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LETTERS

ADDRESSED TO

LORD LIVERPOOL,

AND

THE PARLIAMENT,

ON THE

PRELIMINARIES OF PEACE.

BY

LVUS.

LONDON:
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1814.
THE epistolary style is chosen, to avoid the necessity of following a continued train of argument. Few people can be brought to close reasoning by any device; and attention is excited more easily than kept up. If I am tedious, it is not because I am prolix, but because the natural ardour of my reader carries him before me. May I be tedious to a thousand such! There are events enough in life, without these that are passing, on which we may be cold and indifferent, formal and systematic.
LETTERS

ADRESSED TO

LORD L'IVERPOOL,

AND

THE PARLIAMENT.

Clementior certe est pastor qui lupum necat quam qui servat: rex, qui sotem carnisici tradit quam qui eripit. Si necas, unius nece innocentis multos morti eripis: sin parcis, quia et istum sua impunitate et alios pars impunitatis spe, ad quodvis scelus patraudum audaciares facis, innocuos postea innumeris illorum manibus interficiis. Nempe quosdam necare clementia est; quosdam servare, crudelitas.

Vindicium contra Tyrannos, Questio III.

LETTER I.

I KNOW not whether your Lordship will read these letters; but I have the confidence to assert that, if you do, you may gain as much in wisdom as you expend in time. Precious and irretrievable as time is, it is better that it should be deducted, or lost, from any occupation, how-
ever active, however momentous, than that systems should be hastily adopted, or treaties signed, which may entail wars, calamities, and disgraces, both on our children and our remotest posterity.

I am conscious, that the weight and value of opinions depend less on what is delivered than on where; that many things have appeared in pamphlets, and have been forgotten in a week, which, had they been uttered by a successful minister, or a clamorous leader of opposition, would have been quoted as most profound and eloquent. I wish to be estimated by no other standard than the truth of my observations, and shall be contented if it is acknowledged by honest and wise men, that I express English sentiments in English language. Nothing seems more easy, yet nothing is more rare. I never wrote a pamphlet: I belong to no party, no faction, no club, no coterie: I possess no seat in Parliament by brevet or by purchase. I can afford to live without it: but I cannot afford that
vast accumulation of taxes which will arise from another war, if, after our experience, we conclude another probationary peace, and enter on a new course of experiments, with all our instruments unscrewed, and all our phials evaporated.

If your Lordship should not have the leisure or the inclination to peruse these letters, it may perhaps be sufficient to fulfil my hopes, if you will ask yourself the following short questions. I think you will answer them as I have done; that we shall differ only in the process of their operation on our minds, and not at all in the result.

1. Cannot we, at the present time, reduce the power of France within such limits, as may secure us from future wars against that country, and as may secure both that country and ours from perpetual privations and animosities?

2. Unless we do it now, is there the slightest probability that so favorable an opportunity will recur at any future period.
3. Is not the death, or perpetual imprisonment, of Bonaparte requisite for this end? Is it not desirable both to France and England? Has he any claim or any hold on the affections of the French or of the English?

4. If France was powerful enough, at the accession of Louis XIV. to conquer, in different campaigns, so many provinces; as at last, with their united strength, enabled her to menace the existence of every State in Europe, to influence every Government, and indeed, unless the elements had conspired against her, to subvert everyone; is it not requisite, for the independence and safety of all nations, that the extent of France shall not exceed, at farthest, her limits at his accession?

5. If an effeminate Prince, with a chamberlain for a minister, could alarm and disquiet all Europe, and could seize several of her richest provinces, with hardly two-thirds of what, according to the propositions of some statesmen, is in
future to be considered as France, will not Bona-
parte,

"Inured to blood, and nursed in scenes of woe,"
a defeated, it is true, but more often a fortunate,
General, be equally able to extend his territory,
and to renew the calamities he has brought so re-
peatedly on Europe?

6. Has he not reduced to misery and desola-
tion the greater part of the Continent? Has he
not destroyed more than one million of her inha-
itants? Has he not declared that the conquest
of Holland is necessary to his possession of Bel-
gium? Has he not also had the impudence to
threaten that, if he could not possess, and keep
possession of, England, he would, however,
make it intolerable to live in.

7. If we forget him the death of so many, and
of our bravest men; the ruin of so many, and
of our most industrious; if we make him a
free present of all our contributions for the last
twenty years, and of all the effects we can mort-
gage for the next century; if we permit him to
hold a festival of blood at our expence, whenever it pleases him to proclaim it, is it not enough? Must we add to our liberty from the ruin and extinction of our neighbours? Have we any right to be parties in the surrender of the Netherlands? Is it because they have always been distinguished for their Bravery, their Freedom, and their Religion, that we should deliver them up, bound hand and foot, to a Deserter, an Usurer, and an Atheist?

Was not France as happy in 1783 as in 1616? Was she not as happy with a family of twenty-four millions as with an establishment of forty? If she was not, whether is the pride of France or the security of England the proper object for our present consideration?

9. Can we, with wisdom, or with safety, leave a more numerous population on a more extended territory to France, than is possessed by any of the adjacent states?

My Lord, I conceive these nine main questions,
and those which spring immediately from under them, to admit no other than one and the same answer from all mankind. I sent the letters, which follow this, in which they are discussed more at large, to the Editor of the Courier, on the twentieth of October. The succession of great events, or perhaps a diversity of opinion in the Editor and his party, have prevented their publication. All the arguments occurred to me long before; but, whether to me or to others first, I cannot tell: I wish it had been to your Lordship. They have passed into the hands of some few politicians, and some few literary men, without any anxiety of mine for the praise of eloquence, of energy, or even of originality. On the contrary; I could wish nothing I have written to be considered as more than a simple, or less than a momentous truth; and I would rather that all the nation thought as I do, before me, and expressed its sentiments with much more vigour and animation.

Some, who have read these letters, declare that they certainly were written by an Ishman.
others fix the stigma on an inhabitant of Wales. Your Lordship will attend to neither of these judges, and will regard not the Author, but the arguments. These, I presume, bear no characteristic of the nations to which they are attributed.

A worthy man has wounded my pride a little, by ascribing my arguments to a combination of those gentlemen, whom the good nature, the discernment, and the perseverance of Lady Holland, has at last instructed to make a distinction, in the right place, between will and shall; and who, under her tuition, have also made no inconsiderable progress in the management of a silver fork. I am informed by a servant of mine, a correspondent with one in that family, that they have not broken a plate nor overturned a tureen these last three months; and that he does not mention this from any desire to boast of his kinsmen, but to show that a good table is sure to produce good manners, and even where you would least expect them.

I say nothing of their principles, I know
not what they are; but their voice is at once so feeble and so elevated, their language so sordid, and yet so ostentatious, that they remind me of whatever is most incongruous to any of the senses: of bulky animals with birds' heads, (the only remains of antiquity to which indeed they bear any resemblance) and of attar of roses from some cheap shop, refreshed and renovated by the fumes of sulphur. They are purgent; but it is the purgence that arises from the very last stage of putridity.

These are your enemies: I am not. These would be your followers: I would not. I was first to abjure the party of the whigs, and shall be the last to abjure the principles. When the leaders had broken all their promises to the nation, had shewn their utter incapacity to manage its affairs, and their inclination to crouch before the enemy, I permitted my heart, after some struggles, to subside, and repose in the cool of this reflection. Let them escape: it is only the French nation that ever dragged such treachery to the scaffold.
LETTER II.

Writers have often made a distinction, in the very midst of party zeal, between the events of the day, and those which, in their opinion, were more likely to interest future generations. Our age, which has abolished so many distinctions of less moment, has at last abolished this; and the events of the day, and the advantages which our statesmen may derive from them, will perhaps be of more importance to posterity, than any that have occurred in this country since the establishment of Christianity.

To speculate on the future, is common to the minds of all; some confine their speculations to their own advantages, some to the prosperity or glory of their country, and others extend them to the remotest interests of mankind. Of the first it is expedient to say nothing: the latter two parties are to be commended, according to the means they adopt for the propagation of
their tenets. But some events are so stupendous, that the wise and simple, the active and indolent, men of pleasure and religious men, make the same inquiry, and almost with the same solicitude, "What will be the result?" Something we must have to direct us, and something to rest upon in the progress of our pursuits. Fond as every man is of indulging in conjectures, and particularly in those which he himself has raised up from the foundation, I think it safer to be guided in my opinion of what is likely to occur, by the indications of those who touch the very springs, and who regulate, as far as human power can do so, the machinery of politics. On this principle I shall examine the declaration of Lord Castlereagh; freely, as becomes an Englishman; decorously, as becomes a gentleman; and, to the best of my judgment, narrowly and intimately, as becomes a politician and a scholar. I presume then to form no opinion of my own, on the plans and intentions of our government: Without no hippocriff, and contend with no chimera.

In the speech of Lord Castlereagh, on the
augmentation of the army from the militia; the principal expression is liable to serious misunderstanding, and not at all the less so for being several times repeated. I shall transcribe it as it first appears, from the London Packet of the twelfth of November; a paper, in my opinion, written with more purity, and conducted with more impartiality than any other.

"It had followed that, because our exertions were limited, progressive, and according to the natural powers of man, that we have gone on progressively, to successes and victories. He was satisfied that in so doing we had done well, and that the resources of the country had grown instead of being diminished; because the energies of the country had not been sacrificed by any unnatural extension of our power whatever."

Progression was never the result of limitation; but it is true enough that we have gone on progressively, because our exertions were progressive. It should rather have attributed this con-
fused and turbid sentence to a certain countryman of his, who so constantly announces in the public prints that he is coming again into office, had I not read it in a paper where the debates are given correctly, and where his Lordship’s party and principles are never misrepresented. It is not, however, my intention to pry for petty faults in the language of an eloquent and able man; but I must remark that, where a man’s aims or reasonings are clear and definite, his language is rarely otherwise... The natural powers of man form a distant link of connexion with the subject. The first and simple meaning of the words, is the physical power of the creature man; the next is—by dropping a little our attention from the word natural—the general powers which he possesses, both by the principles of his growth, and by the moral energies which he has acquired, from his situation and his exertions in society.

Instead of “the natural powers of man,” his Lordship evidently means the military power of the nation.
Politicians can seldom talk like philosophers with any safety, or act like them with any success. There is a certain species, or rather a certain stage, of refinement, that rejects plain language: but the perfection of true refinement is to appreciate it justly. Upon this foundation, and upon this only, rests sovereign and consummate eloquence. The thunderbolts of Demosthenes and Pascal, men without any third in vigour and purity of expression, were not forged in the caverns of Etna, nor anvilled out by giants. Common minds, and among these are some very learned, wonder what there is about these writers, to strike so forcibly. The secret is this: they throw aside everything that obstructs their force, and look steadily before they strike.

I wish to see a little more precision both in the style and in the counsels of our Parliament. There is a wide difference between the extension of powers and the exertion of them. An idler may extend his arms when he yawns, wider than a pugilist when he fights. It appears to me that our
power, if not too much extended, has been often extended in a wrong direction, and that it has not been exerted so constantly and regularly, as was requisite for its health and vigour. In estimating our successes, I must confess I attribute more to the climate of Russia, than to the counsels of all the cabinets in Europe. For twenty years, every one was equally swayed by blind passions and lame counsels. In all governments, and at all times, the passions both mislead and debilitate; but energy is true wisdom. It never varies in its essence; it varies in its application incessantly. It has, however, one great channel, and runs into no other, until this be full. Our enemy is France. What portion of France? Her army. What raises this army; what supports it; what puts it in motion; what gives it its direction? Bonaparte. Against him, then, should all our efforts be made incessantly; even if he had committed no cruelties against our countrymen: if he had imprisoned, if he had assassinated, none of them; if Captain Wright were still living, the glory of his glorious profession; if he be
never been extended on the rack; if he had never called on his beloved country to think, amidst her victories, on his captivity, and to avenge his unmerited and cruel death. We fight against Bonaparte, and have been fighting against him, until more than one generation of warriors has passed away. Yes, we are permitted to fight, but we must not attempt to dethrone him. He calls himself sacred; we hold him so. We must not even interfere in his government, because it might irritate the French! Is this the language of the eloquent and ardent Burke? Are these the maxims of him, who is fantasticaly called "the great statesman now no more," "the heaven-born minister?" Prove that you believe in the divinity of his descent, by believing in the inspiration, or at least in the wisdom of his counsels. He could not do what the elements have done. He contended with the torrent of lava; you trample on the scattered cinders. The population of France is exhausted. This is the great arithmetic of politicians.
thousand extinct, three hundred and fifty thousand prisoners, in the space of twelve months. Neither exchequer nor conscription can repair these losses. The wilderesses of a vast nation wail aloud with them: her neighbours fly from her, as under the ban of God. Yet we are to treat with delicacy, and approach with caution, a most insolent and ferocious band of robbers. If we really feel, or ought to feel, any respect for the French character, a character which the manly English held ever in sovereign contempt, long before its rottenness lost the varnish that covered it, if we really do however feel respect or tenderness for a people so prostituted to all the most hideous forms of tyranny, one after another, let us assist them to reassert the common dignity of our nature, and to pour their vengeance on our common enemy. If we leave him any of his conquests, if we leave him as large a territory as that with which Louis XIV conquered Alsace and a part of the Netherlands, will not he reconquer whatever he has lost? Shall we again be contented with an experi
mental peace? Shall we ever be able to make one of another kind, with a wretch so perfidious and remorseless? The million of human lives which he has sacrificed to his ambition, demand his life: eternal justice demands it. What shall we fight only until he consents to exchange some stone walls for some sugar-plantations, and throws down the bag of horse-beans that he holds up against our coffee? What scoffs, what bitter scorn would Lord Chatham (no one can mistake the Lord Chatham I mean) pour forth against England, crouching from an elevation to which she never rose before, down to a degradation to which the united world could not reduce her! We never have compromised with crime: we never warred before against so foul and pusillanimous a criminal. Shall that contemptible faction, which could neither conduct a war, nor preserve a peace, presume to set limits to our exertions and our enthusiasm? Shall those who felt their superiority to it, in the midst of their reverses, both in abilities and in probity, contract a torpor, as they would do,
by joining hands with it? Shall they not rather pursue that policy to which they ascribe the renovation of our prosperity, and demand, as their powerful leader would have dictated; "judemnity for the past and security for the future?" If the power of France within its ancient limits, and under its most dissolute and effeminate kings, was enough to threaten and disturb the whole continent of Europe, and ultimately (as we have seen) to subjugate it, will you permit such a nation to retain an accession of strength, torn by perfidy and violence from our confederates and allies, and residing in the hands of a tyrant, who hath incessantly stalked forward from usurpation to usurpation! You shew alacrity enough in enterprises in which the people second you reluctantly. Will you shew none where the quarrel is as much theirs as yours? Is this a sufficient reason for what you are pleased to call your moderation? "We are not to meddle," my Lord Castlereagh says, "with that great and powerful country itself."

Why not? Has not that great and powerful
country meddled with every other? Is she not
great and powerful, because she has done so?
Is it not lawful in all warfare, is it not expedient,
and in our own power at present, to chastise
aggressions, to avenge injuries; and is not a se-
vere and signal retribution the surest guard against
their recurrence? I am astonished at so pacific
and soft a declaration; I am in consternation at
such a dereliction of duty, as indeed it appears
to me, from a man so brave and honourable as
Lord Castlereagh. I am certain he would en-
counter the danger of instant death, to rescue
any utter stranger, if he beheld him exposed to
such cruelties and indignities, as Bonaparte
hath inflicted on many hundred thousands of
the bravest and best among mankind. It is not
the language of his heart; it is not the counsel
of his understanding; it is not the system he
will follow. If he should, the cries of millions
unredressed, will sound for ever in his ears,
amidst the sarcasms of that profligate and de-
graded crew, which no one in the gaming-house
is now desperate enough to lead, and no one,
the tavern is shameless enough to follow. Would it not, without all this, be enough to recollect, and receive no pleasure from, the unrivalled eloquence of his departed friend? He has long been without a competitor in the House of Commons; he is now without an opponent. The tide of popular opinion never rose higher, and never rose less tumultuously. Until the present hour, indeed, the nation was never unanimous; nor was there ever a time when the enemy hath suffered such sudden and terrible and reiterated reverses. Unless we follow him up, while we can, the spirit of England will be more broken than the spirit of France. We are driven no longer to expedients or experiments. The season for diversions is over. We fight with surer weapons than finances. Refinements in policy seldom have succeeded with any people, and with us would be just as foolish as to substitute the rapier for the bayonet. Alacrity, and steadiness, and force, must do the business; a force, active, incessant, undiminished, and undivided. The further we advance, the further do we keep
the enemy from the resources of our allies, and the more is his recruiting-ground contracted. I see no reason to believe that the English of the present day would be averse from occupying the same cities and fortresses that were conquered by the Duke of Marlborough, or would think it less glorious or less just to conquer them from Bonaparte than from Louis. The reign of Queen Anne will not be looked back upon as the reign of inferiority or defeat. Even those who ultimately brought about a premature and ignoble peace, never talked of consulting "the feelings and the delicacy" of the French. Yet honorable sentiments then prevailed in France, and human society had acquired a polish, and a grace, the traces of which are now to be found in only a few families. Certainly, since that epoch, civilization has been retrograde. "The vallies have been exalted, and the high places laid low," equally to the detriment of both. But only one man, in modern times, hath founded a system of government on the abolition of polished letters for the education of youth, and—
a mental no less than a bodily dependence, of all classes, on the chieftain. The young men of England are not yet instructed in these rudiments: the grammar of Attila is not taught in our schools. We remember what we were with satisfaction, and feel with exultation what we are. But the tide that carries us onward may overthrow us if we stop. We must fulfill the will of Heaven, so clearly manifested. We must restore to Holland the liberty we received from her. We must fix on an eternal basis the peace and independence of every power in Europe. He who believes in the possibility of this, without the extinction of Bonaparte, has lost his intellects, as many have done, by the sudden and overwhelming influx of good fortune. He will turn his eyes upon Experience, and drop them without hearing her voice, or recognizing her features. Such unhappy men are to be found, unquestionably; but there is not an officer of regulars, militia, or volunteers, who would not gladly fall into the rear of Prince Eugene: there is not a statesman, unless your Honours
and Personaby, are called so, who would not carefully and zealously correct the blunders that crept into the Treaty of Utrecht. Shall we a second time tear the laurels from the brow of Victory, and substitute a crown of thorns? Shall we toil as heartily to raise up again the Colossus we have thrown down, as ever we toiled to demolish and subvert it? Should we not, instead of soldering it up, efface the effigy, erase the superscription, break it in pieces, throw it into the furnace, and restore it to the nations from whose tribute-money it was cast, and amidst whose curses it strided over a "sea of troubles?"

It is curious, that we should always put into the form of questions the things that are the least questionable. The nation is unanimous: every man cries aloud, "Lct this war be the last with Bonaparte." Our manifesto ought to be simply this: Deliver up the usurper and his usurpations; we restore to you the blessings of peace, your ancient laws and rights, and three hundred thousand of your brethren. Are they not
worth one tyrant? the most insatiable, and the
most sordid of his species!

LETTER III.

By the Roman laws, in a country where slavery was tolerated, where indeed it was a custom and an institution, and no family was without the care of it, citizens were commanded to rescue and protect a slave from the chastisement of an enraged master. According to the laws of Egypt, if any one saw a man attacked or robbed, and gave no succour, he was condemned to death.

If such attentions were considered due to slaves and strangers: if they were commanded by one nation not very humane, and by another not celebrated for its freedom, how infinitely more imperative, at the present hour, are the dictates of reason, of honour, and of policy, on
the allied sovereigns; to maintain the common rights of nations, and to assert the common dignity of man. Some monarchs have sought glory from war, some from the administration of justice, and some from the preservation of peace. But nothing that is vain can be glorious. If a war, however successful, shall have brought no accession of power or freedom, the blood expended in it will have flowed in vain. To engage in it with so futile a design, as merely to bind at last an Atheist with an oath, and an assassin with a piece of red tape, is just as foolish and as wicked, as it would be to discharge a cannon into a crowded market-place, for a jubilee, or to burn down part of a city for an illumination. No military despot, not even the one we are fighting, hath ever destroyed the commerce, or ever squandered away the lives of his subjects, so wantonly.

In this our war, for every man who is not a Frenchman may call it his, all the great objects for which wars should be undertaken, mus
attained at once, or all must be abandoned for ever. If the plunderer, the perjurer, the poisoner, should, through weakness or baseness, be permitted to abscond, new wars will certainly follow, and certainly not successful ones. For people will exert no zeal in defence of those patrons who have suffered their patrimony to fall into dilapidation. The rulers of the Continent, amidst their perpetual wars, have never waged any, in union, for the interests of their people. Sweden, who has produced more great kings than all the nations of Europe, has called to the succession of her throne a new Gustavus Adolphus. This illustrious man will hold together the confederacy, and, together with the Emperor of Russia, will visit, with signal chastisement, the first defection. Let us see whether the people, or whether their governors, are inconstant. All the successes that have been gained in Germany arise from the profound hatred in which the French character is held, whenever time has been allowed for its develop-

Cruelties and persecutions may be for-
given; bodily wants and sufferings may be assuaged; but fraud and fallacy, once detected, are followed with incessant and unrelenting hatred; not because they argue the depravity, but because they prove the insufficiency of those who have employed them; because they force us to acknowledge that we have been weaker than the weak, and because they have committed the most flagrant outrages on our dormant and unsuspicious self-love.

The domestic who robs a house is punished more severely than the thief who steals into it from without. Murder itself is viewed by the laws as more atrocious, and is prosecuted with a vengeance and a fury at which even war would shudder and shrink, when it is committed by that person whose affection (if institutions the most universal are founded upon, reason, or if love springs from the bosom of nature) should be the most ardent and the most faithful.

Such is the delinquency of Napoleon Bonaparte,
I will not say first against Spain, but certainly there the most conspicuously; both from the manifold and vast advantages he had derived from her alliance; and from the tremendous vicissitudes of the conflict, to which that glorious nation, as became her renown and dignity, rose up against her oppressor. Such are his repeated crimes in the various states of northern Italy; to which, in the language of their poet, he made it appear that liberty, after too long an absence, had at last returned. Let it be remembered by our own country, as well as by all others, that the independence of the Italian states received the solemn recognition of France; and that the violation of this independence was the principal and determining motive of the war. There is a set of politicians, who talk of moderation, not only as good and laudable in itself, but as peculiarly due to the feelings of the French; and this moderation is to be exercised, it seems, by abstaining from all claims whatsoever on the restitution of their rapine and spoliations. On this principle, it was very delicate in the conventionists of Cintra, to load their ships for them.
with whatever they had plundered from the Spaniards and Portuguese. Saints and coaches, and candlesticks, and crucifixes, and ear-rings, and shoe-buckles, and the miniatures that won the hearts, and the padlocks that preserved the treasury of the ladies, were boxed and nailed down, and directed, as the property of his Serene Highness the Duke of Abrantes. Private and public, and consecrated property, was not held inviolable until it was sanctified by French confiscation. Respect was not due to alliances, reverence was not due to religion; delicacy to the French superseded and suspended all other obligations. Is there not also a sort of delicacy due to the tender and the wounded conscience? Perhaps not. I may be mistaken: but here I stand firmly, and adjure the regenerators and improvers of our old English maxims, that they will not allow their susceptibility to relax the state-morals of their forefathers, nor hold any thing more delicate than justice.

French feelings indeed! what are they? the feelings of wolves in winter. Have not the
wretches outstripped the halloo of every tatter
demolition who has cracked his whip to the pack? You would as wisely consult the tender apprec-
tite, and as safely stroke down the soft skins, of a menagerie of tigers. They are dejected, dis-
comfited, subdued, and scattered: for the nations have risen up against them. Let them recover
their former power and posture, as they will do, if the spirit of those nations be not seconded; and
if their sufferings be not redressed; let them, and you will never afterwards come forward with
the prowess and the terrors which are now at your command. Your well-dressed ambassadors,
and your ingenious state-papers, in which I must observe that the weakest governments and the
worst causes have generally shone most, may be very much admired in the drawing-room, and at
the breakfast-table; and you will have glorious opportunities of breeding up your children (I
mean you who have seats in parliament) to the study of diplomacy; but you will have lost for
ever that bright pre-eminence on which you stand at present, and you must prepare the means
of taxation for the support of indefinite and hopeless wars.

To abolish the power of Bonaparte, you must abolish the genius which erected that power: and how can it be done but by the extinction of the individual? We know the exhaustion of France when he assumed the reins of government. Was it ever, or can we reduce it, lower? If we can, are we certain we can reduce it to that pitch from which he cannot raise it again? No, nothing is certain but that his extinction is necessary for the repose and independence of Europe: and nothing comes nearer to certainty, than that France, the country which now suffers the most from him, will be among the most anxious and the most energetic, if called on, and assured of help, to dash him headlong from his elevation. Should it be otherwise, let her learn, that the Franks were not the first colony that settled on her soil, nor the most powerful, nor the most worthy.
LETTER IV.

The Whigs, I understand, like lovers too passionate, are in a cruel dilemma between their tenderness and their ardour. Sometimes they would not press too far such a high-minded and generous people as the French: next minute they tell us that ministers are wasting our strength and money most deplorably, by their languor and delays. Will neither story do? Will nobody listen? Was ever beneficence so abused! were ever poor creatures, in the last cries and struggles of debility, so unpitied and neglected?

Honest men, I confess, have generally in the present times an aversion to the Whig faction; not because it is suitable, either to honesty or understanding, to prefer the narrow principles of the opposite party, but because in every country lax morals wish to be, and are, identified with public freedom, and because in our own a few of the very best have been found in an associa-
tion with all the very worst. This raises their indignation. They ill endure to see the liberal and ingenuous, those whose warm hearts court society, and are anxious that the world should be governed by the wisest and the most virtuous, bound by a factitious honour, in subordination to a league of six or seven families, tugging at a galley which is never to leave the shore, further than conduces to the petty traffic, or the pusillan
imous recreation, of these masters.

Whenever the Tories have deviated from their tenets, they have enlarged their views, and exceeded their promises. The Whigs have always taken an inverse course. Whenever they have come into power, they have previously been obliged to shift those maxims, and to temporize with those duties, which they had not the courage either to follow or to renounce. The character of Lord Rockingham gave them a respectability, and the genius of Burke added a splendour, which have long since utterly passed away; and the nation sees at last, that nothing
is more unsound and perishable than what is founded on an oligarchy of gamesters and adventurers. Those who constituted themselves the guardians of the people's rights, have been driven from the charge of them for malversation: and, what shews how utterly they were detested and abjured, the property of Englishmen is thrown down at the mercy of people whose responsibility, they tell us plainly, lies entirely and solely among themselves; and who are watched only by a race made active from the hunger that keeps them out of doors. The leader of these, if ever they acknowledge one, is usually some young person whom good fortune alone has rendered discontented. He countenances and supports his uncourtly sycophants, with little satisfaction, and less gratitude. They discover by degrees, that he becomes the more restive the more he is patted and pampered, and that to curry him is as dangerous as to catch and halter him. He also finds, that although there is something animating in the bustle and shouts of throwing off, there is more to vex and
harass, in the spurring, and the thorns, and the wire, of the pursuit. The gentleman soon retires from public dinners; indignant that similar professions should give a similar and truly a joint claim, to some haranguing shopkeeper, on the bursts of applause, the clinking of glasses, and other regalia of equal value, which he fancied his own in perpetuity, as sovereign of the shambles. To complete his disgust, he retires at last under an unjust suspicion of altered or wavering principles. Little know the licentious crowd that never was he more out of humour with his adversaries, than for thrusting him among such friends.

These brightening and bracing days, these breezes of health and renovation, blow away all foppery, and bring the most active and certain remedy against all fastidiousness. In the perpetual effervescence of society, sometimes the crimes are uppermost, and sometimes the follies. The latter of these seasons is neither the harvest-time nor the harrowing-time of the poli-
tician, but the vintage of the moralist. He sits by himself in the chequered arbour of life: the light and luxuriant foliage flaps around him; he looks down complacently on the basin of froth beneath him; he chooses the most prominent bubble; he blows it into the air, and watches its course and colours as it rolls and rises. Some burst sooner, some later; all, however, burst; yet all afford, in their frail generations, a little pastime to the idle, a little derision to the stupid, and perhaps more than a little reflection to the considerate and wise. Every man is amused by the offspring of vanity, although no man ever acknowledged his own children by that mother. We must not indulge at present in the comedy of life, in the leisure of speculation, or even in the tranquillity of contempt. Whoever is not with us, is against us; and it is equally criminal to desert from the rear guard as from the advanced.

It would be pleasant, at any other time, to observe here the spirit and energy, there the sa-
gacity and deliberation, of those, who, ashamed as they justly might be, to bear the name of Whig, renounced it for that of Foxite. If we had not witnessed the achievements of these heroes at Constantinople and Alexandria, we might form some conception of them from their speeches and their writings. Self-sufficiency hath always been insufficiency.

The last of our factions is now humbled to the dust: yet, unhappily, those who have been censured by it for doing too little, seem ready to sit down and enjoy their triumph over this charge, and resolved, at all events, not to be reviled for doing at last too much. The hand of government never was so powerful as at present; not in breaking down our laws and liberties, not in gusts of eloquence, but in the spirit of all ranks and conditions of men, against the inveterate enemy of our country. A minister in these times requires no more abilities than a marketwoman. We have collected, we have disciplined, and we pay a mighty force: to render it
all efficient, and to direct it against one point, until there is nothing to resist it, or until it is driven back, is our only policy. To treat, to temporize, would be infatuation. Say only to the French, "abandon Bonaparte, restore your conquests, and peace is concluded. You proposed that the conqueror should cede nothing; we accepted the challenge, and will keep the conditions."

I see no danger in exertion: I see much, even yet, in relaxation. We must demand Bonaparte as the Romans demanded Hannibal. Indeed we must follow in more than one instance the system of that wise republic. What it was we know thoroughly: those who do not, may refer to a clear exposition of it in the commentary on the first books of Livy. We seem to reject it with as much jealousy, as we rejected the civil code of the later empire. The word system is mentioned with contempt by us: it is confounded with theory, but in fact it is the very contradistinction. In politics that is a system which hath stood, that is a theory which is proposed to stand.
Now is the time to act effectively. By the violent disruption of society, and by the levelling pressure of universal subjugation, a solidity is given to the nations of the continent; as the sands of the sea are compacted and hardened by the recent wave.

LETTER V

Lord Liverpool, in declaring that he "would not ask any thing from our enemies, which we ourselves in similar circumstances would refuse," at once places England in the same situation as Bonaparte hath placed France. "Let us examine, by what necessity or on what principle of justice. We never have been in similar circumstances, and never can be. We never have occupied with our troops the capitals of the continent; we never have confiscated their money; we never have burned their merchandize; we never have driven the horses and oxen from their towns
and villages; we never have forced away their artisans and labourers from the loom, and from the plough; we never have marched off in handcuffs their students, from the universities; we never have condemned to a cruel death those writers who gave intelligence to our disadvantage; we never have violated our treaties with their governors, nor overturned the governments at our pleasure. The conduct, mind, and temper of the two nations, are altogether so dissimilar, that it is not only puerile and trifling, but base and wicked, to imagine ourselves "in similar circumstances." Whence can such imaginations proceed, but from some latent disposition to act as France hath done; or from some admission at least that we might have acted so, or may so act hereafter?

We have the clearest right, a right unquestionable, even by our enemy himself, to demand from the French people such terms as Bonaparte would have demanded from us. What they are, we know to a certainty, both from his conduct to-
ward every other nation; and from his menaces to ourselves. We know that he, like the Romans, makes every people pay the expences of his war against it: and indeed to act otherwise is folly. We know also that his wars have been unjust. If he hath extorted from others the sums necessary to subjugate them, when hostility was manifestly most iniquitous, what can be more indisputable than that we, who insist that we have both policy and equity on our side, should demand at least as much from our adversary. If we forgive the French the horrible cruelties they have both committed and excited against our neighbours and allies; if we forgive them the prohibition of our commerce and the accumulation of our taxes; if we forgive them the slaughter of two or three hundred thousand men, the ruin of triple that number, the poverty of millions, the misery and broken hearts which are equally out of sight and out of calculation; do we not forgive a great deal more than ever yet was forgiven by the victorious? a great deal more than ever was alleged as a legitimate cause of war? a
great deal more than first aroused in us such enthusiasm and unanimity against them? a great deal more than would arm us afresh for the conflict, even in the bosom of peace, even in the hour of affliction and calamity? yes, infinitely more than is sufficient to urge into resistance and rebellion, even the humblest, the meekest, the most hopeless, of the oppressed. Has Lord Liverpool ever made, or attempted to make, a calculation of the losses we alone have sustained by the war? In taxes, in debt, in privation and diminution of trade, does it not exceed one thousand millions? What profits ought one hundred thousand sailors alone to have brought to their employers in the space of twenty years? In recompense for all these, if we must forswear the practice of the Romans, and of every other great and powerful nation, and are determined to carry on our own shoulders, and to throw afterwards on the shoulders of our children, the burdens imposed on us by the vanquished, we shall require that they deliver up the rapacious and insatiable plunderer, for whose sole benefit these
wrongs and robberies were committed; and that they institute such a system of national police as will render a repetition of them impossible. Instead of rendering France a country not desirable or fit to live in, a condition to which Bonaparte declared he would reduce Great Britain, let each party keep at a peace what neither could recover by war. This is the calm proposal of our enemy, suggested as the basis of pacification. He acknowledged it fair and equitable. What was justice then, cannot be injustice now. We accept the new French measure, which he has forced into our hands, and we will fill it up even to a kilogram.

LETTER VI.
field under the pretext of restoring and fixing them, teach a lesson of injustice on the broad tablet of instruction now adopted so generally in this country. It is impressed by the stronger on the weaker, and is quickly taken up by all ages and conditions. Whatever king punishes a crime after pardoning those of Bonaparte, and possessing the power of avenging them, is guilty of gross injustice. He pretends to seek indemnity and security: on this pretence he calls a portion of his people from their families and occupations, and demands a contribution from the rest. All accede to his proposal, because they consider that he will lay out their money to their advantage. Those who take the field, believe that the days deducted from their labour will be compensated in the additional value of their possessions, by the stability which will have accrued to these from such exertions. If, for any accession of territory, or any other personal convenience, he shall forego the interests of his own people, and shall squander their substance and their lives, he must sacrifice by this blind ambi-
tion not only the physical but the moral power of his empire, and will probably see his new allies on a visit not of ceremony at his capital. It is easier to lose a friend than a rival: those whom he has driven to a compromise, will never be much more delicate with him, than those whom he has betrayed.

"Not only are they tyrants," says Thucydides, "who reduce others to slavery, but they also who can repress the violence and will not."

The Emperor of Germany is bound by oath to preserve the established laws under the representative system. "Leges latas custodirum; publica, publico consilio curaturum." He neither is anointed nor receives the sword of state; before he answers the archbishop in the affirmative to these questions. "Whether he will not defend the church? whether he will not administer justice? whether he will not protect the widow, the orphan, and all who shall deserve commiseration." (Sleidan, ib. 1. 11.) The princes
and other representatives of the empire make the same promise. By breaking it, they abdicate their authority. The Emperor of Germany cannot assume that dignity on the same terms as he chose to entitle himself the Emperor of Austria. Unless he both swears to do and does what the ancient constitutions of Germany require from him, he may be and ought to be de-throned as an usurper. Europe has not shed her blood for any half dozen of her families. She hath shed it, that all her thrones may be founded on laws, and all her laws on equity: she hath shed it, that revolutions may never more be deemed glorious or desirable. What hath been forcibly taken by Bonaparte from the states and free cities of Germany, must be restored, to the value of the last farthing, else justice is not administered, else the widow, the orphan, and many thousands more who deserve commiseration, from the rapacity and ferocity of the French, will not have been avenged nor redressed. Unless this is done completely, there is no Emperor of Germany: for only on these
conditions can that eminent functionary be elected. Let those who, in the beginning of the French revolution, shewed such zeal against all innovation, shew it now, where innovation is most dangerous; let those who know the value of old customs, insist on the return of them to the palace, where old customs are most venerable. Thrones can be secure only while kingdoms are independent; for who will defend that by which he never was protected? A country is not much the dearer to me because I moisten it with the sweat of my brow, nor a sovereign because I have the honour of paying into his treasury a quarter of my possessions. I want something more and better, to excite my enthusiasm and to retain my affections. I must be certain that neither I, nor any one of my family or friends, shall be murdered, or robbed, or imprisoned, or even insulted, with impunity. Such are the oaths of sovereigns, in the presence of the Almighty, before they can officiate. He who violates his oath, breaks also the oath of allegiance to all his subjects; and he who takes not
the one, has no claim upon the other. The Emperor of Germany is restored when he has restored the constitution of Germany, and redressed her grievances. Until he hath done so, his imperial robes are a fancy-dress, fit only for one gala night.

LETTER VII.

Every man is looking over his map, and tracing with his pencil the boundaries of France. Some give less, and some allow more, but all are fond of bounding. The prettiest of these boundaries, and the most delightful to the indulgence of generosity, are the Alps, the Pyrenees, the sea, and the Rhine. Such are precisely what wise French politicians would desire for France, and what, for the same reason, a wise English politician would most strenuously contend that she never should obtain. Those who would
willingly make France so charmingly compact, bear as much hatred to the French character as any other men. To inflict a just and deadly punishment, for her manifold and most atrocious crimes, they are willing enough that such a monster as Bonaparte should be permitted to roam at large over her territories. We, however, whose eyes are unblinded by passion, must perceive that the power over them would extend, and, in no moderate degree, over us: that, by opening to Bonaparte an insurance-office against all losses in war, we leave him the option, and present to him the encouragement, to diminish our means, and to increase the pressure of our taxation. Depend upon it, he requires no bonus to keep us in perpetual disquiet and warfare. This system, if he retains one rood of empire, will be of equal duration with his existence. Is it possible (I appeal to every man in his senses) that Europe can enjoy security, or rest at peace one year, if three hundred thousand soldiers, now prisoners in foreign countries, are placed again under his standard? It is not wise
to say, "We have conquered them, and should conquer them again." We vanquished them, as it were, in detachments: they are the produce of successive conscriptions. Brave as are the armies of our allies, indignant as they are at injuries, and elated with success, if all these French soldiers joined their regiments at once, the united armies would be annihilated. Yet can we ever hope to see again (oh, alas! much longer) such unanimity, such enthusiasm? Remember there is a Power among the rest, which will too certainly, when it has gratified its ambition, check the spirit of insurrection against France: a Power under which both liberty and genius have always languished. Her jealousy of Russia is equal to her dread of France: and with Russia she has no affinity.—For these reasons, we must instantly cease to do what we have always done hitherto. We must throw away the paddle, and hoist the sails; for we are no longer in calm water. The comfortable talk of "husbanding our resources," must be interrupted. In a little time, by the nature
of things, there must be disaffection and diffi-
dence. Let us do every thing we propose to do,
while the force is whole and together, while the
spirit is one and the same. Six months of ac-
tive warfare, with all our heart and all our
strength, will complete the task. If we manage
and modify, we may fight another twenty years,
and leave off where we begun: but we must not
be surprised to find at our return, as Ulysses did,
that our wealth is consumed, and that our
houses are occupied by the swineherd and the
beggar.

LETTER VIII.

Romantic minds are now become the most
reasonable. A little while ago, what sen-
sible man cared a straw for the family of Bour-
bon. At present, what sensible man is there
who does not cordially wish their restora-
tion? If Louis XVIII. will erect his standard in the South of France, and the Emperor of Russia will authorize him to declare that the French prisoners shall return to their country on his accession to the throne, a bloodless revolution will instantly terminate a most sanguinary war. It is only in this way that the captives can be restored to their native land with safety to the neighbouring states. Those who differ from my opinion, must allow that their release and delivery to the present Ruler, will require, at all events, an immense and ruinous armed force, to be constantly kept up, both on the frontier and in this kingdom. The Bourbons, if re-established, must conciliate the affections and obedience of their people, by taking and continuing a line of policy far different. Whether the French are likely to be more or less happy, by a change, is a question, I think, easily solved, but, reasoning as politicians, quite indifferent to us. Hatred and love have no place at the signature of treaties. One only object is held worthy of consideration: the durability of advantage. Bona-
parte will exercise, and perhaps is now exercising, his usual arts of corruption. To imagine, that in such a variety of characters, there are none whom he can intimidate or seduce, would be to form such a magnificent image of human nature, as we never shall find a basis to support. What he can do, we cannot. He would not drown himself for the dominion of the ocean. — We cannot offer more than empire. There was indeed a time when the Directory was accessible to bribery, as was proved in the notorious case of the American Commissioners. But the Directors had foiled the attacks of our Minister! He would not gratify the individuals; else he might easily have negotiated the evacuation of Holland, without any expenditure of human lives, and probably with less money than supported our war-establishment one single week. The alleged and legitimate object of the war would have been attained, to the satisfaction and joy, no less of the French themselves, than of the English and of the Dutch. An event so desirable would have invested the Directory with
popularity, power, and confidence; and our minister would have kept his word, both to the nation and to the allies. But these Directors had ridiculed his financial speculations; and, what is worse, experience had shewn the justice of their ridicule: they had first held him at arms' length; they had afterwards thrown him into the mire: and he struck the most furiously when he had no longer an object to strike at.

We now discover that a fall of snow may do more mischief to an enemy than a fall of the funds. But this would not have done alone.—It was by pressing on every calamity, by seizing on every advantage, by allowing no respite, no parley, that aggression was turned into flight, and denunciations were lost in dismay.
LETTER IX.

Bonaparte has declared, and published in the Moniteur, to all nations; that "the union of Holland to France is the necessary consequence of the union of Belgium." And again, that "the association of the Batavians with their brothers in Belgium, ought to be the first of their wishes, the most pressing of their wants."

Like the hero described by Voltaire, contrary to his intention, more ludicrously than truly:

Il "força" les Français à devenir heureux.

He has also forced on other people a great number of "pressing wants." But now, "the first of their wishes" have been amply gratified, and something from the "pressure of their wants" hath been removed: they begin to look around for what is missing, and to inquire whether this eclectic philosopher has not taken too much for his lessons: They would willingly
give him his cloak and his tablets again, for some of those triftles he has picked up in their houses. He must restore all. England has a right to retain what she won by war. But having now acknowledged Holland as her ally, she must assist her to recover what has been seized by France, and appropriated under false pretences. War, it has often been said, is a game of chance, in which the governors are the players, and the things governed are the stake. Bonaparte, with the consent and applause of all classes in France, played for the whole continent against his empire; and every Frenchman took a share in the bank. After all sorts of packing, and shuffling, and tricking, to say nothing of mixing drugs of a soporific quality in the cakes and wine, he has lost all he played for. Yet we have such respect for his dexterity, such confidence in his honour, and such veneration for his goodness of heart, that we not only think of giving him back whatever he laid down; but also a great part of what he failed to win, and what, as belonging to others, we
have no right to dispose of in any manner, without first obtaining their consent. Yet, besides all this, we sweep the board for him, lift the candlesticks, and make him a present of the card-money.

The English are the only people in the universe that ever played, voluntarily, this losing game. They sit down to it quietly, night after night, to the astonishment of their observers, the despair of their friends, and the derision of their adversaries.

LETTER X.

In giving so violent a shock to France, Europe herself must receive no gentle one. There will, probably, be yet a long vibration before there is an equilibrium. Denmark and Saxony are forfeited. These are sufficient to indemnify
the minor belligerents; and the two more pow-
erful will be amply rewarded, by humbling the
only nation, and subverting the only potentate,
formidable to their greatness. The terms of
peace proposed by Lord Liverpool are merely
speculative, and leave him all desirable latitude
of explanation. The confederates on the con-
tinent shew none of that sickly and imbecile
delicacy, which is more suitable to lovers than
to enemies. They will demand, in some shape
or other, an equivalent for all the spoliations
authorized by the French government, and all
the wanton mischief committed by its armies.
Unless they fulfil this duty, they will have be-
come more criminal than Bonaparte. They
will have acted against an express and formal
compact with their people. He has entered
into no compact with Frenchmen. His power,
relative to France, is commensurate with his
will: his constitution was planned by himself,
without any concurrence or consultation, and
presented to them under fixed bayonets. He
observed to Ferdinand, the captive King of
Spain, how naturally men would avenge themselves for the homage that was exacted.

We must remember, and bear constantly in mind, that other rights and interests, besides our own, are equally to be defended. The balance of Europe must be restored and fixed. There must be an efficient counterpoise to France. If she retains a population of twenty millions, which it would be against all political precedent for conquerors to permit, the confederate States of Germany should amount to thirty millions. Twenty in one government are equal to thirty in several. He knows little of the Germans, who knows not the antipathy of every principality to its neighbour. We ought not to imagine that the House of Austria will always be friendly to their liberties. On the contrary, we must recollect that she has diminished, if not destroyed, the privileges of every nation she has governed. It required the most wanton and outrageous wrongs to incline the people of the Netherlands to the side of France;
a moral and religious race, and in all respects the opposite of the French. If Belgium, and Venice, and the Milanese, and Tuscany, and Parma, are recovered, they should be strengthened by such an accession of territory, and such confederacies, as may defend them from the collusions and compromises of Austria and France. But the power most to be strengthened is Sardinia. We are not only to provide an indemnity for the loss of dominion so many years; we are not only to give a narrow line of coast, bordering Piedmont, and an island so poor as Corsica. No; the dominions of this potentate must be made strong enough to form an eternal barrier for the defence of Italy.

Italy, who invented the balance of power, should receive the benefit of her invention. Something of this kind existed in the States of Greece. But to recover and institute it anew, is as glorious as to devise, and merits the name of invention, as much as the preserver of a state merits the title of founder or father. Ma-
chiavel, in speaking of the Italian league, says, "These potentates had two principal views: one, that no foreigner should enter Italy in arms; the other, that none of the princes, or states, should attempt an increase of territory." In reading the Italian authors, from the time of Dante to the present, one eternal tone of sorrow, mixed with indignation, murmurs in our ears, against the commotions raised, and the barbarism spread around, by foreigners. Petrarch and Michael Angelo stand only in the middle of the mournful train, and men of tempers and pursuits the most dissimilar, but united by genius and virtue, fill up the whole interval between these and Alcibi. Not only the charters of cities, but the academies of the learned, have been invaded by the "boreal scettro."

The last piece of insolence a foolish tyrant can commit, is to meddle with literary associations. To alter or modify their forms, to appoint or recommend their members, is, of all presumption and usurpation, the most arrogant and intolerable.
If our statesmen had ever seen the magnificent cities of northern Italy, they could not but reflect on the causes both of their splendour and their decline. Bonaparte, the cause of more mischief and misery than any one European that ever lived, was not, however, the cause of their ruin. They lost the keystone of their greatness when they lost their independence. While they retained it, every pressure strengthened them; every shock, without it, threatens their dissolution. Among the many great blessings, which we have reason to expect at the conclusion of the war, is a confederacy of the Italian States: but unless the republicans raise up their heads again, unless the people drive all intruders from amongst them, unless Italians govern Italy, peace will return without happiness, and the arts without glory.
LETTER XI.

The friends and supporters of every administration have constantly been charged with the propagation and patronage of arbitrary principles. A love of order, and a respect for the government of our country, are inconsistent, one would imagine, with liberal sentiments and enlightened views. At last, however, we seem to have arrived at the period, when every faction hath been convicted of unsteadiness and inconstancy, and is heartily glad of some fair excuse for ceasing to look its opponent in the face. All eyes are now turned towards a spectacle sublime and new: a spectacle in which Victory, although incessant and encreasing splendours are thrown upon her from every quarter of the horizon, claims only a subordinary station. The conjunction of all the great powers that govern the world, brought about by moral necessity, and their regular procession to the same point in the
same period, is an event which, a little while ago, no experience and no signs would have encouraged us to calculate. On seeing it before us, the first and most obvious question is: what will be the effect of this combination on the polity of Europe? This is far more important than whether an old or a new dynasty shall be established in France. Although I am of opinion that the honour of the French nation, if any honour is yet left in it, is concerned most intimately and vitally, in bringing to justice an usurper who hath subverted her laws, a murderer who hath slaughtered her citizens, and a deserter who hath abandoned her armies, in every great defeat, yet, as an Englishman, I am perfectly indifferent whether this military Marat die by the dagger of a Charlotte Corday, or by the axe of a Fonquier Tinville. He who places himself beyond the laws, is outlawed by his own subscription. So self-evident is this, it is rather a truism than an axiom. But it well becomes those great sovereigns, who have so often laboured in vain to establish the peace of Europe, to
consider well and maturely, whether peace can be lasting while France is governed by Napoleon Bonaparte: whether, in signing any fresh treaty for that purpose, they can receive stronger assurances of its permanency and inviolability, than they received on the signature of the first, or last, or intermediate one. The Holy Ghost has never descended in the form of a dove to the adjurations of Napoleon. It is no less impiety than folly, to call God to witness what you believe will be futile: it is, both in letter and spirit, to take his name in vain.

With us, indeed, the fruits of victory have usually been perishable in proportion to their sweetness. Our pleasure seems to have been in making the sacrifice we ought to have exacted; in laying the olive-branch under our pillows, as servant girls would do, to prolong our slumbers, or to embellish, and diversify our dreams. If generosity is due to our enemies, is it due to our enemies only? If Napoleon hath given us the greatest latitude for it, by detaining
Our friends and relatives in France, after the most solemn assurances of their liberty and safety; if he hath courted our forbearance, or conciliated our good offices, by murdering and torturing the captains of our navy, yet something is also due towards their families. I am ashamed to acknowledge, that I know not whether Captain Wright hath left, to bemoan his captivity and cruel death, a son or brother; but what shame, what grief, what indignation should I suffer, if in another war, after the peace of another year, one of these, by the chances of battle, should fall into the hands of the tyrant, and be doomed, as he would be, to fill up that measure of solitary woes which agony shocked down for his kinsman, amidst the guards we re-equipped, and upon the rack we restored, as a heir-loom of the monarchy. Is it true, or is it false, that Bonaparte has committed against every one of the allied powers, actions which, according to the laws of their country, are punishable by death? Is there anything in his previous good conduct which could plead for favour from the most
lenient judge? Would not every one of these sovereigns condemn capitally; even the highest and most favoured subject, who should have committed a thousandth part of the crimes which this tyrant hath perpetrated, and threatens still to perpetrate? Are his motives irresistibly urgent? Is his authority unquestionably legitimate? Do they pardon him because he assumes their rank and station, and uses their forms and phrasology? They would unquestionably then forgive the piracies and murders, if such were committed on their subjects, of Petion or Christophe, or of any corsair on the coast of Malabar: they would excuse a villain who should have set fire to a town, because he had acted the part of Mahomet or Julius Cesar in a barn. Cannot a man be a scoundrel in a crown as well as in a red cap? Are the manners, the morals, the principles, of this fellow changed, is there even any difference in his stature or his complexion, from his assumption of power to the death of Pichegru, or from that period to the dissolution of Moreau? Do princes then tremble because his
Shadow is like theirs? or, what is weaker still, do they love and cherish him, because in all his shifts and changes, from among the bundles of the stage-waggon at Marseilles to the embraces of Cambacérès at the Tuileries, he has constantly, to the utmost of his power, rendered the names of king and emperor hateful or contemptible? He never forgives, nor, conscious of his atrocities, believes that he can ever be forgiven. In this temper of mind and posture of circumstances, he flies to the oracles of Machiavel, of all oracles the least fallible, and will compromise with his enemies until he can disunite and destroy them. He has not had leisure to read much; but he has had sagacity to read and study what is most conducive to his purposes. An attentive perusal and a right understanding of two excellent books, have enabled a petty officer of artillery to confound all the wisdom and baffle all the energies of the world. The Prince of Machiavel and the Polybius of Folard, are the cup and wand of this Comus. A just comprehension of them will guard prudent men
against most of the errors which have been committed by the great politicians and great soldiers of our days. But arguments are not necessary to shew them in what manner this insolent and sanguinary outlaw should be treated; or in what manner he will treat those who at present can crush him, if they weakly or treacherously permit him to escape. Kings and statesmen will rather endure any insult, than listen to those who entreat and implore them to look into history for guides. They consider it as a relaxation to their studies, and not as a rule to their conduct. Yet every thing that can occur, has occurred. Events may receive, from the ages and countries that produce them, some slight shades of colour, some few modifications of form; but the seeds of them are imperishable, and exist throughout the world; a thousand and a thousand times have they germinated and died down again, wherever there are rival nations, wherever there are discordant interests, in short, wherever there are infirmities and wants. The wise and contemplative man, the active and energetic, will find as much as is
requisite to direct him in all political emergencies. If those have failed the most remarkably, who have left upon the memory of their countrymen the most profound impressions of their eloquence, which even the calmest sagacity cannot always distinguish from true wisdom, it was by following the passion of the moment rather than the precepts of experience; rather by attending to some whisper from an imaginary and illusory genius of their own, than observing those recorded and plain dictates, which stand eminent above the flight of time, and have been erected and emblazoned at distant intervals, by a succession of nations roused to activity by wars, and lighted to policy by calamities.

LETTER XII.

According to my view of the subject, the future state of Europe seems to depend entirely
on the resolutions of the allied princes, concerning the punishment of Bonaparte. If these are manly and just; if they treat him only as they would treat their own subjects, for crimes infinitely less and fewer; if they act as the servants of God and the guardians of their people; they will then, and then only will they, have secured to themselves and their posterity the peace and independence of their kingdoms. Never more will the drunkenness of an upstart and street-walking power raise itself over their courts, and throw their innermost household into confusion: never more will the dreams of overgorged democracy be interpreted as the dictates of heaven, or issued as the decrees of fate. Then will this Bonaparte, great only in the enormity of his crimes, and in the littleness of his surrounders, find one only of all his speeches in the memory of man:

"The finger of Providence was there."

Lamented and most beloved Moreau! such, such was the triumphant exclamation of this
perjury, and atheist, at the moment when Europe was deprived of thy genius and thy virtues. Thy exile, too soon followed up by death, was occasioned by thy strenuous but ill-accorded efforts to purify the earth from his pollutions. Shall thy undeviating aims be overlooked? shall thy glorious example be forgotten? shall the hand that pressed thine in death, press with equal fervor thy exulting murderer's? Do not Heaven and earth call aloud for vengeance? do not weakness and wisdom raise the same cry to God? From the humblest toil of industry to the highest efforts of genius, the blasting hand of this incanate pestilence hath left its visible and appalling track.

Men of literature have seldom been remiss in offering their incense to the elevated and the fortunate. A small portion of light from the object above is enough for them. But something like virtue there must be; let it be constancy, let it be fortitude, let it be generosity, let it be clemency, let it be encouragement to the pur-
suits of abstruse learning, of polished letters, or eloquence, in the cabinet, in the pulpit, in the parliament, or at the bar. Since Bonaparte hath assumed the functions of government, the very time when any thing worthy of the slightest praise would be extolled above the highest, not a notion, not a sentiment of his, appears to have been commended by the most partial of his slaves, in a manner to be remembered by the rest. The world expects with great curiosity the publication of the erotics of his Mameluke: I, who read little of the modern literature, and indeed too little of any, shall be contented to admire his epitaph.

LETTER XIII.

In my last letter I expressed more anxiety than hope, that the governors of the world
would consult the history of mankind, in order

to judge correctly how the nations of Europe

would be treated, if Bonaparte were to retain the

sovereignty of France. Yet I should have been

both more urgent and more explicit, if he had

not several times given such illustrations and

proofs, to all the powers now arranged against

him, as would render any question on the sub-

dject too nugatory for even the most childish de-

clamation. History would lead them into that

chilly and awful chamber, in which, under the

suspended armour, they might read their own

destinies. It appears to me the extreme of

folly, to think of giving up the chase, at the

moment we have driven the tiger back into his

lair. A curious sort of courage and generosity!

admirably timed and placed! Perhaps it is

thought proper to inquire first, whether he has

done any harm in the country; if he has, whether

he is likely to do any more, after such magnani-

mous shouts and sallies. It is wise, then, and con-

siderate, to ask a sailor with a wooden leg, whe-

ther he knows what it is to be wounded; a citizen
whose house is in flames, whether he has heard of any fire in the neighbourhood: if we are circumspect and delicate, we shall certainly say to both of them—Have you lost any thing? Yes, it would be just as reasonable, as to appeal to the sovereigns of Europe on the tremendous cause of their former degradation. Look at Smolensko; look at Moscow; look at Hamburgh! Hear the threats of the impudent fugitive, in the midst of his army, against all Germans, who would rather not be Frenchmen! If this general incendiary and universal murderer is permitted to escape with impunity, the sovereigns will have little merit in preserving the minor laws, which protect one subject from another. Will they ever be able to preserve them? Will they be the sovereigns of the country? the protectors and avengers (for both characters are requisite to constitute a sovereign) of their people? Certainly not long: they will fall to ruin amidst the groans and execrations of kingdoms, whose noble efforts they had blasted, whose best and dearest interests they had compromised
and betrayed. It is madness to assert that the conditions of a stable peace would be accepted with more difficulty by the French senate than by the French despot, of that an unprincipled set of men, who have tossed up their caps for the leaders of every faction, would remain more constant to their master than to their principles. Their principles have given them no anxieties, and offered them no affronts: their master has shewn them, repeatedly, both his displeasure and his contempt. Secure to them their stipends, and they will gladly throw off those cumbersome trappings, which they cannot so conveniently trail with them into the haunts of vulgar vice. The surrender of Napoleon will be as easily attained as the surrender of a province, or even of a fortress. Without it, many provinces, and many fortresses will afford but an inadequate compensation for the expenditure and devastations of only the Russian campaign. The ruin of a yielding force is certain, if the pressure against it be undiminished and unremitted. Cæsar Borgia far excelled Bonaparte, both in military and politi-
cal science, and never betrayed in any enterprise a deficiency of that personal courage, which is punished in soldiers with death, in others with contempt. He had the advantage of high connexions, and passed every stage of his life among men who respected both his abilities and his rank. He had also taken the precaution to remove by violence those heads of parties, which might else have intercepted him in his ascent to sovereignty. Yet his fall was even more rapid than his rise.

Agathocles of Sicily seems to have been the idol of Bonaparte; but he never deserted his army in any extremity: on the contrary, he retained, by prudence and valour, the dominion he had acquired by violence and fraud; yet his power died with him.

Oliverotto Firmani was also an usurper, of more consistency, and more resources, than this Caisson, equally dexterous in treachery, and equally resolute in assassinations. He added
personal courage to military science, and never was convicted of desertion, or accused of any pusillanimity: yet he was taken prisoner, together with Vitelloccio his accomplice, and suffered death upon the gallows.

What is there, I repeat it again and again, in the character or conduct of this insolent and audacious man, that ought to exempt him from a similar punishment? Is there any crime, in public or private life, with which he has not been deeply and thoroughly contaminated? Is there a family on the Continent of Europe which has not so bemoan the effects of his rapacity? Ambition I will not call it, little as I respect what is usually and more justly termed so, and aware as I am what bitterness, dust and ashes, lie at the core of its hollow but fair-seeming fruit.

If the French people were once assured that the life of Bonaparte would be accepted as the price of peace, that price would be paid down
instantly. It is only then that they could resign, with the appearance of doing it unconstrained, the territories they have wrested from their neighbours. They would attribute to his cupidity all the losses they had sustained; and the sacrifices they should be obliged to make, they would celebrate aloud as a voluntary peace-offering to justice. Every nation has a right to demand that so atrocious a criminal should be delivered up: every nation has made such demands, both in ancient and modern times. France is neither able nor willing to refuse the summons. Insensible as she is to the value of liberty, and forgetful and unworthy of her ancient constitution, she requires a cessation from her labour, and a recovery from her disgrace. Never can she enjoy them without the death, judicial or extra-judicial, of her traitorous and turbulent usurper. 'The present French condemn, or pretend to condemn, the cruelties of Marat and Robespierre: yet the one excelled Bonaparte in knowledge, the other in eloquence; both of them excelled him in consistency, in honesty, and in
courage. Is there, however, a single man in the territory of France who does not cordially rejoice in the extinction of these wretches? And why? Because of their restless suspicion and insatiable cruelty. And, to say nothing of exactions and extortions, for the support of individual and solitary pride, is there less suspicion in the breast of this Corsican, who despises and detests the whole nation? Is there less cruelty in this Moloch, who selects his annual victims by the myriad; who consumes their youth in the vices and miseries of a prowling and felonious warfare; who has calmly delivered to the jaws of death, or broke their limbs and sinews, three hundred thousand Frenchmen within one year, and calls for another such oblation to crown it? Take the average of the last ten months, and make your calculation on the authentic reports of the allied armies, what is the result? How many fellow-creatures, how many fellow-countrymen, and fellow-soldiers, born to happiness, and torn from it at the first opening of its enjoyments, hath he deprived of life, or of all its
comforts and uses, *every minute of his waking hours!* What a scene, then, of woe and desolation is renewed by every day of his existence! How many hopes, how many virtues, are extinguished at every sun-set! How many families are made miserable, desolate, and helpless!

Sovereigns of the earth, if you prolong the existence of this miscreant, this accursed of God and man, declare at once that you have drawn the sword only to divide dominion with him; that you have brought nations to fight one against another, only that you might at last be admitted to peace and amity with him: and the blood of extinguished and of unborn generations be upon your heads! the scorn of your contemporaries, the reproaches of your posterity, and the vengeance of your Almighty Judge.

CALVUS.
LETTER XIV.

Monday, Dec. 20, 1813.

A month has now elapsed since the preceding letters were written, and sent to be inserted in the Courier. The freedom with which I have treated all subjects and all persons, within the range of my observations, made them perhaps undesirable and unwelcome to the acute and judicious Editor. Heartily glad should I be, to have closed them with any thing rather than the Manifesto, which, at a distance of more than two hundred miles from the capital, came into my hands but yesterday. It appears as a declaration of the Allied Powers. It states, that "The Powers" confirm to the French Empire an extent of territory which France, under her kings, never knew; because a valiant nation does not fall from its rank by having, in its turn, experienced reverses, in an obstinate and sanguinary contest, in which it has fought with its accustomed bravery.
But the Allied Powers wish to be free, tranquil; and happy, themselves, &c.

Reasonings may be very weak and inconsequent, which are founded on truth and justice. But was ever reasoning more weak and more inconsequent, or founded less on truth and justice, than that France should have an increase of power for not having fallen? That she should be endowed with an accession of territory, such as her kings never knew, because she has experienced reverses; because she has been able to maintain an obstinate and sanguinary contest? Because the Allies wish to be free, tranquil, and happy? When this sanguinary contest, maintained against them by Bonaparte, as they themselves have urged repeatedly, that they might not be “happy, nor tranquil, nor free.”

Unfortunate nations! the play-things of creatures so destitute of intellect, so destitute of recollection. Even their own eyes and ears are not their senses. They have waded through
blood, and never felt it; they have been surrounded by conflagrations, and seem to imagine it was the natural light, the wholesome fresh air of day! Surely they think; that whatever has happened, must have happened in another state of existence. Alas! it is not their wrongs and sufferings; it is only the wrongs and sufferings of their people. They live; they are happy; they exult in unexpected deliverance. Those whose sturdy arms delivered them, are permitted the honour of following them home, but under no assurance that their cottages, if they rebuild them, shall not be levelled to the earth again, by the same inhuman and merciless invader.

No; "a valiant nation does not fall from its rank by having, in its turn, experienced reverses." But it justly falls from it, when those reverses are occasioned by incessant breaches of faith, by a prostitution of military honour to the purposes of confiscation and rapine, by a mockery of all religion, by a disdain of all equity, by a prohibition of all the best energies, which en-
noble and exalt our nature, and, by an assumption of right, to lower and demolish the rank both of the allied and of the hostile. What France threatened against Russia and England, what she carried into execution against Austria, and Prussia, and Spain, not to mention some dozens of the smaller powers, ought now, both in justice and in prudence, to be carried into execution against France.

If we demand a just debt, contracted peaceably, shall we not demand one equally just, because it was extorted, and because it was exhorbitant? If you catch a thief who has fallen down your staircase, and has broken his bones under your plate and jewels; if you find also in his pocket the fruit of former plunder, will you humbly request him to restore one pretty pair of earrings? will you console him with the idea that he has not fallen from his rank? will you beg permission to order a hackney-coach, that he may carry off the little matter he has taken from your children and domestics? Are you
not bound by every duty of a citizen and honest man, to seize him, to deliver him up to justice, to distribute to each individual the property of each? Such also is the duty, the sworn duty, of all these allied powers: the subjects of those who act otherwise are absolved from their allegiance. I know not who the persons are that assume to themselves the title of allied powers. Certain I am, that the Spanish Government breathes no such sentiments. I know personally and well some of the best and bravest of that nation: I know that even the worst and most cowardly of it, would never whine their adulation in these abject strains. Their fathers, sons, and brothers, have bled, both in the field of battle and in their houses; their sisters and daughters have been bowed to the abominations of the French. There is not a village in this country, the cradle of heroism and of glory, that has not suffered such miseries and pollutions as it would be impiety to pardon.

And who can believe that the Emperor of
Russia hath sanctioned, with his august name, this most pusillanimous and iniquitous manifesto? Equitable, humane, and enlightened; calm in the midst of danger, but alive to the sufferings of his people, he will demand a full indemnity for all their losses, a memorable, solemn, and piacular atonement for the most wanton and unprovoked aggression. Let the French carry on their heads the ashes of Smolensko and Moscow. Let him who ordered to execution the peaceable and loyal citizens of the Muscovite metropolis be conducted to the same scaffold. Robespierre, who, in comparison with this monster, was but as a kitten to a tiger, was carted and brought to justice. Let Bonaparte be, as he called himself, the God of Thunder to the Mamelukes and the Foxites; but let the sovereigns, whose dominions he hath laid waste, and whose subjects he hath slaughtered, punish his crimes, or assist in punishing them. Has he not boasted that they exist as sovereigns by his clemency and forbearance? Will he forgive any kind of humiliation? Will he forgive his de-
feats, his flight, the exposure of his perfidy, the ridicule of his weakness, both in politics and in tactics. Russia, Prussia, and Sweden, will enjoy no future opportunity of stripping him bare of power. Their armies will even again come in contact amicably; they may now break the threads of all future combinations that are likely to disturb their union. Holland, and the remaining Netherlands, that abhor every foreign yoke, will join their confederation. Too surely is Bonaparte now, at this instant, cementing his old alliances: too surely will the gold and the intrigues of France sow dissension in the family of European States, and nothing can keep under and consume the shoots of it but the ardour and activity of offensive war. Shall every land have endured its cruel scourge, except that, which, with inhuman delight, hath nursed her children in blood? Except that in which the beggar and the cripple talk of universal empire, and highway robbers think of retiring from the too great exertion of their public life, as professors of some college, or prefects of some department in
Germany. Some Vandamme, a compost of filth, and roguery, and impudence, may again call to his carriage Dukes and Emperors, and may chastise, with the whip. a refusal to obey. Can it be questioned? Were not even ladies menaced by this gallant people, as our silly declaration terms them, with such a punishment? A punishment so degrading, that neither those who receive nor those who inflict it can ever lift up their heads among the reputable.

Who, in the name of Heaven, could have composed this flimsy tissue of folly, cowardice, and falsehood? Who could have presumed to publish it first as a declaration of the allied powers? We have authentic declarations in which every sentiment is contradicted. What officious creature, half minister, half journalist, has broken the joints of logic to compose this precious amulet? Let him wear it for his pains.

Limus ut hie durescit,

He will only be looked at to be laughed at.
Other fabulists have given to birds the feelings and language of men: he has attributed to men the natural sentiments of birds—"Do not try to catch me; I know you cannot; but attempting it frightens me." Thus irresolute and timid does he represent the rulers of the world, before a vanquished and flying enemy! For what purpose then were issued those animating proclamations of the Russians? Men who unite like Athenians; fight like Romans; and feel like Englishmen. Have the Germans risen in arms for the parade? Is no vengeance to be taken for the cruelties they have suffered? Shall not even their contributions and confiscations be restored? No: on the contrary, the enemy is promised power enough (and who can question his inclination?) to extort them tenfold at his leisure. Bonaparte, it seems, is no longer an insatiable plunderer, a shameless liar, a scoffing Atheist, a merciless assassin. His faults are venial: at present they have cost humanity only one million of human lives: some say more: add then eighty or a hundred thousand. When
only half the number had been sacrificed to his rage and avarice, the nations rose against him: pusillanimous princes, reduced to the condition of recruiting sergeants, declared his cane intolerable, and broke the drum. In shaking off his yoke, the other half million has fallen. It is only within these few days that his perfidy is turned into passable good faith: it is only when he can be punished, that he must not. Surely it was unnecessary for his expiation, that so much blood should have been demanded from their subjects. What streams, and from what distant sources, have flowed for the cleansing of that scurvy leper! If impunity were the extinction of wickedness, even then, so awful a diminution of the human race, such a loss of civilization, of social comfort, of mere competency, such a concourse of mourners, day after day, for years together, in every town and hamlet, such expressions of woe in all languages and all places, wherever man's voice hath been heard, would loudly demand the life of Bonaparte: but impunity is the certain and swift forerunner of fresh
calamity and aggravated revenge. At every tribunal, whether the appeal be to the gown or to the sword, every crime should receive its punishment. If you punish all, you will punish the fewer. Pardon one in twenty, and you will be under the necessity of punishing twice the number that you would if no offences were remitted.

Bently, a man hardly more remarkable as a profound scholar, than for the acuteness of his mind, to whatever he applied it, argues that men distinguished for assiduity, birth, and fortune, frequently enter on such a course of studies as befits them for the church, from considering the great prizes, of bishoprics and archbishoprics, in our ecclesiastical establishment. Although few can attain them, no man imagines them above his reach. In most temptations we overlook the chances against us, and calculate on those in our favour. Bonaparte is justified in renewing the war when he can, if he is permitted to declare it with impunity when he chuses.
The allied powers assure him that, whatever he does, he never shall be a loser: that the utmost they require from him, is the territory he has conquered; not the surrender of those means which have enabled him to conquer. They will treat with him about the recovery of what he hath stolen: they will perhaps go so far as to insist on blowing out the dark lantern: but they leave him his phosphoric match, his whole bunch of pick-lock keys, his iron crow, his pistol and his dagger: they release all his gang. It is easy to foresee what will be the consequence, to them and the community.

A loss of territory is not the greatest loss, even to the prince. The writer of the pretended manifesto, which I have taken the trouble to quote, argues, or talks rather, as if the sacrifice of the brave, the massacre of the inoffensive, the conflagration of farms and villages, and cities, and provinces, the misery of nations, the despair of mankind, were nothing in the estimation of these allied powers. Whoever wrote such a silly
and worthless paper, is unfit not only for the exercise of any political function, but for the discussion of the least important question, that ever occupied the reasoning faculties of man. Let him teach children their catechism, for he has patience enough who can bear what this creature bears, and, if he believes that Bonaparte will not profit by such simplicity, nobody can doubt his capacity for a creed. But let not his apathy be attributed to sovereigns: let them not, by the suggestion or representation of such weak wretches, be accused of utter indifference to the welfare of their subjects, nor be left exposed to the vengeance of the enemy they have pardoned, by the armies whose honour they have insulted, and by the nations whose safety they have betrayed. I detest and abhor an insurrection: but it would be sacred against men so unworthy of their trust.

The allied powers must disclaim this paper, or must cancel all their former manifestos. The English can never sanction it. We fight for security—put indemnity and glory out of sight.—
Our security will not allow us to give the French empire an extent of territory which her kings never knew. We have been fighting seven hundred years, with few and narrow intervals of peace. For what? To diminish this territory. It was the policy of all tempers and all times. The French were constantly held too powerful. Her kings possessed a kingdom too large and populous for the safety of England: yet sometimes the neighbouring states, and sometimes provinces almost independent, in the very heart of the kingdom, rendered their power infinitely less injurious than it would be, if reduced within the same limits as at the accession of Louis XIV. The population of France would even then be greater than that of Great Britain and Ireland, and more united in locality, in manners, and in religion. A turbulent and ferocious people will for many generations require much vigilance, will often thwart our policy, and not seldom divide our attention with our enemy.

I would not undervalue the abilities of Lord
Castlereagh and Lord Liverpool: I believe them to be great, and what is more, of the kind best suited to the present times. But I do not see any reason to think these ministers wiser than Sunderland, Somers, Godolphin, and Marlborough; the opinion of which illustrious men was, that, when we laboured under the pressure of debt, when America was ours, and could not act against us, when France was deprived of many strong places, when her power was less than her king had known it, she still was too powerful for the prosperity and peace of England.

If it be possible that, corruption at the foot and infatuation at the head of the confederated thrones, the princes of the continent should seriously think of leaving France more powerful than at the accession of Louis XIV, enjoying strength enough to make progressively those stupendous conquests, which have eternally menaced, and at last have almost overthrown them, the Allied Powers, as they are called, will pre-
sently be separated, scattered, and extinguished. The liberties of Europe, such as they are, will sink into the same abyss. But she will look down contemptuously on her base deserters, her unworthy lords, and beholding the servile condition to which they will have reduced themselves, she, like the heroic Scald, will laugh at her dissolution.

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DR. BENJAMIN FRANKLIN;

1814.
I have heard, that nothing gives an author so much pleasure as to find his works respectfully quoted by other learned authors. This pleasure I have seldom enjoyed; for though I have been, if I may say it without vanity, an eminent author (of almanacks) annually now a full quarter of a century, my brother authors, in the same way (for what reason I know not) have ever been very sparing of their applause; and no other author has taken the least notice of me; so that, did not my writings produce me some solid pudding, the great deficiency of praise would have quite discouraged me.

I concluded, at length, that the people were the best judges of my merit, for they buy my works, and besides, in my rambles, where I am not personally known, I have frequently heard one or other of my adages repeated, with "as poor Richard says" at the end on't. This gave me some satisfaction; as it shewed not only that my instructions were regarded, but discovered likewise some respect for my authority: and I own, that to encourage the practice of remembering and repeating those wise sentences, I have sometimes quoted myself with great gravity.
Judge then how much I have been gratified by an incident I am going to relate to you. I stopped my horse lately where a number of people were collected at an auction of merchant’s goods. The hour of sale not being come, they were conversing on the badness of the times; and one of the company called to a plain, clean, old man, with white locks, ‘Pray, father Abraham, what think you of the times? Will not these heavy taxes quite ruin the country? How shall we be ever able to pay them? What would you advise us to?’ Father Abraham stood up and replied, ‘If you’d have my advice, I’ll give it to you in short; for “a word to the wise is enough: and many words would not fill a bushel,” as poor Richard says.’ They joined in desiring him to speak his mind: and, gathering round him, he proceeded as follows:

‘Friends,’ said he, ‘and neighbours, the taxes are indeed very heavy; and if those laid on by the government were the only ones we had to pay we might more easily discharge them; but we have many others, and much more grievous to some of us. We are taxed twice as much by our idleness, three times as much by our pride, and four times as much by our folly; and from these taxes the commissioners cannot case or deliver us, by allowing an abatement. However, let us hearken to good advice, and something may be done for us; “God helps them that help themselves,” as poor Richard says in his Almanack.”
It would be thought a hard government that should tax its people one-tenth part of their time, to be employed in its service; but idleness taxes many of us much more if we reckon all that is spent in absolute sloth, or doing of nothing, with that which is spent in idle employments or amusements which amount to nothing. Sloth, by bringing on diseases, absolutely shortens life. "Sloth, like rust, consumes faster than labour wears, while the key used is always bright," as poor Richard says. "But dost thou love life? then do not squander time, for that is the stuff life is made of," as poor Richard says. How much more than is necessary do we spend in sleep!, forgetting "that the sleeping fox catches no poultry, and that there will be sleeping enough in the grave," as poor Richard says. "If time be of all things the most precious, wasting time must (as poor Richard says) the greatest prodigality;" since as he elsewhere tells us, "Lost time is never found again; and what we call time enough, always proves little enough." Let us then be up and doing, and doing to the purpose; so by diligence we shall do more with less perplexity. "Sloth makes all things difficult, but industry all easy," as poor Richard says; and, "he who rises late, must trot all day, and will scarcely overtake his business at night; while laziness travels so slowly that poverty soon overtakes him," as we read in poor Richard; who adds, "Drive thy business; let not thy business drive thee," and, "early to bed, and early to rise, makes a man healthy, wealthy, and wise."
So what signifies wishing and hoping for better times? We may make these times better if we bestir ourselves. "Industry needs not wish," as poor Richard says; and, "he who lives on hope, will die fasting." "There are no gains without pains; then help hands, for I have no lands; or if I have, they are smartly taxed;" and (as poor Richard likewise observes,) "He that hath a trade hath an estate; and he that hath a calling hath an office of profit and honour;" but then the trade must be worked at, and the calling well followed, or neither the estate nor the office will enable us to pay our taxes. If we be industrious we shall never starve; for, as poor Richard says, "At the working-man's house hunger looks in, but dares not enter." Nor will the bailiff or the constable enter, for, "Industry pays debt, while despair encreases them," says poor Richard. What tho' you have found no treasure, nor has any rich relation left you a legacy, "Diligence is the mother of good luck," as poor Richard says; and, "God gives all things to industry; then plough deep while sluggards sleep, and you will have corn to sell and to keep," says poor Dick. Work while it is called to-day; for you know not how much you may be hindered to-morrow; which makes poor Richard say, "One to-day is worth two to-morrows;" and further, "have you something to do to-morrow, do it to-day." "If you were a servant, would you not be ashamed that a good master should catch you idle? are you then your own master? be ashamed to catch yourself idle," as poor
Dick says. When there is so much to be done for yourself, your family, your country, and your gracious king, be up by peep of day; "let not the sun look down, and say inglorious here he lies!" handle your tools without mittens; remember, that "the cat in gloyces catches no mice," as poor Richard says. It is true, there is much to be done, and perhaps you are weak handed; but stick to it steadily, and you will see great effects; for, "constant dropping wears away stones, and by diligence and patience the mouse ate in two the cable; and light strokes fell great oaks," as poor Richard says in his Almanack, the year I cannot just now remember.

' Methinks I hear some of you say, "must a man afford himself no leisure;"'—I will tell thee, my friend what poor Richard says: "Employ thy time well, if thou meanest to gain leisure; and since thou art not sure of a minute, throw not away an hour." Leisure is time for doing something useful; this leisure the diligent man will obtain, but the lazy man never; so that, as poor Richard says, "A life of leisure and a life of laziness are two things." Do you imagine that sloth will afford you more comfort than labour? no; for, as poor Richard says, "Troubles spring from idleness, and grievous toil from needless ease; many without labour would live by their wits only; but they break for want of stock:" whereas industry gives comfort, and plenty, and respect. "Fly pleasures, and they will follow you; the diligent spinner has a large shift; and,
now I have a sheep and a cow, every body bids me good morrow;" all which is well said by poor Richard.

But with our industry, we must likewise be steady, settled, and careful and oversee our own affairs with our own eyes, and not trust too much to others; for, as poor Richard says,

"I never saw an oft removed tree,
Nor yet an oft removed family,
That thrive so well as those that settled be."

And again, "Three removes are as bad as a fire;" and again, "Keep thy shop, and thy shop will keep thee;" and again, "If you would have your business done, go; if not, send, "And again,

"He who by the plough would thrive,
Himself must either hold or drive."

And again, "The eye of the master will do more work than both his hands;" and again, "Want of care does more damage than want of knowledge;" and again, "Not to oversee workmen, is to leave them your purse open." Trusting too much to others' care, is the ruin of many: for, as the Almanack says, "In the affairs of the world, men are saved not by faith, but by the want of it;" but a man's own care is profitable; for, saith poor Dick, "Learning is to the studious, and riches to the careful, as well as power to the bold, and heaven to the virtuous. And further, "If you would have a faithful servant, and one that you like, serve yourself." And again, he adviseth to circumspection and care, even
In the smallest matters, because "sometimes a little neglect may breed great mischief;" adding, "for want of a nail the shoe was lost; for want of a shoe the horse was lost; and for want of a horse the rider was lost;" being overtaken and slain by the enemy, all for want of care about a horse-shoe nail.

"So much for industry, my friends, and attention to one's own business; but to these we must add frugality. If we would make our industry more certainly successful. A man may, if he knows not how to save as he gets, "keep his nose all his life to the grindstone, and die not worth a groat at last." "A fat kitchen makes a lean will," as poor Richard says; and,

"Many estates are spent in the getting,
Since women for tea, forsook spinning and knitting;
And men for punch, forsook hewing and splitting."

"If you would be wealthy," says he, in another Almanack, "think of saving, as well as of getting; the Indies have not made Spain rich, because her outgoings are greater than her incomings."

Away then with your expensive follies, and you will not have much cause to complain of hard times, heavy taxes, and chargeable families; for, as poor Dick says,

"Women and wine, game and deceit
Make the wealth small, and the want great."

And further, "What maintains one vice would bring up two children." You may
think, perhaps, that a little tea, or a little punch now and then, diet a little more costly, clothes a little finer, and a little entertainment now and then, can be no great matter; but remember what poor Richard says, "Many a little makes a meikle;" and further, "Beware of little expenses; a small leak will sink a great ship;" and again, "Who dainties love, shall beggars prove;" and moreover, "Fool make feasts, and wise men eat them."

"Here you are all got together at this sale of fineries and nicknacks. You call them goods; but if you do not take care, they will prove evils to some of you. You expect they will be sold cheap, and perhaps they may for less than they cost; but if you have no occasion for them, they must be dear to you. Remember what poor Richard says, "Buy what thou hast no need of, and ere long thou shalt sell thy necessaries." And again, "At a great pennyworth, pause awhile." He means, that perhaps the cheapness is apparent only, and not real; or the bargain, by straitening thee in thy business, may do thee more harm than good. For in another place he says, "Many have been ruined by buying goods pennyworths." Again poor Richard says, "It is foolish to lay out money in a purchase of repentance;" and yet this folly is practised every day at auctions, for want of minding the Almanack. "Wise men (as poor Dick says) learn by others harms, fools scarcely by their own; but hap-
py afe they who learn prudence by the misfortunes of others." Many a one, for the sake of finery on the back have gone with a hungry belly, and half starved their families; "silks and sattins, scarlets and velvets (as poor Richard says) put out the kitchen fire." These are not the necessaries of life; they can scarcely be called the conveniences; and yet only because they look pretty, how many want to have them? The artificial wants of mankind thus become more numerous than the natural; and as poor Dick says, "For one poor person there are a hundred indigent." By these and other extravagances, the genteel are reduced to poverty, and forced to borrow of those whom they formerly despised, but who, through industry and frugality, have maintained their standing; in which case it appears plainly, "A ploughman on his legs is higher than a gentleman on his knees," as poor Richard says. Perhaps they have had a small estate left them, which they knew not the getting of; they think "It is day, and never will be night;" that a little to be spent out of so much, is not worth heeding; "A child and a fool (as poor Richard says) imagine twenty shillings and twenty years can never be spent; but always by taking out of the meal-tub, and never putting in, you soon come to the bottom; then, as poor Dick says, "When the well is dry, they know the worth of water." But this they might have known before, if they had taken his advice; "If
you would know the value of money, go and try to borrow some; for he who goes a borrowing goes a sorrowing; and indeed so does he who lends to such people, when he goes to get it again.” Poor Dick farther advises, and says,

“Fond pride of dress is sure a very curse. 
Ere fancy you consult, consult your purse.”

“And again, “Pride is as loud a beggar as Want, and great deal more saucy.” When you have bought one fine thing, you must buy ten more, that your appearance may be all of a piece; but poor Dick says, “It is easier to suppress the first desire, than to satisfy all that follow it.” And it is as truly folly for the poor to ape the rich, as for the frog to swell in order to equal the ox.

“Vessels large may venture more, 
But little boats should keep near shore.”

“Tis, however, a folly soon punished; for “Pride that dines on vanity, sups on contempt,” as poor Richard says. And in another place, “Pride breakfasted with Plenty, dined with Poverty, and supped with Infamy.” And, after all, what use is this pride of appearance, for which so much is risked, so much suffered? It cannot promote health, or ease pain, it makes no increase of merit in the person; it creates envy; it hastens misfortune.

“What is a butterfly; at best
He’s but a caterpillar dress
The gaudy top’s his picture just,”
as poor Richard says.
But what madness must it be to run in debt for these superfluities! We are offered by the terms of this sale six months' credit; and that perhaps has induced some of us to attend it, because we cannot spare the ready money, and hope to be fine now without it. But, ah! think what you do when you run in debt. You give to another power over your liberty. If you cannot pay at the time, you will be ashamed to see your creditor; you will be in fear when you speak to him; you will make poor, pitiful, sneaking excuses, and, by degrees, come to lose your veracity, and sink into base downright lying; for, as poor Richards says, "The second vice is lying, the first is running in debt." And again, to the same purpose, "Lying rides upon Debt's back, whereas a free-born Englishman ought not to be ashamed nor afraid to see or speak to any man living." But Poverty often deprives a man of all spirit and virtue; "It is hard for an empty bag to stand upright; as poor Richards says. What would you think of that prince, or that government, who should issue an edict, forbidding you to dress like a gentleman or gentlewoman, on pain of imprisonment or servitude? Would you not say, that you were free, have a right to dress as you please and that such an edict would be a breach of your privileges, and such a government tyrannical? and yet you are about to put yourself under that tyranny when you run in debt for such dress! Your creditor has authority, at his pleasure, to deprive you of
your liberty, by confining you in jail for life; or by selling you for a servant, if you should not be able to pay him. When you have got your bargain, you may, perhaps, think little of payment; but "Creditors (poor Richard tells us) have better memories than debtors;" and in another place he says, "Creditors are a superstitious sect, great observers of set days and times." The day comes round before you are aware, and the demand is made before you are prepared to satisfy it. Or if you bear your debt in mind, the term which at first seemed so long will, as it lessens, appear extremely short. Time will seem to have added wings to his heels as well as his shoulders. "Those have a short Lent (says poor Richard) who owe money to be paid at Easter." Then since, as he says, "The borrower is a slave to the lender, and the debtor to the creditor; disdain the chain, preserve your freedom, and maintain your independency: be industrious and free; be frugal and free. At present, perhaps, you may think yourselves in thriving circumstances, and that you can bear a little extravagance without injury; but,

"For age and want save while you may,
No morning sun lasts a whole day,"

as poor Richard says. Gain may be temporary and uncertain; but ever, while you live, expense is constant and certain; and, "It is easier to build two chimney's, than to keep one in fuel," as poor Richard says. So "Rather go to bed supperless than rise in debt."
as poor Richard says. And when you have obtained the philosopher's stone, surely you will no longer complain of bad times, or the difficulty of paying taxes.

This doctrine, my friends, is reasonable and wise: but, after all, do not depend too much on your own industry and frugality, and prudence, though excellent things; for they may be blasted without the blessing of Heaven; and therefore ask that blessing humbly, and be not uncharitable to those who at present seem to want it, but comfort and help them. Remember Job suffered and was afterwards prosperous.

And now, to conclude, "Experience keeps a dear school; but fools will learn in no other, and scarcely in that; for it is true we may give advice but we cannot give conduct," as poor Richard says. However, remember this, "They that will not be counselled, cannot be helped," as poor Richard says; and further, "That if you will not hear Reason, she will surely rap your knuckles."

Thus the old gentleman ended his harangue. The people heard it, and approved the doctrine, and immediately practised the contrary, just as if it had been a common sermon; for the auction opened, and they began to buy extravagantly, notwithstanding all his cautions, and their own fear of taxes.
I found the good man had thoroughly studied my Almanacks, and digested all I had dropped on those topics, during the course of twenty-five years. The frequent mention he made of me must have tilled any one else; but my vanity was wonderfully delighted with it, though I was conscious that not a tenth part of the wisdom was my own, which he ascribed to me, but rather the gleanings which I had made of the sense of all ages and nations. However, I resolved to be the better for the echo of it; and though I had at first determined to buy stuff for a new coat, I went away resolved to wear my old one a little longer. Reader, if thou wilt do the same, thy profit will be as great as mine.

- I am, as ever, thine to serve thee,

RICHARD SAUNDERS.

Dr. Franklin, wishing to collect into one piece all the sayings upon the above subjects, which he had dropped in the course of publishing the Almanack, called Poor Richard, introduced Father Abraham for this purpose. Hence it is, that Poor Richard is so often quoted, and that in the present title he is said to be improved—Notwithstanding the stroke of humour in the concluding paragraph of his address, Poor Richard [Saunders] and Father Abraham have proved in America, that they are no common preachers. And, shall we, brother Englishmen, refuse good sense and saving knowledge, because it comes from the other side of the water?
OF THE
PROCEEDINGS
ON
AN INFORMATION FILED EX OFFICIO,

His Majesty's Attorney General,

AGAINST
JOHN HUNT, AND LEIGH HUNT,

PROPRIETORS OF
THE EXAMINER,

FOR PUBLISHING AN ARTICLE ON MILITARY PUNISHMENT, WHICH
ORIGINALLY APPEARED IN

Drakard's Stamford News

TRIED
IN THE COURT OF KING'S BENCH AT WESTMINSTER,

On Friday, February 22, 1811,

BEFORE
The Right Honourable Lord ELLENBOROUGH,
Chief Justice, &c.

AND A SPECIAL JURY.

"The perpetual recurrence of the infliction of Infamy on a
Soldier, by the punishment of Flogging, is one of the most
mistaken modes for enforcing discipline which can be conceived."

The Hon. Brigadier-General Stewart.

STAMFORD:
PRINTED AND PUBLISHED BY AND FOR JOHN DRAKARD,
AND SOLD BY ALL THE BOOKSELLERS
IN TOWN AND COUNTRY.

1811.
TRIAL.

IN THE KING'S BENCH.

THE KING
AGAINST
JOHN HUNT, AND JOHN LEIGH HUNT.

REPORT of the Proceedings upon this Information, tried in the Court of King's Bench, at Westminster, on Friday the 22d of February, 1811, before the Right Honourable Lord Ellenborough, Chief Justice, and a Special Jury.

[Upon calling over the names of the Special Jury, only two appeared out of the whole Pannel.]

Attorney General—I pray a tales.

The Common Pannel was then called, and the names of the Jurors to try the Information, were as follow:

SPECIAL JURY.
2. George Baxttre, of Church Terrace, Esq.

TALES PURSUANT, &C.

3. Robert Maynard, of Glasshouse-street, Oilman
4. Walter Row, of Great Marlborough-street, Stationer
5. Richard Bolton, of Silver-street, Porkman
6. John Rotton, of Vigo-lane, Cutler
7. Henry Perkins, of Great Marlborough-street, Grocer
8. William Lonsdale, of Broad-street, Cabinet-maker
9. John Searbrook, of Rupert-street, Cook
10. Thomas Rixon, of Carnaby-street, Victualler
12. David Millar, of Carnaby-market North, Baker
MR. RICHARDSON.

May it please your Lordship, Gentlemen of the Jury:—

This is an Information, exhibited by his Majesty’s Attorney General, against the defendants, John Hunt and Leigh Hunt, charging them with having printed and published a seditious libel. The Defendants have pleaded that they are Not Guilty, which you are to try.

Mr. Attorney General—May it please your Lordship, Gentlemen of the Jury:—I have thought it incumbent on me to prosecute the Defendants for the publication of the libel which will be proved, before you this day. The tendency of the libel is to create disaffection in the minds of the soldiers composing the armies of this country; to represent to them, that they are treated with improper and excessive severity, and to represent to them, what is still more mischievous, that the treatment of the French soldiers, under Buonaparté, and the means used to oblige them to undertake the military service in France, are preferable to those which are made use of in Great Britain, towards the soldiers of our army. The effect of this is obvious: it tends to raise a discontent and disaffection in the minds of the soldiers themselves; it tends to disincline others from entering into the service. If that effect was to be produced, how fatal the consequences must be to the very existence of the country, it is unnecessary for me to state. Gentlemen, as the publishers of this libel have chosen to select for their subject, or rather for their motto, that which they suppose me to have said, when I was addressing a jury upon a similar occasion, it is necessary I should give you some explanation of the circumstances under which that sentence the Defendants have chosen for their motto, was spoken by me. The words with which they commence their publication are these: “The aggressors were not dealt with as Buonaparté would “have treated his refractory troops.—Speech of the At-“torney General.” I must let you know on what occasion that observation was made by me; it became my duty to
prosecute a person of the name of Wm. Cobbett, for a libel of the same description as the one which is now submitted to your consideration: in that libel Mr. Cobbett had animadverted on the conduct of the military in the Isle of Ely towards certain persons belonging to the Local Militia, who were charged with mutiny. He took his account of the transaction from a newspaper published in London, and with that he opened his subject: it professed to give an account of the mutiny, and of the means used to suppress it: it stated the circumstance of calling in other military force to suppress the mutiny; that it was suppressed; that a court-martial was held on the offenders, and that they were sentenced to receive a punishment, part of which was inflicted, and part spared, or remitted. Having chosen this for his subject, the Defendant in that case animadverted with extreme severity on the conduct of those who had undertaken, and successfully undertaken, to suppress this mutiny, and to inflict the necessary degree of punishment on the guilty parties. A part of the sentence was corporal punishment. He insulted the people of Ely for suffering such a thing to pass in their presence. He took occasion, and it is to this I beg your attention, for it is connected with the present subject—he took occasion to speak of the manner in which Buonaparté was supposed to recruit his army, and he proceeded to taunt and revile those who reflected on the means used by Buonaparté, stating that the same discipline existed with respect to the British soldiers, and that it was therefore ridiculous to animadvert on the severity exercised by Buonaparté towards his soldiers, when the same system of discipline and severity was resorted to in this country with regard to our soldiers—evidently meaning to insinuate, and actually stating to the public, that the means used to recruit the British army were as bad or worse than those used to recruit the French army. In observing on this libel, and in observing also, that after the sentence passed on these men, who, disregarding all military subordination, had risen
on their officers—after observing upon those circumstances, and stating that part of the sentence was remitted, I suppose I did say that "The aggressors were not dealt with as Buonaparté would have treated his refractory troops." That I repeat; for I have no doubt they would have been treated with much greater severity, and that they would not have escaped with their lives.

Mr. Cobbett having been convicted of that libel, the publishers of the present libel take up the subject; and as Mr. Cobbett from a newspaper took up an account of a particular transaction in the Isle of Ely, so these publishers collect from all the newspapers they can find, accounts of the different punishments in the army, and having collected them, they present them in a mass, aggravating the manner in which these punishments were inflicted, and evidently endeavouring, by the mode in which they represent them, to inflame the minds of the soldiers against that code of laws which must be enforced while we have a hope of maintaining discipline; to render them disaffected to the service, and to subject the public to those calamities which must follow, if that effect was once produced.

In all countries where it is necessary armies should be supported, it is absolutely imperious and indispensable that they should be governed by laws not applicable to the general state of the community. It is fit that obedience should be enforced in all stations of life: servants should be obedient to their masters, children to their parents; and in all well-ordered societies there ought to exist regulations which will enforce those duties: if, however, your regulations in these instances, should fall short, the consequences, though they are sad and painful to reflect upon, are not fatal to the public peace; they end in themselves; although in the particular family in which the subordination is destroyed, a corresponding degree of insubordination is produced, and much unhappiness ensues. But with respect to the military part of the community, if once
the code of laws you have established, and the mode in which you execute those laws, be found insufficient to keep them within the due bounds of obedience to their superiors; if once they are let loose, I have said before, that it is unnecessary to point out the mischiefs that must inevitably follow, not only as they go to the destruction of the Army itself, but as carrying along with them the downfall and destruction of the whole State. It is, I repeat, unnecessary for me to point out the dreadful consequences of such a calamity. Gentlemen, I say this libel has the immediate tendency to produce the evils to which I am advertsing; for what can tend more directly to promote that end, than by representing to those who must live subject to the military code of laws, that it is a cruel and oppressive code, and that it is administered with an unnecessary degree of cruelty and severity? Can that be exceeded? Yes it can: while you have such an enemy to deal with as the one you have, and while your army is necessarily opposed to that enemy, the mischief of such a publication would be greatly increased, if, in addition to aggravating the supposed hardships of the British army, they are brought into comparison with the system adopted in the French army, and the preference is given to that of the French army; and yet this is not done obliquely, but directly and avowedly, by the libel now before you. Having thus pointed out the principles which are applicable to this case, and which I am persuaded will decide your judgment upon it, I shall proceed to state the libel itself. It begins: "One thousand lashes! from the Stamford News. The aggressors were not dealt with as Buonaparté would have treated his refractory troops. "Speech of the Attorney General." This I take to be a continuation of the libel to which that part of my speech was addressed. "Corporal Curtis was sentenced to receive one thousand lashes, but, after receiving two hundred, was, on his own petition, permitted to volunteer into a regiment on foreign service."—William Clifford, a private in the 7th
"Royal Veteran Battalion, was lately sentenced to receive one thousand lashes for repeatedly striking and kicking his superior officer. He underwent part of the sentence, by receiving seven hundred and fifty lashes, at Canterbury, in presence of the whole garrison.—A garrison court-martial has been held on board the Metcalf transport, at Spithead, on some men of the 4th regiment of foot, for disrespectful behaviour to their officers. Two thousand six hundred lashes were to be inflicted among them.—Robert Chilman, a private in the Bearstead and Malling regiment of Local Militia, who was lately tried by a court-martial for disobedience of orders and mutinous and improper behaviour, while the regiment was embodied, has been found guilty of all the charges, and sentenced to receive eight hundred lashes, which are to be inflicted on him at Chatham, to which garrison he is to be marched for that purpose." Then they give you the authority from which they derive the information—London newspapers.—So that you see they have collected from all the London newspapers—and perhaps you are to learn that there are sixty published every week—all the instances of military punishment, and presented them to the public indignation, in a mass, through the medium of this libel.—Now to pause for a moment here—Do you recollect the number of troops in our service?—In the Local Militia there are 150,000. I am not sure whether the original militia amount to more than 80,000.—If they amount to 80,000, that would be 260,000 men, besides all the regulars engaged in our line. Now is it fair to pick out all the punishments recorded in all the newspapers you can find, without presenting at the same time to public observation the number of persons who are subject to the military code? Is it the course of proceeding that would be followed by a man who had no improper object in view? I should say, even on the statement, that it would not;—but this is only the introduction to the libel—this is
only the theme on which the libeller afterwards discourses
—hear how he proceeds: “The Attorney General said
"what was very true; these aggressors have certainly not
“been dealt with as Buonaparté would have treated his re-
“fractory troops."

Why, in the outset, compare the treatment of the British
forces with those of Buonaparté? Does the writer mean to
desire of Government to abolish the British military code,
and substitute that of Buonaparté—to propose that we
should adopt laws by which men are dragged from their
families and homes, and obliged against their will to enter
the ranks of the army? Surely! surely! if his proposal is
to substitute the code he prefers for our own, I should be
wanting in my duty if I did not dare to stand up to pro-
secute the man who had published a paper recommending
such a plan.—Now how does he proceed?—“not as Buon-
“parté would have treated his refractory troops—nor indeed
“as refractory troops would be treated in any civilized coun-
“try whatever, save and except only this country. Here
“alone,” (he proceeds with the libel) “in this land of liberty,
“in this age of refinement, by a people who with that usual
“consistency have been in the habit of reproaching their
“neighbours with the cruelty of their punishments, is still
“inflicted a species of torture, at least as exquisite as any
“that ever was devised by the infernal ingenuity of the In-
“quisition.” Why, military punishments are severe, most
unquestionably:—but do you think that it is the interest of
those to whom the consideration of those punishments be-
ongs, to render them more severe than is necessary? Is
it not requisite that they should be attended with sufficient
severity to ensure immediate and prompt obedience to the
orders issued to men from their superiors?—The libel goes
on: “He, as the Attorney General, justly says Buonaparté
“does not treat his refractory troops in this manner.” All
this, you see, is by way of comparison, as to the manner of
treating British soldiers and French troops. "There is not "a man in his ranks whose back is scarred with the lacerating cat-o'-nine-tails; his soldiers have never yet been "brought up to view one of their comrades stripped naked, "his limbs tied with ropes to a triangular machine—his back "torn to the bone by the merciless cutting whipcord, ap- "plied by persons who relieve each other at short intervals, "that they may bring the full unexhausted strength of a "man to the work of scourging. Buonaparté's soldiers have "never yet with tingling ears listened to the piercing screams "of a human creature so tortured—they have never seen the "blood oozing from the rent flesh—they have never beheld a "surgeon, with dubious look, pressing the agonizing victim's "pulse, and calmly calculating, to an odd blow, how far suf- "fering may be extended, until in its extremity it encroach "upon life. In short, Buonaparté's soldiers cannot form any "notion of that most heart-rending of all exhibitions on "this side Hell, an English military flogging." What is the tendency of all this, but to raise and lift up the French soldier, and to debase and degrade in his own eyes the English soldier? The writer proceeds—"Let it not be "supposed that we intend these remarks to excite a vague "and indiscriminating sentiment against punishment by mi- "itary law:—no, when it is considered that discipline forms the soul of an army, without which it would at once dege- "nerate into a mob—when the description of persons which "compose the body of what is called an army, and the "situation in which it is frequently placed, are also taken "into account, it will, we are afraid, appear but too evident "that the military code must still be kept distinct from "the civil, and distinguished by greater promptitude and "severity. Buonaparté is no favourite of ours, God wot; "but if we come to balance accounts with him on this "particular head, let us see how matters will stand."

I beg you to observe how this account is stated, and with
what extreme reserve those acts of severity exercised by Buonaparté are introduced. "He recruits his ranks by force; so do we."—Putting us upon an equality, as if the same degree of force was used to recruit the Army in this country as in France.—"We flog those we have forced; he does not. But, it may be said, he punishes them in some manner; that is very true. He imprisons his refractory troops, occasionally, in chains; and, in aggravated cases, he puts them to death;" lightly passing over the circumstances of his putting his refractory troops in chains, and sometimes punishing them with death. "But (he proceeds) any of these severities is preferable to tying a human creature up like a dog, and cutting his flesh to pieces with whipcord. Who would not go to prison for two years, or indeed for almost any term, rather than bear the exquisite, the almost insupportable torment, occasioned by the infliction of seven hundred or a thousand lashes? Death is mercy compared with such sufferings." Gentlemen, if there is to be an alteration in our military code, it must be by adding to the number of cases in which death is inflicted; and if a proposal was made for adding to them, I should like to know in what terms of reproach the publishers of this libel would attack those who supported such a regulation. Then the writer goes into a statement of the manner in which this punishment is inflicted, which it would be very easy for him to do, with respect to any species of punishment on any offender. He says: "We give all credit to the wishes of some of our great men; yet while anything remains to us in the shape of free discussion, it is impossible we should sink into the abject slavery in which the French people are plunged. Although we do not envy the general condition of Buonaparté's subjects, we really (and we speak the honest conviction of our hearts) see nothing peculiarly pitiable in the lot of his soldiers, when compared with that of our own. Were we called upon to make our election between the services, the whipcord would at once decide us."
So that you see, striking a balance between the supposed hardships in our army, and those which he states belong to the French army, he gives the decided preference to the condition of the soldiers in the army of the Corsican. Now, Gentlemen, can you hear this without indignation? Is it possible for any creature endowed with human reason, not to see that the tendency of this publication is to alienate and estrange the minds of the British soldiers from the service, and to disincline those who have not entered into the ranks, but who might be inclined to do so, from entering into such service? Can anything be more mischievous than presenting to the public a comparison between the condition of a British and French soldier, and giving the preference to the latter? You will hear the libel read—The whole of it is equally offensive—every line has the same tendency; when you shall have heard it, I am sure you will entertain no doubt that its tendency is such as I have described it; and I am persuaded you will also hear from his lordship, for it will be his duty to state to you his opinion on the subject, that this is a most mischievous and seditious libel.

Henry Baldwin Raven sworn, and examined by Mr. Garrow.

Have you got a certified copy of the affidavit filed at the Stamp-office?
I have.
"Signed by the Commissioners?"
Yes, I have.
Did you see the Commissioners sign it?
Yes, I did.
Mr. Lowten.—The affidavit is sworn the 31st of Dec. 1807, by John Hunt and Leigh Hunt.

Have you got a printed newspaper with the title of Examiner?
Does it, in other respects, conform to the description of that paper in the affidavit?

Yes.

Mr. Garrow.—Your lordship knows the act of parliament makes that sufficient evidence of the publication.

Q. by Lord Ellenborough.—Did you purchase it?

A. No.

Mr. Garrow.—We are only required to produce it.

Mr. Brougham.—I submit that nothing has been proved respecting Leigh Hunt; at least the conformity of the paper is not proved as far as regards Leigh Hunt—John Hunt is alone mentioned at the foot of the paper.

Mr. Lowten.—The affidavit says that John Hunt is the printer.

Lord Ellenborough.—It is the affidavit of both.

Mr. Brougham.—The affidavit, by John Hunt and Leigh Hunt, I apprehend, brings home the fact of the property being their joint property: but the prosecutor has to prove another point; he has to prove that the paper produced is the paper whereof the property is in these two persons.

Lord Ellenborough.—We will read the provision in the act of parliament.

Mr. Attorney General.—The 9th section is in these words:

38th GEO. III. CAP. 78.

Sec. 9. “And be it further enacted, That all such affidavits and affirmations as aforesaid shall be filed and kept in such a manner as the said Commissioners shall direct, and the same, or copies thereof, certified to be true copies, as hereinafter is mentioned, shall, respectively in all proceedings, civil and criminal, touching any newspaper or other such paper as aforesaid, which shall be mentioned in any such affidavits or affirmations, or touching any publication matter or thing contained in any such newspaper or other paper, be received and admitted as
conclusive evidence of the truth of all such matters set forth in such affidavits or affirmations as are hereby required to be therein set forth, against every person who shall have signed and sworn or affirmed such affidavits or affirmations, and shall also be received and admitted, in like manner, as sufficient evidence of the truth of all such matters against all and every person who shall not have signed or sworn or affirmed the same, but who shall be therein mentioned to be a proprietor, printer, or publisher of such newspaper or other paper, unless the contrary shall be satisfactorily proved"—with a proviso that if any person should have delivered, previous to the publication of the paper to which the proceedings relate, an affidavit that he had ceased to be printer, &c. he should not be so deemed after such delivery.

This point was expressly decided in the case of the King against White.—There is a clause that says the production of a paper corresponding with the description in the affidavit, shall be prima facie evidence. Section 11 states:

Sect. XI. "And be it further enacted, that it shall not be necessary, after any such affidavit or affirmation, or a certified copy thereof, shall have been produced in evidence as aforesaid against the persons who signed and made such affidavit, or are therein named according to this act, or any of them,—and after a newspaper, or other such paper as aforesaid, shall be produced in evidence, intituled in the same manner as the newspaper or other paper mentioned in such affidavit or copy is intituled, and wherein the name or names of the printer and publisher, or printers and publishers, and the place of printing, shall be the same as the name or names of the printer and publisher or printers and publishers, and the place of printing, mentioned in such affidavit or affirmation, for the plaintiff, informant, or prosecutor, or person seeking to recover any of the penalties given by this act, to prove that the newspaper or paper to which such trial relates, was purchased at any house, shop, or office be-
longing to or occupied by the defendant or defendants, or any of them, or by his or their servants or workmen, or where he or they, by themselves or their servants or workmen, usually carry on the business of printing or publishing such paper, or where the same is usually sold.

Mr. Brougham.—My objection is, that the affidavit states John and Leigh Hunt to be the proprietors; and the question arises, whether the paper produced is the paper to which their affidavit refers? The paper only states John Hunt to be the printer, without any mention of Leigh Hunt.

Mr. Attorney General.—My learned friend loses sight of that which is the only support we have, I mean the act of parliament. The act of parliament says, that if a paper is produced corresponding with the description of the paper intended to be published, the production of that paper shall be evidence against the persons who made the affidavit, that it is their paper.

Lord Ellenborough.—As I understand the act, it makes, after the affidavit has been made, the publication of a paper with a corresponding title, prima facie evidence, for it is no more, and is liable to be rebutted,—that it is published by the person who is proprietor. It is only prima facie evidence. You may shew to the contrary.

Mr. Attorney General.—The point was decided in the case of the King against Hart and White.

Lord Ellenborough.—What is the act?

Mr. Garrow.—The 38th Geo. 3d, c. 78.

Mr. Brougham.—It is with great reluctance I press this. I wish to read two lines further, in order to suggest that there does appear to be the variance I have mentioned: "And be it further enacted, that it shall not be necessary, after a certified copy, &c."—(Vide Act.)—Now we admit the title is the same.

Lord Ellenborough.—The printer and publisher are the same, though the other person is enrolled as a proprietor.—
It most literally observes the prescription of the act of parliament.

The publication was read by Mr. Lawten.

"ONE THOUSAND LASHES!!"

(From the Stamford News.)

"The aggressors were not dealt with as Buonaparte would have treated his refractory troops."

\*\*\* Speech of the Attorney General.\*\*\*

"Corporal Curtis was sentenced to receive ONE THOUSAND LASHES, but, after receiving two hundred, was, on his own petition, permitted to volunteer into a regiment on foreign service.—William Clifford, a private in the 7th Royal Veteran Battalion, was lately sentenced to receive ONE THOUSAND LASHES, for repeatedly striking and kicking his superior officer.

"He underwent part of his sentence by receiving seven hundred and fifty lashes, at Canterbury, in presence of the whole garrison.—A Garrison Court Martial has been held on board the Mecall transport, at Spithead, on some men of the 4th regiment of foot, for disrespectful behaviour to their officers. TWO THOUSAND SIX HUNDRED LASHES were to be inflicted among them.—Robert Chillman, a private in the Bearstead and Malling regiment of Local Militia, who was lately tried by a Court Martial for disobedience of orders, and mutinous and improper behaviour while the regiment was embodied, has been found guilty of all the charges, and sentenced to receive EIGHT HUNDRED LASHES, which are to be inflicted on him at Chatham, to which garrison he is to be marched for that purpose.—London Newspapers.

"The Attorney-General said what was very true; these aggressors have certainly not been dealt with as Buonaparte would have treated his refractory troops; nor indeed as refractory troops would be treated in any civi-
lized country; whatever, save and except only this
country. I am alone, in this land of liberty, in this age
of refinement—by a people who, with their usual con-
sistency, have been in the habit of reproaching their
neighbours with the cruelty of their punishment,—is still
inflicted a species of torture, at least as exquisite as any
that was ever devised by the infernal ingenuity of the In-
quisition. No, as the Attorney General justly says,
Buonaparte does not treat his refractory troops in this
manner; there is not a man in his ranks whose back is
scorched with the lacerating cat-o’nine-tails; his soldiers
have never yet been brought up to view one of their
comrades stripped naked,—his limbs tied with ropes to
a triangular machine,—his back torn to the bone by the
merciless cutting whipcord, applied by persons who re-
lieve each other at short intervals, that they may bring
the full unexhausted strength of a man to the work of
scourging. Buonaparte’s soldiers have never yet with
tingling ears listened to the piercing screams of a human
creature so tortured: they have never seen the blood
oozing from his rent flesh;—they have never beheld a
surgeon, with dubious look, pressing the agonized
victim’s pulse, and calmly calculating, to an odd blow,
how far suffering may be extended, until in its extremity
it encroach upon life. In short, Buonaparte’s soldiers
cannot form any notion of that most heart-rending of
all exhibitions on this side Hell,—an English Military
Flogging.

Let it not be supposed that we intend these remarks to
excite a vague and indiscriminating sentiment against
punishment by military law:—no; when it is con-
sidered that discipline forms the soul of an army, without
which it would at once degenerate into a mob;—when
the description of persons which compose the body of
what is called an army, and the situations in which it is
frequently placed, are also taken into account, it will, we
are afraid, appear but too evident, that the military code
must still be kept distinct from the civil, and distinguished
by greater promptitude and severity. Buonaparte is no
favourite of ours, God wot—but if we come to balance
accounts with him on this particular head, let us see how
matters will stand. He recruits his ranks by force—so do
we. We flog those whom we have forced—he does not.
It may be said he punishes them, in some manner; that
is very true. He imprisons his refractory troops—occas-
ionally in chains—and, in aggravated cases, he puts them
to death. But any of these severities is preferable to
tying a human creature up like a dog, and cutting his
flesh to pieces with whipcord. Who would not go to
prison for two years, or indeed for almost any term,
rather than bear the exquisite, the almost insupportable
torment, occasioned by the infliction of seven hundred or
a thousand lashes? Death is mercy compared with such
sufferings. Besides, what is a man good for after he has
the cat-o'-nine-tails across his back? Can he ever again
hold up his head among his fellows? One of the poor
wretches executed at Lincoln last Friday, is stated to
have been severely punished in some regiment. The pro-
bability is, that to this odious, ignominious flogging, may
be traced his sad end; and it cannot be doubted that he
found the gallows less cruel than the halberts. Surely,
then, the Attorney-General ought not to stroke his chin
with such complacency, when he refers to the manner in
which Buonaparte treats his soldiers. We despise and
detest those who would tell us that there is as much li-
berly now enjoyed in France as there is left in this
country. We give all credit to the wishes of some of
our great men; yet while any thing remains to us in the
shape of free discussion, it is impossible that we should
sink into the abject slavery in which the French people
are plunged. 'But although we do not envy the general
condition of Buonaparte's subjects, we really (and we
"(and we speak the honest conviction of our hearts) see nothing peculiarly pitiable in the lot of his soldiers when compared with that of our own. Were we called upon to make our election between the services, the whipcord would at once decide us. No advantage whatever can compensate for, or render tolerable to a mind but one degree removed from brutality, a liability to be slashed like a beast. It is idle to talk about rendering the situation of a British soldier pleasant to himself, or desirable, far less honourable, in the estimation of others, while the whip is held over his head—and over his head alone, for in no other country in Europe (with the exception, perhaps, of Russia, which is yet in a state of barbarity) is the military character so degraded. We once heard of an army of slaves, which had bravely withstood the swords of their masters, being defeated and dispersed by the bare shaking of the instrument of flagellation in their faces. This brought so forcibly to their minds their former state of servitude and disgrace, that every honourable impulse at once forsook their bosoms, and they betook themselves to flight and to howling. We entertain no anxiety about the character of our countrymen in Portugal, when we contemplate their meeting the bayonets of Massena's troops,—but we must own that we should tremble for the result, were the French General to dispatch against them a few hundred drummers, each brandishing a cat-o'-nine-tails."

Mr. Attorney General.—There is an allegation that the 7th Royal Veteran Battalion is a battalion in the Army of our Lord the King. I can call any one to prove it.

Mr. Alexander Mackay examined by Mr. Richardson.

I believe you are a clerk in the War-Office?
I am.
ence itself, unless it is passed in the eyes of the world; and
to care but little what they do, so they be only stared at,
or talked of. It furnishes somewhat of excuse too, that
the public itself is insatiable in its thirst for slander;
swallows it with indiscriminate avidity; and, liberal at least
in its patronage of this species of merit, largely rewards
those whom it sends forth to pander for those depraved ap-
petites. But, in whatever way arising, or however pal-
liated, the fact of the abuse of the press is certain, and the
consequences are fatal to the press itself; for, the licentious-
ness of which I complain has been the means of alienating
the minds of those who had ever stood forward as its fastest
friends and its firmest defenders; it has led them to doubt
the uses of that which they have seen so perverted and
abused. It has made them, instead of blessing "the useful
light" of that great source of improvement, see in it
only an instrument of real mischief, or doubtful good:—
and when they find, that instead of being kept pure, for the
instruction of the world—instead of being confined to ques-
tioning the conduct of men in high situations, canvassing
public measures, and discussing great general questions of
policy; when they find that, instead of such, its legitimate
objects, this inestimable blessing has been made subservient
to the purposes of secret malice, perverted to the torture of
private feelings, and the ruin of individual reputation—those
men have at last come to view it, if not with hostility, at
least with doubtful friendship, and relaxed zeal for its privi-
leges. It is no small aggravation of this prejudice that the
Defendants came into Court to answer this charge after other
libels of a more general description have been published and
prosecuted; after those, to which the Attorney General has
so forcibly alluded in the opening of this case, had so
lately been brought before the Court, and the authors and
circulators convicted. At first sight, and upon merely
stating the subject of this publication, it is but natural for
you to imagine that there is some similarity between other
cases and the present one; and that a publication on the
general subject of military punishment (which is the only point of resemblance) belongs to the same class of libels with those so anxiously alluded to by my learned friend,—with those particularly for which Mr. Cobbett, and probably some others, are suffering the sentence of the law. The Attorney General did not put these circumstances in the back ground; he was anxious to draw a parallel between this case, and the case of Mr. Cobbett: it will be unnecessary for me to follow this comparison; all I shall say in the outset is, that I confidently predict, I shall not proceed far before I shall have convinced you, gentlemen, that light is not more different from darkness than the publication set forth in this record is different from all, and each, of the former publications brought before the Court by the Attorney General for conviction, and now again brought forward for argument. The consequence of all these prepossessions, in whatever way arising, is, I will not say fatal, but extremely hurtful to these Defendants. It places them in a torrent of prejudice, in which they would in vain have attempted, and I should not have counselled them to stand, had they not rested on the firm footing of the merits of their individual case, and the confidence that his Lordship and you will cheerfully stretch forth an helping arm in the only way in which you can help them; in the only way in which they ask your aid;—that you will do strict justice between the Crown and them, by entering into an examination of their single individual case. Gentlemen, you have to try whether the particular publication, set forth in this Record, has manifestly, upon the bare appearance of it, been composed and published with the evil intention and with the purpose and hurtful tendency alleged in the Information. If their intention has apparently been good; or, whether laudable or not, if it has been innocent, and not blameworthy; then, whatever you may think of the opinions contained in the work,—even though you may think them utterly false and unfounded— in whatever light you may view it critically as a piece of
composition—though you may consider the language as much too weak or as far too strong for the occasion—still if you are convinced there is nothing blameable in the intention which appears to have actuated the author and publisher—for I will take the question on the footing that the author himself is before you—though the evidence, on the face of it, bears me out in distinctly asserting that these Defendants did not write this article, but copied it from another work which they particularly specify)—yet, in order to argue the question more freely, I will suppose it is the case of the original composer, which you are now to try, (and I am sure my learned friend cannot desire me to meet him on higher or fairer ground)—I say then, that if you are not convinced—if upon reading the composition attentively you are not, every one of you, fully and thoroughly convinced, that the author had a blameable, a most guilty intention in writing it, and that he wrote it for a wicked purpose, you must acquit those defendants who published it. This, Gentlemen, is the particular question you have to try;—but I will not disguise from you, that you are now trying a more general and important question than this. You are now to determine, whether an Englishman still enjoys the privilege of freely discussing public measures—whether an Englishman still possesses the privilege of impeaching, (for if he has a right to discuss, he has a right to espouse whichever side his sentiments lead him to adopt, and may speak or write against, as well as for)—whether he has still a right to impeach, not one individual character, not one or two public men, not a single error in policy, not any particular abuse of an established system? I do not deny that he has the right to do all this, and more than this; but it is not necessary for me now to maintain it—but the question for you to try is—Whether an Englishman shall any longer have the power of making comments on a system of policy, of discussing a general, I had almost said an abstract political proposition—of com-
municating to his countrymen his opinion upon the merits, not of a particular measure, or even a line of conduct pursued by this or that administration, (though no man ever dreamt of denying him this also,) but of a general system of policy, which it has pleased the government to adopt at all times:—Whether a person, devoted to the interests of his country, warm in his attachment to its cause, vehemently impelled by a love of its happiness and glory, has a right to endeavour by his own individual exertions to make that perfect which he so greatly admires, by pointing out those little defects in its constitution, which are the only spots whereupon his partial eyes can rest for blame:—Whether an Englishman, anxious for the honour and renown of the Army, and deeply feeling how much the safety of his country depends on the perfection of its military system, has a right to endeavour to promote the good of the service, by shewing wherein the present system is detrimental to it; by marking out for correction those imperfections which bear, indeed, no proportion to the general excellence of the establishment, those flaws which he is convinced alone prevent it from attaining absolute perfection:—Whether a person, anxious for the welfare of the individual soldier, intimately persuaded that on the feelings and the honour of the soldier depend the honour and glory of our arms, sensible that upon those feelings and that honour hinges the safety of the country at all times, but never so closely as at present—whether, imbued with such sentiments, and urged by these motives, a man has not a right to make his opinions as public as is necessary to give them effect:—Whether he may not innocently, may laudably, seek to make converts to his own views, by giving them publicity, and endeavour to realize his wishes for the good of the state, and the honour of its arms, by proving, in the face of his fellow-citizens, the truth of the doctrines to which he is conscientiously attached. These, Gentlemen, are the questions put to you by
this Record; and your verdict, when it shall be entered upon it, will decide such questions as these.

Gentlemen, it is, I am persuaded, known to all of you, that for many years past, the anxious attention of the Government of this country has been directed (at times, indeed, to the exclusion of all other considerations) to the improvement of our Military Establishment. It would be endless, and it would be unnecessary, for me to enter into the various projects for its improvement, which from time to time have been entertained by our rulers, and adopted or rejected by the legislature: it is enough that I should state, in one short sentence, that all those plans have had common objects—to protect and benefit the private soldier, to encourage the recruiting of the Army, and to improve the character of those who compose it, by bettering the condition of the soldier himself. In the prosecution of these grand leading objects, various plans have been suggested by different statesmen of great name; plans which I need not particularize, but to some of which, in so far as they relate to the present Information, it is necessary that I should direct your attention. One of the chief means suggested for improving the condition of the soldier, is shortening the duration of his service; and upon that important subject it is unnecessary for me to use words of my own, when I have, in a publication which is before the world, and I dare say has been before you, (at least you cannot be unacquainted with the name and the fame of the author,) that which better expresses my sentiments than any language I could use myself. The arguments are so forcibly stated, and the subject is altogether placed in so luminous a point of view, that it is better for me to give them in the words of the respectable writer, the gallant officer I have alluded to. It is Sir Robert Wilson,*

* This distinguished officer sat on the bench, near his Lordship, during the whole of the trial.
Gentlemen, whose presence here as a witness, should it be necessary to call him, prevents me from saying, so strongly as I could wish, what in common with every one I do, most sincerely feel—that there is not, among all the brave men of whom the corps of officers in the British Army is composed, one to whom the country, considering his rank and the time of his service, is more indebted—one who has more distinguished himself by his enthusiastic, I had almost said, romantic, love of the service—one who has shewn himself a more determined, I may really say personal enemy of the Ruler of France, or a faster friend to the cause and the person of his own Sovereign, and of his royal allies.* —This gallant officer, in the year 1794, published a Tract "On the means of improving and re-organizing the Military Force of this Empire."—It was addressed to Mr. Pitt, then minister of the country, and whose attention, as well as that of the author, was at that time directed to whatever was likely to improve our military system—to encourage the obedience, and exalt the character of the soldier already in the Army, and to promote the recruiting of it from among those who had not yet entered into the service. He mentions a great variety of circumstances which deter men from enlisting, and render those who do enter of less value to the profession. Among others, he mentions the term—the duration of their service. He says, in language powerful indeed, and strong, but any thing rather than libellous:—"It is strange that in a free country, a custom so repugnant to freedom, as enlisting for life, and to the particular character of the British Constitution, should ever have been introduced; but more singular

* Sir Robert Wilson is Aide-de-camp to the King: he obtained the Order of Maria Theresa for saving the Emperor's life in 1792; and his book against Buonaparte is well known.
that the practice should have been continued after every
other nation in Europe had abandoned it as impolitic, and
as too severe an imposition upon the subject."—"If in
those countries (he proceeds) where the inferior orders of
society are born in vassalage, and where the will of the
sovereign is immediate law, this power has been relin-
quished, in order to incline men voluntarily to enlist,
surely there is strong presumptive evidence that the ge-
neral interests of the service are improved, instead of
being injured by this more liberal consideration." He
then goes on to illustrate the same topic in terms still more
expressive of the warmth of his feelings upon so interesting
a question: "The independence of an Englishman," says
he, "naturally recoils at the prospect of bondage, which
gradually produces discontent against the bent even of
inclination." "How many men," he adds, in still
more glowing expressions—but which I am far from blaming
—or I should have held him cheap indeed, if, instead of
giving vent to his sentiments in this free and appropriate
manner, he had offered them as coldly and dryly as if he
were. Drawing out a regimental return—"How many
men are there, who have now not the faintest wish to
leave their own estates, even for a journey into another
country, but who, if restrained by any edict from quit-
ting England, would find this island too narrow to con-
tain them, would draw their breath convulsively as if they
craved free air, and feel all the mental anguish of a pri-
soner in a dungeon? What is the inference to be now
fairly drawn from the perseverance in the system of en-
listing for life? Is it not that the British service is so ob-
noxious and little conciliating, that, if the permission
to retire were accorded, the ranks would be altogether
abandoned, and the skeleton only remain, as an eternal
and mournful monument of the wretchedness of a soldier's
condition?—Is it not a declaration to the world, that the
service is so ungrateful to the feelings of the soldiery,
"that when once the unfortunate victim is entrapped, it is "necessary to secure his allegiance by a perpetual state of "confinement?"—He then advances in the course of his inquiry to another topic; and in language as strong—as expressive of his honest feelings—and therefore as appropriate and praise-worthy—he talks of the service in the West-India Islands, and even goes so far as to wish those colonies were abandoned. I am not disposed to follow him in this opinion—I cannot go so far:—But God forbid I should blame him for holding it—or that, for making this opinion public, I should accuse him of having written a libel on that service, of which he is at once the distinguished ornament and zealous friend.—It might bear perhaps an insinuation that such a topic was inflammatory—that it had a tendency to excite discontent among the soldiers—and to deter men from entering into the service. But far from imputing that to the gallant officer, I respect him the more for publishing a bold and downright opinion—for expressing his feelings strongly—it is the best proof he felt keenly. He proposes no less than that the West-India Islands should be given up, in order to improve our means of defence at home. He says, "It is, however, to be hoped, that the "day is not remote, when our Colonies shall cease to be "such a claim upon the active population of this country; "that charnel-house must be closed for ever against the "British troops. The soldier who dies in the field is "wrapped in the mantle of honour, and the pall of glory "is extended over his relatives; but in a warfare against "climate, the energy of the man is destroyed before life "is extinguished; he wastes into an inglorious grave, and "the calamitous termination of his existence offers no cheering recollection to relieve the affliction of his loss."—Did Sir Robert Wilson mean to excite the brave and ill-fated regiments to mutiny and revolt who were already enclosed in those charnel-houses?—or did he mean to deter persons from enlisting in those regiments, who might otherwise
have been inclined to join them? Did he mean to address any of the regiments under actual orders for the West-
India service, and to excite revolt among them—by telling every one who read the passage I have cited, that which it so forcibly puts to all soldiers under such orders—“Whither are you going?—You are rushing into a char-
nel-house!” Far be it from me to impute such motives—it is impossible: The words I have read are uttered, in the discussion of a general question; a question on which he speaks warmly, because he feels strongly. And pursuing the same course of reasoning in the same expressive style, he comes to another and an important part, both of his argument and of the question in which we are now engaged. In considering the nature of the tenure by which a soldier wears his sword;—in considering that honour is to him what our all is to everybody else—he views several parts of our military system as clashing in some sort with the respect due to a soldier’s character—and, fired with a subject so near his heart, he at once enters into the question of military punishments—paints in language not at all weaker nor less eloquent than that of the publication before you—in language that does him the highest honour, the evils that result from the system of flogging, as practised in our Army. He says, “The second, and equally strong check to the recruiting of the Army, is the frequency of corporal pu-
nishment.” Proceeding to enlarge on this most interesting point, in the course of his observations he uses such expressions as these:—After judiciously telling us, that “it is in vain to expect a radical reform, until the principle of the practice is combated by argument, and all its evil consequences exposed by reasoning,” he adds this assertion, for which every one must give him credit:—“Be this however as it may, I feel convinced that I have no ob-
ject but the good of the service.”—He says, that “Sir “Ralph Abercrombie was also an enemy to corporal pu-
nishments for light offences: his noble and worthy suc-
"cessor, whose judgment must have great influence; Lord Moira,—General Simcoe—and almost every General Officer in the Army, express the same aversion continually;—"but they have no power of interference."—Of that interference then he thinks there is no prospect, unless by reason and argument, and by freely discussing the opinions of the country and the legislature—a proposition to which all of us must readily assent. And he thus pursues:—"I feel convinced that I have no object but the good of the service, and, consequently, to promote the Commander in Chief's views, and that my feelings are solely influenced by love of humanity, a grateful sense of duty to brave men, and not by a false ambition of acquiring popularity"—A motive which I am sure no one will impute to him.—"If (he adds) I did not think the subject of the most essential importance, no motive should induce me to bring it forward,—if I was not aware that, however eager the Commander-in-Chief was to interpose his authority, the correction of the abuse does not altogether depend upon his veto, and cannot, with due regard to the peculiar circumstances of his situation, be required to emanate abruptly from him. My appeal is made to the Officers of the Army and Militia, for there must be no marked discrimination between these two services, notwithstanding there may be great difference in their different modes of treating the soldiery. I shall sedulously avoid all personal allusions—the object in view is of greater magnitude than the accusation of individual malefactors: I shall not enter into particulars of that excess of punishment, which has in many instances been attended with the most fatal consequences.—I will not, by quoting examples, represent a picture in too frightful a colouring for patient examination." He then says, "The present age is a remarkable epoch in the history of the world;—civilization is daily making the most rapid progress, and humanity is triumphing hourly
over the last enemies of mankind: but whilst the Afri-
can excites the compassion of the nation, and engages
the attention of the British Legislature, the British sol-
dier, their fellow countryman, the gallant faithful pro-
tector of their liberties, and champion of their honour,
is daily exposed to suffer under the abuse of that power
with which ignorance or a bad disposition may be armed."—
There is no mode of punishment so disgraceful as
flogging; and none more inconsistent with the military
character, which should be esteemed as the essence of
honour and the pride of manhood: but when what should
be used but in very extreme cases, as the ultimum supple-
cium, producing the moral death of the criminal, be-
comes the common penalty for offences in which there
is no moral turpitude, or but a petty violation of martial
law, the evil requires serious attention."—Here he ap-
ppeals with a proud and exulting recollection to the practice
of the regiment in which he had begun his military life.
"Educated," says he, "in the 15th Light Dragoons,
I was early instructed to respect the Soldier: that was a
"corps before which the triangles were never planted;" mean-}
ing the triangles against which men are tied up when
they receive the punishment of flogging. "There," he
adds, in the same language of glowing satisfaction, con-
trasting the character of his favourite corps with that de-
basement which the system of flogging elsewhere engenders—
"There," he exclaims,—"each man felt an individual
"spirit of independence; walked erect, as if conscious of
"his value as a man and a soldier—where affection for
"his officer, and pride in his corps, were so blended, that
"duty became a satisfactory employment, and to acquire
"for each new distinction, the chief object of their wishes.
"With such men every enterprise was to be attempted,
"which could be executed by courage and devotion, and
"there was a satisfaction in commanding them which could
"never have been derived from a system of severity." He
proceeds, "There is no maxim more true than that cruelty
is generated in cowardice, and that humanity is insepara-
ble from courage. The ingenuity of officers should be
exercised to devise a mode of mitigating the punishment,
and yet maintaining discipline. If the heart be well dis-
posed, a thousand different methods of treating offences
will suggest themselves; but to prescribe positive penal-
ties for breaches of duty is impossible, since no two cases
are ever exactly alike. Unfortunately, many officers
will not give themselves the trouble to consider how they
can be merciful; and if a return was published of all
regimental punishments within the last two years, the
number would be as much a subject of astonishment as
regret.—I knew a Colonel of Irish Militia, happily now
dead, who flogged in one day seventy of his men, and I
believe punished several more the next morning; but,
notwithstanding this extensive correction, the regiment
was by no means improved. Corporal punishments
never yet reformed a corps; but they have totally
ruined many a man who would have proved
under milder treatment a meritorious soldier.
They break the spirit without amending the disposition;
whilst the lash strips the back, despair writhes round the
heart, and the miserable culprit, viewing himself as fallen
below the rank of his fellow species, can no longer attempt
the recovery of his station in society. Can the brave
man, and he endowed with any generosity of feeling,
forget the mortifying vile condition in which he was ex-
posed? Does not therefore the cat-o'-nine-tails defeat
the chief object of punishment, and is not a mode of pu-
nishment too severe, which for ever degrades and renders
object? Instead of upholding the character of the sol-
dier, as entitled to the respect of the community, this
system renders him despicable in his own eyes, and the
object of opprobrium in the state, or of mortifying
commiseration."—He is now about to touch upon a
topic which I admit to be of some delicacy. It is one of the topics introduced into the composition before you:—but a man of principle and courage, who feels that he has a grave duty to perform, will not shrink from it, even if it be of a delicate nature, through the fear of having motives imputed to him by which he was never actuated, or lest some foolish persons may accuse him of acting with views which never swayed him. Accordingly Sir Robert Wilson is not deterred from the performance of his duty by such childish apprehensions; and, having gone through all his remarks, of which I have read only a small part, and having eloquently, feelingly, and most forcibly summed it up in the passage I have just quoted, he says: "It is a melancholy truth, that punishments have considerable augmented— that ignorant and fatal notions of discipline have been introduced into the service, subduing all the amiable emotions of human nature. Gentlemen who justly boast the most liberal education in the world, have familiarized themselves to a degree of punishment which characterizes no other nation in Europe."—"England," (he adds, pursuing the same comparative argument on which so much had this day been said)—"England should not be the last nation to adopt humane improvements;" and then, coming to the very point of comparison which has been felt by the Attorney General as the most offensive, Sir R. Wilson says: "France allows of flogging only in her Marine, for men confined together on board ship require a peculiar discipline, and the punishment is very different from military severity. The Germans make great criminals run the gauntlet;" thus illustrating the principle that in no country, save and except England alone, to use the words of those Defendants is this mode of punishment by flogging adopted.

Gentlemen, it is not from the writings of this gallant officer alone that I can produce similar passages, though,
perhaps, in none could I find language so admirable and so strong as his. I shall trouble you, however, with no more references, excepting to an able publication of another officer, who is an ornament to his profession, and whose name, I dare to say, is well known amongst you, I mean Brigadier-General Stewart, of the 95th regiment; the brother of my Lord Galloway. This work was written while the plans, which I have already mentioned, were in agitation for the improvement of the Army; and the object of it is the same with that of Sir R. Wilson—to shew the defects of the present system, and to point out the proper remedies.

"Without (he begins) a radical change in our present military system, Britain will certainly not long continue to be either formidable abroad, or secure at home." This radical change in our system is merely that which I have already detailed. He says, after laying down some general remarks, "If this view of the subject be correct, how will the several parts of our present military system be reconciled to common sense, or to any insight into men and things?" He then mentions the chief defects in the system, such as perpetuity of service, and the frequency of corporal punishments; and in discussing the latter subject, he says, "No circumstance can mark a want of just discrimination more than the very general recurrence, in any stage of society, to that description of punishment which, among the same class of men, and with the alteration of the profession alone, bears a stamp of infamy in the estimate of every man. The frequent infliction of corporal punishment in our armies tends strongly to debase the minds and destroy the high spirit of the soldiery. It renders a system of increasing rigour necessary; it deprives discipline of honour, and destroys the subordination of the heart, which can alone add voluntary zeal to the cold obligations of duty. Soldiers of naturally correct minds, having been once punished corporally, generally become negligent and
unworthy of any confidence. Discipline requires the inter-
vention of strong acts to maintain it, and to impress it
on vulgar minds: punishment may be formidable, but
must not be familiar: generosity or solemn severity must
at times be equally recurred to: pardon or death have
been resorted to with equal success; but the perpetual re-
currence to the infliction of infamy on a soldier by the
punishment of flogging, is one of the most mistaken modes
for enforcing discipline which can be conceived."—And
then, alluding to the same delicate topic of comparison,
which, somehow or other, it does appear no man can write
on this subject without introducing,—I mean the compara-
tive state of the Enemy's discipline, and our own,—he
says: "In the French army a soldier is often shot,
but he rarely receives corporal punishment; and in no
other service is discipline preserved on truer principles."
Gentlemen, I like not the custom, which is too prevalent
with some men, of being over-prone to praise the Enemy—
of having no eyes for the merits and advantages of their own
country, and only feeling gratified when they can find food
for censure at home; while abroad all is praise-worthy and
perfect.—I love not this propensity to make such a com-
parison; however, it is sometimes absolutely necessary,
though it may always be liable to abuse:—but in an officer
like General Stewart or Sir Robert Wilson, it has the merit
not only of being applicable to the argument, but in those
men who have fought against that Enemy, and who in
spite of his superior system have beaten him (as beat him we
always do when we meet him on any thing like fair terms),
in such men it has the grace of liberality as well as the
value of truth—and it not only adds a powerful reason to
their own, but shews them to be above little paltry feuds;—
shews them combating with a 'manly hostility, and proves
that the way in which they choose to fight an enemy, is like
soldiers in the field, and not by effeminately railing at him.
In the French army, General Stewart says, a soldier is often
shot, but he rarely receives corporal punishment—and "in
"no other service is discipline preserved on truer principles."
He says, "I know the service—I have had occasion to see it in practice—I have served with Austrians, Prussians, and Swedes—but in no service is discipline preserved on truer principles than in the French; and therefore it is that I quote the example of the French, whose discipline is preserved on principles too true, alas, for our ill-fated allies. It is therefore I quote the French army, and in order to shew that the change I recommend in our own, is necessary for the perfection of its discipline, and to save us from the fate of those allies." Such are the opinions of these gallant officers—but whether they are right or wrong I care not—Such are the opinions of other brave and experienced officers, expressed in language similar to that which you have heard; in such terms as they deemed proper for supporting the opinions they held. Do I mean to argue, because these officers have published what is unfit and improper, that therefore the Defendants have a right to do the same? Am I foolish enough? Do I know so little of the respect due to your understandings? Am I so little aware of the interruption I should instantly and justly meet from the learned and noble Judge, who presides at this trial, were I to attempt urging such a topic as this? Do I really dare to advance what would amount to no less than the absurd, the insane proposition, that if one man publishes a libel, another man may do so too? On the contrary, my whole argument is at an end, if these are libels. If General Stewart and Sir Robert Wilson have exceeded the bounds of propriety, and those passages which I have read from their works, are libels; the publication by them would form not only no excuse for the Defendants, but would be an aggravation of their fault, if I, their counsel, had ventured, in defending one libel, to bring other libels before you. But it is because I hold, and you must too, that these officers are incapable of a libellous intention—because you well know that these officers, when they wrote in such terms,
were incapable of the design of sowing dissention among
the troops, and deterring men from entering into the Army
—it is because you know that, of all the men in this Court,
and in this country, there are no two persons who are more
enthusiastically attached to this country—it is because you
know, as well as I do, that no two men in England are more
to the interest of the British Army, or bear a
deadlier hate to all its enemies—it is because you must feel
that there is not an atom of pretext for charging them with
such wicked intention, or for accusing them of a libellous
publication—it is for this reason, and for this alone, that
I have laid before you what they have thought and writ-
ten upon the subject matter of the composition which
you are now trying.—I entertain no small confidence
that you are prepared to go along with me, in my con-
clusion, that, if they could publish such things, without
the possibility of any man accusing them of libel, the
mere fact of these things being published is no evidence
of a wicked or seditious intention:—that you are there-
fore prepared to view the publication on its own merits;
and, considering how others, who could not by possibil-
ity be accused of improper motives, have treated the same
subject, you will feel it your duty to acquit the De-
fendants of evil intention, if they shall appear to have
handled it in a similar manner.

Gentlemen, I entreat you now to look a little towards the
composition itself on which the Attorney General has com-
mented so amply. With respect to the motto, which is
taken from an eloquent address of his to a jury upon a
former occasion, there is nothing in that, which makes
it necessary for me to detain you. In whatever way these
words may have originally been spoken, and however the
context may have qualified them, even if they bore originally
a meaning quite different from that in their insulated
state they now appear to have,—I apprehend, that a person
assuming, as is the fashion of the day, a quotation from
the words of another as a text, may fairly take the passage in whatever sense suits his own purpose. Such at least has been the practice, certainly, from the time of the Spectator, —I believe much earlier; nor can the compliance with this custom prove any intention good or bad,—A writer takes the words which he finds best adapted to serve for a text, and makes them his motto: some take a line, and even twist it to another meaning, a sense quite opposite to its original signification; it is the most common device, a mere matter of taste and ornament, and is every day practised. Let us now come to the introduction, which follows the text or motto. The writer, meaning to discuss the subject of military punishments, and wishing to offer his observations on the system of punishment adopted in our Army,—in order to lay a groundwork for his argument, and in case any reader should say, 'You have no facts to produce, this is all mere declamation,'—for the purpose of securing such a groundwork of fact as should anticipate this objection, and show that these military punishments were actually inflicted in various instances,—and in order to prove from those instances the necessity of entering into the inquiry, he states fairly and candidly several cases of the punishments which he is going to comment upon.—He says, "Corporal Curtis was sentenced to receive one thousand lashes, but, after receiving two hundred, was on his own petition permitted to volunteer into a regiment on foreign service." Enough would it have been for the argument to have said, that Corporal Curtis had been sentenced to receive one thousand lashes; he owns candidly that on receiving two hundred, he was allowed, and at his own request, to enter into a regiment on foreign service. Then he mentions the case of William Clifford, a private in the seventh Royal Veteran battalion, who was lately sentenced to receive one thousand lashes:—does he stop there? No, he adds the reason; and the reason turns out to be one which, if any thing can
justify such a punishment, you will admit, would be a justification. He adds candidly, what makes against his own argument, he says it was "for repeatedly striking and kicking his superior officer." He adds, that he underwent part of his sentence, by receiving seven hundred and fifty lashes at Canterbury, in presence of the whole garrison. He next mentions another instance of some persons of the 4th regiment of foot, being sentenced to receive two thousand six hundred lashes—and, giving the reason, he says it was "for disrespectful behaviour to their officers."—He then states the case of Robert Chilman, a private in the Bearstead and Malling regiment of Local Militia, who was lately tried, this author tells us, by a court-martial "for dis-
igious obedience of orders and mutinous and improper behaviour while the regiment was embodied."—His offence he thus sets forth almost as fully as if he was drawing up the charge—nay, I will venture to say the charge upon which the court-martial proceeded to trial, was not drawn up more strongly and distinctly; he subjoins to these facts, that his authorities are, the London Newspapers.

Having thus laid the foundation and groundwork of his reasoning, he comments upon the subject in words which, as they have been read twice over, once by the Attorney General and once by Mr. Lowten, it will be unnecessary for me to repeat at any considerable length; I would only beg of you to observe, that, in the course of his argument, he has by no means departed from the rule of fairness and candour which he had laid down for himself in the outset. He brings forward that which makes against him, as well as that which makes for him, and he qualifies and guards his propositions in a way strongly indicative of the candour and fairness of his motives. After having stated his opinion in warm language, in language such as the subject was calculated to call forth—after having poured out his strong feelings in a vehement manner—(and surely
you will not say that a man shall feel strongly, and not strongly express himself—shall he be blamed for expressing himself, as these two gallant officers have done, though perhaps in language not quite so strong? Having thus expressed himself, he becomes afraid of his reader falling into the mistaken notion of his meaning,—which, notwithstanding the warning, it would seem the Attorney General has really fallen into, of supposing that he had been too much inclined to overlook the errors in the French system, and that he who had argued against our system, and in favour of the Enemy's, might be supposed too generally fond of the latter; apprehensive of a mistake so injurious to him, and feeling that it was necessary for him to qualify his observation, in order to protect himself from such a misconception—He first says, "Let it not be supposed that we intended these remarks to excite a vague and indiscriminate sentiment against punishment by military law."—You perceive, Gentlemen, that before proceeding to guard his reader against the idea of his general partiality to the French system, he stops for the purpose of correcting another misrepresentation, another mistake of his meaning, into which also the Attorney General has repeatedly been betrayed this day. The writer, fearing lest he should not have guarded his reader, and especially his military reader, if he should have one, against the supposition of his being an enemy to military punishment in the general, states distinctly, that severe punishment is absolutely necessary in the Army; and he proceeds to express himself in words which are nearly the same as those used by the Attorney General, for the purpose of shewing that there was something enormous in attacking the system of corporal punishment.—Says the Attorney General, he is endeavouring to inflame the subjects of this country against the whole penal code of the Army; he is endeavouring to take away the confidence of the soldier in those military regulations which must be enforced, while
we have an army at all.—All this is mere rhetoric: exactly so thought the author of this work. He was afraid some person might fall into the same mistake, and accordingly he warns them against this error; he says, "Let it not be supposed that we intend these remarks to excite a vague and indiscriminating sentiment against punishment by military law: no; when it is considered that discipline forms the soul of an army, without which it would at once degenerate into a mob;—when the description of persons which compose the body of what is called an army, and the situation in which it is frequently placed, are also taken into account, it will, we are afraid, appear "but too evident that the military code must still be kept distinct from the civil, and distinguished by great promptitude and secerity. Buonaparte is no favourite "of ours, God wot!"—Then, with respect to the French mode of punishment and our own, he observes: "It may be said, he (Buonaparte) punishes them (his troops) in some manner.—That is very true; he imprisons his refractory troops, occasionally in chains, and in aggravated cases he puts them to death."—Is this not dealing fairly with the subject? Is this keeping out of sight every thing that makes against his argument, and stating only what makes for it? Is he here mentioning the French military punishments, to prove that we ought to abandon the means of enforcing our military discipline? No, he does not argue so unfairly, so absurdly.—His argument did not require it: he states, that the French punish their soldiers in a manner which I have no doubt some will think more severe than flogging: he states, that Buonaparte punish his refractory troops with chains, and with the highest species of all human punishment—with death.—This is exactly the argument of the Defendants, or of the author of this composition; and it is the argument of all those who reprobate the practice of flogging. They contend, that he (Buonaparte) does not; and that we ought not to
flog soldiers; but that he punishes them with chains or death, and so ought we. They maintain, that for those offences for which one thousand lashes are inflicted, and many of the first authorities in this country maintain, and always have maintained,—that death itself should be inflicted—but not flogging,—that the more severe, but more safe and appropriate punishment is to be preferred. The argument is not used out of compassion to the soldier, not for the purpose of taking part with him. He does not tell him who has been guilty of mutiny, 'Your back is torn with the lash, you are an injured man, and suffering unmerited hardships—you, who have kicked and beat your officer, ought not to be punished in so cruel a way, as by being tied to the triangles and lacerated with whipcords—this is not what he tells the soldier. No; he says—'The punishment you receive, is an improper punishment altogether, because it is hurtful to military discipline, because it wounds the feelings of the soldier, and degrades him in his own estimation, because it ruins irretrievably many a man who might be reclaimed from irregular courses, and saves the life only, but without retaining the worth of him who, like you, have committed the highest offences: therefore such a punishment is in no instance fit to be inflicted. But do not think that you are to get off without the severest punishment—you, who have been guilty of mutiny; do not think that military punishments ought not to be more severe than the civil: my opinion, indeed, is, that you ought not to be flogged, because there are reasons against that practice, wholly independent of any regard for you; but then I think that you ought to be confined in chains, or put to death.'—It is not tenderness towards the soldier, it is not holding up his grievances as the ground for mutiny; it is a doctrine which has for its object the honour of all soldiers: it proceeds from a love of the military service; it is calculated to raise that service, and, by raising it, to pro-
mote the good of the country. These are the motives, these are the views of this train of argument. Instead of holding out the idle dream, that the soldier ought not to be punished, he addresses himself to the soldier, solely on account of the system of which he forms a part; solely on account of the effects which his punishment may produce on the Army: but as to the individual soldier himself, he holds the very language of severity and discipline; he tells him in pretty plain, nay in somewhat harsh terms, that strictness is necessary in his case, and that he must be treated far more rigorously than any other class of the community. Furthermore, he tells him, that a severer punishment than even flogging is requisite, and that, instead of being scourged, he ought to be imprisoned for life, or shot. He then goes to another topic—but it is almost unnecessary to proceed further with the qualifications of his opinion: he says, "We despise and detest those who would tell us, that there is as much liberty now enjoyed in France as there is left in this country." Is this the argument, is this the language of a person who would hold up to admiration what our enemies do, and fix the eye of blame only on what happens at home? Is this the argument from which it is to be inferred, that he went over to pry out the blessings enjoyed by our enemies in order to stir up discontent among ourselves? If such had been his intention, was this vehement expression of contemptuous indignation against those who are over-forward to praise the French, likely to accomplish such an intention? Surely such expressions were more than his argument required. He goes out of his way to reprobate men of unpatriotic feelings; men whose hearts are warm towards the enemies of their country. It was the gist of his argument to shew that the French discipline being superior to ours, (as in the opinion of Sir Robert Wilson and General Stewart it appears to be), we ought to seek the amendment of our system by availing ourselves of the example of our enemies: but he says, 'Do not believe I am against punishing
the soldier because I am averse to flogging him—or that I belong to the description of persons who can see nothing in the conduct of our enemies deserving censure: on the contrary, he warns the soldier that rigour of discipline is his lot—and that he must expect the severest infliction of punishment which man can endure—and he purposely, though I admit unnecessarily for his argument, inveighed against too indiscriminate an admiration of France, in words which I shall repeat, because they are important, and because my learned friend passed hastily over them:—

—"We despise and detest those who would tell us, that there is as much liberty now enjoyed in France as there is left in this Country."

Such, Gentlemen, is the publication on which you are called upon to decide:—it is an argument, qualified by restrictions and limitations, upon an important branch of the military policy of this Country. In pursuing this argument, it was necessary the writer should choose a topic liable to misconception—the comparison of the system of the French army with our own:—his argument could not be conducted without a reference to this point;—but, to prevent it from abuse, he guarded it by the passage I have read, and by others which are to be found in the body of the composition.—And he is now brought before you for a libel, on this single ground, that he has chosen such topics as the conduct of his argument obviously required; and used such language as the expression of his opinions naturally called for.

Gentlemen, I pray you not to be led away by any appearance of warmth, or even of violence, which you may think you perceive merely upon cursorily looking over this composition.—I pray you to consider the things I have been stating to you, when you are reflecting upon the able and eloquent remarks of the Attorney-General; more especially upon the observations which he directed to the peculiarly delicate and invidious topics necessarily involved in the argument. The writer might have used these topics without the qualifications, and still I should not have been
afraid for his case. But he has not so used them—he has not exceeded the bounds which anything that deserves the name of free discussion must allow him. He has touched, and only touched, those points which it was absolutely impossible to pass over, if he wished to trace the scope of his opinions;—and those points he had a right to touch—nay to dwell upon (which he has not done), unless you are prepared to say that free discussion means this,—that I shall have the choice of my opinion, but not of the arguments whereby I may support and enforce it—or that I shall have the choice of my topics, but must only choose such as my adversary pleases to select for me;—unless you are prepared to say, that it is a free permission freely to discuss public measures, which prescribes not merely the topics by which my sentiments are to be maintained, but also the language in which my feelings are to be conveyed;—for if there is a difference in the importance of different subjects,—if one person naturally feels more strongly than another upon the same matter, if there are some subjects on which all men, who in point of animation, are above the level of a stock or a stone, do feel warmly; have they not a right to express themselves in proportion to the interest which the question naturally possesses, and to the strength of the feelings it excites in them? If they have no such power as this, to what, I demand, amounts the boasted privilege? It is the free privilege of a fettered discussion; it is the unrestrained choice of topics which another selects; it is the liberty of an enslaved press; it is the native vigour of impotent argument. The grant is not qualified, but resumed by the conditions. The rule is eaten up with exceptions; and he who gives you such a boon, and calls it a privilege or a franchise, either has very little knowledge of the language he uses, or but a slight regard for the understandings of those whom he addresses.—I say, that in the work before you, no individual instance of cruelty has been selected for exaggerated description, or even for remark; no specific facts are commented on, no statements alluded to in detail; scarcely are the abuses of the system pointed out; though the eloquent author
might well have urged them as arguments against a system thus open to abuse. It is the system itself which is impeached in the mass; it is the general policy of that system which is called in question; and it is an essential part of the argument, a part necessary to the prosecution of the inquiry, to state that the system itself leads to cruelty, and that cruelty cannot fail to be exercised under it. This is among the most important of the arguments by which the subject must needs be discussed: and if he has a right to hold, and publicly to state an opinion on this subject at all, he has not only a right, but it is his duty to enter into this argument. But then the Attorney General maintains, that it tends to excite mutiny, and to deter persons from enlisting in the Army:—Now, Gentlemen, I say that this fear is chimerical; and I desire you to lay out of your view every thing I have stated from the high authorities whose sentiments you have heard: I request you to leave out of your sight the former arguments urged by me, that you cannot impute any evil intention to their books, because you cannot to their authors. I ask you to consider, whether there is any visible limit to the argument which the Attorney General has pressed on you, when he asserts, that the tendency of this publication is to excite disaffection among the soldiers, and to prevent the recruiting of the Army? I ask you whether any one of these points which are the most frequently discussed, at all times, and by persons of every rank, can in any conceivable way be discussed, if we are liable to be told that in arguing; or in remarking upon them, our arguments have a tendency to excite sedition and revolt? What are the most ordinary of all political topics? Taxes, wars, expeditions. If a tax is imposed which in my conscience I believe to be fraught with injustice in its principle, or to originate in the most perverse impolicy; to produce the most galling oppression in the manner of its collection; can I speak otherwise than severely? or, however moderately I may express myself, can I speak otherwise than most unfavourably of it, even after the
Legislature has sanctioned it, and laid it on the country: yet the Attorney General may say, 'What are you about? you are exciting the people to resistance; you are touching the multitude in the tenderest point; and stirring them up to revolt against the tax-gatherers, by persuading them that the collection of the imposts is cruel and oppressive, and that the government has acted unwisely or unjustly, in laying such burthens on the people.' Is it rebellious to speak the sentiments of the expeditions sent from this country? If a man should say, 'You are dispatching your gallant troops to leave their bones in those charnel-houses, as Sir Robert Wilson calls them, which you are constantly purchasing in the West Indies with the best blood of England; you are sending forth your armies to meet, not the armies of the enemy, but the yellow fever; you are pouring your whole forces into Walcheren, to assail, not the armies of France, not the iron walls of Flanders, but the pestilential vapours of her marshes—such things have been uttered again and again, from one end of the empire to the other, not merely in the hearing of the country, but in the hearing of the troops themselves: but did any man ever dream of sedition, or a wish to excite mutiny being imputable to those millions by whom such remarks have been urged? Do those persons of exalted rank, and of all ranks, (for we all have a right to discuss such measures, as well as the statesmen who rule us) do those men within the walls of Parliament, and without its walls, (for surely all have equally the right of political discussion, whether they have privilege of parliament or no) do all who thus treat these subjects purposely mean to excite sedition? Did any one ever think of imputing to the arguments of persons discussing in this way those matters of first-rate national importance, that they had a tendency to produce revolt, and excite the soldiers to mutiny?—There is another subject of discussion which immediately strikes one; it is suggested to you immediately by the passage which I formerly read from Sir Robert
Wilson; indeed, he introduces it in lamenting the treatment of the soldiers. I am referring to those signal, and I rejoice to say, successful efforts made by our best statesmen of all parties, on behalf of the West-Indian slaves. Could there be a more delicate topic than this? a more dangerous subject of eloquence or description? Can the imagination of a man picture one that ought to be more cautiously, —more scrupulously handled, if this doctrine is to prevail, that no person must publish what any person may suspect of having a tendency to excite discontent and rebellion? And yet were not all the speeches of Mr. Pitt, (to take but one example,) from beginning to end, pictures of the horrors of West-Indian slavery? And did any one, in the utmost heat of the controversy, or in the other contentions of party; or personal animosity, did any one think of accusing that celebrated statesman of a design to raise discontent, or shake the tranquillity of the Colonies, although he was addressing his vehement and impassioned oratory to Islands where the oppressed blacks were to the tyrannizing whites, as the whole population compared with a few hundred individuals scattered over the West-Indian seas? I say, if this argument is good for any thing, it is good for all; and if it proves that we have no right to discuss this subject, it proves that we have no right to discuss any other.

But I dare say, that one circumstance will have struck you, upon hearing the eloquent address of my learned friend. I think you must have been struck with something which he would have kept out of sight: he forgot to tell you, that no discontent had been perceived, that no revolt had taken place, that no fears of mutiny had arisen; that, in short, no man dreamt of any sort of dangers from the infliction of the punishment itself! The men therefore are to see their comrades tied up, and to behold the flesh stripped off from their bodies, aye, bared to the bone! they are to see the very ribs and bones from which the mangled flesh has been scourged away,—without a senti-
ment of discontent, without one feeling of horror, without any emotion but that of tranquil satisfaction! And all this the by-standers are also to witness, without the smallest risk of thinking twice, after such a scene, whether they shall enter into such a service! There are no fears entertained of exciting disaffection among the soldiers themselves by the sight of their comrade thus treated; there is, it seems, no danger of begetting a disinclination to enlist, among the surrounding peasantry, the whole fund from which the resources for recruiting your army are derived! All this, you say, is a chimerical fear; perhaps it is: I think quite otherwise; but be it even so: let their eyes devour such sights,—let their ears be filled with the cries of their suffering comrades; all is safe, there is no chance of their being moved; no complaint, no indignation, not the slightest emotion of pity, or blame, or disgust, or indignation, can reach their hearts from the spectacle before them.—But have a care how, at a distance from the scene, and long after its horrors have closed, you say one word upon the subject; see that you do not describe these things, (we have not described them;) take care how you comment upon them (we have not commented upon them;) beware of alluding to what has been enacting (we have scarcely touched any one individual scene;) but above all, take care how you say a word on the general question of the policy of the system; because, if you should attempt to express your opinions upon that subject, a single word of argument, one accidental remark will rouse the whole Army into open revolt! The very persons upon whom the flogging was inflicted, who were not to be excited to discontent at the torture and disgrace of their sufferings;—they will rebel at once, if you say a word upon the policy of such punishments. Take no precautions for concealing such sights from those whom you would entice into the service; do not stop up their ears while the air rings with the lash; let them read the horrors of the spectacle in the
faces of those who have endured it: Such things cannot move a man: But description, remark, commentary, argument, who can bear without instantaneous rebellion?—

Gentlemen, I think I have answered the argument of the Attorney General upon the dangers of such discussions; and in answering it, I have removed the essential part of the Information, without which this prosecution cannot be sustained; I mean the allegation of evil, malicious, and seditious intention, on the part of the author and publisher of the work.—I have done—I will detain you no longer—even if I could, I would not go further into the case. The whole composition is before you. The question which you are to try, as far as I am able to bring it before you, is also submitted to you—And that question is—Whether, on the most important and most interesting subjects, an Englishman still has a privilege of expressing himself as his feelings and his opinions dictate?

Gentlemen, I shall not trouble his Lordship or you by calling any witnesses.

**Mr. Attorney General.**

**Gentlemen of the Jury:**—

I doubt not but you have, gone along with me in admiring the very eloquent address you have received from my learned friend. There is nothing in which I more disagree with him, than in the lamentation which he made for the fate of his clients, as persons having for their Counsel one who was opposed to unequal force in their cause, and not competent to meet the attack by any abilities of which he was possessed, compared with those of the person who had to direct the attack. My learned friend, by the display of his abilities, has answered that part of his own argument. There is another observation of my learned friend's, which I can as little agree in;—he states that his clients have to contend with the influence of the Attorney General. There exists no such influence—my learned friend knows there
exists no such influence. While there are at the bar men of his talents and eloquence, it is impossible it should exist, even if persons in the situation in which I am placed, had the power, and were wicked enough to exert it. I agree with my learned friend in all the general observations he has made, as to the licentiousness of the press, and the grounds we have to deplore those practices which are so hostile to the liberty of the press. I agree with him in deploring their effects on private character. I do not, however, attribute the whole of the evils which he laments, to the causes to which he ascribes them. I go further than he does in lamenting their effects; and I believe I see those effects carried to a greater extent than he does. It is not only those who are libelled, but ten thousand who are not libelled, who feel the scourge of the libeller. You know not how many persons of weak nerves there are, who are held in contribution by this trade of libelling; we know it from the records of this Court,—that the question is, not whether what they publish is true, not whether it will benefit or injure the party—but whether it is likely to sell their paper. We have it on the affidavit of a proprietor of a Paper, that they consider alone, either on politics or any other subject, what will best promote the sale of their Paper; and that they adopt what they call the popular line, because they derive among the three hundred proprietors of a Paper*, a greater degree of profit. On this account and others, I join with him in those lamentations he has addressed to you on the state of the press, and in none more warmly than on the ground I recently stated, of the number of persons who are not libelled, but kept under daily contribution to avoid it.

I agree with my learned friend, that the conduct of public men must be left open to fair discussion; but if he meant to

* The Attorney General alludes to an affidavit made by one of the proprietors of The Day newspaper upon a recent prosecution.
include in that proposition, that public men, because they are public men, may be libelled in newspapers, there I disagree with him. I do not say that the situation of a public man, or any other character, prevents him from having his public conduct fairly and freely discussed; but if malignity or revenge appear to actuate those who publish their observations, no pretense of discussing public measures renders such a publication innocent. When my learned friend stated to you what might, and what might not be published with impunity, I observed that he did not enter into the consideration of those repeated attacks which are made on the public peace by such publications as I have insisted before you, and shall further insist, and shall prove to your satisfaction, this publication is. To talk of this publication as a discussion—a free and liberal discussion of a public measure—to talk of this as supported and justified by the example of the gallant officer who sits by his Lordship, Sir Robert Wilson, or of the late Brigadier-General Stewart—to draw up a rank of men, placing the publisher and printer of the Examiner by the side of General Stewart, and Sir Robert Wilson—why it is laughable! Who are those officers to whom he refers? Men of the highest character and rank, in a profession which they adorn—men entitled to attention from the public. Whether upon such a subject it was well advised in them to give their thoughts to the public, particularly as they might have rendered them more effectual by other communications which their situations enabled them to make to men in power—whether it was prudent for them to indulge themselves in such ardent and glowing language as my learned friend has read from one of the publications—is not for me to discuss: but this I know, that it is in human nature, especially in men of strong and firm, and perhaps of abstinent mind, when they have taken up an opinion, and are desirous of urging that opinion, and of recommending its adoption by others, not
always to look to the collateral effects of the means they employ.

Whether that may have been the case with respect to the publications alluded to, is a subject upon which I am ignorant, for I own I never heard of them till to-day. It is unnecessary to discuss the point; but that those publications were fair and liberal discussions of the questions upon which they profess to treat, I have not the least doubt; and that those honourable gentlemen, when they committed their thoughts to the press, and gave them to the public, had no other object than that of submitting their opinions to the fair consideration of those to whom they were addressed. And the question for you to-day, is whether that was the object of Messrs. Hunts.

My learned friend has, in different parts of his address, stated the question for your consideration in a very different manner. At one time he stated it correctly. He said that the question was, what was the intention of the persons who published this paper? I agree with him; but then we are to consider from what source we are to collect that intention. It is only from the language used in the text, that we are able to collect the intention; and therefore his Lordship will tell you, that the publication which has a tendency to produce a mischievous object, must be considered as having been published with a mischievous design. I cannot dive into a man's thoughts: but I say he is answerable for all the mischiefs which the doctrines published by him have a natural tendency to produce; and the language in which he expresses himself, and the manner in which he weaves together the different articles of his composition, furnish the only clue by which you can unravel what his intention is. In that view of the proposition, I agree that the question for your consideration is, what was the intention of those publishers: that intention is to be collected from the work itself. But my learned friend, having heated himself in the course of his argument, said that the question was, whether
Englishmen should discuss a public subject in such language as was fittest to convey their own sentiments? God forbid I should dispute the truth of the proposition, that every Englishman has that right. I would be the first to stand forward and support the liberty of the press, if any man was bold or wicked enough to attempt to restrain it. Do I to-day make it a question whether a man shall be permitted, in the free discussion of a public measure, to express himself, while he confines himself within the bounds of decency and propriety, in such words as occur to him to be the fittest?—No such thing; what I impute to the author of this publication is, that he has not for his real object the free candid discussion of a great political question; but that his object is to render the soldiers of our Army discontented with their situation; and that the publication has for its end and object, and is likely to produce as its effect, the preventing others from entering into the service. I know very well that, looking through this paper, you will find many qualifying terms by which the publisher thought to escape punishment; by which he meant to impose on those who might say he was favouring the French. To avoid this, he says: 'You will find paragraphs in which I speak against the French; you say I am a enemy to military discipline; you will find passages in which I say it must be kept up.' True; but when he draws the balance between this country and France, does he draw the comparison fairly, and does he state the account justly before he strikes the balance?—for you will recollect, the balance is struck directly in favour of the French. In one passage of this paper he states, that on comparing the French with the British military service, he has no doubt as to giving the preference to the former. Now, my learned friend would defend his clients to-day, on the example of Sir Robert Wilson:—I am sorry that gallant officer should be present, while he hears himself placed by the side of such companions. Does my learned friend mean to say, that Sir Robert
Wilson has treated this subject, and given his thoughts to the public as the Defendants have done? Does he recollect, that if he is to bring them together, he must raise the Defendants to the height of Sir Robert Wilson, or he must reduce Sir Robert Wilson to the situation of the Defendants? and are these two publications to be brought in comparison with each other? Had Sir Robert Wilson the same views by his publication which, on looking to this, it is obvious the Defendants had? It is a fair question—had the Defendants the same object and views as Sir R. Wilson? Now I will try that question; and I am glad to try it in the presence of Sir Robert Wilson. I say, that the author of this work has diligently, industriously, and wilfully, presented to the public, a debased picture of the state of the British Army; setting up against it the practice of Buonaparté, and giving the decisive preference to Buonaparté.

The example of Sir Robert Wilson is brought forward as justifying this; and I am asked, how can you prosecute the publisher of this paper, when you did not prosecute Sir Robert Wilson? I take it for granted that every part of Sir Robert Wilson's book, which bears favourably for the Defendants, has been produced, and the only passage in which he makes mention of the French, is this:—he says, "France " allows of flogging only in her Marine;" that is the only instance in which it occurs. It was natural it should be introduced—and how is it introduced? Is it made the burden of his publication? Is it that which from the beginning to the end he is constantly alluding to as the topic he wished to press? Does he enter into the consideration of military punishments apparently only to give the preference to the French? No, he introduces mention of the French but once; and that too incidentally, not as forming any part of the large discussion in which he is concerned. That is the only occasion on which he makes any mention of the French. Does he introduce his application with reference to any former prosecution of a
libeller? If he had, I should have no scruple in saying, that, however he had endeavoured to cover and conceal it, he must have had some object beyond the free and liberal discussion which my learned friend says ought to be allowed to every man on every subject. If I had found that Sir Robert Wilson had introduced his publication with a motto which had a reference to the publication of another libel, that gallant officer would not have complained of my supposing that he must have had some other object in view. Now, having stated that, I have nothing to do but to call you back to the libel itself.—It begins: "One thousand lashes! (from the Stamford News,"")—collecting his authorities from all the cases he can find—how does he introduce them? "The aggressors were not dealt with as Buonaparte would have treated them." This is the first, last, and middle burthen of his publication, this is every thing to him: he never can quit the subject of raising Buonaparte, and lowering the state of our military discipline. He begins with tauntingly introducing the observation I had made on a former prosecution:—"The aggressors were not dealt with as Buonaparte would have treated his refractory troops.—Speech of the Attorney General." Then he enumerates several instances in which military punishment had been inflicted. He proceeds: "The Attorney General said what was very true—these aggressors have certainly not been dealt with as Buonaparte would have treated his refractory troops:" thus pressing out of his course what the Attorney General is supposed to have said, for he could not have said it with reference to these cases. He goes on:—"nor indeed as refractory troops would be treated in any civilized country whatever, save and except this country.—Here alone, in this land of liberty; in this age of refinement; by a people who, with their usual consistency, have been in the habit of reproaching their neighbours with the cruelty of their punishments, is
"still inflicted a species of torture at least as exquisite as
any that was ever devised by the infernal ingenuity of
the Inquisition." Now, what does he return to? "No,
"as the Attorney General says, Buonaparte does not treat
"his refractory troops in this manner." Then, when he
comes to describe, in his glowing and ardent manner, the
mode of punishment inflicted on our troops, does he con-
fine himself to merely stating that it is inflicted on Brit-
ish subjects? No, his delight is to state that Buonaparte has
the advantage over us. He exalts Buonaparte, on the ground
that our system is not the system in France. He says: "There
is not a man in his ranks whose back is seamed with the la-
cerating cat-o'nine-tails. His soldiers have never yet been
brought up to view one of their comrades stripped naked,
his limbs tied with ropes," and so on,—not stating this
as the punishment inflicted on British soldiers, but exult-
ing that Buonaparte's soldiers are not subject to it.

My learned friend says, the writer was aware of this,
and therefore that this interpretation must be put upon it—
that he has guarded his statement by observations of an op-
oposite tendency—I do really believe my learned friend speaks
from the first authority on that subject; I do believe that
he knew what the intention of the writer was, and that he
had attempted to guard against the obvious impression of
his writers. It is only in that way I can account for what
he relies on, by shewing that the author is not an unquali-
fied admirer of Buonaparte. What does he say?—"Buon-
aparte is no favourite of ours, God wot! but if we
come to balance accounts with him on this particular
head, let us see how matters will stand—He recruits his
ranks by force—so do we—We've fleg those we have forced
—he does not. It may be said, he punishes them in
some manner—that is very true. He imprisons his re-
fractory troops—occasionally in chains, and in aggrava-
ted cases he puts them to death—but any of these seve-
rities is preferable to tying a human creature up like a
"dog, and cutting his flesh to pieces with whipcord."—Now, if we come fairly to consider this, the advice that this libeller gives to us, is to adopt the system of Buonaparte, in preference to our own, because he tells you that, on the balance of the account, Buonaparte's system is the best—not that he would not have us improve even on Buonaparte's system.—Has he stated the account justly, allowing that he has taken into account the imprisonment in chains and sometimes death?—Has he taken into account the manner in which Buonaparte's troops are driven, or rather dragged to the ranks—has he stated the manner in which the French conscriptions are carried into effect? When he is stating the account, and drawing a balance, could he, could any man, who meant to have dealt fairly, have been totally silent on that most material part of the subject? It is not possible, if his intent had been to have discussed the question fairly and with candour.

I stated this in my first address to you, expecting it would have received some answer. I pointed out that there was that omission in the statement of the account, and I argued it as a proof that the author was writing against his better judgment. But no answer has been given, because none could be given. On proceeding, it is said, that there is a further qualification. He says he is not an admirer of the present state of the French government; nor does he think that the French enjoy as much liberty as the people of this country. Upon my word, a very ample allowance!—a very ample admission!—that the people of France, whose sufferings we read, of in every paper that comes to our hands, are not in the enjoyment of an equal degree of liberty with ourselves!—He admits that the French are not in the enjoyment of so much public liberty as are the British; and by making that allowance, he hopes he shall induce you to think that he has drawn his picture without partiality. It confirms what my learned friend states, that he was aware of the interpretation which might be put upon his publication, and therefore he
has wrongly and insufficiently thrust in that which he hopes will induce you to think he had no bad intention. If any thing was wanting to make up the account; let us see what he further states. He introduces it by this comparison. He says, "he sees nothing peculiarly pitiable in the lot of Buonaparte's soldiers when compared with that of our own: were we called upon to make our election between the services, the whipcord would at once decide us. No advantage whatever can compensate for, or render tolerable to a mind but one degree removed from brutality, a liability to be lashed like a beast!"

When I stated the libel before, I did not trouble you with the whole of it. Look at the insulting manner in which the author concludes it: "We have heard of an army of slaves which had bravely withstood the swords of their masters, being defeated and dispersed by the bare shaking of the instrument of flagellation in their faces. This brought so forcibly to their minds their former state of servitude and disgrace, that every honourable impulse at once forsok their bosoms, and they betook themselves to flight and to howling. We entertain no anxiety about the character of our countrymen in Portugal, when we contemplate their meeting the bayonets of Massena's troops,—but we must own that we should tremble for the result, were the French General to dispatch against them a few hundred drummers, each brandishing a cdt-o'-nine-tails."

Why, Gentlemen, can you attribute that insulting, that infamous paragraph—can you attribute it to any thing but a desire to degrade the British soldiery in the opinion of those under whose eye it might fall? It has been said, that the infliction of this punishment lowers the spirit of the soldier. I am a plain man, and I can look only to effects in order to judge of causes; and I beg to bring to your recollection the battles of Alexandria, Maida, Corunna, Talavera, Buzaco, and the other achievements by which our
armies have been distinguished—and then I will ask you, whether these troops, so distinguished by valour and discipline can be considered as subject to a military code of laws which lowers the spirit, and degrades them in their own estimation. Men degraded and lowered in their own estimation will never stand as our brave troops have successfully done in the front of the Enemy.

Gentlemen, with these observations, I shall leave this case to your decision, fully persuaded, that although my learned friend may have placed his Clients by the side of Sir Robert Wilson and General Stewart, you will, by your Verdict, place them with the other libellers of the day.

SUMMING UP.

LORD ELLENBOROUGH.

Gentlemen of the Jury:—

This is an Information for a Libel, filed against John Hunt and Leigh Hunt, the publisher and printer of a Paper, in which they have a joint property, called The Examiner: And the Information states, that the Defendants, being malicious, seditious, and ill-disposed persons; and unlawfully, and maliciously devising, and intending to injure the Military Service of our Lord the King; and to insinuate, and cause it to be believed, that an improper and cruel method of punishment was practised in the Army of our said Lord the King; and that persons belonging to the said Army were punished, according to such method, with great and excessive severity; and thereby to raise and excite discontent and dissatisfaction in the minds of the persons belonging to the said Army; and to deter the liege subjects of our said
Lord the King from entering into the same;—on the 3d day of September, in the fiftieth year of the reign of the King, published the paper in question:—And the question for you to try is, whether the publication has fairly the tendency imputed to it? If it has that tendency, the persons must be punished who have published it, intending to produce that effect. If it shall appear to you that such is the obvious tendency of the paper which is in evidence, then what it is incumbent on the Prosecutor to prove, will have been made out. It is only by comparing the different parts of the Libel, that you can come to a just conclusion. When I say Libel, I call it that which it is stated to be in the Information—it will be for you to say whether it is justly so denominated. It has been stated by the learned Gentleman, who is counsel for the Defendants, in a speech of great ability, eloquence, and manliness, that the question is, whether Englishman have a right to discuss public measures, and may give their opinions on a particular cast of policy? That is a question upon which there can be but one opinion. It is competent for all the subjects of his Majesty, freely, but temperately to discuss, not only in conversation, between friend and friend, but through the medium of the press, every question connected with public policy: but, in proportion to the importance and delicacy of the subject, in proportion to the peril which may attend an inflamed discussion of a subject, a guard is to be imposed upon the person at the time he is indulging in the freedom of discussion; in order that he may take care he does no material injury to private feeling, or the public peace and happiness. Subject to this restriction, the Law of England allows every man to publish what he pleases. He must, how-
ever, be cautious, that he does not make this privilege a cloak to cover a malicious intention.

Gentlemen, we are placed in a most anxious and awful situation. The liberty of the Country—every thing we enjoy—not only our freedom as a nation, but the freedom of every man, depends upon our fortunate resistance to the arms of Bonaparte, and the force of France—which I may say is the force of all Europe, combined under that formidable foe. It becomes us therefore to see that there is not, in addition to the prostrate thrones of Europe, an auxiliary within this country, and that he has not the aid, for the furtherance of his object, of a British press. It is for you, between the public on the one hand, and the subject on the other, to see that such a calamity does not take place.

It is competent for the Defendants to discuss every subject of public policy; but, in proportion to its importance, every man must see that no collateral mischief arises out of what he publishes. We have had stated to us the publication of an excellent officer near me, and Brigadier-General Stewart, who is yet living (for the Attorney General was mistaken when he supposed him dead.) Both those officers, in their publications, have commented on the subject of military punishments. In the presence of one of them, I have no difficulty in saying, that he would have done better if he had imposed more of a guard upon his observations. The purity of his purpose no one can doubt. He addresses his observations to the Minister of the Country: but I think he would have done better, if, on a subject of such extreme delicacy, he had made his communication in a more private manner. For, consider the inflammation—the irritation that may be excited by such
observations in the minds of soldiers, on whose fidelity to
the customs of the country every thing depends. It
would have been more cautious in both those honourable
Officers, and would have been attended with less irritation,
if they had discussed the subject with Mr. Pitt, in a more
private form. The subject of military punishment is one
we cannot suppose not to have undergone the full con-
sideration of the excellent persons, who, at different times,
have had the command of the British armies. It is a sub-
ject which comes home to the bosom of every body;—and
we must suppose that those who are full of honour and
feeling, have not neglected to take such a subject into
their consideration. The question of enlisting for life has
undergone the anxious consideration of different govern-
ments; and I know that the opinions of all the General
Officers have been collected individually, respecting the
policy and expediency of enlisting for life. I cannot say
whether any questions have been put to them on the
subject of military punishments. There are punishments,
the nature of which cannot properly be discussed. Sup-
posing a punishment to be a capital punishment, it is a
grievous thing to consider—it is most mischievous and
painful to the feelings of the relatives and family of the
individual. If such a topic was to be discussed in an
inflammatory way, you might be electrified—no man can
say to what extent he might be disabled from discharging
his duty, where the question was life or death, if his feelings
and sensibility were to be so strongly worked upon. It
would disable those even whose duty it is to pronounce the
law, and to draw the attention of Juries to issues of that
description. Therefore, it is not cutting down the liberty
of discussion, to require that such subjects are discussed
moderately, and that a person, in the exercise of an allowed right, does not create more mischief than he attempts to remedy.

Upon the subject of the present Libel, I will advert to the terms of it, and put it to you, whether it is a fair discussion of the subject, or whether it is calculated to inflame the passions—to induce the soldiers to believe they are worse dealt with than the soldiers of France—to blunt their resistance to the forces of Buonaparte, and to place us on one side in unjust contrast with the military of France, and other countries. Now, first, as to whether this is temperate discussion—reasoning in the temper of Sir Robert Wilson? Why! is this in the way of temperate discussion? The first thing that strikes one is this—"ONE THOUSAND LASHES!" in large letters. What is that but to attract the mind to such a punishment as one thousand lashes...to pourtray it as a circumstance of horror, and excite feelings of detestation against those who had inflicted, and compassion for those who had suffered (apparently suffered) such a punishment? for it appears to have been executed only in part. Then, as a text to comment on, the Defendants say, "The aggressors were not dealt with as Buonaparte would have treated his refractory troops." Now they begin, you observe, not by discussing the subject in general—not by saying that it would be better, with a view to the moral feelings of the Army, if ignominious punishments were done away; they begin as if there had been some excesses which ought to attract attention to the punishment. "Corporal Curtis was sentenced to receive one thousand lashes; but, after receiving two hundred, was permitted to volunteer into a regiment on foreign service." It does not say what he was punished for—it does not say what the other was punished
for—"William Clifford, a private in the 7th Royal Veteran
Battalion, was lately sentenced to receive one thousand
lashes, for repeatedly striking and kicking his superior
officer."—I should have thought that would have been
mutiny punishable with death; and whether the punish-
ment was a commutation for death, I do not know. If
there is any crime that shakes the foundation of military
subordination, it is that of striking a superior officer. Then
they say, "A Garrison Court-Martial has been held on
board the Metcalf transport, at Spithead, on some men
of the 4th regiment of foot, for disrespectful behaviour
to their officers."—And, without saying how much pun-
ishment was inflicted on one or the other, he accumulates
them; he says, "Two thousand six hundred lashes were
to be inflicted among them." Then they take another
—"Robert Chillman, a private in the Bearstead and Mal-
ling regiment of Local Militia, who was lately tried by
a Court-Martial for disobedience of orders, and mutin-
ous and improper behaviour while the regiment was
embodied, has been found guilty of all the charges, and
sentenced to receive eight hundred lashes, which are to
be inflicted on him at Chatham, to which garrison he is
to be marched for that purpose." These they profess to
be extracts from the London Newspapers. They have
taken from all the London papers those sentences to which
they wished to attract notice, as being excessive and se-
vere: when they begin—they say, "The Attorney General
said very true; these aggressors have certainly not been
dealt with as Buonaparte would have treated his re-
fractory troops."—And in fact, all that follows is a con-
test in favour of Buonaparte, and the mercy exhibited
by him to his troops, and the tyranny exercised towards
the soldiers of this country. They say, "Here alone, in
"this land of liberty, in this age of refinement, by a
people who, with their usual consistency—" that seems
to be a fling at the consistency of the Country at large—
have been in the habit of reproaching their neighbours
with the cruelty of their punishments, is still inflicted a
species of torture at least as exquisite as any that was
ever devised by the infernal ingenuity of the Inquisition."
—Is this temperate discussion? Is this a way in which the
reason can act for itself? Is it not inflammatory discus-
sion, which overpowers the reason? They go on—" No, as
the Attorney General justly says, Buonaparté does not
treat his refractory troops in this manner. There is not
a man in his ranks whose back is seamed with the
lacerating cat-o'-nine tails. His soldiers have never yet
been brought up to view one of their comrades stripped
naked, his limbs tied with ropes to a triangular ma-
chine, his back torn to the bone by the merciless cutting
whipcord."—And so it goes on, pourtraying the cir-
cumstances that belong to military punishment. Then
they say—" Let it not be supposed that we intend these
remarks to excite a vague and indiscriminate senti-
ment against punishment by military law:...no; when
it is considered that discipline forms the soul of an army,
without which it would at once degenerate into a mob;
when the description of persons who compose the body
of what is called an army, and the situation in which
it is frequently placed, are also taken into account, it
will, we are afraid, appear but too evident, that the
military code must still be kept distinct from the civil,
and distinguished by greater promptitude and severity." Then it is admitted that there must be a greater degree of
severity; and the question is only, whether it should be of
this description, or death; and if it be a temperate discussion,
there could be no question more proper for consideration. But you will collect the motive from the fairness of the statement. If it is a fair balance of the account between Buonaparte and us, you may be inclined to think it was not written with a bad motive. "Buonaparte is no favourite of ours, God wot!" I do not know what that means—"But if we come to balance accounts with him on this particular head, let us see how matters will stand. "He recruits his ranks by force,—so do we." Is that fair? What is the mode by which the Army is recruited in this Country? The Regular Army is not recruited by force. The Militia is only that service which every man is liable to by the common law of the land. Antecedently to the formation of a regular army, every man was obliged to stand forth for the defence of the country. The duty, which was performed formerly under a Commission of Array, has since, by the establishment of the Militia laws, been thrown on the more capable; and persons, with certain exceptions, are balled for. They learn for a limited time the military exercise; and are subject, during that period, to the provisions which are familiar to you. The Local Militia is a service of the same nature, but for a shorter time. This is the sort of force we resort to;—a general ballot.

Every man who is at all acquainted with the history of the two countries, knows that nothing can equal the rigour with which men of every rank and station are treated in France. There they are all drawn out, and forced to serve—how? in defence of their own land? no; they may be carried to Spain, to be opposed to the British troops, and be made the instruments of the most ambitious man that in these times has been created. But it does not end there, it is not the mere individual—any relative, who endeavours to withdraw him, is subjected to punishments of such horror,
that any one who reads the code of Conscription will say it entails everything in the shape of a rule of law. The parents are doomed to linger out their lives in the gallies, or imprisonment. It is a matter of general history that the military system in France is of the most cruel and malignant infliction. Is the balance of the account then stated fairly: “He recruits his ranks by force — so do we.” Is there any parallel between his force, and the mere ballotting for the Militia? — for that is the only instance of force which applies to the defence of our land. Then the writer says, “We flog those whom we have forced — he does not. It may be said, he punishes them in some manner — that is very true. He imprisons his refractory troops, occasionally in chains, and in aggravated cases he puts them to death: — but any of these severities is preferable to tying a human creature up and cutting his flesh to pieces with whipcord.”

Then he goes into an irritating detail of the sufferings which do arise from this punishment, and which do harrow up the feelings of men who consider them in detail. It is an evil that has subsisted in the eyes of the Legislature, and of that honourable body who constitute the Officers of the Army, and it has not been remedied. If there be persons who really feel for the private soldier, why not endeavour to remedy the evil by private representation? But when, as at this moment, every thing depends on the zeal and fidelity of the soldier, can you conceive that the exhibition of the words ONE THOUSAND LASHES, with strokes underneath to attract attention, could be for any other purpose than to excite is affection? Could it have any other tendency than that of preventing men from entering into the Army? If you feel it is of that inflammatory nature, it is for you to say, whether you can do otherwise than consider it as a means to promote the end it is calculated to produce.
I hope, if it is an effort of this sort, and that its object is to discourage the soldiery, it will be unwarranted. These, however, who are represented as being treated ignominiously, have presented a front, and successfully, to every enemy against which they have been opposed.

I do not carry your minds to any particular army; but on what occasion do you find the soldiery of Great Britain unmanned by the effect of our military code? If it be expedient to change it, we hope and trust that those who occupy places in the Legislature, or places of trust, will pay attention to the subject. This publication is not to draw their attention to it, if the evil be remediable, but seems intended to attract the attention of the military, and to induce them to consider themselves as more degraded than any other soldiers in the world—to make them more reluctant soldiers, and less ready to serve us at this awful crisis, and render the country that assistance without which we are collectively and individually undone. I leave you to say, coupling the context with this balance of account between Buonaparte and us, whether this publication has not a tendency to produce the mischief ascribed to it.

Gentlemen, it is generally expected that, under the suggestion of the act of parliament—it is not peremptory on me, but it is generally expected—that I should state my opinion:—I have no doubt that this libel has been published with the intention imputed to it; and that it is entitled to the character which is given to it in the Information.

The jury withdrew, and after remaining in consultation two hours, returned a verdict by which they found both the defendants NOT GUILTY.