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SPEECHES OF T. B. MACAULAY, M.P.

IN TWO VOLUMES.

VOL. I.

EXHIBIT

DEPARTMENT OF THE INTERIOR

LAND OFFICE

STATE OF CALIFORNIA

IN THE MATTER OF

THE

SPEECHES

OF
THE RIGHT HONORABLE
T. B. MACAULAY, M.P.

CORRECTED BY HIMSELF.

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IN TWO VOLUMES.



VOL. I.

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BERNHARD TAUCHNITZ

1853.



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TO
HENRY MARQUESS OF LANSDOWNE,
THESE SPEECHES
ARE DEDICATED,
BY HIS GRATEFUL AND AFFECTIONATE FRIEND,
THOMAS BABINGTON MACAULAY.

PREFACE.

It was most reluctantly that I determined to suspend, during the last autumn, a work which is the business and the pleasure of my life, in order to prepare these Speeches for publication; and it is most reluctantly that I now give them to the world. Even if I estimated that historical merit much more highly than I do, I would not willingly have revived, in the quiet times in which we are so happy as to live, the memory of those fierce contentions in which too many years of my public life were passed. Many expressions which, when society was convulsed by political dissension, and when the foundations of government were shaking, were heard by an excited audience with sympathy and applause, may, now that the passions of all parties have subsided, be thought intemperate and acrimonious. It was especially painful to me to find myself under the necessity of recalling to my own recollection, and to the recollection of others, the keen encounters which took place between the late Sir Robert Peel and myself. Some parts of the conduct of that eminent man

I must always think deserving of serious blame. But, on a calm review of his long and chequered public life, I acknowledge, with sincere pleasure, that his faults were much more than redeemed by great virtues, great sacrifices, and great services. My political hostility to him was never in the smallest degree tainted by personal ill will. After his fall from power a cordial reconciliation took place between us: I admired the wisdom, the moderation, the disinterested patriotism, which he invariably showed during the last and best years of his life; I lamented his untimely death, as both a private and a public calamity; and I earnestly wished that the sharp words which had sometimes been exchanged between us might be forgotten.

Unhappily an act, for which the law affords no redress, but which I have no hesitation in pronouncing to be a gross injury to me and a gross fraud on the public, has compelled me to do what I should never have done willingly. A bookseller, named Vizetelly, who seems to aspire to that sort of distinction which Curll enjoyed a hundred and twenty years ago, thought fit, without asking my consent, without even giving me any notice, to announce an edition of my Speeches, and was not ashamed to tell the world in his advertisement that he published them by special license. When the book appeared, I found that it contained fifty-six speeches, said to have been delivered by me in the House of Commons. Of these speeches a few were reprinted from reports which I had corrected for the *Mirror of Parliament* or the *Parliamentary Debates*, and were therefore, with the excep-

tion of some errors of the pen and the press, correctly given. The rest bear scarcely the faintest resemblance to the speeches which I really made. The substance of what I said is perpetually misrepresented. The connection of the arguments is altogether lost. Extrava-gant blunders are put into my mouth in almost every page. An editor who was not grossly ignorant would have perceived that no person to whom the House of Commons would listen could possibly have been guilty of such blunders. An editor who had the smallest regard for truth, or for the fame of the person whose speeches he had undertaken to publish, would have had recourse to the various sources of information which were readily accessible, and, by collating them, would have produced a book which would at least have contained no absolute nonsense. But I have unfortunately had an editor whose only object was to make a few pounds, and who was willing to sacrifice to that object my reputation and his own. He took the very worst report extant, compared it with no other report, removed no blemish however obvious or however ludicrous, gave to the world some hundreds of pages utterly contemptible both in matter and manner, and prefixed my name to them. The least that he should have done was to consult the files of The Times newspaper. I have frequently done so, when I have noticed in his book any passage more than ordinarily absurd; and I have almost invariably found that, in The Times newspaper, my meaning had been correctly reported, though often in words different from those which I had used.

I could fill a volume with instances of the injustice

with which I have been treated. But I will confine myself to a single speech, the speech on the Dissenters' Chapels Bill. I have selected that speech, not because Mr. Vizetelly's version of that speech is worse than his versions of thirty or forty other speeches, but because I have before me a report of that speech which an honest and diligent editor would have thought it his first duty to consult. The report of which I speak was published by the Unitarian Dissenters, who were naturally desirous that there should be an accurate record of what had passed in a debate deeply interesting to them. It was not corrected by me: but it generally, though not uniformly, exhibits with fidelity the substance of what I said.

Mr. Vizetelly makes me say that the principle of our Statutes of Limitation was to be found in the legislation of the Mexicans and Peruvians. That is a matter about which, as I know nothing, I certainly said nothing. Neither in *The Times* nor in the Unitarian report is there anything about Mexico or Peru.

Mr. Vizetelly next makes me say that the principle of limitation is found "amongst the Pandects of the Benares." Did my editor believe that I uttered these words, and that the House of Commons listened patiently to them? If he did, what must be thought of his understanding? If he did not, was it the part of an honest man to publish such gibberish as mine? The most charitable supposition, which I therefore gladly adopt, is that Mr. Vizetelly saw nothing absurd in the expression which he has attributed to me. The Benares he probably supposes to be some Oriental

nation. What he supposes their Pandects to be I shall not presume to guess. If he had examined *The Times*, he would have found no trace of the passage. The reporter, probably, did not catch what I said, and, being more veracious than Mr. Vizetelly, did not choose to ascribe to me what I did not say. If Mr. Vizetelly had consulted the Unitarian report, he would have seen that I spoke of the Pundits of Benares; and he might, without any very long or costly research, have learned where Benares is, and what a Pundit is.

Mr. Vizetelly then represents me as giving the House of Commons some very extraordinary information about both the Calvinistic and the Arminian Methodists. He makes me say that Whitfield held and taught that the connection between Church and State was sinful. Whitfield never held or taught any such thing; nor was I so grossly ignorant of the life and character of that remarkable man as to impute to him a doctrine which he would have abhorred. Here again, both in *The Times* and in the Unitarian report, the substance of what I said is correctly given.

Mr. Vizetelly proceeds to put into my mouth a curious account of the polity of the Wesleyan Methodists. He makes me say that, after John Wesley's death, "the feeling in favour of the lay administration of the Sacrament became very strong and very general: a Conference was applied for, was constituted; and, after some discussion, it was determined that the request should be granted." Such folly could have been uttered only by a person profoundly ignorant of the history of Methodism. Certainly nothing of

the sort was ever uttered by me; and nothing of the sort will be found either in *The Times* or in the Unitarian report.

Mr. Vizetelly makes me say that the Great Charter recognises the principle of limitation, a thing which everybody who has read the Great Charter knows not to be true. He makes me give an utterly false history of Lord Nottingham's Occasional Conformity Bill. But I will not weary my readers by proceeding further. These samples will probably be thought sufficient. They all lie within a compass of seven or eight pages. It will be observed that all the faults which I have pointed out are grave faults of substance. Slighter faults of substance are numerous. As to faults of syntax and of style, hardly one sentence in a hundred is free from them.

I cannot permit myself to be exhibited, in this ridiculous and degrading manner, for the profit of an unprincipled man. I therefore unwillingly, and in mere self-defence, give this volume to the public. I have selected, to the best of my judgment, from among my speeches, those which are the least unworthy to be preserved. Nine of them were corrected by me while they were still fresh in my memory, and appear almost word for word as they were spoken. They are the speech of the second of March, 1831, the speech of the twentieth of September, 1831, the speech of the tenth of October, 1831, the speech of the sixteenth of December, 1831, the speech on the Anatomy Bill, the speech on the India Bill, the speech on Serjeant Talfourd's Copyright Bill, the speech on the Sugar Duties, and the speech on the Irish Church. The

substance of the remaining speeches I have given with perfect ingenuousness. I have not made alterations for the purpose of saving my own reputation either for consistency or for foresight. I have not softened down the strong terms in which I formerly expressed opinions which time and thought may have modified; nor have I retouched my predictions in order to make them correspond with subsequent events. Had I represented myself as speaking in 1831, in 1840, or in 1845, as I should speak in 1853, I should have deprived my book of its chief value. This volume is now at least a strictly honest record of opinions and reasonings which were heard with favour by a large part of the Commons of England at some important conjunctures; and such a record, however low it may stand in the estimation of the literary critic, cannot but be of use to the historian.

I do not pretend to give with accuracy the diction of those speeches which I did not myself correct within a week after they were delivered. Many expressions, and a few paragraphs, linger in my memory. But the rest, including much that had been carefully premeditated, is irrecoverably lost. Nor have I, in this part of my task, derived much assistance from any report. My delivery is, I believe, too rapid. Very able short-hand writers have sometimes complained that they could not follow me, and have contented themselves with setting down the substance of what I said. As I am unable to recall the precise words which I used, I have done my best to put my meaning into words which I might have used.

I have only, in conclusion, to beg that the readers of this Preface will pardon an egotism which a great wrong has made necessary, and which is quite as disagreeable to myself as it can be to them.

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A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 2ND OF MARCH, 1831.

V O L. I.

On Tuesday, the first of March, 1831, Lord John Russell moved the House of Commons for leave to bring in a Bill to amend the representation of the people in England and Wales. The discussion occupied seven nights. At length, on the morning of Thursday, the tenth of March, the motion was carried without a division. The following Speech was made on the second night of the debate.

It is a circumstance, Sir, of happy augury for the motion before the House, that almost all those who have opposed it have declared themselves hostile on principle to Parliamentary Reform. Two Members, I think, have confessed that, though they disapprove of the plan now submitted to us, they are forced to admit the necessity of a change in the Representative system. Yet even those gentlemen have used, as far as I have observed, no arguments which would not apply as strongly to the most moderate change as to that which has been proposed by His Majesty's Government. I say, Sir, that I consider this as a circumstance of happy augury. For what I feared was, not the opposition of those who are averse to all Reform, but the disunion of reformers. I knew that, during three months, every reformer had been em-

ployed in conjecturing what the plan of the Government would be. I knew that every reformer had imagined in his own mind a scheme differing doubtless in some points from that which my noble friend, the Paymaster of the Forces, has developed. I felt therefore great apprehension that one person would be dissatisfied with one part of the bill, that another person would be dissatisfied with another part, and that thus our whole strength would be wasted in internal dissensions. That apprehension is now at an end. I have seen with delight the perfect concord which prevails among all who deserve the name of reformers in this House; and I trust that I may consider it as an omen of the concord which will prevail among reformers throughout the country. I will not, Sir, at present express any opinion as to the details of the bill; but, having during the last twenty-four hours given the most diligent consideration to its general principles, I have no hesitation in pronouncing it a wise, noble, and comprehensive measure, skilfully framed for the healing of great distempers, for the securing at once of the public liberties and of the public repose, and for the reconciling and knitting together of all the orders of the State.

The honourable Baronet who has just sate down,* has told us, that the Ministers have attempted to unite two inconsistent principles in one abortive measure. Those were his very words. He thinks, if I understand him rightly, that we ought either to leave the representative system such as it is, or to make it perfectly symmetrical. I think, Sir, that the Ministers would have acted unwisely if they had taken either

* Sir John Walsh.

course. Their principle is plain, rational, and consistent. It is this, to admit the middle class to a large and direct share in the representation, without any violent shock to the institutions of our country. I understand those cheers: but surely the gentlemen who utter them will allow that the change which will be made in our institutions by this bill is far less violent than that which, according to the honourable Baronet, ought to be made if we make any Reform at all. I praise the Ministers for not attempting, at the present time, to make the representation uniform. I praise them for not effacing the old distinction between the towns and the counties, and for not assigning Members to districts, according to the American practice, by the Rule of Three. The Government has, in my opinion, done all that was necessary for the removing of a great practical evil, and no more than was necessary.

I consider this, Sir, as a practical question. I rest my opinion on no general theory of government. I distrust all general theories of government. I will not positively say, that there is any form of polity which may not, in some conceivable circumstances, be the best possible. I believe that there are societies in which every man may safely be admitted to vote. Gentlemen may cheer, but such is my opinion. I say, Sir, that there are countries in which the condition of the labouring classes is such that they may safely be intrusted with the right of electing Members of the Legislature. If the labourers of England were in that state in which I, from my soul, wish to see them, if employment were always plentiful, wages always high, food always cheap, if a large family were considered

not as an encumbrance but as a blessing, the principal objections to Universal Suffrage would, I think, be removed. Universal Suffrage exists in the United States without producing any very frightful consequences; and I do not believe, that the people of those States, or of any part of the world, are in any good quality naturally superior to our own countrymen. But, unhappily, the labouring classes in England, and in all old countries, are occasionally in a state of great distress. Some of the causes of this distress are, I fear, beyond the control of the Government. We know what effect distress produces, even on people more intelligent than the great body of the labouring classes can possibly be. We know that it makes even wise men irritable, unreasonable, credulous, eager for immediate relief, heedless of remote consequences. There is no quackery in medicine, religion, or politics, which may not impose even on a powerful mind, when that mind has been disordered by pain or fear. It is therefore no reflection on the poorer class of Englishmen, who are not, and who cannot in the nature of things be, highly educated, to say that distress produces on them its natural effects, those effects which it would produce on the Americans, or on any other people, that it blinds their judgment, that it inflames their passions, that it makes them prone to believe those who flatter them, and to distrust those who would serve them. For the sake, therefore, of the whole society, for the sake of the labouring classes themselves, I hold it to be clearly expedient that, in a country like this, the right of suffrage should depend on a pecuniary qualification.

But, Sir, every argument which would induce me

to oppose Universal Suffrage, induces me to support the plan which is now before us. I am opposed to Universal Suffrage, because I think that it would produce a destructive revolution. I support this plan, because I am sure that it is our best security against a revolution. The noble Paymaster of the Forces hinted, delicately indeed and remotely, at this subject. He spoke of the danger of disappointing the expectations of the nation; and for this he was charged with threatening the House. Sir, in the year 1817, the late Lord Londonderry proposed a suspension of the Habeas Corpus Act. On that occasion he told the House that, unless the measures which he recommended were adopted, the public peace could not be preserved. Was he accused of threatening the House? Again, in the year 1819, he proposed the laws known by the name of the Six Acts. He then told the House that, unless the executive power were reinforced, all the institutions of the country would be overturned by popular violence. Was he then accused of threatening the House? Will any gentleman say that it is parliamentary and decorous to urge the danger arising from popular discontent as an argument for severity; but that it is unparliamentary and indecorous to urge that same danger as an argument for conciliation? I, Sir, do entertain great apprehension for the fate of my country. I do in my conscience believe that, unless the plan proposed, or some similar plan, be speedily adopted, great and terrible calamities will befall us. Entertaining this opinion, I think myself bound to state it, not as a threat, but as a reason. I support this bill because it will improve our institutions; but I support it also because it tends to preserve them.

That we may exclude those whom it is necessary to exclude, we must admit those whom it may be safe to admit. At present we oppose the schemes of revolutionists with only one half, with only one quarter of our proper force. We say, and we say justly, that it is not by mere numbers, but by property and intelligence, that the nation ought to be governed. Yet, saying this, we exclude from all share in the government great masses of property and intelligence, great numbers of those who are most interested in preserving tranquillity, and who know best how to preserve it. We do more. We drive over to the side of revolution those whom we shut out from power. Is this a time when the cause of law and order can spare one of its natural allies?

My noble friend, the Paymaster of the Forces, happily described the effect which some parts of our representative system would produce on the mind of a foreigner, who had heard much of our freedom and greatness. If, Sir, I wished to make such a foreigner clearly understand what I consider as the great defects of our system, I would conduct him through that immense city which lies to the north of Great Russell Street and Oxford Street, a city superior in size and in population to the capitals of many mighty kingdoms; and probably superior in opulence, intelligence, and general respectability, to any city in the world. I would conduct him through that interminable succession of streets and squares, all consisting of well built and well furnished houses. I would make him observe the brilliancy of the shops, and the crowd of well appointed equipages. I would show him that magnificent circle of palaces which surrounds the Re-

gent's Park. I would tell him, that the rental of this district was far greater than that of the whole kingdom of Scotland, at the time of the Union. And then I would tell him, that this was an unrepresented district. It is needless to give any more instances. It is needless to speak of Manchester, Birmingham, Leeds, Sheffield, with no representation, or of Edinburgh and Glasgow with a mock representation. If a property tax were now imposed on the principle that no person who had less than a hundred and fifty pounds a year should contribute, I should not be surprised to find that one half in number and value of the contributors had no votes at all; and it would, beyond all doubt, be found that one fiftieth part in number and value of the contributors had a larger share of the representation than the other forty nine fiftieths. This is not government by property. It is government by certain detached portions and fragments of property, selected from the rest, and preferred to the rest, on no rational principle whatever.

To say that such a system is ancient is no defence. My honourable friend, the Member for the University of Oxford,* challenges us to show, that the Constitution was ever better than it is. Sir, we are legislators, not antiquaries. The question for us is, not whether the Constitution was better formerly, but whether we can make it better now. In fact, however, the system was not in ancient times by any means so absurd as it is in our age. One noble Lord** has to-night told us that the town of Aldborough, which he represents, was not larger in the time of Edward the First than it

* Sir Robert Harry Inglis.

** Lord Stormont.

is at present. The line of its walls, he assures us, may still be traced. It is now built up to that line. He argues, therefore, that as the founders of our representative institutions gave Members to Aldborough when it was as small as it now is, those who would disfranchise it on account of its smallness have no right to say that they are recurring to the original principle of our representative institutions. But does the noble Lord remember the change which has taken place in the country during the last five centuries? Does he remember how much England has grown in population, while Aldborough has been standing still? Does he consider, that in the time of Edward the First the kingdom did not contain two millions of inhabitants? It now contains nearly fourteen millions. A hamlet of the present day would have been a town of some importance in the time of our early Parliaments. Aldborough may be absolutely as considerable a place as ever. But compared with the kingdom, it is much less considerable, by the noble Lord's own showing, than when it first elected burgesses. My honourable friend, the Member for the University of Oxford, has collected numerous instances of the tyranny which the kings and nobles anciently exercised, both over this House and over the electors. It is not strange that, in times when nothing was held sacred, the rights of the people, and of the representatives of the people, should not have been held sacred. The proceedings which my honourable friend has mentioned, no more prove that, by the ancient constitution of the realm, this House ought to be a tool of the king and of the aristocracy, than the Benevolences and the Shipmoney prove their own legality, or than those unjustifiable

arrests, which took place long after the ratification of the great Charter, and even after the Petition of Right, prove that the subject was not anciently entitled to his personal liberty. We talk of the wisdom of our ancestors: and in one respect at least they were wiser than we. They legislated for their own times. They looked at the England which was before them. They did not think it necessary to give twice as many Members to York as they gave to London, because York had been the capital of Britain in the time of Constantius Chlorus; and they would have been amazed indeed if they had foreseen, that a city of more than a hundred thousand inhabitants would be left without Representatives in the nineteenth century, merely because it stood on ground which, in the thirteenth century, had been occupied by a few huts. They framed a representative system, which, though not without defects and irregularities, was well adapted to the state of England in their time. But a great revolution took place. The character of the old corporations changed. New forms of property came into existence. New portions of society rose into importance. There were in our rural districts rich cultivators, who were not freeholders. There were in our capital rich traders, who were not liverymen. Towns shrank into villages. Villages swelled into cities larger than the London of the Plantagenets. Unhappily, while the natural growth of society went on, the artificial polity continued unchanged. The ancient form of the representation remained; and precisely because the form remained, the spirit departed. Then came that pressure almost to bursting, the new wine in the old bottles, the new society under the old institutions. It is now time for

us to pay a decent, a rational, a manly reverence to our ancestors, not by superstitiously adhering to what they, in other circumstances, did, but by doing what they, in our circumstances, would have done. All history is full of revolutions, produced by causes similar to those which are now operating in England. A portion of the community which had been of no account expands and becomes strong. It demands a place in the system, suited, not to its former weakness, but to its present power. If this is granted, all is well. If this is refused, then comes the struggle between the young energy of one class and the ancient privileges of another. Such was the struggle between the Plebeians and the Patricians of Rome. Such was the struggle of the Italian allies for admission to the full rights of Roman citizens. Such was the struggle of our North American colonies against the mother country. Such was the struggle which the Third Estate of France maintained against the aristocracy of birth. Such was the struggle which the Roman Catholics of Ireland maintained against the aristocracy of creed. Such is the struggle which the free people of colour in Jamaica are now maintaining against the aristocracy of skin. Such, finally, is the struggle which the middle classes in England are maintaining against an aristocracy of mere locality, against an aristocracy the principle of which is to invest a hundred drunken potwallopers in one place, or the owner of a ruined hovel in another, with powers which are withheld from cities renowned to the furthest ends of the earth, for the marvels of their wealth and of their industry.

But these great cities, says my honourable friend, the Member for the University of Oxford, are virtually,

though not directly, represented. Are not the wishes of Manchester, he asks, as much consulted as those of any town which sends Members to Parliament? Now, Sir, I do not understand how a power which is salutary when exercised virtually can be noxious when exercised directly. If the wishes of Manchester have as much weight with us as they would have under a system which should give Representatives to Manchester, how can there be any danger in giving Representatives to Manchester? A virtual Representative is, I presume, a man who acts as a direct Representative would act: for surely it would be absurd to say that a man virtually represents the people of Manchester, who is in the habit of saying No, when a man directly representing the people of Manchester would say Aye. The utmost that can be expected from virtual Representation is that it may be as good as direct Representation. If so, why not grant direct Representation to places which, as every body allows, ought, by some process or other, to be represented?

If it be said that there is an evil in change as change, I answer that there is also an evil in discontent as discontent. This, indeed, is the strongest part of our case. It is said that the system works well. I deny it. I deny that a system works well, which the people regard with aversion. We may say here, that it is a good system and a perfect system. But if any man were to say so to any six hundred and fifty eight respectable farmers or shop-keepers, chosen by lot in any part of England, he would be hooted down, and laughed to scorn. Are these the feelings with which any part of the government ought to be regarded?

Above all, are these the feelings with which the popular branch of the legislature ought to be regarded? It is almost as essential to the utility of a House of Commons, that it should possess the confidence of the people, as that it should deserve that confidence. Unfortunately, that which is in theory the popular part of our government, is in practice the unpopular part. Who wishes to dethrone the King? Who wishes to turn the Lords out of their House? Here and there a crazy radical, whom the boys in the street point at as he walks along. Who wishes to alter the constitution of this House? The whole people. It is natural that it should be so. The House of Commons is, in the language of Mr. Burke, a check, not on the people, but for the people. While that check is efficient, there is no reason to fear that the King or the nobles will oppress the people. But if that check requires checking, how is it to be checked? If the salt shall lose its savour, wherewith shall we season it? The distrust with which the nation regards this House may be unjust. But what then? Can you remove that distrust? That it exists cannot be denied. That it is an evil cannot be denied. That it is an increasing evil cannot be denied. One gentleman tells us that it has been produced by the late events in France and Belgium; another, that it is the effect of seditious works which have lately been published. If this feeling be of origin so recent, I have read history to little purpose. Sir, this alarming discontent is not the growth of a day or of a year. If there be any symptoms by which it is possible to distinguish the chronic diseases of the body politic from its passing inflammations, all those symptoms exist in the present case.

The taint has been gradually becoming more extensive and more malignant, through the whole lifetime of two generations. We have tried anodynes. We have tried cruel operations. What are we to try now? Who flatters himself that he can turn this feeling back? Does there remain any argument which escaped the comprehensive intellect of Mr. Burke, or the subtlety of Mr. Windham? Does there remain any species of coercion which was not tried by Mr. Pitt and by Lord Londonderry? We have had laws. We have had blood. New treasons have been created. The Press has been shackled. The Habeas Corpus Act has been suspended. Public meetings have been prohibited. The event has proved that these expedients were mere palliatives. You are at the end of your palliatives. The evil remains. It is more formidable than ever. What is to be done?

Under such circumstances, a great plan of reconciliation, prepared by the Ministers of the Crown, has been brought before us in a manner which gives additional lustre to a noble name, inseparably associated during two centuries with the dearest liberties of the English people. I will not say, that this plan is in all its details precisely such as I might wish it to be; but it is founded on a great and a sound principle. It takes away a vast power from a few. It distributes that power through the great mass of the middle order. Every man, therefore, who thinks as I think is bound to stand firmly by Ministers who are resolved to stand or fall with this measure. Were I one of them, I would sooner, infinitely sooner, fall with such a measure than stand by any other means that ever supported a Cabinet.

My honourable friend, the Member for the University of Oxford, tells us, that if we pass this law, England will soon be a republic. The reformed House of Commons will, according to him, before it has sate ten years, depose the King, and expel the Lords from their House. Sir, if my honourable friend could prove this, he would have succeeded in bringing an argument for democracy, infinitely stronger than any that is to be found in the works of Paine. My honourable friend's proposition is in fact this; that our monarchical and aristocratical institutions have no hold on the public mind of England; that these institutions are regarded with aversion by a decided majority of the middle class. This, Sir, I say, is plainly deducible from his proposition; for he tells us that the Representatives of the middle class will inevitably abolish royalty and nobility within ten years: and there is surely no reason to think that the Representatives of the middle class will be more inclined to a democratic revolution than their constituents. Now, Sir, if I were convinced that the great body of the middle class in England look with aversion on monarchy and aristocracy, I should be forced, much against my will, to come to this conclusion, that monarchical and aristocratical institutions are unsuited to my country. Monarchy and aristocracy, valuable and useful as I think them, are still valuable and useful as means, and not as ends. The end of government is the happiness of the people: and I do not conceive that, in a country like this, the happiness of the people can be promoted by a form of government in which the middle classes place no confidence, and which exists only because the middle classes have no organ by which to make their senti-

ments known. But, Sir, I am fully convinced that the middle classes sincerely wish to uphold the Royal prerogatives and the constitutional rights of the Peers. What facts does my honourable friend produce in support of his opinion? One fact only; and that a fact which has absolutely nothing to do with the question. The effect of this Reform, he tells us, would be to make the House of Commons allpowerful. It was allpowerful once before, in the beginning of 1649. Then it cut off the head of the King, and abolished the House of Peers. Therefore, if it again has the supreme power, it will act in the same manner. Now, Sir, it was not the House of Commons that cut off the head of Charles the First; nor was the House of Commons then allpowerful. It had been greatly reduced in numbers by successive expulsions. It was under the absolute dominion of the army. A majority of the House was willing to take the terms offered by the King. The soldiers turned out the majority; and the minority, not a sixth part of the whole House, passed those votes of which my honourable friend speaks, votes of which the middle classes disapproved then, and of which they disapprove still.

My honourable friend, and almost all the gentlemen who have taken the same side with him in this Debate, have dwelt much on the utility of close and rotten boroughs. It is by means of such boroughs, they tell us, that the ablest men have been introduced into Parliament. It is true that many distinguished persons have represented places of this description. But, Sir, we must judge of a form of government by its general tendency, not by happy accidents. Every form of government has its happy accidents. Despo-

tism has its happy accidents. Yet we are not disposed to abolish all constitutional checks, to place an absolute master over us, and to take our chance whether he may be a Caligula or a Marcus Aurelius. In whatever way the House of Commons may be chosen, some able men will be chosen in that way who would not be chosen in any other way. If there were a law that the hundred tallest men in England should be Members of Parliament, there would probably be some able men among those who would come into the House by virtue of this law. If the hundred persons whose names stand first in the alphabetical list of the Court Guide were made Members of Parliament, there would probably be able men among them. We read in ancient history, that a very able king was elected by the neighing of his horse: but we shall scarcely, I think, adopt this mode of election. In one of the most celebrated republics of antiquity, Athens, Senators and Magistrates were chosen by lot; and sometimes the lot fell fortunately. Once, for example, Socrates was in office. A cruel and unjust proposition was made by a demagogue. Socrates resisted it at the hazard of his own life. There is no event in Grecian history more interesting than that memorable resistance. Yet who would have officers appointed by lot, because the accident of the lot may have given to a great and good man a power which he would probably never have attained in any other way? We must judge, as I said, by the general tendency of a system. No person can doubt that a House of Commons, chosen freely by the middle classes, will contain many very able men. I do not say, that precisely the same able men who would find their way into the

present House of Commons will find their way into the reformed House: but that is not the question. No particular man is necessary to the State. We may depend on it that, if we provide the country with popular institutions, those institutions will provide it with great men.

There is another objection, which, I think, was first raised by the honourable and learned Member for Newport.* He tells us that the elective franchise is property: that to take it away from a man who has not been judicially convicted of malpractices is robbery; that no crime is proved against the voters in the close boroughs; that no crime is even imputed to them in the preamble of the bill; and that therefore to disfranchise them without compensation would be an act of revolutionary tyranny. The honourable and learned gentleman has compared the conduct of the present Ministers to that of those odious tools of power, who, towards the close of the reign of Charles the Second, seized the charters of the Whig Corporations. Now, there was another precedent, which I wonder that he did not recollect, both because it is much more nearly in point than that to which he referred, and because my noble friend, the Paymaster of the Forces, had previously alluded to it. If the elective franchise is property, if to disfranchise voters without a crime proved, or a compensation given, be robbery, was there ever such an act of robbery as the disfranchising of the Irish forty shilling freeholders? Was any pecuniary compensation given to them? Is it declared in the preamble of the bill which took

* Mr. Horace Twiss.

away their franchise, that they had been convicted of any offence? Was any judicial inquiry instituted into their conduct? Were they even accused of any crime? Or if you say that it was a crime in the electors of Clare to vote for the honourable and learned gentleman who now represents the county of Waterford, was a Protestant freeholder in Louth to be punished for the crime of a Catholic freeholder in Clare? If the principle of the honourable and learned Member for Newport be sound, the franchise of the Irish peasant was property. That franchise the Ministers under whom the honourable and learned Member held office did not scruple to take away. Will he accuse those Ministers of robbery? If not, how can he bring such an accusation against their successors?

Every gentleman, I think, who has spoken from the other side of the House, has alluded to the opinions which some of His Majesty's Ministers formerly entertained on the subject of Reform. It would be officious in me, Sir, to undertake the defence of gentlemen who are so well able to defend themselves. I will only say that, in my opinion, the country will not think worse either of their capacity or of their patriotism, because they have shown that they can profit by experience, because they have learned to see the folly of delaying inevitable changes. There are others who ought to have learned the same lesson. I say, Sir, that there are those who, I should have thought, must have had enough to last them all their lives of that humiliation which follows obstinate and boastful resistance to changes rendered necessary by the progress of society, and by the development of the human mind. Is it possible that those persons can

wish again to occupy a position which can neither be defended nor surrendered with honour? I well remember, Sir, a certain evening in the month of May, 1827. I had not then the honour of a seat in this House; but I was an attentive observer of its proceedings. The right honourable Baronet opposite*, of whom personally I desire to speak with that high respect which I feel for his talents and his character, but of whose public conduct I must speak with the sincerity required by my public duty, was then, as he is now, out of office. He had just resigned the seals of the Home Department, because he conceived that the recent ministerial arrangements had been too favourable to the Catholic claims. He rose to ask whether it was the intention of the new Cabinet to repeal the Test and Corporation Acts, and to reform the Parliament. He bound up, I well remember, those two questions together; and he declared that, if the Ministers should either attempt to repeal the Test and Corporation Acts, or bring forward a measure of Parliamentary Reform, he should think it his duty to oppose them to the utmost. Since that declaration was made four years have elapsed; and what is now the state of the three questions which then chiefly agitated the minds of men? What is become of the Test and Corporation Acts? They are repealed. By whom? By the right honourable Baronet. What has become of the Catholic disabilities? They are removed. By whom? By the right honourable Baronet. The question of Parliamentary Reform is still behind. But signs, of which it is impossible to mis-

* Sir Robert Peel.

conceive the import, do most clearly indicate that, unless that question also be speedily settled, property, and order, and all the institutions of this great monarchy, will be exposed to fearful peril. Is it possible that gentlemen long versed in high political affairs cannot read these signs? Is it possible that they can really believe that the Representative system of England, such as it now is, will last till the year 1860? If not, for what would they have us wait? Would they have us wait merely that we may show to all the world how little we have profited by our own recent experience? Would they have us wait, that we may once again hit the exact point where we can neither refuse with authority, nor concede with grace? Would they have us wait, that the numbers of the discontented party may become larger, its demands higher, its feelings more acrimonious, its organisation more complete? Would they have us wait till the whole tragicomedy of 1827 has been acted over again; till they have been brought into office by a cry of "No Reform," to be reformers, as they were once before brought into office by a cry of "No Popery," to be emancipators? Have they obliterated from their minds — gladly, perhaps, would some among them obliterate from their minds — the transactions of that year? And have they forgotten all the transactions of the succeeding year? Have they forgotten how the spirit of liberty in Ireland, debarred from its natural outlet, found a vent by forbidden passages? Have they forgotten how we were forced to indulge the Catholics in all the licence of rebels, merely because we chose to withhold from them the liberties of subjects? Do they wait for associations more formidable than that of the

Corn Exchange, for contributions larger than the Rent, for agitators more violent than those who, three years ago, divided with the King and the Parliament the sovereignty of Ireland? Do they wait for that last and most dreadful paroxysm of popular rage, for that last and most cruel test of military fidelity? Let them wait, if their past experience shall induce them to think that any high honour or any exquisite pleasure is to be obtained by a policy like this. Let them wait, if this strange and fearful infatuation be indeed upon them, that they should not see with their eyes, or hear with their ears, or understand with their heart. But let us know our interest and our duty better. Turn where we may, within, around, the voice of great events is proclaiming to us, Reform, that you may preserve. Now, therefore, while every thing at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age, now, while the crash of the proudest throne of the continent is still resounding in our ears, now, while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings, now, while we see on every side ancient institutions subverted, and great societies dissolved, now, while the heart of England is still sound, now, while old feelings and old associations retain a power and a charm which may too soon pass away, now, in this your accepted time, now, in this your day of salvation, take counsel, not of prejudice, not of party spirit, not of the ignominious pride of a fatal consistency, but of history, of reason, of the ages which are past, of the signs of this most portentous time. Pronounce in a manner worthy of the expectation with which this great debate has been

anticipated, and of the long remembrance which it will leave behind. Renew the youth of the State. Save property, divided against itself. Save the multitude, endangered by its own ungovernable passions. Save the aristocracy, endangered by its own unpopular power. Save the greatest, and fairest, and most highly civilised community that ever existed, from calamities which may in a few days sweep away all the rich heritage of so many ages of wisdom and glory. The danger is terrible. The time is short. If this bill should be rejected, I pray to God that none of those who concur in rejecting it may ever remember their votes with unavailing remorse, amidst the wreck of laws, the confusion of ranks, the spoliation of property, and the dissolution of social order.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS OF THE 5TH OF JULY, 1831.

On Tuesday, the fourth of July, 1831, Lord John Russell moved the second reading of the Bill to amend the representation of the people in England and Wales. Sir John Walsh, member for Sudbury, moved, as an amendment, that the bill should be read that day six months. After a discussion, which lasted three nights, the amendment was rejected by 367 votes to 231, and the original motion was carried. The following Speech was made on the second night of the debate.

NOBODY, Sir, who has watched the course of the debate can have failed to observe that the gentlemen who oppose this bill have chiefly relied on a preliminary objection, which it is necessary to clear away before we proceed to examine whether the proposed changes in our representative system would or would not be improvements. The elective franchise, we are told, is private property. It belongs to this freeman, to that potwalloper, to the owner of this house, to the owner of that old wall; and you have no more right to take it away without compensation than to confiscate the dividends of a fundholder or the rents of a landholder.

Now, Sir, I admit that, if this objection be well founded, it is decisive against the plan of Reform which has been submitted to us. If the franchise be

really private property, we have no more right to take members away from Gatton because Gatton is small, and to give them to Manchester because Manchester is large, than Cyrus, in the old story, had to take away the big coat from the little boy and to put it on the big boy. In no case, and under no pretext however specious, would I take away from any member of the community any thing which is of the nature of property, without giving him full compensation. But I deny that the elective franchise is of the nature of property; and I believe that, on this point, I have with me all reason, all precedent, and all authority. This at least is certain, that, if disfranchisement really be robbery, the representative system which now exists is founded on robbery. How was the franchise in the English counties fixed? By the act of Henry the Sixth, which disfranchised tens of thousands of electors who had not forty shilling freeholds. Was that robbery? How was the franchise in the Irish counties fixed? By the Act of George the Fourth which disfranchised tens of thousands of electors who had not ten pound freeholds. Was that robbery? Or was the great parliamentary reform made by Oliver Cromwell ever designated as robbery, even by those who most abhorred his name? Every body knows that the unsparing manner in which he disfranchised small boroughs was emulously applauded, by royalists, who hated him for having pulled down one dynasty, and by republicans, who hated him for having founded another. Take Sir Harry Vane and Lord Clarendon, both wise men, both I believe, in the main, honest men, but as much opposed to each other in politics as wise and honest men could be. Both detested Oliver;

yet both approved of Oliver's plan of parliamentary reform. They grieved only that so salutary a change should have been made by an usurper. Vane wished it to have been made by the Rump; Clarendon wished it to be made by the King. Clarendon's language on this subject is most remarkable. For he was no rash innovator. The bias of his mind was altogether on the side of antiquity and prescription. Yet he describes that great disfranchisement of boroughs as an improvement fit to be made in a more warrantable method and at a better time. The words were prophetic. This is that more warrantable method. This is that better time. What Cromwell attempted to effect by an usurped authority, in a country which had lately been convulsed by civil war, and which was with difficulty kept in a state of sullen tranquillity by military force, it has fallen to our lot to accomplish in profound peace, and under the rule of a prince whose title is unquestioned, whose office is revered, and whose person is beloved. It is easy to conceive with what scorn and astonishment Clarendon would have heard it said that the reform which seemed to him so obviously just and reasonable that he praised it, even when made by a regicide, could not, without the grossest iniquity, be made even by a lawful King and a lawful Parliament.

Sir, in the name of the institution of property, of that great institution, for the sake of which, chiefly, all other institutions exist, of that great institution to which we owe all knowledge, all commerce, all industry, all civilisation, all that makes us to differ from the tattooed savages of the Pacific Ocean, I protest against the pernicious practice of ascribing to

that which is not property the sanctity which belongs to property alone. If, in order to save political abuses from that fate with which they are threatened by the public hatred, you claim for them the immunities of property, you must expect that property will be regarded with some portion of the hatred which is excited by political abuses. You bind up two very different things, in the hope that they may stand together. Take heed that they do not fall together. You tell the people that it is as unjust to disfranchise a great lord's nomination borough as to confiscate his estate. Take heed that you do not succeed in convincing weak and ignorant minds that there is no more injustice in confiscating his estate than in disfranchising his borough. That this is no imaginary danger, your own speeches in this debate abundantly prove. You begin by ascribing to the franchises of Old Sarum the sacredness of property; and you end, naturally enough, I must own, by treating the rights of property as lightly as I should be inclined to treat the franchises of Old Sarum. When you are reminded that you voted, only two years ago, for disfranchising great numbers of freeholders in Ireland, and when you are asked how, on the principles which you now profess, you can justify that vote, you answer very coolly, "No doubt that was confiscation. No doubt we took away from the peasants of Munster and Connaught, without giving them a farthing of compensation, that which was as much their property as their pigs or their frieze coats. But we did it for the public good. We were pressed by a great State necessity." Sir, if that be an answer, we too may plead that we too have the public good in view, and

that we are pressed by a great State necessity. But I shall resort to no such plea. It fills me with indignation and alarm to hear grave men avow what they own to be downright robbery, and justify that robbery on the 'ground of political convenience. No, Sir, there is one way, and only one way, in which those gentlemen who voted for the disfranchising Act of 1829 can clear their fame. Either they have no defence, or their defence must be this; that the elective franchise is not of the nature of property, and that therefore disfranchisement is not spoliation.

Having disposed, as I think, of the question of right, I come to the question of expediency. I listened, Sir, with much interest and pleasure to a noble Lord who spoke for the first time in this debate.* But I must own that he did not succeed in convincing me that there is any real ground for the fears by which he is tormented. He gave us a history of France since the Restoration. He told us of the violent ebbs and flows of public feeling in that country. He told us that the revolutionary party was fast rising to ascendancy while M. De Cazes was minister; that then came a violent reaction in favour of the monarchy and the priesthood; that then the revolutionary party again became dominant; that there had been a change of dynasty; and that the Chambers of Peers had ceased to be a hereditary body. He then predicted, if I understood him rightly, that, if we pass this bill, we shall suffer all that France has suffered; that we shall have violent contests

* Lord Porchester.

between extreme parties, a revolution, and an abolition of the House of Lords. I might, perhaps, dispute the accuracy of some parts of the noble Lord's narrative. But I deny that his narrative, accurate or inaccurate, is relevant. I deny that there is any analogy between the state of France and the state of England. I deny that there is here any great party which answers either to the revolutionary or to the counter-revolutionary party in France. I most emphatically deny that there is any resemblance in the character, and that there is likely to be any resemblance in the fate, of the two Houses of Peers. I always regarded the hereditary Chamber established by Lewis the Eighteenth as an institution which could not last. It was not in harmony with the state of property: it was not in harmony with the public feeling: it had neither the strength which is derived from wealth, nor the strength which is derived from prescription. It was despised as plebeian by the ancient nobility. It was hated as patrician by the democrats. It belonged neither to the old France nor to the new France. It was a mere exotic transplanted from our island. Here it had struck its roots deep, and, having stood during ages, was still green and vigorous. But it languished in the foreign soil and the foreign air, and was blown down by the first storm. It will be no such easy task to uproot the aristocracy of England.

With much more force, at least with much more plausibility, the noble Lord and several other members on the other side of the House have argued against the proposed Reform on the ground that the existing system has worked well. How great a country, they say, is ours! How eminent in wealth and knowledge,

in arts and arms! How much admired! How much envied! Is it possible to believe that we have become what we are under a bad government? And, if we have a good government, why alter it? Now, Sir, I am very far from denying that England is great, and prosperous, and highly civilised. I am equally far from denying, that she owes much of her greatness, of her prosperity, and of her civilisation to her form of government. But is no nation ever to reform its institutions because it has made great progress under those institutions? Why, Sir, the progress is the very thing which makes the reform absolutely necessary. The Czar Peter, we all know, did much for Russia. But for his rude genius and energy, that country might have still been utterly barbarous. Yet would it be reasonable to say, that the Russian people ought always, to the end of time, to be despotically governed, because the Czar Peter was a despot? Let us remember that the government and the society act and react on each other. Sometimes the government is in advance of the society, and hurries the society forward. So urged, the society gains on the government, comes up with the government, outstrips the government, and begins to insist that the government shall make more speed. If the government is wise, it will yield to that just and natural demand. The great cause of revolutions is this, that, while nations move onward, constitutions stand still. The peculiar happiness of England is that here, through many generations, the constitution has moved onward with the nation. Gentlemen have told us, that the most illustrious foreigners have, in every age, spoken with admiration of the English constitution. Comines, they say, in the fifteenth century, extolled

the English constitution as the best in the world. Montesquieu, in the eighteenth century, extolled it as the best in the world. And would it not be madness in us to throw away what such men thought the most precious of all our blessings? But was the constitution which Montesquieu praised the same with the constitution which Comines praised? No, Sir; if it had been so, Montesquieu never would have praised it. For how was it possible that a polity which exactly suited the subjects of Edward the Fourth should have exactly suited the subjects of George the Second? The English have, it is true, long been a great and a happy people. But they have been great and happy because their history has been the history of a succession of timely reforms. The Great Charter, the assembling of the first House of Commons, the Petition of Right, the Declaration of Right, the Bill which is now on our table, what are they all but steps in one great progress? To every one of those steps the same objections might have been made which we have heard to-night, "You are better off than your neighbours are. You are better off than your fathers were. Why can you not leave well alone?"

How copiously might a Jacobite orator have harangued on this topic in the Convention of 1688! "Why make a change of dynasty? Why trouble ourselves to devise new securities for our laws and liberties? See what a nation we are. See how population and wealth have increased since what you call the good old times of Queen Elizabeth. You cannot deny that the country has been more prosperous under the kings of the House of Stuart than under any of their predecessors. Keep

that House, then, and be thankful." Just such is the reasoning of the opponents of this bill. They tell us that we are an ungrateful people, and that, under institutions from which we have derived inestimable benefits, we are more discontented than the slaves of the Dey of Tripoli. Sir, if we had been slaves of the Dey of Tripoli, we should have been too much sunk in intellectual and moral degradation to be capable of the rational and manly discontent of freemen. It is precisely because our institutions are so good that we are not perfectly contented with them; for they have educated us into a capacity for enjoying still better institutions. That the English Government has generally been in advance of almost all other governments is true. But it is equally true that the English nation is, and has during some time been, in advance of the English Government. One plain proof of this is, that nothing is so ill made in our island as the laws. In all those things which depend on the intelligence, the knowledge, the industry, the energy of individuals, or of voluntary combinations of individuals, this country stands preeminent among all the countries of the world, ancient and modern. But in those things which it belongs to the State to direct, we have no such claim to superiority. Our fields are cultivated with a skill unknown elsewhere, with a skill which has extorted rich harvests from moors and morasses. Our houses are filled with conveniences which the kings of former times might have envied. Our bridges, our canals, our roads, our modes of communication, fill every stranger with wonder. Nowhere are manufactures carried to such perfection. Nowhere is so vast a mass of mechanical power collected. Nowhere does man exercise such a

dominion over matter. These are the works of the nation. Compare them with the works of the rulers of the nation. Look at the criminal law, at the civil law, at the modes of conveying lands, at the modes of conducting actions. It is by these things that we must judge of our legislators, just as we judge of our manufacturers by the cotton goods and the cutlery which they produce, just as we judge of our engineers by the suspension bridges, the tunnels, the steam carriages which they construct. Is, then, the machinery by which justice is administered framed with the same exquisite skill which is found in other kinds of machinery? Can there be a stronger contrast than that which exists between the beauty, the completeness, the speed, the precision with which every process is performed in our factories, and the awkwardness, the rudeness, the slowness, the uncertainty of the apparatus by which offences are punished and rights vindicated? Look at that series of penal statutes, the most bloody and the most inefficient in the world, at the puerile fictions which make every declaration and every plea unintelligible both to plaintiff and defendant, at the mummery of fines and recoveries, at the chaos of precedents, at the bottomless pit of Chancery. Surely we see the barbarism of the thirteenth century and the highest civilisation of the nineteenth century side by side; and we see that the barbarism belongs to the government, and the civilisation to the people.

This is a state of things which cannot last. If it be not terminated by wisdom, it will be terminated by violence. A time has come at which it is not merely desirable, but indispensable to the public safety, that the government should be brought into harmony with

the people; and it is because this bill seems to me likely to bring the government into harmony with the people, that I feel it to be my duty to give my hearty support to His Majesty's Ministers.

We have been told, indeed, that this is not the plan of Reform which the nation asked for. Be it so. But you cannot deny that it is the plan of Reform which the nation has accepted. That, though differing in many respects from what was asked, it has been accepted with transports of joy and gratitude, is a decisive proof of the wisdom of timely concession. Never in the history of the world was there so signal an example of that true statesmanship, which, at once animating and gently curbing the honest enthusiasm of millions, guides it safely and steadily to a happy goal. It is not strange, that when men are refused what is reasonable, they should demand what is unreasonable. It is not strange that, when they find that their opinion is contemned and neglected by the Legislature, they should lend a too favourable ear to worthless agitators. We have seen how discontent may be produced. We have seen, too, how it may be appeased. We have seen that the true source of the power of demagogues is the obstinacy of rulers and that a liberal Government makes a conservative people. Early in the last session, the First Minister of the Crown declared that he would consent to no Reform; that he thought our representative system, just as it stood, the masterpiece of human wisdom; that, if he had to make it anew, he would make it such as it was, with all its represented ruins and all its unrepresented cities. What followed? Every thing was tumult and panic. The funds fell. The streets were insecure. Men's hearts failed them

for fear. We began to move our property into German investments and American investments. Such was the state of the public mind, that it was not thought safe to let the Sovereign pass from his palace to the Guild-hall of his capital. What part of his kingdom is there in which His Majesty now needs any other guard than the affection of his loving subjects? There are, indeed, still malecontents; and they may be divided into two classes, the friends of corruption and the sowers of sedition. It is natural that all who directly profit by abuses, and all who profit by the disaffection which abuses excite, should be leagued together against a bill which, by making the government pure, will make the nation loyal. There is, and always has been, a real alliance between the two extreme parties in this country. They play into each other's hands. They live by each other. Neither would have any influence if the other were taken away. The demagogue would have no audience but for the indignation excited among the multitude by the insolence of the enemies of Reform: and the last hope of the enemies of Reform is in the uneasiness excited among all who have any thing to lose by the ravings of the demagogue. I see, and glad I am to see, that the nation perfectly understands and justly appreciates this coalition between those who hate all liberty and those who hate all order. England has spoken, and spoken out. From her most opulent seaports, from her manufacturing towns, from her capital and its gigantic suburbs, from almost every one of her counties, has gone forth a voice, answering in no doubtful or faltering accent to that truly royal voice which appealed on the twenty-second of last April to the sense of the nation.

So clearly, indeed, has the sense of the nation been expressed, that scarcely any person now ventures to declare himself hostile to all Reform. We are, it seems, a House of Reformers. Those very gentlemen who, a few months ago, were vehement against all change, now own that some change may be proper, may be necessary. They assure us that their opposition is directed, not against Parliamentary Reform, but against the particular plan which is now before us, and that a Tory Ministry would devise a much better plan. I cannot but think that these tactics are unskilful. I cannot but think that, when our opponents defended the existing system in every part, they occupied a stronger position than at present. As my noble friend the Paymaster General said, they have committed an error resembling that of the Scotch army at Dunbar. They have left the high ground from which we might have had some difficulty in dislodging them. They have come down to low ground, where they are at our mercy. Surely, as Cromwell said, surely the Lord hath delivered them into our hand.

For, Sir, it is impossible not to perceive that almost every argument which they have urged against this Reform Bill may be urged with equal force, or with greater force, against any Reform Bill which they can themselves bring in.

First take, what, indeed, are not arguments, but wretched substitutes for arguments, those vague terms of reproach which have been so largely employed, here and elsewhere, by our opponents; revolutionary, anarchical, traitorous, and so forth. It will, I apprehend, hardly be disputed that these epithets can

be just as easily applied to one Reform Bill as to another.

But, you say, intimidation has been used to promote the passing of this bill; and it would be disgraceful, and of evil example, that Parliament should yield to intimidation. But surely, if that argument be of any force against the present bill, it will be of ten-fold force against any Reform Bill proposed by you. For this bill is the work of men who are Reformers from conscientious conviction, of men, some of whom were Reformers when Reformer was a name of reproach, of men, all of whom were Reformers before the nation had begun to demand Reform in imperative and menacing tones. But you are notoriously Reformers merely from fear. You are Reformers under duress. If a concession is to be made to the public importunity, you can hardly deny that it will be made with more grace and dignity by Lord Grey than by you.

Then you complain of the anomalies of the bill. One county, you say, will have twelve members; and another county, which is larger and more populous, will have only ten. Some towns, which are to have only one member, are more considerable than other towns which are to have two. Do those who make these objections, objections which by the bye will be more in place when the bill is in committee, seriously mean to say that a Tory Reform Bill will leave no anomalies in the representative system? For my own part, I trouble myself not at all about anomalies, considered merely as anomalies. I would not take the trouble of lifting up my hand to get rid of an anomaly that was not also a grievance. But if gentlemen have such a horror of anomalies, it is strange that they

should so long have persisted in upholding a system made up of anomalies far greater than any that can be found in this bill (a cry of *no!*) Yes; far greater. Answer me, if you can; but do not interrupt me. On this point, indeed, it is much easier to interrupt than to answer. For who can answer plain arithmetical demonstration? Under the present system, Manchester, with two hundred thousand inhabitants, has no members. Old Sarum, with no inhabitants, has two members. Find me such an anomaly in the schedules which are now on the table. But is it possible that you, that Tories, can seriously mean to adopt the only plan which can remove all anomalies from the representative system? Are you prepared to have, after every decennial census, a new distribution of members among electoral districts? Is your plan of Reform that which Mr. Canning satirised as the most crazy of all the projects of the disciples of Tom Paine? Do you really mean

“That each fair burgh, numerically free,
Shall choose its members by the rule of three?”

If not, let us hear no more of the anomalies of the Reform Bill.

But your great objection to this bill is that it will not be final. I ask you whether you think that any Reform Bill which you can frame will be final? For my part I do believe that the settlement proposed by His Majesty's Ministers will be final, in the only sense in which a wise man ever uses that word. I believe that it will last during that time for which alone we ought at present to think of legislating. Another generation may find in the new representative system

defects such as we find in the old representative system. Civilisation will proceed. Wealth will increase. Industry and trade will find out new seats. The same causes which have turned so many villages into great towns, which have turned so many thousands of square miles of fir and heath into cornfields and orchards, will continue to operate. Who can say that a hundred years hence there may not be, on the shore of some desolate and silent bay in the Hebrides, another Liverpool, with its docks and warehouses and endless forests of masts? Who can say that the huge chimneys of another Manchester may not rise in the wilds of Connemara? For our children we do not pretend to legislate. All that we can do for them is to leave to them a memorable example of the manner in which great reforms ought to be made. In the only sense, therefore, in which a statesman ought to say that any thing is final, I pronounce this bill final. But in what sense will your bill be final? Suppose that you could defeat the Ministers, that you could displace them, that you could form a Government, that you could obtain a majority in this House, what course would events take? There is no difficulty in foreseeing the stages of the rapid progress downward. First we should have a mock reform; a Bassietlaw reform; a reform worthy of those politicians who, when a delinquent borough had forfeited its franchise, and when it was necessary for them to determine what they would do with two seats in Parliament, deliberately gave those seats, not to Manchester or Birmingham or Leeds, not to Lancashire or Staffordshire or Devonshire, but to a constituent body studiously selected because it was not large and because it was not independent; a reform worthy of

those politicians who, only twelve months ago, refused to give members to the three greatest manufacturing towns in the world. We should have a reform which would produce all the evils and none of the benefits of change, which would take away from the representative system the foundation of prescription, and yet would not substitute the surer foundation of reason and public good. The people would be at once emboldened and exasperated; emboldened because they would see that they had frightened the Tories into making a pretence of reforming the Parliament; and exasperated because they would see that the Tory Reform was a mere pretence. Then would come agitation, tumult, political associations, libels, inflammatory harangues. Coercion would only aggravate the evil. This is no age, this is no country, for the war of power against opinion. Those Jacobin mountebanks, whom this bill would at once send back to their native obscurity, would rise into fearful importance. The law would be sometimes braved and sometimes evaded. In short, England would soon be what Ireland was at the beginning of 1829. Then, at length, as in 1829, would come the late and vain repentance. Then, Sir, amidst the generous cheers of the Whigs, who will be again occupying their old seats on your left hand, and amidst the indignant murmurs of those staunch Tories who are now again trusting to be again betrayed, the right honourable Baronet opposite will rise from the Treasury Bench to propose that bill on which the hearts of the people are set. But will that bill be then accepted with the delight and thankfulness with which it was received last March? Remember Ireland. Remember how, in that country, concessions too long de-

laid were at last received. That great boon which in 1801, in 1813, in 1825, would have won the hearts of millions, given too late, and given from fear, only produced new clamours and new dangers. Is not one such lesson enough for one generation? A noble Lord opposite told us not to expect that this bill will have a conciliatory effect. Recollect, he said, how the French aristocracy surrendered their privileges in 1789, and how that surrender was requited. Recollect that Day of Sacrifices which was afterwards called the Day of Dupes. Sir, that day was afterwards called the Day of Dupes, not because it was the Day of Sacrifices, but because it was the Day of Sacrifices too long deferred. It was because the French aristocracy resisted reform in 1783, that they were unable to resist revolution in 1789. It was because they clung too long to odious exemptions and distinctions, that they were at last unable to save their lands, their mansions, their heads. They would not endure Turgot: and they had to endure Robespierre.

I am far indeed from wishing that the Members of this House should be influenced by fear in the bad and unworthy sense of that word. But there is an honest and honourable fear, which well becomes those who are intrusted with the dearest interests of a great community; and to that fear I am not ashamed to make an earnest appeal. It is very well to talk of confronting sedition boldly, and of enforcing the law against those who would disturb the public peace. No doubt a tumult caused by local and temporary irritation ought to be suppressed with promptitude and vigour. Such disturbances, for example, as those which Lord George Gordon raised in 1780, should be instantly put down

with the strong hand. But woe to the Government which cannot distinguish between a nation and a mob! Woe to the Government which thinks that a great, a steady, a long continued movement of the public mind is to be stopped like a street riot! This error has been twice fatal to the great House of Bourbon. God be praised, our rulers have been wiser. The golden opportunity which, if once suffered to escape, might never have been retrieved, has been seized. Nothing, I firmly believe, can now prevent the passing of this noble law, this second Bill of Rights. [*Murmurs.*] Yes, I call it, and the nation calls it, and our posterity will long call it, this second Bill of Rights, this Greater Charter of the Liberties of England. The year 1831 will, I trust, exhibit the first example of the manner in which it behoves a free and enlightened people to purify their polity from old and deeply seated abuses, without bloodshed, without violence, without rapine, all points freely debated, all the forms of senatorial deliberation punctiliously observed, industry and trade not for a moment interrupted, the authority of law not for a moment suspended. These are things of which we may well be proud. These are things which swell the heart up with a good hope for the destinies of mankind. I cannot but anticipate a long series of happy years; of years during which a parental Government will be firmly supported by a grateful nation; of years during which war, if war should be inevitable, will find us an united people; of years preeminently distinguished by the progress of arts, by the improvement of laws, by the augmentation of the public resources, by the diminution of the public burdens, by all those victories of peace, in which, far more than in any military suc-

cesses, consists the true felicity of states, and the true glory of statesmen. With such hopes, Sir, and such feelings, I give my cordial assent to the second reading of a bill which I consider as in itself deserving of the warmest approbation, and as indispensably necessary, in the present temper of the public mind, to the repose of the country and to the stability of the throne.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 20TH OF SEPTEMBER,
1831.

On Monday, the nineteenth of September, 1831, the Bill to amend the representation of the people in England and Wales was read a third time, at an early hour and in a thin house, without any debate. But on the question whether the Bill should pass a discussion arose which lasted three nights. On the morning of the twenty-second of September the House divided; and the Bill passed by 345 votes to 236. The following Speech was made on the second night of the debate.

IT is not without great diffidence, Sir, that I rise to address you on a subject which has been nearly exhausted. Indeed, I should not have risen had I not thought that, though the arguments on this question are for the most part old, our situation at present is in a great measure new. At length the Reform Bill, having passed without vital injury through all the dangers which threatened it, during a long and minute discussion, from the attacks of its enemies and from the dissensions of its friends, comes before us for our final ratification, altered, indeed, in some of its details for the better, and in some for the worse, but in its great principles still the same bill which, on the first of March, was proposed to the late Parliament, the same bill which was received with joy and gratitude by the whole nation, the same bill which, in an instant, took away the power of interested agita-

tors, and united in one firm body all the sects of sincere Reformers, the same bill which, at the late election, received the approbation of almost every great constituent body in the empire. With a confidence which discussion has only strengthened, with an assured hope of great public blessings if the wish of the nation shall be gratified, with a deep and solemn apprehension of great public calamities if that wish shall be disappointed, I, for the last time, give my most hearty assent to this noble law, destined, I trust, to be the parent of many good laws, and, through a long series of years, to secure the repose and promote the prosperity of my country.

When I say that I expect this bill to promote the prosperity of the country, I by no means intend to encourage those chimerical hopes which the honourable and learned Member for Rye*, who has so much distinguished himself in this debate, has imputed to the Reformers. The people, he says, are for the bill, because they expect that it will immediately relieve all their distresses. Sir, I believe that very few of that large and respectable class which we are now about to admit to a share of political power entertain any such absurd expectation. They expect relief, I doubt not; and I doubt not that they will find it: but sudden relief they are far too wise to expect. The bill, says the honourable and learned gentleman, is good for nothing: it is merely theoretical: it removes no real and sensible evil: it will not give the people more work, or higher wages, or cheaper bread. Undoubtedly, Sir, the bill will not immediately give all those things to

* Mr. Pemberton.

the people. But will any institutions give them all those things? Do the present institutions of the country secure to them those advantages? If we are to pronounce the Reform Bill good for nothing, because it will not at once raise the nation from distress to prosperity, what are we to say of that system under which the nation has been of late sinking from prosperity into distress? The defect is not in the Reform Bill, but in the very nature of government. On the physical condition of the great body of the people, government acts not as a specific, but as an alterative. Its operation is powerful, indeed, and certain, but gradual and indirect. The business of government is not directly to make the people rich, but to protect them in making themselves rich; and a government which attempts more than this is precisely the government which is likely to perform less. Government do not and cannot support the people. We have no miraculous powers: we have not the rod of the Hebrew lawgiver: we cannot rain down bread on the multitude from Heaven: we cannot smite the rock and give them to drink. We can give them only freedom to employ their industry to the best advantage, and security in the enjoyment of what their industry has acquired. These advantages it is our duty to give at the smallest possible cost. The diligence and forethought of individuals will thus have fair play; and it is only by the diligence and forethought of individuals that the community can become prosperous. I am not aware that His Majesty's Ministers, or any of the supporters of this bill, have encouraged the people to hope, that Reform will remove distress, in any other way than by this indirect process. By this indirect process the bill will, I feel

assured, conduce to the national prosperity. If it had been passed fifteen years ago, it would have saved us from our present embarrassments. If we pass it now, it will gradually extricate us from them. It will secure to us a House of Commons, which, by preserving peace, by destroying monopolies, by taking away unnecessary public burthens, by judiciously distributing necessary public burthens, will, in the progress of time, greatly improve our condition. This it will do; and those who blame it for not doing more blame it for not doing what no Constitution, no code of laws, ever did or ever will do; what no legislator, who was not an ignorant and unprincipled quack, ever ventured to promise.

But chimerical 'as are the hopes which the honourable and learned Member for Rye imputes to the people, they are not, I think, more chimerical than the fears which he has himself avowed. Indeed, those very gentlemen who are constantly telling us that we are taking a leap in the dark, that we pay no attention to the lessons of experience, that we are mere theorists, are themselves the despisers of experience, are themselves the mere theorists. They are terrified at the thought of admitting into Parliament members elected by ten pound householders. They have formed in their own imaginations a most frightful idea of these members. My honourable and learned friend, the Member for Cockermonth*, is certain that these members will take every opportunity of promoting the interests of the journeyman in opposition to those of the capitalist. The honourable and learned Member for Rye is convinced that none but persons who have strong

* Sir James Scarlett.

local connections, will ever be returned for such constituent bodies. My honourable friend, the Member for Thetford*, tells us, that none but mob orators, men who are willing to pay the basest court to the multitude, will have any chance. Other speakers have gone still further, and have described to us the future borough members as so many Marats and Santerres, low, fierce, desperate men, who will turn the House into a bear garden, and who will try to turn the monarchy into a republic, mere agitators, without honour, without sense, without education, without the feelings or the manners of gentlemen. Whenever, during the course of the fatiguing discussions by which we have been so long occupied, there has been a cry of "question," or a noise at the bar, the orator who has been interrupted has remarked, that such proceedings will be quite in place in the Reformed Parliament, but that we ought to remember that the House of Commons is still an assembly of gentlemen. This, I say, is to set up mere theory, or rather mere prejudice, in opposition to long and ample experience. Are the gentlemen who talk thus ignorant that we have already the means of judging what kind of men the ten pound householders will send up to Parliament? Are they ignorant that there are even now large towns with very popular franchises, with franchises even more democratic than those which will be bestowed by the present bill? Ought they not, on their own principles, to look at the results of the experiments which have already been made, instead of predicting frightful calamities at random? How do the facts which are before us agree with their theories? Nottingham is a

* Mr. Alexander Baring.

city with a franchise even more democratic than that which this bill establishes. Does Nottingham send hither mere vulgar demagogues? It returns two distinguished men, one an advocate, the other a soldier, both unconnected with the town. Every man paying scot and lot has a vote at Leicester. This is a lower franchise than the ten pound franchise. Do we find that the Members for Leicester are the mere tools of the journeymen? I was at Leicester during the contest of 1826; and I recollect that the suffrages of the scot and lot voters were pretty equally divided between two candidates, neither of them connected with the place, neither of them a slave of the mob, one a Tory Baronet from Derbyshire, the other a most respectable and excellent friend of mine, connected with the manufacturing interest, and also an inhabitant of Derbyshire. Look at Norwich. Look at Northampton, with a franchise more democratic than even the scot and lot franchise. Northampton formerly returned Mr. Perceval, and now returns gentlemen of high respectability, gentlemen who have a great stake in the prosperity and tranquillity of the country. Look at the metropolitan districts. This is an *a fortiori* case. Nay it is — the expression, I fear, is awkward — an *a fortiori* case at two removes. The ten pound householders of the metropolis are persons in a lower station of life than the ten pound householders of other towns. The scot and lot franchise in the metropolis is again lower than the ten pound franchise. Yet have Westminster and Southwark been in the habit of sending us members of whom we have had reason to be ashamed, of whom we have not had reason to be proud? I do not say that the inhabitants of Westminster and Southwark have always

expressed their political sentiments with proper moderation. That is not the question. The question is this: what kind of men have they elected? The very principle of all Representative government is, that men who do not judge well of public affairs may be quite competent to choose others who will judge better. Whom, then, have Westminster and Southwark sent us during the last fifty years, years full of great events, years of intense popular excitement? Take any one of those nomination boroughs, the patrons of which have conscientiously endeavoured to send fit men into this House. Compare the Members for that borough with the Members for Westminster and Southwark; and you will have no doubt to which the preference is due. It is needless to mention Mr. Fox, Mr. Sheridan, Mr. Tierney, Sir Samuel Romilly. Yet I must pause at the name of Sir Samuel Romilly. Was he a mob orator? Was he a servile flatterer of the multitude? Sir, if he had any fault, if there was any blemish on that most serene and spotless character, that character which every public man, and especially every professional man engaged in politics, ought to propose to himself as a model, it was this, that he despised popularity too much and too visibly. The honourable Member for Thetford told us that the honourable and learned Member for Rye, with all his talents, would have no chance of a seat in the Reformed Parliament, for want of the qualifications which succeed on the hustings. Did Sir Samuel Romilly ever appear on the hustings of Westminster? He never solicited one vote; he never showed himself to the electors, till he had been returned at the head^m of the poll. Even then, as I have heard from one of his nearest relatives, it was with

reluctance that he submitted to be chaired. He shrank from being made a show. He loved the people, and he served them; but Coriolanus himself was not less fit to canvass them. I will mention one other name, that of a man of whom I have only a childish recollection, but who must have been intimately known to many of those who hear me, Mr. Henry Thornton. He was a man eminently upright, honourable, and religious, a man of strong understanding, a man of great political knowledge; but, in all respects, the very reverse of a mob orator. He was a man who would not have yielded to what he considered as unreasonable clamour, I will not say to save his seat, but to save his life. Yet he continued to represent Southwark, Parliament after Parliament, for many years. Such has been the conduct of the scot and lot voters of the metropolis; and there is clearly less reason to expect democratic violence from ten pound householders than from scot and lot householders; and from ten pound householders in the country towns than from ten pound householders in London. Experience, I say, therefore, is on our side; and on the side of our opponents nothing but mere conjecture and mere assertion.

Sir, when this bill was first brought forward, I supported it, not only on the ground of its intrinsic merits, but, also, because I was convinced that to reject it would be a course full of danger. I believe that the danger of that course is in no respect diminished. I believe, on the contrary, that it is increased. We are told that there is a reaction. The warmth of the public feeling, it seems, has abated. In this story both the sections of the party opposed to Reform are agreed; those who hate Reform, because

it will remove abuses, and those who hate it, because it will avert anarchy; those who wish to see the electing body controlled by ejections, and those who wish to see it controlled by riots. They must now, I think, be undeceived. They must have already discovered that the surest way to prevent a reaction is to talk about it, and that the enthusiasm of the people is at once rekindled by any indiscreet mention of their seeming coolness. This, Sir, is not the first reaction which the sagacity of the Opposition has discovered since the Reform Bill was brought in. Every gentleman who sat in the late Parliament, every gentleman who, during the sitting of the late Parliament, paid attention to political speeches and publications, must remember how, for some time before the debate on General Gascoyne's motion, and during the debate on that motion, and down to the very day of the dissolution, we were told that public feeling had cooled. The right honourable Baronet, the Member for Tamworth, told us so. All the literary organs of the Opposition, from the Quarterly Review down to the Morning Post, told us so. All the Members of the Opposition with whom we conversed in private told us so. I have in my eye a noble friend of mine, who assured me, on the very night which preceded the dissolution, that the people had ceased to be zealous for the Ministerial plan, and that we were more likely to lose than to gain by the elections. The appeal was made to the people; and what was the result? What sign of a reaction appeared among the Livery of London? What sign of a reaction did the honourable Baronet who now represents Okehampton find among

the freeholders of Cornwall?* How was it with the large represented towns? Had Liverpool cooled? or Bristol? or Leicester? or Coventry? or Nottingham? or Norwich? How was it with the great seats of manufacturing industry, Yorkshire, and Lancashire, and Staffordshire, and Warwickshire, and Cheshire? How was it with the agricultural districts, Northumberland and Cumberland, Leicestershire and Lincolnshire, Kent and Essex, Oxfordshire, Hampshire, Somersetshire, Dorsetshire, Devonshire? How was it with the strongholds of aristocratical influence, Newark, and Stamford, and Hertford, and St. Alban's? Never did any people display, within the limits prescribed by law, so generous a fervour, or so steadfast a determination, as that very people whose apparent languor had just before inspired the enemies of Reform with a delusive hope.

Such was the end of the reaction of April; and, if that lesson shall not profit those to whom it was given, such and yet more signal will be the end of the reaction of September. The two cases are strictly analogous. In both cases the people were eager when they believed the bill to be in danger, and quiet when they believed it to be in security. During the three or four weeks which followed the promulgation of the Ministerial plan, all was joy, and gratitude, and vigorous exertion. Everywhere meetings were held: everywhere resolutions were passed: from every quarter were sent up petitions to this House, and addresses to the Throne: and then the nation, having given vent to

* Sir Richard Vyvyan.

its first feelings of delight, having clearly and strongly expressed its opinions, having seen the principle of the bill adopted by the House of Commons on the second reading, became composed, and awaited the result with a tranquillity which the Opposition mistook for indifference. All at once the aspect of affairs changed. General Gascoyne's amendment was carried: the bill was again in danger: exertions were again necessary. Then was it well seen whether the calmness of the public mind was any indication of indifference. The depth and sincerity of the prevailing sentiments were proved, not by mere talking, but by actions, by votes, by sacrifices. Intimidation was defied: expenses were rejected: old ties were broken: the people struggled manfully: they triumphed gloriously: they placed the bill in perfect security, as far as this House was concerned; and they returned to their repose. They are now, as they were on the eve of General Gascoyne's motion, awaiting the issue of the deliberations of Parliament, without any indecent show of violence, but with anxious interest and immovable resolution. And because they are not exhibiting that noisy and rapturous enthusiasm which is in its own nature transient, because they are not as much excited as on the day when the plan of the Government was first made known to them, or on the day when the late Parliament was dissolved, because they do not go on week after week, hallooing, and holding meetings, and marching about with flags, and making bonfires, and illuminating their houses, we are again told that there is a reaction. To such a degree can men be deceived by their wishes, in spite of their own recent experience. Sir, there is no reaction; and

there will be no reaction. All that has been said on this subject convinces me only that those who are now, for the second time, raising this cry, know nothing of the crisis in which they are called on to act, or of the nation which they aspire to govern. All their opinions respecting this bill are founded on one great error. They imagine that the public feeling concerning Reform is a mere whim which sprang up suddenly out of nothing, and which will as suddenly vanish into nothing. They, therefore, confidently expect a reaction. They are always looking out for a reaction. Everything that they see, or that they hear, they construe into a sign of the approach of this reaction. They resemble the man in Horace, who lies on the bank of the river, expecting that it will every moment pass by and leave him a clear passage, not knowing the depth and abundance of the fountain which feeds it, not knowing that it flows, and will flow on for ever. They have found out a hundred ingenious devices by which they deceive themselves. Sometimes they tell us that the public feeling about Reform was caused by the events which took place at Paris about fourteen months ago; though every observant and impartial man knows, that the excitement which the late French revolution produced in England was not the cause but the effect of that progress which liberal opinions had made amongst us. Sometimes they tell us that we should not have been troubled with any complaints on the subject of the Representation, if the House of Commons had agreed to a certain motion, made in the Session of 1830, for inquiry into the causes of the public distress. I remember nothing about that motion, except that it gave rise to the

dullest debate ever known; and the country, I am firmly convinced, cared not one straw about it. But is it not strange that men of real ability can deceive themselves so grossly, as to think that any change in the government of a foreign nation, or the rejection of any single motion, however popular, could all at once raise up a great, rich, enlightened nation, against its ancient institutions? Could such small drops have produced an overflowing, if the vessel had not already been filled to the very brim? These explanations are incredible, and if they were credible, would be anything but consolatory. If it were really true that the English people had taken a sudden aversion to a representative system which they had always loved and admired, because a single division in Parliament had gone against their wishes, or because, in a foreign country, in circumstances bearing not the faintest analogy to those in which we are placed, a change of dynasty had happened, what hope could we have for such a nation of madmen? How could we expect that the present form of government, or any form of government, would be durable amongst them?

Sir, the public feeling concerning Reform is of no such recent origin, and springs from no such frivolous causes. Its first faint commencement may be traced far, very far, back in our history. During seventy years that feeling has had a great influence on the public mind. Through the first thirty years of the reign of George the Third, it was gradually increasing. The great leaders of the two parties in the State were favourable to Reform. Plans of reform were supported by large and most respectable minorities in the

House of Commons. The French Revolution, filling the higher and middle classes with an extreme dread of change, and the war calling away the public attention from internal to external politics, threw the question back; but the people never lost sight of it. Peace came, and they were at leisure to think of domestic improvements. Distress came, and they suspected, as was natural, that their distress was the effect of unfaithful stewardship and unskilful legislation. An opinion favourable to Parliamentary Reform grew up rapidly, and became strong among the middle classes. But one tie, one strong tie, still bound those classes to the Tory party. I mean the Catholic Question. It is impossible to deny that, on that subject, a large proportion, a majority, I fear, of the middle class of Englishmen, conscientiously held opinions opposed to those which I have always entertained, and were disposed to sacrifice every other consideration to what they regarded as a religious duty. Thus the Catholic Question hid, so to speak, the question of Parliamentary Reform. The feeling in favour of Parliamentary Reform grew, but it grew in the shade. Every man, I think, must have observed the progress of that feeling in his own social circle. But few Reform meetings were held, and few petitions in favour of Reform presented. At length the Catholics were emancipated; the solitary link of sympathy which attached the people to the Tories was broken; the cry of "No Popery" could no longer be opposed to the cry of "Reform." That which, in the opinion of the two great parties in Parliament, and of a vast portion of the community, had been the first question, suddenly disappeared; and the question of Parliamentary Re-

form took the first place. Then was put forth all the strength which had been growing in silence and obscurity. Then it appeared that Reform had on its side a coalition of interests and opinions unprecedented in our history, all the liberality and intelligence which had supported the Catholic claims, and all the clamour which had opposed them.

This, I believe, is the true history of that public feeling on the subject of Reform which has been ascribed to causes quite inadequate to the production of such an effect. If ever there was in the history of mankind a national sentiment which was the very opposite of a caprice, with which accident had nothing to do, which was produced by the slow, steady, certain progress of the human mind, it is the sentiment of the English people on the subject of Reform. Accidental circumstances may have brought that feeling to maturity in a particular year, or a particular month. That point I will not dispute; for it is not worth disputing. But those accidental circumstances have brought on Reform, only as the circumstance that, at a particular time, indulgences were offered for sale in a particular town in Saxony, brought on the great separation from the Church of Rome. In both cases the public mind was prepared to move on the slightest impulse.

Thinking thus of the public opinion concerning Reform, being convinced that this opinion is the mature product of time and of discussion, I expect no reaction. I no more expect to see my countrymen again content with the mere semblance of a Representation, than to see them again drowning witches or burning heretics, trying causes by red hot ploughshares, or

offering up human sacrifices to wicker idols. I no more expect a reaction in favour of Gattou and Old Sarum, than a reaction in favour of Thor and Odin. I should think such a reaction almost as much a miracle, as that the shadow should go back upon the dial. Revolutions produced by violence are often followed by reactions; the victories of reason once gained, are gained for eternity.

In fact, if there be, in the present aspect of public affairs, any sign peculiarly full of evil omen to the opponents of Reform, it is that very calmness of the public mind on which they found their expectation of success. They think that it is the calmness of indifference. It is the calmness of confident hope; and in proportion to the confidence of hope will be the bitterness of disappointment. Disappointment, indeed, I do not anticipate. That we are certain of success in this House is now acknowledged; and our opponents have, in consequence, during the whole of this Session, and particularly during the present debate, addressed their arguments and exhortations rather to the Lords than to the assembly of which they are themselves Members. Their principal argument has always been, that the bill will destroy the peerage. The honorable and learned Member for Rye has, in plain terms, called on the Barons of England to save their order from democratic encroachments, by rejecting this measure. All these arguments, all these appeals, being interpreted, mean this: "Proclaim to your countrymen that you have no common interests with them, no common sympathies with them; that you can be powerful only by their weakness, and exalted only by their degradation; that the corruption which disgusts them, and

the oppression against which their spirit rises up, are indispensable to your authority; that the freedom and purity of election are incompatible with the very existence of your House. Give them clearly to understand that your power rests, not, as they have hitherto imagined, on their rational convictions, or on their habitual veneration, or on your own great property, but on a system fertile of political evils, fertile also of low iniquities of which ordinary justice takes cognisance. Bind up, in inseparable union, the privileges of your estate with the grievances of ours: resolve to stand or fall with abuses visibly marked out for destruction: tell the people that they are attacking you in attacking the three holes in the wall, and that they shall never get rid of the three holes in the wall till they have got rid of you; that a hereditary peerage, and a representative assembly, can coexist only in name, and that, if they will have a real House of Peers, they must be content with a mock House of Commons." This, I say, is the advice given to the Lords by those who call themselves the friends of aristocracy. That advice so pernicious will not be followed, I am well assured; yet I cannot but listen to it with uneasiness. I cannot but wonder that it should proceed from the lips of men who are constantly lecturing us on the duty of consulting history and experience. Have they never heard what effects counsels like their own, when too faithfully followed, have produced? Have they never visited that neighbouring country, which still presents to the eye, even of a passing stranger, the signs of a great dissolution and renovation of society? Have they never walked by those stately mansions, now sinking into decay, and portioned out into lodging

rooms, which line the silent streets of the Faubourg St. Germain? Have they never seen the ruins of those castles whose terraces and gardens overhang the Loire? Have they never heard that from those magnificent hotels, from those ancient castles, an aristocracy as splendid, as brave, as proud, as accomplished as ever Europe saw, was driven forth to exile and beggary, to implore the charity of hostile Governments and hostile creeds, to cut wood in the back settlements of America, or to teach French in the schoolrooms of London? And why were those haughty nobles destroyed with that utter destruction? Why were they scattered over the face of the earth, their titles abolished, their escutcheons defaced, their parks wasted, their palaces dismantled, their heritage given to strangers? Because they had no sympathy with the people, no discernment of the signs of their time; because, in the pride and narrowness of their hearts, they called those whose warnings might have saved them theorists and speculators; because they refused all concession till the time had arrived when no concession would avail. I have no apprehension that such a fate awaits the nobles of England. I draw no parallel between our aristocracy and that of France. Those who represent the peerage as a class whose power is incompatible with the just influence of the people in the State, draw that parallel, and not I. They do all in their power to place the Lords and Commons of England in that position with respect to each other in which the French gentry stood with respect to the Third Estate. But I am convinced that these advisers will not succeed. We see, with pride and delight, among the friends of the people, the Tal-

bots, the Cavendishes, the princely house of Howard. Foremost among those who have entitled themselves, by their exertions in this House, to the lasting gratitude of their countrymen, we see the descendants of Marlborough, of Russell, and of Derby. I hope, and firmly believe, that the Lords will see what their interest and their honour require. I hope, and firmly believe, that they will act in such a manner as to entitle themselves to the esteem and affection of the people. But if not, let not the enemies of Reform imagine that their reign is straightway to recommence, or that they have obtained anything more than a short and uneasy respite. We are bound to respect the constitutional rights of the Peers; but we are bound also not to forget our own. We, too, have our privileges: we, too, are an estate of the realm. A House of Commons strong in the love and confidence of the people, a House of Commons which has nothing to fear from a dissolution, is something in the government. Some persons, I well know, indulge a hope that the rejection of the bill will at once restore the domination of that party which fled from power last November, leaving everything abroad and everything at home in confusion; leaving the European system, which it had built up at a vast cost of blood and treasure, falling to pieces in every direction; leaving the dynasties which it had restored, hastening into exile; leaving the nations which it had joined together, breaking away from each other; leaving the fundholders in dismay; leaving the peasantry in insurrection; leaving the most fertile counties lighted up with the fires of incendiaries; leaving the capital in such a state, that a royal procession could not safely

pass through it. Dark and terrible, beyond any season within my remembrance of political affairs, was the day of their flight. Far darker and far more terrible will be the day of their return. They will return in opposition to the whole British nation, united as it was never before united on any internal question; united as firmly as when the Armada was sailing up the channel; united as firmly as when Bonaparte pitched his camp on the cliffs of Boulogne. They will return pledged to defend evils which the people are resolved to destroy. They will return to a situation in which they can stand only by crushing and trampling down public opinion, and from which, if they fall, they may, in their fall, drag down with them the whole frame of society. Against such evils, should such evils appear to threaten the country, it will be our privilege and our duty to warn our gracious and beloved Sovereign. It will be our privilege and our duty to convey the wishes of a loyal people to the throne of a patriot king. At such a crisis the proper place for the House of Commons is in front of the nation; and in that place this House will assuredly be found. Whatever prejudice or weakness may do elsewhere to ruin the empire, here, I trust, will not be wanting the wisdom, the virtue, and the energy that may save it.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 10TH OF OCTOBER, 1831.

On the morning of Saturday, the eighth of October, 1831, the House of Lords by a majority of 199 to 158, rejected the Reform Bill. On the Monday following, Lord Ebrington, Member for Devonshire, moved the following resolution in the House of Commons:

“That while this House deeply laments the present fate of a bill for amending the representation of the people in England and Wales, in favour of which the opinion of the country stands unequivocally pronounced, and which has been matured by discussions the most anxious and laborious, it feels itself called upon to reassert its firm adherence to the principle and leading provisions of that great measure, and to express its unabated confidence in the integrity, perseverance, and ability of those Ministers, who, in introducing and conducting it, have so well consulted the best interests of the country.”

The resolution was carried by 329 votes to 198. The following Speech was made early in the debate.

I DOUBT, Sir, whether any person who had merely heard the speech of the right honourable Member for the University of Cambridge* would have been able to conjecture what the question is which we are discussing, and what the occasion on which we are assembled. For myself, I can with perfect sincerity declare that never in the whole course of my life did I feel my mind oppressed by so deep and solemn a sense of responsibility as at the present moment. I firmly

* Mr. Goulburn.

believe that the country is now in danger of calamities greater than ever threatened it, from domestic misgovernment or from foreign hostility. The danger is no less than this, that there may be a complete alienation of the people from their rulers. To soothe the public mind, to reconcile the people to the delay, the short delay, which must intervene before their wishes can be legitimately gratified, and in the mean time to avert civil discord, and to uphold the authority of law, these are, I conceive, the objects of my noble friend, the Member for Devonshire: these ought, at the present crisis, to be the objects of every honest Englishman. They are objects which will assuredly be attained, if we rise to this great occasion, if we take our stand in the place which the Constitution has assigned to us, if we employ, with becoming firmness and dignity, the powers which belong to us as trustees of the nation, and as advisers of the Throne.

Sir, the Resolution of my noble friend consists of two parts. He calls upon us to declare our undiminished attachment to the principles of the Reform Bill, and also our undiminished confidence in His Majesty's Ministers. I consider these two declarations as identical. The question of Reform is, in my opinion, of such paramount importance, that, approving the principles of the Ministerial Bill, I must think the Ministers who have brought that bill forward, although I may differ from them on some minor points, entitled to the strongest support of Parliament. The right honourable gentleman, the Member for the University of Cambridge, has attempted to divert the course of the debate to questions comparatively unimportant. He has said much about the coal duty, about the

candle duty, about the budget of the present Chancellor of the Exchequer. On most of the points to which he has referred, it would be easy for me, were I so inclined, to defend the Ministers; and, where I could not defend them, I should find it easy to recriminate on those who preceded them. The right honorable Member for the University of Cambridge has taunted the Ministers with the defeat which their plan respecting the timber trade sustained in the last Parliament. I might, perhaps, at a more convenient season, be tempted to inquire whether that defeat was more disgraceful to them or to their predecessors. I might, perhaps, be tempted to ask the right honorable gentleman whether, if he had not been treated, while in office, with more fairness than he has shown while in opposition, it would have been in his power to carry his best bill, the Beer Bill? He has accused the Ministers of bringing forward financial propositions, and then withdrawing those propositions. Did not he bring forward, during the Session of 1830, a plan respecting the sugar duties? And was not that plan withdrawn? But, Sir, this is mere trifling. I will not be seduced from the matter in hand by the right honorable gentleman's example. At the present moment I can see only one question in the State, the question of Reform; only two parties, the friends of the Reform Bill and its enemies.

It is not my intention, Sir, again to discuss the merits of the Reform Bill. The principle of that bill received the approbation of the late House of Commons after a discussion of ten nights; and the bill, as it now stands, after a long and most laborious in-

vestigation, passed the present House of Commons by a majority which was nearly half as large again as the minority. This was little more than a fortnight ago. Nothing has since occurred to change our opinion. The justice of the case is unaltered. The public enthusiasm is undiminished. Old Sarum has grown no larger. Manchester has grown no smaller. In addressing this House, therefore, I am entitled to assume that the bill is in itself a good bill. If so, ought we to abandon it merely because the Lords have rejected it? We ought to respect the lawful privileges of their House; but we ought also to assert our own. We are constitutionally as independent of their Lordships as their Lordships are of us. We have precisely as good a right to adhere to our opinion as they have to dissent from it. In speaking of their decision, I will attempt to follow that example of moderation which was so judiciously set by my noble friend, the Member for Devonshire. I will only say that I do not think that they are more competent to form a correct judgment on a political question than we are. It is certain that, on all the most important points on which the two Houses have for a long time past differed, the Lords have at length come over to the opinion of the Commons. I am therefore entitled to say, that with respect to all those points, the Peers themselves being judges, the House of Commons was in the right and the House of Lords in the wrong. It was thus with respect to the Slave-trade: it was thus with respect to Catholic Emancipation: it was thus with several other important questions. I, therefore, cannot think that we ought, on the present occasion, to surrender our judgment to those who have

acknowledged that, on former occasions of the same kind, we have judged more correctly than they.

Then again, Sir, I cannot forget how the majority and the minority in this House were composed; I cannot forget that the majority contained almost all those gentlemen who are returned by large bodies of electors. It is, I believe, no exaggeration to say, that there were single Members of the majority who had more constituents than the whole minority put together. I speak advisedly and seriously. I believe that the number of freeholders of Yorkshire exceeds that of all the electors who return the Opposition. I cannot with propriety comment here on any reports which may have been circulated concerning the majority and minority in the House of Lords. I may, however, mention these notoriously historical facts; that during the last forty years the powers of the executive Government have been, almost without intermission, exercised by a party opposed to Reform; and that a very great number of Peers have been created, and all the present Bishops raised to the bench during those years. On this question, therefore, while I feel more than usual respect for the judgment of the House of Commons, I feel less than usual respect for the judgment of the House of Lords. Our decision is the decision of the nation; the decision of their Lordships can scarcely be considered as the decision even of that class from which the Peers are generally selected, and of which they may be considered as virtual representatives, the great landed gentlemen of England. It seems to me clear, therefore, that we ought, notwithstanding what has passed in the other House, to adhere to our opinion concerning the Reform Bill.

The next question is this; ought we to make a formal declaration that we adhere to our opinion? I think that we ought to make such a declaration; and I am sure that we cannot make it in more temperate or more constitutional terms than those which my noble friend asks us to adopt. I support the Resolution which he has proposed with all my heart and soul: I support it as a friend to Reform; but I support it still more as a friend to law, to property, to social order. No observant and unprejudiced man can look forward without great alarm to the effects which the recent decision of the Lords may possibly produce. I do not predict, I do not expect, open, armed insurrection. What I apprehend is this, that the people may engage in a silent, but extensive and persevering war against the law. What I apprehend is, that England may exhibit the same spectacle which Ireland exhibited three years ago, agitators stronger than the magistrate, associations stronger than the law, a Government powerful enough to be hated, and not powerful enough to be feared, a people bent on indemnifying themselves by illegal excesses for the want of legal privileges. I fear, that we may before long see the tribunals defied, the tax-gatherer resisted, public credit shaken, property insecure, the whole frame of society hastening to dissolution. It is easy to say, "Be bold: be firm: defy intimidation: let the law have its course: the law is strong enough to put down the seditious." Sir, we have heard all this blustering before; and we know in what it ended. It is the blustering of little men whose lot has fallen on a great crisis. Xerxes scourging the winds, Canute commanding the waves to recede from his footstool, were but types of the

folly of those who apply the maxims of the Quarter Sessions to the great convulsions of society. The law has no eyes: the law has no hands: the law is nothing, nothing but a piece of paper printed by the King's printer, with the King's arms at the top, till public opinion breathes the breath of life into the dead letter. We found this in Ireland. The Catholic Association bearded the Government. The Government resolved to put down the Association. An indictment was brought against my honorable and learned friend, the Member for Kerry. The Grand Jury threw it out. Parliament met. The Lords Commissioners came down with a speech recommending the suppression of the self-constituted legislature of Dublin. A bill was brought in: it passed both Houses by large majorities: it received the Royal assent. And what effect did it produce? Exactly as much as that old Act of Queen Elizabeth, still unrepealed, by which it is provided that every man who, without a special exemption, shall eat meat on Fridays and Saturdays, shall pay a fine of twenty shillings or go to prison for a month. Not only was the Association not destroyed: its power was not for one day suspended: it flourished and waxed strong under the law which had been made for the purpose of annihilating it. The elections of 1826, the Clare election two years later, proved the folly of those who think that nations are governed by wax and parchment: and, at length, in the close of 1828, the Government had only one plain choice before it, concession or civil war. Sir, I firmly believe that, if the people of England shall lose all hope of carrying the Reform Bill by constitutional means, they will forthwith begin to offer to the Government the same kind

of resistance which was offered to the late Government, three years ago, by the people of Ireland, a resistance by no means amounting to rebellion, a resistance rarely amounting to any crime defined by the law, but a resistance nevertheless which is quite sufficient to obstruct the course of justice, to disturb the pursuits of industry, and to prevent the accumulation of wealth. And is not this a danger which we ought to fear? And is not this a danger which we are bound, by all means in our power, to avert? And who are those who taunt us for yielding to intimidation? Who are those who affect to speak with contempt of associations, and agitators, and public meetings? Even the very persons who, scarce two years ago, gave up to associations, and agitators, and public meetings, their boasted Protestant Constitution, proclaiming all the time that they saw the evils of Catholic Emancipation as strongly as ever. Surely, surely, the note of defiance which is now so loudly sounded in our ears, proceeds with a peculiarly bad grace from men whose highest glory it is that they abased themselves to the dust before a people whom their policy had driven to madness, from men the proudest moment of whose lives was that in which they appeared in the character of persecutors scared into toleration. Do they mean to indemnify themselves for the humiliation of quailing before the people of Ireland by trampling on the people of England? If so, they deceive themselves. The case of Ireland, though a strong one, was by no means so strong a case as that with which we have now to deal. The Government, in its struggle with the Catholics of Ireland, had Great Britain at its back. Whom will it have at its back in

the struggle with the Reformers of Great Britain? I know only two ways in which societies can permanently be governed, by public opinion, and by the sword. A Government having at its command the armies, the fleets, and the revenues of Great Britain, might possibly hold Ireland by the sword. So Oliver Cromwell held Ireland; so William the Third held it; so Mr. Pitt held it; so the Duke of Wellington might perhaps have held it. But to govern Great Britain by the sword! So wild a thought has never, I will venture to say, occurred to any public man of any party; and, if any man were frantic enough to make the attempt, he would find, before three days had expired, that there is no better sword than that which is fashioned out of a ploughshare. But, if not by the sword, how is the country to be governed? I understand how the peace is kept at New York. It is by the assent and support of the people. I understand also how the peace is kept at Milan. It is by the bayonets of the Austrian soldiers. But how the peace is to be kept when you have neither the popular assent nor the military force, how the peace is to be kept in England by a Government acting on the principles of the present Opposition, I do not understand.

There is in truth a great anomaly in the relation between the English people and their Government. Our institutions are either too popular or not popular enough. The people have not sufficient power in making the laws; but they have quite sufficient power to impede the execution of the laws when made. The Legislature is almost entirely aristocratical; the machinery by which the decrees of the Legislature are carried into effect is almost entirely popular; and

therefore, we constantly see all the power which ought to execute the law, employed to counteract the law. Thus, for example, with a criminal code which carries its rigour to the length of atrocity, we have a criminal judicature which often carries its lenity to the length of perjury. Our law of libel is the most absurdly severe that ever existed, so absurdly severe that, if it were carried into full effect, it would be much more oppressive than a censorship. And yet, with this severe law of libel, we have a Press which practically is as free as the air. In 1819 the Ministers complained of the alarming increase of seditious and blasphemous publications. They proposed a bill of great rigour to stop the growth of the evil; and they carried their bill. It was enacted, that the publisher of a seditious libel might, on a second conviction, be banished, and that if he should return from banishment, he might be transported. How often was this law put in force? Not once. Last year we repealed it: but it was already dead, or rather it was dead born. It was obsolete before *Le Roi le veut* had been pronounced over it. For any effect which it produced it might as well have been in Code Napoleon as in the English Statute Book. And why did the Government, having solicited and procured so sharp and weighty a weapon, straightway hang it up to rust? Was there less sedition, were there fewer libels, after the passing of the Act than before it? Sir, the very next year was the year 1820, the year of the Bill of Pains and Penalties against Queen Caroline, the very year when the public mind was most excited, the very year when the public press was most scurrilous. Why then did not the Ministers use their new law? Because they durst

not: because they could not. They had obtained it with ease; for in obtaining it they had to deal with a subservient Parliament. They could not execute it; for in executing it they would have to deal with a refractory people. These are instances of the difficulty of carrying the law into effect when the people are inclined to thwart their rulers. The great anomaly, or, to speak more properly, the great evil which I have described, would, I believe, be removed by the Reform Bill. That bill would establish harmony between the people and the Legislature. It would give a fair share in the making of laws to those without whose cooperation laws are mere waste paper. Under a reformed system we should not see, as we now often see, the nation repealing Acts of Parliament as fast as we and the Lords can pass them. As I believe that the Reform Bill would produce this blessed and salutary concord, so I fear that the rejection of the Reform Bill, if that rejection should be considered as final, will aggravate the evil which I have been describing to an unprecedented, to a terrible extent. To all the laws which might be passed for the collection of the revenue, or for the prevention of sedition, the people would oppose the same kind of resistance by means of which they have succeeded in mitigating, I might say in abrogating, the law of libel. There would be so many offenders that the Government would scarcely know at whom to aim its blow. Every offender would have so many accomplices and protectors, that the blow would almost always miss the aim. The Veto of the people, a Veto not pronounced in set form like that of the Roman Tribunes, but quite as effectual as that of the Roman Tribunes for the purpose of impe-

ding public measures, would meet the Government at every turn. The Administration would be unable to preserve order at home, or to uphold the national honour abroad; and, at length, men who are now moderate, who now think of revolution with horror, would begin to wish that the lingering agony of the State might be terminated by one fierce, sharp, decisive crisis.

Is there a way of escape from these calamities? I believe that there is. I believe that, if we do our duty, if we give the people reason to believe that the accomplishment of their wishes is only deferred, if we declare our undiminished attachment to the Reform Bill, and our resolution to support no Minister who will not support that bill, we shall avert the fearful disasters which impend over the country. There is danger that, at this conjuncture, men of more zeal than wisdom may obtain a fatal influence over the public mind. With these men will be joined others, who have neither zeal nor wisdom, common barrators in politics, dregs of society which, in times of violent agitation, are tossed up from the bottom to the top, and which, in quiet times, sink again from the top to their natural place at the bottom. To these men nothing is so hateful as the prospect of a reconciliation between the orders of the State. A crisis like that which now makes every honest citizen sad and anxious fills these men with joy, and with a detestable hope. And how is it that such men, formed by nature and education to be objects of mere contempt, can ever inspire terror? How is it that such men, without talents or acquirements sufficient for the management of a vestry, sometimes become dangerous to great em-

pires? The secret of their power lies in the indolence or faithlessness of those who ought to take the lead in the redress of public grievances. The whole history of low traders in sedition is contained in that fine old Hebrew fable which we have all read in the Book of Judges. The trees meet to choose a king. The vine, and the fig tree, and the olive tree decline the office. Then it is that the sovereignty of the forest devolves upon the bramble: then it is that from a base and noxious shrub goes forth the fire which devours the cedars of Lebanon. Let us be instructed. If we are afraid of Political Unions and Reform Associations, let the House of Commons become the chief point of political union: let the House of Commons be the great Reform Association. If we are afraid that the people may attempt to accomplish their wishes by unlawful means, let us give them a solemn pledge that we will use in their cause all our high and ancient privileges, so often victorious in old conflicts with tyranny; those privileges which our ancestors invoked, not in vain, on the day when a faithless king filled our house with his guards, took his seat, Sir, on your chair, and saw your predecessors kneeling on the floor before him. The Constitution of England, thank God, is not one of those constitutions which are past all repair, and which must, for the public welfare, be utterly destroyed. It has a decayed part; but it has also a sound and precious part. It requires purification; but it contains within itself the means by which that purification may be effected. We read that in old times, when the villeins were driven to revolt by oppression, when the castles of the nobility were

burned to the ground, when the warehouses of London were pillaged, when a hundred thousand insurgents appeared in arms on Blackheath, when a foul murder perpetrated in their presence had raised their passions to madness, when they were looking round for some captain to succeed and avenge him whom they had lost, just then, before Hob Miller, or Tom Carter, or Jack Straw, could place himself at their head, the King rode up to them and exclaimed, "I will be your leader!" and at once the infuriated multitude laid down their arms, submitted to his guidance, dispersed at his command. Herein let us imitate him. Our countrymen are, I fear, at this moment, but too much disposed to lend a credulous ear to selfish impostors. Let us say to them, "We are your leaders; we, your own House of Commons; we, the constitutional interpreters of your wishes; the knights of forty English shires, the citizens and burgesses of all your largest towns. Our lawful power shall be firmly exerted to the utmost in your cause; and our lawful power is such, that when firmly exerted in your cause, it must finally prevail." This tone it is our interest and our duty to take. The circumstances admit of no delay. Is there one among us who is not looking with breathless anxiety for the next tidings which may arrive from the remote parts of the kingdom? Even while I speak, the moments are passing away, the irrevocable moments pregnant with the destiny of a great people. The country is in danger: it may be saved: we can save it: this is the way: this is the time. In our hands are the issues of great good and great evil, the issues of the life and death of the State. May the

result of our deliberations be the repose and prosperity of that noble country which is entitled to all our love; and for the safety of which we are answerable to our own consciences, to the memory of future ages, to the Judge of all hearts!

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 16TH OF DECEMBER,
1831.

On Friday, the sixteenth of December, 1831, Lord Althorpe moved the second reading of the Bill to amend the representation of the people in England and Wales. Lord Porchester moved, as an amendment, that the Bill should be read a second time that day six months. The debate lasted till after midnight, and was then adjourned till twelve at noon. The House did not divide till one on the Sunday morning. The amendment was then rejected by 324 votes to 162; and the original motion was carried. The following Speech was made on the first night of the debate.

I CAN assure my noble friend*, for whom I entertain sentiments of respect and kindness which no political difference will, I trust, ever disturb, that his remarks have given me no pain, except, indeed, the pain which I feel at being compelled to say a few words about myself. Those words shall be very few, I know how unpopular egotism is in this House. My noble friend says that, in the debates of last March, I declared myself opposed to the ballot, and that I have since recanted, for the purpose of making myself popular with the inhabitants of Leeds. My noble friend is altogether mistaken. I never said, in any debate, that I was opposed to the ballot. The word ballot

* Lord Mahon.

never passed my lips within this House. I observed strict silence respecting it on two accounts; in the first place, because my own opinions were, till very lately, undecided; in the second place, because I knew that the agitation of that question, a question of which the importance appears to me to be greatly overrated, would divide those on whose firm and cordial union the safety of the empire depends. My noble friend has taken this opportunity of replying to a speech which I made last October. The doctrines which I then laid down were, according to him, most intemperate and dangerous. Now, Sir, it happens, curiously enough, that my noble friend has himself asserted, in his speech of this night, those very doctrines, in language so nearly resembling mine that I might fairly accuse him of plagiarism. I said that laws have no force in themselves, and that, unless supported by public opinion, they are a mere dead letter. The noble Lord has said exactly the same thing to-night. "Keep your old Constitution," he exclaims; "for, whatever may be its defects in theory, it has more of the public veneration than your new Constitution will have; and no laws can be efficient, unless they have the public veneration." I said, that statutes are in themselves only wax and parchment; and I was called an incendiary by the opposition. The noble Lord has said to-night that statutes in themselves are only ink and parchment; and those very persons who reviled me have enthusiastically cheered him. I am quite at a loss to understand how doctrines which are, in his mouth, true and constitutional, can, in mine, be false and revolutionary.

But, Sir, it is time that I should address myself to

the momentous question before us. I shall certainly give my best support to this bill through all its stages; and, in so doing, I conceive that I shall act in strict conformity with the resolution by which this House, towards the close of the late Session, declared its unabated attachment to the principles and to the leading provisions of the first Reform Bill. All those principles, all those leading provisions, I find in the present measure. In the details there are, undoubtedly, considerable alterations. Most of the alterations appear to me to be improvements; and even those alterations which I cannot consider as in themselves improvements will yet be most useful, if their effect shall be to conciliate opponents, and to facilitate the adjustment of a question which, for the sake of order, for the sake of peace, for the sake of trade, ought to be, not only satisfactorily, but speedily settled. We have been told, Sir, that, if we pronounce this bill to be a better bill than the last, we recant all the doctrines which we maintained during the last Session; we sing our palinode; we allow that we have had a great escape; we allow that our own conduct was deserving of censure; we allow that the party which was the minority in this House, and, most unhappily for the country, the majority in the other House, has saved the country from a great calamity. Sir, even if this charge were well founded, there are those who should have been prevented by prudence, if not by magnanimity, from bringing it forward. I remember an Opposition which took a very different course. I remember an Opposition which, while excluded from power, taught all its doctrines to the Government; which, after labouring long, and sacrificing much, in order to effect improvements

in various parts of our political and commercial system, saw the honour of those improvements appropriated by others. But the members of that Opposition had, I believe, a sincere desire to promote the public good. They, therefore, raised no shout of triumph over the recantations of their proselytes. They rejoiced, but with no ungenerous joy, when their principles of trade, of jurisprudence, of foreign policy, of religious liberty, became the principles of the Administration. They were content that he who came into fellowship with them at the eleventh hour should have a far larger share of the reward than those who had borne the burthen and heat of the day. In the year 1828, a single division in this House changed the whole policy of the Government with respect to the Test and Corporation Acts. My noble friend, the Paymaster of the Forces, then sat where the right honorable Baronet, the member for Tamworth, now sits. I do not remember that, when the right honorable Baronet announced his change of purpose, my noble friend sprang up to talk about palinodes, to magnify the wisdom and virtue of the Whigs, and to sneer at his new coadjutors. Indeed, I am not sure that the members of the late Opposition did not carry their indulgence too far; that they did not too easily suffer the fame of Grattan and Romilly to be transferred to less deserving claimants; that they were not too ready, in the joy with which they welcomed the tardy and convenient repentance of their converts, to grant a general amnesty for the errors or the insincerity of years. If it were true that we had recanted, this ought not to be made matter of charge against us by men whom posterity will remember by nothing but recantations. But, in truth, we

recant nothing. We have nothing to recant. We support this bill. We may possibly think it a better bill than that which preceded it. But are we therefore bound to admit that we were in the wrong, that the Opposition was in the right, that the House of Lords has conferred a great benefit on the nation? We saw — who did not see? — great defects in the first bill. But did we see nothing else? Is delay no evil? Is prolonged excitement no evil? Is it no evil that the heart of a great people should be made sick by deferred hope? We allow that many of the changes which have been made are improvements. But we think that it would have been far better for the country to have had the last bill, with all its defects, than the present bill, with all its improvements. Second thoughts are proverbially the best, but there are emergencies which do not admit of second thoughts. There probably never was a law which might not have been amended by delay. But there have been many cases in which there would have been more mischief in the delay than benefit in the amendments. The first bill, however inferior it may have been in its details to the present bill, was yet herein far superior to the present bill, that it was the first. If the first bill had passed, it would, I firmly believe, have produced a complete reconciliation between the aristocracy and the people. It is my earnest wish and prayer that the present bill may produce this blessed effect; but I cannot say that my hopes are so sanguine as they were at the beginning of the last Session. The decision of the House of Lords has, I fear, excited in the public mind feelings of resentment which will not soon be allayed. What then, it is said, would you

legislate in haste? Would you legislate in times of great excitement concerning matters of such deep concern? Yes, Sir, I would: and if any bad consequences should follow from the haste and the excitement, let those be held answerable who, when there was no need of haste, when there existed no excitement, refused to listen to any project of Reform, nay, who made it an argument against Reform, that the public mind was not excited. When few meetings were held, when few petitions were sent up to us, these politicians said, "Would you alter a Constitution with which the people are perfectly satisfied?" And now, when the kingdom from one end to the other is convulsed by the question of Reform, we hear it said by the very same persons, "Would you alter the Representative system in such agitated times as these?" Half the logic of misgovernment lies in this one sophistical dilemma: If the people are turbulent, they are unfit for liberty: if they are quiet, they do not want liberty.

I allow that hasty legislation is an evil. I allow that there are great objections to legislating in troubled times. But Reformers are compelled to legislate fast, because bigots will not legislate early. Reformers are compelled to legislate in times of excitement, because bigots will not legislate in times of tranquillity. If, ten years ago, nay if only two years ago, there had been at the head of affairs men who understood the signs of the times and the temper of the nation, we should not have been forced to hurry now. If we cannot take our time, it is because we have to make up for their lost time. If they had reformed gradually, we might have reformed gradually; but we are compelled to move fast, because they would not move at all.

Though I admit, Sir, that this bill is in its details superior to the former bill, I must say that the best parts of this bill, those parts for the sake of which principally I support it, those parts for the sake of which I would support it, however imperfect its details might be, are parts which it has in common with the former bill. It destroys nomination; it admits the great body of the middle orders to a share in the government; and it contains provisions which will, as I conceive, greatly diminish the expense of elections.

Touching the expense of elections I will say a few words, because that part of the subject has not, I think, received so much attention as it deserves. Whenever the nomination boroughs are attacked, the opponents of Reform produce a long list of eminent men who have sate for those boroughs, and who, they tell us, would never have taken any part in public affairs but for those boroughs. Now, Sir, I suppose no person will maintain that a large constituent body is likely to prefer ignorant and incapable men to men of information and ability? Whatever objections there may be to democratic institutions, it was never, I believe, doubted that those institutions are favourable to the development of talents. We may prefer the constitution of Sparta to that of Athens, or the constitution of Venice to that of Florence: but no person will deny that Athens produced more great men than Sparta, or that Florence produced more great men than Venice. But to come nearer home: the five largest English towns which have now the right of returning two members each by popular election, are Westminster, Southwark, Liverpool, Bristol, and Norwich. Now let us see what members those places have sent to Parlia-

ment. I will not speak of the living, though among the living are some of the most distinguished ornaments of the House. I will confine myself to the dead. Among many respectable and useful members of Parliament, whom these towns have returned, during the last half century, I find Mr. Burke, Mr. Fox, Mr. Sheridan, Mr. Windham, Mr. Tierney, Sir Samuel Romilly, Mr. Canning, Mr. Huskisson. These were eight of the most illustrious parliamentary leaders of the generation which is passing away from the world. Mr. Pitt was, perhaps, the only person worthy to make a ninth with them. It is, surely, a remarkable circumstance that, of the nine most distinguished Members of the House of Commons who have died within the last forty years, eight should have been returned to Parliament by the five largest represented towns. I am, therefore, warranted in saying that great constituent bodies are quite as competent to discern merit, and quite as much disposed to reward merit, as the proprietors of boroughs. It is true that some of the distinguished statesmen whom I have mentioned would never have been known to large constituent bodies if they had not first sat for nomination boroughs. But why is this? Simply, because the expense of contesting popular places, under the present system, is ruinously great. A poor man cannot defray it; an untried man cannot expect his constituents to defray it for him. And this is the way in which our Representative system is defended. Corruption vouches corruption. Every abuse is made the plea for another abuse. We must have nomination at Gatton, because we have profusion at Liverpool. Sir, these arguments convince me, not that no Reform is required, but that

a very deep and searching Reform is required. If two evils serve in some respects to counterbalance each other, this is a reason, not for keeping both, but for getting rid of both together. At present you close against men of talents that broad, that noble entrance which belongs to them, and which ought to stand wide open to them; and in exchange you open to them a bye entrance, low and narrow, always obscure, often filthy, through which, too often, they can pass only by crawling on their hands and knees, and from which they too often emerge sullied with stains never to be washed away. But take the most favourable case. Suppose that the member who sits for a nomination borough owes his seat to a man of virtue and honour, to a man whose service is perfect freedom, to a man who would think himself degraded by any proof of gratitude which might degrade his nominee. Yet is it nothing that such a member comes into this House wearing the badge, though not feeling the chain of servitude? Is it nothing that he cannot speak of his independence without exciting a smile? Is it nothing that he is considered, not as a Representative, but as an adventurer? This is what your system does for men of genius. It admits them to political power, not as, under better institutions, they would be admitted to power, erect, independent, unsullied; but by means which corrupt the virtue of many, and in some degree diminish the authority of all. Could any system be devised, better fitted to pervert the principle and break the spirit of men formed to be the glory of their country? And, can we mention no instance in which this system has made such men useless, or worse than useless, to the country of which their talents were the

ornament, and might, in happier circumstances, have been the salvation? Ariel, the beautiful and kindly Ariel, doing the bidding of the loathsome and malignant Sycorax, is but a faint type of genius enslaved by the spells, and employed in the drudgery, of corruption —

“A spirit too delicate
To act those earthy and abhorred commands.”

We cannot do a greater service to men of real merit than by destroying that which has been called their refuge, which is their house of bondage; by taking from them the patronage of the great, and giving to them in its stead the respect and confidence of the people. The bill now before us will, I believe, produce that happy effect. It facilitates the canvass; it reduces the expense of legal agency; it shortens the poll; above all, it disfranchises the outvoters. It is not easy to calculate the precise extent to which these changes will diminish the cost of elections. I have attempted, however, to obtain some information on this subject. I have applied to a gentleman of great experience in affairs of this kind, a gentleman who, at the last three general elections, managed the finances of the popular party in one of the largest boroughs in the kingdom. He tells me, that at the general election of 1826, when that borough was contested, the expenses of the popular candidate amounted to eighteen thousand pounds; and that, by the best estimate which can now be made, the borough may, under the reformed system, be as effectually contested for one tenth part of that sum. In the new constituent bodies there are no ancient rights reserved. In those bodies, there-

fore, the expense of an election will be still smaller. I firmly believe, that it will be possible to poll out Manchester for less than the market price of Old Sarum.

Sir, I have, from the beginning of these discussions, supported Reform on two grounds; first, because I believe it to be in itself a good thing; and secondly because I think the dangers of withholding it so great that, even if it were an evil, it would be the less of two evils. The dangers of the country have in no wise diminished. I believe that they have greatly increased. It is, I fear, impossible to deny that what has happened with respect to almost every great question that ever divided mankind has happened also with respect to the Reform Bill. Wherever great interests are at stake there will be much excitement; and wherever there is much excitement there will be some extravagance. The same great stirring of the human mind which produced the Reformation produced also the follies and crimes of the Anabaptists. The same spirit which resisted the Shipmoney, and abolished the Star-chamber, produced the Levellers and the Fifth Monarchy men. And so, it cannot be denied that bad men, availing themselves of the agitation produced by the question of Reform, have promulgated, and promulgated with some success, doctrines incompatible with the existence, I do not say of monarchy, or of aristocracy, but of all law, of all order, of all property, of all civilisation, of all that makes us to differ from Mohawks or Hottentots. I bring no accusation against that portion of the working classes which has been imposed upon by these doctrines. Those persons are what their situation has made them, ignorant from want of leisure, irritable from the sense

of distress. That they should be deluded by impudent assertions and gross sophisms; that, suffering cruel privations, they should give ready credence to promises of relief; that, never having investigated the nature and operation of government, they should expect impossibilities from it, and should reproach it for not performing impossibilities; all this is perfectly natural. No errors which they may commit ought ever to make us forget that it is in all probability owing solely to the accident of our situation that we have not fallen into errors precisely similar. There are few of us who do not know from experience that, even with all our advantages of education, pain, and sorrow can make us very querulous and very unreasonable. We ought not, therefore, to be surprised that, as the Scotch proverb says, "it should be ill talking between a full man and a fasting;" that the logic of the rich man who vindicates the rights of property, should seem very inconclusive to the poor man who hears his children cry for bread. I bring, I say, no accusation against the working classes. I would withhold from them nothing which it might be for their good to possess. I see with pleasure that, by the provisions of the Reform Bill, the most industrious and respectable of our labourers will be admitted to a share in the government of the State. If I would refuse to the working people that larger share of power which some of them have demanded, I would refuse it, because I am convinced that, by giving it, I should only increase their distress. I admit that the end of government is their happiness. But, that they may be governed for their happiness, they must not be governed according to the doctrines which they

have learned from their illiterate, incapable, low-minded flatterers.

But, Sir, the fact that such doctrines have been promulgated among the multitude is a strong argument for a speedy and effectual reform. That government is attacked is a reason for making the foundations of government broader, and deeper, and more solid. That property is attacked is a reason for binding together all proprietors in the firmest union. That the agitation of the question of Reform has enabled worthless demagogues to propagate their notions with some success is a reason for speedily settling the question in the only way in which it can be settled. It is difficult, Sir, to conceive any spectacle more alarming than that which presents itself to us, when we look at the two extreme parties in the country; a narrow oligarchy above; an infuriated multitude below; on the one side the vices engendered by power; on the other side the vices engendered by distress; one party blindly averse to improvement; the other party blindly clamouring for destruction; one party ascribing to political abuse the sanctity of property; the other party crying out against property as a political abuse. Both these parties are alike ignorant of their true interest. God forbid that the State should ever be at the mercy of either, or should ever experience the calamities which must result from a collision between them! I anticipate no such horrible event. For, between those two parties stands a third party, infinitely more powerful than both the others put together, attacked by both, vilified by both, but destined, I trust, to save both from the fatal effects of their own folly. To that party I have never ceased,

through all the vicissitudes of public affairs, to look with confidence and with a good hope. I speak of that great party which zealously and steadily supported the first Reform Bill, and which will, I have no doubt, support the second Reform Bill with equal steadiness and equal zeal. That party is the middle class of England, with the flower of the aristocracy at its head, and the flower of the working classes bringing up its rear. That great party has taken its immovable stand between the enemies of all order and the enemies of all liberty. It will have Reform: it will not have revolution: it will destroy political abuses: it will not suffer the rights of property to be assailed: it will preserve, in spite of themselves, those who are assailing it, from the right and from the left, with contradictory accusations: it will be a daysman between them: it will lay its hand upon them both: it will not suffer them to tear each other in pieces. While that great party continues unbroken, as it now is unbroken, I shall not relinquish the hope that this great contest may be conducted, by lawful means, to a happy termination. But, of this I am assured, that by means, lawful or unlawful, to a termination, happy or unhappy, this contest must speedily come. All that I know of the history of past times, all the observations that I have been able to make on the present state of the country, have convinced me that the time has arrived when a great concession must be made to the democracy of England; that the question, whether the change be in itself good or bad, has become a question of secondary importance; that, good or bad, the thing must be done; that a law as strong as the laws of attraction and motion has decreed it.

I well know that history, when we look at it in small portions, may be so construed as to mean anything, that it may be interpreted in as many ways as a Delphic oracle. "The French Revolution," says one expositor, "was the effect of concession." "Not so," cries another; "the French Revolution was produced by the obstinacy of an arbitrary government." "If the French nobles," says the first, "had refused to sit with the Third Estate, they would never have been driven from their country." "They would never have been driven from their country," answers the other, "if they had agreed to the reforms proposed by M. Turgot." These controversies can never be brought to any decisive test, or to any satisfactory conclusion. But, as I believe that history, when we look at it in small fragments, proves anything, or nothing, so I believe that it is full of useful and precious instruction when we contemplate it in large portions, when we take in, at one view, the whole lifetime of great societies. I believe that it is possible to obtain some insight into the law which regulates the growth of communities, and some knowledge of the effects which that growth produces. The history of England, in particular, is the history of a government constantly giving way, sometimes peaceably, sometimes after a violent struggle, but constantly giving way before a nation which has been constantly advancing. The forest laws, the laws of villenage, the oppressive power of the Roman Catholic Church, the power, scarcely less oppressive, which, during some time after the Reformation, was exercised by the Protestant Establishment, the prerogatives of the Crown, the

ensorship of the Press, successively yielded. The abuses of the representative system are now yielding to the same irresistible force. It was impossible for the Stuarts, and it would have been impossible for them if they had possessed all the energy of Richelieu, and all the craft of Mazarin, to govern England as England had been governed by the Tudors. It was impossible for the princes of the House of Hanover to govern England as England had been governed by the Stuarts. And so it is impossible that England should be any longer governed as it was governed under the four first princes of the House of Hanover. I say impossible. I believe that over the great changes of the moral world we possess as little power as over the great changes of the physical world. We can no more prevent time from changing the distribution of property and of intelligence, we can no more prevent property and intelligence from aspiring to political power, than we can change the courses of the seasons and of the tides. In peace or in tumult, by means of old institutions, where those institutions are flexible, over the ruins of old institutions, where those institutions oppose an unbending resistance, the great march of society proceeds, and must proceed. The feeble efforts of individuals to bear back are lost and swept away in the mighty rush with which the species goes onward. Those who appear to lead the movement are, in fact, only whirled along before it; those who attempt to resist it, are beaten down and crushed beneath it.

It is because rulers do not pay sufficient attention to the stages of this great movement, because they underrate its force, because they are ignorant of its

law, that so many violent and fearful revolutions have changed the face of society. We have heard it said a hundred times during these discussions, we have heard it said repeatedly in the course of this very debate, that the people of England are more free than ever they were, that the Government is more democratic than ever it was; and this is urged as an argument against Reform. I admit the fact; but I deny the inference. It is a principle never to be forgotten, in discussions like this, that it is not by absolute, but by relative misgovernment that nations are roused to madness. It is not sufficient to look merely at the form of government. We must look also to the state of the public mind. The worst tyrant that ever had his neck wrung in modern Europe might have passed for a paragon of clemency in Persia or Morocco. Our Indian subjects submit patiently to a monopoly of salt. We tried a stamp duty, a duty so light as to be scarcely perceptible, on the fierce breed of the old Puritans; and we lost an empire. The Government of Lewis the Sixteenth was certainly a much better and milder Government than that of Lewis the Fourteenth; yet Lewis the Fourteenth was admired, and even loved, by his people. Lewis the Sixteenth died on the scaffold. Why? Because, though the Government had made many steps in the career of improvement, it had not advanced so rapidly as the nation. Look at our own history. The liberties of the people were at least as much respected by Charles the First as by Henry the Eighth, by James the Second as by Edward the Sixth. But did this save the crown of James the Second? Did this save the head of Charles the First? Every person who

knows the history of our civil dissensions knows that all those arguments which are now employed by the opponents of the Reform Bill might have been employed, and were actually employed, by the unfortunate Stuarts. The reasoning of Charles, and of all his apologists, runs thus: — “What new grievance does the nation suffer? What has the King done more than what Henry did? more than what Elizabeth did? Did the people ever enjoy more freedom than at present? Did they ever enjoy as much freedom?” But what would a wise and honest counsellor, if Charles had been so happy as to possess such a counsellor, have replied to arguments like these? He would have said, “Sir, I acknowledge that the people were never more free than under your government. I acknowledge that those who talk of restoring the old Constitution of England use an improper expression. I acknowledge that there has been a constant improvement during those very years during which many persons imagine that there has been a constant deterioration. But, though there has been no change in the government for the worse, there has been a change in the public mind which produces exactly the same effect which would be produced by a change in the government for the worse. Perhaps this change in the public mind is to be regretted. But no matter; you cannot reverse it. You cannot undo all that eighty eventful years have done. You cannot transform the Englishmen of 1640 into the Englishmen of 1560. It may be that the simple loyalty of our fathers was preferable to that inquiring, censoring, resisting spirit which is now abroad. It may be that the times when men paid their benevolences cheerfully

were better times than these, when a gentleman goes before the Exchequer Chamber to resist an assessment of twenty shillings. And so it may be that infancy is a happier time than manhood, and manhood than old age. But God has decreed that old age shall succeed to manhood, and manhood to infancy. Even so have societies their law of growth. As their strength becomes greater, as their experience becomes more extensive, you can no longer confine them within the swaddling bands, or lull them in the cradles, or amuse them with the rattles, or terrify them with the bugbears of their infancy. I do not say that they are better or happier than they were; but this I say, that they are different from what they were, that you cannot again make them what they were, and that you cannot safely treat them as if they continued to be what they were." This was the advice which a wise and honest Minister would have given to Charles the First. These were the principles on which that unhappy prince should have acted. But no. He would govern, I do not say ill, I do not say tyrannically; I say only this; he would govern the men of the seventeenth century as if they had been the men of the sixteenth century; and therefore it was, that all his talents and all his virtues did not save him from unpopularity, from civil war, from a prison, from a bar, from a scaffold. These things are written for our instruction. Another great intellectual revolution has taken place; our lot has been cast on a time analogous, in many respects, to the time which immediately preceded the meeting of the Long Parliament. There is a change in society. There must be a corresponding change in the government. We are not, we cannot, in the nature of things,

be, what our fathers were. We are no more like the men of the American war, or the men of the gagging bills, than the men who cried "privilege" round the coach of Charles the First, were like the men who changed their religion once a year at the bidding of Henry the Eighth. That there is such a change, I can no more doubt than I can doubt that we have more power looms, more steam engines, more gas lights, than our ancestors. That there is such a change, the Minister will surely find who shall attempt to fit the yoke of Mr. Pitt to the necks of the Englishmen of the nineteenth century. What then can you do to bring back those times when the constitution of this House was an object of veneration to the people? Even as much as Strafford and Laud could do to bring back the days of the Tudors; as much as Bonner and Gardiner could do to bring back the days of Hildebrand; as much as Villèle and Polignac could do to bring back the days of Lewis the Fourteenth. You may make the change tedious, you may make it violent; you may — God in his mercy forbid! — you may make it bloody; but avert it you cannot. Agitations of the public mind, so deep and so long continued as those which we have witnessed, do not end in nothing. In peace or in convulsion, by the law, or in spite of the law, through the Parliament, or over the Parliament, Reform must be carried. Therefore be content to guide that movement which you cannot stop. Fling wide the gates to that force which else will enter through the breach. Then will it still be, as it has hitherto been, the peculiar glory of our Constitution that, though not exempt from the decay which is wrought by the

vicissitudes of fortune, and the lapse of time, in all the proudest works of human power and wisdom, it yet contains within it the means of self-reparation. Then will England add to her manifold titles of glory this, the noblest and the purest of all; that every blessing which other nations have been forced to seek, and have too often sought in vain, by means of violent and bloody revolutions, she will have attained by a peaceful and a lawful Reform.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 27TH OF FEBRUARY,
1832.

On Monday, the twenty-seventh of February, 1832, the House took into consideration the report of the Committee on Mr. Warburton's Anatomy Bill. Mr. Henry Hunt attacked that bill with great asperity. In reply to him the following Speech was made.

Sir, I cannot, even at this late hour of the night, refrain from saying two or three words. Most of the observations of the honorable Member for Preston I pass by, as undeserving of any answer before an audience like this. But on one part of his speech I must make a few remarks. We are, he says, making a law to benefit the rich, at the expense of the poor. Sir, the fact is the direct reverse. This is a bill which tends especially to the benefit of the poor. What are the evils against which we are attempting to make provision? Two especially; that is to say, the practice of Burking, and bad surgery. Now to both these the poor alone are exposed. What man, in our rank of life, runs the smallest risk of being Burked? That a man has property, that he has connections, that he is likely to be missed and sought for, are circumstances which secure him against the Burker. It is curious to observe the difference between murders of this kind

and other murders. An ordinary murderer hides the body, and disposes of the property. Bishop and Williams dig holes and bury the property, and expose the body to sale. The more wretched, the more lonely, any human being may be, the more desirable prey is he to these wretches. It is the man, the mere naked man, that they pursue. Again, as to bad surgery; this is, of all evils, the evil by which the rich suffer least, and the poor most. If we could do all that in the opinion of the Member for Preston ought to be done, if we could prevent disinterment, if we could prevent dissection, if we could destroy the English school of anatomy, if we could force every student of medical science to go to the expense of a foreign education, on whom would the bad consequences fall? On the rich? Not at all. As long as there is in France, in Italy, in Germany, a single surgeon of eminent skill, a single surgeon who is, to use the phrase of the Member for Preston, addicted to dissection, that surgeon will be in attendance whenever an English nobleman is to be cut for the stone. The higher orders in England will always be able to procure the best medical assistance. Who suffers by the bad state of the Russian school of surgery? The Emperor Nicholas? By no means. The whole evil falls on the peasantry. If the education of a surgeon should become very expensive, if the fees of surgeons should consequently rise, if the supply of regular surgeons should diminish, the sufferers would be, not the rich, but the poor in our country villages, who would again be left to mountebanks, and barbers, and old women, and charms and quack medicines. The honorable gentleman talks of sacrificing the interests

of humanity to the interests of science, as if this were a question about the squaring of the circle, or the transit of Venus. This is not a mere question of science: it is not the unprofitable exercise of an ingenious mind: it is a question between health and sickness, between ease and torment, between life and death. Does the honorable gentleman know from what cruel sufferings the improvement of surgical science has rescued our species? I will tell him one story, the first that comes into my head. He may have heard of Leopold, Duke of Austria, the same who imprisoned our Richard Cœur-de-Lion. Leopold's horse fell under him, and crushed his leg. The surgeons said that the limb must be amputated; but none of them knew how to amputate it. Leopold, in his agony, laid a hatchet on his thigh, and ordered his servant to strike with a mallet. The leg was cut off, and the Duke died of the gush of blood. Such was the end of that powerful prince. Why, there is not now a bricklayer who falls from a ladder in England, who cannot obtain surgical assistance, infinitely superior to that which the sovereign of Austria could command in the twelfth century. I think this a bill which tends to the good of the people, and which tends especially to the good of the poor. Therefore I support it. If it is unpopular, I am sorry for it. But I shall cheerfully take my share of its unpopularity. For such, I am convinced, ought to be the conduct of one whose object it is, not to flatter the people, but to serve them.

A SPEECH

DELIVERED IN

A COMMITTEE OF THE HOUSE OF COMMONS ON THE
28TH OF FEBRUARY, 1832.

On Tuesday, the twenty-eighth of February, 1832, in the Committee on the Bill to amend the representation of the people in England and Wales, the question was put, "That the Tower Hamlets, Middlesex, stand part of Schedule C." The opponents of the Bill mustered their whole strength on this occasion, and were joined by some members who had voted with the Government on the second reading. The question was carried, however, by 316 votes to 236. The following Speech was made in reply to the Marquess of Chandos and Sir Edward Sugden, who, on very different grounds, objected to any increase in the number of metropolitan members.

MR. BERNAL,

I HAVE spoken so often on the question of Parliamentary Reform, that I am very unwilling to occupy the time of the Committee. But the importance of the amendment proposed by the noble Marquess, and the peculiar circumstances in which we are placed to-night, make me so anxious that I cannot remain silent.

In this debate, as in every other debate, our first object should be to ascertain on which side the burden of the proof lies. Now, it seems to me quite clear that the burden of the proof lies on those who support the amendment. I am entitled to take it for granted that it is right and wise to give representatives to some wealthy and populous places which have hitherto been

unrepresented. To this extent, at least, we all, with scarcely an exception, now profess ourselves Reformers. There is, indeed, a great party which still objects to the disfranchising even of the smallest borough. But all the most distinguished chiefs of that party have, here and elsewhere, admitted that the elective franchise ought to be given to some great towns which have risen into importance since our representative system took its present form. If this be so, on what ground can it be contended that these metropolitan districts ought not to be represented? Are they inferior in importance to the other places to which we are all prepared to give members? I use the word importance with perfect confidence: for, though in our recent debates there has been some dispute as to the standard by which the importance of towns is to be measured, there is no room for dispute here. Here, take what standard you will, the result will be the same. Take population: take the rental: take the number of ten pound houses: take the amount of the assessed taxes: take any test in short: take any number of tests, and combine those tests in any of the ingenious ways which men of science have suggested: multiply: divide: subtract: add: try squares or cubes: try square roots or cube roots: you will never be able to find a pretext for excluding these districts from Schedule C. If, then, it be acknowledged that the franchise ought to be given to important places which are at present unrepresented, and if it be acknowledged that these districts are in importance not inferior to any place which is at present unrepresented, you are bound to give us strong reasons for withholding the franchise from these districts.

The honorable and learned gentleman* has tried to give such reasons; and, in doing so, he has completely refuted the whole speech of the noble Marquess, with whom he means to divide.** The truth is that the noble Marquess and the honorable and learned gentleman, though they agree in their votes, do not at all agree in their forebodings or in their ulterior intentions. The honorable and learned gentleman thinks it dangerous to increase the number of metropolitan voters. The noble Lord is perfectly willing to increase the number of metropolitan voters, and objects only to any increase in the number of metropolitan members. "Will you," says the honorable and learned gentleman, be so rash, so insane, as to create constituent bodies of twenty or thirty thousand electors?" "Yes," says the noble Marquess, "and much more than that. I will create constituent bodies of forty thousand, sixty thousand, a hundred thousand. I will add Marylebone to Westminster. I will add Lambeth to Southwark. I will add Finsbury and the Tower Hamlets to the City." The noble Marquess, it is clear, is not afraid of the excitement which may be produced by the polling of immense multitudes. Of what then is he afraid? Simply of eight members: nay, of six members: for he is willing, he tells us, to add two members to the two who already sit for Middlesex, and who may be considered as metropolitan members. Are six members, then, so formidable? I could mention a single peer who now sends more than six members to the House. But, says the noble Marquess, the members for the metropolitan districts

* Sir E. Sugden.

** The Marquess of Chandos.

will be called to a strict account by their constituents: they will be mere delegates: they will be forced to speak, not their own sense, but the sense of the capital. I will answer for it, Sir, that they will not be called to a stricter account than those gentlemen who are nominated by some great proprietors of boroughs. Is it not notorious that those who represent it as in the highest degree pernicious and degrading that a public man should be called to account by a great city which has intrusted its dearest interests to his care, do nevertheless think that he is bound by the most sacred ties of honour to vote according to the wishes of his patron or to apply for the Chiltern Hundreds? It is a bad thing, I fully admit, that a Member of Parliament should be a mere delegate. But it is not worse that he should be the delegate of a hundred thousand people than of one too powerful individual. What a perverse, what an inconsistent spirit is this; too proud to bend to the wishes of a nation, yet ready to lick the dust at the feet of a patron! And how is it proved that a member for Lambeth or Finsbury will be under a more servile awe of his constituents than a member for Leicester, or a member for Leicestershire, or a member for the University of Oxford? Is it not perfectly notorious that many members voted, year after year, against Catholic Emancipation, simply because they knew that, if they voted otherwise, they would lose their seats? No doubt this is an evil. But it is an evil which will exist in some form or other as long as human nature is the same, as long as there are men so low-minded as to prefer the gratification of a vulgar ambition to the approbation of their conscience and the welfare of

their country. Construct your representative system as you will, these men will always be sycophants. If you give power to Marylebone, they will fawn on the householders of Marylebone. If you leave power to Gatton, they will fawn on the proprietor of Gatton. I can see no reason for believing that their baseness will be more mischievous in the former case than in the latter.

But, it is said, the power of this huge capital is even now dangerously great; and will you increase that power? Now, Sir, I am far from denying that the power of London is, in some sense, dangerously great; but I altogether deny that the danger will be increased by this bill. It has always been found that a hundred thousand people congregated close to the seat of government exercise a greater influence on public affairs than five hundred thousand dispersed over a remote province. But this influence is not proportioned to the number of representatives chosen by the capital. This influence is felt at present, though the greater part of the capital is unrepresented. This influence is felt in countries where there is no representative system at all. Indeed, this influence is nowhere so great as under despotic governments. I need not remind the Committee that the Cæsars, while ruling by the sword, while putting to death without a trial every senator, every magistrate, who incurred their displeasure, yet found it necessary to keep the populace of the imperial city in good humour by distributions of corn and shows of wild beasts. Every country, from Britain to Egypt, was squeezed for the means of filling the granaries and adorning the theatres of Rome. On more than one occasion, long after the Cortes of Castile

had become a mere name, the rabble of Madrid assembled before the royal palace, forced their King, their absolute King, to appear in the balcony, and exacted from him a promise that he would dismiss an obnoxious minister. It was in this way that Charles the Second was forced to part with Oropesa, and that Charles the Third was forced to part with Squillaci. If there is any country in the world where pure despotism exists, that country is Turkey; and yet there is no country in the world where the inhabitants of the capital are so much dreaded by the Government. The Sultan, who stands in awe of nothing else, stands in awe of the turbulent populace, which may, at any moment, besiege him in his Seraglio. As soon as Constantinople is up, everything is conceded. The unpopular edict is recalled. The unpopular vizier is beheaded. This sort of power has nothing to do with representation. It depends on physical force and on vicinity. You do not propose to take this sort of power away from London. Indeed, you cannot take it away. Nothing can take it away but an earthquake more terrible than that of Lisbon, or a fire more destructive than that of 1666. Law can do nothing against this description of power; for it is a power which is formidable only when law has ceased to exist. While the reign of law continues, eight votes in a House of six hundred and fifty-eight Members will hardly do much harm. When the reign of law is at an end, and the reign of violence commences, the importance of a million and a half of people, all collected within a walk of the Palace, of the Parliament House, of the Bank, of the Courts of Justice, will not be measured by eight or by eighty votes,

See, then, what you are doing. That power which is not dangerous you refuse to London. That power which is dangerous you leave undiminished; nay, you make it more dangerous still. For by refusing to let eight or nine hundred thousand people express their opinions and wishes in a legal and constitutional way, you increase the risk of disaffection and of tumult. It is not necessary to have recourse to the speeches or writings of democrats to show that a represented district is far more likely to be turbulent than an unrepresented district. Mr. Burke, surely not a rash innovator, not a flatterer of the multitude, described long ago in this place with admirable eloquence the effect produced by the law which gave representative institutions to the rebellious mountaineers of Wales. That law, he said, had been to an agitated nation what the twin stars celebrated by Horace were to a stormy sea: the wind had fallen; the clouds had dispersed; the threatening waves had sunk to rest. I have mentioned the commotions of Madrid and Constantinople. Why is it that the population of unrepresented London, though physically far more powerful than the population of Madrid or of Constantinople, has been far more peaceable? Why have we never seen the inhabitants of the metropolis besiege St. James's, or force their way riotously into this House? Why, but because they have other means of giving vent to their feelings, because they enjoy the liberty of unlicensed printing, and the liberty of holding public meetings. Just as the people of unrepresented London are more orderly than the people of Constantinople and Madrid, so will the people of represented London be more orderly than the people of unrepresented London.

Surely, Sir, nothing can be more absurd than to withhold legal power from a portion of the community because that portion of the community possesses natural power. Yet that is precisely what the noble Marquess would have us do. In all ages a chief cause of the intestine disorders of states has been that the natural distribution of power and the legal distribution of power have not corresponded with each other. This is no newly discovered truth. It was well known to Aristotle more than two thousand years ago. It is illustrated by every part of ancient and of modern history, and eminently by the history of England during the last few months. Our country has been in serious danger; and why? Because a representative system, framed to suit the England of the thirteenth century, did not suit the England of the nineteenth century; because an old wall, the last relic of a departed city, retained the privileges of that city, while great towns, celebrated all over the world for wealth and intelligence, had no more share in the government than when they were still hamlets. The object of this bill is to correct those monstrous proportions, and to bring the legal order of society into something like harmony with the natural order. What, then, can be more inconsistent with the fundamental principle of the bill than to exclude any district from a share in the representation, for no reason but because that district is, and must always be, one of great importance. This bill was meant to reconcile and unite. Will you frame it in such a manner that it must inevitably produce irritation and discord? This bill was meant to be final in the only rational sense of the word final. Will you frame it in such a way

that it must inevitably be shortlived? Is it to be the first business of the first reformed House of Commons to pass a new Reform Bill? Gentlemen opposite have often predicted that the settlement which we are making will not be permanent; and they are now taking the surest way to accomplish their own prediction. I agree with them in disliking change merely as change. I would bear with many things which are indefensible in theory, nay with some things which are grievous in practice, rather than venture on a change in the composition of Parliament. But when such a change is necessary, — and that such a change is now necessary is admitted by men of all parties, — then I hold that it ought to be full and effectual. A great crisis may be followed by the complete restoration of health. But no constitution will bear perpetual tampering. If the noble Marquess's amendment should unhappily be carried, it is morally certain that the immense population of Finsbury, of Marylebone, of Lambeth, of the Tower Hamlets, will, importunately and clamorously, demand redress from the reformed Parliament. That Parliament, you tell us, will be much more democratically inclined than the Parliaments of past times. If so, how can you expect that it will resist the urgent demands of a million of people close to its door? These eight seats will be given. More than eight seats will be given. The whole question of Reform will be opened again; and the blame will rest on those who will, by mutilating this great law in an essential part, cause hundreds of thousands who now regard it as a boon to regard it as an outrage.

Sir, our word is pledged. Let us remember the solemn promise which we gave to the nation last Oc-

tober at a perilous conjuncture. That promise was that we would stand firmly by the principles and leading provisions of the Reform Bill. Our sincerity is now brought to the test. One of the leading provisions of the bill is in danger. The question is, not merely whether these districts shall be represented, but whether we will keep the faith which we plighted to our countrymen. Let us be firm. Let us make no concession to those who, having in vain tried to throw the bill out, are now trying to fritter it away. An attempt has been made to induce the Irish members to vote against the Government. It has been hinted that, perhaps, some of the seats taken from the metropolis may be given to Ireland. Our Irish friends will, I doubt not, remember that the very persons who offer this bribe exerted themselves not long ago to raise a cry against the proposition to give additional members to Belfast, Limerick, Waterford, and Galway. The truth is that our enemies wish only to divide us, and care not by what means. One day they try to excite jealousy among the English by asserting that the plan of the government is too favourable to Ireland. Next day they try to bribe the Irish to desert us, by promising to give something to Ireland at the expense of England. Let us disappoint these cunning men. Let us, from whatever part of the United Kingdom we come, be true to each other and to the good cause. We have the confidence of our country. We have justly earned it. For God's sake let us not throw it away. Other occasions may arise on which honest Reformers may fairly take different sides. But to-night he that is not with us is against us.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 6TH OF FEBRUARY,
1833.

On the twenty-ninth of January, 1833, the first Parliament elected under the Reform Act of 1832 met at Westminster. On the fifth of February, King William the Fourth made a speech from the throne, in which he expressed his hope that the Houses would entrust him with such powers as might be necessary for maintaining order in Ireland and for preserving and strengthening the union between that country and Great Britain. An Address, assuring His Majesty of the concurrence and support of the Commons, was moved by Lord Ormelie and seconded by Mr. John Marshall. Mr. O'Connell opposed the Address, and moved, as an amendment,* that the House should resolve itself into a Committee. After a discussion of four nights the amendment was rejected by 428 votes to 40. On the second night of the debate the following Speech was made.

LAST night, Sir, I thought that it would not be necessary for me to take any part in the present debate: but the appeal which has this evening been made to me by my honorable friend the Member for Lincoln* has forced me to rise. I will, however, postpone the few words which I have to say in defence of my own consistency, till I have expressed my opinion on the much more important subject which is before the House.

My honorable friend tells us that we are now

* Mr. Edward Lytton Bulwer.

called upon to make a choice between two modes of pacifying Ireland; that the Government recommends coercion; that the honorable and learned member for Dublin* recommends redress; and that it is our duty to try the effect of redress before we have recourse to coercion. The antithesis is framed with all the ingenuity which is characteristic of my honorable friend's style; but I cannot help thinking that, on this occasion, his ingenuity has imposed on himself, and that he has not sufficiently considered the meaning of the pointed phrase which he used with so much effect. Redress is no doubt a very well sounding word. What can be more reasonable than to ask for redress? What more unjust than to refuse redress? But my honorable friend will perceive, on reflection, that, though he and the honorable and learned Member for Dublin agree in pronouncing the word redress, they agree in nothing else. They utter the same sound; but they attach to it two diametrically opposite meanings. The honorable and learned Member for Dublin means by redress simply the Repeal of the Union. Now, to the Repeal of the Union my honorable friend the Member for Lincoln is decidedly adverse. When we get at his real meaning, we find that he is just as unwilling as we are to give the redress which the honorable and learned Member for Dublin demands. Only a small minority of the House will, I hope and believe, vote with that honorable and learned member; but the minority which thinks with him will be very much smaller.

We have, indeed, been told by some gentlemen,

* Mr. O'Connell.

who are not themselves repealers, that the question of Repeal deserves a much more serious consideration than it has yet received. Repeal, they say, is an object on which millions have, however unwisely, set their hearts: and men who speak in the name of millions are not to be coughed down or sneered down. That which a suffering nation regards, rightly or wrongly, as the sole cure for all its distempers, ought not to be treated with levity, but to be the subject of full and solemn debate. All this, Sir, is most true: but I am surprised that this lecture should have been read to us who sit on your right. It would, I apprehend, have been with more propriety addressed to a different quarter. Whose fault is it that we have not yet had, and that there is no prospect of our having, this full and solemn debate? Is it the fault of His Majesty's Ministers? Have not they framed the Speech which their Royal Master delivered from the throne, in such a manner as to invite the grave and searching discussion of the question of Repeal? And has not the invitation been declined? Is it not fresh in our recollection that the honorable and learned member for Dublin spoke two hours, perhaps three hours, — nobody keeps accurate account of time while he speaks, — but two or three hours without venturing to join issue with us on this subject? In truth, he suffered judgment to go against him by default. We, on this side of the House, did our best to provoke him to the conflict. We called on him to maintain here those doctrines which he had proclaimed elsewhere with so much vehemence, and, I am sorry to be forced to add, with a scurrility unworthy of his parts and eloquence. Never was a challenge more fairly given: but it was

not accepted. The great champion of Repeal would not lift our glove. He shrank back; he skulked away; not, assuredly, from distrust of his powers, which have never been more vigorously exerted than in this debate, but evidently from distrust of his cause. I have seldom heard so able a speech as his: I certainly never heard a speech so evasive. From the beginning to the end he studiously avoided saying a single word tending to raise a discussion about that Repeal which, in other places, he constantly affirms to be the sole panacea for all the evils by which his country is afflicted. Nor is this all. Yesterday night he placed on our order book not less than fourteen notices; and of those notices not a single one had any reference to the Union between Great Britain and Ireland. It is therefore evident to me, not only that the honorable and learned gentleman is not now prepared to debate the question in this House, but that he has no intention of debating it in this House at all. He keeps it, and prudently keeps it, for audiences of a very different kind. I am therefore, I repeat, surprised to hear the Government accused of avoiding the discussion of this subject. Why should we avoid a battle in which the bold and skilful captain of the enemy evidently knows that we must be victorious?

One gentleman, though not a repealer, has begged us not to declare ourselves decidedly adverse to repeal till we have studied the petitions which are coming in from Ireland. Really, Sir, this is not a subject on which any public man ought to be now making up his mind. My mind is made up. My reasons are such as, I am certain, no petition from Ireland will confute. Those reasons have long been ready to be produced;

and, since we are accused of flinching, I will at once produce them. I am prepared to show that the Repeal of the Union would not remove the political and social evils which afflict Ireland, nay, that it would aggravate almost every one of those evils.

I understand, though I do not approve, the proceedings of poor Wolfe Tone and his confederates. They wished to make a complete separation between Great Britain and Ireland. They wished to establish a Hibernian republic. Their plan was a very bad one; but, to do them justice, it was perfectly consistent; and an ingenious man might defend it by some plausible arguments. But that is not the plan of the honorable and learned Member for Dublin. He assures us that he wishes the connection between the islands to be perpetual. He is for a complete separation between the two Parliaments; but he is for indissoluble union between the two Crowns. Nor does the honorable and learned gentleman mean, by an union between the Crowns, such an union as exists between the Crown of this kingdom and the Crown of Hanover. For I need not say that, though the same person is king of Great Britain and of Hanover, there is no more political connection between Great Britain and Hanover than between Great Britain and Hesse or between Great Britain and Bavaria. Hanover may be at peace with a state with which Great Britain is at war. Nay, Hanover may, as a member of the Germanic body, send a contingent of troops to cross bayonets with the King's English footguards. This is not the relation in which the honorable and learned gentleman proposes that Great Britain and Ireland should stand to each other. His plan is, that each of the two countries

shall have an independent legislature, but that both shall have the same executive government. Now, is it possible that a mind so acute and so well informed as his should not at once perceive that this plan involves an absurdity, a downright contradiction. Two independent legislatures! One executive government! How can the thing be? No doubt, if the legislative power were quite distinct from the executive power, England and Ireland might as easily have two legislatures as two Chancellors and two Courts of King's Bench. But though, in books written by theorists, the executive power and the legislative power may be treated as things quite distinct, every man acquainted with the real working of our constitution knows that the two powers are most closely connected, nay, intermingled with each other. During several generations, the whole administration of affairs has been conducted in conformity with the sense of Parliament. About every exercise of the prerogative of the Crown it is the privilege of Parliament to offer advice; and that advice no wise king will ever slight. It is the prerogative of the Sovereign to choose his own servants; but it is impossible for him to maintain them in office unless Parliament will support them. It is the prerogative of the Sovereign to treat with other princes; but it is impossible for him to persist in any scheme of foreign policy which is disagreeable to Parliament. It is the prerogative of the Sovereign to make war; but he cannot raise a battalion or man a frigate without the help of Parliament. The repealers may therefore be refuted out of their own mouths. They say that Great Britain and Ireland ought to have one executive power. But the legislature has a most important share of the exe-

cutive power. Therefore, by the confession of the repealers themselves, Great Britain and Ireland ought to have one legislature.

Consider for one moment in what a situation the executive government will be placed if you have two independent legislatures, and if those legislatures should differ, as all bodies which are independent of each other will sometimes differ. Suppose the case of a commercial treaty which is unpopular in England and popular in Ireland. The Irish Parliament expresses its approbation of the terms; and passes a vote of thanks to the negotiator. We at Westminster censure the terms and impeach the negotiator. Or are we to have two foreign offices, one in Downing Street and one in Dublin Castle? Is His Majesty to send to every court in Christendom two diplomatic agents, to thwart each other and to be spies upon each other? It is inconceivable but that, in a very few years, disputes such as can be terminated only by arms must arise between communities so absurdly united and so absurdly disunited. All history confirms this reasoning. Superficial observers have fancied that they had found cases on the other side. But as soon as you examine those cases you will see either that they bear no analogy to the case with which we have to deal, or that they corroborate my argument. The case of Ireland herself has been cited. Ireland, it has been said, had an independent legislature from 1782 to 1800: during eighteen years there were two coequal parliaments under one Crown; and yet there was no collision. Sir, the reason that there was not perpetual collision was, as we all know, that the Irish parliament, though nominally independent, was generally kept in real dependence by means of the

foulest corruption that ever existed in any assembly. But it is not true that there was no collision. Before the Irish legislature had been six years independent, a collision did take place, a collision such as might well have produced a civil war. In the year 1788, George the Third was incapacitated by illness from discharging his regal functions. According to the constitution, the duty of making provision for the discharge of those functions devolved on the Parliaments of Great Britain and Ireland. Between the government of Great Britain and the government of Ireland there was, during the interregnum, no connection whatever. The sovereign who was the common head of both governments had virtually ceased to exist: and the two legislatures were no more to each other than this House and the Chamber of Deputies at Paris. What followed? The Parliament of Great Britain resolved to offer the regency to the Prince of Wales under many important restrictions. The Parliament of Ireland made him an offer of the Regency without any restrictions whatever. By the same right by which the Irish Lords and Commons made that offer, they might, if Mr. Pitt's doctrine be the constitutional doctrine, as I believe it to be, have made the Duke of York or the Duke of Leinster Regent. To this Regent they might have given all the prerogatives of the King. Suppose, — no extravagant supposition, — that George the Third had not recovered, that the rest of his long life had been passed in seclusion, Great Britain and Ireland would then have been, during thirty-two years, as completely separated as Great Britain and Spain. There would have been nothing in common between the governments, neither executive power nor legislative power. It is plain,

therefore, that a total separation between the two islands might, in the natural course of things, and without the smallest violation of the constitution on either side, be the effect of the arrangement recommended by the honorable and learned gentleman, who solemnly declares that he should consider such a separation as the greatest of calamities.

No doubt, Sir, in several continental kingdoms there have been two legislatures, and indeed more than two legislatures, under the same Crown. But the explanation is simple. Those legislatures were of no real weight in the government. Under Lewis the Fourteenth Brittany had its States; Burgundy had its States; and yet there was no collision between the States of Brittany and the States of Burgundy. But why? Because neither the States of Brittany nor the States of Burgundy imposed any real restraint on the arbitrary power of the monarch. So, in the dominions of the House of Hapsburg, there is the semblance of a legislature in Hungary and the semblance of a legislature in the Tyrol: but all the real power is with the Emperor. I do not say that you cannot have one executive power and two mock parliaments, two parliaments which merely transact parish business, two parliaments which exercise no more influence on great affairs of state than the vestry of St. Pancras or the vestry of Marylebone. What I do say, and what common sense teaches, and what all history teaches, is this, that you cannot have one executive power and two real parliaments, two parliaments possessing such powers as the parliament of this country has possessed ever since the Revolution, two parliaments to the deliberate sense of which the Sovereign must conform. If they differ, how can he

conform to the sense of both? The thing is as plain as a proposition in Euclid.

It is impossible for me to believe that considerations so obvious and so important should not have occurred to the honorable and learned Member for Dublin. Doubtless they have occurred to him; and therefore it is that he shrinks from arguing the question here. Nay, even when he harangues more credulous assemblies on this subject, he carefully avoids precise explanations; and the hints which sometimes escape him are not easily to be reconciled with each other. On one occasion, if the newspapers are to be trusted, he declared that his object was to establish a federal union between Great Britain and Ireland. A local parliament, it seems, is to sit at Dublin, and to send deputies to an imperial parliament which is to sit at Westminster. The honorable and learned gentleman thinks, I suppose, that in this way he evades the difficulties which I have pointed out. But he deceives himself. If, indeed, his local legislature is to be subject to his imperial legislature, if his local legislature is to be merely what the Assembly of Antigua or Barbadoes is, or what the Irish Parliament was before 1782, the danger of collision is no doubt removed: but what, on the honorable and learned gentleman's own principles, would Ireland gain by such an arrangement? If, on the other hand, his local legislature is to be for certain purposes independent, you have again the risk of collision. Suppose that a difference of opinion should arise between the Imperial Parliament and the Irish Parliament as to the limits of their powers, who is to decide between them? A dispute between the House of Commons and the House of Lords is bad enough. Yet in that case the

Sovereign can, by a high exercise of his prerogative, produce harmony. He can send us back to our constituents; and, if that expedient fails, he can create more lords. When, in 1705, the dispute between the Houses about the Aylesbury men ran high, Queen Anne restored concord by dismissing the Parliament. Seven years later she put an end to another conflict between the Houses by making twelve peers in one day. But who is to arbitrate between two representative bodies chosen by different constituent bodies? Look at what is now passing in America. Of all federal constitutions that of the United States is the best. It was framed by a convention which contained many wise and experienced men, and over which Washington presided. Yet there is a debatable ground on the frontier which separates the functions of Congress from those of the state legislatures. A dispute as to the exact boundary has lately arisen. Neither party seems disposed to yield: and, if both persist, there can be no umpire but the sword.

For my part, Sir, I have no hesitation in saying that I should very greatly prefer the total separation which the honorable and learned gentleman professes to consider as a calamity, to the partial separation which he has taught his countrymen to regard as a blessing. If, on a fair trial, it be found that Great Britain and Ireland cannot exist happily together as parts of one empire, in God's name let them separate. I wish to see them joined as the limbs of a well formed body are joined. In such a body the members assist each other: they are nourished by the same food: if one member suffer, all suffer with it: if one member rejoice, all rejoice with it. But I do not wish to see the coun-

tries united, like those wretched twins from Siam who were exhibited here a little while ago, by an unnatural ligament which made each the constant plague of the other, always in each other's way, more helpless than others because they had twice as many hands, slower than others because they had twice as many legs, sympathising with each other only in evil, not feeling each other's pleasures, not supported by each other's aliment, but tormented by each other's infirmities, and certain to perish miserably by each other's dissolution.

Ireland has undoubtedly just causes of complaint. We heard those causes recapitulated last night by the honorable and learned Member, who tells us that he represents not Dublin alone, but Ireland, and that he stands between his country and civil war. I do not deny that most of the grievances which he recounted exist, that they are serious, and that they ought to be remedied as far as it is in the power of legislation to remedy them. What I do deny is that they were caused by the Union, and that the Repeal of the Union would remove them. I listened attentively while the honorable and learned gentleman went through that long and melancholy list; and I am confident that he did not mention a single evil which was not a subject of bitter complaint while Ireland had a domestic parliament. Is it fair, is it reasonable in the honorable gentleman to impute to the Union evils which, as he knows better than any other man in this house, existed long before the Union? *Post hoc: ergo, propter hoc* is not always sound reasoning. But *ante hoc: ergo, non propter hoc* is unanswerable. The old rustic who told Sir Thomas More that Tenterden steeple was the cause

of Godwin sands reasoned much better than the honorable and learned gentleman. For it was not till after Tenterden steeple was built that the frightful wrecks on the Godwin sands were heard of. But the honorable and learned gentleman would make Godwin sands the cause of Tenterden steeple. Some of the Irish grievances which he ascribes to the Union are not only older than the Union, but are not peculiarly Irish. They are common to England, Scotland, and Ireland; and it was in order to get rid of them that we, for the common benefit of England, Scotland, and Ireland, passed the Reform Bill last year. Other grievances which the honorable and learned gentleman mentioned are doubtless local: but is there to be a local legislature wherever there is a local grievance? Wales has had local grievances. We all remember the complaints which were made a few years ago about the Welsh judicial system; but did any body therefore propose that Wales should have a distinct parliament? Cornwall has some local grievances; but does any body propose that Cornwall shall have its own House of Lords and its own House of Commons? Leeds has local grievances. The majority of my constituents distrust and dislike the municipal government to which they are subject; they therefore call loudly on us for corporation reform: but they do not ask us for a separate legislature. Of this I am quite sure, that every argument which has been urged for the purpose of showing that Great Britain and Ireland ought to have two distinct parliaments may be urged with far greater force for the purpose of showing that the north of Ireland and the south of Ireland ought to have two distinct parliaments. The House of Commons of the

United Kingdom, it has been said, is chiefly elected by Protestants, and therefore cannot be trusted to legislate for Catholic Ireland. If this be so, how can an Irish House of Commons, chiefly elected by Catholics, be trusted to legislate for Protestant Ulster? It is perfectly notorious that theological antipathies are stronger in Ireland than here. I appeal to the honorable and learned gentleman himself. He has often declared that it is impossible for a Roman Catholic, whether prosecutor or culprit, to obtain justice from a jury of Orangemen. It is indeed certain that, in blood, religion, language, habits, character, the population of some of the northern counties of Ireland has much more in common with the population of England and Scotland than with the population of Munster and Connaught. I defy the honorable and learned Member, therefore, to find a reason for having a parliament at Dublin which will not be just as good a reason for having another parliament at Londonderry.

Sir, in showing, as I think I have shown, the absurdity of this cry for Repeal, I have in a great measure vindicated myself from the charge of inconsistency which has been brought against me by my honorable friend the Member for Lincoln. It is very easy to bring a volume of Hansard to the House, to read a few sentences of a speech made in very different circumstances, and to say, "Last year you were for pacifying England by concession: this year you are for pacifying Ireland by coercion. How can you vindicate your consistency?" Surely my honorable friend cannot but know that nothing is easier than to write a theme for severity, for clemency, for order, for liberty, for a contemplative life, for an active life, and so on. It

was a common exercise in the ancient schools of rhetoric to take an abstract question, and to harangue first on one side and then on the other. The question, Ought popular discontents to be quieted by concession or coercion? would have been a very good subject for oratory of this kind. There is no lack of commonplaces on either side. But when we come to the real business of life, the value of these commonplaces depends entirely on the particular circumstances of the case which we are discussing. Nothing is easier than to write a treatise proving that it is lawful to resist extreme tyranny. Nothing is easier than to write a treatise setting forth the wickedness of wantonly bringing on a great society the miseries inseparable from revolution, the bloodshed, the spoliation, the anarchy. Both treatises may contain much that is true; but neither will enable us to decide whether a particular insurrection is or is not justifiable without a close examination of the facts. There is surely no inconsistency in speaking with respect of the memory of Lord Russell and with horror of the crime of Thistlewood; and, in my opinion, the conduct of Russell and the conduct of Thistlewood did not differ more widely than the cry for Parliamentary Reform and the cry for the Repeal of the Union. The Reform Bill I believe to be a blessing to the nation. Repeal I know to be a mere delusion. I know it to be impracticable: and I know that, if it were practicable, it would be pernicious to every part of the empire, and utterly ruinous to Ireland. Is it not then absurd to say that, because I wished last year to quiet the English people by giving them that which was beneficial to them, I am therefore bound in consistency to quiet the Irish people

this year by giving them that which will be fatal to them? I utterly deny, too, that, in consenting to arm the government with extraordinary powers for the purpose of repressing disturbances in Ireland, I am guilty of the smallest inconsistency. On what occasion did I ever refuse to support any government in repressing disturbances? It is perfectly true that, in the debates on the Reform Bill, I imputed the tumults and outrages of 1830 to misrule. But did I ever say that those tumults and outrages ought to be tolerated? I did attribute the Kentish riots, the Hampshire riots, the burning of corn stacks, the destruction of threshing machines, to the obstinacy with which the Ministers of the Crown had refused to listen to the demands of the people. But did I ever say that the rioters ought not to be imprisoned, that the incendiaries ought not to be hanged? I did ascribe the disorders of Nottingham and the fearful sacking of Bristol to the unwise rejection of the Reform Bill by the Lords. But did I ever say that such excesses as were committed at Nottingham and Bristol ought not to be put down, if necessary, by the sword?

I would act towards Ireland on the same principles on which I acted towards England. In Ireland, as in England, I would remove every just cause of complaint; and in Ireland, as in England, I would support the Government in preserving the public peace. What is there inconsistent in this? My honorable friend seems to think that no person who believes that disturbances have been caused by mal-administration can consistently lend his help to put down those disturbances. If that be so, the honorable and learned Member for Dublin is quite as in-

consistent as I am; indeed, much more so; for he thinks very much worse of the Government than I do; and yet he declares himself willing to assist the Government in quelling the tumults which, as he assures us, its own misconduct is likely to produce. He told us yesterday that our harsh policy might perhaps goad the unthinking populace of Ireland into insurrection; and he added that, if there should be an insurrection, he should, while execrating us as the authors of all the mischief, be found in our ranks, and should be ready to support us in everything that might be necessary for the restoration of order. As to this part of the subject, there is no difference in principle between the honorable and learned gentleman and myself. In his opinion, it is probable that a time may soon come when vigorous coercion may be necessary, and when it may be the duty of every friend of Ireland to cooperate in the work of coercion. In my opinion, that time has already come. The grievances of Ireland are doubtless great, so great that I never would have connected myself with a Government which I did not believe to be intent on redressing those grievances. But am I, because the grievances of Ireland are great, and ought to be redressed, to abstain from redressing the worst grievance of all? Am I to look on quietly while the laws are insulted by a furious rabble, while houses are plundered and burned, while my peaceable fellow subjects are butchered? The distribution of Church property, you tell us, is unjust. Perhaps I agree with you. But what then? To what purpose is it to talk about the distribution of Church property, while no property is secure? Then you try to deter us

from putting down robbery, arson, and murder, by telling us that if we resort to coercion we shall raise a civil war. We are past that fear. Recollect that, in one county alone, there have been within a few weeks sixty murders or assaults with intent to murder, and six hundred burglaries. Since we parted last summer, the slaughter in Ireland has exceeded the slaughter of a pitched battle: the destruction of property has been as great as would have been caused by the storming of three or four towns. Civil war, indeed! I would rather live in the midst of any civil war that we have had in England during the last two hundred years than in some parts of Ireland at the present moment. Rather, much rather, would I have lived on the line of march of the Pretender's army in 1745 than in Tipperary now. It is idle to threaten us with civil war; for we have it already; and it is because we are resolved to put an end to it that we are called base, and brutal, and bloody. Such are the epithets which the honorable and learned Member for Dublin thinks it becoming to pour forth against the party to which he owes every political privilege that he enjoys. He need not fear that any member of that party will be provoked into a conflict of scurrility. Use makes even sensitive minds callous to invective: and, copious as his vocabulary is, he will not easily find in it any foul name which has not been many times applied to those who sit around me, on account of the zeal and steadiness with which they supported the emancipation of the Roman Catholics. His reproaches are not more stinging than the reproaches which, in times not very remote, we endured unflinchingly in his cause. I can assure him that men

who faced the cry of No Popery are not likely to be scared by the cry of Repeal. The time will come when history will do justice to the Whigs of England, and will faithfully relate how much they did and suffered for Ireland; how, for the sake of Ireland, they quitted office in 1807; how, for the sake of Ireland, they remained out of office more than twenty years, braving the frowns of the Court, braving the hisses of the multitude, renouncing power, and patronage, and salaries, and peerages, and garters, and yet not obtaining in return even a little fleeting popularity. I see on the benches near me men who might, by uttering one word against Catholic Emancipation, nay, by merely abstaining from uttering a word in favour of Catholic Emancipation, have been returned to this house without difficulty or expense, and who, rather than wrong their Irish fellow subjects, were content to relinquish all the objects of their honorable ambition, and to retire into private life with conscience and fame untarnished. As to one eminent person, who seems to be regarded with especial malevolence by those who ought never to mention his name without reverence and gratitude, I will say only this; that the loudest clamour which the honorable and learned gentleman can excite against Lord Grey will be trifling when compared with the clamour which Lord Grey withstood in order to place the honorable and learned gentleman where he now sits. Though a young member of the Whig party, I will venture to speak in the name of the whole body. I tell the honorable and learned gentleman, that the same spirit which sustained us in a just contest for him will sustain us in an equally just contest against him. Calumny,

abuse, royal displeasure, popular fury, exclusion from office, exclusion from Parliament, we were ready to endure them all, rather than that he should be less than a British subject. We never will suffer him to be more.

I stand here, Sir, for the first time as the representative of a new constituent body, one of the largest, most prosperous, and most enlightened towns in the kingdom. The electors of Leeds, believing that at this time the service of the people is not incompatible with the service of the Crown, have sent me to this house charged, in the language of His Majesty's writ, to do and consent, in their name and in their behalf, to such things as shall be proposed in the great Council of the nation. In the name, then, and on the behalf of my constituents, I give my full assent to that part of the Address wherein the House declares its resolution to maintain inviolate, by the help of God, the connection between Great Britain and Ireland, and to intrust to the Sovereign such powers as shall be necessary to secure property, to restore order, and to preserve the integrity of the empire.

A SPEECH

DELIVERED IN

A COMMITTEE OF THE WHOLE HOUSE OF COMMONS ON
THE 17TH OF APRIL, 1833.

On the seventeenth of April, 1833, the House of Commons resolved itself into a Committee to consider of the civil disabilities of the Jews. Mr. Warburton took the chair. Mr. Robert Grant moved the following resolution:

“That it is the opinion of this Committee that it is expedient to remove all civil disabilities at present existing with respect to His Majesty’s subjects professing the Jewish religion, with the like exceptions as are provided with respect to His Majesty’s subjects professing the Roman Catholic religion.”

The resolution passed without a division, after a warm debate, in the course of which the following Speech was made.

MR. WARBURTON,

I RECOLLECT, and my honorable friend the Member for the University of Oxford will recollect, that, when this subject was discussed three years ago, it was remarked, by one whom we both loved and whom we both regret, that the strength of the case of the Jews was a serious inconvenience to their advocate, for that it was hardly possible to make a speech for them without wearying the audience by repeating truths which were universally admitted. If Sir James Mackintosh felt this difficulty when the question was first brought forward in this House, I may well despair of

being able now to offer any arguments which have a pretence to novelty.

My honorable friend, the Member for the University of Oxford, began his speech by declaring that he had no intention of calling in question the principles of religious liberty. He utterly disclaims persecution, that is to say, persecution as defined by himself. It would, in his opinion, be persecution to hang a Jew, or to flay him, or to draw his teeth, or to imprison him, or to fine him; for every man who conducts himself peaceably has a right to his life and his limbs, to his personal liberty and his property. But it is not persecution, says my honorable friend, to exclude any individual or any class from office; for nobody has a right to office: in every country official appointments must be subject to such regulations as the supreme authority may choose to make; nor can any such regulations be reasonably complained of by any member of the society as unjust. He who obtains an office obtains it, not as matter of right, but as matter of favour. He who does not obtain an office is not wronged; he is only in that situation in which the vast majority of every community must necessarily be. There are in the United Kingdom five and twenty million Christians without places; and, if they do not complain, why should five and twenty thousand Jews complain of being in the same case? In this way my honorable friend has convinced himself that, as it would be most absurd in him and me to say that we are wronged because we are not Secretaries of State, so it is most absurd in the Jews to say that they are wronged because they are, as a people, excluded from public employment.

Now, surely my honorable friend cannot have considered to what conclusions his reasoning leads. Those conclusions are so monstrous that he would, I am certain, shrink from them. Does he really mean that it would not be wrong in the legislature to enact that no man should be a judge unless he weighed twelve stone, or that no man should sit in parliament unless he were six feet high? We are about to bring in a bill for the government of India. Suppose that we were to insert in that bill a clause providing that no graduate of the University of Oxford should be Governor General or Governor of any Presidency, would not my honorable friend cry out against such a clause as most unjust to the learned body which he represents? And would he think himself sufficiently answered by being told, in his own words, that the appointment to office is a mere matter of favour, and that to exclude an individual or a class from office is no injury? Surely, on consideration, he must admit that official appointments ought not to be subject to regulations purely arbitrary, to regulations for which no reason can be given but mere caprice, and that those who would exclude any class from public employment are bound to show some special reason for the exclusion.

My honorable friend has appealed to us as Christians. Let me then ask him how he understands that great commandment which comprises the law and the prophets. Can we be said to do unto others as we would that they should do unto us if we wantonly inflict on them even the smallest pain? As Christians, surely we are bound to consider, first, whether, by excluding the Jews from all public trust, we give them pain; and, secondly, whether it be necessary to give

them that pain in order to avert some greater evil. That by excluding them from public trust we inflict pain on them my honorable friend will not dispute. As a Christian, therefore, he is bound to relieve them from that pain, unless he can show, what I am sure he has not yet shown, that it is necessary to the general good that they should continue to suffer.

But where, he says, are you to stop, if once you admit into the House of Commons people who deny the authority of the Gospels? Will you let in a Mussulman? Will you let in a Parsee? Will you let in a Hindoo, who worships a lump of stone with seven heads? I will answer my honorable friend's question by another. Where does he mean to stop? Is he ready to roast unbelievers at slow fires? If not, let him tell us why: and I will engage to prove that his reason is just as decisive against the intolerance which he thinks a duty as against the intolerance which he thinks a crime. Once admit that we are bound to inflict pain on a man because he is not of our religion; and where are you to stop? Why stop at the point fixed by my honorable friend rather than at the point fixed by the honorable Member for Oldham,* who would make the Jews incapable of holding land? And why stop at the point fixed by the honorable Member for Oldham rather than at the point which would have been fixed by a Spanish Inquisitor of the sixteenth century? When once you enter on a course of persecution, I defy you to find any reason for making a halt till you have reached the extreme point. When my honorable friend tells us that he will allow the Jews to possess

* Mr. Cobbett.

property to any amount, but that he will not allow them to possess the smallest political power, he holds contradictory language. Property is power. The honorable Member for Oldham reasons better than my honorable friend. The honorable Member for Oldham sees very clearly that it is impossible to deprive a man of political power if you suffer him to be the proprietor of half a county, and therefore very consistently proposes to confiscate the landed estates of the Jews. But even the honorable Member for Oldham does not go far enough. He has not proposed to confiscate the personal property of the Jews. Yet it is perfectly certain that any Jew who has a million may easily make himself very important in the state. By such steps we pass from official power to landed property, and from landed property to personal property, and from property to liberty, and from liberty to life. In truth, those persecutors who use the rack and the stake have much to say for themselves. They are convinced that their end is good; and it must be admitted that they employ means which are not unlikely to attain the end. Religious dissent has repeatedly been put down by sanguinary persecution. In that way the Albigenses were put down. In that way Protestantism was suppressed in Spain and Italy, so that it has never since reared its head. But I defy any body to produce an instance in which disabilities such as we are now considering have produced any other effect than that of making the sufferers angry and obstinate. My honorable friend should either persecute to some purpose, or not persecute at all. He dislikes the word persecution, I know. He will not admit that the Jews are persecuted. And yet I am

confident that he would rather be sent to the King's Bench Prison for three months, or be fined a hundred pounds, than be subject to the disabilities under which the Jews lie. How can he then say that to impose such disabilities is not persecution, and that to fine and imprison is persecution? All his reasoning consists in drawing arbitrary lines. What he does not wish to inflict he calls persecution. What he does wish to inflict he will not call persecution. What he takes from the Jews he calls political power. What he is too good-natured to take from the Jews he will not call political power. The Jew must not sit in parliament: but he may be the proprietor of all the ten pound houses in a borough. He may have more fifty pound tenants than any peer in the kingdom. He may give the voters treats to please their palates, and hire bands of gipsies to break their heads, as if he were a Christian and a Marquess. All the rest of this system is of a piece. The Jew may be a juryman, but not a judge. He may decide issues of fact, but not issues of law. He may give a hundred thousand pounds damages; but he may not in the most trivial case grant a new trial. He may rule the money market: he may influence the exchanges: he may be summoned to congresses of Emperors and Kings. Great potentates, instead of negotiating a loan with him by tying him in a chair and pulling out his grinders, may treat with him as with a great potentate, and may postpone the declaring of war or the signing of a treaty till they have conferred with him. All this is as it should be: but he must not be a Privy Councillor. He must not be called Right Honorable, for that is political power. And who is it that we are trying to

cheat in this way? Even Omniscience. Yes, Sir; we have been gravely told that the Jews are under the divine displeasure, and that if we give them political power God will visit us in judgment. Do we then think that God cannot distinguish between substance and form? Does not He know that, while we withhold from the Jews the semblance and name of political power, we suffer them to possess the substance? The plain truth is that my honorable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with blazing furzebushes, were much worse men than my honorable friend; but they were more consistent than he.

It has been said that it would be monstrous to see a Jew judge try a man for blasphemy. In my opinion it is monstrous to see any judge try a man for blasphemy under the present law. But, if the law on that subject were in a sound state, I do not see why a conscientious Jew might not try a blasphemer. Every man, I think, ought to be at liberty to discuss the evidences of religion; but no man ought to be at liberty to force on the unwilling ears and eyes of others sounds and sights which must cause annoyance and irritation. The distinction is clear. I think it wrong to punish a man for selling Paine's Age of Reason in a back shop to those who choose to buy, or

for delivering a Deistical lecture in a private room to those who choose to listen. But if a man exhibits at a window in the Strand a hideous caricature of that which is an object of awe and adoration to nine hundred and ninety-nine out of every thousand of the people who pass up and down that great thoroughfare; if a man, in a place of public resort, applies opprobrious epithets to names held in reverence by all Christians; such a man ought, in my opinion, to be severely punished, not for differing from us in opinion, but for committing a nuisance which gives us pain and disgust. He is no more entitled to outrage our feelings by obtruding his impiety on us, and to say that he is exercising his right of discussion, than to establish a yard for butchering horses close to our houses and to say that he is exercising his right of property, or to run naked up and down the public streets and to say that he is exercising his right of locomotion. He has a right of discussion, no doubt, as he has a right of property and a right of locomotion. But he must use all his rights so as not to infringe the rights of others.

These, Sir, are the principles on which I would frame the law of blasphemy; and, if the law were so framed, I am at a loss to understand why a Jew might not enforce it as well as a Christian. I am not a Roman Catholic; but if I were a judge at Malta, I should have no scruple about punishing a bigoted Protestant who should burn the Pope in effigy before the eyes of thousands of Roman Catholics. I am not a Mussulman; but if I were a judge in India, I should have no scruple about punishing a Christian who should pollute a mosque. Why, then, should I doubt

that a Jew, raised by his ability, learning, and integrity to the judicial bench, would deal properly with any person who, in a Christian country, should insult the Christian religion?

But, says my honorable friend, it has been prophesied that the Jews are to be wanderers on the face of the earth, and that they are not to mix on terms of equality with the people of the countries in which they sojourn. Now, Sir, I am confident that I can demonstrate that this is not the sense of any prophecy which is part of Holy Writ. For it is an undoubted fact that, in the United States of America, Jewish citizens do possess all the privileges possessed by Christian citizens. Therefore, if the prophecies mean that the Jews never shall, during their wanderings, be admitted by other nations to equal participation of political rights, the prophecies are false. But the prophecies are certainly not false. Therefore their meaning cannot be that which is attributed to them by my honorable friend.

Another objection which has been made to this motion is that the Jews look forward to the coming of a great deliverer, to their return to Palestine, to the rebuilding of their temple, to the revival of their ancient worship, and that therefore they will always consider England, not their country, but merely as their place of exile. But, surely, Sir, it would be the grossest ignorance of human nature to imagine that the anticipation of an event which is to happen at some time altogether indefinite, of an event which has been vainly expected during many centuries, of an event which even those who confidently expect that it will happen do not confidently expect that they or

their children or their grandchildren will see, can ever occupy the minds of men to such a degree as to make them regardless of what is near and present and certain. Indeed Christians, as well as Jews, believe that the existing order of things will come to an end. Many Christians believe that Jesus will visibly reign on earth during a thousand years. Expositors of prophecy have gone so far as to fix the year when the Millennial period is to commence. The prevailing opinion is, I think, in favour of the year 1866; but, according to some commentators, the time is close at hand. Are we to exclude all millennarians from parliament and office, on the ground that they are impatiently looking forward to the miraculous monarchy which is to supersede the present dynasty and the present constitution of England, and that therefore they cannot be heartily loyal to King William?

In one important point, Sir, my honorable friend, the Member for the University of Oxford, must acknowledge that the Jewish religion is of all erroneous religions the least mischievous. There is not the slightest chance that the Jewish religion will spread. The Jew does not wish to make proselytes. He may be said to reject them. He thinks it almost culpable in one who does not belong to his race to presume to belong to his religion. It is therefore not strange that a conversion from Christianity to Judaism should be a rarer occurrence than a total eclipse of the sun. There was one distinguished convert in the last century, Lord George Gordon; and the history of his conversion deserves to be remembered. For if ever there was a proselyte of whom a proselytising sect would have been proud, it was Lord George; not only

because he was a man of high birth and rank; not only because he had been a member of the legislature; but also because he had been distinguished by the intolerance, nay, the ferocity, of his zeal for his own form of Christianity. But was he allured into the Synagogue? Was he even welcomed to it? No, Sir; he was coldly and reluctantly permitted to share the reproach and suffering of the chosen people; but he was sternly shut out from their privileges. He underwent the painful rite which their law enjoins. But when, on his deathbed, he begged hard to be buried among them according to their ceremonial, he was told that his request could not be granted. I understand that cry of "Hear." It reminds me that one of the arguments against this motion is that the Jews are an unsocial people, that they draw close to each other, and stand aloof from strangers. Really, Sir, it is amusing to compare the manner in which the question of Catholic emancipation was argued formerly by some gentlemen with the manner in which the question of Jew emancipation is argued by the same gentlemen now. When the question was about Catholic emancipation, the cry was, "See how restless, how versatile, how encroaching, how insinuating, is the spirit of the Church of Rome. See how her priests compass earth and sea to make one proselyte, how indefatigably they toil, how attentively they study the weak and strong parts of every character, how skilfully they employ literature, arts, sciences, as engines for the propagation of their faith. You find them in every region and under every disguise, collating manuscripts in the Bodleian, fixing telescopes in the Observatory of Pekin, teaching the use of the plough and the

spinning wheel to the savages of Paraguay. Will you give power to the members of a Church so busy, so aggressive, so insatiable?" Well, now the question is about people who never try to seduce any stranger to join them, and who do not wish any body to be of their faith who is not also of their blood. And now you exclaim, "Will you give power to the members of a sect which remains sullenly apart from other sects; which does not invite, nay, which hardly even admits, neophytes?" The truth is, that bigotry will never want a pretence. Whatever the sect be which it is proposed to tolerate, the peculiarities of that sect will, for the time, be pronounced by intolerant men to be the most odious and dangerous that can be conceived. As to the Jews, that they are unsocial as respects religion is true; and so much the better: for surely, as Christians, we cannot wish that they should bestir themselves to pervert us from our own faith. But that the Jews would be unsocial members of the civil community, if the civil community did its duty by them, has never been proved. My right honorable friend who made the motion which we are discussing has produced a great body of evidence to show that they have been grossly misrepresented; and that evidence has not been refuted by my honorable friend the Member for the University of Oxford. But what if it were true that the Jews are unsocial? What if it were true that they do not regard England as their country? Would not the treatment which they have undergone explain and excuse their antipathy to the society in which they live? Has not similar antipathy often been felt by persecuted Christians to the society which persecuted

them? While the bloody code of Elizabeth was enforced against the English Roman Catholics, what was the patriotism of Roman Catholics? Oliver Cromwell said that in his time they were Espaniolised. At a later period it might have been said that they were Gallicised. It was the same with the Calvinists. What more deadly enemies had France in the days of Lewis the Fourteenth than the persecuted Huguenots? But would any rational man infer from these facts that either the Roman Catholic as such, or the Calvinist as such, is incapable of loving the land of his birth? If England were now invaded by Roman Catholics, how many English Roman Catholics would go over to the invader? If France were now attacked by a Protestant enemy, how many French Protestants would lend him help? Why not try what effect would be produced on the Jews by that tolerant policy which has made the English Roman Catholic a good Englishman, and the French Calvinist a good Frenchman?

Another charge has been brought against the Jews, not by my honorable friend the Member for the University of Oxford, — he has too much learning and too much good feeling to make such a charge, — but by the honorable Member for Oldham, who has, I am sorry to see, quitted his place. The honorable Member for Oldham tells us that the Jews are naturally a mean race, a sordid race, a money-getting race; that they are averse to all honorable callings; that they neither sow nor reap; that they have neither flocks nor herds; that usury is the only pursuit for which they are fit; that they are destitute of all elevated and amiable sentiments. Such, Sir, has in every age been the reasoning of bigots. They never fail to plead in

justification of persecution the vices which persecution has engendered. England has been to the Jews less than half a country; and we revile them because they do not feel for England more than a half patriotism. We treat them as slaves, and wonder that they do not regard us as brethren. We drive them to mean occupations, and then reproach them for not embracing honorable professions. We long forbade them to possess land; and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of ambition; and then we despise them for taking refuge in avarice. During many ages we have, in all our dealings with them, abused our immense superiority of force; and then we are disgusted because they have recourse to that cunning which is the natural and universal defence of the weak against the violence of the strong. But were they always a mere money-changing, money-getting, money-hoarding race? Nobody knows better than my honorable friend the Member for the University of Oxford that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilisation, when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid Temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever, in its last agonies, gave

such signal proofs of what may be accomplished by a brave despair? And if, in the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers, if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as matter of reproach to them? Shall we not rather consider it as matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that there is no genius among the countrymen of Isaiah, no heroism among the descendants of the Maccabees.

Sir, in supporting the motion of my honorable friend, I am, I firmly believe, supporting the honor and the interests of the Christian religion. I should think that I insulted that religion if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long

continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly hope, the last restraint of those who are raised above every earthly fear! But let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error, and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 10TH OF JULY, 1833.

On Wednesday, the tenth of July, 1833, Mr. Charles Grant, President of the Board of Control, moved that the Bill for effecting an arrangement with the India Company, and for the better government of His Majesty's Indian territories, should be read a second time. The motion was carried without a division, but not without a long debate, in the course of which the following Speech was made.

HAVING, while this bill was in preparation, enjoyed the fullest and kindest confidence of my right honorable friend, the President of the Board of Control, agreeing with him completely in all those views which on a former occasion he so luminously and eloquently developed, having shared his anxieties, and feeling that in some degree I share his responsibility, I am naturally desirous to obtain the attention of the House while I attempt to defend the principles of the proposed arrangement. I wish that I could promise to be very brief; but the subject is so extensive that I will only promise to condense what I have to say as much as I can.

I rejoice, Sir, that I am completely dispensed, by the turn which our debates have taken, from the necessity of saying anything in favour of one part of our plan, the opening of the China trade. No voice, I believe, has yet been raised here in support of the

monopoly. On that subject all public men of all parties seem to be agreed. The resolution proposed by the Ministers has received the unanimous assent of both Houses, and the approbation of the whole kingdom. I will not, therefore, Sir, detain you by vindicating what no gentleman has yet ventured to attack, but will proceed to call your attention to those effects which this great commercial revolution necessarily produced on the system of Indian government and finance.

The China trade is to be opened. Reason requires this. Public opinion requires it. The Government of the Duke of Wellington felt the necessity as strongly as the Government of Lord Grey. No Minister, Whig or Tory, could have been found to propose a renewal of the monopoly. No parliament, reformed or unreformed, would have listened to such a proposition. But though the opening of the trade was a matter concerning which the public had long made up its mind, the political consequences which must necessarily follow from the opening of the trade seem to me to be even now little understood. The language which I have heard in almost every circle where the subject was discussed was this: "Take away the monopoly, and leave the government of India to the Company:" a very short and convenient way of settling one of the most complicated questions that ever a legislature had to consider. The honorable Member for Sheffield*, though not disposed to retain the Company as an organ of government, has repeatedly used language which proves that he shares in the general misconception. The fact is that the abolition of the monopoly

* Mr. Buckingham.

rendered it absolutely necessary to make a fundamental change in the constitution of that great Corporation.

The Company had united in itself two characters, the character of trader and the character of sovereign. Between the trader and the sovereign there was a long and complicated account, almost every item of which furnished matter for litigation. While the monopoly continued, indeed, litigation was averted. The effect of the monopoly was, to satisfy the claims both of commerce and of territory, at the expense of a third party, the English people; to secure at once funds for the dividend of the stockholder and funds for the government of the Indian Empire, by means of a heavy tax on the tea consumed in this country. But, when the third party would no longer bear this charge, all the great financial questions which had, at the cost of that third party, been kept in abeyance, were opened in an instant. The connection between the Company in its mercantile capacity, and the same Company in its political capacity, was dissolved. Even if the Company were permitted, as has been suggested, to govern India and at the same time to trade with China, no advances would be made from the profits of its Chinese trade for the support of its Indian government. It was in consideration of the exclusive privilege that the Company had hitherto been required to make those advances; it was by the exclusive privilege that the Company had been enabled to make them. When that privilege was taken away, it would be unreasonable in the Legislature to impose such an obligation, and impossible for the Company to fulfil it. The whole system of loans from commerce to territory, and repay-

ments from territory to commerce, must cease. Each party must rest altogether on its own resources. It was therefore absolutely necessary to ascertain what resources each party possessed, to bring the long and intricate account between them to a close, and to assign to each a fair portion of assets and liabilities. There was vast property. How much of that property was applicable to purposes of state? How much was applicable to a dividend? There were debts to the amount of many millions. Which of these were the debts of the government that ruled at Calcutta? Which of the great mercantile house that bought tea at Canton? Were the creditors to look to the land revenues of India for their money? Or were they entitled to put executions into the warehouses behind Bishopsgate Street?

There were two ways of settling these questions; adjudication and compromise. The difficulties of adjudication were great; I think insuperable. Whatever acuteness and diligence could do has been done. One person in particular, whose talents and industry peculiarly fitted him for such investigations, and of whom I can never think without regret, Mr. Hyde Villiers, devoted himself to the examination with an ardour and a perseverance which, I believe, shortened a life most valuable to his country and to his friends. The assistance of the most skilful accountants has been called in. But the difficulties are such as no accountant, however skilful, could possibly remove. The difficulties are not arithmetical, but political. They arise from the constitution of the Company, from the long and intimate union of the commercial and imperial characters in one body. Suppose that the treasurer

of a charity were to mix up the money which he receives on account of the charity with his own private rents and dividends, to pay the whole into his bank to his own private account, to draw it out again by cheques in exactly the same form when he wanted it for his private expenses, and when he wanted it for the purposes of his public trust. Suppose that he were to continue to act thus till he was himself ignorant whether he were in advance or in arrear; and suppose that many years after his death a question were to arise whether his estate were in debt to the charity or the charity in debt to his estate. Such is the question which is now before us, with this important difference, that the accounts of an individual could not be in such a state unless he had been guilty of fraud, or of that gross negligence which is scarcely less culpable than fraud, and that the accounts of the Company were brought into this state by circumstances of a very peculiar kind, by circumstances unparalleled in the history of the world.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its chief object; but in order to enable it to pursue that object, it had been, like the other Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than a hundred and twenty years ago, the Company was in miniature precisely what it now is. It was intrusted with the very highest prerogatives of sovereignty. It had its forts, and its white captains, and its black sepoys; it had its civil and criminal tribunals; it was authorised to proclaim

martial law; it sent ambassadors to the native governments, and concluded treaties with them; it was Zemindar of several districts, and within those districts, like other Zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was at first a great trader and a petty prince. The political functions at first attracted little notice, because they were merely auxiliary to the commercial functions. By degrees, however, the political functions became more and more important. The Zemindar became a great nabob, became sovereign of all India; the two hundred sepoy's became two hundred thousand. This change was gradually wrought, and was not immediately comprehended. It was natural that, while the political functions of the Company were merely auxiliary to its commerce, the political accounts should have been mixed up with the commercial accounts. It was equally natural that this mode of keeping accounts, having once been established, should have remained unaltered; and the more so, as the change in the situation of the Company, though rapid, was not sudden. It is impossible to name any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion indeed to fix on the year 1765, the year in which the Mogul issued a commission authorising the Company to administer the revenues of Bengal, Bahar, and Orissa, as the precise date of the accession of this singular body to sovereignty. I am utterly at a loss to understand why this epoch should be selected.

Long before 1765 the Company had the reality of political power. Long before that year, they made a nabob of Arcot; they made and unmade nabobs of Bengal; they humbled the Vizier of Oude; they braved the Emperor of Hindostan himself; more than half the revenues of Bengal were under one pretence or another administered by them. And after the grant, the Company was not, in form and name, an independent power. It was merely a minister of the Court of Delhi. Its coinage bore the name of Shah Alum. The inscription which, down to the time of the Marquess of Hastings, appeared on the seal of the Governor General, declared that great functionary to be the slave of the Mogul. Even to this day we have never formally deposed the king of Delhi. The Company contents itself with being Mayor of the Palace, while the *Roi Fainéant* is suffered to play at being a sovereign. In fact, it was considered, both by Lord Clive and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or nonentities, just as might be most convenient.

Thus the transformation of the Company from a trading body, which possessed some sovereign prerogatives for the purposes of trade, into a sovereign body, the trade of which was auxiliary to its sovereignty, was effected by degrees and under disguise. It is not strange, therefore, that the mercantile and political transactions of this great corporation should be entangled together in inextricable complication. The commercial investments have been purchased out of the revenues of the empire. The expenses of war

and government have been defrayed out of the profits of the trade. Commerce and territory have contributed to the improvement of the same spot of land, to the repairs of the same building. Securities have been given in precisely the same form, for money which has been borrowed for purposes of State, and for money which has been borrowed for purposes of traffic. It is easy, indeed, — and this is a circumstance which has, I think, misled some gentlemen, — it is easy to see what part of the assets of the Company appears in a commercial form, and what part appears in a political or territorial form. But this is not the question. Assets which are commercial in form may be territorial as respects the right of property; assets which are territorial in form may be commercial as respects the right of property. A chest of tea is not necessarily commercial property; it may have been bought out of the territorial revenue. A fort is not necessarily territorial property; it may stand on ground which the Company bought a hundred years ago out of their commercial profits. Adjudication, if by adjudication be meant decision according to some known rule of law, was out of the question. To leave matters like these to be determined by the ordinary maxims of our civil jurisprudence would have been the height of absurdity and injustice. For example, the home bond debt of the Company, it is believed, was incurred partly for political and partly for commercial purposes. But there is no evidence which would enable us to assign to each branch its proper share. The bonds all run in the same form; and a court of justice would, therefore, of course, either lay the whole burthen on the proprietors, or lay the whole on the

territory. We have legal opinions, very respectable legal opinions, to the effect, that in strictness of law the territory is not responsible, and that the commercial assets are responsible for every farthing of the debts which were incurred for the government and defence of India. But though this may be, and I believe is, law, it is, I am sure, neither reason nor justice. On the other hand, it is urged by the advocates of the Company, that some valuable portions of the territory are the property of that body in its commercial capacity; that Calcutta, for example, is the private estate of the Company; that the Company holds the island of Bombay, in free and common soccage, as of the Manor of East Greenwich. I will not pronounce any opinion on these points. I have considered them enough to see that there is quite difficulty enough in them to exercise all the ingenuity of all the lawyers in the kingdom for twenty years. But the fact is, Sir, that the municipal law was not made for controversies of this description. The existence of such a body as this gigantic corporation, this political monster of two natures, subject in one hemisphere, sovereign in another, had never been contemplated by the legislators or judges of former ages. Nothing but grotesque absurdity and atrocious injustice could have been the effect, if the claims and liabilities of such a body had been settled according to the rules of Westminster Hall, if the maxims of conveyancers had been applied to the titles by which flourishing cities and provinces are held, or the maxims of the law merchant to those promissory notes which are the securities for a great National Debt, raised for the purpose of exterminating the Pindarrees and humbling the Burmese.

It was, as I have said, absolutely impossible to bring the question between commerce and territory to a satisfactory adjudication; and I must add that, even if the difficulties which I have mentioned could have been surmounted, even if there had been reason to hope that a satisfactory adjudication could have been obtained, I should still have wished to avoid that course. I think it desirable that the Company should continue to have a share in the government of India; and it would evidently have been impossible, pending a litigation between commerce and territory, to leave any political power to the Company. It would clearly have been the duty of those who were charged with the superintendence of India, to be the patrons of India throughout that momentous litigation, to scrutinise with the utmost severity every claim which might be made on the Indian revenues, and to oppose, with energy and perseverance, every such claim, unless its justice were manifest. If the Company was to be engaged in a suit for many millions, in a suit which might last for many years, against the Indian territory, could we entrust the Company with the government of that territory? Could we put the plaintiff in the situation of *prochain ami* of the defendant? Could we appoint governors who would have had an interest opposed in the most direct manner to the interest of the governed, whose stock would have been raised in value by every decision which added to the burthens of their subjects, and depressed by every decision which diminished those burthens? It would be absurd to suppose that they would efficiently defend our Indian Empire against the claims which they were themselves bringing against it; and it would be equally

absurd to give the government of the Indian Empire to those who could not be trusted to defend its interests.

Seeing, then, that it was most difficult, if not wholly impossible, to resort to adjudication between commerce and territory, seeing that, if recourse were had to adjudication, it would be necessary to make a complete revolution in the whole constitution of India, the Government has proposed a compromise. That compromise, with some modifications which did not in the slightest degree affect its principle, and which, while they gave satisfaction to the Company, will eventually lay no additional burthen on the territory, has been accepted. It has, like all other compromises, been loudly censured by violent partisans on both sides. It has been represented by some as far too favourable to the Company, and by others as most unjust to the Company. Sir, I own that we cannot prove that either of these accusations is unfounded. It is of the very essence of our case that we should not be able to show that we have assigned, either to commerce or to territory, its precise due. For our principal reason for recommending a compromise was our full conviction that it was absolutely impossible to ascertain with precision what was due to commerce and what was due to territory. It is not strange that some people should accuse us of robbing the Company, and others of conferring a vast boon on the Company, at the expense of India: for we have proposed a middle course, on the very ground that there was a chance of a result much more favourable to the Company than our arrangement, and a chance also of a result much less favourable. If the questions pending between the

Company and India had been decided as the ardent supporters of the Company predicted, India would, if I calculate rightly, have paid eleven millions more than she will now have to pay. If those questions had been decided as some violent enemies of the Company predicted, that great body would have been utterly ruined. The very meaning of compromise is that each party gives up his chance of complete success, in order to be secured against the chance of utter failure. And, as men of sanguine minds always overrate the chances in their own favour, every fair compromise is sure to be severely censured on both sides. I conceive that, in a case so dark and complicated as this, the compromise which we recommend is sufficiently vindicated, if it cannot be proved to be unfair. We are not bound to prove it to be fair. For it would have been unnecessary for us to resort to compromise at all, if we had been in possession of evidence which would have enabled us to pronounce, with certainty, what claims were fair and what were unfair. It seems to me that we have acted with due consideration for every party. The dividend which we give to the proprietors is precisely the same dividend which they have been receiving during forty years, and which they have expected to receive permanently. The price of their stock bears at present the same proportion to the price of other stock which it bore four or five years ago, before the anxiety and excitement which the late negotiations naturally produced had begun to operate. As to the territory on the other hand, it is true that, if the assets which are now in a commercial form should not produce a fund sufficient to pay the debts and dividend of the Company, the territory must

stand to the loss and pay the difference. But in return for taking this risk, the territory obtains an immediate release from claims to the amount of many millions. I certainly do not believe that all those claims could have been substantiated; but I know that very able men think differently. And, if only one-fourth of the sum demanded had been awarded to the Company, India would have lost more than the largest sum which, as it seems to me, she can possibly lose under the proposed arrangement.

In a pecuniary point of view, therefore, I conceive that we can defend the measure as it affects the territory. But to the territory the pecuniary question is of secondary importance. If we have made a good pecuniary bargain for India, but a bad political bargain, if we have saved three or four millions to the finances of that country, and given to it, at the same time, pernicious institutions, we shall indeed have been practising a most ruinous parsimony. If, on the other hand, it shall be found that we have added fifty or a hundred thousand pounds a-year to the expenditure of an empire which yields a revenue of twenty millions, but that we have at the same time secured to that empire, as far as in us lies, the blessings of good government, we shall have no reason to be ashamed of our profusion. I hope and believe that India will have to pay nothing. But on the most unfavourable supposition that can be made, she will not have to pay so much to the Company as she now pays annually to a single state pageant, to the titular Nabob of Bengal, for example, or the titular King of Delhi. What she pays to these nominal princes, who, while they did anything,

did mischief, and who now do nothing, she may well consent to pay to her real rulers, if she receives from them, in return, efficient protection and good legislation.

We come then to the great question. Is it desirable to retain the Company as an organ of government for India? I think that it is desirable. The question is, I acknowledge, beset with difficulties. We have to solve one of the hardest problems in politics. We are trying to make brick without straw, to bring a clean thing out of an unclean, to give a good government to a people to whom we cannot give a free government. In this country, in any neighbouring country, it is easy to frame securities against oppression. In Europe, you have the materials of good government everywhere ready to your hands. The people are everywhere perfectly competent to hold some share, not in every country an equal share, but some share, of political power. If the question were, What is the best mode of securing good government in Europe? the merest smatterer in politics would answer, representative institutions. In India you cannot have representative institutions. Of all the innumerable speculators who have offered their suggestions on Indian politics, not a single one, as far as I know, however democratical his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions to India. One gentleman, extremely well acquainted with the affairs of our Eastern Empire, a most valuable servant of the Company, and the author of a History of India, which, though certainly not free from faults, is, I think, on the whole, the greatest historical work which

has appeared in our language since that of Gibbon, I mean Mr. Mill, was examined on this point. That gentleman is well known to be a very bold and uncompromising politician. He has written strongly, far too strongly I think, in favour of pure democracy. He has gone so far as to maintain that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked before the Committee of last year, whether he thought representative government practicable in India, his answer was, "utterly out of the question." This, then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgment, we cannot introduce those institutions which all our habits, which all the reasonings of European philosophers, which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty. In these circumstances, Sir, it behoves us to be cautious, even to the verge of timidity. The light of political science and of history are withdrawn: we are walking in darkness: we do not distinctly see whither we are going. It is the wisdom of a man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

Some things, however, in the midst of this obscurity, I can see with clearness. I can see, for example, that it is desirable that the authority exercised in this country over the Indian government should be divided between two bodies, between a minister or

a board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England, to be at war with our enemies, to be at peace with our allies, to be protected by the English navy from maritime aggression, to have a portion of the English army mixed with its sepoys, it plainly follows that the King, to whom the Constitution gives the direction of foreign affairs, and the command of the military and naval forces, ought to have a share in the direction of the Indian government. Yet, on the other hand, that a revenue of twenty millions a year, an army of two hundred thousand men, a civil service abounding with lucrative situations, should be left to the disposal of the Crown without any check whatever, is what no Minister, I conceive, would venture to propose. This House is indeed the check provided by the Constitution on the abuse of the royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India, I altogether deny. We have, as I believe we all feel, quite business enough. If we were to undertake the task of looking into Indian affairs as we look into British affairs, if we were to have Indian budgets and Indian estimates, if we were to go into the Indian currency question and the Indian Bank Charter, if to our disputes about Belgium and Holland, Don Pedro and Don Miguel, were to be added disputes about the debts of the Guicowar and the disorders of Mysore, the ex-king of the Afghans and the Maharajah Runjeet Sing; if we were to have one night occupied by the embezzlements of the Benares mint, and another by the panic in the Calcutta money market; if the questions of Suttee or no

Suttee, Pilgrim tax or no Pilgrim tax, Ryotwary or Zemindary, half Batta or whole Batta, were to be debated at the same length at which we have debated Church reform and the assessed taxes, twenty-four hours a day and three hundred and sixty-five days a year would be too short a time for the discharge of our duties. The House, it is plain, has not the necessary time to settle these matters; nor has it the necessary knowledge; nor has it the motives to acquire that knowledge. The late change in its constitution has made it, I believe, a much more faithful representative of the English people. But it is as far as ever from being a representative of the Indian people. A broken head in Cold Bath Fields produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim brought by an individual against the revenues of India. If it had been an English question the walls would scarcely have held the Members who would have flocked to the division. It was an Indian question; and we could scarcely, by dint of supplication, make a House. Even when my right honorable friend, the President of the Board of Control, gave his able and interesting explanation of the plan which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have often seen it on a turnpike bill or a railroad bill.

I then take these things as proved, that the Crown must have a certain authority over India, that there must be an efficient check on the authority of the Crown, and that the House of Commons cannot be that efficient check. We must then find some other

body to perform that important office. We have such a body, the Company. Shall we discard it?

It is true that the power of the Company is an anomaly in politics. It is strange, very strange, that a joint stock society of traders, a society, the shares of which are daily passed from hand to hand, a society, the component parts of which are perpetually changing, a society, which, judging *a priori* from its constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors' Company or the New River Company, should be intrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the Executive Government of the United Kingdom. But what constitution can we give to our Indian Empire which shall not be strange, which shall not be anomalous? That Empire is itself the strangest of all political anomalies. That a handful of adventurers from an island in the Atlantic should have subjugated a vast country divided from the place of their birth by half the globe; a country which at no very distant period was merely the subject of fable to the nations of Europe; a country never before violated by the most renowned of Western Conquerors; a country which Trajan never entered; a country lying beyond the point where the phalanx of Alexander refused to proceed; that we should govern a territory ten thousand miles from us, a territory larger and more populous than France, Spain, Italy, and Germany put together, a territory, the present clear revenue of which exceeds the present clear revenue of any state in the world, France ex-

cepted; a territory, inhabited by men differing from us in race, colour, language, manners, morals, religion; these are prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where everything is anomaly. It is the strangest of all governments; but it is designed for the strangest of all Empires.

If we discard the Company, we must find a substitute: and, take what substitute we may, we shall find ourselves unable to give any reason for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by the King during pleasure would be no check on the Crown; Commissioners appointed by the King or by Parliament for life would always be appointed by the political party which might be uppermost, and if a change of administration took place, would harass the new Government with the most vexatious opposition. The plan suggested by the right honorable Gentleman, the Member for Montgomeryshire*, is I think the very worst that I have ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being; that their situations would depend on the permanence of that Ministry; that therefore all their power and patronage would be employed for the

* Mr. Charles Wynn.

purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power; that they would be subservient while their friends were in, and factious when their friends were out? How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the Government, and no more than independent, not a tool of the Treasury, not a tool of the opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body. It is, as a corporation, neither Whig nor Tory, neither high-church nor low-church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view, not to English politics, but to Indian politics. We have seen the country convulsed by faction. We have seen Ministers driven from office by this House, Parliament dissolved in anger, general elections of unprecedented turbulence, debates of unprecedented interest. We have seen the two branches of the Legislature placed in direct opposition to each other. We have seen the advisers of the Crown dismissed one day, and brought back the next day on the shoulders of the people. And amidst all these agitating events the Company has preserved strict and unsuspected neutrality. This is, I think, an

inestimable advantage; and it is an advantage which we must altogether forego, if we consent to adopt any of the schemes which I have heard proposed on the other side of the House.

We must judge of the Indian government, as of all other governments, by its practical effects. According to the honorable Member for Sheffield, India is ill governed; and the whole fault is with the Company. Innumerable accusations, great and small, are brought by him against the Directors. They are fond of war: they are fond of dominion: the taxation is burthensome: the laws are undigested: the roads are rough: the post goes on foot: and for everything the Company is answerable. From the dethronement of the Mogul princes to the mishaps of Sir Charles Metcalfe's courier, every disaster that has taken place in the East during sixty years is laid to the charge of this Corporation. And the inference is, that all the power which they possess ought to be taken out of their hands, and transferred at once to the Crown.

Now, Sir, it seems to me that, for all the evils which the honorable Gentleman has so pathetically recounted, the Ministers of the Crown are as much to blame as the Company; nay, much more so: for the Board of Control could, without the consent of the Directors, have redressed those evils; and the Directors most certainly could not have redressed them without the consent of the Board of Control. Take the case of that frightful grievance which seems to have made the deepest impression on the mind of the honorable Gentleman, the slowness of the mail. Why, Sir, if my right honorable friend, the President of

our Board, thought fit, he might direct me to write to the Court and require them to frame a dispatch on that subject. If the Court disobeyed, he might himself frame a dispatch ordering Lord William Bentinck to put the dawks all over Bengal on horseback. If the Court refused to send out this dispatch, the Board could apply to the King's Bench for a Mandamus. If, on the other hand, the Directors wished to accelerate the journeys of the mail, and the Board were adverse to the project, the Directors could do nothing at all. For all measures of internal policy the servants of the King are at least as deeply responsible as the Company. For all measures of foreign policy the servants of the King, and they alone, are responsible. I was surprised to hear the honorable Gentleman accuse the Directors of insatiable ambition and rapacity, when he must know that no act of aggression on any native state can be committed by the Company without the sanction of the Board, and that, in fact, the Board has repeatedly approved of warlike measures, which were strenuously opposed by the Company. He must know, in particular, that, during the energetic and splendid administration of the Marquess Wellesley, the Company was all for peace, and the Board all for conquest. If a line of conduct which the honorable Gentleman thinks unjustifiable has been followed by the Ministers of the Crown in spite of the remonstrances of the Directors, this is surely a strange reason for turning off the Directors, and giving the whole power unchecked to the Crown.

The honorable member tells us that India, under the present system, is not so rich and flourishing as she was two hundred years ago. Really, Sir, I doubt

whether we are in possession of sufficient data to enable us to form a judgment on that point. But the matter is of little importance. We ought to compare India under our Government, not with India under Acbar and his immediate successors, but with India as we found it. The calamities through which that country passed during the interval between the fall of the Mogul power and the establishment of the English supremacy were sufficient to throw the people back whole centuries. It would surely be unjust to say, that Alfred was a bad king because Britain, under his government, was not so rich or so civilised as in the time of the Romans.

In what state, then, did we find India? And what have we made India? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would, perhaps, be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe, like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of a bad internal administration, and under the assaults of barbarous invaders. At Delhi, as at Ravenna, there was a mock sovereign, immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to

respect a government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some new combination, which the next moment dissolved. In the course of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed, by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within, by the robber from whom the Nabob was unable to protect them, by the Nabob who took whatever the robber had left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilisation of an earlier age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since

we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process, the reconstruction of a decomposed society. Two generations have passed away; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

It is true, that the early history of this great revolution is chequered with guilt and shame. It is true that the founders of our Indian empire too often abused the strength which they derived from superior energy and superior knowledge. It is true that, with some of the highest qualities of the race from which they sprang, they combined some of the worst defects of the race over which they ruled. How should it have been otherwise? Born in humble stations, accustomed to earn a slender maintenance by obscure industry, they found themselves transformed in a few months from clerks drudging over desks, or captains in marching regiments, into statesmen and generals, with armies at their command, with the revenues of kingdoms at their disposal, with power to make and depose sovereigns at their pleasure. They were what it was natural that men should be who had been raised by so rapid an ascent to so dizzy an eminence, profuse and rapacious, imperious and corrupt.

It is true, then, that there was too much foundation for the representations of those satirists and dramatists

who held up the character of the English Nabob to the derision and hatred of a former generation. It is true that some disgraceful intrigues, some unjust and cruel wars, some instances of odious perfidy and avarice stain the annals of our Eastern empire. It is true that the duties of government and legislation were long wholly neglected or carelessly performed. It is true that when the conquerors at length began to apply themselves in earnest to the discharge of their high functions, they committed the errors natural to rulers who were but imperfectly acquainted with the language and manners of their subjects. It is true that some plans, which were dictated by the purest and most benevolent feelings, have not been attended by the desired success. It is true that India suffers to this day from a heavy burthen of taxation and from a defective system of law. It is true, I fear, that in those states which are connected with us by subsidiary alliance, all the evils of oriental despotism have too frequently shown themselves in their most loathsome and destructive form.

All this is true. Yet in the history and in the present state of our Indian empire I see ample reason for exultation and for a good hope.

I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan empire, and which, a century ago, kept all India in constant agitation, have been quelled by one overwhelming power. I see that the predatory tribes which, in the middle of the last century, passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed before the valour

of a braver and sterner race, have been vanquished, scattered, hunted to their strongholds, and either extirpated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I look back for many years; and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent states. I see confidence gradually infused into the minds of suspicious neighbours. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency, such as I should seek in vain in the annals of any other victorious and dominant nation. I see captive tyrants, whose treachery and cruelty might have excused a severe retribution, living in security, comfort, and dignity, under the protection of the government which they laboured to destroy.

I see a large body of civil and military functionaries resembling in nothing but capacity and valour those adventurers who, seventy years ago, came hither, laden with wealth and infamy, to parade before our fathers the plundered treasures of Bengal and Tanjore. I reflect with pride that to the doubtful splendour which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Munro. I contemplate with reverence and delight the honorable poverty which is the evidence of rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after

judging the causes of wealthy Zemindars, after residing at the Courts of tributary Kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognise a paternal feeling towards the great people committed to its charge. I see toleration strictly maintained: yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe, beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils: but I see the government actively employed in the work of remedying those evils. The taxation is heavy; but the work of retrenchment is unsparingly pursued. The mischiefs arising from the system of subsidiary alliance are great: but the rulers of India are fully aware of those mischiefs, and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting a native government, they interfere also for the purpose of reforming it.

Seeing these things, then, am I prepared to discard the Company as an organ of government? I am not. Assuredly I will never shrink from innovation where I see reason to believe that innovation will be improvement. That the present Government does not shrink from innovations which it considers as improvements the bill now before the House sufficiently

shows. But surely the burthen of the proof lies on the innovators. They are bound to show that there is a fair probability of obtaining some advantage before they call upon us to take up the foundations of the Indian government. I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better Council: find me a better constituent body: and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company; and most of them I could, I think, easily prove to be worse. Circumstances might force us to hazard a change. If the Company were to refuse to accept of the government unless we would grant pecuniary terms which I thought extravagant, or unless we gave up the clauses in this bill which permit Europeans to hold landed property and natives to hold office, I would take them at their word. But I will not discard them in the mere rage of experiment.

Do I call the government of India a perfect government? Very far from it. No nation can be perfectly well governed till it is competent to govern itself. I compare the Indian government with other governments of the same class, with despotisms, with military despotisms, with foreign military despotisms; and I find none that approaches it in excellence. I compare it with the government of the Roman provinces, with the government of the Spanish colonies; and I am proud of my country and my age. Here are a hundred millions of people under the absolute rule of a few strangers, differing from them physically, differing from them morally, mere Mamelukes, not born in the

country which they rule, not meaning to lay their bones in it. If you require me to make this government as good as that of England, France, or the United States of America, I own frankly that I can do no such thing. Reasoning *a priori*, I should have come to the conclusion that such a government must be a horrible tyranny. It is a source of constant amazement to me that it is so good as I find it to be. I will not, therefore, in a case in which I have neither principles nor precedents to guide me, pull down the existing system on account of its theoretical defects. For I know that any system which I could put in its place would be equally condemned by theory, while it would not be equally sanctioned by experience.

Some change in the constitution of the Company was, as I have shown, rendered inevitable by the opening of the China Trade; and it was the duty of the Government to take care that the change should not be prejudicial to India. There were many ways in which the compromise between commerce and territory might have been effected. We might have taken the assets, and paid a sum down, leaving the Company to invest that sum as they chose. We might have offered English security with a lower interest. We might have taken the course which the late ministers designed to take. They would have left the Company in possession of the means of carrying on its trade in competition with private merchants. My firm belief is that, if this course had been taken, the Company must, in a very few years, have abandoned the trade, or the trade would have ruined the Company. It was not, however, solely or principally by regard for the interest of the Company, or of English

merchants generally, that the Government was guided on this occasion. The course which appeared to us the most likely to promote the interests of our Eastern Empire was to make the proprietors of India stock creditors of the Indian territory. Their interest will thus be in a great measure the same with the interest of the people whom they are to rule. Their income will depend on the revenues of their empire. The revenues of their empire will depend on the manner in which the affairs of that empire are administered. We furnish them with the strongest motives to watch over the interests of the cultivator and the trader, to maintain peace, to carry on with vigour the work of retrenchment, to detect and punish extortion and corruption. Though they live at a distance from India, though few of them have ever seen or may ever see the people whom they rule, they will have a great stake in the happiness of their subjects. If their misgovernment should produce disorder in the finances, they will themselves feel the effects of that disorder in their own household expenses. I believe this to be, next to a representative constitution, the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have therefore, I think, given her the best constitution of which she is capable.

One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men; and in that body, [as in every large

body, there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so high in England, that intelligence is so generally diffused through England, that young persons who are taken from the mass of society, by favour and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider too, Sir, how rapidly the public mind of India is advancing, how much attention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends. Surely, in such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the magistracies of our Eastern Empire with men who may do honour to their country, with men who may represent the best part of the English nation. This, Sir, is our object; and we believe that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate selected by examination. We conceive that, under this system, the persons sent out will be young men above par, young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek,

and in mathematics, are no tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests: but that they are tests I confidently maintain. Look at every walk of life, at this House, at the other House, at the Bar, at the Bench, at the Church, and see whether it be not true that those who attain high distinction in the world were generally men who were distinguished in their academic career. Indeed, Sir, this objection would prove far too much even for those who use it. It would prove that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty, a man who had neglected his studies were exactly on a par with a man who had applied himself to them, exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages, whatever be the sciences, which it is, in any age or country, the fashion to teach, the persons who become the greatest proficient in those languages and those sciences will generally be the flower of the youth, the most acute, the most industrious, the most ambitious of honorable distinctions. If the Ptolemaic system were taught at Cambridge instead of the Newtonian, the senior

wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek, we learned the Cherokee, the man who understood the Cherokee best, who made the most correct and melodious Cherokee verses, who comprehended most accurately the effect of the Cherokee particles, would generally be a superior man to him who was destitute of these accomplishments. If astrology were taught at our Universities, the young man who cast nativities best would generally turn out a superior man. If alchymy were taught, the young man who showed most activity in the pursuit of the philosopher's stone would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too exclusive an attention is paid in the education of young English gentlemen to the dead languages, I conceive that when you are choosing men to fill situations for which the very first and most indispensable qualification is familiarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of procuring fair examinations. I am quite sure that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologise for even noticing an objection so frivolous.

Next to the opening of the China trade, Sir, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed. In this change there are undoubtedly very great advantages. The

chief advantage is, I think, the improvement which the minds of our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation. I cannot deny, however, that the advantages are attended with some danger.

The danger is that the new comers, belonging to the ruling nation, resembling in colour, in language, in manners, those who hold supreme military and political power, and differing in all these respects from the great mass of the population, may consider themselves as a superior class, and may trample on the indigenous race. Hitherto there have been strong restraints on Europeans resident in India. Licences were not easily obtained. Those residents who were in the service of the Company had obvious motives for conducting themselves with propriety. If they incurred the serious displeasure of the Government, their hopes of promotion were blighted. Even those who were not in the public service were subject to the formidable power which the Government possessed of banishing them at its pleasure.

The licence of the Government will now no longer be necessary to persons who desire to reside in the settled provinces of India. The power of arbitrary deportation is withdrawn. Unless, therefore, we mean to leave the natives exposed to the tyranny and insolence of every profligate adventurer who may visit the East, we must place the European under the same power which legislates for the Hindoo. No man loves political freedom more than I. But a privilege enjoyed by a few individuals, in the midst of a vast population who do not enjoy it, ought not to be called

freedom. It is tyranny. In the West Indies I have not the least doubt that the existence of the Trial by Jury and of Legislative Assemblies has tended to make the condition of the slaves worse than it would otherwise have been. Or, to go to India itself for an instance, though I fully believe that a mild penal code is better than a severe penal code, the worst of all systems was surely that of having a mild code for the Brahmins, who sprang from the head of the Creator, while there was a severe code for the Sudras, who sprang from his feet. India has suffered enough already from the distinction of castes, and from the deeply rooted prejudices which that distinction has engendered. God forbid that we should inflict on her the curse of a new caste, that we should send her a new breed of Brahmins, authorised to treat all the native population as Parias!

With a view to the prevention of this evil, we propose to give to the Supreme Government the power of legislating for Europeans as well as for natives. We propose that the regulations of the Government shall bind the King's Court as they bind all other courts, and that registration by the Judges of the King's Courts shall no longer be necessary to give validity to those regulations within the towns of Calcutta, Madras, and Bombay.

I could scarcely, Sir, believe my ears when I heard this part of our plan condemned in another place. I should have thought that it would have been received with peculiar favour in that quarter where it has met with the most severe condemnation. What, at present, is the case? If the Supreme Court and the Government differ on a question of jurisdiction, or on a

question of legislation within the towns which are the seats of Government, there is absolutely no umpire but the Imperial Parliament. The device of putting one wild elephant between two tame elephants was ingenious; but it may not always be practicable. Suppose a tame elephant between two wild elephants, or suppose that the whole herd should run wild together. The thing is not without example. And is it not most unjust and ridiculous that, on one side of a ditch, the edict of the Governor General should have the force of law, and that on the other side it should be of no effect unless registered by the Judges of the Supreme Court? If the registration be a security for good legislation, we are bound to give that security to all classes of our subjects. If the registration be not a security for good legislation, why give it to any? Is the system good? Extend it. Is it bad? Abolish it. But in the name of common sense do not leave it as it is. It is as absurd as our old law of sanctuary. The law which authorises imprisonment for debt may be good or bad. But no man in his senses can approve of the ancient system under which a debtor who might be arrested in Fleet Street was safe as soon as he had scampered into Whitefriars. Just in the same way, doubts may fairly be entertained about the expediency of allowing four or five persons to make laws for India; but to allow them to make laws for all India without the Mahratta ditch, and to except Calcutta, is the height of absurdity.

I say, therefore, that either you must enlarge the power of the Supreme Court, and give it a general veto on laws, or you must enlarge the power of the Government, and make its regulations binding on all

Courts without distinction. The former course no person has ventured to propose. To the latter course objections have been made; but objections which to me, I must own, seem altogether frivolous.

It is acknowledged that of late years inconvenience has arisen from the relation in which the Supreme Court stands to the Government. But, it is said, that Court was originally instituted for the protection of natives against Europeans. The wise course would therefore be to restore its original character.

Now, Sir, the fact is, that the Supreme Court has never been so mischievous as during the first ten years of its power, or so respectable as it has lately been. Every body who knows anything of its early history knows, that, during a considerable time, it was the terror of Bengal, the scourge of the native population, the screen of European delinquents, a convenient tool of the Government for all purposes of evil, an insurmountable obstacle to the Government in all undertakings for the public good; that its proceedings were made up of pedantry, cruelty, and corruption; that its disputes with the Government were at one time on the point of breaking up the whole fabric of society; and that a convulsion was averted only by the dexterous policy of Warren Hastings, who at last bought off the opposition of the Chief Justice for eight thousand pounds a year. It is notorious that, while the Supreme Court opposed Hastings in all his best measures, it was a thorough going accomplice in his worst; that it took part in the most scandalous of those proceedings which, fifty years ago, roused the indignation of Parliament and of the country; that it assisted in the spoliation of the prin-

cesses of Oude; that it passed sentence of death on Nuncomar. And this is the Court which we are to restore from its present state of degeneracy to its original purity. This is the protection which we are to give to the natives against the Europeans. Sir, so far is it from being true that the character of the Supreme Court has deteriorated, that it has, perhaps, improved more than any other institution in India. But the evil lies deep in the nature of the institution itself. The Judges have in our time deserved the greatest respect. Their judgment and integrity have done much to mitigate the vices of the system. The worst charge that can be brought against any of them is that of pertinacity, disinterested, conscientious pertinacity, in error. The real evil is the state of the law. You have two supreme powers in India. There is no arbitrator except a Legislature fifteen thousand miles off. Such a system is on the face of it an absurdity in politics. My wonder is, not that this system has several times been on the point of producing fatal consequences to the peace and resources of India; — those, I think, are the words in which Warren Hastings described the effect of the contest between his Government and the Judges; — but that it has not actually produced such consequences. The most distinguished members of the Indian Government, the most distinguished Judges of the Supreme Court, call upon you to reform this system. Sir Charles Metcalfe, Sir Charles Grey, represent with equal urgency the expediency of having one single paramount council armed with legislative power. The admission of Europeans to India renders it absolutely necessary not to delay our decision. The effect of that admission

would be to raise a hundred questions, to produce a hundred contests between the Council and the judicature. The Government would be paralysed at the precise moment at which all its energy was required. While the two equal powers were acting in opposite directions, the whole machine of the state would stand still. The Europeans would be uncontrolled. The natives would be unprotected. The consequences I will not pretend to foresee. Everything beyond is darkness and confusion.

Having given to the Government supreme legislative power, we next propose to give to it for a time the assistance of a Commission for the purpose of digesting and reforming the laws of India, so that those laws may, as soon as possible, be formed into a code. Gentlemen of whom I wish to speak with the highest respect have expressed a doubt whether India be at present in a fit state to receive a benefit which is not yet enjoyed by this free and highly civilised country. Sir, I can allow to this argument very little weight beyond that which it derives from the personal authority of those who use it. For, in the first place, our freedom and our high civilisation make this improvement, desirable as it must always be, less indispensably necessary to us than to our Indian subjects; and in the next place our freedom and civilisation, I fear, make it far more difficult for us to obtain this benefit for ourselves than to bestow it on them.

I believe that no country ever stood so much in need of a code of laws as India; and I believe also that there never was a country in which the want might so easily be supplied. I said that there were many points of analogy between the state of that

country after the fall of the Mogul power, and the state of Europe after the fall of the Roman empire. In one respect the analogy is very striking. As there were in Europe then, so there are in India now, several systems of law widely differing from each other, but coexisting and coequal. The indigenious population has its own laws. Each of the successive races of conquerors has brought with it its own peculiar jurisprudence: the Mussulman his Koran and the innumerable commentators on the Koran; the Englishman his Statute Book and his Term Reports. As there were established in Italy, at one and the same time, the Roman law, the Lombard law, the Ripuarian law, the Bavarian law, and the Salic law, so we have now in our Eastern empire Hindoo law, Mahometan law, Parsee law, English law, perpetually mingling with each other and disturbing each other, varying with the person, varying with the place. In one and the same cause the process and pleadings are in the fashion of one nation, the judgment is according to the laws of another. An issue is evolved according to the rules of Westminster, and decided according to those of Benares. The only Mahometan book in the nature of a code is the Koran; the only Hindoo book the Institutes. Every body who knows those books knows that they provide for a very small part of the cases which must arise in every community. All beyond them is comment and tradition. Our regulations in civil matters do not define rights, but merely establish remedies. If a point of Hindoo law arises, the Judge calls on the Pundit for an opinion. If a point of Mahometan law arises, the Judge applies to the Cauzee. What the integrity of these functionaries is, we may learn

from Sir William Jones. That eminent man declared that he could not answer it to his conscience to decide any point of law on the faith of a Hindoo expositor. Sir Thomas Strange confirms this declaration. Even if there were no suspicion of corruption on the part of the interpreters of the law, the science which they profess is in such a state of confusion that no reliance can be placed on their answer. Sir Francis Maenaghten tells us, that it is a delusion to fancy that there is any known and fixed law under which the Hindoo people live; that texts may be produced on any side of any question; that expositors equal in authority perpetually contradict each other; that the obsolete law is perpetually confounded with the law actually in force, and that the first lesson to be impressed on a functionary who has to administer Hindoo law is that it is vain to think of extracting certainty from the books of the jurist. The consequence is that in practice the decisions of the tribunals are altogether arbitrary. What is administered is not law, but a kind of rude and capricious equity. I asked an able and excellent judge lately returned from India how one of our Zillah Courts would decide several legal questions of great importance, questions not involving considerations of religion or of caste, mere questions of commercial law. He told me, that it was a mere lottery. He knew how he should himself decide them. But he knew nothing more. I asked a most distinguished civil servant of the Company, with reference to the clause in this Bill on the subject of slavery, whether at present, if a dancing girl ran away from her master, the judge would force her to go back. "Some judges," he said, "send a girl back. Others set her at liberty. The whole is a

mere matter of chance. Everything depends on the temper of the individual judge."

Even in this country, we have had complaints of judge-made law; even in this country, where the standard of morality is higher than in almost any other part of the world; where, during several generations, not one depository of our legal traditions has incurred the suspicion of personal corruption; where there are popular institutions; where every decision is watched by a shrewd and learned audience; where there is an intelligent and observant public; where every remarkable case is fully reported in a hundred newspapers; where, in short, there is everything which can mitigate the evils of such a system. But judge-made law, where there is an absolute government and a lax morality, where there is no bar and no public, is a curse and a scandal not to be endured. It is time that the magistrate should know what law he is to administer, that the subject should know under what law he is to live. We do not mean that all the people of India should live under the same law: far from it: there is not a word in the bill, there was not a word in my right honorable friend's speech, susceptible of such an interpretation. We know how desirable that object is; but we also know that it is unattainable. We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them; let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply

this; uniformity where you can have it; diversity where you must have it; but in all cases certainty.

As I believe that India stands more in need of a code than any other country in the world, I believe also that there is no country on which that great benefit can more easily be conferred. A code is almost the only blessing, perhaps it is the only blessing, which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence is far more easily performed, and far better performed, by few minds than by many, by a Napoleon than by a Chamber of Deputies and a Chamber of Peers, by a government like that of Prussia or Denmark than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large popular assembly divided, as such assemblies almost always are, into adverse factions. This seems to me, therefore, to be precisely that point of time at which the advantage of a complete written code of laws may most easily be conferred on India. It is a work which cannot be well performed in an age of barbarism, which cannot without great difficulty be performed in an age of freedom. It is a work which especially belongs to a government like that of India, to an enlightened and paternal despotism.

I have detained the House so long, Sir, that I will defer what I had to say on some parts of this measure, important parts, indeed, but far less important, as I think, than those to which I have adverted, till we are in Committee. There is, however, one part of the bill on which, after what has recently passed elsewhere,

I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion be incapable of holding office. At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames by men of selfish hearts and contracted minds, at the risk of being called a philosopher, I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told, that we are bound to confer on our subjects every benefit — which they are capable of enjoying? — no; — which it is in our power to confer on them? — no; — but which we can confer on them without hazard to the perpetuity of our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality.

I am far, very far, from wishing to proceed hastily in this most delicate matter. I feel that, for the good of India itself, the admission of natives to high office must be effected by slow degrees. But that, when the fulness of time is come, when the interest of India requires the change, we ought to refuse to make that change lest we should endanger our own power, this is a doctrine of which I cannot think without indignation. Governments, like men, may buy existence too dear. “Propter vitam vivendi perdere causas,” is a despicable policy both in individuals and in states.

In the present case, such a policy would be not only despicable, but absurd. The mere extent of empire is not necessarily an advantage. To many governments it has been cumbersome; to some it has been fatal. It will be allowed by every statesman of our time that the prosperity of a community is made up of the prosperity of those who compose the community, and that it is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European civilisation among the vast population of the East. It would be, on the most selfish view of the case, far better for us that the people of India were well governed and independent of us, than ill governed and subject to us; that they were ruled by their own kings, but wearing our broadcloth, and working with our cutlery, than that they were performing their salams to English collectors and English magistrates, but were too ignorant to value, or too poor to buy, English manufactures. To trade with civilised men is infinitely more profitable than to govern savages. That would, indeed, be a dotting wisdom, which, in order that India might remain a dependency, would make it an useless and costly dependency, which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves.

It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded

the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the pousta, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into a helpless idiot. The detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It is no model for the English nation. We shall never consent to administer the pousta to a whole community, to stupify and paralyse a great people whom God has committed to our charge, for the wretched purpose of rendering them more amenable to our control. What is power worth if it is founded on vice, on ignorance, and on misery; if we can hold it only by violating the most sacred duties which as governors we owe to the governed, and which, as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by three thousand years of despotism and priestcraft? We are free, we are civilised, to little purpose, if we grudge to any portion of the human race an equal measure of freedom and civilisation.

Are we to keep the people of India ignorant in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative, by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us: and it

is also the path of wisdom, of national prosperity, of national honor.

The destinies of our Indian empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

A SPEECH

DELIVERED AT

EDINBURGH ON THE 29TH OF MAY, 1839.

The elevation of Mr. Abercromby to the peerage in May, 1839, caused a vacancy in the representation of the city of Edinburgh. A meeting of the electors was called to consider of the manner in which the vacancy should be supplied. At this meeting the following Speech was made.

MY LORD PROVOST AND GENTLEMEN,

AT the request of a very large and respectable portion of your body, I appear before you as a candidate for a high and solemn trust, which, uninvited, I should have thought it presumption to solicit, but which, thus invited, I should think it cowardice to decline. If I had felt myself justified in following my own inclinations, I am not sure that even a summons so honorable as that which I have received would have been sufficient to draw me away from pursuits far better suited to my taste and temper than the turmoil of political warfare. But I feel that my lot is cast in times in which no man is free to judge, merely according to his own taste and temper, whether he will devote himself to active or to contemplative life; in times in which society has a right to demand, from every one of its members, active and strenuous exertions. I have, therefore, obeyed your call; and I now present myself before you for the purpose of offering to you, not, what

I am sure you would reject with disdain, flattery, degrading alike to a candidate, and to a constituent body; but such reasonable, candid, and manly explanations as become the mouth of a free man ambitious of the confidence of a free people.

It is hardly necessary for me to say that I stand here unconnected with this great community. It would be mere affectation not to acknowledge that with respect to local questions I have much to learn; but I hope that you will find in me no sluggish or inattentive learner. From an early age I have felt a strong interest in Edinburgh, although attached to Edinburgh by no other ties than those which are common to me with multitudes; that tie which attaches every man of Scottish blood to the ancient and renowned capital of our race; that tie which attaches every student of history to the spot ennobled by so many great and memorable events; that tie which attaches every traveller of taste to the most beautiful of British cities; and that tie which attaches every lover of literature to a place which, since it has ceased to be the seat of empire, has derived from poetry, philosophy, and eloquence a far higher distinction than empire can bestow. If to those ties it shall now be your pleasure to add a tie still closer and more peculiar, I can only assure you that it shall be the study of my life so to conduct myself in these our troubled times that you may have no reason to be ashamed of your choice.

Those gentlemen who invited me to appear as a candidate before you were doubtless acquainted with the part which I took in public affairs during the three first Parliaments of the late King. Circumstances have since that time undergone great alteration; but no

alteration has taken place in my principles. I do not mean to say that thought, discussion, and the new phenomena produced by the operation of a new representative system, have not led me to modify some of my views on questions of detail; but, with respect to the fundamental principles of government, my opinions are still what they were when, in 1831 and 1832, I took part, according to the measure of my abilities, in that great pacific victory which purified the representative system of England, and which first gave a real representative system to Scotland. Even at that time, Gentlemen, the leaning of my mind was in favour of one measure to which the illustrious leader of the Whig party, whose name ought never to be mentioned without gratitude and reverence in any assembly of British electors, I mean Earl Grey, was understood to entertain strong objections, and to which his Cabinet, as a Cabinet, was invariably opposed. I speak of the vote by ballot. All that has passed since that time confirms me in the view which I was then inclined to take of that important question. At the same time I do not think that all the advantages are on one side and all the disadvantages on the other. I must admit that the effect of the practice of secret voting would be to withdraw the voter from the operation of some salutary and honorable, as well as of some pernicious and degrading motives. But seeing, as I cannot help seeing, that the practice of intimidation, instead of diminishing, is gaining ground, I am compelled to consider whether the time has not arrived when we are bound to apply what seems the only efficient remedy. And I am compelled to consider whether, in doing so, I am not strictly following the principles of the Reform Bill to the legi-

timate conclusions. For surely those who supported the Reform Bill intended to give the people of Britain a reality, not a delusion; to destroy nomination, and not to make an outward show of destroying it; to bestow the franchise, and not the name of the franchise; and least of all, to give suffering and humiliation under the name of the franchise. If men are to be returned to Parliament, not by popular election, but by nomination, then I say without hesitation that the ancient system was much the best. Both systems alike sent men to Parliament who were not freely chosen by independent constituent bodies: but under the old system that there was little or no need of intimidation, while, under the new system, we have the misery and disgrace produced by intimidation added to the process. If, therefore, we are to have nomination, I prefer the nomination which used to take place at Old Sarum to the nomination which now takes place at Newark. In both cases you have members returned at the will of one landed proprietor: but at Newark you have two hundred ejections into the bargain, to say nothing of the mortification and remorse endured by all those who, though they were not ejected, yet voted against their consciences from fear of ejection.

There is perhaps no point on which good men of all parties are more completely agreed than on the necessity of restraining and punishing corruption in the election of Members of Parliament. The evils of corruption are doubtless very great; but it appears to me that those evils which are attributed to corruption may, with equal justice, be attributed to intimidation, and that intimidation produces also some monstrous evils with which corruption cannot be reproached. In both

cases alike the elector commits a breach of trust. In both cases alike he employs for his own advantage an important power which was confided to him, that it might be used, to the best of his judgment, for the general good of the community. Thus far corruption and intimidation operate in the same manner. But there is this difference betwixt the two systems; corruption operates by giving pleasure, intimidation by giving pain. To give a poor man five pounds causes no pain: on the contrary it produces pleasure. It is in itself no bad act: indeed, if the five pounds were given on another occasion, and without a corrupt object, it might pass for a benevolent act. But to tell a man that you will reduce him to a situation in which he will miss his former comforts, and in which his family will be forced to beg their bread, is a cruel act. Corruption has a sort of illegitimate relationship to benevolence, and engenders some feelings of a cordial and friendly nature. There is a notion of charity connected with the distribution of the money of the rich among the needy, even in a corrupt manner. The comic writer who tells us that the whole system of corruption is to be considered as a commerce of generosity on one side and of gratitude on the other, has rather exaggerated than misrepresented what really takes place in many of these English constituent bodies where money is lavished to conciliate the favour and obtain the suffrages of the people. But in intimidation the whole process is an odious one. The whole feeling on the part of the elector is that of shame, degradation, and hatred of the person to whom he has given his vote. The elector is indeed placed in a worse situation than if he had no vote at all; for there is not one of us who would not

rather be without a vote than be compelled to give it to the person whom he dislikes above all others.

Thinking, therefore, that the practice of intimidation has all the evils which are to be found in corruption, and that it has other evils which are not to be found in corruption, I was naturally led to consider whether it was possible to prevent it by any process similar to that by which corruption is restrained. Corruption, you all know, is the subject of penal laws. If it is brought home to the parties, they are liable to severe punishment. Although it is not often that it can be brought home, yet there are instances. I remember several men of large property confined in Newgate for corruption. Penalties have been awarded against offenders to the amount of five hundred pounds. Many members of Parliament have been unseated on account of the malpractices of their agents. But you cannot, I am afraid, repress intimidation by penal laws. Such laws would infringe the most sacred rights of property. How can I require a man to deal with tradesmen who have voted against him, or to renew the leases of tenants who have voted against him? What is it that the Jew says in the play?

“I'll not answer that,
But say it is my humour.”

Or, as a Christian of our own time has expressed himself, “I have a right to do what I will with my own.” There is a great deal of weight in the reasoning of Shylock and the Duke of Newcastle. There would be an end of the right of property if you were to interdict a landlord from ejecting a tenant, if you were to force a gentleman to employ a particular butcher, and to

take as much beef this year as last year. The principle of the right of property is that a man is not only to be allowed to dispose of his wealth rationally and usefully, but to be allowed to indulge his passions and caprices, to employ whatever tradesmen and labourers he chooses, and to let, or refuse to let, his land according to his own pleasure, without giving any reason or asking any body's leave. I remember that, on one of the first evenings on which I sate in the House of Commons, Mr. Poulett Thompson proposed a censure on the Duke of Newcastle for His Grace's conduct towards the electors of Newark. Sir Robert Peel opposed the motion, not only with considerable ability, but with really unanswerable reasons. He asked if it was meant that a tenant who voted against his landlord was to keep his lease for ever. If so, tenants would vote against a landlord to secure themselves, as they now vote with a landlord to secure themselves. I thought, and think, this argument unanswerable; but then it is unanswerable in favour of the ballot; for, if it be impossible to deal with intimidation by punishment, you are bound to consider whether there be any means of prevention; and the only mode of prevention that has ever been suggested is the ballot. That the ballot has disadvantages to be set off against its advantages, I admit; but it appears to me that we have only a choice of evils, and that the evils for which the ballot is a specific remedy are greater than any which the ballot is likely to produce. Observe with what exquisite accuracy the ballot draws the line of distinction between the power which we ought to give to the proprietor and the power which we ought not to give him. It leaves the proprietor the absolute power to do what he

will with his own. Nobody calls upon him to say why he ejected this tenant, or took away his custom from that tradesman. It leaves him at liberty to follow his own tastes, to follow his strangest whims. The only thing which it puts beyond his power is the vote of the tenant, the vote of the tradesman, which it is our duty to protect. I ought at the same time to say, that there is one objection to the ballot of a very serious nature, but which I think may, nevertheless, be obviated. It is quite clear that, if the ballot shall be adopted, there will be no remedy for an undue return by a subsequent scrutiny. Unless, therefore, the registration of votes can be counted on as correct, the ballot will undoubtedly lead to great inconvenience. It seems, therefore, that a careful revision of the whole system of registration, and an improvement of the tribunal before which the rights of the electors are to be established, should be an inseparable part of any measure by which the ballot is to be introduced.

As to those evils which we have been considering, they are evils which are practically felt; they are evils which press hard upon a large portion of the constituent body; and it is not therefore strange, that the cry for a remedy should be loud and urgent. But there is another subject, respecting which I am told that many among you are anxious, a subject of a very different description. I allude to the duration of Parliaments.

It must be admitted that for some years past we have had little reason to complain of the length of Parliaments. Since the year 1830 we have had five general elections; two occasioned by the deaths of two Sovereigns, and three by political conjunctures. As

to the present Parliament, I do not think that, whatever opinion gentlemen may entertain of the conduct of that body, they will impute its faults to any confidence which the members have that they are to sit for seven years; for I very much question whether there be one gentleman in the House of Commons who thinks, or has ever thought, that his seat is worth three years' purchase. When, therefore, we discuss this question, we must remember that we are discussing a question not immediately pressing. I freely admit, however, that this is no reason for not fairly considering the subject: for it is the part of wise men to provide against evils which, though not actually felt, may be reasonably apprehended. It seems to me that here, as in the case of the ballot, there are serious considerations to be urged on both sides. The objections to long Parliaments are perfectly obvious. The truth is that, in very long Parliaments, you have no representation at all. The mind of the people goes on changing; and the Parliament, remaining unchanged, ceases to reflect the opinion of the constituent bodies. In the old times before the Revolution, a Parliament might sit during the life of the monarch. Parliaments were then sometimes of eighteen or twenty years' duration. Thus the Parliament called by Charles the Second soon after his return from exile, and elected when the nation was drunk with hope and convulsed by a hysterical paroxysm of loyalty, continued to sit long after two thirds of those who had heartily welcomed the King back from Holland as heartily wished him in Holland again. Since the Revolution we have not felt that evil to the same extent: but it must be admitted that the term of seven years is too long.

There are, however, other considerations to set off against this. There are two very serious evils connected with every general election: the first is, the violent political excitement: the second is, the ruinous expense. Both these evils were very greatly diminished by the Reform Act. Formerly, these were things which you in Scotland knew nothing about; but in England the injury to the peace and morals of society resulting from a general election was incalculable. During a fifteen days' poll in a town of one hundred thousand inhabitants, money was flowing in all directions; the streets were running with beer; all business was suspended; and there was nothing but disturbance and riot, and slander, and calumny, and quarrels, which left in the bosoms of private families heart-burnings such as were not extinguished in the course of many years. By limiting the duration of the poll, the Reform Act has conferred as great a blessing on the country, — and that is saying a bold word, — as by any other provision which it contains. Still it is not to be denied that there are evils inseparable from that state of political excitement into which every community is thrown by the preparations for an election. A still greater evil is the expense. That evil too has been diminished by the operation of the Reform Act; but it still exists to a considerable extent. We do not now indeed hear of such elections as that of Yorkshire in 1807, or that of Northumberland in 1827. We do not hear of elections that cost two hundred thousand pounds. But that the tenth part of that sum, nay, that the hundredth part of that sum should be expended in a contest, is a great evil. Do not imagine, Gentlemen, that all this evil falls on the

candidates. It is on you that the evil falls. The effect must necessarily be to limit you in your choice of able men to serve you. The number of men who can advance fifty thousand pounds is necessarily much smaller than the number of men who can advance five thousand pounds; the number of these again, is much smaller than the number of those who can advance five hundred pounds; and the number of men who can advance five hundred pounds every three years is necessarily smaller than the number of those who can advance five hundred pounds every seven years. Therefore it seems to me that the question is one of comparison. In long Parliaments the representative character is in some measure effaced. On the other side, if you have short Parliaments, your choice of men will be limited. Now in all questions of this sort, it is the part of wisdom to weigh, not indeed with minute accuracy, — for questions of civil prudence cannot be subjected to an arithmetical test, — but to weigh the advantages and disadvantages carefully, and then to strike the balance. Gentlemen will probably judge according to their habits of mind, and according to their opportunities of observation. Those who have seen much of the evils of elections will probably incline to long Parliaments; those who have seen little or nothing of these evils will probably incline to a short term. Only observe this, that, whatever may be the legal term, it ought to be a year longer than that for which Parliaments ought ordinarily to sit. For there must be a general election at the end of the legal term, let the state of the country be what it may. There may be riot; there may be revolution; there may be famine in the country; and

yet if the Minister wait to the end of the legal term, the writs must go out. A wise Minister will therefore always dissolve the parliament a year before the end of the legal term, if the country be then in a quiet state. It has now been long the practice not to keep a Parliament more than six years. Thus the Parliament which was elected in 1784 sate till 1790, six years; the Parliament of 1790 till 1796, the Parliament of 1796 to 1802, the Parliament of 1812 to 1818, and the Parliament of 1820 till 1826. If, therefore, you wish the duration of Parliaments to be shortened to three years, the proper course would be to fix the legal term at four years; and if you wish them to sit for four years, the proper course would be to fix the legal term at five years. My own inclination would be to fix the legal term at five years, and thus to have a Parliament practically every four years. I ought to add that, whenever any shortening of Parliaments takes place, we ought to alter that rule which requires that Parliament shall be dissolved as often as a demise of the Crown takes place. It is a rule for which no statesmanlike reason can be given; it is a mere technical rule; and it has already been so much relaxed that, even considered as a technical rule, it is absurd.

I come now to another subject, of the highest and gravest importance: I mean the elective franchise; and I acknowledge that I am doubtful whether my opinions on this subject may be so pleasing to many here present as, if I may judge from your expressions, my sentiments on other subjects have been. I shall express my opinions, however, on this subject as frankly as I have expressed them when they may have been more

pleasing. I shall express them with the frankness of a man who is more desirous to gain your esteem than to gain your votes. I am for the original principle of the Reform Bill. I think that principle excellent; and I am sorry that we ever deviated from it. There were two deviations to which I was strongly opposed, and to which the authors of the bill, hard pressed by their opponents and feebly supported by their friends, very unwillingly consented. One was the admission of the freemen to vote in towns: the other was the admission of the fifty pound tenants at will to vote in counties. At the same time I must say that I despair of being able to apply a direct remedy to either of these evils. The ballot might perhaps be an indirect remedy for the latter. I think that the system of registration should be amended, that the clauses relating to the payment of rates should be altered, or altogether removed, and that the elective franchise should be extended to every ten pound householder, whether he resides within or without the limits of a town. To this extent I am prepared to go; but I should not be dealing with the ingenuousness which you have a right to expect, if I did not tell you that I am not prepared to go farther. There are many other questions as to which you are entitled to know the opinions of your representative: but I shall only glance rapidly at the most important. I have ever been a most determined enemy to the slave trade, and to personal slavery under every form. I have always been a friend to popular education. I have always been a friend to the right of free discussion. I have always been adverse to all restrictions on trade, and especially to those restrictions which affect the price of the necessaries of life. I have always been

adverse to religious persecution, whether it takes the form of direct penal laws, or of civil disabilities.

Now, having said so much upon measures, I hope you will permit me to say something about men. If you send me as your representative to Parliament, I wish you to understand that I shall go there determined to support the present ministry. I shall do so not from any personal interest or feeling. I have certainly the happiness to have several kind and much valued friends among the members of the Government; and there is one member of the government, the noble President of the Council, to whom I owe obligations which I shall always be proud to avow. That noble Lord, when I was utterly unknown in public life, and scarcely known even to himself, placed me in the House of Commons; and it is due to him to say that he never in the least interfered with the freedom of my parliamentary conduct. I have since represented a great constituent body, for whose confidence and kindness I can never be sufficiently grateful, I mean the populous borough of Leeds. I may possibly by your kindness be placed in the proud situation of Representative of Edinburgh; but I never could and never can be a more independent Member of the House of Commons than when I sat there as the nominee of Lord Lansdowne. But, while I acknowledge my obligations to that noble person, while I avow the friendship which I feel for many of his colleagues, it is not on such grounds that I vindicate the support which it is my intention to give them. I have no right to sacrifice your interests to my personal or private feelings: my principles do not permit me to do so; nor do my friends expect that I should do so. The support which I propose to give to the present Ministry

I shall give on the following grounds. I believe the present Ministry to be by many degrees the best Ministry which, in the present state of the country, can be formed. I believe that we have only one choice. I believe that our choice is between a Ministry substantially, — for of course I do not speak of particular individuals, — between a Ministry substantially the same that we have, and a Ministry under the direction of the Duke of Wellington and Sir Robert Peel. I do not hesitate to pronounce that my choice is in favour of the former. Some gentleman appears to dissent from what I say. If I knew what his objections are, I would try to remove them. But it is impossible to answer inarticulate noises. Is the objection that the Government is too conservative? Or is the objection that the Government is too radical? If I understand rightly, the objection is that the Government does not proceed vigorously enough in the work of Reform. To that objection then I will address myself. Now, I am far from denying that the Ministers have committed faults. But, at the same time, I make allowances for the difficulties with which they are contending; and, having made these allowances, I confidently say that, when I look back at the past, I think them entitled to praise, and that, looking forward to the future, I can pronounce with still more confidence that they are entitled to support.

It is a common error, and one which I have found among men, not only intelligent, but much conversant in public business, to think that in politics, legislation is everything and administration nothing. Nothing is more usual than to hear people say, "What! another session gone and nothing done; no new bills passed;

the Irish Municipal Bill stopped in the House of Lords. How could we be worse off if the Tories were in?" My answer is that, if the Tories were in, our legislation would be in as bad a state as at present, and we should have a bad administration into the bargain. It seems strange to me that gentlemen should not be aware that it may be better to have unreformed laws administered in a reforming spirit, than reformed laws administered in a spirit hostile to all reform. We often hear the maxim, "Measures not men," and there is a sense in which it is an excellent maxim. Measures not men, certainly: that is, we are not to oppose Sir Robert Peel simply because he is Sir Robert Peel, or to support Lord John Russell simply because he is Lord John Russell. We are not to follow our political leaders in the way in which my honest Highland ancestors followed their chieftains. We are not to imitate that blind devotion which led all the Campbells to take the side of George the Second because the Duke of Argyle was a Whig, and all the Camerons to take the side of the Stuarts because Lochiel was a Jacobite. But if you mean that, while the laws remain the same, it is unimportant by whom they are administered, then I say that a doctrine more absurd was never uttered. Why, what are laws? They are mere words; they are a dead letter; till a living agent comes to put life into them. This is the case even in judicial matters. You can tie up the judges of the land much more closely than it would be right to tie up the Secretary for the Home Department or the Secretary for Foreign Affairs. Yet is it immaterial whether the laws be administered by Chief Justice Hale or Chief Justice Jeffreys? And can you doubt that the case is still stronger when you

come to political questions? It would be perfectly easy, as many of you must be aware, to point out instances in which society has prospered under defective laws, well administered, and other instances in which society has been miserable under institutions that looked well on paper. But we need not go beyond our own country and our own times. Let us see what, within this island and in the present year, a good administration has done to mitigate bad laws. For example, let us take the law of libel. I hold the present state of our law of libel to be a scandal to a civilised community. Nothing more absurd can be found in the whole history of jurisprudence. How the law of libel was abused formerly, you all know. You all know how it was abused under the administrations of Lord North, of Mr. Pitt, of Mr. Perceval, of the Earl of Liverpool; and I am sorry to say that it was abused, most unjustifiably abused, by Lord Abinger under the administration of the Duke of Wellington and Sir Robert Peel. Now is there any person who will pretend to say that it has ever been abused by the Government of Lord Melbourne? That Government has enemies in abundance; it has been attacked by Tory malcontents and by Radical malcontents; but has any one of them ever had the effrontery to say that it has abused the power of filing *ex officio* informations for libel? Has this been from want of provocation? On the contrary, the present Government has been libelled in a way in which no Government was ever libelled before. Has the law been altered? Has it been modified? Not at all. We have exactly the same laws that we had when Mr. Perry was brought to trial for saying that George the Third was unpopular, Mr. Leigh Hunt for saying

that George the Fourth was fat, and Sir Francis Burdett for expressing, not perhaps in the best taste, a natural and honest indignation at the slaughter which took place at Manchester in 1819. The law is precisely the same; but if it had been entirely remodelled, political writers could not have had more liberty than they have enjoyed since Lord Melbourne came into power.

I have given you an instance of the power of a good administration to mitigate a bad law. Now, see how necessary it is that there should be a good administration to carry a good law into effect. An excellent bill was brought into the House of Commons by Lord John Russell in 1828, and passed. To any other man than Lord John Russell the carrying of such a bill would have been an enviable distinction indeed; but his name is identified with still greater reforms. It will, however, always be accounted one of his titles to public gratitude that he was the author of the law which repealed the Test Act. Well, a short time since, a noble peer, the Lord Lieutenant of the county of Nottingham, thought fit to re-enact the Test Act, so far as that county was concerned. I have already mentioned his Grace the Duke of Newcastle, and, to say truth, there is no life richer in illustrations of all forms and branches of misgovernment than his. His Grace very coolly informed Her Majesty's Ministers that he had not recommended a certain gentleman for the commission of the peace because the gentleman was a Dissenter. Now here is a law which admits Dissenters to offices; and a Tory nobleman takes it on himself to rescind that law. But happily we have Whig ministers. What did they do?

Why, they put the Dissenter into the Commission; and they turned the Tory nobleman out of the Lieutenancy. Do you seriously imagine that under a Tory administration this would have been done? I have no wish to say anything disrespectful of the great Tory leaders. I shall always speak with respect of the great qualities and public services of the Duke of Wellington: I have no other feeling about him than one of pride that my country has produced so great a man; nor do I feel anything but respect and kindness for Sir Robert Peel, of whose abilities no person that has had to encounter him in debate will ever speak slightly. I do not imagine that those eminent men would have approved of the conduct of the Duke of Newcastle. I believe that the Duke of Wellington would as soon have thought of running away from the field of battle as of doing the same thing in Hampshire, where he is Lord Lieutenant. But do you believe that he would have turned the Duke of Newcastle out? I believe that he would not. As Mr. Pulteney, a great political leader, said a hundred years since, "The heads of parties are, like the heads of snakes, carried on by the tails." It would have been utterly impossible for the Tory Ministers to have discarded the powerful Tory Duke, unless they had at the same time resolved, like Mr. Canning in 1827, to throw themselves for support on the Whigs.

Now I have given you these two instances to show that a change in the administration may produce all the effects of a change in the law. You see that to have a Tory Government is virtually to re-enact the Test Act, and that to have a Whig Government is

virtually to repeal the law of libel. And if this is the case in England and Scotland, where society is in a sound state, how much more must it be the case in the diseased part of the empire, in Ireland? Ask any man there, whatever may be his religion, whatever may be his politics, Churchman, Presbyterian, Roman Catholic, Repealer, Precursor, Orangeman, ask Mr. O'Connell, ask Colonel Conolly, whether it is a slight matter in whose hands the executive power is lodged. Every Irishman will tell you that it is a matter of life and death; that in fact more depends upon the men than upon the laws. It disgusts me therefore to hear men of liberal politics say, "What is the use of a Whig Government? The Ministers can do nothing for the country. They have been four years at work on an Irish Municipal Bill, without being able to pass it through the Lords." Would any ten Acts of Parliament make such a difference to Ireland as the difference between having Lord Ebrington for Lord Lieutenant, with Lord Morpeth for Secretary, and having the Earl of Roden for Lord Lieutenant, with Mr. Lefroy for Secretary? Ask the popular Irish leader whether they would like better to remain as they are, with Lord Ebrington as Lord Lieutenant, or to have the Municipal Bill, and any other three bills which they might name, with Lord Roden for Viceroy; and they will at once answer, "Leave us Lord Ebrington; and burn your bills." The truth is that, the more defective the legislation, the more important is a good administration, just as the personal qualities of a Sovereign are of more importance in despotic countries like Russia than in a limited monarchy. If we have not in our Statute Book all the

securities necessary for good government, it is of the more importance that the character of the men who administer the government should be an additional security.

But we are told that the Government is weak. That is most true: and I believe that almost all that we are tempted to blame in the conduct of the Government is to be attributed to weakness. But let us consider what the nature of this weakness is. Is it that kind of weakness which makes it our duty to oppose the Government? Or is it that kind of weakness which makes it our duty to support the Government? Is it intellectual weakness, moral weakness, the incapacity to discern, or the want of courage to pursue, the true interest of the nation? Such was the weakness of Mr. Addington, when this country was threatened with invasion from Boulogne. Such was the weakness of the Government which sent out the wretched Walcheren expedition, and starved the Duke of Wellington in Spain; a government whose only strength was shown in prosecuting writers who exposed abuses, and in slaughtering rioters whom oppression had driven into outrage. Is that the weakness of the present Government? I think not. As compared with any other party capable of holding the reins of Government, they are deficient neither in intellectual nor in moral strength. On all great questions of difference between the Ministers and the Opposition, I hold the Ministers to be in the right. When I consider the difficulties with which they have to struggle, when I see how manfully that struggle is maintained by Lord Melbourne, when I see that Lord John Russell has excited even the admiration of his opponents by the heroic manner

in which he has gone on, year after year, in sickness and domestic sorrow, fighting the battle of Reform, I am led to the conclusion that the weakness of the Ministers is of that sort which makes it our duty to give them, not opposition, but support; and that support it is my purpose to afford to the best of my ability.

If, indeed, I thought myself at liberty to consult my own inclination, I should have stood aloof from the conflict. If you should be pleased to send me to Parliament, I shall enter an assembly very different from that which I quitted in 1834. I left the Whigs united and dominant, strong in the confidence and attachment of one House of Parliament, strong also in the fears of the other. I shall return to find them helpless in the Lords, and forced almost every week to fight a battle for existence in the Commons. Many whom I left bound together by what seemed indissoluble private and public ties, I shall now find assailing each other with more than the ordinary bitterness of political hostility. Many with whom I sate side by side, contending through whole nights for the Reform Bill, till the sun broke over the Thames on our undiminished ranks, I shall now find on hostile benches. I shall be compelled to engage in painful altercations with many with whom I had hoped never to have a conflict, except in the generous and friendly strife which should best serve the common cause. I left the Liberal Government strong enough to maintain itself against an adverse Court; I see that the Liberal Government now rests for support on the preference of a Sovereign, in whom the country sees with delight the promise of a better, a gentler, a happier Elizabeth,

of a sovereign in whom we hope that our children and our grandchildren will admire the firmness, the sagacity, and the spirit which distinguished the last and greatest of the Tudors, tempered by the beneficent influence of more humane times and more popular institutions. Whether royal favour, never more needed and never better deserved, will enable the Government to surmount the difficulties with which it has to deal, I cannot presume to judge. It may be that the blow has only been deferred for a season, and that a long period of Tory domination is before us. Be it so. I entered public life a Whig; and a Whig I am determined to remain. I use that word, and I wish you to understand that I use it, in no narrow sense. I mean by a Whig, not one who subscribes implicitly to the contents of any book, though that book may have been written by Locke; not one who approves the whole conduct of any statesman, though that statesman may have been Fox; not one who adopts the opinions in fashion in any circle, though that circle may be composed of the finest and noblest spirits of the age. But it seems to me that, when I look back on our history, I can discern a great party which has, through many generations, preserved its identity; a party often depressed, never extinguished; a party which, though often tainted with the faults of the age, has always been in advance of the age; a party which, though guilty of many errors and some crimes, has the glory of having established our civil and religious liberties on a firm foundation; and of that party I am proud to be a member. It was that party which, on the great question of monopolies, stood up against Elizabeth. It was that party which, in the reign of

James the First, organized the earliest parliamentary opposition, which steadily asserted the privileges of the people, and wrested prerogative after prerogative from the Crown. It was that party which forced Charles the First to relinquish the shipmoney. It was that party which destroyed the Star-Chamber and the High Commission Court. It was that party which, under Charles the Second, carried the Habeas Corpus Act, which effected the Revolution, which passed the Toleration Act, which broke the yoke of a foreign church in your country, and which saved Scotland from the fate of unhappy Ireland. It was that party which reared and maintained the constitutional throne of Hanover against the hostility of the Church and of the landed aristocracy of England. It was that party which opposed the war with America and the war with the French Republic; which imparted the blessings of our free Constitution to the Dissenters; and which, at a later period, by unparalleled sacrifices and exertions, extended the same blessings to the Roman Catholics. To the Whigs of the seventeenth century we owe it that we have a House of Commons. To the Whigs of the nineteenth century we owe it that the House of Commons has been purified. The abolition of the slave trade, the abolition of colonial slavery, the extension of popular education, the mitigation of the rigor of the penal code, all, all were effected by that party; and of that party, I repeat, I am a member. I look with pride on all that the Whigs have done for the cause of human freedom and of human happiness. I see them now hard pressed, struggling with difficulties, but still fighting the good fight. At their head I see men who have inherited

the spirit and the virtues, as well as the blood, of old champions and martyrs of freedom. To those men I propose to attach myself. Delusion may triumph: but the triumphs of delusion are but for a day. We may be defeated: but our principles will only gather fresh strength from defeats. Be that, however, as it may, my part is taken. While one shred of the old banner is flying, by that banner will I at least be found. The good old cause, as Sidney called it on the scaffold, vanquished or victorious, insulted or triumphant, the good old cause is still the good old cause with me. Whether in or out of Parliament, whether speaking with that authority which must always belong to the representative of this great and enlightened community, or expressing the humble sentiments of a private citizen, I will to the last maintain inviolate my fidelity to principles which, though they may be borne down for a time by senseless clamour, are yet strong with the strength and immortal with the immortality of truth, and which, however they may be misunderstood or misrepresented by contemporaries, will assuredly find justice from a better age. Gentlemen, I have done. I have only to thank you for the kind attention with which you have heard me, and to express my hope that, whether my principles have met with your concurrence or not, the frankness with which I have expressed them will at least obtain your approbation.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 29TH OF JANUARY,
1840.

On the twenty-eighth of January, 1840, Sir John Yarde Buller moved the following resolution:

“That Her Majesty’s Government, as at present constituted, does not possess the confidence of the House.”

After a discussion of four nights the motion was rejected by 308 votes to 287. The following Speech was made on the second night of the debate.

THE House, Sir, may possibly imagine that I rise under some little feeling of irritation to reply to the personal reflections which have been introduced into the discussion. It would be easy to reply to these reflections: it would be still easier to retort them: but I should think either course unworthy of me and of this great occasion. If ever I should so far forget myself as to wander from the subject of debate to matters concerning only myself, it will not, I hope, be at a time when the dearest interests of our country are staked on the result of our deliberations. I rise under feelings of anxiety which leave no room in my mind for selfish vanity or petty vindictiveness. I believe with the most intense conviction that, in pleading for the Government to which I belong, I am pleading for

the safety of the Commonwealth, for the reformation of abuses, and at the same time for the preservation of august and venerable institutions: and I trust, Mr. Speaker, that when the question is whether a Cabinet be or be not worthy of the confidence of Parliament, the first Member of that Cabinet who comes forward to defend himself and his colleagues will find here some portion of that generosity and good feeling which once distinguished English gentlemen. But be this as it may, my voice shall be heard. I repeat, that I am pleading at once for the reformation and for the preservation of our institutions, for liberty and order, for justice administered in mercy, for equal laws, for the rights of conscience, and for the real union of Great Britain and Ireland. If, on so grave an occasion, I should advert to one or two of the charges which have been brought against myself personally, I shall do so only because I conceive that those charges affect in some degree the character of the Government to which I belong.

One of the chief accusations brought against the Government by the honorable Baronet* who opened the debate, and repeated by the seconder**, and by almost every gentleman who has addressed the House from the benches opposite, is that I have been invited to take office, though my opinion with respect to the Ballot is known to be different from that of my colleagues. We have been repeatedly told that a Ministry in which there is not perfect unanimity on a subject so important must be undeserving of the public confidence. Now, Sir, it is true that I am in favour

* Sir John Yarde Buller.

** Alderman Thompson.

of secret voting, that my noble and right honorable friends near me are in favour of open voting, and yet that we sit in the same Cabinet. But if, on account of this difference of opinion, the Government is unworthy of public confidence, then I am sure that scarcely any government which has existed within the memory of the oldest man has been deserving of public confidence. It is well known that in the Cabinets of Mr. Pitt, of Mr. Fox, of Lord Liverpool, of Mr. Canning, of the Duke of Wellington, there were open questions of great moment. Mr. Pitt, while still zealous for parliamentary reform, brought into the Cabinet Lord Grenville, who was adverse to parliamentary reform. Again, Mr. Pitt, while eloquently supporting the abolition of the Slave Trade, brought into the Cabinet Mr. Dundas, who was the chief defender of the Slave Trade. Mr. Fox, too, intense as was his abhorrence of the Slave Trade, sat in the same Cabinet with Lord Sidmouth and Mr. Windham, who voted to the last against the abolition of that trade. Lord Liverpool, Mr. Canning, the Duke of Wellington, all left the question of Catholic Emancipation open. And yet, of all questions, that was perhaps the very last that should have been left open. For it was not merely a legislative question, but a question which affected every part of the executive administration. But, to come to the present time, suppose that you could carry your resolution, suppose that you could drive the present Ministers from power, who that may succeed them will be able to form a government in which there will be no open questions? Can the right honorable Baronet the Member for Tamworth* form a Cabinet

* Sir Robert Peel.

without leaving the great question of our privileges open? In what respect is that question less important than the question of the Ballot? Is it not indeed from the privileges of the House that all questions relating to the constitution of the House derive their importance? What does it matter how we are chosen, if, when we meet, we do not possess the powers necessary to enable us to perform the functions of a legislative assembly? Yet you, who would turn out the present Ministers because they differ from each other as to the way in which Members of this House should be chosen, wish to bring in men who decidedly differ from each other as to the relation in which this House stands to the nation, to the other House, and to the Courts of Judicature. Will you say that the dispute between the House and the Court of Queen's Bench is a trifling dispute? Surely, in the late debates, you were all perfectly agreed as to the importance of the question, though you were agreed as to nothing else. Some of you told us that we were contending for a power essential to our honor and usefulness. Many of you protested against our proceedings, and declared that we were encroaching on the province of the tribunals, violating the liberty of our fellow citizens, punishing honest magistrates for not perjuring themselves. Are these trifles? And can we believe that you really feel a horror of open questions when we see your Prime Minister elect sending people to prison overnight, and his law officers elect respectfully attending the levee of those prisoners the next morning? Observe, too, that this question of privileges is not merely important; it is also pressing. Something must be done, and that speedily. My be-

lief is that more inconvenience would follow from leaving that question open one month than from leaving the question of the Ballot open ten years.

The Ballot, Sir, is not the only subject on which I am accused of holding dangerous opinions. The right honorable Baronet the Member for Pembroke* pronounces the present government a Chartist Government; and he proves his point by saying that I am a member of the government, and that I wish to give the elective franchise to every ten pound householder, whether his house be in a town or in the country. Is it possible, Sir, that the honorable Baronet should not know that the fundamental principle of the plan of government called the People's Charter is that every male of twenty-one should have a vote? Or is it possible that he can see no difference between giving the franchise to all ten pound householders, and giving the franchise to all males of twenty-one? Does he think the ten pound householders a class morally or intellectually unfit to possess the franchise, he who bore a chief part in framing the law which gave them the franchise in all the represented towns of the United Kingdom? Or will he say that the ten pound householder in a town is morally and intellectually fit to be an elector, but that the ten pound householder who lives in the open country is morally and intellectually unfit? Is not house rent notoriously higher in towns than in the country? Is it not, therefore, probable that the occupant of a ten pound house in a rural hamlet will be a man who has a greater stake in the peace and welfare of society than a man who has a

* Sir James Graham.

ten pound house in Manchester or Birmingham? Can you defend on conservative principles an arrangement which gives votes to a poorer class and withholds them from a richer? For my own part, I believe it to be essential to the welfare of the state, that the elector should have a pecuniary qualification. I believe that the ten pound qualification cannot be proved to be either too high or too low. Changes, which may hereafter take place in the value of money and in the condition of the people, may make a change of the qualification necessary. But the ten pound qualification is, I believe, well suited to the present state of things. At any rate, I am unable to conceive why it should be a sufficient qualification within the limits of a borough, and an insufficient qualification a yard beyond those limits; sufficient at Knightsbridge, but insufficient at Kensington; sufficient at Lambeth, but insufficient at Battersea? If any person calls this Chartism, he must permit me to tell him that he does not know what Chartism is.

A motion, Sir, such as that which we are considering, brings under our review the whole policy of the kingdom, domestic, foreign, and colonial. It is not strange, therefore, that there should have been several episodes in this debate. Something has been said about the hostilities on the River Plata, something about the hostilities on the coast of China, something about Commissioner Lin, something about Captain Elliot. But on such points I shall not dwell, for it is evidently not by the opinion which the House may entertain on such points that the event of the debate will be decided. The main argument of the gentlemen who support the motion, the argument on which

the right honorable Baronet who opened the debate chiefly relied, the argument which his seconder repeated, and which has formed the substance of every speech since delivered from the opposite side of the House, may be fairly summed up thus, "The country is not in a satisfactory state. There is much recklessness, much turbulence, much craving for political change; and the cause of these evils is the policy of the Whigs. They rose to power by agitation in 1830: they retained power by means of agitation through the tempestuous months which followed: they carried the Reform Bill by means of agitation: expelled from office, they forced themselves in again by means of agitation; and now we are paying the penalty of their misconduct. Chartism is the natural offspring of Whiggism. From those who caused the evil we cannot expect the remedy. The first thing to be done is to dismiss them, and to call to power men who, not having instigated the people to commit excesses, can, without incurring the charge of inconsistency, enforce the laws."

Now, Sir, it seems to me that this argument was completely refuted by the able and eloquent speech of my right honorable friend the Judge Advocate.* He said, and he said most truly, that those who hold this language are really accusing, not the Government of Lord Melbourne, but the Government of Lord Grey. I was therefore, I must say, surprised, after the speech of my right honorable friend, to hear the right honorable Baronet the Member for Pembroke, himself a distinguished member of the cabinet of Lord Grey, pronounce a harangue against agitation. That he was

* Sir George Grey.

himself an agitator he does not venture to deny; but he tries to excuse himself by saying, "I liked the Reform Bill; I thought it a good bill; and so I agitated for it; and, in agitating for it, I acknowledge that I went to the very utmost limit of what was prudent, to the very utmost limit of what was legal." Does not the right honorable Baronet perceive that, by setting up this defence for his own past conduct, he admits that agitation is good or evil, according as the objects of the agitation are good or evil? When I hear him speak of agitation as a practice disgraceful to a public man, and especially to a Minister of the Crown, and address his lecture in a particular manner to me, I cannot but wonder that he should not perceive that his reproaches, instead of wounding me, recoil on himself. I was not a member of the Cabinet which brought in the Reform Bill, which dissolved the Parliament in a moment of intense excitement in order to carry the Reform Bill, which refused to serve the Sovereign longer unless he would create peers in sufficient numbers to carry the Reform Bill. I was at that time only one of those hundreds of members of this House, one of those millions of Englishmen, who were deeply impressed with the conviction that the Reform Bill was one of the best laws that ever had been framed, and who reposed entire confidence in the abilities, the integrity, and the patriotism of the ministers; and I must add that in no member of the administration did I place more confidence than in the right honorable Baronet, who was then First Lord of the Admiralty, and in the noble lord who was then Secretary for Ireland.* It was indeed impossible for

* Lord Stanley.

me not to see that the public mind was strongly, was dangerously stirred: but I trusted that men so able, men so upright, men who had so large a stake in the country, would carry us safe through the storm which they had raised. And is it not rather hard that my confidence in the right honorable Baronet and the noble lord is to be imputed to me as a crime by the very men who are trying to raise the right honorable Baronet and the noble lord to power? The Charter, we have been told in this debate, is the child of the Reform Bill. But whose child is the Reform Bill? If men are to be deemed unfit for office because they roused the national spirit to support that bill, because they went as far as the law permitted in order to carry that bill, then I say that no men can be more unfit for office than the right honorable Baronet and the noble lord. It may be thought presumptuous in me to defend two persons who are so well able to defend themselves, and the more so, as they have a powerful ally in the right honorable Baronet the Member for Tamworth, who, having twice offered them high places in the Government, must be supposed to be of opinion that they are not disqualified for being ministers by having been agitators. I will, however, venture to offer some arguments in vindication of the conduct of my noble and right honorable friends, as I once called them, and as, notwithstanding the asperity which has characterized the present debate, I should still have pleasure in calling them. I would say in their behalf that agitation ought not to be indiscriminately condemned; that great abuses ought to be removed; that in this country scarcely any great abuse was ever removed till the public feeling had been

roused against it; and that the public feeling has seldom been roused against abuses without exertions to which the name of agitation may be given. I altogether deny the assertion which we have repeatedly heard in the course of this debate, that a government which does not discountenance agitation cannot be trusted to suppress rebellion. Agitation and rebellion, you say, are in kind the same thing: they differ only in degree. Sir, they are the same thing in the sense in which to breathe a vein and to cut a throat are the same thing. There are many points of resemblance between the act of the surgeon and the act of the assassin. In both there is the steel, the incision, the smart, the bloodshed. But the acts differ as widely as possible both in moral character and in physical effect. So with agitation and rebellion. I do not believe that there has been any moment since the revolution of 1688 at which an insurrection in this country would have been justifiable. On the other hand, I hold that we have owed to agitation a long series of beneficent reforms which could have been effected in no other way. Nor do I understand how any person can reprobate agitation, merely as agitation, unless he is prepared to adopt the maxim of Bishop Horsley, that the people have nothing to do with the laws but to obey them. The truth is that agitation is inseparable from popular government. If you wish to get rid of agitation, you must establish an oligarchy like that of Venice, or a despotism like that of Russia. If a Russian thinks that he is able to suggest an improvement in the commercial code or the criminal code of his country, he tries to obtain an audience of the Emperor Nicholas or of Count Nesselrode. If he can satisfy them that

his plans are good, then undoubtedly, without agitation, without controversy in newspapers, without harangues from hustings, without clamorous meetings in great halls and in marketplaces, without petitions signed by tens of thousands, you may have a reform effected with one stroke of the pen. Not so here. Here the people, as electors, have power to decide questions of the highest importance. And ought they not to hear and read before they decide? And how can they hear if nobody speaks, or read if nobody writes? You must admit, then, that it is our right, and that it may be our duty, to attempt by speaking and writing to induce the great body of our countrymen to pronounce what we think a right decision; and what else is agitation? In saying this I am not defending one party alone. Has there been no Tory agitation? No agitation against Popery? No agitation against the new Poor Law? No agitation against the plan of education framed by the present Government? Or, to pass from questions about which we differ to questions about which we all agree. Would the slave trade ever have been abolished without agitation? Would slavery ever have been abolished without agitation? Would your prison discipline ever have been improved without agitation? Would your penal code, once the scandal of the Statute Book, have been mitigated without agitation? I am far from denying that agitation may be abused, may be employed for bad ends, may be carried to unjustifiable lengths. So may that freedom of speech which is one of the most precious privileges of this House. Indeed, the analogy is very close. What is agitation but the mode in which the public, the body which we represent, the great outer assembly, if I

may so speak, holds its debates? It is as necessary to the good government of the country that our constituents should debate as that we should debate. They sometimes go wrong, as we sometimes go wrong. There is often much exaggeration, much unfairness, much acrimony in their debates. Is there none in ours? Some worthless demagogues may have exhorted the people to resist the laws. But what member of Lord Grey's Government, what member of the present Government, ever gave any countenance to any illegal proceedings? It is perfectly true that some words which have been uttered here and in other places, and which, when taken together with the context and candidly construed, will appear to mean nothing but what was reasonable and constitutional and moderate, have been distorted and mutilated into something that has a seditious aspect. But who is secure against such misrepresentation? Not, I am sure, the right honorable Baronet the Member for Pembroke. He ought to remember that his own speeches have been used by bad men for bad ends. He ought to remember that some expressions which he used in 1830, on the subject of the emoluments divided among Privy Councillors, have been quoted by the Chartist in vindication of their excesses. Do I blame him for this? Not at all. He said nothing that was not justifiable. But it is impossible for a man so to guard his lips that his language shall not sometimes be misunderstood by dull men, and sometimes misrepresented by dishonest men. I do not, I say, blame him for having used those expressions: but I do say that, knowing how his own expressions had been perverted, he should have hesitated before he threw upon men, not less attached

than himself to the cause of law, of order and property, imputations certainly not better founded than those to which he is himself liable.

And now, Sir, to pass by many topics to which, but for the lateness of the hour, I would willingly advert, let me remind the House that the question before us is not a positive question, but a question of comparison. No man, though he may disapprove of some part of the conduct of the present Ministers, is justified in voting for the motion which we are considering, unless he believes that a change would, on the whole, be beneficial. No government is perfect: but some government there must be; and, if the present government were worse than its enemies think it, it ought to exist until it can be succeeded by a better. Now I take it to be perfectly clear that, in the event of the removal of Her Majesty's present advisers, an administration must be formed of which the right honorable Baronet the Member for Tamworth will be the head. Towards that right honorable Baronet, and towards many of the noblemen and gentlemen who would probably in that event be associated with him, I entertain none but kind and respectful feelings. I am far, I hope, from that narrowness of mind which makes a man unable to see merit in any party but his own. If I may venture to parody the old Venetian proverb, I would be "First an Englishman; and then a Whig." I feel proud of my country when I think how much ability, uprightness, and patriotism may be found on both sides of the House. Among our opponents stand forth, eminently distinguished by parts, eloquence, knowledge, and, I willingly admit, by public spirit, the right honorable Baronet the Member

for Tamworth. Having said this, I shall offer no apology for the remarks which, in the discharge of my public duty, I shall make, without, I hope, any personal discourtesy, on his past conduct and his present position.

It has been, Sir, I will not say his fault, but his misfortune, his fate, to be the leader of a party with which he has no sympathy. To go back to what is now matter of history, the right honorable Baronet bore a chief part in the restoration of the currency. By a very large proportion of his followers the restoration of the currency is considered as the chief cause of the distresses of the country. The right honorable Baronet cordially supported the commercial policy of Mr. Huskisson. But there was no name more odious than that of Mr. Huskisson to the rank and file of the Tory party. The right honorable Baronet assented to the Act which removed the disabilities of the Protestant Dissenters. But, a very short time ago, a noble Duke, one of the highest in power and rank of the right honorable Baronet's adherents, positively refused to lend his aid to the executing of that Act. The right honorable Baronet brought in the bill which removed the disabilities of the Roman Catholics: but his supporters make it a chief article of charge against us that we have given practical effect to the law which is his best title to public esteem. The right honorable Baronet has declared himself decidedly favourable to the new Poor Law. Yet, if a voice is raised against the Whig Bastilles and the Kings of Somerset House, it is almost certain to be the voice of some zealous retainer of the right honorable Baronet. On the great question of pri-

vilege the right honorable Baronet has taken a part which entitles him to the gratitude of all who are solicitous for the honor and the usefulness of the popular branch of the legislature. But if any person calls us tyrants, and calls those whom we have imprisoned martyrs, that person is certain to be a partisan of the right honorable Baronet. Even when the right honorable Baronet does happen to agree with his followers as to a conclusion, he seldom arrives at that conclusion by the same process of reasoning which satisfies them. Many great questions which they consider as questions of right and wrong, as questions of moral and religious principle, as questions which must, for no earthly object, and on no emergency, be compromised, are treated by him merely as questions of expediency, of place, and of time. He has opposed many bills introduced by the present Government; but he has opposed them on such grounds that he is at perfect liberty to bring in the same bills himself next year, with perhaps some slight variation. I listened to him, as I always listen to him, with pleasure, when he spoke last session on the subject of education. I could not but be amused by the skill with which he performed the hard task of translating the gibberish of bigots into language which might not misbecome the mouth of a man of sense. I felt certain that he despised the prejudices of which he condescended to make use, and that his opinion about the Normal Schools and the Douai Version entirely agreed with my own. I therefore do not think that, in times like these, the right honorable Baronet can conduct the administration with honor to himself or with satisfaction to those who are impatient to see him in office.

I will not affect to feel apprehensions from which I am entirely free. I do not fear, and I will not pretend to fear, that the right honorable Baronet will be a tyrant and a persecutor. I do not believe that he will give up Ireland to the tender mercies of those zealots who form, I am afraid, the strongest, and I am sure the loudest, part of his retinue. I do not believe that he will strike the names of Roman Catholics from the Privy Council book, and from the Commissions of the Peace. I do not believe that he will lay on our table a bill for the repeal of that great Act which was introduced by himself in 1829. What I do anticipate is this, that he will attempt to keep his party together by means which will excite grave discontents, and yet that he will not succeed in keeping his party together; that he will lose the support of the Tories without obtaining the support of the nation; and that his government will fall from causes purely internal.

This, Sir, is not mere conjecture. The drama is not a new one. It was performed a few years ago on the same stage and by most of the same actors. In 1827 the right honorable Baronet was, as now, the head of a powerful Tory opposition. He had, as now, the support of a strong minority in this House. He had, as now, a majority in the other House. He was, as now, the favourite of the Church and of the Universities. All who dreaded political change, all who hated religious liberty, rallied round him then, as they rally round him now. Their cry was then, as now, that a government unfriendly to the civil and ecclesiastical constitution of the realm was kept in power by intrigue and court favour, and that the right

honorable Baronet was the man to whom the nation must look to defend its laws against revolutionists, and its religion against idolaters. At length that cry became irresistible. Tory animosity had pursued the most accomplished of Tory statesmen and orators to a restingplace in Westminster Abbey. The arrangement which was made after his death lasted but a very few months: a Tory government was formed; and the right honorable Baronet became the leading minister of the Crown in the House of Commons. His adherents hailed his elevation with clamorous delight, and confidently expected many years of triumph and dominion. Is it necessary to say in what disappointment, in what sorrow, in what fury, those expectations ended? The right honorable Baronet had been raised to power by prejudices and passions in which he had no share. His followers were bigots. He was a statesman. He was coolly weighing conveniences against inconveniences, while they were ready to resort to a proscription and to hazard a civil war rather than depart from what they called their principles. For a time he tried to take a middle course. He imagined that it might be possible for him to stand well with his old friends, and yet to perform some part of his duty to the state. But those were not times in which he could long continue to halt between two opinions. His elevation, as it had excited the hopes of the oppressors, had excited also the terror and the rage of the oppressed. Agitation which had, during more than a year, slumbered in Ireland, awoke with renewed vigor, and soon became more formidable than ever. The Roman Catholic Association began to exercise authority such as the Irish Parliament, in the

days of its independence, had never possessed. An agitator became more powerful than the Lord Lieutenant. Violence engendered violence. Every explosion of feeling on one side of St. George's Channel was answered by a louder explosion on the other. The Clare election, the Penenden Heath meeting showed that the time for evasion and delay was past. A crisis had arrived which made it absolutely necessary for the Government to take one side or the other. A simple issue was proposed to the right honorable Baronet, concession or civil war; to disgust his party, or to ruin his country. He chose the good part. He performed a duty, deeply painful, in some sense humiliating, yet in truth highly honorable to him. He came down to this house and proposed the emancipation of the Roman Catholics. Among his adherents were some who, like himself, had opposed the Roman Catholic claims merely on the ground of political expediency; and these persons readily consented to support his new policy. But not so the great body of his followers. Their zeal for Protestant ascendancy was a ruling passion, a passion, too, which they thought it a virtue to indulge. They had exerted themselves to raise to power the man whom they regarded as the ablest and most trusty champion of that ascendancy; and he had not only abandoned the good cause, but had become its adversary. Who can forget in what a roar of obloquy their anger burst forth? Never before was such a flood of calumny and invective poured on a single head. All history, all fiction were ransacked by the old friends of the right honorable Baronet, for nicknames and allusions. One right honorable gentleman, whom I am sorry not to see in his place op-

posite, found English prose too weak to express his indignation, and pursued his perfidious chief with reproaches borrowed from the ravings of the deserted Dido. Another Tory explored Holy Writ for parallels, and could find no parallel but Judas Iscariot. The great university which had been proud to confer on the right honorable Baronet the highest marks of favour, was foremost in affixing the brand of infamy. From Cornwall, from Northumberland, clergymen came up by hundreds to Oxford, in order to vote against him whose presence, a few days before, would have set the bells of their parish churches jingling. Nay, such was the violence of this new enmity that the old enmity of the Tories to Whigs, Radicals, Dissenters, Papists, seemed to be forgotten. That Ministry which, when it came into power at the close of 1828, was one of the strongest that the country ever saw, was, at the close of 1829, one of the weakest. It lingered another year, staggering between two parties, leaning now on one, now on the other, reeling sometimes under a blow from the right, sometimes under a blow from the left, and certain to fall as soon as the Tory opposition and the Whig opposition could find a question on which to unite. Such a question was found: and that Ministry fell without a struggle.

Now what I wish to know is this. What reason have we to believe that any administration which the right honorable Baronet can now form will have a different fate? Is he changed since 1829? Is his party changed? He is, I believe, still the same, still a statesman, moderate in opinions, cautious in temper, perfectly free from that fanaticism which inflames so many of his supporters. As to his party, I admit

that it is not the same; for it is very much worse. It is decidedly fiercer and more unreasonable than it was eleven years ago. I judge by its public meetings; I judge by its journals; I judge by its pulpits, pulpits which every week resound with ribaldry and slander such as would disgrace the hustings. A change has come over the spirit of a part, I hope not the larger part, of the Tory body. It was once the glory of the Tories that, through all changes of fortune, they were animated by a steady and fervent loyalty which made even error respectable, and gave to what might otherwise have been called servility something of the manliness and nobleness of freedom. A great Tory poet, whose eminent services to the cause of monarchy had been ill requited by an ungrateful Court, boasted that

“Loyalty is still the same,
Whether it win or lose the game;
True as the dial to the sun,
Although it be not shined upon.”

Toryism has now changed its character. We have lived to see a monster of a faction made up of the worst parts of the Cavalier and the worst parts of the Roundhead. We have lived to see a race of disloyal Tories. We have lived to see Tories giving themselves the airs of those insolent pikemen who puffed out their tobacco smoke in the face of Charles the First. We have lived to see Tories who, because they are not allowed to grind the people after the fashion of Strafford, turn round and revile the Sovereign in the style of Hugh Peters. I say, therefore, that, while the leader is still what he was eleven years ago, when his moderation alienated his intemperate followers, his

followers are more intemperate than ever. It is my firm belief that the majority of them desire the repeal of the Emancipation Act. You say, no. But I will give reasons, and unanswerable reasons, for what I say. How, if you really wish to maintain the Emancipation Act, do you explain that clamour which you have raised, and which has resounded through the whole kingdom, about the three Popish Privy Councillors? You resent, as a calumny, the imputation that you wish to repeal the Emancipation Act; and yet you cry out that Church and State are in danger of ruin whenever the Government carries that Act into effect. If the Emancipation Act is never to be executed, why should it not be repealed? I perfectly understand that an honest man may wish it to be repealed. But I am at a loss to understand how honest men can say, "We wish the Emancipation Act to be maintained: you who accuse us of wishing to repeal it slander us foully: we value it as much as you do. Let it remain among our statutes, provided always that it remains as a dead letter. If you dare to put it in force, indeed, we will agitate against you; for, though we talk against agitation, we too can practise agitation: we will denounce you in our associations: for, though we call associations unconstitutional, we too have our associations: our divines shall preach about Jezebel: our tavern spouters shall give significant hints about James the Second." Yes, Sir, such hints have been given, hints that a sovereign who has merely executed the law, ought to be treated like a sovereign who grossly violated the law. I perfectly understand, as I said, that an honest man may disapprove of the Emancipation Act, and may wish

it repealed. But can any man, who is of opinion that Roman Catholics ought to be admitted to office, honestly maintain that they now enjoy more than their fair share of power and emolument? What is the proportion of Roman Catholics to the whole population of the United Kingdom? About one fourth. What proportion of the Privy Councillors are Roman Catholics? About one seventieth. And what, after all, is the power of a Privy Councillor, merely as such? Are not the right honorable gentlemen opposite Privy Councillors? If a change should take place, will not the present Ministers still be Privy Councillors? It is notorious that no Privy Councillor goes to Council unless he is specially summoned. He is called Right Honorable, and he walks out of a room before Esquires and Knights. And can we seriously believe that men who think it monstrous that this honorary distinction should be given to three Roman Catholics, do sincerely desire to maintain a law by which a Roman Catholic may be Commander in Chief with all the military patronage, First Lord of the Admiralty with all the naval patronage, or First Lord of the Treasury, with the chief influence in every department of the Government? I must therefore suppose that those who join in the cry against the three Privy Councillors, are either imbecile or hostile to the Emancipation Act.

I repeat, therefore, that, while the right honorable Baronet is as free from bigotry as he was eleven years ago, his party is more bigoted than it was eleven years ago. The difficulty of governing Ireland in opposition to the feelings of the great body of the Irish people is, I apprehend, as great now as it was

eleven years ago. What then must be the fate of a government formed by the right honorable Baronet? Suppose that the event of this debate should make him Prime Minister? Should I be wrong if I were to prophesy that three years hence he will be more hated and vilified by the Tory party than the present advisers of the Crown have been? Should I be wrong if I were to say that all those literary organs which now deafen us with praise of him, will then deafen us with abuse of him? Should I be wrong if I were to say that he will be burned in effigy by those who now drink his health with three times three and one cheer more? Should I be wrong if I were to say that those very gentlemen who have crowded hither to-night in order to vote him into power, will crowd hither to vote Lord Melbourne back? Once already have I seen those very persons go out into the lobby for the purpose of driving the right honorable Baronet from the high situation to which they had themselves exalted him. I went out with them myself; yes, with the whole body of Tory country gentlemen, with the whole body of high Churchmen. All the four University Members were with us. The effect of that division was to bring Lord Grey, Lord Althorpe, Lord Brougham, Lord Durham into power. You may say that the Tories on that occasion judged ill, that they were blinded by vindictive passion, that if they had foreseen all that followed they might have acted differently. Perhaps so. But what has been once may be again. I cannot think it possible that those who are now supporting the right honorable Baronet will continue from personal attachment to support him if they see that his policy is in essentials the same as

Lord Melbourne's. I believe that they have quite as much personal attachment to Lord Melbourne as to the right honorable Baronet. They follow the right honorable Baronet because his abilities, his eloquence, his experience are necessary to them; but they are but half reconciled to him. They never can forget that, in the most important crisis of his public life, he deliberately chose rather to be the victim of their injustice than its instrument. It is idle to suppose that they will be satisfied by seeing a new set of men in power. Their maxim is most truly "Measures, not men." They care not before whom the sword of state is borne at Dublin, or who wears the badge of St. Patrick. What they abhor is not Lord Normanby personally or Lord Ebrington personally, but the great principles in conformity with which Ireland has been governed by Lord Normanby and by Lord Ebrington, the principles of justice, humanity, and religious freedom. What they wish to have in Ireland is not my Lord Haddington, or any other viceroy whom the right honorable Baronet may select, but the tyranny of race over race, and of creed over creed. Give them what they want; and you convulse the empire. Refuse them; and you dissolve the Tory party. I believe that the right honorable Baronet himself is by no means without apprehensions that, if he were now called to the head of affairs, he would, very speedily, have the dilemma of 1829 again before him. He certainly was not without such apprehensions when, a few months ago, he was commanded by Her Majesty to submit to her the plan of an administration. The aspect of public affairs was not at that time cheering. The Chartists were stirring in

England. There were troubles in Canada. There were great discontents in the West Indies. An expedition, of which the event was still doubtful, had been sent into the heart of Asia. Yet, among many causes of anxiety, the discerning eye of the right honorable Baronet easily discerned the quarter where the great and immediate danger lay. He told the House that his difficulty would be Ireland. Now, Sir, that which would be the difficulty of his administration is the strength of the present administration. Her Majesty's Ministers enjoy the confidence of Ireland; and I believe that what ought to be done for that country will excite less discontent here if done by them than if done by him. He, I am afraid, great as his abilities are, and good as I willingly admit his intentions to be, would find it easy to lose the confidence of his partisans, but hard indeed to win the confidence of the Irish people.

It is indeed principally on account of Ireland that I feel solicitous about the issue of the present debate. I well know how little chance he who speaks on that theme has of obtaining a fair hearing. Would to God that I were addressing an audience which would judge this great controversy as it is judged by foreign nations, and as it will be judged by future ages. The passions which inflame us, the sophisms which delude us, will not last for ever. The paroxysms of faction have their appointed season. Even the madness of fanaticism is but for a day. The time is coming when our conflicts will be to others what the conflicts of our forefathers are to us; when the preachers who now disturb the State, and the politicians who now make a stalking horse of the Church, will be no more than

Sacheverel and Harley. Then will be told, in language very different from that which now calls forth applause from the mob of Exeter Hall, the true story of these troubled years.

There was, it will then be said, a part of the kingdom of Queen Victoria which presented a lamentable contrast to the rest; not from want of natural fruitfulness, for there was no richer soil in Europe; not from want of facilities for trade, for the coasts of this unhappy region were indented by bays and estuaries capable of holding all the navies of the world; not because the people were too dull to improve these advantages or too pusillanimous to defend them; for in natural quickness of wit and gallantry of spirit they ranked high among the nations. But all the bounty of nature had been made unavailing by the crimes and errors of man. In the twelfth century that fair island was a conquered province. The nineteenth century found it a conquered province still. During that long interval many great changes had taken place which had conduced to the general welfare of the empire: but those changes had only aggravated the misery of Ireland. The Reformation came, bringing to England and Scotland divine truth and intellectual liberty. To Ireland it brought only fresh calamities. Two new war cries, Protestant and Catholic, animated the old feud between the Englishry and the Irishry. The Revolution came, bringing to England and Scotland civil and spiritual freedom, to Ireland subjugation, degradation, persecution. The Union came: but, though it joined legislatures, it left hearts as widely disjoined as ever. Catholic Emancipation came: but it came too late; it came as a concession made to fear;

and, having excited unreasonable hopes, was naturally followed by unreasonable disappointment. Then came violent irritation, and numerous errors on both sides. Agitation produced coercion, and coercion produced fresh agitation. Difficulties and dangers went on increasing, till a government arose which, all other means having failed, determined to employ the only means that had not yet been fairly tried, justice and mercy. The State, long the stepmother of the many, and the mother only of the few, became for the first time the common parent of all the great family. The body of the people began to look on their rulers as friends. Battalion after battalion, squadron after squadron, was withdrawn from districts which, as it had till then been thought, could be governed by the sword alone. Yet the security of property and the authority of law became every day more complete. Symptoms of amendment, symptoms such as cannot be either concealed or counterfeited, began to appear; and those who once despaired of the destinies of Ireland began to entertain a confident hope that she would at length take among European nations that high place to which her natural resources and the intelligence of her children entitle her to aspire.

In words such as these, I am confident, will the next generation speak of the events of our time. Relying on the sure justice of history and of posterity, I care not, as far as I am personally concerned, whether we stand or fall. That issue it is for the House to decide. Whether the result will be victory or defeat, I know not. But I know that there are defeats not less glorious than any victory; and yet I have shared

in some glorious victories. Those were proud and happy days; — some who sit on the benches opposite can well remember, and must, I think, regret them; — those were proud and happy days when, amidst the applauses and blessings of millions, my noble friend led us on in the great struggle for the Reform Bill; when hundreds waited round our doors till sunrise to hear how we had sped; when the great cities of the north poured forth their population on the highways to meet the mails which brought from the capital the tidings whether the battle of the people had been lost or won. Such days my noble friend cannot hope to see again. Two such triumphs would be too much for one life. But perhaps there still awaits him a less pleasing, a less exhilarating, but a not less honorable task, the task of contending against superior numbers, and through years of discomfiture, for those civil and religious liberties which are inseparably associated with the name of his illustrious house. At his side will not be wanting men who against all odds, and through all turns of fortune, in evil days and amidst evil tongues, will defend to the last, with unabated spirit, the noble principles of Milton and of Locke. We may be driven from office. We may be doomed to a life of opposition. We may be made marks for the rancour of sects which, hating each other with a deadly hatred, yet hate toleration still more. We may be exposed to the rage of Laud on one side, and of Praise-God-Barebones on the other. But justice will be done at last; and a portion of the praise which we bestow on the old champions and martyrs of freedom will not be refused by future generations to the men

who have in our days endeavoured to bind together in real union races too long estranged, and to efface, by the mild influence of a parental government, the fearful traces which have been left by the misrule of ages.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 7TH OF APRIL, 1840.

On the seventh of April, 1840, Sir James Graham moved the following resolution:

“That it appears to this House, on consideration of the papers relating to China presented to this House by command of Her Majesty, that the interruption in our commercial and friendly intercourse with that country, and the hostilities which have since taken place, are mainly to be attributed to the want of foresight and precaution on the part of Her Majesty’s present advisers, in respect to our relations with China, and especially to their neglect to furnish the Superintendent at Canton with powers and instructions calculated to provide against the growing evils connected with the contraband trade in opium, and adapted to the novel and difficult situation in which the Superintendent was placed.”

As soon as the question had been put from the Chair, the following Speech was made.

The motion was rejected, after a debate of three nights, by 271 votes to 261.

MR. SPEAKER,

IF the right honorable Baronet, in rising to make an attack on the Government, was forced to own that he was unnerved and overpowered by his sense of the importance of the question with which he had to deal, one who rises to repel that attack may, without any shame, confess that he feels similar emotions. And yet I must say that the anxiety, the natural and becoming anxiety, with which Her Majesty’s Ministers

have awaited the judgment of the House on these papers, was not a little allayed by the terms of the right honorable Baronet's motion, and has been still more allayed by his speech. It was impossible for us to doubt either his inclination or his ability to detect and to expose any fault which we might have committed; and we may well congratulate ourselves on finding that, after the closest examination into a long series of transactions, so extensive, so complicated, and, in some respects, so disastrous, so keen an assailant could produce only so futile an accusation.

In the first place, Sir, the resolution which the right honorable Baronet has moved relates entirely to events which took place before the rupture with the Chinese government. That rupture took place in March, 1839. The right honorable Baronet therefore does not propose to pass any censure on any step which has been taken by the Government within the last thirteen months; and it will, I think, be generally admitted, that when he abstains from censuring the proceedings of the Government, it is because the most unfriendly scrutiny can find nothing in those proceedings to censure. We by no means deny that he has a perfect right to propose a vote expressing disapprobation of what was done in 1837 or 1838. At the same time, we cannot but be gratified by learning that he approves of our present policy, and of the measures which we have taken, since the rupture, for the vindication of the national honor and for the protection of the national interests.

It is also to be observed that the right honorable Baronet has not ventured, either in his motion or in his speech, to charge Her Majesty's Ministers with

any unwise or unjust act, with any act tending to lower the character of England, or to give cause of offence to China. The only sins which he imputes to them are sins of omission. His complaint is merely that they did not foresee the course which events would take at Canton, and that consequently they did not send sufficient instructions to the British resident who was stationed there. Now it is evident that such an accusation is of all accusations that which requires the fullest and most distinct proof; for it is of all accusations that which it is easiest to make and hardest to refute. A man charged with a culpable act which he has not committed has comparatively little difficulty in proving his innocence. But when the charge is merely this, that he has not, in a long and intricate series of transactions, done all that it would have been wise to do, how is he to vindicate himself? And the case which we are considering has this peculiarity, that the envoy, to whom the Ministers are said to have left too large a discretion, was fifteen thousand miles from them. The charge against them therefore is this, that they did not give such copious and particular directions as were sufficient, in every possible emergency, for the guidance of a functionary who was fifteen thousand miles off. Now, Sir, I am ready to admit that, if the papers on our table related to important negotiations with a neighbouring state, if they related, for example, to a negotiation carried on with France, my noble friend the Secretary for Foreign Affairs* might well have been blamed for sending instructions so meagre and so vague to our ambassador

* Lord Palmerston.

at Paris. For my noble friend knows to-night what passed between our ambassador at Paris and the French Ministers yesterday; and a messenger despatched to-night from Downing Street will be at the Embassy in the Faubourg Saint Honoré the day after to-morrow. But that constant and minute control, which the Foreign Secretary is bound to exercise over diplomatic agents who are near, becomes an useless and pernicious meddling when exercised over agents who are separated from him by a voyage of five months. There are on both sides of the House gentlemen conversant with the affairs of India. I appeal to those gentlemen. India is nearer to us than China. India is far better known to us than China. Yet is it not universally acknowledged that India can be governed only in India? The authorities at home point out to a governor the general line of policy which they wish him to follow; but they do not send him directions as to the details of his administration. How indeed is it possible that they should send him such directions? Consider in what a state the affairs of this country would be if they were to be conducted according to directions framed by the ablest statesman residing in Bengal. A despatch goes hence asking for instructions while London is illuminating for the peace of Amiens. The instructions arrive when the French army is encamped at Boulogne, and when the whole island is up in arms to repel invasion. A despatch is written asking for instructions when Buonaparte is at Elba. The instructions come when he is at the Tuileries. A despatch is written asking for instructions when he is at the Tuileries. The instructions come when he is at St. Helena. It would

be just as impossible to govern India in London as to govern England at Calcutta. While letters are preparing here on the supposition that there is profound peace in the Carnatic, Hyder is at the gates of Fort St. George. While letters are preparing here on the supposition that trade is flourishing and that the revenue exceeds the expenditure, the crops have failed, great agency houses have broken, and the government is negotiating a loan on hard terms. It is notorious that the great men who founded and preserved our Indian empire, Clive and Warren Hastings, treated all particular orders which they received from home as mere waste paper. Had not those great men had the sense and spirit so to treat such orders, we should not now have had an Indian empire. But the case of China is far stronger. For, though a person who is now writing a despatch to Fort William in Leadenhall Street or Cannon Row, cannot know what events have happened in India within the last two months, he may be very intimately acquainted with the general state of that country, with its wants, with its resources, with the habits and temper of the native population, and with the character of every prince and minister from Nepaul to Tanjore. But what does anybody here know of China? Even those Europeans who have been in that empire are almost as ignorant of it as the rest of us. Everything is covered by a veil, through which a glimpse of what is within may occasionally be caught, a glimpse just sufficient to set the imagination at work, and more likely to mislead than to inform. The right honorable Baronet has told us that an Englishman at Canton sees about as much of China as a foreigner who should land at

Wapping and proceed no further would see of England. Certainly the sights and sounds of Wapping would give a foreigner but a very imperfect notion of our Government, of our manufactures, of our agriculture, of the state of learning and the arts among us. And yet the illustration is but a faint one. For a foreigner may, without seeing even Wapping, without visiting England at all, study our literature, and may thence form a vivid and correct idea of our institutions and manners. But the literature of China affords us no such help. Obstacles unparalleled in any other country which has books must be surmounted by the student who is determined to master the Chinese tongue. To learn to read is the business of half a life. It is easier to become such a linguist as Sir William Jones was than to become a good Chinese scholar. You may count upon your fingers the Europeans whose industry and genius, even when stimulated by the most fervent religious zeal, has triumphed over the difficulties of a language without an alphabet. Here then is a country separated from us physically by half the globe, separated from us still more effectually by the barriers which the most jealous of all governments and the hardest of all languages oppose to the researches of strangers. Is it then reasonable to blame my noble friend because he has not sent to our envoys in such a country as this instructions as full and precise as it would have been his duty to send to a minister at Brussels or at the Hague. The right honorable Baronet who comes forward as the accuser on this occasion is really accusing himself. He was a member of the Government of Lord Grey. He was himself concerned in framing

the first instructions which were given by my noble friend to our first Superintendent at Canton. For those instructions the right honorable Baronet frankly admits that he is himself responsible. Are those instructions then very copious and minute? Not at all. They merely lay down general principles. The resident, for example, is enjoined to respect national usages, and to avoid whatever may shock the prejudices of the Chinese; but no orders are given him as to matters of detail. In 1834 my noble friend quitted the Foreign Office, and the Duke of Wellington went to it. Did the Duke of Wellington send out those copious and exact directions with which, according to the right honorable Baronet, the Government is bound to furnish its agent in China? No, Sir; the Duke of Wellington, grown old in the conduct of great affairs, knows better than anybody that a man of very ordinary ability at Canton is likely to be a better judge of what ought to be done on an emergency arising at Canton than the greatest politician at Westminster can possibly be. His Grace, therefore, like a wise man as he is, wrote only one letter to the Superintendent, and in that letter merely referred the Superintendent to the general directions given by Lord Palmerston. And how, Sir, does the right honorable Baronet prove that, by persisting in the course which he himself took when in office, and which the Duke of Wellington took when in office, Her Majesty's present advisers have brought on that rupture which we all deplore? He has read us, from the voluminous papers which are on the table, much which has but a very remote connection with the question. He has said much about things which

happened before the present Ministry existed, and much about things which have happened at Canton since the rupture; but very little that is relevant to the issue raised by the resolution which he has himself proposed. That issue is simply this, whether the mismanagement of the present Ministry produced the rupture. I listened to his long and able speech with the greatest attention, and did my best to separate that part which had any relation to his motion from a great mass of extraneous matter. If my analysis be correct, the charge which he brings against the Government consists of four articles.

The first article is, that the Government omitted to alter that part of the original instructions which directed the Superintendent to reside at Canton.

The second article is, that the Government omitted to alter that part of the original instructions which directed the Superintendent to communicate directly with the representatives of the Emperor.

The third article is, that the Government omitted to follow the advice of the Duke of Wellington, who had left at the Foreign Office a memorandum recommending that a British ship of war should be stationed in the China sea.

The fourth article is, that the Government omitted to authorise and empower the Superintendent to put down the contraband trade carried on by British subjects with China.

Such, Sir, are the counts of this indictment. Of these counts, the fourth is the only one which will require a lengthened defence. The first three may be disposed of in very few words.

As to the first, the answer is simple. It is true

that the Government did not revoke that part of the instructions which directed the Superintendent to reside at Canton: and it is true that this part of the instructions did at one time cause a dispute between the Superintendent and the Chinese authorities. But it is equally true that this dispute was accommodated early in 1837; that the Chinese Government furnished the Superintendent with a passport authorising him to reside at Canton; that, during the two years which preceded the rupture, the Chinese Government made no objection to his residing at Canton; and that there is not in all this huge blue book one word indicating that the rupture was caused, directly or indirectly, by his residing at Canton. On the first count, therefore, I am confident that the verdict must be, Not Guilty.

To the second count we have a similar answer. It is true that there was a dispute with the authorities at Canton about the mode of communication. But it is equally true that this dispute was settled by a compromise. The Chinese made a concession as to the channel of communication. The Superintendent made a concession as to the form of communication. The question had been thus set at rest before the rupture, and had absolutely nothing to do with the rupture.

As to the third charge, I must tell the right honorable Baronet that he has altogether misapprehended that memorandum which he so confidently cites. The Duke of Wellington did not advise the Government to station a ship of war constantly in the China seas. The Duke, writing in 1835, at a time when the regular course of the trade had been inter-

rupted, recommended that a ship of war should be stationed near Canton "till the trade should take its regular peaceable course." Those are His Grace's own words. Do they not imply that, when the trade had again taken its regular peaceable course, it might be right to remove the ship of war? Well, Sir, the trade, after that memorandum was written, did resume its regular peaceable course: that the right honorable Baronet himself will admit; for it is part of his own case that Sir George Robinson had succeeded in restoring quiet and security. The third charge then is simply this, that the Ministers did not do in a time of perfect tranquillity what the Duke of Wellington thought that it would have been right to do in a time of trouble.

And now, Sir, I come to the fourth charge, the only real charge; for the other three are so futile that I hardly understand how the right honorable Baronet should have ventured to bring them forward. The fourth charge is, that the Ministers omitted to send to the Superintendent orders and powers to suppress the contraband trade, and that this omission was the cause of the rupture.

Now, Sir, let me ask whether it was not notorious, when the right honorable Baronet was in office, that British subjects carried on an extensive contraband trade with China? Did the right honorable Baronet and his colleagues instruct the Superintendent to put down that trade? Never. That trade went on while the Duke of Wellington was at the Foreign Office. Did the Duke of Wellington instruct the Superintendent to put down that trade? No, Sir, never. Are then the followers of the right honorable Baronet,

are the followers of the Duke of Wellington, prepared to pass a vote of censure on us for following the example of the right honorable Baronet and of the Duke of Wellington? But I am understating my case. Since the present Ministers came into office, the reasons against sending out such instructions were much stronger than when the right honorable Baronet was in office, or when the Duke of Wellington was in office. Down to the month of May, 1838, my noble friend had good grounds for believing that the Chinese Government was about to legalise the trade in opium. It is by no means easy to follow the windings of Chinese politics. But, it is certain that about four years ago the whole question was taken into serious consideration at Peking. The attention of the Emperor was called to the undoubted fact, that the law which forbade the trade in opium was a dead letter. That law had been intended to guard against two evils, which the Chinese legislators seem to have regarded with equal horror, the importation of a noxious drug, and the exportation of the precious metals. It was found, however, that as many pounds of opium came in, and that as many pounds of silver went out, as if there had been no such law. The only effect of the prohibition was that the people learned to think lightly of imperial edicts, and that no part of the great sums expended in the purchase of the forbidden luxury came into the imperial treasury. These considerations were set forth in a most luminous and judicious state paper, drawn up by Tang Tzee, President of the Sacrificial Offices. I am sorry to hear that this enlightened minister has been turned out of office on account of his liberality: for to be turned out of office

is, I apprehend, a much more serious misfortune in China than in England. Tang Tzee argued that it was unwise to attempt to exclude opium, for that, while millions desired to have it, no law would keep it out, and that the manner in which it had long been brought in had produced an injurious effect both on the revenues of the state and on the morals of the people. Opposed to Tang Tzee was Tchu Sing, a statesman of a very different class, of a class which, I am sorry to say, is not confined to China. Tchu Sing appears to be one of those staunch Conservatives who, when they find that a law is inefficient because it is too severe, imagine that they can make it efficient by making it more severe still. His historical knowledge is much on a par with his legislative wisdom. He seems to have paid particular attention to the rise and progress of our Indian Empire, and he informs his imperial master that opium is the weapon by which England effects her conquests. She had, it seems, persuaded the people of Hindostan to smoke and swallow this besotting drug, till they became so feeble in body and mind, that they were subjugated without difficulty. Some time appears to have elapsed before the Emperor made up his mind on the point in dispute between Tang Tzee and Tchu Sing. Our Superintendent, Captain Elliot, was of opinion that the decision would be in favour of the rational view taken by Tang Tzee; and such, as I can myself attest, was, during part of the year 1837, the opinion of the whole mercantile community of Calcutta. Indeed, it was expected that every ship which arrived in the Hoogley from Canton would bring the news that the opium trade had been declared legal. Nor was it

known in London till May, 1838, that the arguments of Tchu Sing had prevailed. Surely, Sir, it would have been most absurd to order Captain Elliot to suppress this trade at a time when everybody expected that it would soon cease to be contraband. The right honorable Baronet must, I think, himself admit that, till the month of May, 1838, the Government here omitted nothing that ought to have been done.

The question before us is therefore reduced to very narrow limits. It is merely this: Ought my noble friend in May, 1838, to have sent out a despatch commanding and empowering Captain Elliot to put down the opium trade? I do not think that it would have been right or wise to send out such a despatch. Consider, Sir, with what powers it would have been necessary to arm the Superintendent. He must have been authorised to arrest, to confine, to send across the sea any British subject whom he might believe to have been concerned in introducing opium into China. I do not deny that, under the Act of Parliament, the Government might have invested him with this dictatorship. But I do say that the Government ought not lightly to invest any man with such a dictatorship, and that if, in consequence of directions sent out by the Government, numerous subjects of Her Majesty had been taken into custody and shipped off to Bengal or to England without being permitted to wind up their affairs, this House would in all probability have called the Ministers to a strict account. Nor do I believe that by sending such directions the Government would have averted the rupture which has taken place. I will go further. I believe that, if such directions had been sent, we should

now have been, as we are, at war with China; and that we should have been at war in circumstances singularly dishonorable and disastrous.

For, Sir, suppose that the Superintendent had been authorised and commanded by the Government to put forth an order prohibiting British subjects from trading in opium; suppose that he had put forth such an order; how was he to enforce it? The right honorable Baronet has had too much experience of public affairs to imagine that a lucrative trade will be suppressed by a sheet of paper and a seal. In England we have a preventive service which costs us half a million a year. We employ more than fifty cruisers to guard our coasts. We have six thousand effective men whose business is to intercept smugglers. And yet everybody knows that every article which is much desired, which is easily concealed, and which is heavily taxed, is smuggled into our island to a great extent. The quantity of brandy which comes in without paying duty is known to be not less than six hundred thousand gallons a year. Some people think that the quantity of tobacco which is imported clandestinely is as great as the quantity which goes through the custom houses. Be this as it may, there is no doubt that the illicit importation is enormous. It has been proved before a Committee of this House that not less than four millions of pounds of tobacco have lately been smuggled into Ireland. And all this, observe, has been done in spite of the most efficient preventive service that, I believe, ever existed in the world. Consider too that the price of an ounce of opium is far, very far higher than the price of a pound of tobacco. Knowing this, knowing that the whole power of King, Lords, and Commons

cannot here put a stop to a traffic less easy and less profitable than the traffic in opium, can you believe that an order prohibiting the traffic in opium would have been readily obeyed? Remember by what powerful motives both the buyer and the seller would have been impelled to deal with each other. The buyer would have been driven to the seller by something little short of torture, by a physical craving as fierce and impatient as any to which our race is subject. For, when stimulants of this sort have been long used, they are desired with a rage which resembles the rage of hunger. The seller would have been driven to the buyer by the hope of vast and rapid gain. And do you imagine that the intense appetite, on one side for what had become a necessary of life, and on the other for riches, would have been appeased by a few lines signed Charles Elliot? The very utmost effect which it is possible to believe that such an order would have produced would have been this, that the opium trade would have left Canton, where the dealers were under the eye of the Superintendent, and where they would have run some risk of being punished by him, and would have spread itself along the coast. If we know anything about the Chinese government, we know this, that its coast guard is neither trusty nor efficient; and we know that a coast guard as trusty and as efficient as our own would not be able to cut off communication between the merchant longing for silver and the smoker longing for his pipe. Whole fleets of vessels would have managed to land their cargoes along the shore. Conflicts would have arisen between our countrymen and the local magistrates, who would not, like the authorities at Canton, have had some knowledge of

European habits and feelings. The mere *malum prohibitum* would, as usual, have produced the *mala in se*. The unlawful traffic would inevitably have led to a crowd of acts, not only unlawful, but immoral. The smuggler would, by the almost irresistible force of circumstances, have been turned into a pirate. We know that, even at Canton, where the smugglers stand in some awe of the authority of the Superintendent and of the opinion of an English society which contains many respectable persons, the illicit trade has caused many brawls and outrages. What, then, was to be expected when every captain of a ship laden with opium would have been the sole judge of his own conduct? It is easy to guess what would have happened. A boat is sent ashore to fill the watercasks and to buy fresh provisions. The provisions are refused. The sailors take them by force. Then a well is poisoned. Two or three of the ship's company die in agonies. The crew in a fury land, shoot and stab every man whom they meet, and sack and burn a village. Is this improbable? Have not similar causes repeatedly produced similar effects? Do we not know that the jealous vigilance with which Spain excluded the ships of other nations from her Transatlantic possessions turned men who would otherwise have been honest merchant adventurers into buccaneers? The same causes which raised up one race of buccaneers in the Gulf of Mexico would soon have raised up another in the China sea. And can we doubt what would in that case have been the conduct of the Chinese authorities at Canton? We see that Commissioner Lin has arrested and confined men of spotless character, men whom he had not the slightest reason to suspect of being engaged

in any illicit commerce. He did so on the ground that some of their countrymen had violated the revenue laws of China. How then would he have acted if he had learned that the redheaded devils had not merely been selling opium, but had been fighting, plundering, slaying, burning? Would he not have put forth a proclamation in his most vituperative style, setting forth that the Outside Barbarians had undertaken to stop the contraband trade, but that they had been found deceivers, that the Superintendent's edict was a mere pretence, that there was more smuggling than ever, that to the smuggling had been added robbery and murder, and that therefore he should detain all men of the guilty race as hostages till reparation should be made? I say therefore, that, if the Ministers had done that which the right honorable Baronet blames them for not doing, we should only have reached by a worse way the point at which we now are.

I have now, Sir, gone through the four heads of the charge brought against the Government; and I say with confidence that the interruption of our friendly relations with China cannot justly be imputed to any one of the omissions mentioned by the right honorable Baronet. In truth, if I could feel assured that no gentleman would vote for the motion without attentively reading it, and considering whether the proposition which it affirms has been made out, I should have no uneasiness as to the result of this debate. But I know that no member weighs the words of a resolution for which he is asked to vote, as he would weigh the words of an affidavit which he was asked to swear. And I am aware that some persons, for whose humanity and honesty I entertain the greatest respect, are

inclined to divide with the right honorable Baronet, not because they think that he has proved his case, but because they have taken up a notion that we are making war for the purpose of forcing the Government of China to admit opium into that country, and that, therefore, we richly deserve to be censured. Certainly, Sir, if we had been guilty of such absurdity and such atrocity as those gentlemen impute to us, we should deserve not only censure but condign punishment. But the imputation is altogether unfounded. Our course was clear. We may doubt indeed whether the Emperor of China judged well in listening to Tchu Sing and disgracing Tang Tzee. We may doubt whether it be a wise policy to exclude altogether from any country a drug which is often fatally abused, but which to those who use it rightly is one of the most precious boons vouchsafed by Providence to man, powerful to assuage pain, to soothe irritation, and to restore health. We may doubt whether it be a wise policy to make laws for the purpose of preventing the precious metals from being exported in the natural course of trade. We have learned from all history, and from our own experience, that revenue cutters, custom house officers, informers, will never keep out of any country foreign luxuries of small bulk for which consumers are willing to pay high prices, and will never prevent gold and silver from going abroad in exchange for such luxuries. We cannot believe that what England, with her skilfully organized fiscal system and her gigantic marine, has never been able to effect, will be accomplished by the junks which are at the command of the mandarins of China. But, whatever our opinion on these points may be, we are perfectly aware that they are points

which it belongs not to us but to the Emperor of China to decide. He had a perfect right to keep out opium and to keep in silver, if he could do so by means consistent with morality and public law. If his officers seized a chest of the forbidden drug, we were not entitled to complain; nor did we complain. But when, finding that they could not suppress the contraband trade by just means, they resorted to means flagrantly unjust, when they imprisoned our innocent countrymen, when they insulted our Sovereign in the person of her representative, then it became our duty to demand satisfaction. Whether the opium trade be a pernicious trade is not the question. Take a parallel case: take the most execrable crime that ever was called a trade, the African slave trade. You will hardly say that a contraband trade in opium is more immoral than a contraband trade in negroes. We prohibited slave trading: we made it felony; we made it piracy; we invited foreign powers to join with us in putting it down; to some foreign powers we paid large sums in order to obtain their cooperation; we employed our naval force to intercept the kidnappers; and yet it is notorious that, in spite of all our exertions and sacrifices, great numbers of slaves were, even as late as ten or twelve years ago, introduced from Madagascar into our own island of Mauritius. Assuredly it was our right, it was our duty, to guard the coasts of that island strictly, to stop slave ships, to bring the buyers and sellers to punishment. But suppose, Sir, that a ship under French colours was seen skulking near the island, that the Governor was fully satisfied from her build, her rigging, and her movements, that she was a slaver, and was only waiting for the night to put on

shore the wretches who were in her hold. Suppose that, not having a sufficient naval force to seize this vessel, he were to arrest thirty or forty French merchants, most of whom had never been suspected of slavetrading, and were to lock them up. Suppose that he were to lay violent hands on the French consul. Suppose that the Governor were to threaten to starve his prisoners to death unless they produced the proprietor of the slaver. Would not the French Government in such a case have a right to demand reparation? And, if we refused reparation, would not the French Government have a right to exact reparation by arms? And would it be enough for us to say, "This is a wicked trade, an inhuman trade. Think of the misery of the poor creatures who are torn from their homes. Think of the horrors of the middle passage. Will you make war in order to force us to admit slaves into our colonies?" Surely the answer of the French would be, "We are not making war in order to force you to admit slaves into the Mauritius. By all means keep them out. By all means punish every man, French or English, whom you can convict of bringing them in. What we complain of is that you have confounded the innocent with the guilty, and that you have acted towards the representative of our government in a manner inconsistent with the law of nations. Do not, in your zeal for one great principle, trample on all the other great principles of morality." Just such are the grounds on which Her Majesty has demanded reparation from China. And was it not time? See, Sir, see how rapidly injury has followed injury. The Imperial Commissioner, emboldened by the facility with which he had perpetrated the first

outrage, and utterly ignorant of the relative position of his country and ours in the scale of power and civilisation, has risen in his requisitions. He began by confiscating property. His next demand was for innocent blood. A Chinese had been slain. Careful inquiry was made; but it was impossible to ascertain who was the slayer, or even to what nation the slayer belonged. No matter. It was notified to the Superintendent that some subject of the Queen, innocent or guilty, must be delivered up to suffer death. The Superintendent refused to comply. Then our countrymen at Canton were seized. Those who were at Macao were driven thence; not men alone, but women with child, babies at the breast. The fugitives begged in vain for a morsel of bread. Our Lascars, people of a different colour from ours, but still our fellow subjects, were flung into the sea. An English gentleman was barbarously mutilated. And was this to be borne? I am far from thinking that we ought, in our dealings with such a people as the Chinese, to be litigious on points of etiquette. The place of our country among the nations of the world is not so mean or so ill ascertained that we need resent mere impertinence, which is the effect of a very pitiable ignorance. Conscious of superior power, we can bear to hear our Sovereign described as a tributary of the Celestial Empire. Conscious of superior knowledge, we can bear to hear ourselves described as savages destitute of every useful art. When our ambassadors were required to perform a prostration, which in Europe would have been considered as degrading, we were rather amused than irritated. It would have been unworthy of us to have recourse to arms on account of an uncivil phrase, or of

a dispute about a ceremony. But this is not a question of phrases and ceremonies. The liberties and lives of Englishmen are at stake: and it is fit that all nations, civilised and uncivilised, should know that, wherever the Englishman may wander, he is followed by the eye and guarded by the power of England.

I was much touched, and so, I dare say, were many other gentlemen, by a passage in one of Captain Elliot's despatches. I mean that passage in which he describes his arrival at the factory in the moment of extreme danger. As soon as he landed he was surrounded by his countrymen, all in an agony of distress and despair. The first thing which he did was to order the British flag to be brought from his boat and planted in the balcony. The sight immediately revived the hearts of those who had a minute before given themselves up for lost. It was natural that they should look up with hope and confidence to that victorious flag. For it reminded them that they belonged to a country unaccustomed to defeat, to submission, or to shame; to a country which had exacted such reparation for the wrongs of her children as had made the ears of all who heard of it to tingle; to a country which had made the Dey of Algiers humble himself to the dust before her insulted Consul; to a country which had avenged the victims of the Black Hole on the Field of Plassey; to a country which had not degenerated since the great Protector vowed that he would make the name of Englishman as much respected as ever had been the name of Roman citizen. They knew that, surrounded as they were by enemies, and separated by great oceans and continents from all help, not a hair of their heads would be harmed with im-

punity. On this part of the subject I believe that both the great contending parties in this House are agreed. I did not detect in the speech of the right honorable Baronet, — and I listened to that speech with the closest attention, — one word indicating that he is less disposed than we to insist on full satisfaction for the great wrong which has been done. I cannot believe that the House will pass a vote of censure so grossly unjust as that which he has moved. But I rejoice to think that, whether we are censured or not, the national honor will still be safe. There may be a change of men; but, as respects China, there will be no change of measures. I have done; and have only to express my fervent hope that this most righteous quarrel may be prosecuted to a speedy and triumphant close; that the brave men to whom is intrusted the task of exacting reparation may perform their duty in such a manner as to spread, throughout regions in which the English name is hardly known, the fame not only of English skill and valour, but of English mercy and moderation; and that the overruling care of that gracious Providence which has so often brought good out of evil may make the war to which we have been forced the means of establishing a durable peace, beneficial alike to the victors and the vanquished.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 5TH OF FEBRUARY,
1841.

On the twenty-ninth of January, 1841, Mr. Serjeant Talfourd obtained leave to bring in a bill to amend the law of copyright. The object of this bill was to extend the term of copyright in a book to sixty years, reckoned from the death of the writer.

On the fifth of February Mr. Serjeant Talfourd moved that the bill should be read a second time. In reply to him the following Speech was made. The bill was rejected by 45 votes to 38.

THOUGH, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my honorable and learned friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of

letters, I think it my duty to avow that opinion and to defend it.

The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But, as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be, according to these gentlemen, legal robbery.

Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared, like my honorable and learned friend, to agree to a compromise between right and expediency, and to commit an injustice for the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion, into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own, with Paley in thinking that property is the creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that

point. For, even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is quite certain that we have abuses to reform much more serious than any connected with the question of copyright. For this natural law can be only one; and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike. In many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family; and it was only of the residue that he could dispose by will. Now he can dispose of the whole by will: but you limited his power, a few years ago, by enacting that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions; but there are local customs which modify that statute. Now which of all these systems is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino*? Are the two witnesses *jure divino*? Might not the *pars rationalis* of our old law have a fair claim to be regarded as of celestial institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament? Or is it to Custom of York, or to Custom of London,

that this preeminence belongs? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my honorable and learned friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any assailant. The only point in issue between us is, how long after an author's death the State shall recognise a copyright in his representatives and assigns; and it can, I think, hardly be disputed by any rational man that this is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good.

We may now, therefore, I think, descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence, is neither black nor white, but grey. The system of copyright has great advantages and great disadvantages; and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The

charge which I bring against my honorable and learned friend's bill is this, that it leaves the advantages nearly what they are at present, and increases the disadvantages at least four fold.

The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books: we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce compositions of great merit. But you must not look to such men for works which require deep meditation and long research. Works of that kind you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalise themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labour. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright.

There have been times in which men of letters looked, not to the public, but to the government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenas and Pollio at Rome, of the Medici at Florence, of Lewis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men than one under which they should be taught to look for their daily bread to the favour of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into public scandals and pests.

We have, then, only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My honorable and learned friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory, that day

and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my honorable and learned friend seems to think, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather why should we not restore the monopoly of the East India trade to the East India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my honorable friend to find out any distinction between copyright and other privileges of the same kind; any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is

good that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good.

Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease; but this I confidently say, that the existing law is very much nearer that point than the law proposed by my honorable and learned friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with the evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years gives to an author thrice as much pleasure and thrice as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very distant advantages, even when they are advantages which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not by whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive at all to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart

of the Australasian continent, will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australasian continent. We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year 2000 or 2100, somebody who claims through him will employ more shepherds than Prince Esterhazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my honorable and learned friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and pernicious reality. I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my honorable and learned friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be it is impossible to say; but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the grandson of a third bookseller, who had bought the copyright from Black Frank, the Doctor's servant and residuary legatee, in 1785 or 1786. Now, would the knowledge that this copyright would exist in 1841 have been a source of gratification to Johnson? Would it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal?

I firmly believe not. I firmly believe that a hundred years ago, when he was writing our debates for the Gentleman's Magazine, he would very much rather have had twopence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term and a sixty years' term of posthumous copyright would have been nothing or next to nothing. But is the difference nothing to us? I can buy Rasselas for sixpence; I might have had to give five shillings for it. I can buy the Dictionary, the entire genuine Dictionary, for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better; that I am to give five pounds for what to him was not worth a farthing.

The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of human pleasures; and never let us forget, that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax, if it can be shown that by so doing I should proportionally

increase the bounty. My complaint is, that my honorable and learned friend doubles, triples, quadruples the tax, and makes scarcely any perceptible addition to the bounty. Why, Sir, what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my honorable and learned friend's bill had been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly underrate it. Now, I again say that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds' worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings.

My honorable and learned friend dwells on the claims of the posterity of great writers. Undoubtedly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence on the fruits of his great ancestor's genius. A house maintained in splendour by such a patrimony would be a more interesting and striking object than Blenheim is to us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My honorable and learned friend does not propose that copyright shall descend to the eldest son, or shall be

bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if any thing, more for a term of sixty years than for a term of thirty or five and twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing has often undergone a change in a much shorter period than that to which my honorable and learned friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, "who now reads Cowley?" What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754. In 1814, no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Paternoster Row give now for the copyright of Hay-

ley's Triumphs of Temper, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and I say, that the price given for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years levy on the public.

If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select, — my honorable and learned friend will be surprised, — I should select the case of Milton's granddaughter. As often as this bill has been under discussion, the fate of Milton's granddaughter has been brought forward by the advocates of monopoly. My honorable and learned friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty of this ill-fated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit, that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my honorable and learned friend tell me that this event, which he has so often and so pathetically described, was caused by the shortness of the term of copyright? Why, at that time, the duration of copyright was

longer than even he, at present, proposes to make it. The monopoly lasted not sixty years, but for ever. At the time at which Milton's granddaughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of *Paradise Lost*, — I think it was Tonson, — applied to the Court of Chancery for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained the injunction. The representation of *Comus* was, if I remember rightly, in 1750; the injunction in 1752. Here, then, is a perfect illustration of the effect of long copyright. Milton's works are the property of a single publisher. Everybody who wants them must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost*, must forego that great enjoyment. And what, in the meantime, is the situation of the only person for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's granddaughter is starving. The reader is pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet.

But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps more to be apprehended when an author's copyright

remains in the hands of his family, than when it is transferred to booksellers. I seriously fear that, if such a measure as this should be adopted, many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my honorable and learned friend has devised are altogether nugatory. That the danger is not chimerical may easily be shown. Most of us, I am sure, have known persons who, very erroneously as I think, but from the best motives, would not choose to reprint Fielding's novels, or Gibbon's History of the Decline and Fall of the Roman Empire. Some gentlemen may perhaps be of opinion, that it would be as well if Tom Jones and Gibbon's History were never reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here; cases, too, in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels. Whatever I may, on the present occasion, think of my honorable and learned friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show more profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who

had taught the passions to move at the command of virtue. My dear and honored friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of the unchristian tendency of the fashionable novels of the eighteenth century, distinctly excepts Richardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of Richardson those principles of piety by which her life was guided. I may safely say that books celebrated as works of art through the whole civilised world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my honorable and learned friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; he was a most upright and excellent man; but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said, — this I state on the authority of one of his clerical brethren who is now a bishop, — he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law had been what my honorable and learned friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them a wide circulation. I firmly believe, that he would not for a hundred thou-

sand pounds have deliberately done what he thought sinful. He would not have reprinted them. And what protection does my honorable and learned friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the London Gazette: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my honorable and learned friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction that, under such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an Aldus or a Caxton.

I will give another instance. One of the most instructive, interesting, and delightful books in our language is *Boswell's Life of Johnson*. Now it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot in the escutcheon of the family. He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable that

at last he could not bear to hear the Life of Johnson mentioned. Suppose that the law had been what my honorable and learned friend wishes to make it. Suppose that the copyright of Boswell's Life of Johnson had belonged, as it well might, during sixty years, to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in the world would have been as scarce as the first edition of Camden's Britannia.

These are strong cases. I have shown you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books, books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind, books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot? I will take a single instance. It is only fifty years since John Wesley died; and all his works, if the law had been what my honorable and learned friend wishes to make it, would now have been the property of some person or other. The sect founded by Wesley is the most numerous, the wealthiest, the most powerful, the most zealous of sects. In every parliamentary election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their

founder in the greatest reverence; and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century, so strong, so flourishing, and so formidable. The hymns to which he gave his Imprimatur are a most important part of the public worship of his followers. Now, suppose that the copyright of these works should belong to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptized by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England, and there I saw John Wesley designated as a forsworn priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of Government. Let gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years, if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under

which it is possible, under which it is probable, that so intolerable a wrong may be done to some sect consisting perhaps of half a million of persons.

I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this, that if the measure before us should pass, and should produce one tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, so will this law be virtually repealed by piratical booksellers. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouths of deserving men. Every body is well pleased to see them restrained by the law, and compelled to refund their ill-gotten gains. No tradesmen of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men very different from the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit; and the whole nation will be in the plot. On which side indeed should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress, shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage of the great-grandson of a book-

seller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress? Remember too that, when once it ceases to be considered as wrong and discreditable to invade literary property, no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the Committee that my objections might be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my honorable and learned friend, could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

A SPEECH

DELIVERED IN

A COMMITTEE OF THE HOUSE OF COMMONS ON THE
6TH OF APRIL, 1842.

On the third of March, 1842, Lord Mahon obtained permission to bring in a bill to amend the Law of Copyright. This bill extended the term of Copyright in a book to twenty-five years, reckoned from the death of the author.

On the sixth of April the House went into Committee on the bill, and Mr. Greene took the Chair. Several divisions took place, of which the result was that the plan suggested in the following Speech was, with some modifications, adopted.

MR. GREENE,

I HAVE been amused and gratified by the remarks which my noble friend* has made on the arguments by which I prevailed on the last House of Commons to reject the bill introduced by a very able and accomplished man, Mr. Serjeant Talfourd. My noble friend has done me a high and rare honor. For this is, I believe, the first occasion on which a speech made in one Parliament has been answered in another. I should not find it difficult to vindicate the soundness of the reasons which I formerly urged, to set them in a clearer light, and to fortify them by additional facts. But it seems to me that we had better discuss the bill

* Lord Mahon.

which is now on our table than the bill which was there fourteen months ago. Glad I am to find that there is a very wide difference between the two bills, and that my noble friend, though he has tried to refute my arguments, has acted as if he had been convinced by them. I objected to the term of sixty years as far too long. My noble friend has cut that term down to twenty-five years. I warned the House that, under the provisions of Mr. Serjeant Talfourd's bill, valuable works might not improbably be suppressed by the representatives of authors. My noble friend has prepared a clause which, as he thinks, will guard against that danger. I will not therefore waste the time of the Committee by debating points which he has conceded, but will proceed at once to the proper business of this evening.

Sir, I have no objection to the principle of my noble friend's bill. Indeed, I had no objection to the principle of the bill of last year. I have long thought that the term of copyright ought to be extended. When Mr. Serjeant Talfourd moved for leave to bring in his bill, I did not oppose the motion. Indeed I meant to vote for the second reading, and to reserve what I had to say for the Committee. But the learned Serjeant left me no choice. He, in strong language, begged that nobody who was disposed to reduce the term of sixty years would divide with him. "Do not," he said, "give me your support if all that you mean to grant to men of letters is a miserable addition of fourteen or fifteen years to the present term. I do not wish for such support. I despise it." Not wishing to obtrude on the learned Serjeant a support which he despised, I had no course left but to take the sense of

the House on the second reading. The circumstances are now different. My noble friend's bill is not at present a good bill; but it may be improved into a very good bill; nor will he, I am persuaded, withdraw it if it should be so improved. He and I have the same object in view; but we differ as to the best mode of attaining that object. We are equally desirous to extend the protection now enjoyed by writers. In what way it may be extended with most benefit to them and with least inconvenience to the public, is the question.

The present state of the law is this. The author of a work has a certain copyright in that work for a term of twenty-eight years. If he should live more than twenty-eight years after the publication of the work, he retains the copyright to the end of his life.

My noble friend does not propose to make any addition to the term of twenty-eight years. But he proposes that the copyright shall last twenty-five years after the author's death. Thus my noble friend makes no addition to that term which is certain, but makes a very large addition to that term which is uncertain.

My plan is different. I would make no addition to the uncertain term; but I would make a large addition to the certain term. I propose to add fourteen years to the twenty-eight years which the law now allows to an author. His copyright will, in this way, last till his death, or till the expiration of forty-two years, whichever shall first happen. And I think that I shall be able to prove to the satisfaction of the Committee that my plan will be more beneficial to literature and to literary men than the plan of my noble friend.

It must surely, Sir, be admitted that the protection which we give to books ought to be distributed as evenly as possible, that every book should have a fair share of that protection, and no book more than a fair share. It would evidently be absurd to put tickets into a wheel, with different numbers marked upon them, and to make writers draw, one a term of twenty-eight years, another a term of fifty, another a term of ninety. And yet this sort of lottery is what my noble friend proposes to establish. I know that we cannot altogether exclude chance. You have two terms of copyright; one certain, the other uncertain; and we cannot, I admit, get rid of the uncertain term. It is proper, no doubt, that an author's copyright should last during his life. But, Sir, though we cannot altogether exclude chance, we can very much diminish the share which chance must have in distributing the recompense which we wish to give to genius and learning. By every addition which we make to the certain term we diminish the influence of chance; by every addition which we make to the uncertain term we increase the influence of chance. I shall make myself best understood by putting cases. Take two eminent female writers, who died within our own memory, Madame D'Arblay and Miss Austen. As the law now stands, Miss Austen's charming novels would have only from twenty-eight to thirty-three years of copyright. For that extraordinary woman died young: she died before her genius was fully appreciated by the world. Madame D'Arblay outlived the whole generation to which she belonged. The copyright of her celebrated novel, *Evelina*, lasted, under the present law, sixty-two years. Surely this inequality is

sufficiently great, sixty-two years of copyright for Evelina, only twenty-eight for Persuasion. But to my noble friend this inequality seems not great enough. He proposes to add twenty-five years to Madame D'Arblay's term, and not a single day to Miss Austen's term. He would give to Persuasion a copyright of only twenty-eight years, as at present, and to Evelina a copyright more than three times as long, a copyright of eighty-seven years. Now, is this reasonable? See, on the other hand, the operation of my plan. I make no addition at all to Madame D'Arblay's term of sixty-two years, which is, in my opinion, quite long enough; but I extend Miss Austen's term to forty-two years, which is, in my opinion, not too much. You see, Sir, that at present chance has too much sway in this matter; that at present the protection which the state gives to letters is very unequally given. You see that if my noble friend's plan be adopted, more will be left to chance than under the present system, and you will have such inequalities as are unknown under the present system. You see also that, under the system which I recommend, we shall have, not perfect certainty, not perfect equality, but much less uncertainty and inequality than at present.

But this is not all. My noble friend's plan is not merely to institute a lottery in which some writers will draw prizes and some will draw blanks. It is much worse than this. His lottery is so contrived that, in the vast majority of cases, the blanks will fall to the best books, and the prizes to books of inferior merit.

Take Shakspeare. My noble friend gives a longer protection than I should give to Love's Labour's Lost,

and Pericles, Prince of Tyre; but he gives a shorter protection than I should give to Othello and Macbeth.

Take Milton. Milton died in 1674. The copyrights of Milton's great works would, according to my noble friend's plan, expire in 1699. Comus appeared in 1634, the Paradise Lost in 1668. To Comus, then, my noble friend would give sixty-five years of copyright, and to the Paradise Lost only thirty-one years. Is that reasonable? Comus is a noble poem: but who would rank it with the Paradise Lost? My plan would give forty-two years both to the Paradise Lost and to Comus.

Let us pass on from Milton to Dryden. My noble friend would give more than sixty years of copyright to Dryden's worst works; to the encomiastic verses on Oliver Cromwell, to the Wild Gallant, to the Rival Ladies, to other wretched pieces as bad as anything written by Flecknoe or Settle: but for Theodore and Honoria, for Tancred and Sigismunda, for Cimon and Iphigenia, for Palamon and Arcite, for Alexander's Feast, my noble friend thinks a copyright of twenty-eight years sufficient. Of all Pope's works, that to which my noble friend would give the largest measure of protection is the volume of Pastorals, remarkable only as the production of a boy. Johnson's first work was a Translation of a Book of Travels in Abyssinia, published in 1735. It was so poorly executed that in his later years he did not like to hear it mentioned. Boswell once picked up a copy of it, and told his friend that he had done so. "Do not talk about it," said Johnson: "it is a thing to be forgotten." To this performance my noble friend would give protection

during the enormous term of seventy-five years. To the Lives of the Poets he would give protection during about thirty years. Well; take Henry Fielding; it matters not whom I take, but take Fielding. His early works are read only by the curious, and would not be read even by the curious, but for the fame which he acquired in the later part of his life by works of a very different kind. What is the value of the Temple Beau, of the Intriguing Chambermaid, of half a dozen other plays of which few gentlemen have even heard the names? Yet to these worthless pieces my noble friend would give a term of copyright longer by more than twenty years than that which he would give to Tom Jones and Amelia.

Go on to Burke. His little tract, entitled The Vindication of Natural Society, is certainly not without merit; but it would not be remembered in our days if it did not bear the name of Burke. To this tract my noble friend would give a copyright of near seventy years. But to the great work on the French Revolution, to the Appeal from the New to the Old Whigs, to the letters on the Regicide Peace, he would give a copyright of thirty years or little more.

And, Sir, observe that I am not selecting here and there extraordinary instances in order to make up the semblance of a case. I am taking the greatest names of our literature in chronological order. Go to other nations; go to remote ages; you will still find the general rule the same. There was no copyright at Athens or Rome; but the history of the Greek and Latin literature illustrates my argument quite as well as if copyright had existed in ancient times. Of all the plays of Sophocles, the one to which the plan of my

noble friend would have given the most scanty recompence would have been that wonderful masterpiece, the *Cedipus at Colonus*. Who would class together the Speech of Demosthenes against his Guardians, and the Speech for the Crown? My noble friend, indeed, would not class them together. For to the Speech against the Guardians he would give a copyright of near seventy years: and to the incomparable Speech for the Crown a copyright of less than half that length. Go to Rome. My noble friend would give more than twice as long a term to Cicero's juvenile declamation in defence of Roscius Amerinus as to the Second Philippic. Go to France: my noble friend would give a far longer term to Racine's *Frères Ennemis* than to *Athalie*, and to Molière's *Étourdi* than to *Tartuffe*. Go to Spain. My noble friend would give a longer term to forgotten works of Cervantes, works which nobody now reads, than to *Don Quixote*. Go to Germany. According to my noble friend's plan, of all the works of Schiller the *Robbers* would be the most favoured: of all the works of Goethe, the *Sorrows of Werter* would be the most favoured. I thank the Committee for listening so kindly to this long enumeration. Gentlemen will perceive, I am sure, that it is not from pedantry that I mention the names of so many books and authors. But just as, in our debates on civil affairs, we constantly draw illustrations from civil history, we must, in a debate about literary property, draw our illustrations from literary history. Now, Sir, I have, I think, shown from literary history that the effect of my noble friend's plan would be to give to crude and imperfect works, to third-rate and fourth-rate works, a great advantage over the highest pro-

ductions of genius. It is impossible to account for the facts which I have laid before you by attributing them to mere accident. Their number is too great, their character too uniform. We must seek for some other explanation; and we shall easily find one.

It is the law of our nature that the mind shall attain its full power by slow degrees; and this is especially true of the most vigorous minds. Young men, no doubt, have often produced works of great merit; but it would be impossible to name any writer of the first order whose juvenile performances were his best. That all the most valuable books of history, of philology, of physical and metaphysical science, of divinity, of political economy, have been produced by men of mature years will hardly be disputed. The case may not be quite so clear as respects works of the imagination. And yet I know no work of the imagination of the very highest class that was ever, in any age or country, produced by a man under thirty-five. Whatever powers a youth may have received from nature, it is impossible that his taste and judgment can be ripe, that his mind can be richly stored with images, that he can have observed the vicissitudes of life, that he can have studied the nicer shades of character. How, as Marmontel very sensibly said, is a person to paint portraits who has never seen faces? On the whole I believe that I may, without fear of contradiction, affirm this, that of the good books now extant in the world more than nineteen-twentieths were published after the writers had attained the age of forty. If this be so, it is evident that the plan of my noble friend is framed on a vicious principle. For, while he gives to juvenile productions a very much

larger protection than they now enjoy, he does comparatively little for the works of men in the full maturity of their powers, and absolutely nothing for any work which is published during the last three years of the life of the writer. For, by the existing law, the copyright of such a work lasts twenty-eight years from the publication; and my noble friend gives only twenty-five years to be reckoned from the writer's death.

What I recommend is that the certain term, reckoned from the date of publication, shall be forty-two years instead of twenty-eight years. In this arrangement there is no uncertainty, no inequality. The advantage which I propose to give will be the same to every book. No work will have so long a copyright as my noble friend gives to some books, or so short a copyright as he gives to others. No copyright will last ninety years. No copyright will end in twenty-eight years. To every book published in the course of the last seventeen years of a writer's life I give a longer term of copyright than my noble friend gives; and I am confident that no person versed in literary history will deny this, — that in general the most valuable works of an author are published in the course of the last seventeen years of his life. I will rapidly enumerate a few, and but a few, of the great works of English writers to which my plan is more favourable than my noble friend's plan. To Lear, to Macbeth, to Othello, to the Fairy Queen, to the Paradise Lost, to Bacon's *Novum Organum* and *De Augmentis*, to Locke's *Essay on the Human Understanding*, to Clarendon's *History*, to Hume's *History*, to Gibbon's *History*, to Smith's *Wealth of Nations*, to Addison's

Spectators, to almost all the great works of Burke, to Clarissa and Sir Charles Grandison, to Joseph Andrews, Tom Jones and Amelia, and, with the single exception of Waverley, to all the novels of Sir Walter Scott, I give a longer term of copyright than my noble friend gives. Can he match that list? Does not that list contain what England has produced greatest in many various ways, poetry, philosophy, history, eloquence, wit, skilful portraiture of life and manners? I confidently therefore call on the Committee to take my plan in preference to the plan of my noble friend. I have shown that the protection which he proposes to give to letters is unequal, and unequal in the worst way. I have shown that his plan is to give protection to books in inverse proportion to their merit. I shall move when we come to the third clause of the bill to omit the words "twenty-five years," and in a subsequent part of the same clause I shall move to substitute for the words "twenty-eight years" the words "forty-two years." I earnestly hope that the Committee will adopt these amendments; and I feel the firmest conviction that my noble friend's bill, so amended, will confer a great boon on men of letters with the smallest possible inconvenience to the public.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 3RD OF MAY, 1842.

On the second of May, 1842, Mr. Thomas Duncombe, Member for Finsbury, presented a petition, very numerously signed, of which the prayer was as follows:

“Your petitioners, therefore, exercising their just constitutional right, demand that your Honorable House, to remedy the many gross and manifest evils of which your petitioners complain, do immediately, without alteration, deduction, or addition, pass into a law the document entitled the People's Charter.”

On the following day Mr. Thomas Duncombe moved that the petitioners should be heard by themselves or their Counsel at the Bar of the House. The following Speech was made in opposition to the motion.

The motion was rejected by 287 votes to 49.

MR. SPEAKER,

I WAS particularly desirous to catch your eye this evening, because, when the motion of the honorable Member for Rochdale* was under discussion, I was unable to be in my place. I understand that, on that occasion, the absence of some members of the late Government was noticed in severe terms, and was attributed to discreditable motives. As for myself, Sir, I was prevented from coming down to the House by illness: a noble friend of mine, to whom particular allusion was made, was detained elsewhere by pure accident; and I am convinced that no member of the late administration was withheld by any unworthy

* Mr. Sharman Crawford.

feeling from avowing his opinions. My own opinions I could have no motive for disguising. They have been frequently avowed, and avowed before audiences which were not likely to regard them with much favour.

I should wish, Sir, to say what I have to say in the temperate tone which has with so much propriety been preserved by the right honorable Baronet the Secretary for the Home Department*; but, if I should use any warm expression, I trust that the House will attribute it to the strength of my convictions and to my solicitude for the public interests. No person who knows me will, I am quite sure, suspect me of regarding the hundreds of thousands who have signed the petition which we are now considering, with any other feeling than cordial good will.

Sir, I cannot conscientiously assent to this motion. And yet I must admit that the honorable Member for Finsbury** has framed it with considerable skill. He has done his best to obtain the support of all those timid and interested politicians who think much more about the security of their seats than about the security of their country. It would be very convenient to me to give a silent vote with him. I should then have it in my power to say to the Chartists of Edinburgh, "When your petition was before the House I was on your side; I was for giving you a full hearing." I should at the same time be able to assure my conservative constituents that I never had supported and never would support the Charter. But, Sir, though this course would be very convenient, it is one which my sense of duty will

* Sir James Graham.

** Mr. Thomas Duncombe.

not suffer me to take. When questions of private right are before us, we hear, and we ought to hear, the arguments of the parties interested in those questions. But it has never been, and surely it ought not to be, our practice to grant a hearing to persons who petition for or against a law in which they have no other interest than that which is common between them and the whole nation. Of the many who petitioned against slavery, against the Roman Catholic claims, against the corn laws, none was suffered to harangue us at the bar in support of his views. If in the present case we depart from a general rule which every body must admit to be a very wholesome one, what inference can reasonably be drawn from our conduct, except this, that we think the petition which we are now considering entitled to extraordinary respect, and that we have not fully made up our minds to refuse what the petitioners ask. Now, Sir, I have fully made up my mind to resist to the last the change which they urge us to make in the constitution of the kingdom. I therefore think that I should act disingenuously if I gave my voice for calling in orators whose eloquence, I am certain, will make no alteration in my opinion. I think too that if, after voting for hearing the petitioners, I should then vote against granting their prayer, I should give them just ground for accusing me of having first encouraged and then deserted them. That accusation, at least, they shall never bring against me.

The honorable Member for Westminster* has expressed a hope that the language of the petition will not be subjected to severe criticism. If he means

* Mr. Leader.

literary criticism, I entirely agree with him. The style of this composition is safe from any censure of mine; but the substance it is absolutely necessary that we should closely examine. What the petitioners demand is this, that we do forthwith pass what is called the People's Charter into a law without alteration, diminution, or addition. This is this prayer in support of which the honorable Member for Finsbury would have us hear an argument at the bar. Is it then reasonable to say, as some gentlemen have said, that, in voting for the honorable Member's motion, they mean to vote merely for an inquiry into the causes of the public distress? If any gentleman thinks that an inquiry into the causes of the public distress would be useful, let him move for such an inquiry. I will not oppose it. But this petition does not tell us to inquire. It tells us that we are not to inquire. It directs us to pass a certain law word for word, and to pass it without the smallest delay.

I shall, Sir, notwithstanding the request or command of the petitioners, venture to exercise my right of free speech on the subject of the People's Charter. There is, among the six points of the Charter, one for which I have voted. There is another of which I decidedly approve. There are others as to which, though I do not agree with the petitioners, I could go some way to meet them. In fact, there is only one of the six points on which I am diametrically opposed to them: but unfortunately that point happens to be infinitely the most important of the six.

One of the six points is the ballot. I have voted for the ballot; and I have seen no reason to change my opinion on that subject.

Another point is the abolition of the pecuniary qualification for members of this House. On that point I cordially agree with the petitioners. You have established a sufficient pecuniary qualification for the elector; and it therefore seems to me quite superfluous to require a pecuniary qualification from the representative. Everybody knows that many English members have only fictitious qualifications, and that the members for Scotch cities and boroughs are not required to have any qualification at all. It is surely absurd to admit the representatives of Edinburgh and Glasgow without any qualification, and at the same time to require the representative of Finsbury or Marylebone to possess a qualification or the semblance of one. If the qualification really be a security for respectability, let that security be demanded from us who sit here for Scotch towns. If, as I believe, the qualification is no security at all, why should we require it from anybody. It is no part of the old constitution of the realm. It was first established in the reign of Anne. It was established by a bad parliament for a bad purpose. It was, in fact, part of a course of legislation which, if it had not been happily interrupted, would have ended in the repeal of the Toleration Act and of the Act of Settlement.

The Chartists demand annual parliaments. There, certainly, I differ from them: but I might, perhaps, be willing to consent to some compromise. I differ from them also as to the expediency of paying the representatives of the people, and of dividing the country into electoral districts. But I do not consider these matters as vital. The kingdom might,

I acknowledge, be free, great, and happy, though the members of this House received salaries, and though the present boundaries of counties and boroughs were superseded by new lines of demarcation. These, Sir, are subordinate questions. I do not, of course, mean that they are not important. But they are subordinate when compared with that question which still remains to be considered. The essence of the Charter is universal suffrage. If you withhold that, it matters not very much what else you grant. If you grant that, it matters not at all what else you withhold. If you grant that, the country is lost.

I have no blind attachment to ancient usages. I altogether disclaim what has been nicknamed the doctrine of finality. I have said enough to-night to show that I do not consider the settlement made by the Reform Bill as one which can last for ever. I certainly do think that an extensive change in the polity of a nation must be attended with serious evils. Still those evils may be overbalanced by advantages: and I am perfectly ready, in every case, to weigh the evils against the advantages, and to judge as well as I can which scale preponderates. I am bound by no tie to oppose any reform which I think likely to promote the public good. I will go so far as to say that I do not quite agree with those who think that they have proved the People's Charter to be absurd when they have proved that it is incompatible with the existence of the throne and of the peerage. For, though I am a faithful and loyal subject of Her Majesty, and though I sincerely wish to see the House of Lords powerful and respected, I cannot consider either monarchy or aristocracy as the ends of Govern-

ment. They are only means. Nations have flourished without hereditary sovereigns or assemblies of nobles; and, though I should be very sorry to see England a republic, I do not doubt that she might, as a republic, enjoy prosperity, tranquillity, and high consideration. The dread and aversion with which I regard universal suffrage would be greatly diminished, if I could believe that the worst effect which it would produce would be to give us an elective first magistrate and a senate instead of a Queen and a House of Peers. My firm conviction is that, in our country, universal suffrage is incompatible, not with this or that form of government, but with all forms of government, and with everything for the sake of which forms of government exist; that it is incompatible with property, and that it is consequently incompatible with civilisation.

It is not necessary for me in this place to go through the arguments which prove beyond dispute that on the security of property civilisation depends; that, where property is insecure, no climate however delicious, no soil however fertile, no conveniences for trade and navigation, no natural endowments of body or of mind, can prevent a nation from sinking into barbarism; that where, on the other hand, men are protected in the enjoyment of what has been created by their industry and laid up by their self-denial, society will advance in arts and in wealth notwithstanding the sterility of the earth and the inclemency of the air, notwithstanding heavy taxes and destructive wars. Those persons who say that England has been greatly misgoverned, that her legislation is defective, that her wealth has been squandered in unjust and impolitic

contests with America and with France, do in fact bear the strongest testimony to the truth of my doctrine. For that our country has made and is making great progress in all that contributes to the material comfort of man is indisputable. If that progress cannot be ascribed to the wisdom of the Government, to what can we ascribe it, but to the diligence, the energy, the thrift of individuals? And to what can we ascribe that diligence, that energy, that thrift, except to the security which property has during many generations enjoyed here? Such is the power of this great principle that, even in the last war, the most costly war beyond all comparison, that ever was waged in this world, the Government could not lavish wealth so fast as the productive classes created it.

If it be admitted that on the institution of property the wellbeing of society depends, it follows surely that it would be madness to give supreme power in the state to a class which would not be likely to respect that institution. And, if this be conceded, it seems to me to follow that it would be madness to grant the prayer of this petition. I entertain no hope that, if we place the government of the kingdom in the hands of the majority of the males of one and twenty told by the head, the institution of property will be respected. If I am asked why I entertain no such hope, I answer, because the hundreds of thousands of males of twenty-one who have signed this petition tell me to entertain no such hope; because they tell me that, if I trust them with power, the first use which they will make of it will be to plunder every man in the kingdom who has a good coat on his back and a good roof over his head. God forbid that I should put an

unfair construction on their language! I will read their own words. This petition, be it remembered, is an authoritative declaration of the wishes of those who, if the Charter ever becomes law, will return the great majority of the House of Commons; and these are their words: "Your petitioners complain, that they are enormously taxed to pay the interest of what is called the national debt, a debt amounting at present to eight hundred millions, being only a portion of the enormous amount expended in cruel and expensive wars for the suppression of all liberty by men not authorised by the people, and who consequently had no right to tax posterity for the outrages committed by them upon mankind." If these words mean anything, they mean that the present generation is not bound to pay the public debt incurred by our rulers in past times, and that a national bankruptcy would be both just and politic. For my part, I believe it to be impossible to make any distinction between the right of a fundholder to his dividends and the right of a landowner to his rents. And, to do the petitioners justice, I must say that they seem to be much of the same mind. They are for dealing with fundholder and landowner alike. They tell us that nothing will "unshackle labour from its misery, until the people possess that power under which all monopoly and oppression must cease; and your petitioners respectfully mention the existing monopolies of the suffrage, of paper money, of machinery, of land, of the public press, of religion, of the means of travelling and transit, and a host of other evils too numerous to mention, all arising from class legislation." Absurd as this hubbub of words is, part of it is intelligible

enough. What can the monopoly of land mean, except property in land? The only monopoly of land which exists in England is this, that nobody can sell an acre of land which does not belong to him. And what can the monopoly of machinery mean but property in machinery? Another monopoly which is to cease is the monopoly of the means of travelling. In other words, all the canal property and railway property in the kingdom is to be confiscated. What other sense do the words bear? And these are only specimens of the reforms which, in the language of the petition, are to unshackle labour from its misery. There remains, it seems, a host of similar monopolies too numerous to mention; the monopoly, I presume, which a draper has of his own stock of cloth; the monopoly which a hatter has of his own stock of hats; the monopoly which we all have of our furniture, bedding, and clothes. In short, the petitioners ask you to give them power in order that they may not leave a man of a hundred a year in the realm.

I am far from wishing to throw any blame on the ignorant crowds which have flocked to the tables where this petition was exhibited. Nothing is more natural than that the labouring people should be deceived by the arts of such men as the author of this absurd and wicked composition. We ourselves, with all our advantages of education, are often very credulous, very impatient, very short-sighted, when we are tried by pecuniary distress or bodily pain. We often resort to means of immediate relief which, as Reason tells us, if we would listen to her, are certain to aggravate our sufferings. Men of great abilities and knowledge have ruined their estates and their constitutions in this way.

How then can we wonder that men less instructed than ourselves, and tried by privations such as we have never known, should be easily misled by mountebanks who promise impossibilities? Imagine a well-meaning laborious mechanic fondly attached to his wife and children. Bad times come. He sees the wife whom he loves grow thinner and paler every day. His little ones cry for bread; and he has none to give them. Then come the professional agitators, the tempters, and tell him that there is enough and more than enough for everybody, and that he has too little only because landed gentlemen, fundholders, bankers, manufacturers, railway proprietors, shopkeepers, have too much. Is it strange that the poor man should be deluded, and should eagerly sign such a petition as this? The inequality with which wealth is distributed forces itself on everybody's notice. It is at once perceived by the eye. The reasons which irrefragably prove this inequality to be necessary to the wellbeing of all classes are not equally obvious. Our honest working man has not received such an education as enables him to understand that the utmost distress that he has ever known is prosperity, when compared with the distress which he would have to endure if there were a single month of general anarchy and plunder. But you say, It is not the fault of the labourer that he is not well educated. Most true. It is not his fault. But, though he has no share in the fault, he will, if you are foolish enough to give him supreme power in the state, have a very large share of the punishment. You say that, if the Government had not culpably omitted to establish a good system of public instruction, the petitioners would have been fit for the elective franchise. But is that a reason for

giving them the franchise when their own petition proves that they are not fit for it, when they give us fair notice that, if we let them have it, they will use it to our ruin and their own? It is not necessary now to inquire whether, with universal education, we could safely have universal suffrage. What we are asked to do is to give universal suffrage before there is universal education. Have I any unkind feeling towards these poor people? No more than I have to a sick friend who implores me to give him a glass of iced water which the physician has forbidden. No more than a humane collector in India has to those poor peasants who in a season of scarcity crowd round the granaries and beg with tears and piteous gestures that the doors may be opened and the rice distributed. I would not give the draught of water, because I know that it would be poison. I would not give up the keys of the granary, because I know that, by doing so, I should turn a scarcity into a famine. And in the same way I would not yield to the importunity of multitudes who, exasperated by suffering and blinded by ignorance, demand with wild vehemence the liberty to destroy themselves.

But it is said, You must not attach so much importance to this petition. It is very foolish, no doubt, and disgraceful to the author, be he who he may. But you must not suppose that those who signed it approve of it. They have merely put their names or their marks without weighing the sense of the document which they subscribed. Surely, Sir, of all reasons that ever were given for receiving a petition with peculiar honours, the strangest is that it expresses sentiments diametrically opposed to the real sentiments of those who have signed it. And it is a not less strange reason for giving men supreme power in a

state that they sign political manifestoes of the highest importance without taking the trouble to know what the contents are. But how is it possible for us to believe that, if the petitioners had the power which they demand, they would not use it as they threaten? During a long course of years, numerous speakers and writers, some of them ignorant, others dishonest, have been constantly representing the Government as able to do, and bound to do, things which no Government can, without great injury to the country, attempt to do. Every man of sense knows that the people support the Government. But the doctrine of the Chartist philosophers is that it is the business of the Government to support the people. It is supposed by many that our rulers possess, somewhere or other, an inexhaustible storehouse of all the necessaries and conveniences of life, and, from mere hardheartedness, refuse to distribute the contents of this magazine among the poor. We have all of us read speeches and tracts in which it seemed to be taken for granted that we who sit here have the power of working miracles, of sending a shower of manna on the West Riding, of striking the earth and furnishing all the towns of Lancashire with abundance of pure water, of feeding all the cotton-spinners and weavers who are out of work with five loaves and two fishes. There is not a working man who has not heard harangues and read newspapers in which these follies are taught. And do you believe that as soon as you give the working men absolute and irresistible power they will forget all this? Yes, Sir, absolute and irresistible power. The Charter would give them no less. In every constituent body throughout the empire the working men will, if we grant the prayer of this petition, be an irresistible majority. In

every constituent body capital will be placed at the feet of labour; knowledge will be borne down by ignorance; and is it possible to doubt what the result must be? The honorable Member for Bath and the honorable Member for Rochdale are now considered as very democratic members of Parliament. They would occupy a very different position in a House of Commons elected by universal suffrage, if they succeeded in obtaining seats. They would, I believe, honestly oppose every attempt to rob the public creditor. They would manfully say "Justice and the public good require that this sum of thirty millions a year should be paid;" and they would immediately be reviled as aristocrats, monopolists, oppressors of the poor, defenders of old abuses. And as to land, is it possible to believe that the millions who have been so long and loudly told that the land is their estate, and is wrongfully kept from them, should not, when they have supreme power, use that power to enforce what they think their rights? What could follow but one vast spoliation? One vast spoliation! That would be bad enough. That would be the greatest calamity that ever fell on our country. Yet would that a single vast spoliation were the worst! No, Sir; in the lowest deep there would be a lower deep. The first spoliation would not be the last. How could it? All the causes which had produced the first spoliation would still operate. They would operate more powerfully than before. The distress would be far greater than before. The fences which now protect property would all have been broken through, levelled, swept away. The new proprietors would have no title to show to anything that they held except recent robbery. With what face then could they complain of being robbed? What

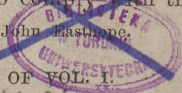
would be the end of these things? Our experience, God be praised, does not enable us to predict it with certainty. We can only guess. My guess is that we should see something more horrible than can be imagined, something like the siege of Jerusalem on a far larger scale. There would be many millions of human beings, crowded in a narrow space, deprived of all those resources which alone had made it possible for them to exist in so narrow a space; trade gone; manufactures gone; credit gone. What could they do but fight for the mere sustenance of nature, and tear each other to pieces, till famine, and pestilence following in the train of famine, came to turn the terrible commotion into a more terrible repose? The best event, the very best event, that I can anticipate, — and what must the state of things be, if an Englishman and a Whig calls such an event the very best? — the very best event, I say, that I can anticipate is that out of the confusion a strong military despotism may arise, and that the sword, firmly grasped by some rough hand, may give a sort of protection to the miserable wreck of all that immense prosperity and glory. But, as to the noble institutions under which our country has made such progress in liberty, in wealth, in knowledge, in arts, do not deceive yourselves into the belief that we should ever see them again. We should never see them again. We should not deserve to see them. All those nations which envy our greatness would insult our downfall, a downfall which would be all our own work; and the history of our calamities would be told thus: England had institutions which, though imperfect, yet contained within themselves the means of remedying every imperfection; those institutions her legislators wantonly and madly

threw away; nor could they urge in their excuse even the wretched plea that they were deceived by false promises: for, in the very petition with the prayer of which they were weak enough to comply, they were told, in the plainest terms, that public ruin would be the effect of their compliance.

Thinking thus, Sir, I will oppose, with every faculty which God has given me, every motion which directly or indirectly tends to the granting of universal suffrage. This motion, I think, tends that way. If any gentleman here is prepared to vote for universal suffrage with a full view of all the consequences of universal suffrage as they are set forth in this petition, he acts with perfect consistency in voting for this motion. But, I must say, I heard with some surprise the honorable Baronet the Member for Leicester* say that, though he utterly disapproves of the petition, though he thinks of it just as I do, he wishes the petitioners to be heard at the bar in explanation of their opinions. I conceive that their opinions are quite sufficiently explained already; and to such opinions I am not disposed to pay any extraordinary mark of respect. I shall give a clear and conscientious vote against the motion of the honorable Member for Finsbury; and I conceive that the petitioners will have much less reason to complain of my open hostility, than of the conduct of the honorable Member, who tries to propitiate them by consenting to hear their oratory, but has fully made up his mind not to comply with their demands.

* Sir John Easthope.

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