sentence was carried into effect. His head and the quarters of his body were set up to fester and rot "on Ludgate, Aldersgate, and the other gates of the city."*

On another occasion, a poor countryman, named Benjamin Keach, was also tried before Lord Hyde, for having written a small book in which it was urged that "laymen might preach the Gospel." When brought into court, the accused was treated so shamefully by the judge, that more than a century afterwards the conduct of Hyde became the subject of severe comment in the House of Commons.† Keach frankly avowed the authorship of the publication, and would have spoken in defence of it. But the chief justice interrupted him, by loudly declaring that he "should not preach in that court to seduce and infect his majesty's subjects." His lordship then sentenced Keach to stand twice in the pillory, whilst his book was burned by the hangman before his face.

Indeed, till the accession of William III., a trial for libel has been justly described as merely a murder preceded by the uttering of certain gibberish and the performance of certain ceremonies. It would have

* *Vide* State Trials, vol. vi. p. 539.

† *Vide* Parliamentary History, Dec. 6, 1770.

been irony to call it justice. Long after the time of William, also, the law of libel was perhaps the very worst law in force in the statute-book.

In 1764, Meres, printer of the *London Evening Post*, was fined 100*l.* for merely printing the name of Lord Hereford. In 1779, Woodfall ventured to print an expression of joy, that Admiral Keppel, the companion of Anson, had secured an acquittal by a court-martial. He was sentenced to pay a heavy fine, and suffer twelve months' imprisonment in Newgate.

In 1782, four newspapers were fined for a libel on the Russian ambassador. In 1792, Lady Elizabeth Lambert obtained a verdict of 4,000*l.* against the proprietor of the *Morning Post*. In the same year, Sampson Perry, printer of the *Argus*, was found guilty of publishing a libel, in stating that the House of Commons were not the real representatives of the people. A reward of 100*l.* was offered for his apprehension. Stockdale was punished for printing "that the impeachment of Warren Hastings was carried on from motives of personal animosity, not of regard to public justice." In 1810, Leigh Hunt, John Hunt, and Perry, were prosecuted for writing in the *Examiner*, that "of all monarchs since the Revolution, the successor of George III. would have the best opportunity of becoming popular." In 1811, the same persons were prosecuted for republishing from the *Stamford News* an article against flogging in the army. Pitt, Burke, and Lord Loughborough, all recovered heavy damages for libel. Napoleon I. brought an action for libel in the English courts. A Mr.

Goldsmid recovered 1,500*l.* damages from a Mr. Dickenson, who had accused him of stockjobbing. At last, attracted by such tempting baits, in 1820 an institution, called the "*Constitutional Association*," was set up to check the freedom of the Press.

But enough of this dark story. To Lord Erskine belongs the chief honour of having at last saved his country from suicide, and for a while stemmed the tide of such overwhelming disgrace. We have had a terrible lesson. Let us profit by it; and may our hearts be too strong, and our rulers too gentle and too just, to learn or to teach it again.

CHAPTER VIII.

OFFICIAL SECRETS.

THERE is, happily, a growing disposition among intelligent Englishmen to prize truth and frankness in public affairs; to look with disdain on artifice, trick, and disguise; to regard the business of the world no longer as an affair which demands unremitted intrigue and perpetual deceit; to consider the great interests of mankind as not requiring to be supported by ignorance and prejudice; to believe that suppression and concealment can be of no service, except to the few at the expense of the many; and that every important question should be freely and boldly examined. The people may still remain quiet, under a system of mystery; but they are not indifferent. They are waiting with good-humoured patience for a change that must come. They will no longer be satisfied, for official convenience, to live and act under the persuasion that in the vices of concealment and misrepresentation there is virtue to metamorphose bad measures into good.

Our Government can have no secrets which must not on demand be revealed to Parliament; and therefore it is but a silly kind of trifling to pretend to maintain an impenetrability which is in fact impossible. Every official mystery is ultimately known to everybody. If it were sometimes known sooner, wars and other great

evils would often be prevented. Why, therefore, should a silly and mischievous sleight-of-hand be practised in this matter? When no state secret in England can resist a well-directed inquiry forty-eight hours, why make believe that it is kept at all? Dean Swift knew something of the machinery of far more mysterious governments than ours. He had penetrated behind the scenes; he was a man of no common powers of observation, and he declared that he did not know what a state secret meant. Perhaps, if the case is closely examined, it will be found to mean an official blunder. Let us hope it is seldom more in our times. It is not many years ago, however, that letters addressed to editors of newspapers were systematically retarded by officials, that they might first sell the news such letters were likely to contain for their private profit.*

Public opinion is lenient and charitable enough surely. It will cheerfully and obsequiously forgive and excuse indolence, nepotism, incapacity, neglect; but it should scarcely be required to tolerate a systematic suppression of the truth for the benefit of individuals, and to suffer an organized war against improvement. Our officials are not fairly entitled to presume that Englishmen may not be trusted with their own affairs; and that officials are wiser than all the rest of their countrymen together.

To attempt to impose upon others, or themselves, by declaring that they conceal the truth, from patriotism, would be nothing but the flimsiest of fallacies. In

* See "Fourth Estate:" Colburn, 1851.

the worst-governed countries everything is concealed, and a state of infantine and ridiculous imbecility of the national mind is the consequence. In the best-governed countries there is no concealment at all ; and the result may be seen in the shrewd wit and large understanding of the Americans.

The attempt to obtain such a crazy shelter for mistakes as mystery affords is very short-sighted. Nothing is to be really gained by it. Prohibitions and penalties intended to suppress the communication of facts to the public till they have been garbled out of all significance, is merely to give an implied certificate of truth to the wildest guesses of demagogues and agitators. A man in office may for a time close the lips and bind the hands of a few trembling underlings, whose bread depends upon his nod, by starving and fining them into silence, but he cannot shut the mouths of the Opposition who were in office yesterday, nor of his own colleagues, nor of officers attached to other departments. His act is, therefore, as impotent as an attempt to shut up the birds in his garden by closing the wicket, or a device to smother the knowledge of facts told to all Europe yesterday, by burning a few copies of to-day's newspapers. A wise man, therefore, will yield to necessity where he sees that resistance is vain. When a concession must be made, it should be made gracefully and at once, while the power to refuse adds kindness and dignity to the gift. It is growing a dangerous speculation for any of our statesmen to calculate too closely and precisely how long the quick and earnest spirit which is abroad among Englishmen will

still consent to play at hide-and-seek with truth; how much longer we will submit to be deluded and led astray by mystery upon matters which daily prejudice our interests, and which may one day, at no distant date, positively concern our independent existence as a nation.

It is growing hazardous to try how long the Press will consent to write, and the Parliament to debate upon matters of which they know nothing, and about which all information has been confessedly concealed from them.

It is rash and unpatriotic to attempt to prove in these days of steam and electricity, when a hostile army may be landed on our coasts any fine afternoon, how long the English people can be induced to remain in a paradise of ignorance for half the year, while the security of their fortunes and their throats, the honour of their wives and daughters, or even the national existence, may depend upon the infallibility of any party that accident or intrigue may place for even a day in power. It is unreasonable to expect us to bind ourselves to listen with complaisance and respect, in the midst of such alarming realities, to the vapouring and vain-glorious assertion of any man in office, of any shade of opinion, while he gravely insists that he shall be allowed to manage or mismanage our affairs as he pleases; that we shall never presume to inquire too closely into corruptions which may affect our fortunes and our lives; and that the bare possession of office shall enable any person to involve us in perpetual quarrels with all the earth. A people who could sit down smilingly, and

tolerate a state of things so menacing as this, must be oppressed with a moral nightmare.

It may not be proper, indeed, to make the law of publicity absolute, because it is impossible to foresee all the circumstances in which a nation may be placed. Rules should be made for a state of calm and security : they cannot be formed for a state of trouble and peril. But, in a word, secrecy is a mere instrument of conspiracy against the people ; and it ought not be the system of a regular government. A well-meaning ministry may safely conclude that it will redound especially to its lustre if it invites discussion on all public matters. God, who gives power, does not give infallibility ; and we are told, in language none may question, that in the multitude of counsel only is there safety in time of trouble. "Better," said the greatest monarch who ever lived, "to hear the rebuke of the wise than the song of fools;" and he reproves, with all the severe and solemn dignity of inspiration, the king who will no more be admonished. The publicity of public questions collects the whole current knowledge of the nation, and brings it to bear upon them. The most useful national plans have often been thus derived from the suggestions of private individuals. The men whose condition in life leads them to cultivate their minds most highly, have rarely an opportunity of entering into the career of politics ; but a Dr. Price proposed the establishment of the Sinking Fund to Pitt, and the science of government is perhaps indebted as much to Dean Swift, Dean Tucker, and Sidney Smith, as to any three right hon. privy councillors who could be named.

Nearly every English worthy has bequeathed to us some remarkable saying as a proof of his homage and fealty to the great principle of open dealing in public affairs, and as a testimony to his deliberate and mature conviction that ignorance is almost the universal cause of the misery of mankind. To reveal and point out the truth is to clear this ignorance away ; it is to do good on a large scale. The detection of an error, the establishment of a fact, the determination of a doubtful principle, may ultimately spread its benefits over every portion of the human race, and be the means of lessening the burthens and increasing the happiness of unborn generations. The great interests of mankind demand that the way of discovery should be open ; that there should be no obstructions to inquiry ; that every facility and encouragement should be given to efforts directed to enlighten us ; that every man should join in such efforts to the best of his ability, and that none should presume to thwart them.

Even tentative processes of the wildest nature, the most chimerical speculations, are of advantage. The world is full of ignorance, and a zealous pursuit of even singular and eccentric views may often be the means of lessening the evil. The most visionary of students may furnish a curious body of facts, which may be ultimately to the philosophy of government what alchemy was to chemistry. Let us, therefore, "prove all things, and hold fast that which is good."

It is not humility to refrain from inquiry upon the most important matters : it is the worst kind of arrogance, the most deplorable apathy. It is humility to

endeavour, laboriously, to make ourselves thoroughly acquainted with every subject which concerns the common welfare before presuming to profess an opinion, or daring to act. Far from being a virtue, passive acquiescence is in most cases a positive vice, stopping all useful advancement. On serious occasions, therefore, it is an imperative duty to enter upon a rigorous examination of the facts and evidence within our reach, to clear up our doubts, and to guide our conduct. Inquiry can lead us to no forbidden truths; it can involve us in no criminality; it is wicked and wrong only to refrain from it, lest we should go astray in blind deference to any. Should we cut off our ears, that others might write to us upon music; should we put out our eyes, that others might guide us in our walks. Had God given to some men eyes and ears and to others none, the beings so gifted might claim a natural and reasonable superiority; but the Almighty has endowed no men with supremacy of this kind. The only reason which can be assigned against inquiry is, that we may not come to a sound conclusion from the facts which might be submitted to us. But it is obvious that we are much more likely to miss it by remaining in our ignorance; it is therefore incumbent upon us to know whether we are committing an offence by holding our present opinions. It is necessary to inquire whether those opinions are true; and thus the reason assigned for not inquiring leads to the conclusion that it is proper and dutiful to inquire.

Any one who has taken due pains to master a subject, who feels persuaded that he can present it in a new

light, and who is not destitute of the obvious qualifications for the task, is under a moral obligation to communicate his views to his fellow-creatures. Not to do so, if the matter be important, is reprehensible selfishness; he can only conceal his knowledge to avoid trouble, to shrink from responsibility, or maintain a vain and solitary superiority over the rest of the world. In communicating the result of his inquiries, he may, indeed, be unhappily the means of promulgating error,—to such a misfortune the wisest are liable; but his errors will be probably such as have, with more or less distinctness, presented themselves to other minds as truths. To bring them openly forward with the principles from which they are deduced, is giving them the best chance of being refuted; had they been kept back, they might have continued to delude other people. When they have been once fully canvassed, their real character will be conspicuous to every one.

Investigation on public affairs is a pursuit in which there is everything to hope and nothing to fear. In private life there are matters not to be scrutinized with honour by any person; to infringe their secrecy would be meddling and indelicate. But there should be no closed documents in the transactions of a great nation; no private processes going on, into which those whose dearest interests are at stake have no right to intrude. No facts of public importance can be profaned by public scrutiny; no evil can arise from our understanding our own business too well. The strangest absurdities would be involved in the supposition that we could possibly reach



to political knowledge which we ought not to obtain. That we cannot extort secrets of legislation which it would not promote our common welfare to know, is the plainest of truisms.

The object of good government is to promote the public welfare, not to further private ends or gratify vain ambition. Perfection in the art of ruling, as in all other arts, is the offspring of thought and knowledge. Let us think and learn. There is no instance since the beginning of the world, where human liberty has been established or preserved by little systems of trumpery and trick. Did America cheat herself into independence? Was it by a game at hide-and-seek with her patriots that Holland shook off the yoke of Spain? Such secrecy is but the weapon of small despots against the people. England and Englishmen should be ashamed to touch it.

Suspicion always attaches to mystery. It supposes a crime when it observes an affectation of secrecy ; and it is rarely deceived. Why should men hide themselves if they do not dread being seen ? In proportion as it is desirable for improbity to shun the light, it is desirable for innocence to seek it. The best project prepared in darkness excites more alarm than the worst undertaken under the auspices of publicity. In an open and free policy, there is confidence not only for the people, but for the governors themselves. Let it be impossible that anything should be done unknown to the nation. Prove to it that it can neither be deceived nor surprised, and all the weapons of discontent vanish. The public will repay with usury the confidence

reposed in it. Calumny will lose its force: it collects its venom in obscurity; it is destroyed in the day. Error is only like a shadow—throw a light on it, and it departs.

That a secret policy saves itself some inconvenience may appear true at first sight; but in the long run it creates more than it avoids. In a dispute between any two governments, one of which should conduct its negotiations secretly, and the other should conduct them openly, the latter would always possess a strength, a hardihood, and a reputation which would render it superior to all the dissimulations of the other. It has been objected against publicity, that it is a system of distrust. This is true. Every good political institution must be founded on this principle. Whom ought we to distrust, if not those to whom is committed great authority with great temptation to abuse it? “Sire,” said Madame de Staël, absurdly, to an emperor of Russia, “your character is a constitution for your country, and your conscience its guarantee.” “Quand cela serait,” replied the sensible autocrat, “je ne serais jamais qu’un accident heureux.”

Unhappily, conduct cannot be estimated by character, character must be estimated by conduct; and if there is any one maxim in politics more certain than another, it is that no possible degree of virtue in governors can render it expedient for the governed to dispense with protective regulations, and leave themselves defenceless. In every public trust, therefore, the legislator should suppose the trustee disposed to break the trust in every imaginable way in which it would be possible for him to reap any personal advantage from such breach.

When this principle is applied generally, it can be considered personally injurious to none. But men of reputed good character cannot be safely allowed to act uncontrolled, and to do whatever suits their inclinations.

The duties of public servants concern the affairs of others comparatively indifferent to them. These affairs are often difficult, and often complicated. They require the most laborious application. The personal ease and interests of those to whom the management is confided, are frequently in direct opposition to their duties. Such persons may even possess the means of serving themselves at the expense of the public, without the possibility of being convicted of so doing. To counteract these dangerous influences, what remains but public opinion, dread of its judgment, desire of its approval?

Secrecy imports fear, it is even conclusive evidence of it. This fear may be mingled with a silly and intolerable kind of pride, which may induce a man in power to endeavour to palm off his unaided wisdom upon the people as superior to any result which might have been attained by their investigation and counsel. But to say that no explanations shall ever be given of affairs and negotiations in progress, means simply that no explanations shall be given while explanations are of any use; that no remedy shall ever be applied to public evils till they are past remedy. Nations will judge the acts of their governors. If they judge without information, or upon false information, their opinions are altogether different from what they ought to be,

and from what they would be if founded in truth. But they do not pause for this. The people who would suspend their judgment upon the acts of government till all results were known, would be a nation of philosophers, and a very dull nation too. Suppose, then, the people are apprehensive of evil. They may be wrong; but this does not alter the case. They become agitated; they murmur; alarm is created; resistance is prepared. Tardy explanations will not tranquillize them when the mischief is done. The history of the Emperor Joseph II. would furnish a multitude of examples against political mystery, even when the intentions of government are salutary. On the other hand, no evil need ever be apprehended from any measure if care is honestly and conscientiously taken to enlighten the people as to its utility. Government cannot dissipate at pleasure doubts which have arisen, but it can altogether prevent their arising. Men soon find the truth when they are allowed to discuss a question freely: shadows startle them when they are not.

Ministers are properly the advisers and agents of the people. They stand towards the nation very much in the same relation as an attorney towards his client. How would a client consider an attorney who persisted in withholding all explanations respecting the proceedings he was taking in behalf of a client; who refused all information as to the matter in hand from those who knew most about it; who declined to examine witnesses, or to see the client upon his own business, till after a verdict, founded upon insufficient information, had been obtained against him? Would not such an

attorney have incurred the just anger and resentment of his unhappy employer, and have irretrievably lost his character, by bringing upon himself a needless and overwhelming responsibility?

Summed up in a few words, and divested of all artifice, the reasoning of the partisans of mystery in public affairs is briefly this: the people are incapable of judging our acts because they are ignorant, and they shall remain ignorant because they are incapable of judging. There is a small body of corrupt men in power, also, whose interest it is to treat the majority of the people on the double footing of subjects and enemies; and such is the treatment in store for them to the extent of their endurance. But surely an association of persons combined to mystify every one for their own purposes, cannot be countenanced and supported by gentlemen. Such a shameless confederacy would not be more respectable than a gang of card-sharpers combined to evade the scrutiny of the police; their pretensions to secrecy would be as wily and shocking. To official men whose conduct is good, publicity can only be of advantage. If their courses are evil, we must be demented to allow them to do us mischief in the dark, and to insist upon keeping up a mystery which could alone enable them to injure us.

To learn the principles of a man in office, a single question will suffice. If he will concur in putting matters on such a footing with respect to the liberty of the Press, that no man shall have more to fear from writing against Government or ministers than for writing in their favour, the Government which he

desires to see established is liberal and constitutional ; if not, he is anxious to maintain a despotic Government, however he may gloze the fact over to others or himself.

Instead of being desirous of venal praise, and morbidly anxious to conceal all knowledge of his measures, a wise statesman will feel that just censure and careful examination of his proceedings is the most delicate of flattery. No quality in a ruler is so dangerous and contemptible as the jealous arrogance which rejects advice. For a man in power to balk inquiry on public affairs is to allow himself to take steps, involving the happiness of his fellow-creatures and his own peace of mind, without doing all in his power to learn what will be the consequences of those steps : it is to stake the general welfare on the mere chance of his being ignorantly in the right. If he contemplates a bad measure, timely warning can merely serve to deter him. No publicity can injure a good one, for discussion can only make its merits more prominent, and show the error of any objections which may be raised against it.

The only risk that just and wise acts can incur from publicity is to be found in the consequences of its restriction. Hamper it, and the best laws, the purest intentions, have reason to fear. Something of the truth is sure to ooze out ; and part of a good truth is only a good truth distorted. A Government whose conduct can bear inspection may defy it : it has nothing to apprehend but from concealment.

It is strange behaviour for the chiefs of the people in a free country to withdraw themselves from the obser-

vation of those whom they represent : yet the principles of constitutional government are still so imperfectly known that there has been no general complaint till lately against a conduct which tends to destroy all responsibility on the part of Government, and all influence on the part of the nation.

In a system of rational liberty, publicity will often be found the only buckler of defence that moderation can have against violence, modesty against arrogance, veracity against falsehood, simplicity against deception and intrigue. After the publication of parliamentary debates, all further secrecy is nonsense.

The triumph of a great minister is not to wring a reluctant assent from the nation to permit him to take whatever measures he pleases unquestioned : it is not to domineer over gagged and sullen malcontents, but to hold a grateful people in happy bondage ; to give them the power to murmur, but to deprive them of the will. His wisdom can never be so near perfection as when aided by all those comprehensive means of information which nothing but complete publicity can give him. It is not, indeed, always in accordance with public opinion that he should decide ; but he may presume, in consulting general utility, that public opinion will support him ; at least, there is no stronger moral probability in a country where discussion is free.

To a minister of real genius, of large and liberal understanding, the publicity of his acts is a consideration at once replete with satisfaction and encouragement. He may anticipate with delight the gradual development of truth on every question. He may

feel a perfect confidence that any real service he can render to his country will be promptly perceived and appreciated. He may rejoice that any errors into which he can unconsciously wander, will do little injury, because they will be speedily corrected. He will perceive that nothing can have so salutary an influence in promoting harmony between himself and the people as perpetually showing them that he is candid and liberal, open to conviction, self-knowing, properly cautious, properly fearless, and that he understands the constantly progressive character of human knowledge. So far from desiring any one to forbear pointing out his errors, a grave and high sense of the immense responsibility of his office will make him feel indebted to all who correct him of fallacy. He will anxiously explain his views to the public, avowedly to avail himself of the varying lights in which different minds will present the same subject. Nothing will be more abhorrent to his feelings than that his errors should be perpetuated to preserve his reputation for wisdom or to save his vanity from mortification; and he will devoutly thank God whenever he is saved from inflicting an unintentional injury upon others.

Should any intermix the exposure of his errors with opprobrious language, it will be to their own detriment and disgrace, but it will not prevent him from taking advantage of their information to clear up his doubts and difficulties. He will not split upon the rocks because they have shown him how to avoid them. He will not miss the harbour because they can steer him into it. Truth and practical good will be his objects;

he will endeavour to find them by every means within his grasp. He will cheerfully join in the exposure of mistakes in himself or in others. He will know that the firmness to brave a momentary injustice is one of the first qualifications for his office, and the same channel which is open to accusation is open to defence. He will have no puny self-love desiring the prevalence and stability of opinions because they are his opinions; no ignoble vanity, which would have the world stand still for ever at the point which he has attained, and poise his own gratification against the comprehensive interests of humanity: his own shallow individual pretensions against the growing science of the age. His magnanimous nature will never dream of binding down all the great spirits which are yet to advance the happiness and elevate the dignity of mankind, to the measure of his own blind dogmas and narrow sphere of vision, or attempt to permit no other intellectual movement in the world than an approximation to those opinions which he himself has chanced to adopt. A wise man must know that his thoughts are like good seed, and that still greater wisdom than his own will spring up from them.

He will rejoice most when his views are exposed to criticism, argument, and ridicule; to all the play and contention of wit and folly, scepticism and pertinacity, sophistry and good sense. From these discordant elements, let loose on every question, he may be sure that the people will ultimately attain that enlightened and lasting unanimity which always attends the thorough knowledge of truth. In proportion to the real intelligence of states-

men has always been their disposition to receive new ideas, their readiness to review their most cherished opinions. On presenting a measure to the world destined to influence the happiness of millions, the best men have been glad to see their views put to the severest test which ingenuity could devise. All conscientious statesmen, placed, with a power over futurity, on the narrow isthmus of the present time, between the two great oceans of the past and of the future, will be grateful for aid which better enables them to send their glances over both. They will listen to wisdom, no matter whence it comes.

“Great men,” says Lord Bacon, with noble truth, “are thrice servants—of the state, of fame, of business.” They have no freedom, and when they seek power they must consent to lose liberty. They must indulge no fancies, no private feelings, no caprices. In great place there is license to do good but not to do evil. The power to do good is the only lawful and right end of aspiring.

The proper use of liberty in speech and writing is, that it should be employed as much as possible; and it is but a childish proposition to advance, that those who know things deeply concerning the national welfare must not speak: for those who do not know cannot speak to any purpose. It is a mere impertinence to maintain that the people may believe what they please, but they shall never have any security for their belief; that they may have power in the state, but shall never be supplied with the knowledge without which it must necessarily be misused. Moreover, could so shocking

a principle be avowed by any Government as that it cares nothing for evils, but only for detected evils, and that means shall be used not to lessen abuses, but to conceal them? To insist on secrecy is merely to insist that bad things shall not be mended ; that anything wrong shall never be put right ; that the corruptions which our fathers bequeathed to us shall be handed down unimpaired to our posterity. It is to leave the tares to choke up the wheat in our fields, and impiously to bind the hands of the husbandmen. Surely, if honesty has nothing to fear from publicity, publicity should have nothing to fear from honesty.

CHAPTER IX.

THE PUBLIC SERVICE.

A QUESTION which has been very carefully evaded by all parties for some time past is, whether persons holding employments in the public service are justified in writing upon public affairs relating to their departments. This question has been brought, on several occasions, very nearly to an issue; but all hitherto concerned seem to have felt a misplaced delicacy in entering upon the discussion, and to have been anxious to postpone it as long as possible.

Writers felt, that although the strong common sense of the people was upon their side, many individuals were against them. Very worthy persons were ingenious in finding arguments which told against themselves in this matter. There was a kind of well-bred hypocrisy on the subject, an antiquated and not unamiable prejudice, which made them refuse to judge the case merely upon its merits, and to see it, stripped of all conventionalities, in its proper light. Moreover, all who could be influenced by established authority, all who had anything to hope or to fear from the high-placed and powerful, all the prosperous private interests, all connected with obscure national abuses which could exist only by concealment, were clamorously and bitterly averse to exposure from the only quarter in which exposure was

possible. Writers knew that such a body arrayed against them would be formidable, perhaps invincible, for it would be composed of the most influential portion—if not of the majority—of the nation. They knew that they must make up their minds to a good deal of rough usage and misinterpretation; that they could count on no open support; and that they must sacrifice much which renders life agreeable, for the reputation of ill-natured cavillers. Perhaps they doubted whether the object was worth a struggle, seeing that God ordains all things as He sees fit. They may have sometimes asked themselves musingly whether human endeavour can improve the world which Divine Wisdom has made. But men cannot allow themselves to shrink from conscientious labour on any such pretence as this. They cannot presume to build up for themselves a scheme of philosophy of which the result would be the complete inaction of all those higher powers of mind by which men assert their superiority over brutes. The Deity cannot be offended by the proper use of any power which He has given us, and we cannot adopt a principle which must lead to the total stagnation of all human affairs.

On the other hand, governments, though often much irritated by a practice which notoriously existed, from the secret closet of the Lord Chancellor to the chaplain's berth on a man-of-war, were glad by almost any compromise to avoid a direct struggle with the Press, for they knew that was a struggle which no government has ever survived.

The inconvenience of this state of things, however,

is severely felt. The question can no longer be left open because those in whose hands the administration of affairs is vested are loath to incur the odium of deciding one way or the fancied danger of deciding the other; and because they appear equally reluctant to run the risk of permitting that which cannot be really prevented, or to issue positive orders that can be and will be continually evaded.

Government is bound, however, in honour and conscience, to pronounce upon this matter in a straightforward and open manner. To leave it unsettled can but serve as an excuse to enable individual ministers, differing widely in their opinions, to determine according to caprice or humour, as occasions arise; to open the door to vengeance and ill-feeling, to close it to justice.

An appeal to the public has become necessary, because by the general verdict of the nation only can such discussions be finally and satisfactorily concluded, and because many well-disposed persons are at present altogether in a false position. They lie under grievous penalties for having rightly or wrongly supposed that the fact of their holding some small official employment did not necessarily deprive them of the most valuable right of their countrymen—the right of free remonstrance against admitted evils. For having been suspected, however, years after the supposed occurrence of the alleged offence, and on the secret and mysterious accusations of unknown persons, to have been concerned in any manner whatsoever in such remonstrances, they have been questioned and ruined.

Incredible as it may seem in the year 1857, English gentlemen have been required to prove a whole series of the most extraordinary negatives. They have been compelled, on pain of starvation and ruin, to furnish proof that they have neither remonstrated against public evils, nor furnished matter for any other person to remonstrate, nor attempted to enlighten the people on the most flagrant public abuses in any other way whatsoever. It is to be observed that the penalty attached to their inability to prove such negatives has been the loss of their bread, and, what has hitherto been considered an infamous punishment, dismissal from their employment.

No official, however cautious, can avoid being entrapped by any superior disposed to do him a mischief by such a process. His conversation with his most intimate friends must be made up of anilities and fallacies, or he will be ruined; solitude will be obviously his only resource to escape disgrace. If any kind-hearted man should meet by accident an acquaintance so distressingly situated, he will charitably look another way. A petty officer in our public service will be considered as a British Pariah. To talk common sense in nervous language to so hapless an individual, will in time be considered as ungenerous and indecorous as to talk indecently before a lady. He must tie his hands behind him when he goes home from his office, and sit listlessly ruminating till he returns thither.

If, however, a large class of people are to be rendered systematically ridiculous and miserable, it becomes a matter of vital importance that their condition should

be made known to them, lest their fancied liberty become practically a device to betray them on to ruin. It is but fair and right that they should be clearly told whether the general voice condemns them to remain an inferior caste, leading the abject lives of Romans and Neapolitans in the midst of the great English people; or whether they may henceforth be admitted to an equality with the rest of their countrymen, becoming amenable only to the same laws, and possessing the same privileges, as their brethren.

It cannot be considered improper to inquire whether terror may be employed to do the office of a censorship among them, and whether their superiors may assume the power of inquisitors; for if the case is really so, it is only fitting that the debasing conditions of their servitude should be unmistakably defined. Some reasons, however, may be here stated which would lead to the belief that persons holding small situations under Government might be allowed to enjoy the same happy and honourable liberty of conscience and expression as their fellow-subjects.

It may appear, at the first glance, a matter too insignificant to engage serious public attention whether a few subordinates in the public service shall or shall not have the right to publish their opinions. But the Government of this country is now so mild and good, that all questions respecting the liberty of the subject must in our age be very narrow. It becomes us, therefore, carefully to watch small encroachments on our freedom, and to guard ourselves against them as

jealously as our forefathers defended themselves against forest laws and ship money.

A great constitutional principle is really at stake. The point to be actually decided is whether the liberty of the Press shall be a reality or a fiction. To discuss such a matter fairly and openly is not to attempt anything like innovation ; it is merely to call the earnest attention of the people to one of their most important rights. No unjust prejudices should be excited against arguments used to urge the necessity of watching over a lawful privilege. If the British constitution is indeed the most admirable form of government under which any great community has long existed in freedom, honour, and security, it is well to beware how we permit the smallest alteration to grow up and become sanctioned by precedents.

But grant, for the sake of argument, that it is (although it unquestionably is not) a time-honoured custom for small officials to keep a lofty and impertinent silence towards the people who pay them, and to join in deluding their employers ; what then ? Could an Englishman now walk through Colchester in a toga, because that garment was probably worn by Ostorius Scapula ? Could he even show himself in the periwig of Marlborough, in the laced hats and gay coats of the first Georges, or even in the boots and leather breeches of the last ? Would he not appear an oddity with a pigtail ? Would not the juvenile population of our capital feel an intense but uncomplimentary delight if he insisted upon clothing himself publicly in any of the habiliments which may have been decent enough

half a century ago? If the ridicule of such obsolete tastes could be borne, shall men exercise no faculty but memory—be wise in precedents, and ignorant of the right?

In cases where there is an immense advantage to be gained by dispensing with some rule, or abolishing some custom which ought never to have been established, to adhere to it with silly obstinacy is to sacrifice the end to the means.

Justice should be the standing policy of every society; equity and utility the foundation of all rules. If by any given change, therefore, the aggregate sum of human virtue and happiness would be promoted, such change ought to be made. Not to make it, in deference to the blind authority of former times, would be for living men, who have many years' more experience and much sounder views on the philosophy of government, to surrender their intellect to dead men, who had many years' less experience and much more confused views, and who have no other claim whatever to infallibility.

We cannot, therefore, tolerate a practice among men in authority which is very wisely described even by Mahomedans, as "mounting on horseback in full uniform to worship dead men's bones." Lullius was a good chemist in his day, but Sir Humphrey Davy did not consult his works about the safety-lamp. Buddh, Brama, Foh, and Mahomet, were considered wise men and great legislators, but they are not cited even in the East as good authorities upon railways.

We are bound, therefore, to give the question here

brought forward far more deliberation and anxious thought than we could afford to any trivial subject merely affecting some particular class.

Absolute power, it must be remembered, steals upon a people by being at first too rarely and mildly exerted to create wide-spread alarm, or to rouse general resistance against it. But there never has been an instance in the history of nations where tyranny over a few individuals did not ultimately lead to tyranny over all. The public, unfortunately for their best interests, seldom feel much sympathy for the wrongs of private persons; but whenever power begins to presume in the smallest degree upon the lethargy of the people, woe unto them! Woe unto them if they do not awake! In England we have generally begun to awake precisely at the right time.

The sum demanded of Hampden by the tax-gatherer of Charles I. was trifling; but the principle involved was fearfully important. The dispute about a few shillings was thus well worthy to exercise the abilities of so grave a lawyer as Oliver St. John, and to be heard with respectful attention by the nation; for it was the commencement of the great struggle by which our liberties were effectually secured. It may not be a Hampden who next hazards his private peace for the sake of the commonwealth. It may not be a St. John who will defend him. This matters little. It was to an individual as contemptible as Charles Blount, that is to be ascribed the emancipation of the Press. The persecution of one Jenks gave rise to the Habeas Corpus Act. Prudence and self-preservation should oblige

the most moderate men to make common cause even with those they cannot entirely approve, if they see such persons treated in a manner which the law will not justify. It would never do to allow advantage to be taken of the particular circumstances of any man for the establishment of a precedent by which our common freedom may be affected. One precedent creates another. They soon accumulate and arrogate the dignity of law. A free people who desire to remain free, therefore, should never show the smallest backwardness to recover any enthralled right out of the gripe of custom.

It is surely nothing but a sign of good health in any state when even the voices of government officials are raised to proclaim the least taint of disease in the constitution. Were such a numerous class of Englishmen as our subordinate public servants so dead to all the feelings which warm the rest, as openly to bind themselves for ever to connive at corruption, they would be only fit instruments to enslave us. Our national character would soon lose its prestige and its glory if committed to their keeping. They would be a standing danger to our country and a reproach to the British name.

If any one allows visible evils to exist in his department without protesting against them, it is obvious that he tacitly acquiesces in them. What a miserable condition then would be that of an honest man, who should be informed, that in accepting some small office, he had inadvertently joined a secret confederacy; that he was considered bound in honour to assist them, even should they be bent

on plundering or deluding the public to any possible extent; that he was constrained by some of the strongest motives which can influence human conduct to aid them heart and hand in such a case, and to keep their nefarious designs a profound mystery; that it would be prudent for him to join zealously in ruining his country; that to rise to any degree of reputation, he must first become thoroughly contemptible; that by conduct which in private life would infallibly conduct him to the hulks, he could alone hope to come to such honour as might one day admit him to a small share of the booty filched by his accomplices: but that, meanwhile, eyes, ears, senses, were only to be used by the dejected gentleman for the purpose of providing palaces, cooks, and fine carriages for the ringleaders of the conspiracy.

An argument of this kind would scarcely be used by the most abandoned of mankind. The coarsest-minded speculator in human crime and folly would perceive it at once to be of that impracticable character, adapted neither for the honest nor for the dishonest. Translated into plain English, it would mean simply this:—If a man would consider himself as sworn to assist any particular political party for the moment in power, although he should well know them to deceive and betray his country; if he would conspire to maintain them in universal honour and reverence, to the fatal injury of public interests and his own; if he would strenuously support and angrily defend every abuse that might be accidentally discovered and honestly censured; if he would carefully screen his masters while they paid private services with rewards created by intolerable

burthens imposed without reason or mercy on the people ; then, certain fraudulent trustees seised of the national estate, might be induced, by private influence or political roguery, to admit such a man to a share of the labour, but to none of the honours which would arise from the misgovernment of the country. He must connive at evil for the benefit of others ; he must pass his life in lauding and glorifying the worst things, but he would remain for ever a show-clerk on a scanty pittance. He would be always an official hewer of wood and drawer of water ; he would do the work for which others were paid, that they might be able to point to him triumphantly as a living witness of their parsimonious care of the public purse, the smallness of their gains, and their purity in office. If any man would not comply with these conditions, his lot should be ignominy and ruin.

Moreover, the hard terms on which he should be required to serve the State, should by no means be submitted to him beforehand to choose or to leave. On the contrary, they should be concealed under the most impudent and extraordinary flowers of rhetoric. Much should be said about honour, patriotism, glory, to entice him ; the shame, the guilt, and the despair should be cunningly hidden. He should only discover them when he had wasted his youth in vain hopes, his health in bad climates, his fortune in absurd uniforms, in fines, and in enforced expenses. He should only be permitted to discover the true extent of his misery when he began to remonstrate against a long series of indignities and injustice, grown at last intolerable. But he should be publicly condemned to

beggary and ignominy for the rest of his days, so soon as he presumed to wonder at their infliction upon him in secret.

The people have long been inattentive to official matters, because they have believed, on the whole, that they were faithfully served; but how would it appear to them, if they found out from repeated experience, that a man who received their wages dared not labour for them to the extent of his capacity or desire; and that public servants were the only class of Englishmen declared, for some incomprehensible reason, incapable of serving the public to the best of their ability? That they retained their places only on condition that they would assist or connive at a general system of imposition?

A principle so abominable would demand the most decisive reprobation: it would be stamped with an indelible stigma of abhorrence: it would be monstrous in its insolence. Such impostors, chuckling over their solemn antics, would remind one of the saying of Crassus: "*Mirari se quod haruspex haruspicem sine risu adspicere posset.*" All respect for power would cease. Such tricks would put a penalty in one scale, and a man's idea of duty in the other, which is the precise idea of persecution. The Minister who should presume to maintain a system so repugnant to common sense, and to common honesty, might mean well, but he would do ill. His conduct would certainly look like an itch for arbitrary power, and a desire for the eternity of corruption.

No man can respect the legal authority of government more than the writer of these lines, no man

would go farther to defend it. But the exercise of arbitrary power is illegal, full of threatening to the people and destruction to the State. No authority should exist amongst us except that which is based upon justice.

Authority is properly only a trust for the general good. When it ceases to be so, it is no longer right or prudent to respect it. An authority occupied in seeing that all beneath it never enlightened the public, would be no dignified or pleasant object of contemplation. If authority does not hold the truth guiltily; if it does not know its own conduct to be weak and frivolous; if it does not condemn the people for a rabble made but to be blindfolded and oppressed, what can seem to it more fit and proper than that judicious and learned men of all degrees should help the common cause with counsel? Let truth and falsehood grapple in the public service as elsewhere: power should not mingle in the fray. If we desire light, let us close no opening by which it can come through to us. Why destroy the toilful harvest of a great mind, and so perhaps bring famine on our own? If a man has devoted a whole life of ardent study to some special subject, shall authority be allowed hastily to step in and declare he knows nothing about it? Is authority inspired to know the right by instinct? Must every one smother his understanding because he has the misfortune to earn his bread in a small public employment? A new idea may, indeed, be now and then a startling thing to heads of departments, but the idea that nothing must be said or written except what they like, is the newest idea of all. There cannot be a monopoly of knowledge.

No human power can decree that one shall have it and another shall not.

If any Government, then, should ever be found to persevere in enforcing a guilty secrecy on its subordinates, it would infallibly forfeit all affection and esteem ; it would make its power and patronage not worth the holding.

It is proper to ask, also, whether any party for the time in power has a right to make conditions for the public service which the law does not make, which common sense and probity indignantly repudiate, and which no government would dare avow, or could possibly explain.

Heaven has in all ages given work for the intellect of man to accomplish. That work is reformation. It is a reproach to no government that evils exist, but that they should be defended.

Forbidding able men in the public service to give the fruits of their knowledge and experience to the public in such manner as shall insure them a hearing, is the real stumbling-block which stands in the way of administrative reform. The power of free discussion, which has destroyed nearly every other abuse, would be quite sufficient to put an end to nepotism and favouritism, could it be fairly brought to bear upon them. The demand of the whole country is for administrative reform. Are we to close the lips of those by whom only it can be organized on a just and proper foundation ; of those who alone are really aware of the practical requirements for special service ?

It cannot be urged that, if this concession were

made, subordinates would all begin to write as a means of acquiring an absurd notoriety, and neglect their duties. Any of them so offending might be promptly dismissed. The offence would bring deserved censure or ruin upon them. But one man can do twice as much work as another, not only better, but in half the time; and all have some leisure. Masters do not forbid their shopmen from working after business hours, perfecting themselves in their trade, and devising improvements in it. All our most prominent self-made men, from Gresham and Hutton to the last law peers, have attained an honourable celebrity from small beginnings by these means. To abolish the privilege of industry in any calling or profession would be to give no hope to the lowly.

Should we oblige a man full of high and grave thoughts to trifle his leisure away? Should we hold out to him a premium for idleness and a punishment for labour? Shall an able man be condemned for his toil and his skill, an inefficient man be rewarded for his idleness and inutility? Shall it be held an official crime to be found guilty of a desire for improvement? Shall seeing clearly and acting wisely call down the severest verdict a minister can pronounce? Shall our public servants be told it is their function to resist conviction themselves, and to stultify others? Shall a man require to be pardoned for doing his duty to the nation? Shall a tender conscience be considered inconsistent with the character of a valuable official? Shall a high sense of patriotism only show that a man cannot be trusted with public affairs?

It would be surely a most cruel and illiberal affront to every gentleman in the public service to tell him that he may not prove his fitness for promotion; and that sycophancy, interest, or money, shall be the only roads open to eminence in the state.

Whoever has a wrong to redress, or a right to proclaim, must desire to speak, and should be allowed to do so. Turn the most abject parasite who holds a sinecure out of his place, and even he will assent to this. With respect to higher characters, shall the sense of a great man be lost to all posterity for the fearfulness or the presumptuous rashness of some jealous superior his evil fortune may have placed over him? It is true that by fining, worrying, and degrading a man of genius, he may be often silenced; but is it right to silence him? Does any placeman in England possess the constitutional right of so doing? Could any such person reconcile it with his conscience to carry on a crusade against the truth? What alchemy can extract any good out of a process to silence wisdom?

Placemen can find devices enough to screen themselves. One of them, who has recently published a book, demands "that the placeman shall be separated from the private gentleman." There is need of this arrangement very often: but if that is a sound principle, let it be applied where it is of service to the public; let the public writer be divided from the petty official. Slander his book; scold it; degrade it; snip out the preface and the word 'Finis;' deface its pages; spoil its print and paper; play any absurd tricks with it which may gratify the silly spite of any person who

fancies himself affronted by it; but leave the man alone, let the trembling wretch who has written it escape in peace.

Under the fanatic terrors of clique, governments are apt to wrong the earnest and zealous thirst for knowledge that exists amongst us. They have never anything to fear when in the right. Far more persons will be anxious to defend than to attack them. No fallacy to their prejudice is likely to escape undetected or unpunished.

But at the point of enlightenment at which we have arrived, we have a right to insist on open dealing and fair play. We are the admiration and envy of all the wise men in the world for our free institutions. No man in power should be allowed to turn us into mockery; our statesmen have no right to impose on the judgment of mankind by false pretences, or mankind will at last perceive the cheat, and we shall all be despised together as mountebanks.

The English Government is supposed to be really chosen by the people: the people, therefore, must obey it. But the people may err in their choice, and the Government err when chosen. We shall hardly be told that the Government is in the right because it is the Government; and it is the Government because it is in the right. Is it decent, then, to say to any one, that if he honestly and ably discusses a great national question, on which he has long deeply and anxiously pondered, he shall forfeit his good name and his bread? If any one be willing to employ his spare hours in the eager study of state questions, instead of going to a ball or

a whist-party, wherefore should he be hindered? It is undoubtedly for the national advantage that he should be so occupied. Have we so many patient and laborious thinkers on dry and abstruse subjects that we can afford to silence any of them? If a man has laboured all day in the routine duties of his department, he has surely acquired a right to spend his evenings in any harmless manner he thinks best. If it is said he works for his own advancement, he does merely as everybody else does. It is natural to every good man to wish for blameless distinction. The labourer is worthy of his hire. If he earns promotion, why should he not have it? It is better that promotion should be given to a meritorious toiler, whose whole heart and energy is in his profession, than that it should be given to a sycophant or a sluggard.

The man who first pulls down the house of fraud and nonsense; who seeks to bottom his reputation upon doing good; who uses the gifts of reason and the efforts of genius to rectify those evils which all the genius and talent of his profession have previously been employed to support and protect; who turns jobbers into honest men, scares away the plunderers of the public, and is a terror to wrong-doers; such a man is surely the fittest man who can be chosen for advancement.

The hope of renown is the instinct of great souls. Are public servants to be taught that for them the temple of Fame shall be merely an inner chamber in the palace of Indolence? Away with so enervating a cheat. The shortest road to riches and prefer-

ment should be over the straight rough way of toil and thought.

It would be impossible to read to a large class of young men so demoralizing a lesson as to tell them that nothing is to be obtained by zeal, energy, and learning; that any attempt to lighten the burthens of their fellow-creatures is certain to be followed by professional ruin; that their only hope in life is arrant baseness, and eager acquiescence in a state of things which is plainly wrong; that their minds must make no progress; that they must know nothing but by ancient rule and statute; that diligence and understanding will undo them. Whether a man who has given some high public proof of capacity be wiser than those who have not, may be doubted; but it is clear that a man who has given no proofs has no right to claim our admiration or reverence. We may partly judge a man by what he has done, and he has a right to insist upon our verdict; but none can surely have the impertinence to claim extraordinary respect because they have done nothing.

We are all of us more or less governed by interest, but it is very unreasonable to say we shall therefore do wrong. Even a man's interest, well understood, will generally show him that to do right is really the best way to promote it. Therefore, to say that such a one should not be believed because, though a clever man, he acts from interested motives, is a highly improper and silly argument.

To say of a political writer, that he is actuated by a desire to obtain the preferment due to him, is very probable. The desire of reward is the proper incentive

to industry. A baker does not bake bread for nothing ; if he did, his bread would not necessarily be better. A barrister requires his fee from a client, and may expect to become attorney-general ; but who ever thought of making his reasonable demand and his laudable hope the ground of a charge against him ? We do not ask what are the motives of the man who makes us a coat, we only demand that the coat shall be well made. Why should we inquire into the motives of the man who makes us a book, if it is a good book ? It is, at all events, ungenerous and absurd indeed to invent motives for him, and then to account it as a crime that he is actuated by the common feelings of humanity. There is no cry which comes more glibly from the lips of a certain class than the accusation of interested motives, which is brought against every person of moderate fortune who mingles in politics. Yet, what are interested motives honestly considered but natural motives ? The legislator who should resolve to accept no assistance from any but disinterested motives, would find his laws without vigour and without use. The judge who should determine to receive none but disinterested evidence, might close his court. However, even this argument is chosen with the usual clumsiness of the wrong-headed simpletons who use it. If ever human actions are free from interested motives, it is in the case of men who endeavour to reform the abuses of the professions to which they belong ; for they at once offend all who have acquired power or reputation under the old system. Such persons are, indeed, often so respected and good-natured,

so unconscious of their errors, that a tender-hearted man—and most reformers are so—will feel quite a pang of self-reproach at having given them offence. An outcast from society, also, he is sure to become.

“When I began to express my opinions on church politics,” says Sidney Smith very truly, “what hope could any but a madman have of gaining preferment by such a line of conduct?”

The name of adventurer, however, has always been affixed to such persons. It is considered among the wealthy gentlemen of England as a term implying a mingled feeling of aversion and fear. But it is strange that any one should have presumed to invent such a designation to describe the very class who seldom venture anything. Poor politicians are usually like careful players, who anxiously calculate every chance of the game, till they have reduced success almost to a certainty. A powerful magnate with £100,000 a year may sometimes feel indifferent about the result of a blunder, and become stubbornly attached to impracticable theories. He can retire to his palace when discomfited, and retain honour and dignity in private life. A Pitt or a Burke, a Sheridan or a Canning, has no such resource. Their merit is only measured by their good fortune, and a single mistake consigns them to hopeless obscurity.

There is no accusation which can possibly be more illiberal than the charge of place-hunting, that is always used to throw discredit on political writers. Sir R. Walpole, of course, discussed politics for the sake of office. Horace Walpole notoriously did not. Politics

to him were an amusement, a relaxation from the labours of the auction-room and the curiosity-shop: yet, will any one pretend that the fashionable letter-writer was a more useful or a more honourable man than the minister? There has been a larger quantity of nonsense advanced upon this subject than on any other one can remember. Why should political writing be the only description of labour which ought not to be paid? Is the investigation of a vexed question so easy? Are judgment, wit, and patience, enchanted qualities of no value without the possessor is so unreasonable as to give them for nothing? Are Scott's books any the worse because he cleared off his debts with them? or are Byron's any better for having been sometimes given away? Junius, who vulgarly boasted that he left his profits to Woodfall, was not surely so respectable or so trustworthy a man as Johnson, who buried his mother with the price of "Rasselas."

It is possible that, in employments scantily paid, poor officials may be sometimes obliged to write for money. Few small places keep their tenants. After long service in climates often peculiarly unfavourable to the health and vigour of Englishmen, the income of a subordinate, who has passed the best years of his life in the employment of the richest country in the world, is often far less than that of a tradesman's clerk at home. His salary will perhaps rather exceed the wages of a butler, but fall far below the wages of a steward or a cook. To prevent a man, therefore, earning the bread and shoes of his children by the honest exercise of his capacities is virtually to throw the whole government

service into the hands of the rich. Writing for money may not be very heroic or romantic; but some with whom most of us would be proud to be classed have done so. It may be much finer to think of the stars than of the baker, but folks must do so after supper. "I knew nothing of moral philosophy," writes Sidney Smith to Dr. Whewell, "when I lectured on it, but I wanted £200 to furnish my house."

The love of the great majority of Englishmen for the Government is a rational attachment to the guardians of the law. In official men it is a warmer—a clan feeling. It is strongest in the breasts of the smallest. Harshness is not wanted to guide it, but justice, or at least some moderation of injustice.

Now, it cannot be justly assumed, that if small officials were allowed to make their grievances known, we should be deafened with idle complaints and silly outcries. The recent examinations of candidates show that very few such persons are likely to disturb our equanimity by their writings. We shall not be teased by nonsense, moreover, because nobody is obliged to print or to read nonsense. Writings are read in proportion to their general interest. If they are silly, reflecting persons will despise them. Error in print is easily refuted. Wickedness is certain to be punished.

If any publication, however, contains sound sense and useful suggestions, we should be grateful for it. If it contains both sense and nonsense, such corn and chaff are easily separated. We may take the former and leave the latter. The first half-page of a review will probably show us how to do so.

Very few persons who could write good sense in good language have ever existed in any age. The talent of writing well is even rarer than the talent of speaking well. It is also more important and more difficult to acquire. Fluent words and a good manner will often serve a speaker without the expense of logic. An author cannot be shallow and superficial, without detection, and loss of consideration. The more good writers we can produce by any system, the better for our present purposes, and for our national renown. They should in no wise be discouraged. To suppress the sense of a single writer of genius is a wrong to all mankind, and an insult to the Creator in the person of His inspired servant. "Revolutions of ages," says Milton very finely, "do not often recover the loss of a single rejected truth, for which whole nations fare the worse." It is better to slay a life than an immortality.

Let us have the full benefit of every one's opinion; we are not bound to act upon it. Truth and understanding are not so common as to be suppressed by rule, nor so rare that we may never expect to find them.

There are many well-meaning persons, however, perfectly ready to admit the urgent need of certain reforms. If an official has written upon the subject, and called in question many naughty things which cannot be denied, they candidly confess that all he has said is perfectly right; but that he was not the right man to have said it. It is astonishing that such reasoning should mislead any human being. It amounts simply to this, that for the abolition of all abuses we must

wait till some person who has no knowledge of their existence discovers them by instinct. Every person who has any knowledge whatsoever upon the subject is not the right man to be in the right. If such is to be the code of propriety henceforth among us, judicial astrology will be brought again into fashion. Any man desiring to serve his country must first consult a conjurer. If the conjurer should fail or be corrupted, he must wait for a dream. The ink mirrors of Egypt will be carefully examined by the most profound politicians, and fortune-telling cards will form a regular part of a patriot's domestic furniture. His butler will carefully preserve the coffee-grounds, and his house-keeper will throw an old shoe after him as he goes to take his place in Parliament. And why stop there? Why not agree among ourselves, that drowning people shall only be saved by persons who have never learned to swim, and that no firemen by profession shall go within a hundred yards of a burning house?

To say that a man has written a useful book, but that he ought not to have written it, is an argument fit only for philosophers with minds as curiously constituted as that of Raminagrobis, who advised Panurge on the subject of his nuptials. It was doubtless said by the wiseacres of the last generation, that the great and good Romilly was not the right man to reform the law; for that no honourable lawyer could be justified in pointing out the shocking enormities which existed in our courts of justice. They must, however, be reduced to shallow arguments indeed who fall back upon such an extraordinary pretence as this. It would imply a

censure on every public benefactor who has ever existed, from Martin Luther to Earl Grey. All the reformers of the church have been churchmen. All the innovators in medicine have been necessarily doctors, from Hervey and Jenner, to Hunter and Hahnemann. The inventor of a new dish is usually a cook, the designer of a new coat is a tailor. "But it is an ill bird," say some, "who fouls his own nest." After very offensively exemplifying this in their own persons, they stupidly apply the coarse old proverb to the bird who seeks to cleanse it.

If Truth have spoken to any man before the rest, who has so be-jesuited us that we should allow him to be silenced on the astonishing plea that he is not the right man to tell it? How dare human insolence presume to arraign God's election? Many lepers were in Israel in the time of Eliseus the prophet, but none were cleansed save Naaman the Syrian.

Is it alleged that Halifax ought not to have written against the Exclusion Bill, because he was an official? that no officer in Hamilton's regiment was the right man to be horrified by the massacre of Glencoe? that no soldier who had served under Sackville had the right to express an opinion upon his conduct at Minden? that no captain in the navy should have breathed a syllable about Torrington or Palliser? Was Crabbe not the right man to have written "The Patron," because Lord Thurlow had thrown him, with a curse, two small crown livings in Dorsetshire? The monstrous assertion that officials should be dumb, is merely the revival of the doctrine promulgated by the Star-cham-

ber in the case of Sir R. Knightley. It is the old story of Nero and infallibility translated into modern English.

If officials are not the right people to put us right on subjects which they only understand, the system established will amount simply to a prohibition to a large class to write, and to the public to read, any work on certain topics which has not the Government mark upon it. The object to be obtained by gagging the one and hoodwinking the other, it would be impossible to understand, and uncourteous to divine.

Is there any man in power among us who ventures plainly to declare that all books written by gentlemen in the public service should be licensed by some member of the Government for the time being?—that the old device of the Inquisition should be revived to purify the public service of every original thinker? If so, who is to be licenser? Who will accept the office which Mabbot threw up as illegal two centuries ago? Where is the man of nice judgment to be found who shall tell us what books may be written and read in safety, and what books may not? What salary shall he have whose judgment is supposed superior to that of the whole nation? Who is to draw the precise line where a book is, and where it is not, hurtful to the cause of good government? And why are the people presumed to require the assistance of this strange functionary to prevent their being led astray against their own interests? Who shall warrant the justice of a party intrusted with a duty so delicate? Shall books be revised by the very men interested in concealing the

truth? If so, the public service must become another name for dishonour and slavery of conscience. Progress and reform will be impossible. The principle laid down will virtually provide that no official shall give serious attention to his profession, or attempt to devise improvements for the public good, and that he must submit his judgment in all cases blindly to his superior.

It is absurd to say that he may give the benefit of any counsel he has to offer to his chief. A superior will not receive advice from his subordinate. If he would do so, is Mr. Chief Clerk Smith or Thompson better able to judge of truth than the nation? Is Mr. Under-Secretary Wilkins inspired to pronounce correctly upon all human affairs without consideration? Moreover, if a subaltern confided the results of his knowledge to his superior, it is not absolutely impossible that his ideas might, consciously or unconsciously, be appropriated, and never acknowledged; or contemptuously disregarded. An impudent argument is also sometimes uttered by jobbers in this case. It is one of those which might have been stolen from Brutus to be used by Catiline. "Virtue," they say, with a sleek sneer, "is its own reward. A patriot should be satisfied with the adoption of his measures; he should therefore feel delighted to see all the fruits of his labours enjoyed by other people!"

The time of ministers and high state functionaries is also, as every one knows, really too much engrossed for them to be able in all cases to give the requisite attention to a new and intricate subject. Even if any

particular minister did so, he might, with the best intentions, entirely misjudge it. If Bacon had been obliged to submit his ideas on philosophy to an enthusiastic disciple of Aristotle, it is probable that they would never have seen the light.

The scene could only have been painfully ludicrous. "Laudemus Deum" (might the one have said, repeating the stupidity of Averrois), "qui separavit hunc virum ab illis in perfectione, appropriavitque ei ultimam dignitatem humanam, quam non omnis homo potest in quacumque ætate attingere."

In vain might Bacon have pleaded to such a person that his philosophy was destined to the "relief of man's estate;" that it was "commodis humanis inservire;" that it was "efficaciter operari ad sublevanda vitæ humanæ incommoda;" that it was "dotare vitam humanam novis inventis et copiis;" that it was "genus humanum novis operibus et potestatibus continuo dotare." The bigot would have turned a deaf ear to all this, and sonorously replied, "Aristotelis doctrina est SUMMA VERITAS, quoniam ejus intellectus fuit finis humani intellectus; quare benedicatur de illo, quod ipse fuit creatus, et datus nobis divina providentia, ut non ignoremus possibilia sciri." The last speaker, of course, would have had the best of the argument, and Bacon might have died a pauper with a broken heart. It is remarkable, indeed, that even so enlightened a man as Sir Thomas Bodley, the founder of one of the most magnificent libraries in the world, distrusted Bacon as a dreamer. The truth really is, that two men in the same profession can hardly ever be brought

to take precisely the same view on any professional question. In proportion as any man is wise or eminent, he is likely to incur opposition and jealousy from the folly and envy of his colleagues. The public forms really the only unprejudiced and sane tribunal before which any grave question can possibly be discussed.

When a clever man is employed by Government, is he to use his faculties or to bind them? If the latter, the public service must no longer be considered a school for statesmen, as it ought to be; but a sanctuary for incompetence, into which wise men gain admittance only by accident, and are immediately deprived of speech, and compelled to pass at once into a lower scale of creation. Every new comer must slink into conformity with the rest; folly will have the same place as wisdom; and merit, if it should chance to be, shall exist without motive and without reward.

Is every minister who appoints a man of talent to a public office, to consider it an act of private bounty, and then to couple the degrading boon with an implied condition, that its recipient shall become his minion for ever; that he shall serve his patron, and not his country; that he must consider himself, in point of fact, the property of the corrupt jobber, who purchases him by committing a breach of trust with the property of the people?

If notions so preposterous and full of peril to the commonwealth be not resented seriously and timely by those who have the remedy in their power; if such iron moulds are allowed to gnaw into the very texture of our freedom; such a treacherous fraud to be prac-

tised upon us; the more sorrow will belong to that hapless race of men whose misfortune it is to have understanding. Henceforth let no one care to learn, or to be more than worldly wise; for certainly sloth and ignorance in higher matters will be prudence in all who desire to rise. To be a common and steadfast dunce will be the only life endurable.

There are, strange to say, a class of persons who think that men in power always have had their own way in these matters, and therefore always should have it. Also that whether they should or should not, they will have it, and therefore all argument is out of place and mere vexatious waste of words. Such persons consider themselves experienced and practical men of the world. They will tell you with unconscious humour that they have not time to inquire how things might, could, or should be, but they know very well what is. All resistance to established power, they add, is indiscreet. It is hard to kick against the pricks: those who do so must expect to get hurt. There should be no pity for them—they are troublesome fools. The world is very well as it is: it is a very pleasant place for those who take it properly; those who do not, must expect to be put down. They have a variety of similar commonplaces, which they speak off very glibly. They would have made admirable subjects of Charles I. or of Louis XIV., or even of Rad the Impaler or Peter the Cruel.

What is the use of trying for a thing if you cannot have it? say they. Why, because every one must be presumed to be open to the influence of reason, or if not, to the influence of prudence and fear, when he

perceives public opinion to be loudly and clearly against him. To lie by in timid and indolent silence, to suppose an inflexibility in which no set of men under pressing circumstances could persevere, and to neglect a regular and vigorous appeal to public opinion, is to give up all chance of doing good, and to abandon the only instrument by which the few are ever prevented from ruining the many. The sneer about indiscretion, with which these people express a smug contempt for every wise and brave man who has ever dared to record his protest against a wrong, has something apparently so catching in it, that the silly impertinence is worth a good-humoured answer.

Is it indiscreet to prevent rogues from ruining us by an eternity of roguery? Were the men indiscreet who attacked Strafford, St. Alban's, Danby, and Dalrymple? Should they have suffered the first to enslave us by his plan of Thorough? the second to sell verdicts in Chancery to both suitors? the third to receive bribes to support monopolies? and the fourth to massacre his country neighbours as he pleased? Were the honest patriots who brought all these four persons to justice indiscreet? If not, how can any who attempt to tread in their steps be termed indiscreet? Is any English public man in our day as great and powerful as the favourite of Charles I., or as the great Lord Chancellor Bacon, or as the first Duke of Leeds, or as the Master of Stair? If not, where is the rashness or indiscretion of confronting him when he does wrong? If it is dangerous to strive with corruption in power, the more respect is due to one who puts his fortune to

so great a hazard. If a man is to be called indiscreet because he is not deterred in a great enterprise by fearful odds, and matches himself single-handed against an unscrupulous host who will leave no infamous device untried to ruin him ; who will invade with coarse gibes the sanctity of his private life, and harry all who love him with foul calumnies, then indiscretion must be another name for the highest civil virtue ; for that august and serene wisdom which guided the first steps of Rienzi, which inspired Hampden, and which gave to so noble an immortality the names of Washington and of Franklin. The authors of every religious and political reformation in the world have been indiscreet,—Ignatius Loyola and John Knox ; the Englishmen who invited over William, and the Dutchmen who secured the liberties of Holland.

If by indiscretion is meant a silly want of thought for his own interests, he may retort the charge at once on his accusers.

It is they who are indiscreet and unmindful of their own good, when they suffer their champion to be overthrown and to be dragged through the mire. Would it be said of a servant who opposed himself bravely to a band of robbers, in order to save his master's property, that he was indiscreet ; or should the term be applied to the master who watched the struggle with all his household, indifferently, from an upper window, while the goods were carried away, and the honest fellow murdered for his fidelity ?

The plain truth, however, is, that discreet or indiscreet, right or wrong, obedient or disobedient, proper

or improper, an official should no more be taunted with writing on professional subjects, than a man should be taunted with being black at Timbuctoo. No man need be ashamed of that which is common between him and all the most honourable and distinguished of his class. There is not a department in the public service, not an office in Downing-street, or anywhere else in Britain, not a privy council or a vestry, but furnishes special information to the public the moment it is needed. Any body of gentlemen who choose may play at being secret and confidential, but let them beware how they do anything which will not bear the light, for it will certainly be revealed.

It is doubtless to be regretted that the English people have generally been wiser than their rulers, and that whatever improvement has for some centuries taken place in the country, has been accomplished through continual violations of absurd laws and regulations. But it is gratifying to observe that these innovations insensibly tend to the general perfection. It was long a crime to publish debates in the House of Commons, but it is to that fortunate crime England is indebted for her escape from a government resembling that of Venice. The publication of supposed speeches in the legislature long before the practice was admitted, may be traced to the historian Clarendon; and this was part of the defence of Wheble, when persecuted by Parliament for doing the same thing in 1771. This point once gained, however, it is the mere larva of tyranny, the skeleton of malice, to conceal anything else.

The first London newspaper was edited by a clerk in

the office of the Secretary of State. All our public men since the Revolution have been mixed up with the Press, from Halifax and Somers to Pitt and Canning. For nearly two centuries the Press has furnished the real battle-ground of all state questions. It would be absurd to ignore this. Locke was a public servant. Swift held government preferment when he wrote "Drapier's Letters." Atterbury, Prior, Addison, Steele, Pulteney, and Bolingbroke, were all newspaper writers and public servants. So were Lord Mansfield, Lord Cowper, and Walpole. Trenchard, Commissioner of Forfeited Estates in Ireland, wrote "Cato's Letters." Blackstone was solicitor to the Crown when he attacked Mr. Grenville in an anonymous pamphlet. Weston and Draper were both small officials. Charles Lloyd and John Roberts, two of the reputed authors of Junius, were Treasury clerks. Nearly all the thirty persons suspected of having written those letters were official men. It is certain that some person in office must have been concerned in them. Almon, the printer, was persecuted for refusing to reveal the name of an official who had furnished him with an important document. Edmund Burke wrote for the *Annual Register* while private secretary to Lord Rockingham. Many of Johnson's political works were written after he was in receipt of a pension. Lord Grenville charges Pitt with having "furnished information, for his own purposes, to the papers." Lord Temple wrote for the *North Briton*. Lady Hester Stanhope says that Pitt used to complain of Canning for "repeating his conversations to people who published them in the

Oracle. Lord Camden was suspected of betraying the secrets of the cabinet to Lord Chatham, who published them. James Mill, who attacked the Hon. East-India Company in his *History of British India*, and who was also a writer in the *Westminster Review*, held a high appointment in the Company's service. Lord Abingdon was tried for libel. Nearly all the founders of the *Quarterly Review* were men in office. Scott especially numbers among the qualifications of Gifford for its editorship, that "he enjoyed the confidence of Mr. Canning." "Don't you think," he writes again, "Mr. Canning, though unquestionably our Atlas, might for a day find a Hercules on whom to devolve the burthen of the globe while he writes us a review?" It was a plump question to a minister, but there was little need of delicacy.

In another place Scott recommends his brother, who was paymaster of the 70th regiment, to become one of the writers for the *Quarterly*, and adds that his doing so may obtain him many powerful friends. It need not be added that the *Quarterly Review* was established entirely for political and party purposes. Scott himself was a clerk of session, with a salary of £1,300 a year, and sheriff of Selkirkshire, with an additional salary of £300 a year, when he wrote the letters of Malachi Malagrowther, and attacked Lord Melville's administration of Scotland on the one-pound note question. Mr. Croker, another official writer in the *Quarterly*, replied. With a foolish minister there would have been a serious paper war; but, almost immediately afterwards, Sir R. Peel appointed him a commissioner for

inquiry into the state of the Scotch colleges. Sir Walter was also generally suspected of a large share in the *Beacon* newspaper, renowned for its scurrilities, and he certainly wrote not only for the *Quarterly*, but also for the *Edinburgh* and the *Annual Register*.

Nearly all the founders of the *Edinburgh Review* ultimately became men in office; among them were Dr. Blomfield, bishop of London, and Dr. Maltby, bishop of Durham. The editor of the *Englishman*, a political newspaper published three times a week, was Mr. Radcliffe, an *attaché* in the diplomatic service. The *Anti-Jacobin* originated with Mr. Canning, who wrote the prospectus, and contributed some of the ablest articles, and bitterest personalities. Among the other writers were John Hookham Frere, Mr. Jenkinson, Mr. George Ellis, Lord Clare, and the Marquis of Wellesley. There is no entire article in the *Anti-Jacobin* to which even conjecture has ever affixed the name of Mr. Huskisson, but it is probable that he was concerned in several. The reputed author of the "Rolliad" was Mr. Sheridan, though he denied it to Lord Rolle. Sidney Smith had received the living of Foston le Clay from the Lord Chancellor when he wrote "Peter Plymley's Letters." He was dean of St. Paul's when he began a contest with the Ecclesiastical Commissioners, and inveighed against "the permanent and arbitrary power granted to them by a Whig ministry," and to "the gross abuse of patronage." Horace Twiss, who was one of the regular staff of the *Times*, held successively the offices of Under-Secretary for the Colonies and Vice-Chancellor of the Duchy of

Lancaster. Lastly, the grave has only just closed over the remains of the learned and genial A'Beckett, a metropolitan magistrate and a contributor to *Punch*.

The most conclusive case on record, however, is that of Lord Brougham. An apology would be due to his lordship for citing it, but it has already appeared in print; and it is Lord Brougham's high and honourable distinction that a point of constitutional law could hardly be raised in our time without being referred in some way to our greatest constitutional lawyer for decision.

Mr. Barnes, then editor of the *Times*, is said to have called on the Lord Chancellor one day. While waiting in a private room, he took up the *Morning Chronicle*, in which there was a brilliant condemnation of an article which Lord Brougham had the day before written in the *Times*. Barnes suspected the authorship from certain peculiarities of style; and when the Chancellor came out of court to speak to him, Barnes pointed to the article, and said, "It is almost too bad to demolish yourself in this way." Lord Brougham is reported to have been at first taken a little aback, but admitted that he had written the reply to his own article. A similar story is told of Voltaire; and, indeed, if a man has occasion to reconsider his opinions on any subject, he might feel it a duty to take such a course without the fuss and bother of making a formal recantation in his own person; indeed, it was the only course left to Lord Brougham. The *Times* would not have stultified itself, contradicting one day what it had said the day before: if, therefore, his article in the *Times* had been unfortunately written under a mistaken

view of the question at issue, it was very proper and very liberal to neutralize its effect in the *Chronicle*.

As to the propriety of writing for the newspapers on the part of persons who do not happen to be Lord Chancellors, Mr. Stephens, father of the Foreign-office *attaché*, summed up the question very well in a speech to the House of Commons :—"I will put a case," said he : "I will suppose a young man of education and talent contending with pecuniary difficulties, not proceeding from vice, but from family misfortunes ; I will suppose him honestly meeting his obstructions with honourable industry, and exercising his talents for the Press ; where, I ask, is the degradation of such an employment ? who could be so meanly cruel as to deprive him of it ? The case which I have supposed was thirty years ago—*my own !*"

Who does not remember, also, the satirical writings of Mr. James Morier, secretary of legation at the court of Persia ?

Everybody is satisfied that the conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society, and that therefore all forms whatsoever of government are only good inasmuch as they are subservient to the purpose to which they are entirely subordinate. To aim at the establishment of any form of government by sacrificing what is the substance of it ; to take away, or at least to suspend, the rights of nature, in order to fabricate an approved system for the protection of them ; and, for the sake of that about which men will dispute for ever, to postpone those things about which they have no

controversy at all, is a practice as preposterous and absurd in argument, as oppressive and cruel in effect. The advocates of such nonsense fall into a double error; they incur a certain mischief for an advantage which is altogether problematical, though they were sure of obtaining it; and whatever the proposed advantage may be, the attainment of it is by no means certain. Such deep gaming for stakes so valuable ought not to be admitted; the risk is of too much consequence to society.

Were this otherwise, to what would the prohibition of professional men to write upon their professions lead? Is the Press to be free, and writers shackled? Is no clergyman holding a Crown living to call attention to abuses in the Church? Are Doctors' Commons and Chancery to last for ever? Are all aldermen to be prevented expressing an opinion in public on affairs in the city? Is no doctor to attend a coroner's inquest to convict such a professional brother as William Palmer?

Deny the right of officials to contribute to the Press, and you would impose silence on every respectable newspaper and periodical in the kingdom. Nearly all publications of this class are, indeed, mainly in the hands of officials, for they are precisely the persons who have most knowledge, and feel most interest about public questions.

Respecting the practice among us at the present day, however, it would be imprudent to speak; but with an Edinburgh reviewer for our Chancellor of the Exchequer, whatever our opinions may be, our practice

is clear enough. Either there is one law for one man, and another for another man, or our Press is as free for officials as for the rest of the community. If it be free, how can an official be punished because he is also an author?

The practice of foreign countries is equally decisive. General Webb, editor of a newspaper, was American minister in Vienna. Bel Smith was secretary of legation at Paris. M. Van de Weyer is Belgian minister in London; M. Nothomb, Belgian minister in Berlin. M. Thiers, M. Guizot, M. Lamartine, and all the most distinguished statesmen of constitutional France, swell the list of those newspaper writers to whom literary genius has not barred the path to political power.

It is therefore ridiculously unjust to single out any individual for inquiry and punishment. The danger of punishing one man for an act common to many who are rewarded is plain. The subject of every system of laws must expect in his own case what he knows that others have received in cases similar to his. To remove the grounds of this expectation would be to entail upon us the worst species of slavery, which is, to have no assurance of our rights or knowledge of our duties.

CHAPTER X.

SUBORDINATION.

WE are, on the whole, a good and wise nation, yet there is perhaps no more silly and sad page in our history than that which records our misconduct towards our public men. Our choice of them appears to be made from the most improbable motives which could be supposed to actuate a sensible and prudent people. Our behaviour towards them, when chosen, is equally singular. It is not necessary to enter into the absurdities of Radicalism to prove this. There is, indeed, a great deal of nepotism and favouritism in the disposal of employments; but so there always has been under any circumstances and in every country in the world. There is quite as much in the city as at court. An ex-premier, who has a very commendable habit of plain speaking, stated on some occasion what may be fairly taken as the general feeling of the higher class of our statesmen on this delicate subject. If the relations and friends of ministers may be reasonably supposed as fit for vacancies as other people, they prefer to appoint such relations and friends. Sir Bulwer Lytton takes still higher ground on the same side. He says that a statesman who is sincere in his convictions and party faith, is bound to employ men of the same views; and that it is false liberality to do otherwise. It is certain, also,

that no English minister in our days ever attempts to appoint an utterly worthless relative to a place of importance. It would be indeed impossible to do so. A man's character must stand fair in the eyes of the world when he receives promotion, or he will meet rough usage. Mr. Yorke destroyed himself, from the anguish he was made to suffer at the construction put upon the conduct by which he obtained the chancellorship. No man among us can hold high place for any time without the tacit consent of the community.

It is usually obtained on easy terms. A man who has never done anything is sure of our goodwill. We can estimate a workman, because we understand him—we are ourselves workmen: but we cannot judge of an idler, for he is so far removed from us, that we appear to suppose that he must be something extraordinary. Such a person, therefore, can hardly aspire too highly. We have always had a national partiality for incapacity of all kinds, and a veneration for sloth. Many of our leading men in critical periods have been among the stupidest and laziest persons who ever lived.

Genius has never excited in us any other sentiment than unmixed astonishment. What we prefer in our public men is a sort of decent debility; and we invariably confound brilliant political abilities with charlatanism. No person appears to comprehend the utility of zeal and talent, or to suppose that they can possibly be applied to any practical purpose.

Bacon was kept down by his own kinsman Lord Burleigh, for no conceivable reason, except that he was the wisest Englishman who ever existed. The recol-

lection of his early struggles seems to have been painfully fresh in his mind, when in after-years he wrote to Villiers,—“Countenance, encourage, and advance able men in all kinds, degrees, and professions; for in the time of the Cecils, both father and son, able men were by design and of purpose suppressed.” Nothing but the extraordinary friendship of Mrs. Morley and Mrs. Freeman could have preserved so great a general as Marlborough long in command. During the War of the Succession in Spain, that wonderful earl of Peterborough was displaced for Lord Galway, an ignorant formalist. Clive, in the dawn of his splendid career, was superseded in command by Major Laurence; and even after he had seated Meer Jaffier on the throne of Bengal, and all the East was filled with his fame, a scheme of government was sent out by the home authorities, in which his name was altogether omitted; and the hero ultimately died at forty-nine by his own hand, for having established the British empire in India.

In consequence of the grossest neglect of duty at the battle of Minden, Lord George Sackville was appointed secretary-at-war during the whole of the American struggle for independence.

Arthur Wellesley was repeatedly set aside, even by his own brother, till at last his mature renown and invariable success bore down all opposition. Even then he was tormented by every petty device with which we could harass a great commander.

Wellington's own treatment of Canning is a stain upon his character. The animosity shown towards great

men has been uniformly the same. Yet it is almost inconceivable that persons, really well-meaning and goodnatured, do not revolt with disgust from always pointing the same sad and vulgar moral. It is so petty and shortsighted to persecute men of genius. They are nearly sure to rise superior to oppression. A man in power may indeed gain an ignoble triumph, a short lease of some petty interest by such injustice, but he will probably consign his name to eternal ridicule or execration. He may preserve, perhaps, the power of providing for an importunate connection or a parasite at the price of the contempt of posterity. It is fair to suppose that an immortality of infamy is one of the things which an English statesman would dread the most. Power among us is not a lucrative or an easy possession. If any man seeks personal gain and pleasure, he will hardly find them in what we call the rewards of public life. It is reasonable to suppose, therefore, that our statesmen usually covet power with noble aims; and they must be more than mortal if they are not also enamoured of renown. Yet while hoping that their names will live in the gratitude of posterity, they not unfrequently venture to heap undeserved scorn and insult on the very men who will transmit their reputation thither.

It was said of a ministerial duke of Newcastle, that he was equally afraid of breaking with men of parts and of promoting them. A lie circumstantial, propagated by the same duke, and probably invented by Single-speech Hamilton, very nearly ruined the official career of Edmund Burke. The duke told Lord Rock-

ingham he was a Jacobite: it was less dangerous to have been a highwayman. His grace was but a common sample of the men who have constantly held power in England. "Mind, Bobus," said the "Pleasant Parson" to his brother, "when you are Chancellor, I shall expect one of your best livings." "Oui, mon ami," replied the shrewd man of the world, quaintly; "mais d'abord je vous ferai commettre toutes les bassesses dont les prêtres sont capables."

Indeed, in the Church the case of clever men has always been peculiarly hard. The splendid talents of Swift lost him a bishopric. George III. called the author of the "Evidences of Christianity," "Pigeon Paley," and thought he had done enough for him. Parr, the most learned divine of his time, languished on a paltry curacy in Warwickshire. The genial wit, fine sense, and enlightened piety of Sidney Smith were a perpetual bar to his promotion. When nothing else could be said against a great scholar, it used to be fashionable to assume that he was not a "*presentable man*." Persons who had the manners of posture-masters and the morals of Vauxhall, were accustomed to assert that no one could possibly be a gentleman and a man of letters. They were believed; and society ungratefully forgot Raleigh and his cloak, Bacon and his masques, the brilliant Bolingbroke, the learned and laughing Granville, the exquisite Congreve and Bossuet, Chevreuse, Novion, Goethe, Calderon, Machiavel, Petrarch,—all the most elegant and polished gentlemen of their time. There is a strange story told about poor Swift, driven mad at last by that hope which

“maketh the heart sick.” The great Lord Somers recommended him to Wharton for promotion. “Oh, my lord,” returned that abandoned rascal, “we must not prefer or countenance such fellows,—we have not enough character ourselves !” The most ribald liar of his age for once indicated a great truth ; for it is certain that the Tories, who have always been the most respectable men in the kingdom, have been invariably more just to genius than the parties which have impudently presumed to call themselves liberal. The names of George Canning, Walter Scott, Mr. Disraeli, and Sir Bulwer Lytton, will occur to every one in illustration of this notorious fact.

What would certain gentlemen have of us more ? Have we not borne enough ? May we never be permitted one remonstrance against the unhappy condition of our affairs ?

All the highest posts in the public service are in possession of a few families. Subordinates, who do not belong to those families, revolt against the labour which is not deemed worthy of its hire. Reform must be at last brought about by such revolts, if they are not put down ; and if they are to be always violently suppressed, let us in mercy at once by law declare that all our principal offices are hereditary. This is really the case. Every place of power, dignity, and emolument, is an appanage of a few families, who may be numbered on the fingers of a single hand. There is by no means any undue favour shown, as is popularly supposed, to the nobility. Everything is in the power of a few jobbers. It is not against the Lords that the people

should murmur; the Lords have generally been far more liberal and honest than the Commons. The Lords have done more than yeoman's service in the State. The Peers first allowed the publication of their debates in Parliament, and a hundred times in our history have shown themselves the most incorruptible body of gentlemen in the land. It is well that every family in the kingdom also, patrician or otherwise, should have a fair chance of public honours; but it is not right that a few families should monopolize all the chances, for a few families cannot monopolize all the merit.

It is well that great place and high social rank should even go as often as possible together. A nobleman is frequently as laborious as his footman, and far more conscientious; he is not so liable to be actuated by base and sordid motives as a person who has fortune and position to create; he is likely to be better educated, better informed, and consequently wiser than other men; he has a large stake in the prosperity of the country. Of course, there are many titled persons to whom these remarks do not apply, but they are very general.

The people, moreover, have always loved the aristocracy; and the deeper we go into any question, the more humbly we shall acknowledge that the great mass of mankind are ultimately in the right. The reason of this is plain: the people form the impartial class to whom great men, God-gifted, are always addressing their advice and warnings. It is dangerous to undervalue any popular opinions which have stood the buffeting of changes and chances during many generations.

It is a mere rash senseless outcry, then, to declaim against lords; but it is certain that a small clique, in no way distinguished for virtue, capacity, rank, or possessions, have all things their own way. Let any one who doubts of this watch the Gazettes, inquire into the history of each considerable appointment and promotion. He will find that ninety-nine out of a hundred are due to the influence of this little *coterie*.

Nobody complains that there are too many Howards, or Seymours, or Nevilles, or Grenvilles, in the public service; but there is certainly too much jobbing. It is true, and it is only right to confess it fairly, that public honours in all nations have been as ill-bestowed as among ourselves. Nero made a consul of his horse. A Spanish queen made a man minister for foreign affairs who did not know one quarter of the world from another. Hence it arises that when any one gets a great place people say he is lucky; but they do not suppose he is wise. They know he is not likely to have obtained it because he deserved it, but because he did not. England has, however, set the world a noble example in many things: let her do so likewise in this. Seldom has any good measure which has permanently influenced the happiness of mankind, appeared probable at the beginning; but this serious mischief could be stopped at once, if every minister were obliged to state the grounds on which he gave places and promotions in the same Gazette which recorded them. Great place should be the reward of past services, or the premium offered for great abilities: it should cease altogether to be a private traffic between patrons and *protégés*.

The system is altogether improper : its practical results are disheartening and demoralizing to a degree which it would beggar language to express. An unfit man is appointed to a place because his father's executor has embezzled his property ; and the thief, having some interest with a nominee member of Parliament, smothers a tale of roguery by procuring for his defrauded ward a Government appointment in lieu of a fortune. An idle lad saves a lord-lieutenant from being run over in the street, and a month afterwards receives an appointment. Some unscrupulous person becomes possessed of a minister's family secret, and makes the constant dread of exposure provide for his son, who is as unscrupulous as himself. When the first appointment is obtained, if the young gentleman chances to set himself zealously to qualify for promotion, as to do him justice he often does under whatever circumstances he may have obtained his commission, he will find himself, perhaps, after twenty or thirty years' scrupulous discharge of duty in Canada, contemptuously set aside to make way for a man whose brother has made a successful speech in Scotland, or whose father has stormed a mud village in India. It is possible that there may be a satisfactory answer to this, but it is not easy to discover what it is.

There is surely no ill-natured exaggeration here, no improper personality, to draw off public attention from consideration of the miserable and degrading fact that employments, on the proper performance of which the national welfare altogether depends, are bestowed entirely as chance or caprice may direct. Any man who is himself embarked in a profession, or has sons in

such a situation, may be safely called upon to answer whether the unfair advantages of patronage and favouritism have not mocked his labours with sterility, and perpetually thwarted him in his lawful ambition. Great scholars are rotting on curacies; brave captains are starving in garrets; profound lawyers are mouldering in obscurity, because the parsons, soldiers, and lawyers who have insinuated themselves into favour must be first gorged and crammed with public honours before any one else can be thought of. Thus there have been blind surveyors, deaf auditors, treasurers who treasured nothing, non-registering registrars, tellers by whom nothing was told but the money received into their own pockets; well-paid sinecures for influence and idleness; neglect for merit of every kind. It is said, indeed, by some persons, that our system works well; but every one whose opinion is worth having begins to see that it must be made to work better, or it will soon cease to work at all. It is fast growing impossible to persuade reasonable people that there is no better way of governing the country than by a plan which breaks the hearts of good men to swell the pride of fools. Our system is rapidly attaching a sort of disgrace to promotion, and an honour to neglect. Every one is learning to understand by what base arts promotion only can be gained; that by indignities men can alone come to dignities, and suspicion infallibly attaches to all who obtain them. Unless, therefore, the shocking injustice of patronage is speedily put down, the more rapid the advancement any officer obtains in the public service, and the higher he rises in it, the fouler will appear the

slur on his private character. Honest men will make a wry face at honours which will expose them to general contempt; and prudent men will shun the favours which cannot be obtained without incurring the terrible penalty of utter loss of character and universal derision. A defence of the hard injustice and cruelty of our system could only have been made in the empire of Montezuma.

“Where,” asked one of the high priests of Vitzli Pultzli, “is it that we are to look for the true cause of our glorious pre-eminence?”

“Look for it!” answered the pontiff, with amazement; “where shouldst thou look for it, blind sceptic, but in the copiousness of the streams in which the sweet and precious blood of innocents flows daily down our altars.”

We have no right to smile at this. We have solemn wiseacres who make the same answer to the administrative reformers every day.

Men placed in situations for which the strongest talents would not be more than adequate, have frequently no talent at all. The furniture of their minds is often made up of discordant prejudices; and they follow that prejudice by which their interest or the gratification of their humour for the moment is most promoted. So soon as an employment becomes a source of consideration and of power, it is sought after, bought and sold, or tricked and intrigued away by sharpers who have neither inclination nor power to render themselves useful in it. Such places are the

mere appanage of jobbery, or even the prize of some act too shocking to speak of. So snugly have matters been managed by jobbers, that some of the most considerable offices in our empire are not less clear of obligation than a seat at the opera. When they have been begged or bought, all the occupants have to do, after they have once taken possession, is to enjoy.

Such persons may exercise their power, without the smallest regard for the public welfare, in whatever manner may be most agreeable or convenient to themselves; and it is the influence they exercise, and the use to which their influence is put, which constitutes the great political disease of our times, and which must ultimately bring about some sweeping reform as a remedy.

It is impossible to feel respect for a man merely because he fills high office under such circumstances as these. It is a melancholy thing enough to see some mean and cunning intriguer lodged and fed at the public expense, endowed with a rich portion of the product of other men's industry, using all the influence of a great situation, perhaps, to deepen the ignorance and inflame the fury of his fellow-creatures. It is sad enough to know, that in times of trouble and difficulty, the greatest obstacle in the way of every settlement will be found in those to whose counsels the country ought to look for dignity and peace. There is something quite revolting in the power given to such men. Officials, who have with the utmost insolence and in the face of day committed the worst acts of injustice and op-

pression, whose incapacity has been repeatedly testified by the grossest blunders, may unblushingly avow their guilt and incapacity, and punish any one who has conscientiously exposed it to the country. They have persecuted such men with a cold-blooded ferocity, the more determined because they have been conscious that the truth only has been proclaimed against them.

But shall the nation look on approvingly while criminals are protected from the slightest breath of censure, and their accusers, who have gallantly risked everything to bring them to justice or stay their mad career, are put to the rack with impunity?

There is a class of official chief, which Mr. Kaye has forcibly described in his fine prose epic on the Affghan war. An idle London dandy, who has passed fifty years of his life at the race-course, the opera, the ball-room, and the gaming-table, suddenly becomes a great man. He knows nothing of statesmanship, except that his elder brother has by some unknown means just got into the cabinet, and that he has been appointed to a magnificent vice-royalty in consequence. He knows nothing of mankind, but the most contemptible part of it. The labour of the brain, as well as that of the hand, is a species of drudgery which he sees the propriety and facility of transferring to his inferiors. He is surrounded by flatterers and lauded to the skies. He reads his importance in the reverential looks of a whole court of dependants. His pride soon becomes insupportable. He is offended if any one should think after he has spoken. He is irritated by the mildest

opposition. He prefers the fogs of his own intellect to the light of wise counsel. He fancies that he understands all things by instinct. He is always in the right, and impudently decides dogmatically on questions of which he knows nothing. He and his train consider it the grossest vulgarity to examine his conduct. It is disrespectful to doubt his wisdom. His pleasures, his passions, his follies, are a fashion. It is good to curse like him and to drink like him. Not to do so is to be a morose and ridiculous fool. How, therefore, in the name of human nature, is it possible that some of the meanest worms that crawl the earth in the shape of men, should not lose their heads after such an absurd deification; that they should not be guilty of a thousand follies, and worry and tease to death a hundred better, wiser, and abler men than themselves before they recover their senses? The monstrous proposition maintained by the advocates of favouritism and patronage is this: No degree of mental deficiency short of idiocy, no degree of improper conduct short of a criminal conviction, shall prevent a silly or infamous man in favour from receiving the highest public honours and employments. When the most unfit person has been appointed by favour, he shall be surrounded with a power and authority it would be perilous to intrust to the fittest and most temperate.

In mercy let us abandon this shocking attempt on the happiness and independence of humble and meritorious men. Let us withdraw some of the meretricious glitter from persons who are great only in name, and grant some safety and respectability to those who may

be great in all besides. Diodorus of Sicily says, that the courtiers of Ethiopia used to lame and deform themselves, to cut off their limbs, to appear in conformity with their chiefs. They were ashamed to appear with two eyes before a one-eyed superior; or to walk upright in the train of a hunchback. We must not laugh at these worthy people, if we practically enforce the same code of obedience.

Society sometimes gets confused in its morality, because it will not grapple fairly with facts. It establishes some silly fiction, which obliges it to take a one-sided view of all particular occurrences, and then it persists in judging of them in a manner totally at variance with common sense or justice.

The relations between subalterns and their official superiors have thus got miserably wrong. The present state of things should no longer be allowed to exist. The evil has been too notorious. It is a disgrace to the Army and Navy, it is a scandal to the Church. The kind-hearted canon of St. Paul's said he had known bishops speak to their inferior clergy in harsher language than they would have dared use to their footmen. It appears that they insist on a "dropping-down-deadness" of manner in all who approach them. George Canning pathetically related the early treatment he received while a subordinate in a public office. It is a most serious and insupportable grievance, that unfit men thrust by our system of patronage into the posts which give them absolute control over the happiness of many, should be encouraged to think they may outrage all the decencies of life with impunity. Their ideas of

human excellence are the same as those of the colonel, who said, "Vice was a damned cocked-tailed fellow, and virtue was a fellow fenced about for the good of the service." By the good of the service, they mean the most abject and unreasonable subserviency to their own private caprices.

Now it would be well if all ruffians in authority should be taught that there is at least one check upon them; and that they must treat their subalterns as persons who have rights and feelings; as they would, for their own sakes, treat those who could turn again. The extravagancies of power should be brought under control of some law, and the oppressor, in whatever station, branded with contempt and shame.

The very essence of tyranny is to act as if the finer feelings, like the finer dishes, were only delicacies for the rich and great; that little people have no taste for them, and no right to them. An oppressor is merely a fellow cursed with a mean and selfish spirit of denying to others the advantages he himself enjoys. He is only a miserable creature, tormented with a vindictive love of punishing all who affront his vanity by presuming to entertain opinions opposite to his own.

Upon what principle of justice or expediency can it be fairly maintained that all persons who serve the state in small employments should be made to act as an escape for the ill humours of men who may have obtained their vaunted superiority by the sale of a wife or a sister, by lending money to the cousin of a minister, or by giving a receipt for the rheumatism to his grandmother? To oblige subordinates in the public

service to degrade themselves by perpetual grovelling, can only be to discourage and abase them. In a service conducted on such a plan, unanimity and order may indeed appear on the surface of things ; but it is such unanimity as famine and imprisonment extort from a jury. On the other hand, superiors may be taught to keep their temper under seemly control, if they are merely informed that their subordinates can insist on proper respect and enforce it. It is a duty for every subaltern to obey orders, but is it his duty to bear gross private affronts, and even personal outrage on pain of ruin ? It has been said very loudly, that if subordinates were permitted to arraign the conduct of their superiors, no service could go on properly. The maxim is unsound, because no person is so fit to pass judgment on another as a person who knows what he has done. Such a practice, therefore, could be only useful to the public, however inconvenient it might be to superiors.

If the charges brought by an inferior against his chief are true, why should they have been suppressed ? What national advantage is obtained by our being kept in ignorance of the misdeeds of persons to whom our most important interests are confided ? If such charges are false, they cannot do harm, for they can be denied. What also would be the position of the base and unhappy wretch who had ventured to utter a malignant lie against one who held authority over him ? There would be no need of rules and regulations of the service to punish a traducer of this sort. The law would find no difficulty in reaching him, and his deep humiliation would cease only with his life.

M. Thiers, himself a statesman and a newspaper writer, says plainly, that one of the great advantages of the liberty of the Press is, that it affords a channel through which an injured subordinate may challenge his oppressor at the bar of the nation. Men will have justice when wronged and outraged. To permit a reasonable statement of grievances is safer surely than encouraging the punishment which Mr. Heston Humphrey inflicted on an official duke of Bedford, or than the duels and assassinations of the past.

It cannot be gravely pretended in our time that the qualifications indispensable for an official are those which were formerly considered indispensable for a monk. "*Tria faciunt monachum : bene loqui de superiore, legere breviarium taliter qualiter, et sinere res vadere ut vadunt.*" Are we to tell all subalterns in the public service that their situations will not depend upon their fitness, nor upon their labours, but upon the caprices of their chiefs? If this theory is to be enforced, a persecuted man will have no hope. His rights as an Englishman will become a sham and a snare. It is obviously absurd for him to appeal against oppression to the oppressor himself, and if he carries his case to head-quarters ever so modestly, he will soon find that he is considered like a criminal who submits his cause to the counsel for the prosecution. That the chief tribunal to which he can appeal is not a court of justice, but an altar. On the steps of that altar the oppressor finds sanctuary; the oppressed is immolated. An innocent man, instead of being considered as well as the worst of criminals, and judged

by God and his country, is treated as a victim and a sacrifice.

Sad as this is, it only appears strange at the first glance. The chief authority before whom the case may be brought is almost certainly a gentleman with the defects and imperfections of his office. Perhaps his mind, from its first entrance upon the subject, has been applying its whole force to devising defences, and finding arguments to support a state of things which has placed him in power. He has learned to look upon abuses as inseparable from human institutions, and with still greater complacency as personally advantageous to himself. For the quiet of his conscience, he has fed himself with the notion, that if there is anything amiss in his practice, it cannot be otherwise, and whatever profit is to be got out of it may as well be enjoyed by himself and friends as by other people. It is useless to plead, for he will not listen. It is silly to explain, for he will not understand. It cannot even be reasonably expected that he should take part against his own interest. No man can believe that patriotism genuine which seeks to deprive him of some advantage; and in the person and power of the universal patron of every department, all corruption and sinister interests are, unhappily, embodied into one. It is more than can be prudently demanded of human nature to ask that such a man shall act justly.

His caprices, indeed, may be perfectly wonderful. A person who was good enough till he obtained supreme command, will sometimes convince himself that it is his duty to treat his fellow-creatures with

severity, and then persuade himself that he is doing so very reluctantly and contrary to his real feeling. Such a man cannot and will not explain. If any one seeks in charity to arouse him from his singular self-delusion, he grows angry. He will not argue. His reasons are all in his right arm. A sheet of foolscap is his court of justice, and his pen accuser, judge, and jury all in one.

No abuse in the preservation of which bad men have an interest will ever be removed; no improvement the prevention of which suits their low decrepit humour will ever be made, if they can help it.

In every department of the government abuses and imperfections abound, because we have placed men in power under such circumstances that abuse in every shape is a source of profit to them. When by accident a plan comes before any of them in the formation of which the only legitimate end of government has been fairly considered, the goodness or badness is alike beyond their comprehension, for this end is precisely that which has never entered their thoughts.

Under the name of Æsculapius, the impostor Alexander received to his own use the offerings addressed to the god, and very likely, in due course of time, imposed upon himself as well as his votaries, and fancied that he really was divine. Heaven knows we have shams enough without this, but it is practically what occurs among our men in power every day.

Suppose an earnest, zealous, hard-working man enters the public service as a subordinate; he has serious ideas of his duties; he is indeed poor and unfriended, but he hopes cheerfully to turn industry,

perseverance, and strict attention to good account; his sentiments are soon ascertained; he is looked upon unfavourably; he, perhaps, even attracts the attention and goodwill of some patron; he begins, therefore, to stand in the way of A's nephew, or B's son; he becomes a marked man. Labour and application, however, obtain their infallible, but barren reward; he outstrips the idlers, because he has learned things which they have not learned; a host of enemies, powerful, implacable, rise up against him; they are jealous of him; they hate and they fear him. His chief, according to our present system of appointments, is of course a trifler; he feels a miserable envy of his underling; of all the poor fellow's enemies, no one is so determined to ruin him; he watches for matter of complaint; he finds fault perpetually, and without cause; there is no end to the small tyranny and petty vexation of his doings; at last he worries his gifted victim into expostulation, and obtains his disgraceful end. The subordinate who has struggled for years conscientiously in his vocation, is turned out of his place penniless and disgraced, only because he is fit for it. He is first tortured till he groans with the pain, and then throttled for groaning. If such a case may happen once, it may happen frequently, it may happen always; but there never was a Government whose popularity could survive the shame of having made itself the tool and executioner of such ignoble vengeance.

Is it contended that a chief may be allowed to make what complaints he pleases against a subordinate, because there is no one to question and control his

actions ; while a subordinate shall have no opportunity of reply or defence ; that he may not vindicate himself by stating the truth ; while his bread and character may at any time be basely slandered away in secret and confidential despatches to head-quarters ? This is to maintain that some officials may defend themselves against just accusations by meeting facts with falsehood ; and that others may not defend themselves against unjust accusations by meeting falsehood with facts. The recent example of a "Staff Officer's" book goes even further than this. It shows that some men may be punished for having been supposed to have written admitted truths against their superiors, and that others have been promoted and honoured for having been known to have written admitted falsehoods. If this is to be the rule, it would be well to know in which grade of the public service a man may enjoy the advantages of lying with impunity, and reap rewards from his malignity ; and in what rank, or under what circumstances, he forfeits the right to use his reason to protect himself. It would be charitable to tell the public service in what rank a man must suffer unmerited anguish in silence without supineness, or suspicion of demerit ; in what rank self-defence is infamy, and retribution crime.

That which might be thought really desirable, is not that certain men should be aided and abetted in the exercise of insupportable tyranny, but that the public service should be conducted as efficiently as possible.

If we could conceive the character of a man in power to be perfect, all checks upon his conduct would be a

nuisance. If not, the stronger and more efficient those checks are the better; so that, no matter how bad and foolish he may be, he shall be able to do as little evil as possible. Chiefs, if they are men, have their own interests and happiness at heart more than those of the public. Power, in whatever hands it may be lodged, is almost certain to be abused; checks, therefore, so long as they do not defeat the good purposes for which the power has been given, can never be too many or too strong.

It is obvious, also, that the greater the respect any man receives by right of office, and independently of good behaviour, the less good is his behaviour likely to be. It is, therefore, the interest of the public that the respect to men in office should be proportioned as nearly as possible to their deserts. High rank and high salaries go together—this is surely enough. Let us keep our veneration for good services. The first object of good government is not that a few persons should be made absolute over the rest, but that all orders of men should be good and happy. If all chiefs were wise and experienced elders, and all subordinates rash and inexperienced youths, a chief could hardly have too much power. But it often happens that the superior is a hot-brained, irritable gentleman, while his inferior in rank is old enough to be his father, and in sense as superior to him as a parent to a child. The one may be a peer, the other a peasant's son; but it is not fortune that makes the essential difference between men, it is nature. Among the shepherds of Lusitania was born that Viriatus who out-generalled Pompey;

the gladiators of Thrace produced a Spartacus; the marriage of an innkeeper and a washerwoman produced the last of the Tribunes; Napoleon was the son of an obscure Corsican. The difference between ranks is only outside. If any system, therefore, can require that young and improper men should be placed by favouritism or unworthy arts in places of authority, they should at least be instructed by their patrons to conduct themselves with decorum towards abler and better men, to whom fortune has been less propitious, or to whom nature has denied the tongue of the flatterer and the mind of the helot. This is, moreover, only goodnatured. A man of real merit can seldom be a sycophant, even with the best intentions; and this not because he is too proud, but because he is too modest. He may be prudent enough fully to understand the advantage of abasing himself before all in authority, but he may be too diffident to suppose that by constantly thrusting himself forward he will become agreeable to his superiors. An empty-pated oaf, however, with a great opinion of himself, soon pushes himself into favour. Authority too often sees itself in him, and becomes enamoured of its own image. Nothing consoles misfortune like reflecting on the character of those who have won success. Grant, however, that as merit is commonly disagreeable to those in power, they may consign it to contemptuous neglect. This is the old story. Merit must devour in silence its accustomed diet of hopes which sicken, and of sighs which choke. But is there any reason why superiority should be privileged to embitter its food and exhaust its

patience by coarse vituperation, by unmannerly blasphemy; that command over it should include even the right to maim, and the right to pistol it, for daring so much as to be seen?

Those who put regulators into watches do not intend to destroy them. Subordination is a very good thing, but it should have bounds and limits. The discipline of our public schools is zealously kept up; it extends even to the right of birch. But a master who worries the boys is barred out. Even orthodox Oxford has her theatre and its hisses for impropriety in proctors, and Cambridge has her senate-house. The discipline of our soldiers is rigidly preserved, but the most popular prince of the blood we have yet seen in office has recently used his power to decide that anonymous writings attributed to officers in the army cannot be officially questioned by irritated superiors called to account in them. In so doing, His Royal Highness the Duke of Cambridge has shown an enlightened and statesman-like intellect.

No institution of which we have any knowledge is more admirably organized than the French army. Nowhere is obedience to all in command more strictly enforced; but the French military code especially provides that officers of the highest rank shall be courteous to all below them. Any general who failed to perform his duty in this respect would draw down on himself a severe reprimand. No excuse about infirmity of temper can be pleaded, and none is required. Such a plea is, indeed, always frivolous; it cannot be put forward in private life. No one can go about cursing

and jumping with passion in the drawing-rooms of his acquaintances, and then allege that he is so extraordinarily organized that his humours can conform to none of the usages of civilization.

Let us have, therefore, no nonsensical violence and savage fury hallowed with respect and veneration, no cowed and abject trembling enforced under the name of duty. The public service requires no such cruel and ridiculous machinery. To pretend that it should be in the power of any man to make himself a formidable scourge to all beneath him on so very easy a condition as pronouncing the word "subordination," is the mere prattle of the magpie in office. Not two centuries ago this principle, now happily confined to a part of the public service, was in force throughout all England; it was called passive obedience, or non-resistance. It nearly made England a French province; it kept Scotland and Ireland in continual spasms of revolt. It was an engine by which abuses in all shapes were constantly manufactured, to an extent absolutely unlimited.

As public expediency is the foundation, it should also be the measure, of civil obedience. Submission grows a crime when it surrenders the right of a nation, and serves only to encourage corruption, to increase the weight of our burthens, and to bind them the faster.

Were there even as much danger as there is security in being just to all classes of our public servants, it would be only right to brave it. Whether England shall perish at last, is a matter in the hands of God. If He decrees that we are to be overcome, we must

stifle our groans and submit. But that we should perish waging war against knowledge and capacity, for the benefit of ignorance and folly; that we should perish persecuting with monastic bigotry all who speak out to warn us of our danger, because a few old women may be prematurely alarmed by the outcry; that we should calmly give ourselves up to be ruined by anility and pride upon stilts, would be too melancholy a termination of so much glory and renown.

To sum up the relations between chiefs and their subordinates, it may be laid down that a subaltern can never, under any circumstances, be justified in betraying confidence which has been either officially or privately reposed in him. Professional feeling, and the feelings which guide the intercourse of gentlemen, alike forbid it. There is a tacit trust implied in all personal relations between men of honour, even where secrecy has not been expressly stipulated. Wherever reliance has been placed, the trust should be held sacred. But if a rash and incapable superior has forgotten his own duties, as well as the duties of others, and jealously endeavoured to keep his humbler colleague in ignorance of everything he ought to have known; if his colleague must be infallibly inculpated in the disgrace of failure, has he no right to protest against the fatal course of blindness and folly? has he no right to exonerate himself from all participation in acts of which he plainly foresees the disastrous consequences? If affairs he is appointed to transact obviously go wrong, and all knowledge of them is anxiously kept from him, does it not become his duty to warn the nation against

a course of proceeding which is plunging it into desperate difficulties, and which must be improper, or it would not be hidden? If he has done so; if he has rigidly performed every official duty that could be required of him, however humiliating and unusual; and if he has only raised his voice in his private capacity against things which required simply to be known to meet general condemnation; should the people he has served cheer on those who persecute him, because, in spite of all attempts to blind him, he has discovered and boldly denounced iniquity? In such a case, surely the highest attribute of the supreme power in the State is to defend the weak, and not to uphold the oppressor. The question, if mooted at all, should not be whether the subaltern has passed censure on his superior, but whether that censure was deserved. Not whether there has been a quarrel, but how the quarrel originated. Children are taught to obey their parents, wives to submit themselves to their husbands; but it has never been maintained that even relationships so sacred would warrant any in abetting a crime or in sanctioning and countenancing a wrong.

Squabbles between chiefs and subordinates are said to be disgraceful. But those who mean to be just should ask who has begun the fray. The real disgrace of the squabble is in the attack, not in the defence. If a man puts his hand into another's pocket to take his property, is he disgraced who prevents the theft? Inferiors are always ready enough to be submissive to their superiors, and foul must be the oppression, and long continued, which rouses them even into the sem-

blance of a protest. But if they are to bear ruin, ignominy, and degradation in submissive silence, to be accused of impossible offences by senseless enmity and rancorous jealousy, the real disgrace would have been to submit; and men are to be honoured, not punished, who come forward, contrary to their inclinations and to their interests, to oppose those masters they would willingly obey, but who have tarnished their dignity by corruption and injustice, till obedience became connivance, and meekness pusillanimity.

Disobedience may even become a moral duty, and obedience a legal crime, as was the obedience of Hamilton and Glenlyon to Dalrymple. It was highly important to the Master of Stair to hush up the butchery of the Macdonalds. But shall every man in authority have the absolute power of suppressing the knowledge of all facts not personally agreeable to him, however important and necessary the knowledge of such facts may be to the national welfare? Shall the talisman of his command over a few cringing wretches paid by public money, convert the support of misrule into a duty and a right?

If these sly regulations are infringed, and facts which may concern our salvation as a people are made known to us, shall the punishment fall on our unworthy servant, or on those by whom his unworthiness has been proved? If on the latter, the word subordination is a double appellation, intended to cloak political rascality and secure impunity to the worst offences.

Admit the principle that the misconduct of all chiefs is to be overlooked and rewarded, while all who expose

their delinquencies shall be punished, and the result which will soon be brought about is evident. By a regular trained body of official accomplices, a chief may defend himself successfully against the most hideous crimes. Black may be declared white ; mismanagement, success ; mortality, health ; disgrace, honour ; notorious experienced imbecility, consummate skill. But this is a dangerous political trick indeed. It is spoiling the table to win the game.

Government may, indeed, by the carelessness of the people, ultimately make of our officials what Gustavus Adolphus made of his Diet—drill them to speak and to hold their tongues at the word of command. But what does this state of things amount to in the end ?

To put the question fairly, any minister prepared to maintain it must hold some rather singular opinions. He must practically assert that reward for concealing the truth has no tendency to promote insincerity ; promotion given to connivance at corruption, and withheld in case of non-connivance, is not reward for connivance ; that punishment for speaking the truth is not punishment improperly inflicted ; that insincerity is not vice but virtue, and as such ought to be promoted ; that it is consistent with and necessary to good government, to extort money from poor and rich to be applied as rewards for doing nothing, or for doing but a small part of that which is done by others for a small portion of the same reward ; finally, that reward should be bestowed on idleness and incapacity, to the exclusion of labour and ability, and that a vast majority of the public servants should be kept in a

painful state of degradation for the profit and glory of a few.

Persons now partaking, or who may at any time be likely to partake, of the business and profit of misrule, must be allowed to continue to do so without protest or molestation. All abuses, as well future as present, must continue without remedy. The most industrious labourers in the service of mankind must experience the treatment due to the wholly worthless. Disgrace must be the reward of the most exalted virtue; perpetual honour, as well as power, the meed of the most pernicious vices. The idea of guilt will then no longer be attached to the commission of crimes, but to complaints against criminals. On condition of his telling a lie, and being able to gag all who could tell the truth, it will be in the power of any creature in command to act precisely as he pleases, to gloat over the pangs of soldiers dying in loathsome hospitals one day, to sacrifice an army another, now to insult a hero, and then to give royal rewards to a tribe of parasites. Meantime, are we instructed to regard his crimes and misdemeanors with respect and admiration. Such arguments are fit only for the most benighted of our species; for the deluded victims who cast themselves under the chariot-wheels of an idol, the fanatics who fancy they can lash and stripe themselves into the favour of God, and the furious bigots who have neither sense nor mercy. Under such a system, when every abuse has a determined patron in power, and that patron can drill a set of subordinates into such an abject state as to become his tools, misrule may swell to such a

pitch, that the country may be on the brink of ruin without our knowing anything whatever of the causes which got us into mischief, or being able to fix on any person for punishment.

With respect to mere private quarrels between superiors and inferiors, it is really difficult to understand how the supreme power can feel concerned in them. No authority with a proper sense of self-respect will interfere with private disputes. Personal and professional quarrels arise from such a multitude of causes; both parties are usually so obstinate and so hopelessly in the wrong, that disputants foolish enough to rush into them, should be allowed to flounder out in their own way. Sensible folk should keep the peace. Others have no right to expect help in getting out of scrapes into which they had no business to tumble. High and grave power should disdain to mix itself up with the absurdity and recriminations of two violent wranglers.

Warren Hastings was, perhaps, the most powerful viceroy who has ever ruled in British India. His success as a statesman had raised him to the highest pitch of authority. His services were of incalculable value to the Company which employed him. But at his very council sat a Mr. Francis, who, if not the author of some scurrilous writings, was almost unknown. That Mr. Francis bearded the great viceroy, and thwarted and insulted him in every possible way. But not even so great a man as Warren Hastings supposed that the East-India Company would take up his private squabbles with a colleague of inferior rank;



and the most powerful subject in the world challenged his tormentor and fought with him. Lord Clive, in the zenith of his fame and influence, found himself equally powerless, officially, to punish his private enemies.

It would be impossible, however, to cite an opinion on such a subject so respected as that of the late Duke of Wellington. It is especially important, because he had held every office of importance in the State, and, indeed, once all of them together. He was a Conservative in the strictest sense of the word; a soldier competent to judge the exigencies of a commander and the value of obedience. A higher authority cannot be brought forward; and fortunately the duke's decision is perfectly clear.

Admiral Cockburn had a quarrel with his Royal Highness the Duke of Clarence, then heir to the crown and Lord High Admiral of the kingdom. The prince demanded the dismissal of his subordinate, and threatened, if his request were refused, to withdraw his support from Government. The Cabinet were deeply embarrassed on the Catholic question. The loss of the co-operation of the heir-apparent was almost a *coup de grace*; but the Iron Duke never hesitated a moment, and told the prince who was one day to become his sovereign, "That it would never do to dismiss an English gentleman from his employment at the pleasure of his royal highness." In this decision Sir Robert Peel entirely concurred, and the Duke of Clarence then resigned his command, and renounced his connection with the Government.

The principle involved in such a case was far too serious and evident to escape eyes so keen and statesmanlike as those of him who was emphatically called "*The Great Duke.*"

CHAPTER XI.

DISMISSALS.

IF the liberty of the British Press can be still endangered, it must be by a series of punishments for free writings. Therefore, although the disgrace and ruin of a single man for free writing may be but a small matter, the principle therein avowed by his judges is a great one. A large class of valuable men will begin to grow weary of the office of public instructors if, after having detected and exposed evils without reward, they may be punished without justice. Our public servants will degenerate into hypocrites and malcontents, if they are not allowed to appeal freely, under all circumstances, to the laws, the liberties, and the common rights of their countrymen. Supposing an official to be suspected of having written a book displeasing to his superiors, can he be legally or justly punished by dismissal? If so, his case becomes altogether deplorable and exceptional. If a clergyman or a doctor could be even proven on the clearest evidence to have done the same thing, they would have acted at the peril of their purses, not at the risk of their professions. The whole bench of bishops could not strip the one of his gown; the whole college of physicians could not deprive the other of his diploma. The Lord Chancellor and all the judges together could not forbid a barrister to practise,

or strike an attorney off the rolls, because he was believed to be the author of an anonymous publication.

In the degree of punishments to be inflicted for any offence, it is proper to take into consideration the general state of manners and opinions. The utmost legal punishment, therefore, now inflicted in such cases is not ruin, but a fine.

It cannot be maintained that dismissal is not punishment: it is more than punishment,—it is punishment sharpened by injustice,—it is illegal punishment. Degradation is as severe an evil as bodily pain; not to enjoy is to suffer.

The morality of dismissals may be easily summed up. A man, perhaps, complains to the judge that he has been plundered and beaten. “Very well,” says the judge, blandly, “then I will starve you, and give your bread to one of my cousins. You have suffered much; the man who has maltreated you is a notorious highwayman. Therefore I see no possible means of settling the matter satisfactorily but by ruining you for bringing him to justice.”

Once make subordinate officers removable at the will or caprice of their superiors, and all the little passions of human nature will be let loose. A superior might ruin an able man, to push the fortunes of his son or of his toady. Colleagues would pull each other down in the fierce struggle for pre-eminence. Jealousy is the shadow of talent. If talent may be thrust out of the public service immediately it begins to excite jealousy by showing itself, the public service must be entirely

composed of tyrants and toadies. Also, if the public service is to be made less sure than a trade or profession, it will soon become less honourable. If commissions are to depend entirely on the capricious likings and dislikings of superiors, what man will enter it whose abilities can command any other market?

It is the supposed permanence of Government employments which makes them sought, and so lures greater ability than the State could otherwise command into its service. Shall we destroy this feeling of security at the bidding of the first man who turns his office into a pandemonium, and seeks to ruin all who will not worship him as its divinity? The loss of bread is a stern penalty for such a crime as this.

It may be still inflicted. Men may attain power who have neither feeling nor reason to guide them in its exercise. It may be still inflicted, because men in power accustomed to decide, disdain to argue; but it will soon lose its sting. The country will understand that infamous punishments are mismanaged among us, if an author may be degraded on suspicion of writing useful truths. Such a course must ultimately expose the practice to mockery. People will cry out that dismissal from office had better be applied to the clandestine sale of places, than to fearless publication of facts; to flagrant abuses of authority, rather than to their exposure; to systematic neglect of duty, and to gross and notorious corruption in the exercise of patronage. Why, they will reasonably demand, reserve shame for good and useful men—reward for idlers, triflers, and rogues? If, on the other hand, dismissal from the public service

under such circumstances continue to mean disgrace, and disgrace is to be allotted as the meed of labour in every noble cause, how shall our public servants keep their faith with their country and with their fame?

It will, however—it must be—soon considered an honour to be dismissed from any employment, if it can only be retained by neglect of duty towards the public, and by improper compliances expected from the station.

The object of punishment is to prevent and expose crime; but how is this new crime to be defined? Why is honesty punishable? Is it proved to be guilt by dismissal and starvation? If not, what argument do these terrible inflictions serve to illustrate? The best way to try their justice, is to ask any minister whether he would dare exert illegal authority to have a man imprisoned a single night on a charge of anonymous truth-telling. If not, is the permanent loss of bread and character, the rendering a man useless and infamous for life, inflicted by dismissal, a less evil than a single night's imprisonment?

After the age of thirty all the liberal professions, all honourable new means of obtaining a respectable livelihood, are virtually closed to a man. Therefore, dismissal from the public service may reduce him to absolute beggary. The most bigoted friend of any abuse would hardly now like to hear of its exposure being punished with chains and whips. It is surely, however, no milder gratification of intolerance to punish it with a debtor's jail. Newgate, under circumstances not disgraceful, would be better than that. The love of a man for his profession is a feeling too

valuable to society to be discouraged. It is that which among the greater portion of mankind distinguishes the labourer from the idler, the honest man from the dishonest. The sentence, therefore, which deprives a man of his calling, when he can no longer turn with rational hope to other studies, is one which, in all human probability, renders him nothing but a burden to his country, and consigns him to ruin, uselessness, and vexation for the rest of his days.

It is the height of absurdity to employ disgrace and starvation for the purpose of putting down opinions, or suppressing facts, and then to shrink from employing other punishments for the same purpose. It is plain, that if punishment ought to be inflicted at all, it ought to be severe enough to effect the purpose for which it is applied. The pain caused by punishments is pure unmixed evil; and never ought to be inflicted except for the sake of some good. It is mere foolish cruelty to provide penalties which torment the criminal without preventing the crime.

Now, in the history of the world it has been repeatedly proved to be possible by sanguinary persecution, unrelentingly inflicted, to suppress facts and opinions. In this way the fair promise of the Reformation was blighted in Italy and in Spain, and the horrors of the Bastille were long hidden in France. But no single instance has ever been known in which a petty system of annoyance and dismissals has succeeded in anything but arousing opposition in the public mind against those by whom such chastisements were inflicted.

The power of dismissal rests plainly on the assumption,

that a minister's authority over his subordinates is absolute. If this is really the case ; if compliance with the whims, and even connivance at the crimes, of any minister for the time in office be an indispensable qualification for a small public appointment ; if the eternity of mystery, and the consequent perpetuation of ignorance among the people, be a principal end of government ; if it be the duty of a minister to employ his authority for that end ; if his authority extends to the infliction of arbitrary punishment on mere suspicion ; if hanging be, as most assuredly it is, a very effectual mode of silencing obnoxious persons and preserving secrets, why shall he not hang ? If he may hang, he may hang all the first gentlemen in the kingdom. The more strictly, indeed, such premises are reasoned on, the more absurd must be the conclusions drawn from them. Now if good sense and goodnature recoil from the inferences to which any theory leads, it may be fairly pronounced impracticable.

Spoliation cannot be sweetened by civility, nor injustice varnished by forms. The victim will look at the unrighteous judge with reproachful eyes, and upbraid him in language learned by most Englishmen upon their mothers' knees. "Sittest thou here to judge me after the law, and commandest thou me to be smitten contrary to the law ?" He will even have the right to cry out in still holier words, "If I have spoken evil, bear witness of the evil ; but if good, why smitest thou me ?"

If any Englishman offend against the law, he is amenable to the law ; but where there is no law, there

is no offence. "That which is not prohibited," says Delolme, "is allowed." It is not the authority of the Government, it is the liberty of the subject, which is supposed to be unbounded. All the acts of individuals are supposed to be lawful till the law is pointed out which makes them otherwise. The *onus probandi* is transferred from the subject to the Government; the subject is not at any time bound to show grounds for his conduct. When the magistrates think proper to exert themselves, it is their business to find out and produce the law in their own favour, and the prohibition against the subject.

Soldiers, indeed, are subject to special laws, and fall under the jurisdiction of courts-martial, but the power of these courts does not extend over persons employed in the civil service. Civil servants, therefore, have a right to be tried by the common law of the land. If a civil servant were condemned to imprisonment, he might then be dismissed as incapable of performing his functions; but it is certainly a harsh and improper thing to dismiss him without a full and sufficient trial; because, if this could be done, the position of our civil servants would be altogether extraordinary. They would indeed be outlaws. This point was very clearly laid down in 1697. A bill was then brought before Parliament for the regulation of the Press. "Papers," it was said, "frequently contained mischievous matter." "Then why are they not prosecuted?" was the answer. "Has the Attorney-General filed an information against any of them? If not, is it not absurd to ask us to give a new remedy by statute when the old remedy is left

untried?" On the question, whether the bill should be read a second time, the Ayes were 16 and the Noes 200. Again, on the persecution of Sir Richard Steele by the House of Commons,—“Why,” asked Walpole, “is the author answerable in Parliament for the things which he wrote in his private capacity? And if he is punishable by law, why is he not left to the law? By illegal proceedings in the House of Commons, Parliament, which used to be the scourge of evil-doers, is made the scourge of the subject! The ministers,” he added, “are sufficiently armed with authority; they possess the disposal of the privy purse, the grace of pardoning, and the powers naturally arising from their situation; but,” he continued, “the liberty of the Press is unrestrained. How, therefore, shall a part of the legislature dare to punish that as a crime which is not declared to be so by any law framed by the whole? and why should that House be made the instrument of such a detestable purpose?”

It was on this occasion also that Lord Finch made the most successful of maiden speeches. He rose to address the House on behalf of Steele, but, embarrassed by an ingenuous modesty, sat down again in visible confusion; murmuring, however, so as to be overheard, “It is strange I can’t speak for this man, though I could readily fight for him.”

In the House of Peers, Lord Halifax, ever on the weaker side, also defended Steele. He told the ministry plainly that he believed, if they would recommend “*The Crisis*” to her Majesty’s perusal, she would think quite otherwise of the book than they did.

That which such men as Halifax and Walpole declared could be done neither by the ministry nor Parliament, can surely hardly be done by Downing Street in 1857.

A silly objection to these views has been sometimes offered. "The minister confers appointments," it is urged, "and he can therefore take them away." Not so. The Crown possesses more power than any single minister; it represents the united power of all. The Crown appoints judges, but it has no power to dispossess them, or even to punish them in the slightest degree for censuring its acts.

Moreover, this argument is altogether unsound. Although a minister has the right of nomination, appointments must be confirmed by the Crown. If a minister cannot appoint a public servant without the consent of the Crown, how can he have the sole power to dismiss? The Government possesses the highest power known to the constitution, but it cannot make the law, and it is not above it.

The exercise of true ministerial discretion, is to discern in the law that part of it which may be applied to particular instances. It is not to evade, nor to scorn, nor to exceed, nor to go below it. A minister must not introduce whatever novelties he thinks proper into the constitution of the kingdom. He must neither follow the dictates of personal enmity or displeasure, party interest or private influence.

A minister, moreover, in our age and country, has really no excuse whatever for exceeding his authority. As long as he consents to act legally, he is one of the

most powerful men in the world; directly he ceases to do so, he is nothing at all.

The good fame of every man is protected by the laws, if it is worth defending; why seek to go beyond them? Injustice will not mend a broken reputation, but only damage it farther.

The worst and most malignant men also will find the legal attainment of their bad ends more safe and easy than any illegal indulgence. The power of enforcing the law exists at all times ready to aid in gratifying private vengeance or political hostility. The best cause, however, will never protect an individual who arrogates to himself the power of writing his adversary's death-warrant.

We have always thought it necessary to take extraordinary precautions against the dangers which unavoidably attend the power of inflicting arbitrary punishments; for we have felt that unlimited power only corrupts its possessor, and where law ends there tyranny begins. The office of legislator, party, and judge, cannot be united even in a minister.

The only circumstance that could possibly save a dismissing minister, therefore, from the consequences of his harshness, would be the silent submission of his victim. The first Englishman who ever resists authority, when illegally exercised, always carries the nation with him. The most powerful minister need only refer to the case of Captain Baillie, already cited, to understand that any attempt to tyrannize over the smallest subordinate would not only prove abortive, but that it would infallibly ruin him in public esteem, and call

down immortal censure on his head from the most eloquent lips in the land.

If his object should be a puerile revenge, or a silly desire to make his displeasure felt, he would be signally foiled. The elder Pitt was dismissed from an ensigncy in the army for making himself obnoxious to Government. The Prince of Wales immediately employed him, and he became at once a celebrity. Any act of injustice towards an Englishman always redounds ultimately to his advantage. The case of Mr. Kennedy is still recent, and has not Sir James Graham done a great deal towards making Sir C. Napier M.P. for Westminster?

With all these instances before him, a minister should anxiously pause before he ventures to overstrain his authority. Englishmen may generally be led with a silken thread, but the humblest among them will hardly be illegally coerced. We are a stiff-necked race, who will go, as we have often gone, to the stake and the block in defence of a right. We all have in our very nature that principle of stubborn endurance which made Napoleon say we never knew when we were beaten. We always meet force by force. The soul of an Englishman is like a well-built arch, which grows firmer in proportion to the weight of the burthen which presses on it. What public man, knowing this, would imprudently attempt to force his way where he might win it? Why should he court humiliation, and show himself in the hateful guise of a petty despot? His attempt to inflict punishments at his own good pleasure would be a worthless triumph over the liberties of his

countrymen if it succeeded. If it did not,—if it were met, as it almost certainly would be met, by resistance, he would have placed himself in a most painful position, however his dependants might flatter and console him; for he must either submit to be defeated in an ignoble squabble with a subordinate, or he must plainly break the law.

He may assert, indeed, that he has a right to act illegally, for that previous ministers have insolently placed themselves above the law, and therefore he may, if he pleases, take example by some of the worst and weakest of his predecessors. What, however, is that right worth which, when exercised, inflicts a wrong?

Even supposing such an illegal right could possibly exist, and could be made out in the clearest manner, a man's character with his fellow-creatures does not depend upon his rights, but upon a discreet exercise of those rights. A man may persevere in doing what he has a right to do, till the Chancellor shuts him up in Bedlam or the mob pelt him. All men invested with rights must use them according to the dictates of common sense. Idiots have no rights.

The right then recedes farther and farther as we come to handle it, and nothing but the power remains. Power and right, however, are not convertible terms: a rogue may have the power to rob, but stealing is a crime. Power, therefore, without right, is all that belongs to the minister in such a case. Now power without right was pronounced by the great minister Lord Chatham, as "the most odious and detestable

object that can be offered to the human imagination. It is not only pernicious to those who are subject to it, but leads to its own destruction. It is *res detestabilis et caduca*."

If it be said with a smile or a sneer that a parliamentary majority can sanction anything; that a minister so supported may be just as wicked, malicious, and unjust as he pleases; let men in power beware how they stretch a principle obviously so disheartening too far. If a parliamentary majority enables any man or men in power to set all decency at defiance, there is, happily for the liberties of Englishmen, still strength and honesty in the Press sufficient to ruin any public man who plainly attempts to make himself a despot. He may succeed once, but it will cost him dearly. He will pass away into history with a reputation blackened by the condemnation of all the thoughtful and judicious men of his time, and he will raise among us a question never again to be set at rest till answered. "If a parliamentary majority can virtually change the constitution, which it is the holiest duty of Parliament to preserve,—if it can practically change our government into a despotism, and capriciously enable ministers to defy the laws of the land, is it not surely time that some very stringent measures were taken to reform such a Parliament, and to provide for a healthier representation of a good, a great, and a free people? Would it not be well to enable constituencies to expel members who betray the sacred trust committed to them for the smiles of a minister; to replace them by men with a higher sense of honour,

and who better understand the duties they owe to their country and to themselves ?

There is nothing more unsafe than absolute power, even supposing it could be attained. It is among those things which whosoever desires ardently is certain to lose. In 1758, the Chevalier Barras was burned to death at Amiens for singing an irreverent song; thirty-five years afterwards the Christian religion was abolished in France, and all the estates of the Church confiscated. In 1782, Louis XVI. was in possession of unrestrained power. Richelieu's dream had been realized. The nobles were mere courtiers, the people a rabble; ten years afterwards the king had been murdered, and France was a republic.

Whenever any arrangement in the State exists by which the greatest happiness of the greatest number is not best secured, it is the duty of every man to try to abolish it; for what possible problem can we poor mortals have to solve but how to make ourselves conjointly as good, and therefore as happy, as possible? Reason, and not authority, should guide our judgment. He who in place of reasoning employs authority, makes no secret of the opinion he entertains of the people. He must suppose them wholly incapable of forming any judgment of their own; and if they submit to the insult, they tacitly acknowledge its justice. There appears to be, however, a class of persons, so infatuated with error, and so fearful of the consequences of all improvements in the theory or practice of government, that to reason with them is idle. They have but one reply to all argument: "Do not make us relinquish a

folly that will lead to our ruin, because, if we do so, we must give up other follies ten times greater than that."

A statesman worthy of the name, also, should set himself to create good precedents as well as to follow them. He should seek to make his course regular, that men may know beforehand what they are to expect from him. He should be neither positive nor peremptory, and always have sound reason for his acts. He should preserve the right of his place, but be cautious of stirring questions of jurisdiction. He should carefully preserve the rights of inferior places, and think it more honour to direct in chief than to be busy in the affairs of all.

If the practice of dismissals for free writings could be proved, both in accordance with law and custom, it should nevertheless be abolished. What reason is there for rejecting the services of any man because he differs in opinion from those in power? As long as he obeys their commands, they have no right to inquire into his thoughts or writings. To infer even that a man will act ill because he thinks ill, is a fallacy old enough to have been exposed by Locke.

There are two intelligible courses which may be followed with respect to the exercise of private judgment in politics : the course of the despotic government, which interdicts private judgment because of its inevitable inconveniences ; and the course of the liberal government, which permits private judgment in spite of its inevitable inconveniences. Both are more reasonable

than a government which would have private judgment without its inevitable inconveniences. The despot produces repose by means of stupefaction. The liberal encourages activity, though he knows that where there is much activity there will be some aberration. A man who wishes to combine repose and activity, stupefaction and intelligence, might as well wish to be in two places at once.

Moreover, is Government to desire dignity and safety by means which render it impossible for any man who has the least spark of honour to step forth and serve it? Is the time come when obedience to the law and correctness of conduct are not sufficient protection to a large body of men, but that they must also bear insult and injustice, select their expressions, and adjust their words according to ministerial ideas of propriety?

Of all the publications offensive to governments that have ever been written, perhaps "Drapier's" Letters were the most offensive; but not even a minister so powerful as Walpole ventured to hint at depriving Dean Swift of the deanery of St. Patrick's. All the Government could do, even in the fiercest heat of party warfare, was to injure the public by preventing the most gifted author of his generation from being made historiographer. A notable device.

Sidney Smith alludes to the poor crown living of Foston-le-Clay, in Yorkshire, as giving him the first feeling of independence and security he had ever enjoyed. It was in fact, he said, "a permanent provision." He could scarcely have said this if he had

supposed it possible that Archbishop Markham had the power of depriving him of it for his next unorthodox squib in the *Edinburgh Review*, more especially as this primate had not half liked that one of the inferior clergy should be so much in possession of his faculties as the tremendous curate showed himself when dining at Bishopthorpe.

Sir Walter Scott, as we have said, held two distinct appointments under Government when he wrote the Letters of Malachi Malagrowther. They contained a violent attack on Lord Melville, the one-pound notes, and Government generally. The cabinet were surprised and offended; Mr. Croker replied; but nobody thought of dismissing Scott from his employments, and Sir Robert Peel almost immediately afterwards paid him the generous and graceful compliment of appointing him one of the commissioners for inquiring into the state of the Scotch colleges.

To turn out even a tenant for personal or political reasons, has always made the landlord unpopular, and is invariably held the infallible sign of a bad heart and a weak head. But taking away commissions and depriving men of all honest means of livelihood on such grounds, cheating their creditors and driving their families into the streets, is a practice fallen out of general use in England since the days of the Star-chamber. A good way to test its justice is this: If the power of so acting should ever be formally taken away from ministers, would any human being ever wish to see it re-established? Religion is a far

more important affair than politics, and such a rogue as Jeffreys might lose the favour of such a master as James II., for refusing to become an apostate. But the veriest old woman would now be ashamed to punish heterodoxy in religion. To punish supposed heterodoxy in politics is mere drivelling. Much mischief, however, it may certainly do. The power inadequate to all other things is often more than sufficient for this. But when the system of coercion is complete, when some department of the public service is brought into a cowed and trembling submission to the will of any man chance may have placed at its head, is it not a little preposterous to seek to make it unserviceable, in order to keep it obedient?

The true principles on which punishment may be inflicted have been long known and clearly determined. It is certain that it can never be righteously imposed when groundless, from there being no real mischief to prevent; when inefficacious, because it cannot prevent the mischief against which it is directed; when unprofitable, because the mischief it would produce would be greater than that it prevented; and when needless, because the mischief may be prevented without it. If the punishment of dismissal from small employments, for free writing, is proved to be groundless, because free writing is on the whole a blessing to the country; if it is inefficacious, because it cannot prevent free writings; if it is unprofitable, because the mischief it produces is greater than any it could possibly prevent; if it is needless, because the mischief may be prevented by so simple a pro-

ceeding as an action for libel; the reader will, perhaps, consider that its impropriety is fully established. Finally, if it could be the interest of one individual to write that which ought not to be written, it would be as surely the interest of others to expose him. But if a minister must needs take part in the controversy, argument is the proper weapon to combat error, and not authority.

THE END.

