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LITERATURE.

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POINTS IN HISTORY.

English Constitution.

BEFORE I resume the subjects which were under our consideration in my last lecture, I must make digression, to show how wonderful it is to find such men as Hume, of peaceful minds and cultivated talents, so totally indifferent to the popular interests of the community. What chance have they for the security of their property, of their lives, and what is of far more importance, above all, for that free exercise of thought which is, to them, above all price? what chance have they to possess these if not in the existence of popular privileges? Society is to be guarded from the violence and errors of the few as well as the many; and for this end, such privileges must be instituted and guarded. Men of arbitrary and timid minds can not believe this. In like manner, foreigners, when they are in this country, and witness an election at Westminster, or at Brentford, have frequently made up their opinion, that Government will break up in the course of the week; and they have been known to make such

2nd, Who were the Legislators?
3rd, What was the general spirit and habits of thinking in the community?

1st, then, What was the law from the expulsion of the Romans to Henry VIII.?—Blackstone's 1st and 4th volumes must be read for this, and this should be read by every one.

2nd, Who were the Legislators? This is a very curious part of our history. There was once an Assembly of wise men, "Sapientes." What were its powers? when did it cease? how has it happened that we have two houses of Parliament? Such are the subjects to which you should direct your enquiry. I must say a word with respect to the origin of these two houses, and then concerning the power of King, Lords, and Commons. There was, then, at this early period, a great assembly, called the Wightenagemots, or general council. This was succeeded by another assembly, called the Parliament, as it existed after the conquest. Now, unfortunately, the records are lost. We only know, that Burgesses were summoned from the towns by Henry III., then gradually proceeding through the reigns of Edward I. and Edward III. there was, at length, in this manner, established, a separate House for the Commons. Of this mixture of the Knights of the shire and of the Burgesses, we have, however, no detail; and hence, you may perceive, how antiquarians and lawyers may dispute for ever about the real origin of the House of Commons, without ever coming to a decision. I will endeavour to give you an idea of the general reasoning of writers on this subject. First, then, the Wightenagemots was like the Councils or Assemblies of Germany, as we have them represented in Tacitus. Now, who were the Wights or "Septientes"? Did they unite the Aristocracy and the People, or of what Members was it formed? The question, whether the Commons formed a part of the National Assembly, has been repeatedly discussed. Lord Littleton, in his impartial history, is of opinion, that the multitude, the Mob, the Commons in short, which certainly attended, were only present as an audience.—Whether the House of Commons was instituted by Henry III. is a question of great difficulty. Spelman could observe no summons to a Burgess before the reign of Henry III.; and Burke observes, in his abridgment of the English History, that this is an instance to shew the absurdity of attempting to trace the principles of our present constitution to these early times. On the whole, I think that since the absence of the Commons from the Wightenagemots must be acknowledged, for this seems pret-

ty evident. It would have been better for the advocates of the constitution to confine themselves to shew, that from such practise, no inference should be drawn with respect to what is beneficial at this present day.—Here I must again refer you to Mr. Hallam's Book, which is essential. You must observe, that from the time of Henry III., the summoning of the Commons is almost always mentioned. This seems decisive of the question. On the other hand, we have the petitions of the boroughs of St. Alban and Barstable, which do not treat this privilege as a novelty. That is the great point. These came out one of them 50, the other 80 years after the time assigned as the first institution of the Commons by Henry III., and why they should not set forth the customs of old times, and the example of the King's predecessor, seems difficult to imagine. On the whole, however, these considerations are not sufficient to neutralize the question. I must now make a slight allusion to the growth of the prerogative of Lords and Commons. D'Loime is too much of a panegyrist on our constitution. Blackstone is rather a lawyer than a constitutional writer. Millar, on the whole, is my chief authority, in these observations. In process of time, we find the Wights or nobles, grown into the distinction of the greater and lesser Thanes, and the regular assembly of Wightenagemots, consisting of William and his successors are obliged to call these extraordinary meetings.

Besides, the crown was not transmitted by hereditary right for a series of years, as in France. Most of the Norman Princes were usurpers, and hence the great council was continually appealed to, from the particular situation in which these monarchs were placed. When the Norman Kings had destroyed the allodial or independent proprietors, of whom the National Assembly used originally to consist, it became composed of men dependant on the crown.—Now, it might be desirable, that their entire independence, that their stated meetings should cease; it might be desirable that the King alone should have the power of assembling them; and, on the other hand, it would become highly expedient that the King should be under a necessity of calling them from time to time. This delicate question was left to be decided by the swords of our rude ancestors. The Wightenagemots had always decided upon peace or war; but when the assembly became composed of men dependant upon the crown, these vassals were bound to transmit this authority to their feudal Lord, and no longer to consider the expediency of such measures, but only the execution.

The decision upon peace or war was accordingly transmitted to the crown, and with the crown it has for ever remained and any restraint, which may counteract the dangerous tendency of this prerogative, must arise from causes which have grown up by steps as imperceptible as those by which the power itself was obtained. The right of taxation was another privilege of the Wightenagemots, and, fortunately, this was not lost. The fact is easily accounted for. The loan of money was easily to be understood by these Barons, much more so than consequences which were to follow from measures of policy.—The King did, we find, from time to time, actually apply to his vassals for an aid—from towns he received tolls, as a reward for his protection—from traders, customs; and as these sources of revenue declined, the other Branches of government had acquired sufficient strength to preserve the right of granting a supply, and to establish, as a law, that their concurrence was necessary before the nation would be taxed. I must direct your attention once more, to two points of particular interest. The addition of the Burgesses to the National Assembly, and the distinction and separation of the two Houses.

We have seen, that before the conquest, there were the greater and the lesser Thanes. The King used to cite the former individu-

ally, and the latter only generally. By degrees, only a certain number of the latter attended; and in times, the rest chose a certain number as representatives, and these became the Knights of the Shire.—The Towns, also, as they rose in importance, acquired a voice in the Assembly, & hence, to have their commissioners who were to represent them. In Edward III.'s time, we have the Knights and Burgesses regularly cited. Insensibly, these lose the idea of assembling in their own right, and, finally, they both agree in thinking themselves assembled as representatives only. This third estate in France, and other countries, did not survive the first steps taken against it—most fortunately for us, and for the world, it did survive in England. This made provision for delay and for different stages in deliberations on important matters. What good fortune has there been, then, in all this? The House of Commons insensibly acquired the exclusive power of taxation, and this coarse instrument, the purse, has been the means, and the only means, by which their existence has been preserved to this hour.

We now pass to the 3rd. point which I gave notice of, What were the spirit and habits of thinking that existed in the community? The feudal system in England did not grow up insensibly as in other countries, but was violently forced upon the nation by the conqueror, at least in its final form. Now, this acceleration of the system, which must have appeared best calculated to destroy liberty altogether, was, in fact, preserved and what are the great crimes? The laws, unfortunately, are lost, and some general idea of them can only be expected in the maxims of the common law. Selden, in vain, endeavoured to discover them. The great charters remain, and are accessible, not merely to the learning of the Antiquarian, but to the reach of every man of ordinary education. These great charters, the charter of the Forest, &c. have been published by Blackstone, and this book must be read: it admits of no substitute or abridgment. These were first conceded by John, and fixed by the 29th of Edward on an eternal basis. If we look into these charters we shall perhaps be disappointed, and be ready to ask, "Where is the merit?" But here, as in other cases, we must learn to identify ourselves with the persons who are brought forward, and then we shall learn to respect them, and to regard this systematic struggle of the Barons as an instance of no common virtue. The charters shew a rude sketch of a reasonable scheme, and this is sufficient. Posterity was, no doubt, left to follow their example, that is, to bear themselves erect, and to walk with their spirit. The path might be varied, but the posts and the manner were always to be the same. Even Hume seems subdued by the merit and effects of these persevering men.

Before I conclude I must remind you, that neither charters, nor parliament, nor laws, are of any avail, if a vital spirit does not exist in the country. Human nature and human affairs have nothing to do with schemes of perfection that revive and preserve themselves.

The outlines can only be filled by those that labour in the spirit of the original masters. With such views and feelings men of all offices will work together in union and friendship—the Prince, the Nobles, and the Commons. There will be no drawing up in array of one party against another—no hollow grumblings under ground; but all will be taught to respect each other and themselves. The lowest of the community will learn to support his right character. He will be taught to know that he has his degradation of character, to which he will not stoop, and the virtue to which he must aspire. These great ends cannot be effected by the low and the ignorant, but only by those of rank and education who have authority over their fellow creatures. Let such ever remember, that it is their bounden duty to attend to these points, to respect the character and happiness of the poor man, and to remember the relation in which they stand to him; then will they employ themselves in a manner most gratifying to their feelings, if they be men of virtue, and most satisfactory to their understanding, if they be men of genius.

Selected.

From the Youth's Keepsake for 1831.

CROSSING THE FORD.

Clouds, forests, hills, and waters—and they sleep
As if a spirit pressed their pulses down,
From the calm bosom of the waveless deep
Up to the mountain with its sunlit crown,
Still as the moss-grown cities of the dead,
Save the dull plashing of the horse's tread.

And who are they that stir the slumbering stream?
Nay, curious reader, I can only say
That to my eyes of ignorance they seem
Like honest rustics on the homeward way;
There is a village; doubtless there they came;
There was a christening; and they have a name.

They are to us like many a living form,
The image of a moment; and they pass
Like the last cloud that vanished on the storm,
Like the last shape upon the faithless glass;
By lake, or stream, by vale, field, or hill,
They must have lived; perchance are living still.

Extract from de l'Orme, a novel. Concluded.

NEVER, perhaps, in my existence—an existence varied by dangers, by difficulties, by passions and by follies—never did any day seem to drag so heavily toward its conclusion as that which lay between me and the meeting appointed for the following night. It was not alone that impatient expectation, which lengthens time till moments seem eternities, but it was, added to this, that I had to find occupation for every moment, lest tardy regrets should interpose, and mingle with what was ever a sweet cup to me, excitement. Verily do I believe that I crowded into that one day more employments than many men bestow upon a whole year. I rode through the whole town; I witnessed the bull-fight; I wrote a letter to my father—God knows what it contained, for I know not, and I never knew; I read Plato, which was like pouring cold water on a burning furnace; I played on my guitar—I sung to it: I solved a problem of Euclid: I read a page of Descartes: and all noises gradually subsided in the town and in the house, and every body was evidently at repose before half-past eleven. This was now the longest half hour of all I thought the church clock must have gone wrong, and have stopped, and I was confirmed in this idea when I heard the midnight round of the patrol of the holy brotherhood pass by the house, as usual, pushing at every door to see that all were closed for the night. Shortly after, however, the chimes of midnight began; and, with a beating heart, I descended the stairs, having previously insured the means of opening the door without noise. In a moment after the fresh night air blew chill upon my cheek, and conveyed a sort of shudder to my heart, which I could scarce help feeling as a sinister omen; but closing the door as near as I could, without shutting it entirely, I darted across the street, pushed open the little door and entered. As I did so, the garments of a woman rustled against me, and I caught the same fair soft hand I had held the former night. It burned like a living fire, and as I held it in mine, it did not return or even seem sensible to the pressure, but my fingers felt almost scorched with the feverish heat of hers.

Cautiously shutting the door, she led me by the hand up a flight of stairs to a small elegant dressing-room, wherein, on the toilet table was a burning lamp. It shone dimly, but with sufficient light to show me that my fair companion, though lovely as ever, was deadly pale; and attributing it to that agitation which she could not but feel a thousand times more than even I did, I attempted to compose her with a multitude of caresses and vows, which she suffered me to lavish upon her almost unnoted, remaining with a mute tongue and wandering eye, as if my words had scarcely found their way to the seat of intellect. At length, laying her hand upon the hilt of my sword, with a faint smile, she said, "What a sword! You should never come to see a lady with a sword," and, unbuckling it with her own hand, she laid it on the table.

"Now," proceeded she, taking up the lamp, and leading the way into a splendid room beyond, "now you must give me a proof of your love;" and shut the door suddenly behind us, with a quickness which almost made me start.

Her whole conduct, her whole appearance was strange. That she should appear agitated was not surprising; but her eye wandered with a fearful sort of wildness, and her cheek was so deadly, deadly pale, that I scarcely ever thought to see such a hue in any thing living. At the same time, the hand with which she held one of mine, as she led me on, confirmed its grasp with a tighter and a tighter clasp, till every slender burning finger seemed impressing itself on my flesh. "Have you a firm heart?" asked she at length, fixing her eyes upon me, and compressing her full beautiful lips as if to master her own sensations.

and I was no longer the tremblingly impassioned boy that I entered her house.

"It is well!" said she; "Come hither, then!" and she led me towards what seemed a heap of cushions covered with a large sheet of linen. For a moment she paused before them, with her foot advanced, as if about to make another step forwards, and her eye straining upon the motionless pile before her, as if it were some very horrible object; then, suddenly taking the edge of the cloth, she threw it back at once, discovering the dead body of a priest weltering in its gore. He seemed to have been a man of about thirty, both by his form and face, which was full, and unmarked by any lines of age. It was turned towards me, and had been slightly convulsed by the pang of death; but still, even in the cold meaningless features, I thought I could perceive that look of an habitually dissolute mind, which stamps itself in unfaceable characters; and there was a dark determined scowl still upon the brow of death, which to my fancy spoke of the remorseless violation of the most sacred duties. The limbs were contracted, and one of the hands clenched, as if there had been a momentary struggle before he was mastered to his fate, while the other hand was stretched out, with all the fingers wide extended, as while still striving to draw the last few agonizing breaths. His gown was gashed on the left side, and dripping with gore; and it is probable that the wound it covered went directly to his heart, from the great effusion of blood that had taken place.

It was a dreadful sight; and, after looking on it for a few moments in utter astonishment, I would have turned away, but I heard the plunge of the body and the rush of the agitated waters, and a shudder passed over me to think of thus consigning the frail tabernacle, that not long since had enshrined a sinful but immortal spirit, to a dark and nameless grave. All the weaknesses of our nature cling to the rites of sepulture, and at any time I should have felt, in so dismissing a dead body to unmourned oblivion, that I was violating the most sacred prejudices of our nature; but when I thought upon the how, and the wherefore, my blood felt chill, and I dared not look back to see the full completion of that night's dreadful deeds.

My heart was lightened, however, that it was now done, and I turned to proceed home, having had enough of adventure to serve me for a long while. Before I went I gave an anxious glance around to see whether any one was watching me, but all seemed void and lonely. I then darted away as fast as I could, still concealing myself in the shadowy sides of the streets, and following a thousand turnings and windings to insure that my path was not tracked. At length, approaching the street wherein I lived, I looked round carefully on all sides, darted up it, sprang forward, and pushed open the door of my lodging. At that moment a figure passed me coming the other way; it was the Chevalier de Montenegro, and though he evidently saw me, he went on without remark. I closed the door carefully, groped my way up to my own chamber, and striking a light, examined my doublet, to see if I had received any stains from the gory burden I had carried. In spite of every precaution I had taken, it was wet with blood in three places, and I had much trouble in washing out the marks, though it was itself of murray-coloured cloth, somewhat similar in hue.

Difficult it is to tell my feelings while engaged in this employment—the horror, the disgust at each new stain I discovered, mingled with the painful anxiety to efface every trace of blood which my fellow being had left. Then to dispose of the water, whose sanguine colour kept glaring in my eye wherever I turned, as if I could see nothing but it, became the question; and I was obliged to open the casement, and pour it gently over the window-sill, without unclosing the *jalousies*, so as to permit its trickling down the front of the house, where I knew it must be evaporated before the next morning. This took me some time, as I did it but by very cautious degrees; but then, when it was done, all vestiges of the deed in which I had been engaged was effaced, and to my satisfaction I discovered, on examining every part of my apparel with the most painful minuteness, that all was free and clear.

Extinguishing my light, I now undressed and went to bed, but of course not to sleep. For hours and hours, the scenes in which I had that night taken part, floated upon the blank darkness before my eyes, and filled me with horrible imaginations. A thousand times did I attempt to banish them, and give myself up to slumber, and a thousand times did they return in new and more horrible shapes; till the faint light of the morning began to shine through the openings of the blinds, when I fell into

have now wept, and it is awake to all the misery I have brought upon myself—Go—go—leave me, I will stay and meet the fate my crime deserves; but oh! I cannot bear to think upon the dishonour and misery of my father's old age!" and again she wept as bitterly as before.

Again I applied myself to sooth her, and imprudently certainly,—perhaps wrongly—insisted upon carrying away the evidence of her guilt, and disposing of it as she at first demanded. But two short streets lay between the spot where we were and the old boundary of the city, over which it was easy to cast the body into the water below. At that hour I was not likely to meet with any one, as all the sober inhabitants of the city were in their first sleep, and the guard had made its round some time before. I told her all this, and expressed my determination not to leave her in such dreadful circumstances; so that, seeing me resolved upon doing what I had proposed, the natural horror of death and shame overcame her first regret at the thought of implicating me, and she acquiesced.

As I approached the body for the purpose of taking it in my arms, I will own a repulsive feeling of horror gathered about my heart, and a slight shudder passed over me. She saw it, and casting her beautiful arms round my neck, held me back with a melancholy shake of the head, saying, "No, no, no!" But I again expressed myself determined, and suddenly pressing her burning lips to mine, she let me go. "Pardon me!" said she, "it is the last I shall ever have, most generous of human beings." And turning away, she knelt on the ground, and with her hands clasped, she heard the plunge of the body and the rush of the agitated waters, and a shudder passed over me to think of thus consigning the frail tabernacle, that not long since had enshrined a sinful but immortal spirit, to a dark and nameless grave. All the weaknesses of our nature cling to the rites of sepulture, and at any time I should have felt, in so dismissing a dead body to unmourned oblivion, that I was violating the most sacred prejudices of our nature; but when I thought upon the how, and the wherefore, my blood felt chill, and I dared not look back to see the full completion of that night's dreadful deeds.

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